

- 1 Caldwell, Penitentiary discipline
- 2 Caldwell, Medical Memoirs
- 3 Napper, Village hospitals
- 4 Parkin Sanitary reform
- 5 Loughtrie Aerial locomotion
- 6 Woodman Vulcanite
- 7 Desruelles, notice biographique
- 8 Steiner Paracelsus
- 9 Letheby Sanitary condition of towns
- 10 Menzies Respiration
- 11 Roden, Structure of Veins

NEW VIEWS

Tr. 14

1

14

OF

PENITENTIARY DISCIPLINE,

AND

MORAL EDUCATION AND REFORM.



BY

CHARLES CALDWELL, M. D.

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TO THE PUBLIC.

IT is, in a particular manner, to that fair-minded and enlightened portion of the community, that class of liberal inquirers, who think and examine before they decide, discover real errors or faults before they condemn, and honestly endeavour to convince and reform before they deride, mock, or denounce, and whose judgment, therefore, when given, is the result of knowledge, conscience, and good feeling, that the author of this pamphlet would venture to address himself. To none others need he address himself, because he feels that he would do it in vain; nor does he deem the opinion of any others of the slightest value. An attempt or rather pretence openly to decide on a subject without examining it, is a meditated fraud on the public, which cannot fail to disgrace its author. It is a juggling effort to purchase consideration and influence with counterfeit coin. It is one of the tricks of the sciolist and demagogue in letters, to procure from the breath of the "million," without a price, the rank perfume in which he delights.

The individuals first referred to, being the only faithful votaries of nature, the great storehouse of all that deserves the name of knowledge, are the only sincere lovers, seekers, and patrons of truth. They earnestly search after it from a desire to possess it, fondly cling to it on account of its beauties, and industriously promote it, because it is the sole fountain of general prosperity and human happiness—the sure foundation of our welfare here, and the only ground of our hope hereafter. It is in this class of society alone that we find those whose approbation is real applause, whose disapproval is censure, and who are fairly entitled to the high denomination of philanthropists and philosophers; and there alone that we need look for the positive benefactors of the human race. By inquirers thus liberal in their views, and fair and magnanimous in their feelings, justice is done to every investigation, and charity extended to every faithful disciple of nature, and student of truth. Opinions are not obnoxious to them merely because they are new, and in opposition to those that have long been prevalent, nor yet on account of their authors or origin. They are examined on their merits, judged of impartially, and adopted or rejected according to the evidence on which they are founded. It is to men of this description that the author looks for a fair estimate of the "Views" presented in the following pages. And of their decision, when deliberately pronounced, should it be even condemnatory, he will not complain. He cheerfully recognizes in them the rightful arbiters, in all cases where an award is to be given in science or letters. If an appeal from their judgment be made, it can only be

to the high tribunal of time and experience, before which every cause must be finally tried, and will be righteously settled.

But there is another portion of the community, who take a deep concern in the productions of the press, against whose decision, as well as their competency and right to decide, the author feels himself privileged to protest. And unfortunately they constitute a very numerous body. Nor do their influence and the mischief they perpetrate arise less from their activity and vigilance, than from their numerical force. They are that class of individuals who judge in anticipation, pronounce before they think, and condemn without a hearing. That class who lay the rule and plummet of authority to all intellectual movements and performances; who, if they think at all, think by precedent; and who cavil at every new opinion, *because* it is new; or because they are unfriendly to the source from which it proceeds. These are the champions of "*legitimacy*" and "*orthodoxy*," the idolaters of "*days gone by*," and the sage and sturdy advocates of old opinions, institutions, and measures, for no better reason than *because they are old*, and that they have not examined them sufficiently to determine whether they are true or false, useful or otherwise. Like technical whist-players, they obstinately "*follow suit*," but show no skill in the game of improvement.

It is this description of inquirers, or rather *non*-inquirers, who alone keep up the battle-cry and war of words against the science, whose principles the author has endeavoured, in this memoir, to apply to the improvement of Penitentiary discipline and moral education. It is under the banner of this class, whose motto might be, *si juste seu injuste, semper condemnare*, that all the foes of Phrenology contend. But be their motto what it may, their universal practice is to condemn *without examining*, and, therefore, to decide, of necessity, under a cloud of ignorance. So true is this, that they never oppose or denounce Phrenology *as it is*, but as they *mismake it*, by their unfounded representations. Their war is with shadows of their own creation, not with the substance presented by the science. They construct spurious and misshapen frost-work fabrics out of imaginary materials, to make a display of their dexterity in dissolving and dissipating them, by the flashes of their false wit, or the blaze of their ill-temper. They are defied to show that, on any occasion, they have acted otherwise. From Francis Jefferey to Sir William Hamilton abroad (a vast descent!), and, in our own country, from Messrs. W—n and P—d—g to the puniest understrapper in the antiphrenological corps, they are challenged to adduce a single instance, where, by fact or fair induction, they have attempted to oppose any of the tenets avowed as true, by the *school of Phrenology*. For blunders committed by those who *profess* themselves Phrenologists, without a correct knowledge of the science, the school is not responsible.

In making this assertion the author is serious, and has not spoken without reflection and an effort to recollect. He repeats,

that he does not remember a single instance, in which Phrenology has been fairly and *understandingly* opposed. In attempting to expose *its fallacy*, its adversaries expose only their own *ignorance* of it. The reason of this is obvious. They speak without thinking, and condemn without studying. They were not born Phrenologists, and have not made themselves so by education. Hence their opposition to it is a tissue of blunders. So true is this, that frequently, after floundering from one error and absurdity into another, in attempting to state some of even the fundamental tenets of Phrenology, they acknowledge their ignorance by asking, what the tenets are? To this the author has been repeatedly a witness.*

Nothing is more common than for physicians and others, who ought to be better informed, to observe very gravely, and, as some may think, *very knowingly*, "We believe in the *general* principles of Phrenology, but not in its details." But a few years ago those same sage and cautious gentlemen denounced it, "by the lump," "principles," and all. This they will not deny. But times have changed, and they have changed their creed and their tone. Phrenology has gained *strength*, and, in the same ratio, have their opposition and hostility to it gained *weakness*. They think *by fashion*, as they shape their apparel. They feel the breeze of popular sentiment, with as much attention and accuracy, as they do their patients' pulses, or as they examine the state of respiration by means of the stethoscope, and "turn, and turn" as it turns, yet "still go on." Thus do they completely verify the common adage, that those who "talk at random, should have good memories." Although *they* may forget, the *world* will remember.

But let them occupy their new ground undisturbed. What have they gained by it? What are the meaning and force of their objection to Phrenology? Literally nothing. In the "general principles" of the science they avow their belief; and in that avowal, they concede every thing. What are "principles?" Generalizations of "details," and nothing more. They are but aggregates or classifications of recognized facts. "Details" are parts, "principles" the whole. Of Phrenology this is proverbially true. By those who know the history of it, it is perfectly understood, that, in all his discoveries, in developing the science, the march of Gall was from "details" to "principles,"—from individuals to generals—not the reverse. His method, like that of Bacon, was strictly inductive. In this consisted his chief merit, as a discoverer and a philosopher. Could he, then, out of *false*

* In making these remarks the author disavows all personal allusions. He speaks of the foes of Phrenology *in mass*. As far as his knowledge of the subject extends, they have either shown themselves utterly ignorant of the science, or, in animadverting on it, intentionally misrepresented it. This is the dilemma. The anti-phrenologists are at liberty to select the horn on which they prefer to be hung. They cannot escape both.

“details” construct *true* “principles?” No antiphrenologist will answer in the affirmative. No such alchemy pertained to Gall or any of his followers. Nor did they ever profess it. It is by their *opponents* that it is *virtually* professed. And to them belongs the task to reconcile the inconsistency, or to bear the burden of it.

But they cannot reconcile it. As well may they attempt any other impossibility; and as soon will they succeed in it. If the “general principles” of Phrenology are true, so are its “details.” If the *parts* be corrupt, the *whole* cannot be sound. The enemies of the science, then, have but one alternative; to reject or receive it *in toto*.

But wherefore is it that the opponents of Phrenology do not believe in its “details?” The reply is easy. They have not studied them, and *do not, therefore, understand them*. It is praise enough for any one, to say of him, that he thoroughly understands what he has carefully studied. What he has not thus studied, no man ever yet understood, nor ever can. But to pursue “details” is much more troublesome and laborious, than to comprehend “principles” when completely established and clearly enunciated. Hence the reason why, as relates to Phrenology, gentlemen profess a belief in the latter and not in the former. Let them first acquire a correct and thorough knowledge of the latter, and then deny and subvert them, if they can. As soon would they dream of denying, or attempting to subvert the facts of the descent of ponderous bodies, the reflection of light, or the pressure of the atmosphere. Why did the prince of Ceylon disbelieve in the consolidation of water by cold? He was ignorant of “details.” Why have the Chinese denied the possibility of throwing balls to a great distance, and with a destructive force, by means of water acted on by fire? For the same reason, an ignorance of “details.” Why did the world remain so long incredulous of the identity of electricity and lightning, and of the compressibility of water? Franklin and Perkins had not yet instructed them in the requisite “details.” Away, then, with such idle affectation of sagacity and wisdom! It is but a tattered covering for a want of information; a hackneyed apology for a neglect to inquire. In truth, with men who make a *pretence* to knowledge, a “disbelief in details,” and an entire ignorance of them, are too frequently synonymous expressions. As relates to the opponents of Phrenology, this is certainly true. To know the “details” of that science, and to believe in them, are the same. No one has ever thoroughly studied them, by a faithful examination of man as he is, without arriving at a conviction of their truth.*

* If such an instance has ever occurred, it has been in some individual whose cerebral developments were unfavourable; in plainer English, *whose head was badly formed*. Neither Homer’s Thersites, whose cranium was “misshapen,” nor any of Shakspeare’s personages, with “foreheads villainously low,” could have been easily proselyted to the doctrines of Phrenology. The reason is obvious. Their own heads would not have “passed muster.” Their belief, therefore, would have been *self-condemnatory*. And as no man is bound, in common

In the city of Philadelphia, as well as in other parts of the United States, especially among physicians, there are many firm believers in Phrenology, who do not publicly avow it. The reason of this silence is obvious and humiliating. Public sentiment is against the science, daily papers are against it, and, at least, two of our three Quarterly Reviews are against it, and the sentiments of the third, perhaps, not very propitious to it. Under these circumstances, physicians dare not avow their belief in it; in an especial manner they dare not become its active advocates, lest they should be injured in their standing and business.

This, in an advanced period of the nineteenth century, is any thing but honourable to our country, whose institutions breathe the spirit of freedom, and which boasts itself the most enlightened and liberal community on earth. It is *persecution*; as truly so as the condemnation of Socrates for his theological opinions, and the imprisonment of Gallileo for his discoveries in astronomy. Nor is it much less vindictive and cruel. Those who, at the present period, could deliberately visit with poverty and distress an individual and his family, on account of his predilection for a branch of science, because not yet encouraged by popular favour, would scarcely hesitate, in a different state of society, to compel him to drink poison, or writhe in agony under the ministers of the Inquisition.

But this notice, already much longer than it was intended to be, must be brought to a close. A brief explanation, however, first claims attention.

Is any one inclined to consider the title of this pamphlet ambitious and assuming? The author will only observe, that he had no intention to render it so. To all except Phrenologists many of the views contained in it he believes to be new. His only motive, therefore, in selecting the title, was to make it somewhat expressive of the character of the work. This should be the object of every title, else it has no meaning, or a wrong one. He cannot, therefore, discover any impropriety in that which he has chosen.

The reader will perceive that the pamphlet is composed in the manner of a review. The reason is, that it was prepared for one, and intended for the pages of the American Quarterly of this place. It was not, however, submitted to the inspection of the Editor, from an apprehension, which was thought well-founded, that his prejudices against Phrenology, of which he has never manifested any knowledge, would induce him to reject it. In publishing it, therefore, in its present form, it was not deemed re-

law, to give evidence against himself, neither is it very consistent with the laws of human nature, for any one to believe, more especially to avow his belief, to his own disparagement. As the hump-backed, knock-kneed, and bandy-legged have an instinctive hostility to the science of gymnastics, it is scarcely to be expected that the flat-heads, apple-heads, and sugar-loaf-heads will be favourably disposed to that of Phrenology. Nor will those whose brains are so ponderous behind and light before, that their heads seem in danger of tilting backward.

quisite to make any change in its review-like style. Whether the American people will sustain an Editor of a public Journal, in the indulgence of his prejudices, to the exclusion of fair discussion from the pages of his work, experiment can alone determine. And the sooner the question is settled the better. If such a censorship of Journals must exist, it should be generally known; and it matters but little, whether it is administered by an individual, or a body politic. Of the two evils, the latter would seem the least. And whether all sentiments but those of "*legitimacy*" be proscribed to support a tottering *throne* or a tottering *theory*, the act is an equal violation of the rights of literature and the freedom of the press.

Certain Editors are known to contend, that they are privileged to exclude from their papers and Journals all opinions at war with their own, and to which they are, therefore, particularly opposed. "We must not be expected, say they, to invite an enemy into our houses, nor even to permit him to enter, for the purpose of contending with, insulting, or in any way maltreating us." This is a miserable illustration, and a worse argument, because the two cases are totally dissimilar. His Journal is not the *Editor's* castle. It belongs to the public—at least to his subscribers. It is *their hotel*; and they have a right to enter it uninvited, and receive in it all such fare as they choose to call for. And if it is denied them, they will first complain, and then abandon. Such is the law of the land; and those concerned will scarcely, it is believed, be willing to dispense with the execution of it, even in the case of the American Quarterly.

An Editor is the trustee and guardian of his Journal. He has a right, therefore, to reject papers badly composed, treating of subjects foreign from his plan, or containing sentiments likely to prove offensive or injurious to the public. But he has no right to refuse admission to an article, within his plan, merely because the opinions it defends are opposed to his own.

Whether this pamphlet constitutes, from its subject, a paper worthy of a place in the American Quarterly, the public has now an opportunity to judge. And no offence is meant in expressing a belief, that many of them can judge as correctly as the Editor.

In behalf of the production the author has no favour to ask, except that it be read without prejudice, and scrutinized he cares not how severely. If it cannot sustain itself under that ordeal, the sooner it is handed over to oblivion, the common executioner in letters, the sooner will he cease to remember his misfortune in having written it. He will only add, in explanation of certain expressions in it, that it was composed last winter, during the session of the Legislature of Pennsylvania, previously to the enactment of the existing law in relation to the new state prison now rising in this city.

Philadelphia, May 14th, 1829.

NEW VIEWS, &c.

“ FOR THE NATIONAL GAZETTE.

A letter on penal law, and penitentiary discipline. By the
Honourable EDW. LIVINGSTON.

TO ROBERTS VAUX.”

FOR reasons which are equally obvious and substantial, this letter has attracted an unusual share of public attention, and promises, we think, to lead to unusual results. It has awakened, in the enlightened portion of the community, a more active and earnest spirit of inquiry, touching the general subject of it, and been the source of a more abundant production of thought, on the particular topics it discusses, and the views it presents, than are commonly elicited by articles of mere private correspondence, or such as are intended for the columns of a newspaper.

The object of the letter is of peculiar interest to the patriot and philanthropist, and vitally important to the security and well-being of civilized man. Its author, who is rarely talented, and extensively informed as a statesman, civilian, and counsellor at law, has made it long a subject of profound investigation, the sentiments it contains are marked with great sagacity and a thorough knowledge of human nature, and it is traced by the pen of a powerful reasoner, and a disciplined scholar. In its kind, it is a rich and masterly performance. As far as it professedly enters into the important inquiry, to which it belongs, it is calculated, we think, to produce conviction in every intellect that faithfully studies and fully comprehends it. It abounds in the matured fruits of observation, experience, patient and successful research, and deep reflection, the only sources of valuable knowledge on such a subject. Many of its thoughts may be regarded as lessons of practical wisdom, which will continue incontrovertible, as long as the nature of man shall endure.

If it is a truth, sanctioned, at once, by reason, sound policy, benevolent feeling, and the mild and merciful tenets of christianity, that, wherever there exists a prospect of effecting them, the improvement and reformation of convicts should be the leading object of penitentiary discipline; improvement in knowledge, and reformation in industry, morals, and good conduct; if this, we say, is true, it is no less so, that, as the letter fully and satisfactorily sets forth, such changes can never be effected by coercion and stripes; and the case is rendered more hopeless, by the permission of intercourse between the prisoners.

There is in the constitution of human nature, implanted there by the wisest of Beings, for the best of purposes, that which rebels against all that is compulsory; which revolts indignantly from arbitrary constraint; and which instinctively hates and rejects even virtue itself, if sternly enforced by positive authority. Although his body is in chains, man feels within him something that is free. Whether in the dungeon or the galley, he proudly cherishes, as an original and exalted attribute of his nature, the boon of mental free agency; the power to indulge his thoughts, or to suspend them, to fix them steadily, or to permit them to wander; and, if he is not degraded far below the level of humanity, and the hope of reform, he obeys that power, even under the stern and opposing command, enforced by the threat and the lash, of the most inexorable task-master the law can place over him. His moral and intellectual constitution cannot be changed, by the mandate of authority, any more than his physical; nor can he be taught any thing either useful or virtuous, in opposition to his nature. If taught at all, the process of instruction must be in strict conformity to the principles of his being. He must himself will his own reformation, before others can achieve it. And no sooner has he honestly and deliberately willed it, than the task is more than half performed. The great object of the reformer, then, is to excite that will; to induce the culprit voluntarily and practically to prefer virtue to vice, morality to crime, reputation to disgrace, and industry and independence to idleness and poverty. It is not enough to produce a change in his mere outward actions, by making him labour against his will. That within which dictates action must be changed, else the work of reformation is yet to begin. But all this, as will more fully appear hereafter, must be accomplished, not by coercion rendered hateful by the scourge, but by education and discipline, made acceptable, at least, if not desirable, by reason, principle, and firmness, united to a benevolent and earnest wish, in the teacher, to bestow a benefit, by rescuing a fellow-being from the

dominion of vice. Nor is it unimportant that the malefactor have full confidence in the sincerity of this wish. The individual who has convinced a criminal of his kind and ardent desire to reform him, not as a punishment, nor to gratify himself, but for his own welfare, and to restore him to society, has done not a little to effect that reform.

On this topic, then, we deem the views of Mr. Livingston correct, and beg leave earnestly to recommend them to public consideration. The truth they inculcate constitutes the only solid foundation of the reformation of culprits. If that truth be neglected, the case is hopeless; and the sooner all spurious systems of reform are abandoned the better. They are but costly hindrances of wiser measures.

To reform criminals is to improve them in morality and industry *always*, and in knowledge *very generally*; for vice and ignorance are usually associated. Not only in our own country, but in every other, whose history is known to us, penitentiaries are peopled by the ignorant and the idle. In the nature of things, such must be the case. If to this exceptions exist, they are so few, as to be no infraction of the general rule. But we need scarcely add, that it is not possible to inculcate successfully either morality or knowledge, to teach industry, or to impart any other valuable quality, by corporeal punishment. It is a law of nature, that the fruit must resemble the tree that bears it. The product of ignominious means is itself ignominious. An appeal, therefore, to the most ignoble and degraded feeling of man, his craven dread of punishment, can never elevate him, or render him better. On the contrary, although appearances may speak, for a time, a different language, it cannot fail to make him worse—more deceitful, with at least as much depravity, and, therefore, less virtuous. Even the mock-saint, who affects to embrace religion, from a dread of future suffering, but adds hypocrisy to his former vices.

Crime, as will appear, in a subsequent analysis, is the product of mere *animal propensity*, and not of any attribute that pertains to *real humanity*; not, we mean, of any of the nobler attributes of man, which belong to him alone, as elevated over the rest of the animal kingdom. Such attributes are, in their nature, friendly to virtue, and tend to its promotion. To reform a criminal, then, you must make him less of *an animal*, and more of a *human being*. Strengthen his higher and better qualities, at the expense of those that are leading him astray. But this is not to be effected by blows. Such discipline cultivates no moral or intellectual faculty. It neither communicates knowledge nor ministers to virtue. It excites smothered re-

sentiment, hatred, and fear, awakens and nourishes a propensity to revenge, and teaches caution, concealment, and practised artifice, and there its influence ends. But these feelings being purely *animal*, and the very reverse of all that is praiseworthy, or that ministers to amendment, its direct and necessary tendency is still more deeply and hopelessly to *brutalize* man, not to reform him. It compels the culprit to regard civil society, by whose authority it is inflicted, as his avowed and inexorable enemy, and, as an inevitable consequence, renders him the self-sworn enemy of the human race. It degrades him, moreover, in his own opinion; and, as already intimated, out of degradation nothing valuable can possibly arise. As well may you attempt, by the infliction of stripes, to excite, in the sufferer, pleasurable feelings, as either a virtuous emotion, or a praiseworthy resolution. Or if, under the smarting of the lash, such a seeming resolution be formed, it is as unstable as passion, and as faithless as hypocrisy. It deceives even him who forms it. Its violation, therefore, is as certain and speedy, as the occurrence of temptation united to opportunity. It is but a house erected on the sand, which the first billow of passion will demolish. It, for a short period, deters from crime, but awakens no disrelish of it.

But, from the practice of habitually inflicting on criminals the punishment of the lash, there arises another evil, not much less to be deprecated, to which Mr. Livingston has not adverted. It is the deteriorating effect which it necessarily produces on those who consent to engage in it, and become its ministers; its inhumanizing influence on all who enlist themselves as punishers by profession. If we are not greatly mistaken, it tends to the extinguishment of all high, amiable, and honourable feelings in the hirelings who pursue it, almost as inevitably as in the convicts who are the subjects of it. To morality, virtue, or any praiseworthy sentiment or feeling it has no affinity. Being exclusively the offspring of animal propensity, its unavoidable effect is to brutalize those who are daily concerned in it. If it does not render them actually criminal, it indubitably prepares them for crime. In direct proportion as it makes them more of animals, it makes them less of men. It is a foe to benevolence, and, therefore, obliterates those fine sympathies and charities of human nature, which are among the most valuable safeguards of virtue.

From these causes arises the effect which Mr. Livingston so justly condemns; the frequent perpetration of punishment on convicts, by "underkeepers" when it is not perhaps deserved; or, at least, in a degree beyond what is deserved. This punish-

ment is often commenced from mere suspicion, and afterwards continued and increased in severity, to gratify the angry passions of those who inflict it. Nor does the outrage stop here. In many instances, the unmerited and unmerciful chastisement is pushed to such an extent, as to extort from him who is the subject of it a positive falsehood, as the only guard against its continuance. For, when an underkeeper barely suspects a criminal to have done, or said, or looked, any thing in violation of order or law, the penalty of the whip is instantly inflicted, without conviction or even trial. The subordinate officer is at once informer, accuser, prosecutor, jury, judge, and executioner, and proceeds to whip, to extort first a confession of a fault, which has not, perhaps, been committed, and then to punish still further, for its falsely but compulsorily acknowledged commission.

A system of discipline like this, established for the professed purpose of either meting out impartial justice to criminals and convicts, or producing in them such a reform, as to prepare them for the duties of orderly and valuable citizens, is unqualified mockery. Human ingenuity could scarcely devise a scheme more entirely calculated to debase man, confirm him in vice, and unfit him for society, if he were not already unfitted. It savours as little of wisdom and sound policy, as of benevolence and clemency. It is utterly wanting in them all.

Were the convicts sentenced to confinement during life, like the galley-slaves of Barbary, or those who formerly groaned beneath their chains, in the mines of Spanish America, and the object in view was merely to preserve order; and enforce labour, within the walls of the penitentiary, such a plan of discipline would be well enough suited to such an end. But, where reform is intended, and the criminals, after a term of years, are to be let loose again on society, the system is calculated to infuriate them against man, to bind them more durably to each other, by consociated suffering and mutual sympathy, and train and harden them in their propensities to crime.

Such are the inferences we are compelled to draw from the well-known principles of human nature; and observation and experience confirm their truth. The histories of penitentiaries and their inhabitants teach us, that offenders, dismissed from those places of chastisement, after severe treatment, which they considered tyrannical and unjust, have been too *frequently*, not to use a stronger term, and say *always*, more confirmed in their vicious propensities, and more inflexible in their course of malefactions. They have returned, with increased voracity, to their acts of felony, like famished wolves to their ravenous meal.

The discipline they have undergone has taught them deeper artifice, and more dextrous cunning, and rendered them doubly dangerous to society. But it has never reformed them, and it never can, until causes cease to be followed by their *natural* effects, and produce the *contrary*. If reformation has been effected in them at all, it has been by other means.

Mr. Livingston's remarks generally on the Auburn system of penitentiary discipline, appear to us to be judicious and correct. We think, with him, that the seclusion of the convicts, by night, each in his own dormitory, is a salutary measure. It conforms, at once, to the principles of our nature, and the dictates of experience. But we concur with him no less fully, when he alleges, that their consociated labours, by day, are a fatal drawback on the benefits derived from their separation at night. To say the least, the latter cannot fail to be so nearly neutralized by the former, that, under such training, the progress made in reformation must be very limited. It can scarcely be worth the trouble and cost of the experiment. We are told, that notwithstanding the strictness and severity with which the ordinances of the institution are executed, the wardens themselves acknowledge that the march of reformation is feeble and slow. They even add, that they have almost ceased to expect reformation. Hence the Auburn penitentiary is much more a place of confinement, labour, and punishment, than of actual or even meditated reform.

It is further true, as Mr. Livingston contends, that if the reformation of criminals be effected at all, it must be by seclusion at night, and solitary labour by day, united to a suitable system of instruction; but that neither the labour nor the instruction must be compulsory, or associated, in any way, with the idea of punishment. The former must be granted in a spirit of kindness, as a relief, in solitude, from the sufferings of loneliness, and the latter should be given when earnestly sought for, or as the reward of good conduct. In this way, there is reason to believe that much may be done; because the effort will be made in perfect conformity to the nature of man. And when that is the case, and the plan is persevered in to the requisite extent, bad and debased as we know convicts usually are, they are worse than we think them, if many of them cannot be improved and reformed, divorced from vice and wedded to virtue, and converted from crime to praiseworthy action and useful lives. We say *many*, but not *all*. As there are corporeal maladies which no treatment can heal or alleviate, so there are mental debasements and profligacies which no human means can remove, or even amend. They would seem to be incorporated

in the very texture of the soul, or at least to cling to it with such strength of adhesiveness as nothing earthly can dissolve. Nor is it the least important element of the science and process of penitentiary training, to be able to predict what cases of convict-depravity promise reform, and what ones are hopeless. On this topic a few thoughts will be offered hereafter.

Mr. Livingston is of opinion, that if, before they have made considerable progress in reformation, convicts are permitted to associate with each other, either by day or by night, during relaxation or labour, no possible vigilance and rigour, on the part of the keepers, can prevent them from holding such intercourse, by words and signs, as will prove mutually corrupting. And further, that every scheme of penitentiary discipline is defective and insufficient, exactly in the degree in which it departs from solitary confinement, and enforces labour by chains and stripes.

In both of these opinions we fully concur with him, and consider their correctness supported alike by reason and experience. Nor do we deem his sentiments less true or valuable, when he expresses his views of the interest and duty of Pennsylvania, in relation to this important subject; her duty, not to herself alone, but to the great and growing community, of which she forms a part.

Enlightened by the wisdom, and influenced by the benevolent spirit of her founder, that state was the first to propose a rational plan for punishing and reforming criminals, by the same process. For trying the efficiency of this plan, by actual experiment, the only satisfactory test to which it can be brought, she has lately incurred very heavy expenses, and erected, on an extensive scale, buildings peculiarly suitable to the purpose.

Discouraging representations of her plan having been made to her, and another, deemed better, suggested as a substitute, it is understood that she has been herself induced to doubt and pause. This we consider a serious misfortune, not to herself alone, but to the United States; nor to them alone, but to the civilized world; for should her experiment succeed, as under the means at her command, we feel persuaded it will, the civilized world will, in time, participate largely of the propitious result. We think, with Mr. Livingston, that she should feel a pride in persevering resolutely and strenuously in what she has so wisely and benevolently begun; and in being the first to taste the matured fruit of the goodly scion, which she was the first to plant.

We trust, therefore, that her present pause, in a work so momentous to herself and the human race, will be of short duration. Might we venture to address her to that effect, in the language of advice, we would earnestly recommend to her to make it as

short as possible. The sooner she begins again, and the more rapidly she proceeds, the sooner will she find cause to rejoice in her policy, and exult in her success. The sooner will she look, with peculiar delight, on her own criminals reformed, and reduced in number, and hear, with a degree of gratification but little inferior, of similar improvements throughout the Union.

Should she abandon her scheme, and adopt another of less efficiency and usefulness, the amount of evil which the measure can scarcely fail to produce would seem incalculable. The act will be contagious. Her abandonment will deter other states and communities from engaging in the plan of criminal reform, and the experiment, if ever made, will scarcely, perhaps, be made during the present century. In the mean time, as our cities, in particular, and the country, in general, shall become more densely populated, will our vices multiply, until, in the demoralization of our people, our amount of crime, and the crowdedness of our jails and penitentiaries, we shall equal the nations of the old world.

We repeat, therefore, our anxious hope, that Pennsylvania will not abandon and leave unfinished a work so important; but that she will inflexibly pursue and satisfactorily complete it. Thus, in the words of Mr. Livingston, will she have the satisfaction and honour of being the first to solve, in a manner equally fair and definitive, "the great question, whether convicts cannot, by a judicious treatment, be reformed as well as punished, by the same process; whether they may not be made examples to follow in their lives after punishment, as they are examples to avoid, in their conduct preceding it? Whether the whip is the most proper instrument to inculcate lessons of religion, morality, industry, and science; and whether a man will love labour the better, by having been forced, by the infliction or the fear of the lash, to perform a certain quantity of it every day?"

Another hint, in the letter of Mr. Livingston, cannot, at the present crisis, be too seriously pondered by the legislature of Pennsylvania. As relates to the Auburn scheme of discipline, is there not great danger, that the good it does, in maintaining subordination among the convicts, and procuring from them a certain amount of productive labour, may be attributed to a wrong source? May it not, by a very natural mistake, be ascribed to the imputed excellencies of the system itself, while, in truth, it is derived almost entirely from the judicious and efficient mode, in which its ordinances are enforced by the wardens and keepers? We know that the most exceptionable form of government may, by a wise, benevolent, energetic, and vigilant ruler, be so administered, as to produce among its subjects

prosperity and happiness. In investigating this point, then, let not the lines of the poet be forgotten,

“For forms of government let fools contest,
“That which is best administered is best.”

But the most important sentiment in Mr. Livingston’s letter remains to be mentioned. It is that which recommends the promotion of education, and its general diffusion throughout the community. To promote education, in the full and genuine meaning of the term, is to promote every thing beneficial and valuable to man; and to neglect it, is the reverse. Education is the great fountain of earthly good, and the only efficient preventive of crime.

“Train up a child in the way he should go, and, when he is old, he will not depart from it.” Let man, from his infancy be competently instructed in knowledge, and disciplined in morality, religion, industry, and good manners, and states will find but little use for codes of penal law, and systems of penitentiary discipline. The fountains of vice being nearly dried up, the peace and harmony of society will be preserved, and its general welfare secured without them. Crime will be prevented, by the prevention of that idleness and depravity from which it arises. And it would be superfluous in us to proclaim the vast superiority of prevention over cure. Crime is as truly the natural growth of ignorance and a want of suitable employment, as weeds and bramble are of uncultivated ground. Till the ground with judgment and industry, and its noxious growth gives way to that which is salutary and profitable.

In like manner, to be secured from the dominion of evil propensities, and withheld from the perpetration of criminal acts, man must have his intellect cultivated and improved, by suitable education. Without this, vice, in all its forms, will rapidly increase in our country, notwithstanding every effort to prevent it which wisdom, patriotism, and philanthropy can make. Penal codes and penitentiary systems may be checks on its rankness, but nothing more. Far from extinguishing it, they will afford to the community but a feeble protection from its secret artifices, and open assaults.

Thus far we have deemed it our duty to notice, and, in part, analyze the very excellent communication from Mr. Livingston to Mr. Vaux. The sum of it, in brief, is as follows:—

The Auburn penitentiary system is faulty, and ought not to be adopted by the state of Pennsylvania. Criminals cannot be reformed by corporeal punishment, and the dread of it. Nor can they be reformed, in any way, if they are permitted to as-

sociate with each other promiscuously, or even in classes, either by day or by night. That their reformation may be attempted, with any reasonable prospect of success, they must be held in absolute and permanent seclusion, permitted to labour, as a relief from feelings of desolation, and receive suitable instruction, as the reward of good behaviour, or in compliance with their own earnest request. But nothing, by which they are expected to be benefited, should be forced on them as a punishment. When, in any number of them, satisfactory evidences of reform have appeared, and continued for a period deemed sufficiently long, they may be permitted, under proper supervision, to mingle with each other occasionally, as a special indulgence, and an encouragement to perseverance in correct conduct. Sound education, begun in childhood, and including the inculcation of knowledge, morality, religion, industry, and good manners, constitutes the only true and solid foundation, on which the prosperity and happiness of a people can rest.

Such are the contents of the communication by Mr. Livingston; and, considering that the article is but a private letter, of moderate length, addressed to a friend, it will not be denied, that they are as ample in amount, as they are interesting in their nature, and important in their bearing.

But a subject of such extent and moment, as that to which they relate, cannot be competently treated within the compass of a few columns of a newspaper. To do it justice, a more extended and analytical exposition is necessary. Persuaded, then, that the system of penitentiary discipline, by seclusion, labour, and instruction, judiciously blended and faithfully administered, is alone calculated to accomplish, by the same process, the true ends of penal law, the punishment and reformation of the convict, and the prevention of crime in others; and believing that by further illustrations, and other views of it than have been heretofore given, the practical excellencies of that system, and its superiority over all others, may be more clearly demonstrated, its administration improved, and the system itself more effectually recommended to general acceptance, and the patronage of the several states of the Union; influenced by these considerations, we shall proceed to a further analysis of the subject, drawing our lights from different sources, and endeavouring to establish our views on different principles, and to strengthen and enforce them by arguments other than those which have been generally employed by preceding writers.

To speak plainly, it is our intention now to endeavour to show, and in this we are serious, that the principles of phrenology coincide precisely with the sentiments of Mr. Livingston,

in setting forth the fitness of his favourite scheme of penitentiary discipline, at once to punish and reform from crime, such a being as man. Nor is the influence of those principles limited to this. We trust we shall be able further to show, that they throw much additional light on the subject, give to the scheme the character and sanction of practical philosophy, and thus increase the facilities and contribute not a little to the perfection of its administration. Were Mr. Livingston a professed phrenologist, and had his object been to write a recommendatory comment on the science, he could scarcely have furnished a more express and forcible one than his letter contains.

We entreat the reader not to be startled at this open avowal of our belief in phrenology, nor offended because we did not make it sooner. Had any thing in Mr. Livingston's letter, or in the nature of the subject of which it treats, demanded it of us, we should have made the avowal at the commencement of this article. For, although we do not profess enthusiastically to glory in it, much less are we ashamed of our phrenological creed.

In our belief of this science there is nothing *voluntary*; nothing which we could *at option* choose or refuse. It is the result of *all-controlling necessity*. It was forced on us by evidence which we could not resist, and did not, therefore, reject. On such evidence we would be willing to rest our belief in christianity, including its high and solemn connexions with our present comforts and our future hopes. Nor, as we conscientiously believe, would the candid and enlightened reader fail to receive it as conclusive, and yield to its authority, had we leisure, and were it expedient in us, to lay it fully before him. Although this evidence did not come to us from above, by any immediate act of revelation, we notwithstanding accept it as pertaining to the "elder revelation," because we regard it as a response from Nature, who is the priestess of heaven, and the oracle of its ordinances, acts, and purposes.

We ask the reader, then, to bear with us patiently, repress the curl which is perhaps rising on his lip, and listen to our story. This request we are privileged to make of his courtesy and good nature. But we address ourselves also to his higher qualities. On the ground of his justice, candour, magnanimity, and self-respect, we entreat him to forget, while we are discoursing to him, that phrenology has been denounced by the bigoted, anathematized by the intolerant, abused by the discourteous, ridiculed by the witty, and laughed at by "the million." We consider him intelligent, and need not, therefore, inform him, that these several modes, in which different individuals ex-

press their feelings, pertain to temper rather than intellect. They are neither tests of truth in those who practise them, nor of error in that against which they are directed. They are mere evidence that different persons feel, and think, and utter their thoughts and fancies differently, each one according to his native disposition and endowments, and his acquired habits, and nothing more. To this may be added, by way of appendix, that such manifestations bespeak puerile conceit, rather than manly research, and ill-nature, rather than good sense; and that they indicate, in those who make them, some sinister and selfish motive, rather than an honest love of truth, and much more frequently than they expose error or fault in the persons or things that are uncivilly assailed by them.

But we are not yet done with our appeals to the reader. Having apprized him of some things which we wish him to forget, we now present to him the reverse of the tablet, on which are traced, for his inspection, a few points of remembrance.

Here again we address ourselves, at once, to his magnanimity, justice, and hospitable feelings, and beg him to remember, that phrenology comes to him as a stranger, well recommended, as he will presently perceive, and that, therefore, on the ground of ordinary civility, to say nothing of a higher claim, it is entitled to respectful treatment, until it is proved to be an impostor. He will also bear in mind, that if nothing new in science be proposed, improvement is at an end. He will not, therefore, condemn it merely because it has not a place in antiquated text books.

We solicit him further to remember, that phrenology has never yet been opposed, much less refuted, by established facts, and honest arguments; that those who have most fiercely and pertinaciously railed at it, have been uniformly actuated by motives of real or supposed interest in its rejection and overthrow; that every one who has faithfully and attentively studied it, has become its proselyte; that once proselyted, no one has ever been known to apostatize, but that all become, by further inquiry and in progress of time, more fully and irrevocably convinced of its truth; that when they have been induced to examine it, without prejudice, the most rigid inquirers and the closest reasoners, have become most promptly and certainly its votaries; that in the most intelligent circles of the most enlightened cities of Europe—London, Edinburgh, Paris, Dublin, Vienna, Berlin, Stockholm, and others, it is spreading with an impetus which nothing can resist, and which, at present, there is scarcely an attempt made to resist; that not a few of the most distinguished

divines, and very many of the ablest physiologists, naturalists, and general philosophers of Europe are its disciples and advocates; that of the men of real distinction in science, who once opposed it, many are proselyted, and most of the others completely silenced; and that its applicability to the most important purposes, in medicine, education, jurisprudence, legislation, criticism, and taste, and to the solution of many curious and interesting phenomena, not to be otherwise explained, pertaining to individual man, to entire nations, and to the several varieties of the human race, is clearly demonstrated, and universally admitted by those who understand it. These things we respectfully ask the reader to remember, assuring him that they are true. We wish him further to remember, that phrenology has outlived all the attacks made on it, by wit, ridicule, irony, abuse, denunciation, and calumny; and not merely outlived them, but prospered and spread very rapidly in spite of them. Like the nut-tree, in the fable, it has even seemed to bear more and better fruit on account of being stoned. If overthrown at all, therefore, it must fall under weapons of assault altogether different from those that have been heretofore employed against it. Another topic of remembrance which we would earnestly press on the reader is, that, in our own country, many of our most distinguished writers and teachers in medicine who affect to condemn phrenology, are notwithstanding compelled, as their lectures and publications evince, to adopt its views and employ its language; and that the same thing is true of the physicians of Europe. Nor are we willing he should forget, that if phrenology possesses the utilities here alleged of it, it *may* be useful also in throwing light on penitentiary discipline; that, in fact, it *must* be useful in every process, where a correct knowledge of intellectual man is required. Above all, we entreat him to remember, that he owes to himself, to justice, science, candour, the institutions and customs of his country, and his love of truth, not, in this land of right and trial by jury, to condemn a branch of knowledge unheard, and reject it unexamined, merely because it is denominated phrenology, and purports to be something new. The "Novum Organum" of Bacon, and the "Principia" of Newton, contained originally many things that were new, and were, on that account, assailed by stern denunciation. So, for the same reason, was christianity itself, and every other improvement that has benefited man. It is true, we repeat, and the truth being important, will be borne we hope, in permanent remembrance, that every improvement, discovery, and invention, that have contributed pre-eminently to the benefit of our race, have always, at first, had violent

opposition to encounter, while persecution has generally been the fate of their authors. Nor is it possible for the case to be otherwise while man shall retain his present temper. Every important discovery, invention, and improvement, must necessarily find a foe in the pride of some, the self-interest of many, and the prejudices of a still greater number. Let it never be forgotten, then, that wrath and denunciation are no more tests of truth than wit and ridicule. In fine, we trust the reader will remember, that we are honestly endeavouring to establish momentous truths, for the advancement of science, and to show their applicability to practical purposes, for the promotion and security of the welfare of society.

Thus remembering, we feel persuaded that he will bear us company to the end of our discussion, listen attentively to all we shall have to say, and decide on it candidly, according to its worth. This compact being settled, we have no further favours to ask of his courtesy; and shall only add, that if, before he knew us to be phrenologists, he found, in our sentiments, any manifestations of sober reason and common sense, he will not be likely to meet with less of those ingredients, in the pages we have yet to submit to his perusal. "*Illo jndice,*" therefore, we shall proceed to our task.

Although to render our views fairly intelligible, some exposition of principles will be necessary, we shall make that exposition as brief as possible. In announcing principles, we shall state nothing which we do not consider satisfactorily proved.

Phrenology treats of man only in his present compound capacity, constituted, as he is, of mind and body. Of his future mode of existence and action, enjoyment or suffering, it takes no cognizance, but leaves that, as a point of transcendentalism, to the pleasure of HIM who placed us here, and who will wisely and beneficently dispose of us hereafter. Yet it fully recognises, as the reader will perceive, the necessity and value of morality and religion, and shows them to be attributes which, beyond all others, elevate and ennoble the human character.

The brain is the organ of the intellect; and according to the size, form, and condition of that organ, is the strength, activity, and peculiar character of the intellect. If the brain is excellent in all its qualities, so is the intellect, and the reverse. Without the brain, the mind can no more perform an intellectual act, than the brain can without the mind.

The condition of the brain, like that of the muscles and organs of sense, can be altered and greatly improved by exercise. The brain may be thus rendered much more powerful and adroit in intellectual action, precisely as the eye can in vision, the ear in

hearing, and the muscles of voluntary motion in the functions that pertain to them.

The entire business of *education* consists in improving the condition of the brain, that process not being predicable of the mind at all. To speak of educating the mind, as an abstract and uncompounded substance, is to use words without attaching to them any definite or intelligible meaning. All that education can do, is to render the brain a better apparatus for the mind to work with; and that is all that is necessary for the effecting of intellectual improvement. Whether you sharpen and otherwise improve the sword, or increase the vigour of the arm that wields it, you deepen alike the wound it inflicts.

The brain is not a single organ, but an aggregation or system of individual and subordinate organs. Each subordinate organ is the seat and instrument of a corresponding faculty of the intellect, which cannot be manifested without its agency.

In the human intellect there are thirty-four primitive faculties, distinct from each other, and independent in their functions. There is, of course, in the brain, an equal number of subordinate organs.

The faculties are divided into four sets or families, the animal propensities, the moral sentiments, the knowing faculties, and the reflecting faculties. The brain is divided into a corresponding number of compartments, where the organs of these sets of faculties exist together in aggregates or groups. It possesses, therefore, an animal compartment, a moral compartment, a knowing compartment, and a reflecting compartment. In all our dealings with the human family, as well as in the judgments we pass on the characters of individuals, it is important to hold this division in remembrance, and to be strictly observant of the developments which correspond to it.

The animal compartment occupies the base of the brain, reaching, in the occipital region, about half way towards the top of the head, and, at the sides, rising a little above the top of the ears. It does not so extend to the front of the brain, as to constitute any portion of the forehead.

Directly over the animal is placed the moral compartment, occupying the entire top or roof of the brain, and the upper parts of its sides.

The knowing compartment occupies the base of the brain in front, from side to side, and reaches to about the middle of the forehead, or a little higher.

The reflecting lies immediately over the knowing compartment, forming the more elevated portion of the forehead.

Other things being alike, the strength and efficiency of any

single organ or set of organs, is in direct proportion to its size; and its size can be ascertained by the dimensions and form of the head. By an inspection of the head, therefore, a practised phrenologist can tell which organ, or set of organs preponderates. And as is the predominance of the organs, so is that of the faculties, unless education has altered the balance. And it is education alone that can thus alter it, by strengthening one or two sets of organs, while the others remain unchanged.

Like all other parts of the body, the brain is most flexible, and therefore most easily changed and improved in early life. With the progress of years, its habits of action become more settled and confirmed, until in manhood they are stubborn, and at a period more advanced, unalterably fixed.

Out of the four compartments of the brain arise the four great compound attributes which pertain to man, animal energy, moral sentiment, knowledge, and the power of reflection. And according to the predominance of one or more of these, is the form or type of individual character. When they are all strong and properly balanced, they confer on their possessor great power.

Does the animal compartment predominate? The individual is characterized by mere animal energy, and very little else. Does the moral compartment prevail? his feelings, views, and actions partake instinctively of moral purity and correctness. The knowing compartment? he acquires very readily a knowledge of things, especially in their insulated or individual capacity. The reflecting? he delights in examining the relations of things, and has powers peculiarly suited to that purpose.

It will be readily perceived, to what an extent the character of man can be modified, by different degrees of strength in these four attributes, and their various combinations. And when it is recollected, that, as just stated, the attributes are compound, each consisting of a number of subordinate ones, the modifications that may be thus produced, will, to a contemplative mind, present themselves in numbers beyond calculation. Hence arises the infinite variety of our race, no two individuals being intellectually alike.

From the four compartments of the brain, spring, as their native growth, all the vices and virtues, and all the knowledge and wisdom which constitute, collectively, the human character.

If left without due and efficient control, the animal compartment is the nursery of vice. Its propensities, when excessive, lead directly to the commission of crime. An individual, therefore, entirely uneducated, the animal compartment of whose brain greatly predominates over the others, especially over the moral and reflecting, is constitutionally prone to vice, and easily led into

it, by the influence of example. Such a being can be withheld from profligate indulgences, only by early and sound education, and habitual association with the moral and the virtuous.

Does the moral compartment alone, or do both the moral and the reflecting predominate over the others? the individual has a native and instinctive distaste of vice and grossness; and, unless corrupted by a bad education, and profligate associations and examples, or impelled by irresistible temptation, or stern necessity, avoids crime, as a thing which he abhors, because it is entirely out of harmony with his feelings, and because his habits of reflection teach him that it is injurious both to himself and others. It is those who are thus constituted, that, in the words of the poet,

“—Follow virtue, even for virtue’s sake.”

By sound education, such characters are doubtless improved in their moral habits; but, if entirely uneducated, their conduct is generally correct, and their lives free from revolting impurities.

There is yet another class of men, in the formation of whose characters education manifests its highest influence, and, perhaps we might add, its greatest usefulness. It is those in whom all the developments are large, and the several compartments of the brain in a state of well adjusted equipoise. Such individuals are, in their deportment, moral or otherwise, according to their training, and the strength of the temptations to vice which they encounter. When their education is liberal and well-directed, they can scarcely fail to attain to eminence, because they are not only gifted in intellect, but endowed with superior energy and moral worth. It is in persons of this description that we witness, at times, the greatest discrepancy of conduct and character. Their animal propensities being powerful, strong temptations occurring, lead them often into improper indulgences, while, under other circumstances, their career is brilliant, and their conduct exemplary. This class of individuals presents, according to the discipline received, and the incentives to action, very striking instances of both virtue and crime.

Of itself, the knowing compartment of the brain gives no inclination to either virtue or vice. Nor does it take any cognizance of the consequences of action. It simply furnishes knowledge to be employed by individuals, according to the predominance of their other compartments. The mere animal-man makes use of his knowledge for the gratification of his propensities. If these are ungovernable, he applies his knowledge to vicious purposes. The mere moral-man appropriates his know-

ledge with praiseworthy intentions, but not always judiciously; while the moral and reflecting-man takes counsel at once of wisdom and virtue, and promotes, by his knowledge, the welfare of his race.

That our exposition of this subject may be the more circumstantial, and our views in relation to it the better understood, we deem it necessary to recite the names of several of the animal organs with their faculties, and a few of the moral.

In the animal compartment of the brain are found the organs of Amativeness or sexual desire, Philoprogenitiveness or the love of offspring, Adhesiveness or general attachment, Combativeness and Destructiveness, whose names are their interpreters, Secretiveness, the source of falsehood, treachery, intrigue, and slander,* Covetiveness, which prompts to theft, robbery, and all dishonesty in the acquisition of property, and Constructiveness, the impulse to mechanical pursuits, accompanied with a facility in becoming dexterous in them. It is to be understood that these organs and propensities are essential elements in the composition of man. In their *nature*, therefore, there is nothing faulty. On the contrary, when duly regulated in force, and kept within their proper sphere, they are exclusively useful. It is only their excess and wrong direction that hurry into crime.

It is the licentious indulgence more especially of three of those propensities, aided by some of the others, as copartners in guilt, that fills our jails with criminals, and our penitentiaries with convicts. These are Amativeness, which singly leads to rape; combined with Destructiveness, to rape and murder, and also, at times, to murder from jealousy; and with Secretiveness to immoral intrigues between the sexes. Destructiveness, which is the source of felonious homicide, in all its forms. If it be combined with Combativeness, Cautiousness being small, the murder is bold and open; if with Cautiousness and Secretiveness, Combativeness being small, it is private assassination, perpetrated often by the midnight dagger, or the poisoned cup. From the same source proceed arson, and other modes of secret devastation by fire. Covetiveness, which seduces to the illegal and felonious acquisition of property. When united to Combativeness, the crime is robbery; to Combativeness, Cautiousness, and Destructiveness, robbery and murder; to Secretiveness and Cautiousness, theft and pocket-picking; associate it with Constructiveness and Imitation, and the felony will be counterfeiting and forgery, or perhaps lock-picking and stealing. In this organ

* In the production of "treachery" and "slander" Destructiveness is also concerned.

we find also the source of the ruinous vice of gambling. Has the gambler associated with it full Combativeness, he plays fairly and intrepidly. Has he in large development, Secretiveness and Cautiousness, with small Conscientiousness, his game is wary, and apt to be fraudulent.

Combativeness and Secretiveness, the former by plunging into riots, assaults, and other breaches of the peace, and the latter, combined with Destructiveness, by urging to the perpetration of slander, often crowd our courts of justice, but seldom, perhaps, contribute to fill our jails. Yet is it true, that quarrels which begin in Combativeness alone, often excite Destructiveness to ungovernable rage, and terminate in murder. And slander not unfrequently leads to breaches of the peace, by those who are the subjects of it, and sometimes to the retaliation of death, by violence, on its guilty authors.

Of these propensities the counterpoise is to be found chiefly in the moral organs of Benevolence, Veneration, Conscientiousness, Firmness, Love of approbation, Hope, and Cautiousness. The influence of Self-esteem is not always strictly moral, although it is generally so. Causality, one of the reflecting organs, throws its influence into the scale of virtue, by solemnly warning of the consequences of vice. In a lower degree, Comparison operates to the same effect.

The question has been often agitated by metaphysicians, moralists, and divines, whether man is constitutionally rational, moral, and religious, or rendered so by dint of training? in other words, whether these attributes are natural or artificial? And, in discussing the subject, great discrepancy of opinion, and no less warmth of feeling, and asperity of temper have been manifested.

If we are not mistaken, phrenology enables us to solve the difficulty, and terminate the dispute.

That individual, in whom the animal compartment of the brain greatly predominates over the moral and reflecting, cannot be accounted *primitively* either moral, rational, or religious. He is constitutionally animal, and can be withheld from the licentious indulgence of his propensities, only by lack of opportunity, or the influence of virtuous education and example. If he ever become moral, rational, and religious, the issue is to be attributed to artificial influence.

But he whose brain is so happily composed, that its moral and reflecting predominate over its animal compartment, is a being constitutionally rational and moral. And as the moral organs of Veneration, Conscientiousness, Wonder, and Hope are the natural source of religious feeling, he may be regarded as also constitution-

ally religious. This sentiment is not at war with any tenet of the christian religion; nor, when fairly interpreted, can it be so considered. Yet an attempt has been made to affix on it the condemnatory stigma of infidelity.

Man must have a natural foundation and aptitude for religious feeling, as well as for feelings of every other kind, else can he never experience the emotion. The sentiment of piety is not a factitious attribute, any more than the sense of vision, or the feeling of physical love. If it were, it would be much less valuable and elevated than it is. It would indeed be completely destitute of value. Nor is this the worst. It would even deform human nature, and render it as monstrous, as the addition of a supernumerary leg or arm. In the entire composition of man there is not a single factitious attribute. Feeling may be modified, but not created; cultivated, strengthened, and altered, but not implanted. Of the faculties for acquiring knowledge and wisdom, the same is true. They are all the growth of constitutional provision; the natural and necessary result of appropriate organization. The constitution and frame of the intellect are as positive and immutable as those of the body. As well may an effort be made to add to human nature a new bone, muscle, or gland, or even a new leg or arm, as a new feeling, sentiment, or power of thought.

In rendering man religious, then, you but *improve* his nature, precisely as you do by any other kind of education. Strictly speaking, you do not *regenerate* it. It is human nature still, composed of the attributes common to our race, ameliorated in its condition. A saint is as much a human being as a sinner. Regeneration, as applied to the conversion of man from evil to good, is a metaphorical term. It is meant as an illustration, not as an assertion of a positive fact. It means simply that the kindred groupe of moral organs and their faculties have gained a complete and permanent ascendancy over the animal, not that a single new organ or faculty is created. Has the Deity bestowed on man an organ for every other kind of feeling and sentiment, and denied one for that of religion, the most important of all? The very suspicion of so deep a neglect (for such, we think, it might be correctly denominated) would be an irreverent not to say a criminal accusation of the wisdom and goodness of heaven. Nor is this all. Where accountability exists, there must exist also a full power to perform all the duties required. Were the organs of religion, then, withheld from us, we could not be, in justice, religiously accountable. If we had not a native sentiment recognizing a God, and leaning instinctively toward him, we would be no more blamable for not adoring him, than are the

inferior animals. In fact, without such a sentiment and its appropriate organ, *we could not adore him*, any more than we could see without an eye, or hear without an ear. To ameliorate man, then, is not to bestow on him any new powers, but to cultivate, strengthen, and direct those which he already possesses. The bounty of heaven has enriched him with all the faculties necessary to promote his welfare in his present state of existence, and to secure it in another. Every successful effort to convert or in any way improve him, must be made in perfect conformity to his nature. An effort in opposition to it will as certainly fail, as would an attempt to make water flow up hill, by the power of gravitation.

In one point of view, every man is constitutionally religious, because every one, whose brain is not idiotically defective, possesses the organs of Veneration, Conscientiousness, Wonder, and Hope. This is as true, as that every one, not defectively organized, possesses lungs and a heart. By the requisite training, then, every one may be rendered, in some degree, practically religious. Our meaning, therefore, in pronouncing some individuals constitutionally religious, in preference to others, is, that from the preponderating influence of their moral temperament, they have, by nature, a much more vivid susceptibility of religious impression and sentiment, and a greater proneness to religious observances and duties, than those whose animal temperament predominates. Their piety and devotion are instinctive, and all their natural leanings toward virtue.

To the educated phrenologist we feel bound to apologize for this very limited view of the nature and constitution of the human intellect. And our apology is, that we mean to confine ourselves strictly to what is essential to our object in preparing this paper. Having now, therefore, as we persuade ourselves, premised what is sufficient, we shall endeavour briefly to show its applicability to moral education and penitentiary discipline; two processes which are in many respects identical. Under the phrase "moral education," we mean to include the cultivation of the reflecting faculties, they, as already mentioned, being calculated to act in subserviency to that training.

It has been observed, in a preceding part of this article, that, in common with every other kind of living organized matter, the brain may be greatly strengthened, and rendered more adroit and efficient in action, by means of exercise; and that it alone, and not the mind, is improved by education. To educate the brain, then, you must exercise it; and you may invigorate and improve either of its compartments, or single organs, at pleasure, by suitable discipline. That it may be suitable, we need scarcely add,

that this discipline must be adapted to the nature of the organ or compartment to be improved.

The knowing compartment must be exercised chiefly by observation on external nature, its properties and changes, those being the objects with which it is in harmony, and which excite in it, therefore, the requisite action.

The reflecting compartment can be exercised only by contemplating, examining, and judging of the relations of things, such as similitudes and dissimilitudes, aptitudes and inaptitudes, analogies and contrasts, and precedences and sequences as cause and effect.

The moral compartment must be exercised by moral impression and excitement. These are to be the result of a combined influence, the reiteration of precept, practice, and virtuous example. The latter might be denominated moral sympathy.

The danger, as respects the animal compartment, being that it may run into excess, the correct education of it consists in moderating and directing, not in pampering and strengthening it. The true mode of effecting this will be mentioned presently.

It is to be understood, that the four compartments of the brain are so independent of each other, that any one of them may be exercised and strengthened, in its separate capacity, without materially affecting the others. To dwell in contemplation on the relations of things, does not necessarily involve actual observation of the things themselves; and to obey moral precept, and follow virtuous example, is a process essentially distinct from both. We need scarcely add, that the animal compartment leading to mere animal indulgences, may be powerfully and habitually exercised, to the entire neglect of the other three.

As excitement and exercise strengthen single organs and entire compartments, the converse is equally true. Inaction necessarily weakens them, precisely as it weakens the muscles of voluntary motion. Exercise exclusively or chiefly one compartment, you strengthen it at the expense of the others, which remain at rest. Exercise two compartments, they acquire strength, while the other two are weakened. As respects our present purpose, it matters not whether the weakness produced is positive or comparative. It is, however, in reality, both. The inactive compartments are enfeebled, *in themselves*; but much more so, in relation to those that are kept in action. Thus may the exercised compartments be made to govern the others, and give character to the intellect.

It is the development and strength of a few single organs, or

of an entire compartment, that forms the *ruling passion*; and, when not counteracted by other influences, that passion is in constant exercise. It is often awake, when the other faculties are asleep; and, unless under strong countervailing excitement, the individual indulges it and submits to its control as habitually and certainly, as the stream flows downward, or the needle turns to the pole. In each case the law of nature producing the effect is equally strong and immutable. As is the preponderance of cerebral development, then, so is the preponderance of this master feeling.

Does the animal compartment preponderate? purely animal is the ruling passion. If the moral compartment preponderate, the passion is moral; if the knowing, the individual is engrossed by observation, and the collection of facts; while in those whose reflecting compartment bears sway, the ruling passion clings to the relation of things. The individual is an analogist, a metaphysician, or a wit, or he is devoted to sound analytical philosophy. These several positions, had we leisure to dwell on them, are as susceptible of proof, as any that are connected with the philosophy of man.

It has been already observed, that the true counterpoise of the animal compartment, and the preventive of its excesses, are to be found in the influence of the moral and reflecting. In the training and strengthening, then, of the two latter compartments, so as to give them the control of the former, consists the process of moral education. It need scarcely be added, that, to insure its success this discipline should be practised on individuals, with a care, constancy, and force, corresponding to the degrees of their animal temperament.

In early life, while the susceptibility of the brain is vivid, and its flexibility unimpaired by habit, the process of education of every description, is easily accomplished. Provided the ordinary balance between the compartments of his brain exist, a youth may be rendered moral with as much facility and certainty, as he can be rendered knowing. He can be taught to love virtue and practice duty, as easily as he can be taught to read and write. To teach him the latter, educate his knowing organs; to teach him the former, his moral. To instruct him in the relation of things, cultivate his organs of reflection. Sound and confirmed moral habits, then, and a love of virtue, are as much the result of education as a knowledge of arithmetic, music, or dancing, and, in common cases, can be as readily imparted.

It is the idiot only that cannot be rendered moral. Nor is it less impracticable to teach him reflection. The reason is obvious. His brain is wanting alike in the reflecting and moral

compartments. He is a mere animal, possessing none of the intellectual characteristics of humanity. Destitute of the organ of Veneration and its associates, he has no sentiment of religion. This amounts to proof that that organ is essential to piety; and, that to exist at all, religion must be radicated in the constitution of the intellect; or, more literally, in that of the brain. Wherever the organ of Veneration exists, there is found a sentiment of piety; wherever it is wanting, there is none. Hence, throughout the human family, where the development of the brain is not idiotically defective, a sentiment of veneration for a God of some kind, is as natural and universal, as the love of offspring, or sexual attachment.

A few words more on the condition and character of the idiot. We have asserted, that he cannot be disciplined in morality or religion, and assigned the reason. His brain is defective. Dissection proves it so. He possesses only the knowing compartment in partial and slight development, and the animal compartment often very fully developed. Hence his proneness to animal indulgences of the worst and most debasing kind, is frequently uncontrollable. His brain is unbalanced, from a want of both the moral and reflecting organs, which alone can hold the animal in check. The knowing compartment, as far as it extends, only ministers to the gratification of the animal, by aiding its cunning, and supplying it with means.*

A human being largely developed in the animal and knowing, and entirely wanting, or even greatly defective, in the two other compartments, would be a monument of profligacy and vice, utterly beyond the hope of reform. Such, as the figures of their heads demonstrate, were the brutal developments of Caligula, Caracalla, Nero, Vitellius, and Domitian, whose names are identified with human depravity; and such the development of Alexander VI. the most blood-thirsty, treacherous, and profligate Pontiff, that ever disgraced the See of Rome. To these names might be added, were it necessary, a host of others of the same description. In fact, no instance can be cited of a human monster, instinctively delighting in cruelty and blood, and yet fully developed in the moral region of his brain. Mere animals in appetite, such beings are the same in development.

If, then, it is impracticable to bestow on idiots a moral education, on account of their defective cerebral organization, the difficulty of conferring that boon on others, will be in proportion

* An entire want of certain organs is, as here stated, one cause of idiocy. Another is the mal-organization of portions of the brain, or of the whole of it, as in cases of inordinately large and deformed heads. Wrong organization is as bad as deficiency.

to their approach to idiocy ; in other words, in proportion to the deficiency of the moral and reflecting, and the predominancy of the animal compartment of their brain. Hence even in boys, whose foreheads are unusually low, and the tops of their heads flat or depressed, and the base of whose brain, from ear to ear, is inordinately wide, with a very large amount of brain behind the ear, we discover a ruling propensity to vice ; or, at least, to low and vulgar animal indulgences, which if not checked and changed, must terminate in vice. Such boys have the true ruffian development, and will, inevitably, become ruffians, unless preserved by dint of education. Nor is such preservation an easy task. Their ruling passion is animal, and inclines to grossness as naturally, as a ponderous body tends to the centre. Still they may be saved by moral training, provided it be commenced early, judiciously conducted, and inflexibly persevered in. But if they remain uneducated and idle, and be exposed to the influence of bad example, they are inevitably lost. Their animal habits will become, in a short time, so irrevocably confirmed, as to baffle all redeeming efforts.

It is individuals of this description, that become the most atrocious and irreclaimable malefactors. To the truth of this, jails, penitentiaries, and places of public execution for deliberate murder, and other forms of deep and daring crime, abundantly testify. Although from strong temptation, corrupting example, and other powerfully seductive influences, individuals of far different developments *may* be hurried into felony, and forced to expiate their guilt on a gibbet ; yet, search the records of public executions, and it will be found, that where one individual, of good moral developments, has suffered capital punishment, fifty, at least, with *ruffian heads*, have surrendered up their lives to offended justice. On the truth of this, the friends of Phrenology might safely hazard the fate of the science. Observation confirms it.

We ourselves have never seen, either in Europe or America, a deep, deliberate, and habitual malefactor possessed of a good moral and reflecting development. Nor is there any thing either new or extraordinary in the position we are defending. On the contrary, it perfectly comports with the common sense and settled belief of the enlightened and thinking portion of the world. It is, in fact, we repeat, the result of observation, and the dictate of a ruling instinct of our nature.

Works of moral fiction are confirmatory of this. In such compositions, which, to be of any value, must be copies of life, low-bred, consummate, and habitual villains, are always represented with *ruffian heads*. And if they were not thus repre-

sented, the incorrectness of the picture would be immediately detected, and the production condemned, as false to nature. Nor would it be a less condemnatory feature in it, to portray an honourable, magnanimous, and moral hero, with any other than a lofty and expanded forehead, and a well-arched head.

The truth of these remarks is fully confirmed, by the writings of Shakspeare and Sir Walter Scott. Even in the strong lined delineations of Lord Byron, the vulgar ruffian has a vulgar head. It is to the high-bred offender, who has been seduced to vice, by deep-felt wrong, or some other powerfully corrupting influence, that he has given the aspect and bearing of nobleness; a well formed head, a lofty port, and an air of command, that awed his inferiors. And on such individuals, although crimsoned with blood, and blackened with every other species of guilt, he has always conferred an elevation of sentiment, and a loftiness of purpose and thought, corresponding exactly with their attributes of form. Witness his representations of Conrad, Lara, Manfred, Lambro, and others. In illustration of this topic, and in confirmation of our views of it, a few lines, from the Corsair, may be aptly quoted—

“Yet Conrad was not thus by nature sent
To lead the guilty—guilt’s worst instrument—
His soul was changed, before his deeds had driven
Him forth to war with man, and forfeit heaven.
Warped by the world in *disappointment’s* school,
In words *too wise*, in conduct *there* a fool;
Too firm to yield, and much too proud to stoop,
Doomed by his very *virtues* for a dupe.”

In common, then, with those of every other great poet, such as Homer’s portrait of Menelaus, Virgil’s delineation of Æneas, Tasso’s picture of Godfrey, and Milton’s description of Adam, and with those of every distinguished writer of moral fiction, whether in prose or verse, the sketches of Lord Byron are strictly phrenological, which is tantamount to calling them perfectly natural. And to that alone are they indebted for their power to charm, and their imperishable reputation. Take from them their phrenological truth, and you utterly destroy them.

As respects moral education and penitentiary discipline, then, Phrenology throws light on two points of great importance. It indicates the boys and youths that most deeply require such education, to save them from vice, and the adult convicts, whose characters place them beyond its influence. Its solemn injunctions are, to discipline the former by every means that can contribute to their improvement in morality and reflection, and to protect society from the vices of the latter, by capital punishment, or imprisonment during life. And for these purposes we

conscientiously believe that the truths of the science will yet be employed, by the wisdom of lawgivers, and in improved systems for the instruction of youth. And we further believe, that, when thus employed, the benefits conferred on the community by the practice, will be incalculably great, and that Phrenology will then be lauded and cherished by the wise and the virtuous, as earnestly and resolutely as it has been heretofore denounced by the prejudiced and the uninformed. We venture in addition to believe, even at the hazard of being deemed utopian and wild in our anticipations, that the science is destined to create, in education of every description, intellectual as well as moral, a new and auspicious epoch. Our reason for this latter belief is, that education can never be efficiently conducted and brought to perfection without an accurate knowledge of the constitution of the human intellect, and that such knowledge is communicated by Phrenology alone.

We shall now attempt to make a more direct application of phrenological principles to the discipline of prisons, and to moral education generally. But we deem it important to state previously a few facts, which occurred in England, and at sea, in 1826. They show, by experiment, not merely the applicability, but the positive application, and the incalculable value of phrenological knowledge, to the concerns of jails, penitentiaries, and other places where criminals are confined.

In the spring of 1826, one hundred and forty-eight male convicts were removed from prison, and confined in the ship *England*, lying in the Thames, preparatory to their transportation to New South Wales. Mr. James de Ville, of London, one of the most disciplined practical phrenologists of the day, undertook, at the suggestion of Mr. Wardrop, a gentleman of high standing and professional distinction, to examine their heads and report on their characters. He had never before seen the convicts, nor even heard their names. Nor had he the slightest knowledge of the particular crime of which any one of them was convicted. In his report, which he placed in the hands of G. Thompson, Esq., surgeon of the ship, he specified the vicious propensity of each, and designated distinctly all the desperadoes, whom he considered most dangerous, and likely to hatch and head conspiracies and mutinies during the voyage. He indicated, in particular, Robert Hughes, as pre-eminent over all the others, in the atrocious qualities of the conspirator and the mutineer; the most daring, artful, and treacherous, and also the most instinctively blood-thirsty of the gang. He also pronounced of several of the others, that they were much to be dreaded, and admonished the captain and officers of the ship, to keep them under vigilant guard, if not in strict confinement.

Subsequent events proved, that, of the hundred and forty-eight convicts, Mr. de Ville was mistaken in his opinion and report of but *one*. Nor, as will appear presently, could he be said to be positively mistaken in relation even to him.

In the course of the voyage, a spirit of mutiny manifested itself several times among the criminals, who were, at length, discovered to have formed a conspiracy to murder the officers, and take possession of the ship. In every instance Hughes was the leader, and his most active abettors were those whom Mr. de Ville had represented as best qualified for such purposes.

The following is an "Extract from a letter of G. Thompson, Esq., surgeon of the ship *England*, to James Wardrop, Esq.," dated, "Sidney, October 9th, 1826."

"I have to thank you for your introduction to Mr. de Ville and Phrenology, which I am now convinced has a foundation in truth, and beg you will be kind enough to call on Dr. Burnett, whom I have requested to show you my journal, at the end of which is Mr. de Ville's report, and my report of conduct-during the voyage; and likewise to the depositions against some of the convicts, who you, with your usual *tactus eruditus*, discovered would give me some trouble during the voyage, and I think the perusal of them will make you laugh, as they were going to rip up the poor doctor, like a pig. De Ville is right *in every case except one*, Thomas Jones; but this man can neither read nor write, and being a sailor, he was induced to join the conspiracy to rise and seize the ship, and carry her to South America, being informed *by Hughes, the ringleader*, that he should then get his liberty. Observe how de Ville has hit the real character of Hughes, and I will be grateful to de Ville all my life; for his report enabled me to shut up in close custody the malcontents, and arrive here not a head minus, which, without the report it is more than probable I should have been. *All the authorities here have become phrenologists*, and I cannot get my Journals out of their offices until they have perused and reperused de Ville's report, and will not be in time, I am afraid, to send them by the *Fairfield*." See Edinb. Phrenol. Journal, Vol. IV. No. XV. p. 470.

Many facts of a similar character, several of them almost as striking as the preceding, could be easily adduced from the records of Phrenology.* On the whole of them we shall only

* For a knowledge of several very interesting and important facts of this description, the reader is referred to an account of Dr. Spurzheim's "Visit to Hull" in December 1827. From an examination of the heads of prisoners and convicts, he specified, with a promptitude and correctness which fur-

remark, that if they are insufficient so far to attract the attention, and enlist the feelings of the public, as to induce them to make the science a subject of serious and deliberate study, a voice from above, to the same effect, would be unavailing. In fact, *they are* a voice from above; for they are truths proclaimed by Nature, who is, at once, the priestess and oracle of Heaven.

Shall we be told that, in the case here alluded to, Mr. de Ville pronounced on the characters of the convicts from the expressions of their *countenances*; that he judged, therefore, as a *physiognomist*, not a phrenologist; and that any person versed in observations on the human countenance, might have been equally successful in indicating the leading propensities of the prisoners? We reply that this is a mistake. In forming his opinion Mr. de Ville did not depend on expression of countenance, but on the developments of the head. Had the countenances of the individuals been masked from the eyes downward, he would have been equally successful in the discovery of their characters.

Physiognomy is a mere appendage of Phrenology. The predominant passions, which have their appropriate seats in the brain, produce, in time, by muscular action, their impress on the countenance. But it is the *passions only* which thus act. The strength of the *knowing* and *reflecting* faculties, i. e., the amount of *real intellect*, is not indicated by muscular expression. Hence physiognomy discloses but a *part* of the character, while Phrenology gives *the whole* of it. The former may bespeak a *disposition* to vice. But the latter points to the *kind* of vice, and testifies to the competency to lead and excel in it.

To be rendered efficient and useful in the highest degree, moral education must be conducted differently at different periods of life. In infancy and childhood, the entire moral compartment of the brain is not sufficiently developed to be competently instructed, and to give bias to character. Hence, until near the age of puberty, man is not, in reality, a moral agent; nor is he so considered, by the laws of our country.

But, fortunately for children, their organs of Adhesiveness and Imitation are so far developed, as to be convertible into

nished matter of astonishment, the forms of vice to which they were addicted. See Edinb. Phrenological Journal, Vol. V. No. XVII. p. 82.

For much additional information on the same topic we might further refer to Dr. Gall's visit to the prison of Berlin, and the fortress of Spandau, in April 1805. Besides the Doctor's view of this visit, given in his own works, a brief account of it may be seen in the "Foreign Quarterly Review," No. III. pp. 13, 14, 15.

sources of influence and control. By means of them, therefore, if they cannot be rendered truly moral, in *feeling* and *sentiment*, they can be retained within the pale of practical or rather formal morality and religion; they can, at least, be withheld from much of the grossness of animal indulgence. Thus will good habits of action be formed, and bad ones prevented, a state of things calculated to prove highly advantageous in future life.

Children are prone to imitation, especially where their feelings of attachment are enlisted. They can be, therefore, easily induced to follow the example and obey the precepts of those whom they love. Thus can they be early led into the paths of virtue; or rather secured in them, and prevented from straying into those of vice. It is now, therefore, in a particular manner, that they should be taught, by example, and initiated into the *practice* of moral conduct, even before they can feel the force or appreciate the value of moral precept. To such precept, however, they will cheerfully conform, when issued by the lips of those that are dear to them.

In children are considerably developed two other organs, on which their instructors may act with advantage. We allude to Cautiousness and Love of approbation. These are the sources of the apprehension of punishment and disgrace, and the love of applause. In children that cannot be otherwise governed, and restrained from vice, these feelings should be judiciously called into action. Thus may early life be protected from habits of practical depravity.

About the age of puberty the moral and reflecting compartments of the brain are more fully developed. And it is now, for the first time, that youth begin to feel strongly the impulse of moral sentiment, realize the force of moral obligation, and place a just estimate on moral conduct. Hence they are now recognized, in judicial proceedings, as moral agents. And hence it is by no means uncommon, for boys, who had been previously vicious and unmanageable, to become now correct and docile.

The real foundation of moral education being now laid, in the competent development of the moral constitution, the superstructure must be reared and finished, as heretofore mentioned, by precept and persuasion, example and reason; by the active, judicious, and uninterrupted cultivation of the moral and reflecting compartments of the brain. The study of Ethics is now doubly useful. It expands and invigorates the intellect, and strengthens the motives to praiseworthy conduct.

For a time the pupil should be so hedged around by all things that are virtuous, as to be completely protected from allurements

to vice. But as his moral habits increase in strength, it is expedient that their competency be occasionally but judiciously tried, by cautious exposure. In the course of his life, and the vicissitudes of his fortune, temptations will present themselves; and it is wise that he be opportunely disciplined in the practice of resisting them. It is thus, that the body becomes fortified against physical evils, by coming occasionally into contact with them. Besides, the revolting aspect of profligacy and vice has often the happy effect of strengthening moral habits, and confirming virtuous resolutions, in those who witness it. Hence the importance that when youth encounter vicious example, it should not approach them in a seductive form. If the pupil be high-minded and aspiring, his sense of honour, and his love of fame will become, at length, a guardian of his virtue. So will his personal interest, as well as his feelings toward his family and friends, whom he would not, without reluctance, offend or disgrace. These considerations, with sundry others, on which a want of time forbids us to dilate, should be strenuously inculcated by the instructors of youth, as aids in the process of moral education.

To the discipline of penitentiaries, where reform is the object, most of the foregoing sentiments are applicable. If the convicts are young, both in years and vice, and the moral and reflecting compartments of their brains are even moderately developed, the prospect is promising, that, by judicious treatment, they may be perfectly reclaimed. If the developments just mentioned are strong, their complete reformation is the more probable. Even those who are advanced in years, and somewhat habituated to crime, may be reclaimed from their vicious practices, if their moral and reflecting developments are full. But, to insure entire and permanent reform, their training must be well directed and long continued.

In youthful offenders, possessing what we have denominated the ruffian temperament—the forehead low, the top of the head flat or depressed, the base of the brain, from the temporal region backward, wide, and a large amount of it behind the ear—reformation is always difficult, and sometimes, we apprehend, impracticable. The brain resembles too much that of the Carib, who is perfectly animal, and never feels a virtuous emotion. There exist some individuals who steal, and others who deceive and lie, by a force of instinct, which seems irresistible. In others, again, the instinct of Destructiveness is like that of the tiger.* Nothing can appease it but blood. We possess the

* In all these the basis of the brain, about its middle region from front to back, is wide.

skull of a man, who was executed, at the age of about thirty, for the last of nine murders, the whole of which he acknowledged he had committed, from an inherent love of slaughter. He murdered as an amateur. The flowing of blood he declared to be delightful to him. Hence he never failed to cut, from ear to ear, the throat of his victim. In the case of his last murder, he would probably have escaped detection, had it not been for this horrid sanguinary propensity. After having proceeded several miles from the place of his felony, he turned back, to cut the throat of him whom he had murdered, and was apprehended. His whole animal compartment, but especially in the region of Combativeness and Destructiveness, was unusually large.

Even, we say, when young, individuals of this description should be subjected to a long, circumspect, and energetic course of discipline. The utmost force of education should be tried to strengthen the moral and reflecting organs, while they are yet mutable, and give them an ascendancy over the animal. In no other way can beings thus organized ever be reclaimed. But if they be advanced both in years and crime, the case is hopeless. All attempts at their reformation, however praiseworthy in motive, might be almost pronounced the offspring of folly. Utterly unavailing they must certainly prove. In such instances, capital punishment, or imprisonment during life, is the only measure by which society can be protected from the repetition of their crimes.

Shall we be told that this would be unjust? that convicts should be punished according to the nature and amount of their crimes, not according to their cerebral developments? We reply that here, as in all other cases, experience, wisdom, and common sense should suggest means, and direct practice. The paramount end of judicial punishment is the protection of society. The good of the many and the virtuous must prevail over both the sufferings and the enjoyments of the vicious and the few. If, then, it be established, on satisfactory evidence, that beings such as we have described, cannot be reformed, they should be regarded as *feræ naturæ*, and treated accordingly; confined in cages during life, or sentenced to the gibbet. Nor, as relates to the wisdom and justice of the policy, is it of the slightest moment, whether their propensity to crime is the offspring of matter or mind. It exists and is immutable; and society is entitled to protection from its influence.

That they may be strengthened and prove fruitful, all the organs and compartments of the brain must be exercised in the manner, and by the impressions, that are suited to their natures. Inaction and sloth as certainly enfeeble them, as they do the

muscles. In strict solitary confinement, therefore, where day follows day, week week, month month, and year year, in one dreary, dead, and monotonous succession, without the least excitement from instruction, it is idle to expect even the shadow of amendment. As well might we expect improvement, without exercise, in muscular dexterity and strength; or as well expect the convict to acquire, with his hands bound and muffled, higher excellence in penmanship, or an augmentation of manual dexterity in any of the arts. Of such a course of discipline, or rather want of discipline, deterioration is the inevitable effect. Moral improvement does not consist in the mere absence of vicious acts. It is something positive; something consisting in action; and that action is of a specific kind. It is as much the product of education, as improvement in mathematics, or any other branch of knowledge. But education, to be productive and useful, must be administered within the walls of a prison, precisely as it is within those of a schoolhouse. The organs and faculties of the pupils must be suitably exercised, according to the kind of instruction required. If they are not, their march will be retrograde. They not only will not acquire more, but they will lose what they already possess. This is a law of nature. It appears to us, therefore, not a little singular, that highly intelligent and practical men should have ever dreamt of reforming criminals, by mere solitary confinement. *Compel* an atrocious and habitual malefactor to labour in a cell, uninstructed, or to remain there, without either labour or instruction, for twenty years, and he will be no more moral or virtuous at the end of his imprisonment, nor any more fitted to live peacefully and innocently in society, than he was at the beginning of it. On the contrary, it appears to us incontrovertible, that he will be more depraved. His own thoughts and feelings are his only instructors, and they instruct him in nothing but vice. The school, in which he has been so long disciplined, is one of positive immorality and corruption. That this is true, appears, we think, from the following considerations.

We have already stated, and now repeat, that, in high and habitual offenders, the animal compartment of the brain preponderates. Their *ruling passion*, therefore, is purely animal, and inclines only to vice. Nor, when they are alone, will the entire current of their feelings fail to follow it. In such beings, when left to themselves, and surrendered up to the dominion of their own depraved appetites and passions, it is proverbially true, that

“Imagination plies her dangerous art,
And pours them all upon the peccant part.”

Instead of dwelling on the obligations of morality, the beauties and blessings of religion, the value of industry, and the merit of good works, feelings, and sentiments, to which they are as entire strangers, as the cannibal in his orgies, or the tiger in his jungle, the bent of their souls will be toward their former courses of crime, and all their thoughts will be directed to the devising of means for their more successful renewal, when time shall have liberated them again, to disturb the repose, and prey on the fruits, or otherwise assail the welfare of society. Thus will their animal propensities alone be strengthened, at the expense of their other faculties; every change in them will be from deep to deeper depravity; and, at the expiration of their confinement, they will issue forth on the community, more consummate villains than they were at its commencement. Thus, to habitual culprits, is solitary confinement, as already mentioned, a school of vice. To the correctness of this representation the well-known principles of human nature abundantly testify. Leave to himself and his own imaginings, a thief or a robber, long practised in the work of felony, and theft or robbery, with new and improved schemes for perpetrating it, will constitute exclusively the theme of his thoughts. If this is not true, observation is fallacious, and all reasoning on the subject nugatory.

To the reform of convicts, then, judicious and active education is essential. And, to prove effectual, it must be the longer continued, and the more strenuously pressed, in proportion as the subjects of it are the worse organized, and the more inveterately practised in guilt. It is thus, that, at school, the dunce requires, for his improvement in letters, more labour in the teacher, and a greater length of time, than the boy of sprightliness; and that the wound, which has long festered, is more difficult to heal than that which is fresh.

It is not unimportant to observe, that if, in addition to a large animal development, the felon has also a large development of the organ of Firmness, the prospect of his reform is the less promising. The function of this organ, as its name indicates, is to render the individual steady and inflexible in his opinions and sentiments, whether true or false, and in his course of conduct, whether virtuous or vicious. It is situated immediately under the sagittal suture, near its posterior extremity. Its large development produces a fulness or protuberance of the skull adjoining and directly above the point denominated, in common language, the crown. Add this to what has been designated, as the ruffian form of the head, and the development for vice and depravity is complete.

It has been already observed, and is now repeated, as a mat-

ter of great moment, that where the reformation of the convict is meditated, neither labour nor instruction must be enforced as a task, or inflicted as a punishment. Every kind of employment in which he is required to engage, must be not only voluntary in him, but rendered agreeable to him. Whatever is enforced by punishment or dread, is necessarily odious, and will be abandoned, in disgust, on the earliest opportunity. It will moreover be subsequently remembered with increased abhorrence, and a stronger resolution against its adoption. To man, in his present cast of mind, even the felicities of Paradise would become offensive, and be rebelled against, were they forced on him contrary to his inclination. As heretofore stated, then, the convict should be indulged in labour, as a relief and amusement in solitude, that he may learn to love it on account of the gratification it affords him, and the health he derives from it; and instruction should be dispensed to him, on the same principles, and with the same views. Nor should the labour be either degrading in kind, or severe and oppressive, from the extent of the task. In either case it will be hateful, and never become productive of industrious habits. Hence a more hopeless instrument of reform than the tread-wheel can scarcely be imagined. It may subdue for the moment, but can never radically amend. On the contrary, it engenders feelings unfavourable to virtue.

Culprits are but perverse and wicked children; and the more deeply and exclusively you punish and disgrace them, you harden them the more, and render them the worse. Many a forward and stubborn boy is driven, by harsh treatment, into vice and ruin, who, by mild and judicious training, might have been bred up to industry, usefulness, and honour. In like manner, the harshness and cruelty of an under-keeper, himself even lingering on the borders of crime, and awaiting but a slight temptation, and a suitable opportunity, for the actual commission of it, may confirm, in the convict, vicious propensities, which, by proper discipline, might have been thoroughly corrected, and rendered subservient to virtuous purposes.

In saying that the moral and religious instructors of criminals should be themselves moral and religious, we shall probably be regarded as uttering one of the tritest of truisms. But we intend, by the position, more, perhaps, than is at first apprehended. Our meaning is, that the teachers should be *constitutionally* moral and religious; that both the moral and reflecting compartments of their brains, but especially the former, should be fully developed.

That this opinion is both true and important, can be shown, if we mistake not, on well settled principles; and we know,

from observation, that, in analogous cases, experience has confirmed it.

It is a law of nature, as immutable as the pointing of the needle to the pole, or the lapse of water down an inclined plane, that the language and true expression of any organ or compartment of the brain, in one individual, excite to action the corresponding organ or compartment in another. This is the natural and only ground of the influence of eloquence; and the true reason why the passions are contagious.

One individual addresses another in the words and tones and gesticulations of anger; or, to speak phrenologically, in the language and manner of Combativeness. The consequence is known to every one, and is felt to be natural. The same organ is excited in the individual addressed, and he replies in the same style. From artificial speech, and empty gesture, the parties proceed to blows, which constitute the greatest intensity of the natural language of the irritated organ; its *ultima ratio*, in common men, as an appeal to arms is, in the case of monarchs.

Urged by Destructiveness, a man draws on his enemy or his comrade, a sword or a dagger, and is instantly answered by a similar weapon, in obedience to the impulse of the same organ. This meeting of weapon with weapon is not the result of reason. The act will be performed as promptly and certainly, generally much more so, by him whose reasoning powers are dull and feeble, than by him in whom they are active and strong. It is the product of instinct; the reply, in its native expression, of the excited organ of Destructiveness, in the defendant, to the expression of the same organ in the assailant.

When Demosthenes roused the Athenians to war with Philip, he harangued them in the intense language, burning thoughts, and bold and fierce gesticulations of Combativeness and Destructiveness combined. And had he not so harangued them, he would never have impelled them to the field of Chæronea. Under a mere argumentative address, or one dictated exclusively by the moral organs, they would have remained inactive; when the object of the orator is to move and melt, he succeeds only by adopting the language and natural expression of the softer organs which he desires to affect. If he wishes to command tears, he sheds them. So true is the maxim, "*Si vis me flere, dolendum est primum tibi ipsi.*"

Does one man wish to conciliate the friendship of another? he mildly accosts him in the language of Adhesiveness, and thus excites a kindred organ. And when the lover strives to propitiate his mistress and gain her favours, he approaches and addresses her in the soft language and winning manner of the as-

sociated organs of Amativeness and Adhesiveness. This is the philosophy of what the poets denominate the sympathy of souls; the condition of an organ naturally and forcibly expressed, by looks, words, or actions, or by all of them, in one person, producing a similar condition of the same organ in another.

In further illustration of our principle, let us suppose a lover to address his mistress in the language and manner of Combaticiveness, or an individual, intent on gaining the confidence of another, to approach him with a naked dagger, and the menace of Destructiveness. Would either succeed in his meditated object? We know he would not. On the contrary, the former would render himself an object of resentment and dislike, and the latter would become the subject of a reciprocated assault, and perhaps of a mortal injury. In phrenological terms, each would be met and answered by the organ corresponding to that whose language and manner he had mistakenly assumed.

Nor does this rule apply less forcibly to the moral organs, than to those of the other compartments of the brain. The very aspect of an educated individual with a large development of morality and reflection, his forehead elevated and broad, and the top of his head lofty and well arched, accompanied by the impressive and commanding air and manner that never fail to attend them, exerts over beholders a moral influence. Vice and impiety shrink from his approach, and no profane or unbecoming language is heard, nor vulgar indecencies practised in his presence. Is he in the pulpit? It is under his influence, in particular, that "those who came to scoff, remain to pray." Wherever he is, even wild riot and bacchanalian uproar are settled and silenced, by the mild but imposing authority of his appearance. These are the attributes which rendered so indescribably attractive and overawing the aspect, air, and manner of Washington.

This effect of piety and morality, manifested in the exterior and deportment of an individual, is no less correctly than beautifully depicted by Virgil, in his illustration of the authority of Neptune, in quelling the fury of the ministers of Æolus, who had disturbed his empire, by a violent tempest. The passage, which is perfectly phrenological, is as follows:—

"Ac veluti magno in populo cum sæpe coorta est
Seditio, sævitque animis ignobile vulgus;
Jamque faces et saxa volant; furor arma ministrat;
Tum *pietate* gravem ac meritis si forte virum quem
Conspexere, silent, arrectisque auribus adstant;
Ille regit dictis animos, et pectora mulcet."

“ As when in tumults rise the ignoble crowd,
 Mad are their motions, and their tongues are loud ;
 And stones and brands in rattling volleys fly,
 And all the rustic arms that fury can supply ;
 If then some *grave* and *pious* man appear,
 They hush their noise, and lend a listening ear ;
 He soothes with sober words their angry mood,
 And quenches their innate desire of blood.”

DRYDEN.

Whether we have regard to its poetical beauties, its graphical delineation, or its philosophical truth, there is scarcely to be found, in any production, whether ancient or modern, a picture superior in merit to this.

Let the instructors in penitentiaries, then, be fully developed in the moral and reflecting organs of the brain. Their organs of Benevolence, Veneration, Conscientiousness, and Hope, will so express themselves, by appearance, manner, and words, as to awaken, in the convicts, the requisite action in the same organs. By their very language and general expression, independently of the sentiments inculcated, Benevolence soothes and conciliates, Conscientiousness solemnizes, Hope cheers with inviting prospects, in case of reformation, Wonder gives sanctity and force to inculcations of a belief in the existence of superior beings, while Veneration elevates and directs the soul toward its God.* In the expression and eloquence of the latter organ, in particular, when highly excited, there is a sublimity of fervour and force, which melts down and subdues even obduracy itself. Nothing canting, boisterous, menacing, or loud ; but a depth and solemn majesty of under-one, united to a glowing upward look, and an adoring attitude which nothing but the consummation of far-gone depravity can resist. The speaker does not merely recite ; he, at once, looks and acts the character he personates ; and we all know how important that is to deep effect, as well in the pulpit, as on the stage.

How different is this, both in appearance and result, from that miserable substitute for religious and moral teaching ; that revolting caricature of piety, whining, coarse, obstreperous, and denouncing, which so often assails us in places of worship ; and which has its source as exclusively in the animal organs, as the uproar of the bacchanalian, the shout of battle, or the howling of wolves ? This indecent storminess of instruction affects alone the animal compartment of the brain, because, as just stated, it is itself grossly animal ; and we venture to assert, that

* A large development of the organ of Wonder or Marvellousness heightens not a little the tone of Veneration, and gives it more decidedly a heavenward direction.

no teacher or minister ever practised it, who was himself largely developed in his moral and reflecting compartments; we mean, in whom those compartments fairly predominated, and gave character to the individual. On the truth of this we would be willing to peril the fate of Phrenology. It is a cast of pulpit-pugilists alone, with heads of the true ruffian mould, or nearly approaching it, that deal in nothing but discourses of terror; who, in sermonizing, or otherwise teaching, exercise their Combative and Destructive faculties, to drive their flocks into the pale of *their* religion, precisely as they would employ a whip or a goad, to drive sheep into a fold, or black cattle into their stalls. Terror is their chief if not their only instrument of reform; and a worse can scarcely be imagined. Their appeal is to Cautiousness, the organ of the craven passion of fear, whose influence never infused morality or religion into any one, and never can. Their plea of conversion and worship is not gratitude for existence and all its enjoyments, nor yet the love of moral purity and holiness, but the dread of punishment. They would frighten sinners into Heaven, as a mere refuge from a place of torment.

From teaching like this, which is the growth of the more degraded propensities of man, the convicts of a prison should be carefully protected. Whatever seemingly useful effect it may produce on them, is, to say the least of it, transitory and deceptive. Nor is this all. It unfits the mind for rational improvement, and true reformation. No man, then, whose head inclines strongly to the ruffian form, should ever be employed as an instructor of convicts. For his labours to prove successful would seem impossible.

We cannot forbear expressing our sincere regret, that any individual, of such developments, should ever assume the office of a public teacher of morality and religion. The pulpit is not his proper sphere. Such is the incongruity of his aspect and demeanour with that sacred spot, that, when he is in it, the appearance presented is scarcely short of caricature. He resembles the mock-hero of farce, whose office is to "split the ears of the groundlings," and make the "million laugh." He does not "look his character" and cannot, therefore act in it with impressive and permanent effect. He is a baboon in regimentals, or Bruin disfigured by a band and surplice. In fact, his teaching, like his looks, has "no relish of salvation in it." Hence his ministry is fruitless, and perhaps we might add, profane and injurious.

To show that our views, on this subject, are not singular, but comport with long standing and high authority, we refer to the heads of the Messiah, his beloved disciple, and Judas Isca-

riot, as delineated by Raphael, Michael Angelo, and others. In the two former, but more especially in the first of them, we find, united to large reflecting organs, the most finished specimen of moral development, that has ever been witnessed; while, in the head of him who betrayed his master, there is nothing but the development of the animal and the ruffian. The wonder is, that a being, with such a brain, should ever have been trusted, or admitted, for a moment, into fellowship with the pious.

Will it be objected, that these are fancy-heads, and not real likenesses of the personages designated? We answer, it matters not. Were the forms of the heads proved to be fictitious, the the phrenological argument derived from them would lose none of its force. The developments of the Messiah and the disciple whom he loved, would still be expressive of morality and piety, and that of Judas of incurable depravity.

Fancy-painting, like statuary, poetry, and all moral fiction, must be true to life. If otherwise, it is worthless, and has no reputation. Supposing the painters, then, to have cast the moulds of the heads in their own imaginations, those moulds were but copies of nature. Had they not learnt, in the school of observation, that a lofty and expanded forehead, and an elevated and finely arched head, are indicative of reflection, morality, and piety, and the reverse of falsehood, treachery, and vice, they would not have represented the former attributes of figure as characteristic of beings consummate in excellence, and the latter of one matchless in guilt. Had those painters bestowed on the head of the Messiah the same form, which they have given to that of Judas, high as their reputation was, a blunder so gross and unnatural would have ruined it. In the fanatical age in which they lived, the act would have been probably construed into impiety, and might have brought them to the stake. We mean no irreverence in adding, because we feel none, but the reverse, that had the Messiah presented such developments, as those conferred on the apostolic traitor, his sermon on the Mount, as well as his other teachings, would have been less impressive than they were. It would not have been so likely to have been declared of him, that he "spake as never man spake." There is no doubt, that that criticism related to his manner, no less than his matter; and that it was alike true of both. There was in the discourse as much of the eloquence of piety and morality, as of the spirit and precepts.

That the experiment of moral instruction may be, in every instance, fair and satisfactory, convicts should be sentenced to a period of imprisonment and discipline proportioned, not alone

to the enormity of any single crime, but to their developments, and age both in years and vice, and to the greater or less depravity of their habits. The sentence should be accommodated, as far as possible, to the time requisite for the criminal's reformation.

Is he young both in years and felony, and are his developments promising? his term of discipline may be the shorter, although the crime he has committed is of a serious character. But if more advanced in life, of worse developments, and more practised in guilt, his time of imprisonment should be longer, even under an offence of less magnitude. Nor ought distinctions to terminate here. Were two youths or adults convicted of crimes precisely alike, or even as accomplices in the same crime, one of better, the other of much worse developments, the latter should be sentenced to the longest discipline.

It ought never, however, to be forgotten, that very short terms of training, even in the cases of the youngest culprits, and for slight offences, are rarely productive of permanent good. A boy must have habits of vice, or at least such as lean very strongly toward it, of some continuance, before, by the commission of actual crime, he renders himself amenable to penal law. Effectually and permanently, therefore, to change such habits is the work of time.

As relates to the offences of youth, we apprehend that the law is defective. For a petty crime the discipline is so short, that it amounts to neither reformation nor punishment. It rather encourages the culprit to persevere in felony, than deters him from it.* Thus does he become ultimately habituated to crime. Hence it has been found, by experience, in some of the houses of correction, in Scotland, and elsewhere, that boys imprisoned a few weeks only, for lighter crimes, have become more frequently confirmed malefactors, and suffered death or transportation, than those, who, on account of deeper guilt, have been sentenced to protracted terms of reform. Of this the cause is sufficiently palpable. In the latter cases there was time allowed for thorough reformation; while, in the former, the period of confinement was too brief. The rule of reason and conscience certainly is, never to let the culprit loose on society, until he has manifested the most satisfactory evidences of reform. This

* Hence the importance of establishing, for the reformation of juvenile offenders, houses of correction, on fair principles, and under competent government. The result of such establishments, if judiciously conducted, cannot fail to be incalculably beneficial. It will prove one of the most efficient preventives of crime that has ever been devised. The reason is, that it will be in perfect harmony with the principles of human nature.

rule should be observed in relation to young criminals as well as old, and whether the offence is petty or otherwise.

If our codes of penal law do not give to those who execute them a power to this effect, they ought to be amended. The effort to reform should be judiciously accommodated, both in manner and the period of its continuance, to the character of the convict. Any thing short of this is legislative empiricism. To attempt to reform all criminals by the same kind and continuance of process, is as arrant quackery, as the attempt to cure all diseases by the same remedy.

There are differences as numerous and striking in moral as in physical constitutions and temperaments. Perhaps they are much more numerous. By those, then, who would operate on them skilfully and successfully, they must be alike studied and understood, that the means employed may be accommodated to their peculiarities. If this be not done, no useful result can ever be attained in the treatment of either physical or moral derangements. It need scarcely be added, that a system of discipline embracing this principle, would be subject to perpetual mal-administration and abuse, unless conducted with real ability and undeviating faithfulness and attention. It should, therefore, be entrusted only to such men as possess wisdom and philanthropy, energy, perseverance, a degree of vigilance and penetration that no secrecy can escape, and a resolution and firmness that no difficulties can subdue. Nor are these the only high qualities which the governors and teachers in Penitentiaries should possess. They should be men endued with the spirit, and marked with the air of authority and command, fearless of danger, undismayed by rebellion, and personally bold and active in suppressing it. Under such directors alone can any system for the reformation of criminals prove successful; for unless suitably administered, a mere form of government, however excellent, is a nullity.

We are told that a recommendation is abroad to shorten the periods of penitentiary discipline, with a view to reduce the number of convicts confined at the same time.

This is a mistaken policy. Its adoption, should it take effect, will prove it so. Instead of diminishing the number of convicts confined at once, it will eventually increase it. The only effectual mode to lessen their number is to reform them, or put them to death. To shorten the terms of their discipline will do neither. But it will certainly lessen the probability of their reformation.

We repeat, that the period of training should be proportioned to the difficulty of reform. Its requisite duration, therefore, can be determined only by experiment, under the management of

suitable directors. As rationally might an attempt be made to determine, by statute, the term for healing a physical as a moral malady. As heretofore intimated, reason would seem to dictate, that there be entrusted to a competent board, a discretionary power to prolong or shorten the period of training, according to the progress of the convict in reformation.

It is not our purpose to treat of the details of a system of penitentiary discipline. A minute consideration of the subject would involve an inadmissible protraction of this article. We deem it necessary, however, to offer, in relation to it, a few further remarks.

Convicts, although deeply depraved, are notwithstanding men, and should be dealt with on the principles of human nature. Unless for the soundest of reasons, and from motives the most imperative, nothing should be either done or said to them, to degrade them further in their own estimation, or in the opinion of others. Our feelings as men, united to our knowledge of the human character, testify to the correctness of this sentiment, and teach us the reason of it. A consciousness of degradation is an incubus on the spirit, repressing all elevation of thought and generosity of desire, and thus extinguishing in the culprit even a wish to reform. Repeating to him perpetually, in its petrifying accents, that the effort is useless, it renders him reckless, and teaches him despair. It is for this reason, added to the resentment and hatred it engenders, that, where reform is the object, corporeal punishment is the most hopeless discipline.

To secure the confidence, and conciliate the attachment of the offenders, should be a leading object with the teachers and governors. But this they can never effect by threatening, vituperative or contemptuous words, or the employment of the lash. To express ourselves again in phrenological terms, if they wish to excite in the prisoners the organ of Adhesiveness, and influence them by it, they must address them in its mild language, and manifest toward them the deportment it produces. By this course they can scarcely fail to get such a hold of their affections, and gain such an ascendancy over them, as may be rendered peculiarly operative in their amendment. The fallen convict, who cannot be raised and moulded into something better, by the benevolent and judicious efforts of a teacher or governor, to whom he is attached, and whom he perceives to be earnestly labouring for his good, is degraded below not only the hope, but the deserving of reform. He is a moral leper beyond even the possibility of cure. His soul is indissolubly wedded to vice, and his confinement should be for life.

On convicts, as on other men, the requisite knowledge, to-

gether with moral and religious instruction, should be inculcated by books, conversation, admonition, exhortation, and example. This training, made to alternate with suitable labour, should be, at first, private. But those in whom satisfactory evidences of amendment have appeared, may, as a reward for good conduct, and a means of further reformation, be afterwards assembled occasionally in a suitable apartment provided for the purpose, and there receive instruction together.

In this way, if their amendment be genuine, their examples will be mutually and highly beneficial. This living and human association, contrasted with dead and lonely walls, will once more awaken and cherish human feelings, recall something of the long forgotten pleasures of existence, and confirm in the penitents the resolutions which they may have already formed, to render themselves worthy to live in communion and harmony with their race.

If it is essential to the successful inculcation of moral and religious instruction, that it be rendered acceptable to those who receive it, the same is true of habits of industry. Such habits, however essential as compounds of reform, can never be rendered permanent, by means that are justly offensive to the convicts. And every measure is justly offensive, that is either unnatural, or unnecessarily severe.

The youthful adult, and even the man in years, look back, with shuddering and abhorrence, on wanton severities which had been practised on their childhood, and execrate the names of those who perpetrated them. Nor will the criminal fail to remember, with similar emotions, the cruelties inflicted on him within the walls of a prison. And with the cruelties themselves he will associate the ends they were intended to produce, and regard them as objects of well-founded hatred. Thus will his aversion from industry be confirmed. Such is human nature, and such the motives which influence and the laws which govern it.

The reason why burdensome and offensive tasks, enforced by severities, and other kinds of ill treatment, never contribute, either to the reformation of criminals, or the improvement of any one, is obvious. Harsh and galling discipline, of every description, is essentially the product of the animal organs. It is inflicted particularly by Combativeness and Destructiveness. And those who enforce it seldom fail to accompany it with the severe and offensive expression and manner of these organs. Indeed in no other way can they accomplish their object. But, as heretofore mentioned, it is a principle of our nature, that whatever organs we openly exercise in our deportment toward

others, excite into similar action the corresponding organs in them.

In convicts, then, who are compelled to labour in employments that are disagreeable to them, to perform tasks that are excessive and burdensome, or who are subjected, by their keepers, to any other indignities or wanton severities, the animal compartment of their brain, especially the organs of Combativeness and Destructiveness, are kept in a state of habitual excitement. The perpetual resentment of such criminals, and their deep desire of vengeance on their task-masters and tormentors, engross their thoughts, absorb the better feelings of their nature, and paralyze or cancel even the wish to reform. But we need scarcely add, that from such a state of excitement no improvement either in morals or industry can result. On the contrary, the effect, in relation to both, must be unfavourable.

On the subject of the diet of convicts, as an engine of reform, we have been hitherto silent. Yet we do not deem it unimportant. Feeding is a process exclusively animal, and contributes, in no degree, either to purify or strengthen our moral feelings in the abstract. But there exists not a doubt, that the quantity as well as the quality of food has a palpable influence on the animal propensities. Simple and moderate fare weakens, while a full and stimulating diet invigorates them. An attempt to prove this would be superfluous. It is already a maxim in morals, as well as in physiology. A conviction of its truth is the result no less of observation, than of personal experience. Our animal temperament, then, is strengthened, and our moral comparatively weakened, by luxurious living. From this, as respects convicts, the inference is plain. Let their fare be as simple as possible, consisting chiefly of vegetables, and barely sufficient in quantity to preserve health, and the amount of strength requisite for labour. Any thing beyond this will prove injurious, by retarding reform.

A temporary but severe reduction of aliment, for any breach of prison-rules, is one of the best modes of correction. Instead of exciting the angry and vindictive passions, like the infliction of stripes, it subdues them. It produces positive, not counterfeit submission. This may be readily proved in the case of our domestic animals. A vicious and refractory horse tolerates the harness and submits to the rein, much more readily under a spare, than under a full and pampering diet. On the same ground will a disorderly convict yield obedience. His animal propensities will be tamed and regulated, by withholding that which contributes to inflame them.

Such are the sentiments, which, in the character of phrenologists, we have ventured to express on penitentiary discipline. We confidently trust that an enlightened and liberal public will not reject them, as visionary and useless, merely on account of the science with which they are connected. All we ask, in their behalf, is a severe but candid examination. Let that be the test of their value, and the arbiter of their fate. If we are not mistaken they are in fair accordance with the intellectual constitution of man, and will be found to be the elements of a better school of discipline in morality and industrious habits, than has been heretofore established in the penitentiaries of our country. As the elucidation and defence of general principles has been our chief object, in the composition of this article, it is not, we repeat, our purpose to enter into the details of either the organization or administration of such an institution. That business will be more fitly referred to the wisdom and experience of those who are practically versed in it. In the meantime, a few further remarks in illustration and proof of the truths of Phrenology, will not, we trust, be deemed inadmissible.

We assert that, without perhaps being himself conscious of it, every man of sound observation is instinctively a phrenologist. He judges of the intellects and characters of individuals, at first sight, by the forms and dimensions of their heads. That this is true, as respects striking heads, admits of demonstration. And if it is true of any, it is, to a certain extent, true of all.

The idiot head, the ruffian head, and the head of elevated morality and reflection can be mistaken by no one of common discernment. Even children notice them, and are sensible of their indications. Nor is there the least difficulty in distinguishing and interpreting heads of midway intermediate grades. Even of those that more nearly approach each other, in size and figure, the difference, although less obvious, is still perceptible; to the acute and practised observer very palpably so. We venture to assert, that these principles influence man, in many of his most important transactions.

No enlightened and virtuous ruler, whether he be emperor, king, prince, or president, ever selects, as a privy counsellor, a chief justice, a minister of state, a foreign ambassador, or the chief of any important department, a man who wears a ruffian head. In proof of this, reference is fearlessly made to all high and confidential officers, of this description, whose developments are known to us. It will be found, on examination, that the tops of their heads were lofty and well arched, and their foreheads elevated and broad. It is known that Washington was

one of the most accurate judges of men. He was rarely, if ever, mistaken in his opinion of characters, or unfortunate in his appointments to office. And he selected, for his cabinet, and other stations, where distinguished wisdom and virtue were required, some of the best moulded heads of the nation. The head of Hamilton was a finished model of development, in the moral and reflecting compartments of the brain. So was that of the Duke of Sully, the favourite counsellor of Henry IV., and perhaps the most virtuous and enlightened minister that ever directed the affairs of France. But to specify, on this subject, would be an endless and perhaps an envious task. We repeat, therefore, that, as far as facts are known, great and good rulers never fail to place in stations of high trust, men whose moral and reflecting compartments are full.

On the contrary, when a crafty and sanguinary tyrant resolves on the assassination of those who are obnoxious to him, he places the dagger in the hand of one, whose head is of the genuine ruffian form. Of this cast are the heads of those who minister to the vengeance of such dealers in blood as Nero, Domitian, and Richard of England.

All public executioners by profession have ruffian heads. The man of high moral and reflecting developments never accepts such a revolting office. He turns instinctively from the sight of agony and blood, which are attractive only to the organ of Destructiveness.

The ruffian form of head belongs also to habitually mutinous soldiers and sailors, and to all those who lead conspiracies concerted for purposes of rapine and murder.

An enlightened traveller loaded with wealth, about to commence a long journey through an uninhabited country infested by robbers, wishes to engage a few companions, with whom he may be familiar, and in whom he can confide. A number of strangers present themselves, alike in size, and muscular strength and activity; but some of them possess large ruffian, and the others fine moral and reflecting developments. Instinctively, and without a pause, the traveller selects the latter as his associates. The former, no correct judge of human nature will ever choose as counsellors in difficulties, or as confidential friends.

There never yet existed, and, under the present constitution of things, there never can exist, a minister of the gospel morally and piously eloquent and impressive in the highest degree, without a fine moral development. It is such development alone that can give him that rich and fervid morality and devotion of conception and feeling, without which the eloquence of the pulpit is cold and barren.

A preacher with a ruffian development may have what the *world* calls eloquence; but it is spurious and unproductive. He may rant and rave, alarm, touch, and even draw tears; but all is animal, and comparatively gross. He can never awaken, and excite, to the highest pitch, sentiments of pure morality and vital piety. He can never produce that opulent, engrossing, and sublime devotion, which imparts to the subjects of it a lively antepast of the enjoyments of a higher and holier state of existence. Nor is any one susceptible of feelings so exalted and unearthly, unless his moral development is good. As well might it be expected of him to see and hear, with inordinate keenness, without any excellency of eye and ear.

The eloquence of every public speaker, then, must correspond with his developments. So true is this, that a disciplined phrenologist, who is at the same time a man of literary taste, can tell, and has told the cerebral character of an orator, whom he had never seen, and whose head he had never heard described, from reading his discourses. The developments of the celebrated Dr. Chalmers were thus indicated, by a phrenologist to whom he was an entire stranger.

The eloquence of the aborigines of our country, on which such extravagant eulogies have been bestowed, is the growth almost exclusively of the animal and knowing compartments of the brain; the former of which those sons of the forest have in very large, and the latter in sufficiently full development. To the moral and reflecting compartments, in which the Indians are strikingly deficient, it has but little affinity. To this even the boasted speech of Logan is no exception.

Of all savage eloquence the same is true. Animal and fierce, in its nature, it may move very deeply the animal feelings; but it never awakens moral sentiment, nor exercises intensely the organs of reflection.

Phrenology is as applicable to the inferior animals, as it is to man, and derives from thence abundant evidence confirmatory of its truth. Wherever we direct our view, we find ruffianism and nobility.

In the family of the dog kind, the cur and the lurcher belong to the former cast, and the mastiff and the Newfoundland dog, to the latter. Of the Cabaline race, the scrub is the ruffian, and the Arab, the hunter, and the war-horse, animals of generous and noble qualities. And the difference of cerebral development and mental attributes that marks the specified varieties in these two races of quadrupeds, resembles very closely that which exists between the human ruffian and the man of native morality.

Let it not be imagined that our condemnation of severities in

penitentiary discipline arises from motives of sickly sensibility, either real or affected. We neither possess nor profess any manly sympathy in the sufferings of convicts. We have spoken, on the subject, not from excited feeling, but deliberate judgment.

Convicts of every description, but more especially those whose guilt is deep, deserve severe treatment, could the chief end of their punishment be promoted by it. But, for the reasons already stated, we are persuaded it cannot.

Our sympathies, therefore, are for the innocent, not the guilty; for the community, not the condemned. To protect the latter from aggression and wrong, we would protect the former from all treatment, which, however justly inflicted, might prevent their reformation. Could severity reform, and had we the power to direct it, the measure of it dispensed should be sufficiently full. We would avoid cruelty, but execute justice with an unsparing hand. Even the life of the culprit should expiate his guilt, could the public weal be promoted by the sacrifice. This remark opens to us the subject of punishment by death, to which we have heretofore but casually adverted. A few further thoughts on it shall close this paper, which has been already protracted far beyond its intended limits.

We well know that in various parts of the United States, but perhaps more especially in the state of Pennsylvania, the tide of public feeling is setting very strongly against capital punishment. Its legitimacy, or rather the authority and right of the political body to inflict it, is questioned by many, and denied by not a few. As far as we have looked into the controversy, it appears to us that the opposers of the lawfulness of punishment by death, rely, for evidence to support their opinions, chiefly, if not entirely, on their interpretation of the Old and New Testaments; at least on some tenet or sentiment of religion. If they have attempted seriously to sustain themselves, on any other grounds, their writings to that effect have escaped our notice. Their objection, therefore, seems to be founded exclusively in their religious creed.

It is not our intention to analyze very critically this objection, nor to attempt, with any earnestness, either to refute or confirm it. We cannot perceive in it any marked pertinency to the point at issue. We are greatly mistaken if it is not much more the result of individual feeling, than of sound judgment or enlightened wisdom. On this, as on other subjects, men think according to personal temperament, and early education.

The question, as to the right of government to inflict capital punishment, is one of policy and natural law, not of religion. Aware of this, and, as we apprehend, in recognition of it, the

Author of our religion has left behind him, on the subject, no precept, either positive or fairly implied. As far, therefore, as his teachings are concerned, the matter rests where it did before, with the wisdom of lawgivers. The christian dispensation, then, not forbidding it, it cannot be deemed an irreligious practice. Nor from the mild and benevolent tenets of christianity can any inference unfavourable to it be drawn. That benevolence is catholic in its character. Contemplating the greatest practicable amount of good, it embraces the many rather than the few; the community at large, rather than individuals. Much less can it be converted, by construction and mistaken tenderness, into a shield for the vicious and worthless, in their annoyance of the virtuous and the valuable. Such a construction would change both its nature and effects, and transform it into cruelty.

Shall we be told, that it is wrong to cut off a sinner, in the midst of his career of vice, because it deprives him of the chance of repentance, and throws a barrier in the way of his salvation? We answer, that this is a point to be considered by the culprit himself, rather than by society, which is suffering from his vices. His guilt must not be made his sanctuary. His life must not be spared, merely because it is a public evil. It must not be held sacred and inviolable, because it is not only itself sinful, but is leading others into sin. *Quod probat nimis, probat nihil.* If this argument proves any thing, it certainly proves too much. Its plain and undeniable import is, that the deeper the guilt, the more carefully should the life of the guilty be preserved, lest, by his death, his soul might be lost. We might even retort on our antagonists and say, that the longer the guilty perseveres in his guilt, the more signal will be his future punishment. Shorten his life, therefore, to mitigate his torments. To say the least, perseverance and inveteracy in sin, afford a bad prospect of repentance and salvation.

If we refer to the theocracy of the Jews, the Deity himself being the immediate lawgiver, the question assumes a very different aspect. Under that dispensation, capital punishment for several crimes was not only permitted, but expressly enjoined by Divine authority. And whatever might have been their source, the Jewish laws, for the government of the community, were as much a system of civil policy, as the laws of our own, or of any other country. Supposing them of divine origin, they were necessarily correct in all points, accommodated to the nature and relations of man, and conferred on the body politic no right over the individual, which was not both just and merciful in itself, and salutary in its effects. To contend in opposition to this, is to pay but little respect to the authority of Heaven.

But the system of christianity has not altered the nature of things. Justice and right are immutable; the same now that they were in the beginning. What was just and right at the foot of Mount Sinai, is equally so in the United States. If it was correct, in the Jewish community, to take away the life of a high malefactor, it is equally correct, in our own community. Christianity has abolished only things that were local and temporary, not universal and permanent; mere ceremonials, not essentials. It has not altered either the nature of man, or the principles that bind civil society together, and by the influence of which alone it can maintain its existence. It has abrogated nothing of the pre-established order and fitness of things. We repeat, that what was right under the Jewish dispensation, is right under the christian, unless rendered otherwise, by a positive prohibition.

We contend, then, that, provided wisdom and sound policy sanction the act; in other words, provided the measure be deemed, by those appointed to decide on it, best calculated to protect society, and promote the public good, government has a right to inflict on high offenders the punishment of death. This right is not only consistent with the laws of nature; it is one of them.

A civil community, considered as a body, is analogous to an individual, and has the same privileges. But to the individual the privilege of self-defence, adapted to circumstances, will not be denied. Feeling and reason alike sanction it, and neither the letter nor spirit of christianity forbids it. To preserve his own life, or that of his friend, a man may take away the life of a felonious enemy. So may he that of a robber, who is entering his house at night, with a view to pillage it by force, and then set fire to it. A female has a right to defend her honour, by the death of him who is about to violate it. To these positions nothing, we think, but sophistry can be opposed. Provided any means, more suitable and advantageous than the death of the culprit, can be devised to prevent the meditated mischief, they ought certainly to be adopted. But we are vindicating right, not contending for expedience or policy.

Between the civil community and him who would subvert its highest interests, if not destroy its very existence, the same rights and relations subsist. Society must protect itself by such means as comport best with its interests and necessities. Provided it can do this in no other way, it is fully justified in taking away the life of the offender. To deny this is to deprive the community of the shield of natural law. It is to lay bare to the dagger of the assassin the bosom of the innocent, to leave

female honour often unprotected, and to suffer the robber to riot on the fruits of ruined industry. It is, in fact, to permit guilt to triumph, by allowing the unsuspecting and the virtuous to become the dupes and victims of the designing and the wicked.

As it seems undeniable, then, that society possesses the right to exact of criminals the penalty of death, the matter resolves itself into a question of policy, and it belongs to lawgivers to decide between it and other forms of punishment. We shall only add the palpable truth, that, in every state and condition of society, the same kind of penal policy cannot be equally wise and salutary. Without capital punishment, it is doubtful, perhaps, whether certain communities could maintain their existence, while in others, a different form of correction may be generally preferable. In this, as in all other human affairs, adaptation to circumstances is the dictate of wisdom, and can be attained only as the fruit of experience.

THE END.