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THE SCIENTIFIC TREATMENT OF CRIMINALS.

The Tribune is alarmed at the logical consequences of the mechanical theory of life, seeing in them not only the downtall of theological dogmas, but the subversion of our entire criminal jurisprudence. If we are to push to ultimate conclusions the theory that the acts of the lower animals are purely automatic, it argues, we shall be confronted immediately by the extension of that theory, demanded by the similar anatomy of man. This point yielded, we are brought face to face with the problem presented in the case of the wounded French soldier, who is scrupulously honest when the sound part of his brain is acting, but, when under the in fluence of its impaired portion, is an inveterate thief.

For example: "A prisoner, brought before a court of justice for assault, might admit that he struck the blow, but allege that the act was simply [the mechanical effect of] a piece of 'unconscious cerebration.' An insult from the man he struck called forth the blow in return, by reflex nervous action. His will bore no more part in the matter than would the winking of his eyelids if something suddenly approached his eyes. Certainly," concludes the Tribune, "no court would at present accept such a plea; but is it utterly at va riance with scientific teachings?

The Tribune apparently sees in this a fatal objection to the automatic theory. Perhaps it may be rather a fatal objection to the present constitution of the court—a proof that the current theory of criminal jurisprudence is altogether wrong.

Suppose the plea of the hypothetical prisoner to be admitted: nay, further, let the prisoner assert that the assault was due to conscious cerebration—in other words, that he knew precisely what he was doing and why he did it. Let his plea be that, owing to the structure of his physical and mental machinery, the alleged insult was a sufficient cause—an irresistible cause, if you will-of the muscular action in which the assault culminated: in other human machines the effect might be different; but for him he could not do otherwise, and he ought not to be punished for what he could not help.

Suppose, we say, that such a plea is accepted as cogent. Would the foundation of justice be undermined, and the stability of the social order destroyed? The Tribune would undoubtedly reply with an emphatic affirmative. A thoroughgoing scientist might claim, on the contrary, that, until such a plea can be accepted as valid, a rational judicial system is impossible; that, not until criminals are recognized as badly working, yet not wholly useless, machines, will it be possible to treat them with impartial and passionless justice, rendering justice at the same time to the well behaved.

Our present manner—we cannot call it method—of dealing with offenders against the commonwealth is an irregular inheritance of vengeance, intimidation, sentimentality, superstition, brutality, and party politics. Feeling for or against the criminal marks every stage of our treatment of him, We execrate him and pray over him. We shut him up in an unwholesome cell and give him a Bible. We drag him to the

sponsible for the conditions of his birth and education, the structure of his body, and the constitution of his mind. He is born a thief and a liar, and is alone held to blame for it. His judgment is weak and his passions strong; his mind is uncultured and his tastes depraved by vicious surroundings in infancy and youth; yet we pursue his perverted course as vindictively as if he were free to choose the right at every stage of his career. We imagine that to punish him will satisfy the fetich called law and justice, will prevent others from doing the same things, and possibly, by some miracle, may make a different and better creature of him. That our criminal proceedings accomplish none of these things effec tually is only too apparent; and they add to this failure the fault of being grievously burdensome to the well doing. For our part, we see no path out of this tangle of contradiction and injustice so clear as that opened up by the mechanical theory of human action.

From this point of view, the plea of our imaginary criminal would be respectfully heard. Then the judge might say: "The court is sorry that your organism is so viciously constructed, since it therefore becomes necessary for the community, in self-defense, to take it in charge. Have you ever learned a trade?"

The prisoner replies in the negative, and the judge coatinues: "That is to be regretted, since it makes it the harder for you to square your account with society. You will proced to the public works, to perform such labor there as you may be found competent to do, under such restrictions as may be needful in your case. The man you struck has lost, in consequence, three days' time, for which we allow him so many dollars. The fee of the officer who took you into custody is so much. The cost of this court, so much. The expense of your keeping while under arrest has been deducted from your daily earnings. Your indebtedness to society is therefore so many dollars. This will be paid from the amount you may be able to earn at hard labor, after paying therefrom the cost of your keeping and what may be required for the support of those dependent upon you. This done, you will be set at liberty at such time as, by your conduct, you shall have demonstrated that your mental and physical machinery is in trusty working order. May your cure be speedy and effectual!"

But, it may be objected, all crimes are not of this simple character; the robber, the incendiary,or the murderer deserves punishment, while a lifetime of hard labor may be inadequate to make good the damage he has done.

Shall we therefore throw away all the possibilities of profit which his organism involves? Because a locomotive jumps the track and wrecks a train or kills a passenger, do we add to the loss by smashing the engine? There may be states of society in which the most profitable way to deal with disturbers of the peace is to kill them in the most summary manner; but in a working community, where every man's strength is needed, such a course is the reverse of economical.

The murderer is simply a bit of mechanism, not sufficiently well adjusted to be self-regulating. Left to itself, it works mischief; but, under proper supervision, it can do much that: needs to be done. It is sheer folly to destroy it or lock it away to rust in idleness.

As for the deterring effect of the treatment of criminals upon those approaching criminality, we should certainly trust to the resistless, passionless logic of the scheme we have suggested, quite as much as to the uncertain and illogical disposition we now make of them. Impress the evil minded with the fact that it is easier and pleasanter to earn an honest living out of prison than in it: in other words, that crime does not pay, and will not pay them, and the great motive for wrong-doing will be gone. Make the criminal class self-supporting, and not only will a great burden be lifted from the shoulders of the virtuous, but crime will cease to be the refuge of the lazy.

For the reformation of criminals, there is demonstrably nothing more effectual than habits of industry, sobriety, and respect for the rights of others, which are not, but should be, the great lessons of the prison school. Further, when the prisoner is made to feel that his loss of freedom and privation of comfort are not intended as punishment, but as a social precaution, that he is regulated by others, simply because he has shown himself incompetent of self regulation, and that his return to liberty, full or partial, is conditioned solely on the payment of his obligations and the assurance they have any right to. Most emphatically does he decline of society that he is fit to be trusted with himself, the highest possible incentives will be offered for his genuine reformsociety should have in its exceptional treatment of him.

HUXLEY'S THEORY OF MAN.

There is bothing so easy as to forget. Just now half the world is discussing as a new theme the logical tendency of Professor Huxley's latest utterance, or speculating as to the grounds of his declining to accept the conclusion that man is nothing but a machine, after demonstrating that animals are simply conscious automata and admitting that the view thus taken of the relations between the physical and mental faculties of brutes applies in its fullness and entirety to man. Yet it is but a little while since Professor Huxley went over this matter from the beginning, developing his position with a thoroughness which ought not to be forgot. ten after the fierce discussion it aroused.

The inseparable connection of matter and life is a fact of Science has no knowledge of bodiless living beings. The in-

passport to eternal bliss. From first to last, he is held re- matter was demonstrated by Professor Huxley in the celebrated "Lay Sermon" on the physical basis of life (first delivered in Edinburgh one Sunday in November, 1868) by a line of argument substantially as follows:

The four elements never absent from living matter are carbon, hydrogen, oxygen, and nitrogen. Carbon and oxygen unite in certain proportions and under certain conditions to give rise to carbonic acid; hydrogen and oxygen produce water, and ammonia is the product of nitrogen and hydrogen. These several compounds, like the elements of which they are composed, are lifeless. But when they are brought together under certain conditions, they give rise to the still more complex body called protoplasm, which exhibits the phenomena of life, and which is found to be the formal basis of all life. From the elements to protoplasm there is a series of steps in molecular complication, a series showing no dis cernible break; and there is no good reason why the language which is applicable to any one term of the series may not be applied to any of the others.

We think fit to call different kinds of matter carbon, oxygen, hydrogen, and nitrogen, and to speak of the various powers and activities of these substances as the properties of the matter of which they are composed.

When an electric spark is passed through a mixture of hydrogen and oxygen in certain quantities, the elements disappear, and a quantity of water, equal in weight to the sum of their weights, is found in their place. There is not the slightest parity between the passive and active powers of water, and those of the hydrogen and oxygen which have given rise to it. Nevertheless, we call the phenomena exhibited by water the properties of water, and do not hesitate to believe that in some way or other they result from the properties of its component elements. We do not assume that something called "aquosity" enters into and takes possession of the oxide of hydrogen as soon as it is formed, to guide the aqueous particles to their place in the facets of an ice crystal, or among the leaflets of the frosty imitations of vagetable foliage which we see on our window panes in cold weather.

Is the case changed in any way when carbonic acid, water, and ammonia disappear, and in their place an equivalent weight of the matter of life makes its appearance?

What justification is there for the assumption of the existence in the living matter of something which has no representative or correlation in the not living matter which gave rise to it? What better philosophical status has "vitality" than "aquosity"?

Further, if the phenomena exhibited by water are its properties, so are those presented by protoplasm, living or dead, its properties. If the properties of water may be said to result from the matter and disposition of its component molecules, there is no intelligible ground for refusing to say that the properties of protoplasm result, from the nature and disposition of its molecules.

But having shown in another connection that protoplasm is the common basis of life, Professor Huxley sees no logical halting place between the admission that the properties of protoplasm are the result of the nature of the matter of which it is composed, and the concession that the highest manifestations of life are equally the expression of molecular changes. "As surely as every future grows out of past and present, so will the physiology of the future gradually extend the realm of matter until it is coextensive with know ledge, with feeling, with action." With equal confidence he predicts that we shall sooner or later, arrive at the mechanical equivalent of that most metaphysical of phenomena, consciousness, just as we have arrived at the mechanical equivalent of heat.

Does this land him in materialism? He avers not, and takes pains to say that he reprobates the fundamental doctrines of materialism as he does the most baseless of theological dogmas, believing, with Hume, that they, like the fundamental doctrines of spiritualism and most other "isms," lie outside the limits of philosophical inquiry. The materialistic aspect of these matters has had an immense and a most beneficial influence upon physiology and psychology. And he shows, in the discussion of the philosophy of Dascartes, that he is prepared to go with the materialists to the extent of holding that the human body, like all living bodies. is a machine, all the operations of which will some time be explained on physical principles; but when they declare that man is nothing but a machine, they go farther than he thinks to follow them in the assertion that the Universe is nothing but matter, and force, and necessary laws. Here he sides tion, which, fixt to its own protection, is the chief object with the idealists, considering "matter" and "force" to be, so far as we know, mere names for certain forms of consciousness. "If I say that impenetrability is a property of matter, all that I can really mean is that the consciousness I call extension, and the consciousness I call resistance, constantly accompany each other. Why and how they are thus related is a mystery. And if I say that thought is a property of matter, all that I can mean is that, actually or possibly, the consciousness of extension and that of resistance accompany all other sorts of consciousness. But as in the former case, why they are thus associated is an insoluble mystery.'

In all this no account is taken of what by many is deemed the essential factor of humanity—the soul.

While Professor Huxley evidently frames his definition of man so as to leave room for the introduction of this hypothetical element, if any one feels so disposed, it is clear that he regards its existence and influence somewhat as questions every day experience. Whatever the spiritualists may claim, of "lunar politics"—questions which neither he nor any one else has any means of determining, and in the discussion of gallows between two clergymen and dispatch him with a separable connection of life and a particular combination of which he has no time to waste. Seeing that matter and