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ARTICLE V.

CRIME IN THE UNITED STATES: REFORMS
DEMANDED.

BY REVEREND ALBERT H. CURRIER, D.D., OBERLIN, OHIO.

ONE naturally inquires, after reading the story of the Progress of Prison Reform in Great Britain,¹ what our success has been in this country in the same line of endeavor — whether our treatment of criminals has been wise and our efforts to repress crime have been crowned with equally good and adequate results. In view of the advanced position of this country in prison management in the early part of the last century, as the result of Howard's philanthropic work, one would think and expect that our prison system would be found among the best in the world, and that our success in the treatment of criminals and the repression of crime would appear to be second to none.

In this expectation the inquirer would be both right and wrong. We have admirable prisons and efficient methods of prison management in a considerable number of our States; but these have been associated with and hindered by serious defects in their laws and the administration of justice, so that in our practical dealing with the problem of crime, take the country as a whole, the highest wisdom has been coupled with stupendous folly. Consequently our country has not fulfilled its early promise of dealing successfully with the criminal class. Accepting as true the declaration of General R. Brinkerhoff, of Mansfield, Ohio, the former President of the Nation-

¹ See *Bibliotheca Sacra*, April, 1910, pp. 230-273.

al Prison Association, and, by reason of his long study and extensive investigations of the problem of crime, one of the highest authorities upon the subject, the United States has yet a long way to go before she comes up to England in her endeavors to check the prevalence of crime. "During the first half of the nineteenth century," says General Brinkerhoff, "the United States was in advance of all other nations in prison management. Since then we have fallen behind, and other nations, having adopted all that was best in our methods and system, have added large improvements of their own."¹ While in Great Britain there has been a great and steady decrease—nearly one-half—within the last fifty years, in the number of criminals (for reasons given in my previous article), though her population has increased fifty per cent in this period, in the United States there has been during this time a vast and appalling increase at a ratio exceeding that of the population. As evidence of this, we present a few facts. In 1860, the inmates of our state prisons were as 1 to 1647 of the population of the whole country; in 1870, 1 to 1171; in 1880, 1 to 855; in 1890, 1 to 760; and in 1900, 1 to 720. In view of these figures and the increase of population down to the latest census, it is safe to say that there are two and one-half times as many convicts, in proportion to population, in our prisons as half a century ago.

We lead the world in crime, and in the immunity of our criminals from punishment because of the defects in our laws. In this country, 250,000 persons whom the law never touches, Mr. H. C. Weir says,² "are engaged in the systematic pursuit of crime. . . . There are four and a half times as many murders

¹ *Encyc. Brit. (Am. Sup.)*

² *Quoted in Literary Digest, February 12, 1910, p. 267.*

for every million of our population to-day as there were twenty years ago. . . . Ten thousand persons are murdered in this country every year; and of the murderers only two in every one hundred are punished. . . . Three hundred thousand persons have taken part in lynchings in this country in the last forty years." Judge George C. Holt, of the United States District Court of New York, recently said, "The tendency to mob violence and the extent of unpunished crime which exist in this country is to-day the greatest menace to American society."¹ The thug and the thief and the highwayman operate with a boldness here unparalleled elsewhere, and these crimes are increasing in the land. In short, we have indubitable proof that in the last half-century the flood of crime has been rapidly rising; it has submerged the land more and more, so that there is less safety now for person and property than formerly. The reasons for this demand attention.

CAUSES OF CRIME.

1. *The demoralizing influence of the Civil War.* War is usually demoralizing. It familiarizes men with deeds of violence, with acts of spoliation, and with shameless robbery; and it produces a class of men who are readily drawn to the commission of lawless acts under the influence of temptation and passion.

2. *Unrestricted foreign immigration.* Among the immigrants of the last fifty years there has been a large infusion of the baser soil. The increasing tide has grown turbid from undesirable elements. A large number of paupers, criminals, anarchists, and other desperate and degraded people have

¹In a paper before the State Bar Association of Wisconsin, on June 29, 1910, at Milwaukee, afterwards published in the *Independent* (New York), August 11, 1910, as an article entitled "Unpunished Crime in the United States."

been found among them. In the reports of crime which fill the papers there is a large number of outlandish names. They do not make desirable citizens. The theory long held by our American statesmen and politicians, that our power of assimilation was so great that we were capable, by our common schools and social and civil intercourse, of converting into good citizens, and thereby promoting our national growth and strength, all sorts of people and any number of them that might come to us, has been carried rather too far — so far as to prove a delusion and a snare. To a considerable extent true, it nevertheless needed some qualification. Henry Ward Beecher correctly stated the truth about the matter when he said: "The lion may devour an ox, eat and digest a huge meal, and if the ox be sound and healthy, the lion will be stronger for it; but if the ox be diseased, the lion is made a sick lion." Our country is now such a sick lion. The immigration of recent years has given him meat that was both diseased and "tough," and this has been too much for his digestion.

The acts of restriction lately passed by the government did not come too soon. It would have been better for us if they had come earlier.

3. *The dissemination among the people of socialistic ideas of anarchistic trend.* The crowds that often hear the sand-lot and street orators' bitter arraignment of capital and its oppression of the poor, i.e. that trust companies and savings-banks and industrial corporations are all organizations to rob the poor, that accumulations of wealth and the possessions of the rich are but examples of successful robbery; that their incomes from rents, loans, and stock companies of every kind are all tainted with fraud and oppression; that property of all kinds from which income is derived should be confiscated to the state

and managed for the benefit of all; and that then every man's income should be limited to his actual earnings without regard to his ancestral inheritance or his intellectual ability—the crowds that hear these things without the ability to detect the fallacious sophistries that spoil their soundness are corrupted by them.

Such ideas are not harmless: they do not evaporate into the air and become lost to existence, like the sound of the voices that express them. Ideas are vital seed from which harvests of action and conduct spring. They produce fruit after their kind—a harvest of crime and misery, if pernicious. These socialistic ideas have been to our land like the fabled dragon's teeth from which there sprung armed men. Scarcely a year has passed in the last decade during which some of the States of our Republic have not been shaken with their strife, riot, and savage violence.

4. *Yellow journalism.* This phrase signifies the practice of those newspapers which do not limit what they publish to "the things fit to print." It describes the journalism that caters to the appetites of those who delight in feeding upon the sensational events of the day, and crave full description and all the details of the crimes and scandals and misdoings that occur. It tries to stimulate the curiosity and interest of the millions—of boys and girls, of men and women, of all classes—by its glaring headlines, its pictures, and its various representations of the things reported. The effect upon their readers is not wholesome; they suggest to them similar acts of wickedness to those described. The children imitate them in play: the boys and young men rehearse them on the streets and playgrounds, and oftentimes test the correctness and daring and adventurous excitement of the scenes enacted by actual attempts at highway robbery on the streets and railroad trains,

and at breaking into stores and dwelling-houses that invite them to burglary.

5. *Lack of industrial education and training.* In the early part of the last century almost every girl was carefully instructed and trained by her mother in the arts of domestic economy and housewifery, and almost every boy was brought up by his father to some trade, business, or profession, whereby he might earn an honest living. This was deemed so necessary that it became a proverb, that "the father who permits his son to grow up without a trade makes him a thief." It was generally thought that the richest as well as the poorest should provide his sons with this means of support. In this world of chance and change no fortune is secure. The rich of to-day may be numbered among the poor of to-morrow, and compelled to earn his bread by the labor of his hands or brain. And even if this necessity should never arise, it were well to have some good vocation in which to exercise one's powers and usefully spend one's time. It is a safeguard from rust, ennui, or temptations to corrupting wickedness. The idle rich are apt to be "undesirable citizens." "Talk of the dangerous classes," said the Seventh Earl of Shaftesbury, "the dangerous classes in England are not the people [i.e. the proletariat]. The dangerous classes are the lazy ecclesiastics, of which there are thousands in England, or the rich who do no good with their money." As the country has increased in wealth the pride and expectation of it have produced a large class of idle, incompetent people who have grown up without any trade or habits of productive, self-supporting industry. The evil has been augmented by the selfish and cruel policy of many trade-unions of limiting the number of apprentices permitted to learn their trades. This number reached, not even a member of the trade has been allowed by the tyrannous rule

to teach and train up his own son in it. As a consequence many have failed to acquire that best equipment for life for the children of the people — a good trade and a habit of industry.

The statistics of our prisons prove this. A large majority of their inmates are found at their incarceration to have no respectable legitimate means of making a living. Of those employed at trades while in prison, fully eighty per cent acquire their knowledge of them in prison. This fact has shown the relation between the lack of industrial training and crime to be so close and inevitable that technical schools and industrial education for all classes have recently been established and insisted upon as preventative remedies in all parts of the land. These remedies cannot be too highly extolled, nor too rigidly and diligently applied. The laws should enforce their use by all children of school age and during attendance upon the schools.

6. *Defective administration of criminal law.* "It is not too much to say," President Taft asserts, "that the administration of criminal law in this country is a disgrace to our civilization, and that the prevalence of crime and fraud, which here is greatly in excess of that in European countries, is due largely to the failure of the law and its administrators to bring criminals to justice."¹

This failure arises largely from undue delay in the trial of cases, caused by too great liberty of challenge in the choice of juries, by the permission of appeal for little or no adequate reason, and by the slavish adherence to technicalities in the law that are of no real importance.

In the trial of one Gilhooly, at Chicago, a few years ago, for assault upon men whom he had been hired to slug by the

¹ Address in Chicago, September 16, 1908.

strikers, out of 1929 venire-men examined to secure a jury, 1100 were rejected and over two months were occupied in the process of selection, the first jurors chosen being held virtually as prisoners during those weeks before the completed jury entered upon their duties. "Under our present system," truthfully says Judge Holt, "the punishment of crime is a sort of lottery."

In England the administration of the criminal law is not blocked by any such absurd obstructions. It is prompt and quickly despatched, and the criminal is more likely to receive his deserts because sentence for his misdeeds soon follows their commission, before the demand for his punishment is weakened by delay. The wholesome terror of justice is almost destroyed when the law and the lawyers cheat her of her due. Those lawyers who do this are aiders and abettors of crime. The provisions of the law which they have contrived and had enacted for the protection of those under arrest are too often detrimental to the security of society. They are so when by means of them the guilty is allowed to get clear. Let him have a fair trial, but no chance of appeal when he has had it, and no permission through his legal defender to challenge and exclude from the jury *ad libitum* honorable men sworn to give a verdict according to the evidence, though they have read the newspapers. Any opinions that may have been thus received can be changed, and are easily changed, by evidence to the contrary. A premium is offered to ignorance and stupidity when an intelligent man is excluded from a jury because he has received some notion by hearsay or newspaper report of the case to be tried. The safeguards and legal contrivances which allow many criminals to escape lest one innocent person might occasionally be condemned, or which produce great unnecessary delay in the conviction and punishment of the guilty and

enormously increase the expense of trial, until an aroused public sentiment against flagrant wrong has cooled into indifference and an inclination developed to let it go unpunished, resulting in an uncertainty or improbability of conviction, no matter how strong the case against him or clear his guilt,— these give immunity to crime and destroy the deterrent influence of its threatened penalty.

7. *Excessive indulgence in the treatment of convicted criminals.* In the just reaction produced from barbarous and cruel treatment formerly given to the inmates of the prisons, more gentle prison officials and zealous reformers have possibly gone too far. This is the opinion, at least, of observant and thoughtful penologists.

Mr. William P. Andrews, clerk of the Criminal Court, Salem, Massachusetts, charges philanthropic prison reformers and sentimentalist with the serious mischief of increasing crime two or threefold in this country, in the recent decades, by their extravagant theories and lenient methods.¹ If the charge be true, they have sacrificed the good of society and imperiled the welfare of the nation for the criminal class. English observers of our reformatory prisons express a similar opinion. Mr. William Tallack, Secretary of the Howard Association, London, calls² these prisons “the hotel and collegiate prisons of the United States,” because of their comfort, liberal diet, and costly extensive educational equipment. And he says, “The whole class of criminals and vagrants in America are treated with a leniency which is positively cruel to the honest community, inasmuch as this course tends to remove the dread of evil.” “It has been abundantly proved

¹ *Forum*, vol. xii. pp. 228-237; vol. xiii. pp. 232-245.

² *Penological and Preventive Principles*. London: Werthelmer, Lea and Company.

by European experience," he says, "that it is dangerous to render crime attractive by rewarding its perpetrators with privileges not attainable by honest laborers." Many examples have been found of men who repeatedly commit crime with a view to being arrested and put in prison, where they get better fare and more comfortable lodgings than they could easily earn for themselves by their own labor out of prison; many, also, who have been unwilling to accept a pardon and release from prison because liberty was attended with loss of ease and comfort.

8. *Traffic in strong drink.* Some liquor saloon is connected with almost every crime committed, either as the place where it was conceived and planned, or where its perpetrators met by appointment to perfect their arrangements and to stimulate themselves through its strong drink to the reckless daring necessary to its commission. Though students of sociology differ as to the extent in which the use of strong drink causes crime, some believing with Mr. Francis Peek,¹ that seventy-five per cent of it is due to this; others doubting, with Chaplain Albert, of the Stillwater State Prison, Minnesota, "whether drink is the actual primal cause of twenty-five per cent or even twenty per cent of the crime committed," there can be no question of its malign influence in this direction.

9. *Our pernicious and corrupting jail system.* In most of our jails the prisoners are herded together promiscuously, old crooks and young offenders, those convicted of crimes and those only held for trial who may be found guiltless, as they used to be in England in the days of John Howard, on account of which he said they were "houses of corruption" instead of "houses of correction," and as they continued to be with but slight modification down to 1877. Prisoners thus herded to-

¹ Social Wreckage.

gether are always schools of vice and crime. All writers upon penology are agreed in this opinion, and would indorse, undoubtedly, the statement made by Rutherford B. Hayes, former President of the United States, after his retirement from political office, while president of the National Prison Association: "The county jail system of the United States is a disgrace to civilization, and until the construction and management of these places are radically changed, so that contaminating intercourse among the prisoners is rendered impossible, the administration of justice cannot be freed from the charge of maintaining schools of crime."

10. *Unwise treatment of juvenile criminals.* Not until recent years has there been sufficient difference made between the treatment given them and that given to adult persons of wider knowledge and experience. They have been treated too much alike, the judges not distinguishing between the guilt that is still in the gristle of youth and that which is in the hardened bone of maturity. As a result the judges have passed sentences upon them that put them into jails that were schools of crime, and give them for associates men practised in wickedness, who delighted to tell of their criminal exploits and invested these misdeeds with a false and attractive glamor as if they were acts of heroism. As well might they plunge those lads into the dirty waters of a sewer to cleanse them of physical filth as to think thus of correcting their misdemeanors. "If," says Miss Dorothy Dix, "it were the deliberate purpose to establish criminals in all that is evil and to root out the last remains of virtuous inclination, this purpose could not be more effectually accomplished."

11. *Disturbed social and economic conditions of recent years.* Examples are seen in the race antagonisms, with their exhibitions of fury and lynchings; in the labor troubles, with

their strikes, lockouts, and attendant deeds of violence and outrage against person and property; and in the occasional stagnation of business and suspension of work in factories and other places of labor, by reason of which large numbers of people are thrown out of employment. A few years ago Eugene Debs "offered to muster 50,000 honest laboring-men, idle and hungry, in Chicago; and Henry George said that in New York there were 68,000 idle working-men ahunger. Beyond all doubt the great army of criminals is recruited largely from this mass of idle humanity . . . the list of suicides swollen, the great army of tramps kept on a war footing, and last, but not least, the cause of anarchy is aided, abetted, and strengthened."¹ Under such conditions society is like a volcano on the verge of eruption. The mutterings and heavings of discontent are heard, and lawlessness increases. The restraint of law to angry and desperate men under these circumstances is like that of Delilah's withes binding the hands of an aroused Samson. If this savage mood continue long and the lawlessness spread and become chronic, the control of the state ceases, and life in our land is robbed of its security, happiness, and chief attractions.

12. *The possession and use of firearms.* If there are any laws against the free sale of these weapons, they seem to be futile. Any one, apparently, no matter how suspicious his character, may buy and use them. Burglars, highwaymen, assassins, lunatics, all carry them, and as a means of robbery, murder, and homicide they are ready to the hand, and used under the stress of temptation, provocation, and excitement. There can be no question but they continually facilitate and tempt to crime.

¹ Speech of F. E. Daniel, M.D., Proceedings of the National Prison Association, 1897, p. 123.

GROUNDS OF ENCOURAGEMENT.

Our case in this country, however, is not wholly dark, nor without encouraging signs of a brighter day near at hand.

1. *Some good and well-managed prisons.* Excepting the county jails, with their promiscuous association of prisoners and its contaminating effect, our prisons are generally reformatory in their operation. They are well adapted by their construction, equipment, and administration to accomplish the purpose of their erection — the repression and cure of crime. The prison at Elmira, New York, in particular, has made itself celebrated the world over for its wise and successful management. Mr. Z. Brockway, its distinguished superintendent for twenty-five years, from its opening in 1877, put a stamp upon it that made it the admiration of the world. Besides adopting the best features of the Irish and English prison systems — marking, grading, and parole for good conduct — he added those of indeterminate sentence, industrial and educational training, and careful attention to moral and physical development. Though Elmira prison belongs to the class of “hotel and collegiate prisons” referred to by Mr. William Tallack (because Mr. Brockway and the Prison Board of Managers of New York thought it best not to make this prison like the ill-furnished and comfortless prisons found in England), he was able to show as large a per cent of reformed men among its discharged convicts as could be shown by any prison in England. And, though it is assumed, it remains to be proved that a hard plank to sleep on and the coarsest and most meager fare are superior in their moral and deterrent effect to a straw or husk mattress and a more savory and generous fare. In the experience of mankind, kindness has proved more reformatory than harshness, and gratitude more potent than fear in producing a change of heart for the better, and enlight-

enment of mind and improved health of body a better guarantee of good conduct than ignorance and physical degeneracy. The Elmira prison management has been shaped by these considerations with satisfactory results, and the example of it has been a wholesome leaven in the land. Through its influence other prisons have been largely regulated — those of Massachusetts, Ohio, Illinois, Michigan, and other States.

2. *Intelligent appreciation of the problem of crime in this country.* The subject pervades our social atmosphere. A large number of people here have studied, and are studying, it profoundly and with increasing zeal. The National Prison Association, including in its membership, besides the wardens and chaplains of the prisons, distinguished men of letters, statesmen, and scholars, holds annual conventions, quite numerously attended, at which valuable papers are read and able discussions follow upon every phase of prison management and every question relating to the causes and cure of crime. The published proceedings of these conventions and of the National Conference of Charities and Corrections form a most valuable part of the literature of penology and charity—a very thesaurus of information and of scientific knowledge. These annual conventions and their published proceedings and the independent labors of Charles Dudley Warner, Doctors E. C. and F. H. Wines, General Brinkerhoff, and others, who may be regarded as specialists in this line of study, and have ably written upon it, soon or late must yield great practical results. A good harvest will certainly spring from the abundant seed sown. It has already begun to appear. They have raised penology to the dignity of a science. Instead of being an undefined region, where maudlin sentimentalists idly roam about to no good purpose, it is a carefully surveyed and thoroughly explored field, the metes and bounds of which, its pos-

sibilities and actual resources, are well understood. "The fundamental principles of penology," says General Brinkerhoff, "are now as well established as those of any other science; their application in England, and in particular prisons like Elmira, New York, Concord, Massachusetts, and Mansfield, Ohio, has shown that crime can be so dealt with that, instead of increasing, it will steadily diminish and a large per cent of the criminals imprisoned may be reclaimed (fully 80 per cent)."

FUNDAMENTAL PRINCIPLES OF PENOLOGY.

1. That the purpose of penal treatment is twofold—the protection of society from the mischief of criminals by the deterrent influence of their incarceration and punishment, and the reformation of the criminals.

2. That certainty and promptness of punishment are most effective in deterring men from crime, while procrastination in the administration of justice and the hope thus encouraged of escaping punishment is a fruitful cause of crime.

3. That to prevent corrupting contamination among the prisoners, they should be carefully classified and allowed as little free association as possible.

4. That moral and religious instruction, with constant appeal to hope and his better sentiments, should be diligently used and chiefly relied on for the convict's reformation.

5. That all able-bodied prisoners should be kept at productive labor and receive, if possible, such educational and industrial training as will enable them when discharged to earn an honest living.

The ideal reformatory should have connected with it workshops and industrial classes in which good trades are taught, and each inmate be required to attain a degree of skill in some one of them before he is released, so that then he may find

remunerative employment. Incidentally a habit of labor will thus be developed, which is quite as important as the technical knowledge and skill acquired in the trade chosen.

6. That all sentences for crime, instead of being for fixed periods of five, seven, ten, or fifteen years, should be "indefinite," and the prisoner held in confinement until he gives evidence of a real reformation, so that he can be allowed to go free without damage to society.

7. That at his discharge the convict should be systematically aided by a competent state officer like Mr. Organ, of the Irish Prison System, or by an organization like the Volunteers of America, now under the direction of Ballington Booth and his gifted wife, or the Prison Gate and Prisoners' Aid Societies of England, to find employment and receive such other assistance as may be necessary to set him firmly on his feet and enable him to go alone.

8. Incurrible criminals should never be released.

If they will not reform, they should, for the protection of society from their attacks, be deprived of their liberty like insane persons. Judge Holt, in the paper above referred to, made this declaration: "An incurrible enemy of society . . . should be solemnly adjudged to be put to death."

9. Prison officials should be picked men (answering to John Howard's famous description, "a good man for a jailor, honest, active, and humane"), thoroughly competent by previous training for their duties, like army and navy officials.

Special schools for their training like those of France are much needed in this country.

10. Prison officers should come under the Civil Service rules — "appointed after careful examination," "not disturbed in their tenure of office by political changes," and "holding their positions during good behavior and efficiency."

These ten principles, now generally familiar, firmly believed, and accepted by careful students and leaders of thought in regard to the problem of crime, have entered as posts and beams of construction into the ideal system of penology which beckons us onward with constant hope into that fair future where our ideals shall be realized.

What is manifestly lacking for its realization? In other words, what practical changes are demanded in our social life and our dealing with criminals for a more successful war with crime? A careful consideration of the causes of crime that have been mentioned, and of the principles that should govern our treatment of criminals, suggests some important things to be done.

In the war with crime, says Tallack, three things "must be maintained in unintermitting activity, Prevention, Repression, and Reformation."

MEASURES OF PREVENTION.

Remedies fitted to cope with the causes of crime spoken of are obvious measures of this sort. Filter most carefully the stream of immigration; limit the freedom of the press to the publication of "only such things as are fit to print"; encourage, more and more, industrial education, and provide adequate means for it in the public school system and through well-equipped technical schools; increase the deterrent influence of criminal law by a more efficient administration of it; make the prisons and jails a terror to evil-doers because of their discomfort, confinement, and disgrace; continue to prosecute the war against liquor saloons with unrelaxing vigor. In regard to disturbed social and economic conditions, we can say only this: Let the American people study their causes with candor and patience and try to solve justly the questions involved as the occasions arise. When opposing interests clash, insist that

peace and mutual regard for each other's rights under the laws of the land be observed by both sides. Lawlessness cannot be tolerated without endangering the stability of the government and the general welfare. If we are to have a country worth living in, we must defend the state from violations of its authority by any class, and insist that its laws shall be respected by all.

Besides the foregoing, three things in the way of prevention seem to be especially important.

1. *Disinfect and purify the breeding-places of crime.* Four of these especially call for attention: bad homes; bad neighborhoods; street gangs; and the common jail. Many homes and neighborhoods into which children are born and grow up are so wretched and poisoned with corrupting influences that these children seem to be doomed from their birth to a life of infamy. They imbibe it with their mothers' milk and with their fathers' voices and with the air they breathe. Say not, however, in pessimistic despair, of the child of such a home and such a neighborhood, "He is the son of his parents, the victim of his circumstances: his doom is writ." Rather multiply and bring to bear upon him the saving influences of religion as represented in the Sunday-school, the neighborhood mission, the kindergarten, the Boy Scouts, the Salvation Army, and the social settlement. The power of choice remains to the child in spite of adverse conditions, and he may exercise this sovereign power aright under the influence of the good teachers and guides which religion and philanthropy give him.

One summer, many years ago, the writer tented at Mount Desert, Maine, with some friends, beside a stream that ran with a strong and noisy current into the sea near by. Twice daily its noise was hushed, and its current checked and reversed, by the might of the ocean's tide which the attraction of the heavenly moon produced. So the baleful stream of tendencies

in a misbegotten child may be reversed by the heavenly power invoked by his teachers.

“The kindergarten,” says General Brinkerhoff, “whenever tested under proper conditions, has shown itself of the highest value in the formation of character and in the prevention of crime. In San Francisco, where the kindergarten has had its earliest and highest development, and in which over 20,000 children were trained in the sixteen years from 1880 to 1896, it practically revolutionized some of the darkest wards of the city, and the chief of police reported that in eleven years out of 8000 arrests of juvenile delinquents only one had graduated from the kindergartens.” The rescue work of the Boy Scouts and of the Salvation Army in the streets and tenement-houses of the slums is like that of the angels that saved Lot’s daughters from Sodom; and the influence of the social settlements in those parts of our American cities is analogous to the quickening power of irrigating streams upon a desert. The social settlement, in fact, like the religious mission of Jerry McAuley and S. H. Hadley in Water Street, New York City, puts a new, potent social leaven into the morally dead, inert mass of those neighborhoods with transforming effect. The beginnings of a wholesome spiritual and civic life soon spring up and spread. The story of them is like an epic poem.

In many towns and cities, gangs of boys and young men consort together in certain streets and neighborhoods for various purposes, some of them obviously mischievous, as they result in actual offenses against property and persons. They have their haunts and dens in unoccupied barns, cellars, and out-of-the-way places, to which they bring for feasting the plunder of orchards, fruit-stores, hen-coops, and such petty stealings as their streets and their own homes may tempt them to. Such gangs cannot be too soon broken up and scattered. They

are schools of wickedness and crime. A good magistrate with the coöperation of a few faithful, vigilant policemen may do much to break them up; and, better still, organizers of Boy Scouts, the workers in the social settlements, and teachers in the night schools, by alluring them to their social rooms and classes, and giving to them their friendship and direction to something better.

Of the bad influence of our common jail as a breeding-place of crime, but little more need be said. It has been appropriately called "a toboggan-slide into hell." Separation from corrupting associates and environment is a most important preventative or safeguard from crime. Keep away the unspoiled child from evil companions and playmates. Keep separate, also, from old and hardened offenders the youth who has committed his first offense and is filled with remorse and shame on account of it. The worst thing that can be done with a juvenile offender of this sort is to send him to jail and put him in the common room with hardened criminals. A month in their society is likely to ruin him utterly. The judge who sends him to jail, if he foresees the effect of it, is *particeps criminis* in the mischief done by him afterwards. The heart of an upright judge recoils from such a perversion of his office and such cruel injustice to the young offender.

As a result, the establishment of juvenile courts in recent years, in the conduct and advocacy of which Judge Ben B. Lindsey, of Denver, Colorado, and Judge Julian W. Mack, of Chicago, have been particularly prominent, has become a new and important feature in the administration of justice in our land.¹

¹ For an account of the methods and work of the Juvenile Court, see paper of Judge Mack, with following discussion, in *Conference of Charities and Correction*, Richmond, Virginia, 1908.

This came none too soon. But we should not look upon it as a substitute for the jail system or as allowing us to permit its continuance. That is indefensible. No matter how costly the effort, nothing should satisfy the American public conscience but jails, like those now used in Great Britain, where the prisoners, whether serving short sentences or only awaiting trial, are kept separate from one another. Whether the inmate of the common jail be man or boy, if he has any inclination to a life of crime, it is aggravated, not corrected, by his incarceration, and one has justly said that his imprisonment and association there with others similarly disposed is "as senseless as it would be to tie up a mad dog for a certain period and then turn him loose with a fiercer madness." In 135 American cities there were, in 1900, 700,000 arrests. Nearly all of them were incarcerated for a longer or shorter time in common jails and houses of correction, coming out of them, not morally improved nor reformed, but confirmed in their propensity to crime. No doubt the common jails of our country are prolific breeding-places of crime.

2. *Supervise the amusements of the young.* Parents and teachers, when possible, should be their companions in them. We have said that yellow journalism often corrupts the sports of childhood and youth by suggesting to them, for their imitation in play, the crimes it depicts, so that they rehearse them on the streets and playgrounds, and sometimes are tempted to repeat in earnest the misdeeds thus enacted. One may overhear these mimic rehearsals of crime by children at play. The children, however, must be given their playtimes, and we should be slow to frown upon their innocent sports. By associating with them in their sports, parents and teachers are likely to keep them innocent, and prevent their running on to unseasonable hours.

The children's play at nightfall has been celebrated in poetry and song, and many delightful memories and associations connected with it exist in our minds. Eugene Field, in one of the most charming of his poems, "Hi-Spi," has given beautiful expression to these associations:—

"Strange that the city thoroughfare,
Noisy and bustling all the day,
Should with the night renounce its care
And lend itself to children's play!

"Oh, girls are girls and boys are boys
And have been so since Abel's birth,
And shall be so till dolls and toys
Are with the children swept from earth.

"The self-same sport that crowns the day
Of many a Syrian shepherd's son
Begulles the little lads at play
By night in stately Babylon.

"I hear their voices in the street,
Yet 'tis so different now from then!
Come, brother, from your winding-sheet,
And let us two be boys again."

This poem presents to us a scene of idyllic innocence. It may be paralleled sometimes in a good, pure neighborhood whose children have well-regulated homes and good parents who associate themselves with their children in the play, and summon them away from it betimes. Rarely, however, is it good or safe for children to be allowed to prolong their play much after dark, and linger there in the street for talk afterwards: no more than it is good or safe to consent to our sons and daughters going to moving-picture shows unattended, or frequenting public dance-halls for promiscuous dancing with persons of unknown character and doubtful reputation. Exposure to intimacy with such associates is very likely to prove corrupting. It would be well, therefore, if a curfew-bell in

our towns and villages might ring all children under twelve to their homes from the streets as early as eight o'clock in the evening.

3. *Strictly regulate the sale of "guns" and revolvers.* Let none possess them or carry them except policemen, constables, sheriffs, and soldiers. Have every weapon that is sold carefully registered, as in Germany; sternly punish any person selling them without a license, or carrying them without a special permit. It is absurd to say that the free sale, general possession, and common use of these firearms cannot be prevented, and that therefore the flood of crime they occasion must go on. It can all be prevented if the necessary laws be enacted and strictly enforced. If good men plead that they must carry them to protect themselves from footpads and thugs that infest the streets and their hiding-places at night, and to repel burglars from their houses, insist that they shall rely for their protection on the appointed guardians of their safety and of their property rather than on these murderous weapons, by carrying which, contrary to law, they make the law a dead letter and facilitate crime. Mr. William Tallack rightly says, that as long as we allow men to carry these weapons, "the main and obvious element of prevention has been practically ignored."

REPRESSION OF CRIME.

This largely depends on the efficient administration of criminal law. It should not be hindered by any legal contrivances of lawyers for delay and the defeat of justice, and the execution of sentence should be speedy. It scarcely needs to be said, since the fact is notorious, that our present administration of criminal law comes far short of this. It is halting and slow, enormously expensive, and inefficient. President Taft's characterization of it as "a disgrace to our civilization" is none too

severe, and his declaration that "the prevalence of crime and fraud, which here is greatly in excess of that in European countries, is due largely to the failure of the law and its administrators to bring criminals to justice" is only too true. The proof of this is indubitable. Judge Holt's paper before the Wisconsin State Bar Association proves it. The statistics of the courts prove it. The writings of careful and reliable writers upon the subject prove it.¹ Less than two per cent of the murderers and criminal homicides here punished!² Why then try to punish any? Why not, since the endeavor is so futile, save the enormous expense of prosecution by letting all go clear? Our administration of criminal law is a farce. We need not try any farther to prove what every intelligent person is ready to admit.

What ought to be done for the correction of this "failure of the law and its administrators to bring criminals to justice"? Let the recommendations of the President be heeded. Remove the defects in the law which hinder its present effective administration. Under the pretext of protecting from injustice the few innocent persons that may be entangled in the net of the law, the lawyers and sentimentalists have, through unwise legislation, so enlarged its mesh that a vast majority of the guilty slip through and escape, though the cost of the courts is enormous. Amend the law by removal of these defects, so that the present dilatory progress of cases in the courts shall be greatly quickened and the hope of immunity from punishment, which now amounts to an expectation, be

¹ Art. "The Shameful Miscarriage of Justice," by H. B. Fuller, in *World's Work*, November, 1906, pp. 8221-8226.

² In England 50 per cent, in France 61 per cent, in Italy 77 per cent, and in Germany 95 per cent of these crimes are punished. Dr. W. Rauschenbusch, of Rochester Theological Seminary, in an address before the Baptist ministers of Boston, in Chipman Hall, as reported in the *Congregationalist*, December 3, 1910.

taken away. Make the mesh so fine that every real criminal accused of crime shall be promptly arrested, tried, and punished. "In my judgment," says President Taft, "a change in judicial procedure with a view to reducing its expense to private litigants in civil cases, and facilitating the despatch of business and final decision in both civil and criminal cases, constitutes the greatest need in our American institutions."¹

A suggestive example of what is needed for the better repression of crime through judicial procedure is given in the *World's Work* for March, 1910, in the article entitled "A Court that does its Job," by William Bayard Hale.

It is the present Municipal Court of Chicago, managed by a chief-justice (Judge Olson), who is assisted by twenty-seven associate judges. It tries criminal and civil cases with promptness and despatch. It has now been in operation upwards of three years. The last year it disposed of more than 125,000 cases and is up with its docket. "A law-breaker faces the judge the day of his offense, the day after, or within a week. A continuance is granted for reasonable cause, but rarely does a week intervene, while a fortnight's delay would be most extraordinary and unusual." It makes its own rules of practice and procedure and has great freedom in using them. "The Court of Appeals may not reverse its action for error of practice having no relation to the merits of the case. It may only reverse when it is of the opinion that substantial injustice was done. Less than one-tenth of one per cent of cases decided by the Municipal Court in the first year of its existence were reversed on appeal." We ask the question with which Mr. Hale closes his article, "How long will it require to persuade our various archaic judicial bodies of every dignity and degree that like efficiency is possible in every court in the land?"

¹ Annual message.

THE REFORMATION OF CRIMINALS.

In consequence of the progress of prison reform inaugurated by John Howard, the reformation of criminals is now widely believed in, and made, next to the protection of society, the paramount aim in the administration of prisons. "Reformation," say our penologists, has "the first place in an up-to-date prison. Under the rule of self-protection, reformation is far more effective than deterrence by severity. Reformation is a permanent cure, but deterrence lasts only whilst fear lasts and eternal vigilance is on guard." So strong has become the belief of experienced penologists and successful prison superintendents in the possibility of the reformation of criminals, that they reckon as reformatories not only such prisons as Elmira, New York, and Mansfield, Ohio, to which young men convicted of a first offense that does not indicate special depravity are usually sent, and where a special treatment called "reformatory" is given, but affirm that even Sing Sing and Auburn, New York, may be made such, inasmuch as a large fraction of their inmates can be permanently reformed by placing them under reformatory conditions and agencies. Where this is not the case or is found usually otherwise, how futile appears the whole business of our administration of criminal law! Then our "war with crime" ends in disastrous defeat. At an enormous expense we pursue, arrest, convict, imprison, and punish criminals, and then release them to prey upon society with greater cunning and intensified fury. So doing, as Dr. Henry Hopkins said, "we turn aside into a sewer a stream that is defiled and black with impurities, and then conduct it back more foul and black than before into the river of our common life."¹ To avoid such a calamitous outcome, the superintendent of the

¹In his memorable address before the National Prison Association, Kansas City, 1901.

prison should be Howard's ideal — “a good man for a jailor,” etc. The time is gone by, never to return we hope, when it is thought proper that the warden's office may be regarded as one of the legitimate spoils of party political victory, to be given as a reward of partisan zeal and activity to any man who might have only these claims to recommend him, or whose chief personal recommendation might be that he was “a good fellow,” and had the strength of a pugilist and the courage of a bulldog in case a mutiny should arise among the prisoners. “The head of a reformatory prison,” says Dr. F. H. Wines, “must be an idealist, a consecrated man, a man with a vocation. A truly reformatory prison is the last and highest expression of charity. It demands the expression of charity by the warden. It will not work in the hands of a harsh, brutal, incompetent warden.” It needed the Christian heart and administrative genius of a Maconochie to devise and work out the reformatory method of treatment that converted the “hell upon earth” which he found on Norfolk Island into the orderly colony of convicts which he created. It needed a Brockway to make Elmira Reformatory the model prison of the world.

The prisons being governed by such wardens and subordinate officers of like character, and having an atmosphere created by their government, should be authorized and equipped to use for the welfare of their inmates the remedial agencies of work, education, and religion.

1. *Prison labor is indispensable as a reforming agency.* But the use of this agency in prisons is objected to by labor-unions as “injurious to free labor,” and through their influence adverse legislation has been passed against it in a number of States (as, New York, Ohio, Indiana, and Illinois), limiting it to the coarsest kinds of manual work, and to the production

of goods that shall be used only in public institutions or by employees of the State, not sold in the open market in competition with the products of free labor. This adverse legislation to prison labor has been a serious handicap to prison reform. Make prison life an idle life, and it lacks what long experience in prison discipline has shown to be essential to the convict's reformation. He thereby loses the habit of industry and the ability to acquire a trade, if he have none, or to work at it with skill, so that he can earn an honest living when discharged. Furthermore, the prolonged idleness that results is inevitably demoralizing, as seen in county jails where there is no labor.

Some have thought that the objections of the labor organizations might be met without moral or physical injury to the convict by giving to him unproductive labor, like that of the treadmill, or of breaking stone, or of wheeling stone or sand from one side of the prison-yard to the other, and then wheeling it back again, merely to keep him busy and avert the mischief of idleness. But such profitless prison labor, besides the objection that it does not relieve or lighten the taxpayer's burden, which free labor must share, is open to the grave objection of insulting the convict's intelligence by imposing upon him an irksome, useless toil, which not only has no reformatory tendency, but a tendency to exasperate and still more deprave him by degrading his manhood through puerile performances. It is an axiom of penologists, moreover, that labor is reformatory in proportion as it is productive. Such labor calls for skill, carefulness of finish, laudable endeavor. It exercises the convict's brain and trains his hand to high achievement gratifying to his pride; it gives him also the satisfaction of conscious usefulness as well as the ability which clothes him with honor and the power of self-support.

Men are therefore attempting to juggle with words when they try to persuade the public that productive prison labor can be avoided without damage to the reformation of the convict, and should be forbidden because injurious to free labor. If the convict produces anything the world uses, it must be sold in the markets of the world and compete to some extent with free labor. But the extent is so small and insignificant that it is not worth minding. It amounts to only about one-half of one per cent of the total of free labor. We count, furthermore, as undeniable, these two things: that "every man, whether prisoner or free man, has a right to labor; and that the products of his labor are entitled to a place in the markets of the world." The leaders of labor discredit their cause if they refuse to admit this, and seek by hostile legislation to prevent the prison labor that promotes the convict's reform.

2. *Education is also a helpful means of reform.* Its tendency is reformatory. The conviction of its potency as a reformatory agency has been the motive and the justification for the considerable amount of education (including in the word physical, mental, and moral culture) given in our best prisons. It improves the health, begets a love of good reading, stores the mind with worthy ideals of character and conduct. The elevation of mind, the refined tastes, the broader outlook, which result from such education, produce a disgust for the degrading associations, the course of crime and wickedness that has brought them to prison. It prepares the way for

3. *The crowning reformatory agency—religion.* In the literature of penology no pages are more interesting or convincing than those which describe and attest the good done by religion in the reformation of criminals. They show that Christ "is able to save to the uttermost those that come to God by him," and that he "is able to keep them from falling" back

into a life of crime. It was the belief of Phillips Brooks that "Christianity has not been fully tried by the modern world," that there are unspent forces in it, divine potencies, capable of producing as great and even greater marvels of reformation than those wrought by it in Corinth as attested by the Apostle Paul (1 Cor. vi. 9-11).

All criminals, it has been said, have become criminals largely from two causes — heredity and corrupting environment. Dr. Henry Hopkins, in his impressive address above referred to, truly says, however, that Christianity is especially adapted to save criminals because it offers a remedy to these two causes of crime. "The man born from above, the regenerated man, has a new heredity. The man who is 'in Christ Jesus' has a new environment." Many, many times has the efficacy of this remedy been shown in the conversion of notable criminals, like "Awful" Gardner and Jerry McAuley: in the remarkable reformatory work done by Mrs. Frye in Newgate prison; in the work of Gardner Tufts and Mrs. Ellen Johnson, the Christian superintendents of the Concord and Sherborn (Mass.) reformatories, and in the work of the Christian visitors of English prisons, Sarah Martin and Thomas Wright, as described by William Tallack;¹ in the work of John L. Whitman in Chicago jail, and in the great successes of some of our prison chaplains.

These are convincing examples. They prove that the power of religion, when ministered by earnest, devoted men with Christian love, patience, and wisdom is almost boundless. It is still able to work the greatest miracles, since the supreme miracle is the reformation of a wicked, lawless, sin-hardened criminal. The most successful toilers for the reformation of such criminals have inscribed on their banner of the cross the

¹ *Penological and Preventive Principles.*

words "Unto the Uttermost." Because of what they achieve, the staffs of quite a number of prisons in our land are veritable "rescue bands." Place all our prisons under the direction of such official staffs, and equip them with the needful reformatory appliances, and, instead of having our prison system a dismal failure, such as results when prisoners are discharged unreformed, going out worse than when they came in, as Dr. Hopkins says, like a turbid stream turned into a sewer and coming out more foul than before, we have in each prison a settling-basin like that of St. Louis, into which the turbid waters of the great river are emptied to be purified and made fit for the city's use, or like the natural one of Lake Geneva, into which at one end the river Rhone flows a yellow, muddy stream, and emerges at the other end clear, pure, and beautiful as an emerald. The calm and tranquil lake extracts all the dirt from it, and this, precipitated to the bottom, is forever left behind, and the river flows onward, rejoicing, to the sea.

Two things more are needed to perfect our prison system:

1. *More efficient provision for the aid of discharged prisoners.* They may go out of prison reformed in spirit and purpose; but they need to be held to their purpose because of adverse circumstances. The stigma of his past crime and prison sentence is upon the discharged prisoner. He is therefore treated with suspicion, and finds it hard to get employment. Few or none — "alas, for the rarity of Christian charity!" — will have anything to do with him. As a consequence he is almost forced to go back to his life of crime, or starve. In Great Britain and in Switzerland,¹ the necessary help is given by prison aid societies, largely supported by the government. "We have failed in this important work," says General Brinkerhoff.

¹ Report of National Prison Association for 1895.

2. *A national bureau of prison management at Washington, D. C., similar to that of Great Britain.*¹ The Act of 1877 by which England placed all the jails and prisons of the realm under the control of the central government "resulted in a great amelioration of the condition and management of the prisons." It removed serious defects in their management and made possible improvements that ranked her prison system the highest in the world because of its efficiency. We would do well, in spite of every objection, to borrow from the mother country this crowning excellence of her prison system.

Our subject is one of supreme importance. The existing prevalence of crime in our country and its steady increase because of the immunity of criminals from punishment and our lack of success in dealing with them is a reason for the greatest alarm. We agree entirely with General Brinkerhoff in his opinion that "something must be done to check the rising tide of crime, or the man on horseback is not far off." In the present state of things, when the number of criminals is that of a large army; when skulking murder makes it unsafe for our women, and even children, to walk on unfrequented streets, or along country roads, or across a pleasant field; when thugs and highwaymen, hiding behind billboards or in dark alleys, spring out upon a solitary person going home from his business, or visits to friends, and hold up and rob, slug and kill him, sometimes close to his own door; when not even daylight gives security from attack, but the deeds of darkness infest the day,— in this state of things audacious crime has become such a menace to peaceful society that any effective remedy — no matter how costly — would be welcome. Under these conditions of fear and apprehension, existence has

¹ *Bibliotheca Sacra*, April, 1910, p. 271.

become almost unendurable, and a large and increasing number of people are nearly ready to say, "If our republican government cannot give us security to life and property; if it is not strong and wise enough to devise the means to check and turn back this invasion of violence and crime, let 'the man on horseback' come. Give us the mailed hand of a Kaiser or of a soldier like Napoleon to smite and subdue it. Better the government where ninety-five per cent of the murderers are punished than the government where only two per cent are punished. The tyranny of a despot may be hard to bear, but much harder to bear is the reign of terror which an unchecked prevalence of crime produces. We value our political freedom, but we value more our social and personal security."