Penology

The Church's Duty in reference to the Criminal Classes.

A SERMON,

PREACHED IN

ST. JOHN'S CHURCH,

STAMFORD,

IN AID OF THE STAMFORD ASSOCIATION AUXILIARY TO THE PRISONERS' FRIENDS' CORPORATION OF CONNECTICUT,

BY THE

Rev. WILLIAM TATLOCK, Rector.

STAMFORD, CONN.
STAMFORD ADVOCATE STEAM PRESS.
1876.

The Church's Duty in reference to the Criminal Classes.

A SERMON,

PREACHED IN

ST. JOHN'S CHURCH,

STAMFORD,

IN AID OF THE STAMFORD ASSOCIATION AUXILIARY TO THE PRISONERS' FRIENDS' CORPORATION OF CONNECTICUT,

BY THE

Rev. WILLIAM TATLOCK, Rector.

STAMFORD, CONN.
STAMFORD ADVOCATE STEAM PRESS.
1876.

SERMON.

"I WAS IN PRISON, AND YE CAME UNTO ME."—St. Matt. XXV: 36.

The ministers of the several congregations in town have been requested by a committee of its citizens to call the attention of all good people to the duty of diminishing crime by the reformation of criminals. In some of its aspects it is a matter which may well claim our attention here, for it is a very practical application of the principles of Christianity to some of the most serious and painful facts and necessities of our social order. And a congregation which, on every Sunday and Litany day, beseeches God "to bring into the way of truth all such as have erred and are deceived," and "to show His pity upon all prisoners and captives," and whose Service Book provides a special office for the Visitation of Prisoners which will well repay study, may well be interested to consider how it may best translate its prayers into actions, for the good of the country and the honor of God.

I take for my text those remarkable words of Christ, announcing beforehand the tests He will apply to those who claim to be His followers, when He comes at last to sit on His judgment throne, "I was in prison, and ye came unto me."

Christians, then, have a duty to prisoners, as such—innocent or guilty.

Jesus Christ Himself—let us never forget it—was apprehended, tried, and sentenced. Let this fact arrest our attention. In *all* points "tempted like as we are"—here is another human experience which He shared, a point of sympathy with a class of men ordinarily so much outside of our sympathies that it staggers us to think of the Divine Founder of our religion as one of them—"yet without sin."

It follows, then, that to be apprehended, tried, and sentenced, do not of themselves prove that a man is guilty. But even if he

is, there is that in the Divine example of dealing with the guilty which may teach us that we have, as Christians, a duty to him still. God's disciplines in this world are intended to correct and eradicate the evil in evil men—to produce in them repentance and reformation, and "Repentance is the younger brother of Innocence," and the best that is possible to any of us when innocence is gone. He made His very cross a mercy-seat, and granted forgiveness to one who confessed that he was justly punished for his offences, and took him with Him that day to Paradise. Have we any right to be more relentless, or more fastidious as to the objects of our sympathy, than He?

In this place, and on this day, and to a congregation which responds most cordially to all the claims of suffering and sinning humanity, it would be inexcusable not to set this consideration first, that the deliverance of *criminals* from the bondage of their sins is as truly a missionary and benevolent work as any other can possibly be. For the root of all crime against society is *sin*—sin against God. They who "fear not God," neither do they "regard man"—the second table of the Law depends upon the first. And the remedy for all breach of duty towards our neighbor is *the fear of God*. The salvation of sinners, not from punishment, but from sin, includes every social safeguard. And therefore every sermon preached in this place, and every catechising in our Sunday School, is for the prevention of crime. The true relation of the church to moral and social reforms is seen in this, that it aims, in the first place, to make people such that they shall do no wickedness, and if they do it, then to make other people such—so charitable to the souls of evil men—that they shall do their very utmost to deliver them out of it. Not out of its punishment—by no means!—rather to deliver them into punishment, and that of the most real kind, but *for the reformation of their character, and for the saving of their souls.* Do not run away in the outset with the idea that anybody wants to make the consequences of wrong-doing lighter to him who does it, that we propose to advocate any weak sentimentalism, any coddling up of criminals. Over the very threshold of any movement for preventing crime and reforming criminals we

must write the inspired motto, "The way of transgressors is hard." It ought to be hard, and society ought to make it hard—hard, but effective, and not weakly cruel. If it shall appear, however, that under our present system we are manufacturing criminals, and training those we have still further in crime, that we are imperilling society instead of protecting it, that we are developing the evil in evil men when we might restrain it, and restraining the good in them when we might develop it, then we shall have established a claim to the consideration not only of order-loving citizens, but also of just and charitable Christian men.

The first claim of this subject on the attention of intelligent Christians, therefore, is founded on *our duty to God in the prevention of the sin which dishonors Him.*

The second claim is founded on *our duty to our neighbor in saving the criminal from the sin which ruins him for this world and the world to come.*

The third claim is founded on *our duty to society.* We cannot live in peace and comfort, we cannot call what we have our own, we cannot pursue our daily avocations for a living, we can have no secure family life, no social life, no church life—in short, we cannot do what God sent us into the world to do, unless society is protected from its criminal and unruly members. And one of the things we are after is, *the best way of protecting it.*

I. The first thing we need to recognize, therefore, is the fact *that there exists among us a criminal class*—a body of people who are the enemies of society.

It is hereditary. Boys and girls are born into it, just as into any other class in society. They are educated in it—they receive the training, moral and mental, which their class sees fit to give them. For the natural and social laws of God work on for the propagation of evil as well as good, and their operation is intended to be balanced and corrected by the application of His moral laws. And for the application of His moral laws society is responsible, and especially the Christian society, the Church.

There appeared lately in one of the New York papers* an article headed "A Genealogy of Crime." Finding six persons of the same family in gaol at one time, a member of the N. Y. Prison Association was led to make investigations which resulted in the astounding revelation that in five generations of descendants from one woman, who died about 50 years ago, there were 76 convicted criminals, 180 disreputable persons, and 206 paupers. And there was murder, actual or attempted, in every generation. How many such families there may be amongst us, we cannot tell, but there must be many—they increase and multiply "after their kind." Unless some influence comes into them from without, there is every reason why we should expect their crime to be hereditary. And now if we will think of what influence each criminal in this family has exerted on his associates—how many have come in contact with this mass of inherited and educated evil—how many have been adopted into it, or married into it, or been drawn in other ways into the moral defilement, degradation, and ruin of it, we shall begin to understand how our gaols are filled, and then we shall begin to understand also how, in part at least, they may be emptied.

I suppose the first feeling which springs up in any one whose attention is called seriously to this subject, and arrested by such a statement as has just been made, is one of hopelessness. The second is one of cruelty. But society cannot afford to be hopeless, and Christian society dares not and cannot be cruel. When we hear of some cold-blooded atrocity that has been perpetrated there rises up in the mildest of men some thought of lynching. Our selfish fears are excited, and fear is cruel. People cry insanely—for anger is a short madness—when news comes of a massacre of border-whites by Indians, "Exterminate them!" Which means, Let us also commit murder; so that blind resentment makes savages of us. In like manner we feel disposed to exterminate criminals, so far at least as to shut them up within stone walls, and let them rot there, so far as we are concerned,

*The New York Times. Sept., 1875.

so our selfish indolence and selfish security be not disturbed. A wiser, manlier, more Christian policy, is to go to work to exterminate the savagery in savages, the murderousness in probable murderers, the dishonesty in thieves; and to save the men to themselves, to society, and to God, by rooting out the evil in them which makes them evil men, and dangerous. And *it can be done*. The best proof of this is the fact that it has been done. Since the year 1854 the convict population of Ireland has been diminished two-thirds.* A fact like this is a sufficient rebuke of hopelessness. I said that we cannot afford to despair in this matter. For what is involved in letting this evil alone—in giving up the idea of reforming criminals, that is, and being content with punishing them? There is involved an enormously increased expenditure by society for its protection against a class that will be enormously increased—expenditure in prisons and police, and in the administration of justice, expenditure of your time in jury duty, and of your money in taxes. And at the end of it all there is involved—*failure*. Failure, of course, to accomplish by physical means what God intended should be accomplished by moral means. Failure to diminish crime and sin. And the failure, more disastrous still, of Christians to do one part of their Christian duty; the salt of the earth has lost its savor. The failure, in one important point, of the church of Christ to recognize and fulfil its mission.

The number of persons confined in the State Prison and county gaols of Connecticut may be estimated at about 4500 in the course of the year 1875. And this, in a population of less than 600,000, an average of about one prisoner in every 125 of the inhabitants of the State. And under a system which aims merely to punish, and not to reform, the proportion will increase. Increase of population means, under ordinary condi-

*When Sir Walter Crofton, then Sheriff Crofton, began the application of his principle of penitentiary treatment in Ireland in 1854, the convict prisons of that country contained 4000 prisoners. Under his plan of encouraging self-effort, by accrediting merit and giving instruction, the convict population has decreased to one-third of its former members.—*N. Y. Times.*

tions, an increase of wealth and general prosperity. But such an increase as this means poverty and social disaster. Are we satisfied with that?

II. If we are not satisfied with this state of things, then let us, as intelligent and Christian citizens, ask, *What can be done to remedy it?*

Something can be done in our capacity as citizens, and something by that private and personal enterprise, to which a Christian philanthropy is the best and most enduring inspiration. It will not do to leave the whole matter in the hands of a legislature and executive, for they are simply representative of the average sentiment of the people—and not generally of the highest moral sentiment, on any subject—and they cannot, even if they would, take any step in this direction unless impelled and supported by the general tone of their constituencies. And there are some things to be done which cannot be done through governmental machinery. "Ye came unto me," says Christ. There is implied, in this, what individual effort and self-sacrifice alone is adequate to—the reforming, elevating influence of that personal contact of the good with the evil which makes Christians the salt of the earth. It is necessary, in the outset, that we should have a firm belief in human nature. In its capabilities—in its destiny. We must start from the basis of faith in the Incarnation of the Son of God. We must recognize the existence, in every human being, of the old Adam and the New. And all our effort must be to develop the better part of every evil man—believing that there *is* a better part, that no man is reprobate, no man a hopeless subject; we must aim, systematically, *and scientifically*, to help him to get the evil in him under the dominion of the good. For conscience is the best constable, and when we have taught a man to watch himself, to arrest himself in the commission of evil, to try himself by the law of an enlightened moral sense, to judge and pass sentence upon himself, then, so far as he is concerned, we may dispense with locks upon our doors, with police, and judge, and gaoler, and executioner.

This, in the way of prevention, but what in the way of cure?

Simply this, *to incorporate into our system of dealing with criminals the principal of reformation, in addition to the principle of punishment.* The principle of punishment, pure and simple, is a false principle in human legislation. "Vengeance is mine, I will repay, saith the Lord." He only who sees the hearts of men, and knows the occasions of their evil acts, and measures the strength of temptation and the weakness of the moral power to resist it, can justly apportion the actual guilt of an evil action. So far as human punishments are necessary for the protection of society, and as a part of that for the prevention of crime and the reformation of criminals, the magistrate is His vicegerent, and "beareth not the sword in vain." Beyond that the King has given him no commission.

The invaluable reports of the N. Y. Prison Association record the results of many years' experience as to the evils and defects of a merely punitive system, and the legislation of that imperial state—imperial in the magnitude of its criminal experiences as in other and better things—has been influenced very largely of late years by the patriotic, enlightened, and philanthropic researches and conclusions of the able men who have given so much attention to this subject. Connecticut is very far behind New York and other states in this matter. The defects of the generally prevailing system, and the true conditions of a reformative prison discipline, may be briefly stated, and the statement will carry conviction.

1. Prominent among the defects of the present system is the promiscuous and enforced association of young criminals with hardened offenders. A boy, imprisoned for his first offense—a petty larceny, it may be, or a wild freak which betokens the want of self-control or parental control, rather than a deliberate purpose of evil—is thrown, while he is sore and desperate under the disgrace which he has sense of shame enough to feel bitterly, into the company of a man who has lost it utterly. They become pupil and teacher, at once. All the better impulses of the lad are stifled, and he leaves the prison a graduate in crime. His instructor leaves it, too, and the intimacy ripens into an evil partnership to prey still further on the community.

2. Another defect is *the training in idleness*—the fruitful parent of all the vices. In States Prisons and Penitentiaries, where the longer confinement affords the opportunity, some provision has been made, since public attention has been directed to this subject, for keeping men employed, but it is often very inadequate, and is made under great difficulties. A man criminally disposed can least of all men afford to be without the wholesome influence of useful and self-respecting occupation. The want of it, or the indisposition for it, in most instances, brought him there, and may very likely bring him there again. But his time of imprisonment is an opportunity for correcting habits of idleness, and for teaching some useful industry which shall stimulate and sustain his self-respect.

3. Another defect is *inefficient discipline*. The thing that brings many a young man to prison is that he has never learned obedience. The state has him then in its power, and can remedy the deficiencies of parental discipline in this. Self-will must be subdued, or rather taught to exercise itself in controlling the man himself into subjection to law. For the one lesson that a prison ought to teach is, that law is above us all. And this lesson can never be taught by a rule of mere physical force, though that may help it. A willing obedience must be sought, springing out of the newly-awakened convictions of duty, and the promptings of a legitimate self-interest.

But now how evident it becomes, at this point, that the treatment of such wards of the state is *a science*—a moral and social science. And how is it possible that mere political appointees, rewarded with a place under government for services in the caucus, or at the election of some other placeman, should be found provided with the mental and moral capacities for a work so delicate, requiring for its successful prosecution for the public interest so much wisdom, gentleness, firmness, self-restraint, belief in human nature, knowledge of men, conscientiousness, administrative power? I know we are all very hopeless here, and not without reason. The only ground for hope is in an educated public sentiment, which shall gradually alleviate and remedy the evils of partizanship in politics, or at least shall redeem

this department of public duty from its influence, and shall recognize fitness as the sole qualification for so delicate a public trust. If we cannot hope at all for this, we may well despair of the republic.

4. Another essential condition of a true reformatory system is, *some provision for mental and moral education.*

Very many men come under temptation to vice and crime simply because they are animals, and little else. They are too ignorant—have too few of the resources which even the plainest education gives—to find enjoyable occupation otherwise than as animals. The mind was intended by the Creator to dominate the body, and the conscience to dominate both. But with the development of the animal appetites and powers, the minds of very many men have not been developed, and their consciences have not been trained, and mentally and morally they are as irresponsible as children. They have no resource but the drinking-saloon. The avenues to innocent and wholesome pleasure are for the most part closed to them. If they are employed, they are employed as machines—their bone and muscle is what is wanted—for the old and healthful relations between master and servant, which did so much to bind society together in former times in New England, by creating a sense of moral responsibility on the part of the better classes, have ceased. And how old-fashioned that rubric at the end of the Catechism reads now. "And all Fathers, Mothers, *Masters, and Mistresses,* shall cause their Children, *Servants, and Apprentices,* who have not learned their catechism, to come to the Church at the times appointed, and obediently to hear and to be ordered by the minister, until such time as they have learned all that is here appointed for them to learn." Old-fashioned! but there is a good deal in it, for "My Duty towards God," and "My duty towards my Neighbor," was there "appointed for them to learn."

The failure of systematic training in Christian morals is conspicuous in our time, and under the changed conditions of our social order there be many for whom nobody is specially respon-

sible, and the principle of an education purely secular is now being pushed to its legitimate conclusion by the public-school controversy. There is no firm foundation for morality except in duty towards God.

Now, as to a large proportion of the criminal class, it may with truth be said, that they have never been adequately taught the difference between right and wrong, and why right is right and wrong is wrong. To them, that is right which they want to do, and can do safely—a very shaky foundation this for the rights of person and property. And so we say that a part of reformatory prison treatment is, education of the mind and the moral sense. Night-school teaching, libraries to furnish wholesome reading, and moral and religious instruction—all those helps to the better part in men to which we ourselves are so much indebted for not being criminals, which have taught us how to keep under the worser part in us, are the helps which a large proportion of our criminal classes need, which would benefit them, and which their prison-life affords the opportunity for giving them. That which was left undone outside the prison-walls may be done, to some extent, inside, and not in vain.

3. But again, and in order to make all these means effectual, they need *the stimulus of hope*. Every man, in or out of prison, wants to better his condition. The nature and enormity of some crimes makes it necessary that some of those who enter within prison-walls should leave even hope behind, so far as any return to the ordinary life of men is concerned. But occupation, and moral and mental training, to say nothing of religious, can improve even their character and condition, and society be none the worse. But for those who are still to have opportunities among us, it is essential that the stimulus of hope should be brought to aid their better natures—the hope of better things, and the perception of what are better things. When a man is in despair, he is, we say, desperate—he says : I am down, and I will not try to get up, for what is the use of trying—society is my enemy because I have been its enemy. Well, be it so—I will take the consequences, and let society take the consequences

—I have committed one crime. I may as well commit another. The tendency of our prison treatment is, to keep a bad man where he is, morally, and so what can he do, when he gets out of prison, but commit some other crime, and get back again? Fear will not restrain him. Then try hope. Make it to his interest to learn, to labor—"to learn and labor truly to get mine own living, and to do my duty in that state of life into which it shall please God to call me."

The experiment can be begun in prison, and continued out of it. One way of affording a criminal the stimulus of hope, which has been successfully tried, is to teach or employ him in some useful industry, and place to his credit some small proportion of his earnings, so that he has property, which means that he has something to lose by misconduct, has a stake in the social order even while he is in prison, and carries it with him when he goes out of it. It becomes then his pride and his interest to be a good citizen, as well as his duty. An account at the Savings Bank is a great preservative and stimulus—it puts a man at once on the side of order and good government.

And another application, also successfully tried, of the wholesome stimulus of hope, is in the systematic and proportional reduction of the term of imprisonment, as a reward for good conduct. It would be far better if the original sentences were more severe than they ordinarily are, in order to afford ampler opportunity for reformatory discipline, and in order that they may be wisely reduced as the man proves himself fitted for liberty. Indeed it has been suggested that, as a convict is imprisoned because he is dangerous to society, it might be well to have all sentences indeterminate as to time, and determinable on the basis of improvement in character and habits—let him out when it has been judicially determined that it is safe to do so.

These are some conditions of a true reformatory system of dealing with criminals. It will be seen at once that they in no way interfere with the principle of punishment. The sentence is just as severe, and just as deterrent, when it is made to afford the opportunity of making convicts better men and better citi-

zens, as when it makes them worse—degrades, brutalizes, and trains them in crime. And I have brought these considerations together with the view of correcting that vague and cruel hopelessness which envelopes the subject in the minds of most of us, and of leading us to feel that it is possible to do something worth doing in the matter of diminishing crime by the reformation of criminals. It is not as a favor to evil-doers that we are invited to take up this matter, but as a favor to ourselves, and because it is right to do it, and wrong not to do it. It will be seen, too, that *it is a science, but a science which can be learned, and which can be effectively applied.* Moreover, it is a science which has been learned, and has been effectively applied. What is called the Crofton System of Prison Discipline in Ireland, and successful experiments in our own country, at the Albany Penitentiary and other places, have shown that the state can be relieved of all expense, and be made wealthier by the restoration of its unproductive and destructive members to productive industry. The moral and spiritual results can only be known at the Last Assize, when the Judge shall give His commendation to those who have labored with these greater and more enduring results in view, "I was in prison, and ye came unto me."

III. But there is one thing further to be done, which is more difficult than the revision of our prison system, which can only be done at the cost of personal care and labor of individuals, which constitutes a stronger claim on their religion and philanthropy, and which, therefore, comes nearer than anything else to that to which Christ will give his approval in the Last Great Day.

It is well known to those who are brought by their public duty into personal relation to criminals, that the criminal class is so organized, and, so to speak, administered, as to make it very difficult for a man who has once entered it to get out of it. The day of his release from imprisonment is well understood by his fellows outside, and when he emerges from the prison-gate, with no honest outlook before him, no means of support, no friends, and often no home to which he cares to go, or where he would be welcome, he finds a committee waiting for him, who have a

place to take him to, and work of the old sort cut out for him to do. Another crisis of his life comes to him within the first few hours of liberty, and the question must be settled then whether he will be an honest citizen or a criminal again. And what does society, which is chiefly concerned with his decision, do to help him in deciding rightly? For the most part, society says it will have nothing to do with him. It will not give him the chance to get an honest living. A brand is upon him that he cannot efface if he would, and that shuts him out from all reputable associations, from honest homes, from the opportunity of self-redemption. And do you suppose that there is no longing for a decent, cleanly life, in the innermost hearts of men who have so long been shut out from it? You must have a poorer opinion of the human nature which you inherit from honored parents, and which the Incarnate Redeemer shares, and elevates by His sharing, than I have, or any Christian ought to have, if you can think so!

A remedy for this disastrous situation has been tried, and tried successfully, in innumerable instances. It is, to organize some system of individual co-operation, by which released prisoners who have so conducted themselves in prison as to give probable assurance that they will appreciate and improve it, shall have an opportunity. Employers of labor are found, and more can be found, who will furnish employment to such men, under such private and personal supervision, and under such conditions as will greatly reduce the obvious risks of the experiment. It is an honorable position to take, one of the profoundest charity—that of becoming protector and guide, for Christ's sake and the country's, of the better part in men who are striving to bring their better part uppermost in their characters and their lives. It can be done—it has been and is being done—and many an honest and reputable citizen to-day is such in virtue of the kindly opportunity which has been afforded him of redeeming himself from a life of guilt and shame. "Brethren, if any of you do err from the truth, and one convert him, let him know that he which converteth a sinner from the error of

his way, shall save a soul from death, and shall hide a multitude of sins."

There is no doubt whatever that any reformatory measures, however well conceived and well applied, will fail with many men—that some will be hypocritical and some stubborn. That is no reason why we should not "by all means save some." And if any one makes this a reason for not attempting to restrain criminality by reforming criminals, the question is pertinent—whether the merely punishing them succeeds any better. All experience shows that it does not. And the further question—whether it is wiser, safer, more economical, to say nothing of its being more humane and more Christ-like, to leave a man to fall back into the criminal class when he comes out of prison, or to give him the helping hand which will lift him entirely out of it. For, without some continued care at that moment and after it, all the reformatory work of his prison life goes for nothing, and after painfully toiling to get him up to a certain point in his rescue, we drop him just at the moment when the work is beginning to succeed, and lose our labor and cost.

This whole subject is new to most of us—newer than it ought to be. It may be an unexpected subject for treatment in this place. But why should it be? It has relations to human sin, human sorrow, human suffering, which bring it within the view of the Christian pulpit, and make it practical to every Christian man who looks outside of himself and his family to the moral and spiritual needs of the community. From Pharaoh on his throne to the captive that is in the dungeon there is a bond of common interest. Nay, it may not be necessary to take a very wide outlook from the confines of respectable society, in order to find reasons for concerning ourselves in this matter—criminality is creeping up in the social scale. I hope crime will never become respectable among us, but sure it is that a great many well-connected people go to gaol in these days, and many more ought to go. And many more will go when the creed and ten commandments get thoroughly ruled out from popular education

But the Christian church is the salt of the earth. We are put into the world to touch it at all points, and freshen and sweeten

it, and preserve it from corruption. What has been said today is simply to awaken consideration, and the sense of a public responsibility, among those who have influence and ought to use it. The way in which any man shall take hold of the subject must depend upon his abilities and his opportunities. But it is one which cannot safely, wisely, nor Christianly be put aside, and suffered to drift towards any hap-hazard settlement. Remember our Lord's words, and be sure they mean something when He identifies Himself with those He came to save, and whom He expects His followers to care for. "I was in prison, and ye came unto me," or, "in prison, and ye visited me not."