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CRIME AND ITS TREATMENT.*

"I was in prison, and ye came unto me."—MATT. xxv. 36.

At the outset, I think it will be well for us to get clearly in mind one or two definitions. Sin, technically speaking, is an offence committed against God. Vice is an offence committed chiefly, or first, against ourselves,—a private, personal thing. Crime is the breaking of a statute law, supposed to be a social wrong. This is the technical distinction between these words, which are frequently confounded, spoken of as though they stood for substantially the same thing. I wish you to take note that crime is not always evil. Crime may be a sign of degradation, of disintegration, or it may be the budding, the bursting forth, of a new and higher type of civilization. If we look down the course of human history, we shall see that a large part of those men whom we most revere were considered criminals by their age. Considered did I say? They *were* criminals. That is, they were breakers of statute law. Socrates was a criminal, and was put to death as such. Jesus of Nazareth was a criminal. In the times of Nero and Diocletian all the early Christians were criminals. And so, as we come down the years, Bruno was a criminal. So was Martin Luther. So were Vanini and Servetus. And at a still later period all that grand cluster of men who stand out in the firmament of our recent past like stars, whose shining heralded the dawn of a larger, wider human freedom,—these were criminals,—Channing, Parker, Garrison, Phillips, John Brown, all the noblest men of their time. I emphasize

* Phonographically reported.

this, not because it is important this morning, but only for clearness of definition, that you may remember that the word "criminal" is not always a stigma, a disgrace. Sometimes it is rather an insignia of honor.

Of course, this morning I am to speak of that other kind of crime, that which we find in the lower strata of society,—the crime that means degradation, the crime that disintegrates, that hurts, that injures, that needs not to be encouraged, but to be repressed, to be wiped out of existence.

I think it will help us to understand the nature of crime and the relation in which it stands to the order of society if we look at it for a moment in the light of human evolution,—if we see, taking human nature as it is, how necessary it is, how it springs out of the nature of things. We need not simply to condemn a thing that is wrong. We need to comprehend it so far as possible; and then we shall be in a better position intelligently and successfully to deal with it.

We may figure human progress by the illustration of an army on the march. There has always been the vanguard, the leaders. Then there has always been the main body, those who have kept fairly in the ranks, shoulder to shoulder, step by step, who have added to the strength of the force, and have not only kept up on the march, but have helped others to keep up,—men who have helped to conserve order and growth. Then there has always been the third section of the army. I suppose never an army existed without a body of stragglers, of camp followers, those who for one reason or another have fallen out by the way, those who are a burden and call for the help, the attention, the care, of the main body. Instead of adding to its efficiency, they are a source of weakness and injury. They call for compassion sometimes, sometimes for serious condemnation; but they always exist. Never yet was an army without them.

Who are these that are stragglers in the rear of every army on the march? Sometimes they are those who have become temporarily too weary and footsore to keep up any longer. Sometimes they are those who are positively ill and need ten-

derest sympathy and care. Sometimes they are those who are simply lazy, who do not wish to make any effort. Sometimes they are those who relentlessly and purposely prey upon their fellows. They are the reckless class who take advantage of those who are weaker. All these different classes make up the great body of stragglers, of camp followers, in the rear of every army on its forward march. This may well illustrate the march of humanity. The vanguard to-day is way ahead of the main body; while the main body perhaps to-morrow or next week will be where the vanguard is to-day. The position represented by the vanguard and the main army is not a fixed position. It is constantly changing, so that that which is farthest forward and upward to-day may be the place occupied by the stragglers next year. And the stragglers, perhaps, should not be condemned outright and without consideration, if we remember that they to-day are where the vanguard was last year or last century.

The human race, then, is ever on this march of progress. There are ever the leaders with foresight and with courage, there is ever the main body that simply follows the leaders, and there are those in the rear who get along as best they can, living, as they say, by their wits,—sources of weakness and sources constantly of peril.

As our next step, let us consider for a moment whether crime in this sense is on the increase. I have seen statistics recently, tending to prove that crime is increasing in the State of Massachusetts and in the United States. If this really were so, it would be an appalling fact. It would perhaps make the thoughtful student of human history and human liberty hopeless; for, if after nearly two thousand years of what we proudly call Christian civilization crime is really increasing, then might we not as well throw down our weapons, abandon our public schools, close up our churches, and give up in despair? I believe, however, that a little careful consideration will show—as we should certainly expect—that this is not true. We talk glibly about human progress right in the face of these statistics that are sup-

posed to prove that crime is increasing. It means that the main body of the people really believe that there is such a thing as progress; that the world is getting better, however slow the course of human advance may be. Is public opinion wrong in this impression? Or is there something to justify it in the real condition of things? Statistics are supposed to be always reliable. It is said that figures will not lie. No: figures never lie; but people can lie very easily in the use of figures. And not only can people lie in the use of figures, but they can be very easily mistaken. They can use them wrongly, and make them seem to prove that which the real facts in the case do not prove at all.

Now let us consider one or two things. People tell us once in a while that the Roman Catholic Church is increasing. If you take the statistics of a city like Boston or like New York, or, possibly, if you take the count of those who are nominally Catholics with all their children and dependants in the whole United States, you may be able to make out your case; but you must remember that the majority of the Catholics in this country are immigrants, and that, when a man comes from Europe to live in America, he does not add to the number of Catholics in the world. He only changes his location. And, then, you need to put alongside with such facts the liberation of whole empires in Europe from the grip of the old ecclesiasticism. You need to take account of the fact that the type of the Catholic Church in this country has changed, that it is feeling the influence of our liberal free school atmosphere so that the old hold of the priesthood is not in this country what it used to be in the old countries of the world, or is still in some of them to-day. I am not using this as connected with the question of crime, but as an illustration to show you how you can make almost anything you please out of the use of figures.

Then you must remember another thing as bearing on statistics. The very fact that a community is morally growing may manifest itself in the multiplication of laws, and so in

the possibility of broken laws which constitute the commission of a crime, so that, owing to the number of possible crimes on the statute book, the number of commitments may for a time increase with the moral growth and sensitiveness of the people.

Take as an illustration this. Suppose you should compare the statistics of Massachusetts and of some State in the South or elsewhere,—I do not know that any such State exists as I have in mind; but suppose there is a State where there is no law against duelling, and where drunkenness is not considered a crime, or where a hundred things that in Massachusetts are treated as crimes are not against the law, and are passed over. It would be easy to prove that there is more crime in Massachusetts than in this supposititious State. Yet, of course, the most casual thought proves that this method of the use of statistics is entirely misleading. There are in a great many States certain things which are passed over and are not considered crimes which are held as crimes in Massachusetts. Possibly the number of arrests might be smaller in those States than here; but that would not show that the morality of Massachusetts was lower, but that there are more laws that can be broken, and consequently there are more arrests and more commitments for offences of various kinds. There might be a law passed to-morrow in this State which should double the number of criminals in the next six months. That would not mean that Massachusetts had grown any worse, only that suddenly the legislature had decided that any number of things which are allowed now should be regarded as offences to be punished. These statistics, then, may be, and I believe are, entirely misleading, if used to prove that crime is increasing. I believe that crimes, in the sense of offences against public order and public well-being, are diminishing in every civilized land on the face of the earth. That is, I believe that the moral and social level of mankind is constantly, however slowly, lifting, rising; that the world is better and better as the years go by.

Crime, then, is not increasing, statistics to the contrary, notwithstanding. It is a hopeful problem, then, that we face, not one of discouragement or despair.

Now let us come to the next point, and raise the question as to what are the rights of society over the persons who for whatever cause break these statute laws. What right has society in the presence of criminals? Possibly I may startle some of you a little at first by the statement which I now propose to make; and yet I mean to make it with all the earnestness of which I am capable. Society has no right whatever to punish, no right whatever to take vengeance. Society has no right,—why? Because there is no judge, no bench of judges, no jury, no body of lawyers, no set of wise men on the face of the earth, who are competent to decide the degree of any individual's intentional guilt in the commission of any crime whatsoever.

Let us consider for a moment who these criminals are and how they have come to be criminals. Here, for example, is a case of a boy born in the midst of criminal conditions which he did not create and for which he is not responsible. He has never had an opportunity to get a clear idea of human justice or human right. To him, practically, those words have no meaning. He has been trained from his childhood to look upon society as his enemy. He has been trained to the idea that society in some way is responsible for all ignorance, criminality, and poverty. He is taught that it is somehow an heroic thing to be revenged on society and to get out of it all that he can. Is a child, or a man whose childhood was like that, to be adjudged guilty in the same way and to the same extent as you or I would be if we should go out into the street and purposely commit a crime?

Then there are other classes, people who are criminals largely from weakness. The battle of life is an unequal battle for them. They are like those camp followers who fall out of the ranks because they cannot keep up any longer.

Then there are those who have inherited a tremendous and overmastering weight of passion. I remember some years ago I told you of a man who, when he indulged in some terrible outburst of wrath, was taken to task by a friend who said, "Why don't you control your temper?" And the man turned on him and replied: "Control my temper! I control more temper in five minutes than you ever controlled in your life!" These men that are dowered with this tremendous passion and power, overmastering reason and self-control, are not responsible, in the ordinary sense of the word, for being thus weighted.

So you may go through all the criminal classes, and you will find that at least something can be said in this direction by way of a plea for careful consideration. I was made aware the other day of a case like this. You will see the illustration. A boy had reached the age of eight or ten, when suddenly his hand became deformed and distorted, and he was unable to use it, and one of his limbs lost its power. A very wise surgeon, who studied the case with care, found that the skull, instead of being flexible and expansive, like the normal human skull, had grown solid, so that there was no space within for brain expansion. He performed a surgical operation, by which it was opened in half a dozen different directions, allowing it to *give*; and, simply because the brain had a chance, the hand suddenly became normal, and the boy was able again to walk, and all his intellectual faculties returned and pursued their normal course of development. A great German scientist not long ago made a careful study of the skulls of condemned and executed criminals, and he said that he did not find a normal skull in the whole collection. There may be crooked minds and crooked consciences and distorted hearts, which are simply diseased, as well as distorted limbs and deformed physical organs.

As we study, then, the origin of the criminal classes, we need to understand them before we pronounce our judgment. Yet I do not believe, as I said before, that there is a man or

a body of men on earth who are wise enough to untangle all the threads of inheritance and condition, so as to get at the precise amount of responsibility which should be charged upon any man for any act that he ever commits. This is not to say that there is no wisdom anywhere. It is only an argument for human modesty and human care.

What, then? Is society to sit down, and allow criminals to prey upon it? No. Society has a right — and that is the only right it has so far — to protect itself, and to protect itself to any extent that is necessary and by any method that is necessary. Merely because we are not wise enough to tell how guilty a man is, so as to measure out the precise quantity of bitter vengeance that he shall be made to swallow, it is important that we shall not sit down and allow the disintegrating forces to destroy our social order. A city has a right to build dams and embankments to turn the course of a river, to protect itself. If a tiger gets loose in the street, we need not raise and settle the question as to the guilt of the tiger for wanting to eat men. We have a perfect right to shoot him at sight, for our own protection or for the protection of society. I am not one of those who say that society has no right to put a man to death. He may be a moral idiot, he may be utterly irresponsible; and yet it may be foolhardiness to allow him to be loose on our streets,—as dangerous as to have a tiger loose. Society has a right to do whatever is necessary to protect itself, and to enable it to go on in its progress from its present to a higher and better condition. But it has a right to do this merely in the spirit of self-protection,—not in the spirit of vengeance, not as though it were assuming a Pharisaic superiority. You remember the saying of John Newton, a preacher in England, when he saw a fellow on the tumbril being carried to execution: "There goes John Newton, but for the grace of God." I think almost any of us, if we are humble enough, as we look upon almost any case of crime, might say, There goes myself, but for accidents of birth, education, training, the thousand things that have given me a chance that he never

had. The Sevres vase that is guarded with care on the parlor mantel cannot very reasonably look contemptuously down on the earthen bean-pot that is tossed and tumbled about the kitchen, because there happens to be a nick in its edge. We can learn charity and consideration concerning these things, while we mark the distinction between the good and the bad in the world.

But, granting that, what shall we do as a matter of social protection? Shall we pronounce death? Yes, if we can find no better way. We must learn in the light of experience, and find out that which is best. If we can do anything better with criminals than kill them, it would seem a more humane way.

Let me note one or two things. In the first place, we have no right to coddle crime because the criminal may not be responsible. We have no right to make the condition of the criminal more comfortable than the condition of the hard-working, honest, poor man. We have no right to surround crime with that maudlin kind of sympathy that tends to break down the distinction between right and wrong. Crime is crime, as disease is disease; and, because a man may not be responsible in the one case or the other, that does not make the condition a healthful one in either case. It is something not to be treated in that maudlin sort of way.

On the other hand, let us not treat it with undue severity; for, if you will read the history of human practices concerning these matters, you will find that barbaric methods of dealing with crime always indicate a barbaric social condition, and that they tend to increase the amount of crime. If you treat crime in a coarse, hard, brutal fashion, you tend to make the people themselves coarse, hard, brutal. And it is out of this condition of coarseness, hardness, and brutality that you may expect new crime.

Let me give you one or two illustrations. Go back about one hundred and twenty years,—note how recently,—to the year 1769. About that time a certain edition of Black-

stone's Commentaries was published; and in that edition were enumerated not less than one hundred and sixty different crimes that in England were punished by death. Does that indicate that they were better in England then or more barbaric? Go back to the time of Henry VIII., three hundred years ago; and, although there were not more than six or eight millions of people in England during the reign of Henry VIII., there were seventy-two thousand people put to death for stealing alone. Does that indicate that in the time of Henry VIII. the people were more moral than now, or were they more barbaric, more cruel? A hundred years ago, in London, the condition of the criminal and his treatment was something worthy only of savages,—huddled together, men and women, all grades of crime; here a poor debtor, perfectly honest, but unable to meet his obligation; there the blackest criminal; permitted all kinds of rioting and debauchery, provided they were able to pay for it, starved and brutally beaten and maltreated, if they were not. Does that show that England was better then than to-day, or more barbaric? Go to Tennessee to-day. I was astonished during the past week to be reliably informed—perhaps I ought to have known it before—that in some cases women convicts are sent to the men's workhouse, and are compelled to work on the public roads, and that now and then you may see a mother, with a baby in one arm, breaking stones with her right hand, while with her left she shields the little one's eyes from the flying stones. Does that show that Tennessee is more moral than we are, or only that there are traces still there of the Middle Ages, that period out of which the cruelties and the horrors and the hells have come? In Delaware the whipping-post and the stocks, I believe, are still legal. Everybody who studies the history of human thought knows that this only means that they are still in the dark ages in regard to some things. It is universally true that, wherever you find humane counsels, humane methods of treatment, humane dealing with crime, there you find less crime, and you find a higher type of social order, because the brutal way,

the cruel way, merely means that society is in that brutal condition out of which crime naturally springs. The two go together.

We are to deal with crime in such a way, then, as to protect society. Any method that has been proved absolutely essential may be adopted. But, if in dealing with the criminal we can at the same time reform him, we not only protect ourselves against crime, but we add to our social strength and resources, we turn those who were enemies into helpers and friends. And this, it seems to me, is not only the most humane, but it is at the same time the most economical, way of dealing with crime, if it prove to be practical. Here is the point. Have there been any experiments that prove that there is any practical value in such methods as these? I have left only a few moments to hint to you some things that have been done. Every time a new reform is proposed, there are those who are opposed to it, who are in favor of the old ways. This is to be expected. They ought to be, perhaps. A man does not at first grasp every new idea presented to him. He needs to be persuaded that it is practical and right. But, if there is a presumption in favor of it, and if it is more humane, then it should have an opportunity to be tried.

I shall confine myself almost entirely to speaking of some of the methods being tried at the great Elmira Reformatory, under the charge of probably the one man in this country who is wisest and most competent in regard to these matters, Mr. Z. R. Brockway. It is also being tried in other States, and other men are being influenced by the example, and are learning his methods and being infused with his spirit. He has at the present time under his care about thirteen hundred prisoners, young men under the age of thirty. It is supposed that his new methods of attempting to reform them will naturally find more success with the younger class of criminals. Of course, these men are not those who have committed heinous crimes, nor are they under life sentence.

Let me tell you what he does. He has established grades and a marking system. Every convict is marked for three things,—for personal conduct, for diligence and attainment in study, and for the ability and faithfulness which he shows in his work. The criminals, thus graded and marked, are put on their mettle to do the very best they can in every one of these departments, because that lifts them constantly towards the highest grade. In other words, there is no such thing as meddling with the institution on the part of politicians. There is no such thing as buying favor. There is no such thing as winning it by social influence. It is simply opening the door of hope to the criminal himself, giving him an opportunity, if he will, to work out his own salvation. The men are all there on the so-called indeterminate sentence. That is, no man can be released under a certain definite time, and in no case can he be held beyond a certain definite time. So far as that goes, he is on a level with prisoners anywhere; but his sentence is indeterminate in this sense,—that he may, under certain conditions, be discharged before the maximum period has expired. Suppose the man is sentenced for five years. It is possible that he may develop himself in such a way as to make it possible for Mr. Brockway to release him two or three years, perhaps, before the time is up. That is left, in the discretion of the Board of Managers, in Mr. Brockway's hands. He decides in his judgment according to the progress that the criminal has made and the character that he manifests.

Then he is released on parole. If the prisoner has done so well that, in the judgment of Mr. Brockway, it is fitting and best that the man should be released, he goes free on parole. That is not a final discharge. He is under constant supervision. He is obliged to report himself just so often, and is liable to instant rearrest if he breaks the parole or commits a new offence. This whole scheme treats these young men as though they were capable of being reformed, and it gives them an opportunity to do their best; and their freedom depends exclusively on this.

Now, what success has Mr. Brockway met with? That was the one great question which I asked with a good deal of interest. I was surprised, as I think you will be, at the percentage. Mr. Brockway reports that he regards seventy-five per cent. of his prisoners as permanently reformed. Seventy-five per cent. ! Is not that an excellent result?

One other statement has come to me. The new State of South Dakota has adopted the parole system. Within the first year of its adoption thirty-eight prisoners were released on parole, and not one has relapsed or been brought back.

This, then, is the method which is being advocated by those who are specially interested in prison reform,—that kind of social self-protection which attempts to turn social enemies into friends, to turn foes into allies, to protect society, and at the same time save the man, who, perhaps, has never in all his life had half so much a chance to be a man as since he committed his crime and has been in prison. The finest type of civilization that many of these men have ever seen has been within prison walls, the first contact they have ever had with any influence that is inspiring or uplifting.

At the end there is only time to suggest that, as we go back down the pathway of human history, we reach a point where, when a man broke any one of the social laws, he was put to death with every method of cruelty and barbarity that could be imagined. We have reached a time to-day when there is an attempt to redeem and save. As you go back towards that time of most cruel treatment, you reach the point of most crime and the deepest seated and most wide-spread social barbarism. As you come to the present time, you reach a period of the largest hope, the highest civilization, the highest attainment in reform, as well as of sympathy and mutual help. I think one cannot study the course of human history without being persuaded that not only are these reformers interested in reaching that which will illustrate the deepest, the divinest sympathy, mercy, and help, but they

are working, also, towards the most practical and the most real political economy.

Father, in the words of the old Persian, we pray Thee, the All-merciful, to bless the wicked; for the good Thou hast already blessed in making them good. Let us in the spirit that was in Jesus attempt to do what we can to seek and to save, not those who are found, but those who are lost. Amen.