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**A PLEA FOR THE CRIMINAL.**

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**BEING A REPLY TO DR. CHAPPLE'S WORK:  
"THE FERTILITY OF THE UNFIT,"**

**AND**

**AN ATTEMPT TO EXPLAIN THE LEADING  
PRINCIPLES OF CRIMINOLOGICAL &  
REFORMATORY SCIENCE.**

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**By**

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## **Chapter I.**

### **INTRODUCTION.**

This little book presents an appeal to society to consider its criminals with greater charity and with more intelligent compassion. No other plea is advanced than that the public mind should rid itself of all prejudices and misunderstandings, and should make an honest endeavour to understand what the criminal is, why he is a criminal and what, notwithstanding, are his chances in social life.

The criminal has a claim to be understood just as well as any other creature. It is not necessary that his sympathisers should shut their eyes to the fact that he is capable of shocking crime, that he is often an ungrateful wretch that will bite the hand that feeds him and that among his ranks are to be found the most depraved specimens of humanity that the mind can conceive. A failure to recognize these facts is actually a failure to do justice to his cause. Notwithstanding the hideous history that he may have to unfold, he does ask to be understood.

The majority of people take a most prejudiced view of the criminal's case. They will read the account of some fearful outrage or the details of a disgraceful divorce suit with absolutely no interest what ever in the persons concerned but only for the sake of the morbid satisfaction which such reading gives them. A glance at the sentence will draw forth from them the exclamation that the wretch got no more than he deserved or that he didn't get half enough. This simply indicates that society as a whole has made very little real progress in the manner in which it regards its criminals. The old barbaric idea of revenge is still the dominant one and any scheme for the betterment of the criminal, even if it should give unmistakable signs that it will accomplish his absolute reform, is carefully investigated to see whether it provides for a sufficient degree of penal suffering. Suffering which is of an entirely penal nature, has very little deterrent value and absolutely no reformatory value whatever. And yet our refined and educated men and women will read the accounts of crimes and, in their own minds, sentence the actors to five, ten, fourteen or twenty years; even death, as if criminals were so used to this sort of thing that they thought no more of it than their self-chosen judges would if deprived of a day's sport or disappointed over a ball.

"But," as an ex-member of the Justice Department said to me, "do you know what the wretch has done?" Yes, I do know what he has done, and I know him personally and well, and I know of what he is capable and such knowledge brings with it the conviction that society commits a greater crime than that which he has committed when it undertakes to punish him for his offence upon a principle of pure vengeance.

"Vengeance is mine," saith the Almighty, "I will repay." Society is not God any more than is the individual, so that by acting in the collective capacity no additional plea of justification may be advanced.

The endeavour of this book will be to show that the best interests of society are not served by the infliction of punishments which are essentially penal but by the accomplishment of the reform of the criminal. This latter process is for the criminal himself, infinitely more severe than the former, but it inflicts a pain which raises the man to a higher level; it is purgatorial, and not one which, being penal, leaves him a greater enemy to mankind than ever.

The criminal is not excused for his wrong-doing, he is not regarded as an automaton, but simply as a creature of capabilities and possibilities which require the intelligent sympathy of his fellows in order that they may be properly developed.

There are many persons who regard the reform of the criminal as an absolutely hopeless task and a waste of time to think over; they advocate his extermination. They would fling back to the Creator His own work as having, in their judgment, proved worthless, even mischievous.

Dr Chapple is astounded that the existence, or at least the birth, of defectives should be allowed. It is, he says, due in a large measure to the tide of Christian sentiment which is to-day in full flood. The Christian does at least recognize that of every defective God says, "take this child and nurse it for Me," but to speak of Christian sentiment being at its flood-tide to-day is surely not the speech of one who professes much belief in the future of Christianity.

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Dr Chapple preaches a Gospel for the defective, and his banner is the skull and cross-bones! Christian sentiment when at its flood-tide will have swept away all such emblems. In replying to Dr Chapple, I have endeavoured to show that his proposal touches but the fringe of the problem, and even there after an unscientific and immoral manner. There is room for a measure of surprise that Dr Chapple should have undertaken to write his book with such a scant knowledge of the facts as they really are.

In presenting this little book to the public, the author does so with the hope that it may tend to restore the confidence in human nature that Dr Chapple has somewhat weakened, but also in some measure to inspire society towards greater collective ameliorative effort, in which our full confidence may unhesitatingly be placed. The author hopes that the criminal, a subject of patient study for the last ten years, will be seen in a somewhat new light. Criminologists declare the criminal to be seven-eighths of an average man. May society find in itself the ability and good-will to contribute the other eighth!

Small as this volume is, it has required many communications with the old world, and the author's thanks are due to many students engaged upon the study of this science in England and in the United States, and who have rendered him valuable assistance. Also, the assistance of many kind friends in New Zealand is gratefully acknowledged, and particularly that of Mr Alfred Grant, without whose aid the preparation of these sheets for the press would have been an almost impossible task.

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## Chapter II.

### THE CRIMINAL.

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The popular mind draws little or no distinction between criminals. In it there exists the idea of a criminal caste, all the members of which are prepared to commit any and every act of a criminal nature. In the popular mind, although it is just a question whether a man is bad enough to commit the greater crimes, yet thieves, violators, swindlers, forgers and murderers are all assumed to fall into the same category. In one sense they do, that is, that they are all anti-social beings, or rather they all possess certain anti-social qualities; but as soon as we proceed further we find that there exists a very great distinction in criminals. Criminals are first classified according to the motive of their crime. This classification ranges them under five different headings, the political criminal, the occasional criminal, the criminal of passion, the instinctive criminal, and the habitual criminal or recidivist.

Again they are classified, according to the nature of their crime, into thieves, robbers, violators, assassins, murderers, swindlers, etc. These again are sub-classified, e.g., thieves are classified as housebreakers, those who rob with violence, those who use weapons, those who rob from the person, and those who break safes. Murderers may also be classified according to the nature of their murderous instinct, illustrated by the instrument of destruction that they employ, whether it be the knife, firearms, poisons or other means, and again a classification exists between those who commit murder themselves and those who employ agents. All these classifications are entirely different, and although some criminals may range under more than one heading, yet it is generally the case that a criminal adopts both a certain form of crime and also a particular method for carrying it into execution.

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**The Political Criminal.**—This man's offence is not against morality but against the governmental institutions of the country. He holds advanced ideas upon matters of government and upon the constitution of society, and in his attempt to propagate these he becomes a political criminal. The political criminal, as distinguished from all other criminals, never commits violence, his morals may even approach perfection; but he holds "ideas," ideas which are not acceptable to the government under which he lives.

The despotic rule of the Oriental countries is most favourable to the production of the political criminal: Russia and Germany are not without their representatives. Occasionally bands of political criminals are formed, and then, in the midst of demonstrations, unpremeditated violence may be committed. The Stundists and the Young Turkish Party are examples.

**The Occasional Criminal.**—"Economic conditions are generally responsible for the

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production of the occasional criminal. His crime is committed in order to satisfy his present wants. In him the sensual instincts may not be stronger than usual, and the social element, though weaker than usual, need not be absent. Weakness is the chief characteristic of the occasional criminal. When circumstances are not quite favourable he succumbs to temptation." (The Criminal, p. 18.) The occasional criminal is clearly a subject for educational treatment. He needs to cultivate greater power of self-control, to strengthen his moral sense, and above all to be thoroughly equipped for the battle of life. Imprisonment will frequently ruin him and be the cause of his becoming a confirmed or habitual criminal.

**The Criminal of Passion.**—He is generally of considerable culture and of keen moral sensibility. His crime proceeds from a sense of righteous indignation which, for the moment, completely blinds him. Personal insults cannot disturb his calm, but the sight of a child being abused or a defenceless one being attacked, will so infuriate him that he may even commit murder. Premeditation is never present, he acts under the powerful inspiration of the moment, and his crime is an isolated event quite unconnected with his conduct in general.

**The Insane Criminal.**—Insane persons who commit criminal acts, show rather a variation of insanity than of criminality. It would be more exact to describe them as "criminal lunatics" than as "insane criminals." Two classes exist, a fact which is often overlooked, for there are both criminal-lunatics and insane-criminals. In the first case, criminality is the product of insanity, but in the second case insanity is the product of criminality. Not an hereditary product in either case, but a product resulting from a cause within the person's mental or moral self.

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The pronounced lunatic, the incapable, irresponsible person whose actions are beyond his power to understand or control, is regarded by society as a being too dangerous to be at large. Of him we do not here speak to any extent, he is too well recognized. It should always be borne in mind, however, that he commits crime because he is a lunatic, and that although his confinement is absolutely necessary, yet there is no warrant whatever that it should be made penal in character.

Although it is not possible in a work of this kind to deal largely with the subject, the writer would urge upon the notice of society and upon the special notice of jurists that there are a number of persons whose crimes should excite for them the greatest sympathy instead of, as is the case, the greatest detestation. Men there are who, perfectly sane in the ordinarily accepted sense, and who have not only a clear conception of the immorality of their conduct, but also an intense abhorrence and shame for it, find themselves performing the most revolting acts under influences that are absolutely irresistible. The sensualist has no justification, but our laws are excessively cruel in their dealings with this class to which allusion is made. To be brief, no man charged with sadism (lust-murder) pederasty or the related crimes, should have his case made public until a most complete diagnostic examination (including his family and personal history) has been made by competent persons.

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A careful study of Krafft-Ebing's monumental work upon the subject should convince our lawyers that they could not proceed in these cases without the assistance of the alienist and of those who are experts in the diagnosis of the various forms of patho-sexualism. The cases of insane criminals, that is, of the criminals whose vice is the cause of their insanity, is also divisible into two classes. There is that uninteresting class who on account of their irregular, immoral and excitable life become insane, and there is another class. These latter frequently escape the penalty of their crimes. Insanity is disclosed and they have no criminal record, therefore they are discharged. It would be a nice point to decide whether and to what degree, if any, responsibility exists. To give an example not altogether uncommon—a man who will not brook opposition or hindrance of any sort. On every such occasion he cherishes most spiteful, even murderous, feelings towards his opponent. He would do him any injury, even go to the length of killing him, but he dare not.

He will storm, abuse and threaten, but he dare not go further. He is avoided by his neighbours as being a most cantankerous fellow; he is always being involved in disputes. This man is undoubtedly criminal at heart and is cherishing anti-social feelings which are steadily growing in their intensity. Revenge becomes the almost dominating influence over his mind, but it is held in check by fear. At last fear gives way and there is no further restriction to the emotion of revenge, which then becomes supreme. At this climax insanity occurs and murder is committed synchronically. Morally the act was committed years previously, and it was by his own conduct in goading himself on to the climax that made it an actual fact. Subsequently, almost immediately, he may become rational again and retain consciousness of the deed and thoroughly understands its outrageous nature. He will not then express any regrets but will declare that his deed was perfectly moral. This man is as near a monster as we dare call any man, and should never be allowed to have his liberty restored to him.

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**Instinctive Criminal.**—Called also the "born criminal" (Lombroso), or the "criminal by nature." The term "instinctive criminal" seems to be that growing most in popularity, possibly because there is less likelihood of it having to be modified by the results of further investigation.

By the instinctive criminal is understood a man in whom the criminal instinct has gained a supremacy over the social instinct. He is not only anti-social in deed but also in character. (It would be a mistake to term him anti-social in nature, for that would indicate that he was absolutely hostile to humanity. One, anti-social in character, is capable of betterment, and this is possible of every man.) Many causes operate to account for his production, some of them reaching far back into his ancestry. When this is the case some physical handicap is always present, such as e.g. cerebral irritation and epilepsy.

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In childhood the instinctive criminal may be recognised by an excessive vanity which will often tempt him to steal, the thefts being generally confined to articles of personal adornment or which give an occasion to "swagger." When accused he will deny the charge brought against him with an effrontery which will too often create the conviction that he is innocent. When charged he will challenge the statements of his superiors without any hesitation whatever, but at a given moment will break down and make a most free and perhaps disinterested confession. Frequently he is very emotional in behavior and simulates the deepest regret, although he is practically without any remorse whatever. He will undertake to perform the most afflicting tasks of penance in order to expiate the wrong and give every assurance for future good behaviour. Neither of which is of the least value.

Onanism and a morbid love for sweets is an important characteristic. In the adult, laziness, debauchery and cowardice are to be noticed. His signature is peculiar, involved and often adorned with flourishes. He loves to be credited with the performance of great achievements, and will tattoo medals upon his body or other symbols significant of greatness. The instinctive criminal generally complains that he is unfortunate, or that he has never had a chance, and that society is always contriving to keep him down.

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**The Habitual Criminal, or the Recidivist.**—When once a man has fallen into the clutches of the law and been incarcerated it is very difficult for him to keep his self-respect. His first crime may present many features to indicate that he is more the victim of circumstances than well-defined ill-will. But having been convicted, he finds himself shunned by all but criminal society, and together with other influences, educational in character, he is frequently allured into a relapse. If a prisoner endeavours to behave himself in gaol and keep aloof from evil contagion, he is bullied by his fellow-prisoners, and even his keepers regard him with suspicion. The one twit him with being a white-livered coward, the other consider him to be either a sneak or a "deep fellow." He is almost sure to fall and identify himself with the ranks of crime. An instance that the writer has personal knowledge of is that of a man, passionate in nature, and moved by the tears of a young woman on behalf of her imprisoned lover, stuck up a small country gaol under arms and gained the release of the imprisoned man. To escape the consequences he had to take to the "bush," and for two years he lived the life of an outlaw. He finally surrendered to the police and was condemned to death. As no personal injury had been committed and his manner of using his weapons shewed plainly that he did not contemplate any, his sentence was commuted to imprisonment for fourteen years, the first three to be spent in irons. At the end of that time the criminal habit was confirmed. For various offences he was sentenced at different times to periods aggregating in all to thirty years. After his last sentence had expired—six years ago—he began a new life and has not committed crime since. His whole career showed many redeeming points in it. This case is well-known to the New Zealand and Australian prison authorities.

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The number of criminals who are allured into relapse is computed by Orano to be 45 per cent of the whole.

The distinction between the habitual criminal and the instinctive criminal is not merely an academical one but emphatically a practical one. Both are living the life of crime, and their acts may be, from an objective point, of exactly the same nature; but in the one case we have to deal with the criminal CHARACTER and in the other with the criminal HABIT. The distinction is first seen in the different ages at which each commences his criminal career; nextly in the different impelling causes. Again, the emotions, ideas and methods show a distinction. All these variations are in the aggregate of considerable practical importance, especially in the assignment of prisoners for reformatory treatment.

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#### THE CRIMINAL TYPE.

Prof. Lombroso writing the introduction to Dr Arthur's "Criminology" says:—"This point as to the type, is scarcely recognized even by the most respectable savants. The reasons for this are many: above all, there are the criminals by occasion or by passion, who do not belong to the type and should not, for in great part it is the circumstances, and often the laws, which make them criminals and not Nature. And then some have strange ideas concerning the type."

No doubt if the acceptance of the idea of type is carried out in its complete universality, it cannot be accepted; but as I have already said in my previous writings that it is necessary to receive this idea with the same reserve which one appreciates averages in statistics.

When it is said that the average of life is 32 years, and that the month least (? most) fatal to life, is December, no one understands by this that all or almost all men should die at the age of 32 years and in the month of December; but I am not the only one to make this restriction. In order to show this I have to cite the definition which Monsieur Topinard, himself the most inveterate of my adversaries, gives in his remarkable work "The Type," says Gratiolet, "is a synthetic expression." "The Type," says Goethe, is "the abstract and general image" which we deduce from the observation of the common parts and from the differences. "The type of a species," adds Isidorus St. Helaire, "never appears before our eyes but is perceived only by the mind." "Human types," writes Broca, "have no real existence, they are only abstract conceptions, ideals, which come from the comparison of ethnic varieties, and are composed of an ENSEMBLE of characters common to a certain degree among themselves." I agree with these different points of view. The type is indeed an ENSEMBLE of traits, but in relation to a group which it characterises, it is also the ENSEMBLE of its most prominent traits, and those repeating themselves, whence comes a series of consequences which the anthropologist should never lose sight of either in his laboratory or in the midst of the populations of Central Africa." Manouvrier opposes Lombroso's

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theory and denies the existence of the type. He argues that if it exist at all it must be universal, whereas the peculiarities noted by Lombroso are present in honest as well as in criminal persons, the latter having, however, the greater proportion.

The doctrine of Fatalism seems at first sight to be bound up in the acceptance of Lombroso's theory: but such is not the case. Lombroso himself declares that the type belongs to the born criminal only, and that the born criminal can be nothing more than an epileptic; criminality being a neurosis. It would thus seem that the type was but the indication of an organic defect which physically or psychically rendered the subject unable to adapt himself to the social condition; but not that unchangeable ideas, contradicting pure morality, were innate. Lombroso goes no further than to state definitely that the type exists, and that there are very clear indications that a different type will be found to correspond with the different forms of criminality. That the peculiarities are found also in persons living honest lives, proves nothing against his theory. For instance, there are many persons of distinctly criminal instincts who are kept in the paths of honesty merely by circumstances; and again, scientific investigation has not yet completed its work, and while certain typical peculiarities may be noted in the criminal and in the non-criminal alike, it is more than likely that the type will be found to consist in different combinations which will be discovered to exist in the criminal (not necessarily, the convict) exclusively. Or the type may consist in the peculiarities plus expression. The following typical peculiarities have been noticed by different criminologists:—

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**The Cranium.**—The more frequent persistence of the metopic or frontal suture. The effacement, more or less complete, of the parietal or parieto-occipital sutures in a large number of criminals. The notched sutures are the most simple. The frequency of the wormian bones in the region of the median and in the lateral posterior frontal. The backward direction of the plane of the occipital depression. (Dr A. Corre.)

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Feeble cranial capacity; heavy and developed jaw; large orbital capacity; projecting superciliary ridges; abnormal and assymetrical cranium; the presence of a median occipital fossa. (Lombroso.)

**The Face.**—Scanty beard; abundant hair, prognathism, thick lips, dull eye, lemurian appendix to the jaw, pteriform type of the nasal opening, projecting ears, squinting eyes, receding forehead and deformed nose. "Those guilty of rape (if not cretins) almost always have a projecting eye, delicate physiognomy, large lips and eyelids, the most of them are slender, blond and rachitic. The pederast often has feminine elegance, long and curly hair, and even in prison garb, a certain feminine figure, delicate skin, childish look, and abundance of glossy hair parted in the middle. Burglars who break into houses have as a rule woolly hair, deformed cranium, powerful jaws, and enormous zygomatic arches, are covered with scars on the head and trunk, and are often tattooed. Habitual homicides have a glassy, cold, immobile, sometimes sanguinary and dejected look; often an aquiline nose, or, in other words, a hooked one like a bird of prey, always large; the jaws are large, ears long, hair woolly, abundant and rich (dark); beard rare, canine teeth, very large; the lips are thin. A large number of swindlers and forgers have an artlessness, and something clerical in their manner, which gives confidence to their victims. Some have a haggard look, very small eyes, crooked nose, and the face of an old woman." (Dr MacDonald, page 40.)

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The following proverbs, collected by Lombroso, show the recognition in the popular mind of the criminal type:—"There is nothing worse than a scarcity of beard and no colour." "Pale face is either false or treacherous." (Rome.) "A red-haired man and a bearded woman greet at a distance." (Venice.) "Be thou suspicious of the woman with a man's voice." "God preserve me from the man without a beard." (France.) "Pale face is worse than the itch." (Piedmont.) "Bearded women and unbearded men, salute at a distance." (Tuscan.) "Men of little beard of little faith." "Wild look, cruel custom." "Be thou suspicious of him who laughs, and beware of men with small twinkling eyes." (Tuscan.)

It must be remembered that while physiognomy gives valuable hints it is by no means absolutely certain. Further investigation may add materially to its value. It is also to be remembered that habits play an important part in the physiognomy. So much so is this true that it has been said of the reformed criminals from Elmira, that their faces have changed.

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## Chapter III.

### THE CAUSES OF CRIME.

In investigating the causes of crime we have first to understand what we mean by the word "Crime," and also what we describe by the term "Criminal."

Crime may be regarded both objectively and also subjectively, i.e., as regards the deed itself and as regards the doer of the deed. In the past it was customary to consider the crime only and to punish the doer, or the criminal, according to the enormity of his deed. Scientific methods require, however, that we should study the criminal and ask ourselves "what is he?" and "of what forces is he the product?" If these questions can be satisfactorily answered, then society is better enabled to arm herself against his invasion, in fact having successfully diagnosed his case she may be led on to discover the means whereby criminals may be reduced to their irreducible minimum, both as regards number and as regards their capacity for doing harm.

Man has two natures, the animal and the spiritual. The animal is the passive product of Nature, the forces of his development being guided and restricted by the condition of the life in which he is born and reared. To this animal nature belongs the natural appetites, passions, faculties and senses. This nature is not sufficient in itself, and its realisation cannot be accomplished until it is brought into complete subordination to the higher or spiritual nature. The function of this spiritual nature is to subordinate the animal nature by harmonising and controlling it, and it finds its partial realisation in the institutions of family, church and state; and its ultimate realisation in the heavenly counterparts of these. Thus subordinating the animal nature, it develops the powers of man's natural inheritance along their true line of advance and brings him steadily nearer the goal of perfect manhood.

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When, however, the spiritual influence is not exercised and man resigns himself to the uncontrolled influences which spring from his lower nature, he rapidly degenerates. Socially, this degeneracy is noticed by its process of gradually loosening, and finally severing the ties which bind man to his race. He becomes an unsocial being and ceases to contribute to the wealth, peace or establishment of society. His desire for society is regulated by his capacity to draw from it the satisfaction of the abnormal appetite of unregulated passion. In this mood he totally disregards the laws of society and seizes every opportunity that presents itself to prey upon it and he thus becomes an anti-social being. Through all ages up to the present, society has at the cost of much effort and suffering been progressing, stage by stage, towards a higher order. Each advance purchased at such a price, becomes a free gift, by inheritance, to the next generation, and from this inheritance still further progress may be made. It is quite possible that in a dissolute age retrogression may set in and the ground be lost, in which case its recovery becomes the arduous task of a succeeding regenerate age.

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With each advance that it makes society embodies in its institution the principles of social life such as it has been able to discover them. These principles being finally accepted, we must assume that they are eternal or else we are compelled to admit that society may be for ever at fault, that its development does not correspond with the true development of man, and that this present life is in no wise preparatory for a future. Though we declare that the principles of society are eternal, the social institutions which embody them are merely temporal, and may change with time and circumstances. They are, nevertheless, binding upon our allegiance, and any attempt to overthrow them becomes the anti-social act of the criminal and is a punishable offence. The criminal is an enemy to social advance. He profanes that which society holds sacred, he scatters that which society, at great cost has acquired, and he attacks society at its most vulnerable points.

What, then it may be asked, are the causes that produce this anti-social being? In the case of the sane criminal, an immoral basis underlies all causes, and without this they would each and all be impotent. Some causes, as e.g. alcoholism, are the result of the individual's immorality; others again are independent.

The principal causes are:—A bad ancestry (heredity), bad domestic and social conditions, alcoholism, imitation, and stress of circumstances.

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**Heredity.**—Among unscientific people there are many extravagant theories held, some even affirming that from the moment of conception a child's character may be determined as criminal, as if character underlay habit instead of habit evolving character.

It is therefore necessary that we should endeavour to discover if possible how far the influence of heredity extends, and especially to disclose its powers as a factor influencing conduct. A man may be seen to have the same peculiar carriage and gait as his father; but to argue from that, that he will in obedience to a naturally transmitted impulse, follow in his father's footsteps as a thief or a forger is to step entirely out of the bounds of science. Gait and carriage belong to a different sphere altogether from morals and conduct. But let it be at once acknowledged that the morals and conduct of any given ancestry show a tendency to be reproduced in the posterity. The drunkard is the father of drunkards; the suicide is the father of suicides, and the parent's crime is repeated by the child. Not in all cases is this by any means a fact: but in a sufficient number to exclude the possibility of coincidence accounting for them all, and to demonstrate conclusively that some influence must be at work connecting the deeds of the progenitor with those of his offspring. What is this influence? Can it be at once declared to be the influence of heredity? The most usual way of determining this question is by the process of exclusion. If environment, education, imitation and other causes do not account for the phenomena, then heredity must. Heredity thus becomes a convenient name by which to denominate the insoluble. Sometimes the denomination is correct and sometimes incorrect, and very often, even when correct, it conveys a wrong impression. The impression being that the influence of heredity is altogether irresistible and also ineradicable.

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Now, whatever the influence of heredity may be, it must be determined scientifically and not merely guessed at. Nor must the failure to find an adequate cause for a certain crime be a



sufficient reason for accounting heredity as responsible. Heredity has limits to its range of influence as well as any other cause for crime, and it may be found that there are certain fears which it can never invade. For instance, one sphere wherein its influence is manifestly great, is in the structure of the nervous, osseous, muscular, circulatory and vascular systems. Again, what is more common than to find intellectual ability running in families? Ribot, in his work on heredity, gives long lists of the world's most famous poets, artists, musicians, statesmen and soldiers, all showing the tendency of ability, in these various directions, to be transmitted from one generation to another. Not always to the generation immediately succeeding, for sometimes these various qualities disappear in the son to reappear in the grandson or great-grandson. However, convincing the evidence for transmission in these cases may be, it gives no warrant whatever for the conclusion that heredity may exercise an influence upon the MORAL conduct of man.

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Let it here be observed that the Moral Law is fundamental to all law. No laws in Nature ever contradict the Moral Law, but are always found acting in obedience to it. All the works of God are in accord with this Law; God is the Moral Governor of the Universe. Therefore whatever may hold good with all other laws, does not necessarily hold good with this Law. That a man should inherit his father's intellectual qualities is then no argument that he should also inherit his father's immorality. Nothing less will suffice than distinct evidence that he HAS inherited his father's immorality.

A further observation is necessary, and that is, that morality is not absolute but relative. Strictly speaking, no man is moral. God alone is absolutely moral. Nor can we compare the morality of one man with the average morality of mankind in general. To estimate a certain man's morality of conduct we must compare his conduct with the degree of the sense of responsibility which exists within him, and also his power of control over his conduct. The murderous act of a lunatic for instance is an immoral act, because we compare the act with morality in the abstract; but it would be a mistake to call the lunatic an immoral man, for the simple reason that he had no control over his conduct and was therefore not responsible for it.

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Take the case of the drunkard. A certain drunken father has several drunken sons. The influence of environment, of education, or of imitation, we will suppose to be excluded. Is heredity the cause, and if so, has it invaded the moral sphere? The influence of the father's drunkenness is first made manifest in his own nervous system. The nerve centres become clogged and poisoned and fail to discharge their functions with the same healthy activity as formerly. The nervous system degenerates, and the consequence of this degeneracy is the production of that form of irritation within the system which we call the craving for drink, and which requires alcohol for its immediate satisfaction. The man will admit that he has no liking for the taste of drink; but declares that he is in a certain state of unsettlement which can only be overcome by the use of liquor. A temporary calm is induced, only to be followed by a more intense irritation or unsettlement afterwards, and thus a circle of cause and effect is at once described.

This is then the degenerate state of the father's nervous system. Now, it is undoubted that he may transmit this same degenerate nervous system to his offspring and thus as his children grow up it is not to be wondered at if the same craving for drink is to be found in them as was existing in their parent. The influence of heredity has been at work upon the nervous system. Has its influence been restricted to this system, or has it invaded the moral sphere? The children's conduct is immoral, for no amount of argument can determine drunkenness to be anything else: but are the children themselves immoral? They are not immoral so far as they are acting in obedience to an impulse which is irresistible. The drunkard who is himself responsible for his habit, is, strictly speaking, an alcoholic and is vicious and degraded. The drunkard who drinks in spite of himself is, strictly speaking, a dipsomaniac, and is diseased and insane. The alcoholic may become the dipsomaniac; but the child who is the victim of a transmitted taint is without doubt a dipsomaniac and not an alcoholic. He is insane. It may not be an incurable form of insanity; nor need it be a very acute form; but insanity it is, and therefore he cannot be called an immoral man because he drinks, although he is guilty of immoral conduct. Heredity has not invaded the moral sphere. It has given the man a diseased nervous system, which, while weakening his will, has not perverted it. Thus it is seen then that if any effort is to be made for the reform of the dipsomaniac, the direct influence of heredity must be overcome by a course of treatment which would be addressed to the nervous system. Treatment which shall draw out the alcoholic poison and which shall quicken and invigorate the nerve centres. When the influence of heredity is discovered to be restricted within these limits, the case of the hereditary dipsomaniac becomes far less hopeless than it appeared at first sight, and it is for this reason that the causes of crime should be thoroughly investigated. To moralise to the dipsomaniac is but lost effort, one may as well abuse a driver for not stopping his bolting horses. Some reformatory schemes have trusted entirely to moral agencies, and their failure has been quoted as evidence that all such schemes are futile. But their failure has been due to an entirely wrong conception of the cause of crime. The primary cause is undoubtedly a reprobate will: but this cause is not found in every case. Where the consequences of the parent's conduct has been inherited we find not the primary, but a secondary cause, such as e.g. a diseased nervous system. Sometimes both the primary and the secondary causes exist side by side, and then treatment must be addressed to both the will and to the physical system. In fact whatever methods of treatment are employed, the moral temperament must not be neglected, for even if the will be not perverted, it is considerably weakened and needs strengthening.

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The case of the sensualist is somewhat similar to that of the drunkard. Ribot quoting Prosper

Lucas, gives the example of a "man cook, of great talent in his calling, has had all his life, and has still at the age of sixty years, a passion for women. To this he adds unnatural crime. One of his natural sons living apart from him does not even know his father, and though not yet quite nineteen, has from his childhood given all the signs of extreme lust, and strange to say, he, like his father, is equally addicted to either sex." (Ribot; Heredity p. 89.)

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The fact that this son imitated his father's vices at an early age, is not sufficient in itself to assign the cause to heredity. Nor does the fact that he was separated from his father's influence or example, strengthen the assignment beyond dispute. The causes for such conduct are so common that very few men escape from their influence, and whosoever does not resist them, falls and becomes a victim. But probably this was a case in which an inherited influence pressed itself so strongly upon him as to become irresistible. What, we ask was inherited? A perverted will? That is absolutely impossible. A perverted will is the outcome of a deliberate choice of evil when the choice of virtue is equally possible. A weakened will, or a will subject to heavy stress is a different thing. There must be some stress upon the will. What is it? It is a well known fact that the exercise of the members of our body results in a great facility of movement being attained. The pianist can, after long practice, execute rapid and complex performances of fingering, which in the early stages of education were absolutely impossible. It is because the nerve centres controlling the muscles employed have been brought to such a high state of activity that they operate almost independently of the will. The nerve centres controlling certain of our functions DO operate independently of the will. Breathing is an example, and although an effort of the will is required to correct bad breathing, yet when once the habit of correct breathing is established, the directing influence of the mind ceases, and the nerve centres discharge their functions automatically.

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In the normal man the sexual instinct is inherited but the passion is submissive to the control of the will. The will is supreme and self-restraint is always possible. The immoral man has refused to exercise this restraining power, he has, in fact, by his immoral thoughts, lent his mind to the strengthening of the passion until it has gained an ascendancy. Continual sexual excitement has resulted in the nervous centres controlling the sexual organs becoming so powerfully developed as to act almost automatically, and independently of the will. In the normal man, sexual excitement results upon the mental vision; in the sensualist the excitement precedes the vision. Another effect is noticed in the physiognomy which changes in accordance with the development of the nerve centres and presents all the appearances of the typical sensualist or prostitute.

In some cases the sensualist transmits this highly organised or disordered nervous system to his descendants, and consequently when they arrive at a certain age they find their bodies invaded by a passion over which they have small, and sometimes no, control. It is distinctly a case of functional insanity with them. Their will power is weak because of undue stress, but it has not been perverted. Perversion may follow; but may also be avoided, and even the will sufficiently strengthened so that it may re-assume control and subject the passion to control. The influence of heredity is here also confined to the nervous system. That is, the direct influence, the influence which was first felt and before it received any support which the mind of the victim may give it. The cases of hereditary suicides, murderers and assassins afford a very large field for investigation, and we cannot do more than suggest some causes which seem to give strong evidence of their existence. These causes if their existence be allowed, and we see every reason that it should, will restrict the influence of heredity to a much narrower sphere than is popularly supposed. The old story of the devil preaching upon the horrors of hell serves somewhat to illustrate our meaning. When the abbot enquired whether it was not contrary to his interests to draw so vivid and terrible a picture he replied in the negative and gave as his reason that the man who contemplated the horrors of hell was the man who was bound to find his way there.

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The contemplation of criminal acts effects a strange fascination upon the mind and very often induces imitation of the same acts. When a suicide or murder, in fact any crime, is committed by a member of a family the other members either, according to their moral disposition, experience a greater or lesser repulsion for the deed than they formerly possessed. The enormity of the deed is either stronger or lesser in their eyes than before. In the latter case, murder or suicide does not seem nearly so heinous a crime when it is brought so closely under their notice. The very knowledge that a father or uncle or any other near relative, or even friends for that matter, committed suicide, makes the act appear far less terrible, and also far less impossible for themselves. Most men have at some time or another an impulse to destroy themselves, it may not be very strong; but if it is felt at a time when the circumstances of life are unfavourable and, if added to this, there is presented the example of a suicide very near at home, the impulse is undoubtedly strengthened. The whole chain of circumstances seem to direct the vision upon the rash act of the friend or relative, until at last the vision becomes fascinating, and the act is imitated. To use a concise expression one may call this the "hypnotic power of circumstances." It is not an absolute cause in itself; but, strictly speaking, may we call any cause absolute? It is not a cause which would influence a man of strong will or of sound morality. But a sentimental person, one of morbid ideas, weak will, or overcome by the thought of detection, or the fear of misfortune, might easily fall a victim to its influences. It will not account for all the cases of hereditary suicide, for a mental disease may be transmitted which would account for the suicide of both father and son or whatever the combination may be. It, however, does account, we believe, for the majority of the cases, and the similarity of the method employed strengthens this belief, for it indicates that the mind is dwelling upon the actual vision of the relative's suicide, and is not merely contemplating suicide in the abstract. This theory would imply that any case of suicide, upon which the mind would dwell and concentrate itself, would exercise the same influence, and this is the case. A few years ago in Dunedin an accountant who was involved in

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financial difficulties, shot himself with a pistol. His executor, against the advice of friends, took charge of the pistol. Becoming involved in financial difficulties himself, he too committed suicide by shooting himself with the same weapon! Almost, without a doubt, we may say that the circumstances of the first suicide exerted upon the mind of the trustee a hypnotic influence which combined with and gave the final impulse to the other contributing causes of his act.

Another instance is that of a young man who, contemplating suicide, carried a revolver about with him for a whole day. He spoke of suicide to his friends, occasionally discharged shots into the ground, and finally, during the evening, blew his brains out. That he contemplated suicide was evident from his conversation, but that his mind was not made up, is also evident from the delay he occasioned. In fact, his whole behaviour indicates a faint desire to cling to something stronger than himself in order to brace himself against his haunting fears. The revolver fascinated him. He dallied with it, made up his mind, changed it again, and finally the influence became supreme for a moment, and he fired the fatal shot. Throughout the day, he very probably thought of the grief of his relatives and of the young woman he was soon to marry, he pictured the consternation of his friends, read the newspaper accounts of his act, saw his funeral, and let his mind run altogether in morbid channels. Thus it was that the vision of his own act exerted an hypnotic influence upon him which became at the critical moment supreme and irresistible.

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When the picture is real and not imaginary, and when the circumstances of a parent's or brother's or friend's suicide may easily be recalled and the mind allowed to dwell upon them, how much greater would the influence become, especially when the same example has served to diminish the idea of the enormity of the act. Where persons lend themselves to the idea that an hereditary influence exists and may spring upon them at any moment, they are almost sure either to destroy themselves or else to develop some form of insanity. There are cases of murder and assassination (apparently hereditary crime) where the conditions are so similar that the hypnotic power of circumstances may likewise be urged as sufficient cause.

So far, an attempt has been made to show that whatever the influence of heredity may be, it is restricted outside the sphere of morality. It cannot transmit an IMMORAL IDEA. So far as certain forms of vice and crime are concerned it most probably is limited entirely to its effect upon the physical structure of man. Combined with family tradition and working upon a diseased, or weakened will, it accounts for similarities of conduct. Suicides, murderers and assassins do not then receive by transmission from their ancestry any taint or tendency which may be called the direct cause of their crime. Another factor is present, a hypnotising power, and this is the final and directing power. It is a different influence to imitation, although its first result is the same, viz: the lowering of the moral idea. But crimes where the act is the imitation of another person's act are generally committed from the desire to become notorious and to be the centre of observation. The spirit of vanity, very strong in the low type, is appealed to and aroused. Or perhaps, the example of another's crime affords a suggestion for the method of accomplishing a certain desired end. On the other hand, the ancestral example, after having broken down the moral barrier depends entirely upon its power to fascinate. Those of weak will or guilty conscience, alone succumb to its influence. If we consider the cases of thieves, vagabonds and paupers we find their crimes and vices likewise running in families. It is nevertheless quite a mistake to jump at the conclusion that heredity accounts for all these coincidences. Exempting all cases of transmitted mental alienation and observing only those who are quite responsible for their action, it is impossible to suppose that there is, somewhere in their organism, a power which will direct their lives into the channels of vice or crime just as irresistibly as the influence which makes the hair grow on the crown of their heads. It is unthinkable. It supposes a responsible person who cannot control himself. Which is a contradiction.

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M. Moleschott, at the International Congress of Criminal Anthropology held in Paris in 1889, "mentioned an influence towards crime that had not been noticed, to wit, the hereditary social influence, or that is, the tradition which is instilled into the mind of every child before he knows the difference between right and wrong, that by which he obtains the rudiments of his knowledge of right and wrong. Whether it be correct or not it is the child's standard. He gets it not from any knowledge of theory of justice, but from the tradition of his own neighbourhood, as it is taught by his parents and associates by the people, and as is believed by them." (Criminal Anthropology; the Smithsonian Report for 1891.)

It will be understood that the influences of which M. Moleschott speaks are not of an hereditary nature, that is, they are not transmitted through the blood; but they are influences which are present from the first moment of consciousness. They are quite sufficient to account for the criminal type being found in the physiognomy of a person born and reared among such surroundings. It is a very popular error to suppose that a person's physiognomy never changes, and therefore that if the criminal cast of countenance is seen it must be a faithful witness to some innate depravity transmitted from an ancestry. The expression plays such an important part in the moulding of the countenance, that of two brothers very much alike in youth, one, afterwards given to crime, will still retain his resemblance to his brother; but will display the criminal type as well. It is thus that we have the different types in murderers, assassins, thieves, swindlers and sensualists. They are all criminal or vicious but their forms of criminality and vice are so diverse that a different expression results from the different kinds of thought passing through their minds. In their theories, few people acknowledge that the symmetry of the facial features may change, and yet it is a matter of common observance that they do. In the cases of persons becoming insane or persons who have suffered from long and painful illnesses it is very remarkable. Likewise in the case of the man who has fallen into crime, it is also most noticeable. Of course there are limits to the changes which the expression may produce, but these changes

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are nevertheless very great and sufficiently so, not perhaps to produce Lombroso's type in any given face, but to give that face at least a distinctly criminal cast.

The appearance then of this criminal cast upon the features is not sufficient evidence to account for an inherited tendency towards crime. Dr Manouvrier insists that Lombroso's theory that the criminal is born and not made is based upon the exploded science of phrenology, and declares that all the anatomical distinctions and physiological characteristics quoted by Lombroso are to be found among honest men as well as among criminals. The fact that a greater proportion are found among criminals to his mind proves nothing.

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[There is not vast difference between normal and abnormal persons possessing these peculiarities. In Lombroso's work "The Female Offender" he notices:—

	Normal Women	Criminal Women
Receding foreheads	8 per cent.	11 per cent.
Enormous lower jaws	9 per cent.	15 per cent.
Projecting cheek bones	14 per cent.	19.9 per cent.
		Murderesses 30 per cent.
Projecting ears	6 per cent.	9.2 per cent.
Flat nose	40 per cent.	Thieves 20 per cent.

Gradenigo (quoted by Lombroso) gives the following table showing the peculiarities of the ears of 245 criminals as compared with 14,000 normal women:—

	Normal	Criminal
Regular external ear	65 per cent.	54 per cent.
Sessile ear	12 per cent.	20 per cent.
Scaphoid fossa prolonged to lobe	8.2 per cent.	21.2 per cent.
Projecting ears	3.1 per cent.	5.3 per cent.
Prominent anti-helix	11.5 per cent.	14.2 per cent.
Darwin's tubercle	3 per cent.	2.9 per cent.

Other anthropometrists notice different proportions.]

If Lombroso's theory, that a man was born a criminal, was to be taken as the rule, Manouvrier declares that it must then be universal, and that men thus born must inevitably commit crime. If it be a rule then it must operate in all classes, and since it does not so operate, proof is given that it is not the rule. Manouvrier declares that the man possessed of characteristics the very opposite of Lombroso's criminal, if subjected to the conditions, influences, and temptations, which lead to crime would as likely commit crime as he who possessed all the characteristics which Lombroso describes as typical. Manouvrier regards the social life of a person from childhood as being the most important factor in moulding character. He emphatically denies that there is in the embryo a predisposition to crime. Dr Magnan likewise refuses his assent to this theory.

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It may be rather daring to suggest a theory which would reconcile the differences between these eminent men: but as the facts presented by each side are indisputable, some such reconciliation must exist. Possibly if we interpret Lombroso's phrase, "inherited tendency towards crime" or "predisposition towards crime" in the same way as we interpret the term ("predisposition towards disease") when speaking of tubercular persons (or, as Mercier speaks of the insane), that is as persons, who in a given favourable environment, are more likely to commit crime than persons without that inherited tendency, we may find these theories to be more in accord with one another. Lombroso insists that there must be an inherited tendency, Manouvrier insists that there must be environment. As in the case of tubercular persons (of tubercular ancestry) these two causes are complementary, may it not be also the case with criminals of criminal ancestry? The INHERITED IMMORAL IDEA seems to be really what Manouvrier rejects. A vicious conception of life which makes the man inevitably, incurably, and irresistibly a criminal, is apparently the interpretation he puts on Lombroso's theory. But from Lombroso's works and speeches, the interpretation does not appear to be at all a necessary one. The transmission of a disordered nervous system with its consequences, as one cause, the "hypnotic influence of circumstances" as another cause, and these two causes acting sometimes separately and sometimes conjointly, will very possibly account for the phenomena Lombroso observes. A most important factor, and one which cannot be disregarded, compels the acceptance of some such theory. This factor is the success resulting from reformatory effort. It is not only Lombroso and Manouvrier that need to be reconciled, but Lombroso, Manouvrier and Brockway. This latter gentleman is the founder of the famous Elmira Reformatory which has reformed 82 per cent. of 12,000 felons which have been committed to it for treatment.

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We come then to this conclusion that heredity plays an important part in the production of the criminal; but that there are other very important factors which are often confused with it and when separated from it reduce the popular estimate of its influence to the scientific one, which is considerably the lesser one. Furthermore, as a consequence of this investigation, the true foundations upon which reformatory science is to be built are clearly indicated.

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This statement, that heredity plays an important part in the production of the criminal, needs to be carefully guarded. It means precisely this and nothing more:—That where an hereditary influence (such as above described) making crime easier, has been transmitted, there that influence is an important factor in the production of the criminal. It does NOT mean that this

influence is invariably transmitted by the criminal parent, neither does it mean that the majority of criminals are "born" criminals.

The following is an extract from a letter upon this subject which the author has received from Dr. Arthur MacDonald, one of the leading criminologists of to-day:—"There is no proof of any scientific value that criminality is inherited." By criminality we understand "the moral basis of crime."

The famous "Jukes" family that lived in the State of New York, afford one of the most interesting studies in heredity to be found in the annals of criminology. Of this numerous family (some 709 persons of which were clearly traced in five generations) the elder sons took to crime and the younger sons to vagabondage. There was indeed a proportion of honest and industrious persons among them. Of the women 52 per cent. were prostitutes. That a proportion of honest men among the sons, and a fair number of virtuous women among the daughters is recorded, clearly proves that an hereditary taint is not, in all cases, necessarily transmitted from parent to child. Latency in one generation, with activity in the next, is frequently observed in the transmission of disease; but in the case of crime, as distinguished from vice, this is rarely so.

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That the younger sons of the "Jukes" family fell into habits of vagabondage (leaving it to the elder sons to carry on the criminal traditions of the family) is also worthy of notice. It serves to show that whatever the influence of heredity may be, as a factor disposing towards crime, it cannot be an independent and final factor. In families living after a primitive manner of life, as this family did, the elder sons are invariably the companions of their fathers and accompany them on their depredatory raids. The younger sons are left to the milder environment of their mother's society. Thus from a criminal point of view, the environment of the elder sons is more intense than that of the younger sons. The difference in environment accounts for the difference in character formed; the more intense environment accounting for criminals and the milder environment for vagabonds. Sometimes the influence of environment is overcome, and we noticed that among the "Jukes" a proportion of the family was honest and industrious. Acknowledging the transmission of a physical defect from a criminal ancestry, we must bear in mind that the conditions of the criminal's life are such as are calculated to produce in himself that defect which he transmits. His body becomes weakened, his nervous system disordered, and the physical substratum of his mind diseased. These defects he transmits to his offspring and thus handicaps them in the effort that is required from the individual to adapt himself to the conditions of society.

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This is the criminal "taint" or handicap that makes it more likely that the individual should fall into crime than the normal man. Although society regards this hereditary criminal as a monster, it has been made clear that he is really more deserving of compassion than one not so handicapped. To secure society from his injurious acts, our courts frequently take the illogical and unjust course of imposing a more severe punishment upon him. This is in itself a clear evidence of the demand that exists for penological reform.

**Environment.**—By environment we understand bad homes, bad associations, and generally bad conditions.

Of the condition of the 12,000 persons who passed through the Elmira Reformatory between the years 1876-1902, only 1.47 per cent. came from good homes and 37.4 per cent. from fair homes. Of the character of the men's associations, 56.6 per cent. was positively bad; 41.9 per cent. was "not good;" .9 per cent. was doubtful, and 1.6 per cent. was good.

It is scarcely necessary from a practical point of view to enquire into the actual amount of crime which results from a bad environment, for it is only too obvious that none but those of the strongest wills and of the highest morality can resist the influence of bad surroundings when these are constant. Our enquiry should rather be directed to ascertain what constitutes a bad environment and what are the causes that produce it. It should also seek to discover by what means its evil influence may be checked and how to eradicate these influences when present. The attitude of our law-courts towards the criminal is practically this:—"You have been reared amidst evil surroundings whose influence you could not resist, you are a criminal, an outcast from society, you must be punished by being locked up in a school of crime in the hope that it may inspire you to live a better life. The sentence of the court is ..." And society endorses this attitude!

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The evil influence of bad surroundings is well exemplified by an instance recorded by Viscount D'Haussonville in his work "L'Enfance a Paris":—"Some years ago a band of criminals were brought before the jury of the Seine charged with a terrible crime, the assassination of an aged widow, with details of ferocity which the pen refuses to describe. The president of the court having asked the principal, Maillot, called 'the yellow,' how he had been brought to commit such a crime, he replied:—What do you wish that I should tell you Mr President? Since the age of seven years I have been found only on the streets of Paris. I have never met anyone who was interested in me. When a child, I was abandoned to every vicissitude—and I am lost. I have always been unfortunate. My life has been passed in prisons and gaols. That is all. It is my fate. I have reached—you know where. I will not say that I have committed the crime under circumstances independent of my own will, but finally—(here the voice of Maillot trembled) I never had a person to advise me. I had in view only robbery. I committed robbery but I ended with murder."

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The following description of the manner in which parents may defeat the work of the juvenile reformatory or industrial school was given by Senator Roussel at the Fourth International Prison Congress:—"The pernicious influence of parents relative to minors is manifest in two ways and at two periods of the child's life. First in extreme youth, when he is only a burden, his parents

neglect him. He is left without proper care, often without proper food and subjected to all the hazards of the streets; he is forced to be a vagabond and a beggar, and this situation continues until a violation of the law places the little unfortunate in the hands of justice. Later, everything is changed. When by maturity of age and good effects of penitentiary education, the child instead of being a burden can be a source of profit, we see those same parents, who had abandoned him in his infancy, and apparently had forgotten him altogether, go to him and win him back to them by their entreaties, and finally on his discharge regain him by virtue of parental authority. This indiscretion of evil parents ... is the way that the first-fruits of correctional or charitable education are corrupted and that a great many minors who would have become useful members of society, are definitely lost to it."

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It may be heresy to criticise our public school system but it is more than an open question whether we are not producing a generation of badly educated people who are not aware of their own ignorance, who see no dignity in labour and who prefer to make their living by speculation rather than by work. The fault largely consists in estimating the efficiency of a school or a teacher solely by the results obtained at examination and making the children work for this end and this end only. Their memories are taxed to the uttermost but no attempt is made to develop them into reasoning, enquiring and labour loving beings. The difficulty with which children in the sixth and seventh standards follow the simplest arguments is simply amazing. The teachers, moreover, have no opportunity for cultivating the art of pedagogy. Their whole time is taken up preparing matter to pour into the child's mind. The bad salaries that are paid can also have but one result, viz., the depriving the State of the services of the most manly and most noble teachers and having the work committed to those of the genus prig.

Bad homes, bad schools and playgrounds only once removed from cattle yards, will be, in this country, the most potent factors in producing crime.

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**Alcohol.**—The influence of alcohol in the commission of crime is both direct and indirect. We see its direct influence in those crimes which are committed whilst the culprit is either in a state of intoxication or else just recovering from such a state. To detect and trace its indirect influence a much closer study is required. The inconsequent, lazy and thriftless life of the criminal demands some sort of stimulant, and this is found readily at hand in alcohol. Alcohol is not the cause of the crimes of these people but it is closely associated with such cause. The man who stabs another in a saloon is not then guilty of his first crime. Under the influence of intoxication he has lost his power of self-control and he commits a deed for which he may in a sober moment have still a degree of moral abhorrence or be perhaps too much of a coward to perform.

Many criminals, whose crime requires a certain amount of nerve and calculation, as e.g. assassinations, murders, robberies, swindlings, etc., will not touch alcohol until their crime has been completed and they have satisfied themselves that they covered up all trace of it. They then often indulge in a debauch.

In the lower courts, offenders will frequently plead as an extenuation that they were intoxicated at the time when they committed their offence. This is often done in order to escape the full penalty, and such pleas are not to be relied upon in estimating the real influence of alcohol. In the higher courts, for the same reason, criminals often feign insanity, and in not a few of such cases they become their own dupes by actually losing the possession of their senses. Drunkenness and crime go together, although the increase in the consumption of alcohol does not necessarily mean that crime has increased. Neither does the reverse hold good. When crime appears first it is not long before all forms of animal indulgence follow. Sometimes drunkenness appears first, and when the home has been reduced to beggary, crime results.

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Under the immediate influence of drink, the crimes most commonly committed are those against morality and the person. In countries where the saloon is an institution, it is invariably the home of criminals and the scene of many murders and deeds of blood. In France, e.g. out of 10,000 murders committed, 2,374 occurred in saloons. The indirect influence of alcohol is perhaps more terrible than its direct influence. There is this sad feature about it also that the greatest sufferers are the victims, not of their own abuse, but of that of others. Many a criminal tells the story, which is easily corroborated, of the days of his childhood when his father came home drunk and the children for very fear had to hide themselves or run out into the streets, often to sleep wherever they could, and perhaps steal to satisfy the pangs of hunger. Such children are quickly absorbed, the girls into the ranks of prostitution, the boys into those of crime. Many too, by reason of their parents' intemperance, are weaklings and unable to take their stand in the ranks of honest labourers. Unless they are rescued by philanthropic effort they very soon take to crime, and physically and psychically present all the features of the "instinctive criminal."

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Of 12,000 criminals at Elmira, in nearly 36 per cent, was a drunken ancestry to be clearly traced.

To state exactly the influence of alcohol as a cause of crime will, from the nature of the case, never be possible; but this much is certain, that EVERY cause finds in it a strengthening contributory of considerable potentiality.

**Imitation.**—One of the principal characteristics of the criminal is his excessive vanity. His great ambition is to gain notoriety and to be talked about by the public. Almost every criminal has his hero in crime whose deed he tries to emulate as nearly as possible; or, better still, to outshine. Thus we find, that when some daring deed has been perpetrated, there are not wanting others who quickly make an attempt to imitate it. A prisoner tried to kill his comrade because a third man, who was standing his trial for murder, was receiving in his estimation too much

attention from the public and especially "too many bouquets." A murderer in New Zealand declared that the notorious bushranger Ned Kelly was his ideal of a man. A certain priest, beloved by all, was found murdered. None could account for the crime; afterwards it was discovered to have been the act of a young criminal who performed it merely as an act of bravado. Instances of this sort might be multiplied all tending to show that the vanity of the criminal leads him, as far as his courage will permit, to imitate the most daring deeds in crime. The witnessing of executions and reading the accounts of fictitious and real crimes often leads many into crime. As a deterrent to crime, it was once the custom in England to conduct executions in public. Lombroso records it as being his conviction that such publicity does, by the law of imitation, lead more into crime than it turns from it. This he considers is one of the most powerful arguments in favour of abolishing the death penalty. Out of 167 persons condemned to death in England, 164 had been present at executions. The reading of sensational novels or the descriptive accounts of great crimes has a most alarming effect upon those who are of an impressionable nature. These persons are to themselves the heroes of an imaginary world. They will put on an air of bravado, adopt a "swagger" style of attire, carry sharp knives and pose before their companions as dare-devils. If not sufficiently courageous to perform deeds of daring they will constantly be recounting imaginary ones for which they will claim the authorship; or else they will be for ever threatening to do something of a staggering nature. The more courageous of these frequently become dangerous criminals while the more timid descend into sneak thieves, or the assaulters and violators of the persons of the defenceless. This inflammatory reading matter also exerts an hypnotic influence over some which is almost irresistible. Dr MacDonald ("Criminology" p. 131), gives the instance of a woman who after having read of the dreadful crime of a Parisian mother, came to Dr Esquirol and pleaded with him to admit her into his hospital, declaring that since reading of this crime she was tormented by the devil to kill her youngest child. Reading of the crime and vividly picturing to herself the details of it, had resulted in the woman's mind being laid hold of by a fascinating power which continually prompted her to kill her own child. Her wish was granted and she recovered.

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In this case we have another instance of the "hypnotic influence of circumstances." Firstly, the picture is deeply impressed on the mind; next the moral sensibilities are hardened, and lastly the overt act is committed. Tropmann who murdered a whole family of eight, confessed that his demoralisation was due to the reading of sensational novels. The publication of the details of crimes and the circulation of inflammatory fiction is a most fruitful cause of further crime. One of the most efficient safe-guards against crime and scandal is a sensitive public moral tone. This is undoubtedly hardened by the publicity given to sordid and gruesome details. One fails to see what good purpose can possibly be served. Knowledge is power, but in this case, it is a power for evil. The weak-willed readily obey the law of imitation, the criminal is gratified at seeing the big headlines in the newspapers and impelled to further crime, and some neurotics are positively hypnotised.

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Any serious attempt to suppress the increase of crime must take these matters into consideration, and it will unquestionably prove abortive unless a much stricter censorship is exercised over the publication of the gruesome details of crimes and scandals and also over the sale of the type of literature referred to.

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## Chapter IV.

### THE MANNER AND PHILOSOPHY OF PUNISHMENT.

The various punishments which are inflicted upon our law breakers are fines, imprisonment, flogging, and death.

**Fines** produce a very useful means of dealing with persons whose offences show a tendency to crime rather than to actual criminality. In many cases the self-respect of the offender has not been sacrificed, and while under arrest the sense of shame is deeply aroused. The shock from being brought face to face with the law is often sufficient in these persons to check any further tendency towards crime. The imposition of a fine will satisfy the claims of justice and inflict that degree of punishment necessary to fix the idea of abhorrence towards crime in the mind of the offender. In the case of boys charged with petty offences fining is often a most valuable means of punishment. To dismiss with a caution may lead to nothing; to imprison is invariably a most disastrous course to pursue; to flog within a gaol may be too severe but to fine is an excellent method. The parent has to pay the fine, and as the child's offence is generally due to the want of parental control and discipline, the punishment reaches right home and better control for the future generally results. Where parental control is non-existent, and there remains no possibility of creating it, other measures must be taken which will supply a substitute for the discipline of

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home life.

In some case of theft, minor assault, disturbing the peace, and other offences which indicate a momentary and not very serious lapse of self-control, or perhaps a somewhat vague conception of the supremacy of the law, fines serve all the purposes of justice. A four-fold restitution for all damage done might be taken as a standard to be increased or diminished in exceptional cases. In all these instances the culprit should be made to pay the fine himself even though it should require a fairly lengthy period in which to liquidate it. Section 16 of The New Zealand Criminal Code provides that the Court may exercise its own discretion in imposing a fine upon any person whose offence rendered them liable to a term of imprisonment. There are many cases, however, even of first offenders, in which fining is quite useless.

**Imprisonment.**—So much has been written describing the various prison systems in vogue in different parts of the world that it is unnecessary to do much more than briefly outline them here.

(1). The congregate system. In which the prisoners are associated together by day or by night or by both. Were the object to convert the prison into a school of crime, no better system could be devised. The standard of the lowest is the standard which must prevail under the congregate system.

(2). The solitary system. The extreme opposite of the congregate system. The prisoners are allowed to have practically no communication with anyone whomsoever. In some countries this system is made indescribably cruel. At Santiago in Chili in one part of the prison the inmates are employed upon useful work under most humane conditions, and yet in another part of the very same building a most barbarous system exists. Mr F. B. Ward (quoted in Penological and Preventive Principles) describes what he saw in 1893:—"In this splendid model institution there are noisome, slimy cells, where daylight never enters, in which human beings are literally buried alive. Under the massive arches of enormously thick walls, where even in the outside rooms perpetual twilight reigns, are inner cells, two feet wide by six feet long, and destitute of a single article of furniture. Until recently, those confined in them were walled in, the bricks being cemented in places over the living tomb. Now there is a thick iron door, which is securely nailed up and then fastened all around with huge clamps, exactly as the vaults are closed in Santiago Cemetery, and over all the great red seal of the Government is placed—not to be removed until the man is dead, or his sentence has expired. The tiny grated window is covered by several thicknesses of closely-woven wire netting, making dense darkness inside, so that the prisoners cannot tell night from day. There is no ventilation except through this netting, and no opening whatever to admit outside air into the tomb. Low down in the iron door, close to the ground, is a tiny sliding panel a foot long by a few inches wide arranged like a double drawer, so that food and water may be slipped in on shallow pans and the refuse removed. Twice in every twenty-four hours this panel is operated, and if the food remains untouched a given number of days, it is known to a certainty that the man is dead, and only then can the door be unsealed, unless his time is up. If the food is not touched for two or three days no attention is paid to it, for the prisoner may be shamming; but beyond a certain length of time he cannot live without eating. Not the faintest sound nor glimmer of light penetrates those awful walls. In the same clothes he wears on entering, unwashed, uncombed, without even a blanket or handful of straw to lie upon he languishes in sickness, lives or dies with no means of making his condition known to those outside. He may count the lagging hours, sleep, rave, curse, pray, long for death, dash his brains out, go mad if he likes—nobody knows it. He is dead to the world and buried though living. They told us that only one man has ever survived a year's sentence there. Those that survive six months are almost invariably drivelling idiots or raving maniacs."

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It was under similar conditions to these that the assassin of King Humbert of Italy was incarcerated. Such a system shows a cruel vindictive rage towards the criminal. Terrible as the offender's crime may be, society must deal calmly and not lose self-control or give such an exhibition of its own criminal ferocity.

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**The Separate System.**—Under which the prisoners are not allowed to associate with each other, but receive frequent visits from gaolers, warders, chaplains, and other persons who are likely to bring beneficial influence to bear upon them. Each man has his own cell, in which he sleeps and works. His exercise is conducted in such a manner as to prevent contact with other prisoners. He is allowed books and given daily instruction. Under this system perhaps the best results are obtained.

**The Silent System.**—A system under which the prisoners associate with one another but are forbidden to communicate. This system cannot be strictly enforced, and as it converts trifling matters into serious offences, it makes the prison life a state of petty persecution.

**The Combined System.**—A system which the prisoners are kept apart during the night but work together during the day. This system has been adopted in New Zealand, and in the following description of the value of imprisonment it will be understood that it is to this system that reference is made.

A man is sent to prison because he has proved himself unfit to be at liberty. His attack upon society was evidence of this, and society punishes him by taking away the liberty which he has thus abused. His dread of the prison increases as he comes under the shadow of its grim walls, and, once having passed within, a feeling of remorse and desperation seizes him. Its intensity or weakness will depend upon his temperament. He is soon told in the most emphatic manner that he is to regard himself as a felon; that he is to live with felons as a felon and observe the habits of a felon. He is given a uniform coarse in texture clumsy and grotesque in appearance and branded over with the broad-arrow and with his prison number. In this garb it is impossible for a man to

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preserve his sense of self-respect. If he should not be amenable to the prison discipline he may be held up to ridicule by being compelled to wear a parti-coloured uniform. However can a man be expected to reform who is held up to the ridicule of felons? It matters not from which class of life he is drawn, what his age is, or the nature of his offence, he is thrown into the company of the worst criminals in the land. If he were a cultured man, or a man who had known no associates in his crime, or if his æsthetic taste was considerably developed it matters not; he must do the same work and mix in the same company as the most ignorant and most brutal. To utterly disregard these qualities is to ignore the wide-open channels along which the most powerful reformatory influences may be transmitted. If his recovery is to be considered these are most substantial assets. They are, as it were, "the general health" of the patient suffering from a local lesion. Yet our prison system not only ignores them but patiently sets to work to destroy them, as if their possession were an additional offence on the part of the criminal. Prisoners who try to keep aloof from their associates may often be made to suffer very considerably for it. Others, craving for some association, soon fall in with men whom they would have regarded, a few days previously, as impossible companions. The almost entire absence of elevating influences makes it easy for the concentrated power of evil to become irresistible. The gloom of the prison rises, the fear of the law vanishes and the new born tendency to crime becomes a confirmed habit. A man needs either a very strong will indeed, or else to be supported by powerful social traditions to enable him to resist the evil influences of prison life. A few men do resist and maintain their sense of self-respect in spite of all indignities and bad influences. Some sink as under a torture; some sink and are enticed and absorbed into felony. These last will plan their future crimes while they are serving their first sentence. Henceforth the prison is their home.

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What purpose is thus served? Why should a man who has lost self-respect be continually reminded of it? If a man is diseased he is not placed amongst filthy conditions and the emblems of sickness and death crowded upon him. His removal from all unhealthy surroundings is the first essential necessary for his recovery, and the same should be observed with the criminal. He should be entirely removed from criminal surroundings and efforts made to eradicate the criminality which has expressed itself. Society has not the right to degrade a man, much less to school him in crime. If he prove absolutely incorrigible (a very difficult matter to ascertain) he should be banished from society for all time either by life-long imprisonment or by death. If not, the carrying out of his punishment must be performed with a very sacred sense of responsibility. All manner of means are taken to relieve and cure the physically sick; much greater surely should be the means employed to heal the morally and socially sick.

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Another matter wherein our prison system might be justly criticised is the scale of diet provided for the prisoners. No one asks that they should be given luxuries, but it might at least be recognised even in prison that one man's food is another man's poison, that one fattens where another starves, and that variety is essential to good health. A prisoner who was serving a very long sentence once said to the author, "fancy having the same dinner every day of your life." Let one fancy it, boiled beef every day except Sunday, when roast beef is provided. The same meal every day, the same clothes to wear every day and all day, and the same routine to go through. What wonder is it that in the confirmed criminal many faculties appear to have atrophied. They have obeyed a law of nature. The popular comment is no doubt—"what else do you expect? They deserve it all, they have brought it upon themselves." We expect that our criminals should at least be treated like the by-products of our mills and factories, i.e. made the most of. Bitter prejudices must give way to the dictates of reason and humanity.

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Practically the "combined system" produces no good results. It satisfies neither justice, humanity, nor economy. Neither is it efficient to afford protection to society. It satisfies prejudice and vengeance alone. The only system of imprisonment which is of any value and which the State ought to consider is one which converts the gaol in every essential into a "crime-hospital."

Concerning life imprisonment much apprehension exists in the public mind. The prevailing idea is that this sentence implies incarceration for a period of twenty years. This is due perhaps to the fact that in England the sentences of "lifers" are reconsidered at the end of that period, and in the majority of cases a pardon is granted. The New Zealand prison regulations contain this section (116) "No rule for the remission of life sentences will be laid down. Such sentences are passed on persons guilty of the very gravest offences; and the Governor will only extend the royal prerogative of mercy to such persons in exceptional cases." Under certain conditions life imprisonment is the only way of dealing with criminals who refuse to reform. Those conditions do not exist in our New Zealand prisons, and a life sentence served within their walls is the most cruel form of punishment our laws allow. The prisoner enters the gaol with a long, dark, hopeless future before him. As the years roll by not one ray of light brightens his lot. He can never better himself. He suffers, he is meant to suffer, the loss of all he holds dear (and even a murderer holds some things dear). This absolute loss, this complete severance of all ties, produces a most agonising mental state and afflicts the poor wretch with untold horrors. He is made to drag out an existence under most unnatural conditions, conditions in which every effort he makes towards self-improvement is a useless one, every aspiration is routed, the natural affections crave in vain for an object to fasten upon, and where an artificial atavistic process is set in motion so powerful as to defy the resistance of all in time. This is no imaginary picture, a man is a man, and one of the cruellest tortures to submit him to is to deprive him absolutely of hope and make good his evil because it requires an effort which is useless, and evil his good because it is easier and costs the loss of nothing. Perhaps the majority of lifers are those whose sentences have been commuted from the death penalty. Such a sentence is in reality the death penalty carried out under slow process extending over many years. Gradually remorse and despair do their work upon the natural instincts, the mind and the body. The man becomes brutalised, insane and dies. An

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exception here and there may be pointed out; but given twenty men of same age and good health, and sentence ten to twenty years, and ten to life imprisonment, and the chances are that (under reasonable conditions) the ten with the defined sentence will survive it, whereas of the lifers the majority will be insane within twelve years. The following testimony will, however, be of greater weight:—

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The Directors of the State Prison in Wisconsin in their report for 1881 add:—

"The condition of most of our life prisoners is deplorable in the last degree. Not a few of them are hopelessly insane; but insanity, even, brings them no surcease of sorrow. However wild their delusions may be on other subjects, they never fail to appreciate the fact that they are prisoners. Others, not yet classed as insane, as year by year goes by, give only too conclusive evidence that reason is becoming unsettled. The terribleness of a life sentence must be seen to be appreciated; seen, too, not for a day or a week, but for a term of years. Quite a number of young men have been committed to this prison in recent years under sentence for life. Past experience leads us to expect that some of them will become insane in less than ten years; and all of them, who live, in less than twenty. Many of them will, doubtless, live much longer than twenty years, strong and vigorous in body perhaps, but complete wrecks in mind. May it, therefore, not be worthy of legislative consideration whether life sentences should not be abolished and long but definite terms substituted, and thus leave some faint glimmer of hope even for the greatest criminals?"

Sir E. Du Cane stated in 1878 before the Royal Commission on Penal Servitude Acts:—

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"I myself do not think much of life sentences at all. I would rather have a long fixed term. I think all the effect on the public outside would be gained by a shorter period."

Mr W. Tallack, late Secretary of the Howard Association, writes in his "Penological and Preventive principles":—

"Of life imprisonment it may be conclusively pronounced very bad in even the best form of it. Years of enquiry and observation have increasingly forced this conviction upon the writer.... A fixed limit of twenty years would greatly aid the discipline of its subjects. And what is of more importance so far as the public are concerned, it would, in most cases, avail to practically incapacitate or effectually deter the persons who pass through it from any repetition of their crime. The mere natural operation of age, decay, and disease would tend towards this result; and not only so, but it would, in a considerable proportion of cases, render the limit of twenty years a virtual sentence in perpetuity by the intervention of death. But meanwhile the elements of hope and other desirable influences would be largely present, notwithstanding."

To say the least of it our criminals have a claim for humane treatment, and no sentence should have a greater duration than twenty years. The term also should be fixed when the sentence is imposed.

**Flogging.**—This is an extremely unpopular form of punishment, owing to its abuse in the old convict stations and in the army and navy. Yet there is a great deal to be said in its favour. In 1898 the Howard Association instituted an enquiry among the most competent authorities as to what were the best methods of dealing with juvenile offenders. Nearly 40 replies were sent in answer to their circular of enquiry, and with but one or two exceptions these replies advocated whipping as the most expedient method. The Chief Constable of Liverpool stated:—"Whipping has been found a most efficient and HUMANE punishment. During the last FIVE YEARS 489 boys were once whipped. Of these, only 135 have been again convicted. Of the 135, 44 were whipped for the second time. Of the 44 only 10 were convicted a third time, and 2 only for a fourth time. No other punishment can show such a record...."

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Our Criminal Code describes a whipping as being a punishment of not more than 25 strokes with the cat-o'-nine-tails inflicted upon a person of not more than 16 years of age. A flogging is limited to not more than 50 strokes and not less than 25 inflicted upon a person of over 16 years. Three floggings at intervals for one offence is the maximum amount of castigation allowed.

A description of the "cat" may not be out of place. The handle is round and of uniform diameter of one inch. It is about 30 inches in length and is light as cork. The "tails" (nine in number) are made of cord similar to fishing cord, about an eighth of an inch in diameter and 33 inches in length. In each tail a strand is taken out, wound round and put back, thus making a bob. There are 27 of these bobs in all. A flogging with such an instrument would no doubt be very severe, but it need not draw blood nor leave marks for all time. A flogging properly administered should produce sharp stinging pain and leave no bad results whatever. Then it becomes a very useful punishment to use upon such men as those whose crimes are characterised by cruelty. Men who violate, torture, or frighten women, who are cruel to children or take advantage of the weak, imbecile or defenceless might well be punished with a flogging. In fact it is questionable whether any punishment is so effective. These men are cowards one and all; they do not dread the lazy life of the prison, but a flogging has great terrors for them, and its moral value is considerable. In bygone years men who were flogged were often worse than before. The flogging had demoralised them. These floggings were, however, shockingly cruel. Nothing is to be admitted but the sharp swishing and this, when properly carried out, is totally without any objectionable feature.

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There seems no necessity to combine a flogging and a long term of imprisonment under one sentence. The maximum punishment of three floggings might be given within a period of two months, and the culprit then in most cases discharged. As to the advisability of ordering more than one flogging a great deal might be said. Fifty lashes and the man discharged within a week would be sufficient for the majority of cases. For a very brutal crime or for a second offence of the same nature, a second flogging after a period of days might be thought necessary. The very

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greatest care, however, must be exercised in the administration of this punishment. The crimes of brutality rightly arouse the indignation of the public, but there is no need to show a brute that society can be a greater brute than what he is. Being a brute, leniency invariably fails, but unimpressionable to these methods as his moral and humane instincts are, his skin remains sensitive, and through it his instincts may be appealed to and quickened. Flogging makes him consider that the practice of brutality is in direct variance to his own personal interests and comfort. From this he may be led to moralise further.

Gangs of boys who are becoming a nuisance to the neighbourhood they infest are quickly broken up if their ring-leader is treated to a dozen strokes that he will not feel inclined to boast about. The mercifulness of this punishment is seen in its power in thus effectively stopping the tendency to crime. Larrikins, unnatural husbands and fathers, brutes and torturers, cattle maimers and stack burners, all see their personal interests lying in a very different direction to that which leads to the "cat."

**Capital Punishment.**—The authority to take the life of a fellow-man is based on God's word to Noah, "whoso sheddeth man's blood by man shall his blood be shed;" and upon the abstract idea of justice "a life for a life." These words in no sense contain a command to us of this century to execute all murderers without exception. For the present state of civilisation a new principle has been evolved which is, that when a man shows himself to be unchangeably hostile to society then his life may be forfeited. As the methods of dealing with criminals improve so the word LIBERTY is being substituted for the word LIFE. The sin on the man's soul may be left to God; all that men has to deal with is his anti-social attitude. If impossible to change this attitude then either death or life imprisonment must result. This very question of possibility is so uncertain that few modern criminologists care to adjudicate, and most regard the death sentence as anticipating too much. Life-imprisonment, under the highest moral influences, becomes life-long by and only by the continued resistance of the criminal. It is not the objectionable form of punishment previously described for it encourages the man to put forth his best effort to improve, and substantially rewards these efforts, even to granting him his liberty if he persevere with them. Punishment by death is becoming more and more unpopular. The dislike of juries to bring in a verdict of "guilty" in a murder case is sufficient testimony to this. In the crowds who sign petitions for the reprieve of the condemned, the hysterical element is too prominent to make any other estimate possible. But the reaction is steady, and it will not be long before capital punishment becomes a thing of the past. To abolish it before a suitable substitute were provided would be mistake.

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Gradually society is awakening to the fact that the condition of the criminal ought to be ameliorated, and that there can be no real amelioration which does not make definite efforts for the prisoner's reform. The aim should be to assist every man to recover by his own effort the place in society from which he has fallen. No man is incapable of improvement, and under a wise systematic discipline most men do improve. A remarkable witness is found in the experience of Dr Browning who was engaged as Surgeon-superintendent of convict ships between 1831 and 1848. Of one voyage from Norfolk Island to Tasmania he was in charge of 346 "old hands." These men had agreed to take terrible revenge upon some of their comrades who had been employed as constables over the others. Under Dr Browning's instruction and discipline their purpose was abandoned. He landed the men in Tasmania without having inflicted a single punishment upon the voyage. He remarks:—"The men were given to me in double irons; I debarked them without an iron clanking among them. I am told that this is the first and only instance of convicts removed from Norfolk Island having had their fetters struck off during the voyage, and being landed totally unfettered. They were almost uniformly double-cross-ironed and chained down to the deck, everybody being afraid of them. I was among them at all hours and the prison doors were never once shut during the day. To God be all the glory." Three Governors of Tasmania expressed their high opinion of Dr Browning's system and of its subsequent effects upon their behaviour. (Vide "Christianity amongst Prisoners." Howard Ass.)

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In the famous Dartmoor prison and at Borstal in Kent experiments are being made to secure a greater number of reformations among the younger convicts. It is too early to estimate the value of the systems being tried, but they are being watched with much hope and expectation. In America there is a decided tendency to substitute State reformatories for prisons, especially in the case of the young. The Elmira Reformatory has been established for more than a quarter of a century, and its claims to have reformed 82 per cent. of the men committed to it has been upheld by the special enquiry instituted in 1890.

If these different systems were more closely studied there would result a great awakening as to the possibilities of the criminal, and society would discover that its best interests were served by reforming its offenders and making them moral and industrious servants of the State, instead of by committing them to institutions where they were brought into contact with consecrated villainy and where the unwholesome influence is calculated to confirm them in criminal habits and make them a constant menace and expense to the community. That our criminal population is on the increase, and that the proportion of recidivists grows larger every year, is scarcely to be wondered at in the midst of such influences. Notwithstanding all that has been done to improve the state of prisons from what they were even fifty years ago, yet the motto "once a criminal always a criminal" is often too sadly true. The report of the English commissioners of prisons shows that amongst those who have been convicted during the year 1902, 51.9 per cent. of the men and 70.6 per cent. of the women had been previously convicted. In the past these results were regarded as inevitable. Now they are regarded with much disquietude. Formerly they were supposed to point to a defect in the criminal, now they are understood to prove a defect in the penal system. The reason for this defect lies in having regarded certain objects as primary which

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are in reality only secondary. These objects have been defined to be the deterrence of crime by the example of punishing criminals; the repression of crime by the infliction of punishment, and the protection of society as a consequence. The deterrent value of the penal system has been greatly reduced by the small amount of dread which it excites in the criminally disposed. The representative value is of a minus quantity. Crime is assisted more than it is crippled. The protection of society is secured only during the period of incarceration. At the end of that period the criminal must be discharged and he goes forth often a more skilful criminal than before and with a vow to take vengeance upon society.

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Regarding these objects as secondary the reformation of the offender has been acknowledged as primary by criminologists, and they turned their attention to study the criminal pathologically, to enquire into the causes of crime and also to make trial of the best methods for securing reformation. "Punishment the principle and reformation the incident," was the theory of the old school. The New school reverses the order to "Reformation the principle and punishment the incident." Obviously this course renounces the old principle of retaliation and vengeance and embraces that indicated by Christ in his precept "bear ye one another's burdens."

**The Philosophy of Punishment.**—The threatening attitude of the criminal towards the peace and welfare of society makes it an obvious necessity that society should protect itself against him, otherwise he would soon master the situation and reduce social order to barbarism.

What are the steps which it must take? It must first remember that its right to punish is not an inherent, but a delegated one. Though its powers are sovereign in the sense that there is no appeal from them, yet they must not be exercised in an arbitrary way. So far as there is a capacity for the realisation of responsibility to God so far must that responsibility be observed. Where this responsibility is disregarded, society immediately becomes the greater criminal itself even though its deeds may be done in the name of the majority of its members. As history is not without examples of this abuse of a sacred trust neither is it without instances of the Divine interference expressed in the destruction of a community which had offended after this manner. This responsibility must be acknowledged firstly—in the end to be attained; and, secondly or subsequently—in the means by which it is attained. We are generally informed that our penal systems exist for the purpose of repressing crime, and that punishment is thus inflicted upon the criminal in order that others may be deterred from following his example. Reformation is sometimes suggested. The public, however, concerns itself very little about its criminals and much less about the objects which its penal system is supposed to secure for it. The attitude of the general public towards the criminal is undoubtedly a vindictive one. His sentence is discussed from this point of view only, viz.:—will the suffering that he will have to undergo be sufficient to accord with the enormity of the crime he committed? The end which is understood is simply suffering, expiatory suffering; suffering which neither man nor society has any right whatever to inflict upon a human being. The old principle of an eye for an eye, while in accord with abstract justice, was often made the occasion for abuse, and the largely prevailing conception of justice amongst us to-day is precisely the abuse of that same principle. Society does well in returning upon its criminals the consequences of their acts, but the consequences should be a natural return and not an artificial one. The criminal should see that by his attack upon society he is excluded from all the benefits of its system. He has isolated himself and this isolation is of itself miserable, and will, if persisted in, become intolerable. Its final state is Hell, a state in which society is destroyed while the social instinct remains and craves in its unquenched agony. It is perfectly right to show the wrong-doer the ultimate end of his chosen course, but there is no warrant for the strenuous effort which is made to force him towards it. A criminal's punishment should be made purgatorial and not infernal. The old penology regarded him as a hopeless individual and proceeded with its hellish tortures without undue delay. Beneath its system no reforms were possible, and the fact that none were ever made, was pointed to in order to justify its horrors. Society took no interest in them whatever while they were being pushed lower and lower down the social scale, but met them at the lowest steps, and, halter in hand, gravely professed the utmost concern in their future and eternal welfare.

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So far, society has failed to recognise the end of the punishment it is entitled to impose. In the words of Dimitri Drill, a Moscow publicist, the new penology expresses that it "renounces entirely the law of retaliation as end, principle, or basis of all judicial punishment. The basis and purpose of punishment is the necessity of protecting society against the evil consequences of crime either by the moral reclamation of the criminal or by his separation from society; punishment is not to satisfy vengeance." We must not jump to the hasty conclusion that herein is meant that the criminal must be treated very gently and coaxed back to more virtuous paths. What is meant is that his punishment should be made purgatorial and not infernal. The process of reclamation is accompanied by far sharper pains than those which are expiatory, but they are the pains of a healing surgery and not those of a soul destroying brutality. Where the means for reclamation fail then separation from society is advocated. Separation in the midst of influences which would always tend to awaken the desire to reform and which would give immediate assistance to that desire when awakened.

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Thus the recognition of this fact that the authority to punish offenders against its law has been, by God, delegated to the social institution, brings with it a recognition of the responsibility which accompanies such authority.

In primitive times most offences were punished by the death penalty, not as a vindictive measure but because the offender was hopeless and society helpless. That is, the social state being of a very simple order, any infraction of its laws would declare the offender a most pronounced criminal, bitterly hostile to society and irreclaimable by such social machinery as

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then existed. The death penalty when inflicted must ever be so regarded. Not as a life for a life but as the punishment inflicted upon one who has by his own conduct given complete evidence that his recovery to the social state is impossible. In this century of civilisation it is incumbent to look upon the criminal as being in a measure a by-product of society and to deal with him accordingly. Outside of society crime is impossible, therefore society accounts for crime and is also in a measure responsible for it. To this measure exactly (although the measure itself can never be determined with exactitude) is the criminal by-product. In a large measure he is responsible (entire responsibility is conceivable), and it is this sense of responsibility which makes it possible to carry out his treatment.

Large industries find that their by-products are an important asset and to disregard them would be ruinous. Mr Frazer in his book "America at Work" states that the expenses of the meat-packers of Chicago for 1901 amounted to £150,244,848. The sales of meat realised £124,263,998, and yet a net profit of £6,767,638 resulted. What appears to be a paradox is explained by the fact that a sum of no less than £32,748,488 resulted from the sale of by-products. All the waste must be turned to dollars.

Commercial advance has certainly out-stripped social advance, and apparently for the reason that whereas in commerce a pig's tail is regarded as an important asset, in our social system the criminal and the weakling are regarded as a heavy liability. When the point of view is changed society will advance more rapidly. So, too, society finds that it must utilise its by-products and to devise means which it can bring to bear upon the criminal, so as to bring him to a state of usefulness. The enormity of the crime and the degree of criminality are alike impossible to estimate, therefore it is also impossible to define a punishment which makes an attempt to recognise any of these qualities.

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It is, however, quite possible to determine within very fair limits the continuance of the criminal habits, also the value from a reformatory point of view, of various social influences, and further there exists the power to apply these influences. To sum up—society possesses within itself the power to reform its criminals (to utilise its by-products) and to determine when they have been reformed.

Separation from society is rendered absolutely necessary by the criminal's own behaviour, if by his behaviour he shows that he is not capable of using freedom profitably. But if his separation is to serve any real purpose whatever it must be accompanied by an educational process which will work him back to that point where he left the social track and then so propel him forward that he may recover his lost ground, and when restored to society be enabled to identify himself with its progressive system.

So far our penal system is a mistake. Whatever it may be theoretically, practically it is only vindictive. Its failure has caused some to despair and others to reflect.

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## Chapter V.

### ELIMINATION—DR. CHAPPLE'S PROPOSAL.

In the last chapter it was shown that capital punishment sought for its justification in the theory that certain criminals had assumed an attitude of permanent and aggressive hostility towards society. Their presence in society is regarded as a menace to human life, and no moral improvement is expected to result from their imprisonment. So hopeless is this class of criminal regarded as being that, so it is declared, no other policy save that of extermination can be considered.

In primitive society criminals were less numerous than in our own time; but those that did then exist belonged, almost all of them, to the worst type. There being no public institutions for the administration of justice, practically one course only remained open, and that was, that the person wronged should seek to avenge himself as best he could, and the death of the wrong-doer was generally the satisfaction that he sought. As civilization has advanced, criminals have become more numerous; but they have taken to crime by more gradual steps. Society, too, has deprived the individual of the right of wreaking his own vengeance, and has erected institutions for the purpose of determining guilt and apportioning punishment. From the days of Noah, deeds of blood and other crimes of a serious nature, have been punished by death and from then, until this present day, the one idea underlying the administration of justice has been that society should get rid of its criminals as speedily as possible. Repression alone was thought to be efficacious, reformation was scarcely thought of.

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Of late years the criminal has been more carefully studied by his fellow-beings. Some have studied him as a monster and believed him to have the heart of a beast; others have studied him

as a man and had faith in his possibilities. The former have noticed the failure of repressive methods, such as flogging and other penal severities, and have in despair been led to advocate that the only possible remedy is that of extermination. The latter have discovered that the failure of these repressive methods but imposes upon society the obligation of adopting a system of an entirely different order and with an entirely different object, viz: a system for the reformation of the criminal.

The "exterminators" have studied the criminal objectively and have had regard to his crimes only; the reformers have studied him subjectively and have had regard to his possibilities. The policy of the "exterminators" must be condemned on this ground, viz: that they have made but a half study of their subject, and they do know, and they refuse to listen to, of what the criminal is capable. Neither do they estimate the capacity of the enormous social power that may be attached to the criminal's own, but feeble, effort so as to raise him up, even from the deepest depths of vice and villainy. The careful subjective study—the truly humane study—of the criminal, has shown that all theories which would declare any man to be incapable of improvement, are to be condemned absolutely. The possibilities of reform exist in every case, and the probabilities are never to be denied. None can gainsay this statement nor can it be termed extravagant, for with the imperfect machinery now in use results are being attained which justify every syllable of it. Yet in the face of these results, the "exterminators" still proclaim their policy. They bid us be deaf to the voice of prejudice and follow the true light of science, ever remembering that we are passing through a wonderful stage in social evolution! But the policy that they adopt belies that which is indicated in all this fine talk. They say that we must exterminate the criminal, and this is nothing less than an acknowledgement that, to their minds, the problem of the criminal is one of outer darkness and that we have no means of ever penetrating it. They would take us back to a period anterior to Adam.

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Prejudice, indeed, needs to be overcome, but it is the prejudice that prefers vengeance to mercy. And if we follow the true light of science it will lead us to discover that the criminal is best got rid of by converting him into a useful citizen, or to be more exact, society's best effort is to be directed towards separating the crime from the criminal.

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Recently a Wellington medical gentleman (Dr Chapple) published a work entitled "The Fertility of the Unfit." The problem which this gentleman attempts to grapple with in his book is the disproportionate rate of increase among the numbers of the unfit to the fit members of society. Under the classification of the unfit he places all those persons who, on account of mental, moral or physical defect, constitute a burden to society. These are, principally, the epileptic, the pauper, the insane and the criminal. These either will not, or cannot support themselves adequately and legitimately. For their treatment support and correction, hospitals, asylums, charitable aid boards, gaols and other institutions have had to be established, and the upkeep of these has become a great burden which necessarily has to be borne by the healthy, moral and industrious section of the community.

Dr Chapple draws attention to the undeniable fact that there is a tendency on the part of those unfit to increase at a greater ratio than the fit. The rate of increase during the past twenty years has been so great and so disproportionate as to make the cost of their maintenance become an increasingly heavier one for the individual taxpayer to bear, and to cause for this and other reasons, a considerable amount of alarm in the minds of those who have the welfare of society at heart.

The Doctor believes that the cause of this proportionate rate of increase is to be found in the methods adopted largely among certain classes for the prevention of child-birth.

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In the conclusion of his book he states that sexual inhibition on the part of the better classes accounts for their smaller rate of increase as compared with the rate of the inferior classes. We cannot accept this conclusion without more evidence. We want to know definitely whether the natural rate of increase among the better classes is really lower than that existing among the inferior classes. That is to say, are the ranks of the defective being swelled by the influence of heredity or by some extensive force recruiting from among the ranks of the fit? Another question is this: Since the use of preventives is available to both sections alike, the Doctor accounts for the supposed natural disproportion by assuming that the better classes restrain themselves. Is he right? Using the word "restrain" in its absolute sense we beg leave for most emphatic doubt. In an enquiry such as this is, the only factor of any real importance as accounting for a diminished birth-rate, is the use of preventives. If this method is confined to the better classes, we must refuse to call them any longer our "best stock," for, if they are not producing a defective offspring, they are, as the recent Australian Birth-Rate Commission has made abundantly plain, speedily making defectives of themselves, besides being guilty of lowering the social moral tone and hardening its sensibility. We are strongly of the opinion that the diminished birth-rate does not account for the increase in the number of criminals and defectives further than that the use of preventives discloses a species of criminality.

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Nevertheless, Dr Chapple proposes, not so much to restore the equilibrium as to get rid of the defective altogether. He assumes that defectives are born and not made, and then makes enquiry into the best possible means for the prevention of their birth. After passing several methods in review, he accepts an operation known as tubo-ligature as being the best from all points of view. This operation will render the female permanently sterile without having any deleterious effect upon her health. Absolutely no result follows, he assures us, but sterility. If the wives of all defectives were operated upon in this way, Dr Chapple assures us that the problem concerning the defective would speedily be solved and society would be the happier and wealthier in every way. The proposal might give something of a shock to the moral conscience but such a shock

would only unfit us for our work. The criminal is upon us, he threatens us, and we must protect ourselves. The necessities of the case are so pressing and so urgent that we seek for the most effectual remedy and use it unhesitatingly when we have found it. Here it is, says Dr Chapple, and its morality is determined by the relief which it, and it alone, is able to bring.

What are we to do? Why, sterilize the wife of the defective. As the criminal is most harmful of all defectives he is summoned to come forward first and to bring his wife with him, when behold, the man turns up alone. Where is his wife? Why, he hasn't got one. Has Dr Chapple considered this fact? Did he know, when he made the statement that it was a matter of common observation that the criminal was among those who had the largest families, did he know then that the criminal rarely married? It cannot be said that the criminal's wife is as rare as the Great Auk's egg, but Havelock Ellis states that "among men criminals the celibates are in a very large proportion." And Féré further supports the value of the statement for our present purpose by saying that "criminals and prostitutes have this common character, that they are unproductive. This is true also of vagabonds, and of the idle and vicious generally, to whatever class they belong."

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Two years' experience as a prison chaplain may not be of much value, but it certainly conveyed the impression that the majority of the criminals were young men who were unmarried.

But Dr Chapple adduces evidence. He tells us of a family in which there were 834 persons the descendants of one woman. Of this family 76 were convicts, 7 were murderers, 142 were beggars, 64 lived on charity. Among their women 181 lived disreputable lives, and in 75 years this family cost their country £250,000 in alms, trials, imprisonments, etc. What family is this? If the following comparison is conclusive in its results then it must be the "Jukes" family.

	Dr Chapple's Case	The "Jukes"
Number estimated	834	834
Number definitely traced	709	709
Number of criminals	76	76
Number convicted of murder	7	7
Number of beggars	142	142
Number receiving alms house relief	64	64
Illegitimates	106	106
Period reviewed	75 years	75 yrs.
Cost to State	£250,000	£250,000

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If it will be allowed that the agreement in these nine lines of statistics establishes the identity between the two cases, then the evidence may be examined.

In the first place, the "Jukes" family is the most exceptional one known in the history of crime, and it must be treated as an exception and not as an example. In the second place, these 834 persons were not descended from one woman in 75 years but from FIVE women who were the legitimate and illegitimate daughters of an old Dutch back-woodsman who lived in a rocky part of the State of New York and who is known to criminologists as "Max Jukes." My authority for declaring that there were five female ancestresses during the period reviewed as against one, stated to be the case by Dr Chapple, is Mr R. L. Dugdale, who made a close personal investigation of the life and records of the family. He himself collected the statistics that are given above and which are identical with those given by Dr Chapple's authority, Prof. Pellman, and therefore one must conclude that Prof. Pellman has studied the case at second hand and, in this important detail, is in error.

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That 834 persons should have descended from five persons in 75 years covering five generations, exclusive of the 5 ancestresses, does not strike us as evidence of an exceedingly prosperous birth-rate. If there had been another thousand descendants it would not allow for an average of 3 children to grow up and marry in each family. We may then set aside the contention that the "Jukes" were enormously prolific.

Still the "Jukes" were an enormous cost to their country, and surely we should prevent such a family ever appearing in our midst. The answer to this is that the "Jukes" have only appeared once, and, so far as our community is concerned, our social progress makes their reappearance absolutely impossible. The "Jukes" were a tribe of vagabond outlaws. They gained a livelihood by fishing, hunting, robbery, and intermittent work. They lived in a rocky, inaccessible region in the lake country of the State of New York. Their criminals were able, with a considerable measure of success, to defy the police, and travellers very rarely approached the vicinity of their habitat. Some drifted into the towns and villages. A proportion of these supported themselves by honest industry, and a proportion became a burden upon the rates; Such nests of criminals can exist only in partially civilized countries. The advance of civilization extinguishes them. Nowhere in New Zealand could such a tribe prey upon and defy society for a period of two weeks together. The criminals that we have to deal with are those which society produces not those which it extinguishes.

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But if the "Jukes" were at all reproductive what is the difference between them and other cases of criminals? Principally this, that the "Jukes" formed a little society of their own in which marriage and co-habitation was the rule. Of their women 52 per cent. were disreputable; but Dugdale refuses to call them prostitutes, but rather harlots, indicating that their marital relations were of the order of a progressive polyandry and by no means unproductive. Under these

conditions, a fairly large natural increase is not to be wondered at.

No such family has, nor could, exist in the midst of our civilization, but as the case is advanced, not to show a distinct species of criminality, but rather as an example of the rate of natural increase that may be expected of a criminal family, we will examine and compare the conditions of life existing among the "Jukes" and the criminal that we have to deal with and thus discover features among the latter which militate against a large birth-rate; but which are not present among the former.

Our criminals, for the most part, commence their career of crime at an early age. The Rev. W. D. Morrison of Wandsworth Prison, England, declares that the most criminal age is reached between the years of twenty and thirty. This holds good, he says, for Europe, Australia, and the United States.

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It is a mistake to suppose that a man first commits crime and then plunges headlong into vice. Though true in some cases, it is exactly the reverse course which is followed in the majority of cases. After having passed with a measure of success through the milder domestic and scholastic spheres, the youthful criminal become a failure in the severer social or industrial sphere. Some criminologists go so far as to say that the majority of criminals have displayed distinct evidences of criminality at so early an age as sixteen years. Whatever may have been the cause for committing crime, the crime itself shows that the youth refuses to acknowledge the obligations which an organized society lays upon him. This refusal extends practically throughout the social order, and neither is it confined to this order, but extends also to the moral order and is shown in a total disregard for the matrimonial state. The youth gives way to natural appetites and associates himself with women of low repute. He is of wandering habits, works, when he does work, but intermittently, is restless, and totally disinclined towards matrimony. Socially, industrially and morally he is unstable. It is these conditions of his life which so contrast him with that species of criminality which the "Jukes" family presents. And it is these same conditions which support the statement of Féré and Ellis, that he is generally a celibate and non-productive. Concerning the progeny of the female criminal there is little to say except that the causes which chiefly account for the male criminal operate to produce the prostitute among women, and therefore criminal women are in a very small minority. Of these criminal women, Lombroso says that they are monsters who have triumphed over the natural instincts of piety and maternity as well as over their natural weakness. They are bad mothers, and children are a burden to them from which they will readily rid themselves.

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Notwithstanding Dr Chapple's evidence, it is conclusive that his statement that criminals have the largest families, is entirely opposed to fact, indeed the exact reverse is the case.

So far as the criminal is concerned, one may well ask whether he has not set himself to the useless task of threshing straw.

The question concerning the proportionate rate of natural increase among all classes of society is one which provides one of the fundamentals upon which Dr Chapple has based his proposal. Instead of enquiring into the actualities of this question he has assumed them, and from his assumption proceeded to his result. His assumption that the better classes use preventive means which the inferior classes do not use, is open to challenge; that there might exist among the inferior classes causes peculiar to these classes which militate against their increasing naturally, he has failed to notice. There do exist such, and so potent as to disprove entirely his statement that the problem is one for the solution of which we must search deep down in biological truth. The true solution will not be found in biological truth but in sociological truth, and there fairly near the surface.

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As Dr Chapple's evidence entirely fails, the conclusions of expert criminologists must be accepted, viz., that criminals are characteristically unproductive, and that, among male criminals, the celibates are in a large majority. As, from these reasons, the vast majority of criminals cannot be the descendants of a criminal ancestry, obviously tubo-ligature will not meet the case.

So far indeed the criminal descendant from criminal stock has alone been considered, whereas a large number of criminals have come from a drunken or from a pauper ancestry. Statistics indicate that 33 per cent. of criminals come from an intemperate ancestry and 2 per cent. from a pauper one. But in both cases, environment has a great deal more to be held responsible for than has heredity. It is the conditions of the home life which make the drunkard's child a criminal, and the same applies with equal force to the pauper's child. So that, if drastic measures are to be taken with these classes, surely such measures will proceed gradually from the mean to the extreme, and severe measures will not be employed until milder ones have failed. Where the question is one of environment it is the man's character and habits which have to be dealt with and not his nature. Environment is always capable of modification, and, when improved, the result is invariably a beneficial one for those concerned. So that the least that may be said for the criminal descendants of drunken ancestors is that a better way exists and should, by all moral laws, be first adopted.

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Further difficulties, of a physical, rather than moral nature, also exist.

And here again Dr Chapple has assumed another fundamental position. Is it too much to require of him that he should prove that, where criminals have sprung from a defective ancestry, this defect should be invariably transmitted? That, in short, a criminally defective ancestry is an invariable cause producing a criminal descent. (Note.—By criminally defective ancestry we mean the ancestry from which criminals spring. It may not itself be criminal. It may be drunken or pauper.) Such an important question cannot be assumed; positive proof is demanded, and this is



nowhere forthcoming in Dr Chapple's book.

If it were allowed that criminals were the most prolific of all classes of society, this question of heredity would still have to be cleared up before such a proposal as tubo-ligature were seriously discussed, for surely so drastic a remedy would never be employed except under the most positive conditions, that is to say, that this operation would never be employed until it had been ascertained, with scientific precision, that the birth of degenerates, and degenerates only, was being prevented.

Dr Chapple failing to illuminate us upon this point we inquire, does a criminally defective ancestry invariably convey to its offspring a taint disposing it towards crime? Or can it ever be ascertained that a certain given ancestry will certainly produce criminals?

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In the treatment of the subject of heredity it has been made clear that on account of the vicious habits of the criminal he is apt to transmit to his offspring a physical defect which will make it difficult for him to adapt himself to the conditions of the society in which he is placed. This difficulty becomes almost, though not quite, insurmountable when the environment is one in which the practice of vice and dishonesty is easier than that of virtue and thrift.

The transmission of a taint which is a cause of criminality cannot be denied, but the close investigation of the criminal and of his family has revealed the fact that among the comparatively few criminals who are parents they do not all transmit a taint or defect to their offspring, nor among those from whom a taint has been transmitted has it necessarily been transmitted to every child.

The "Jukes" family being the most exceptional of all cases in which criminal heredity may be observed can be investigated for the purposes of discovering the extreme affirmative which the question proposed can give. The answer is an emphatic no. When the "Jukes" intermarried there was, strange as it may seem, almost an entire absence from crime in the family following upon such union. When they married into other families, crime frequently made its appearance. This, at least, shows that an hereditary taint is not invariably conveyed. It may be claimed that it proves that, under certain conditions, such taint is conveyed; but in cases of this nature we do not reach our particular and exclusive affirmatives anything like so rapidly as we reach our particular and exclusive negatives. The negative is often obvious, the affirmative generally remote. It may be that by cross marriages the element of virility, necessary to maintain criminality, is sustained: but if that were so it would be expected that pauperism would necessarily result from consanguineous marriages which is not so far the case as to indicate cause and effect. A more plausible suggestion is that in consanguineous marriages there is a tendency for the family ties to be reunited and the family ideal restored. Such, of course, effectively disposes of criminality. Of the three grandsons of Ada Jukes, who were themselves the sons of her one illegitimate son, their family report is as follows:—The first was licentious, a sheep-stealer, quarrelsome, and an habitual drunkard. He married a disreputable woman and had several children. Of his seven boys, five were criminals. The second grandson kept a tavern and a brothel and was a thief. He married a brothel keeper. Of his six sons, two were criminals. The third grandson was industrious but occasionally intemperate. He married a woman addicted to the opium habit. Of his four sons, none were criminals. These are fairly average cases, and they, at least, affirm very distinctly that the criminal does not always transmit a taint to his child which will dispose that child towards crime.

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Although in the cases cited above only some 40 per cent. of the children were criminals, it must, however, be observed that a great deal of criminality goes unpunished, so that we might fix the average at 75 per cent. and be more exact. Of the 75 per cent. we must find out whether their heredity or their environment was the cause of their being criminal. Dugdale's observations led him to conclude that heredity is a latent cause which requires environment for its development. These 75 per cent., however, will be referred to again. There being 25 per cent. honest and industrious, brings us face to face with a question affecting the morality of Dr Chapple's proposal.

Since then all the children of criminal ancestry are not themselves criminal or likely to become criminals through an hereditary taint, can a proposal be accepted which would not only prevent the birth of the hereditary criminal, but would also prevent the birth of several persons who would have become good and useful citizens.

Thus far only the criminal descended from a criminal ancestry has been considered, whereas, as was stated previously, there are a considerable number of criminals termed "hereditary" criminals who are descended from a drunken ancestry. The proportion of these is about 33 per cent. of the whole. The impossibility of the success of Dr Chapple's remedy is very apparent from the insurmountable difficulties that would be experienced in determining with exactitude when a person was so degenerate in his own system as to make it positive that his prospective offspring would be born a criminal defective. Uncertainty, in this matter, reigns supreme.

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There must remain then but very little support for Dr Chapple's proposal when we discover firstly:—that the criminal is very rarely a parent, and secondly:—that in every case a taint is not transmitted from parent to child. Its sphere of effectiveness is restricted by the very circumstances of the case, and even within that restricted sphere its operation would be most clumsy for it would prevent the birth of all a criminal's children, good and bad alike. Thus it would become both a moral and economic failure.

Dr Chapple has taken it for granted that a criminal's rate of increase is at least equal to the average if not indeed, for certain reasons, considerably greater, and that he in all cases transmits

an hereditary taint to his offspring. Then he seeks for a remedy whereby the transmission of this taint may be avoided and he can find none other than one which prevents the very possibility of the prospective child being born. Before coming to such a drastic conclusion enquiry might have been made to discover whether there might not exist a remedy which would be a remedy in the truest sense. That is a remedy which would, while it would prevent the transmission of the taint, yet it would not interfere with reproduction. Such a remedy would be in fact a method for the reformation of the criminal, for if the criminal were reformed the problem would be solved. If he were transformed into an honest and industrious man then the transmission of the criminal taint is at once prevented. There are some, however, who maintain that the criminal is incorrigible and that reformatory agencies have invariably failed. They look upon all attempts on behalf of the criminal as a useless expenditure of energy and money. This question of the possibility or otherwise of the reform of the criminal must now be settled before we can proceed further.

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Is the criminal incorrigible? Some criminals do not ever reform because they cannot. These are insane. Some do not because they will not; but these may. The many who pass through our gaols and show no signs of reform does not prove that although they may reform they never will. If nine hundred and ninety-nine cases were observed of men resisting reform it would not prove the impossibility of reforming the thousandth. It would point to the difficulty, the remote probability or the need of different methods; but it would not determine the impossibility. When the term "incorrigible" is applied to certain criminals it does not mean that these men are incapable of reform; but they are RESISTING reform; and no one can tell when or whether the most obstinate of these will surrender his will to the dictates of conscience and commence a life of reform. The possibility is always an open question. No better testimony can be brought forward than that of Mr Z. R. Brockway, late Superintendent of the New York State Reformatory at Elmira. Mr Brockway is one of the pioneers in reformatory work and is considered the greatest living authority upon the subject. Some 10,000 felons have passed through their hands. Speaking at the Fourth International Prison Congress held in St. Petersburg in 1890 he said:—"There is a sense in which nothing that lives is incapable of betterment, and so strictly speaking there are no incorrigible criminals. If it is possible to grasp the thought and cherish it, we should endeavour to discover in the very worst characters some spark of humanity which unites us all in ties of relationship, some secret soul-chambers where superhuman influences may find lodgment, and so with good leaven pervade the whole man; at least we may find in our sphere a field for most fascinating scientific research and experiment.

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"I record it as my own conviction, after nearly a lifetime spent with and for criminals, that alike for all, corrigible and incorrigible, the aim to accomplish reformation is a true one. It most surely supplies all possible repression upon the criminal classes in society.... The aim of reformations is absolutely essential to any good degree of public protection from crimes.... Mr F. Ammetybock, Director of the Penitentiary of Vridsloselille, Denmark, added:—"I would not dare charge as incorrigible one of the 3,000 criminals who have been confided to my care.... During my career as a prison officer, I have seen many criminals who offered, humanly speaking, characteristic signs of incorrigibility and who now and for a long time had led respectable lives.... I believe that other prison officers as well as philanthropists, can confirm the truth of my experience, and I hope that many will protest against the theory of incorrigibility and place in the balance their experience against purely abstract ideas."

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On the other hand, it must be admitted that several criminologists emphatically declare that the "instinctive" criminal (or "born" criminal to use Lombroso's term) is incorrigible. Garofalo takes such a hopeless view of the matter as to demand his elimination by death, but none of these men, eminent criminologists as they may be, have studied reformatory science experimentally. Mr Brockway's testimony should be taken as final seeing that of the 12,000 felons who have passed through the Elmira Reformatory, 82 per cent. have reformed, i.e., have not returned to criminal practices. The statistics for the year 1903 are as follows:—

Total number of those paroled	445	
Served well and earned absolute release	143	
Correspondence and good conduct and maintained (parole not expired)	238	
Died, doing well until time of death	1	
Released by Special Executive Clemency, doing well	1	
Returned to Europe by permission	<u>1</u>	
	384	or 86 per cent
Returned to Reformatory for violation of parole	15	or 33 per cent
<i>Probably returned to crime.</i>		
Those who ceased correspondence while on parole and were lost sight of	37	
Known to have returned to crime	<u>9</u>	
	46	or 10 per cent

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It will be seen that while the Reformatory claims only 86 per cent. of reforms, there were only 9 persons (or 2 per cent. of the whole) who were KNOWN to have certainly returned to crime.

This exhibit is conclusive. Reformatory Science, which is yet but in its infancy, can already deal successfully with by far the greatest proportion of criminals, and this success at this stage guarantees a much larger measure in the future. It is clear then upon the statements of the highest authorities that the criminal is not incorrigible, and that the prison (penal) system

compares so unfavourably with the reformatory system that it ought to be abolished in favour of it. The system in vogue at the Elmira Reformatory will be described in a later chapter, and there it will be shown that the methods employed are upon a most scientific basis and that the results obtained cannot fail to satisfy the most exacting. It will be seen that by a "reformed" man is meant a man who can and will adapt himself to the conditions of society; a man sound in mind, healthy in body, industrious and honest in habit. Concerning this man's progeny, what have we to fear? It is in this way that we may dispose of the proportion of 75 per cent. of criminal children descended from criminal ancestry. It should here be again observed that the majority of criminals commence their career in crime at a very early age, and that therefore the reform of almost all criminals may be undertaken before they are likely to become parents. Again, true reformatory science forbids the release of any criminal from custody who has not given satisfactory evidence of reform.

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Thus reformatory science effectually guarantees society against the evil that Dr Chapple has proposed to eradicate, and it does it by a method compared with which tubo-ligature is most crude.

The criminal is either set free as a reformed man or is to be kept in captivity because his resistance to reformatory discipline has shown him to be unfit to rightly use his liberty.

Not only are the chances of his becoming the parent of criminally disposed children effectually removed but he is himself transformed from having a negative to having a positive social value.

Dr Chapple's study convinces him that the cause of the startling increase of crime, insanity, and pauperism is to be found "deep down in biological truth. Society is breeding from defective stock." Dr Waddell, who writes the preface of the "Fertility of the Unfit," is so alarmed as to declare that "our civilization is in imminent peril of being swamped by the increasingly disproportionate progeny of the criminal." The most superficial observation of the life of the criminal would have shown both these writers that criminal habits militated substantially against the probability of a natural increase.

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To repeat what Féré and Havelock Ellis both emphatically declare that the criminal and the pauper do not reproduce their kind is but to show that the cause of the natural increase of the criminal is NOT to be found in biological truth, neither is our society in any danger of being swamped by an increasingly disproportionate progeny of the criminal. In short, society has no enemy in Nature.

The true cause for the increase of the numbers of the criminal is to be found in sociological and not in biological truth. As Lacassagne says: "Society has the criminals that it deserves."

Dr MacDonald, W.S. Expert in Criminology, writes to the author, "As to tubo-ligature, or the like, it would not be supported by scientists."

If, however, there were absolutely no scientific objection to the proposal that the Doctor advances, if, that is, the basal facts were exactly he assumes them to be, would then his remedy be secure from attack? Most emphatically not. For is it not possible, nay with the present shrinking from maternity so widespread, is it not highly probable that the measure would be greatly abused? Thousands as the Doctor himself says would avail themselves of it to-morrow, and for the simple reason that they wish to escape from the responsibilities of bringing up children. Thousands would no doubt repudiate their debts to-morrow if they might do so with impunity, but their wish in the matter scarcely establishes the course as being a desirable one or one calculated to promote the happiness of society.

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From the revelations of the Birth-rate Commission and from other enquiries it is most evident that tubo-ligature would be very largely abused indeed.

But it may be said that it were far better that the woman shrinking maternity should employ this method than that she should use the preventive drugs that she does. This is but to acknowledge the morality, or at least the necessity for the use of preventives and does nothing less than to charge the Deity with having made laws for the governing of the Natural Order which have got altogether out of hand and have involved His creatures in confusion.

Is it not a question whether marriage becomes a necessity when children are to be avoided? The evil to which Dr Chapple's remedy would run, is one in which the moral sentiment of society would be so hardened that the reason for marriage would disappear from the knowledge of man.

There is a great difference between this operation taking place from pathological reasons and its being performed simply as a deliverance from maternal responsibilities. In the latter case it is performed at the will of the woman who thus shows that she has conquered the maternal instinct, and as such she is a monster for she has contradicted her nature. Lombroso declares that these are the women that commit the most hideous crimes and that they are incorrigible.

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The Birth-rate Commissioners stated that the use of preventives was having a most injurious effect upon the health of the women who used them.

Clearly then Morality and Nature are both opposed to their use.

If men and women are becoming so selfish as to be determined to live contrary to their nature then Nature will deal with them according to Her terrible manner. If they are in an extremity and find that our social system makes it impossible for them to undertake the responsibilities of parentage, then the reorganization of our social system is a matter for urgent consideration.

But Dr Chapple would only intensify the evil instead of remedying it.

What he practically says is this:—Regard yourselves for the moment as being brute beasts and discuss the question upon that level. Murder the social instinct; murder the compassionate spirit; disregard the Divine Law and stifle all faith in the Providence of God; let the mission of life be the enjoyment of pleasure; shrink from the marriage that might be a burden, and dissolve the happy marriage should indications of future burdens present themselves. He would have us compelled to take our betrothed to a medical board and shamelessly confess ourselves. Confess ourselves under circumstances which would know no secrecy. He would have us regard our wives from the standpoint of selfishness and lust alone. But we are not brutes we are human, and we have instincts which the brutes have not.

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NOTE.—Dr. Chapple includes among the defectives not only the criminal but also the lunatic, the epileptic and the pauper. How far tubo-ligature would meet the cases of these defectives seems very uncertain. The information which the Doctor gives us, for the most part, is in direct opposition to him. On pages 74-76 he gives the history of eight families which it will repay to examine.

Cases I.—Cancer, consumption and epilepsy in the family. In the third generation there are seven persons, of whom five married. The only healthy member left five children, three were childless and one who died at 56 left five children. That is to say, twelve children represent the fourth generation.

Case II.—Insanity, idiocy and epilepsy. Of five persons the one sane member only has a family. Nine children, some (how many?) imbecile.

Case III.—Drunkenness, insanity. Seven children, two died of convulsions. One an idiot, one a dement (suicidal), one repeatedly insane. These three are scarcely likely to be chosen in marriage. One peculiar and irritable, one nervous and depressed.

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Case IV.—In third generation there are two epileptics and one imbecile—scarcely likely to marry. Seven others are dead. (S. P.)

Case V.—From an insane parent we have three children, one excitable, one dull and one imbecile.

Case VI.—A family of mutes and scarcely relevant.

Case VII.—Drunkenness, epilepsy, etc. In the third generation "family now extinct." No indications of tubo-ligature having been performed.

Case VIII.—Apparently the issue in the second generation is from two parentages. There are fifteen persons accounted for. Seven died in infancy of convulsions. Epilepsy, scrofula, and idiocy can claim one each. One was drowned, and four are healthy. That is, of seven surviving children, four are healthy.

In all from fifteen parents there is the alarming increase of fifty-six persons. Of these eleven are healthy, fourteen are not described, fourteen are defective and seventeen are dead. The total number of living descendants, representing no less than the third generation of seven families, is but thirty-nine. These figures can scarcely be quoted to prove the "fertility of the unfit," but that is the title that stands over them. As to the hereditary tendencies that they propagate, more information is required.

It is a well known fact that in cases of hereditary defect there is a tendency for the defect to appear at either an earlier or later stage in life in each successive generation (Mercier). In the first case the family dies out, in the second case it recovers itself. In cases of congenital defect, there is very little to fear. The lunatic is locked up and the epileptic is avoided.

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Nature deals most successfully with these cases. She saves where possible and destroys when recovery is hopeless. Very slowly perhaps, but very exactly—never making a mistake, and in her slowness she is but giving man an opportunity to contribute something towards the recovery she aims at.

**The Case of the Epileptic.**—The number of epileptics in whom the disease may be traced to hereditary causes is estimated to be about 33 per cent. of the whole. This is indeed a very large percentage. It does not, however, follow that in all the cases or in by any means a large proportion of them, the parents were also epileptics. Authorities are not agreed as to the influence of heredity as a predisposing cause; but it is recognised by all that the children of insane, neurotic, hysterical or neuralgic parents are liable to become epileptics. Also that alcoholism in the parents conveys a predisposition to the child. The hereditary cases are therefore to be divided amongst all these causes. In what proportion it would be difficult to estimate; but very few persons in whom epilepsy has developed marry, and as 75 per cent. of the cases are said to begin under the age of 20 years, and very few after 25 years (cases of hereditary epilepsy have been known to develop at so late an age as 65 and 70 years) it limits the number of epileptics who marry to a very narrow margin. For even these few, marriage should, however, be entirely out of the question. In cases, where from syphilis or shock epilepsy is developed in the married adult we should expect to find treatment imposing a restriction upon the freedom of the patient somewhat similar to that provided for lunatics. In almost every rank of society the developed epileptic would be excluded from marriage by the law of sexual selection, and as the great majority develop epilepsy before coming to a marriageable age, few epileptic children can claim a developed epileptic ancestry.

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The number of cases, where epilepsy results from an epileptic ancestry, is estimated by Sir Wm. Gowers at 22 per cent. of the whole. These cases are to be distributed between the developed form and the petit mal. As the petit mal often escapes observation Dr Chapple's

method would only apply to those cases of the marriage of persons who were afflicted with the major form of epilepsy, which means that perhaps not more than 10 per cent. of the number of epileptics could be prevented from coming to birth. If a ten per centum reduction is to be considered as solving the problem in the case of epileptics what will the 86 per cent. of reforms among criminals be valued at?

**The Case of the Pauper.**—Paupers may be divided into two classes, those whose poverty is due to misfortunes and those whose poverty is due to vicious idleness. Those whose poverty is due to drink or crime are not properly to be classified as paupers. Society regards them as primarily drunkards and criminals. Of these two classes the first are generally to be found making a courageous fight against adverse circumstances and feel their position keenly. They are deserving of the compassion of society. Their families, it is true, are a burden upon private and institutional charity, but only a temporary one and after a while become the very means of recovering the broken fortunes of their parents. Very large sums are spent in relieving the necessities (often in providing the luxuries) of the undeserving poor, but this fact should not be made the basis of a charge against the deserving but helpless poor. My own acquaintance with the poorest parts of one of our largest cities leads me to believe that very little charity ever reaches the truly deserving poor. They battle on and keep their sad condition as far from public observation as possible. The undeserving are very clamorous. These two incidents are by no means uncommon, they are fairly typical. (a) I was called one night to baptise a dying child. The mother stated that she was too poor to buy a few necessaries ordered by the doctor. I purchased these myself and brought them to the mother. The next morning she sent to say the child was dead and would I lend her money to wire to the father. As he was in work I thought a collect telegram was more suitable. In the evening a request came for monetary assistance to provide the child with a coffin and to purchase a plot in the cemetery. A clergyman who does that sort of thing might as well keep a private cemetery, undertaker and monumental mason of his own. I refused to do it and came in for a good deal of abuse. The mother appeared at the funeral in a new black silk dress!

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(b) A crippled woman who earned her living by ironing. She made on an average 10s per week. I suggested to her the advisability of applying for an old age pension and proceeded to fill in her papers. When she discovered that she was two months under the age of 65 she was horrified at what she thought an attempt on her part to swindle the Government.

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These cases speak for themselves. People seem afraid to refuse to give alms for fear of being called uncharitable, yet they have not the charity to investigate the cases brought before their notice and see that their relief is intelligently bestowed upon worthy persons. Some religious societies are cruel sinners in this respect. The consequence is that a premium is put upon professional begging and we have plenty of it. Society will never murmur against the burden of the deserving poor. Concerning the life of the poor, however, Korosi gives these statistics:—The average age of the rich is 35 years, of the well-to-do 20.6 years, of the poor only 13.2 years. These statistics are supposed to hold good for all large towns. The average life of the pauper (that is the vicious pauper) will be shorter still seeing that in his idle, vicious life the parent refuses to acknowledge his responsibilities towards his children and makes no effort to save them from perishing through want and proper healthful conditions. The numbers of the pauper may increase, but it is seen then that they do not live to any great length of life. The pauper has, however, a certain rate of increase and his children are brought up in pauper habits. To the criminal population they add about 2 per cent. of the whole. They constitute a burden, not very great, but one which society resents. To adopt tubo-ligature might relieve both society and the pauper, but its moral effect would be that the pauper would regard his vice as acknowledged and approved by society. To say that there are no other remedies, remedies which would compel the pauper to earn his living, is an appalling confession of failure on the part of society.

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## Chapter VI.

### THE OBLIGATIONS OF SOCIETY TOWARDS THE WEAK.

The last century is admittedly one in which was witnessed the greatest advances in civilization that the world has ever made. All classes in society may be said to have benefited. The rich have been given greater opportunities for the enjoyment of their riches and an enlarged sphere of usefulness opened to them. The poor have had their lot so greatly ameliorated, that given health, very few men in these colonies at all events, are poor except it be their own fault. The art of healing can now restore to health millions who, had they lived in an earlier century, would have suffered agonies. A universal education has opened the doors of colleges and universities and made it possible for those born in the humblest conditions of life, to attain to the most

distinguished positions in the land. The private has become the general; the office boy the judge; the peasant boy the President; the full-blooded aboriginal has graduated through our universities and been called to the Bar; and no man can urge class distinction as being the cause of his failure in any ambition that he has faithfully pursued. All classes have benefited; almost all classes have advanced.

Undeniably this advance has brought greater happiness into the world; whether it will continue will entirely depend upon what basis it is intended to secure this advance.

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With an increase of wealth and leisure there is the danger of demoralisation. Our society may substitute a false aim for its true one. Already there are an illimitable number of social reformers who are prepared to describe in very definite terms what is the state of perfected society and what laws are necessary for immediate enactment in order that we might rapidly reach that state. We all acknowledge the existence of the prophetic vision, but we limit its range and regard him most audacious who declares that he can describe the heaven in which society shall finally shelter itself securely from all that prey upon her. Advance as quickly as we may, there is a limit to our speed, and the future being all unknown we scarcely like to take it at a plunge. Nevertheless, these social reformers do a good work—their schemes are at least suggestive, and moreover they point out signs of the times. They show us unmistakably that with our advance there is a tendency to become more and more selfish and to regard with less true charity the condition of the weak. One social reformer will say that there will not be any suffering because therapeutics will have overtaken every disease that the flesh is heir to, or better still, that some new discovery will have made it possible to heal all sicknesses without the tedious work of surgeons and nurses. Healing will become a pastime like table-turning. Neither will there be any criminals because the whole social state will be so happy, contented, and knit together that inducement to crime will cease. Others will treat the criminal "scientifically," ensuring reforms at the rate of 100 per cent. with lightning-like rapidity. Which all practically amounts to this, that the problem concerning the future of the weak is shelved. To study it deeply would spoil our best theories and therefore it must be got rid of. Dr Chapple has done nothing more than shelve it, for as we have seen his remedy is both practically and morally impossible. Like all others it betrays the selfish spirit. Like them it regards the weak as if they were nothing less than an intolerable incubus on society, a grit in its bearings. It may be that our social advancement will account for this. In old time when communities were small and fixed, the burden of nursing the helpless necessarily fell upon those who were immediately related by ties of blood or neighbourhood, but now the many changes in the method of living and treatment, has made this to a large extent impossible. Institutions have everywhere sprung up, and it is invariably to the advantage of our sick and afflicted that we should commit them to these institutions, which practice has engendered the belief that all our social obligations can be discharged by monetary payment. Not for one moment need we entertain the idea that this belief will ever become a dominating one. Charitable influences are more powerful. Nor must we charge the authors of selfish systems with being as uncharitable as their systems. They give expression to a fairly strong and somewhat universal sentiment, a sentiment which we would perhaps disown at once upon its being unmasked and which many refuse to obey upon its appeal to them to act in accordance with its principles. This indicates that society sees many of its assailants in but a half-light. It observes neither their malice nor strength but only a dark ugly form which irritates us and which we would if we could banish by an act of will.

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This being impossible we must meet our assailants in a clearer light and destroy them. How can this be done, since it would mean the destruction of evil and the powers of evil? Then it cannot be done, but since evil feeds itself upon its victims we can greatly diminish its power and influence by rescuing all who fall within its grasp. Many we know we cannot rescue for there are certain types of disease mental and bodily which defy our skill and some of all types of moral disease also defy our effort. Still it would be better to say that we do not rescue them, than that we cannot, for what was incurable yesterday is curable to-day, and the most deadly diseases are giving clear evidence that their powers to baffle science are fast giving out. That they will give out, scientific men confidently hope. Neither is this hope groundless for past success warrant it and there again point to another assurance, almost a guarantee. The miracles of healing which Our Lord wrought were not only to confer relief upon the suffering, not only to give evidence of His Divinity, but also to promise the triumph which would reward the efforts of man seeking to assist his afflicted brother. We will never heal by a word, neither will we raise the dead, for in these works of might we have peculiar evidence of the Divine Providence; but Christ's miracles seem to promise that He, the Light of the World, will yet grant the fullness of that illumination by which the works of healing are done.

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The sick, it is true, receive greater compassion from their fellowmen than the abnormal, the insane and the criminal. But these latter also demand our consideration if for no other reason than that they menace society. To exterminate them is impossible. A persecution with that end would defeat itself, and the persecutors would become morally infinitely worse than the persecuted.

Secondly: their consideration is demanded from the fact that society has produced the evil plight of very many of them. In the great advance, they have fallen and been trampled on. Their right to fall may be denied, but whose right was it to trample on them? To declare it to have been inevitable that they should be trampled on, simply excuses guilt but not obligation. And the obligation is to make reparation as far as possible.

Thirdly: because what should be a valuable asset to society, contributing substantially to her strength, becomes a hostile power weakening her and hindering her progress. Any of these three

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considerations received separately is sufficient to convince us of our obligations to this uglier section of the weak, when combined their force is very great. But when we speak to them of peace do they not make them ready to battle? No, their case is not so hopeless as that. David lived under the Mosaic Dispensation, and Moses could give but the law whereas Christ has given His Life. Our method will determine everything. Good advice, good books, good laws will do but little; good work will accomplish all. "The greatest good of the greatest number" is a false ideal and absolutely unworthy either of our charity or our science. "The ultimate good of all" is the end society is destined to accomplish, and anything less is too little for her, anything more is impossible even to conceive.

In working towards this ideal, which we cannot describe with greater definiteness, we are bound to recognise that GOODNESS is our safe and only guide. The general direction of our advance in the past we can easily trace, but the purpose of the devious paths through which we were led is too difficult to understand. Our present puzzles us, our future sometimes appals us. Some rush ahead to see what lies before us and come back injured and pass away as pessimists, others hesitate to advance at all. We cannot outstrip our guiding pillar of light; but following it we are safe to advance. And in following, one of the first convictions that comes home to us is that we must allow no waste, neither in the lives of others nor in the energies of ourselves. With this conviction soon comes the startling fact that the energies we are allowing to waste are identically those which were given to us to save the lives of others which are wasting. A wonderful independence exists among us. The social system is bound together by ties of nature, and not merely by those of commerce or benefit. Man is social, not merely gregarious. He enters into the life of his fellow-man and establishes relations which we are bound to call spiritual. Through the media of these relations, influences traverse which are of the most profound we know. These relations when established compel us to acknowledge our duties to one another and give us a delight in discharging them. This delight in turn becomes the power, which opens the eyes to the realization of the great principle of self-sacrifice. Egoism and altruism are not to be mutually exclusive. To seek our own happiness is not to be indifferent to the happiness of society. For what is happiness? not pleasure, but self-realization, and we cannot realise self without realising society.

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This interdependence which exists between man and man, and which makes it possible for us to influence one another so powerfully for good or for evil, points out to us that the true aim of every man, namely, to unite his work with that of his fellow-man in a grand co-operative undertaking for the advancement and betterment of society regarded as a whole and with regard for its units. We cannot realise self if engaged in competition man against man in order to satisfy private ambition. Our object should be to unite and our hostility be provoked, not against one another, weak or strong, but against the powers which attack us individually and collectively.

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Necessity then lays the obligation upon us to give our first attention to the rescue of the weak. It was the recognition of this obligation which sent the Christian-Maidens into the suburbs of Rome seeking the exposed offspring of unnatural parents. To say that they would have been better dead, is to speak with that facility which requires neither mental nor moral perception.

It is the recognition, in part, of this obligation which accounts for hospitals, asylums and other charitable institutions. Hence also we endeavour to shelter those born deficient in mental or moral power. Dr Chapple seems to think that the result of all this is that we have made a pretty mess of society. He says, of these weaklings, that Nature has decreed that they should die. A most unscientific statement. Are these charitable efforts to be regarded as profane interference with the sacred decrees of Nature? Nature's decrees are inviolate and none can disturb them. Because these weak, if left unaided, would perish, is that to say that Nature has decreed that they should die? If so, we must say of a man, stricken with typhoid fever, that Nature has decreed that he should die, and that any effort to save him would be but a profane interference on our part with Nature.

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What does Nature say of these that  
they do not live,  
they cannot live, or  
they must not live?

History has shown that in the past they do not live.

But in order to discover the decree of Nature we must make a full and exhaustive enquiry into the possibilities which exist under the laws of Nature. So far as this enquiry has advanced it has been made quite clear that the charitable effort of man will recover many that would otherwise perish. The whole science of therapeutics is based upon this discovery.

Dr Chapple says of defectives that they do live but that they must not. Two arguments he brings forward. The first is that Nature has decreed that they should not. This must be a secret communication, for it is not universal knowledge, and the operation of Nature's laws certainly appears to contradict it. The second argument is that they are a burden. The burden analysed amounts to this:—

- (a). They are a misery to themselves.
- (b). They are too costly.
- (c). They hinder the progress of society.
- (d). They threaten to overwhelm society.

(a). Who can tell whether the weak are absolutely a misery to themselves. Pain is a mystery which cannot be solved, although to the suffering its benefits are well known. If they would be

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better out of the way might they not be left to decide that matter for themselves? They, knowing best, cry to us for help. If we were merely gregarious creatures like wolves or sharks we would tear or destroy them in their misery; but as social beings we are bound to answer their cry. To cry for help is instinctive with them, and to respond to the cry is instinctive with us. Surely this is the voice of Nature and this is the decree of Nature.

(b). If this argument be admitted then we are bound to declare that the one aim of both society and individual is to amass wealth. The idea is too sordid for further consideration.

(c). So far from hindering the social progress they most powerfully assist it. The mere bearing of one another's burdens has the most refining and deepening influence upon character. It is most active in creating and establishing our relations one with another. Compassion for the suffering creates a tie between them and us. The intention to help requires our co-operation with others, and so the bond extends uniting first individuals then groups and then the whole of society. Nor must we forget the immense advance in surgery and medicine which is due entirely to the consideration of the lot of the apparently hopeless. Had these even been allowed to perish we should still have needed our surgeons and physicians in a well equipped society, if only to teach us how to prevent seizure by dangerous complaints.

A short time ago many died from ailments which surgery can to-day cure with but very little suffering on the part of the patient. Is not this a substantial gain which the bearing of the burden of the weak has brought to man? To mention other triumphs is but to enlarge. If therefore Nature has spoken there can be no doubt that it was to give a promise that she would reward diligent research by revealing the cure of all the ills our flesh inherits. Thus assured, scientific men are most zealously studying the most deadly and most obstinate diseases. Against plague, smallpox, and consumption they can at least give us an effective protection, and almost hourly we expect to hear the shout of triumph accompanying the announcement that the victory over cancer has been gained. When stricken with these diseases we immediately fall into the ranks of the unfit; but we will thank society for having borne its burden when the healing art is brought to such an excellence that, when so stricken, we may soon be restored to the ranks of the fit. The benefit which the past confers upon us declares imperatively our obligation to the future.

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(d). Do they threaten to overwhelm? The power of disease is being overcome, and therefore the number of the diseased is being lessened. By being cured, instead of dying, these increase the proportion of the strong to the weak. The obstinacy of certain hereditary diseases but asserts the necessity of prosecuting study more enthusiastically.

But if the strong limit their increase they cannot demand that exterminating methods should be applied to the weak in order to restore the proportion which they, the strong, have thus by their selfishness disturbed. Nature gives adequate protection so far as numerical increase is concerned, and no scientific man will dare to state that this protection may be disregarded and another demanded.

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The Government of India has been charged with pursuing a suicidal policy in safeguarding the natives against plague and smallpox and in preventing human sacrifice. Their numbers will increase, food supplies will give out, or, worst of all, they may become so powerful as to wrest the supremacy from the European. Charity, however, demands that these measures shall be taken, and the terrors of the future are at best hypothetical. This is but another case in which consideration for the unknown future is apt to hinder us in the discharge of our known duties to the present. History assures us that the guarantee of the future lies in the fulfilment of these duties. The height of absurdity is reached when the attempt is made to establish the proportions of the future. Such efforts defy man.

The burden of the weak is the burden of the strong, and in the bearing of it is brought into view the grand and true ideal of society—the good of all.

Man is endowed with natural powers for assisting his weaker brother, and, above all these powers he has, through supplication the means of engaging the Divine Influence, which simply defies all calculation against the possibility of reform or recovery.

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Where charitable effort in the past has not succeeded it is because it has not gone far enough. Building institutions is sometimes due to a craze and not charity. Thus evils are sometimes accentuated and not mitigated. Such failures must spur to redoubled effort. Hope was never larger than at present.

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## Chapter VII.

### THE NEW PENOLOGY.



The old method of dealing with criminals was based entirely upon a doctrine of vengeance. The criminal was regarded as being in every way a normal man, a man who deliberately chose to be a criminal. The possibility of a criminal's moral sense being defective, of his not being able to bring his actions under the control of his will, or of some other sad handicap existing, was never contemplated. His crime was looked upon as a desperate act, for the committal of which he was absolutely without any excuse. The consequence was that an elaborate system of torture was devised in order to deal with him. Readers who are familiar with such books as Marcus Clark's "For the term of his natural life," and Charles Reade's "It is never too late to mend," will require no further description of the horrors of "the vengeance system" which was supposed to be the only rational method of dealing with criminals in the days of the convict settlements.

Since then, popular vengeance has considerably relaxed and the devising of painful forms of punishment has become almost a lost art. The new-born science, with its first powers of articulation, loudly repeat the words of Revelation, "Vengeance is mine, I will repay, saith the Lord." A system of vengeance instituted by man against man is impossible. As has been stated in a previous chapter, the new penology repudiates all such systems. The amount of pain which an individual is to be called upon to suffer may well be left to the higher tribunal. The obvious duty of man to his fellow-man who is depraved, is to endeavour to recover him. There is no satisfaction in punishing him, but there is every satisfaction in reforming him.

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The new penology covers the investigation and study of every circumstance surrounding the criminal as such. No circumstance is so trifling as to be passed by, every detail is carefully studied with the object of discovering what the criminal is and how he came to be such, what are his possibilities, and by what methods those possibilities may be reached.

Maconochie ventured upon the bold assumption that the criminal was a human being, and this assumption proved to be justified. In 1840 he was sent to Norfolk Island to take charge of 1400 double-convicted felons there. He describes them in these words:—"For the merest trifle they were flogged, ironed or confined in gaol for days on bread and water. The offences most severely punished were chiefly conventional; those against morals being little regarded, compared with those against unreasonable discipline. Thus the horrid vices with acts of brutal violence, or of dexterity in theft and robbery, were detailed to me by the officers with little direct censure, and rather as anecdotes calculated to astonish and amuse a new-comer. While the possession of a pipe, a newspaper, a little tea, etc., or the omission of some mark of respect, a saucy look or word, or even an imputation of sullenness, were deemed unpardonable offences. They were fed more like hogs than like men; neither knives, forks, nor hardly any other conveniences were allowed at tables. They tore their food with their fingers and teeth, and drank out of water buckets. The men's countenances reflected faithfully this description of treatment. A more demoniacal looking assemblage could not be imagined; and nearly the most formidable sight I ever beheld was the sea of faces upturned to me when I first addressed them. Yet three years after, I had the satisfaction of hearing Sir George Gipps ask me what I had done to make the men look so well?—he had seldom seen a better looking set."

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Maconochie had invented the mark system (the principle of the indeterminate system) and made the prisoners' liberation depend upon their conduct and character and not upon the original offence. Maconochie's experience led him to write in after years to a friend, "if you would try a social-moral one (prison system) you would soon get important results. If our punishments were first of all made REFORMATORY, and generally successful in this object the prejudices of society against the early criminal would abate." Inspired with this hope of reforming the criminal and restoring him to society as a useful member, philanthropists began the exhaustive study of the criminal. In prisons where the value of this science is recognized the criminal upon his entry is subject to a most thorough examination, every item of his family history is carefully enquired into. Information concerning the occupation, education, health and character of all who are nearly related to him is obtained, as also the moral and economic conditions of his home life, and the character of his associates. He himself is studied for the existence or traces of disease; for abnormalities, arrested or exaggerated physical and mental development. The strength of his various muscles, the vitality of his organs, his mental and nervous capacity, and his moral susceptibility are all estimated. His powers of self-control are determined. His disposition is carefully studied. His opportunities in life, his educational advantages, his early career, the nature of the crime, the immediate influencing circumstances, as provocation, hunger, cold, atmospheric disturbances are all noted.

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Such is a brief outline of the examination, the object of which is to discover as far as possible the real cause which led to the crime, what, if any, were the social, physical, psychical and provocative elements contributing to the cause; what their value; and what are the most promising lines upon which the criminal's reform may be directed. He is by no means regarded as a passive product of forces over which he has no control, nor his crime as the consequence of himself. It is essential to the success of all reformatory discipline that moral responsibility must be recognised and observed. In fact it may be said, that reformation is complete when moral responsibility, insisted upon by the discipline, becomes at last acknowledged by the man.

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Perhaps it may be thought that it is not possible to conduct such a study with anything like accurate results, and that the greater part of it would be mere guess work, as e.g. the determining the capacity of a man's nervous system or his degree of moral susceptibility. This is quite a mistake. There is nothing whatever of a speculative quality in the results advanced by criminologists. Their methods are exact and compare equally with those for the investigation of other phenomena.

It is not claimed that the absolute or the relative value of the data collected is as yet

determined, nor yet that any one investigation has been exhausted; but this much can be claimed, that the results obtained are of high practical worth and justify the assurance that the solution of the problem concerning the criminal will soon be reached.

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## Chapter VIII.

### THE PREVENTION OF CRIME.

The result of Criminological studies has indicated most clearly that no measures for the prevention or repression of crime will ever be adequate which are not based upon a scientific system of education. Whatever this system may prove to be, it must have one distinct aim, and that is to train all its members to love, and to work for, the social state. This aim must be accomplished most thoroughly no matter what the cost may be.

The decreasing birth-rate points to other conclusions than the obvious one that a large number of persons must be using preventive means. It points to a widespread selfishness which regards children as an intolerable burden, as in fact nothing less than a grievous misfortune. It is obvious that where children are so regarded a blight has fallen upon the domestic life. Home cannot be the brightest spot on earth to them; neither can the father and mother be their sympathetic guides, counsellors, and protectors. Nor can those children be studied (by those who alone have the special faculty for studying them) in order that their secret aims and ambitions and the difficulties which obstruct these aims and ambitions, may be understood.

It follows then that from parental selfishness a great number (and close observation leads one to believe that by far the greater proportion) of the children of this generation and in this colony, are growing up with less care and attention being bestowed upon them than what their parents are prepared to bestow upon even their very horses or their dogs. This factor of parental selfishness cannot be ignored either academically or practically. It must in some way be overcome, or at least its influence for harm must be considerably reduced.

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It would be interesting to discover how far this parental selfishness was a deviation from true parental pride. Possibly it may not be so very great as the vast difference in results may lead us to suppose, and if this be so the reorganisation of the child's educational system will not be insuperably difficult.

In many homes where there are more than two or three children, there is a total lack of domestic sympathy and pride. The children are not taught to love one another nor to understand and help one another. Adult influence is very seldom brought to bear upon them, and, worst of all, parental influence is either wanting, deficient or injurious. What children suffer from this want in the development in their natures must of necessity be, and it unquestionably is, sufficient to handicap them throughout their whole life. Parents profess that they have done their best with this or that child and that they have failed, but the fault largely lies in the parents undertaking the task with every expectation of failure, and the chief characteristics noticed by the child have been the parental irritability, impatience and incompetence. Having estimated these the child then knows exactly how to gain its own ends and has sufficient determination to persevere until it does. A certain amount of harsh treatment will suffice, until the child is old enough to rebel, in order to keep it in check, or, as is just as often the case, the child may be allowed to have its own way entirely. Under such circumstances it is not a matter of great wonderment that the child should be looked upon as a burden to be fed, clothed, and tolerated until it is old enough to "do something" for itself.

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But our school system is also at fault, for by it our children are crammed with an amount of information the whole, or even the greater part, of which very few of them will ever use. Imagine the object, if one can, of spending the precious hours of a child's educational life in teaching it the names of every dozen or so of the different towns of each county in the United Kingdom, and at the same time entirely neglecting its moral training and giving very little attention to the physical.

If a child be bright he has every consideration from his teachers and receives from his companions the opprobrious nickname of "Teacher's Pet." He gains a reward, perhaps a medal, and at the annual distribution of prizes the speech-makers point to the coming legislators and successful men of business in a manner which conveys to this scholar the idea that the one thing to live for is to gain an exalted position in the world. This would not be so bad in itself, were it not that the love for honest labour is not inculcated at the same time, and consequently the children imagine that they are going to be pitchforked into prominence. As an evidence, witness the speculative spirit so universal among our youth. They hope to make their way in life simply by "striking it lucky." Personally I have spoken to a large number of boys about the ages of from

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fourteen to sixteen years and I have never yet been able to find a boy who could tell me definitely what he would like to be. His father looks about for something for him to do without any knowledge of the boy's possibility of greatest success lying in one well marked direction. The boy remains in a billet only so long as he fails to get another with a greater wage attached to it, and when perhaps twenty years of age are reached he is conscious of where the true lines of his destiny lie; but it is then too late for him to begin the necessary education, and the consequence is that his life loses its inspiration. Now it is quite possible that if our school system were so reorganised that parents saw as a result that their children developed a true love for labour and worked with definite purpose, that they would take a more intense pride in them and enter more sympathetically into their labours and ambitions. The education of the child would thus be brought to react upon the parent and tend immediately to reorganise the domestic life and bring it closer to the Hebrew conception, which conception when realised would most thoroughly solve the problem of the moral regeneration of the race. It is impossible for the State to have to commence to educate the parent except by reactionary methods and by compelling the observance of all legitimate obligations. That our present school system does not react favourably upon the parent must be obvious from what has already been said. In the past when only the fortunate few were able to secure the advantages of a good education, they, for the most part, recognised the greatness of their opportunity and prosecuted their studies with zeal. But to-day, with an universal educational system the value of these opportunities is, by the child and sometimes by the parent, very much lost sight of. The child needs now a stimulant, something to arouse and sustain his interest in his work. He should learn to regard his school work with pleasure and his home with affection.

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The three principal standpoints from which education is regarded are:—(a) the utilitarian, (b) the disciplinarian, and (c) a compromise between the two.

The Utilitarians consider that an educational system should store the mind of the child with such knowledge only as shall be of direct value to it in its after life. The disciplinarians consider that a child's education should content itself with so developing the faculties that when matured they may be adequate for such mental tasks as the after life or vocation may provide. The middle course is held by those who endeavour to train the faculties of the child in the manner prescribed by the disciplinarians, but in so doing, they employ the mind upon exercises, the accomplishment of which, is of immediate and permanent value.

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The education system in New Zealand is constructed upon the utilitarian basis. The children's minds are crammed with knowledge—USEFUL knowledge let it be called—and they are encouraged to be diligent because of the great benefit this knowledge will be to them when they become men and women—which development the child of eight expects will be attained sometime before the end of the world, and will then come by chance. The reward of the child's labour is thrown into the far distant future, and is so entirely lost sight of as an inspiring factor, that artificial rewards have to be provided and the child ponders over his lessons in the hope of winning one of Ballantyne's or Henty's "Books for Boys."

Now, the facts of a child's life demonstrate conclusively that the child is capable of having all its interests absorbed in its work. The diligence with which it will build up a doll's house out of a soap box, a jam tin, a few stones and any odds and ends that it can lay its hands on, is sufficient evidence of this. The child loves to make things for itself, and its affection for the rude creations of its own mind is far greater than that for its most gorgeous and expensive toys. Upon the recognition of these facts, the kindergarten system is based.

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In Sweden a very successful attempt has been made to construct the whole of the primary system upon this basis, and for this purpose Sloyd has been introduced into the schools. Certain Sloyd exercises have made their appearance in our New Zealand schools and have met with somewhat severe criticism, the whole system being condemned as being ideal theoretically, but valueless practically. It took many years before the Swedish system was perfected, and it should follow obviously that a very partial experiment, such as the colonial one has been, gives no idea of what value the complete system may achieve.

By Sloyd, we understand a system of educational hand-work. The children are employed upon various kinds of hand craft with the object of developing their mental, moral, and physical powers. The object is NOT to make artisans of the children, although undoubtedly those children who afterwards become tradesmen find that the educational principles of their trade has already been grasped by the intellect, but the same will apply to those entering any legitimate vocation without exception.

Although there are many different kinds of Sloyd, woodwork has been discovered to be the most useful, and it alone survives the severe tests imposed. A glance at the accompanying table will explain what is meant.

#### COMPARATIVE TABLE OF DIFFERENT KINDS OF SLOYD.

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Key:

A - Does it accord with children's capability?

B - Does it excite and sustain interest?

C - Are the objects made useful?

D - Does it give a respect for rough work?

E - Does it train in order and exactness?

F - Does it allow cleanliness and neatness?

G - Does it cultivate the sense of form?

H - Is it beneficial from an hygienic point of view?

I - Does it allow methodical arrangement?

J - Does it teach dexterity of hand?

Branches of Sloyd.	A	B	C	D	E	F	G	H	I	J
Simple Metal Work	Yes & no	Yes	Yes	Yes	Yes & no	Tolerably No	Yes	Yes?	Yes	Yes
Smith's Work	No	Hardly	Tolerably	Yes	No	No	No?	Yes & no	Perhaps	No
Basket Making	No	Hardly	Tolerably	Yes	No	Yes?	No	No	No	No
Straw Plaiting	Yes	Yes?	Yes	Yes & no	Yes	No & yes	No?	No	Yes	No
Brush Making	No?	Yes??	Yes	Yes?	Tolerably	Yes	No	No	No	No
House Painting	No	No	Yes & no	Yes	No	No	No	No	No	No
Fretwork	Yes?	No & yes	No & yes	No	Yes	Yes	No & yes	No	No & yes	No
Bookbinding	No	No & yes	Yes	Hardly	Tolerably	Yes?	No	No?	Perhaps	Tolerably
Cardboard Work	Yes & no	Yes?	Yes	No	Yes very high	Yes	Yes?	No	Yes	No?
Sloyd Carpentry	Yes	Yes	Yes	Yes?	Yes	Yes	Yes	Yes?	Yes	Yes
Turnery	No	Yes	Yes?	Hardly	partly (not quite No)	Yes?	Yes	No	No	No
Carving in Wood	Yes?	Yes & no	Yes & no	No	Yes	Yes	Yes & no	No	Yes	No
Clay Modelling	Yes	Yes	No	No	Yes & no	No	Yes	No	Yes	No

From "Theory of Sloyd," Salomon.

The objects of Sloyd are:—(a) to instil a taste for, and love of, labour in general.

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NOTE.—(For this analysis of the Sloyd system the author has based his study upon Herr Salomon's works "The theory of educational Sloyd" and "The Teacher's hand book of Sloyd.")

Children love to make things for themselves and prize their own work much more than ready made articles. The educator should follow Nature's lead and satisfy this craving. By a skilful direction of the child's interest a love for labour in general is instilled, and rewards are found to be unnecessary, the children being only too eager to achieve. To sustain their interest in the work they are engaged upon must be useful from THEIR OWN STANDPOINT. The work should not be preceded by fatiguing exercises, but the first cut should be a stroke towards the accomplishment of the desired end. The exercise must afford variety. The entire work of the exercise must be within their power and not requiring the aid of the teacher to "finish it off." It must be real work and not a pretence; and the objects should become the property of the children. To give children intricate joints to cut is of no real value. The child has no genuine interest in what are simply the parts of an exercise, it must make something complete and useful in itself. To make a garden stick accurate according to model is of more value than to make the most intricate joint. One may say that the child who could do the one could do the other, but that is not the point, for the object is not merely to gain manual dexterity but to develop all the faculties of a child, and this is what the complete exercise achieves and in what the partial exercise absolutely fails.

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(b) To instil respect for rough, honest, bodily labour, which is achieved by the introduction of the work into schools of all grades so that ALL classes of the community may engage upon it, and by the teachers taking pride in it themselves, and by their intelligent teaching of it to their classes.

(c) To develop independence and self-reliance. The child requires individual attention, the teacher must not tell too much, the child should endeavour as far as possible to discover by experiment the best methods for holding and manipulating tools, and also to be allowed as much free play as possible for its judgment.

(d) To train in habits of order, exactness, cleanliness, and neatness.

Which are acquired by keeping the models well within the children's range of ability, demanding that the work shall always be done in an orderly manner and with the greatest measure of exactness that the child is capable of. How far cleanliness and neatness may be instilled is apparent from the nature of the work.

(e) To train the eye, and the sense of form. To cultivate dexterity of hand and develop touch.

The models are of two kinds:—rectilinear and curvilinear. The former are tested by the square, the rule and the compasses, but the accuracy of the latter depends upon the eye, the sense of form and that of touch. This training enables the child to distinguish between good and bad work and to put a right value upon the former, to understand the right use of ornament, and also cultivates the æsthetic taste upon classic lines. An enormous number of jerry built articles are sold, which the public readily buy simply on account of their ornamental appearance. If the ability to distinguish between good and bad work were more universal it would go far towards improving trade morality.

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(f) To cultivate habits of attention, interest, etc. The success of the work requires that the mind shall be closely concentrated upon it. The nature of the work excites the interest of the child, and under careful direction this interest is sustained throughout. A genius has been described as a man capable of taking pains—a master of detail. Sloyd is eminently suited for concentrating the attention upon the details of work and for training the Sloyder to be thorough and never content with "making a thing do."

The desire of the child to finish the work and to finish it well, overrides any element of

impatience or irritability that may be in his character, and in a natural way introduces the elements of patience and perseverance in his work. These qualities are not confined to his Sloyd work but extend throughout his character, so that he realises that the work of life all contributes to some definite aim.

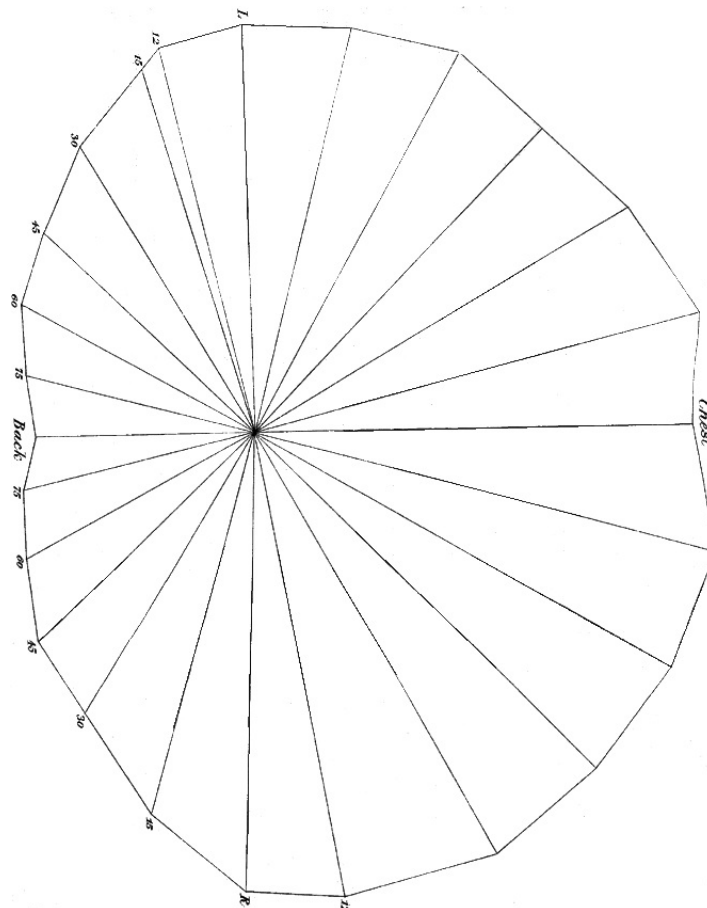
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(g) Uniform development of the physical powers. Statistics collected from any country show that many forms of disease before unknown among the young, are now very prevalent among the children taught in the schools. These diseases are attributed to the many hours during which children are required to sit and to the bad positions they assume during those hours. Skoliosis—curvature of the spine—a serious disease, as it produces displacement of the internal organs, nose bleeding, ænemia, chlorosis, nervous irritation, loss of appetite, headache, and myopia, are diseases which are declared by experts to accompany the present system of education.

Sloyd when properly taught tends to develop the frame according to the normal standard. It may not be as good as gymnastics in this direction: but it has this advantage that it trains the pupil to engage in his work in such a manner as not to hinder nor stunt the development of his body, and not to cramp the vital organs in such a manner as to interfere with the discharge of their functions. The pupils are taught to use both hands and to develop both sides of the body. The following chart from Herr Salomon's work will show to what degree the body may develop on a lopsided manner when one side only is used in performing work. The chart shows the sectional measurement of the chest of a boy of thirteen years of age who for three years had worked at a bench using the right side only.

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The foregoing brief analysis may show the ends which Sloyd is destined to accomplish, and upon the value of those ends no explanation is required. Habits of industry, patience and perseverance are inculcated. The child learns to know his own power and how best to use it. His tastes are cultivated and he learns to love work and understand the true dignity of labour. Such results are not the results of the copy book but they are permanently impressed upon the child's character. That such an education must react upon the parent is obvious. The child's life is full of aim and he does everything with a purpose, and in such a child only the most depraved parent will fail to take interest, and children have this characteristic, that they force their knowledge upon the notice of their parents whenever they can. The boy who begins to learn house painting soon expresses the wish to paint his own home; if carpentry, he wishes to build a shed; if joinery, he wishes to make a table; and how often one notices a home where tidiness and order are due to the educated child, and where taste in furnishing is accounted for by the daughter's cultivated æsthetic taste. Children then, so trained as the Sloyd system provides, may contribute enormously to the happiness and brightness of the home life. Instead of regarding them as a burden their parents will behold them with delight and pride, and instead of looking out for "something for them to do," indifferent whether it be driving a cart, selling in a shop, or clerking in a lawyer's office, they will find that the child himself has a definite idea of where his after course should lie, and they will do their utmost towards assisting him to follow it.



*To perceive the amount of distortion, fold the paper along the axis of the diagram, and hold it between the eye and the light.*

It cannot be supposed that Sloyd will succeed in the midst of incongruous surroundings. To train the eye to a sense of the beautiful in a dirty schoolhouse is somewhat difficult. The glorious handiwork of God will not be taught in the playground which, with its mudholes, ruts, and filth, more resembles a cattle yard than anything else. A school and its grounds must at least show that the authorities themselves really appreciate the lessons they are endeavouring to have instilled into the minds of their scholars. So, too, a similar system must underlie the method of teaching the ordinary lessons at the school desk. How many children will say "I love history but I detest dates"? What value are the dates? Let history be taught as Fitchett teaches it in his "Deeds that won the Empire" and the end will be accomplished, patriotism will be inspired, and the nation loved. Dates, names of deeds, causes of war, international policies may easily be introduced incidentally. Let geography be taught as Fraser teaches it in his "Real Siberia" or Savage Landor in his "In the Forbidden Land" and the map will be studied with interest and the subject never forgotten. Let the notation be dispensed with until the child understands the problem or theorem and Euclid will become fascinating.

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Without a shadow of doubt the best preventive of crime is an universal system of education so designed that the whole interest of the child is absorbed in its work. An absolute solution of the whole problem undoubtedly requires that the religious education of the child be also undertaken and effectively carried out. The question of the religious education of the young is one which is exciting attention throughout the whole of the English speaking world. There are those who advocate that instruction in the Bible lessons should be given by teachers during school hours to the scholars attending the Government schools, and there are those who vigorously oppose such a course.

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The advocates base their arguments upon their belief that no system of education which ignores religious teaching can be effective or complete. Their opponents declare that it is unjust to call upon the teachers of a secular education to give instruction in religion, or for the State to, in any way, subsidise the various religious denominations or to supplement their efforts in this particular direction. Both sides petition the Government and both sides prepare the people for a possible referendum upon the question.

The State cannot be expected to regard the matter from other than a purely utilitarian standpoint. "Will it make the people better citizens?" it enquires. "Will it lesson crime and promote honesty, thrift and loyalty?" These questions still remain unanswered, and in the midst of so much rationalistic teaching, and especially with the example of the noble lives of many rationalists before it, the State believes that there is room for much difference of opinion, and therefore it cannot move in the matter. The advocates of religious education seem to take it for granted that their beliefs are unassailable and that they are simply fighting against the powers of Darkness: but they forget that they are doing very little to bring others to hold the same convictions as themselves. It should not be a difficult task to answer to the utilitarian position with an emphatic affirmative and to bring conclusive evidence to support that affirmative. Where, it may be asked, are to be found the men who are leaders in thought and action who have, without any religious influence whatever, risen from the depths of misery, crime and filth? Where are to be found the families now living in honesty and virtue, though still in poverty, families in the midst of which every form of wickedness was once to be seen, who owe nothing to religious influence? The rationalist may claim that when his educational theories are adopted and put into practice all dens of misery and vice will disappear, but he cannot support his statement with convincing proofs. The teacher of religion is infinitely better off. While he strenuously supports the adoption of better and larger educational effort, he insists that, in order to gain the active co-operation of those on behalf of whom it is to be employed, religious influences must be brought to bear, and for the support of his statement he need only say "open your eyes and look around you."

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The influence of religion in regaining criminals cannot be gainsaid by any, and the United States Educational Report for 1897-98 declares that it is most important for the inculcation of sound morality, that children should, from a very early age, be brought under the influence of good religious teaching.

When the State is convinced that religious education is an absolute necessity, it will approach the question of ways and means with a determination that a satisfactory solution must be arrived at, and what it will then demand is not so much an emasculated Bible as the bringing to bear upon the children of the vital regenerative influences of religion.

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## Chapter IX.

# SOME AMERICAN EXPERIMENTS;—

## THE PROBATION SYSTEM.

### THE ELMIRA SYSTEM.

**The Probation System.**—In several of the States of America an attempt has been made to devise a substitute for imprisonment in the cases of persons convicted for minor offences.

The State of Massachusetts was the first to take the lead by initiating a somewhat elaborate system of probation.

Briefly described, it is an attempt to reform a prisoner OUTSIDE.

Imprisonment for minor offences has had many bad features and should, where possible, be avoided. Firstly, there is the stigma that attaches to every man who has worn the broad-arrow. Secondly, there is the loss of self-respect which, together with the contaminating influences existing in a prison, often convert the minor offender into the hardened criminal. Thirdly, there are the hardships that the wife and family are called upon to endure while the bread-winner is in gaol and not earning wages.

The Probation System seeks to overcome all these difficulties. Instead of sentencing an offender to a period of imprisonment, the judge confides him to the care of the probation officer for a period co-terminous with that which he would otherwise have had to spend in prison. The minimum period of this sentence is six months, and the average about twelve months.

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In the cases of female offenders and of youths under the age of 18 years the probation officer is usually a woman; for adult males, a man acts as officer.

The officers are invested with very considerable authority. It is their duty to keep the very closest watch over their wards and to report continually upon their behaviour. They frequently visit the homes and do their utmost to become acquainted with the conditions of the home and industrial life under which their wards live. The visits are so arranged that they by no means imply an official errand, the officers endeavour to discover the weaknesses of their wards and the temptations to which they are most likely to succumb, and as far as possible to remove them out of the reach of these temptations or to strengthen them against their power. Some officers provide for meetings to be held for those committed to their charge. Especially is this the case with those who have the charge over youthful offenders. At such meetings games, edifying entertainment and instruction are provided. It is also quite competent for an officer to receive the wages of a probationer. In these cases, he will give the man's wife a sufficient sum to meet the ordinary household expenditure, allow him enough for his personal expenses, and retain a small sum to be returned when the period of probation has expired. This course is invariably pursued in the case of drunkards. A drunkard may, upon the authority of the probation officer, be forbidden to enter a public-house or to enter it during certain hours only, and he may also be obliged to remain at home after a certain hour. In fact, the probation officer may make almost any such rules that he thinks best to be observed by his ward, and there is always the threat of being sent to prison to discharge his sentence, if he should refuse to behave properly when under probation.

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To have an officer constantly watching over a man may affix a certain stigma to the man, but even so, it is not indelible nor nearly so great as that which the prison leaves behind it. To make this disadvantage as small as possible, the officers wear no uniform and, within their prescribed area, work among the convicted and unconvicted alike.

The type of officer required is not easily found. Of humane instincts, and yet a firm disciplinarian, well educated, competent to give good advice and able to gain the affections and confidences of those amongst whom they work, is the type of person required. The ex-soldier or the ex-policeman is just the man who is NOT wanted. The advantages of this system Miss E. P. Hughes thus sums up:—

Firstly.—Instead of a few highly-paid officials and many badly paid warders, you have a number of independent, well-paid probation officers, chosen for their knowledge of human nature, and their skill in reforming it.

Secondly.—Far greater adjustment of treatment to individual cases.

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Thirdly.—The stigma of the prison is avoided, and while great care is taken that the prisoner shall be strictly controlled and effectively restrained, his self-respect is carefully developed.

Fourthly.—The family suffers less. The home is not broken up, the wages still come in, and if the prisoner is a mother and a wife, it is, of course, most important that she should retain her position in the home.

Fifthly.—The prisoner does not "lose his job," nor his mechanical skill, if he is a skilled workman. "I was told that six months in prison will materially damage this in many cases." He does not lose his habit of regular work.

Sixthly.—He has one intelligent friend at his side to give him all the help that a brother man can. And this friend has the unique opportunities for studying his case, and has also an extraordinary power over his environment.

Seventhly.—Good conduct and a capacity for rightly using freedom is constantly rewarded by a greater freedom.

Eighthly.—It is far cheaper than prison. The prisoner keeps himself and his family, and one officer can attend from sixty to eighty prisoners.

**The Elmira Reformatory.**—"The New York States Reformatory at Elmira" is the official designation of this institution. It was established in 1875 and had for its first superintendent a Mr Z. R. Brockway.

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Mr Brockway had from the age of nineteen years been working in an official capacity among prisoners, and his religious beliefs led him to acknowledge that the men committed to his charge had their place in the redemption of the world.

Maconochie's humane method of dealing with the criminals of Norfolk Island attracted his attention, and from Maconochie's mark system he evolved the now famous indeterminate sentence.

When the New York State established a Reformatory at Elmira, Mr Brockway was placed in charge and given practically a free hand in the adoption of such methods as he deemed most likely to effect the permanent reform of the men committed to imprisonment there. A restriction was placed upon the age of the offenders who should be admitted, the law reading thus:—"A male between the ages of 16 and 30, convicted of felony, who has not heretofore been convicted of a crime punishable by imprisonment in a State prison, may, in the discretion of the trial court, be sentenced to imprisonment in the New York State Reformatory at Elmira, to be there confined under the provisions of the law relating to that reformatory" (vide section 700 Penal Code).

This by no means implies that all the inmates are first offenders. Many of them have been in juvenile reformatories, penitentiaries, and houses of correction, so that in some cases a considerable advance in the career of crime has been made before they are handed over to the authorities at Elmira. Again, only felons are received, not minor offenders.

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The principles upon which the reformatory system is based are practically those set forth in the declaration of the National Prison Congress held in Cincinnati in 1870 as follows:—

1. Punishment is defined to be "suffering inflicted upon the individual for the wrong done by him, with a special view of securing his reformation."

2. "The supreme aim of prison discipline is THE REFORMATION OF CRIMINALS, not the infliction of VINDICTIVE suffering."

3. "The progressive classification of prisoners based on character, and worked on some well adjusted mark system, should be established in all prisons above the common gaol."

4. "Since hope is a more potent agent than fear, it should be made an ever present force in the minds of the prisoners, by a well devised and skilfully applied system of rewards for good conduct, industry, attention to learning. Rewards, more than penalties, are essential to every good prison system."

5. "The prisoner's destiny should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his own conditions. A regulated self-interest must be brought into play and made constantly operative."

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6. "Peremptory sentences ought to be replaced by those of indeterminate length. Sentences limited only by a satisfactory proof of reformation should be substituted for those measured by mere lapse of time."

The old system of penology may be described as "so much suffering inflicted for so much wrong done and with the object of expiating that wrong."

The principles upon which the reformatory system is founded must be clearly grasped before the system itself can be understood. Criticism is frequently levelled against it on the ground that the prisoners are given "too good a time." This criticism is based upon some theory that vindictive retaliation is the attitude that should be assumed towards the criminal. When this theory is renounced, then the system stands or falls according as it accomplishes the objects for which it is designed. When it is asked why should a prisoner in captivity be better looked after than he would be if left in his old haunts of crime, the question must be answered from the prisoner's point of view, and he will candidly reply that the prison which deprives him of his freedom until his reformation has been effected is not the place which has any attractions for him. The life of discipline and industry does not at all agree with his idea of blissful surroundings. Upon admission at the reformatory, the prisoner is placed in the middle of three grades of classification. From this grade he can, by industry and good behaviour, advance to the highest grade. If he should prove refractory, he sinks to the lowest or convict grade. Each grade has its own particular privileges, these being of course at their maximum in the highest grade. They consist chiefly in a better diet, better bed and freer access to the library. His fate is practically placed in his own hands. If he shall show himself industrious and shall apply himself diligently to the task set before him he may make such progress in his grades as will secure his release after a comparatively short period of detention. If, on the other hand, he will not exert himself to embrace the opportunity, he is kept under detention until the maximum limit of his sentence is reached. The authorities urge for legislation making the sentence absolutely indeterminate, so that those who resist the reformatory measures may be kept in prison for a period co-terminous

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with that of their resistance. The principles upon which the system is founded are developed in a course of training described as a three M course, i.e. mental, moral and manual. The machinery consists of, the indeterminate sentence, the school of letters, the trade school, and the gymnasium.

**The Indeterminate Sentence.**—The ideal Indeterminate sentence provides that when once a criminal falls into the clutches of the law he shall be deprived of his liberty until he has given satisfactory evidence that he is able to conduct himself as an honest and industrious citizen. It makes no distinction between different crimes, such as to provide that the man who embezzles shall receive a longer sentence than the man who commits arson or vice versa, but makes the restoration of liberty depend entirely upon reformation. It refuses to tolerate the idea that any criminals should be at large to prey upon society, and it thus imposes upon society the obligation to undertake the reform of all criminals. This IDEAL sentence, however, does not exist. At Elmira, the authorities are obliged to recognise a maximum, so that if at the expiry of this maximum, the prisoner should have made no progress towards reform he must, nevertheless, be discharged. Since, however, a man may at Elmira reduce a sentence of ten years to something like 22 months, a great incentive is given to him to identify himself with the efforts being made on his behalf. From every point of view the indeterminate sentence in the case of those sent to reformatories appears the most reasonable. The business of the trial court is concluded as soon as the question of guilt is determined. The judge has not imposed on him the impossible task of measuring out a punishment which in its severity shall exactly accord with the degree of crime committed. The question of the prisoner's sanity is not left to the jury to decide but to qualified alienists. Neither does this question determine his GUILT but only his RESPONSIBILITY. No account has to be made of the provocation from which the prisoner suffered at the committal of his crime. If but a small degree of criminality exist, the safest adjustment of punishment is to be found in the indeterminate sentence. From the social point of view, it gives the best safeguard to the society. It guarantees that a criminal once convicted shall cease to prey upon society. He will either reform and return to society as a useful member thereof and a contributor to its wealth, or else, refusing to reform, he will never regain his liberty. This sentence lays it down that society ought not to tolerate criminals in its midst. Imprisonment for a fixed period under our present penal system serves but to exasperate the criminal, and at the end of his sentence, when he is a more dangerous criminal than ever, the law demands that he shall be released. It is only by indeterminate sentences that society obtains the guarantee it may justly demand. For its effect as a means of discipline a prisoner will give his own experience. The following extract, was written by an inmate of the Reformatory in 1898:—"From the view-point of a 'man up a tree' I would say that the character of our sentence has everything to do with furnishing a motive which induces and stimulates us to a degree of activity we could never acquire under a fixed penalty. Where, under a definite sentence, we would spend most of our time crossing off days from the calendar and lay awake nights counting over and again the amount of time yet necessary for us to serve before the dawn of freedom, now every moment is utilised in taking advantage of all opportunities for improvement that are offered, well knowing that only by advancement in the trade-school and school of letters, together with strict compliance with the rules of the disciplinary department, can liberty be earned. And the word earn is used advisedly, for a man to get along in this reformatory can be no sluggard but must be alert, ever ready to advance and not drag behind."

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The ideal sentence, so far as an incentive to reformation goes, would be an ABSOLUTELY INDETERMINATE ONE, where a man must either reform or remain in prison for life, for where would be the welfare of society considered if a man be released prepared to prey upon it as he did before imprisonment? In the case of the absolutely indeterminate sentence there is a motive that will quicken every energy and arouse the dullest to life and exercise, for he would be fighting for life and liberty—liberty that could never be his until he had shown by his conduct that ready compliance with all requirements here was intended, and willingness to discard the old and detrimental habits, taking on new and profitable ones. The fact that a man could get along in here would indicate his ability to live in accord with society in the outside world.

Under such a system no one fit to be released would fail to gain it. Why? Because the motive is so strong as to force the most unwilling to willingness; because a man who would rather rot in prison than try to regain his freedom by legitimate means is better off where he is. He would only be a stumbling block to society in general if he were set free, and would sooner or later land again in some penal institution or other, and thus his life would be wasted, and public funds wasted in arresting, discharging and rearresting the useless drone, the balance of whose life would be passed in various prisons of the country.

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That the indeterminate sentence furnishes a powerful motive for reformation is shown daily in this institution. You have only to watch the student over his books, or mechanic over his tools to see the effort that is being made to win that golden prize—a parole. How that motive is undermined or taken away entirely when the sentence is definite is readily perceived by taking a cursory glance over the records of men sentenced here for a definite period. The greatest percentage of them are careless, insolent, and furnish most of the class that goes to form the nucleus of the lower or convict grades. Why? Because there is nothing to work for. No parole can be gained by attention to duty. Time, and time alone, counts for this class. Only to pass time and get to the end of the sentence, that is all. No one can make a study of, or even look about him and compare the records made by definite and indefinitely sentenced men, without becoming a warm advocate of the indeterminate sentence. The longer the maximum sentence of the man sent here, the greater is his effort to travel along the straight and narrow path, picking up such advantages as offer him through his stay in this institution. The longer the maximum the stronger the motive,

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the smaller the maximum, the smaller effort to earn a release. For example, men sent here with two or two and a half years as the limit of their maximums, on an average, remain here longer than those with a five, ten or twenty years maximum hanging over them. The reason is obvious—the motive is strengthened or weakened according as the sentence is lengthened or shortened. The deterrent value of the absolutely indeterminate sentence would be enormous. Not a question of a few months or years would the criminal have to face; but a period which would not terminate until he either reformed or died. As we have seen it gives a tremendous stimulus to reform, and it would likewise give a powerful check to criminal tendencies. Thus it relieves the Judge of an impossible task, is most satisfactory to society, and most humane to the culprit.

It may be urged that since liberation would depend in a measure upon proficiency in the trade-school and school of letters, that some criminals whose criminality might be of a lesser degree, would be at a greater disadvantage than others. That is not so. The system is obviously a very complicated one, and only the bare outlines are being given here. In operation it is absolutely fair, neither is any inducement offered to commit crime for the benefits which the trade-school confers. The managers know no such defect in their system or otherwise they would report it. They have a free hand in the employment of their methods, they are continually experimenting, and they owe no devotion to "red tape."

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A further advantage that the indeterminate sentence has, is that it provides for a second period of probation. A man may behave himself well in prison but upon his release betake himself immediately to his old surroundings and then to his old habits. The most critical moment is when the prisoner steps outside the gaol walls and finds himself a free man. The habits of industry and good conduct acquired when in confinement have to be accommodated to new conditions, and if unassisted the task is often too great. The consequence is that he falls away and rejoins his old companions and soon becomes a recidivist. The indeterminate sentence allows for his freedom being regained gradually. Having given evidence of reform and of abilities to support himself, employment is found for him, and he is granted a parole. That is he is released conditionally. For the next half year he must report himself every month, and if at the end of that period he has behaved well he is granted absolute discharge. Opportunity is thus given for him to establish himself gradually amidst the conditions of free social life. The sense of freedom comes without shock, and when it comes, the critical period has long since passed away.

Should he violate his parole in any way, he is rearrested and may be called upon to serve the maximum penalty for his crime.

**The School of Letters.**—As has been said the system of the Reformatory is classified under the headings of mental, moral and manual. There is no sharp distinction between all three, inasmuch as no mental or manual training is considered of any value which does not also assist to develop the moral character of the pupil.

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The whole aim of the system is to develop minds and bodies, arrested in their growth, in order that they may become more susceptible to moral influences, and that habits of correct thinking and useful industry may be established. Every prisoner upon entering the institution is assigned to the school of letters, care being taken that the task imposed upon him is well within his mental grasp, but at the same time shall require an effort on his part in order to master it.

The school is divided into three sections—The Primary, the Intermediate and the Academic or Lecture division. Each section is subdivided into classes and each class again subdivided into groups. The usual method of making the lower classes large and the upper classes small is exactly reversed at the Reformatory. There may be as few as twenty pupils in the lower classes and as many as two hundred in the upper ones. The school is under the management of a director who is assisted by a competent staff of civilian teachers, as well as by a number of the inmates themselves. Some of the prisoners, being illiterate, have to commence their education at the very bottom of the ladder. Others, according to the education they have received, enter the course at higher points. In the case of foreigners much of their education consists in teaching them the English language and instructing them in American customs and manners. The training is of immense advantage to them.

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The classes are held in the evening and the routine of the Reformatory is so arranged that throughout the whole of the prisoner's waking time he is kept employed.

From the elementary instruction in reading, writing and arithmetic, given to illiterates, the course progresses so as to include History, Civics, Political Economy, Ethics, Nature study and Literature. Attached to the school there is a well stocked library from which books are issued under regulations relative to good conduct and progress made. There is also a weekly paper issued within the institution called "The Summary," to which the prisoners may contribute articles. Attendance at the school is in all cases compulsory. The inmate has no option whatever. He is not consulted as to what course of study he would like to pursue but this is chosen for him and he is set to it. In selecting his course, every attention is paid to the man's abilities, tastes and attainments. No useless studies are undertaken. Every study must be of value from a reformatory point of view and also from an educational one. That is, it must serve to correct bad and wandering habits of thinking and to cultivate good and consecutive habits. It must assist to broaden the outlook of life and to bring the individuals into living touch with the life and traditions of the country to which he belongs. It must serve to inspire hope, confidence and zeal. It must cultivate a taste for the beautiful, a love for the natural, and an adoration for the Divine. When released, the student must find himself equipped with such a knowledge as will enable him to steadily advance in his station of life. And yet there is on an average, only two years in which to impart such an instruction. How is it done? Firstly, nothing useless is taught, the object

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primarily aimed at being the formation of character. Attendance is therefore compulsory, and attention and application are necessary in order to obtain a parole. Monthly examinations are held and failures at these gives a set-back in the matter of obtaining a release. A failure, however, may be overtaken by extra exertion during the next month. However distasteful it may be to the prisoner to study regularly and methodically, or however difficult his former irregular life may have rendered this task, yet it is so intimately bound up with his interests that he soon finds a motive powerful enough to correct mere dis-inclination. He must work and work at his best, and invariably he does so.

Upon entering the class room each student receives a printed slip which gives an outline of the lesson to be studied. This serves to convey an idea of the amount of work to be undertaken, to show the progressive steps and to prevent any idle speculation concerning the development of the lesson. These slips are kept by the student and they are made the basis of the monthly examination. These examinations are conducted with great strictness. In order to pass 75 per cent. of the maximum number of marks must be obtained, and marks are given for exact knowledge only. For instance, if in a sum in arithmetic a right method is employed but a wrong answer given no marks are rewarded. The student has shown an inability to use his knowledge. In other subjects the men in answering their questions must give the exact "how," or "why," or "when," or "where," or "which" before their work will pass. They may write sheets but it will not count if they miss the point. They soon find therefore that in order to pass their examinations they must pour forth all their energies upon their work. Needless to say, no catch questions are ever introduced, neither does the examination task exceed the men's abilities.

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When English literature was first introduced the men regarded it as an imposition. They did not know what the new study meant nor what was expected of them. A great amount of coaxing and gentle treatment was necessary to overcome the general bewilderment. The first examination passed off measurably well. Soon a change took place and English literature rose rapidly to become the most favourite study. The demand upon the librarian for the supply of English and American Classics became so great that special restrictions had to be placed upon their issuance.

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Marked success from a Reformatory point of view has attended this study, and the men enthusiastically enter upon a new and broader life.

The late Prof. S. R. Monks, for twelve years Lecturer at the Reformatory, says:—"But does such education contribute to the reformation of the criminal and the protection of the public?" Unqualifiedly and unhesitating I answer, Yes. Men are found to acquire in this school month by month a growing application of better things, a readier apprehension of truth and a heartier sympathy with virtue, and best of all, a greater capacity for sustained and consistent effort in practical undertakings. These transformations are the successive steps of a real reformation, and every step puts the man at a greater and safer distance from past shiftlessness and viciousness. "The virtues," says Felix Adler, "depend in no small degree on the power of serial and complex thinking," but, continues that practical philosopher, "the ordinary studies of the school exercise and develop this faculty of serial and complex thinking. Any sum in multiplication gives a training of this kind." It is hardly possible to exaggerate the benefit that true education will confer on one who has come under the condemnation of the law. His improved education will counter-balance some of the disgrace of his past criminality; it will with industrial training extricate him from the hopeless mass of ignorant unskilled labour where competition is always hottest and most perilous, it will teach him, better than he could know without it, the relative value of things; it will so elevate his thoughts and refine his tastes that the path of duty in its roughest and steepest places, will yet steadily attract his footsteps.

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The charge is sometimes made that the criminal is made more dangerous by education. The assertion begs all it carries. It assumes that education strengthens character but does not transform character which is false for it does both... No man can use his mind in the careful investigation of moral principles, and become thereby merely a more dangerous cheat. No man who has opened his eyes to see the revelations of eternal wisdom and goodness written in letters of light on all the handiwork of Nature, can be made thereby merely a more dangerous villain. On the contrary, every hour of honest search after reality, of careful industry governed by principles and lined to accuracy, every hour spent in happy contemplation of wisdom and goodness, wherever manifested will make the man forever the better for it.

**Physical Culture.**—This Department of the Reformatory falls into three divisions—the Gymnastic, the Military and the Manual.

**The Gymnastic.**—The idea of a gymnasium within a gaol must deliver no small shock to the prejudices of many, but in studying the Elmira system we must endeavour to keep before us the end which the authorities are aiming at, viz., the restoration to society of their criminals in a not only harmless state but in their most useful state, and this can only be made possible by the most careful and thorough training of the mind, body and soul.

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Neither is there any cause to think that the prisoners are getting too good a time, and that, being treated better than the industrious worker, a premium is being offered to crime. The investigation of the authorities has revealed no case in which a man has entered the institution on account of advantages offered. To criminals they are not realised as advantages. They understand them only as the rough road leading to their release, and it is about the last thing for men of shiftless, lazy, inconsequent habits of mind and body, to suppose that they are having a good time when sent to a gymnasium every morning for two hours' steady work. Work which brings all the muscles of the body into play and which demands the fixed attention of the mind and its submission to the word of command from the instructor, is many times more distasteful

than the "hard labour" of lazily cracking stones.

Until 1900 the whole prison population went through a regular gymnastic course. This is now changed and assignments are made to the gymnasium only upon the certificate of the physician. All new arrivals however spend a period, averaging about five weeks, in the "awkward squad," half of whose morning time is spent in the gymnasium. They come in a very ungainly looking set of men. Many are undersized, underweight, rickety and diseased in body and generally of a slovenly, unmanly appearance. A multitude of causes have been at work to produce this condition. Chiefly, these are a bad ancestry, foul atmosphere of their dwellings, their idle dirty habits, intemperance and sexual abuse.

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The course of treatment prescribed for these is one which brings into exercise all their latent muscular power. Special attention is paid to deformities and weaknesses resulting from any cause whatsoever.

Turkish baths, swimming baths and massage also play an important part in their treatment and help to bring the dregs of disease, the results of excessive drink and the use of tobacco, out of their systems.

The effects of such treatment are at the end of a few weeks very apparent. The body is supple, the carriage is erect, the cutaneous, circulatory, muscular and nervous systems are in a healthy state, and the stupid, bewildered or stolid expression has given way to one of manly concern.

At the end of five weeks most of the men graduate from the awkward squad and engage in the work of other departments. Some, however, for various reasons have to remain for a longer period of physical exercise.

The majority of these are classified into three groups:

I. Mathematical Dullards. II. Deficient in self-control. III. Stupids. These groups are described by Dr Hamilton Wey in his report for 1896 as follows:—

Group I.—The Mathematical dullards. These were incapable of solving the most elementary problems in Mental Arithmetic or else did so with hesitation and difficulty. They were instances of sluggish and dragging walk, and presented a sleepy or dreamy appearance at work or in repose. They suggested arrested mental growth. From a careful study of these men by observation and immediate contact exercises were selected that would tend to act upon their defects. In addition the exercises prescribed necessitate the direct employment of their mathematical faculties. The following schedule was adopted, though subject to constant change as occasion for change presented itself. The exercises of their group as with others are confined to one hour's practical work five days per week. The men receive a daily rain bath and rubbing down immediately after their exercises. With this group the hour is divided into sessions of half-an-hour each, subdivided into periods of fifteen minutes. The first fifteen minutes are devoted to light calisthenics executed by command with loud counting and simultaneous movements. This is followed by 15 minutes of marching and facing movements with step counting. The first 15 minutes of the second half hour are occupied in the laying out of geometrical fields for athletic events. Employing the 50ft. tape and the 2ft. rule with divisions of an inch. After being instructed as to dimensions they are required to lay out the following:—

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(a) Baseball diamond; (b) basket ball field; (c) track for 30 and 40 yards running races; (d) placing of hurdles at intervals, in harmony with established athletic field rules. The closing 15 minutes embraced practical work, viz., high and long jump, hop skip and jump, high kicking, target throwing, etc.

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Group II.—Those deficient in self-control. The members of Group II, compared with those of Groups I and III, are physically of better quality. In general appearance they show a better all-round physical development, and in some instances the deteriorating effects of sexual abnormality were not so apparent, this class would, in the performance of athletics, compare favourably with the scholar outside prison walls. In the general performance of their work they have shown more interest than either Group I or III, and in some instances have acquired skill in some of their athletic branches. The tendency of the athletics selected for this group by the Gymnasium Director was of a nature conducive to the cultivation and encouragement of self-control and self-reliance among its members as shown by the spirit of good-fellowship displayed by the successful towards the unsuccessful player, and in a measure subduing the ebullition of passion and the spirit of jealousy that formerly influenced their every notion in competitive contests.... It can be safely asserted that one essential feature in athletics, viz., will-power, which was conspicuous at the first by its absence, has been strengthened and inculcated, especially in this group.

It was observed by the Director that perhaps by their exuberance of animal spirit, the men were prone to make frequent excuses for changes from one game to another, instead of striving to excel in one branch. Another observable feature was the attempt to shirk the exercises which required any exertion on their part. These defects have been remedied, not entirely, but sufficiently to justify the efficiency of athletics as a fact in the production of self-control; and instances can be cited of complete subordination of will to the controlling powers.

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Group III.—The Stupids. The members of this group are not far above the standard of feeble-minded boys. They are what might be termed "all-round defectives." The object of the athletics selected for this group has been to awaken and arouse them from that lethargic state into which they periodically relapse. This has been in a measure accomplished, a great aid to which has been the daily rain bath. The following physical defects (some of which have been remedied wholly or in part) come under my observation: general weakness, weak chest (respiratory

organs), bent carriage of the body, stiffness of wrist, joints, and clumsy movements of fingers, spinal curvature, extreme (comparative) development of right arm. To overcome these defects systematic exercise was necessary, including free-hand exercises, club-swinging, dumb-bell exercise, etc., meted out according to the respective deficiencies and requirements of the men. This group also spent one half-hour in practical outdoor gymnastic and athletic work. After a general resume of the work accomplished it can safely be asserted that outdoor athletics and gymnastics have proven to be in a measure, a prophylactic for a number of the ills which these three groups of defectives are subject to.

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**Military Instruction.**—Military drill was introduced into the Reformatory as a direct outcome of the Prisons Bill of 1888 which forbade all machine labour in prisons being conducted for profit. The statute requiring the "shutting down" of all industrial plants the work of the institution was practically brought to a standstill. In this difficulty the management conceived the idea of forming a military regiment. Most beneficial results immediately followed. The men began to walk with more erect carriage and to respond to quick words of command. Besides this, the open-air exercise developed their lung-power and stimulated their circulatory system. A pride in their performance was also inspired by the opportunity given to rise through the different ranks to that of lieutenant. Above all, good habits of discipline were cultivated. Although the circumstances that rendered necessary the introduction of military drill have passed away, yet the organization has been found of such great reformatory value that it has become an integral part of the Elmira system.

The regiment consists of sixteen companies, four companies to the battalion, company roll of about seventy. The colonel's staff is composed of colonel, four majors, inmate adjutant, and sergeant-major, and national and state colour-bearers. The uniforms are blue, black, and red, corresponding to the grades. White belts, with nickel buckles, are worn and white cross-belts. Proper insignia of rank is also worn. Dress parade is held daily at four p.m. on the regimental grounds, or, if weather be inclement, in the armoury.

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So far as is possible the regiment is drilled on exactly the same lines as those observed by the United States army.

**Manual Training.**—Manual training was introduced into the Reformatory in 1895. The number of men who had been in the institution for a considerable period of time and upon whom the ordinary reformatory measures exerted little influence rendered the adoption of some other means absolutely necessary. The men, with whom the ordinary methods failed, belonged to the defective classes already described as mathematical dullards, deficient in self-control, and stupid. The habits of vice seem to have wrought such a destructive work upon the will-power of these men that in order to repair it some potent influence would have to be brought into operation. The conception was to entirely disengage the mind of its connection with the past and to concentrate it upon healthy, useful and interesting work. Habit produces character, and if the old habits of thought could be destroyed and new ones implanted it would naturally follow that the character would be improved and developed. The character of the normal man requires for its development a moral, religious, intellectual and physical training, and the abnormal man requires the same, in a greater degree.

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It was with this knowledge that the managers introduced manual training into the Reformatory. As the usefulness of manual training (Sloyd) is described in a preceding chapter no more need be said upon its value as a factor in education now. It needed the greatest skill on the part of the managers to adopt the various Sloyd exercises to the requirements of the different defectives, but each year has given additional proof of their success, and its inclusion in the reformatory system was amply justified. In 1899 it was discontinued on account of the small appropriation that was made for the maintenance of the institution, making it necessary to curtail expenses.

Before the abolition of Sloyd the following course was employed for defectives:—

(With each year the group was divided into three terms, there being 17 weeks in each term and 35 hours in each week.)

GROUP I.—(Mathematical Dullards.)

FIRST TERM.

Mechanical drawing, Sloyd, athletics, and calisthenics, clay-modelling, and mental arithmetic.

SECOND TERM.

Card-board construction takes the place of clay-modelling.

THIRD TERM.

Wood-turning instead of card-board construction.

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GROUP II.—(Deficient in self-control.)

FIRST TERM.

Athletics and calisthenics, geometric construction involving the intersection of solids, etc., wood-turning, pattern making, mechanical drawing and Sloyd.

SECOND TERM.

Athletics and calisthenics, wood-carving, clay-modelling, mechanical drawing and Sloyd.

THIRD TERM.

GROUP III.—(Stupids.)

FIRST TERM.

Athletics and calisthenics, free-hand drawing from solids and familiar objects, elementary Sloyd, clay-modelling, mental arithmetic, and sentence building.

SECOND TERM.

Sloyd, free-hand drawing, wood-carving, mental arithmetic, and calisthenics.

THIRD TERM.

Sloyd, free-hand drawing, wood-turning, athletics and mental arithmetic.

**The Trades' School.**—Of all crimes, about 95 per cent. are committed against property. It therefore appeared imperative to the management of the Reformatory that every man passing through the institution should be taught a useful trade so that he would be able to provide an honest and sufficient livelihood for himself and for those who would be dependent upon him. For this purpose the trades' school was established and a regulation passed that all men entering the Reformatory without the knowledge of a trade should be required to learn one before they would be granted a parole.

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Under conditions of free life it would be impossible to teach these men a trade. In their haunts of crime the criminals live a lazy ambitionless life and regard work as an evil to be avoided; the reformatory system, however, captures his interest on behalf of industry by making his liberty depend upon his having reached the status of an honest and enthusiastic tradesman.

Two or three days after his arrival the newly committed prisoner is personally interviewed by the superintendent. This interview, which is in the nature of an exhaustive examination, generally discloses the species of criminality to which his crime belongs. This knowledge is made the basis of the plan which is then formulated for the course of treatment to which he will be submitted.

In the selection of a trade, the prisoner is given the opportunity of choosing for himself. If the choice show sincerity and intelligence, he is applied to it. If, on the other hand, it should reveal mere indifference or a desire to shirk hard work, the managers take all matters into consideration and select the trade for him. Once placed at a trade he is given to understand that he will be kept rigidly to it and no release from imprisonment granted until his progress has satisfied the authorities. Changes from one trade to another are rarely granted, and then only when the learner has given unmistakable signs that he cannot succeed at his first task. Within the trades school, his identity is not lost sight of. Day by day, a record of his conduct and also of his progress is kept. Every persuasive means is used to awaken his understanding to the fact that his best interests are to be served by habits of industry and application. The whole system is an appeal to his desire for freedom. Freedom is offered to him but at a distance, and he can reach it by no other means than that of following a given road, the direction of which is very clearly pointed out to him.

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The work is graduated according to his ability to make progress, and care is taken to so arrange his course that he shall be taught thoroughly all the fundamental principles of his trade. The ordinary apprentice works so that he will be able to fulfil the orders that are given to his master. The consequence of this is that two ideas exist, the apprentice having the desire to learn a trade, his master desiring to profit by his work. The end of the apprentice is served by constantly advancing to new work, even though this should mean the loss of time and the waste of material; his master's object is attained by keeping him at that work which he learns quickest and giving the difficult work to more experienced men, consequently he passes through his time and learns but very little. Now, the pupil of the Elmira trades' school is not considered to have completed his course until he has gained a thorough knowledge of every department of his trade. Besides the practical instruction given in the workshops, classes are also held in the evenings and instruction given in mechanical drawing so that the men may be able to understand any plan that may be put into their hands, and also to draw plans for themselves. Trade journals are subscribed for and circulated among the men.

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The value of this industrial training extends beyond the providing the means of obtaining an honest livelihood, for by making release depend upon success, interest is thereby combined with industry. This combination is bound to react upon the voluntary system and produces a moral effect. Again it re-acts, this time beneficially upon the character of the man.

The following is a list of all the trades taught in the Reformatory:—

Barbering	House-painting	Shoemaking
Bookbinding	Iron-forging	Sign-painting
Brass-smithing	Machine-wood-working	Steam-fitting
Bricklaying	Machinist's	Stone-cutting
Cabinet-making	Moulding	Stone-masonry
Carpentry	Music	Tailoring
Clothing-cutting	Paint-mixing	Telegraphy
Electricity	Photo-engraving	Tinsmithing
Frescoing	Plastering	Upholstery
Hardwood-finishing	Plumbing	Also,

In the year 1903 there were 1986 pupils instructed in these trades.

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**The Results of the System.**—English critics have regarded the system as being somewhat extravagant and as placing the honest labourer at a disadvantage to the criminal. This criticism has been considerably weakened of late years and the results investigated instead of being imagined. The most careful investigation has made it impossible to deny that the Reformatory achieves all that it claims to, viz.:—that it contributes nothing to the strengthening of the criminal habit<sup>[1]</sup> and therefore it is not a partial remedy, and that it actually returns to society as useful citizens no less than 82 per cent.<sup>[2]</sup> of those committed to it.

Lombroso speaks of the system as a practical application of the results of the science of Criminology.

Should the system be adopted in other countries, it would need to be so translated that it would accord with the traditions and customs of the people.

#### FOOTNOTES:

- [1] It is generally supposed that such a system cannot act as a deterrent to crime. The American delegates to the International Prison Congress (held in Paris in 1895) declared that the obligation imposed upon the prisoners, in such institutions, to raise themselves by mental as well as by industrial labour, into higher grades as a necessary condition for liberation, is felt by many of them, to involve so much exertion, that they would rather be consigned to some ordinary prison, where self-improvement is not specially enforced. This system, they declared, was more deterrent than was generally supposed.
- [2] Of some 13,000 criminals who have passed through the Reformatory, the number known definitely to have returned to crime is a little less than 1 per cent. of the whole!

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## Chapter X.

### CONCLUSION.

The reader will have formed his own conclusion. He may conclude that the author has a sentimental affection for the criminal and would have all disturbers of the public peace treated with more compassion than the hard-working and honest labourer. But that reader will have jumped to his conclusion from his preconceived prejudices. The reformation of the criminal is no chimera, it has been undertaken for thirty years and every year has seen better results. The results for 1903 (86 per cent. of reforms) ought to convince the most sceptic that the reformation of the criminal is the true aim for society to pursue.

Another reader may ask why, if all these results are so good, does not the Government adopt some such system as the Elmira one instead of continuing the present obsolete penal system. The New York State Government experiences a difficulty in finding, for their reformatory staff, men who will undertake their work with a real sense of mission.

Nor is this the only difficulty. If New Zealand is going to undertake the reformation of its criminals and to restore them to society as honest and industrious persons, society itself must be prepared to drop its prejudices and suspicions and receive the men at their present worth, and not forever stamp them as outcasts. Nothing less, then, is required than an earnest desire among all classes to recover those among men who have fallen into villainy and vice and to receive back among their ranks all those who, having responded to the efforts made on their behalf, can make a claim upon the confidence and good-will of society.

[Pg 189]

But the reformation of the criminal is not the only obligation laid upon society, there is also the education of the child. It is frequently being stated that criminals are on the increase; it has been shown that this increase is not a national one, it must be then that for some reason the practice of virtue is becoming more and more difficult, whereas that of vice is becoming increasingly easier. Recruits are steadily joining the ranks of crime, and when one sees that, as a result of their home and school training, the rising generation is developing all the characteristics of the criminal, a somewhat alarming conclusion very strongly suggests itself. Society has the criminals that it deserves. It may fail to recover those who have entered upon a criminal career, or it may be actually guilty of manufacturing criminals. What are we doing? New Zealand has this hope, that its traditions do not fetter it, and its institutions are young and plastic.

THE END.

## Transcriber's Note

Some inconsistent hyphenation and spelling in the original document has been preserved.

Typographical errors corrected in the text:

Page	12	Gcd changed to God
Page	12	criminoligists changed to criminologists
Page	14	violaters changed to violators
Page	20	effrontry changed to effrontery
Page	24	tpyes changed to types
Page	34	healty changed to healthy
Page	35	alcholic changed to alcoholic
Page	46	physichological changed to psychological
Page	74	maxium changed to maximum
Page	80	Obviviously changed to Obviously
Page	93	removed duplicate word "and"
Page	98	Chappel changed to Chapple
Page	98	celebate changed to celibate
Page	104	exacttitude changed to exactitude
Page	111	Chappel's changed to Chapple's
Page	116	syphillis changed to syphilis
Page	121	unkown changed to unknown
Page	128	aguments changed to arguments
Page	133	consideraly changed to considerably
Page	134	Charle's Reades changed to Charles Reade's
Page	137	removed duplicate word "of"
Page	140	approbious changed to opprobious
Page	141	abont changed to about
Page	143	demonstate changed to demonstrate
Page	144	kindergartem changed to kindergarten
Page	148	between changed to between
Page	151	removed duplicate word "the"
Page	163	destinction changed to distinction
Page	178	defficient changed to deficient
Page	180	prophylasic changed to prophylactic
Page	181	lins changed to lines
Page	184	indiffererence changed to indifference
Page	186	stone-masonry changed to stone-masonry

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