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Crimes Against Criminals

BY

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Done into a printed book by The Roycrofters at their Shop in East Aurora, Erie County, New York, U. S. A., mcmvi

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CRIMES AGAINST CRIMINALS

Crimes Against Criminals

ALL nations seem to have had supreme confidence in the deterrent power of threatened and inflicted pain. They have regarded punishment as the shortest road to reformation. Imprisonment, torture, death, constituted a trinity under whose protection society might feel secure.

In addition to these, nations have relied on confiscation and degradation, on maimings, whippings, brandings, and exposure to public ridicule and contempt. Connected with the court of justice was the chamber of torture. The ingenuity of man was exhausted in the construction of instruments that would surely reach the most sensitive nerve. All this was done in the interests of civilization—for the protection of virtue, the well-being of states. Curiously enough, the fact is that, no matter how severe the

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punishments were, the crimes increased. ¶ It was found that the penalty of death made little difference. Thieves and highwaymen, heretics and blasphemers, went on their way. It was then thought necessary to add to this penalty of death, and consequently, the convicted were tortured in every conceivable way before execution. And yet the number of so-called criminals increased.

For petty offences men were degraded—given to the mercy of the rabble. Their ears were cut off, their nostrils slit, their foreheads branded. They were tied to the tails of carts and flogged from one town to another. And yet, in spite of all, the poor wretches obstinately refused to become good and useful citizens.

Degradation has been thoroughly tried, with its maimings and brandings, and the result was that those who inflicted the punishments became as degraded as their victims.

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Only a few years ago there were more than two hundred offences in Great Britain punishable by death. The gallows-tree bore fruit through all the year, and the hangman was the busiest official in the kingdom—but the criminals increased.

Crimes were committed to punish crimes, and crimes were committed to prevent crimes. The world has been filled with prisons and dungeons, with chains and whips, with crosses and gibbets, with thumbscrews and racks, with hangmen and headsmen—and yet these frightful means and instrumentalities and crimes have accomplished little for the preservation of property or life. It is safe to say that governments have committed far more crimes than they have prevented.

¶ Why is it that men will suffer and risk so much for the sake of stealing? Why will they accept degradation and punishment and infamy as their portion? Some will answer this question by an appeal to

the dogma of original sin; others by saying that millions of men and women are under the control of fiends—that they are actually possessed by devils; and others will declare that all these people act from choice—that they are possessed of free wills, of intelligence—that they know and appreciate consequences, and that, in spite of all, they deliberately prefer a life of crime.

HAVE we not advanced far enough intellectually to deny the existence of chance? Are we not satisfied now that back of every thought and act and dream and fancy is an efficient cause? Is anything or can anything be produced that is not necessarily produced? Can the fatherless and motherless exist? Is there not a connection between all events, and is not every act related to all other acts? Is it not possible, is it not probable, is it not true, that the actions of all men are determined by countless

causes over which they have no positive control? Certain it is that men do not prefer unhappiness to joy. It can hardly be said that man intends permanently to injure himself, and that he does what he does in order that he may live a life of misery. On the other hand, we must take it for granted that man endeavors to better his own condition, and seeks, although by mistaken ways, his own well-being. The poorest man would like to be rich—the sick desire health—and no sane man wishes to win the contempt and hatred of his fellow men. Every human being prefers liberty to imprisonment.

Are the brains of criminals exactly like the brains of honest men? Have criminals the same ambitions, the same standards of happiness or of well-being? If a difference exists in brain, will that in part account for the difference in character? Is there anything in heredity? Are vices as carefully transmitted by nature as virtues? Does

each man in some degree bear burdens imposed by ancestors? We know that diseases of flesh and blood are transmitted —that the child is the heir of physical deformity. Are diseases of the brain—are deformities of the soul, of the mind, also transmitted?

We not only admit, but we assert, that in the physical world there are causes and effects. We insist that there is and can be no effect without an efficient cause. When anything happens in that world, we are satisfied that it was naturally and necessarily produced. The causes may be obscure, but we as implicitly believe in their existence as when we know positively what they are. In the physical world we have taken the ground that there is nothing miraculous—that everything is natural—and if we cannot explain it, we account for our inability to explain, by our own ignorance. Is it not possible, is it not probable, that what is true in the physical

world is equally true in the realm of mind —in that strange world of passion and desire? Is it possible that thoughts or desires or passions are the children of chance, born of nothing? Can we conceive of Nothing as being a force, or as a cause? If then, there is behind every thought and desire and passion an efficient cause, we can, in part at least, account for the actions of men.

A certain man under certain conditions acts in a certain way. There are certain temptations that he, with his brain, with his experience, with his intelligence, with his surroundings cannot withstand. He is irresistibly led to do, or impelled to do, certain things; and there are other things he cannot do. If we change the conditions of this man, his actions will be changed. Develop his mind, give him new subjects of thought, and you change the man; and the man being changed, it follows of necessity that his conduct will be different.

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¶ In civilized countries the struggle for existence is severe—the competition far sharper than in savage lands. The consequence is that there are many failures. These failures lack, it may be, opportunity or brain or moral force or industry, or something without which, under the circumstances, success is impossible. Certain lines of conduct are called legal, and certain others criminal, and the men who fail in one line may be driven to the other. How do we know that it is possible for all people to be honest? Are we certain that all people can tell the truth? Is it possible for all men to be generous or candid or courageous?

I am perfectly satisfied that there are millions of people incapable of committing certain crimes, and it may be true that there are millions of others incapable of practicing certain virtues. We do not blame a man because he is not a sculptor, a poet, a painter, or a statesman. We say

he has not the genius. Are we certain that it does not take genius to be good? Where is the man with intelligence enough to take into consideration the circumstances of each individual case? Who has the mental balance with which to weigh the forces of heredity, of want, of temptation —and who can analyze with certainty the mysterious motions of the brain? Where and what are the sources of vice and virtue? In what obscure and shadowy recesses of the brain are passions born? And what is it that for the moment destroys the sense of right and wrong?

Who knows to what extent reason becomes the prisoner of passion—of some strange and wild desire, the seeds of which were sown, it may be, thousands of years ago in the breast of some savage. To what extent do antecedents and surroundings affect the moral sense?

Is it not possible that the tyranny of governments, the injustice of nations, the

fierceness of what is called the law, produce in the individual a tendency in the same direction? Is it not true that the citizen is apt to imitate his nation? Society degrades its enemies—the individual seeks to degrade his. Society plunders its enemies, and now and then the citizen has a desire to plunder his. Society kills its enemies, and possibly sows in the heart of some citizen the seeds of murder.

IS it not true that the criminal is a natural product, and that society unconsciously produces these children of vice? Can we not safely take another step, and say that the criminal is a victim, as the diseased and deformed and insane are victims? We do not think of punishing a man because he is afflicted with disease—our desire is to find a cure. We send him, not to the penitentiary, but to the hospital, to an asylum. We do this because we recognize the fact that disease is nat-

urally produced—that it is inherited from parents, or the result of unconscious negligence, or it may be of recklessness—but instead of punishing we pity. If there are diseases of the mind, of the brain, as there are diseases of the body; and if these diseases of the mind, these deformities of the brain, produce, and necessarily produce, what we call vice, why should we punish the criminal, and pity those who are physically diseased?

Socrates, in some respects at least one of the wisest of men, said: "It is strange that you should not be angry when you meet a man with an ill-conditioned body, and yet be vexed when you encounter one with an ill-conditioned soul."

We know there are deformed bodies, and we are equally certain that there are deformed minds.

Of course society has the right to protect itself, no matter whether the persons who attack its well-being are responsible or not,

no matter whether they are sick in mind, or deformed in brain. The right of self-defence exists, not only in the individual, but in society. The great question is: How shall this right of self-defence be exercised? What spirit shall be in the nation, or in society—the spirit of revenge, a desire to degrade and punish and destroy, or a spirit born of the recognition of the fact that criminals are victims?

The world has thoroughly tried confiscation, degradation, imprisonment, torture and death, and thus far the world has failed. In this connection I call your attention to the following statistics gathered in our own country:

In 1850, we had twenty-three millions of people, and between six and seven thousand prisoners.

In 1860—thirty-one millions of people, and nineteen thousand prisoners.

In 1870—thirty-eight millions of people, and thirty-two thousand prisoners.

In 1880—fifty millions of people, and fifty-eight thousand prisoners.

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It may be curious to note the relation between insanity, pauperism and crime:

¶ In 1850, there were fifteen thousand insane; in 1860, twenty-four thousand; in 1870, thirty-seven thousand; in 1880, ninety-one thousand.

In the light of these statistics, we are not succeeding in doing away with crime. There were in 1880, fifty-eight thousand prisoners, and sixty-six thousand paupers in almshouses.

Is it possible that we must go to the same causes for these effects?

THERE is no reformation in degradation. To mutilate a criminal is to say to all the world that he is a criminal, and to render his reformation substantially impossible. Whoever is degraded by society becomes its enemy. The seeds of malice are sown in his heart,

and to the day of his death he will hate the hand that sowed the seeds.

There is also another side to this question. A punishment that degrades the punished will degrade the man who inflicts the punishment, and will degrade the government that procures the infliction. The whipping-post pollutes not only the whipped, but the whipper, and not only the whipper but the community at large. Wherever its shadow falls it degrades.

If, then, there is no reforming power in degradation—no deterrent power—for the reason that the degradation of the criminal degrades the community, and in this way produces more criminals, then the next question is: Whether there is any reforming power in torture? The trouble with this is that it hardens and degrades to the last degree the ministers of the law. Those who are not affected by the agonies of the bad, will in a little time care nothing for the sufferings of the good. There

seems to be a little of the wild beast in men—a something that is fascinated by suffering, and that delights in inflicting pain. When a government tortures, it is in the same state of mind that the criminal was when he committed his crime. It requires as much malice in those who execute the law, to torture a criminal, as it did in the criminal to torture and kill his victim. The one was a crime by a person, the other by a nation.

There is something in injustice, in cruelty, that tends to defeat itself. There were never as many traitors in England as when the traitor was drawn and quartered—when he was tortured in every possible way—when his limbs, torn and bleeding, were given to the fury of mobs or exhibited pierced by pikes or hung in chains. These frightful punishments produced intense hatred of the government, and traitors continued to increase until they became powerful enough to decide what treason

was, and who the traitors were, and to inflict the same torments on others.

Think for a moment of what man has suffered in the cause of crime. Think of the millions that have been imprisoned, impoverished and degraded because they were thieves and forgers, swindlers and cheats. Think for a moment of what they have endured—of the difficulties under which they have pursued their calling, and it will be exceedingly hard to believe that they were sane and natural people possessed of good brains, of minds well-poised, and that they did what they did from a choice unaffected by heredity and the countless circumstances that tend to determine the conduct of human beings.

¶ The other day I was asked these questions: "Has there been as much heroism displayed for the right as for the wrong? Has virtue had as many martyrs as vice?"

¶ For hundreds of years the world has endeavored to destroy the good by force.

The expression of honest thought was regarded as the greatest of crimes. Dungeons were filled with the noblest and the best, and the blood of the bravest was shed by the sword or consumed by flame. It was impossible to destroy the longing in the heart of man for liberty and truth. Is it not possible that brute force and cruelty and revenge, imprisonment, torture and death are as impotent to do away with vice as to destroy virtue?

In our country there has been for many years a growing feeling that convicts should neither be degraded nor tortured. It was provided in the Constitution of the United States that "cruel and unusual punishments should not be inflicted." Benjamin Franklin took great interest in the treatment of prisoners, being a thorough believer in the reforming influence of justice, having no confidence whatever in punishment for punishment's sake.

To me it has always been a mystery how

the average man, knowing something of the weakness of human nature, something of the temptations to which he himself has been exposed—remembering the evil of his life, the things he would have done had there been opportunity, had he absolutely known that discovery would be impossible —should have feelings of hatred toward the imprisoned.

Is it possible that the average man assaults the criminal in a spirit of self-defence? Does he wish to convince his neighbors that the evil thought and impulse were never in his mind? Are his words a shield that he uses to protect himself from suspicion? For my part, I sympathize sincerely with all failures, with the victims of society, with those who have fallen, with the imprisoned, with the hopeless with those who have been stained by verdicts of guilty, and with those who, in the moment of passion have destroyed, as with a blow, the future of their lives.

How perilous, after all, is the state of man. It is the work of a life to build a great and splendid character. It is the work of a moment to destroy it utterly, from turret to foundation stone. How cruel hypocrisy is!

PART II

IS there any remedy? Can anything be done for the reformation of the criminal? ¶He should be treated with kindness. Every right should be given him, consistent with the safety of society. He should be neither degraded nor robbed. The State should set the highest and noblest example. The powerful should never be cruel, and in the breast of the supreme there should be no desire for revenge.

A man in a moment of want steals the property of another, and he is sent to the penitentiary—first, as it is claimed, for the purpose of deterring others; and secondly, of reforming him. The circumstances of each individual case are rarely inquired into. Investigation stops when the simple fact of the larceny has been ascertained. No distinctions are made except as between first and subsequent offences. Nothing is allowed for surroundings.

All will admit that the industries must be protected. In this world it is necessary to work. Labor is the foundation of all prosperity. Larceny is the enemy of industry. Society has the right to protect itself. The question is: Has it the right to punish?—has it the right to degrade?—or should it endeavor to reform the convict?

A man is taken to the penitentiary. He is clad in the garments of a convict — He is degraded—he loses his name—he is designated by a number. He is no longer treated as a human being—he becomes a slave of the State. Nothing is done for his improvement—nothing for his reformation. He is driven like a beast of burden; robbed of his labor; leased, it may be, by the State to a contractor, who gets out of his hands, out of his muscles, out of his poor brain, all the toil he can. He is not allowed to speak with a fellow-prisoner. At night he is alone in his cell. The relations that should exist between men are

destroyed. He is a convict. He is no longer worthy to associate even with his keepers. The jailer is immensely his superior, and the man who turns the key upon him at night regards himself, in comparison, as a model of honesty, of virtue and manhood. The convict is pavement upon which those who watch him walk. He remains for the time of his sentence, and when it expires he goes forth a branded man. He is given money enough to pay his fare back to the place from whence he came. ¶ What is the condition of this man? Can he get employment? Not if he honestly states who he is and where he has been. The first thing he does is to deny his personality, to assume a name. He endeavors by telling falsehoods to lay the foundation for the future good conduct. The average man does not wish to employ an ex-convict, because the average man has no confidence in the reforming powers of the penitentiary. He believes that the convict

who comes out is worse than the convict who went in. He knows that in the penitentiary the heart of this man has been hardened—that he has been subjected to torture of perpetual humiliation—that he has been treated like a ferocious beast; and so he believes that this ex-convict has in his heart hatred for society, that he feels he has been degraded and robbed. Under these circumstances, what avenue is open to the ex-convict? If he changes his name, there will be some detective, some officer of the law, some meddlesome wretch, who will betray his secret ☙ He is then discharged. He seeks employment again, and he must seek it by again telling what is not true. He is again detected and again discharged. And finally he becomes convinced that he cannot live as an honest man. He naturally drifts back into the society of those who have had like experienees; and the result is that in a little while he again stands in the dock, charged

with the commission of another crime. Again he is sent to the penitentiary—and this is the end. He feels that his day is done, that the future has only degradation for him.

The men in the penitentiaries do not work for themselves. Their labor belongs to others. They have no interest in their toil—no reason for doing the best they can—and the result is the product of their labor is poor This product comes in competition with the work of mechanics, honest men, who have their families to support, and the cry is that convict labor takes the bread from the mouths of virtuous people.

WHY should the State take without compensation the labor of those men; and why should they, after having been imprisoned for years, be turned out without the means of support? Would it not be far better, far more

economical, to pay these men for their labor, to lay aside their earnings, from day to day, from month to month, and from year to year—to put this money at interest so that when the convict is released after five years of imprisonment he will have several hundred dollars of his own—not merely money enough to pay his way back to the place from which he was sent, but enough to make it possible for him to commence business on his own account, enough to keep the wolf of crime from the door of his heart?

Suppose the convict comes out with five hundred dollars. This would be to most of that class a fortune. It would form a breastwork, a fortress, behind which the man could fight temptation. This would give him food and raiment, enable him to go to some other state or country where he could redeem himself. If this were done, thousands of convicts would feel under immense obligation to the Government.

They would think of the penitentiary as the place in which they were saved—in which they were redeemed—and they would feel that the verdict of guilty rescued them from an abyss of crime. Under these circumstances, the law would appear beneficent, and the heart of the poor convict, instead of being filled with malice, would overflow with gratitude. He would see the propriety of the course pursued by the Government. He would recognize and feel and experience the benefits of this course, and the result would be good, not only to him, but to the nation as well. ¶ If the convict worked for himself, he would do the best he could, and the wares produced in the penitentiaries would not cheapen the labor of other men.

THERE are, however, men who pursue crime as a vocation—as a profession—men who have been convicted again and again, and who will

persist in using the liberty of intervals to prey upon the rights of others. What shall we do with these men and women?

Put one thousand hardened thieves on an island—compel them to produce what they eat and use—and I am almost certain that a large majority would be opposed to theft. Those who worked would not permit those who did not, to steal the results of their labor. In other words, self-preservation would be the dominant idea, and these men would instantly look upon the idlers as the enemies of their society.

Such a community would be self-supporting. Let women of the same class be put by themselves. Keep the sexes absolutely apart. Those who are beyond the power of reformation should not have the liberty to reproduce themselves. Those who cannot be reached by kindness—by justice—those who under no circumstances are willing to do their share, should be separated. They should dwell apart, and dying

should leave no heirs. ¶ What shall be done with the slayers of their fellow men —with murderers? Shall the nation take life?

It has been contended that the death penalty deters others—that it has far more terror than imprisonment for life. What is the effect of the example set by a nation? Is not the tendency to harden and degrade not only those who inflict and those who witness, but the entire community as well?

¶ A few years ago a man was hanged in Alexandria, Virginia. One who witnessed the execution, on that very day murdered a peddler in the Smithsonian grounds at Washington. He was tried and executed, and one who witnessed his hanging went home, and on the same day murdered his wife.

The tendency of the extreme penalty is to prevent conviction ☙ In the presence of death it is easy for a jury to find a doubt. Technicalities become very important, and

absurdities, touched with mercy, have the appearance for a moment of being natural and logical. Honest and conscientious men dread a final irrevocable step. If the penalty were imprisonment for life, the jury would feel that if any mistake were made it could be rectified; but where the penalty is death a mistake is fatal. A conscientious man takes into consideration the defects of human nature—the uncertainty of testimony, and the countless shadows that dim and darken the understanding, and refuses to find a verdict that, if wrong, cannot be righted.

The death penalty, inflicted by the Government, is a perpetual excuse for mobs.

¶ The greatest danger in a Republic is a mob, and as long as States inflict the penalty of death, mobs will follow the example ☙ If the State does not consider life sacred, the mob, with ready rope, will strangle the suspected. The mob will say: "The only difference is in the trial; the

State does the same—we know the man is guilty—why should time be wasted with technicalities?" In other words, why may not the mobs do quickly that which the State does slowly?

Every execution tends to harden the public heart—tends to lessen the sacredness of human life. In many States of this Union the mob is supreme. For certain offences the mob is expected to lynch the supposed criminal. It is the duty of every citizen—and it seems to me especially of every lawyer—to do what he can to destroy the mob spirit. One would think that men would be afraid to commit any crime in a community where the mob spirit is in the ascendancy, and yet, such are the contradictions and subtleties of human nature, that it is exactly the opposite. And there is another thing in this connection—the men who constitute the mob are, as a rule, among the worst, the lowest and the most depraved.

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A few years ago, in Illinois, a man escaped from jail, and in escaping, shot the sheriff. He was pursued, overtaken, lynched. The man who put the rope around his neck was then out on bail, having been indicted for an assault to murder. And after the poor wretch was dead, another man climbed the tree from which he dangled and, in derision, put a cigar in the mouth of the dead; and this man was out on bail, having been indicted for larceny.

Those who are the fiercest to destroy their fellow men for having committed crimes, are, for the most part, at heart, criminals themselves.

As long as nations meet on the fields of war—as long as they sustain the relation of savages to each other—as long as they put the laurel and the oak on the brows of those who kill—just so long will citizens resort to violence, and the quarrels of individuals be settled by dagger and revolver.

IF we are to change the conduct of men, we must change their conditions. Extreme poverty and crime go hand in hand. Destitution multiplies temptations and destroys finer feelings. The bodies and souls of men are apt to be clad in like garments. If the body is covered with rags the soul is generally in the same condition. Self-respect is gone—the man looks down—he has neither hope nor courage. He becomes sinister—he envies the prosperous—hates the fortunate, and despises himself.

As long as children are raised in the tenement and gutter, the prisons will be full. The gulf between the rich and the poor will grow wider and wider. One will depend on cunning, the other on force. It is a great question whether those who live in luxury can afford to allow others to exist in want. The value of property depends, not on the prosperity of the few, but on the prosperity of a large majority. Life and property must be secure, or that

subtle thing called "value" takes its leave. The poverty of the many is a perpetual menace. If we expect a prosperous and peaceful country, the citizens must have homes. The more homes, the more patriots, the more virtue, and the more security for all that gives worth to life.

We need not repeat the failures of the old world. To divide lands among successful generals, or among favorites of the crown, to give vast estates for services rendered in the war, is no worse than to allow men of wealth to purchase and hold vast tracts of land. The result is precisely the same——that is to say, a nation composed of a few landlords and many tenants——the tenants resorting from time to time to mob violence, and the landlords depending upon a standing army. The property of no man, however, should be taken for public or private use without just compensation and in accordance with law. There is in the State what is known as the right of emi-

nent domain. The State reserves to itself the power to take the land of any private citizen for a public use, paying to that private citizen a just compensation to be legally ascertained. When a corporation wishes to build a railroad, it exercises this right of eminent domain, and where the owner of land refuses to sell a right of way, or land for the establishment of stations or shops, and the corporation proceeds to condemn the land to ascertain its value, and when the amount thus ascertained is paid, the property vests in the corporation. This power is exercised because in the estimation of the people the construction of a railway is a public good.

I believe that this power should be exercised in another direction. It would be well as it seems to me, for the Legislature to fix the amount of land that a private citizen may own, that will not be subject to be taken away for the use of which I am about to speak. The amount to be thus

held will depend upon many local circumstances, to be decided by each State for itself. Let me suppose that the amount of land that may be held for a farmer for cultivation has been fixed at one hundred and sixty acres—and suppose that A has several thousand acres. B wishes to buy one hundred and sixty acres or less of this land, for the purpose of making himself a home. A refuses to sell. Now, I believe that the law should be so that B can invoke his right of eminent domain and file his petition, have the case brought before the jury, or before commissioners, who shall hear the evidence and determine its value, and on the payment of the amount the land shall belong to B.

I would extend the same law to lots and houses in cities and villages—the object being to fill our country with owners of homes, so that every child shall have a fireside, every father and mother a roof, provided they have the intelligence, the

energy and the industry to supply the necessary means.

Tenements and flats and rented lands are, in my judgment, the enemies of civilization. They make the rich richer, and the poor poorer. They put a few in palaces, but they put many in prisons.

I would go a step farther than this. I would exempt homes of a certain value not only from levy and sale, but from any kind of taxation, State and National—so that these poor people would feel that they were in partnership with nature—that some of the land was absolutely theirs, and that no one could drive them from their homes—so that mothers could feel secure. If the home increased in value and exceeded the limit, then taxes could be paid on the excess; and if the home were sold, I would have the money realized exempt for a certain time in order that the family should have the privilege of buying another home.

The home, after all, is the unit of civilization, of good government; and to secure homes for a great majority of our citizens, would be to lay the foundations of our Government deeper, broader and stronger than that of any nation that has existed among men.

NO one places a higher value upon the free school than I do; and no one takes greater pride in the prosperity of our colleges and universities. But at the same time, much that is called education simply unfits men to successfully fight the battle of life. Thousands are today studying things that will be of exceedingly little importance to them or to others. Much valuable time is wasted in studying languages that long ago were dead, and histories in which there is no truth.

There was an idea in the olden time—and it is not yet dead—that whoever was ed-

ucated ought not to work? that he should use his head and not his hands. Graduates were ashamed to be found engaged in manual labor, in plowing fields, in sowing or gathering grain. To this manly kind of independence they preferred the garret and the precarious existence of an unappreciated poet, borrowing their money from their friends, and their ideas from the dead. The educated regard the useful as degrading—they were willing to stain their souls to keep their hands white.

The object of all education should be to increase the usefulness of man—usefulness to himself and others. Every human being should be taught that his first duty is to take care of himself, and that to be self-respecting he must be self-supporting. To live on the labor of others, either by the force which enslaves, or by cunning which robs, or by borrowing or begging, is wholly dishonorable. Every man should be taught some useful art ☙ His hands should be

educated as well as his head. He should be taught to deal with things as they are—with life as it is. This would give a feeling of independence, which is the firmest foundation of honor, of character. Every man knowing that he is useful, admires himself ❦ ❦

In all schools children should be taught to work in wood and iron, to understand the construction and use of machinery, to become acquainted with the great forces that man is using to do his work. The present system of education teaches names, not things. It is as though we should spend years in learning the names of cards, without playing a game.

In this way boys would learn their aptitudes—would ascertain what they are fitted for—what they could do. It would not be a guess, or an experiment, but a demonstration. Education should increase a boy's chances for getting a living. The real good of it is to get food and roof and

raiment, opportunity to develop the mind and body and live a full and ample life. ¶ The more real education, the less crime—and the more homes the fewer prisons.

OCT 7 1913

THE fear of punishment may deter some, the fear of exposure others; but there is no real reforming power in fear or punishment. Men cannot be tortured into greatness, into goodness. All this, as I said before, has been thoroughly tried, the idea that punishment was the only relief, found its limit, its infinite, in the old doctrine of eternal pain; but the believers in that dogma stated distinctly that the victims never would be, and never could be reformed.

As men become civilized they become capable of greater pain and of greater joy. To the extent that the average man is capable of enjoying or suffering, to that extent he has sympathy with others. The average man, the more enlightened he becomes,

the more apt he is to put himself in the place of another. He thinks of his prisoner, of his employe, of his tenant—and he even thinks beyond these; he thinks of the community at large. As a man becomes civilized he takes more and more into consideration circumstances and conditions. He gradually loses faith in the old ideas and theories that every man can do as he wills, and in the place of the word "wills," he puts the word "must." The time comes to the intelligent man when in the place of punishment he thinks of consequences, results—that is to say, not something inflicted by some other power, but something necessarily going out of what is done. The clearer men perceive the consequences of actions, the better they will be. Behind consequences we place no personal will, and consequently do not regard them as inflictions, or punishments. Consequences, no matter how severe they may be, create in the mind no feeling of

resentment, no desire for revenge. We do not feel bitterly towards the fire because it burns, or the frost that freezes, or the flood that overwhelms, or the sea that drowns—because we attribute to these things no motives, good or bad. So, when through the development of the intellect man perceives not only the nature, but the absolute certainty of consequences, he refrains from certain actions, and this may be called reformation through the intellect —and surely there is no reformation better than this ❡ Some may be, and probably millions have been, reformed, through kindness, through gratitude—made better in the sunlight of charity. In the atmosphere of kindness the seeds of virtue burst into bud and flower. Cruelty, tyranny, brute force, do not and cannot by any possibility better the heart of man. He who is forced upon his knees has the attitude, but never the feeling, of prayer.

I am satisfied that the discipline of the

average prison hardens and degrades. It is for the most part a perpetual exhibition of arbitrary power. There is really no appeal. The cries of the convict are not heard beyond the walls. The protests die in cells, and the poor prisoner feels that the last tie between him and his fellow men has been broken. He is kept in ignorance of the outer world. The prison is a cemetery, and his cell is a grave.

In many of the penitentiaries there are instruments of torture, and now and then a convict is murdered. Inspection and investigations go for naught, because the testimony of a convict goes for naught. He is generally prevented by fear from telling his wrongs; but if he speaks, he is not believed—he is regarded as less than a human being, and so the imprisoned remain without remedy. When the visitors are gone, the convict who has spoken is prevented from speaking again.

Every manly feeling, every effort toward

real reformation, is trampled under foot, so that when the convict's time is out there is little left on which to build. He has been humiliated to the last degree, and his spirit has so long been bent by authority and fear that even the desire to stand erect is almost faded from the mind. The keepers feel that they are safe, because no matter what they do, the convict when released will not tell the story of his wrongs, for if he conceals his shame, he must also hide their guilt.

Every penitentiary should be a real reformatory. That should be the principal object for the establishment of the prison. The men in charge should be of the kindest and noblest. They should be filled with divine enthusiasm for humanity, and every means should be taken to convince the prisoner that his good is sought—that nothing is done for revenge—nothing for a display of power, and nothing for the gratification of malice ❧ He should feel

that the warden is his unselfish friend. When the convict is charged with a violation of the rules—with insubordination, or with any offense, there should be an investigation in due and proper form, giving the convict an opportunity to be heard. He should not be for one moment the victim of irresponsible power. He would then feel that he had some rights, and that some little of the human remained in him still ❡ They should be taught things of value and instructed by competent men. Pains should be taken, not to punish, not to degrade, but to benefit and ennoble. ¶ We know, if we know anything, that men in the penitentiaries are not altogether bad, and that many out are not altogether good; and we feel that in the brain and heart of all, there are seeds of good and bad. We know, too, that the best are liable to fall, and it may be that the worst, under certain conditions, may be capable of grand and heroic deeds. Of

one thing we may be assured—and that is, that criminals will never be reformed by being humiliated and degraded.

Ignorance, filth, and poverty are the missionaries of crime. As long as dishonorable success outranks honest effort—as long as society bows and cringes before the great thieves, there will be little ones enough to fill the jails.

ALL the penalties, all the punishments, are inflicted under a belief that man can do right under all circumstances—that his conduct is absolutely under his control, and that his will is a pilot that can, in spite of winds and tides, reach any port desired. All this is, in my judgment, a mistake. It is a denial of the integrity of nature. It is based upon the supernatural and miraculous, and as long as this mistake remains the corner-stone of criminal jurisprudence, reformation will be impossible.

We must take into consideration the nature of man—the facts of mind—the power of temptation—the limitations of the intellect—the force of habit—the result of heredity—the power of passion—the domination of want—the diseases of the brain—the tyranny of appetite—the cruelty of conditions—the results of association—the effects of poverty and wealth, of helplessness and power.

Until these subtle things are understood—until we know that man, in spite of all, can certainly pursue the highway of the right, society should not impoverish and degrade, should not chain and kill those who, after all, may be the helpless victims of unknown causes that are deaf and blind.

We know something of ourselves—of the average man—of his thoughts, passions, fears and aspirations—something of his sorrows and his joys, his weakness, his liability to fall—something of what he resists—the struggles, the victories and the

failures of his life. We know something of the tides and currents of the mysterious sea—something of the circuits of the wayward winds—but we do not know where the wild storms are born that wreck and rend. Neither do we know in what strange realm the mists and clouds are formed that darken all the heaven of the mind, nor from whence comes the tempest of the brain, in which the will to do, sudden as the lightning's flash, seizes and holds the man until the dreadful deed is done that leaves a curse upon his soul.

We do not know. Our ignorance should make us hesitate. Our weakness should make us merciful.

I cannot more fittingly close this address than by quoting the prayer of the Buddhist: "I pray thee to have pity on the vicious—thou hast already had pity on the virtuous by making them so."

HERE THEN ENDS *CRIMES AGAINST CRIMINALS*, WRITTEN BY ROBERT G. INGERSOLL, AND DONE INTO A BOOK BY THE ROYCROFTERS, AT THEIR SHOP, IN EAST AURORA, WHICH IS IN ERIE COUNTY, NEW YORK, MCMVI