

insignificant in composing classical music (0.2 percent) and inventing technology (0.0 percent). Is this changing much? Murray unofficially glanced at who "flourished" after 1950 (depressingly to me, he assumes careers peak at age 40) and found female accomplishment to be up sharply only in literature. In fact, the percentage of Nobel Prizes won by women fell from 4 percent in the first half of the 20th century to 3 percent in the second.

Still, Murray's rankings may be slightly unfair to female artists because they are less likely to have brilliant followers. My wife, for example, was incensed that Jane Austen finished behind the lumbering Theodore Dreiser and the flashy Ezra Pound. Yet, these men probably did have more influence on other major writers. That's because subsequent famous authors were mostly male and thus less interested than the female half of the human race in Austen's topics, such as finding a husband.

Dead white European males dominate his inventories, despite Murray reserving eight of his 21 categories (including Arabic literature, Indian philosophy, and Chinese visual art) for non-Western arts. Murray, who was a Peace Corp volunteer in Thailand and has half-Asian children, began this project wanting to devote even more attention to Asian accomplishments but found he couldn't justify his predisposition.

In the sciences, 97 percent of the significant figures and events turned out to be Western. Is this merely Eurocentric bias? Of the 36 science reference books he drew upon, 28 were published after 1980, by which time historians were desperately searching for non-Westerners to praise. Only in this decade has the most advanced non-Western country, Japan, begun to win science Nobels regularly.

Why is the West best? After five years of work, Murray still didn't know. Then, he had an unexpected epiphany: the single biggest reason most of history's highest achievers came from Christendom was ... Christianity.

He writes,

It was a theology that empowered the individual acting as an individual as no other philosophy or religion had ever done before. The potentially revolutionary message was realized more completely in one part of Christendom, the Catholic West, than in the Orthodox East. The crucial difference was that Roman Catholicism developed a philosophical and artistic humanism typified, and to a great degree engendered, by Thomas Aquinas (1226-1274). Aquinas made the case, eventually adopted by the Church, that human intelligence is a gift from God, and that to apply human intelligence to understanding the world is not an affront to God but is pleasing to him.

From 1850 to 1950, *per capita* accomplishment tended to decline, which is especially striking considering the huge spread of education. Diminishing returns in the sciences seem inevitable because the low-hanging fruit was picked first. In the arts, though, Murray believes that loss of faith in both the purpose of life and the efficacy of the individual retarded greatness, especially in the post-Freudian age.

Murray expects that almost no art from the second half of the 20th century will be remembered in 200 years. Indeed, Europe, homeland of geniuses, has collapsed into a comfortable cultural stasis reminiscent of Rome in the 2nd century A.D. In addition to Murray's philosophical explanations, I'd also point to causes such as the genocide of Europe's highest-achieving ethnic group (Jews were about six times more likely than gentiles to become significant figures from 1870 onward); the rise of anti-elitist ideologies; and the decline of nationalism. From Vergil to Verdi, great men engendered great works to celebrate their nations. Nobody, however, seems likely to create an epic glorifying the European Union. ■

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*[Harsh Justice: Criminal Punishment and the Widening Divide Between America and Europe, James Q. Whitman, Oxford University Press, 311 pages]*

## Crime & Punishment

By Peter Hitchens

MOST MODERN ACADEMIC works on crime and punishment are written from the point of view of the criminal. A society is judged on how humanely the violent, selfish, and dishonest are treated after they have been caught. This might seem odd, given that the professors who write these volumes are about as unlike criminals as it is possible to be. In fact, it is odd. Yet it is so, and we should wonder more actively about why it is so.

Partly it is because the modern social conscience, which judges a man by his opinions, despises all the important attributes of kingship, especially the need to defend peace and order with the civil sword unflinchingly and resolutely. Realism in this matter is generally defined as barbarism or cruelty by the secular liberal mind, which is afraid of any responsibility involving firmness and resolution.

Partly it is because crime does not often burst into the lives of academics in modern Western societies. For the moment, they live at a great distance from it and see it only in the form of statistics. It is generally the poor and ill-educated whose peace and security are torn and smashed by their criminal neighbors. It is also the case that most people who work in the criminal-justice industry—who are the main customers for modern penological thought—meet lawbreakers after they have been arrested, tried, and sentenced. By this time, the burglar who burst terrifyingly into the bedroom by night, the robber who held a knife to the woman's throat, and the drug-stupefied oaf who beat or

hacked a stranger to death have been cleaned up, detoxified, tamed, and taught to dissemble in the hope of release or better conditions. It seems quite wrong that these people should now be harshly used, forced to eat plain fare, sleep on hard beds, and labor all day at dull, wearing tasks. It seems wholly intolerable that they should be put to death. It is very hard to see, in the quietly spoken, well-behaved prisoner in his cell, the fiend out of hell who tortured and killed an elderly pensioner for the pitiful contents of his cash-box.

This is a colossal failure of imagination, responsibility, and vigilance. Unchecked, it brings about an utter perversion of the criminal justice system, which seeks—usually vainly—to rehabilitate the individual criminal for his benefit, rather than to prevent and deter crime for the benefit of all, including potential and actual lawbreakers. It leads to the abandonment of the very idea of punishment or deterrence by the state—though criminals continue to employ these weapons among themselves, knowing them to be highly effective.

In this modern tradition of looking at crime through the wrong end of the telescope, comes this fascinatingly skewed piece of work from James Q. Whitman, Ford Foundation Professor of Comparative and Foreign Law at Yale University. Professor Whitman asks querulously why American punishment is so harsh, compared with the arrangements in France and Germany. Why would anyone want to know the answer to this question in the first place? Should we envy countries where criminals are better treated? Would it not be more sensible to pity them? Prison warders in Germany must knock on the doors of inmates before entering their cells. In France, guards must be careful to address convicts respectfully as “Monsieur.” Both countries refuse to execute murderers, however heinous, unrepentant, or calculating. Both engage in arbitrary mass releases of prisoners through amnesties, which are probably not all that welcome to the victims and neighbors of those thus freed. Professor Whit-

man does not dwell much on the differences in levels of crime and disorder in the three countries he studies, though he does mention sniffily that France recently gave birth to a democratic “law-and-order movement,” which suggests that there is some discontent among the citizenry despite the modish compassion of their political class. Recent anecdotal evidence from the former East Germany suggests that the Federal Republic, too, is no longer a paradise of order despite the dignity it affords to its prisoners. Yet every chapter of this book breathes disapproval of American harshness and a yearning for European continental mildness.

It is a great pity, by the way, that Professor Whitman did not include England in his comparison. English and American criminal justice methods spring from the same 12th-century Common Law origins. Both have jury trial, a practical presumption of innocence, *habeas corpus*, and other guarantees of liberty. But England, which has largely abandoned penal severity in the past few decades, now endures an unchecked pandemic of disorder and wrongdoing, and its prisons are simply unable to cope with the numbers of convicted criminals, despite increasingly desperate efforts to reduce sentences and release inmates early. France and Ger-

were incarcerated in special, often luxurious conditions and treated as equals by their jailers. Whitman suggests that the gentler treatment of French and German prisoners results from a leveling-up process, in which common criminals have gained the privileges once granted to Voltaire and other illustrious prisoners of conscience. The U.S., never having had such elite prisoners, has always seen imprisonment as a deliberately degrading, enslaving experience. Being much given to equality, the American republic has spared nobody from shackles, uniforms, and general degradation.

Well, it is a point of view with the virtue of originality. Whitman largely rejects the most obvious explanation for current European penal laxity, the memory of the Nazi, Fascist, and Vichy eras. This period robbed most of the continental states of any moral legitimacy. The German and French states either engaged in lawless savagery themselves, or they shamefully collaborated with it. On what basis can they now claim enough moral superiority over mere criminals to punish them? No wonder German prison warders must knock before they enter cells. Their trade has a lot to live down. It is a genuine difficulty and one of the many reasons to avoid falling into tyranny or

### FRANCE AND GERMANY HAVE **MILDER PRISONS** PRECISELY BECAUSE THEY **USED TO LOCK UP RESPECTABLE PEOPLE** IN LARGE NUMBERS FOR **HOLDING THE WRONG OPINIONS.**

many stand in the entirely different tradition of civil codes, centralized autocracy, and a long, almost unbroken tendency to imprison people for their politics.

Whitman’s interesting theory—much simplified—is that France and Germany have milder prisons precisely because they used to lock up respectable people in large numbers for holding the wrong opinions. These elite state prisoners

being subjugated by it. But that is not the professor’s position, since he rather prefers the Franco-German methods to American ones.

He acknowledges that American democracy has prevented liberal theorists from softening the penal system there. But he is not pleased by this. One can almost hear his lips pursing as he says, “The punishment system in the United States is more given over to dem-

ocratic politics—which is often to say demagogic politics.” He almost tumbles over into absurdity when he later declares, “When the topic is ‘primitive’ retributivism, the resemblance between fascist and contemporary American punishment practices is too close, and too disturbing, not to be discussed.” He precedes this with a sort of disclaimer: “Let me emphasize that I do not want to say something that only the stupid and ignorant would say: that we have fascism in America.” That would indeed be stupid and ignorant, but then what precisely does he wish to say? He cannot keep away from this theme for long, and within two pages has declared, “We are like the Nazis up to a point. Like the Nazis we too have become committed to the proposition that punishment should be an ‘*empfindliches Uebel*’—‘something nasty enough to make them hurt.’ But for the Nazis the underlying traditions of *de haut en bas* indulgence remained strong and tended to cabin somewhat the drive toward harshness. There is, by contrast, little that holds us back.” This, by the way is a reference to the bizarre fact that regularized probation was introduced into Germany under Hitler in 1935.

National Socialist Germany had no Bill of Rights, no independent police forces, no juries, no *habeas corpus*, no

free press to expose miscarriages of justice, no presumption of innocence. It employed secret administrative detention and hidden state murder. Where it granted trials, they were parodies of justice. It perverted the law into an instrument of racial persecution and massacre. It made it a capital crime to be born a Jew. What kind of mind could suggest a comparison between Hitler’s lawless apparatus of murder and hatred and the U.S.’s penal system, even with all its acknowledged faults? Hitler’s Germany was harsh to criminals. The modern U.S. is harsh to criminals. But so what? How does this make modern Americans “like the Nazis up to a point”? You might as well suggest that Hitler’s enthusiasm for full employment discredits social democracy, that his hatred of smoking makes California a Nazi state, or that his embrace of the Autobahn taints with the stain of tyranny every nation that builds freeways.

Whitman is actually not a fool. He comes maddeningly close to a truly persuasive explanation for the immense difference between the Anglo-American and the Euroland concepts of criminal justice. But he shuffles round it. He points out that the European system has many repellent aspects, rightly citing the (current) German requirement for all citizens to register with the authorities, and

the sordid practice of “investigative detention” in which arrested suspects are held in danger and squalor for long periods while the authorities try to pressure them into confessions. He observes that penal mildness is often a characteristic of strong states, though he does not explore the possible connection between systematic repression and surveillance and the enforced order they bring about. It is easy to have a society that is tyrannical and orderly or to have one that is free and disorderly. The difficult trick is to create a country in which freedom and order coexist, though this was achieved in England within living memory and much of the U.S. has at times come close to it. The great danger, on the other hand, is to make such a mess of the business that the result is a dreadful combination of repression and disorder, which is the future now facing England and possibly the United States as well.

Punishment does have a role to play, especially in truly free societies. The citizen may choose to obey the acknowledged law of the land or to break it. If he obeys it, the state must leave him alone. But if he breaks it, then it must impose public penalties on him in the hope that he will behave in the future and that others, seeing his fate, will refrain from offending. Yet this is both purposeless and ultimately futile unless the law is based upon an accepted universal moral code that allows the authorities to punish without shame or reluctance and that allows the potential or convicted criminal to recognize that punishment as just. That code, which has for centuries provided an invisible web of civility and self-restraint is failing in all the nations of the once-Christian world. If it is allowed to die, no law, no apparatus of repression, and no system of punishment will be able to save us from chaos. That is the real issue upon which all other parts of this debate depend. ■

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“Stocks plummeted today on forecasts that the sun will rise again and tomorrow will be another day.”

[*Jonathan Edwards: A Life*,  
George M. Marsden, Yale  
University Press, 615 pages]

# Great Awakenings

By Harold O.J. Brown

SINCE THE DEATH of George H. Williams of Harvard in 2001, the title of dean of American church historians has been open. With *Jonathan Edwards*, George Marsden may have won it. Like Professor Marsden today, Jonathan Edwards (1703-1758) had hardly a rival in his own day as pastor, theologian, and, briefly, college president. Unfortunately, he is best remembered among the half-learned general public for one sermon, "Sinners in the Hand of an Angry God," and not for his tremendous breadth of learning, his zeal for souls, and for his commitment to persuading, helping, and perhaps even pressuring the people of the little English-speaking colonies on the American frontier to live lives consistent with their profession of faith. Marsden's explanation softens the generally held impression of "Sinners," as part of his general exposition of Edwards's motives as a spiritual leader

Theologians tend to be known for their writings, and although his early death left several major projects unfinished, Jonathan Edwards has written enough to keep a reader occupied for some time. But theologians, like other people, have families, sometimes a wife and children, rivalries, frustrations, hopes, and disappointments. Marsden has rescued Edwards from his undeserved reputation as just a sour Puritan preacher of an angry God and has made him come alive, as it were, before our eyes. We see him in his early ministry, which began with a brief pastorate before he was 20 and continued through the first stirring of what became the Great Awakening, struggles with the beginnings of theological liberalism in Boston, and two menacing wars by

which the French and their Indian allies threatened Northampton, the Massachusetts town on what was then the frontier.

Edwards, like the Congregationalists of New England and the Presbyterians of New York, was Reformed, a disciple of John Calvin. Like Calvin, he is remembered for his rigor, and—again like Calvin—he has too few readers who recognize that his concern was not to dominate his parishioners doctrinally and morally, but to lead, encourage, and perhaps pressure them into living as consistent followers of the Lord they claimed as their own. Although he does not clearly "show the flag" or identify which of Edwards's doctrines he shares and which he does not, it is evident that Professor Marsden understands and sympathizes with the man about whom he writes.

The author vigorously reminds us of the long-forgotten fact that the New Englanders of Edwards's day really were British and not rebellious colonists seething with hostility to the Crown. Speaking of the world into which Edwards was born, Marsden writes, "will make a lot more sense if we think of it as British rather than American ... Edwards lived in a thoroughly pre-Revolutionary British province." Philosophi-

there. Edwards's wife, Sarah, had an intense conversion experience before the general revivals began; Edwards's own early religious experiences, which he regularly recorded in his diaries, were less intense. It is apparent that he could not repudiate the idea that conversion can and should be attended by spiritual highs without also repudiating his and his wife's own spiritual journey.

Several years of Edwards's life were devoted to fostering the best aspects of the revivals, mitigating some of their excesses, and defending them against other clergy whom they made uneasy. All the New England ministers were Calvinists, and all supported the revivals, but the excesses of enthusiasm and the religious frenzy that they occasioned in some quarters caused a gradual erosion of support. This began in Boston and led to the beginnings of "New Light" theology and ultimately to Unitarianism. By half a century after Edwards's death in 1758, that variety of liberal Christianity was to replace orthodox Calvinism throughout much of New England.

Marsden's characterizations of Edwards's efforts to minister to those inspired by the revivals, including those inclined to excessive emotionalism and weird behavior, helps us to see the compassion with which he sought to help

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cally and theologically, there were constant interactions with British thinkers—especially with the Scots, who like the New Englanders were Reformed, not Anglican, and whose philosophers promoted the doctrine of "common sense," which was to play such an important role in American theological thinking.

In 1742, two years after John Wesley initiated the Methodist revivals in England, George Whitefield's tour of New England sparked the Great Awakening

people keep to the "narrow way" that "leads to life" (Matthew 7:14). In Catholicism, so deprecated by the Calvinists, the attempt to live truly consistent Christian lives tended to be left to the "religious," i.e., to members of a religious order; the Calvinists, especially in the context of revival, sought to help (or, worse, to make) everyone do so. This effort to make biblical morality the general standard for all church members, however logical it may seem, has led to