



## EDITOR'S EASY CHAIR

WITH the American habit of taking the ironical attitude toward moral problems which urge themselves over-vexatiously for solution, one of our public functionaries came forward in the latter part of last year with a proposal which would let people feel how it was themselves in a certain exigency of his office. At that time the governor of Arizona found himself with eleven men (or it may have been thirteen—thirteen would have been a more dramatic number) to be put to death, just after the people of his state had voted against the abolition of capital punishment. It is not very clear whether the governor had or had not the power to pardon these miserable men, or to commute their sentence to the milder penalty of imprisonment for life (if it is milder; opinions vary even among the criminals themselves), but it appears certain that the governor was averse to killing them even by law, and was wroth with that majority of his fellow-citizens who favored it, and whose vote seemed to have left him no choice in the matter but mercy or massacre. He appears not to have liked solely taking the responsibility which logically divides itself among the agents of the law in such cases, making the prosecutor, judge, jury, and executioner alike sharers in it. He appears to have felt it a hardship that the majority of his fellow-citizens should not also share the blame, if it was blame, of putting those eleven or thirteen men to death, and he proposed trying what he could do to make them realize what they were making him do. The men should be put to death, yes, but not privately. They should be put to death publicly, in the most conspicuous manner possible, and he invited his fellow-citizens to be present (we suppose with their wives and children) and see the triumph of the law over crime.

We did not follow the course of com-

ment and we cannot say just whether journalistic criticism accused the governor of being more a coarse humorist or a pestilent sentimentalist. His proposition was probably regarded as either a bluff or a play to the gallery, which applauds freely when its feelings are touched. But it appears that after his bold challenge to his fellow-citizens the governor began to hedge. Somehow (as well as we remember) the number of the doomed men was reduced to six, and the executive heart inclined to mercy in the case of these fewer examples of justice. We are not sure but the date of their sentence passed without its execution; as happens with so much in our contemporary history, the ultimate fact was lost in the mists of actuality, and the student of civilization was left to employ himself with the academic question of the moral effect of a return to public executions after they had been disused for generations. In the course of this study he may have had to inquire whether the governor ought not to have been regarded as an enemy of progress in proposing such a thing seriously, or as an erring humorist of coarse fiber in suggesting it ironically.

We do not know what conclusion the student has finally arrived at, and it is in the absence of returns from him that we venture to ask the reader to consider the question with us. If he is a reader as well stricken in years as ourselves he can barely remember hearing some yet older survivors speak of a hanging which he had witnessed with five or six thousand of his fellow-citizens, largely drunk and disorderly under the instruction offered them by the great civic lesson. The custom began to decay when capital crimes were finally reduced from the theft of a shilling to murder alone; but Thackeray, in one of his early papers, wrote of a public execution which he seems not to have enjoyed seeing, and

Tourguénief has described a decapitation in Paris which he witnessed with the conviction that the law had committed a horrible crime. It was in fact considered an immense advance in practical Christianity when men were strangled and beheaded in the sacred privacy of their prison walls, with only a few incorruptible witnesses to attest the fact and two physicians to verify the death. Men still in the first frosts of autumn will remember with what satisfaction the electric chair was hailed as a happy substitute for the gallows-tree. It was to function in a yet greater secrecy, if possible, and something was to be added to the effect with the imagination of the general by the refusal of the state to admit reporters, or even to allow the friends of the criminal to bury his body, which was to be consumed with quicklime in a hidden grave as soon as the doctors had done with it. Of course, as in all questions where the liberty of the press is concerned, these rigors soon gave way; the details of the electrocution were painted by the daily papers in the most animated colors, till the reader wearied of them. And it was also quickly realized that his punishment could not be continued after the death of the criminal without cruelly afflicting his hapless kindred. Until the novelty of the electric chair had worn off the public execution of death sentences was practically restored; but when the popular curiosity concerning it was once sated, the inviolable secrecy largely maintained itself again.

We are not advised whether the governor of Arizona had a choice between the two usages when he mooted the participation of his fellow-citizens in his responsibility, as witnesses of a spectacle once considered vital to their well-being. So far as the event was concerned, we are still in the dark. If there is a Recall in Arizona, the vote on capital punishment may have been subjected to it, and the affair settled in that way, by a repentant majority. But what appears certain from a contemporaneous expression of abhorrence for the death penalty by an official in our own section is that the West can no longer claim a monopoly of advanced penology. At almost the very moment

when the governor of Arizona was inviting his fellow-citizens to countenance its infliction, the newly appointed warden of the cherished bulwark of our civilization at Sing-Sing was avowing his abomination of it. Unless we misremember his reported words, he declared that he would never see it inflicted, while he also declared that it ought never to be secretly inflicted, as it ostensibly is at present. He may have felt, with the governor of Arizona, that those who liked it ought to see the thing done. The order of events is uncertain in our recollection, and perhaps the latest feat of our metropolitan gunmen was not yet performed; but this recalcitrant warden might now point to the fact that the state-killing of four gunmen for a ruthless assassination had eventuated, before the year was out, in a quite parallel crime. He could invite the friends of the established penology to observe that deterrent punishment apparently does not deter except in the case of criminals who have ceased to live, or who are shut up for the time in some of the stone pens all over the country for their respective misdemeanors, and that the only way to make punishment truly deterrent is to make it anticipative. But he seems rather to have wreaked himself in expressions of pity for all sorts and conditions of criminals, and in propositions for the amelioration of their lot. Naturally this has given their chance to the paragraphical publicists, and they have not spared him some gibes and thrusts for his emotionality. Intrenched in the fact that deterrent punishments do not deter, if inflicted after the fact, and that prisons are the breeding-grounds of crime, they have brought him to such confusion as they could by teaching that the lot of the criminal should be made heavier and not lighter, in order that crime may more and more abound.

To be sure this is not their logic, but the logic of the facts, and perhaps the warden feels that the logic of the facts is on his side, and does not greatly mind the paragraphic publicists, though they are many and often, and he is only one and now and then. What appears beyond question is the failure of the old system

of penology. The captives of the state are apparently made worse by the hardships accumulated upon them, not for their reformation but for their suffering. In the first place, their sentences are atrociously out of proportion to their offenses. The death-sentence alone bears a sort of rough relevancy to the deed punished. The man done to death has really taken the life of a man, and there is a diabolical proportion in taking his life; but the man who goes for years to States-Prison for grand larceny or for months to the Island for petty larceny is the victim of injustice which seldom fails to make him a life-long criminal.

If we could trust the gay cynicism which mocks at the appeal for kindness to the prisoner, we must suppose that more and more severity was what was needed to make a better man of him. But with the logic of the facts the friends of the thing that is or that has been have nothing to do. If they had they might appositely ask themselves where the deterrent force of punishment lay, if within the year after those four men were put to death for a ruthless assassination quite the same sort of murder was done by the same sort of men. The lives which the state took might almost as well have been spared, and it may be that in view of such a possibility the new warden at Sing-Sing proposes to himself more mercy and not less in dealing with the captives in his power. In a certain light it is grotesque, of course, his proposing such a thing; the wise old world has not aged so much without knowing better than that. It knows, or it thinks it knows, that prisons were meant for the punishment of prisoners, and not, as the warden supposes, for their reformation. It knows that when a man is sent to Sing-Sing it is to make him sadder, but not better. It is to subject him to a slavery under conditions which seem often fixed not by the law but by the will of his immediate masters. It is to take him from his family, his wife and children, or his father and mother, who trusted him, however mistakenly, for their support. It is to put him to hard labor for five, or ten, or twenty years, not for the behoof of these de-

pendents of his, but for the profit of such contractors as buy his services from the state, and at the end to cast him back upon the world empty-handed, dishonored, hopeless, helpless.

One of the foibles of the new warden is to propose paying the prisoner the wages he earns, and this might not be so ridiculous, if he ended there. But he proposes treating the prisoner compassionately in conditions which his own voluntary experiment of prison life has taught him were cruelly hard. That he made this experiment is much against him with his critics; it attains him of sentimentality, of the love of a histrionic pose. If he had been a real criminal he would have known that the hardships he saw and shared were the right thing for them, whatever arbitrary will invented and inflicted them. His brief experiment counts for nothing against the long experience of the world that the only way to better bad men is to do the things to them that would make good men worse. The application of this system is what prisons are for, and always have been; and it will outlast such empirical penology as that of the Western prison-camps where unguarded criminals work out their sentences in the open and are paid the wages they earn. It is not to be expected that the Sing-Sing warden's dreams of bettering his wards by bettering their conditions and changing the object of their imprisonment will last nearly so long even as the attempts of these empirical penologists in the West to humanize the terms of their prisoners' captivity.

All such emotional endeavors must avail nothing against the immemorial inhumanities of man to man as practised in the prisons which so densely dot the surface of the earth. What these are like the reader may learn from a book by a man who has lately come prominently before the world, and who was trained for the work of writing it by efficient knowledge of "the criminal classes." We mean our minister to Belgium, Mr. Brand Whitlock, and his graphic study of prison life called *The Turn of the Balance*. One would consent to be a little illogical, a little ridiculous even, in the hope of helping bet-

ter the atrocious conditions which this book reveals. Perhaps "reveals" is not quite the word, for the facts were always open and scarcely needed revelation, except as all the facts of life need revelation by the spoken or written word for that immense majority of purblind people who have them constantly under their eyes, but must have them somehow dramatized before they can realize them.

To these the heroic bluff of the Arizona governor and the philanthropic ideals of the Sing-Sing warden may have their appeal. At any rate, it is interesting to note that the ironical attitude of the governor has been his defense against the criticism which has accused the serious warden of sentimentality. If he had proposed in capital cases to have the prosecutor, the judge, and jury share among them the necessary incidents of executing the sentence of the convict whom they had jointly brought to his death, it would have been humor which the paragraphic mind could have tasted. Or if he had proposed having the suffering of the prisoner intensified, say, by giving him frequent intelligence of his innocent family, how they were sharing his guilty condemnation through want of the earnings which the state was stealing from him, this would have been something appreciable to the humorists of the satirical press. The warden would then have given the delight which we Americans all feel in a joke, and which was imparted by the suggestion of the Arizona governor. Yet the Sing-Sing warden should not altogether lose the courage of his convictions. He might remember that some of the divine precepts of our religion were not inculcated by means of a self-defensive irony. He might read the Sermon on the Mount and some other homilies and parables of the New Testament, and consider how few of the things there seem to have been humorously said, with a view of better imparting the ideals embodied. He might read the confessions and essays of Tolstoy, and from their plain and single discourse fortify himself in his direct condemnation of the prison usages which he would abate. We

could not promise him that in the end he would not seem ridiculous to the keen wit of his fellow-citizens or the dense culture which has plunged the world in manifold murder. If he minds such things much, he must continue to suffer from them, and find what solace he can in the good which he may or may not accomplish.

But we would not be thought to condemn irony altogether. Even the gospel is not destitute of it. "'What is truth?' said jesting Pilate," and when he "would not stay for an answer," he had clearly been having his joke, or been thinking he had. That fine spirit, that subtle wit, that nimble essence, will not be exorcised by any sense of the pathos, the tragedy of life. It helps the governor of Arizona out with his lesson to his fellow-citizens, but it lends its smiles to those who mock at the Sing-Sing warden's aspirations for those unfriended wards of his. It can say it is not enough that he feels for those in bonds as bound with them. It is all right that he should feel so, but he ought to put on the air of jesting at their scars even though he has felt their wounds in his own experience. It is our American nature not to take ourselves too seriously; we like our Lincolns to laugh out their heartbreak; we are rather helpless in that matter. While we discuss such points as whether people who wish to have hanging go on ought not to look on at the hanging, and, perhaps, prosecutor, judge, and jury occasionally lend a hand in a thing they morally share in; or as whether such a philanthropist as the warden of Sing-Sing should seem so much in earnest about his aims and ends of mercy, we would like of course to keep a sober countenance, but we may be temperamentally unable to hide a covert wink to the other great nations which have presently got so far beyond any such polite polemic. They might not see the wink, but there should be those among us at home not so lost in the contemplation of the activities beyond seas who must find a relish of involuntary irony in the discussion of such fine points just at this moment of multitudinous massacre over there.





## EDITOR'S STUDY

UPON the stage of the human drama, at any given period, four generations make up the scene: One still in tutelage, a second just reaching majority, a third in the full tide of mature activity, and a fourth in decline—morning, noon, afternoon, and evening.

On the plane of mere animality the contemporary grouping would include only parents and offspring, the relation being brief and of only physiological significance. Aggregation is not social in the human sense and has no conscious prospect. Grandparents and great-grandparents are negligible save in a Mendelian study of heredity.

The coexistence of so many as four overlapping human generations, on the contrary, in conscious interrelationship, is of pregnant significance in race-development, constituting an organic social movement the meaning and purpose of which cannot be expressed in elementary terms or wholly in the terms of mental and material progress. The main tendency of the movement is evolutionary, expressed in psychical terms; it transcends and at the same time interpenetrates all visible social activities; it is registered in humanism rather than in civilization. As this procedure is creative, it is in the region of the disinterested activities of faith, imagination, and reason. Inevitably affecting the mass, yet the current in its full volume is pre-eminently manifest as creative leadership only in the few. It makes for any period its New Age.

If there were no such creative psychical evolution of humanity—psychical as distinguished from physiological—no age could have newness. When man, in his primitive stage, was nearest the animal, most closely bound up with nature, with only such mentality breaking the sheath of instinct as came from the necessity of supplementing his peculiar dependence by the use of imple-

ments in his struggle with refractory material, almost imperceptibly growing human, he marked one era from another not by any notable change in himself, but by his use of a better sort of tool, as of iron instead of stone. The overlapping of generations meant something more to him than to other animals. The period of infancy was prolonged, the altruistic sentiment and the sense of kinship deepened, while the foundations of close tribal communities were laid, grounded in social sympathy. But still the grandparents counted for little more than among the lower animal species—the declining life seeming of so slender meaning as, in rude social conditions, to suggest its mercifully swift despatch.

From the beginning the psychical in man is potential, the ground of social transformation, however slow, but it is only when psychical evolution is manifest in its own terms—those of a humanity evidently in the course of its realization—that the phrase “a new age” has transcendent significance. Then the scene of overlapping generations is transfigured. It has retrospect and prospect—a historic sense and a prophetic vision, awareness of source and of a dominant forward movement; but still more it has the sense of contemporaneity, to the deep meaning of which each coexisting generation, even that of declining age, is, in its own way, tributary. Of this human harmony the key-note is sympathy, in the largest and most disinterested sense of the term—in the sense in which we say that sympathy is the essential characteristic of creative genius.

There are currents, incident to social specialization, obvious enough in our competitive civilization, which seem to run counter to the main course of psychical evolution—antipathies which that evolution must resolve into sympathy. Established taste or culture, and even