

Complexities of Crime

An Editorial by Zechariah Chafee, Jr.

THE MOST important fact about the problem of crime is that it is really several problems. There is no single cause, no single cure. Indeed, crime will never be completely cured. Like disease it cannot be eradicated, only lessened. Even this will require careful study, hard work, long patience, and the sacrifice of cherished but outgrown American traditions.

The campaign of society against crime falls into four stages, of which the first and most important is the prevention of wrong doing by potential offenders. For this purpose we need to know as much as possible about the past life of actual offenders. Popular imagination visualizes all criminals as resembling some well-known, hardened crook, and is apt to regard fear of the law as the only effective deterrent. The facts indicate an immense variety in offenders—professional crooks, homicidal maniacs, feeble-minded persons unsuited to ordinary tasks, men in matrimonial tangles, bookkeepers in sudden financial straits, adventurous youth untrained for honest occupations or resentful of the humdrum of modern industry. To counteract such varying tendencies before they ripen into crime requires a wide range of methods. Doubtless fear of the law is one method, which would be more effective if punishment were made swifter and surer, but it is often bound to fail. For example, it has no operation upon the jealous husband who kills his wife and then himself, and not much upon the gangster who knows that the rival gang will get him tomorrow unless he eliminates them today. Additional forces besides fear are needed to counteract the strong emotions which lead to crime—passion, greed, long-standing habits of lawlessness. To make law breaking dangerous is worth while, but it is better still to make it unattractive and unnatural. This may necessitate alteration of both the potential criminal and his environment.

We can learn a great deal about criminals by considering ourselves. Why do we usually obey the law? Not from fear alone. If the statutes against murder and theft were all repealed, most of us would not start killing and stealing. And other statutes serve us as guides rather than threats. Our closest contact with law is the traffic policeman. It is not his power to impose penalties which makes most of us follow his signals. If all the automobilists whom he holds up chose to disregard him, he would be helpless. A hundred cars would speed by while he was arresting one or two drivers. We obey him because we know that this is the surest way to get traffic satisfactorily managed. We accept temporary inconvenience because we dislike the alternative. Belief in law is the strongest guarantee of obedience. The President has done well to arouse us to the importance of this principle.

On the other hand, think of the laws which we do violate. Mr. Hoover has not yet taken the opportunity to discuss fully the reasons which lead many otherwise respectable citizens to participate in such offenses

as restraint of trade, smuggling, bootlegging, overspeeding, and the violation of obscenity statutes. The social need served by law in this situation is less clear and less widely recognized than for the long-established crimes. In the absence of this belief in a social need, fear alone does not offset the gains from violation. Here again our own mental attitude should help us to understand the motives of the criminals whom we want to suppress. In these situations, the unconvinced minority is much larger than in robbery or embezzlement. This increases the difficulty of law enforcement but does not necessarily alter the psychology.

It is often argued that the essential respect for law cannot be secured for statutes which have excited large opposition, and that they should therefore be repealed. It is said by a group of influential lawyers attacking prohibition: "Practices which do not shock the moral sense of society cannot in a true sense be converted into crime by legislative declaration promoted by one part of society against the wishes of another. Crime, like law, cannot be made, but must be found." This argument is as much of a half-truth as the opposed reasoning that laws, however unwise, will be effective just because they are law. The rapidly changing conditions of industry and population are continually creating new social needs which require legal protection before they are popularly recognized. If the existence of a large body of dissentients were a conclusive argument against a criminal statute, then vaccination, factory legislation, bank inspection, and tenement-house laws would never have been possible. Very often the enactment of a social need into law creates in time the popular recognition of the need.

I do not mean that wide-spread opposition to a law is a factor to be ignored. It should lead us to weigh very carefully the alleged need of the community for the law. Is this need really so great as to be worth a long period of inadequate enforcement? The gain may overbalance the inevitable accompanying evils of disrespect of law, or it may not. Each case must be judged on its own merits and cannot be decided by general principles one way or the other.

The inculcation of respect for law must largely be accomplished by agencies outside the law. It is the task of schools, newspapers, churches, and parents. Another important non-legal factor also influences crime, namely, the economic situation. The criminal classes may be recruited from men thrown out of legitimate jobs by unemployment or the introduction of labor-saving machinery, and from boys who have gone into blind-alley jobs which offer neither advancement nor satisfaction so that they drift gradually

into more remunerative lawless pursuits. Vocational guidance may eliminate much of this last cause. High wages are not in themselves a cure for crime, for few lawful occupations offer at the start the income which a youth may gain from thieving or bootlegging.

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Where Is Mankind Going?

The distinguished contributors to this weekly editorial page constitute not only our list of witnesses to the progress of existence, but its interpreters as well. Professor Chafee, of the Harvard Law School, deals with the complexities of the task that confronts Mr. Hoover's law enforcement commission. Professor Henry Norris Russell, director of the Princeton Observatory, will be the next contributor

Beethoven: A Biography

IN 1818, during his summer at Mödling, Beethoven received a present. It was a Broadwood pianoforte from the English makers. Scratched beside the keyboard were the names of England's leading virtuosi: Cramer, Knyvelt, Kalkbrenner, Ferrari and Ries. The instrument was admitted by the Austrian authorities free of duty.

Beethoven was delighted. In his most elegant French, he wrote a letter of thanks promising to regard the piano "as an altar on which I shall present to the divine Apollo the highest offerings of my spirit."

When told it was out of tune he replied with the characteristic suspicion of the deaf: "That's what they all say. They would like to tune it and spoil it; but they shan't touch it." Woe however to any piano that Beethoven himself touched. A contemporary reports that at this period the Master attacked the keyboard so savagely, he broke from twenty to thirty strings each time he played. And, a few years later, to show Stein that certain strings needed replacing in this very instrument, he actually hammered its keys with a bootjack.¹

The same suspicion and violence which he showed toward his pianos was often turned against his servants. In 1816 he gave Peter Simrock pencil and paper and told him to write down everything personal or confidential, as the servant was an eavesdropper. But when Simrock called again a few days later, the Master said, "Now we can talk, for I've given my servant five gulden, a kick in the rear, and sent him to the devil." In connection with one of these domestic dramas some unidentified hand wrote in one of the small tablets called "Conversation Books," the following sage counsel: "Don't beat her! You might have trouble with the police."

Communication with the Master had now to be carried on by means of these "Conversation Books," in which the deaf man's answers are, naturally, seldom found. A page transcribed from one of them (November-December 1819) will give some idea of the intellectual quality of the usual talk that went on in his rooms.

By ROBERT HAVEN SCHAUFFLER

A genius helpless outside his own kingdom of music, absent-minded, impractical, violent; deafness preventing him from further conducting; yet with his faculties working with a glorious freedom seldom attained by any other artist; such is Mr. Schaffler's portrait of the masterful Beethoven in the following pages

Goethe says the spot on which a good man has set his foot remains consecrated for all time.

Today he cut open his frozen toe. Roast veal (*Kälbernes*) with some ham and tongue.

If only every one could understand and appreciate your love for your nephew.

The dog is missing.

If you lose the book they'll lock me up.

For all eternity.

There are fresh oysters.

WHEN INSPIRATION seized him he would run out hatless and coatless, perhaps before dawn, and wander about the fields and woods in an oblivious frenzy of creation. Often he returned late at night cold, wet and famished. In 1820 Wilhelm Müller called on him at Mödling. The housekeeper said that Beethoven had gone out walking early, and he might return that evening,—or perhaps in three days. After such exposure he was capable of the inconsistency of objecting to rooms opening upon a garden because "garden air is precisely the worst sort for me."

Small wonder his health suffered. In the years from 1818 to 1823 he complained of gout, rheumatism, jaundice, pain in the ears and failing eyesight. It is sad to think how much torture, how many unborn masterpieces and how many decades of life he might have saved by observing the most elementary physical prudence.

Small wonder that many thought the worst of his intelligence. In 1819 Zelter wrote to Goethe: "Some say he is a fool. That is soon said: God forgive us all our trespasses!"

The following year Beethoven, in all seriousness, invented a delightful euphemism for his own language when violent and abusive. It was a gem of rationalization. "Now and then," he remarked to Wilhelm Müller, "I let drop a hearty, free word. On that account people think me mad." Perhaps

his often childlike impracticality may have influenced what people thought. On September 27, 1821, the author of "Man, help thyself!" wrote to an unknown correspondent in great distress, for aid in selling one of his bank shares. But on the wrapper he scribbled: "You'll

easily see what sort of a commercial genius I am. After the enclosed letter was written, I talked over this matter of the share, with a friend. He showed me at once that one has only to cut off a coupon and therewith the whole matter is at an end."

This helpless side of the man—the side which had to do with everything non-musical—comes out vividly in his correspondence. Reading it, one thinks of him as a sort of Nineteenth Century Don Quixote, three parts sane, super-Sanchoed, first by Krumpholtz whom he nicknamed "My Fool;" then by poor faithful Zmeskall, "the Music Count," "Baron Greedygut," "Your Zmeskality;" then by "Papageno" Schindler, the "Samothracian ragamuffin;" finally by Holz, that "Splinter of the True Cross."

"Alas! Poor Knight! Alas! Poor soul possest!"

HE AND HIS faithful Sanchos were rarely out of such troubles as normal common sense might easily have averted. He freed music. Himself he could not free from the bondage of his absent-mindedness, his lack of practical common sense and his dangerous temperament.

But the writing was a different matter. In all his chief works from now to the premature end we find his faculties working with such a glorious freedom as scarcely any other artist has ever attained. This is not to say that he was fluent. Beethoven was never that, on paper, least of all in these later years, when he was increasingly

1. This may have been the utensil which Schuppanzigh saw put to another novel use in 1823. "Milford" came into the deaf man's room unobserved. Beethoven had his back to the door and was using a bootjack as if it were an enormous tuning-fork, striking it against the wall and then holding it close to his ears to try and detect the after vibrations. It throws an unpleasant light on the fat man's character that he went and retailed this pathetic incident "with humor and sarcastic observations." (Frimmel: *Beethoven Handbuch*, Vol. 11, p. 163.)