

The Need of Extending More Rational Methods
in Dealing with the Small Offenders Against the Social Order

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In as much as the last Sunday in October is coming more and more to be set aside for the consideration of crime and the methods of dealing with those who have committed more or less serious offense against the social order, I wish to take advantage of this opportunity to call to our attention two or three things that we not only may do, but in fact should do along this line.

In presenting to you what I shall have to say, I wish you to bear in mind two or three principles with which you are already familiar. In spite of the fact that we have these general principles, we are altogether too inclined to forget them when we come to such a problem as we have today. Lest we do forget them, I will mention them.

The first one is the principle that I tried to present last Sunday in speaking of the Religion of Humanity. However imperfect and incomplete humanity as a whole, or individual persons in particular, may be, the fact remains that man is the highest product of creation. In him and through him we have come to know what we do know of the nature and the significance of human life. To use the ancient words, "Know ye not that ye are the Temple of God and that the spirit of God dwelleth in you?"² We come upon the deepest statement of the religious and moral thought of modern life. To use the language of theology, we have come to a point where we see that the old doctrine of the incarnation is universal in its application. With varying degrees of development, the spirit of the great Good Will of the universe dwelleth as much in us as it ever did in Hebrew prophet, or in Jesus of Nazareth. Moreover, our interest in the religious life finds its controlling purpose in the idea that

¹ This is from the bound collection that includes sermons from August 30, 1908 to November 26, 1908.

² 1 Corinthians 3:16.

the only worship of God that is moral and efficient is that worship that has its origin in thought of the indwelling spirit in man, and has its termination in the purpose of freeing that spirit from its limitations and making human life divine in fact as it is in ideal, of having the infinite will done on earth as it is in heaven, to quote the words of Jesus.³ This is the first principle that we must bear in mind.

The second principle which I wish you to bear in mind is the principle that through the experiences of life and the accumulating survivals of history we are training and disciplining an inherent Good Will. It is a natural and an instinctive impulse of man to have a feeling of goodwill towards men. That impulse is a part of his very nature. The training of life, and the widening horizon of his outlook and understanding of life determines whether a man's goodwill shall express itself in the cheap good-fellowship of boon companions, or in the noble life transfigured by the ideal of a broad and farsighted devotion to the interests of mankind. We are in need of discipline and training in the direction both of self-control, and the ability to appreciate and understand the other man's point of view. We need this discipline to the end that our goodwill shall produce fruits that are of value to human life instead of fruits that are of injury to human life. We need to become enlightened as to the relations that we bear to each other.

Let these two ideas be constantly before us, but especially when we are considering such a question as we are interested in at this moment. The dynamic of religious emotion must be discharged for the uplifting of the human personality, and the assurance of this result is affected by the education and the discipline of our goodwill.

Now of this human family of which we are members, there are certain portions whose lives are such that their influence is against the common good. Of these whose conduct is on the whole bad, some few have become so obnoxious in violating the principles of the social order, that it has become necessary to deprive them of their freedom and put them under some form of legal restraint. There are certain offences against property, such as stealing and trespass, that are hostile to the common

³ See Matthew 6:10.

good. If a man commits those offences, through the administration of what we are pleased to call justice [we] say to that man, "You have violated the principles according to which men live in the social order. Partly as a protection against ourselves, partly as a punishment for your offence, and partly for the purpose of teaching you a lesson, we propose to deprive you of that liberty which you have abused, and confine you within the walls of a prison." Such is the general theory upon which our entire system of the administration of justice rests.

As you are well aware in times past the prison and legal system has been abused, and has been turned aside from its true function. Justice and law, both common and indeed statute law, have been through that stage in which they were regarded as some abstract super-mundane thing, to the measurements of whose requirements human beings must conform. But along with many other changes that have come upon society since the beginning of the modern world, there has come a change in our feeling towards law and justice. We have come to see that it is not an absolute and unchangeable altar upon which men must be sacrificed for the purpose of maintaining its sanctity, but that it is an institution which, while true to fundamental principles of life, is going through constant and more or less radical change to meet the varying conditions of a developing humanity. The law was made for man and not man for the law.

The end and the purpose of the law is to maintain and promote the highest standards of moral conduct in individual lives, and in the social order, without unduly infringing upon the rights of the individual. It is concerned mainly with that borderland between the rights and the duties of the individual towards society and the rights and duties of society towards the individual. In the past, it has not concerned itself so much with the welfare of the individual as with the welfare of society. But the change to which I referred to above, due in part to the modern idea of authority, and much more to the modern ideas concerning man and human life, is taking much more account of the individual offender, and considering his wellbeing and the wellbeing of those about him, as well as the welfare of society. This new attitude is well illustrated in the way in which many of our cities are dealing with juvenile offenders. You are doubtless familiar with the juvenile court system which has been described in many magazines. The attempt

is made to recognize the individual personality of the youthful offender, and the circumstances under which he has lived. He is then dealt with in such a manner as, in the opinion of the judge and others interested, will be most likely to bring him into right relations with his social environment again, and enable him to best fulfill his duties as a citizen. For example, a group of boys were brought before the Boston Juvenile court on the offence of having thrown stones and broken windows. Instead of recognizing their conduct as an offence against property, punishable by fine or commitment to the reformatory, the Judge recognized it as a misdemeanor arising from desire for fun, and ignorance of moral principles. He called the parents of the boys, and the person whose property had been damaged, and made an arrangement by which the boys were to pay through the court 50 cents each per week out of their own spending money, until...⁴

⁴ And here, unfortunately, the manuscript ends, clearly incomplete.