

CRIME; ITS CAUSES AND REMEDY

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Crime; its causes and remedy by L. Gordon Rylands

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L. GORDON RYLANDS

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AND REMEDY**

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CRIME

ITS CAUSES AND REMEDY

BY

L. GORDON RYLANDS, B.A. (LOND.)

"It would be an unsound fancy and self-contradictory to expect that things which have never yet been done can be done, except by means which have never yet been tried."—LORD BACON, *Novum Organum*, Aphorism VI.

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26 PATERNOSTER SQUARE
1889

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CRIME.



CHAPTER I.

INTRODUCTORY.

§ 1. IN the course of an address on "Punishment and Reformation," delivered at the London meeting of the National Association for the Promotion of Social Science, in 1862, Sir Thomas Chambers, then Common Sergeant of London, gave utterance to the following thoughtful remarks :

"Reasoners and moralists may dispute, yet philanthropists need not delay to act, and the problems insoluble by argument may be settled conclusively by practice. It may be (I rather incline to that opinion) that the State has nothing to do with the individual except in his bearing on the welfare of society, that any interference with him on other than public grounds is objectionable, and that this doctrine is applicable both to those who obey and those who infringe the laws. Hence in dealing with offenders, we are to proceed entirely upon the assumption that our treatment of them is to be of a nature determined exclusively on public, and not at all on personal considera-

tions ; that no result is to be aimed at which will terminate in themselves. The *final* object in our systems of penal discipline, as in all our other social arrangements, is the good of the community,—its deliverance from some evil or inconvenience, or its attainment of some substantive good. In the case of our criminals, the end sought in our mode of dealing with them, whatever it be, is the repression of crime—the diminishing the number both of offences and offenders. This is the matter in which the State has a direct interest, and which the State may strive at securing. What is the best means to be adopted for that purpose ? then becomes the subject of inquiry. What apparatus, or agency, or machinery, is most likely to thin the ranks and lessen the activity of the criminal classes ? That point is not to be determined by any consideration of what is good for them for their own sakes, but of what is good for the society of which they are the pests. To do them good is not the final aim, but to benefit the public. To secure for those who have broken the law and become subject to penalties some personal advantage is not, I think, a legitimate object of public law, though of private Christian benevolence it may be a plain obligation."

In these words the learned Sergeant has clearly and forcibly stated the fundamental proposition (it might almost be called an axiom) upon which any satisfactory discussion of the crime problem must be based. If criminals, in the execution of their nefarious designs, and in the gratification of their passions, injured themselves only, the State would

have no right to interfere ; although, as Sir Thomas Chambers observes, individuals, whether Christian or other, would be quite justified in taking such action in the matter as seemed them good, and to be imposed upon them by their own private moral code, provided always that no other citizen's liberty was infringed by such action. This proposition ought to be self-evident, but it has not always been by any means universally admitted, and there are probably some who would dispute its truth even now. Mr. Jonathan Dymond puts the question,¹ " Why is a man who commits an offence punished for the act ? Is it for his own advantage, or for that of others, or for both ? " To which question he makes reply—" For both, and primarily for his own," but gives no very satisfactory reason for this conclusion. Since, then, the proposition that the State is justified in interfering with criminals only in so far as the welfare of the State requires it is not so obvious that the mere statement of it compels universal assent, it may be well to give briefly some of the grounds upon which its truth has been asserted.

Some writers on social economy have spoken of a civil contract or agreement between the individuals of a community, by which their relations to one another are defined. But no such contract is found in nature ; at the time when men first combined themselves into communities they must have been far too rude and simple to understand what was meant by private and public rights or obligations ; they must have felt instinctively that in

¹ " *Essays on the Principles of Morality*," 1886, p. 391.

combination they could better protect themselves against all kinds of enemies, could hunt with greater success than if isolated, and no doubt the feeling of companionship was pleasing. There was thus no formal agreement, and any man to whom the society in which he found himself was distasteful might withdraw himself from it; but if he attempted to molest his former associates they would naturally treat him as an enemy. Later, with increasing civilization and a more complex moral code, larger restrictions and obligations were laid upon each individual, tacitly imposed and tacitly accepted. But the modern society has imperceptibly developed out of the primitive one; no written agreement between its components exists, and each man must, as in the early days of the community, be held free to accept or reject the conditions of membership. The state of membership is, however, so advantageous that nearly every man complies willingly with the necessary conditions in order to obtain the accompanying benefits; but he might, if he chose, withdraw, and no one has any moral right to forbid his doing so; if, however, after having withdrawn himself from the Society, he proceeds to inflict any damage upon the Society in the aggregate, or upon any of its component individuals, he places himself in the position of one of those enemies for defence against which the associated community was originally formed; and the Government, as the agent of the Society, is bound to take the necessary steps to protect its members from damage. Criminals are such persons as are here