

CRIME AND SOCIETY.

The Problem of Punishment.

Capital Sentence Criticised.

"The attitude of a country towards its criminals is a good test of its civilization," says Professor Coleman Phillipson.

"The Punishment of Criminals" was the subject of Professor Coleman Phillipson's discourse at the quarterly meeting of the Justices' Association at the Institute, North-terrace, last night. There was a large attendance.

Professor Phillipson said the question of the penal treatment of criminals who were a veritable canker in the heart of the body politic, was one of the most important at the present time in many countries in the world. Society's failure to prevent or suppress crime was due to various causes—ignorance of the character and mental disposition of criminals, the existence of vague ideas regarding the appropriate methods, objects and grounds of punishment, and the apathy of the community. A few persons appeared to be stirred up only by a so-called sensational case, and for the most part they confused crime, vice and sin as well as Scriptural doctrine and the social sanction. Sentiment was good in moderation, but it could never take the place of reason. Failing an enlightened public opinion, the introduction and application of progressive measures were impossible. The attitude of a country towards its criminals was a good test of its civilization.

The development of ideas with respect to criminal justice was analogous to the evolution of civilization. In primitive society there was the reflex act of self-defence, instinctive vengeance, animistic purgation, and imitative "lex talionis." Later came the theological stage—opposition between Church and State, and the idea of Divine intervention to reveal the guilt of evildoers. Then there was the metaphysical view which regarded the criminal as a perverse free moral agent, and punishment as an expiation to vindicate the moral law. Finally, came the scientific point of view, which deemed crime to be not against God or the King, but against society. The criminal was not possessed of evil spirits or a perverse free will; he was not a monster, but was a defective. Punishment was to be inflicted in order to cure him, rather than to crush him. His place of detention was to be not a barbarous prison, but a hospital and a training school. Thus two great questions were raised, the responsibility of criminals and the grounds and objects of punishment.

According to the disease theory, criminals were not responsible, as their acts were due to their will and emotions, which depended upon their general condition. This condition was, in one view, due to adverse circumstances and the social environment, in another view to heredity. Neither view, however, was defensible, nor was there a distinct criminal type. To negative personal responsibility was most pernicious and dangerous. By a process of suggestion it encouraged the commission of crime, diminished the power of resisting temptation, and confounded general administration. Nevertheless society had the right to punish. Defects of mind, as well as of body called for remedies. From time to time various objects of punishment had been advanced, such as expiation, retribution, deterrence, disabling prevention, and reformation. The expiation theory assimilated crime to sin; it referred to the act rather than to the doer, and it was as a loss when positive law differed from moral principles and divine law. Retribution meant retaliation as in kind in itself, and that the offender owed or deserved the penalty, the induction of which satisfied public indignation, though it savoured of vengeance which was contrary to reason and high ideals. Deterrence implied fear of punishment, thus restraining temptation. The reformation theory aimed at the cure of the offender. Deterrent punishment influenced motives; reformation punishment influenced character. But his theory alone would lead to chaotic results, as a serious offender might very soon be released, whereas the petty habituals and incorrigibles would be maintained for life at the public expense. It appeared, therefore, that no one theory was alone adequate. The best way was to eliminate the view regarding expiation, and combine the others in proportions appropriate to the particular offender. Thus the resultant might well be taken as the supreme test of their attitude towards criminals, and of penal administration, namely, social utility. Crime would then be regarded as an anti-social reaction for social defence, security, and well-being. Hence social accountability would take the place of moral, religious, or a metaphysical responsibility.

The only kind of punishment that satisfied all the element of social utility, was imprisonment, which also allowed of classification of treatment. In bad cases the period of imprisonment should be indeterminate from the first, without waiting for the commission of a third offence, and the perpetration of ruinous evil. Flogging was contrary to the spirit of modern civilization. It was a ghastly proceeding, it brutalised all concerned in it, fulfilled very few of the objects of punishment and had a deleterious effect on the community at large. Capital punishment should also be abolished. The only thing in its favor was that it removed a danger, but that was not the only way. It was not proved that it was the greatest deterrent. Its deterrent effect was practically nil in a murder of passion. In various countries where it had been abolished, murder was not increased. It lacked the chief object of punishment—reformation. It was irrevocable in case of mistake. It promoted homicidal tendencies in susceptible minds by force of suggestion. Juries unwilling to inflict it often acquitted an accused against the evidence, and so turned the administration of the criminal law into a farce. The element of individualisation was absent, as it was imposed for unequal degrees of the offence. The murderer's family suffered an irreparable harm, and the victim's family derived no good from the execution.

The Disease Theory.
His place of detention was to be not a barbarous prison, but a hospital or a training school, went on Professor Phillipson. Those two great questions were raised from the responsibility of criminals, and the grounds and objects of punishment. According to the disease theory, criminals were not responsible, as their acts were due to their will and emotions, which depended upon their general condition. That condition was in one view due to adverse circumstances and social environment, in another view to heredity. Neither view, however, was defensible, nor was there a distinct criminal type. To negative personal responsibility was most pernicious and dangerous. By a process of suggestion it encouraged the commission of crime, diminished the power of resisting temptation, and confounded general administration. Nevertheless, in either view, society had the right to punish. Defects of mind, as well as of body called for remedies. From time to time various objects of punishment had been advanced, such as expiation, retribution, deterrents, disabling prevention, and reformation. The expiation theory assimilated crime to sin. Retribution meant retaliation as an end in itself. The offender owed, or deserved, the penalty, infliction of which satisfied public indignation, although it savoured of vengeance, which was contrary to reason and high ideals. Deterrents implied fear of punishment, thus restraining temptation.

Reformative Measures.
The reformation theory aimed at the cure of the offender, proceeded the lecturer. Deterrent punishment influenced motive; reformation punishment influenced character. But that theory alone would lead to chaotic results. A serious offender might very soon be released, while petty habituals and incorrigibles would be maintained for life at the public expense. Therefore, it appeared that no one theory was alone adequate. The best way was to eliminate the view as to expiation, and combine the others in proportions appropriate to the particular offender. Thus the resultant might well be taken as the supreme test of one attitude towards criminals, and of penal administration, namely, social utility. Crime would then be regarded as an anti-social reaction for social defence, security, and well-being. Hence social accountability would take the place of moral, religious, or metaphysical responsibility. The only kind of punishment that satisfied all the elements of social utility was imprisonment, which also allowed of classification of treatment. In bad cases the period of imprisonment should be indeterminate from the first, without waiting for the commission of a third offence, and the perpetration of ruinous evil.

"A Ghastly Procedure"
Flogging was contrary to the spirit of modern civilization, said the Professor in conclusion. It was a ghastly procedure. It brutalised all concerned in it. It fulfilled very few of the objects of punishment, and had a deleterious effect upon the community at large. Capital punishment should also be abolished. The only thing in its favour was that it removed a danger, but that was not the only way. It was not proved that it was the greatest deterrent. Its deterrent effect was practically nil in a murder of passion. In various countries where it had been abolished, murders had not increased. It lacked the chief object of punishment—reformation. It was irrevocable in case of a mistake. It promoted homicidal tendencies in susceptible minds by force of suggestion. Juries unwilling to inflict it often acquitted an accused against the evidence, and so turned the administration of the criminal law into a farce. The element of individualization was absent, as it was imposed for unequal degrees for the offence. The murderer's family suffered an irreparable harm, and the victim's family derived no good from the execution.

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27 JUN 1924

PUNISHMENT OF CRIMINALS.

Lecture by Professor Phillipson.

The problem of the criminal invasion into social life was dealt with in an interesting lecture by Professor Coleman Phillipson at the quarterly general meeting of the Justices' Association, at the Public Library Lecture Hall on Thursday evening. Professor Phillipson's address, which was entitled "The punishment of criminals," was listened to by a large and appreciative audience. The lecturer said the question of the penal treatment of criminals, who were a veritable canker in the heart of the body politic, was one of the most important at the present time in many countries in the world. Society's failure to prevent or suppress crime was due to various causes—ignorance of the character and mental disposition of criminals, the existence of vague ideas as to the appropriate methods, objects, and grounds of punishment, and the apathy of the community. A few persons appeared to be stirred up only by a so-called sensational case, and for the most part they confused crime, vice, and sin, as well as scriptural doctrine, and the social sanction. Sentiment was good in moderation; it could never take the place of reason. Failing an enlightened public opinion, the introduction and application of progressive measures were impossible. The attitude of a country towards its criminals was a good test of its civilization. The development of ideas regarding criminal justice was analogous to the evolution of civilization; in primitive society, reflex act of self-defence, instinctive vengeance, animistic purgation, imitative "lex talionis;" later the theological stage—opposition between church and State, and idea of divine intervention to reveal the guilt of evil doers; next the metaphysical view, which regarded the criminal as a perverse free moral agent, and punishment as an expiation to vindicate the moral law; and finally, the scientific point of view, which deemed the crime to be not against God or the King, but against society. The criminal was not possessed of evil spirits, or a perverse free will; he was not a monster, but was a defective. Punishment was to be inflicted in order to cure him rather than to crush him.

Register
28 JUN 1924

Misses Charlotte Grivell and Ariel Shearer leave for London on July 18 by the Berrima.

THE WAITE INSTITUTE.

Another Professor Appointed

Chair of Agricultural Chemistry.

At a special meeting of the University Council held last week it was decided to establish two professorships on the foundation of the Waite Research Institute, with one of which the directorship of the institute is also to be held. The office of Director and Professor of Agriculture was offered to Dr. A. E. V. Richardson, M.A., and accepted by him. The other professorship is in agricultural chemistry, and it was decided to offer the appointment to Mr. J. A. Prescott, M.Sc.

Mr. Prescott, who has now accepted the appointment, is a Master of Science of the University of Manchester, with first-class honours in chemistry. He continued his studies there as private research assistant to Professor W. H. Perkin, and has devoted himself since then to the study of the application of chemistry to agriculture. After a period at Leipzig he proceeded to the Rothamsted Research Institute, where he remained from 1912 to 1916, when he was appointed superintendent and head of the chemical department of the great Bahim Experimental Station in Egypt. His work there was recently seen by Sir John Russell, who has just made an official report on the cotton and other cultivation in Egypt. A few months ago, when the Vice-Chancellor and Sir George Brookman visited Rothamsted, Sir John Russell strongly recommended the appointment of Mr. Prescott to the Waite Institute. He has published many papers since 1914 on chemical problems relating to agriculture. He is 34 years of age.

Advertiser 28 JUN 1924

THE WAITE INSTITUTE.

SECOND PROFESSORSHIP FILLED.

Mr. J. A. Prescott, M.Sc., a graduate of Manchester University, has been appointed to the second professorship, that of Agricultural Chemistry, of the Waite Research Institute.

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Professor Prescott's new duties will entail chemical research work, such as analysis of soils, manures, and crops.

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