

CHAPTER XIV

THE CITY'S WRECKAGE

ONLY in rare instances do men purposely adopt a life of crime. Occasionally a case is recorded of one whose instincts have led him into conflict with society. But these instances are abnormal. We have recognized this fact in theory and no longer justify criminal administration on the ground of punishment. The *lex talionis* has happily passed away as our justification of the penal code. But while the growing humanity of mankind has relieved the theory of the law, the methods remain but little changed. Not only do the hideous prison garb, the shaved head, and the lock-step still persist, along with solitary confinement and the bad environment of the penitentiary, but the traditional feeling of the official and the public towards those who have offended the law remains that of an earlier age.

Penal science has made great progress in recent years; but, prison administration remains almost content with the abolition of torture and physical pain. The system still destroys self-respect, enfeebles the mind, and wrecks the body. So far as protection is concerned, we have made but little

progress, even though the harsher punishments have been banished and the reform school has come in.

Nor have we officially recognized that the cause of vice and crime is largely industrial or accidental. Every large city is filled with men and women who have left the country in search of work. Hard times have driven them to the streets empty-handed, longing for work, a kind word, or a sympathetic touch which is nowhere to be found. With the loss of employment goes loss of self-respect; and with vanishing self-respect goes ability to withstand temptation. Soon companionship is gone, for the standards in life's game are the same in the mill as in the club, in the saloon as in the church. Industrial necessity soon brings the order to move on. It may come from the landlord or the policeman. From this the shift is easy to trampdom or involuntary vagrancy. Here the cycle begins.

In the eyes of the law, a man without a job is a vagrant or a suspicious person. We arrest for poverty, call it vagrancy, and punish for inability to pay the fine. This is imprisonment for debt, which leaves its brand on the heart as on the reputation, for no one will employ a convict or associate with him. And no one will take the trouble to investigate the cause of arrest, when hundreds are ready at hand free from this scar.

When the term of imprisonment expires, again the streets, again the round from shop to shop, again the lodging house, the saloon, and the chance acquaintance, but this time without credentials or friends. The man is known to the police. Too soon the charge of vagrancy is again made or some petty misdemeanor is committed. Then the cumulative sentence is imposed on an old offender. A second conviction extinguishes the last sparks of self-respect. The final stand has been made. Then some more serious offence, with the penitentiary, follows. In time, its doors close upon the man forever. One needs but to read *The Confessions of a Thief*, or spend a day in a workhouse or a penitentiary, to be convinced that the chance of an orderly life is closed to him on whom the long arm of punishment has once affixed its hold.

With the juvenile offender the cycle is the same, only our inhumanity is here even more apparent. Observe the life of the child in the crowded city districts. The home is a one-, two-, at most a three-room tenement, where all the functions of life are performed. Stifing in winter as well as in summer, crowded with both sexes and often with lodgers as well, the home becomes a thing to be escaped from. The street is the playground, the saloon the objective point, the variety show and dance hall the goal of desire. Neglected by parents, whom necessity sends forth to labor at dawn

and recalls weary to rest at nightfall, the energy of the boy finds its outlet where it may. The street gang appears to meet this need. It is the only social organization at a time when society is most desired. Some petty offence is carelessly committed. Possibly it is a fight or an insult to an officer, possibly one of the hundred things that boys have ever done. Then comes the police court, a night or two in the "bull pen" with those more hardened than himself. This experience wins a sort of distinction with the gang. A repetition of the offence follows, and the ill will of the police attaches to the boy. Then comes the reformatory and the workhouse. The weary cycle to the penitentiary has begun. Up to very recently the city offered nothing as an alternative to this condition. Even the grass in the parks was sacred from contact with humankind. The churches do not seek the poor, even could they reach them. And here, as with the adult, the explanation is at bottom industrial, for the juvenile offenders are rarely such through instinct or choice. Their offence is one of neglect by the family and by the city as well.

If civilization is indifferent to the boy and the man, it is cruel to the girl and the woman. To them industry is largely closed. In those avenues of employment which are open, wages are low, while in the department store, shops, and factories, it is

often adjusted to a basis that will not sustain life. Our industrial system does not treat the woman wage-earner as self-supporting. And in thousands of instances she is not. Her wage is but supplementary to that of the male member of the family. From a report of the Ohio Bureau of Labor Statistics it appears that the average wages of women workers in the cities of Cleveland, Columbus, and Cincinnati were but \$4.83 a week. Their average expenses were \$5.24.¹ And if perchance they are dependent upon themselves, as millions of women are, there is no other alternative, and to many women the only alternative, even though it be coupled with a loss which they can never regain. When this alternative is chosen, society rigorously enforces the penalty.

But how ungenerous is our philosophy. The political and social code of our cities insists that the social evil is as old as the world and an incident of organized civilization. And no serious attempt is made to eradicate it. If this be our attitude, then how does the unfortunate woman differ from the soldier who goes to the front? Her we pursue, publicly arraign in her shame, punish with a fine or a workhouse sentence, and in so doing render escape from shame impossible. For she can only pay the fine and regain her liberty by falling still lower.

¹ Annual Report for 1901, p. 503.

Not only do we do these things, but we periodically levy tribute upon the social evil and from the proceeds of woman's misfortune we replenish the city treasury and carry on the functions of government. Further than this, the fees of policemen, clerks, and other officials are supplemented from such raids. In this way we incite to the offence we condemn, for a fine can only be paid from further resort to the offence which we punish. Moreover, fees to officials are an incentive to vigilance, a premium upon police activity. Nothing in our criminal procedure is more barbarous than the raiding of unfortunate women and their punishment by periodic fines as a means of revenue. It is a shame upon a city to derive one dollar of income in this way. It is the worst of bad politics to place in the hands of a police officer the power of levying blackmail or to tempt the official with court fees to increase his income by the vigor of his administration.

In these respects our criminal law is a survival. It exposes the unfortunate, the child, the aged, and the helpless as did the Spartans of old. Science has contributed of her genius, and public and private philanthropy has given without stint to the relief of the sick, the maimed, the halt, and the blind. But our attitude towards the mental and moral wreckage of the community is in a state of arrested development. Christian charity,

seems to have stopped short of these classes in its humanizing progress. Our attitude towards those who have offended against conventional morality is out of harmony with the teachings of twentieth-century Christianity.

While our police and criminal expenditure is constantly growing, in offering help, work, in relieving the severity of industrial life we have spent scarcely a cent. Modern reformatories are to be found in many Northern cities. And their record is of a splendid sort. Here and there, as in Chicago, Boston, Washington, and Syracuse, the municipal lodging house has superseded the private warren that housed the vagrant class. But the kindly hand of Christian humanity has only lately been extended to the boy and the girl, it has not yet reached to the tramp, the occasional offender, the vagabond, or the prostitute. Organized society has ignored whatever interests they have, except to punish their misfortunes. In our apotheosis of success, we have added to failure the heavy hand of public punishment. So impatient are we of this wreckage, this by-product of society, that is neglected as not worth saving. In this process we do not even discriminate. The same cell that houses the vagrant and the common drunk, the child of tender years and the prostitute, is the home of the hardened criminal as well.

We canonize success and penalize failure. The unsuccessful, the vagrant, those who do not catch on, have to pay a heavy penalty for their failure. While philanthropy has trained its highest talent to alleviate the suffering and extend the lives of those who are physically unfit; while laboratories have been established and hospitals founded; while science has exhausted itself, and private and public agencies coöperate to provide for the physically weak and unfortunate; while our cities maintain health departments and similar institutions to check disease at its source, to prevent its spread, and to reduce the death rate a fraction of a per cent. a thousand; while charity organizations, humane societies, and hospitals abound, and millions are annually expended to save the physically unfit, and to alleviate their sufferings—humanity stops here. An examination of the municipal budget finds scarce a dollar expended to protect and provide against the beginning of vice and crime. We make no effort to save self-respect before it is irretrievably lost.

An expenditure of one-half the money and energy on the care and reclamation of the youth, the vagrant, and the poor, that is now expended on the detection and punishment of crime, would materially reduce the evil of the coming generation as well as lessen the fiscal burden of the community.

The City of New York expends eleven millions

annually on its police department, sixteen millions on its schools, and two millions on its parks, libraries, and art museums.¹ For the conscious anticipation of crime, for the prevention of misdemeanors by way of proper measures, the expenditure is comparatively insignificant. Excepting the parks, playgrounds, and recreation piers, little is done by the great metropolis that spends three and one-half dollars per head to protect its people and punish its unfortunates, to render such punishments unnecessary. And yet in 1900 more than 80,000 of the 133,000 arrests in the City of New York were for drunkenness, disturbing the peace, and vagrancy (drag-net charges for all offences which the police cannot otherwise define). Three-fifths of all the offences for which arrests were made involved no moral turpitude, no wilful injury to others. Yet the criminal law casts all these offenders into the same category, and in so doing stimulates the conditions we seek to prevent. In the same year the arrests for homicide, housebreaking, and larceny, which include the great majority of the criminal offences, were but 12,363, or about eleven per cent of the total.

Were the health department of a great city confronted with a sick list involving one person out of every twenty-seven (which are the statistics

¹ Bulletin of Bureau of Labor, Washington. Statistics of Municipal Revenue and Expenditure for 1900 and 1901.

of arrest in New York), and were the public authorities convinced that a large part of this disease was traceable to impure water, to bad sanitation, to dirty streets, the energy of the city would be forthwith directed to locate the cause. Yet such an analogy is true of the offences in a great city. For out of the 80,000 arrests for petty misdemeanors to-day a preponderating portion of those subsequently arrested for felonious offences will come. Vagrancy, drunkenness, or some petty offence is the usual apprenticeship to a graver crime.

Despite the theories of modern penology, our methods involve the infliction of punishment rather than the improvement of the offender. The spirit of our administration encourages the crime we seek to remove. We have not gotten very far away from the Elizabethan poor laws. The man who has been picked up for some minor offence returns to society not a suspect but a convicted criminal. The police gather the boy off the street whose offence is some infraction of good morals or a petty misdemeanor. He comes back from contact with the law with a heightened knowledge of evil and a glamour among his fellows born of experience with the world.

The man so taken from his family is forced to leave them to their own devices. Hunger, want, and eviction may follow. They are likely to be-

come wards of the city, to receive outdoor relief, or to pass on to the almshouse. For some such offence as intoxication, the state punishes the man, while the wife suffers in poverty along with her abandoned children.

This cycle from loss of work to a life of crime is easily calculable. The criminal courts are kept busy by the police courts, while the penitentiaries are recruited from the workhouses. The jails and police stations are filled with those arrested as suspicious characters; disorderly men and women and the ignorant and foreign poor. The code is the same for vagrancy and petty larceny; for violation of the Sunday laws and assault and battery; for prostitution and a criminal offence. In the eyes of the law, poverty, misfortune, vice, and crime are of the same family. It is a misdemeanor to be found destitute upon the streets, a misdemeanor which in many instances is but one of the consequences of the shifting of industry, hard times, and irregular employment. Those arrested for such offences are punished by fine or imprisonment. Their poverty is not only an offence, it involves imprisonment for debt. It is a misdemeanor to be an unfortunate woman, even while the public authorities assure the community that the social evil is as old as civilization, and cannot be eradicated by an enforcement of the law.

These problems cannot be adequately treated

until we amend our point of view and learn that this wreckage is one of the prices of our present industrial system. The uncertainty of employment, the introduction of machinery, the flood of immigration, the underpaid factory and shop girl, all these create a by-product, a social cull. To say that men and women voluntarily choose a life of shame in preference to a life of self-respect is contrary to the experience of all. I am not speaking now of the congenital or hereditary criminal, but of those whose offences are of the minor kind, those whom society indiscriminately casts with the criminal, because they are unsuccessful in maintaining the current standard of life and morals. There is no more cruel offence by the individual than that committed by society against the weak. There is no torture of the mediæval code more pagan than the unnecessary destruction of self-respect by our jail and penal institutions or the brand that is placed on the forehead of the juvenile offender.

Our civilization is based on a solidarity of interests. We justify the extinction of the small producer by the trust as a social sacrifice. We call upon the workman, who sees the trade he has spent a lifetime in mastering, rendered worthless by the introduction of a new machine, to accept the sacrifice because of the industrial efficiency which follows. But we refuse to bear the burden

of society's gain. On the contrary, we punish him who has made the sacrifice with a felon's cell.

Men and women suffer most in mind. It is not the chain which hurts; it is the loss of place in society. The punishment does not deter; it may in time attract. The prison may cease to be a place of horror. It becomes the only place to return to. In this way punishment often incites to crime. In any event it destroys self-respect and leaves man without an anchorage. The prisoner carries through life the consciousness that he is not a member of society. He has become a criminal. If he fails to secure work he attributes it to this cause. If he does not succeed he sees the cause of failure in his shame. The world has its hand against him; the only place where he has not lost caste, where he enjoys respect, or at least is free from satire, is among the men and women he has left behind him. Many a man seeks refuge in the workhouse for comfort, for society, to regain the respect of the lowliest of his fellow beings.