

*Individualization of Punishment.*

It is incontestable that in most of our states the laws regulating punishment for crime, by imprisonment in jails or prisons, follow substantially the same lines as the Codes of a hundred years ago; terms of imprisonment have been changed perhaps, and courts have been given greater latitude as to the length of the sentence; in some states reformatories have been provided for first offenders and indeterminate sentences authorized; all these things are commendable, but they do not reach the real fundamental difficulty, and that difficulty is that our laws provide substantially the same punishment for every criminal who has performed the same forbidden act, whether he be young or old, a first offender or a hardened criminal, and they neither contemplate nor provide any efficient method by which the trial judge can learn the history of the offender, his heredity, or his environment, or the hidden causes which led up to the offence, and which would illumine its true character. This cast-iron, unbending method of treating crime was excusable, perhaps unavoidable, a century ago, but not now. Since that time man has come to study his fellowman, and has learned that responsibility for a given act is not accurately to be determined by considering that act alone. We continue, however, to measure the quality of the act by the same rule as before, when we know full well that we can make no just estimate unless we know something of the history of the person, his birth, his surroundings, his education, and his heredity.

If, as we loudly proclaim, the great object of punishment is not vengeance, but reform of the criminal, our present mode of treatment of the convicted man is very much as if a physician should prescribe an unvarying dose of an unvarying medicine for the cure of every patient whose temperature reaches 102 degrees, regardless of the history of the case and of all other symptoms, and pay no more attention to the case. The physician who should in this day and age attempt to treat bodily disease by such methods would not be tolerated for a moment, but the laws which provide for the treatment of moral disease by the same methods