

great energy, that the end of all punishment is, not primarily the protection of society, nor yet the reformation of the criminal, but simply to satisfy the ends of justice. I can not, for one moment, hold that view, and contend that *Lex Talionis*, or law of retaliation, cannot be a fit or adequate rule for punishment. It seems to me, that in dealing with the criminal, three great ends should ever be kept in view by the State

- (1.) The protection of society from the individual criminal.
- (2.) The deterring of others from following his example.
- (3.) The reformation of the criminal himself.

The divorcing of any of these elements from the triad is sure to end in the State either wronging the criminal, or society in general. At one time in the history of jurisprudence, the main idea that took possession of the judicial mind was the deterrence of others, with the result, that men were put in the pillory, publicly lashed, tortured in the public gaze, hanged, drawn, quartered, the head placed on a pole in one place, and the limbs of the criminal hung up to bleach on the towers of the different cities. This was not only inhuman and brutal to the criminal, but it was the greatest imaginable injury to society; inasmuch as it tended to make men blood-thirsty and barbarous, and propagated the very crimes it was intended to suppress. At another stage, the idea of RIDDING SOCIETY ALTOGETHER OF THE CRIMINAL, became the predominant note in national courts of justice. Men for the smallest offences were shipped to Botany Bay, Tasmania, New Zealand, and there in those living hells, were corrupted, ruined, and often murdered. So strongly had this idea of completely ridding society of this "civic rubbish," taken hold of the public mind, that at the beginning of the last century, there were over 100 crimes punishable by death. All these penalties were imposed with the mistaken idea, that by such means society could be completely rid of the criminal. Neither of these systems, either in their isolation, or yet in conjunction, will serve the end of a righteous punishment, inasmuch as neither of them takes cognizance of the reformation of the individual, who is a moral agent, responsible not only to men but to God. Now in the United States the pendulum has swung to the other