

PAPER FOR THE MINISTERIAL ASSOCIATION,
MONTREAL.

THE DUTY OF THE STATE TO THE CRIMINAL.

READ MARCH 11TH, 1901.

Our subject to-day is a very sad one. It brings before us the very unwelcome thought that numbers of our fellow beings are so closely allied to the ordinary dangerous animal, as to make it necessary to shut them up, and otherwise punish them in order to keep them from injuring their fellows. However the facts are even so, and when such is the case, there is no use in shutting our eyes to the danger, and imagining that it does not exist. The sane reasonable thing for us to do is to look the facts clearly in the face, and discover, if possible, the best means and methods of dealing with this class of people that we call criminal. The first question that we must ask ourselves is, what is a criminal? The answer given by Pollock, the great writer on jurisprudence, is as follows: "A criminal is a person committing an act in violation of a public law, either forbidding or commanding it." Now granted that we have individuals who thus break the law of the land, the enquiry that we must seek to answer is, what should the State do with such persons? Something must be done with them. They cannot be allowed to go unpunished, and with impunity set the laws of the land at defiance, and like vultures prey upon society at large. How shall we punish them? How should we as a Christian State treat such characters? These are the questions that confront us at the beginning of the discussion. They are more easily asked than answered. If they are to be replied to satisfactorily, we must in the first place consider, what are the aims and ends of punishment. There are some who imagine that punishment should be largely expiatory. The day was when punishment of the individual by the State was looked upon as a sort of act of vengeance. I read an article the other day in which the writer argues with