

Sir James Stephen, in his "History of the Criminal Law of England," while holding that the only perfectly definite meaning which a lawyer can attach to the word, is that of "an act or omission punishable by law," admits that "criminal law must, from the nature of the case, be far narrower than morality" "It never entered into the head of any legislator," he says, "to enact, or any court to hold, that a man could be indicted or punished for ingratitude, for hard-heartedness, for the absence of natural affection, for habitual idleness, for avarice, for sensuality, pride, or, in a word, for any vice as such." And yet a moment's reflection should be enough to convince any right-minded person that the element of deep criminality may be discerned in all of these. Scarcely one of the crimes which are punishable by law has not its root in one or other of these vices.

It is, however, only when a man's vices intrude themselves upon others that human law has a right to take notice of them and punish them as crimes. "If a man makes his vices public," says Blackstone, "though they be such as seem to principally affect himself (as drunkenness and the like), they then become, by the bad example that they set, of pernicious effect to society." The distinction, therefore, between vice and crime is not essential, but merely accidental. The different light in which they are viewed by the law arises from their relation, respectively, to society.

Crime, then, is an offence against society. It may be either positive or negative, but, in either case, it is a violation of the social pact, an infraction of the bond which holds society together. It is, in fact, a blow struck at the very root or foundation of society. So far as the criminal is concerned, it involves a return to savagery. The very purpose for which society exists is mutual protection and helpfulness; but crime, in its essential, underlying principle, is not only the direct opposi-

tion of protection and helpfulness, but it involves the sum of all those evils from which society seeks to protect itself. The criminal, by the mere fact of his lawlessness, not only puts himself outside of society, but takes up an attitude of hostility to it. This is true especially of the professional criminal, who prefers to live in the habitual disregard of law, to the enjoyment of the rights, privileges, and immunities of civilized life.

Crime and sin are not synonymous terms; the former meaning the violation of human law, the latter the violation of the law of God. All crimes, properly so called, are sins; but all sins are not necessarily crimes. A wrong action in its relation to the Supreme Ruler, and the divine harmonies of the universe, is sin, but in its relation to civil government, and the order and well-being of society, it may be a crime. Crimes, then, are that class of sins which, on account of the injury which they inflict either upon the individual or the community, are properly taken notice of and punished by human government. But the sin which, by reason of its private and spiritual character, is not a proper subject for human legislation, or for the investigation of human courts, may be no less heinous when viewed in the purer light of a divine morality. Radically and essentially, then, sin and crime are the same. Lawlessness is the evil principle, of which they are both the manifestation. "*Every one that doeth sin, doeth also lawlessness; and sin is lawlessness.*" (1 John iii., R. V.)

Now, this is the scriptural definition of sin; but it will only require a little reflection to convince any one of intelligence that it is equally accurate as a definition of crime. The root principle of both the one and the other—the disposition to escape control, to repudiate authority, to have one's own way, to do as he likes—is that which not only brings disorder into human society, but disturbs the