

outside of that old-fashioned rule, superadded? Or why is one act of violence punished by two or three whippings? The Mosaic Law does not provide either for the combination of whipping with imprisonment or for repeated whippings, inflicted for the same offence. And if whipping is so effectual a punishment, why should more than one whipping be required in any case? Then there is a general objection to almost every kind of corporal punishment, viz.: that it tends to brutalize the people, especially when the sentence is carried out in public. That a public whipping is a brutal exhibition and calculated to do harm to the spectators (especially to the young) will, I think, be conceded in case the victim is innocent; but how is the case really altered on the assumption of his guilt? The spectacle is the same in both instances, and it has a demoralizing effect similar to that of a bull-fight or a dog-fight. Public hangings and public floggings have been abolished long ago in England. But has this abolition got rid of the evil? Graphic descriptions, with illustrations, appear in low-class newspapers, which figure largely in the windows of print-shops and can be purchased for a penny or two-pence; and I may add that while such public exhibitions are demoralizing, privacy often deprives the punishment of much of its deterrent effect. Those who constantly inflict the punishment are most likely to be injuriously affected by it; but they are often policemen or warders who ought to discharge (and are expected to discharge) their other duties with as much humanity as is consistent with firmness. A brutal policeman or a brutal warder is even more undesirable than a brutal judge. Whatever the prisoner's demerits may be, the constant dealing out of brutal punishments will harden and coarsen the minds of all who are engaged in it.

There is, moreover, a practical objection of another kind. Some judges, if allowed discretion, would use the lash on every possible occasion, while others would never employ it unless compelled to do so. A punishment which is unequal in its nature is thus rendered more unequal in its administration by the divergent views of different judges in relation to it. If made compulsory, a similar question would arise as to the number of strokes, some adopting the maximum and others the minimum number for the same offence. It is true that in every case in which the sentence is left largely in the discretion of the judge, a diversity of practice will spring up, unless corrected by an appellate tribunal, because some judges will always be severe and others lenient. But there is a difference between a lenient judge and a judge who objects on principle to the employment of a particular punishment. The men who escape whipping under one judge may be much worse than those who undergo it under another judge. Hanging may be made a compulsory sentence, because it admits of no degrees,