

CRIMES OF VIOLENCE.

ness, voracity, and violence became objects of contempt and emblems of degradation, not of gentility; and for at least forty years persons of leisure have found out that the first characteristic of a gentleman is to behave as such. Upon what conceivable principle are we to believe that this refinement is to stop exactly at the point to which it has now been brought? It has descended far below the small tradesmen; and there is only a residuum left, on which the heaven has yet to work. Why need we despair? Some people exclaim: Look at all this violence—in the face of the Education Act, too! Anachronism has its charms; and these people seem to fancy that Mr. Forster's statute somehow or other relates back to the boyhood of those who grew up in ignorance, and had no school but that of evil example.

In this state of things, what is it that justices, journalists, and even politicians propose? The lash. Abnormal severity of punishment by way of repressing some unpleasant symptom in the body politic, has been the resort of weak men in all ages of history. The old Statute Book of England, the bloodiest code of nations, bristled with penalties of the most dreadful kind. In days gone by people have been branded, pressed, boiled, burned, pilloried, ducked, flogged at the cart's tail, docked of their ears, and otherwise maimed, for a variety of crimes of various magnitude. Until the time of Sir Samuel Romilly, "hanging" was the ordinary specific for robbery. If severity of punishment alone could have checked crime, surely our ancestors were sufficiently ingenious in the discovery of torments. Their failure was as signal as their ignorance and their brutality. It is said that flogging has stopped garrotte robberies, and the advocates of the lash for violence shout this out as if all the world was deaf. Now, in a robbery with violence there are two elements combined—an offence against property, and an offence against person. Offences against property have decreased, and are decreasing. Consequently, a crime, embracing an offence against property, ought by the same law to undergo diminution. Garrotte robberies have not utterly ceased, any more than larcenies. They have simply become fewer.

The grand objection, however, to flogging is, that, like all brutal punishments, it tends to brutalize the community at large. It is true that the public are not allowed to be present at the floggings in Newgate, like the gentlemen of the last century, who used to make up parties of pleasure to see the wretched women who beat hemp in Bridewell, whipped. But if they cannot see these exhibitions with the natural eye, they can, through the photography of a newspaper report, see them with the eye of the imagination. To large numbers of the ignorant classes horrors have inexpressible charms; and if we may judge from the extraordinary prominence given to disasters by sea and land—to shipwrecks, railway accidents, explosions, fires, murders, and drownings—on the placards of the daily newspapers, and in the newspapers themselves, this morbid taste has quite sufficient hold on the community at large. The law of private executions was a step in the direction of removing dreadful spectacles from the public gaze, and is to be defended expressly on the ground that the contemplation of suffering is pernicious. No one has yet had the audacity to propose that we should have public floggings; but to inflict them in private, and give a minute and detailed account of them in public, is an evil only less in degree, but precisely the same in kind. The boundless circulation of the Press makes every reader in effect a spectator of these scenes.

Many persons, whose best feelings altogether revolt from the infliction of abnormal and violent punishments, are reconciled to them by a course of reasoning which would hardly deserve notice, if it were not unfortunately too common. We mean the old argument, "Serve him right." Now it is certain that it is not the business of the law to reward men according to their deserts. That is the attribute of a higher Power. Like vengeance, it lies not within the jurisdiction of a mortal judge. But the argument is put plausibly thus: "Why should you be so squeamish about flogging a brute of a fellow who has kicked a man's eye out for sport?" So far as concerns the man himself, who is to be flogged, squeamishness is very likely misplaced. But the question is not one of feeling—of indignation on one side and