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SHOULD WE SPARE THE ROD?

BY W. L. SCOTT



HE work of the Children's Aid Societies in Canada is two-fold: (1) the care of neglected children, under the Children's Protection Acts, of which there is one in almost every Province; and (2) the treatment of delinquents under the Dominion Juvenile Delinquents Act and the various Provincial Juvenile Courts Acts.* It is of the work with delinquents that I propose to speak.

Quite apart from humanitarian and altruistic considerations, the methods to be pursued with respect to Juvenile delinquents are of great importance to the community; for the potential criminal if left to himself will become the hardened repeater of the police courts. Do we ever think of what a vast number of people there are in jail and what a great loss and an enormous expense their being there means to the State? The cost of catching,

prosecuting and supporting criminals is one of the largest items of public expenditure, to say nothing of the far greater loss involved in the withdrawal of these men from useful citizenship. We are inclined to look on crime as inevitable, but it is very largely, if not entirely, preventable. Criminals, unlike poets, are made, not born, and they are for the most part made in childhood. Criminal careers begin in childhood. The characters of adults are fixed by time and habits. Trained in honesty a man remains honest. Habituated to crime he is an unreformable criminal. Children are plastic, men are malleable. A child is a lump of putty, soft and easily moulded, and taking its character from its surroundings. Gradually its actions harden into habits and habits shape its destiny.

Despite the undeniably great influence which heredity exerts on the individual both mentally and physie-

*Juvenile Courts are established under the Juvenile Delinquents Act passed by the Dominion Parliament in 1908, though in most of the Provinces there are also provincial Juvenile Courts Acts supplementing the federal legislation. The Dominion Act is not, however, in force universally, but only where it has been put in force by proclamation following a demand for it in the locality and assurances that proper facilities have been or will be provided for the due carrying out of its provisions. Alberta and Saskatchewan are the only provinces in which it is universally in force. The portions of the other provinces in which it is in force are as follows: In British Columbia, the Cities of Vancouver, and Victoria; in Manitoba, the City of Winnipeg, the Dauphin Judicial District and the Eastern Judicial District; in Ontario, the Cities of Toronto, Ottawa, Stratford, Kitchener, Brantford, and Galt, the town of St. Mary's, the Counties of Perth, Waterloo and Brant and the Judicial District of Timiskaming; in Quebec, the City of Montreal; in Nova Scotia, the City of Halifax and the County of Fictou, and in Prince Edward Island, the City and Royalty of Charlottetown. The system should be more widely adopted, particularly in the Province of Ontario, where the Children's Aid Societies are so many and so active.

ally, it has no *direct* effect on his moral character. His morals are primarily the result of his environment. *Indirectly*, as we shall presently see, heredity is often a very important factor. Inherited mental and physical characteristics often determine the extent to which a person is affected by environmental influences, good or bad. But morals are not themselves inherited. A child comes into the world neither moral nor immoral but simply unmoral. Right living is something that must be acquired. The idea that babies are born as criminals, once popular, has been found to be false. It is as impossible that a child can be born a criminal as that it can be born with a knowledge of the Greek language. That a criminal could be recognized by certain physical characteristics or stigmata was at one time a common opinion. That is not true. These indications point, not to criminality, but to defective mentality. A person of abnormal mentality is not necessarily a criminal but he is much more likely to become one than a person of average intelligence, because in the first place he has not sufficient intelligence to apprehend that happiness depends upon well doing and, secondly, he has not sufficient power of self-control to enable him steadily to pursue an adopted course of action. Epilepsy is often accompanied by anti-social tendencies which frequently occasion the most revolting crimes. Low or abnormal mentality, feeble-mindedness and epilepsy are all hereditary and when these conditions are accompanied by crime the only effective remedy is usually permanent institutional care. These cases are the despair of the Juvenile Court, and while the percentage of them among first offenders is small, they account for a much larger proportion of the repeaters.

In the case of a certain number of children, delinquency is due to physical defect. Adenoid growth or eye

strain or earache robs a child of nervous force which is required for carrying on the ordinary functions of the body and an abnormal condition is brought about which results in extreme irritability, lack of self-control and consequent delinquency. We had a boy in Ottawa who could not be kept from stealing. He had a crooked neck due to a slight spinal curvature. We straightened his neck and he stopped the thieving. A straight neck kept him straight. He is now fairly launched on a useful and honest career.

Apart from these abnormal cases, which do not together account for more than from five to ten per cent. of first offenders, the child delinquents are ordinary normal children and their unfortunate moral condition is attributable to environment. They are just what your children or my children would be if similarly situated. And it is from these as well as from the abnormal that our criminal population is being constantly recruited. What, then, are we doing to stop this criminal stream at its source? What are we doing to save these children? Until a bare quarter of a century ago we were treating such children in the same way as adult criminals. The law prescribed punishment; punishment was not a remedy; and from generation to generation the making of criminals rather than the prevention of crime was the result. The last twenty years, however, witnessed a most remarkable change. The evolution and gradual spread of the Juvenile Court and the Probation System for Children have proved the validity of their underlying idea.

The Juvenile Court is far more than a separate court for children. It has a spirit and a view-point and methods the very opposite of those of the Criminal Court. The chief characteristics of the Court are, first, its realization of the great value of the child both for its own sake and for

the sake of the State; second, its recognition of the fact that delinquency is due to environment, and third, its abandonment of the idea of retributive justice. The Juvenile Court inflicts no punishment on children. A child may be committed to the Industrial School, but he is committed not for punishment but for training. The Criminal Court asks: "What has this child done and how is he to be punished?" The Juvenile Court asks: "What is the condition of this child; in what respect does he need help; and how best can he be helped?" I have sometimes heard persons unfamiliar with the spirit of the Juvenile Court suggest that the Court ought to resort to corporal punishment. I have always answered in the words of Ellen Key, the Swedish Socialist: "When people use their hands to train children, it is because their heads are not equal to the task".

In the Juvenile Court the offence committed is looked on merely as a circumstance, to be taken with other circumstances, as throwing light on the condition of the child. This is well illustrated by a story told of Judge Lindsey of Denver. A gang of boys had stolen a number of bicycles and the Judge and the Chief of Police were having an argument as to what disposition should be made of the case. Finally the Judge said, "Chief, the difference between us is that you are thinking of seven valuable bicycles, while I am thinking of seven invaluable future citizens". Briefly, the fundamental idea of the court is paternalism, the assumption by the court of the position of parent to the child.

When a child enters the Juvenile Court, it is never due, as some might think, just to pure cussedness. There is always a reason. And the first care of the court is to endeavour to find out the cause of the trouble. Once this is ascertained the next step is to apply the appropriate remedy. It is just as in the case of a medical prac-

titioner. The two essential elements of success are, first, a correct diagnosis and second the application of an appropriate remedy.

A correct diagnosis is extremely important. But it is often a matter of very great difficulty. When practicable, the first step should in every case be an examination for mental and physical defects, which are often of such a nature that the unprofessional observer would fail to detect them.

Then the home and the environment should be carefully studied. Most important of all, the child should be approached as a friend, and every effort made to know him and to get at his point of view. The point of view of a child is frequently very difficult for an adult to discover or appreciate. Some times a very little inquiry places the offence in a new light. Sometimes of course mistakes are made. One evening during a vacation which I spent in a Maritime Province town, just after the shops had closed their doors for the night, a boy about nine or ten years old picked up a stone from the street and deliberately smashed a plate glass window. The boy was locked up as a dangerous criminal. Investigation, however, revealed that the child's mother and father were respectable people and that for the offence there was a very simple explanation. About shop-closing time the mother had discovered that she wanted something very urgently and she sent the boy off in a great hurry to get it, and in order to emphasize the necessity for haste on his part she said, "If the shop is closed you will have to break in through the window, because I simply must have the article to-night". The boy took her literally and the broken window was the result.

Of course, I don't mean to say that all juvenile delinquents are as innocent of evil intention as this young window breaker. But in every case it is necessary to understand the child, as well as to study the environ-

ment, in order to get at the cause of the delinquency. This may be found to be a bad home, or a neglectful or indifferent home; the parents may be found to be over indulgent or over severe; or it may be the "movies" or bad companions or bad literature; or it may be a combination of these and other things. But whatever the cause, unless we can arrive at a correct diagnosis, we cannot expect or even hope to succeed.

Even an apparently good home may not be a good home in its relation to the child in question. An American probation officer, some time ago, gave a classification of homes which though not apparently bad in the ordinary sense, were not good homes for the children concerned. It was as follows:

1. The Puritanical, I'd-rather-see-my-boy-dead-than-with-a-card-in-his-hand family, that drives even a good child, who is human, to desperation and calls intolerance religion.

2. The unduly trustful kind that "knows there is nothing the matter with their child" and refuses to acknowledge the facts.

3. The callous, *laissez faire* family, that just leaves the door open at night for their boy to come in as he pleases and seems to think that it can wash its hands of all responsibility.

4. The unduly grown up family which has forgotten it was ever young and considers a boy when he improvises a sleeping tent of quilts in the back yard and digs for buried treasure under the hen house as a subject for either the insane asylum or the lock-up; and which regards the trivial immoralities of children as evidence of a dark, degenerate viciousness.

5. The fond and foolish family that "babies" a boy until he flies to the opposite extreme and plays the "dead game sport" at every chance in, as he thinks, the necessary assertion to his fellows of his virility.

6. The (not so rare) hysterical kind, always in an uproar, exaggerat-

ing every petty fault a child has and living in perpetual excitement that wrecks self-control.

7. Last, but certainly not least, the belligerent "hands-off-my-kid" family whose child is a terror to the neighbourhood because supported at home.

A most important thing to determine is, what are the child's moral standards? This is a branch of investigation that is most frequently overlooked. The attitude of the average official, even a Juvenile Court official, towards a delinquent boy is to assume that he knew perfectly well what was right and that he simply did not do what he knew he ought to do. But this is an assumption which is in many cases quite unwarranted. It is quite wrong to attribute the psychology of an adult official to the boy. No doubt in most cases the answers to formal questions would disclose a knowledge of conventional moral standards, but it by no means follows that his answers represent what the boy really thinks. We can never discover the true thoughts of a boy by asking him a few set questions. It is only by getting him to talk freely and without restraint, that one can learn the defects of his moral character, a thorough knowledge of which is a prerequisite to remedying those defects. To give one example, if a boy has the idea, gathered perhaps from the dime novel or the "movies" that burglary is manly and heroic, and that breaking into a shop is a thrilling adventure, obviously no progress can be made with him until that moral standard has been entirely changed.

Having ascertained the cause of the delinquency, equally important is the treatment prescribed and carried out. This may be commitment to an industrial school or other institution, but in the great majority of cases it will be release on probation, in charge of a probation officer. The probation officer, after careful study of the case, should decide on a definite plan of action for the elimination of the evil.

Whatever is bad in the environment should be got rid of. If the home is at fault it must be improved. If it cannot be improved the child should be removed from it to a foster home.

Above all, the probation officer should exert his influence upon the child himself. He should see the child frequently. At first it should be every day. His idea is not so much reformation as formation—to form the character of the child, still in the formative period. I have likened a child to putty gradually hardening and taking the marks of the pressure applied to it. It is the work of the probation officer, by gentle, continued effort, to efface the mark impressed by evil surroundings and to replace them with lines of virtue and honesty and truth. It must always be remembered that probation is not mere supervision or watch-care. It is much more than that. It is constructive work. It means character building and home improving.

In dealing with a delinquent child it is obvious that you must use either moral force or physical force. But physical force, brutality, the lash, the lock, are now thoroughly discredited. Even in insane asylums treatment is moving farther and farther away from that. Success undoubtedly depends on our ability to apply moral force successfully. We must learn how to produce moral characters by establishing right ideals and by generating the capacity for self-control. We must learn to impress upon the child the necessity and the advantage of right conduct.

Moral treatment means the implantation of ideas, and there are two ideas to the implanting of which a special effort must be made. One of these is, that no matter who else may be to blame, the boy himself is primarily at fault for doing what he knew to be wrong. No doubt his delinquency is to a great extent the result of his environment; but he must be made to realize that no combination of cir-

cumstances can constitute a valid excuse for wrong-doing. The other idea is that the future rests with himself; that he has free will and can do whatever he decides to do, if he will but make the effort.

We are apt, while studying the causes and influences which have brought about delinquency, to minimize unduly the element of personal responsibility. But however true it is that the delinquent has been largely the victim of circumstances, the product of his surroundings, those considerations are not for him, but solely for the investigator. With the delinquent himself the element of personal responsibility for the past as well as for the future cannot be too strongly insisted upon.

He must be taught to say, even though in less poetic or symbolic language:

"It matters not how straight the gate,
How charged with punishment the
scroll,
I am master of my fate:
I am captain of my soul."

The most powerful weapon of the probation officer is suggestion. Suggestion, as has been recently pointed out by a popular writer, is one of the most potent of all influences determining human behaviour. This is true even of adults and how much more powerful is its influence in the case of children. Suggestion is the explanation of successful advertising, it is the secret of the power of a good salesman. It has even much to do with the influence of a religious leader.

It is surprising how frequently those who have the care of children not only fail to make use of suggestion to accomplish what they aim at, but even employ it to their own detriment. For instance, a parent will keep telling a child that he is naughty, or a bad boy, a liar or a thief. Now what is the effect of this? It is to induce the boy to believe that he is what he

is said to be. And all unconsciously he will conform readily to his asserted character.

The same writer points out that there are certain rules governing suggestion. First, its effectiveness depends on the confidence inspired by the suggester in those whom he desires to influence. Hence the importance of the probation officer's winning the confidence and respect of his charge.

Second, the assumption towards the person sought to be influenced of an antagonistic or coercive attitude will defeat the purpose aimed at. You will never make a child good by scolding and commanding. At times it is necessary to command, but commands have in them no suggestive value. They do not secure the involuntary automatic assent which is the prime aim of suggestion. Instead of exhorting a child to be good, he should be led indirectly by conversation and little stories into a goodness-desiring attitude. This should be done repeatedly, but always through new settings or with new stories, for a third rule of suggestion is that while repetition increases its force, the repetition should not be so continuous and unvaried as to become monotonous. For

monotony breeds indifference and even antagonism, and these in turn inhibit the influence of suggestion. The probation officer will do well to study suggestion carefully, for he will find no greater help.

I have said that his work is constructive. Unless the probation officer can feel that he has by his influence made a lasting change for the better in the character of the child and left the home and the environment in general better than he found them, he cannot claim to have succeeded even though the probationer does not return to the court under charge of a further offence. The probation officer should be sympathetic, tactful and resourceful, and should possess a large fund of optimism, balanced by good judgment accompanied by firmness. The work is by no means easy. Many cases bristle with difficulties. But a good probation officer will not be deterred. He will look on such a case as a test of his own ability and of his fitness for the position. He will recognize that failure is his own failure, just as success is a personal triumph for himself. For, after all, the test of a good probation officer is the number of his successes.

