

at least, of further anxiety growing out of the election itself. Under such circumstances, is the Presidential election worth its cost?

Natural as the question is, it ignores the fact that the enormous volume of our modern business has not been self-evolved and is not self-supporting. There are other elements in the national life which are more important than any mere increase of wealth — elements on which the increase of wealth itself depends; and among these the political education of the people holds a very high place. Passing for the moment the question of comparative cost, one can hardly deny the practical efficiency of the Presidential election as a method of political education for the people, and no election in our history has shown this characteristic more clearly than that of this year. The schoolmaster and the college professor are presumed to deal with an audience of a grade rather higher than usual; and yet they are still compelled to resort to examinations and other tests or coercive processes in order to secure interest from unwilling pupils. How much easier their work would become if their pupils should suddenly develop an interest in it so intense as to lead them to hold enthusiastic meetings and processions about it, or to argue, quarrel, and sometimes even fight about it, as the adherents of rival professors are said to have done in some of the universities of the Middle Ages. What other instrumentality could have taken the place of the Presidential election in compelling those most unwilling pupils, the voters of the United States, to study economic questions as they have done this year?

If, then, the superior efficiency of the Presidential election as a means of political education be granted, the vital importance of that result to our system wipes out at once the other question of comparative cost. It is not easy to rate too high the influence which our democratic system, with its high hope of social advancement for the individual or his children, has had upon that working power which has given us so large a part of our overflowing wealth. But an uneducated democracy is the fore-ordained prey of the coming plutocracy; the increase of wealth merely hastens the catastrophe. To reconcile the permanence of democracy with the increase of wealth, the political education of the people is an absolute necessity, and the question of cost disappears in proportion to the increase of the instrument's efficiency. When the instrument is the best of its kind, its cost is no more to be reckoned a dead loss than the individual's expenditure for the clothes, shelter, and food which are essential to his existence and continued activity. If the cost of Presidential elections could be saved for a few decades, the disappearance of democracy, work, and wealth together would show that the "saving" had been altogether illusory.

For such a Presidential election as that of 1888, with its fair and open struggle between two naturally opposed political principles, and its consequent influence as a political educator for the American democracy, there need be nothing but congratulations for the country, let its cost be what it may. There have been elections over which no such congratulations could be uttered — elections in which the cost was as great and the educational results nothing or next to nothing; but no such criticism can be aimed at the election of this year. There are very few voters in this

country who have not in November a far larger and more distinct knowledge of the economic principles which underlie their political beliefs than they had six months ago; and, whatever may be the party result of the election, this educational result is, after all, the fundamental reason for the existence of the Presidential election itself. And as we see this result continually coming into greater prominence, we may congratulate ourselves more heartily on the wisdom which gave us such an educational force, and on its new proof that democracy is not the rule of ignorance, but a system of self-education.

The Punishment of Crime.

ENGLISH and American criminal law, in spite of its generally consistent determination to secure the safety of the innocent, exhibits at least one marked eccentricity which is the seed of continual injustice, to say nothing of the warping effect which such an irregularity must inevitably exert upon any system, and upon the popular respect for it. Like every other science, law aims to have a homogeneous and well-rounded development of its own, and to give its general principles the same action and force in one part of the system as in another. The anomaly of our system is that its criminal branch is permitted to ignore altogether certain principles of nature and method which are considered vital to other branches, such as civil law.

The first object of the civil law is the maintenance of the rights of individuals. The fact that the smallest personal right is attacked, or even threatened, is enough to give jurisdiction to some engine of the law; and the law's work is not done effectually until the right, if it proves to be a veritable right, is established and secured. It is not enough that the attempting wrongdoer be stopped at the point which he has reached, be prevented from going further, or even be punished for the past: he and his property are held responsible for the undoing of any wrong that has been done, and for the reestablishment of the violated right in all its original vigor and security. All this is summed up in the convenient word "damages." Human imperfections very often prevent law from reaching the full consummation of its object; but any such result is always felt to be reason for the law itself to be discontented with its failure.

When we turn to criminal law, we seem to have fallen upon an entirely different atmosphere. Criminal offenses are primarily against the state; and yet, with the exception of such few general crimes as treason and rebellion, each of them involves some violation of an individual's rights. The murderer is hanged because he has violated the command of the state to refrain from committing murder; but the crime has wrongfully extinguished some individual's right to life, as well as the right of his wife, children, or other dependents to support. Yet our criminal law, except in a few minor offenses, makes no effort whatever to vindicate the violated personal rights, or to make "damages" to the victim a component part of the offender's sentence. It may happen that, during the trial or punishment of the thief, the forger, or the counterfeiter, the property obtained by his crime is discovered, and the real owner is permitted to resume the property rights of which he has never been legally

divested; but if no such discovery should be made, the law cares nothing, and is quite content with the punishment of the criminal, without thought or regret for the property rights which have disappeared under its eyes in the process. The boycotter, or the man who does malicious mischief in any form, may be punished; but his violations of personal rights remain undressed, unless a spasmodic public sympathy assumes the burden of righting them by general subscription. The one object of our criminal system seems to be the punishment of the wrong-doer; and it seems to consider the restoration or satisfaction of individual rights as a mere incident, which may or may not occur, without affecting the success of its legitimate work.

Under such a system, it is perhaps fortunate that the conventional and convenient blindness of Justice prevents her from seeing the full measure of the wrongs which her present theory passes complacently by from day to day. She draws her sword against the merchant or banker who, having been plundered by forger or burglar, ventures to compound the felony in order to get back part of his property; but she does not pretend to conceal from the victim her belief that the recovery of the property in any more legitimate fashion is really no particular affair of hers. The barns and out-buildings of an owner are fired again and again by a concealed enemy, until even insurance becomes impossible: the criminal may at last be caught, indicted, and imprisoned, but the injured man's lost property is not brought back to him by such a punishment of crime. The civil law will see to it that the railway company whose servants by carelessness kill or maim a passenger shall satisfy the lost rights of life or locomotion by a money payment to the injured person or his representatives; but, if the criminal law can catch and punish the ruffian who has killed the father of a family, it seems to care nothing for the children of the murdered man, who are starving or impoverished by the loss of their bread-winner. Criminal courts, which are meant to be "places wherein justice is judicially administered," do in such ways become very commonly, as the scoffers insist, "places where injustice is judicially administered."

Why should it be necessary that such an anomalous feature should mar the fair outlines of human law? Why should Justice ignore in criminal law that which is her controlling motive in civil law — the wrongs of the injured party? Is it not possible to make the very punishment of the criminal nearly as close an approximation to a satisfaction for the violated individual rights as is usually obtained by the civil law? It may be that such a change of the point of view would alter some points of the theory of law; but would not the change be for the better? Very many persons believe intensely and honestly that "the worst use you can put a man to is to hang him": would not the friends

and opponents of capital punishment unite much more readily on a life imprisonment at hard labor for murder, with restrictions on the pardoning power, if the proceeds of the hard labor were to go to the murdered person's representatives? For, after all, the essential injustice of capital punishment is not that it takes away the criminal's forfeited right to life, but that it does so in a way which extinguishes forever the source from which the murdered man's dependents had a moral right to look for recompense for the rights which had been taken from them. In such cases the law, blind, furious, and unreasoning, destroys the life of the guilty without stopping to consider that it thereby makes the injury to the innocent a hopeless, irremediable, permanent injury. Electricity may or may not be a good substitute for the rope: perhaps common sense and even-handed justice might find a better substitute for both.

It seems hardly necessary to supplement or reënforce the case of murder: if the point be well taken there, any number of criminal offenses will suggest themselves to the reader in which the proceeds of the criminal's hard labor could be fairly, justly, and well assigned by the sentencing court to the satisfaction of the personal rights which had been injured or destroyed by the crime. Thus the state would still fulfill its function of punishing crime, but would convert that function into a guardianship of the rights of the innocent and the helpless. In very many classes of crimes, the system itself would supply a convenient and accurate measure of punishment. How long shall the criminal serve? Until the gross proceeds of his labor shall make good the original injury to the individual or the state, with interest.

One may fairly believe, moreover, that such a system would strike at the root of many of the more demagogical objections to the principle of state-prison punishment by hard labor. Many of the labor organizations would almost forbid imprisoned criminals to work at all, since the products of their toil must be sold in market in competition with the work of honest men. The public would be much less impressed or assailed by such an argument if it could see that the criminals were in part working for the support of women and children whom they had wronged. And it ought not to be difficult to see reasons why a body of workmen, unwilling to submit to the annoyance of such a competition so long as its results were only to diminish the general mass of taxation, should submit to it without objection if its object were justice and its beneficiaries those who had been wronged. After all, injustice remains injustice, even though it have the hall-mark of law upon it; and so flagrant an injustice as is tolerated by our criminal law opens it to attack from unexpected quarters, which it might make secure by substituting justice for injustice.

