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Is Education a Deterrent of Crime?

By GEORGE W. WICKERSHAM
Chairman, Commission on Law Observance and Enforcement

DISTINCTIONS professional, national, and international cluster about our next speaker as naturally as bees about a flower, for he is full of the honey of wisdom. He is known throughout the world, and we cannot too fully express to him our gratitude for his willingness to speak to us today. I believe he consented to do so because of his profound conviction that education has an important part to play in solving the problems with which he has been so much concerned. At this table are three members of the Commission on Law Enforcement appointed by President Hoover—Dean Pound, President Comstock, Dr. Wickersham. The work of that Commission will stand forever as a great, dispassionate study of some of our most pressing national problems. Until the leaders of the nation hearken to its statement of facts and principles they will only fumble with our destinies. We are to have the privilege now of learning from the Chairman of that great body, our fellow citizen, the Honorable George W. Wickersham.

—HENRY W. HOLMES, Toastmaster.

I

In reflecting upon the general purposes of this conference, which I understand to be the consideration of the relation between education and crime, it has seemed to me that the influence of education in restraining criminal instincts would be one of the important matters to think of. I am quite aware of the difficulties in the way of making any useful contribution to this complex subject. The whole question of crime involves many disputed theories and arbitrary assumptions. When we think or speak of crime as a sociological problem, we are not usually considering merely those violations or neglects of statute law which are attended with penal consequences. Subconsciously, at least, we are thinking of breaches of those moral laws which have been so long recognized by civilized peoples that they have become an integral part of their customary life, regulating their way of living and constituting the mores of the time; that is, the manner of acting, determined, not by statutory mandate, but by one's own free will, and reflecting the generally accepted standard of right conduct in the community: the doing or the not doing of those things which are demanded or condemned by the people whose opinions one values. Was it not something like this that Mr. Justice Holmes had in mind when he said in one of his few public addresses, "The law of fashion is a law of life"?

There can be no doubt that the habit of right living is the best assurance of keeping away from the grip of the criminal law. Lord Bacon expressed this idea when he said:

Custom is the principal magistrate of a man's life . . . Certainly custom is most perfect when it beginneth in young years; this we call education, which is, in effect, but an early custom.

Long before Bacon, Aristotle wrote in his Politics that

the law has no power to command obedience except that of habit, which can only be given by time.

Hence, he said,

a readiness to change from old to new laws enfeebles the power of the law.
The force of habit is such that, *à priori*, it would seem that the best possible assurance of good conduct throughout life lies in the early formation of good habits, just as association in youth with professional lawbreakers is one of the most certain ways of making confirmed criminals. The *Report on the Child Offender in the Federal System of Justice*, of the National Commission on Law Observance and Enforcement, states as a conclusion, supported by many case studies of criminals, that the lawless careers of most professional criminals begin in childhood. They first become evident in cases of neglect, truancy, incorrigibility, and petty delinquencies. A recognition of this fact has led to the establishment and development in many American States of a new method of dealing with juvenile offenders. The child offender is protected from prosecution and conviction for crime. The State assumes guardianship of him as a ward. It undertakes to safeguard, train, and educate, rather than to punish him. This method of dealing with juvenile offenders has been adopted by almost every State in the Union and, following the recommendations of the National Commission, a bill has been prepared, with the approval of the Attorney General of the United States, which either has been or is about to be introduced into Congress, to enable the Federal Government to avail of the state juvenile court systems in dealing with children apprehended by federal authorities for violation of federal laws. The President of the United States also has recommended this to Congress. While there are no available follow-up studies of a sufficient number of cases of juvenile delinquents dealt with by these methods to justify any conclusive statement as to their results, there does seem to be a sufficient volume of experience to warrant the conclusion that fewer children become professional criminals under the operation of this system than under the ordinary processes of criminal justice. Protection from the contaminating influence of association with criminals and the formation of good habits are the cardinal principles of this system. There is much evidence of the destructive influence upon character and conduct, of early association with gangsters and professional criminals. A very striking study of this matter recently was made for the National Commission on Law Observance and Enforcement, by Clifford R. Shaw and Henry D. McKay, of the Department of Research Sociology of the Institute for Juvenile Research and Behavior Research Fund of Chicago. In their report they quote a statement of William Healy and Augusta Bronner that

The moral spirit of a community is easily reflected in the conduct of its children. Where such general spirit is poor there is very ready imitation of the predatory tendencies of public officials and the other adults who are allowed to persist in evil doing.

The accuracy of this observation is confirmed by Messrs. Shaw and McKay's study of conditions in certain deteriorated and disorganized areas in a number of cities, which fail to provide a consistent set of cultural standards and wholesome social life for the development of a stable and socially acceptable form of behavior in the child. Children who grow up in these areas, they say, are not subject to the same constructive and restraining influences that surround those in the more homo-
geneous residential communities farther removed from the industrial and commercial centers. Very often
the child's access to the traditions and standards of our conventional culture are restricted to his formal contacts with the police, the courts, the school, and the various social agencies. On the other hand, his most vital and intimate social contacts are often limited to the spontaneous and undirected neighborhood play groups and gangs whose activities and standards of conduct may vary widely from those of his parents and the larger social order. These intimate and personal relationships, rather than the more formal and external contacts with the school, social agencies and the authorities, become the chief sources from which he acquires his social values and conceptions of right and wrong.

II
How these factors operate, is shown in a series of case studies made by Messrs. Shaw and McKay. Truancy from school is the first step, then association with other truants and exercises in petty thieving and other mischievous acts. Companionship with older boys and assisting them in various criminal acts follows, then connection with gangs; capture by the police, various terms of detention in reformatories which in too many instances are only proficient breeding places of crime, where associations with gangsters are formed, based upon the admiration of the young for the bold robber type; the development of the gang spirit, with the acceptance of the gang code of loyalty, — the mores of the professional criminal. Thus is completed the education of a gangster, who may be thief, robber, burglar, murderer, in turn, or all of these at the same time. This is the course of education for crime in which far too many young men and women in our land are being trained at the present time.

This study by Messrs. Shaw and McKay emphasizes the importance of safeguarding the children of our communities from influences such as those described. We must again recall Bacon's statement that what we call education often is but early custom. Matthew Arnold somewhere refers to "openness to ideas and arder for them" as one of the most important parts of human culture. But the ideas must be elevating and ennobling if genuine cultivation shall result. Unless education develop loyalty to high ideals, it is but a means of making more efficient criminals.

Burdette Lewis, in his book on The Offender, refers to the fact that the early leaders of the movement to establish public education were convinced that if a person were well educated his moral status was assured. "Experience," he says, "has demonstrated the fallacy of this belief. Some of our cleverest and most resourceful offenders have been highly trained by our system of public education." He finds a reason for this disappointing result in the mistaken curriculum provided in many schools. He falls back for comforting reassurance upon the final report of the Committee on City Government of the City of New York, which through competent experts made a two years' survey of the work of the city's public schools. This report spoke of the public school as an instrument of social development, stated that any educational standards must be regarded at present as provisional and temporary, concluded that the schools were going through a transition period and pointed out their true function to be an instru-
ment of social development and to teach the child rational self control.

"Occasionally," Lewis says, "a skeptical person asks what direct relation exists between the lack of education and the development of offenders. The experienced and well-informed man appreciates that there is a fundamental connection. Research has not extended far enough to bare the direct connection in its entirety, but there is a chain of circumstances and facts which points to the truth of this statement. In the first place, very few inmates of correctional institutions have an education which has extended beyond the fifth grade of the public school. In the second place, very few of them have had practical training which enables them to take up work in the skilled trades. In the third place, when times are prosperous and there is a great deal of rough work to be done, there is a striking decrease in the prison population; whereas in hard times, with not much rough work to be done, there is a great increase in the prison population."

The young vagrant, or the young offender, he adds, is usually a person who has not been trained. In 1914, he states, of the 99,376 persons committed to the City and District prisons of the Department of Correction of the City of New York, 3,405 were unable to read or write; in 1915, of 86,625 persons so committed 1,714 were not able to read or write.

III

The education which is to develop in the child a lively adherence to the principles of right living, must therefore open his mind to something better than the current gossip of the tabloids or the recorded prowess of professional foes of social order. In his essay on Democracy, Matthew Arnold says:

The difficulty for democracy is how to find and keep high ideals. The individuals who compose it are, the bulk of them, persons who need to follow an ideal, not to set one; and one ideal of greatness, high feeling, and fine culture, which an aristocracy once supplied to them, they lose by the very fact of ceasing to be a lower order and becoming a democracy. Nations are not truly great solely because the individuals composing them are numerous, free and active; but they are great when these numbers, this freedom and this activity are employed in the service of an ideal higher than that of an ordinary man taken by himself.

Warden Lawes, in Life and Death in Sing Sing, says "Education is as much of a problem in crime as ignorance—the educated criminal is probably more dangerous than the ignorant. There is no inherent value in learning; it has social value only when socialized." "It is my personal conviction," he adds, "that all of our schools from primary to University Post-graduate, are failing badly in this respect. Certainly, it cannot be claimed that education has decreased crime." Yet, in the same volume, he says:

The majority of the condemned are practically illiterate when they enter the death house, but nearly all of them learn to read and write fairly well before they are executed, (which would seem to be wasted effort!)

Causes of crime, he regards as economic and sociological, with roots far deeper than mere punishment can hope to affect. In treating crime he thinks too much reliance has been placed upon the efficacy of fear and too little upon respect.
While education alone will not prevent crime, and as Lewis says, some of our cleverest and most resourceful offenders have been highly trained by our system of public education, yet there is much evidence to justify the belief that in education lies the greatest possibility of checking crime.

The report of the United States Bureau of the Census upon Prisoners' Antecedents, published in 1929, shows that of 18,111 prisoners committed to prisons and reformatory institutions in the United States during the first six months of 1923, while only 10.7 per cent were wholly illiterate, of the remaining 89.3 per cent who were reported to be able to read and write, more than two-thirds of the whole (67.5 per cent) had had only elementary school education; about one third (14.4 per cent) had high-school standing and only 3.4 per cent had any college record. The prisoners had in general a decidedly lower educational status than the population as a whole. The Bureau concludes from these figures:

In so far as education, or the lack of it, is a factor in the situation, the census statistics indicate that an increase in the educational facilities and their use, should tend to reduce the amount of crime.

At the same time, the Bureau says that in judging the significance of the tables presented it must be emphasized that the figures refer only to convicted prisoners and not to all lawbreakers. It is quite probable, they say, that offenders having education (partly by reason of their education) are more successful than the uneducated lawbreakers in avoiding arrest and conviction for their crimes.

The Bureau also reports that the prisoners comprise an abnormally high proportion in the younger age groups which in the general population have decidedly higher educational attainments than persons belonging to the older groups. There is also a great difference in the percentage of illiteracy in different kinds of crime. Thus, 24 per cent of those convicted of assault were illiterate while, as is natural, relatively low percentages of illiterate prisoners were convicted of such crimes as forgery and fraud. On the other hand, persons who had attended college formed 22.5 per cent of those convicted of embezzlement, 16.6 per cent of the fraud group, and 8.5 per cent of the forgery group, while together constituting only 3.4 per cent of the entire number reported.

IV

A report of the New Jersey Department of Institutions and Agencies recently published, entitled Juvenile Delinquents Enter State Institutions — 1930, shows that the schooling of these offenders is far below the average. Only 33 of the 444 boys committed were making average progress in school; the average retardation being three to four grades.

Illinois recently made a survey of the education at the time of admission of the 10,154 inmates of the State penitentiaries at Joliet and Menard, the reformatory at Pontiac, the woman's prison at Joliet, the state farm for misdemeanants at Vandalia and the Reformatory for Women at Dwight. The survey shows that 505 never attended school, only 189 of whom could read and write. The edu-
cation of 7794 was limited to the elementary schools; 1602 had attended high school and only 221 college.

The report of the New York State Commission of Correction for the year 1930, states that of the 1776 prisoners committed during the year ending June 30th, 1930, to the State Prisons at Auburn, Clinton and Sing Sing, only 14 had had any collegiate training, 301 academic and 1339 common schooling; 110 could neither read nor write. While these statistics cannot be accepted as conclusive, they do furnish some cogent evidence of the influence upon boys and girls of shorter or longer periods of attendance at school. There is, surely, a significance in the very low percentage of college men in all these statistical reports.

V

Much has been written about the Causes of Crime. Professor Ploscowe contributed to the reports of the National Commission on Law Observance and Enforcement a critical analysis of the literature on the subject, in which he reviewed the various concepts of causation. He quotes with approval the statement of Healy and Bronner that "the varieties of human beings and the varieties of causes of delinquency are too many to be met by a unitary conception of what it is possible to do in the therapy of delinquency and crime." Nor is there any universally accepted definition of crime, although there probably is now general acceptance of the idea that anti-social acts may be treated as criminal in proportion to their possible effect upon the social interest. Fifty years ago, in his famous lectures on the Common Law, Mr. Justice Holmes wrote: "The ever-growing value set upon peace and the social relations tends to give the law of social being the appearance of the law of all being." Years later, in an oft-cited and frequently reaffirmed opinion of the Supreme Court of the United States, he wrote that the police power of a State extends to all the great public needs. "It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare." ([Noble State Bank v. Jackson], 219 U. S. 104, 111.)

In the earlier lectures, after reviewing the general theory of criminal liability, as it stands at common law, Holmes concludes that "All acts are indifferent *per se*. In the characteristic type of substantive crime, acts are rendered criminal because they are done under circumstances in which they will probably cause some harm which the law seeks to prevent." "Public policy," he adds, "sacrifices the individual to the general good. It is desirable that the burden of all should be equal, but it is still more desirable to put an end to robbery and murder." ([Holmes, The Common Law], pp. 44, 75, 48.) As Professor Ploscowe says in summing up his study: "Crime is not one act but an aggregate of acts, whose only essential characteristic is that the State has deemed it necessary to prohibit them for the protection of individual interests or the furtherance of the general security. Crimes differ in nature, in seriousness, in apparent motivation, in the kinds of behavior they demand. They emanate from different types of
personality and different kinds of social and environmental situations.” Hence the fundamental principle which the schools should inculcate is that citizenship in a self-governing State necessarily implies a compliance with the expression of the popular will as embodied in the laws enacted pursuant to the established institutions. Agitation for a change in laws which are the expression of minority views only and which are not grounded on solid needs of organized society, is always the right, and sometimes the duty, of the citizen. But the theory that any individual may determine for himself what law he shall obey, is inconsistent with the continuance of democratic government. It is nothing less than anarchy. It strikes at the fundamental principles upon which rest the protection of life, liberty, and the pursuit of happiness, which are the legitimate reasons for government. Any system of education which fails to inculcate this duty of obedience to law, fails in the essential element of training for self-government and the best means of preventing youth from adding to the criminal population. It fails to promote that custom of respecting law which is the best means of avoiding crime.

Commenting on Socrates’ contention that “that which is in accordance with law is just,” Lowes Dickinson (in *The Greek View of Life*) says: “The implication, of course, is not that laws cannot be improved, that they do at any point adequately correspond to justice; but that justice has an objective and binding validity, and that Law is a serious, and on the whole, a successful attempt to embody it in practice.” This, he adds, “was the conviction predominant in the best period of Greece; the conviction under which her institutions were formed and flourished, and whose overthrow by the philosophy of a critical age was coincident with, if it was not the cause of her decline.” Greece does not furnish the only example of the disintegrating influence upon civilization of disregard for law. In every chapter of the world’s history reappears the same struggle between individual desire or interest and the requirements of organized society, as expressed in its enactments. As the basis of government widens with an expanding suffrage, so do the interests of the desires of an increasing number of organized groups of citizens find expression in greater numbers of enacted laws which, by their extent, variety, and character command the respect of a diminishing percentage of the whole population and require the vigilant exercise of the police power of the State to compel acceptance and observance. Even the fundamental concepts of the protection of life and property which for many centuries found expression in the Mosaic Decalogue in large measure have lost the general, if not the universal, hold they once had upon the community. The progress of socialism, or what formerly was comprehended under that name, has so shaken the conception of the right of individual property as largely to destroy the moral quality of the laws enacted for its protection. Undermining the general respect for property rights also has weakened respect for human life and human safety. Perhaps the most unshaken principle of the moral law
which remains, is that which has been least practised, namely, the rule of doing to others as one would wish them to do by us. If this golden rule could be quickened into new life and made the vital basis of the education of the young, we should undoubtedly put a fresh curb upon antisocial conduct, which would promise better results than the methods now obtaining. On this foundation, too, might be erected a broader appreciation of those habits of body and mind which give to life a healthier and sweeter quality and which tend to lift man up to a higher level than that of the brutes scrambling for food. Not merely learning to read and write, as do the occupants of the death house, without hope of more than ac-
quiring a “dull narcotic numbing pain,” must be the aim of the school, but to acquire the key to that knowledge which opens the eyes of the soul to the appreciation and development of the highest possibilities of the human mind and character; the formation and the source of those ideals of greatness, namely, high feeling and culture, of which Matthew Arnold wrote, and which inspire and impel men to develop their best qualities of intellect and character. In education such as this, which, like Mercy, blesseth him that gives and him that takes, it seems to me, lies the best hope of checking the growth of the spirit of lawlessness that does now infect our land.

President Lowell’s Impromptu Talk

After the address of Mr. Wickersham Dean Holmes called upon President Lowell, who was present as a guest of the Association. In his impromptu response President Lowell reiterated wholesome truths that need recurrent voicing. The President’s main emphasis lay upon character development. No school, no college, can escape the responsibility for developing in its students a moral force that stands resistless before specious and alluring appeals. A high-school pupil of intellectual attainment and promise in one of our neighboring cities is now in prison because, unfortunately, this boy had developed no inhibitions. He could steal the money that belonged to a Sunday School organization; he could, in the dead of night, break into a widow’s home, and when threatened exposure seemed to demand stern measures he could wilfully wield a murderous blow—all because this boy’s training had built up no safeguarding inhibitions.

It is a false educational policy that allows a pupil to choose the easier ways. Education implies discipline; and discipline can come only with the habitual performance of tasks that demand rigorous effort—the stern exercise of a will that steadily develops the sort of wholesome inhibitions that preserve moral and social integrities, save the individual from chance disaster, and allow him at the same time to work out a constructive career of positive worth and enduring value. Such a discipline is one solution to this problem of crime.