

A COMEDY OF ERRORS.

Mr Zachariah Montgomery, late Assistant Attorney General of the United States, has recently published a work, entitled "The School Question from a Parental and Non-Sectarian Standpoint", ~~re-affirming and enlarging one published several years ago,~~ in support of the proposition that the public-school system of the various states of the American union is the especial <sup>enemy</sup> of public prosperity and private morality. Taking this work for the basis of his argument, Cardinal Manning, in the Forum for March, asks the question, "Is the Christianity of America worth preserving?" and arrives at the conclusion that "the public-school system tends inevitably to its extinction."

His argument in support of this conclusion, so far as it claims to be based on facts rather than theory or ecclesiastical authority, rests entirely upon statistics adduced by Mr Montgomery, which as he says, "show that in states where parental authority is respected in education" (that is, where the public-school system does not exist) "crime, suicide and insanity are notably less than in states where the public-school system exists." This is the key-stone of the whole argument. Taking this away there remains only a mass of dogma and speculation in regard to the relative right of Church and State to control educational methods. The argument is fully stated in the

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following extracts which the Cardinal makes from Mr Montgomery's works:

"Keeping steadily in view ~~that~~ <sup>cent</sup> that a people properly educated are more moral, virtuous, <sup>cent</sup> contented, happy and law-abiding, than an ignorant people, let us suppose that we somewhere find living side by side, two communities, one of which is made up almost entirely of educated people while the other is composed largely of illiterate people; and ~~let us~~ <sup>if let us</sup> farther suppose that amongst those considered educated, you find that in proportion to the population, they have six criminals where the more illiterate community has but one, what conclusion would you arrive at with reference to that kind of education?"

He then compares the six New England states, Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, and Vermont, with a group of six Southern states, Virginia, Maryland, Delaware, North Carolina, South Carolina and Georgia, on the basis of the Census of 1860, that is, before the "pestiferous" New England free-school system had been introduced into the Southern group of states. At that time the New England group had 2,665,945 native born inhabitants: Cardinal Manning says "native-born whites", but in this he is in error: about 25,000 of them were colored. Of the adult natives, only 8,453 were unable to read or write. The southern group had 3,181,969, native whites, of

whom 262,802 adults could neither read nor write. Now what is the comparison instituted between these groups? Says Cardinal Manning quoting Mr Montgomery:

*Solid* "In the six New England states, the proportion of illiterate native whites was only one to every 312, while Virginia with her five unlettered sisters, counted one illiterate white adult to every 12. How stand the criminal lists? Massachusetts and her five sisters out of her native white population of a little more than two and a half millions, had on the 1st day of June 1860, 2,459 criminals in prison; while Virginia with her five unlettered companions, with a native white population of over three millions, had but 477, in prison. That is, New England had one to every 1,064; the other group one to every 6,670, in prison for crime."

It is upon this data that the conclusion is based that the public school system of New England, after a hundred years of experience, has resulted in "six times as many criminals", in proportion to the population as there were in the illiterate states of the South. If the figures given sustain this ~~conclusion~~ <sup>assertion</sup>, Cardinal Manning is right in saying that "these things need explanation", and so far as any explanation yet given is concerned, his conclusion that "the public-school system tends to the extinction of Christian morality," cannot well be gainsaid. The question is, "Are the figures given cor-

rett, and if so, what do they prove?"

Prof. G. P. Fisher in the FORUM for April, replying to the article of Cardinal Manning, makes a vigorous assault upon clerical education and attempts two forms of answer to the argument deduced from ~~the~~ statistics given in regard to the contrasted statal groups:

(1) That the argument is of flimsy logical character--merely a post hoc, propter hoc. In other words, he says, it does not follow, that the presence of the public school system in the one group of states and its absence in the other, is the cause of the startling apparent difference of one driminal in prison out of every 1,064 of the population in one group, and only one out of every 6,670 in the other. This may be true, but when a cause not evidently <sup>in=</sup> sufficient is assigned in explanation of a result, it will not do for the objector to merely say, "it does not follow; there may have been other conditions." He is bound to point out those conditions. In this, it must be admitted that Prof. Fisher lamentably fails. He declares that the difference is due to other conditions and cites three which he says attached to the New England group and did not attach to the southern group of states; to wit: (1) Great manufacturing centers; (2) Large cities; (3) A vast number of recently-arrived immigrants. The first of these--the absence of great manufacturing centers in the southern group--must be admitted. The second--the lack of "large

cities",--was evidently made without due consideration. Wilmington, Del., Baltimore, Md., Richmond, Va., Wilmington, N.C., Charleston, S.C., Savannah, Ga., and others in the southern group, were even better entitled to be termed "large cities" in comparison with those of New England in 1860, than at the present time.

As to the "vast number of recently arrived immigrants", which Prof. Fisher relies on to account for the difference, it would ~~be~~ almost seem as if he had forgotten when the comparison was made. In 1860 there were but 453,330 foreign-born of all nationalities in New England, and to attribute to this increment of the population ~~less than 14 percent~~ the remarkable fact that there were six times as many criminals in prison in one group as in the other, is simply to invite incredulity. The cause is evidently insufficient <sup>to produce the result</sup>. In fact Prof. Fisher, while claiming that these results are due to other conditions than <sup>general</sup> ~~mere~~ intelligence, utterly fails to define what those conditions are.

As if aware of the insufficiency of this argument, Prof. Fisher appeals to Gen. Francis A. Walker, the Superintendent of the Census of 1880, to know what, in his opinion, was the cause of the discrepancy. Gen. Walker, with a very comprehensive gesture, intimates that we never had any statistics worth mentioning until he undertook their preparation; that the particular volume from which these figures were ta-

ken was not compiled on his plan, and the data were thrown together "somehow, anyhow" by people who understood nothing about their business. He goes on to explain how differences might arise in ~~regard~~ <sup>the number of</sup> convictions for crime in different states, but does not say anything to help us to understand why the proportion <sup>of</sup> in confinement for crime, should be six times as great in New England as in the southern group, on which the argument of Cardinal Manning clearly hinges. It is this which "needs explanation" and Gen. Walker's explanation is no explanation at all. The mere intimation of insufficiency <sup>in</sup> of a volume of the Census does not at all establish the unreliability of a specific set of tables. The simple truth is, that there is no ground whatever for ~~the~~ suspicion that the tables used by Mr Montgomery and Cardinal Manning are in any respect untrustworthy.

On the contrary, there is every reason to believe that the facts were carefully collected and the data honestly compiled. Indeed, the results are precisely what any competent sociologist fairly informed in regard to the conditions of the contrasted statal groups, would naturally have expected, and though it was not compiled by a "special expert", no reason <sup>can be</sup> suggested why the inquiry should have <sup>been</sup> carefully made in the northern group and wholly neglected in the southern group. Yet when one seeks to account for the difference by alleging inaccuracy of the statistics this is the task he undertakes,

Let us examine the probability of this impeachment of an official record. The inquiry in controversy was a very simple one; it did not require an expert to make it, nor was it one liable to oversight, misapprehension or error. "How many are there in your district in confinement for crime?" That was the question asked each enumerator. <sup>What</sup> Where are people "confined for crime?" In jails, workhouses and penitentiaries <sup>or</sup> State-prisons. There is one jail in every county; sometimes three or four work-houses in a state; and never more than two or three State-prisons. Could any enumerator miss one of these institutions? Was there any reason why he should fail to report them in one group of states more than in another? None whatever. The South was fighting for power and needed all the population she could muster. The enumerator had <sup>also,</sup> a personal interest in the number he reported and such an institution was a bonanza to him. No <sup>man of any intelligence</sup> ~~enumerator~~ could fail to know of the existence of a penal institution within his district, and could have no conceivable motive to omit <sup>it</sup> from his returns. We shall find these returns, therefore, apparently complete as to counties, and showing no evidence of irregularity except the indubitable fact that they aggregate six times as many criminals in one group as in the other.

What was the <sup>character of the</sup> inquiry, "How many are in confinement for crime?"

It did not embrace those awaiting trial but those already convicted

and sentenced. In state-prisons the average term has been found to be a trifle over two years. In workhouses and merely restrictive institutions of that sort, ninety days would probably be a fair average term. So that it may be said that the numbers given, represent the criminals actually sentenced to the penitentiaries of the various states during <sup>the</sup> two years, <sup>preceding the date of the inquiry</sup> and the number actually sent to jails or workhouses as a punishment for crime, during the previous three months. Now, it cannot be said that the excess of this latter class makes the difference, since the 2,459 in the six New England states is an average of only 410 each, and deducting the probable number in <sup>the</sup> State prisons, it leaves no room for the hypothesis that the difference is <sup>owing to a preponderance</sup> made up of short-term prisoners.

What causes then, are sufficient to account for such remarkable difference in the number of those "imprisoned for crime" in the contrasted group of states! There are evidently three causes, either one of which might be sufficient: (1) An almost incredible, excessive criminal tendency among the people of the New England group. This is the assumption on which Mr Montgomery and Cardinal Manning choose to base their conclusions. Mr Montgomery indeed does not hesitate to state plainly that "they have six criminals where the more illiterate community has but one." The Cardinal, however, avoids the explicit assertion as if he knew its falsity or feared that his

American disciple was planting a torpedo which a too emphatic reas-  
 sertation might explode. Six times as large a proportion of criminals  
 in the New England group as in the southern one! Well may even the  
 zealous prelate have questioned whether it were possible that the  
 New England school-houses could have developed six times as many  
 criminals as <sup>have been found in</sup> the group of contrasted slave-holding states of whose  
 white adults one in every 12 could neither read nor write!

This theory offers a possible solution <sup>however,</sup> and is "a good enough  
 Morgan" unless a better or more probable cause can be suggested. Un-  
 fortunately for the argument which is based upon the statistical  
 fact, <sup>this</sup> is not the only hypothesis that is sufficient to explain  
 the discrepancy. Another is hinted at in the letter of Gen. Walker, o  
 to wit, that the courts in the one group might not be <sup>as</sup> willing to con-  
 vict as in the other. This hypothesis is only suggested, not proved,  
 and it is very doubtful if any considerable difference in the ten-  
 dency to convict for crime, could be shown to exist between the north-  
 ern and southern statal groups. Indeed, after fifteen years of per-  
 sonal observation of the criminal courts of the South, both as a  
 practitioner and judge, the writer is inclined to the opinion that  
 the balance would be on the other side. While there are no doubt  
 certain crimes which are looked upon with peculiar leniency in each  
 of these groups, and while it is very true that public opinion in



stringent than those of New England; the offenses more numerous, and the laws quite as apt to be enforced. Whether the rumseller was, as he intimates "regarded as a public benefactor" or not, his traffic was in all or all but one of those states, the subject of local restriction and it will not do for a New Englander to claim that the number of those imprisoned "for drunkenness or the illegal sale of liquors", is greater than the number of criminals resulting from the unrestrained traffic in <sup>intoxicants</sup> liquors. But neither of these offenses were <sup>un</sup>recognized or <sup>un</sup>punished at the South; while vagrancy and some other crimes were much more severely <sup>dealt with</sup> punished. In addition to this, there were a class of <sup>crimes</sup> offenses connected with the institution of slavery, such as trading with a negro, seducing a slave to leave his master, and offenses of that sort, which fully made up any lack there might be in the list of punishable offenses.

There is, however, one respect in which the two statal groups were so obviously and glaringly dissimilar as to destroy the force of any conclusion based on these statistics, without impeachment of the public records or any imputation of the legal tribunals or moral forces of the <sup>e</sup> respective sections. It is so simple, so apparent and yet so conclusive a difference, that it seems almost impossible that one seeking to answer the argument based on this comparison, should have failed to call attention to it. It is probable, indeed, that

every 12 adults could not read or write they punished <sup>their</sup> criminals by taking their lives or torturing or mutilating their bodies.

There is no doubt that general intelligence directly tends to increase the number of convictions for crime, because under our system, the knowledge of crime and the detection of the criminal are largely dependent on the intelligent co-operation of the citizenship. It is probable, also that the number of suicides is increased by the feverish impulse to excel, especially in wealth, which is the unquestionable result of our educational system. It is <sup>not unlikely</sup> ~~probable~~ too, that the number of paupers is apparently if not actually, increased, since a community of such general intelligence naturally considers those proper subjects of public charity who, ~~are~~ in a less intelligent community would be left to subsist in a way by their own efforts. It is not to be doubted that there are elements and tendencies in our public school system which are capable of improvement; but no argument based on the proportion of those "in prison for crime" in the two contrasted groups in 1860, can have a feather's weight in sustaining the claim that the criminal tendency or criminal population of New England was greater than that of the other states. In order to make such a comparison at all reliable a census should have been made of those convicted of capital crimes, those whose backs had been scarred by the lash, whose flesh the white-hot iron had

*scared*  
branded and those who had received the greetings of their fellow-  
citizens from the exalted position of the public stocks. When such  
a comparison shall show a disproportion in favor of the southern  
group, it will be time enough to argue that the public-school system  
is a mighty generator of crime and ignorance the blind <sup>*blessed*</sup> guardian of  
public peace and purity.

Albion W. Tourgee.