

publishers' union locked out all union pressmen; second, the question of whether or not this was done after all efforts at arbitration had failed through the fault of the proprietors of the newspapers concerned; and, third, the question of whether or not any fault for failure of arbitration rested upon these proprietors was proposed for arbitration by either the stereotypers union or the publishers' union and prevented by the other.



Since it is undisputed that the publishers' union did lock out the stereotypers' union, the whole issue of violation of contract by the stereotypers turns upon the questions enumerated above as points two and three. For Clause 12 of the contract at issue allows the stereotypers' union to strike without notice under the following circumstances:

This agreement may be declared null and void in the case of a strike or lockout of a union now affiliated with the Chicago Allied Printing Trades Council, with which the employer now has contractual relations; provided, that such strike or lockout occurs after all efforts at arbitration have failed through the fault of the proprietor or proprietors of the newspaper or newspapers concerned; the determination of which latter fact, however, shall be referred to arbitration as herein provided for, if so requested by either proprietor or manager of the newspaper or newspapers affected, or by Chicago Stereotypers' Union No. 4.

Therefore the stereotypers' union can hardly be regarded as having violated their contract unless it appears that the general lockout of the pressmen (a union affiliated with the Printing Trades Council and under contract with the publishers' union) occurred after arbitration, or on failure of arbitration through no fault of the newspaper proprietors, or after arbitration of the question of such fault provided the stereotypers requested it.



This question consequently arises: Have those facts appeared in any authoritative form, or at all, or can they be shown? We have no knowledge of their having appeared; and that they can not be shown is a fair presumption from the fact that the publishers' union refuse to discuss the issue publicly on neutral ground at the City Club where belief in the sanctity of contracts prevails. If it be said that the International officers who promptly passed upon the question of violated contract at New York adversely to the Chicago stereotypers' union, ought to know better than outsiders whether the contract was broken or not, another question arises. It is this: How did the International officers, a thousand miles away when they first decided that question—how did they at that distance

know that the conditions had not arisen which would have authorized the stereotypers' strike by the terms of the contract?



The Essentials of Crime.

Some words of the commonest use are extremely vague in meaning, both to those who use them and to those who hear them; and one of these is the wee word "crime." It is an awful word, too,—in its implications, in its insinuations, in its consequences. It may signify in practical effect almost anything dreadful, from loss of reputation to loss of life. But what does it inherently mean?



The dictionary doesn't help much. Though it may save your making a verbal blunder if you are in any danger of that in using so common a word, it won't help you to understand yourself in the use of the word nor your neighbor in his use of it. If you think you do understand yourself when you use it, or your neighbor when he uses it, think again and you'll probably need no urging to think again and yet again and then again. Ask your lawyer what the word means and he may talk learnedly to you—without a fee, too, if he is at leisure and wants professional exercise—about things criminal in themselves and things criminal merely because the supreme power in the State prohibits them; but even if you understand him, you will have to confess that you don't yet understand "crime" in any other than the bare superficial significance of the word.



What is crime? Perhaps it would be easier to tell what ought to be crime, although that might be no child's play either. But in an effort at definition one could begin with the understanding that it must be an overt act of some kind, an actual expression of a *purpose*. No matter how evil one's purpose may be, and no matter by what name we classify his evil purpose, we cannot call it a crime without forcing ourselves to adopt some other name for the *act* of giving effect to the purpose. A purpose and the act pursuant to it are very different things. If bad purposes without action were crimes, prisons might be overcrowded with very respectable people—yes, and very good people withal. An expression in action, then, must be necessary to constitute a crime.



But any lawyer will tell you that much, and still leave you in the dark. He will tell you, too, that

the act must be contrary to law, which may make the subject darker still; for why should an act which is not a crime if there be no law against it, become a crime when a law calls it so? Reasons in reply are abundant. Your lawyer can fill your hat with them. But if your curiosity is really profound, you may grant all he says and still wonder how crime can be a very bad thing if the mere enactment of a law is all that makes it so. Indeed, the more he fills you up with explanatory reasons the stronger are you likely to feel that crime is not necessarily crime—and of course that would be nonsense. So you will still incline to ask yourself what it is in any act, besides the purpose to do it, which warrants the law-making power in calling it a crime and requiring punishment of the actor accordingly. Follow this line of questioning out historically, and at the end you will be no better satisfied, though much more bewildered no doubt. But if you probe your own consciousness, perhaps you will get a glimmer of light. Your lawyer's chatter and the historical labyrinths may still be back of it all, furnishing light for the glimmer, for please observe that we have no intention of challenging any of the fatalistic theories of psychological speculation; but suppose you jump the scientific fences, both the psychological and the juridical, plump over into the middle of your own common sense. Wouldn't you then be likely to find it pretty nearly true that crime is crime, and no-crime is *not* crime, regardless of what the law says about it—except for the single purpose of putting the machinery of the law in motion?



The law might call it a crime to eat breakfast before noon, and punish persons for doing it. This would make the act of early breakfasting a crime in your lawyer's professional vocabulary. But would it really be a crime? Conversely the law might not forbid murder of children, might even allow rewards for it, in which case child-murder would not be a crime in your lawyer's professional vocabulary. But wouldn't it be a crime nevertheless? Possibly you think these instances fanciful. They are not. Look over the list of tariff crimes, crimes by law, and you will find parallels in abundance for laws against breakfasting earlier than noon; consider the grinding of little children up into big dividends in factories, and you have non-criminal child-murder in awful abundance. Are we not forced, then, to say that except for technical legal purposes the law is not the test of crime.

But if law is not the test of crime, what is the test? We do not venture to make one. What would you think, though, of *purposeful anti-social action* as the true touchstone of crime? The element of *purpose* must come in, of course; no act can be truly criminal if unintended. *Action* also there must be; mere intention cannot be truly criminal. And inasmuch as crime is distinctly a social phenomenon, an action of one member of society upon or with reference to other members of society, why does not the *anti-social* purpose coupled with anti-social action distinguish its true character? This leaves out of consideration, to be sure, the question of whether an act is pro-social or anti-social or neutral; but something at any rate is gained if we get only thus far beneath the surface of the barbarous notion that crimes are nothing but creations of the law. The law may or may not provide punishment for crime, it may or may not provide punishment for what is not crime; but it cannot make crime of an act which is not a crime, nor any act innocent which is a crime. All it can do as to either is to prohibit or to permit. Human relationships have roots in human nature that human law is powerless to alter by calling names and imposing penalties. If an act be not anti-social, how can it be a crime although punishable by law? If it be anti-social, how can it not be a crime though excluded by law from the catalogue of crimes or even rewarded with wealth and honor?



The Beast After Judge Lindsey Again.

Judge Lindsey of Denver cut deep when as the "kid's judge" he added to his policy of kindness towards the hapless children brought before his court, a policy of "wanting to know why" they were there; not merely why they were arrested, but why they had got into the ways that brought about their arrests. This policy lead Judge Lindsey right into the lair of the Beast. He then told the people all about it, and in doing so won the hate of the Beast by exciting the fears of its whelps. The Interests felt that Denver society was endangered because the Interests were, and that society must be saved so as to save themselves. Lindsey's name has ever since given them the horrors, and all the powers of "society saving" bipartisanship have consequently been brought to bear to put him down. But he has "beat them bad," to amend an expression of theirs sufficiently to make it printable. At his last election he had a clear majority over all. They are after him again, however, and both at the city and county election next week and at the State election next Novem-