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Vice Crusades and Blue Laws, 1921.

LECTURE BY RABBI ABBA H. SILVER, ON
"VICE CRUSADES AND BLUE LAWS", AT
THE TEMPLE, SUNDAY MORNING, JANUARY
2, 1921. CLEVELAND, OHIO.

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Among the many things that the year 1920 has bequeathed unto the year 1921 is the difficult problem, the serious problem, of the crime wave that has swept over our land since the termination of the war. Crime in this land has always been a startling factor. We have been known and we are known throughout the world as the most criminal nation. But in recent years crime has reached such a point where it has become a veritable menace to the well being of almost every law abiding citizen in this land.

Life today, especially in the large industrial centers, is more insecure than it has ever been. Cities like New York, Chicago and Cleveland are in a veritable grip of this terror of organized brigandage and crime, stopping short of nothing, not even of homicide. It seems that the criminal element in the larger centers of population have outwitted, out-distanced the forces for the preservation of law and order.

I read a rather interesting bit of sarcasm in a paper where sarcasm and irony are rather unusual--in the

Sing Sing Bulletin. The Sing Sing Bulletin is a paper published by the inmates of the institution. This writer says--and I quote it as it was quoted in the Literary Digest--"It would not be a bad idea to build a wall around New York City and keep all their crooks there instead of sending them up the river to contaminate the inmates of Sing Sing."

Yesterday we were startled by the ghastly tale of two citizens of our city killed in cold blood by organized bands of robbers. Hardly a day passes but what we read some such ghastly occurrence in our newspapers. One asks for the reason. It is not very difficult to discover the reason for it. I believe, as many do, that the war, is, to a great degree, responsible for this increased crime throughout the world. In spite of the men that have preached and prated about war stimulating the noblest passions in the human soul, the fact still remains that the war, in a most remarkable degree, and in a most unfortunate degree, has brutalized and vulgarized and caliced tens of thousands of human beings.

War has taught young men the use of arms, and war has made young men see how cheap human life may be when sanctioned by law; killing became a moral duty as it always does in war time--the more the better; the quicker you kill the finer soldier you are. Well, that feeling remains long after a treaty of peace is signed; sanctity or regard for human life is destroyed. And that spirit, to my mind, is

greatly responsible for the frightful disregard of human life among criminals to-day.

Along with that, I believe, is the fact of unemployment, and I venture to say that the more unemployment will increase in our land, the more crime will increase; and those who are in control of our industrial life and have within their power to limit and restrict unemployment ought well to bear this fact in mind. An empty stomach is no respecter of law or persons, especially when the entire atmosphere, the tone of life is almost bolshevistic.

Coupled with that, I believe, comes also the collapse of religion as a controlling factor in human life. The authority of religion, the discipline of religion, the hold of religion has been weakened in recent years. I shall not go into the reasons for it, but the fact is such.

And then comes the almost complete debacle of the home as a restraining, moralizing influence in the life of young people. At no time in the history of this land, or of our own people, has the home been so impotent to influence the lives of young people as it is to-day. The home has become, in the very truth, a place to sleep and eat in and nothing else. For amusement, for entertainment, for social diversion not only the children but the parents go away from home. Home is the last place a man goes to.

Now, what is the result? Young boys and girls

✓ must find their companionship, their recreation, their amusements in places where the sanctity, the atmosphere, the close intimacy, the fine intimacy of family relationship do not exist. Now, all these factors are, to my mind, responsible for the increase of crime to-day. How are we to remedy this appalling condition? There is a false way and a true way; there is a wrong way and a right way. The wrong way is the way of the Vice Crusade, a tragic example of which we have had in our own city for the last few weeks. A Vice Crusade is, in itself, a confession of past incompetence. When a police department or a city administration is compelled to inaugurate a Vice Crusade, it means just this: that in the past it has been indifferent, negligent, indolent, or criminally neglectful in its duties. In a well regulated, properly policed city there is no need for a Vice Crusade; there is need for a thorough house cleaning only after the cleanliness of the house has been neglected for a good long while.

✓ A Vice Crusade is almost always ineffective it is only a dramatic. --a gesture, a sop, a sedative, to the receptive minds of the citizenry. It accomplishes nothing lasting or abiding for a community, because, don't you see, that the problem is crime; it is much more fundamental and requires a more deliberate and persistent attack, a more aggressive, constant approach to the problem, and not a sporadic attack of virtue or civic righteousness.

In the second place, a Vice Crusade, is, to my mind, really a vicious thing, because it cleans house at the expense of the next community. When a community becomes conscience stricken or pocket stricken, as the case may be, and begins to clamour for a house cleaning, the police get busy and round up criminals and drive them out of the city. But where do these criminals go to? They are not driven into the sea; they go to the next town, and the next town faces the problem of crime. We are dumping our rubbish into the back yard of our neighbor; and that is why crime passes through this land in cycles, because one community flushes its sewers into another community.

That, to my mind, is a vicious and a harmful thing. There is a right way of meeting the problem of crime. First, by correcting the abuses in our police department, in our prosecuting offices, and on the judicial bench. The men who make ^{up} a police department in a large community are, as a rule, honest and up-right men of integrity, but around every police department in every city, large or small, there is a slimy group of crooked politicians who are in league with the criminal elements of the community, and who exert their influence to keep these criminals out of the clutches of the law, to mitigate sentences, to hoodwink the department, and to put every obstacle in the way of the enforcement of law.

Now, a police department to be effective in a community must be free absolutely and completely from political contamination; the men must be permitted to perform their duties without outside interference. When the police have apprehended a man their work is done, but the problem is not yet solved. The office of prosecution must alert and aggressive and persistent in bringing the criminal to trial. Delay is one of the most effective means of defeating the ends of law and of making justice a mockery, and the red tape in the offices of prosecuting attorneys in this city and in other cities has more than once rendered the honest work of police departments ineffective and worthless; there has been no following up process.

And even when the prosecutor is a man alert to his responsibilities and eager to do his duty, very often justice has been defeated by those very men whose duty^{it} is to administer justice judicially in the city. There has been, to my mind--and I speak now and quote the words of eminent jurists--altogether too much laxity on the part of the judges of our land in meting out^{swift} justice. I do not mean severe justice; I am not advocating a spirit of revenge or retribution or cruelty on the part of the judiciary.

The important thing is not to have severe punishment but swift punishment; the criminal must know that crime will be punished and punished quickly; that punishment is

inevitable and certain, and that is the surest way of discouraging crime. England has it, and if England has it there is no reason why America can not have it.

These, to my mind, are the immediate needs of meeting a crime situation. I am not a great enthusiast about vigilante committees, although at times a vigilante committee becomes absolutely necessary when the police or the prosecuting office and the judiciary have completely broken down--and I don't know but what our city is coming to that point. But a vigilante committee is a rather dangerous experiment for a large city; it makes too many people self-appointed guardians of the law, and paves the way for a great deal of abuse and injustice. But there are more ultimate means of solving the problem of crime. I believe it was Doctor D....., who said that crime is not overcome after arrest but before. The real cure for crime, the real cure for every social evil is really not correction but prevention.

Now, I believe, that the American people has done a great deal along the line of preventing crime by taking care of juvenile delinquents, by urging proper housing conditions, proper sanitation, by prohibiting child labor, the employment of women in night work, and similar measures; but a great, great deal is yet to be done. There must be, to my mind, a tightening along the line, a more vigorous

discipline in the school, in the home, in the church, in the playgrounds--everywhere; there must be a greater insistence laid in our education upon respect for law. People have frequently criticized the Jewish idea of the fear of the law. I believe that a little of that fear of the law is a very desirable thing to-day. Our young people must be trained into a greater self-control, into a greater self-discipline, and to thrift, and to ideas of manliness and womanliness much more than we have had heretofore. And much more must be done in the way of providing proper recreational facilities for young people to-day. I want to emphasize this thought, especially to members of our Jewish community in the city. We have done nothing for our young people in the way of providing them with legitimate amusements and entertainments. There is not, in the city of Cleveland, which has a population of one hundred thousand Jews, two places where a Jewish young boy or girl can go for an evening's entertainment. What is the result? The need for education is elemental in a human being; he finds it on the street corner and in the pool room and in other places, and that is why the percentage of crime among young Jewish men and women in this city has grown year by year in the last ten years. We ought to have in the city of Cleveland a half dozen young men and women's Hebrew associations with inviting quarters for our young people. I hope that our community will **awake** to the

realization of this important, vital fact soon. And along with that, of course, comes the remedy in terms of proper housing conditions and steady employment. Now, we must work along all these lines simultaneously; we must not become panic stricken. The program is before us; we must proceed to work along that program.

I wish I had more time to speak about the crime situation and vice crusade, but I want to speak a moment upon another legacy which the year 1920 has bequeathed unto the year 1921, ^{and} I mean the Blue Laws. There is in this land-- I suppose there is in every land, but more especially in ours--a class of professional reformers--self-appointed ^{are} saviors of America, who never happy until they have succeeded in making the next fellow unhappy. The guardians of the soul of America! And these men have, in recent years, began an intensive campaign to impose upon the civilization of 1920, highly complex, highly industrial, highly involved,-- to impose upon that civilization the mode of life, the tone and temper of life which were found irksome and unattractive in the year 1620. A veritable Puritanic wave is coming over this land which aims to establish a social tyranny, now that a political tyranny no longer exists.

Now, I would be tempted, as so many of us would be tempted, completely to ignore this fact and say, "Well, it is

just the work of a group, of small minority, of cranks--religious fanatics." But in the last few years you and I have learned a bit of what small, persistent, vociferous, aggressive minorities can do, and what a passive, voiceless, indifferent majority is made to suffer until it wakes up. I believe that if this movement is not deliberately checked by the indignation and the opposition of the millions in this land who believe that this ^{is} a free land, it is very likely to do a great deal of harm to our institutions.

Now, I am not an extremist, and yet I become very fearful at times of this temper that has gained ground in this land--this social tyranny, this attempt of one man to impose his predilections and his tastes upon his next fellow; this idea of congealing into hard and fast laws and institutions the will of a minority,--the passion to circumscribe and define and to limit the freedom of man.

I believe the time has definitely arrived for men to begin to oppose that sort of thing. I am opposed to these Blue Laws not because, as has been said, they wish to take the "Sun" out of Sunday; not only because they wish to establish a dull monotony on this one day when people have the time and opportunity to enjoy themselves, but because there are more fundamental things involved in this sort of thing; they go to the very heart of American life. For practical reasons, too, I am opposed to the Blue Sunday.

✓ In the first place, if the program of these propagandists and advocates is carried out in toto to its full extent, it will mean interstate traffic shut down, post-offices not open, that labor of any description is prohibited, all theatres, amusements and parks are shut down. That would incur not alone a financial loss but a great menace to the health of the community, but more especially would it create a hardship for the man who works and the man who looks to his Sunday as a day when he can enjoy himself legitimately-- a day of rest and recreation, because recreation is often a greater rest than mere pacifity in action.

✓ As a religious man I am opposed to a Blue Sunday because it is bound in the long run to make Sunday distasteful to the average man, to make religion distasteful. When you compel a man to go to church it is like a repetition in our history, when our forefathers in the Middle Ages were compelled to attend mass in the cathedrals in order to listen to the sermons. Well, some of them stuffed cotton in their ears so as not to listen. You cannot drive or drag a man to church; when you get him there you haven't got anything but a protesting, resentful individual who mocks everything he sees.

✓ Religion, I have often said--and I cannot say it too often--is not a matter of dyspepsia; it is not a matter of somberness, a frightful solemnity; religion is not meant to take the joy out of life; religion is meant to add joy to life, to show man how he can have real happiness in life.

Religion does not frown upon any legitimate amusement and recreation. And these men who are endeavoring to take from people these legitimate, harmless entertainments on Sunday, in the hope that they may go to church, are defeating, to my mind, their own purposes; they are making their religion distasteful to the average man.

But I said there are fundamental considerations which prompt my opposition to this movement. The question is this: how far will theology be permitted to legislate for the average citizen of this land? How far will the church bind the actions of the state? For after all is said and done, Sunday is a church holiday; Sunday is a church festival instituted by the Christian church in celebration of the resurrection of its Master and Leader. It is an ecclesiastical day, and there^{are} many men who are non-religious, who are non-Christians, who may be opposed to Christianity, who do not find these facts binding upon them to observe the day, but whose rights under the constitution are fixed, who would suffer by legal enforcement of a Blue Sunday.

For the religious Christian^{it} is well to remember that Sunday is not the Sabbath, and there is no law in the Bible, and no commandment in the Bible that commands the observance of Sunday as a Sabbath. The church realized this fact and never maintained that Sunday is the Sabbath. I want to stress this thought. The church for seventeen hundred

years never maintained that Sunday was the Sabbath. They did maintain that the Sabbath (Saturday) was abolished by the new dispensation that no Christian was in duty bound to observe that day; but Sunday did not take the place of Saturday; Sunday was a special church holiday commemorating a special event and instituted by the leaders of the Christian church, and not by any commandment of the Bible.

That Sunday is the Sabbath is only a Puritan notion of the 17th century. Those of you who have travelled in Europe know that in most Catholic lands Sunday is observed as a day of rest--that people do not work, that people go to mass; but the rest of the day is devoted to all sorts of entertainments, and entertainments are encouraged on Sunday. It was only in England when this sect called the Puritans--a very strict, a very pious group of men--arose, that they began to insist upon the strict observance of Sunday because it was the Sabbath. And they did that for this reason: the Puritans, remember, were opposed to the Catholic church and the Catholic theology; they could not consent that Sunday was instituted by an ecclesiastical board, because they did not recognize ecclesiastical authority; and the Puritans, remember, were greatly under the influence of the old testament, so in order to find sanction for Sunday they went back to the old testament to the fourth commandment and said, "Why, Sunday is the Sabbath." And so it is from the Puritans of England, and from their descendants in New England that this idea that Sunday is the Lord's

day, the Sabbath day, comes.

Now, the principle of democracy, my friends, as defined by a man of the type of Leckie, is this: that no restriction based solely upon a disputed theological doctrine ought to be generally enforced by law; and the restriction of amusements and entertainments on Sunday is based solely on theologic doctrine, and a disputed theologic doctrine, and should not be generally enforced by law. It is also well to remember that in the United States Sunday is a civil day of rest and not a religious day of rest.

It is well that we have a day of rest for economic reasons, for spiritual reasons, for moral reasons. A day of rest is absolutely essential for the spiritual growth and development of men. It gives a man a chance to refresh himself spiritually, to think of other things; it makes a man think that he is more than an animal or a machine, created solely for the purpose of production. Sunday is the general day of rest because most people rest on Sunday. Custom has established that fact. But there is no religious sanction in the constitution of the United States for the observance of Sunday. So that while I believe that work should be prohibited on Sunday, for those of course who do not rest on the Sabbath--and that even this restriction ought to be enforced in a sort of wise tolerance without that bigotry and that uncompromising spirit that is characteristic of some of these people,--I do most determinedly insist that prohibition of recreation, of harmless, innocent amusement on this

one day of rest will destroy the real value of the day of rest for most people.

I should like to see on Sunday every library, every museum, every park, every playground open; I should like to see on Sunday every theatre and every motion-picture house open. I would like to see on Sunday, if possible, better pictures and better plays produced--plays that have a moralizing and a moral tone; I would be in favor of having these pictures and these plays produced in churches on Sunday. I would establish infinitely more recreational opportunities on Sunday than there exists to-day. That is the only way to elevate the tone of a community and make it think of better and finer things.

To sum up what I have said, briefly; we ought to keep American life broad and sweet and generous; we do not want American life to become narrow, crabbed, confined, hard. Humanity has struggled in the last one hundred years to work out of that spirit of suppression and oppression and restriction--social and political and economic--which characterized the life of our ancestors of all the human race for hundreds of thousands of years.

We do not want our freedom inhibited as long as our freedom does not interfere with a similar freedom on the part of another man. Now, no man who is a Sabbatarian, no man who believes in the religious compulsion of Sunday as the day of the Lord is prohibited from attending church in the morning, in the afternoon, and in the evening. No

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Sabbatarian is prohibited from resting completely on that day or from insisting that his family should rest on that day, and every minister of every church has that privilege to impose that same discipline upon all the communicants of his church. But to ask of the American people to enact these into laws so as to bind men and women who do not submit to that idea, to that discipline, is unfair, undemocratic, and unAmerican.

I think the time is now at hand for the average citizen of this land to express himself forcibly and clearly upon this issue--whether the theology of a church denomination should subtly work itself into American life so as to control the political life and destiny of the American people. The American people are a religious people but not a bigoted people and not a narrow minded people and not a Puritanic people, and the American people does not wish to be strait-laced into any 17th century Puritanism.

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