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of the "Beacon of Truth." It means much for a learned Mohammedan to acknowledge that.

The *judicious use* of controversial literature is one of the best ways of evangelizing Moslems. It is often better to persuade a Moslem to read a portion of Scripture or a book or tract than to speak to him directly. Ink is cold. A *written* argument appeals to the mind and conscience in solitude. There is no pride in answering back glibly or irreverently to a printed page. It was said of the old Romans that "as they shortened their swords they lengthened their territories." So will it be in the conflict with Islam. The way for the Church to conquer is to come to close quarters with the foe. If prejudice prevents preaching by word of mouth, let us use the press and speak to the eye. If fanaticism shuts the door of the mosque, let us use the door of the post-office.

Regarding the circulation of this literature, Rev. E. M. Wherry, D.D., writes in the *Harvest Field* (November, 1900):

It is not easy to secure a sale of such books, and possibly the preacher feels a hesitancy about asking a man to buy a book which is aimed at his religion. The writer sympathizes with this feeling. It does seem like an impertinence, if not an insult, to ask a man to buy such a book. A better plan is to send it as a present, either by a messenger or through the post-office, always accompanying it with a kindly letter duly signed by the sender. Sometimes it is wise to loan books rather than to sell them or give them away. The return of the books will always afford an opportunity for conversation on the subject nearest the heart.

In whatever way this literature be circulated, its power is unquestioned, and it should be used to a much larger extent than heretofore in all Moslem lands. The present supply is large and varied enough to be used with discretion as well as with determination. New weapons will be forged to supply new exigencies in the conflict; none of those on hand should be allowed to rust; that is why we thought it worth while to hang them up in order, as swords in an arsenal.

THE SPAWN OF SLAVERY.

THE CONVICT-LEASE SYSTEM IN THE SOUTH.

BY PROFESSOR W. E. BURGHARDT DUBOIS.

Professor of Economics in Atlanta University, Georgia.

A modified form of slavery survives wherever prison labor is sold to private persons for their pecuniary profit.—*Wines.*

Two systems of controlling human labor which still flourish in the South are the direct children of slavery, and to all intents and purposes are slavery itself. These are the crop-lien system and the convict-lease system. The crop-lien system is an arrangement of chattel mortgages, so fixed that the housing, labor, kind of agricul-

ture and, to some extent, the personal liberty of the free black laborer is put into the hands of the landowner and merchant. It is absentee landlordism and the "company-store" systems united and carried out to the furthest possible degree. The convict-lease system is the slavery in private hands of persons convicted of crimes and misdemeanors in the courts. The object of the present paper is to study the rise and development of the convict-lease system, and the efforts to modify and abolish it.

Before the Civil War the system of punishment for criminals was practically the same as in the North. Except in a few cities, however, crime was less prevalent than in the North, and the system of slavery naturally modified the situation. The slaves could become criminals in the eyes of the law only in exceptional cases. The punishment and trial of nearly all ordinary misdemeanors and crimes lay in the hands of the masters. Consequently, so far as the state was concerned, there was no crime of any consequence among Negroes. The system of criminal jurisprudence had to do, therefore, with whites almost exclusively, and as is usual in a land of scattered population and aristocratic tendencies, the law was lenient in theory and lax in execution.

On the other hand, the private well-ordering and control of slaves called for careful cooperation among masters. The fear of insurrection was ever before the South, and the ominous uprisings of Cato, Gabriel, Vesey, Turner, and Toussaint made this fear an ever-present nightmare. The result was a system of rural police, mounted and on duty chiefly at night, whose work it was to stop the nocturnal wandering and meeting of slaves. It was usually an effective organization, which terrorized the slaves, and to which all white men belonged, and were liable to active detailed duty at regular intervals.

Upon this system war and emancipation struck like a thunderbolt. Law and order among the whites, already loosely enforced, became still weaker through the inevitable influence of conflict and social revolution. The freedman was especially in an anomalous situation. The power of the slave police supplemented and depended upon that of the private masters. When the masters' power was broken the patrol was easily transmuted into a lawless and illegal mob known to history as the Kuklux Klan. Then came the first, and probably the most disastrous, of that succession of political expedients by which the South sought to evade the consequences of emancipation. It will always be a nice question of ethics as to how far a conquered people can be expected to submit to the dictates of a victorious foe. Certainly the world must to a degree sympathize with resistance under such circumstances. The mistake of the South, however, was to adopt a kind of resistance which in the long run weakened her moral fiber, destroyed respect for law and order, and enabled gradually her worst elements to secure an unfortunate ascendancy. The South believed



GIRL PRISONERS IN ALABAMA.
They are in charge of a white overseer.

in slave labor, and was thoroughly convinced that free Negroes would not work steadily or effectively. The whites were determined after the war, therefore, to restore slavery in everything but in name. Elaborate and ingenious apprentice and vagrancy laws were passed, designed to make the freedmen and their children work for their former masters at practically no wages. Some justification for these laws was found in the inevitable tendency of many of the ex-slaves to loaf when the fear of the lash was taken away. The new laws, however, went far beyond such justification, totally ignoring that large class of freedmen eager to work and earn property of their own, stopping all competition between employers, and confiscating the labor and liberty of children. In fact, the new laws of this period recognized the Emancipation Proclamation and the Thirteenth Amendment simply as abolishing the slave-trade.

The interference of Congress in the plans for reconstruction stopped the full carrying out of these schemes, and the Freedmen's Bureau consolidated and sought to develop the various plans for employing and guiding the freedmen already adopted in different

places under the protection of the Union army. This government guardianship established a free wage system of labor by the help of the army, the striving of the best of the blacks, and the cooperation of some of the whites. In the matter of adjusting legal relationships, however, the Bureau failed. It had, to be sure, Bureau courts, with one representative of the ex-master, one of the freedman, and one of the Bureau itself, but they never gained the confidence of the community. As the regular state courts gradually regained power, it was necessary for them to fix by their decisions the new status of the freedmen. It was perhaps as natural as it was unfortunate that amid this chaos the courts sought to do by judicial decisions what the legislatures had formerly sought to do by specific law—namely, reduce the freedmen to serfdom. As a result, the small peccadillos of a careless, untrained class were made the excuse for severe sentences. The courts and jails became filled with the careless and ignorant, with those who sought to emphasize their new-found freedom, and too often with innocent victims of oppression. The testimony of a Negro counted for little or nothing in court, while the accusation of white witnesses was usually decisive. (The result of this was a sudden large increase in the apparent criminal population of the Southern states—an increase so large that there was no way for the state to house it or watch it even had the state wished to.) And the state did not wish to. Throughout the South laws were immediately passed authorizing public officials to lease the labor of convicts to the highest bidder. The lessee then took charge of the convicts—worked them as he wished under the nominal control of the state. Thus a new slavery and slave-trade was established.

THE EVIL INFLUENCES.

The abuses of this system have often been dwelt upon. It had the worst aspects of slavery without any of its redeeming features. The innocent, the guilty, and the depraved were herded together, children and adults, men and women, given into the complete control of practically irresponsible men, whose sole object was to make the most money possible. The innocent were made bad, the bad worse; women were outraged and children tainted; whipping and torture were in vogue, and the death-rate from cruelty, exposure, and overwork rose to large percentages. The actual bosses over such leased prisoners were usually selected from the lowest classes of whites, and the camps were often far from settlements or public roads. The prisoners often had scarcely any clothing, they were fed on a scanty diet of corn bread and fat meat, and worked twelve or more hours a day. After work each must do his own cooking. There was insufficient shelter: in one Georgia camp, as late as 1895, sixty-one men slept in one room, seventeen by nineteen feet, and seven feet high. Sanitary con-

ditions were wretched, there was little or no medical attendance, and almost no care of the sick. Women were mingled indiscriminately with the men, both in working and sleeping, and dressed often in men's clothes. A young girl at Camp Hardmont, Georgia, in 1895, was repeatedly outraged by several of her guards, and finally died in childbirth while in camp.

Such facts illustrate the system at its worst—as it used to exist in nearly every Southern state, and as it still exists in parts of Georgia, Mississippi, Louisiana, and other states. It is difficult to say whether the effect of such a system is worse on the whites or on the Negroes. So far as the whites are concerned, the convict-lease system lowered the respect for courts, increased lawlessness, and put the states into the clutches of penitentiary “rings.” The courts were brought into politics, judgeships became elective for shorter and shorter terms, and there grew up a public sentiment which would not consent to considering the desert of a criminal apart from his color. If the criminal were white, public opinion refused to permit him to enter the chain-gang save in the most extreme cases. The result is that even to-day it is very difficult to enforce the laws in the South against whites, and red-handed criminals go scot-free. On the other hand, so customary had it become to convict any Negro upon a mere accusation, that public opinion was loathe to allow a fair trial to black suspects, and was too often tempted to take the law into their own hands. Finally the state became a dealer in crime, profited by it so as to derive a net annual income for her prisoners. The lessees of the convicts made large profits also. Under such circumstances, it was almost impossible to remove the clutches of this vicious system from the state. Even as late as 1890 the Southern states were the only section of the Union where the income from prisons and reformatories exceeded the expense.* Moreover, these figures do not include the county gangs where the lease system is to-day most prevalent and the net income largest.

INCOME AND EXPENSE OF STATE PRISONS AND REFORMATORIES, 1890.

	Earnings.	Expense.	Profit.
New England.....	\$200,735	\$1,204,029
Middle States.....	71,252	1,850,452
Border States.....	597,898	962,411
Southern States†.....	938,406	800,432	\$47,974
Central States.....	624,161	1,971,795
Western States.....	378,030	1,572,316

The effect of the convict-lease system on the Negroes was deplorable. First, it linked crime and slavery indissolubly in their minds

* Bulletin No. 8, Library of State of New York. All figures in this article are from this source.

† South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, and Arkansas.

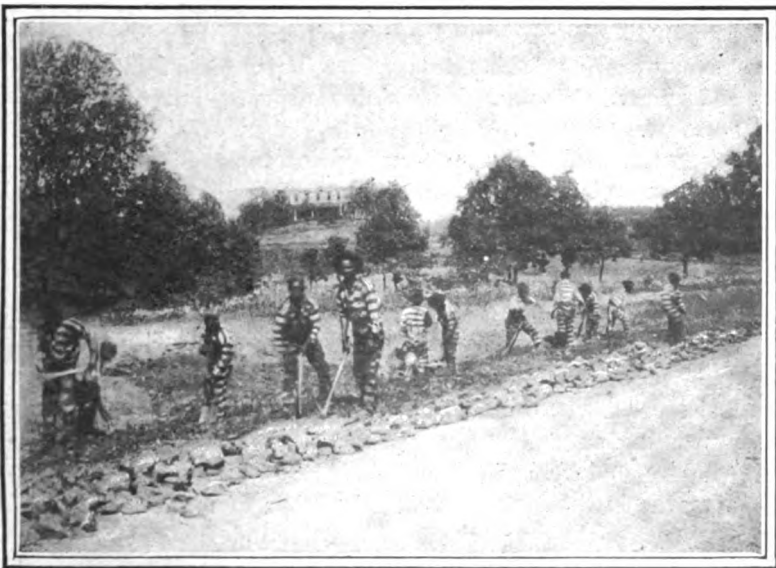
as simply forms of the white man's oppression. Punishment, consequently, lost the most effective of its deterrent effects, and the criminal gained pity instead of disdain. The Negroes lost faith in the integrity of courts and the fairness of juries. Worse than all, the chain-gangs became schools of crime which hastened the appearance of the confirmed Negro criminal upon the scene. That some crime and vagrancy should follow emancipation was inevitable. A nation can not systematically degrade labor without in some degree debauching the laborer. But there can be no doubt but that the indiscriminate careless and unjust method by which Southern courts dealt with the freedmen after the war increased crime and vagabondage to an enormous extent. There are no reliable statistics to which one can safely appeal to measure exactly the growth of crime among the emancipated slaves. About seventy per cent. of all prisoners in the South are black; this, however, is in part explained by the fact that accused Negroes are still easily convicted and get long sentences, while whites still continue to escape the penalty of many crimes even among themselves. And yet allowing for all this, there can be no reasonable doubt but that there has arisen in the South since the war a class of black criminals, loafers, and ne'er-do-wells who are a menace to their fellows, both black and white.

The appearance of the real Negro criminal stirred the South deeply. The whites, despite their long use of the criminal court for putting Negroes to work, were used to little more than petty thieving and loafing on their part, and not to crimes of boldness, violence, or cunning. When, after periods of stress or financial depression, as in 1892, such crimes increased in frequency, the wrath of a people unschooled in the modern methods of dealing with crime broke all bounds and reached strange depths of barbaric vengeance and torture. Such acts, instead of drawing the best opinion of these states and of the nation toward a consideration of Negro crime and criminals, discouraged and alienated the best classes of Negroes, horrified the civilized world, and made the best white Southerners ashamed of their land.

WHAT HAS BEEN DONE.

Nevertheless, in the midst of all this a leaven of better things had been working, and the bad effects of the epidemic of lynching quickened it. The great difficulty to be overcome in the South was the false theory of work and of punishment of wrong-doers inherited from slavery. The inevitable result of a slave system is for a master class to consider that the slave exists for his benefit alone—that the slave has no rights which the master is bound to respect. Inevitably this idea persisted after emancipation. The black workman existed for the comfort and profit of white people, and the interests of white people were the only ones to be seriously considered. Consequently,

for a lessee to work convicts for his profit was a most natural thing. Then, too, these convicts were to be punished, and the slave theory of punishment was pain and intimidation. Given these ideas, and the convict-lease system was inevitable. But other ideas were also prevalent in the South; there were in slave times plantations where the well-being of the slaves was considered, and where punishment meant the correction of the fault rather than brute discomfort. After the chaos of war and reconstruction passed, there came from the better conscience of the South a growing demand for reform in the treatment of crime. The worst horrors of the convict-lease system were attacked persistently in nearly every Southern state. Back in the eighties George W. Cable, a Southern man, published a strong attack on the system. The following decade Governor Atkinson, of Georgia, instituted a searching investigation, which startled the state by its revelation of existing conditions. Still more recently Florida, Arkansas, and other states have had reports and agitation for reform. The result has been marked improvement in conditions during the last decade. This is shown in part by the statistics of 1895; in that year the prisons and reformatories of the far South cost the states \$204,483 more than they earned, while before this they had nearly always yielded an income. This is still the smallest expenditure of any section, and looks strangely small beside New England's \$1,190,564. At the same time, a movement in the right direction is clear. The laws are being framed more and more so as to prevent the placing of convicts altogether in private control. They are not, to be sure, always



A COUNTRY CHAIN-GANG IN ALABAMA.

enforced, Georgia having several hundreds of convicts so controlled in 1895 despite the law. In nearly all the Gulf states the convict-lease system still has a strong hold, still debauches public sentiment and breeds criminals.

The next step after the lease system was to keep the prisoners under state control, or, at least, regular state inspection, but to lease their labor to contractors, or to employ it in some remunerative labor for the state. It is this stage that the South is slowly reaching to-day, so far as the criminals are concerned who are dealt with directly by the states. Those whom the state still unfortunately leaves in the hands of county officials are usually leased to irresponsible parties. Without doubt, work, and work worth the doing—*i. e.*, profitable work—is best for prisoners. Yet there lurks in this system a dangerous temptation. The correct theory is that the work is for the benefit of the criminal—for his correction, if possible. At the same time, his work should not be allowed to come into unfair competition with that of honest laborers, and it should never be an object of traffic for pure financial gain. Whenever the profit derived from the work becomes the object of employing prisoners, then evil must result. In the South to-day it is natural that in the slow turning from the totally indefensible private lease system, some of its wrong ideas should persist. Prominent among these persisting ideas is this: that the most successful dealing with criminals is that which costs the state least in actual outlay. This idea still dominates most of the Southern states. Georgia spent \$2.38 per capita on her 2,938 prisoners in 1890, while Massachusetts spent \$62.96 per capita on her 5,227 prisoners. Moreover, by selling the labor of her prisoners to the highest bidders, Georgia not only got all her money back, but made a total clear profit of \$6.12 on each prisoner. Massachusetts spent about \$100,000 more than was returned to her by prisoners' labor. Now it is extremely difficult, under such circumstances, to prove to a state that Georgia is making a worse business investment than Massachusetts. It will take another generation to prove to the South that an apparently profitable traffic in crime is very dangerous business for a state; that prevention of crime and the reformation of criminals is the one legitimate object of all dealing with depraved natures, and that apparent profit arising from other methods is in the end worse than dead loss. Bad public schools and profit from crime explain much of the Southern social problem. Georgia, Florida, and Louisiana, as late as 1895, were spending annually only \$20,799 on their state prisoners, and receiving \$80,493 from the hire of their labor.

Moreover, in the desire to make the labor of criminals pay, little heed is taken of the competition of convict and free laborers, unless the free laborers are white and have a vote. Black laborers are continually displaced in such industries as brick-making, mining, road-

building, grading, quarrying, and the like, by convicts hired at \$3, or thereabouts, a month.

The second mischievous idea that survives from slavery and the convict-lease system is the lack of all intelligent discrimination in dealing with prisoners. The most conspicuous and fatal example of this is the indiscriminate herding of juvenile and adult criminals. It need hardly be said that such methods manufacture criminals more quickly than all other methods can reform them. In 1890, of all the Southern states, only Texas, Tennessee, Kentucky, Maryland, and West Virginia made any state appropriations for juvenile reformatories. In 1895 Delaware was added to these, but Kentucky was missing. We have, therefore:

	1890.	1895.
New England.....	\$632,634	\$854,581
Border States.....	233,020	174,781
Southern States.....	10,498	33,910

And this in face of the fact that the South had in 1890 over four thousand prisoners under twenty years of age. In some of the Southern states—notably, Virginia—there are private associations for juvenile reform, acting in cooperation with the state. These have, in some cases, recently received state aid, I believe. In other states, like Georgia, there is permissive legislation for the establishment of local reformatories. Little has resulted as yet from this legislation, but it is promising.

I have sought in this paper to trace roughly the attitude of the South toward crime. There is in that attitude much to condemn, but also something to praise. The tendencies are to-day certainly in the right direction, but there is a long battle to be fought with prejudice and inertia before the South will realize that a black criminal is a human being, to be punished firmly but humanely, with the sole object of making him a safe member of society, and that a white criminal at large is a menace and a danger. The greatest difficulty to-day in the way of reform is this race question. The movement for juvenile reformatories in Georgia would have succeeded some years ago, in all probability, had not the argument been used: it is chiefly for the benefit of Negroes. Until the public opinion of the ruling masses of the South can see that the prevention of crime among Negroes is just as necessary, just as profitable, for the whites themselves, as prevention among whites, all true betterment in courts and prisons will be hindered. Above all, we must remember that crime is not normal; that the appearance of crime among Southern Negroes is a symptom of wrong social conditions—of a stress of life greater than a large part of the community can bear. The Negro is not naturally criminal; he is usually patient and law-abiding. If slavery, the convict-lease system, the traffic in criminal labor, the lack of juvenile reformatories, together with the unfortunate discrimination and prejudice in other walks of life, have led to that sort of social protest and revolt which we call crime, then we must look for remedy in the sane reform of these wrong social conditions, and not in intimidation, savagery, or the legalized slavery of men.