

conditioning criminals like Alex, if it were possible? Why or why not? Is such a social policy one step away from a totalitarian form of government? Discuss.

5. Assume that everything in this film is the same except for the location of Alex's release from government control. Imagine that instead of being released back into his old environment, he is released far from his family and former "droogs," and the scenes of his crimes. Do you think that a reversal of his aversions to sex and violence would still have been necessary? Why or why not? Would the film have had a different message about the social implications of denying persons of their free will?
6. In the end, what is the philosophical message of *A Clockwork Orange* regarding human freedom? Do you agree with it? Why or why not?

CLARENCE DARROW

THE CRIME OF COMPULSION

Clarence Darrow uses determinism to argue that criminals are not responsible for their actions. Even though Nathan Leopold, Jr., and Richard Loeb confessed to having committed the crimes of kidnapping and murder, Darrow argues that their actions were determined by heredity and environment. Therefore, they are no more responsible for their crimes than they are for "any other product of heredity," such as their hairline or eye color. The judge in their case, John R. Caverly, spared Leopold and Loeb from the death penalty, sentencing them to life in prison.

Leopold and Loeb were intelligent young men from affluent families. Eighteen-year-old Leopold was a law student at the University of Chicago and was planning to attend Harvard Law School the following year. Seventeen-year-old Loeb was the youngest graduate ever of the University of Michigan. Together they planned the "perfect crime."

On May 21, 1924, they kidnapped Bobby Franks, a fourteen-year-old boy from one of the wealthiest families in Chicago, murdered him, and then disposed of his body and clothing. Franks' parents were then contacted with a ransom demand, but just before they were to pay it, their son's body was found. A pair of horn-rimmed glasses, later determined to be Leopold's, were found near the body. Both pleaded guilty to kidnapping and murder, and a hearing was set to determine their punishment.

While the prosecutor and the public demanded the death penalty, Darrow argued that they be spared because their actions were beyond their control. Because they pleaded guilty, only a judge, not a jury, would determine their punishment. If they had pleaded innocent, a trial would have taken place—not a hearing—and a jury would have decided their punishment. Given the sentiment of the masses in favor of their execution, Darrow felt that he had a better chance in convincing a judge who was described as a "kindly and discerning man" to spare them than a jury.

His defense tactic paid off. On August 22, 1924, Darrow presented his closing arguments. They went on for twelve hours and left many in the courtroom, including the judge, in tears. Two weeks later, Judge Caverly reached a decision. He said that his judgment could not be affected by the causes of crime and that the court had no business in deciding who or what was ultimately responsible for actions. Thus, the age of the defendants and the fact that criminologists might learn something by studying them persuaded him to sentence Leopold and Loeb to life in prison, rather than to death.

Loeb was killed in prison by another inmate in 1936, and Leopold was released from prison in 1958. To escape the publicity stemming from the release of the film *Compulsion* (1959), which deals directly with his crime, Leopold moved to Puerto Rico. He died in 1971.

Clarence Darrow (1867–1938) was a famous American lawyer, well known for his wit, compassion, and agnosticism. He began his career as a corporate attorney in Illinois, though he later switched to defending members of the working class. He famously defended striking union workers against his former employer in the Pullman strike of 1894. He later left the practice of labor law to devote himself to opposing the death penalty, which he felt conflicted with the progress of humanity.

Darrow is best known for defending Leopold and Loeb in 1924, and John T. Scopes in the so-called Monkey trial in 1925. During the Leopold and Loeb trial, it was rumored that Darrow was being paid \$1 million for his services. Though ordinary Americans felt betrayed by Darrow and were angry at him, he and his two co-counsels were paid a total of \$100,000 for the defense—and that was only after several months of persistent requests to the Loeb family for payment.

Both trials have been the subject of numerous film adaptations. *Inherit the Wind* (see the film box in chapter 1) is an excellent film adaptation of the Scopes trial, and *Compulsion* is an adaptation of the Leopold and Loeb trial. After the Scopes trial, Darrow went into semiretirement, taking on only a few more cases. He wrote numerous widely read pamphlets on topics such as resisting evil, recognizing realism in art and literature, and facing life fearlessly, in addition to a number of books.

The following is a selection from Darrow's 1924 plea in defense of Loeb and Leopold, which is collected in *Attorney for the Damned* (1957), edited by Arthur Weinberg.

I have tried to study the lives of these two most unfortunate boys. Three months ago, if their friends and the friends of the family had been asked to pick out the most promising lads of their acquaintance, they probably would have picked these two boys. With every opportunity, with plenty of wealth, they would have said that those two would succeed.

In a day, by an act of madness, all this is destroyed, until the best they can hope for now is a life of silence and pain, continuing to the end of their years.

How did it happen?

Let us take Dickie Loeb first.

I do not claim to know how it happened; I have sought to find out. I know that something, or some combination of things, is, responsible for this mad act. I know that there are no accidents in nature. I know that effect follows cause. I know that, if I were wise enough, and knew enough about, this case; I could lay my finger on the cause. I will do the best I can, but it is largely speculation.

The child, of course, is born without knowledge.

Impressions are made upon its mind as it goes along. Dickie Loeb was a child of wealth and opportunity. Over and over in this court Your Honor has been asked, and other courts have been asked, to consider boys who have no chance; they have been asked to consider the poor, whose home had been the street, with no education and no opportunity in life, and they have done it, and done it rightfully.

But, Your Honor, it is just as often a great misfortune to be the child of the rich as it is to be the child of the poor. Wealth has its misfortunes. Too much, too great opportunity and advantage, given to a child has its misfortunes, and I am asking Your Honor to consider the rich as well as the poor (and nothing else). Can I find what was wrong? I think I can. Here was a boy at a tender age, placed in the hands of a governess, intellectual, vigorous, devoted, with a strong ambition for the welfare of this boy. He was pushed in his studies, as plants are forced in hothouses. He had no pleasures, such as a boy should have, except as they were gained by lying and cheating.

Now, I am not criticizing the nurse. I suggest that some day Your Honor look at her picture. It explains her fully. Forceful, brooking no interference, she loved the boy, and her ambition was that he should reach the highest perfection. No time to pause, no time to stop from one book to another, no time to have those pleasures which a boy ought to have to create a normal life. And what happened? Your Honor, what would happen? Nothing strange or unusual. This nurse was with him all the time, except when he stole out at night, from two to fourteen years of age. He, scheming and planning as healthy boys would do, to get out from under her restraint; she, putting before him the best books, which children generally do not want; and he, when she was not looking, reading detective stories, which he devoured, story after story, in his young life. Of all of this there can be no question.

What is the result? Every story he read was a story of crime. We have a statute in this state, passed only last year, if I recall it, which forbids minors reading stories of crime. Why? There is only one reason. Because the legislature in its wisdom felt that it would produce criminal tendencies in the boys who read them. The legislature of this state has given its opinion, and forbidden boys to read these books. He read them day after day. He never stopped. While he was passing through college at Ann Arbor he was still reading them. When he was a senior he read them, and almost nothing else.

Now, these facts are beyond dispute. He early developed the tendency to mix with crime, to be a detective; as a little boy shadowing people on the street; as a little child going out with his fantasy of being the head of a band of criminals and directing them on the street. How did this grow and develop in him? Let us see. It seems to be as natural as the day following the night. Every detective story is a story of a sleuth getting the best of it: trailing some unfortunate individual through devious ways until his victim is finally landed in jail or stands on the gallows. They all show how smart the detective is, and where the criminal himself falls down.

This boy early in his life conceived the idea that there could be a perfect crime, one that nobody could ever detect; that there could be one where the detective did not land his game—a

perfect crime. He had been interested in the story of Charley Ross, who was kidnaped. He was interested in these things all his life. He believed in his childish way that a crime could be so carefully planned that there would be no detection, and his idea was to plan and accomplish a perfect crime. It would involve kidnaping and involve murder.

There had been growing in Dickie's brain, dwarfed and twisted—as every act in this case shows it to have been dwarfed and twisted—there had been growing this scheme, not due to any wickedness of Dickie Loeb, for he is a child. It grew as he grew; it grew from those around him; it grew from the lack of the proper training until it possessed him. He believed he could beat the police. He believed he could plan the perfect crime. He had thought of it and talked of it for years—had talked of it as a child, had worked at it as a child—this sorry act of his, utterly irrational and motiveless, a plan to commit a perfect crime which must contain kidnaping, and there must be ransom, or else it could not be perfect, and they must get the money. . . .

The law knows and has recognized childhood for many and many a long year. What do we know about childhood? The brain of the child is the home of dreams, of castles, of visions, of illusions and of delusions. In fact, there could be no childhood without delusions, for delusions are always more alluring than facts. Delusions, dreams and hallucinations are a part of the warp and woof of childhood. You know it and I know it. I remember, when I was a child, the men seemed as tall as the trees, the trees as tall as the mountains. I can remember very well when, as a little boy, I swam the deepest spot in the river for the first time. I swam breathlessly and landed with as much sense of glory and triumph as Julius Caesar felt when he led his army across the Rubicon. I have been back since, and I can almost step across the same place, but it seemed an ocean then. And those men whom I thought so wonderful were dead and left nothing behind. I had lived in a dream. I had never known the real world which I met, to my discomfort and despair, and that dispelled the illusions of my youth.

The whole life of childhood is a dream and an illusion, and whether they take one shape or another shape depends not upon the dreamy boy

but on what surrounds him. As well might I have dreamed of burglars and wished to be one as to dream of policemen and wished to be one. Perhaps I was lucky, too, that I had no money. We have grown to think that the misfortune is in not having it. The great misfortune in this terrible case is the money. That has destroyed their lives. That has fostered these illusions. That has promoted this mad act. And, if Your Honor shall doom them to die, it will be because they are the sons of the rich. . . .

Now, to get back to Dickie Loeb. He was a child. The books he read by day were not the books he read by night. We are all of us molded somewhat by the influences around us, and of those, to people who read, perhaps books are the greatest and the strongest influences.

I know where my life has been molded by books, amongst other things. We all know where our lives have been influenced by books. The nurse, strict and jealous and watchful, gave him one kind of book; by night he would steal off and read the other.

Which, think you, shaped the life of Dickie Loeb? Is there any kind of question about it? A child. Was it pure maliciousness? Was a boy of five or six or seven to blame for it? Where did he get it? He got it where we all get our ideas, and these books became a part of his dreams and a part of his life, and as he grew up his visions grew to hallucinations.

He went out on the street and fantastically directed his companions, who were not there, in their various moves to complete the perfect crime. Can there be any sort of question about it?

Suppose, Your Honor, that instead of this boy being here in this court, under the plea of the State that Your Honor shall pronounce a sentence to hang him by the neck until dead, he had been taken to a pathological hospital to be analyzed, and the physicians had inquired into his case. What would they have said? There is only one thing that they could possibly have said. They would have traced everything back to the gradual growth of the child.

That is not all there is about it. Youth is hard enough. The only good thing about youth is that it has no thought and no care; and how blindly we can do things when we are young!

Where is the man who has not been guilty of delinquencies in youth? Let us be honest with

ourselves. Let us look into our own hearts. How many men are there today—lawyers and congressmen and judges, and even state's attorneys—who have not been guilty of some mad act in youth? And if they did not get caught, or the consequences were trivial, it was their good fortune.

We might as well be honest with ourselves, Your Honor. Before I would tie a noose around the neck of a boy I would try to call back into my mind the emotions of youth. I would try to remember what the world looked like to me when I was a child. I would try to remember how strong were these instinctive, persistent emotions that moved my life. I would try to remember how weak and inefficient was youth in the presence of the surging, controlling feelings of the child. One that honestly remembers and asks himself the question and tries to unlock the door that he thinks is closed, and calls back the boy, can understand the boy.

But, Your Honor, that is not all there is to boyhood. Nature is strong and she is pitiless. She works in her own mysterious way, and we are her victims. We have not much to do with it ourselves. Nature takes this job in hand, and we play our parts. In the words of old Omar Khayyam, we are only:

But helpless pieces in the game He plays
Upon this checkerboard of nights and days;
Hither and thither moves, and checks, and slays,
And one by one back in closet lays.

What had this boy to do with it? He was not his own father; he was not his own mother; he was not his own grandparents. All of this was handed to him. He did not surround himself with governesses and wealth. He did not make himself. And yet he is to be compelled to pay.

There was a time in England, running down as late as the beginning of the last century, when judges used to convene court and call juries to try a horse, a dog, a pig, for crime. I have in my library a story of a judge and jury and lawyers trying and convicting an old sow for lying down on her ten pigs and killing them.

What does it mean? Animals were tried. Do you mean to tell me that Dickie Loeb had any more to do with his making than any other product of heredity that is born upon the earth? . . .

For God's sake, are we crazy? In the face of history, of every line of philosophy, against the teaching of every religionist and seer and prophet the world has ever given us, we are still doing what our barbaric ancestors did when they came out of the caves and the woods.

From the age of fifteen to the age of twenty or twenty-one, the child has the burden of adolescence, of puberty and sex thrust upon him. Girls are kept at home and carefully watched. Boys without instruction are left to work the period out for themselves. It may lead to excess. It may lead to disgrace. It may lead to perversion. Who is to blame? Who did it? Did Dickie Loeb do it?

Your Honor, I am almost ashamed to talk about it. I can hardly imagine that we are in the twentieth century. And yet there are men who seriously say that for what nature has done, for what life has done, for what training has done, you should hang these boys.

Now, there is no mystery about this case, Your Honor. I seem to be criticizing their parents. They had parents who were kind and good and wise in their way. But I say to you seriously that the parents are more responsible than these boys. And yet few boys had better parents.

Your Honor, it is the easiest thing in the world to be a parent. We talk of motherhood, and yet every woman can be a mother. We talk of fatherhood, and yet every man can be a father. Nature takes care of that. It is easy to be a parent. But to be wise and farseeing enough to understand the boy is another thing; only a very few are so wise and so farseeing as that. When I think of the light way nature has of picking our parents and populating the earth, having them born and die, I cannot hold human beings to the same degree of responsibility that young lawyers hold them when they are enthusiastic in a prosecution. I know what it means.

I know there are no better citizens in Chicago than the fathers of these poor boys. I know there were no better women than their mothers. But I am going to be honest with this court, if it is at the expense of both. I know that one of two things happened to Richard Loeb: that this terrible crime was inherent in his organism, and came from some ancestor; or that it came through his

education and his training after he was born. Do I need to prove it? Judge Crowe said at one point in this case, when some witness spoke about their wealth, that "probably that was responsible."

To believe that any boy is responsible for himself or his early training is an absurdity that no lawyer or judge should be guilty of today. Somewhere this came to the boy. If his failing came from his heredity, I do not know where or how. None of us are bred perfect and pure; and the color of our hair, the color of our eyes, our stature, the weight and fineness of our brain, and everything about us could, with full knowledge, be traced with absolute certainty to somewhere. If we had the pedigree it could be traced just the same in a boy as it could in a dog, a horse or a cow.

I do not know what remote ancestors may have sent down the seed that corrupted him, and I do not know through how many ancestors it may have passed until it reached Dickie Loeb.

All I know is that it is true, and there is not a biologist in the world who will not say that I am right.

If it did not come that way, then I know that if he was normal, if he had been understood, if he had been trained as he should have been it would not have happened. Not that anybody may not slip, but I know it and Your Honor knows it, and every schoolhouse and every church in the land is an evidence of it. Else why build them?

Every effort to protect society is an effort toward training the youth to keep the path. Every bit of training in the world proves it, and it likewise proves that it sometimes fails. I know that if this boy had been understood and properly trained—properly for him—and the training that he got might have been the very best for someone; but if it had been the proper training for him he would not be in this courtroom today with the noose above his head. If there is responsibility anywhere, it is back of him; somewhere in the infinite number of his ancestors, or in his surroundings, or in both. And I submit, Your Honor, that under every principle of natural justice, under every principle of conscience, of right, and of law, he should not be made responsible for the acts of someone else. . . .