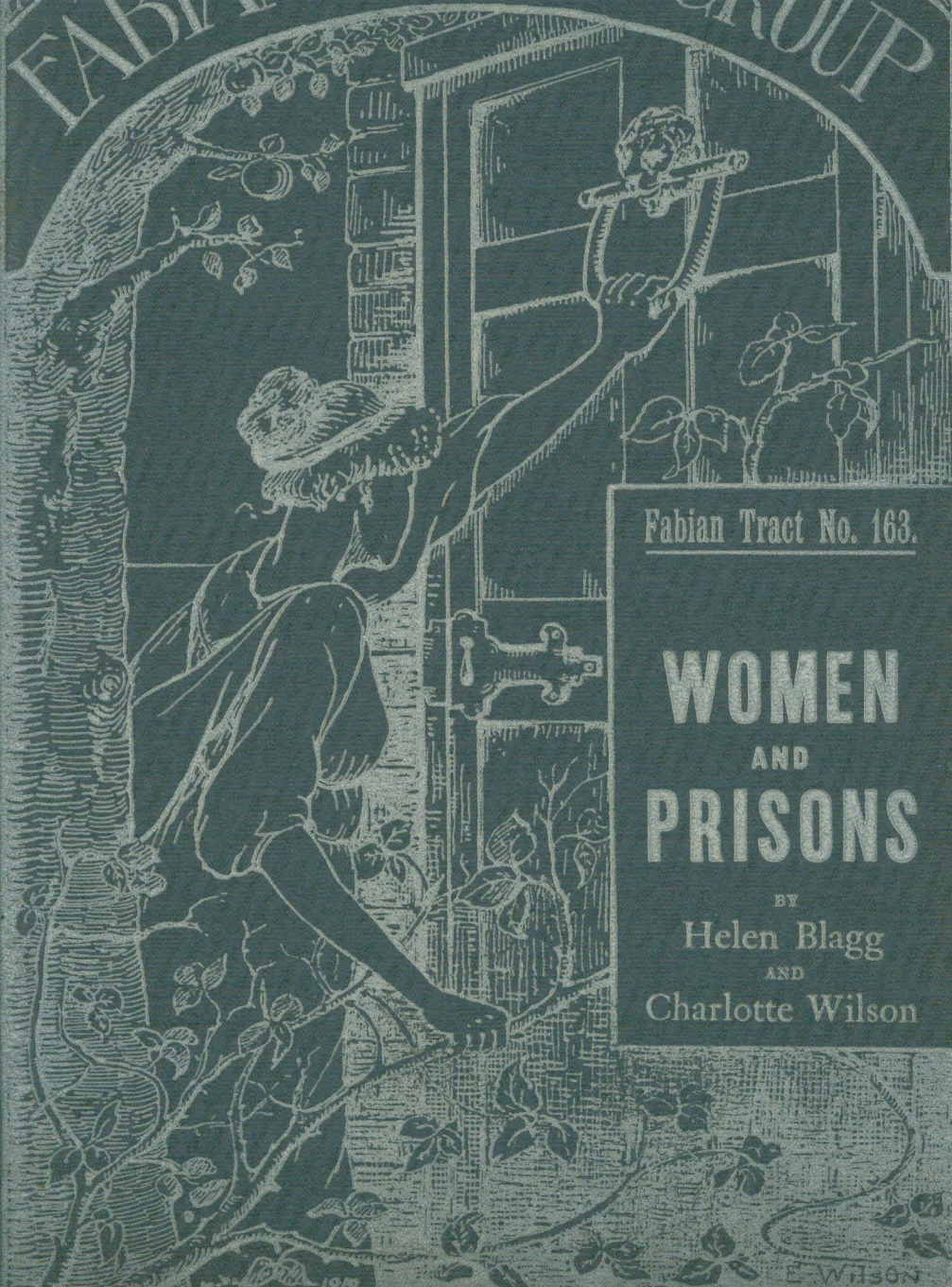


FABIAN WOMEN'S GROUP



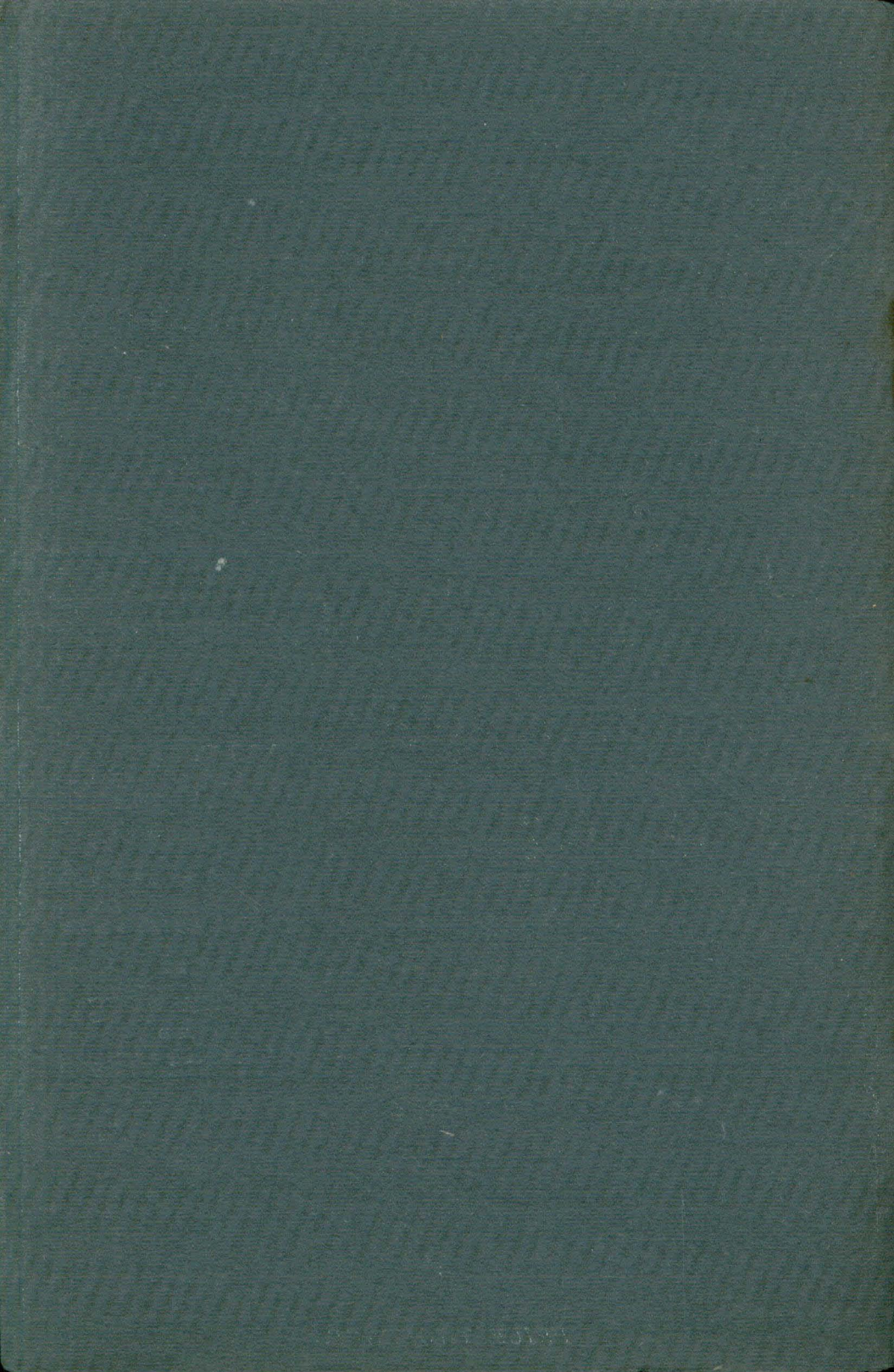
Fabian Tract No. 163.

WOMEN AND PRISONS

BY
Helen Blagg
AND
Charlotte Wilson

E. WILSON

PRICE TWOPENCE.



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HELEN BLAGG & CHARLOTTE WILSON

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WOMEN AND PRISONS.

DRAFTED BY MISS HELEN BLAGG AND MRS. CHARLOTTE WILSON FROM MATERIAL COLLECTED DURING 1910-11 BY A COMMITTEE OF THE FABIAN WOMEN'S GROUP, WHICH ALSO INCLUDED MISS ATKINSON, MRS. BOYD DAWSON, MRS. MAPPLEBECK, MRS. RUTH RIDSDALE, MISS ELLEN SMITH.

PART I.—DEVELOPMENT OF THE ENGLISH PENAL SYSTEM.

Introduction.

WOMEN suffer under the criminal law and its administration as men do and in other ways besides. In order to understand what specially relates to women it is necessary to consider our penal system as a whole. The penalty of imprisonment is now its central feature; but the predominance of the prison is a comparatively new thing, coincident with the growth of our present economic conditions, and as they change it seems likely to cease. The instinct of self-preservation in a community is the source of all penal systems; but that instinct has intermingled with a variety of passions, and striven to explain and express itself by very dissimilar ideas and methods at different periods in our history. Fragments of all of these compose the underlying strata of our penal system to-day.

Revenge and Restitution.

The original form of punishment was retribution—an eye for an eye and a tooth for a tooth—really the fundamental childish instinct of hitting back when struck. Later, as an alternative to retribution, came the idea of restitution, that is of payment in money or kind for personal damage done or for goods appropriated. In Anglo-Saxon customary law each man and each part of a man had a price, which was paid as compensation direct to the injured person and his kin. Later his lord and his king demanded compensation as well. Ultimately the State annexed the whole in criminal cases on the plea that the wrongdoer had broken the king's peace. An attenuated remnant of the ancient custom of restitution has come down to us in the form of fines, and of the damages and costs awarded in civil cases. But it is believed by some criminologists that a return to the old idea, recast to suit modern conditions, might be a valuable agency in the reform of the criminal.

Revenge and Expiation.

Ideas of revenge and restitution have been allied from time immemorial with that of expiation. The wrongdoer must be made to atone for his crime by undergoing some form of personal suffering. Under the influence of mediæval theology revenge and restitution merged in the expanding force of this ancient doctrine till it became the dominating factor in criminal procedure. Hanging, burning, beheading, dismemberment, crushing, branding, ducking, whipping, mutilation, the stocks, and the pillory were favorite modes of punishment in England almost down to modern times. Banishment from city, village, guild, or hundred, which often meant in the Middle Ages outlawry* and starvation, was succeeded early in the seventeenth century by transportation to our plantations across the Atlantic, the transported being sold as servants to free settlers.† After the revolt of the American Colonies Australia was substituted for America as a dumping ground for our convicts, male and female; and the plight of most of them there in "hulks" or "factories," in chain gangs, or as "assigned servants," was little better than that of servitude in the plantations.‡ Transportation finally came to an end in 1867 with the refusal of West Australia to receive convicts.

Up to the beginning of the last century death or transportation were the usual forms of punishment even for trivial offences. A child might be hanged for stealing a pocket handkerchief. But since 1838 the death penalty has rarely been exacted for any offence save murder.§ Since 1868 executions have taken place in private. In earlier times they were public, and people used to make up parties to see criminals hanged.

Little mercy was shown to women in the matter of punishment; indeed burning, one of the most cruel of deaths, was a frequent penalty for their offences. A woman was burnt for coining in 1789. The penalty was abolished the following year. A woman was flogged through the streets of London for the last time in 1767. Whipping for female offenders was finally abolished only in 1820.

Whilst the idea of expiation dominated society mere imprisonment was too mild a final penalty for anything but debt or lesser political offences. Gaols were fever haunted, pestiferous dens, sometimes underground, where men, women, and children awaiting trial or execution of sentence were fettered and huddled promiscuously together. They got food and drink by bargaining with their gaoler, who received no wages, but made his living out of the prisoners and could retain them in bondage until they paid him. There were also Houses of Correction for rogues and disorderly persons and

* Outlawry, i.e., being out of the king's protection, is still a possible penalty for crime; abolished for civil cases 1879. Pollock and Maitland, "History of English Law," Vol. I., p. 49, note. For imprisonment in the Middle Ages and penalties incident to exile, *ibid.*, Vol. II., pp. 516-8. Banishment from the village was practised in Scotland in the nineteenth century. Andrews, "Old Time Punishments," p. 114.

† "White Servitude in Virginia" (Ballagh); "Slavery and Servitude in North Carolina" (Bassett). Johns Hopkins University Studies, xiii, and xiv.

‡ See Report of Select Committee on Transportation, 1838.

§ 1,601 persons were condemned to death in 1831; in 1910-11 only 25.

the Bethlehem Hospital (Bedlam) for obstreperous lunatics, where the public paid to go on Sundays to see the insane, like animals in the Zoo, behind the iron bars of their cages.

Deterrence and the Reform of the Criminal.

A note of coming change was struck during the eighteenth century. The Society of Friends in America and in England were pleading against the death penalty, and urging that room for repentance be given to the criminal; while Howard* and Bentham were formulating schemes of punishment which might deter from crime, whilst reforming instead of merely torturing the evil doer. The agency they proposed was imprisonment in isolation, and the cellular penitentiary at Millbank was built in 1816 to try an experiment for which, however, public opinion was not yet ready. For more than thirty years Millbank was the white elephant of prison reform.

The movement initiated by Romilly and Mackintosh for the substitution of the penalty of imprisonment for those of death or barbarous misusage, progressed side by side with the efforts to improve the state of local prisons initiated by Howard, and carried on by Elizabeth Fry, Nield and Buxton and their Society for the Reform of Prison Discipline. The reforms it strove to effect were the classification and separation of prisoners, at all events of the sexes; a bed for each person, if not a separate cell; some attempt to preserve health; the appointment of prison chaplains and the moral instruction of prisoners; continual and arduous employment; the use of fetters only as an "urgent necessity"; and female officers for female offenders. For many years the reformers were ridiculed as "ultra-humanitarians" endeavoring to "pamper the criminal classes," but they succeeded in provoking a series of Parliamentary enquiries and some enactments, which, like the efforts of the eighteenth century, remained a dead letter until public opinion overtook legislation.

General progress, including the establishment of a regular police force in 1829, and the more efficient lighting of towns, combined with the abandonment of the worst barbarities of our criminal law, resulted in a gradual diminution of crime. This reassured the public, and when the Australian Colonies made their first resolute stand against transportation in 1840, England was ripe for a new development of the penal system.

The building of the model prison at Pentonville, with 520 separate cells, was followed by the promulgation by Sir George Grey, Home Secretary 1846-52, of a new scheme, in which the prison was the main agency for dealing with all classes of criminals—except those condemned to capital punishment or let off with a fine. (1) A limited period of separate confinement in a penitentiary or local prison, accompanied by industrial employment and moral training. (2) For long sentence prisoners hard associated labor at a public works prison. (3) A ticket-of-leave, curtailing the sentence of well-behaved

* Howard first called attention to the subject in his "State of Prisons in England and Wales," 1777. Mrs. Fry started the "Association for the Improvement of Female Prisoners in Newgate" in 1817. Like Howard she afterwards carried on a widespread agitation for prison reform at home and abroad.

industrious convicts, but leaving them under police supervision. National uniformity in the discipline and diet of local prisons was finally secured by the Prisons Act of 1877, which placed gaols throughout the country under the jurisdiction of the Home Secretary with Prison Commissioners (Prison Board) under him, and Prison Inspectors. Thus the ideal of a method of punishment which should deter by its severity, while reclaiming the criminal by its moral suasion, has been reduced to practice and subjected to the test of experience for nearly three-quarters of a century. Those most convinced of its necessity will hardly contend that it has justified the high hopes and noble enthusiasm in which it originated.

The Modern Point of View.

The scientific study of criminal psychology and pathology and of social conditions in relation to crime, combined with an enlarging sense of collective responsibility, has made the twentieth century thoroughly impatient of the results produced by the penal reforms of the nineteenth. The statistics of recidivism (i.e., the recurrence of convictions of the same person) demonstrate failure to reclaim the individual, whilst the inadequacy of deterrence is suggested by high premiums against burglary and larceny, by country roads infested with rogues and vagabonds, streets with prostitutes, drunkards and pickpockets, hotels and clubs with cardsharps and "kleptomaniacs," and commercial centres with swindlers and embezzlers, most of whom never come within the reach of the law. It is scarcely needful to add that women suffer even more than men from this continuance of social insecurity.

Modern criminologists regard the attempt to combine aims so incompatible as deterrent punishment and a serious attempt to reform the criminal as the makeshift of a period of transition. The path of penal reform is seen to lie towards the prevention of crime by removal of causes, the classification of criminals for the purpose of dealing with them in the manner most for their own interest, as well as for the public good, the protection of society by the segregation, under beneficent conditions, of the insane, the deficient and the hopelessly anti-social, and the systematic effort to restore the erring to mental health by humane curative and educational treatment.

These proposals of reform are based on an alteration in our view of the incidence of personal responsibility, and the part played by the individual will in conduct. The old idea of penal as of educational discipline was to crush and break; the modern idea is to fortify and build up force of character. Kropotkin, writing twenty-two years ago of his own experience gained "In Russian and French Prisons,"* drew attention to weakness of will and a natural but misdirected desire for approbation, as common characteristics of criminals, whose show of dangerous anti-social energy is often a result of sheer desperation; and his opinion has been confirmed by our best English observers. The remedy indicated by modern thought lies in a development of the personal sense of responsibility for self-direction, which can only exist where scope is afforded for some freedom of action and oppor-

* Page 354.

tunity given for the exercise of bodily and mental powers. The old idea was that the collective force of society should be used to suppress the will and stultify the faculties of every person of whose activities custom or authority disapproved. The modern idea is that the collective force of society should be used to stimulate and support the exercise of individual will power under a sense of personal and social responsibility, and to make every effort to strengthen and restore it where it is enfeebled or lost, combined of course with opportunity for the free exercise in a useful and healthy direction of such powers as the individual may possess. In a word our present inclination towards a positive rather than a negative method for the solution of such social problems as destitution, ignorance or sickness is extending likewise to the treatment of crime.

Such changes would involve nothing less than the abolition of our present prison system, and the movement towards them is as yet but partial and tentative. Our judicial and administrative authorities are aware that the present state of things is by no means satisfactory, but they are still befogged by the idea of safeguarding us by means of punishment as a deterrent, if not as an expiation. They are still trying to reconcile this attitude with the partial adoption of methods likely to be effectual in forestalling crime by preventing its causes and in humanely reclaiming the criminal or gently rendering him innocuous. The two radically incompatible points of view clash at every step, and consequently our latest reforms tend to be halting, inadequate and self-contradictory. Nevertheless they are paths leading up to the coming change.

PART II.—PRISONS.

The prison being the main penal agency of recent times most men and women who come under our criminal law are to be found within its walls. Though the death penalty still stands on the statute book for offences other than murder, it is many years since it has been so applied. The present method of inflicting it is less cruel,* and even for murder there is a growing tendency to extend the limits of the mental irresponsibility or extenuating circumstances which permit incarceration to be substituted for hanging, e.g., in cases of maternal infanticide.†

The Prison System.

Solitary confinement as a part of imprisonment was first introduced by Sir James Graham as Home Secretary in 1842, with the intention that it should be accompanied by definite training. Till 1898 each long-sentence prisoner underwent this confinement, at first for eighteen and afterwards for nine months; it was then reduced to six months, and now to only one for those condemned to hard labor or penal servitude.‡ In the case of women it is only

* A jerk causing instant death by breaking the neck is said to have been first tried as a substitute for slow suffocation by hanging in 1760.

† Three females were condemned to death during 1910-11, but in each case the sentence was commuted.—Report of the Commissioners of Prisons, Part I, p. 103.

‡ Recidivist convicts serve three months in solitary confinement, now called "separate."

undergone by convicts (New Rules, July, 1910). Silence is however insisted upon during associated labor and exercise. A prisoner is supposed to speak and to be spoken to only by officials, and then as little as possible.

Penal servitude was devised in 1853 as a substitute for transportation. It has been applied since 1891 to all prisoners (convicts) with sentences of three years and over. These convicts are employed in associated labor, the men in public works, in building, quarrying, farm work or trades; the women in baking, bookbinding, sewing, knitting, tailoring, mattress making, twine making, gardening, cooking, washing, and general service for the prison. There is but one convict prison for women, that at Aylesbury. Only forty-two women convicts were admitted during 1910-11, of whom thirty-two are classified as "recidivists" and ten as "star" prisoners.* Solitary confinement takes place first in the local prison, in which those with shorter sentences spend their whole time.

Local prisons, in which far the larger number of women are confined, usually accommodate both men and women prisoners in different wards; and, generally speaking, there is one prison to each county. A number of unsuitable local prisons were closed by the Prisons Acts of 1877 and 1898, but in many places there is still room for much improvement in sanitary and other arrangements.

The court, on passing a sentence of imprisonment without hard labor, may direct the prisoner to be treated as an offender of either the first or second division. In the absence of direction he or she is treated as a prisoner of the third or ordinary division, with or without "hard labor." The first division implies detention merely, the second penal discipline much mitigated. Besides short sentence prisoners in these three divisions, local prisons contain those sentenced to death, those awaiting trial, and those imprisoned for debt, all kept separately and under special rules. There is also a star class for first offenders of good previous character who are willing to give respectable references.

In local prisons a matron, and at Aylesbury a lady superintendent, has charge of the women's side. Since the revelations of the suffrage prisoners in 1908-9, a medical woman Inspector of Prisons has been appointed.

Hard labor for a man means labor in solitary confinement, but for a woman associated labor for the same length of time daily (six to ten hours excluding meals), unless the doctor objects, "regard being had to any advice or suggestions from the Visiting Committee or Discharged Prisoners Aid Society."

In both local and convict prisons there is a system of marks for industry and good conduct, whereby prisoners may earn remission of sentence and also various privileges attained by stated grades and a gratuity before discharge.

Convicts are classed in three categories:—

- A. Ordinary, including (1) star class, as in local prisons; (2) intermediates i.e., other first offenders; (3) recidivists.

* Report of the Commissioners of Prisons and Directors of Convict Prisons, 1910-11, p. 78.

- B. Habitual offenders sentenced to preventive detention, who can earn privileges and also gratuities to spend in prison, but not remission of sentence.
- C. Long sentence prisoners, who after serving ten years and earning all privileges ordinarily possible, may earn special privileges and gratuities, together with remission of sentence.

The prison staff consists of a governor, doctor, chaplain, and their assistants, and of warders. There are also warders in the prison hospital, ministers and priests who visit Nonconformist and Roman Catholic prisoners, and skilled instructors. There is a visiting committee of local magistrates for local prisons, and a board of visitors appointed by the Home Secretary for convict prisons, also unofficial ladies' visiting committees and societies which aid discharged prisoners.

Prison regulations* are alike for men and women, with the exceptions here noted. Women prisoners are dealt with by female officers and a female officer accompanies any male official, even the governor, when he visits the women's quarters.

"The labor of all prisoners shall, if possible, be productive, and the trades and industries taught and carried on shall, if practicable, be such as shall fit the prisoner to earn his livelihood on release"; but "a prisoner may be employed in the service of the prison," and short sentence women are so employed, as technical instruction cannot usefully be given to them.

A man over 16 and under 60 condemned to hard labor sleeps on a plank bed without a mattress for the first fortnight, but a woman is allowed a mattress.

All non-technical instruction is under the control of the chaplain, and must include reading, writing and arithmetic, and religious exhortation, for which purpose the chaplain often visits the cells. The prison library consists of books sanctioned by the commissioners (in convict prisons by the directors). During the first month prisoners may only read books of instruction—religious and secular.

"Prisoners who do not do their best to profit by the instruction afforded them may be deprived of any privileges in the same way as if they had been idle or negligent at labor," or be punished according to the general rules. (Regulations in Cells, 1911.)

The main difference between men and women is in diet. All females are allowed with juveniles. Males over 16 have larger rations.

Analysis of Dietary in Local Prisons.

Diet A. For all prisoners sentenced to less than four months, during the first seven days of imprisonment. Bread (men 8 oz., women 6 oz.) and gruel (1 pt.) daily for breakfast and supper. Dinner: Bread (men 8 oz., women 6 oz.) and porridge (1 pt.), or potatoes (8 oz.) or suet pudding (men 8 oz., women 6 oz.).

Diet B. After first seven days for whole term if not exceeding four months. Bread and gruel (same amounts as A) daily for breakfast and supper for women, porridge substituted for gruel for men's supper. Dinner: Bread (6 oz.) and potatoes (8 oz.) daily, together with soup (1 pt.), or cooked meat (men 4 oz., women 3 oz.), or suet pudding (men 10 oz., women 8 oz.) on two days a week each. Beans (men 10 oz., women 8 oz.) and fat bacon (men 2 oz., women 1 oz.) on the remaining day.

Diet C. After first four months for rest of term. Breakfast: Bread (8 oz.) and porridge (1 pt.) for men, bread (6 oz.) and tea (1 pt.) for women. Supper: Bread and cocoa in the same relative amounts. Dinner: As in Diet B, slightly larger quantities of potatoes, suet pudding, meat or beans being given.

Juvenile prisoners may, in addition to the above diet, be allowed milk, not exceeding one pint per diem, at the discretion of the medical officer, and one pint of porridge in lieu of tea for breakfast.

* The following particulars are taken from the "Prisons Rules for Local and Convict Prisons in England, issued 1898, and revised to December, 1903," compared with later administrative orders and the experiences of prisoners down to 1912.

The dietary for convicts is like C, but somewhat more varied, and sweet things are not excluded.

"The diet for special classes of prisoners, viz. :—(a) Prisoners on remand or awaiting trial who do not maintain themselves, (b) Offenders of the First Division who do not maintain themselves, (c) Offenders of the Second Division, (d) Debtors, shall be Diet B; provided that they shall receive for breakfast one pint of tea in lieu of gruel, and for supper one pint of cocoa in lieu of porridge or gruel; and that when detained in prison more than four months they shall receive C Diet at the expiration of the fourth month."*

Women, like men, are punished for offences against prison discipline by close confinement, by three days on bread and water, or a longer period on low diet in special cells on a plank bed. They may be put in irons but not flogged. Punishments are awarded by the governor or the visiting committee under strict regulations. Prisoners may make complaints to either of these authorities. If a prisoner takes advantage of the privilege, such boldness is said often to result in loss of marks or privileges.

A mother may keep with her an infant at the breast until it is nine to twelve months old.

Such in rough outline is the existing prison system as applied to both sexes.

The Prison System as it Appears to Those Immediately Concerned.

The Prison Commissioners every year issue a report which shows how seriously they take their responsibilities and how anxiously they endeavor to make the best of a system which they still look upon as inevitable. Prison officials whilst holding office are debarred from publishing their views, but on retirement inspectors, governors, doctors, matrons, and chaplains have done so. Their testimony is, intentionally or unintentionally, amongst the most damning evidence against things as they have been and still are.

"The working of prison systems, whether at home or abroad," says Dr. Morrison, late Chaplain at Wandsworth Prison, "teaches us that any person, be he child or man, who has once been in prison is much more likely to come back again than a person who, for a similar offence, has received punishment in a different form."—"Crime and its Cause."

The experience of prisoners themselves is necessarily rare and difficult to obtain. Very occasionally an unfortunate more able to express himself than most publishes such a book as "Five Years Penal Servitude, by One who has Experienced It." Amongst these the splendid and terrible "De Profundis" and "Ballad of Reading Gaol" of Oscar Wilde stand alone. Occasionally a political prisoner like Michael Davitt publishes a thoughtful appreciation of what he has observed. When anyone who has experienced imprisonment does speak it is to condemn the system.

"Penal servitude," said Michael Davitt in 1885 ("Leaves from a Prison Diary") "has become so elaborate that it is now a huge punishing machine destitute, through centralized control and responsibility, of discrimination, feeling, and sensitiveness; and its non-success as a deterrent from crime and complete failure in reformatory effect upon criminal character are owing to its obvious essential tendency to deal with erring human beings, who are still men despite their crimes, in a manner which mechanically reduces them to a uniform level of disciplined brutes."

* Ibid.

Women in Holloway.

Since Elizabeth Fry described the "hell above ground" at Newgate few women have written of prison from close personal observation. No female prisoner recorded her experiences until suffragists in large numbers were sent to Holloway (1907-11). Their criticisms are therefore worthy of careful consideration even on that ground alone. The letters or statements of twelve women are here quoted. All are first hand and carefully verified.

FIRST EXPERIENCES SUMMARIZED.

Received into prison from the van the prisoners are stripped, deprived of all personal possessions, even a name—henceforth they are known by number only—bathed, and dressed in prison clothes, each one wearing clothes exactly similar to those of every other female prisoner of the same division. The second division wear green, the third brown, of like texture. The dress has been very much improved during the last two years by the woman Inspector of Prisons. Until 1910 the outfit was that in use by the working classes of 1860, but it is now chosen with a view to hygiene and to the individual needs of the prisoners. A cloak is provided, which may be kept in the cell as an additional wrap. One handkerchief (a duster) is allowed each week, and only one towel is provided.

DAILY ROUTINE.

Called at 5.30-6 a.m. Breakfast, about 7 (one rarely knows the exact time). Chapel, 8.30. Associated labor (under skilled instructors for long sentence prisoners). Exercise (about one hour). Dinner, about 12 o'clock. Associated labor. Supper, 5 p.m.

The cell door is then closed for the night and, except in the case of serious illness, is not allowed to be opened again until the next morning. The prisoner may read until the light is turned out (about 8.30), or may go to bed directly she has eaten her supper. All prison work has been taken from her and she is allowed to do no work for herself, nor are mothers with infants allowed to make the baby's clothes.

Between rising and chapel the bed has to be made, the cell scrubbed, and all tin utensils polished. Associated labor under instruction includes needlework, dressmaking, laundry work, or gardening. The rule of absolute silence is in force the whole day. When out at exercise the prisoner must walk all the time, to stand still or to sit down is not allowed, unless under special medical permission. On Sunday the prisoner attends chapel twice and, unless she is allowed out for exercise, is confined to her cell the rest of the day, no work being done.

FOOD AND HYGIENE.

"The food may be sufficient to ward off the actual pangs of hunger, but the monotony of the diet amounts, after a time, to positive torture."

"The food is scanty, the ventilation totally inadequate; the result is to make prisoners dull and stupid, unfit to earn their living when they come out, yet the reason that many are there at all is chiefly from their inability to earn an honest living."

"The food of third division prisoners consists of gruel of no flavor whatever, and of the consistency of paste, and coarse brown bread. This is served at 7 a.m. and 5 p.m. At mid-day meat and potatoes are served. I believe the food allowances are worked out so that if they are all consumed a sufficient quantity of the various necessary foodstuffs is taken. But it is now generally admitted that food consumed with a sense of distaste cannot be assimilated, and the bad air and lack of exercise, and the fact that the meals are taken alone, naturally reduce the prisoners' appetites so that they cannot eat the uninviting food, or if they do so, it is of little use to them. Moreover the bread is so hard and dry and is so irritating to the stomach as frequently to set up gastric disorders, so that few of the women can eat half the amount supplied. Therefore it will be readily seen that the women are habitually underfed, their vitality is low, and they are an easy prey to all diseases."

Many other prisoners speak of the prevalence of diarrhœa, which is very weakening, and, with prison conditions, is most inconvenient and distressing in every way. The "convenience" supplied in the cell is totally inadequate, and even if it be of a proper size and does not leak, the fact that it remains unemptied from evening till morning is, in case of illness especially, very insanitary and dangerous to health. "Lavatory time" is permitted only at a fixed hour twice a day, only one water-closet being provided for twenty-three cells.

"I slept in one of the ordinary cells, which have sliding panes, leaving at the best two openings about six inches square. The windows are set in the wall high up, and are 3 by 1½ or 2 feet area. Added to this they are very dirty, so that the light in the cell is always dim. After the prisoner has been locked in the cell all night the air is unbearable, and its unhealthiness is increased by damp. The cells are washed at six in the morning, and the corridors are washed at the same time. In spite of the fact that any adequate through ventilation is impossible, owing to the height of the windows and the small area that opens, the prisoners are locked into the cells again at seven for breakfast, so that they sit in a wet cell and are forced to breathe the evaporating moisture which cannot escape. A great number of the prisoners suffer from chronic catarrh, and anyone with a tendency to consumption could hardly fail to contract the disease."*

In this connection it must be borne in mind that when mental and physical vitality are at a low ebb and impressions from without few and monotonous, the physical facts of existence loom gigantic in the mind and physical discomfort may cause mental agony, especially if the suffering is inflicted by others against whose will the victim has no appeal. Enforced privations produce exactly the opposite of the spiritual uplifting, sometimes a result of voluntary asceticism.

DISCIPLINE AND ITS EFFECTS.

A matter on which the suffrage prisoners lay much stress is the inhuman way in which the wardresses address the prisoners, and the lack of all human intercourse between them. This was explained by an official in the prison service as being necessary in order to avoid any possibility of favoritism, and to avoid jealousy among the prisoners. To maintain order among such a heterogeneous collection of rebels as a crowd of prisoners, it is found necessary to accustom them to obey a sharp word of command.

"The prison system is not calculated to reform criminals. It induces deceit above all things—the rule of silence being one that everybody breaks whenever possible. It reduces people to mere numbered machines, thus doing away with any sense of personal responsibility. It suppresses all initiative and undermines all self-reliance, whereas I take it that the desirable thing is to build up a sense of self-reliance

* Next to heart disease the most frequent causes of deaths in prison are pneumonia and phthisis.—Medical Report of Commissioners, 1910-11, Part 1, p. 40.

and respect, and to encourage people to have a stronger sense of individual responsibility towards the rest of mankind."

"The whole system is one to destroy anyone's self-respect and moral control."

"I observed the gradual hardening of certain of the prisoners who were quite obviously full of grief and shame on arrival. . . . The principal effect of the prison system as it now exists seems to me to be the destruction of self-respect and initiative. I believe many of the wardresses who come into closer contact with the prisoners than any of the other officials, take what opportunity they find of urging the women to a better way of life, but since the system works in the other direction, their influence cannot be very great. The wardresses are as much prisoners as we are."

"To be continually in disgrace; to never hear a kindly tone or a word of encouragement, is sufficient to crush those who are already weak, and who have fallen in the battle of life. . . . There is an atmosphere of fear and suspicion throughout a prison that weakens the character and engenders deceit."

"Every endeavor is made to render the life dull, monotonous and dreary; all the surroundings are as hideous as human ingenuity can make them, the food unappetizing, and the whole tone brutalizing and hardening."

PUNISHMENTS.

"When you are put into the punishment cell* you feel as if you were absolutely cut off from the rest of the world, the echoes of footsteps along the stone corridors, the banging and locking of doors become so magnified as to have a gruesome and horrible effect on your nerves."

"Hour after hour, day after day (seven days) I spent sitting on the wooden bed, doing nothing, hardly thinking, staring into vacancy. I could well imagine the loneliness, silence (for two doors close this cell), darkness and cold, sending women mad. The horror of it is still with me, and night after night, unable to sleep, I go through it all again. . . . I tried walking about to obtain exercise, but the cell echoed so weirdly and horribly I was obliged to desist."

This prisoner was in "close confinement," i.e., no exercise, chapel, or anything that takes a prisoner out of her cell is permitted.

"The punishment cell is longer and higher, though not so wide as the ordinary cell. . . . The furniture consisted of two shelves in one corner, a wooden bed three inches high with wooden pillow, also fixed into the ground, with the top and one side against the wall, and a tree trunk clamped into the wall was the only seat. A few tin utensils, every one of which leaked. . . . The cell was damp, and any water spilt took days to dry up."

Most prisoners complain of want of ventilation, especially in punishment cells, but one says:—

"The punishment cell is bitterly cold and very draughty. And all punishment cells are very dark, light only shining in on bright days, and in the middle of the day."

Handcuffs, another form of punishment, are described as

"A brutal torture, especially when placed behind, as the arms have to be forced back and twisted before they can be fastened, and they are fastened in such a manner as to give cramp; after a time your arms are dead and numb."

As to the infliction of punishments the same prisoner says:—

"The way the punishments are dealt out by the visiting magistrates is really too callous. The sentences, you know, are already arranged before they have heard your side of the question"

Punishments may be given for not completing the task set. In undetected cases of incipient insanity or imbecility, the effect of such punishment is too hideous to contemplate.

What wonder then that the women who go to prison become hardened criminals, and that the problem of the female recidivist haunts the brains of the conscientious commissioner?

* The reference here is to "special" cells for refractory prisoners.

The root of the matter seems to be insufficient opportunity for individual treatment, and the effort to draw out the best that is in each prisoner. Goodness, kindness, humanity are crushed out by the deadening life. The high grim walls, the iron bars, the hard bed, and all the bare surroundings are but outward signs of the essential fact of the absence of love and beauty. In the piteous words of the "Ballad of Reading Goal":—

"For neither milk-white rose nor red
May bloom in prison air;
The shard, the pebble and the flint,
Are what they give us there:
For flowers have been known to heal
A common man's despair."

PART III.—CRIMINALS AND CRIME.

I.—Relative Statistics for Men and Women.*

According to the last Annual Report of the Prison Commissioners the number of prisoners received under sentence in His Majesty's Prisons amounted to 186,395 during the year, a decrease of 13,870 from the year before (p. 4). Some of these moreover were committed several times during the year, so that this total is in excess of the actual number of fresh offenders received. The total numbers in custody during the year were 194,037 males and 42,581 females in local prisons, and 4,559 males and 164 females in convict prisons (p. 29).

AVERAGE DAILY POPULATION OF PRISONS, 1910-11 (p. 5).

	Males.	Females.	Total.
Local	14,596	2,386	16,982
Convict	3,195	114	3,309
Borstal	508	27	535
State Inebriate Reformatories ...	24	54	78

Note that the number of women prisoners is very much smaller than that of the men. Nevertheless records of recidivism show that of the males a percentage of 58·8 only had been previously convicted and as many as 77·2 of the females (p. 17).

These figures seem to lead to the following conclusions:—Either (a) Crime among women, while confined to a much smaller class than among men, proceeds from an ineradicably unmoral nature; in other words, those women who commit crimes are much worse morally and therefore less reclaimable than men criminals; or (b) Prison treatment is better suited to men than to women, reforming a percentage of 41·2 of them, while only 22·8 of the women are deterred from committing further breaches of the law; or (c) Owing to the state of public opinion imprisonment affects the future social and economic life of women more adversely than that of men, and further crime results from bad company, poverty and despair.

* Reference, unless otherwise stated, is to "The Report of the Commissioners of Prisons and the Directors of Convict Prisons for the year ended March, 1911," Part I.

The period of detention and the method of treatment naturally affect the whole question.

PERIODS OF DETENTION IN LOCAL PRISONS.*

The total number of prisoners committed to local prisons from ordinary courts during 1910-11 was 166,230. (Males 130,350, females 35,880.) The length of sentences was as follows:—

	Males.	Females.
Over 2 years	3	0
Over 18 months and under 2 years (inclusive) ...	235	11
Over 12 months and under 18 months ..	1,044	33
Over 3 months and under 12 months ..	7,967	1,143
Over 1 week and under 3 months ..	74,896	21,606
1 week and under	46,205	13,087

Thus it will be seen that while the majority of prisoners of both sexes are convicted for three months or less, the average length of sentence is even shorter for women than for men, and only 44 women out of 35,880 were convicted for twelve months during the year.

The Prison Commissioners† give a "typical case" of a girl of 20 committed for a month or less thirteen times in two years for prostitution, vagrancy or indecency. The Lady Inspector says of such cases "a stream of bright, childish girls passes in and out of the prisons many of whom are in the power of older and worse people than themselves. . . . In spite of their dreadful experiences they do not differ greatly in (natural) mental and physical development from the better class girls who are growing happily at school and hockey-field while they are qualifying as prison habituals." Their stunted minds, she continues, are gradually perverted, enfeebled or unhinged unless they can be removed from the influences that are destroying them, but short sentences for purposes of educational treatment are well-nigh useless.

AGES OF CONVICTED CRIMINAL PRISONERS COMMITTED TO LOCAL PRISONS ON CONVICTION DURING THE YEAR ENDED MARCH, 1911.

	Per centage		Per centage	
	Male.	of total.	Female.	of total.
Under 12	—	—	—	—
12 to 16	32	—	2	—
16 to 21	10,380	7·0	1,163	3·2
21 to 30	36,555	27·7	7,831	21·8
30 to 40	36,626	27·8	12,569	35·0
All ages	131,746	—	35,949	—

The question of the age incidence of crime is important. It appears from these statistics and others that the age incidence is higher in women than in men. The proportion of youths to girls under 20 is about nine to one, the number of men between the ages of 20 and 40 are much the same, but far the largest proportion of women criminals are aged from 30 to 40. (Appendix V, p. 67).

* Ibid, p. 64.

† Ibid, pp. 11 and 34-6.

DIFFERENCES IN THE NATURE OF CRIME.*

	Convictions on Indictment.	Summary Convictions and in default of Sureties.	Total.
(a) Offences against the person (murder, wounding, cruelty, including cruelty to and neglect of children, assault and immoral offences)	Males 939	9,067	10,003
	Females 84	1,877	1,961
(b) Offences against property with violence (burglary, robbery, etc.)	Males 2,475	—	2,475
	Females 36	—	36
(c) Offences against property without violence (chiefly larceny, stealing and fraud, including forgery)	Males 4,626	16,234	20,858
	Females 412	2,575	2,987

The above table gives the figures for the three main divisions of serious crime. The most noticeable fact in it is the comparative rarity of crimes of violence among women; except for cruelty to children, including neglect, † the proportion is markedly less than amongst men. It may also be taken as a certainty that there is a much smaller skilled professional criminal class among women than among men. There are few professional criminals in class (a); probably the largest number, chiefly men, belong to class (b).

A barrister tells us that in his many years' experience at the criminal bar, practically all women convicted of indictable offences are (1) prostitutes or (2) married women convicted of neglecting their children through drink, or (3) domestic servants who have succumbed to their peculiar facilities for stealing clothing or jewellery; usually girls in poor households and themselves physically and mentally below par. Of these three categories prostitutes are immensely the largest, from 85 to 90 per cent. of the whole. "It would be almost true to say that indictable crime among women is confined to women who are prostitutes. This is, I fancy, the main explanation of the greater irreclaimability of women criminals."

It is interesting to compare these facts with those of the older system before penal servitude took the place of transportation for long sentence prisoners. From 1787 to 1837, 43,506 men and 6,791 women were transported to New South Wales, and 24,785 men and 2,974 women to Van Dieman's Land from 1817 to 1837. The largest consignment in any one year occurred in 1833, when 2,310 men and 420 women were sent to New South Wales, and 1,576 men and 245 women to Van Dieman's Land. The evidence before the Select Committee ‡ stigmatized the conduct of the women convicts as being "as bad as anything could well be." They were "ferocious," "drunken and abandoned prostitutes," "more irreformable than male convicts." When assigned as servants "from negligence they turn to pilfering; from pilfering generally follows drunkenness, and from drunkenness generally debauchery, and it is very rare indeed,

* Statistics brought together from same Report, Tables pp. 104-7.

† During 1910-11, males convicted summarily and otherwise for cruelty to children 870, females 675. Compare proportion with that for common assault, males 4,416, females 821. Ibid.

‡ From "Report from the Select Committee on Transportation communicated by the Commons to the Lords, 1838."

that a woman remains a few months in service before she goes to the factory for punishment." "The proportion of women reformed is much smaller than amongst men," but "those who have good mistresses turn out well." In some places convict women servants could only obtain some sort of protection from brutal ill-usage by prostituting themselves. (Evidence of Rev. Dr. Ullathorne, Vicar-General of New Holland). Women convicts "contaminated all around them, and it was impossible to reform them," "they are so bad that settlers have no heart to treat them well," nevertheless, marriage sometimes reformed them. (Evidence of P. Murdock, Superintendent of Emu Plains).

The comparison of these observations upon the results of a by-gone method with observations upon the methods of to-day seems to indicate that whilst women are less likely to become criminals, they react still more disastrously than men under penal severity; also that there is an intimate connection between prostitution and crime amongst women.

II.—Causes of Crime.

It must be borne in mind that "crime" is an arbitrary legal term. "There is an enormous mass of so called crime in England which is not crime at all. . . . Eighty-three per cent. of the annual convictions, summarily and on indictment, followed by committal to gaol, are for misconduct that is distinctly non-criminal, such as breaches of municipal byelaws and police regulations, drunkenness, gaming, and offences under Vagrancy Acts";* also the peculiarly feminine offence of prostitution.†

The large proportion of brief sentences (p. 14 *infra*) are in themselves enough to indicate the triviality of the offences, and, as Major Griffiths says, "the question will arise some day whether it is really necessary to maintain fifty-six local prisons, with all their elaborate paraphernalia, their imposing buildings, and expensive staff to maintain discipline in daily life and insist upon the proper observation of customs and usages, many of them of purely modern invention." He might have added "or of dubious social value." We have nearly always some men and women in our prisons who are there for zeal in social reform or individual experiment distasteful to custom or to the powers that be, though the future may regard it as harmless or even acclaim it as beneficial.

* Major A. G. F. Griffiths, H.M. Inspector of Prisons 1878-96, article "Prisons," *Encyclopædia Britannica*. For Major Griffiths's larger works see Bibliography. Compare Kirkman Gray, "Philanthropy and the State," pp. 161-4.

† 8,642 women were sent to local prisons for this offence during the year March 1910-11; 6,013 of them in default of fine. During the same year out of the 123,172 males and 35,378 females received into local prisons, 3,614 males and 149 females were sentenced as disorderly paupers, 2,115 males and 134 females for neglect to maintain a family, and 926 males and 44 females for stealing or destroying workhouse clothes and other offences against the Poor Law. Under the Vagrancy Acts 20,988 males and 1,061 females were sentenced for begging, and 5,087 males and 381 females for sleeping out of doors. During this year altogether 60,386 males and 24,499 females were imprisoned simply in default of payment of fine, and 17,437 as debtors or under civil process. 910 males and one female were committed under the Game Laws. Report of Commissioners of Prisons, Part I., pp. 28, 109-10.

Turning to crimes of more serious character, one of the most important determining causes appears to be mental disease or deficiency. Besides the considerable number of criminals certified insane before conviction there is an even larger proportion found to be insane on reception in prison or at some period during imprisonment.

The Report of the Medical Inspector for 1910-11* gives the number of prisoners certified insane in local prisons during the year as 136, of whom 121 were males and 15 females.

We select the following as typical cases :—†

Age.	Degree of Education, Standard.	Occupation and Offence.	Sentence.	Supposed Cause.
27	I	Servant, neglecting children.	3 months hard labor.	Recurrent melancholia (puerperal) due to trouble.
35	Nil	Rag Sorter. Drunk and Disorderly.	1 month hard labor.	Melancholia, due to intemperance.
28	IV	Dressmaker. Prostitution.	1 month imprisonment.	Insane on admission. Melancholia, due to stress.
29	Imperfect	Laundress. Burglary	3 years penal servitude.	Recurrent mania, probably congenital.

Congenital mental deficiency appears in the statistical table as the main cause of insanity leading to crime. Other causes appearing with regularity are alcoholism, epilepsy and syphilis. Among criminologists hereditary predisposition is also generally accepted as an operative cause.

The congenitally feeble-minded form a much larger proportion of the prison population than actual lunatics. During 1910-11 "the number of prisoners formally recognized as being so feeble-minded as to be unfit for the ordinary penal discipline was 359 in local prisons and in convict prisons 120."‡

In this class must also be included the moral imbeciles, chiefly congenital. Here is a typical instance :—§

No. 1191, aged 27, education imperfect, a hawker, who committed an indecent assault, sentenced to three months hard labor, was found on reception to be of "unsound mind" in the form of "congenital mental deficiency, moral," from "congenital syphilis."

Again, there are a certain number of mentally unusual persons, possibly of exceptionally brilliant gifts, who need special conditions to develop healthily, and not obtaining them may become criminals. Add to these, and to the mentally unsound and deficient, all those normal persons who are goaded or led into crime as a result of preventible social causes, such as extreme poverty, or negligence and misuse in youth, and a very small proportion of our criminal population remains to be accounted for as individuals by nature so anti-social as to be a perennial danger to their fellow men. ||

* Ibid, pp. 28, 42.

† Ibid, Appendix 18, Table D. pp. 130-143.

‡ Ibid, p. 28.

§ Ibid, pp. 132-3.

|| As an example of such take the poisoner Palmer, as described by Sir James Fitzjames Stephen in "A General View of the Criminal Law of England," p. 272.

PART IV.—PATHS OF CHANGE.

It is abundantly evident that the causes of crime above indicated have their root deep in our existing social organization. Any adequate preventive measures must be inextricably bound up with such wide issues as security of employment, a living wage, housing and sanitation, and national responsibility for the nurture and training of youth, for the care of the feeble and sick in body and mind, and for the prevention of destitution.

Furthermore, the difficulties created by existing law are, as the Prison Commissioners observe, "well-nigh insuperable." Our Common Law is an obscure tangle of custom and precedent; our confused mass of Statutes, Bye-laws and Regulations, sometimes actually provocative in character, is bewildering to the most astute of lawyers, and incomprehensible to the plain citizen.

These large issues can be but alluded to here, gravely as they affect the causes of crime. We pass to the attempts now being made to transform the penal system itself from a mechanism aiding and abetting the manufacture of criminals, into an agency for the prevention of crime and the reclamation of the erring.

A burning question of the moment is the length of sentences. If crime is to be prevented by effectively segregating or reforming criminals they must be put, and kept for some considerable time, under skilled care and supervision, directly they first begin to go wrong; but to inflict long sentences of punitive imprisonment for trivial offences is sheer cruelty. Here lies the crux, and the nation for the nonce is Mr. Facing-both-ways. Nevertheless many changes now in progress are heading straight for the transformation of definite terms of rigorous imprisonment apportioned to the heinousness of the offence into indeterminate terms of humane institutional or external treatment apportioned to the needs of the offender. Such changes fall mainly into two divisions. (I) Further classification and correlative specialized treatment, accompanied by mitigation of the hardships of imprisonment in general. (II) Improvements in official administration.

I.—Classification and Special Treatment.

THE PROBATION SYSTEM.

The probation system, "a system of liberty under supervision," originated in Massachusetts, U.S.A., about 1880, for children, and has now been adopted in at least nineteen of the States. It was recommended strongly at the Prison Congress at Buda Pest, September, 1905, and by the Probation of Offenders Act (1907) came into force in England, January, 1908. By this Act an offender may be discharged, and enter into recognizances to be of good behavior, being liable to be called upon for conviction and sentence at any time during the next three years.

The system properly worked is primarily educational rather than punitive. It is an elastic combination of officialism and philanthropy and therefore depends for its success mainly on efficient administration. The offender is usually placed by the magistrates under th

control of a specified probation officer, who has to be obeyed, who may make compulsory regulations, and who reports monthly to the magistrate. In America, in places where it is worked to great perfection, 70 to 90 per cent. of successes are claimed for the system.

It appears from the criminal statistics for the year 1909 that 8,962 persons in England and Wales were put on probation under the Act, of whom only 624 had subsequently to appear for sentence. Of these 133 were discharged, and only 184 were ultimately sentenced to imprisonment, the others (307) being variously dealt with—in many cases sent to homes or reformatories. Of the total number placed on probation 6,862 were males and 2,100 females. Amongst the females 394 were less than 16 years old, 665 between 16 and 21, and 1,041 above that age.*

In its main idea the probation system is almost a return to the law of Anglo-Saxon England, in many ways superior to our own, where the community, i.e., the hundred or the kindred was held responsible for the good behavior of the individual. Modern society is too complicated for an exact return to this idea, but under the Probation Act the community deposes its duties to its representative, i.e., to the probation officer, because that is the best way in which, as a society, it can fulfil its duty to the unfit. And the probation officer who understands the duties of the office will see that the family, i.e. the parents or guardians are made to fulfil their duties. In the case of young offenders the parents quite as much as the children are "put on probation." Working through the family and the home this system gives the unfortunate a strong friend from outside who can often provide education and training and employment. It is better than prison from the economic as well as from the humane point of view, for the offender is not removed from work in the outside world, so need not be maintained by the State, nor is the wage earner's family thrown upon the Poor Law. There is no criminal taint, no loss of status, no association with other offenders; on the contrary in the most successful cases the whole tone of the home is raised. The system aims at making both the unit and the family more useful to society.

To do all this successfully the probation officers must be experienced men and women with insight and tact. They must combine force of character and firmness with gentleness and sympathy. In London existing agencies, such as Mr. Wheatley's St. Giles's Christian Mission, the Police Court Mission of the Church of England Temperance Society, and the Church and Salvation Armies, undertake the greater part of the probation work, in which, on the whole, they seem to have great success. There is, however, room for development and improvement in the system, especially in two directions :—

- (a) Pressure brought to bear on magistrates, especially in country districts, to make use of the Act and, except for the very gravest offences, to refrain entirely from sending to prison any first offender or any juvenile adult for so short a time as to be ineligible for effective Borstal treatment.

* Criminal Statistics for 1909, pp. 166, 167, Table 4, III.

- (b) Improvement in the training, salary, and status generally of the probation officer, and the appointment of a larger proportion of women.

It seems possible in the future that an increasing number of men and women with a wide outlook and greater culture may find in this work their true vocation. In the United States of America it is often taken up by settlement workers.

REFORMATORY AND INDUSTRIAL SCHOOLS.

When all possible use has been made of the probation system, there will still remain a certain number of boys and girls who are homeless or "incurables." Such children are now sent to industrial schools and reformatories. By the Children Act of 1908 reformatory is to be preferred to prison for all young persons (fourteen to sixteen years), no one under sixteen is to be sent to penal servitude, and sentence of death may not be pronounced on anyone under sixteen. Practically, therefore, imprisonment is abolished for all girls under sixteen, and for juvenile adults (sixteen to twenty-one) the Borstal system is now in force.

BORSTAL SYSTEM.

Amongst the 10,380 male and 1,163 female juvenile adults convicted during the year 1910-11, 489 males and 35 females were selected for treatment in Borstal institutions.*

The system is so called from the village of Borstal, near Rochester, where the primary institution stands. The ruling principle is training—physical, mental, and manual. Much use is made of physical drill, of work in the open air, of lectures, of music, instruction in skilled trades, and education generally, and of progress from grade to grade. The upper grade, "Blues," dine in a large hall, sleep on spring mattresses in dormitories, and play cricket or football on Saturday afternoon. The food, though plain, is plentiful, and apparently appetizing. There is nothing degrading in the routine; on the contrary, everything is uplifting. The inmates do not show the same recidivist tendency as ordinary prisoners because they have been taught to desire "something better." The Governor of Borstal reports 82 per cent. of his boys as satisfactory, and of the 303 youths discharged last year only 13 have been reconvicted. Since July, 1909, this institution has ceased to rank as a prison, and two similar institutions for youths have been opened, as well as one at Aylesbury for girls. They are not meant for first offenders, but to reclaim young people of really bad character. Those in Borstal last year averaged about three previous convictions apiece.†

OFFENCES OF BORSTAL INMATES, 1910-11.

	Males.	Females.
Against persons	11	1
Against property with violence	219	—
Against property without violence	214	—
Malicious injury to property	6	1
Other offences	9	33

* Report of Prison Commissioners, Part I, 1910-11, p. 24.

† Ibid., Part II, p. 192.

Sentences of twelve months are insufficient to reclaim young hooligans who on arrival are practically below the normal, physically and mentally. Sometimes it takes eighteen months to make any impression. "There are many boys here whose wits are dulled by neglect and bad treatment, and this is the first time they have experienced a combination of kindness and discipline."* Two years is the minimum useful sentence, and three is far better; but last year 150 of the Borstal boys were sent for less than two years. The Medical Officer is more and more struck by "the importance of physical unfitness as a determining factor" in the downfall of these youths.† The feeble minded or incorrigibly vicious are not retained in Borstal institutions.

AYLESBURY BORSTAL FOR GIRLS, 1910-11. (STARTED IN AUGUST, 1909).

In custody at the beginning of the year	...	...	...	...	23
Received during the year	...	...	...	...	35
Recommitted (forfeiture of licence)	...	...	...	...	2
				Total	60
Released during the year	...	...	...	...	34

Average age 18 years and 7 months. Education—12 had reached Standard IV, and two Standard VII at school. None were wholly illiterate. (The majority of Borstal youths had been in Standards II and III).

Employment: 11 needlework, 8 cleaners and jobbers in and about the prison, 7 gardeners. It is hoped to add training in laundry work and cooking. The Borstal girls like hard manual labor better than sewing, and "it is surprising to see the vigor they put into rough work. They are full of energy and apparently tireless." They enjoy drill and gardening, and the medical officer notes the marked effect of physical exercise in improving not only the physique and carriage, but "mentally their power of attention and concentration." The chaplain has been teaching history, geography and other general subjects, and finds the girls "quicker and more elastic mentally," "with much improved powers of observation and thought."

"A minimum of three years is needed to eradicate bad habits of want of self-control and inconsequence caused by years of bad environment," but only five of the girls were committed for this period, and 12 of them for less than one year."‡

MODIFIED BORSTAL RULES IN LOCAL PRISONS.

This experiment began in 1900, and by the Prevention of Crimes Act (1908) all juvenile adults (16-25 years in this case), except those sentenced to less than one month or more than three years, are dealt with, as far as possible, on Borstal lines under the superintendence of a Special Borstal Committee.§ Those sentenced to more than four months are sent to special collecting centres. During 1910-11 there were 1,810 juvenile adults treated under modified Borstal rules in local prisons, and of the 651 discharged from special centres, 56 per

* Ibid, Part II., p. 200, from Report of Governor of Feltham Borstal Institution.

† Ibid, Part II.

‡ Ibid, Part II., pp. 188-90, Report of Officers of Aylesbury Borstal.

§ Age limit for males 16-21; females sentenced for less than one month are eligible.

cent. are known to be doing well, and only 8 per cent. are known to have been re-convicted.*

PRISONERS AID AND AFTER-CARE ASSOCIATIONS.

Under the Borstal system every case is carefully followed up after leaving the institution by the Borstal Association. There are also voluntary committees, certified by the Home Office, for prisoners' aid at most local and convict prisons. A sum of £7,500 was recently assigned by the Chancellor of the Exchequer for the development of this work in relation to convicts, and since April, 1911, after care for them has been undertaken by one central agency called the "Central Association for the Aid of Discharged Convicts," which represents the Government and various Prisoners' Aid Societies, including the Church and Salvation Armies, and the Borstal Association.† It will henceforth exercise supervision over the discharged convict. The hated ticket-of-leave system is abolished. A prisoner who has earned a licence which entitles him or her to remission of sentence, is removed from all connection with the police, as long as he or she behaves properly. The Central Association has been at work too short a time for any result to be chronicled, but it should be remembered that the work of obtaining employment, lodging, etc., for discharged prisoners, and giving them encouragement to make a new start is quite as important as that of the probation officer. In this work women are taking a large share.

PREVENTIVE DETENTION.

The habitual criminals who, under the Prevention of Crime Act, 1908, constitute the special convict class (B) should rather be termed "professionals." The special treatment was intended for those "competent, often highly skilled persons who deliberately, with their eyes open, preferred a life of crime and knew all the tricks and turns and manœuvres necessary for that life." By the new rules (February, 1911) the criminal presented by the police to the Director of Public Prosecutions for preventive detention, must be over thirty years of age, have already undergone a term of penal servitude and be charged anew with a substantial and serious offence. Convicts under preventive detention cannot, except by special licence from the Home Secretary, earn any remission of sentence. Instead they earn special privileges in prison, where they are kept under separate rules. Since the Act came into operation 250 males and 3 females have been received in this class.‡

The experiment is of great interest to criminologists and penal reformers. It is a test of the curative effect upon healthy but anti-social persons of prolonged segregation, and also of segregation under conditions deliberately intended not to produce suffering, but to reform.

The Home Office has also recently been endeavoring to mitigate the suffering of imprisonment for convicts in general. The monotony

* Ibid, Part I., p. 25.

† Ibid, Part I., pp. 100-1.

‡ Ibid, pp. 113-6.

for long sentence prisoners is relieved by periodical lectures and concerts. The Commissioners in their latest report mention with gratification the pleasure (Oh, shades of our grandparents!) which the convicts take in these entertainments. Aged convicts have been placed in a special class and allowed some comforts.

INEBRIATES.

"Over one-half of the women and nearly one-third of the men sentenced to imprisonment in this country are committed for drunkenness, and repeated convictions in both cases, and especially in the case of women, constitute one of the saddest and most unprofitable features of prison administration."* The Inebriates Act of 1908 was an attempt to separate habitual drunkards from other offenders for curative treatment. It provided for the establishment of two classes of institutions, certified reformatories and state reformatories. Any person convicted of drunkenness four times in one year may be detained in one of these institutions for a period not exceeding three years. Those with a three years sentence are usually liberated at the expiration of two years and two months, and if they break out again are sent back to finish the remaining ten months.

The scheme as hitherto administered has turned out a costly failure. The cures are few, the drawbacks many. A woman, for instance, may be liberated to find her home broken up and herself alone and adrift. Two cases were reported recently of women who within three months of their discharge from an inebriate reformatory were re-committed in a state of pregnancy and remained comfortably housed until after confinement, when they were once more allowed to depart, their fatherless babies being sent to a children's home. Such a system is obviously faulty both from the moral and economic point of view, and many magistrates are refusing to make further use of inebriate reformatories. The state reformatories at Warwick (men) and Aylesbury (women) were intended for drunkards convicted of other crimes but have become scrap-heaps for the "weak-minded, degraded, and more or less irresponsible" persons found unmanageable in certified reformatories. The Medical Inspector of Prisons has some grave words to say of the danger to society of losing all hold over these unfortunates "simply because a sentence happens to have expired."† The period of detention in such cases should be indeterminate, and the inebriate on release should be placed in the charge of a probation officer. Mental deficients should not be classified or treated with inebriates, but permanently segregated with those afflicted in like manner.

Alcoholism is pre-eminently a "crime" that can only be effectually checked amongst the poor, as it has been amongst the rich, by a change both in conditions and in opinion. Imprisonment is worse than useless as deterrent or cure. So are fines as at present levied upon family necessities rather than upon the offender's drink money.

* Report of Prison Commissioners, 1908-9, Part I.

† Report of Prison Commissioners, 1910-11, Part I., p. 57.

Possibly home treatment under the care of a probation officer, combined in some cases with compulsory work or physical drill, might give the best chance of reformation to many delinquents in their noviciate.

THE MENTALLY UNSOUND.

About 400 feeble-minded prisoners* are received by local prisons each year. "For the last four or five years a record has been kept of their convictions, etc., and there are now nearly a thousand individuals on this register," writes the Medical Inspector of Prisons, in his report for 1909-10. In 1910-11 he says "the distressing feature of conviction and re-conviction of weak-minded prisoners shows no abatement"; and the Commissioners again urge their removal from prison to special institutions under medical care.

An attempt is being made to segregate males of unsound mind (not certified lunatics), sentenced to penal servitude, at Parkhurst Convict Prison, and to study them carefully. The medical officer reports 120 convicts classified as weak-minded, and 27 others under observation. The following extracts from his report need no comment.

Classification of 120 weak-minded convicts:— Congenital deficiency with epilepsy 10, without epilepsy 36, imperfectly developed stage of insanity 26, mental debility after attack of insanity 13, senility 3, alcoholic 9, undefined 23.

List of crimes for which they have been sentenced to penal servitude:—False pretences 1, receiving stolen property 2, larceny 24, burglary 13, housebreaking 19, blackmailing 1, manslaughter 5, doing grievous bodily harm 2, wounding 7, shooting 3, wilful murder 10, rape 2, carnal knowledge of little children 8, arson 17, horse stealing 3, killing sheep 1, obstruction on railways 1, unnatural offence 1.

Of these 62 committed their first crime before the age of 20, and the total number of convictions against the whole 120 feeble-minded convicts amounts to 91 penal and 1,306 other.†

At Aylesbury the feeble-minded convict women are also segregated in a special ward (daily average 12 during 1910-11).

There is, however, as yet no legal enquiry before conviction as to the pathological cause of crime, and these hapless creatures are still subject to penal discipline in convict prisons, and are discharged when their sentence is served; whilst in local prisons they still drift ceaselessly in and out. It is a crying social need to retain under permanent humane supervision beings whom it is as cruel to punish as it is dangerous to society to leave to their own devices.

IMPRISONMENT IN DEFAULT OF FINE.

In cases where a fine is imposed time should always be given for its payment.‡ In 1910-11, of the total number received on conviction 84,885 (or 50 per cent.), 60,386 males and 24,499 females, were committed in default of fine. Obviously there is every reason to avoid sending persons to prison who fail to pay fines through poverty, and who might do so if given a reasonable period in which to earn or borrow money. To refuse them time is economically unsound, and increases the disparity of treatment of rich and poor. It should

* Medically certified as "unfit for prison discipline"; many have hitherto been uncertified.

† Ibid, Part II., p. 219.

‡ This is one of the reforms which the Home Secretary promised in 1910 to inaugurate at once.

be noticed that there is not the same law for rich and poor in this matter, for the fine is imposed in proportion to the offence committed, and not to the income of the offender. A fine of 10s. to a work girl travelling without a ticket would equal £10 or even £1,000 to the careless rich committing the same offence, though the penalty imposed would be nominally the same; and, as a matter of fact, in many cases, the girl would go to prison, which entails her moral and economic ruin, while the rich man would not even be caused a momentary inconvenience by the payment of his fine.

AWAITING TRIAL.

It is obviously advisable to avoid any association of the potential criminal with criminal surroundings. Children's Courts are a move in the right direction. It is a regulation of the Children Act, 1908, that the trials of boys and girls under fourteen must be held in a court separated by place or day from that used for adult offenders. Children must also now be kept apart from adult offenders during detention; but it is very undesirable that young girls and boys should be kept in gaol on remand for long periods, "awaiting trial," as is now the case, even though ultimately they may not be committed to prison. There can be very little distinction in the mind of a girl as to whether she is technically undergoing a sentence of imprisonment, or only awaiting a trial at which she may be acquitted, especially as her treatment in gaol differs comparatively little from that of a convicted prisoner. She obtains that familiarity with the inside of a prison which above all things ought to be avoided.

The whole system of rigorously confining accused persons in such a manner as to cripple their mental activity will presently be recognized as an arrant injustice.

The classification of offenders and the break up of the prison into a series of specialized institutions and services to deal with various classes has begun, but the movement has still far to go.

II.—Improvements in Administration.

THE NEED FOR SPECIAL TRAINING.

Changes of method such as those above indicated carry with them a need for the special training of officers of all grades connected with the penal service. There are now two grades for wardresses as for warders, and a training school for female officers has been formed at Holloway, where probationers are to be taught hygiene and Swedish drill, and some of them educated as technical teachers. There is no reason why the profession of prison wardress should not rank as high as that of trained hospital or asylum nurse. What is needed is that a woman, with a vocation like that of Florence Nightingale, shall come forward and show by her example that work in prisons is of equal importance with the tending of the sick, or the care of the mentally afflicted.

The post of prison doctor cannot satisfactorily be held by one who practises outside, as it requires very special study and training in pathology and mental science, and should give scope and work enough for a full-time post. In America criminal laboratories are

being established for research into the pathology of crime. There are in this country men well equipped to undertake such work, and if, at the same time, statistics could be collected on scientific lines, much might be done towards elucidating the problem of recidivism. These laboratories could be utilized as lecture centres for the training of prison officials. At present only the medical officers are required to have any scientific training at all, and it is quite possible that even they have never studied criminal pathology or psychology. Public opinion should be educated to require at least as much scientific knowledge and special experience from prison officials as from the head and staff of a lunatic asylum.

The absence of specialized preparation for dealing with the delicate and difficult problems of criminal psychology is even more painfully apparent on the bench than amongst prison officials. Admirably efficient as the English judge usually is in eliciting evidence and procuring a just verdict, when he comes to consider the sentence, he is nearly always as complete an amateur as the average magistrate, who knows nothing of criminology or of prison life. Moreover, the whole bias of the English law of criminal evidence (which at every point insists on accentuating the facts of the particular crime and not drawing inferences from the antecedents of the criminal) handicaps the judge. He is led thereby "to make the punishment fit the crime," whereas the whole work of reform is to make it fit the criminal. Most of our judges are either "merciful," which means they revel in short sentences, or "stern," which means they give flogging when they can. The judge's work might well stop when the verdict is found, and sentence be passed, after careful, unhurried consideration of the record both of the case and of the criminal, by officials whose experience and expert training is of another sort.

THE NEED FOR WOMEN OFFICIALS.

It is exceedingly desirable that women should be on the medical staff of prisons where women are confined. The medical woman Inspector has already done much to improve the conditions of women prisoners, and it is greatly to be hoped that this appointment will be followed by those of other women as medical officers as well as inspectors. The office of spiritual or moral adviser also is one which some women are particularly well qualified to fill in a prison. Again, in a woman's prison it seems desirable that the governor should be a woman. In the small local prison at Aigle, in the Rhone Valley, a woman is governor in charge of both men and women prisoners; why not at Holloway or Aylesbury, where all prisoners are women? And why is not one at least of the Prison Commissioners a woman?

Women are already employed in this country in the detective service. When the whole police force is employed more extensively in the prevention than the detection of crime, as it surely will presently be, women's help will be increasingly needful. A women's auxiliary to the police force, as already in operation in Germany, would be invaluable.

Undoubtedly where girls or women are concerned in cases connected with indecency or immorality the courts might well be cleared of all men, except those officially concerned, as is done in children's courts; but if any of the public are allowed to remain, the court should not be cleared, as is now the case, of all women. It is obviously unfair in such cases that a woman should be obliged to give evidence or to be tried alone before a general audience of men. It would be an advantage if it were made compulsory for a police court matron or woman probation officer to be in charge of young women offenders to prevent their contamination by hardened criminals, and to be present when their cases are tried. It has been suggested that there should be special courts for women as for children, but these will hardly serve any useful purpose unless there are women magistrates and the women's auxiliary to the police force to deal with women and children, innovations which would do more than anything perhaps for the reform of police court procedure, especially as it concerns women and young persons. It seems probable that women would be more likely than men to understand and to enter into cases concerning their own sex. The same qualities which have made women invaluable in poor law, educational, and municipal administration, and in the large and increasing amount of voluntary work which they are doing in connection with prisons, are likely to make them invaluable on the magistrates' bench.

It is probable that in the future women will be appointed as judges and magistrates, as well as summoned to serve on juries; and this is, in our opinion, a consummation most devoutly to be wished in the interests of society.* There is no path of change along which women are more particularly concerned to press forward than that which leads them to an official share in judicial procedure and in the administration of the penal system.

* A measure qualifying women to exercise judicial functions is now before the Norwegian Parliament. In Mrs. Wolstenholme Elmy's pamphlet, "The Criminal Code in Relation to Women," 1880, the cause of the disuse of the ancient "jury of matrons" is described.

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