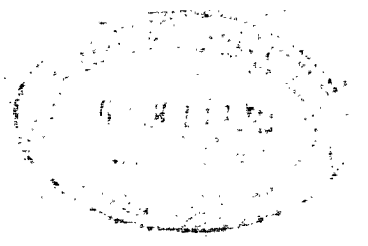
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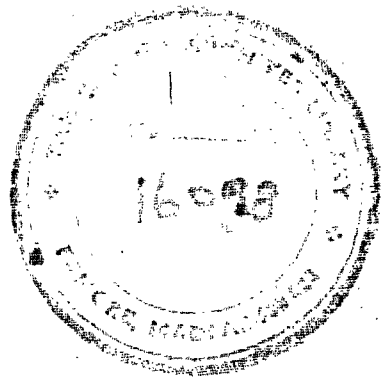


ENGLISH PRISONS TO-DAY

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திகம்பர மாதம் 1988 வருடம்
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ENGLISH PRISONS TO-DAY

BEING THE REPORT OF THE PRISON SYSTEM ENQUIRY COMMITTEE. EDITED BY STEPHEN HOBHOUSE, M.A., AND A. FENNER BROCKWAY



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FOREWORD

The Prison System Enquiry Committee was established in January, 1919, by the Executive of the Labour Research Department, who considered that the moment was opportune for a detailed investigation of the working and effects of the English Prison System. There had been no systematic enquiry since the Prisons Departmental Committee of 1894-5, and an exceptional fund of evidence was available in the prison experiences of a large number of men and women able to observe and to record their observations, who had been imprisoned as suffragists, or anti-militarists, or for other political offences. There seemed to be, at the time, no prospect of any Government enquiry. Moreover, it was felt that a less official form of investigation would have considerable advantages, as being entirely unframmelled by departmental associations and calculated to bring new points of view to bear upon the problem.

The Committee was from the first representative of the various schools of political thought, and it included in its membership civil administrators, magistrates, retired prison officials, experienced penal reformers, doctors, and lawyers, besides a number of ex-prisoners. From January, 1921, it has been unconnected with the Labour Research Department and has had its own establishment.

The object of the Enquiry has been the discovery of the facts, and not the preparation of proposals of reform. Before that can be done effectively the operation of the present system and its results must be carefully examined and precisely set forth, and it is to this preparatory task that we have devoted ourselves. All that this Report claims to be is a description (as accurate and complete as conditions have allowed) of the English Prison System as it is actually working to-day, accompanied by a study, based upon our evidence, of its physical, mental, and moral effects upon those who are subjected to it. Nevertheless, at the end of the chapters in Part I. of the Report we have tabled the principal defects revealed

by our investigation; and in our concluding chapter we have indicated briefly what, in our view, must be the broad principles of any adequate scheme of reform.

The Enquiry has had to face the initial difficulty of the secrecy which surrounds the prison system. It is practically impossible for the public to obtain entrance to prisons or knowledge of what goes on inside them. The Prison Commission itself is one of the most secluded of Government Departments. The Commissioners publish annual reports, but (more especially since 1915) the information provided is scanty, whilst the published code of prison rules gives little indication of the actualities of the prison régime. The only really informative official publications are the Standing Orders relating to Local and Convict prisons and Borstal institutions. They regulate almost every detail of prison life; in the case of Local prisons alone they number nearly 1,500. But these volumes are issued secretly and are carefully guarded.

At the commencement of its investigation, Sir Sydney Olivier, K.C.M.G., C.B., the chairman of the Committee, approached the Home Office and asked whether the Committee could be supplied with a copy of the Standing Orders. Sir Edward Troup, the Under-Secretary of State for the Home Department, replied that he had spoken to Sir E. Ruggles-Brise, the chairman of the Prison Commissioners, who thought that "it would not be desirable" to put the volume in question into the hands of the Committee. Sir E. Troup stated, however, that the secretary to the Prison Commissioners "would be glad to explain some, at any rate, of the points in which you are interested and might be able to let you have copies of some of the Orders."

Accordingly, a preliminary series of points was drawn up as to which we desired information, and Sir Sydney Olivier personally took this memorandum to the Home Office. Mr. A. J. Wall, the secretary of the Prison Commissioners, gave Sir Sydney verbal answers to certain of the questions, but said that others would require further reference. Sir Sydney left the memorandum with Mr. Wall, understanding he would confirm the answers given verbally and supplement them, so far as possible, with the information desired. A few days afterwards, however, Sir Sydney received an official letter from Mr. Wall (dated December 31st, 1919) stating curtly that the Commissioners could not furnish private individuals with detailed information of the kind required. Some further efforts were made by the chairman of the Committee; but the Commissioners adhered to their refusal.

This avenue of information being closed, we approached members of the prison staff directly, either submitting to them written

questionnaires upon matters about which we required information, or seeking their consent to be interviewed. It was only after we had gathered a great deal of evidence that the Home Office issued the following instruction to the governors of Local and Convict prisons:—

PRISON COMMISSION,
HOME OFFICE,
LONDON, S.W.1,
13th May, 1920.

It has been brought to the knowledge of the Commissioners/Directors that a circular proceeding from the secretary of a Prison System Enquiry Committee, containing many interrogations as to the internal administration of prisons, is being addressed to certain of their officers, medical officers, chaplains, etc., with the object of eliciting their views, under promise of secrecy, on divers matters with a view to eventual publication.

Governors will inform officers to whom such queries are addressed that the Commissioners/Directors deprecate this method of seeking information from a public department as strongly as, they are grateful to learn, it has been deprecated by many to whom the circular has been addressed.

It is, of course, well known that Statutory Rules and Standing Orders forbid the communication, without authority, of matters relating to the department for the purpose of public use, and governors will inform all those to whom such circulars have been or may be addressed that either no reply will be sent or the writer will be told that any application for information on such matters must be addressed to the Prison Commissioners/Directors, Home Office, Whitehall.

A. J. WALL, *Secretary.*

It will be noticed that in this circular the Prison Commissioners deprecated our method of seeking information, and advised the members of the prison service to reply that any information on such matters must be addressed to themselves at Whitehall. They did not say that such an application had already been made and that the information had been refused.

As the result of our questionnaires and interviews, evidence was obtained from 50 prison officials—Anglican chaplains, Roman Catholic priests, visiting ministers, medical officers, and warders of different grades. To this official testimony we were able to add evidence from 34 agents of Discharged Prisoners' Aid Societies and other persons having supervision of, and intimacy with, ex-prisoners, from 22 visiting magistrates, and from 290 ex-prisoners. Among the ex-prisoners were a large number of men and women who had been sentenced to imprisonment (mostly for terms of hard labour) for political offences, but it included also a number of ex-prisoners committed for criminal offences who had had experience of both Local and Convict prisons.

This personal evidence has been analysed with great care. It has been further checked and supplemented by a detailed examination of

the reports of the Prison Commissioners for the last 25 years, as well as other official publications and such unofficial literature upon the subject as exists. Later on in the course of the Enquiry we had the good fortune to obtain a copy of the official volume containing the Rules and Standing Orders for Local prisons (1911 edition), and this has been extensively quoted in our Report. We have also had before us the abridged editions of the Standing Orders officially issued for warders, both at the Local and Convict prisons, which include the amendments made up to the year 1913; and the Prison Commissioners' Reports have from time to time also contained a few selected new or amended Orders.

From these various sources we believe that we have been able to collect substantially accurate information about every phase of the prison system. If in any case the Standing Order quoted or referred to has been amended without our knowledge before the writing of this book, the secrecy of the Commissioners must be held responsible for the error.

When the mass of collected information had been sifted and compared, the Report was prepared under our editorship, and in consultation with the Executive Committee, consisting of eighteen members of the General Committee of the Enquiry. Much of the evidence relates to the war years, 1914 to 1919, which were marked in prison by certain temporary modifications of the treatment. We ourselves spent considerable periods in prison during these years (one for over 12 months and the other for 26 months), and we have, of course, written with that experience in mind. But we have taken some trouble to make our description correspond with the actual facts of the present day (i.e., the winter of 1921) by taking note of the comparatively slight changes in the routine that have been introduced since 1919, as indicated both by the Reports of the Commissioners and by the evidence of prison officers and of prisoners released as recently as the summer of 1921, as well as through statements elicited from the Home Secretary by questions in Parliament. The body of our book was, of course, written before the Report of the Prison Commissioners for 1920-21 was published in November last, but we have attempted to include the latest statistics from that report and to mention the changes therein announced.

A large part of the book was written by ourselves, but we have had the co-operation of a number of experts on different aspects of the subject. We must especially mention Sir Sydney Olivier, K.C.M.G., the chairman of the Committee, who has had long official experience in various departments of the State, including the duties of revising judicial sentences and of serving as a prison visitor and as a public officer responsible for the supervision of prison administration; Miss Margery Fry, J.P., and Mr. Cecil Leeson, the secretaries of the Howard League for Penal Reform; the Rev. W. D. Morrison, LL.D., the author of books on the treatment of crime, and formerly in the prison service; Dr. Ernest Jones, M.D., B.S., M.R.C.P., D.P.H., the author of well-known works on psychology; Mr. C. A. Mace, M.A., of Queen's College, Cambridge, who has been chiefly responsible, as a competent psychologist, for Part II. of this work; Captain Arthur St. John, from 1907 to 1919 hon. secretary of the Penal Reform League, who has contributed the Appendix on American experiments; Dr. George W. Kirchwey, the president of the American Prison Association, who has revised this Appendix in the light of the latest developments; Mr. George Ives, the author of "A History of Penal Methods"; Mr. R. F. Budden, B.A., who has been responsible for the statistical Tables; Mr. Lowes Dickinson, M.A., Fellow of King's College, Cambridge, and Mr. Laurence Housman, whose literary experience has been of much assistance; Mr. Ben Spoor, M.P., and Mr. Tom Myers, M.P., who put a number of questions to the Home Secretary at our request; Mr. W. H. Thompson and Mr. W. A. Evill, who provided us with much legal information; Mr. Norman Penney, who read the proofs; and Mr. T. Edmund Harvey and Mr. Clifford Allen, who also helped in proof reading and other ways. In addition to these, we wish to acknowledge the help of Mr. H. Goitein, Mr. A. Creech Jones, and Mr. J. Wray in preparing and revising the material for various chapters, and of Miss E. Tulloch, Miss V. Wentworth, and Miss M. Louis, as well as of the Labour Research Department, for secretarial assistance.

It is also our duty to record here the gratitude of the Committee and of the editors to the many friends and sympathisers whose financial assistance has rendered possible the holding of the Enquiry and the publication of the present volume.

A volume entitled "English Prisons Under Local Government," being a history of English prison administration to 1877, with a continuation bringing the story to 1895, by Sidney and Beatrice Webb, with a preface on the theory of punishment by G. Bernard Shaw, is published simultaneously with this work, and the two books should be read together for a right understanding of the growth of the prison system. We wish to record our indebtedness to Mr. and Mrs. Webb for the benefit of their experience at many points in the conduct of the Enquiry and in the preparation of this Report.

In conclusion, we may express our hope that the present work will lead to greatly enlarged knowledge among the public of the facts of prison life, and that it will assist in bringing about the fundamental

changes which will be required, in order to substitute for the existing punitive system methods based on principles of curative and educational treatment.

STEPHEN HOBHOUSE.
A. FENNER BROCKWAY.

December 12th, 1921.

THE NEW CHAIRMAN OF THE COMMISSIONERS

Whilst this book was in the press, Sir E. Ruggles-Brise retired from the chairmanship of the Prison Commissioners and was succeeded by Mr. M. L. Waller, who has served as a Commissioner since 1910. We have thought it best to leave unamended the many references to Sir E. Ruggles-Brise in his capacity of chairman, as our account relates to the prison system under the administration for which he was chiefly responsible. It is only fair to Mr. Waller, however, to state that evidence is now reaching us from a number of different quarters which suggests that he is entering upon his duties with some reforming zeal and with a mind receptive to new ideas. Already some minor reforms have been introduced; they have been noted as far as possible in the following pages.

We trust that the Prison Commission, under its new chairman, will speedily proceed from these minor changes to really fundamental reforms.

Note on Certain References in the Footnotes

P.C. Report = Annual Report of the Prison Commissioners for England and Wales.

S.O. = One of the Standing Orders issued privately by the Commissioners for the Prison Service.

For fuller descriptions of other authorities, to which reference is made in the footnotes, the reader is directed to the *List of Authorities* given on pp. 704-706.

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CHAPTER I

THE PRISON POPULATION

In order to judge our Prison system rightly it is necessary to know what kind of people become prisoners. Unless the men and women who experience the conditions detailed in the following chapters are constantly present to the reader's mind as live human beings, the purpose of our report must largely fail.

How many persons go to prison? For what length of sentence? For what offences? What kind of persons? These are some of the questions we shall try to answer in this chapter.

The Number of Prisoners.

It is good to be able to say at the outset that our prison population is steadily diminishing. In 1876-77, when prison administration was first centralised, the daily average population in Local prisons[1] was, broadly, 20,000. In 1913-14 (the year before the war) it was 14,300. In 1918-19 (the last war year) it was 7,000. In 1920-21 it was 8,400. The great drop between 1914 and 1918 was due principally to war conditions—to full employment, to liquor restrictions, and to the inclusion of a large proportion of the male population in the army; but the post-war figures for 1920-21 show comparatively little increase. The maintenance of the low figure is probably in part due to the retention of some of the war-time liquor restrictions, but other and more permanent factors have contributed.

The figures we have given relate to Local prisons only, but the returns of offenders sentenced to penal servitude in Convict prisons show a similar and continuing decrease. The daily average population in Convict prisons in 1876-77 was, broadly, 10,000, as compared with 2,700 in 1913-14; 1,200 in 1918-19; and 1,400 in 1920-21. These, added to the figures for Local prisons, make a total average daily prison population of approximately 30,000 in 1876-77, as compared with 17,000 in 1913-14; 8,200 in 1918-19; and 9,800 in 1920-21. The prison population last year was, therefore, considerably less than one-third what it was 40 years ago. If we compare the number of admissions to prison in recent years, the decrease is even more striking, as the following Table shows:—

[1] There are two types of prison—(a) Convict prisons, for those sentenced to penal servitude, the minimum term of which is three years, and (b) Local prisons, for all others, the maximum term being two years.

Annual Admissions to Prison.[1]

	Local prisons.	Convict prisons.	Total.
1913-14	150,308 ...	808 ...	151,116
1918-19	27,625 ...	454 ...	28,079
1920-21	48,588 ...	492 ...	49,080

The proportion of prisoners to the general population is shown in the following Table:—

Ratio of Prisoners per 100,000 of the Population.

Five years ended 1903-4	512.3
,, ,, 1908-9	540.3
,, ,, 1913-14	437.5
,, ,, 1918-19	157.4
Year 1919-20	98.4
Year 1920-21	116.7

The low ratio for the five years ending 1918-19 represents the abnormal period of the war.

These figures include both men and women. It is important, however, to divide the sexes, because they represent very different problems. The figures for women only are as follows:—

Daily Average of Women Prisoners.

	Local prisons.	Convict prisons.	Total.
1913-14	2,236 ...	95 ...	2,331
1918-19	1,322 ...	83 ...	1,405
1920-21	1,159 ...	76 ...	1,235

It will be noted that women prisoners number about 14 per cent. of the total, and that the decrease in women prisoners corresponds to the general decrease.

The average length of the sentences served in Local prisons is about five weeks; in Convict prisons, about four years and ten weeks. The average length of sentences in Local prisons has very slightly increased since 1900; in Convict prisons it has decreased by one year.[2] Of the 48,588 persons committed to Local prisons in 1920-21, no fewer than 11,950 were sentenced to two weeks or less; 5,190 of these were sentenced to one week or less.

The Offences Committed.

The question, "For what offences do people go to prison?" may be answered under different categories. Taking the records of a period of years and classifying them under the three several heads (1) serious (murder, wounding, sexual offences, burglary and fraud), (2) petty (including drunkenness), and (3) offences against regulations, we get approximately 17 per cent. serious, 73 per cent. petty, and 10 per cent. against regulations.[4] Classified under the three heads (1) against the person, (2) against property, and (3) other offences, the returns show approximately 8 per cent. against the person, 18.5 per cent. against property, and 73.5 per cent. other offences. Of the last, about nine-tenths are convictions for drunkenness and vagrancy. About two-thirds of the offences against the person are non-indictable assaults, often occasioned by drink.[5]

A more detailed and informative classification is shown in the following Table, where offences are divided according to motive. These belong to 1913 (the last normal year before the war), but are approximately true of any year, the percentage varying but little.[6]

Classification According to Motive.[7]

	Male Prisoners.	Female Prisoners.
Malicious Offences ...	10 per cent. ...	7 per cent.
	Agst. Person 8 per cent.	Agst. Person 6 per cent.
	Agst. Property 2 per cent.	Agst. Property 1 per cent.
Sexual Offences	2 per cent. ...	25 per cent.
Acquisitive Offences ...	22 per cent. ...	10 per cent.
Drunkenness	35 per cent. ...	45 per cent.
Vagrancy	20 per cent. ...	4 per cent.
Other Criminal Offences ...	1 per cent. ...	—
Offences against Regulations	10 per cent. ...	9 per cent.

The sex variations have considerable significance. The general field of female criminality is, indeed, remarkably small compared with that of men, drunkenness and sexual offences (and the relation between the two is, of course, close) accounting for no less than 70 per cent. of their convictions.

An extraordinarily large percentage both of men and women go to prison in default of paying a fine: in 1913 it was 50·2 per cent. in the case of men and 69 per cent. in the case of women.[8] Since 1915, owing largely to the operation of the Criminal Justice Administration Act, the percentage has been steadily falling, and in 1920-21 it stood at 30 per cent., taking men and women together. But even so, it means that nearly a third of the prison population are there through failing to pay a fine.[9]

A later chapter describes the conditions under which remanded persons are confined; and their approximation to those of an ordinary prison is a very grave matter, especially when we consider the high percentage of those sent to prison on remand,

[1] See Table, p. 27. Court Martial prisoners and debtors are included in the figures given above.

[2] See Table, p. 41. Cp. also Footnote 1, p. 93 and p. 316.

[4] See Table, p. 29.

[5] See Table, p. 30.

[6] The Prison Commissioners in their report for 1913-14 point out that no less than 15-16ths of the indictable offences are larcenies and acts of dishonesty, that is, offences against property.

[7] See Table, p. 32.

[8] See Table, p. 36.

[9] See Table, p. 36.

whom the magistrates subsequently find it unnecessary to sentence.[10] In 1920-21 no less than 10,300 persons came within this category, and the Prison Commissioners point out that, while the general admissions into prison have fallen by 62 per cent. since 1913-14, this figure only represents a fall of about 18 per cent.[11] In 1919 no less than 55 per cent. of those sent to prison on remand were released unsentenced, the number of cases being 22,701. During the years 1905 to 1913 (we exclude the abnormal war years) the percentage varied from 42 to 48 and the actual number of cases from 34,721 to 39,481.[12]

The Prison Population Analysed.

We now approach the more difficult question, "What kind of persons go to prison?" We take in the first place the simple category of age. The following Tables give the ages of prisoners in the years 1905, 1913, and 1920-21[13]:—

Age and Sex of Prisoners.

	Under 16	16-21	21-30	30-40	40-50	50-60	60 & over
Males.							
1905	1,010	16,028	40,196	30,314	27,121	13,789	12,218
1913	15	6,646	26,294	30,574	22,206	10,530	9,234
1920-21	6	4,211	9,936	7,840	5,904	3,035	1,937
Females.							
1905	35	2,265	11,523	15,945	11,193	4,310	2,173
1913	—	844	6,381	11,500	9,569	3,709	1,476
1920-21	—	743	3,118	3,357	2,507	970	348

If these figures be given in percentages, they show the following results:—

	Under 16	16-21	21-30	30-40	40-50	50-60	60 & over
Males.							
1905	.68	10.78	27.04	20.41	18.24	8.60	8.22
1913	.01	6.30	24.93	28.98	21.05	9.98	8.75
1920-21	.02	12.81	30.23	23.85	17.96	9.23	5.89
Females.							
1905	.08	4.77	24.29	33.61	23.59	9.08	4.58
1913	—	2.52	18.94	34.40	28.62	11.10	4.42
1920-21	—	6.73	28.23	30.4	22.7	8.87	3.11

The fall in the number of prisoners under 16 is due to the Children's Act, 1908. A part of the fall in the number of prisoners between 16 and 21 is due to the Probation of Offenders Act, 1907, and to the introduction of the Borstal System in 1909.

[10] See p. 305.
[11] P.C. Report, 1920-21, p. 11.
[12] See Table, p. 37.
[13] See Table, p. 38.

The following Table indicates the proportion of prisoners drawn from the different classes of occupation. The percentages for 1913 may be taken as typical:—

The Occupations of Prisoners.

Labourers, etc.	60.6
Mechanics	13.1
Factory Workers	5.2
Shopkeepers and Dealers	4.8
Army and Navy	3.1
Prostitutes	2.8
Domestic Servants	2.3
Shop-workers and clerks	2.3
Professional	.4
Foremen, etc.	.1
No Occupation	5.3

The term "labourer" is probably used to cover all unskilled and semi-skilled workers.

From the Tables illustrating the educational standard of prisoners[14] it will be seen that in 1913 96.5 per cent. of prisoners could not write "well" and that 13 per cent. were illiterates. From this and the Occupational Table given above one fact becomes clear: prisoners are drawn very largely from the poorest and least educated class. This conclusion is borne out by all who have had contact with the prison population.

"Prisons are largely peopled by the very poor, the very ignorant, the physical and mental weaklings, the unemployable, and the unskilled, to say nothing of the drunkards," said Dr. Smalley in his report as Medical Inspector of Prisons in 1909.[15] "An examination would show that poverty and destitution play much greater parts in the causation of crime than is generally believed," asserts Dr. James Devon, a member of the Board of the Scottish Prisons Commission and previously medical officer at Glasgow prison. We quote the following passage from the paper which he contributed to the National Conference on the Prevention of Destitution, June 1912:—

> My personal view is that poverty and destitution are at the root of most offences against the law. Everybody can see that a man may be tempted to steal if he is destitute, but those who have never felt the pinch of poverty, combined with the absence of friendly aid, can hardly imagine how men are embittered and goaded into acts of brutality; how they are tempted to seize desperately on every chance of even momentary forgetfulness of their fate; how continually they have to dodge rules and laws that never incommode their more fortunate neighbours; how hopeless they become, and how broken in spirit; how

[14] See Table, p. 39. A large number of offences in the army and navy are, of course, dealt with under military and naval discipline.
[15] See Table, p. 40, summarised on p. 150.
[16] P.C. Report, 1908-9, p. 35.

easy it is for them to drift into courses condemned by those whose life is brighter and whose opportunities are greater.[17]

In his book, "The Criminal and the Community," Dr. Devon emphasises that it is particularly the overcrowding of the poor in large towns that causes crime. He points out that the discomfort, irritability, and other mental conditions which result from overcrowding lead to crimes against the person just as hunger and want lead to crimes against property.[18] In their report for 1920-21, the Prison Commissioners emphasise the relation between unemployment and crime. Experience has shown, they say, "that when the Board of Trade percentage of unemployment reached its highest figures, the prison population invariably rose accordingly; and that in time of industrial prosperity the fewest prisoners were received." They explain the comparatively small increase in the number of prisoners during the trade depression of 1920-21 as due "principally to the effect of unemployment pay, which has prevented acute distress."[19]

It is sometimes argued that the majority of those in prison for theft are habitual offenders, and that only a comparatively few offences against property are due to destitution. "This is to lose sight of the fact that nobody is a habitual offender at first," is Dr. Devon's comment. "The starting point of the career of many habitual criminals was their destitution. It threw them into conditions favourable—I might almost say compelling—to the commission of crime, and their first criminal act in its result shut the door against their return to honest and suitable employment."[20] In his work on "Recidivism," Dr. J. F. Sutherland places "slumdom" as the principal factor in the making of habitual offenders.[21]

The Italian criminologist, Lombroso, popularised the view that there is a criminal type: "That literally from top to toe in every organ and structure of his body, from the quality of his hair, at one extreme, to the deformity of his feet at the other, the criminal is beset with definite morbid and physical stigmata."[22] Hardly any competent criminologist now holds this view. Most of those with experience of prison populations denied it from the first, and the matter was, we think, put beyond doubt by the publication of Dr. Goring's "The English Convict." Dr. Goring examined 3,000 convicts at Dartmoor, Portland, Parkhurst, and Borstal prisons.[23] His investigation proves decisively that Lombroso's theory is not justified by the facts, and that "the physical and mental constitution of both

[17] Report of the Proceedings of the Crime and Inebriety Section of the National Conference on the Prevention of Destitution, 1912, p. 21.
[18] Op. cit., pp. 79-82.
[19] P.C. Report, 1920-21, p. 6.
[20] Report of the Proceedings of the Crime and Inebriety Section of the National Conference on the Prevention of Destitution, 1912, p. 22.
[21] Op. cit. (1908), p. 59.
[22] "The English Convict," p. 13.
[23] Borstal was not then a Reformatory.

criminal and law-abiding persons of the same age, stature, class, and intelligence, are identical."[24]

At the same time, as we should expect from the fact that "prisons are largely peopled by the very poor, the very ignorant, the physical and mental weaklings," Dr. Goring's evidence conclusively shows that criminals as a body suffer abnormally from defective physique and defective mental capacity. "In every class and occupation of life," states Dr. Goring, "it is the feeble-minded, and the inferior forms of physique—the less mentally and physically able persons—which tend to be selected for a criminal career."[25]

The prison population has been classified in many different ways. The classification made by Dr. Smalley in his "Prison Hospital Nursing" seems to us to be as valuable as any, although, as we shall point out, there are certain omissions. He divides criminals into four classes—(1) Accidental Criminals, (2) Habitual Criminals, (3) Weak-minded Criminals, and (4) Insane Criminals.[26] The inclusion of the fourth class is only technically correct, legal and moral responsibility being absent; and since "criminal lunatics" are not now detained in prisons, we can dismiss it from our consideration here. The three other classes we shall proceed to describe.

Accidental Criminals.

The accidental criminals include those who have been guilty of (i) crimes of malicious violence, such as assaults, manslaughter, and murder, (ii) crimes of lust, or (iii) one of the many offences against property for which misfortune or some exceptional temptation is responsible.

Malicious Violence.—"A stout, strong, healthy, thick-set individual, if anything rather below the average stature of his class." This is Dr. Goring's portrait of a person prone to criminal violence. Such offenders are generally characterised by a degree of strength and of constitutional soundness considerably above the average of other criminals, and of the law-abiding community.[27] They have quick and ungovernable forms of temper, are obstinate, and are also differentiated from other types of convicts by increased suicidal tendency and by an augmented proclivity to be eventually certified insane.[28] Prisoners who come in this group are probably not more than five per cent. of the whole.

Lust.—Criminals of lust are divided by Dr. Smalley into three types—(a) the leisured sexualist, (b) the committer of

[24] "The English Convict, p. 370.
[25] "The English Convict," p. 261. Dr. Goring concluded that "relatively crime is only to a trifling extent the product of social inequalities, adverse environments, or other maalifestations of what may be comprehensively termed the force of circumstances," but on this point he has been rigorously, and we think successfully, assailed, especially by Sir Bryan Donkin, M.D.
[26] Op. cit. (1902), pp. 217–222.
[27] "The English Convict," p. 200.
[28] Ibid, p. 245.

some gross act of bestiality, and (c) the committer of outrage upon a child. The second is often of weak intellect and a "low, coarse-minded being, ill-educated, ill-favoured in appearance, living more often than not in a country district, who satisfies his desire by some gross act of bestiality." The third type frequently commits the crime when inflamed by drink, and is, says Dr. Smalley, more nearly allied to the insane class. Those guilty of indecently exposing the person are usually chronic alcoholics, though occasionally they are in the early stages of insanity or suffer from epilepsy.

An ex-prisoner gives the following description of prisoners of these classes with whom he came into contact:—

I.

W—— was an extraordinarily fine-looking old man of sixty, erect, tall, with a leonine head and white beard. He was serving a term of two years for criminal assault—his second sentence for a similar offence. He was very emotional and sometimes broke down in tears. Except that he had a fierce temper, he seemed normal. He had courage and generosity, risking severe punishment and loss of the best job in the prison to bring me papers daily. His crime seemed to be the result of an abnormal and uncontrollable passion.

II.

T——was the landing cleaner, fifty or thereabouts, a slouching, ugly figure, ill-featured, and always smiling childishly, obviously weak-minded. His offence was an act of ghastly bestiality. He did his routine duties well and was strikingly honest—for instance, he would never take bread from another prisoner's cell. He finished a sentence of nine months and was back again in three weeks with an eighteen months' sentence for the same offence. He was obviously a mental case and ought to have been segregated under decent conditions.

In the case of men, sexual offenders only number 2 per cent. The high percentage of women in this category—25 per cent.—is due to offences connected with prostitution. Special attention is given to this subject in the chapter dealing with women prisoners.[29]

Misfortune.—A very large proportion of the prison population comes within the third group of accidental criminals—the criminals of special temptation. "As a class," says Dr. Smalley, "they present no indication of diseased or defective mental organisation; time and opportunity count much in the production of the crime. Possibly in the case of many who take special credit to themselves for not having departed from the paths of rectitude, it is only owing to their being more happily circumstanced and without adequate temptation."

It is difficult to select cases to illustrate this type of prisoner; the group is so comprehensive. The following example may be given from the evidence of an ex-prisoner:—

I.

A man came next door to me once for three months' hard labour, convicted of receiving stolen property. His coming in had kept others out. He had never known prison before, and the effect on his mind was terrible. He cried every day for almost a fortnight. He had left a wife and six children outside and was unable to get into touch with them. He told me afterwards that it was a few words of sympathy and cheer from myself which had kept him from taking his life.

[29] See pp. 338-40.

A visitor to a prison gives these instances:—

II.

A piteous case of an ex-soldier, 4 years' service, wounded repeatedly. Nine wounds in his back (the warder stated), left hand entirely useless, terrible stammer, seemed a mere wreck of a man. Said he had only stolen because he was hungry (three months—doing first month "separate"). On leaving cell I said to the warder, "He doesn't seem the kind of case who ought to be here." "No," said the warder, "he ought not to be here. There's a many gets here that never ought to."

III.

A young man, sensitive-looking and with a terrible expression of misery. In for deserting his wife and children and going off to Scotland with another woman. He looked broken.

From the notes of a witness who has had a wide experience of women's prisons, we give the following examples:—

IV.

Talked to a gipsy woman with a baby nine weeks old. Sentence, six months for fortune-telling. Matron encourages her to be out in the exercise ground as much as possible, but felt it an abominable thing to condemn a baby to pass the first six months of its life in prison. The woman has six children. The father is doing his best for the other five.

V.

One family of three all in prison. Charge, concealment of birth. Parents took the child away from the girl and did away with it. Seemed hard that the girl should be there at all.

VI.

A girl of 21. Was taken up by an American officer, got used to free spending with him. When he left her, went as maid into a nursing home where she stole £19 from a patient whilst the latter was under an anæsthetic. She was remanded several times and allowed bail. When she found that imprisonment was certain she swallowed a bottle of poison. This was three days before I saw her, and she was still weak and ill, though pulling through. She was evidently in a nearly desperate condition when brought in. The matron said, "Wasn't it a silly thing to do?" The girl said, "Well, I shan't do it again," and laughed, but added that she didn't know that it wouldn't have been better if she'd died. I tried to cheer her up a little, and we talked of the proud and pompous prison cat who comes and looks in at her through the bars. She was a rather sweet looking girl, probably a little slippery and weak, but not the least what one thinks of as a criminal type.

We have already shown how frequently crime is committed under conditions of destitution and hunger. This is often the case with persons of weak will and resisting power, and the danger is always great that the accidental offender will become the habitual offender.

HABITUAL CRIMINALS.

It is difficult to calculate the proportion of prisoners in the second main class of prisoners, that of the habitual offenders, owing to the

inadequacy of the statistics provided by the authorities. The figures given are those of convictions; no attempt is made to show the actual number of different *individuals* involved. If, for instance, any person is convicted three times during one year, he counts in the official Tables as three convicted persons. Nevertheless, the Tables which we give on pages 532 and 533 are very significant in their indication of the large number of prisoners who are "habituals."

Returns given in the Prison Commissioners' Report for 1920-21 show that during the year no less than 54.4 per cent. of the male prisoners and 73.3 of the women prisoners had been previously sentenced, that 27.53 of them (taking men and women together) had been sentenced at least five times, that 19.71 had been sentenced at least six times, that 12.73 had been sentenced at least eleven times, and that 2.61 had been sentenced at least 21 times.[30] As four convictions qualify a man for becoming a "habitual" offender,[31] it will be seen that the convictions of this class compose about one-third of the total.

Dr. Smalley divides "habituals" into three groups—(i) lapses from the accidental class, (ii) professional criminals, and (iii) vagrants.

Lapses.—The accidental criminal who becomes an habitual does not choose a life of law-breaking, like the professional thief, but has drifted into it. He has no positive motive of wrong-doing, but lacks sufficient incentive towards right-doing. By his experience both outside and inside prison he becomes a much deteriorated person. The following is an example of this class, and is typical:—

> S——was an old man of about eighty years of age who had been half his life in prison. He was as typical an old gaol-bird as one could meet anywhere. He was a violent critic of the Government; but chiefly it seemed because the price of beer had gone up. Whatever it cost he was determined to have it when he got out. He had a grand idea that he was being diddled by the prison authorities out of one or two days' remission, and although the warder explained to him time after time that it was all right, he insisted upon seeing the Visiting Magistrates about it. On this topic he harped day after day. That his long and repeated imprisonments had not made him reconciled to the life was further explained by the very emphatic way in which he once remarked, "The devil lives inside this prison." From the cleaner's point of view, also, he was a difficult customer, as he was always spitting about the place. If any man was an "incorrigible rogue" I should say S—— was. They kept him in hospital because he was an old man and probably put him down officially as suffering from senile decay. He limped about with a stick, although the chaplain told me that when released from prison he walked away with the greatest ease! He was always grumbling, and there was a general feeling of relief in hospital at his discharge.
>
> Was such a man entirely bad? Well, let me record this. He kept

[30] Op. cit., p. 8.
[31] i.e., according to the Prevention of Crime Act (1908), quoted on p. 441.

> asking me how long a sentence I had got and wanted to know what for. I told him "two years." "Two years!"—he kept saying it to himself with indignation, and asked me several times, to make sure it was not a mistake. He had been a bottom dog long enough to feel indignation at a harsh sentence on a fellow creature.

There are reports in the newspapers almost daily of cases of constantly repeated imprisonments. One or two instances may be cited. *The Times* of July 21st, 1920, gave the case of a burglar of 67 who had been convicted 28 times and had spent 49 years in prison. The same issue recorded the case of a man of 39 who had been in prison for some portion of every year since 1897. In the Press of September 29th, 1921, the death was reported at Parkhurst prison of a convict aged 81, who had spent nearly 70 years in prison. The annual report of the Penal Reform League for 1920 told of a woman of 79 who had spent 50 years and five months in prison. One of our witnesses speaks of a woman serving her 200th sentence.

The youthfulness of many habitual offenders when they commence their careers of crime needs emphasis. In his report for 1912-1913, the Governor of Camp Hill Preventive Detention prison stated that no less than 20 per cent. of the prisoners—all of whom had been sent there as "habitual criminals"—were under 30 years of age when so sentenced, and that 50 per cent. were under 40. He stresses the accidental nature of their criminal career. "These men make promises of reform which they really mean at the time, and if regular work could be found for them, well away from their old haunts and bad companions, and a judicious supervision kept over them, I believe that a fair proportion might in time become respectable citizens."

Professionals.—We pass from the "habitual" who has graduated from the "accidental" class to the professional criminal. Professional criminals accept prison as an inevitable part of their careers, and almost invariably settle down and make the best of it. They are the best behaved prisoners, rarely giving warders occasion to punish them and generally earning the full remission obtainable. "They know they have been running risks," says an ex-prisoner, "and philosophically conclude they have been unlucky. Their only grievance is that they are aware of so many people outside, worse than themselves, perhaps, who ought to be in."

Professional thieves often come from comfortable positions and are frequently men of some education. The following interesting character sketch of perhaps a rather exceptionally good type is contributed by an ex-political prisoner:—

> W——, the hospital cleaner, was serving his third or fourth sentence—one of 18 months—for larceny. He told me he had been a bank clerk and a railway clerk, and had found his jobs monotonous and grinding. He came from a "respectable" family and was evidently, from his whole style and manner, a person of good breeding. His speech was that of an educated man; his knowledge of the world was large.

He told me that his family could never make him out, how the rest of them were doing well, and he was always the black sheep; but he said that he was perfectly happy and enjoyed the life he lived outside. He calculated that since "living on his wits" he had had five years outside for one in prison, and that the game was worth the candle. He realised, however, that now he would get a heavier sentence each time and that next time he would get three years. This was too much, and not infrequently he talked as if he had made up his mind to turn over a new leaf—not that he for a moment admitted that he had done anything wrong, but from policy.

Inside prison, any way, he was an admirable person, and in the half-year I worked with him, he and I never had a cross word. If we started together to scrub the downstairs passage, he being the faster worker (and he scrubbed till the sweat was running down his face) would never stop when he got half-way, but would go on till he met me. He practically ran the hospital, arranging baths, putting on dressings, and in every way showing himself a handy man, a conscientious worker, and an efficient organiser.

The two warders trusted him absolutely as to the serving of meals and in all other ways; and he never betrayed that trust. In religion he would call himself an atheist. He looked upon the clergy, and in particular the regular prison chaplains, with some contempt, as men paid to do a soft job. Yet he was somewhat superstitious. He told me how largely thieves believe in a kind of Destiny; he said he usually had a kind of premonition as to when he was going to be arrested, and other men had the same. For all the difference between us in temperament and outlook, I genuinely took to the man, and when we parted on his release it was with a handgrip that denoted strong, sincere feeling.

Dr. Smalley points out that all professionals are not of this well-behaved type. "Sometimes they are reckless and insubordinate, lay plots to escape, with the expenditure of much labour and great ingenuity. They are familiar with the prison routine, keen to seize any advantage they can, and utilise any small lapse of duty on the part of an officer to gain a hold upon him, and, by threats of betraying him to the higher prison authorities, to obtain surreptitious privileges. Some again are lazy and will resort to any subterfuge to evade work—malinger illness or insanity."

Another type of professional criminal is revealed in the following note in the evidence of the woman witness from whom we have already quoted:—

A most impressive middle-aged woman, who assured me that the book she was reading was an excellent translation from Victor Hugo, but considerably abridged. She is an officer's daughter with a long career of shabby crimes behind her, including the ruin of several boys. She was in for selling the plate of a furnished house she had taken. She does not do associated work as "she prefers to be alone"!

Vagrants.—The third group of habituals is composed of vagrants. In 1913, 20 per cent. of the prison population were vagrants. During the war they practically disappeared. Since the war they have begun to re-appear, but in 1920-21 they still numbered less than six per cent. of the prison population. An examination at Gloucester prison in 1919 showed that 41 per cent. of the prisoners of this class were habitual vagrants and mendicants, that 31 per cent. were casual vagrants, unwilling or unfit for work, that 11 per cent. were old and infirm, and that 17 per cent. were bona fide working men seeking work.

The habitual vagrants are often weak-minded, and are generally lazy and dirty. When oakum-picking was the usual task given to short sentence prisoners many vagrants would not do it, preferring punishment. Frequently vagrants were sent to prison for refusing to do the allotted task in the workhouse, and sometimes apparently they continued to refuse in prison, but the Governor of Reading prison reported in 1911 that "out of 95 men committed to this prison for refusing to work in the Union during the past year, I cannot recall a single case of any such men failing to complete their allotted task in prison."

There are a number of vagrants who deliberately seek imprisonment during the winter months; sometimes a man and his wife both endeavour to get sentenced for similar periods. On this point an ex-prisoner says:—

It is generally the homeless vagrants who resort to this mode of life during the winter months when the barns and hedges are too cold and damp to sleep in and no land work is to be found. A warder said to me on this point, "They come in to fatten up during the winter—and have not such a bad time neither. Why, judging by the condition in which they come here, they never had a wash the six or eight months through. Here they get a room to themselves, clean bed linen and underwear, a bath every week, good food—and library books! They generally know which prisons to come to and we generally get more or less the same lot over and over again. When their time's up they go out to where they decided beforehand to meet, and if one is out before the other, he or she waits until they can start off together. They do odd jobs through the spring, summer, and autumn on the land, fruit picking and so on, until they have a flare up—'merry feast'—if they have enough money—and then they come 'in' again for the winter."

Weak-minded Criminals.

Dr. Smalley's third class is composed of the weak-minded. A large proportion of the vagrants are weak-minded and epileptics. In his annual report for 1910, the medical officer for Pentonville prison, writing of vagrants suffering from traumatic epilepsy, says "the sufferers are all men who have been actually employed in useful work, and many of them are married and have children depending on them. Through circumstances over which they have not any control, they find themselves cut off from all chance of obtaining regular, or indeed any employment, and so drift on into this helpless and hopeless position."

How many prisoners are weak-minded it would be difficult to estimate, but the proportion is certainly large. Dr. Goring estimated that between ten and twenty per cent. of criminals are mentally defective, and Sir Bryan Donkin, the hon. medical adviser to the

Board of Directors of Convict Prisons, has put the proportion at the higher of these two figures. The Mental Deficiency Act, which began to operate in 1913, gave the authorities the power to remove congenital cases from prison, but since the Act has only been partially applied and such cases are only 30 per cent. of the whole, the number of mentally defective persons who remain in prisons is still large.

In his annual report for 1904-5, Dr. Smalley gave considerable attention to this question of the feeble-minded prisoner. Although 16 years have passed, what he wrote is applicable to present conditions, except that it is possible that the prisoner, "S.D.," whose case he cites, might have been removed as a congenital defective. We quote some passages from his remarks:—

> The offences committed by these feeble-minded persons are for the most part of a trivial character, such as begging, drunkenness, petty stealing, sleeping out, etc., but although the less grave forms of crime predominate, there is a potentiality in the feeble-minded class for crime of a serious character. This is shown by the fact that many of these persons are eventually sentenced to penal servitude for rape, arson, carnally knowing, shooting with intent, manslaughter, and murder, who have previously had several short sentences for minor offences. The bulk of them are recidivists, and there seems a tendency for their offences to increase in heinousness as time goes on, until advanced old age is reached and they become unfit to engage in active crime. . . .
>
> As a forcible instance of this class of person I would mention the case of S.D., a man who, without much real vice, is a habitual offender, whose crimes have increased in heinousness and who, not certifiably insane, is certainly not a suitable person to be at large. His criminal career commenced when he was about 14 years of age. From 1880 to 1889 he had 18 convictions, varying from a few weeks to 12 months, mostly for stealing. In 1892 he was sentenced to 10 years' penal servitude for rape. Released from this sentence, he had nine summary convictions for vagrancy and for failing to report himself to the police, and at present is undergoing penal servitude for arson (stack firing). He has no delusions and knows quite well right from wrong, but he is of limited intelligence, and his memory is poor; he can only read words of one syllable, and cannot write at all, and although he has had opportunities in prison he has learnt very little indeed. He is usually quiet, tractable, and cheerful in prison, will work fairly well, under the supervision of persons who understand him, but does not get on well when under ordinary penal discipline. Thus for 25 years he has been maintained, for by far the greater part of the time, by the State, and in the brief intervals has probably lived on individuals of the community, in addition to the harm, misery, and the cost of his depredations. He is now only about 39 years of age, and, unless his mental condition gets worse, so as to admit of his being certified and *kept* in a lunatic asylum, there are probably still many years of crime before him.[32]

From the evidence of a woman visitor to prisons we give the following particulars of some weak-minded prisoners:—

[32] P.C. Report, 1904-5, pp. 39-40.

I.

Alice went down to the Court with the expressed intention of cheeking the magistrates. Alice is often in for drunkenness. She is a girl about 23, and has a very bad character. A bright, pretty girl, but quite unmanageable sometimes, very hysterical and subject to fits of ungovernable rage, when she throws things at people and cares for no one. She has turns when she screams and shouts and whistles and sings and bangs on her door. Then she is sent to the punishment cell or put in the strait jacket till she promises to behave.

Her great passion is for babies and children. Last time she had an unmanageable fit, the matron went to her and said, "If you'll promise to be good, I'll show you a little baby." The girl promised, and Alice was taken to see and hold a prison baby and was quite good all day. If she may take any toddlers who are in with their mothers round the exercise ground in the morning, she is quite quiet and good. The matron and doctor think she would never get into a fury with children and ought to be with them. She says she will have a baby of her own as soon as she can get it.

II.

In a cell padded with mats sat a poor epileptic, so plainly mentally deficient that it seemed absurd that she should be trying to read "The Chaplain of the Fleet." I held out my hand for the book. She took my hand, shook it in a characteristically silly way, and said brightly that she felt a "lot better to-day."

III.

A little mentally deficient, middle-aged woman, in for neglecting her children. The seventh was in prison with her, a mite who only weighed 6lbs. when it came in.

The medical officer of Lancaster prison gave the following examples of mentally deficient prisoners in his report for 1910. Similar cases could be cited to-day:—

IV.

A woman, aged 28, unmarried, for neglecting her infant child, sentence 9 months; other children she has had have died. Has a record of 54 convictions for drunkenness, theft, neglect, etc., no place of abode, no friends.

V.

A man, aged 48, sentence one month for sleeping out, etc.: 10 convictions for begging, etc. Died in prison hospital, worn out by exposure and semi-starvation.

VI.

A man, aged probably 60, had no definite idea of his age or birthplace. 43 convictions, no friends, wanders about the country.

VII.

A woman, married, aged 43, drunkenness, one month, 14 convictions, is alcoholic, suffers from loss of memory.

"All this is very pathetic," adds the medical officer, "and certainly calls for some other method of dealing with these unfortunate people than that of constantly sending them to prison." With that view every reader will concur.

No place is found in Dr. Smalley's classification for prisoners committed for drunkenness, perhaps because their stay in prison is generally very short. Thirty-five per cent. of the men and 45 per

cent. of the women prisoners are sentenced for this offence, however, and the frequency with which they return makes them an important part of the prison population. They are mostly from the poorer classes of society. This is natural, as drunkenness is not directly punishable by imprisonment, but only by a fine with imprisonment in default. Hence it is only the poor who go to prison for over-drinking, whilst they also lack the facilities of the rich to hide the results of the habit. Heavy drinking is, of course, a cause of many of the other offences for which people are committed to prison. Nor does Dr. Smalley make mention of prisoners found guilty of "Offences against Regulations," although they number 10 per cent. of the prison population. Most of them are accidental criminals, infringements of the Education Act accounting for a large number.

We have now broadly described the population of our prisons. Many of those who are in prison have no doubt sinned against their light; a proportion of them have deliberately adopted a dishonest course of life as their means of livelihood; but for the most part they are victims of vicious social surroundings and poverty—a wretched collection of human beings, physically weak, undernourished, mentally undeveloped, lacking in will power, the outcasts of our civilisation. Let the fact be borne in mind throughout these pages that if those whose lot is described have sinned against Society, Society has in the first place sinned grieviously against them.

The Location of English Prisons.

nale Convict prisons are stationed at Dartmoor, Maidstone, khurst, and the women convicts are confined at Liverpool. ocal prisons number 40, and are to be found at the following places: Bedford, Birmingham, Bristol, Brixton, Canterbury, Cardiff, Carlisle, Carmarthen, Carnarvon, Dorchester, Durham, Exeter, Gloucester, Holloway (women only), Hull, Ipswich, Leeds, Leicester, Lincoln, Liverpool, Maidstone, Manchester, Newcastle-on-Tyne, Northallerton, Northampton, Norwich, Nottingham, Oxford, Pentonville, Plymouth, Portsmouth, Preston, Shepton Mallet, Shrewsbury, Swansea, Usk, Wandsworth, Winchester, Worcester, and Wormwood Scrubbs.[33]

The Preventive Detention prison (for men only) is at Camp Hill (Isle of Wight), and there are Borstal institutions for boys at Borstal, Feltham, and Portland (until recently a Convict prison), and for girls at Aylesbury.

In the following chapters an attempt is made to make clear what these places signify to the prisoners who are confined in them, to the staff who administer them, and, not least, to the society which they are supposed to protect.

[33] The number of Local prisons fell from 113 in 1876 to 66 in 1914. It was announced whilst this book was in the Press that the Commissioners intend to close the prisons at Northampton, Carlisle, Canterbury, Carnarvon, Carmarthen, Usk, Worcester, and Northallerton.

Appendix to Chapter One.

THE STATISTICS OF CRIME AND IMPRISONMENT.

Their Significance and Limitations.

In the accompanying Tables we have gathered together some of the available statistics relevant to the subject of this work. The Tables deal with the movements of crime, the classification of crime and criminals, fines and imprisonment, prisoners on remand, the age and sex of prisoners, the occupation of prisoners, the education of prisoners, and the length of the sentences imposed. The intention of this note is to make a few comments upon the Tables with a view to making their significance and limitations understood.[1]

Tables A and B deal with the movement of crime. There are, in the published statistics, four Tables bearing upon this subject, but none of them gives a really accurate view of the increase or decrease of crime. A Table is given of crimes reported to the police as having been committed, but it only professes to deal with indictable offences (i.e., the more serious ones),[2] and, even so, provides no clue. Many offences never reach the ears of the police, and, on the other hand, many are reported upon insufficient or conflicting evidence. A Table of convictions is given, but this inevitably underestimates crime, since many crimes are never brought to trial, and many more fail to secure conviction through lack of sufficient evidence. A Table of commitments to prison is given, but this, again, can afford no indication as to the total amount of crime. The degree to which magistrates enforce the law, the increased use of fines and probation orders, and legal changes in the treatment of certain types of offenders, render these returns almost useless. Lastly, there is a Table of trials, which has two evident deficiencies—(1) in respect of the crimes which are never brought to trial, and (2) in respect of the trials which result in acquittals. But since these deficiencies tend in opposite directions and so partially cancel one another, this Table may be taken as giving the fairest view of the movement of crime, and we have accordingly utilised it here in Table B.

There are, however, some general defects which are common to all criminal statistics, and which must be borne in mind when we come to consider the significance of Tables A and B. The chief defects are four:—

(1) In the totals of crimes, etc., no attempt is made to distinguish the actual number of different individuals involved. Thus, if any person be convicted three times during any year he counts in the Tables for three convicted persons. This confusion is serious. The Prison Commissioners have usually ignored this, but in their report for 1913-14 they indicated, for the first time,[3] that out of the total number of commitments to prison (103,010 males and 33,414 females), 19 per cent. of the females and 32 per cent. of the males were committed more than once during the year: that is to say, the 103,010 males represent not more than 83,344 persons and the 33,414 females not more than 22,699 persons. Indeed, since many prisoners are committed more than twice a year, the accurate numbers will even be smaller still.

(2) Any variation in the efficiency of the police will result in an increase or decrease of the returns, although the actual volume of crime may not vary.

[1] For a Note on the Statistics of Recidivism, see pp. 523-33.
[2] See list of indictable and non-indictable offences on p. 31.
[3] P.C. Report, 1913-14, p. 6.

(3) Any variation on the part of the public in reporting offences and in prosecuting will have a similar effect.

(4) The effect of all Summary Jurisdiction Acts, extending the powers of Police Courts, has been to show an increase in the offences concerned. Police Courts offer much prompter facilities in applying the law, and experience shows that people will not take the trouble to prosecute, or even to inform the police, if their time is to be occupied by prolonged attendances at the higher Criminal Court and possibly journeys to the nearest Assize town.

It will be noticed from Table B that indictable and non-indictable offences move independently. Many of the latter are trivial, and the increase shown since 1857 can be accounted for by the greater number of bye-laws and regulations rather than by any increase in petty criminality. It will be observed, for instance, that there was a strong upward tendency in the figures for the two years 1912 and 1913, but the light nature of the offences responsible for the increase may be judged by the fact that the number of commitments to prison, as will be seen from Table C, actually decreased during the same period. The main increases of late pre-war years were under the following heads:—Offences against the Highway Act (due to the growth of road traffic), Betting and Gaming (since the Street Betting Act of 1906), Sunday Trading and Vagrancy. Trials for Drunkenness and Assaults (these usually move together), Offences against the Education Acts, and Poaching have decreased. Despite the absolute increase in the number of trials for non-indictable offences, it will be seen that the proportion of these offences to the population was about the same in 1913 as in 1857.

When we turn to the volume of indictable offences (which include all the serious forms of crime), we see that the number of trials remains almost constant right up to the beginning of this century, when a rather alarming increase set in. There has been much speculation as to the origin of this increase. In the first few years of this century the operation of the Summary Jurisdiction Act of 1899 was no doubt partly responsible, but apart from this the cause is obscure. There are signs that the wave was being checked, in spite of the jump in 1912; the advent of the war prevents us from determining this with certainty, but the figures of commitments to prison since the war indicate that the decrease in crime has on the whole continued. As far as the statistics allow us to judge, the wave was almost entirely the work of recidivists.[4]

From Tables C, D, E, and F, we notice that the female prison-population, which varies from about one-third to one-quarter of the male population, has almost continuously decreased since 1905, although the male population has fluctuated considerably. Another point worth noting is that in 1908 and 1909 the number of men committed to prison was 10,000 above the years immediately preceding and following these two years; 1908 was a bad trade year (1909 was rather better), and this causal factor is reflected in the larger figures for vagrancy and acquisitive crimes recorded in Table F.

The decrease in commitments to prison during the last decade must not be accepted as denoting an equivalent decrease in crime. It is due in great part to (1) the exclusion of young offenders from prison by the Children's Act of 1908; (2) the Criminal Justice Administration Act, 1914, which provided, *inter alia*, for the granting of more time to pay fines; and (3) the widening of the provision for probation.

Tables G and H are the most illuminating of the series, so far as the nature

[4] See pp. 528-29.

of the crimes which lead to imprisonment is concerned. Commencing with the first classification, we see that imprisonments for malicious crimes, both amongst men and women, have decreased, though very irregularly. The crimes against the person are mostly assaults, probably due to drink; as we have previously remarked, the two columns follow one another fairly approximately. Malicious crimes against property are few in number, and move somewhat arbitrarily. The great increase in male sexual offenders is entirely due to a provision of the Children's Act of 1908, which made it possible for cases of indecent assault on young persons to be tried summarily. The female sexual column is the Table of prostitution—other sexual offences among women are very rare. About two-thirds of these commitments are in default of paying a fine.

The column of drunkenness is the only one in which the males and females move together. It is popularly supposed that drunkenness and larcenies move in opposition to one another, good trade years producing more drunkenness and few larcenies, and *vice versa*. This does not appear here, though the operation of fines may obscure the facts.[5]

Many offences in connection with the Vagrancy Acts have been classified in the column devoted to acquisitive crimes, e.g., frequenting, being in possession of pick-locks, and living on the earnings of prostitutes; the remainder, such as begging and sleeping out, are included under Vagrancy, together with offences against the Poor Laws. About half of these last offences are committed by paupers in the workhouses and the increase in their number during the first five years of the century was put down by some authorities as due to the fact that the amelioration of prison discipline made prison life easier than workhouse life. The increase was checked, however, from 1905 onwards; the large decrease in 1913 followed the introduction of the Way-Leave System. The other half of the Poor Law offences consists mainly of neglect to maintain one's family.

"Other Criminal Offences" are mostly cruelty to animals and offences under the Prevention of Crimes Act. Women are rarely convicted for cruelty to animals, although the number of women sentenced for cruelty to children is high. "Offences against Regulations" are chiefly offences against Police Regulations, the Education Acts, and the Highway Act. Practically all are in default of paying a fine.

The next group of Tables refers to fines and imprisonment. Tables K and L show that the numbers of men sent to prison with and without fines respectively are almost equal; in the case of women, twice as many enter prison with the option of a fine as without.

It is only fair, however, to compare the number of those imprisoned in default of a fine with the number of fines imposed, and this is done in Table M. The gradual increase in the percentage from 1899-1909 has never been satisfactorily explained. It should be mentioned that in many cases, such as brothel-keeping and bad cases of adulteration, magistrates are bound to give the option of a fine, though often they would rather imprison the offenders straight away. They therefore sometimes adopt the course of imposing very large fines in the expectation that such offenders may be unable to pay. This may be a partial explanation of the increased percentage.

The available figures relating to prisoners on remand are not very full, but they reveal the disgraceful fact, emphasised elsewhere, that more than half of those remanded to prison, or committed to trial without bail, are not sent to prison in the end.[6] Not only that, but 50 per cent. of those who do

[5] See pp. 15-16.
[6] See pp. 5-6 and 505-6.

return, according to Table L, are sent to prison in default of paying a fine. We should like to give a Table recording the number of persons admitted to bail, but the statistics are quite inadequate, only referring to those committed for trial.

The classification of the age and sex of prisoners (Table O) shows the marked difference between the sexes very clearly; the difference is so great that it is best to consider them separately. In one respect, however, they are alike. The returns for both males and females reflect the influence of the Children's Act in the great reduction in the number of prisoners under 16 years of age.

In the case of the males there are two high waves: one in 1904 and 1905 and the other in 1908 and 1909. The first is spread over all ages above 21; the second is not shared in by those over 60, though there is no very obvious means of accounting for this. The decline in the number of males from 21 to 30 in the last few years is more rapid than in the case of the older men, but this is probably due to the greater proportion of first offenders and the more lenient methods of dealing with such.

Amongst the women we find only one wave, culminating in 1903, after which the decline is practically continuous. The fluctuations in the various ages are far more erratic than amongst the males and do not bear any relation whatever to one another.

In Table P returns will be found giving the previous occupations of prisoners. Little is to be gained by comparing years; the numbers vary from year to year within fairly narrow limits and without any conceivable law. The proportions for 1913, given in the chapter to which this note is appended,[1] may be taken as representing any year.

This Table is necessarily an approximate one. The evidence is obtained in many cases from the prisoners themselves, and their veracity is not always unimpeachable. It would be valuable if, in the published statistics, offences were differentiated according to the occupation of the offender.

The Education Table (Q) is more interesting. The proportion of illiterates is greater amongst women than men. The great increase in the women of superior education in 1911 is no doubt due to the activities of the women suffragists. The proportion of illiterates of both sexes declines rapidly and continuously, except for a lapse amongst women in 1913. This may be partly accounted for by an improvement in the attainments of the general community, but such a change would hardly have such rapid effects. Possibly many were young offenders who are now kept out of prison.

The Table R, comparing the average length of sentences, is noteworthy as showing a continuous decrease in the length of penal servitude sentences and an increased length in sentences of simple imprisonment. The increase in the length of imprisonment sentences is accompanied till 1905 by an increase in the number of sentences, mainly sentences of three months. Since then the number has decreased, and the increased length probably means a tendency to do away with shorter sentences, and deal with trivial offences and first offenders more by fines and probation. There has also been an increased number of long sentences under the Borstal System.

The War and After.

The published statistics were much cut down during the war, and most of the useful Tables omitted, so that, apart from anything else, we have no reliable basis for comparison. But, in any case, the immense alteration

[1] See p. 7.

in the habits and conditions of life would vitiate any comparison with the pre-war figures. Some of the facts, however, are interesting.

Table A seems to shew that the volume of Indictable Offences has remained about the same. We shall see later how far this is true. The Non-Indictable Offences, however, showed a marked decrease during the war; the year 1916, of course, marks the entrance of D.O.R.A., and the number of fresh offences created thereby. In 1919 we see the beginning of the inevitable reaction, but it is a matter for some congratulation that this is not observable amongst the Indictable Offences.

Tables E and F show in a very marked degree the influence of the war in totally upsetting the relative proportions of the different categories of crime. Of more interest, however, are the actual numbers. In the first place, we must note the enormous reduction in the total number of committals to prison—from 139,060 in 1913 to 19,965 in 1918, while there is only a small increase in the first post-war year. As we shall see, at least 50,000 of this must be put down to the Criminal Justice Administration Act of 1914, which allowed time for fines to be paid; about 25,000 or so are to be attributed probably to the effect of employment and high wages, which enabled more fines to be paid. The rest represent a real decrease in crime.

The first column in Table E shows that the number of committals for serious (i.e., indictable) offences dropped suddenly to a level figure round about 12,000, in spite of the impression given, as noted above, by Table A. The drop in the second column, which conditions the alteration in the various percentages, represents a real decrease in both larcenies and drunkenness—the latter doubtless being connected with the liquor restrictions. This decrease in drunkenness is also reflected in the third column of Table F, while the corresponding decrease in assaults (these two invariably move together) is shown in the first column. The correspondence between the second column in F and the first in E is, of course, perfectly natural; the huge majority of serious offences are against property.

The war statistics are quite inadequate to enable us to compile Tables G and H, and we are thrown back upon isolated remarks of the Prison Commissioners. Sir E. Ruggles-Brise pointed out in the Commissioners' Report, 1918-19,[2] that war conditions may be said to have assisted this decrease in three ways—(1) restrictions on the consumption of intoxicants; (2) continuous employment; and (3) the absorption in military service of habitual offenders. With regard to the first it may be mentioned that, under normal conditions, higher wages and convictions for drunkenness go together; during the war they did not. With regard to the second, it is interesting to note that tramps disappeared entirely in the last years of the war; but they have re-appeared to some extent since the Armistice.

Since the Armistice there has been, as might have been expected, an increase in crime, but it is by no means so large as might have been anticipated. It will be seen that the number of prisoners (excluding court martial prisoners and debtors) increased from 25,376 in 1918-19 to 43,267 in 1920-21; but the latter figure is less than one-third of the number of prisoners in 1913-14, and, as the Prison Commissioners remark, "so small an increase in a year in which there has been much unemployment and industrial unrest must be regarded as noteworthy, constituting, as it does, a departure from the experience of former years."[3] The prison authorities, we are told,

[2] Op. cit. p. 33.
[3] P.C. Report, 1920-21, p. 5.

"are unanimous in ascribing so small an increase during this exceptional year principally to the effect of unemployment pay, which has prevented acute distress." [10]

Table K shows the result of the Act of 1914 in allowing time to pay fines; the extraordinary figures speak for themselves. We see that there was a reduction of imprisonments with the option of fines from 75,152 in 1913 to 5,254 in 1918-19.

The next interesting Table is O; and here we can estimate the third of the effects of the war mentioned above—the absorption of habitual offenders in military service. As regards males, the most arresting point that arises is that the reduction of crime is almost as well marked in the case of men over military age as in that of younger men; the increase since the Armistice shows the same feature. Exactly the same movements are shown amongst females of 30 and upwards, but females of 16—21 moved the opposite way. This is the only category of offenders which increased during the war, and it is entirely due to prostitution. Since the Armistice it has dropped, and the figures for 1920-21 are the lowest on record.

Table R also seems to have been affected by the war, though it is not quite apparent how this has come about. Part of the increase in the length of imprisonment sentences is due to the influence of the Act of 1914 in doing away with short sentences.

As regards Recidivism, no statistics are available. The Prison Commissioners in 1916 reported that there were fewer first offenders, but more convictions per year per man. In 1920, however, they noticed an opposite tendency, and stated that recidivists were becoming fewer. It remains to be seen which of these tendencies will prevail.

An unexpected fact has been the large proportion of first offenders amongst the demobilised men. In 1919-20, 6,461 demobilised men were received on conviction, of whom 3,411 (33 per cent.) were first offenders. Only 1,322 (22 per cent.) could be called habituals. There were 9,530 ex-soldiers committed to prison in 1920-21; but we are not told how many of the 16,059 first offenders were drawn from these. The governors of various prisons record the emergence since the war of a "new stamp of offender." The governor of Durham prison says that "men and women of respectable antecedents and parentage, in regular employment, and in no respects associated with the criminal class, are taking to serious crime (embezzlement, fraud, false pretences, housebreaking, and robbery) with astounding facility." He thinks that the fall in wages, rather than a spirit of lawlessness acquired during the war, is responsible. The governor of Wandsworth prison states that "the experience and knowledge gained in the army of motor-mechanics has led to a large increase in garage-breaking and motor-thieving." This type of offender "is usually intelligent and of fairly good education." The governor of Shrewsbury prison reports the coming of many men "whom in years before the war it would be quite the exception to receive, e.g., railway guards and engine drivers, men with excellent records of long service, and in receipt of a high rate of pay." [11]

It is far too early yet to say what the new norm in Criminal Statistics will be; but there is every reason to hope that it will be considerably lower than the old norm. Conditions of life are still unsettled, however, and one cannot forecast developments with certainty.

[10] Ibid, p. 6.
[11] Ibid, p. 9.

THE MOVEMENT OF CRIME.

A TABLE SHOWING THE NUMBER OF CRIMES COMMITTED, APPREHENSIONS AND SUMMONSES, CONVICTIONS, AND TRIALS FROM 1905—1919 INCLUSIVE.

Year	INDICTABLE OFFENCES			NON-INDICTABLE OFFENCES		
	Crimes Committed[1]	Apprehensions and Summonses	Convictions	Trials[2]	Apprehensions and Summonses	Convictions
1905	94,654	68,747	50,909	729,727	730,004	599,620
1906	91,665	65,766	48,746	700,078	701,209	573,698
1907	98,882	68,710	50,272	685,574	685,819	537,130
1908	105,279	75,544	55,966	688,964	689,298	534,571
1909	103,287	74,061	55,164	659,106	661,712	528,364
1910	103,132	72,860	54,087	631,916	634,193	506,453
1911	97,171	68,575	50,227	635,145	637,724	510,225
1912	101,997	73,642	56,777	663,139	665,611	536,597
1913	97,933	69,265	51,197	680,290	682,828	553,451
1914	89,807	63,605	33,617	626,765	643,776	491,760
1915	77,972	59,287	29,367	532,444	608,421	423,399
1916	80,653	61,851	32,728	610,218	677,275	512,485
1917	88,864	66,016	35,872	445,758	511,938	362,823
1918	87,762	61,048	33,560	375,105	434,347	299,607
1919[3]	87,837	57,378	31,524	493,047	522,448	397,149

This Table shows that, in compiling comparative Tables, it does not matter whether we take Crimes Committed, Apprehensions and Summonses, Trials, or Convictions: all these move up and down together, and tell the same tale. This is in spite of the fact that the first column gives the number of *crimes* and the other columns the number of *persons*. It is usual to take as an index of crime the number of persons tried, as being a sort of midway house: this excludes offences for which no one is tried, but includes many persons who are acquitted.

[1] This column gives the number of crimes, i.e., Indictable Offences, known by the police to have been committed.
[2] This column gives the number of persons tried for Non-Indictable Offences, there being no Table corresponding to that given for Indictable Offences.
[3] The last year for which figures are available.

Comparative Table of Crime in Proportion to Population.

Years[1]	Trials for Indictable Offences	Per 100,000 of Population	Trials for Non-indictable Offences	Per 100,000 of Population	Total Trials	Per 100,000 of Population[2]
57-63	54,917	275·93	346,881	1742·88	401,798	2018·81
64-68	59,556	278·17	412,642	1927·36	472,198	2205·53
69-73	55,172	242·10	487,488	2139·18	542,670	2381·28
74-78	53,044	217·66	589,085	2417·23	642,029	2634·89
79-83	60,080	230·67	609,516	2340·14	669,596	2570·81
84-88	57,384	208·49	605,491	2199·98	662,875	2408·47
89-93	56,475	194·17	638,414	2194·93	694,885	2389·10
94-98	52,298	169·49	675,118	2191·74	727,426	2361·23
99-03	55,018	168·65	738,276	2265·18	793,294	2431·83
04	59,960	177·59	747,179	2212·98	807,139	2290·57
05	61,463	179·96	729,727	2136·64	791,190	2316·60
06	59,079	171·01	700,978	2029·06	760,057	2200·07
07	61,381	175·60	685,574	1961·83	764,955	2137·43
08	68,116	192·70	688,964	1949·05	757,080	2141·75
09	67,149	187·70	659,106	1843·31	726,255	2031·10
10	66,389	185·46	631,916	1765·31	698,305	1950·77
11	62,318	172·32	635,145	1756·30	697,463	1928·62
12	67,530	184·81	663,139	1814·85	740,669	1999·66
13	63,269	171·37	680,290	1842·64	743,559	2014·01
14	58,559	158·44	626,725	1695·76	674,524	1854·20
15	55,535	157·06	532,444	1505·83	581,969	1662·89
16	58,617	169·90	610,218	1768·07	668,824	1937·97
17	63,005	186·90	445,758	1322·29	503,177	1509·19
18	58,871	174·37	375,105	1120·59	427,572	1294·96
19[3]	53,541	148·75	493,047	1369·84	546,588	1517·59

[1] From 1857–1903 the average for the five years is given.
[2] The proportion is calculated on the population for the middle year of the five in each case.
[3] The last year for which figures are available.

Table Showing Admissions to Prison after Sentence (excluding Court Martial Prisoners and Debtors).

Year (ending 31st March)	LOCAL PRISONS			CONVICT PRISONS			TOTALS		
	Males	Females	Both	Males	Females	Both	Males	Females	Both
1879-1884	111,302	44,763	156,065	1,540	208	1,748	112,842	44,971	157,813
1885-1889	115,708	40,579	156,287	966	90	1,056	116,674	40,669	157,343
1890-1894	109,409	40,087	149,496	771	65	836	110,180	40,152	150,332
1895-1899	111,308	42,388	153,696	752	48	800	112,060	42,436	154,496
1900-1904	117,786	47,990	165,776	850	46	896	118,636	48,036	166,672
1905	148,071	48,941	197,012	888	41	929	148,959	48,982	197,941
1906	146,673	47,364	194,037	977	42	1,019	147,650	47,406	195,056
1907	134,500	42,882	177,382	985	36	1,021	135,485	42,918	178,403
1908	134,519	40,910	175,429	1,132	41	1,173	135,651	40,951	176,602
1909	143,604	40,147	183,751	1,102	48	1,150	144,706	40,195	184,901
1910	140,154	38,415	178,569	1,068	40	1,108	141,222	38,455	179,677
1911	130,369	35,880	166,249	882	34	916	131,251	35,914	167,165
1912	123,178	34,371	157,549	819	44	863	123,997	34,415	158,412
1913	115,178	34,344	149,522	847	24	871	116,025	34,368	150,393
1914	101,820	33,320	135,140	748	49	797	102,568	33,369	135,937
1915	73,117	29,772	102,889	566	25	591	73,683	29,797	103,480
1916	37,047	21,133	58,220[1]			351[2]			58,577[2]
1917	27,200	15,631	42,828[1]			401[2]			43,229[2]
1918	20,206	11,544	31,750			359[2]			32,109[2]
1919	16,529	8,507	25,036	304	36	340	16,833	8,543	25,376
1920	24,842	9,437	34,296[1]			457[2]			34,735[2]
1921	31,829	10,956	42,785	462	20	482	32,291	10,976	43,267

[1] The inaccurate totals are due to our inability to reconcile two Tables in the P.C. Reports.
[2] The sexes were not distinguished in published returns.

D TABLE SHOWING DAILY AVERAGE PRISON POPULATION (excluding Court Martial Prisoners and Debtors).

YEAR (ending 31st March)	LOCAL PRISONS			CONVICT PRISONS			TOTALS		
	Males	Females	Both	Males	Females	Both	Males	Females	Both
1879-1884	14,795	3,633	18,458	9,122	1,076	10,198	23,917	4,739	28,656
1885-1889	12,662	2,805	15,467	6,971	595	7,566	19,633	3,400	23,033
1890-1894	11,518	2,375	13,892	4,110	269	4,379	15,628	2,643	18,271
1895-1899	11,866	2,093	13,959	2,894	182	3,076	14,760	2,275	17,035
1900-1904	13,032	2,955	15,987	2,657	131	2,788	15,689	3,086	18,775
1905	15,102	3,067	18,169	3,045	146	3,191	18,147	3,213	21,360
1906	15,377	2,911	18,288	2,994	141	3,135	18,371	3,052	21,423
1907	15,161	2,750	17,911	2,898	134	3,032	18,059	2,884	20,943
1908	15,055	2,664	17,719	2,934	130	3,064	17,989	2,794	20,783
1909	16,251	2,672	18,923	2,975	131	3,106	19,226	2,803	22,029
1910	16,026	2,495	18,521	3,069	120	3,189	19,095	2,615	21,710
1911	14,596	2,386	16,982	3,195	114	3,309	17,791	2,500	20,291
1912	13,646	2,261	15,907	2,975	107	3,082	16,621	2,368	18,989
1913	13,159	2,375	15,534	2,778	98	2,876	15,937	2,473	18,410
1914	12,116	2,236	14,352	2,609	95	2,704	14,725	2 331	17,056
1915	9,997	2,107	12,104	2,441	96	2,537	12,438	2,203	14,641
1916	6,426	1,830	8,256	2,068	82	2,150	8,494	1,912	10,406
1917	5,839	1,585	7,424	1,704	78	1,782	7,543	1,663	9,206
1918	5,841	1,494	7,335	1,309	84	1,393	7,150	1,578	8,728
1919	5,751	1,322	7,073	1,146	83	1,229	6,897	1,405	8,302
1920	6,068	1,137	7,205	1,471	82	1,553	7,539	1,119	8,758
1921	7,233	1,159	8,392	1,359	76	1,435	8,592	1,235	9,827

THE CLASSIFICATION OF CRIME.

E TABLE SHOWING CRIMES WHICH RESULTED IN COMMITMENT TO PRISON.

Year	SERIOUS[1]				PETTY[2]				OFFENCES AGAINST REGULATIONS, Etc.[3]				TOTALS		
	Males	Females	Total	%	Males	Females	Total	%	Males	Females	Total	%	Males	Females	Total
1905	27,066	4,268	31,334	16·0	104,057	38,434	142,491	72·6	17,557	4,748	22,305	11·4	148,680	47,450	196,130
1906	26,106	3,778	29,884	16·3	96,620	36,325	132,945	72·4	16,702	4,195	20,897	11·4	139,428	44,298	183,726
1907	25,668	3,751	29,419	16·8	92,359	33,182	125,541	72·0	15,532	4,106	19,638	11·3	133,559	41,039	174,598
1908	27,693	3,655	31,348	17·0	98,715	33,718	132,433	71·7	16,682	4,026	20,888	11·3	143,270	41,399	184,669
1909	27,580	3,558	31,138	17·0	99,008	32,005	131,013	71·7	16,738	3,894	20,632	11·3	143,326	39,457	182,783
1910	25,654	3,290	28,944	17·2	92,155	29,341	121,496	72·2	14,412	3,408	17,820	10·6	132,221	36,039	168,260
1911	23,296	3,028	26,324	16·5	89,467	27,988	117,455	73·5	12,887	3,081	15,986	10·0	125,650	34,097	159,747
1912	23,711	3,292	27,003	17·2	85,443	28,748	114,191	72·8	12,350	3,369	15,719	10·0	121,504	35,409	156,913
1913	20,998	2,871	23,869	17·2	74,241	27,717	101,958	73·3	10,271	2,962	13,233	9·5	105,510	33,550	139,060
1914[4]			18,195	31·7			37,392	65·3			1,700	3·0			57,287
1915			12,158	33·5			21,262	58·6			2,877	7·9			36,297
1916			11,269	40·8			13,789	49·9			2,544	9·3			27,602
1917			12,086	51·1			9,161	38·8			2,399	10·1			23,646
1918			11,437	57·3			6,420	32·2			2,108	10·5			19,965
1919			12,732	57·3			8,642	38·8			885	3·9			22,259

[1]Murder, wounding, sexual offences, burglary, fraud, etc.
[2]Principally acts of petty larceny and drunkenness.
[3]Offences against Police Regulations, Bye-laws, Highway Acts, Education Acts, etc.
[4] The 1914-19 figures are obtained from the Court Returns, as the Prison Returns are no longer published. See the comment regarding the changed proportions appended to Table F. on next page.

TABLE SHOWING OFFENCES WHICH RESULTED IN COMMITMENT TO PRISON.

Year	AGAINST PERSON[1]				AGAINST PROPERTY				OTHER OFFENCES[2]				TOTALS		
	Males	Females	Total	%	Males	Females	Total	%	Males	Females	Total	%	Males	Females	Total
1905	13,125	2,525	15,650	8·0	31,238	4,880	36,110	18·4	104,317	40,045	144,362	73·6	148,680	47,450	196,130
1906	12,703	2,473	15,176	8·3	29,806	3,769	33,575	18·3	96,619	38,056	134,975	73·5	139,428	44,298	183,726
1907	12,371	2,330	14,701	8·4	28,256	4,152	33,408	18·6	92,932	34,557	127,489	73·0	133,559	41,039	174,598
1908	12,106	2,416	14,522	7·9	31,401	4,132	35,733	19·2	99,763	34,851	134,614	72·9	143,270	41,399	184,669
1909	11,377	2,351	13,728	7·5	31,179	3,995	35,174	19·2	100,770	33,111	133,881	73·2	143,326	39,457	182,783
1910	10,122	1,993	12,415	7·4	28,751	3,678	32,429	19·3	93,043	30,368	123,416	73·3	132,221	36,039	168,260
1911	10,936	2,034	12,970	8·0	26,023	3,441	29,464	18·5	88,691	28,622	117,313	73·5	125,650	34,097	159,747
1912	11,010	1,993	13,003	8·3	25,775	3,685	29,460	18·8	84,719	29,751	114,470	73·0	121,504	35,409	156,913
1913	11,092	1,998	13,090	9·4	22,374	3,196	25,570	18·4	72,044	28,356	100,400	72·2	105,510	33,550	139,060
1914			6,843	11·9			17,445	30·4			32,999	57·6			57,287
1915			4,798	13·2			11,256	31·0			20,243	55·8			36,297
1916			3,481	12·6			10,272	37·2			13,849	50·2			27,602
1917			2,399	10·1			11,272	47·7			9,975	42·2			23,646
1918			2,352	11·8			10,232	51·3			7,381	36·9			19,965
1919			4,372	19·6			11,355	51·0			6,532	29·4			22,259

As far as the pre-war figures are concerned, these Tables show an extraordinarily level proportion from year to year, the least stable being "Offences against the Person." The preponderance of the figures in one column could not account for quite so much stability. Evidently the causes of crime, whatever they were, worked evenly throughout the whole area of crime; the proportions remain nearly constant, however classified.

The 1914-19 figures are obtained as well as possible from the Court Returns, as the Prison Returns are no longer published. The great change in the proportions, however, cannot be explained by this fact alone. It is probably largely due to the more liberal use of fines, and the more lenient treatment of petty and non-criminal offences.

[1]About two-thirds of the "Offences against the Person" are non-indictable assault—probably due in most cases to drink.
[2]About nine-tenths of "Other Offences" are drunkenness and vagrancy.

THE CLASSIFICATION OF CRIMINALS.

The crimes and offences included under the different heads in the two following Tables are:—

MALICIOUS, AGAINST PERSON: *Indictable Offences.*—Murder, Attempts and threats to murder, Manslaughter, Wounding, Endangering lives at sea and railway passengers, Assault, Intimidation, Cruelty to children, Child-stealing.

Non-Indictable Offences.—Assault, Intimidation, Cruelty to children.

MALICIOUS, AGAINST PROPERTY: *Indictable Offences.*—Arson, Setting fire to crops, etc., Killing and maiming cattle, Malicious use of explosives, Destroying ships, railways, trees, and shrubs, etc.

Non-Indictable Offence.—Malicious Damage.

SEXUAL: *Indictable Offences.*—Unnatural vice, Attempts to commit same, Indecency with males, Rape, Indecent assaults, Defilement of girls, Incest, Abduction, Bigamy, Indecent exposure.

Non-Indictable Offences.—Prostitution, Indecent exposure.

ACQUISITIVE: *Indictable Offences.*—Procuration, Sacrilege, Burglary, Housebreaking, Shopbreaking, Attempts to break into houses, shops, etc., Entering with intent to commit felony, Possession of housebreaking tools, etc., Robbery, Extortion by threats, All kinds of larceny, Embezzlement, Obtaining by false pretences, Frauds, Falsifying accounts, Receiving stolen goods, Offences in bankruptcy, forgery and uttering, Coining, Piracy and slave-trade, Poaching, Brothel-keeping, etc.

Non-Indictable Offences.—Adulteration, Brothel-keeping, Offences against Fishery and Game Laws, Intoxicating Liquor Laws (Selling to persons drunk, Illegal sale of drink, Selling to children), Labour Laws (Breach of Contract, Offences under Special Trades Acts), Offences against Pawnbrokers' Act, Unlawful possession, Stealing, Vagrancy Acts (Possessing picklocks, Found on enclosed premises, Frequenting, Living on prostitutes).

DRUNKENNESS: *Indictable Offence.*—Habitual drunkenness.

Non-Indictable Offences.—Drunkenness, Habituals obtaining drink.

VAGRANCY: *Non-Indictable Offences.*—Vagrancy Acts (Begging, Sleeping out, Gaming, etc.), Offences under Poor Laws.

OTHER CRIMINAL OFFENCES: *Indictable Offences.*—Abandoning children, Procuring abortion, Concealing of birth, Offences against the State, Offences against Public Justice, Blasphemy, Libel, Suicide, etc.

Non-Indictable Offences.—Cruelty to animals, Indecent advertisements, Prevention of Crimes Acts, Intoxicating Liquor Laws (Offences against Public Order).

Table showing Classification according to Motive.

Year	MALES									FEMALES								
	Malicious		Sexual	Acquisitive	Other				Total	Malicious		Sexual	Acquisitive	Other				Total
	Against Person	Against Property			Drunkenness	Vagrancy	Other Criminal Offences	Offences against Regulations		Against Person	Ag'st Property			Drunkenness	Vagrancy	Other Criminal Offences	Offences against Regulations	
1905	12,510	2,787	1,444	31,059	46,811	34,314	1,444	16,211	148,580	2,486	672	10,603	5,008	22,435	2,114	98	4,570	46,742
1906	12,027	2,720	1,421	29,482	43,473	31,812	1,207	17,286	139,428	2,425	489	9,045	4,430	21,601	2,019	80	4,209	44,298
1907	11,767	2,536	1,320	28,960	43,319	28,520	1,167	15,970	133,559	2,294	459	7,894	4,458	19,946	1,703	67	4,128	41,039
1908	11,479	2,779	1,149	31,295	43,595	33,843	1,254	17,506	143,270	2,393	448	8,145	4,224	20,014	2,017	69	4,043	41,399
1909	10,736	2,670	1,410	31,185	40,825	37,611	1,162	17,734	143,326	2,309	502	9,004	4,035	17,754	1,911	79	3,865	39,457
1910	9,670	2,566	1,472	28,891	38,593	34,592	1,136	15,301	132,221	1,953	421	8,780	3,865	16,736	1,807	44	3,483	36,089
1911	10,159	2,384	1,553	25,977	38,635	32,365	1,042	13,529	125,650	1,975	511	8,035	3,441	15,165	1,607	65	3,297	34,097
1912	10,069	2,179	1,879	26,822	40,144	27,370	998	13,094	121,504	1,942	574	8,521	3,592	15,962	1,559	68	3,591	35,509
1913	9,023	1,838	1,905	22,834	37,036	21,168	871	10,835	105,510	1,951	435	8,517	3,264	15,118	1,328	66	3,071	33,550

Since 1913 the sexes have not been separated in such returns as have been given, and accordingly they are worthless for comparison with the pre-war figures.

Table Showing Classification According to Motive, Giving Percentages.

Year	MALES								FEMALES							
	Malicious		Sexual	Acquisitive	Other				Malicious		Sexual	Acquisitive	Other			
	Ag'nst Person	Against Property			Drunkenness	Vagrancy	Other Criminal Offences	Offences against Regulations	Ag'nst Person	Against Property			Drunkenness	Vagrancy	Other Criminal Offences	Offences Against Regulations
1905	8	2	1	21	32	23	1	12	5	1	21	11	48	4	—	10
1906	9	2	1	21	31	23	1	12	5	1	20	10	49	5	—	10
1907	9	2	1	22	32	21	1	12	6	1	19	11	49	4	—	10
1908	8	2	1	23	30	23	1	12	6	1	20	10	48	5	—	10
1909	7	2	1	22	29	26	1	12	6	1	23	10	45	5	—	10
1910	7	2	1	22	29	26	1	12	5	1	24	11	44	5	—	10
1911	8	2	1	20	31	26	1	11	6	1	24	10	45	5	—	10
1912	8	2	1	21	33	23	1	11	5	2	24	10	45	4	—	10
1913	8	2	2	22	35	20	1	10	6	1	25	10	45	4	—	9

Since 1913 the sexes have not been separated in such returns as have been given, and accordingly they are worthless for comparison with the pre-war figures.

FINES AND IMPRISONMENT.

K TABLE SHOWING IMPRISONMENT WITH AND WITHOUT THE OPTION OF A FINE.

Year	Without Option	With Option		In Default of Sureties	Total of Imprisonments
		Time Allowed	Time not Allowed		
1900	67,169	78,345		20	145,534
1901	75,227	86,536		113	161,876
1902	78,202	91,638		82	169,922
1903	84,081	103,412		48	187,541
1904	89,501	107,625		210	197,336
1905	88,617	100,361		155	195,133
1906	85,075	97,382		186	182,645
1907	80,936	92,379		184	173,499
1908	87,803	95,477		156	183,446
1909	88,910	92,699		86	181,695
1910	81,114	85,366		111	166,591
1911	77,051	81,047		139	158,237
1912	73,305	81,699		224	155,198
1913	61,975	75,152		341	137,468
1914-15	48,576	1,526	52,482	324	102,858
1915-16	35,229	3,615	19,085	251	58,180
1916-17	26,767	2,286	13,280	546	42,979
1917-18	22,886	1,093	7,401	370	31,750
1918-19	19,430	536	4,728	342	25,036
1919-20	24,691	635	8,668	285	34,279
1920-21	29,330	1,165	12,239	251	42,985

The returns for the years 1914-21 are taken from the Prison Commissioners' Reports.

L TABLE SHOWING IMPRISONMENT WITH OR WITHOUT THE OPTION OF A FINE, DISTINGUISHING SEX.[1]

Year	MALES				FEMALES			
	With the Option of a Fine	Per Centage	Without the Option of a Fine	Per Centage	With the Option of a Fine	Per Centage	Without the Option of a Fine	Per Centage
1905	74,224	50·3	73,402	49·7	32,137	67·9	15,215	32·1
1906	68,231	49·3	70,033	50·7	29,151	66·0	14,992	34·0
1907	65,263	49·3	67,165	50·7	27,117	66·3	13,771	33·7
1908	68,314	48·0	73,884	52·0	27,343	66·3	13,919	33·7
1909	65,666	46·2	76,567	53·8	27,033	68·7	12,343	31·3
1910	60,754	46·5	69,786	53·5	24,612	68·5	11,828	31·5
1911	58,144	46·8	66,025	53·2	22,903	67·4	11,056	32·6
1912	57,970	48·4	61,835	51·6	23,699	67·4	11,469	32·6
1913	52,286	50·2	51,854	49·8	22,866	69·0	10,291	31·0
1914–15	34,802	47·67	38,211	52·33	19,186	64·92	10,365	35·08
1915–16	12,408	33·67	24,555	66·43	10,202	49·1	10,674	50·9
1916–17	8,379	30·88	18,751	69·12	7,127	47·06	8,016	52·94
1917–18	4,004	19·82	16,195	80·18	4,490	40·16	6,691	59·84
1918–19	2,240	13·56	14,282	86·44	3,024	37	5,148	63·0
1919–20	5,074	20·43	19,755	79·57	4,229	46·14	4,936	53·86
1920–21	8,056	25·3	23,733	74·7	5,818	49·2	5,897	50·8

[1] Sex is only distinguished in the totals after 1905. The figures since 1913 are calculated from returns given in the Prison Commissioners' Reports.

M TABLE SHOWING NUMBER OF COMMITTALS IN DEFAULT OF PAYMENT OF A FINE.

Year	No. of Cases in which a Fine was Imposed	No. of these who went to prison in Default	Per Centage
1893	422,369	79,836	18·90
1894	414,459	81,349	18·30
1895	443,595	74,705	16·84
1896	475,962	78,748	16·54
1897	501,520	78,521	15.66
1898	546,283	84,031	15·41
1899	563,378	83,855	14·88
1900	531,043	78,345	14·73
1901	548,292	86,536	15·78
1902	540,108	91,638	16·93
1903	551,232	103,412	18·76
1904	550,560	107,645	19·55
1905	535,208	106,361	19·87
1906	512,598	97,382	19·00
1907	498,401	92,379	18·54
1908	488,569	95,477	19·54
1909	460,015	92,699	20·15
1910	440,006	85,366	19·40
1911	446,657	81,047	18·15
1912	477,132	81,660	17·12
1913	502,659	75,152	14·95

The figures have not been published since 1913.

PRISONERS ON REMAND.

N TABLE SHOWING PRISONERS ON REMAND AND THE NUMBER RETURNING TO PRISON.

Year	Total Remands and Committals for Trial without Bail	Number of such Persons Convicted and sent to Prison	%	Number who did not Return to Prison	%
1900	34,765	16,522	48	18,243	52
1901	35,446	17,069	48	18,377	52
1902	34,843	17,543	50	17,300	50
1903	33,764	19,099	57	14,665	43
1904	35,000	20,148	58	14,852	42
1905	36,326	20,184	56	16,142	44
1906	35,673	20,751	58	14,922	42
1907	37,557	21,034	55	16,523	45
1908	39,481	21,717	55	17,764	45
1909	38,937	21,363	55	17,573	45
1910	39,245	20,893	53	18,372	47
1911	37,017	19,551	53	17,466	47
1912	37,113	20,587	55	16,526	45
1913	34,721	18,059	52	16,662	48
1914	31,539	15,838	50	15,701	50
1915	23,792	9,729	41	14,063	59
1916	21,736	8,833	40	12,953	60
1917	21,623	8,815	41	13,818	59
1918	21,319	8,912	42	12,407	58
1919[1]	22,701	10,327	45	12,374	55

[1] The last year for which figures are available.

THE AGE AND SEX OF PRISONERS.

TABLE SHOWING AGE AND SEX OF PRISONERS.

Year	MALES									FEMALES								
	Under 16	16 to 21	21 to 30	30 to 40	40 to 50	50 to 60	60 and above	Not ascertained	Total	Under 16	16 to 2	21 to 30	30 to 40	40 to 50	50 to 60	60 and above	Not ascertained	Total
1900	1,395	11,525	26,538	26,415	18,877	8,396	8,037	60	101,193	58	2,312	11,970	15,677	9,970	3,147	1,970	20	45,124
1901	1,227	13,421	30,482	30,301	21,064	9,629	9,045	63	115,155	47	2,161	12,370	16,714	10,612	3,584	2,162	18	47,668
1902	1,050	13,307	32,473	32,976	22,279	9,962	10,219	67	122,423	31	2,275	12,363	17,095	11,176	3,679	2,036	10	48,665
1903	1,079	14,916	37,049	36,994	25,121	11,626	10,930	84	137,799	40	2,622	12,727	17,369	11,428	4,314	2,368	16	50,879
1904	1,157	16,141	40,013	39,204	27,127	13,131	11,661	20	148,457	46	2,355	11,978	17,240	11,775	4,324	2,215	5	49,938
1905	1,010	15,028	40,196	39,314	27,121	12,789	12,218	122	148,708	35	2,265	11,523	15,945	11,193	4,310	2,173	16	47,460
1906	1,061	14,785	37,539	37,029	25,594	11,860	11,549	49	139,466	54	1,949	10,181	15,277	10,716	4,223	1,894	13	44,307
1907	849	12,371	36,197	36,185	25,144	11,629	11,102	44	133,581	23	1,332	8,816	14,299	10,769	4,031	1,773	7	41,050
1908	550	12,640	39,827	39,905	27,209	12,179	10,970	43	143,303	17	1,221	8,735	13,934	11,122	4,650	1,707	10	41,465
1909	293	12,490	41,009	39,535	26,958	12,237	10,923	44	143,349	4	1,223	8,907	13,318	10,383	4,191	1,421	17	39,467
1910	48	10,904	36,933	36,590	25,382	11,548	10,301	20	132,221	3	1,134	7,883	12,748	9,510	3,398	1,359	4	36,039
1911	20	8,503	33,756	36,221	25,231	11,513	10,402	4	125,650	1	939	6,908	11,785	9,669	3,521	1,214	—	34,037
1912	37	8,081	31,171	35,610	24,988	11,607	9,906	14	121,504	3	906	6,740	12,416	10,055	3,773	1,491	25	35,409
1913	15	6,846	26,294	30,574	22,206	10,530	9,234	11	105,510	—	844	6,331	11,500	9,569	3,709	1,476	31	33,460
1914-15	6	3,668	16,479	20,978	17,261	8,419	7,260	12	74,107	2	863	4,790	10,018	8,959	3,762	1,498	1	29,893
1915-16	9	1,973	7,694	9,193	9,144	4,952	4,322	5	37,592	3	628	4,207	6,950	5,883	2,513	876	3	21,247
1916-17	18	2,538	6,113	6,229	6,742	3,675	2,580	5	27,838	—	1,020	3,782	5,270	3,840	1,369	529	—	15,750
1917-18	28	3,332	5,249	4,265	4,421	2,226	1,572	2	21,095	—	1,329	3,833	3,361	2,123	737	303	—	11,686
1918-19	28	3,587	4,816	3,466	2,839	1,571	1,110	1	17,418	3	1,429	3,215	2,208	1,199	430	132	—	8,621
1919-20	17	4,079	7,866	5,690	4,382	2,282	1,589	2	25,907	—	1,098	2,957	2,577	1,941	663	288	1	9,525
1920-21	6	4,211	9,936	7,540	5,904	3,085	1,997	4	32,873	—	743	3,118	3,357	2,507	970	348	—	11,043

The figures since 1914 are taken from the Prison Commissioners' Reports.

THE OCCUPATIONS OF PRISONERS.

TABLE SHOWING OCCUPATIONS OF PRISONERS (EXCLUDING COURT-MARTIAL PRISONERS.)

Year	Domestic Servants	Labourers, Charwomen, Needlewomen	Factory Workers	Mechanics' Skilled Labourers	Foremen, etc.	Shop-workers, Clerks	Shop-keepers, Dealers	Pro-fessional	Prosti-tutes	Army and Navy, Marines	No Occupation	Total
1905	4,205	121,907	6,847	26,826	62	3,718	8,857	282	6,268	3,955	13,216	196,143
1906	3,599	117,654	6,239	23,141	50	3,472	8,391	321	5,481	3,162	12,221	183,731
1907	3,509	109,566	6,300	22,647	46	3,310	8,600	481	5,238	3,536	11,370	174,603
1908	3,550	119,260	7,839	21,536	74	3,904	8,749	459	5,318	4,108	9,984	184,691
1909	3,355	117,280	8,893	23,140	74	3,244	8,815	415	4,732	3,870	8,976	182,794
1910	3,372	107,170	8,297	23,810	48	2,953	6,033	480	4,588	3,210	8,284	168,245
1911	3,500	100,542	7,900	22,398	88	2,768	6,556	542	4,441	3,789	7,214	159,739
1912	3,622	97,423	7,713	20,939	102	3,246	6,690	534	3,832	4,596	8,210	156,906
1913	3,257	84,432	7,224	18,279	76	3,143	6,635	515	3,880	4,277	7,332	139,050

No returns of occupation have been published since 1913.

THE EDUCATION OF PRISONERS

Q

Table Showing the Education of Prisoners.[1]

Year	Neither Read nor Write				Read and Write imperfectly and moderate				Read and Write well				Superior Education				Total ascertained	
	M	%	F	%	M	%	F	%	M	%	F	%	M	%	F	%	M	F
1905	21,476	15	12,252	26	116,609	79	34,043	72	8,626	6	1,090	2	477	—	4	—	147,188	47,389
1906	18,778	14	10,515	24	111,630	80	32,926	74	8,035	6	822	2	380	—	25	—	138,818	44,288
1907	18,987	14	9,220	22	105,738	79	31,086	76	8,167	6	689	2	307	—	13	—	133,199	40,987
1908	18,703	13	8,954	22	114,756	80	31,661	77	9,044	6	712	2	254	—	12	—	142,762	41,339
1909	18,385	13	8,579	22	114,990	81	30,213	77	5,202	6	597	1	277	—	32	—	142,854	39,421
1910	15,359	12	6,531	18	109,387	83	29,015	81	6,622	5	374	1	201	—	21	—	131,659	36,042
1911	14,361	11	5,815	17	105,456	84	27,661	81	5,438	4	468	1	325	—	146	—	125,582	34,090
1912	13,557	11	5,846	17	102,205	84	28,993	82	5,393	4	429	1	250	—	135	—	121,405	35,403
1913	11,999	11	6,492	19	83,303	85	26,606	79	4,010	4	327	1	211	—	99	—	105,453	33,517

No returns showing the education of prisoners have been published since 1913.

[1] See the summary given, with some fuller explanation, on p. 150.

LENGTH OF SENTENCE.

R

Table Showing the Average Length of Sentences (excluding Court-Martial Sentences.)

Year (ending 31st March)	PENAL SERVITUDE		SIMPLE IMPRISONMENT	
	Number of Sentences	Average Length in *years*	Number of Sentences	Average Length in *months*
1900	753	5·2	152,086	1·04
1901	725	5·1	147,299	1·09
1902	887	4·8	165,379	1·08
1903	1,100	4·8	175,285	1·12
1904	1,016	4·8	188,884	1·09
1905	929	4·8	197,093	1·05
1906	1,019	4·9	194,059	1·09
1907	1,021	4·5	177,336	1·16
1908	1,172	4·4	175,401	1·25
1909	1,150	4·2	183,721	1·27
1910	1,108	4·3	178,542	1·26
1911	916	4·2	166,280	1·26
1912	893	4·3	167,461	1·28
1913	871	4·1	149,422	1·32
1914	797	4·2	165,041	1·33
1915	591	4·3	102,889	1·29
1916	351	4·6	58,189	1·68[1]
1917	401	4·7	42,819	1·99
1918	359	4·6	31,750	2·51
1919	340	4·75	25,036	2·91
1920	457	3·8	34,279	2·70
1921	482	4·5	42,785	2·29

[1] The figures since 1915 are of necessity approximations, and probably represent a slight over-estimate. They are calculated from returns given in the Prison Commissioners' Reports.

CHAPTER II

THE PRELIMINARIES TO IMPRISONMENT

The Prison Commissioners in their report for 1899 wrote that "the close necessary relation between the administration of justice and a knowledge of prison discipline is becoming every day more manifest; and it cannot be expected that there can be a satisfactory administration of justice, when there is not a correlative acquaintance with the exact method followed in the execution of the sentence."[1]

This statement, together with its converse, is still true. Some knowledge of the administration of justice is as necessary for an intelligent approach to the problems of the prison system, as knowledge of the latter is necessary for the due administration of justice. In this chapter, therefore, we shall attempt to give a very brief description of the powers and the practices of the criminal courts.

The Courts and Their Functions.

In England and Wales the courts can be divided into three groups, viz. (1) Courts of Assize, (2) Courts of Quarter Sessions, and (3) Courts of Summary Jurisdiction.

Courts of Assize. The Courts of Assize have complete jurisdiction over all indictable offences.[2] They are presided over by a High Court Judge or (when there is pressure on judicial time) by a Commissioner of Assize. A judge travels to different parts of the country, and the prisoners are tried before him and a jury. The cases have all been the subject of a preliminary examination and investigation before a Court of Summary Jurisdiction,[3] which has the power to dismiss the charge on the ground that there is no evidence upon which to send the offender for trial or that no jury would be likely to convict on the evidence.

The Central Criminal Court which sits at the Old Bailey in London is a Court of Assize with a jurisdiction in London, Middlesex, and parts of Surrey, Kent, Essex and Hertford. In this

[1] P.C. Report, 1898-9, p. 7.

[2] As in Courts of Assize and Quarter Sessions the procedure is by indictment, the offences tried by these Courts are called "Indictable Offences." All the ancient Common Law offences are indictable, and so are all statutory offences unless the statute expressly provides some other mode of trial. A list of indictable and non-indictable offences is given on p. 31.

[3] In theory the Grand Jury may (except in certain cases) "present a Bill" (i.e., send for trial before a judge and petty jury) on evidence laid before it for the first time, but in practice the procedure is as stated here.

instance there are generally four trials proceeding in different Courts, presided over by the Recorder, the Common Sergeant, the Commissioner, and in the case of more serious charges, by a High Court Judge. Sometimes, when there is a very heavy list and there are long cases to be heard, two High Court Judges sit at the same time.

Courts of Quarter Sessions. The Courts of Quarter Sessions are held in the different counties and all County Justices are entitled to sit on the bench. In the County Sessions the chairman is elected by the Justices from among themselves. Borough Sessions are presided over by the Recorder, who is a barrister appointed by the Home Office. The trial is before him and a jury. The London Sessions have a salaried chairman and deputy chairman, who must be barristers. As in the case of the Courts of Assize, a Court of Summary Jurisdiction investigates the charge in the first instance. Some of the more serious crimes (e.g., murder, attempted murder, rape, arson, perjury, etc.) are not triable at Sessions but only at Assizes.

Courts of Summary Jurisdiction. In country districts, the Courts of Summary Jurisdiction are composed of lay (unpaid) magistrates with a chairman appointed by the bench, and in almost all cases at least two lay magistrates must be present. In some of the larger towns a stipendiary magistrate is appointed with the same powers as two lay magistrates.

Courts of Summary Jurisdiction have large powers to dispose of all cases of non-indictable offences[4] such as drunkenness, adulteration of food, cruelty to animals, common assault, betting, brothel-keeping, prostitution, etc., and in certain cases, such as larceny of goods of not greater value than £20, the obtaining of goods by false pretences, and indecent assaults on children, they may dispose of indictable offences, if the defendant consent.

As a rule, a Court of Summary Jurisdiction cannot impose a severer penalty than three months' imprisonment with hard labour, although in a few cases, such as living on the earnings of a prostitute, aggravated assaults on women, or assaults on constables in the execution of their duty, the maximum is six months. With the consent of the defendant, these Courts can also try certain other cases, such as cruelty to children, which are punishable with more than three months' imprisonment, the maximum rising in the case of an ex-convict charged under the Prevention of Crimes Act to twelve months. They have the power to try "children" and "young persons" for all offences other than homicide, if the parents, in the former case, do not object, and if the defendant, in the latter case, consent.

Although Courts of Summary Jurisdiction have no power to

[4] See list of such offences on p. 31.

inflict long sentences, the powers of the bench are of great importance, both because of the very large number of cases tried and because the majority of those who commit serious crimes begin their criminal career in these courts. These two facts require particular emphasis in view of the preponderance of lay magistrates.

The actual conditions in a Court of Summary Jurisdiction—or Police Court, as it is popularly known—vary greatly according to the temperaments, tempers, and experience of the local magistrates and the attitude of the police. The resultant impossibility of standardising the conduct of the court makes reform difficult.

Defendants brought before the Court have either been arrested (with or without a warrant) or have been served with a summons. In the provinces a summons is usually issued on application to the Magistrates' Clerk and is signed by a magistrate. In London a personal application to the magistrate must be made. This latter is the better practice. Provincial magistrates generally sign summonses without any knowledge of the complaint. They ought at least to exercise their power to see that summonses are only granted in proper cases.

In order to issue a warrant for arrest an application must be made to a magistrate. If it be granted, the police arrest the defendant and he is detained in custody pending the hearing of the charge. In many cases a warrant is issued where a summons would fully serve the purpose. If a remand be ordered at the trial, the defendant is sometimes released pending the hearing on his own recognisances, but generally he must provide bail in order to be at liberty. Far too frequently bail is refused.[1]

In Courts presided over by lay magistrates there is a clerk who is usually a solicitor. Some courts are under the almost complete domination of the clerk. This is due partly to his special knowledge and experience, and partly to the fact that the magistrates sit by rota. They are thus only on the bench at intervals, while the clerk sits continuously and often plays a decisive part in the proceedings. An experienced solicitor gives this description of the course that is frequently followed:—

> The defendant is charged with an offence. Usually the police give evidence. A police witness states in the customary automatic fashion what he has to say. The clerk raps out at the defendant, "Any questions to ask the officer?" The defendant starts to make a statement, but is told he must ask questions only. Often he cannot frame a question.
>
> After the evidence for the prosecution, the clerk says "Do you wish to make a statement, or give evidence on oath?" Sometimes a few scrappy sentences are uttered. Often nothing is said. The clerk consults with the magistrates, and the chairman of the bench says, "Ten shillings," "14 days," "3 months" or whatever may be the penalty. A police officer touches the defendant on the shoulder and number ten is in the dock almost before number nine has left.

[1] Cp. p. 305-6.

The proceedings are sometimes fairer than this, but in many cases all the forces of authority are brought to bear against the miserable being whom the police have brought before the Court. As a general rule the police evidence is accepted much too readily. The fact that recently when a defendant in a principal London Police Court said he was doing nothing, the magistrate thought it proper to reply, "Then what do you suppose the policeman has brought you here for?" is an indication of the reliance which is placed upon the police statements. A man is supposed to be innocent until he be proved guilty, but in practice a police prosecution usually means a conviction.

In many courts, too, the cases are tried far too hurriedly. Sometimes forty or fifty cases are disposed of in two hours. In that time it is quite impossible for a magistrate to give the cases the conscientious attention and consideration they require. "In my opinion," remarks a solicitor with an extensive knowledge of the courts, "convictions would not be recorded in many cases if more care were taken by the magistrates to see that all cases were judicially tried and that the evidence for the prosecution was examined with as much suspicion as that to which the evidence for the defence is subjected." This witness adds:—

> The most tragic sight in our police courts is that of the habitual criminal. Some miserable wretch is charged with being drunk or some poor woman is charged with soliciting. There is no doubt about the offence. The magistrate asks, "Has he (or she) been here before?" "Yes, sir," answers the police officer; "fifty-three times." "Twenty shillings or fourteen days," orders the magistrate—and the prisoner is taken away to spend a fortnight in prison with the certainty that within a few days of his release he will be back again. A more futile proceeding could scarcely be imagined.

The administration of justice which can only find this method of dealing with such human derelicts condemns its authors and agents far more severely than it condemns its victims; haste, prejudice, and lack of imagination or humanity are its main characteristics, as anyone who will spend a few hours on a Monday morning in a police court in a poor district will soon discover.

These criticisms of the conduct of Courts of Summary Jurisdiction apply also in some measure to Courts of Assize and Quarter Sessions, but not by any means to the same extent; for here the defendant is usually represented by a barrister, the presiding judge is more experienced, and there is a jury. In the case of judges, however, ignorance of the realities of the prison régime is general.

The duties of a Judge of Assize are rendered more difficult by his inability to postpone cases for further diagnosis and investigation, as it is most unlikely that he will be presiding at the next assizes. At the London Sessions postponement is possible, and sometimes this course is usefully adopted; but the enquiries are usually made by the police who lack the qualifications for the kind of investigation

which is often necessary. Nevertheless, Courts in continuous session can give much more careful consideration than others to the circumstances and needs of the prisoner.

The Principles of Punishment in English Law.

When the magistrates have decided to convict a prisoner they must decide the appropriate treatment of the offence. Unfortunately this does not appear to be a serious problem to the average bench. What is involved in the decision is often inadequately realised and the official assurance " he will be well looked after in prison " too readily accepted. Few magistrates know anything about prison and prison treatment; and many neglect to use the powers which they possess of making decisions other than the imposition of sentences of imprisonment.

It has been suggested that no one should be permitted to sentence others to imprisonment who has not experienced imprisonment himself. This may appear a fantastic proposal, but all magistrates should certainly exercise their rights to visit prisons and to talk privately with the prisoners, without the presence of a warder. The perfunctory tour through prison buildings which Visiting Magistrates generally make, is practically worthless.[6]

The principles of English law as to punishment are set out in Lord Halsbury's " Laws of England " in the following terms:—

> The policy of the law is as regards most crimes to fix a maximum penalty which is only intended for the worst cases and to leave to the discretion of the judge to determine to what extent in a particular case the punishment awarded should approach to or recede from the maximum limit. . . .
>
> The object of punishment is the prevention of crime, and every punishment should have a double effect, namely to prevent the person who has committed a crime from repeating the act or omission, and to prevent other members of the community from committing similar crimes.
>
> The Court in fixing the punishment for any particular crime will take into consideration the nature of the offence, the circumstances in which it was committed, the degree of deliberation shown by the offender, the provocation which he has received, if the crime is one of violence, the antecedents of the prisoner up to the time of his sentence, his age and character, and, except in the case of habitual criminals, any recommendation to mercy which the jury may have made.[7]

This statement represents an advance on earlier views, but, as is often the case, the theory and practice are by no means identical. Until comparatively recently, the actual practice was generally to measure the penalty entirely by the crime committed, irrespective of extenuating circumstances, previous good character, extreme youth,

[6] Cp. pp. 394-8.

[7] Op. cit. (1909), Vol. ix., pp. 425 and 427.

etc., the sole exception being in the case of insanity. This principle has in many respects been modified by the Probation of Offenders Act, the Summary Jurisdiction Act, and the Children's Act, and at the present time there is practically no fixed penalty. The discretion given to the Courts is enormously wide, and the character and severity of a sentence depend to a large degree upon the temperaments and idiosyncrasies of individual magistrates. Some judges believe in flogging, for instance, others do not. Some judges are particularly opposed to aliens, others place the sanctity of property before that of persons.

Courts still show too great a tendency to measure out the punishment in a crude relation to the offence, and allow much too little for the fact that many prisoners are more the victims of society than offenders against it. The shock of appearing in Court would often be sufficiently deterrent to a first offender without sentence. When one considers the ordeal of a person who for the first time finds himself in the hands of the law, the shock of arrest, the publicity and shame usually associated with police court proceedings, it is evident that little if anything more is required in the average case than a few words of advice or warning.

Murder is now the only offence with a fixed sentence; if the verdict be manslaughter the sentence may be anything from a few days to penal servitude for life.[8] The creation of the Court of Criminal Appeal has done something to prevent excessive sentences. In that Court there is an encouraging tendency to consider the circumstances of the prisoner and not merely the crime he has committed.

Appeals.

From Magistrates. A person who pleads not guilty, but is found guilty by a Court of Summary Jurisdiction, may appeal to the next Quarter Sessions. The appeal is a re-hearing—the onus of proof resting (or being supposed to rest) on the prosecution. In the provinces there can be no appeal, even against the sentence, if the defendant pleaded guilty, but in London an appeal may generally be made to Quarter Sessions against the conviction and sentence, despite a plea of guilty.[9]

The expense of an appeal is considerable and for the average defendant is practically out of the question. In the first instance, sureties must be found for the cost of the appeal; also at many sessions the defendant has to pay his own costs even when success-

[8] The Criminal Justice Administration Act, 1914 (Section 15, i) provides that "no person shall be sentenced to imprisonment by a Court of Summary Jurisdiction for a period of less than five days"; but if an offender be fined and only pay part of the fine, he may be sent to prison for less than five days in default of the unpaid portion. Prisoners may be sentenced to detention in police cells for four days or less, but this is not done in London.

[9] Metropolitan Police Courts Act, 1839, Section 50. The right of appeal is restricted to cases where a fine of more than £5 or imprisonment for more than a month has been imposed

ful.[16] *Further, in London, it is actually the case that, when the* defendant has pleaded guilty and has lodged an appeal on the ground of an excessive sentence, even though he succeed in gaining a modification of the sentence, e.g., the substitution or alternative of a fine, he is still ordered to pay not only his own costs but those of the Crown. It will be seen, therefore, that to appeal is a right limited almost entirely to the rich.

From Quarter Sessions and Assizes. Prior to 1907 there was no appeal from Quarter Sessions or Assizes, except on points of law, but by the Criminal Appeal Act there is now a right of appeal to the Court of Criminal Appeal constituted by the Act.

Police Cells.

A preliminary to imprisonment to which attention must be given is the period of confinement in the cells at police stations. A prisoner may be kept in a police cell when awaiting trial, between one appearance in Court and another, whilst awaiting removal to prison, or in fulfilment of a sentence of detention for four days or less.

The cells are usually small and excessively bare places, containing only a long wooden seat, used as a bed, and an open w.c., sometimes flushed from outside only. The evidence of our witnesses shows that the conditions vary, but complaints of bad ventilation, lack of warmth, and insufficient and dirty blankets are very frequent. The criticism is also made that prisoners have no information as to their rights regarding such things as visitation and the provision of books and papers and meals, and that the police take advantage of the prisoner's position to extort tips.

In the case of women prisoners, serious complaint is made that male police are in attendance. As long ago as February 13, 1913, Mr. McKenna (who was then Home Secretary) stated in the House of Commons that "a male warder is never in charge of female cells, a matron being always in attendance when women are detained," and that "the matron personally looks after the female cells, attends to the needs of female prisoners, and always accompanies the officer in charge of the station when he visits the cells." This was a very misleading description of what actually occurs. At most police stations there is only one "matron," often the woman who cleans the place. She is not in fact "in charge" of the women prisoners at all—the constables are responsible—and even if she were, she could not be on duty for all the 24 hours. We give details of two recent cases which indicate some of the disagreeable features of the present practice. The first case occurred in June, 1920:—

[16] An experienced solicitor says: "If a defendant appeals against a conviction by a Magistrate and wins his appeal, the conviction being quashed, he is very seldom allowed any costs against the Crown or the Police who are the nominal prosecutors. This is a great hardship."

> A woman (afterwards acquitted) was kept in a police cell from Tuesday till the following Sunday. During the whole of this time she was obliged to sleep on a plank bed or shelf, without either mattress or pillow. There was no chair or other article of furniture in the cell beyond this plank; the only sanitary utensil provided for use at night was an ordinary bucket. In the day-time the sergeant's wife brought her meals, and when rung for took her to the lavatory. At night she was in the sole charge of the police constable, who looked at intervals into the cell through the spy-hole. Once a day she was allowed out to wash herself, but during the whole time she could not undress. She was unable to obtain the sanitary towels which she required, though the sergeant's wife in kindness gave her two old pieces of table-cloth.

The second case occurred in September, 1920:—

> A girl of sixteen was charged with breaking conditions of probation. She was confined in a police cell from eight o'clock on Saturday evening until ten o'clock on Monday morning. She was open to observation by male police officers during the whole time, and was only attended by a woman once each morning when she was given an opportunity to wash. She had to use the w.c. in the cell, despite the possibility of a constable appearing at any moment. She states that a constable unlocked the door and came into the cell during the night and spoke familiarly to her. She was too frightened to lie down on the plank bed and sat up all night.

It is obvious that women ought to be placed permanently in charge of women prisoners at police stations as they are in prisons. It is scandalous that the existing practice should have been permitted unchallenged so long.

Alternatives to Imprisonment.

It will be generally accepted that a person should not be sent to prison if the case can be otherwise dealt with. Merely from the economic standpoint, a man or woman in prison is a bad investment, a fact which the authorities now appreciate, and in the Home Office circulars magistrates have more than once been asked to consider the alternatives to imprisonment. In passing, it may be urged that circulars of this character should be brought to the notice of each magistrate and not sent merely to the Clerk of the Court. At present magistrates are often ignorant of their contents.

Fines. It is common in Police Courts to impose a fine with imprisonment as an alternative. Repeated advice to magistrates to give defendants time to pay fines was so constantly ignored that in 1914 a provision was included in the Criminal Jurisdiction Act prohibiting the use of a warrant of commitment unless (1) a person with ability to pay declined to do so, or unless (2) on being questioned he expressed no desire for time to pay or failed to satisfy the Court that he had a fixed place of abode in the district, or unless (3) there were other special reasons. The time allowed must be not less than seven days. If the fine be not paid in the time prescribed, the Court may extend it.

This provision is applied in a very casual manner and the limitations are serious. In their report for 1920-21 the Prison Commissioners point out that of the 13,404 prisoners received in default of fine, no less than 12,239 had not been allowed time to pay before committal to prison. "The fact," they proceed, "that 5,688 or 38 per cent. of those committed in default paid their fine, either wholly or in part, soon after reception into prison is suggestive that hardship may be imposed by the condition . . . . that the offender 'must satisfy the Court that he has a fixed abode within the jurisdiction' before time can be allowed in which to pay the fine."[12] The Prison Commissioners have persistently protested against the sending to prison of offenders who have been given the alternative of a fine, and the proportion of such convictions has fallen in recent years.[13] All those with knowledge of the facts agree that far more opportunities for the payment of fines should be provided, and the present provisions made more operative.

The giving of time for fine-paying is unpopular with some Court officials owing to the trouble involved; and since some Courts are largely in the hands of the clerks, their objection is often a serious hindrance to the grant of adequate opportunities. A more valid objection is the burden which the infliction of a fine frequently places upon the family of the defendant, who, avoiding inconveniences himself, relies upon his relatives to keep him out of prison.

The Act of 1914 also gives magistrates power to place a young offender between sixteen and twenty-one under "supervision" until a fine is paid. Insufficient advantage is taken of this provision.

Probation. The Probation of Offenders Act, 1907, represented a very great advance in the treatment of law-breakers. By this Act the Courts are empowered, despite the fact that an offence has been committed, to discharge prisoners either absolutely or conditionally. Where a Court is of opinion that, "having regard to the character, antecedents, age, health or mental condition of the person charged or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed," it is inexpedient to inflict any punishment, or expedient to release the offender on probation, it may without proceeding to conviction either dismiss the charge or discharge the offender conditionally on his entering into a recognisance to be of good behaviour. The conditions may place the offender under the supervision of a probation officer or other person, and may apply also to residence, abstention from intoxicating liquors, or any other matters which are calculated to prevent a repetition of the offence. The Act also provides special Probation Officers for children.

Under these wide discretionary powers a magistrate need never send a first, or indeed any, offender to prison. Unfortunately, the

[12] P.C. Report, 1920-21, p. 10.
[13] See Tables on pp. 34, 35, and 36.

Act has been made far less operative than it deserves. In 1912, the Home Secretary felt it necessary to state in a circular to magistrates that "many minor offenders are still committed to prison for offences for which imprisonment appears to be an inappropriate and sometimes a harmful form of punishment, and he fears that Courts of Summary Jurisdiction do not always fully realise the wide powers given them by statute to deal with minor offenders without having recourse to imprisonment." That this should be the case is lamentable. The opportunities provided by the 1907 Act might save hundreds of offenders from the fatal disgrace of imprisonment without in any way prejudicing the interests of society."

Restitution. The Act of 1907 also applied another new principle of great possibilities—that of restitution. It gave the Courts the power, in addition to making Probation Orders, to levy damages upon offenders (not exceeding in the case of a Court of Summary Jurisdiction the sum of £10). Practically no advantage has been taken of this power.

By the Prevention of Crime Act, 1908, another innovation was made in our criminal system. The object and provisions of the Act were, on the one hand, for the reformation of young offenders, under what is now known as the Borstal System, and, on the other, for the segregation of habitual criminals over a longer period under Preventive Detention. As both systems are described later, we need only here explain briefly with what classes they deal.[14]

Borstal. Any offender either convicted on indictment of an indictable offence or summarily convicted of an offence punishable by one month or upwards without the option of a fine, may be sent to a Borstal institution either by a judge or by Quarter Sessions, there to be dealt with under the Act, provided that

(1) It appear to the Court that the offender is not less than 16 nor more than 21 years of age.

(2) It be proved that the offender (if summarily convicted) has been previously convicted or that he has previously committed a breach of a Probation Order, and.

(3) It appear that, owing to his criminal habits or tendencies or association with bad characters, it is expedient that he should be detained for instruction and discipline.

The Court may, after enquiring into the circumstances of the case, sentence the offender to detention in a Borstal Institution for not more than three and not less than two years. Magistrates have

[13] Sir Robert Wallace, K.C., Chairman of the London Sessions, stated on July 22nd, 1920, that it had been found at the London Sessions that out of every 100 prisoners on probation, 96 never returned to a life of crime.

[14] Cp. Chapters 26 and 27 of this Part.

powers under the Act to make enquiries as to the offender and the Prison Commissioners may submit a report."

Preventive Detention. Any adult prisoner charged with a felony or certain misdemeanours may also be charged with being, under the terms of the Act, a "habitual criminal."[14] It must then be proved (1) that since attaining the age of 16 years he has at least three times previously been convicted of crime, and (2) that he is leading persistently a dishonest or criminal life; or (3) that he has been previously found to be a habitual criminal. If found guilty of the crime, he may be sentenced to penal servitude; if also found to be a "habitual criminal," he may receive a further sentence of Preventive Detention to commence on the expiration of the other. A penal servitude sentence of at least three years is a necessary preliminary to Preventive Detention, of which five and ten years are respectively the minimum and maximum terms. These terms are, however, in most cases greatly reduced by the wide extension under this Act of conditional release.

The Birmingham Experiment. At Birmingham a serious attempt has been made by the local magistrates to prevent the committal (especially in mental cases) of persons unfit for prison life. The medical officer of the prison, who is an expert, appointed at the magistrates' request, watches all cases on remand; and the appointment of a doctor to report on other adjourned cases out of custody has also been approved by the city authorities.

Under this provision any charged person exhibiting mental instability, or abnormality, or repeatedly committing the same offence, is, upon sufficient evidence, remanded by the Court for enquiry. When suitable, bail is allowed on the charged person's voluntarily undertaking to submit himself to the Court doctor. In other cases, he is remanded to a special place of detention in the prison for medical observation. If the Court, when the case is recalled, decide to convict, the medical officer of the prison or the Court doctor gives evidence. Upon this evidence the order of the Court is made. Imprisonment is only resorted to when the Court considers that "a period of detention under medical supervision is the proper method of dealing with the case." A person so sentenced may be committed to a part of the prison set aside for treatment of special cases.

A large number of persons unfit for prison conditions have been saved from imprisonment by this procedure. "Investigation has shown that the criminal is to a large extent defective mentally and physically," says the committee responsible for the inauguration of this scheme, "and proper medical advice may in many cases

[14] Prevention of Crime Act, 1908, Part I., Section 1, and Criminal Justice Administration Act, 1910, Section 10.

[15] Prevention of Crime Act, 1908, Part II., Section 10.

remedy his defect and make him a decent member of society." The committee adds that "physical defects in many cases are responsible for crime"; and that "in practically every one" of the cases referred to the prison doctor "some defect in the offender has been found," so that his report has in each case enabled the Justices to deal more satisfactorily with the offender.

During the year ending August 31st, 1920, 151 offenders were thus treated by the medical officer of Birmingham prison. Of these, 39 (or less than 26 per cent.) were subsequently sentenced to imprisonment ("these are in a sense our failures," says the medical officer), 16 were placed on probation, 59 were dismissed or adjourned, 15 were found insane, and 14 were dealt with under the Mental Deficiency Act." The magistrates of the Bradford Bench have adopted a similar scheme.

This chapter cannot be closed without emphasising the helplessness of many prisoners, particularly in police courts. The poorer a prisoner is the less chance he has of receiving justice. No expense is spared as a rule in the prosecution, but beyond the totally inadequate Poor Prisoners' Defence Act[16] (which only applies to prisoners tried at a Court of Assize or a Court of Quarter Sessions), no provision whatever is made for the defence of a poor prisoner.

It is presumed that all are equal before the law. This is an amiable fiction. Magistrates may do a little to make the presumption of equality a reality; in so far as they attempt it they assist in making our criminal administration respected; in so far as they do not, they perpetuate conditions which in many respects fall administratively far behind the more recent provisions of the law for the modification of our penal code.

[13] Dr. Hamblin Smith, the medical officer at Birmingham prison, in his report for 1919-20, makes the following reference to the progress of the scheme:—"The scheme is on the most enlightened lines of modern criminology, and our best hopes of its extension. Any attempt to work such a scheme in a perfunctory manner could be only a failure, and would bring the scheme into contempt. The scheme cannot yet be said to be in full working order. An essential element is the provision of special remand departments in the prison, and these are not yet complete. But some success may be claimed already. . . . Indeed, I would claim that the establishment of such a department will prove, in the long run, the best investment a community could make, for uninvestigated criminals are the most expensive luxuries. The complete logical working out of such a scheme would require alterations in the present law." No report is given of the scheme in the Commissioners' report for 1920-21.

[16] The most helpless prisoners are not able to take advantage of this Act, owing to inability to make the requisite statement or to disclose any defence.

CHAPTER III

THE MACHINERY OF THE PRISON SYSTEM

The Development of the System

The terms *machinery* and *system*, however convenient for descriptive purposes, are as a rule somewhat too cold and mechanical in their associations to be happily applied to methods of organising human beings. But, if the reader of this book has either been himself an inmate of an English prison or had an opportunity of looking into the unpublished and jealously guarded volume of Standing Orders which regulate almost every detail of the daily lives of prisoners and their officers, he will acknowledge, we think, that the two terms in question are particularly well suited to describe the elaborate, centralised, and rigid manner in which the administration of our English prisons is conducted.

The steps by which the present administration of this system has been evolved can be described in a few paragraphs.[1]

The eighteenth century and the first half of the nineteenth saw the abolition in this country, by progressive stages, of mutilation, the stocks, the pillory, and of transportation or banishment, and the restriction within narrow limits of the death penalty and flogging. Within the same period the principle had been established that imprisonment should mean not merely compulsory detention, as had previously been the case (at least in theory), but detention combined with servile labour and other punitive conditions. Therefore, for the last seventy years, at least, "prison" (in its modern sense) and the imposition of a fine have been almost the sole penalties adjudged to law-breakers; and in the very large proportion of cases of those who cannot —or will not—pay, the sentence of a fine has brought imprisonment by default.

By the end of the first half of the nineteenth century, prisons had come to be divided into two distinct classes—Convict prisons, containing the offenders committed for the longer sentences, known as penal servitude, and Local prisons, for those sentenced for shorter

[1] For a detailed description of this evolution the reader is referred to "English Prisons under Local Government," by Sidney and Beatrice Webb (Longmans, Green), published simultaneously with this volume.

terms. The former class were from the first (i.e., after the discontinuance of transportation) under the direct control of the Central Government; and up to 1877 the external history of Local prisons centres round a series of attempts on the part of Whitehall to get an increasing measure of control over the management of these prisons also. During this period the management of the Local prisons (apart from a few anomalous "franchise prisons") was vested in the County Justices of the Peace "in Sessions assembled" and in the members of certain municipal corporations. In the Prison Act of the year 1865 an elaborate code of rules for the governance of prisons was set out and made binding on all these prison authorities, the actual administration of the gaols being still left in their hands; but in a large number of instances these regulations were not effectively observed, and for various reasons the Central Government found itself without the requisite power to enforce their observance.

The Prison Acts.

The Government accordingly decided to assume not only the control but the direct administration of the Local prisons. This was done by the Prison Act of 1877, which vested the legal estate of these prisons in the newly constituted Board of Commissioners, who were to administer them under the authority of the Secretary of State for Home Affairs. New Commissioners were to be, and still are, appointed on the recommendation of the Home Secretary, who also appoints the chairman. Their number must not at any one time exceed five. Compensation was paid to the local authorities, and an attempt was made to retain their interest and co-operation by the institution of Visiting Committees of Justices, to whom considerable responsibilities and powers were assigned. As will be indicated in a later chapter,[2] this attempt has largely proved to be a failure, and since 1877 the administration of prisons has been almost completely centralised, alike in large matters of policy and in the smallest details of routine.

The declared objects of the change from local to centralised administration were two; first, the application to all prisons of a uniform system of punishment (calculated, it was hoped, to repress crime) on the lines of the code contained in the 1865 Act[3]; and secondly, greater economy in public expenditure, secured more particularly by a large reduction in the number of prisons.[4] These two objects were apparently achieved by the operation of the 1877 Act. The changes were not, however, by any means entirely beneficial. On this point the evidence may be quoted of two competent authorities who had made a special study of the subject.

[2] Cp. Chapter 25 of this Part.

[3] The Departmental Committee of 1895 stated that the main principles of prison treatment had been laid down by the Act of 1865 and that they had not been altered or brought into question up to 1894. (Report of Committee, p. 2, sect. 11.)

[4] There were 113 Local prisons in 1877; in 1885 there were 59 only. The two objects are as stated by Sir Edmund Du Cane, who administered and largely influenced the framing of the Act. (See his "Punishment of Crime," p. 99.)

The Rev. W. D. Morrison, himself at that time a Prison Chaplain of long experience, wrote in 1894:—

> It is not to be denied that the Local prison administration in operation *before* 1878 had its faults and undoubtedly required radical alterations. But it had its virtues, too. Prisons can never be successfully administered without a practical knowledge of the prison population, and an intimate acquaintance with the prison staff. Both of these requisites the county magistrates possessed, and as a result prisoners were never mechanised into mere pieces on a chess-board, and the prison staff was never rendered impotent as a reformative agency by a smouldering spirit of disaffection. In fact, the old Local prison administration was a system which kept the ruling classes in touch with social miseries in their acutest form. Local power created local interest and a sense of local responsibility.[5]

The Departmental Committee on Prisons, in their 1895 Report, described the conditions obtaining before 1878 in the following words:—

> The best prisons under the former régime, while comparing satisfactorily in point of order and discipline with the prisons of to-day, were managed on lines in all probability more likely to produce a healthy moral effect of a permanent kind on the prisoners. But in other cases the management was unsatisfactory. Taking the prisons generally there was no settled and uniform principle of treatment; the Act of 1865, which constituted the Prison Code, and which it was intended should be adopted and administered in all prisons alike, in many prisons was imperfectly carried out; and the resulting inequalities as between one prison and another led to a very considerable amount of mischief and inconvenience.[6]

The centralised system set up by the 1877 Act continued unchanged until the next Prison Act, which was not passed until 1898. The reforms then made were the result of a persistent agitation in the Press and on the platform, which led to the appointment in 1894 by Mr. Asquith, as Home Secretary, of a Departmental Committee on Prisons, under the chairmanship of Mr. Herbert Gladstone (now Lord Gladstone). The recommendations made by this Committee in their Report of 1895, whether relating to the treatment of prisoners or to the machinery of administration, were, however, as will appear in the sequel, only very partially adopted as the result of the 1898 Prison Act. This Act, with the rules from time to time made under it, and the 1877 Act (the greater part of which has been left unmodified) still govern the treatment of all prisoners and prescribe the duties of those in charge of them.

The Prison Act of 1898, unlike that of 1877, dealt with Convict establishments as well as with Local prisons. The first Convict prisons (at Millbank and Pentonville) had been under special unpaid Committees responsible to Whitehall only. When Portland and

[5] "Are our Prisons a Failure?" by the Rev. W. D. Morrison in the "*Fortnightly Review*," 1894, Vol. LV., p. 461.

[6] Report of 1895 Committee, p. 6, sect. 25.

Dartmoor were in process of construction in 1850, the control and administration of penal servitude prisoners was vested in a Chairman and Board of Directors of Convict prisons. In 1877, though there is nothing in the Act to indicate it, the persons who held the office of Directors of Convict prisons were selected to be Commissioners of Local prisons, and this union of the two functions in the same persons remained the practice until 1898, when the new Act specifically provided that the Prison Commissioners should be by virtue of their office Directors of Convict prisons. Since 1896 the Annual Reports on the two classes of prisons have been combined. Down to the 1898 Act the control of the Central Government over Convict prisons had been complete and unqualified. But in this Act an attempt was made, following on the report of the Departmental Committee, to introduce local supervision by providing for the appointment, by the Home Secretary, of a Board of Visitors for each Convict prison. Owing to their restricted powers and also perhaps to their narrow standpoint, these bodies of local magistrates have proved even less effective as critics and initiators of reforms than the older institution of the visiting justices of Local prisons.[7]

The chief importance of the 1898 Prison Act lay in the incentive which its provisions gave to the framing for both Local and Convict prisons of a new code of rules embodying some at any rate of the reforms advocated by the Departmental Committee of 1895. Under it the Home Secretary (acting presumably on the advice of the Commissioners) may make rules of any kind for the administration of prisons and the treatment of prisoners, subject only to the following restrictions:—

(1) The rules must have "regard to the sex, age, health, industry, and conduct of the prisoners," and must provide for ameliorations for the benefit of less criminal classes of prisoners to be styled "offenders of the first" and "of the second division" respectively. The rules may only authorise the infliction of corporal punishment in certain strictly defined cases; and they may enable a prisoner to earn remission of a portion of his sentence by special industry and good conduct.

(2) The rules must, before coming into force, lie before each House of Parliament for thirty days, and cannot be brought into force, without a new draft, should either House present an address against them.

In accordance with these provisions, complete new codes of rules were drawn up and brought into force in April, 1899. These codes, as interpreted and expanded by the unpublished standing orders, have been but slightly amended and, allowing for the establishment of the Borstal and Preventive Detention systems, remain the basis

[7] See pp 402-7.

of prison treatment to-day.[a] It does not appear that either House of Parliament has ever taken the trouble to debate, far less to present an address against, any of the rules made under the 1898 Act either in 1899 or more recently.

In addition to Local and Convict prisons, other kinds of penal institutions have been established under various statutes. These comprise the State Criminal Lunatic Asylum, the State Inebriate Reformatories created under the Inebriate Act of 1898, and the Preventive Detention Prison and Borstal Institutions established under the Prevention of Crime Act, of 1908. With the exception of the Criminal Lunatic Asylum (now under the Board of Control),[b] all these institutions are under the direct administration of the Prison Commissioners, subject only to the authority of the Home Secretary and to the co-operation of certain committees to whom is delegated work connected with the supervision, discharge, or after-care of the inmates.

The Prison Commission and the Home Office.

We can now survey the centralised machinery of government of English prisons. The Secretary of State for Home Affairs is the responsible head of the Prison system. The Prison Acts, in fact, provide that many of the proceedings of the Commissioners shall have the express sanction of the Home Secretary; for instance, in the making of rules for prisons and prisoners, it is the Home Secretary who is personally responsible. But in practice most of the day to day administration is done by the Prison Commissioners, either under that title or in their capacity of Directors of Convict prisons. The Home Secretary is not only one of the principal members of the Cabinet, but he is as heavily weighted with diverse functions as any Minister of the Crown. Unless, therefore, he take some special interest in prisons and their reform (as was the case with Mr. Winston Churchill during his brief Secretaryship in 1910 and 1911), he is unlikely to interfere with the proposals or policy of the Commissioners—an apathy on his part which is encouraged by the still greater apathy of the public at large.

It is true that Parliament has an opportunity of discussing prison administration every year on the estimates. But this opportunity is seldom taken, and the debates when they have taken place have been of a perfunctory character. Almost the only occasions on which the

[a] The only important alterations in the published Rules have been for Local prisons: (1) the introduction of new dietaries in 1901, (2) the extension of remission of sentence to all prisoners with more than a month's sentence in 1907, (3) the special treatment introduced for juvenile adults in 1909, and (4) the "Churchill" Rule for convicted prisoners in 1910; and as regards the dietaries, classification, separate confinement, and long-sentence privileges for Convicts (in 1901, 1908, 1911, and 1915b).

It is significant that all the (unrevoked) published rules made under the 1898 Act since April, 1899, up to January, 1911, are contained in a small eighty-page book ("Rules for the Government of Local and Convict Prisons," printed in January, 1911). There have been a multitude of new (unpublished) Standing Orders. (See p. 64.)

[b] The Board of Control has been the central authority for Lunacy and Mental Deficiency since 1914.

House of Commons has seriously considered the subject of imprisonment during the last twenty-five years have been in connection with the 1908 Prevention of Crime Act, the 1914 Criminal Justice Administration Act, and in special regard to the treatment of women suffragists, conscientious objectors, and other political prisoners. As already mentioned, there have been no debates in regard to the new prison rules that have been laid before the House from time to time. And since the Prison Act of 1898 there has been no Royal Commission or Departmental Committee appointed by any Government to enquire into the condition of English prisons, with the sole exception of quite a minor Enquiry which was held in 1910-11 on the supply of books to prisoners. This neglect of the subject appears to be a measure of the amount of interest taken by the public in criminal prisoners, more than of any defects in the forms of parliamentary procedure.

Apart from the personal control of the Secretary of State, there remains the question as to how far the permanent heads of the Home Office have a say in prison administration; for in practice, of course, the approval of the Home Secretary implies at any rate a formal ratification by someone in the department who acts as his adviser. On this matter no authoritative information is available, but it appears to be the case that the approval of the Home Office staff is given, in the vast majority of instances, as a matter of course, not only to any published regulations, but even to minor alterations proposed by the Commissioners in the unpublished Standing Orders.

The Prison Commissioners are a body corporate, having a common seal, and a power to hold land, the legal estate of the prisons being vested in them. They appoint the "subordinate officers" in every prison. This term[a] includes all prison officers with the exception of the governor (including deputy governor), chaplain, visiting minister, medical officer, and matron, who are appointed, as are also the inspectors of prisons, by the Home Secretary. It may, however, be assumed that in the vast majority of cases, it is the Commissioners who nominate the higher prison staff and recommend their promotion and dismissal.

In respect of Convict prisons the Commissioners have large and direct powers of punishing prisoners, subject only to the approval of the Home Secretary as regards sentences of flogging, and subject to their option to delegate the exercise of these powers in any particular case to the Board of Visitors. They may take evidence on oath and act as if they were the Justices of the Peace for the county in which the Convict prison is situated. In Local prisons the general award of punishments, together with a few other executive functions of a minor character (apart, of course, from those within the Governor's discretion), has been delegated under the 1899 Rules to the Visiting Committees of Magistrates. These Committees have

[a] See Prison Act, 1898, Sect. 14.

also, in theory, under the Prison Rules, the opportunity of acting as a check upon the administration of the Commissioners as bodies of independent critics who are empowered to report direct to the Home Secretary, as well as to the Commissioners. In point of fact, as is more fully set out in a later chapter,[11] they have not exercised such a function to any appreciable extent.

One remarkable circumstance must here be mentioned, which has possibly done almost as much as the character of the law itself to secure for the Prison Commissioners a commanding and unbroken supremacy over the administration of the service. Although the Commission has now been in the place of authority for about forty-three years, there have been during the whole of this period only two chairmen to guide its policy and to preside over its executive acts. Not only so, but both of these chairmen have apparently been dominating personalities, and circumstances have contributed to make their rule even more absolute than might otherwise have been the case. In the first place, they have not been elected by their colleagues on the Commission, but, as the law provides, by the Home Secretary; and the body over which the chairman presides is one of only three or at most four members, besides himself, and of members whose tenure of office has been short compared to his own.

Further, we understand, it has been the practice for only the chairman, and not the whole Commission, to have the ear of the Home Secretary. The first chairman, Sir Edmund Du Cane, had already had long experience as the leading Director of Convict prisons and as Inspector General of Military prisons when he took up office in 1878. From that date up to his retirement in 1895 he held a commanding, indeed, probably an autocratic position. Before 1895 effective meetings of the Board of Commissioners, who were supposed to act with the chairman, appear rarely to have been held except for the consideration of prison appointments.[12] Sir Edmund Du Cane was on his retirement in 1895 succeeded as chairman by Mr. (now Sir) Evelyn Ruggles-Brise, who had been on the Commission since 1891, and remained its chairman until the close of 1921, a period of 26 years. During that period the three (or at times four) other places on the Commission have been filled by twelve different gentlemen.[13] These Commissioners have, with scarcely any exception, been selected from three quarters only—the higher administrative staff of the Home Office, the prison governors, and the prison medical officers.[14] The chairman's influence and policy appear to have dominated the management and development of the system.[15]

[11] Cp. pp. 389-90 and 399-402.

[12] Dep. Committee Report, p. 42, Sect. 119, and Sir E. R. Brise's Evidence thereto. Cp. Du Cane, "Punishment of Crime," p. 165.

[13] In reply to the suggestion, in the House of Commons on June 23rd, 1921, that a woman should be appointed as Prison Commissioner, the representative of the Home Office urged that "the work of the Prison Commissioners is too heavy to make it possible to replace any of them by a woman without administrative experience of prisons."

[14] The suggestion that one Commissioner should always be a medical man was made by the 1895 Committee but was not acted upon until 1898, as the Commissioners previously objected to it. (See their *Observations*, Cmd. 7995, 1896, p. 17).

The Inspection of Prisons.

The Commissioners are assisted by a secretary and three inspectors, as well as by a medical inspector, a chaplain inspector, and a woman inspector.[16] These inspectors, though appointed by the Home Secretary, are under the control of the Commissioners. They spend part of each month at headquarters, and the remainder in inspections; it has been the rule that each prison should be visited by an inspector every other month. Their annual reports (usually quite brief documents, except in the case of the medical inspector) are made not to the Home Secretary but to the Commissioners, and are subject to their censorship before publication. This fact is all the more surprising seeing that the 1895 Departmental Committee expressed the view that the intention of the Act of 1877 was that the Prison Inspectors "should be independent altogether of the Commissioners, and act directly on behalf of the Secretary of State." They commented on the actual position of the inspectors, and suggested that the inspectors might report direct to the Home Secretary, and that independent annual reports from them should be laid before Parliament."[17]

The Commissioners were, however, able to make out a case that the only independent authority contemplated by the 1877 Act was the Visiting Committees of Magistrates, and that the Act "made the inspectors part of the administrative machinery, to be in fact the eyes and ears of the Commissioners." As to the suggestion that the inspectors should report direct to the Home Secretary, they solemnly asserted that "to appoint an intermediate authority between the Secretary of State and the Commissioners who aid him under the Act, would be the introduction of a startling and novel principle, would degrade the Commissioners, and seriously impair their dignity and prestige, and weaken their administration."[18] Since this protest no attempt appears to have been made to secure a more free and independent inspection of the prisons.

In 1895 the Departmental Committee reported that "while the inspection (of the prisons) has been carried out with a zeal and success testified to by many witnesses, it has necessarily assumed a somewhat formal and routine character." If one may judge from

[15] Cp. p. 74 and the extracts from the writings of Sir E. Ruggles-Brise given in Chapter 4. Sir E. Ruggles-Brise has written an *apologia of his* administration under the title "The English Prison System." See pp. 84 and 354-59.

[16] The chairman's salary is £1,800 a year, and that of the other Commissioners £1,000 a year. The secretary is paid £740 a year; the inspectors, from £600 to £800; the medical inspector, £740; and the woman inspector, £400. The appointment of a woman inspector was recommended by the 1895 Departmental Committee. The Commissioners objected to it, and the appointment was only actually made in 1907-8, *possibly* as an indirect fruit of the Suffrage agitation. (See the Statement of the Commissioners, Cmd. 8790, 1898, p. 19).

[17] See 1895 Dep. Committee Report, p. 41, Sect. 115 and 116.

[18] Observations of Commissioners (Cmd. 7995), 1896. pp. 31-2.

evidence that we have taken and from the uninteresting nature of their reports, "formal and routine" is still the dominant characteristic of the duties performed by the three inspectors."[19] It is true that prisoners are invited to make complaints to the inspectors, their cell door being thrown open for a moment while this official passes by. But in many cases the visit is so rapid and unexpected that the opportunity is lost from want of presence of mind. On the other hand, some ex-prisoners have told us that they got redress from the inspectors more readily than from the Visiting Magistrates, although the latter should be the more independent authority.[20]

The evidence suggests that a well-equipped and independent inspectorate reporting directly to the Home Secretary—the reports being automatically presented to Parliament without alteration—might produce a body of valuable conclusions about the effect of the prescribed forms of discipline and treatment, thus laying the foundation for a progressive series of improvement in the régime.

The inspectors, in their annual reports, frequently state that they have "separately and conjointly" held enquiries at different prisons into questions referred to them by the Commissioners, to whom they have afterwards submitted special reports. These enquiries are in no way public; and the department's policy of secrecy has led to the extraordinary assumption that no enquiry or investigation into prison administration can be permitted by any other persons than those forming part of the administration itself. The result is that, when grave allegations have been made that the Prison Commissioners' own regulations have not been observed, and that cruelty and oppression have taken place, or when particular penal methods have been seriously impugned, no other steps have been taken by successive Home Secretaries (except on a few rare occasions, e.g., when exceptional political prisoners were involved) than to obtain the judgment, after an entirely official investigation conducted in secret, of officers belonging to the very administration concerned; and on these judgments, the Prison Commissioners and the Home Secretary have arrived at conclusions, of which only a discreet abstract is communicated to the House of Commons or the public.

The Annual Reports.

Every summer the Commissioners draw up a report addressed to the Home Secretary in respect of the year ended on the previous 31st

[19] The reports of the woman inspector and the medical inspector are much more original and suggestive.

[20] Thus one man with experience of six different prisons (during 1916 to 1919) writes:—"Inspectors seem to have very little power of initiative, or even of interpretation, generally advising one to appeal to the Commissioners, but they act as a good deterrent to Governors of a too encroaching tendency, who could otherwise flout both Whitehall and their prisoners. I had always full opportunity of speaking to Inspectors."
Another ex-prisoner, who had been in five prisons during the same period, makes the following statement:—"It is only by dogged determination that prisoners benefit by complaints. The only punishment meted out to me, if I may call it by such a name, was the deduction of two remission marks for non-fulfilment of my task, this being due to illness. After placing the matter before the task-master, chief (warder), governor, two doctors, and visiting magistrates, I finally interviewed the inspector of prisons and got them restored."

of March. During the years preceding 1915 this consisted of the following parts:—

(1) A general report upon the condition of the Local and Convict prisons and of the other institutions under the Commissioners' control.

(2) Reports by the various Inspectors, the Surveyor of Works, and the Comptroller of Accounts.

(3) A number of Appendices containing statistical Tables and other information in regard to prisons, prisoners, finance, prisoners' aid societies, etc.

(4) "Extracts" from the reports by the governor, chaplain, and medical officer of each prison and other institution.

During the war the publication of most of the Tables, and of the reports of the inspectors and superior prison officers was discontinued on grounds of economy. But this publication has not since been resumed, and the annual report for 1920-21, which was issued in November last, is a thin volume of 46 pages, containing only the general report of the Commissioners, some particulars relating to the prison staff, and half-a-dozen statistical Tables required by the provisions of the Prison Acts.

It is, however, doubtful how far the pre-war reports of the governors, chaplains, and medical officers, as well as of the inspectors, had much value as independent evidence of the results of contemporary prison administration. They are, as passed for publication, for the most part formal and uninteresting; it is only very rarely indeed that any criticism of the official régime appears in them. One of our witnesses, who had been between 1908 and 1918 a chaplain in both Local and Convict prisons, states that governors' and chaplains' reports are carefully censored by the Commissioners and not usually published in full. His own experience, he says, indicated that the Commissioners would not publish any portions of the report from a governor or chaplain with which they disagreed. Another chaplain of a large Local prison tells us that, when he first entered the service he used frequently to include in his reports to the Commissioners both criticisms and recommendations, but that he ceased to do so after some years, seeing that they were not published, and that no attention appeared to be given to them.

A medical officer of long and recent experience informs us that criticisms and suggestions made by prison doctors are seldom published, the result being that most medical officers content themselves with making a very dry and barren report. A governor states that he has "lots of plans," which he inserts in his annual reports, but that nothing gets done.[21] This evidence inevitably raises the suspicion that a similar censorship may have been exercised from time to time over the reports of the inspectors of prisons.

[21] It is a noticeable fact, that when governors, or other superior officers are reported as criticising any feature of the system, the particular criticism is nearly always to be found in several reports from different officers. The Commissioners then make use of these criticisms to push a particular object, which commends itself to them. This strongly suggests that in such cases the criticisms have been invited by the Commissioners themselves.

Rules and Standing Orders.

The procedure, according to which statutory rules affecting the treatment of prisoners have to be published and laid before Parliament for thirty days, has been already described. But the general public do not realise that the published rules form a very small part of the huge array of instructions which regulate, down to the smallest detail, the daily routine of the prisons, a routine which tends to be quite uniform throughout the Prison System. The published rules are only supplementary to these Standing Orders, as they are called; in the case of Local prisons there were 213 published rules in 1911, but as many as 1,441 Standing Orders, some of them of great length. The Standing Orders prescribe, for instance, besides the precise daily and weekly time table, the exact objects (from personal clothing to books and cell furniture) allotted to each prisoner, and the principles to be followed by the governor in censoring his letters; they dictate the exact procedure according to which he is to be periodically searched for the discovery of unauthorised possessions, and the extent to which he is to be denuded of belongings when punished with "close confinement"; and they fix the authorised "means of restraint," the treatment of mentally defective and suicidal cases, and the long list of possible breaches of discipline for which a prison warder is liable to punishment by fining or degradation.

The Secrecy of the System.

It is obvious that such Standing Orders affect the life and welfare of the prisoner and the prison officer as vitally as do the published Statutory Rules. Yet they are not published, and their communication to anyone outside the prison service is most jealously and in most cases effectively guarded.[21] Further, all prison officers, whether warders or of a higher category, are pledged, as a condition of retaining their posts and their prospects of a pension, to secrecy. The following Rule applies to warders:—

> (1) An officer shall not make any unauthorised communication concerning the prison or prisoners to any person whatever, and shall not without authority communicate to the public Press information derived from official sources or connected with his duties or the prison, and any such communication by an officer without authority will be regarded as a breach of confidence and will render him liable to dismissal.
>
> (2) An officer shall not publish a book on matters relating to the prison department without the sanction of the Secretary of State.

As regards the higher officers, a circular letter was sent round during 1920 to prison governors, alluding especially to the publica-

[22] The 1895 Committee, besides suggesting that the inspectors of prisons should report independently to the Home Secretary and to Parliament, also recommended that the "standing orders issued by the Prisons' Board, and circular letters embodying general regulations, should be printed in the annual report of the Prisons' Board and laid before Parliament" (1895 Departmental Committee Report, p. 47, Sect. 121). Except for the very occasional publication of one or two selected standing orders in an appendix to the Annual Report, no attention has been paid to this recommendation.

tion of the views, on the internal administration of prisons, of chaplains and medical officers, and stating that "it is well known that Statutory Rules and Standing Orders forbid the communication without authority of matters relating to the department for the purpose of public use."[23]

The Obstacles to Reform.

How far, we may ask, has this all-embracing secrecy and suppression of possible criticism and interference, been counterbalanced by constructive efforts on the part of the administrators themselves? The writer of a small volume, published in 1911, which may be regarded as a kind of semi-official *apologia* for our prison system," therein stated that the Commissioners, far from being hidebound by red-tape and tradition are "reformers of the keenest and most intrepid kind," and proceeded to assert fearlessly that "all that has been done, including the great reforms in the treatment of the juvenile adult prisoners at Borstal and elsewhere, has been directly initiated by the Commissioners themselves, and in no single instance forced upon them by opinion and pressure from without." This statement appears to us to be somewhat exaggerated and unfair to the 1895 Departmental Committee, who definitely adumbrated in their report the experiments afterwards made in connection with the Borstal system[24] and the Preventive Detention of habituals; while the only other notable reforms that are observable in the last twenty years seem to have owed their initiation to the active mind of Mr. Winston Churchill, whose plea for justice to the criminal at the end of his speech on the Prison vote in July, 1910, stands out as the noblest official utterance of the kind in our generation.[25]

But a tribute must, notwithstanding, be paid to the Commissioners and their chairman, for the fact that they have, if very slowly and cautiously, persisted, in spite of the apathy of Parliament and public opinion, in developing the reforms that had been suggested to them by the Departmental Committee. They have not stereotyped their own rigid methods, as could fairly be said of their predecessors before 1894. To them is due a considerable share of the credit for the improvements (especially as regards facilities for the payment of fines) effected by the Criminal Justice Administration Act of 1914. And we cannot overlook the assertions of the writer already quoted—assertions corroborated to us in the course of our Enquiry by some (though denied by others) of our witnesses who have had personal dealings with the Commissioners—that the

[23] This circular is given in the Foreword to this volume.

[24] "Our Prisons," by Arthur Paterson (p. 8). At any rate, the writer received most exceptional privileges for investigation, and his articles (first published in "The Times") secured the blessing of the Commissioners in their Report for 1909-10 (pp. 24-5).

[25] Sir E. Du Cane thought the proposal of the Committee to establish a penal reformatory "a good idea." (Dep. Committee Report, 1895, p. 50, and Evidence, p. 370.)

[25] Parliamentary Debates (House of Commons), July 20th, 1910.

Commissioners are "instinct with life and energy," that they "look upon their progress as simply a foundation on which to build more and more," and that "no reformers outside have more plans in their heads for improving prison administration . . . . . than the officials within the department."[27]

And here we touch the first and most disastrous defect of the present administration. The Commissioners have been far too dependent upon their own ideas. The complete centralisation of the administration in their own hands, the failure to appoint prison governors with the ability and the freedom to experiment in new methods of management, the want of any effective independent inspection, the veil of secrecy secured by the denial to their staff of the right of published criticism, by the restrictions that confine the visitation of prisoners to a few individuals selected by themselves, and by the failure to publish the Standing Orders, these things have in effect deprived the Commissioners of the two most effective sources of inspiration and reform, namely *an inside experience that has enthusiasm and initiative*, and *an outside enthusiasm that is based on correct knowledge*.

The way in which the administrative methods of the Commissioners have prevented the growth of a reforming initiative among members of their staff is illustrated by the following extract from evidence given to us by a chaplain of nine years' standing:—

> The government of prisons is very centralised, and control is practically continuous by the Commissioners. Direct instructions are constantly being sent to prisons by memoranda, telephone, etc., and governors tend to rely more and more on the Prison Commission and are constantly referring matters there. Direct orders are sometimes given one month and reversed shortly afterwards. The Commissioners govern through the governor.

And matters are made worse by the apparent inability of the Chairman of the Commissioners, in whose personal control the government of the system resides, to pay any but the rarest visits to particular prisons. Apart from communications sent from Whitehall by post or wire, no close personal touch has in effect been maintained between the Commissioners and the realities of prison life; but no autocratic régime can expect to obtain good results, without an intimate and sympathetic touch with the objects and instruments of its administration.

It was pointed out in 1895 by the Departmental Committee (quoting the words of an Under-Secretary of State for the Home Office) that the Prison Commissioners had none of the advantages possessed by the officials who administer, for instance, the Mines or the Factories Acts, where all classes of persons interested are both

[27] Paterson, "Our Prisons," p. 3.

ready and able to direct attention to defects and suggest improvements. The Commissioners learnt nothing from prisoners, and little more from warders; and the superior officers, so it was contended, are deterred by the autocratic character of the administration from making useful recommendations. For this reason, and because, as the committee had already stated, "experience shows that in almost every society or organisation the most effective changes come from outside influences," suggestions for reform "must usually come from philanthropists, who have excellent motives, but no knowledge of the full working of the prison machinery which they propose to amend."[28]

Here we touch the other great drawback of the Department's policy. The Commissioners have chosen to ignore the suggestions of outside reformers, and they have felt justified in doing so because the outside enthusiasm has not as a rule been grounded on sufficient knowledge, and because also, again owing to the general ignorance of the truth in regard to the inside of prisons, there has been no sufficiently widespread enthusiasm for reform. No powerful agitation for penal or for any other reforms can be aroused without a knowledge of the existing evils and defects.

For this want of knowledge the public themselves are in the first instance to blame. Though there have indeed been indications (e.g. in the way "habituals" return again and again to prison) that something was wrong with the system, they have acquiesced in their ignorance of it and have not demanded that the veil of secrecy should be torn aside, and the true facts be investigated by competent persons. "Knock, and it shall be opened to you," is a maxim that is true not only of the spiritual life. If there had been persistent knocking at the prison gates both in and outside Parliament, an entrance would have been ere now effected and the gloomy secrets of the prison house would have been revealed.

But the officials at Whitehall *must*, of course, share with the public the blame for the absence of a well informed enthusiasm for a better penal treatment, inasmuch as it has been their policy, as we have already shown, to prevent the public from having any independent knowledge of prison matters and to assume a constant satisfaction with the methods of discipline and treatment in use at any given time.[29] So unfortunate has been the official fear of interference from those whom they have recently styled the "advocates of so-called prison reform"![30]

[28] 1895 Departmental Committee Report:—Sect. 118, p. 42, and Sect. 123, p. 44; also Evidence, p. 395. We have ventured to bring together passages from two different sections of the Report, as their juxtaposition appears to elucidate the argument, without doing violence to the meaning of the Report.

[29] Sir Godfrey Lushington, the Under-Secretary already quoted, told the Departmental Committee that, when a philanthropist proposed a reform, it is apt, however beneficial it may be, to be rejected by the Commissioners, as "unnecessary, inconvenient, extravagant, or incompatible with discipline." Later on, when "public feeling becomes stronger and better informed," the Home Secretary or some Parliamentary Committee might decide that the reform was notwithstanding good enough to be adopted. Dep. Committee Evidence, 1895, p. 395.

[30] P.C. Report, 1918-19, p. 6.

The Lack of Investigation and Experiment.

Nor can it be shown that, within the administration itself, there has been adequate provision for psychological research. One of the most important needs of our time, in the field of education, and in that of social and international justice, is a theory of punishment which will fit the facts of human psychology and ethics and preserve us from the pitfalls into which indignation with human error is too apt to lead us. For the construction of an adequate theory of punishment we need, among other things, a great body of careful investigation into the mental and moral effects of penally inflicted suffering, of different kinds and under different conditions. The difficulty is to isolate the effects of such penal treatment from effects proceeding from other circumstances of the man's environment. Such isolation can be far more effectively secured under prison conditions than almost anywhere else, for in prison the penal treatment has, as a rule, been made to cover a very great part of the prisoner's whole environment.

A central authority, which has been applying a system of treatment, penal, deterrent, and reformative, to each and every detail of the lives of prisoners of every type, has had an unrivalled opportunity for elucidating the mental and moral reactions of human nature to punishment, and so laying the foundations for a true theory of punishment. This the English Prison Commission has neglected to do. The only published scientific investigation that has up to the present been carried out under its auspices has been that of Dr. Charles Goring upon convicts at certain prisons; but that investigation, valuable as its results are as regards some of the general characteristics of criminals, dealt scarcely at all with the effects of punishment and prison treatment upon their mental and moral life.[21] Faced with the awkward and terrible fact of recidivism, i.e., the great tendency among convicted prisoners to commit offences which bring them back into prison again and again, the Commissioners have made but little use of their large opportunities for discovering, by bold experiment and sympathetic study of their charges, whether different systems of treatment would check this tendency.[22] Their cautious experiments at the Borstal Institutions and at Camp Hill—for youthful and hardened offenders respectively—are only at last beginning to throw a partial light on this question. An investigation of the causes of crime and of the response of abnormal offenders to treatment less repressive than that of the fixed prison routine is now being carried on with praiseworthy carefulness, in connection with Birmingham prison; but it was the local

[21] See Note 11 on p. 479. No true psychological investigation of English prisoners has yet been published; though, according to the Commissioners' Report for 1919-20 (p. 22), one is now being carried out at the Borstal Institutions. As to previous enquiries into the mentality of prisoners, see Note 12 on p. 480.

[22] Even their Statistics of Recidivism are most inadequate as a means of measuring its extent and nature. See pp. 19 and 528.

magistrates and not the Prison Commissioners who initiated this experiment.[23]

And if the Prison Commission have done little to encourage the individual investigator to give sympathetic study to the prisoner and his response to the prison environment, they have done equally little to concentrate and increase the store of collective wisdom by promoting the organisation of frequent conferences among their own staff and other persons associated with prisoners. Between 1877 and 1885 there were annual conferences of Visiting Magistrates from the different Local prisons;[24] after 1885 these gatherings lapsed and have not since been renewed. Yet the 1895 Departmental Committee emphasised very forcibly the need that more should be attempted in this direction. In their Report they pointed out how in the administration of the Mines and the Factories Acts and also in the Education Department the officials meet annually, to the great advantage of the service, for the discussion of important questions. They then go on to say:—

> **We think that it is most essential that similar conferences should be held in London on matters connected with prisons. Prison officials, managers of reformatories, officers of prisoners' aid societies, and representatives of visiting committees should assemble annually, either collectively or in such sections as might be found most convenient, in order to compare experiences and to discuss the working of methods of treatment which to some extent might be experimental. In this way the Commissioners would be brought into beneficial contact with all classes of officials directly concerned in prison affairs; the Secretary of State would be kept informed of the general currents of thought on prison treatment as well as of the practical working of the prison administration; and thus the high responsible authorities would be in a far better position than at present to arrive at decisions, and to take any action which they might think desirable.[25]**

In spite of the recommendation of the Committee, no conferences of the kind have been held, with the exception of one or two confined to the Association of Lady Visitors to Prisons and of the conferences of the Discharged Prisoners' Aid Societies;[26] but these last named bodies have not been considered as having anything to say upon the treatment given within prison walls.

In other countries conferences of the prison staff and officials are frequently held; in the United States, in particular, by this method and by the wide powers of experiment and investigation vested in the staff, a flood of light is being poured upon the psychology of prisoners and the possibility of rehabilitating "incorrigibles." It is a pity that England should lag behind owing to the inertness of the central authority or to its jealousy of any interference with its

[23] See pp. 52 and 53.

[24] Observations of Commissioners (Cmd. 7995), 1896, p. 17.

[25] 1895 Dep. Committee Report, p. 44.

[26] The Annual Conference of these Societies is usually attended by officials from some of the prisons, at their own expense.

own ideas of administration. There is reason, however, to think that the Commissioners may now be ready to change their policy in these respects. The newly formed "Representative Board for Superior Officers" of prisons may prove a useful instrument of reform, if it is prepared for the unprejudiced discussion of methods of prison treatment and does not merely concern itself with questions affecting the staff alone.[37]

To sum up. However great may have been the advantages derived from the substitution, since 1878, of a centralised national administration of prisons for the multiplicity of local administrations which existed prior to that date, the national administration has suffered, and is still suffering, from certain grave defects. These defects and the failure to discover any effective remedy for them appear to be largely due to the administrative system itself. The usual, and to some extent unavoidable characteristics of administration by a hierarchical bureaucracy appear to have been intensified by the assumption, which has marked the whole history of the Prison Commission, that a high degree of national uniformity was the most essential feature of their system. Now, whatever there may be to be said in favour of uniformity, it has the drawback of excluding experiment, increasing the difficulty of innovation, and discouraging initiative and suggestion among the staff. In view of the extremely provisional character of all our knowledge about the effects of imprisonment, and the very tentative nature of our conclusions, it would be hard to exaggerate the disadvantages of the rigidity which this desire for uniformity has produced.

The thick fog of official secrecy in which the prison administration has been, and still is, enveloped, is open to very serious objection. Whether this policy of strenuously enforced secrecy has been adopted as a means of maintaining uniformity, by preventing the spread of such minor deviations as cannot fail to occur in particular cases; or whether, as it is sometimes alleged, the secrecy is supposed to prevent inconvenient complaints and demands, or to check possible developments of insubordination, among prisoners or staffs; or whether, on the other hand, it is merely a matter of official protection against Press or Parliamentary criticism, the ignorance in which the public is kept leads to grave evils. When we consider the various penal experiments made in other countries and the enormous advances of recent psychology, we can scarcely doubt that, but for this policy of secrecy, combined with the tradition of rigid uniformity and the centralisation of the administration, there would have been ere now a complete recasting of our repressive and uneducational system of prison discipline, or at any rate a great modification of it along the lines of the significant experiments made by the Commissioners themselves at the Borstal and Preventive Detention institutions.

As things are, our prison system still embodies a considerable

[37] See p. 325.

number of the defects, which were attacked, though in too tentative and cautious a manner, by the Government Committee of twenty-five years ago, to which we have so often referred. The Committee (if we may make one final quotation from their Report), after expressing the opinion that *theoretically* the arrangement of the prisons administration is an excellent one, being "elaborately designed to ensure the proper treatment of prisoners, the maintenance of discipline, the order and cleanliness of all prisons," go on to state that they have found, however,

> that in practice some of the different branches of the organisation only fulfil their duties imperfectly. The Visiting Committees not unfrequently do little, for reasons already noticed. The prisoners' aid societies are isolated bodies, some excellent, some satisfactory, some almost useless, some practically non-existent.[38] The Secretary of State has great powers; but it is obviously impossible for him to follow the details of prison management without neglecting other duties of equal or greater responsibility. Necessarily he can only deal with those matters which are specially referred to him by the Commissioners or which are brought to his notice in some other way. The government of prisons has therefore been practically in the hands of the Commissioners. It has been frequently said, and we have found that the conduct of prison affairs has in many respects been too unbending, and has run in grooves too narrow for the application of higher forms of discipline and treatment which we think are required.[39]

The reader must be left to judge from the remainder of this book to what degree the same faults of a "too unbending conduct of prison affairs," of an administration "running in too narrow grooves," and of a failure to apply "higher forms of discipline and treatment" are present in English prisons of to-day, as it is generally agreed, even by the present Commissioners,[40] that such defects were present in those of the last quarter of the nineteenth century.

[38] This description of the Aid Societies is not now correct; but the Aid Societies have no say in prison management.

[39] 1894-5 Departmental Committee Report, p. 42.

[40] P.C. Report, 1918-19, p. 7, quoted on p. 74.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—The Prison Commission is both autocratic and irresponsible. It is theoretically under the control of the Home Secretary, but in practice is largely independent of him. Parliament exerts little influence upon it, and there is an almost entire absence of influence from the local areas, which are only represented by committees of visiting magistrates.

2.—The officials of the Prison Commission hold their posts for long periods unchallenged. The Commissioners are selected from restricted circles. They lack personal touch with the prisoners.

3.—There is an absence of any independent inspection of prisons and of independent enquiries into special complaints and occurrences. Such enquiries as the Commissioners hold are secret.

4.—The general policy of the Prison Commission has been to throw a veil of secrecy over the prisons. The Standing Orders are not published. Visits to prisons are discouraged. The staff are forbidden to criticise or to divulge the details of the prison treatment.

5.—The annual reports of the governors, chaplains, and medical officers, when published at all, are liable to censorship by the Commissioners. The inspectors' reports are formal and restricted in scope.

6.—There are no conferences of prison officials and experts on the subject of penal methods and prison treatment. There is very little research among prison officials into the problems of penology.

7.—Owing to these defects, the Commissioners have remained too dependent on their own limited and uniform conception of prison discipline; they have been deprived of the practical enthusiasm of an experienced staff enjoying opportunities of initiative, as well as of the stimulus exerted by a powerful and correctly informed reforming movement among the outside public.

CHAPTER IV

THE AIMS OF THE SYSTEM

The Policy of the Prison Commission up to 1898

Before considering the principles and purposes of English twentieth century prison administration, it is desirable to cast a brief glance backward over the earlier policy of the Prison Commission. For the new rules introduced under the 1898 Prison Act did not constitute anything approaching to a revolution in the régime (as was the case, for instance, with the Adult Reformatory System in America), but were rather a development, on less repressive lines, of the older system of discipline, which is intimately associated with the name of Sir Edmund Du Cane, chairman of the Prison Commissioners from their creation in 1877 until 1895.

The Prison Acts of 1865 and 1877, and the code of rules in force under them, do not contain any direct statement of penal principles, though, as Dr. R. F. Quinton writes, "anyone who reads the Prison Act of 1865 will see that, in the view of the legislators of that time, the primary and essential object of a sentence was that it should be penal and deterrent; and even the Prison Act of 1877 still embodied the penal theory, although it provided for more reformatory methods than hitherto had been in practice."[1] But the two Acts themselves did not specifically acknowledge the reformative principle, as does, for instance, the Prevention of Crime Act of 1908.[2]

Sir Edmund Du Cane, who controlled the administration of the two Acts, described their object as that of "promoting uniformity, economy, and improved administration," and "that which is the main purpose of all, the repression of crime." In the attainment of this object he claimed (in 1885) "complete success."[3] In Du Cane's book, from which this quotation is drawn, there are various passages, which may be taken as authoritative statements of the principles on which his administration of the prisons rested. For instance, he states that "the employment of prisoners may be made to conduce to any or all of three objects—firstly, to create a deterrent

[1] R. F. Quinton, "Crime and Criminals," p. 45.

[2] Part I. of this Act is described as dealing with the reformation of young offenders; and Section 13 of Part II. speaks of "reformative influences" for habitual criminals. As to the use of the term "reform," see Note, p. 484.

[3] Sir E. Du Cane, "The Punishment and Prevention of Crime" (1885), p. 109. Cp. also ibid., p. 99.

effect on the prisoner himself and on the criminal class; secondly, to produce a reformatory effect on the prisoner himself; and thirdly, to recoup, as far as possible, the cost of maintaining the prison."[4] In other passages the object of economy in administration is stressed more than that of "reformation" in the prisoner, penal deterrence being always kept in the first place.[5] And the character of the reformation contemplated may be gauged by the following statement made in the Commissioners' 1885 Report in reference to the "progressive stage system" of privileges and rewards:—"The moral education effected by this system (which is, of course, far more important than literary education) is testified by the most remarkable diminution in the necessity for the application of the usual punishments for prison offences,"[6] i.e., reformation meant mainly outward conformity with the rigid prison rules.

In the words of the present Commissioners, as given in the 1919 Report, "when uniformity of treatment had been established by the Prison Act, 1877, it was believed that a system of strict order and discipline would, by its equal, methodical, and well-organised application to all, gradually crush resistance to law by its deterrent effect."[7] Sir E. Du Cane, to whose policy this quotation clearly refers, retired from the Board of Commissioners in 1895, and the Departmental Committee on Prisons, which reported in the same year, led up to the changes introduced by the Prison Act of 1898.

The Present Commissioners' Theory.

During the whole period which was opened by the last named Act, the government of English prisons has again been under the direction of a single vigorous mind. This circumstance has made it easy to discover, up to a certain point, the character of the purposes and the principles which have guided the administration of the Prison System since 1898.[8] Though these principles are not, as we shall see, clearly worked out in their application to detail, and though one could wish for a greater amount of definiteness and of consistency in their expression, yet they are expressed, with considerable emphasis and frequency, in the Commissioners' Annual Reports, from 1898 up to, at any rate, 1914. It is interesting to find certain leading ideas set forth in the papers written by the chairman of the Commissioners in connection with the International Prison Congress

[4] Op. cit., p. 170. Cp. ibid., pp. 1-2, 6-7, and 189-190.

[5] Compare, for instance, the great emphasis laid upon the reduced cost of prison administration in Op. cit. pp. 98-104, and in the Summary contained in the P.C. Report, 1893-94, pp. 16-19. The principle of economy in administration, especially as regards the prison staff, is hardly, if at all, dwelt upon in the Commissioners' Reports of the last twenty years, but it has undoubtedly affected the character of the discipline, to the prejudice of the prisoner. See the discussion of this question in regard to the privileges of prisoners on pp. 106-7.

[6] P.C. Report, 1885, Sect. 49.

[7] P.C. Report, 1918-19, p. 7.

[8] The Prison-Rules published in April, 1899, remain, with but few changes, the basis of prison treatment to-day. See Footnote 8, p. 80.

of 1900[9] reappearing from time to time in almost the same words in these Annual Reports.

Retribution, Deterrence and "Reformation."

"The purpose for which prisons exist," the Commissioners have stated more than once in recent years, "is the due punishment of fully responsible persons."[10] And, as will be seen by later quotations, they regard punishment (or the penal system) as involving three factors—retribution, deterrence, and reformation. By retribution is apparently meant "the making of the relationship of sin to suffering as real, and as actual, and as exact as it is possible to be made,"—as a kind of moral "compensation for injury wrought."[11] The second factor—deterrence—merges, in their minds, with the idea of prevention, or isolation, as when, for instance, commitment to prison is mentioned as being required "either as an expiation of the offence, or for the due protection of the community from acts of lawlessness."[12] Reformation is defined as the "effort to restore a man to society as a better and wiser man and a good citizen."[13]

The Commissioners have also made it clear that their continual endeavour has been to "preserve the balance between the three factors of punishment."[14] "Our constant effort," they stated in 1912, "is to hold the balance between what is necessary as punishment and for the due execution of the sentence from a penal and deterrent point of view, and what can be conceded, consistently with this, in the way of humanising and reforming influences."[15] And again, as recently as 1919, after stating (as already quoted) that deterrence was the chief principle of the central administration before 1894, they went on to say that "since that day the problem has been, more and more, how to reconcile the due punishment of crime with the reformation of the offender."[16]

The clearest exposition of their principles and, in particular, of how this balance is, in their view, to be preserved, is to be found in the Annual Report of 1913. Here, after asserting that "the purpose of the penal system cannot be better defined than by the old-fashioned formula, which provides that it shall be retributory, deterrent, and reformatory," they proceed to state that, if this formula be correct, "the important thing is—as to the order of precedence of the three attributes."

[9] Report on the Proceedings of the Fifth and Sixth International Penitentiary Congresses by Sir E. Ruggles-Brise (1901, Cmd. 573).

[10] P.C. Report, 1912-1913, p. 31. Cp. P.C. Report, 1908-9, p. 26.

[11] Report on the Sixth International Congress, pp. III and 116.

[12] P.C. Report, 1912-13, p. 11. See Note on p. 484 as regards the use of the term "reformation" in this volume.

[13] P.C. Report, 1912-13, p. 23.

[14] Report on Proceedings of the 1910 (Washington) International Penitentiary Congress (1911, Cmd. 5593), p. 73.

[15] P.C. Report, 1911-12, p. 27.

[16] P.C. Report, 1918-19, p. 7.

> If by "retributory" is meant not the vulgar and exploded instinct of vengeance or personal revenge, but the determination of the human consciousness that the system of rights shall be maintained, and that he who offends against it shall be punished, and that the punishment shall be of such a nature as to deter him and others from anti-social acts: if by "reformatory" is meant the accepted axiom of modern penology that a prisoner has reversionary rights of humanity, and that these must be respected consistently with the due execution of the law, and that no effort must be spared to restore that man to society as a better and a wiser man and a good citizen—any inversion of these factors of punishment would be fatal; but among loose thinkers and loose writers the impression seems to be gaining ground that this historic order of the factors of punishment should be inverted, and that the object of punishment shall be altogether reformatory, as little as possible deterrent, and not at all retributory."

The substance of the above passage, with its insistence that retributory punishment and not reformation or reinstatement is the primary purpose of imprisonment, is also to be found in the speech made by the chairman of the Commissioners, as president-elect, in 1910, to the International Prison Congress at Washington.[18] It is in antithesis to the view which has been accepted for some decades by the leading American prison administrators—a view which apparently dominated the first International Prison Congress of 1872, when one of the final recommendations of the Executive Committee ran as follows:—

> Recognising, as the fundamental fact, that the protection of society is the object for which penal codes exist, we believe that this protection is not only consistent with, but absolutely demands the enunciation of the principle that *the moral regeneration of the prisoner should be the primary aim of prison discipline.*[19]

It is clear then that this view was not the official English view in 1913. Since that date the Commissioners have made no definite pronouncement on this all important subject.[20] But we find the present Home Secretary telling a deputation that saw him in March, 1918, on the subject of prison reform, that "the basis of our criminal procedure is not, as so many speakers have said, to improve the prisoner; the very root basis of it is to prevent people committing crime."[21] We wonder if the Home Secretary would be prepared to subscribe to the doctrine of the learned author of the "History of English Criminal Law," who asserts that "the criminal law proceeds upon the principle that it is morally right to hate criminals, and it confirms and justifies that sentiment by inflicting upon criminals punishments which express it"?[22]

It is not easy to find out from the copious reports of the Prison Commissioners exactly how they have applied to the actual conditions of prison treatment their principle that imprisonment should combine a larger portion of retributory punishment with a smaller portion of reformation or rehabilitation.

[17] P.C. Report, 1912-13, pp. 22-23.

[18] Report of the 1910 Congress, p. 72.

[19] Quoted on p. 16 of a report of the London International Prison Congress (1872), published by the Howard Association.

[20] But see the Note to this Chapter on "The English Prison System," p. 84.

[21] Penal Reform League Record, 1919, p. 50.

[22] Sir J. F. Stephen, "History of Criminal Law in England" (1883), Vol II., p. 81.

"The principle of the English system," wrote the chairman in 1900, "is to deter by an exact, though not a severe, discipline, inculcating habits of obedience and order, and at the same time to reform by labour, education and religious ministration."[23] This statement is repeated in substance in several of the Commissioners' Annual Reports. The 1898 Report describes the system as one "which properly relies on a quiet and unostentatious method of orderly government, i.e., on discipline, ... which simply insists on order and obedience and cleanliness and industry, as a primary and essential condition of imprisonment."[24] The 1912 Report speaks of

> the policy of the department, having for its object, consistently with an exact and orderly control, and the maintenance of a high standard of discipline, the introduction of a system of rational, productive, and well-regulated labour . . . . . and the earnest desire that every man and woman shall profit while in custody, not only from those lessons which can be learned from order and discipline, and the habit of obedience and industry, but from the moral and spiritual influences, which can be brought to bear by the exhortations of ministers of religion . . .[25]

A little later on in the same Report the Commissioners are somewhat more specific as to the precise features of the régime which they regard as distinctively punitive.

> The penalty of crime is in the dishonouring circumstances, which must accompany loss of liberty; in the deprivation of what liberty permits in the way of indulgence and self-gratification; in compulsory labour; in the loss of self-respect. Nothing can add to the *flétrissure* which these things involve.[26]

This is the most detailed statement that has been vouchsafed to us, though it would be possible to quote isolated utterances which indicate that the "strict separation" and "onerous tasks" of the first stage of "hard labour" and "penal servitude,"[27] the enforced silence,[28] the restriction of visits,[29] and other features, are all regarded as belonging to the punitive and deterrent rather than to the reformative factor.

[23] Report of the Proceedings of the Brussels Congress, p. 135.

[24] P.C. Report, 1897-8, p. 7.

[25] and [26] P.C. Report, 1911-12, p. 27.

[27] P.C. Report, 1911-12, pp. 11 and 35, Cp. also Report of 1894-5 Departmental Committee, p. 20, Sect. 52. In the Commissioners' Report for 1909-10 (p. 15), the nine months' period of separate confinement for convicts is said to have been altered, "having regard to its penal value only," the original idea as to its reformatory effects having been abandoned.

Sir E. R. Brise, in 1900, wrote of cellular confinement as being "valuable as a deterrent in the early stage of imprisonment, but the unnatural condition of life operates against its value as a moralising or improving system." (Report of 1900 International Congress, p. 70; and compare also ibid, p. 136.)

[28] "In the interests both of the public and of the prisoner, prison should not be a place of cheerful conversation, but one where it is constantly brought home to the offender that the way of the transgressor is hard." Recommendation of Sir A. Cardew and Mr. Mitchell-Innes, Inspector of English Prisons, on p. 111 of Report of Indian Jails Committee, 1919-20.

[29] Report of the Brussels International Prison Congress (1900), p. 122.

It should be observed that the punitive features of imprisonment serve, in general, a double purpose. They visit the offender with *retribution;* and they are intended to *deter*, as far as possible, both the offender himself and other potential offenders from violations of the law.

The Reformative Factors of the Regime.

Although one might well wish for some clearer enunciation, it may at any rate be gathered from such passages as we have quoted that the exact discipline of prison, with its different characteristics, of which some are enumerated in the last paragraph, is chiefly intended to express the retributive and deterrent factors of the treatment. It is true that certain of these component parts of the discipline are regarded as having in them something also of the "reformative" element. This is the case, for instance, with the enforced labour,[30] and the habit of obedience.[31] The initial period of one month's separate confinement in the cell for hard labour prisoners is also justified, in certain cases, as being beneficial, as a kind of quarantine, to quiet a man down and to ensure his personal cleanliness, before he goes to work in association with others.[32] The denial, too, to all prisoners of the right of open communication one with another by word or hand is considered as being not only punitive but reformative in a negative kind of way, as it is intended (however ineffectually) to prevent the moral contamination of the less corrupt by the more corrupt, as well as to safeguard against conspiracy for harmful ends.[33]

And as regards the whole régime we find the Commissioners in their Report for 1913-14 quoting with approval a prison chaplain who emphasises the humane, educational, and hygienic nature of the system, as he regards it, and writes (in words which we fear many prisoners would feel to be a bitter travesty of the actual facts) of the "honest attempt (which) is being made to carry out the gospel precepts of righteousness and humanity in the prison administration."[34] But these passages scarcely affect the general rule that the discipline is primarily considered as punitive, and only reformative, if at all, to a very slight extent.

In another chapter is described the system of progressive stages, according to which certain "privileges' (which would appear to most people to be elementary human rights) are step by step accorded to prisoners, provided they show good behaviour and industry, i.e., are not detected in any breach of the rules. Similarly, the remission of a fraction of the sentence may be earned by good behaviour.

[30] P.C. Report, 1912-13, p. 47; where the Comptroller of Prison Industries writes of its being the first aim of modern treatment "to educate and train inmates in habits of industry and self-reliance."

[31] P.C. Report, 1911-12, p. 27, quoted above.

[32] Cp. Dr. R. F. Quinton, "Crime and Criminals" (1910), p. 235.

[33] "Memorandum on English Prison System," Sect. 20, p. 527 of Report of Indian Jails Committee, 1919-20.

[34] P.C. Report, 1913-14, p. 8.

These alleviations have, of course, as the Commissioners inform us, a good effect upon the outward conduct of the prisoners. Thus in 1903 they emphasise the principle that "discipline in prison is better maintained by hope than by fear," and state that "the greater privileges accorded to prisoners are bearing their fruit in the shape of better discipline, greater industry, and contentment."[35] Similar effects in the way of making the prisoners less discontented are ascribed to the privileges introduced in 1905 for long-sentence convicts whose outward behaviour is good.[36] But while the Commissioners have refrained from contending that these results of the "discipline" befoken anything in the nature of moral regeneration," they have not in their reports of recent years admitted (as did their predecessors 25 years ago) that "the worst criminals are very often the best-conducted prisoners,"[37] and that therefore good conduct and freedom from punishment in prison bears no relation to good citizenship outside—a fact of very general observation which many prison administrators find it convenient to forget.

It is doubtless owing to a tacit recognition of the negative effects upon the prisoner of the chief features of the "discipline" that the Commissioners, in their reports of recent years, usually indicate the reformative element of imprisonment as residing, not in the discipline at all, but rather in "all those reclaiming influences, which form the burden of a *chaplain's* work."[38]

The chaplain is almost the only official who has no disciplinary duties, and it is his business to "use his best endeavours to promote the reformation of the prisoners under his spiritual charge."[40] His visits and exhortations, in conjunction wth the chapel services, the library, the lectures and addresses, and the co-operation of other visitors (rare as both lectures and visits have usually been in the past), are said to "form a great moral force which is operating in our prisons, with the single-minded view and ambition of uplifting those who have fallen from the ranks of honest life and industry."[41] Some of the chaplains themselves in their reports ascribe the moral regeneration of their charges to the influences that they have been able, by these methods, to exert upon them whilst in prison.[42]

[35] P.C. Report, 1902-3, p. 27. Cp. Sir E. R. Brise's Report of 1900 Congress, p. 135; and A. Paterson, "Our Prisons" (1911): "Incitement to well-doing, rather than punishment for ill-doing, has become the dominant note in prison management" (p. 11).

[36] P.C. Report, 1905-6, pp. 24-5.

[37] Contrast the Summary of the Pre-1898 policy given on pp. 73 and 74 above.

[38] Observation of Prison Commissioners on 1895 Committee's Report, 1896, Sect. VIII.d.

[39] P.C. Report, 1903-4, p. 31.

[40] Prison Rules, 1899, No. 52.

[41] P.C. Report, 1908-9, p. 25.

[42] See Note 6 on p. 478 and pp. 499-500.
It is worthy of mention that considerable stress is laid upon the reformative aspect of imprisonment (without any direct mention of the punitive factor) in the Rules and Orders drawn up for the guidance of the warders. Compare, for instance, Rule 108, which is quoted in Note 33, p. 372. But the force of this and other somewhat similar injunctions is taken away, even on paper, and much more in practice, by other rules which govern the relationship of warder to prisoner.
The majority of the warders who gave evidence to this Enquiry were insistent that the first object of the system was punitive, and that the reformative element was quite in the background.

How far Prisoners are Regarded as Amenable to Reformation.

But indications in their reports, though mostly of a negative kind, clearly suggest that the Commissioners have at heart been far from satisfied with the capacity of the ordinary prison and of the chaplain's department to regenerate effectively any class of prisoners. (We are not dealing here with the Borstal or Preventive Detention systems, both of which are now quite definitely intended to be primarily reformative in effect. Hitherto only a small minority of youthful and professional offenders respectively have come under these more humanising régimes). In the first place the Commissioners constantly emphasise the futility from the reformative (and often indeed also from the deterrent) standpoint of quite short sentences, for young persons especially, but also for adults. "Unnecessary commitment to prison," they wrote in 1912, "we believe to be one of the most urgent of social problems . . . the question of prison reform, if numbers are taken as a test, being how to deal effectively with the mass of persons coming to prison under short sentences of a month or less:"[43] In 1913 they deplored the short sentences for older prisoners and spoke sorrowfully of the "thousands of young persons of both sexes now graduating to the later stages of incurable recidivism under the futile system of recommitment for petty offences:"[44] Such sentences, they had written in their 1907 Report, only "familiarise with what ought to be the *great mystery and dread* of the interior of a prison, and do not admit of sufficient time for the application of any useful reformatory influence."[45] Perhaps the clearest pronouncement upon this theme is to be found in Sir E. R. Brise's contribution to the 1910 Congress, from which we have already quoted:—

> A succession of short sentences, it may be for trivial offences, under the ordinary prison régime, as devised for adult prisoners, has a tendency rather to accentuate than to arrest the habit of crime. They are costly to the state and prejudicial to the individual, and an almost certain prelude to his complete and irretrievable downfall.[46]

In the case of young persons up to 21 years of age, the Commissioners have, since 1898, faithfully and consistently urged that commitment to the ordinary prison is a fatal expedient. We find them working for and welcoming the provisions of the Criminal Justice Administration Act of 1914, which, by facilitating the payment of fines, was "calculated to be of far-reaching effect in saving thousands of young persons from the stigma of imprisonment";[47] just as in 1909 they expressed intense satisfaction that, under the

[43] P.C. Report, 1911-12, p. 8, Sections 12 and 13.
In the year 1920-21, out of 42,795 persons received into Local prisons, no less than 25,376 had sentences of not more than five weeks. (Cp. Footnote, p. 95.)
[44] P.C. Report, 1912-13, p. 9.
[45] P.C. Report, 1906-7, p. 14. Cp. also P.C. Report, 1900-1, p. 13, and P.C. Report 1910-11 (Part II.), p. 81.
[46] Report on Washington Prison Congress, p. 57.
[47] P.C. Report, 1913-14, p. 15.

provisions of the Children's Act, no boy or girl under 16 could, except in extraordinary circumstances, be sent to prison.[48]

Equally consistently, though for a different reason, the Commissioners have urged that prison is not the place for the mentally deficient; they cannot be reformed or cured in prison, which is a place intended for "fully responsible persons, sane in body and in mind."[49] Neither can the inebriate be cured or reformed by imprisonment.[50] The tramp or vagrant is in a different category from the two pathological types which we have just mentioned, and yet the Commissioners are equally clear that their prisons are not institutions adapted either to reform or to deter him. "The diminution of this (vagrant) class," they wrote in 1903, "is not, in our opinion, likely to follow from any alteration of prison régime" (in the direction of making it more punitive).[51] Again in 1910, vagrants "come to prison under successively short sentences, with no advantage to the community or to themselves."[52]

Similarly in the case of the adult professional or habitual criminals who form a most important part of the prison population, it is admitted that ordinary prisons fail almost entirely to be places of reformation. The saying of the French sociologist, Gabriel Tarde, "la criminalité se localise en devenant une carrière," is quoted at least five times in reports issued by the Commissioners since 1898 to account for the dreadful phenomenon of recidivism,[53] i.e., recidivism is explained as being "a narrowing of the area of crime," a tendency to confine it to a "residuum" or "substratum of incorrigible offenders—of men who make crime a profession; against whom the most elaborate penal code and the best administered prison system is powerless."[54] These are the men, upon some of whom the novel methods of the Preventive Detention régime are now being tried, and in the chapter dealing with that promising experiment there have been collected some other statements of the Commissioners emphasising their view as to the hopeless character of this class,[55] as it was, before the effect of a more humanising treatment had been actually tried.

We have negative evidence, too, that prison is not expected to reform habitual criminals, in another favourite "fundamental principle" of the Commissioners' policy, viz., that "*up to a certain age*

[48] P.C. Report, 1908-9, p. 21.
[49] P.C. Report, 1912-13, p. 31. Cp. P.C. Report, 1908-9, p. 26, and other passages.
[50] P.C. Report, 1908-9, p. 26.
[51] P.C. Report, 1902-3, p. 14. Cp. P.C. Report, 1908-9, p. 10, where this opinion is said to be shared by "every thoughtful and experienced prison official" whose view was known.
[52] P.C. Report, 1909-10, p. 8.
[53] In the Commissioners' Reports for 1898, 1911 (p. 8), and 1913; and twice in reports contributed by the Chairman to the 1900 International Congress (pp. 107 and 141). The quotation is from Tarde's "Philosophie Pénale" (1912 translation), p. 384.
[54] Report of 1900 International Congress, p. 107. The alternative explanation that recidivism is the effect of "a system conducted by humane men on humane principles" is dismissed as "not reasonable"! Ibid, p. 141.
[55] See pp. 462 and 463.

every criminal, not mentally defective, is potentially a good citizen, and it is the duty of the State at least to try and effect a cure, and not to class the offender offhand, without experiment, with the adult 'professional' criminal."[56] The "certain age," it is made clear in other passages, is twenty-one; those over twenty-one are described as having "passed beyond the age at which they can be expected to be responsive to Borstal methods."[57] For the recidivist or habitual over twenty-one prison is not a place of reformation or even of deterrence, but rather one of retributory punishment or of temporary isolation from the community—indeed, in one passage the chairman of the Commissioners describes prisons as "having lost their power of deterrence and become nothing else than costly shelterhouses, where the energies of a certain number of lawless bandits may be recruited for new enterprises against the goods and chattels of defenceless and unoffending citizens."[58]

It is therefore abundantly clear, on the express admission of the official reports, that the ordinary régime of the Local or Convict prison, as in force with but few changes during the last twenty years, is not expected to have any *reformative* influence, that is, any beneficent mental and moral effect, upon a large proportion of the prison population—none upon the feeble-minded, or the inebriate, or the tramp, the short sentence prisoner in general, the young person up to the age of twenty-one, or the professional or habitual of any age. Nor, we imagine, is it officially presumed to have any reformative influence upon the political offender—the conscientious objector or the revolutionary. All these classes, while in prison are effectively isolated from the community, cut off from their ordinary occupations, and maintained at the public expense; but, as far as the official literature goes, there is little evidence of any beneficent effects that prison has or is intended to have upon them.[59]

The extent of the reformative influence, which the Commissioners have, as we have seen, emphasised as one of the great features of the system, has thus been narrowed down to only a comparatively small section of prisoners, practically to adult first offenders of what is termed the "accidental" type of criminal—or in other words to the "star" class in Local and Convict prisons. How far this class has been effectively reformed or deterred is discussed later in this book.[60]

[56] P.C. Report, 1907-8, p. 13. Cp. P.C. Report, 1904, p. 19, and the Report of the 1900 International Congress, p. 103, and Report of the 1910 International Congress, p. 36.

[57] P.C. Report, 1912, p. 12.

[58] Report of the Sixth International Congress (1900), p. 107.

[59] There are occasional suggestions in recent official literature that the character of the prison régime is unimportant and that the responsibility for "reformation" rests entirely or almost entirely with the After-care agencies. See P.C. Report, 1926, p. 55, quoted p. 478, and cp. P.C. Report, 1919, p. 33.

[60] See p. 226 and pp. 501-13.

The "Individualisation" of Punishment.

The chairman of the Commissioners in his speech as president-elect to the Washington Prison Congress in 1910, put in a powerful plea for greater "*individualisation* of punishment."

> "In all the prison systems of the world," he said, "that will be the best where the arrangements admit of the greatest individual attention being given to each individual case. . . . I mean that each man convicted of crime is to be regarded as an individual, as a separate entity or morality, who, by the application of influences, of discipline, labour, education, moral and religious, backed up on discharge by a well-organised system of patronage, is capable of reinstatement in civic life."[61]

As is, we think, sufficiently shown in other parts of this book, English prisons have not reached any high standard of such individualisation; as much is indeed occasionally admitted by the Commissioners. This deficiency is certainly not altogether, nor perhaps even chiefly, their fault, since it is not they but the Courts who decide which persons shall be entrusted to their charge. As their medical inspector wrote in 1909, "The clearing out from our prisons of the drunkard, the tramp, and the imbecile, will materially assist this development by allowing prisons to be used exclusively for the treatment of the criminal, and will thus facilitate the extension of those methods of individualisation, of the value of which the success of the Borstal system is likely to be so conspicuous a proof."[62] And the chairman of the Commissioners went further than this in the paper read to the 1910 International Congress, in which he wrote that "ordinary detention in prison, and especially where the population is large, as in the prisons of the metropolis, cannot, even with the greatest care and the best possible arrangements, allow of that specialisation and individual attention which is essential if a real impression is to be made on the younger criminals."[63]

All the passages from the utterances of the Commissioners, which have been quoted in this chapter, have with one exception been taken from their *pre-war* reports. Since 1914 the much less bulky reports that have been issued have almost entirely omitted mention of the underlying principles or effects of ordinary imprisonment—as opposed to Borstal and Preventive Detention. It seems possible, if not probable, that the upheaval of ideas caused by the war and the extraordinary results which are apparently being obtained as regards the reinstatement of so-called incorrigibles under the Preventive Detention system are leading the authorities to revise their views as regards the scope and relationship of the reformatory and punitive factors of imprisonment. Perhaps the Commissioners are by now facing

[61] Report of 1910 (Washington) International Prison Congress, pp. 33-4.

[62] P.C. Report, 1908-9, p. 35. Cp. also Dr. R. F. Quinton, "Crime and Criminals" (1910), p. 256-8, 217-18, and his "Modern Prison Curriculum" (1911), pp. 236-38.

[63] Report of 1910 (Washington) International Prison Congress, p. 37.

the question, whether it is possible to combine reformative and punitive elements at all in one system of prison treatment, without almost all that is reformative or curative being neutralised by the punitive elements.

Note on "The English Prison System."

Since this chapter was prepared, "The English Prison System," by Sir Evelyn Ruggles-Brise, has appeared in print. (It was written, the author informs us, in 1915, though the statistics have been brought up to date). Very little fresh light is thrown in this volume by the Chairman of the Prison Commission upon the confused aims of the system as we have tried to interpret them in the foregoing chapter. It is still maintained that prison is a place of punishment; that "the primary and fundamental purpose of punishment, say what we will, must remain in its essence retributory and deterrent"; that this must involve "the assertion of the system of rights by pain or penalty—not pain in the physical sense, but pain that comes from degradation and the loss of self-respect"—and that all that the reformatory features of the prison system can do is to "try and mitigate this inevitable incident of all punishment."—pp. viii, and 1-4. We deal with some aspects of Sir E. Ruggles-Brise's book in Chapter XXIII. of this Part.

THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

The persistence in the principles of prison treatment of retributory and deterrent factors, to the exclusion of truly preventive and educational principles, such as are suggested in the concluding chapter of this book. (See "Society and the Offender," pp. 590-98).

CHAPTER V

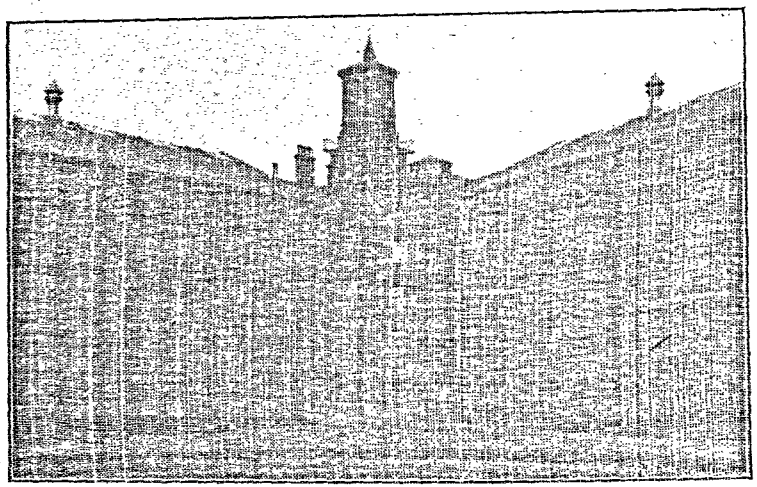
THE PRISON BUILDINGS

The General Plan

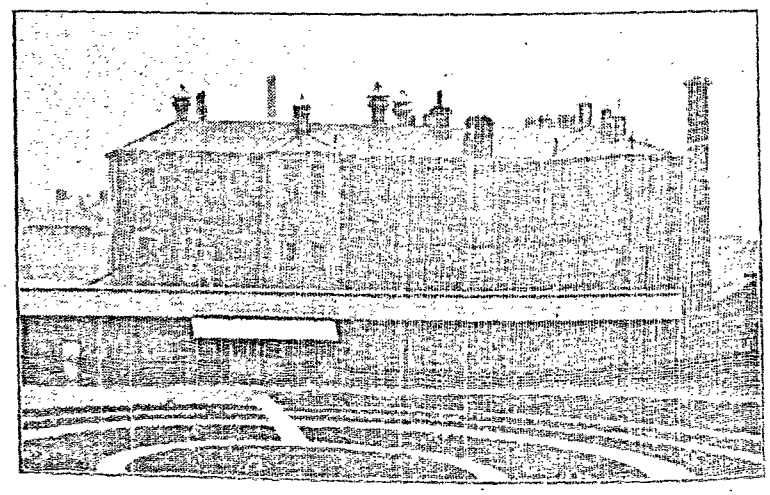
We now pass on to describe the actual conditions of prison life. It is necessary to begin with the buildings, so that the surroundings of the prisoner may be realised. "It appears," wrote Major H. S. Rogers, the Surveyor of Prisons, in 1910, "that a prevailing idea on prison construction was to provide heavy massive and gloomy structures, giving an impression of dungeons, bars, and chains; small, heavily barred windows, with obscure glass, dark passages, etc."[1] Since most English prisons were constructed before the prison system was unified under the control of the Prison Commissioners, it would not be fair to lay upon the shoulders of the present authorities all the responsibility for their grim, ugly, forbidding appearance. But grim, ugly, and forbidding they certainly are, and few prisoners who approach them for the first time do so without a sense of hopelessness and terror.

High walls, heavy iron gates, castellated towers, huge blocks with rows of small and strongly-barred windows—these are some of the features which strike chill into the heart. When one has gone through the two gateways at the entrance of the prison,—the first must always be securely locked before the second is opened—this impression is somewhat relieved, in some cases, by beds of flowers, and green lawns, and perhaps, a group of attractive buildings. At Wormwood Scrubs prison, for instance, the heavy gateway once passed, the entrance might be that to a college. The gravel drive encircles a well-kept lawn bordered by red geraniums. In the back-ground is a big chapel built in grey stone in the Norman style. Leading to it, in front and to the right, are passages lined with stone arches, like the cloisters of some monastery. Other prisons have similarly pleasing entrances. But after passing from the gateway to the entrance hall, colour and beauty are rarely seen until the term of imprisonment ends. In most cases the prison itself is unrelieved drabness.

[1] In a paper prepared for the International Penitentiary Congress, Washington, 1910 (Actes du Congrès, 1913, Vol. V., pp. 101—148).



TWO WINGS OF WAKEFIELD PRISON (RADIAL SYSTEM).



WAKEFIELD PRISON HOSPITAL AND AN EXERCISE GROUND.

The Halls.

Prisons are constructed on two systems—the radial system, exemplified in Pentonville prison, and the block system exemplified in Wormwood Scrubs. In the former, the halls containing the cells radiate from a large central tower. In the latter, the halls are separate and parallel.

The former system has the advantage of concentration, enabling the wings to be supervised easily from the "centre" and facilitating service and communication On the other hand, as Major Rogers points out, it has serious disadvantages. It is impossible, for instance, with the radial system, to site the wings so as to obtain direct sunlight on all cell windows during a portion of the day, and the angles between the buildings cannot be searched by the sun; consequently there is stagnation of air. There is the further objection that owing to the close proximity of the cells in the adjoining wings, "a number of cell windows on one side of the angle must have obscure glass, and also, to prevent communication by shouting, such cells cannot have windows to open unless screened." One of our ex-prisoner witnesses points out in this connection that these cells particularly need all the light they can obtain since "under the best of circumstances they would be dark as, by reason of their situation, the light is considerably cut off."

The main disadvantage of the block system is its costliness and the absence of concentration. In the case of large prisons, however, the latter, Major Rogers insists, is not a serious drawback in relation to discipline, since when the halls are long and high, supervision from one centre is impossible even under the radial system. On the other hand, the block system has important advantages. It enables the halls to be built running north to south, thus allowing the sun to enter all the cells for a portion of the day at least; and the stagnant air angles are avoided. An ex-prisoner who was located in a sunless cell for nine months, suggests how important from the prisoner's point of view is the first of these considerations. "I spent a summer in prison," he says, "yet, except for forty minutes' exercise, I scarcely saw the sun. My cell was in a basement and was dark and chilly even in brilliant sunlit weather. The yard upon which the window looked was largely in shadow and our workshop was sunless, too. When I came in from exercise each day my heart sank with the feeling of entering a dungeon. The absence of light and colour and warmth depressed me terribly."

The halls in both the radial and block systems are similar. They are long and narrow, the cells being arranged, on the ground floor, on either side of a 16 foot corridor. The halls vary from two storeys high in the small prisons to five storeys high in the large prisons. The upper cells open on narrow galleries, leaving a space down the centre. Across this space, on the level of the first floor,

wire netting is stretched to catch prisoners should they attempt to commit suicide by throwing themselves from an upper storey.

The Cells.

The cells in Local prisons are as a rule almost precisely thirteen feet by seven, by nine high.[2] (In Convict prisons, where the cells have not, until quite recently, been used for labour, they usually are about ten feet by seven by nine). The ceilings and a large part of the walls are lime-washed, but there is a dado of dull brown of about four feet deep. The outer wall is cement plastered, in order that any tampering with it for the purpose of escape may be quickly discovered. In the wall, near the door, is a gas-box, enclosed by white rippled glass, nine inches square. The gas-jet is lit from outside the cell. In a few prisons electric light is used.

Our ex-prisoner witnesses frequently complain of the poor light, both during the day and in the evening. They assert that the dimness makes both working and reading difficult. "At—— prison," says one, "some of the north cells are so dark that I had to work for a good part of the day standing on my stool at the window." Several of these witnesses state that their sight has been injured by the strain. The lighting, has, however, been improved during recent years. Formerly one gas-jet served to light two cells.

The windows in the cells vary in size from 14 to 21 panes, each about eight inches by four. With a few exceptions, the windows are now made of clear glass, and one at least of these small panes is made to open; in most cases, two open. Judging from the view of Major Rogers, the prison authorities only reluctantly inserted panes which open. He records the fact that direct access to the outer air has been advocated for both moral and hygienic reasons, but says that "as regards the latter a good deal of nonsense is talked, for in a cell with a proper and efficient system of flue ventilation, the opening is more likely to interfere with, than to assist, a constant change of air." But he pathetically adds that "in prison work outside opinions of faddists and others have to be reckoned with." Major Rogers finds consolation, however, in the fact that open panes enable the prisoner to clean the outside of the windows.[3]

The object of the surveyors in their heating and ventilating arrangements is to keep the cell temperature at about 60 degrees F. in winter and to ensure that a current always passes through the cells. Our ex-prisoner witnesses all ridicule the suggestion that such a heat is maintained. One of them who occupied a cell in which the landing thermometer was placed states that day after day the temperature registered was below 50 degrees. An ex-convict says

[2] Cells vary somewhat according to the date of construction of the prisons, etc. For detailed description of the cell, see pp. 95—97.

[3] Op. cit., p. 135.

that in the winter the thermometer during several nights registered 38 degrees. Many ex-prisoners say that they could only keep themselves warm by putting their blankets and rugs round them, and by tramping up and down the cell. Evidence of this character comes not from one prison, but from prisons in all parts of the country.

The system for heating and ventilation is for warm air to enter the cell through a grating high in the wall and to traverse the cell diagonally to an extract grating at the foot of the opposite wall. Theoretically, this system may be admirable, but actually the cells are stuffy on still days and draughty on windy days. Many of our ex-prisoner witnesses complain that in the mornings they were heavy and dizzy with the closeness of the atmosphere, and several of our warder witnesses speak of the foul air which meets them when they open the doors. Often the current of air is imperceptible. "It was long before I could determine which was the intake and which the outlet ventilator," an ex-prisoner remarks.[4]

The cell floors are sometimes made of stone flags, sometimes of tiles, of slate, of asphalte, of concrete, of wooden planks or of wood blocks. The stone, tile, slate and concrete floors are very cold. The asphalte floors are warmer; but the appearance is not pleasing. Wooden planks are apt to harbour vermin and they smell badly when constantly sluiced with water. The best flooring is undoubtedly wooden blocks; most of the hospital cells have such floors.

In addition to the ordinary cell, there are many varieties for special purposes, e.g., the Hospital Cell, the Special Cell, the Silent Cell, the Padded Cell, the Observation Cell, the Matted Cell, the Tubercular Cell, and the Condemned Cell. Reference is made to these different types of cells in subsequent chapters.

On each landing there is a sanitary annexe, occupying the width of a cell. If the hall be large a sanitary annexe is placed on either side. In each annexe there is a w.c. and a slop sink with taps. These annexes are open to the hall, and Major Rogers admits that "certain objections" can be made regarding them. One obvious objection is that the tap from which drinking water is obtained is over the sink in which chambers are washed out, and both operations are done at the same time.

Prison halls almost invariably have basements, so that the windows of the lowest cells are frequently beneath the level of the ground. Major Rogers explains this by the style of architecture of the nineteenth century, but, in at least one prison, a basement landing has been inserted in recent years. Many of these basements are dark and depressing places, but the prison authorities

[4] Standing Orders insist that prisoners shall be instructed to open the ventilator when leaving their cells, and that "on unlocking the prison in the morning, all sliding sashes, etc.," shall be opened "and remain open during slop and pot emptying." We have not found any ex-prisoner who ever knew these orders to be enforced.

have done a good deal to improve the lighting of the cells by digging a broad trench outside the windows.

There is a special Reception Hall, containing baths and cells which are little larger than telephone boxes. They are used by prisoners only on the days of reception and discharge. The other principal prison buildings are the workshops and the hospital.[1]

The Grounds.

The walls surrounding many prisons are from 20 to 25 feet high, but in the case of the more modern prisons they are rarely more than 16 or 18 feet. The higher walls "shut out the light and air, and are very costly to build and maintain." Major Rogers points out that the 16 foot wall is as effective in preventing escapes as the 20 feet wall, since it cannot be reached by a man standing on another's shoulders, and, if a pole or rope or a ladder be used, the second presents little more difficulty of scaling than the first. As a precaution against escapes, however, a Standing Order[2] prohibits the placing of plants or shrubs against the boundary walls of prisons; much valuable space for fruit growing is thus wasted.

Except where there are grounds connected with the prison at the back, there is only one entrance The second entrance, where there is one, is not always double, like the front, and less care is taken in regard to it, as Mr. De Valera and his colleagues found when they escaped from Lincoln Prison in 1918. No building is allowed within 20 ft. of the prison wall and there is a patrol path round the exterior. Where there are prison grounds outside the main wall, they are sometimes surrounded by an additional eight foot wall, with barbed wire above; sometimes only by barbed wire.

Escapes from prison are very rare, and even when prisoners succeed in getting away they are almost invariably captured later. Formerly, says Major Rogers, the custom was to obtain security of prisoners "by the provision of very high walls, excessively heavy bars and bolts, etc., to all openings in all buildings, and by the use of massive walls throughout. Experience has shown that if prisoners outside their cells are left to themselves, walls, bars, and bolts will not hold some of them and recently the tendency has been to rely on observation by the staff more and more, and to assist the staff a clear view of the exterior and interior of buildings should be aimed at by the avoidance of angles and hidden nooks."[3]

It is difficult to convey an impression of the hope-destroying, forbidding aspect of prison buildings. They embody architecturally the repressive characteristics of the prison system. Many of our witnesses, drawn from both officials and ex-prisoners, express the

[1] See pp. 115 and 269-70 and 277.
[2] No. 824.
[3] Op cit., p. 108.

view that the only reform to which the buildings can be usefully subjected is dynamite, and the suggestion is not extreme. Within the walls and halls of the present institutions it would be difficult for any educative, reformative, and kindly influences to operate. They seem absolutely alien to the best qualities of the human mind and spirit. As Dr. Healy says in "The Individual Delinquent":[1] "The highest exponent of treatment *en masse* is the prison building where—even if the aim be not to depress all consciousness to a bare, vacuous level—such largely is the effect. No better illustration of the childishness of our efforts to ameliorate criminalistic conditions can be found than the planning of buildings which does not first and foremost take into account the conditions and possibilities of mental life."

> "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 hear
> A common man's despair.
>
> "The vilest deeds like poison weeds
> Bloom well in prison air;
> It is only what is good in man
> That wastes and withers there.
> Pale anguish keeps the heavy gate,
> And the warder is Despair."[2]

[1] Op. cit. (1914), p. 170.
[2] Oscar Wilde: "The Ballad of Reading Gaol."

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—The architecture is depressing and inhuman.

2.—There is a marked absence of colour and beauty both within and without the buildings. The grounds accessible to prisoners are generally bare and frequently without flowers and shrubs.

3.—The cells are often dark, particularly in the basements and in the angles of the halls in the radial system. Many of the cells are sunless.

4.—Frequently the cells are badly ventilated. Only two small window panes open at the most.

5.—The heating and lighting arrangements for the cells are often inadequate.

CHAPTER VI

THE ROUTINE

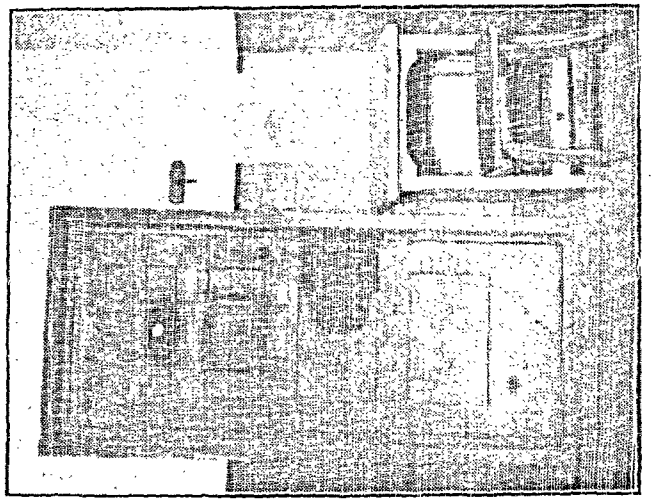
IMPRISONMENT in the Third Division, for some period not exceeding six months, with *or* without hard labour (and "hard labour" does not entail any large differences of treatment), is by far the commonest form of "prison" awarded by the Courts. A description of the first four or five months of the third division prisoner's life will cover the case of a vast majority of convicted prisoners.[1] The régime prescribed by the Rules and Standing Orders for the third division offender forms the basis of treatment for all the different classes confined in a Local prison, with the exception to some extent of "prisoners awaiting trial" and of the rare "offenders of the first division." Even convicts usually serve the first stage of penal servitude *in what are practically the "third division" conditions* of a Local prison, and when they proceed to the convict prison the variations in the routine are not many.[2] This uniformity of treatment for practically all classes of prisoners is in flagrant contradiction with that "individualisation of punishment," which is the ideal of the chairman of the Prison Commissioners.[3]

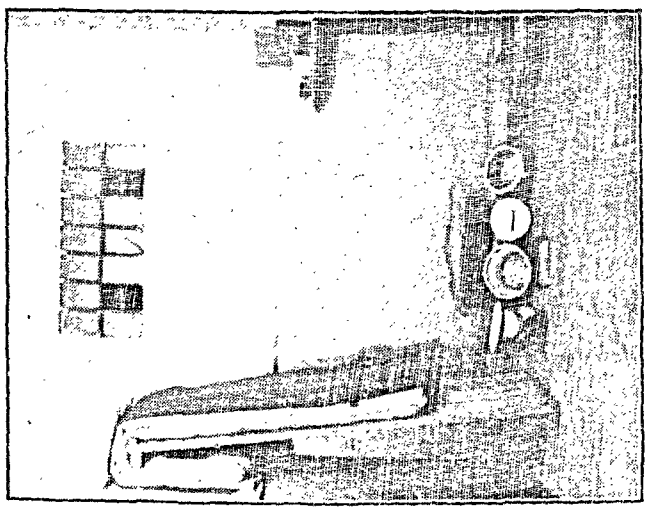
We propose then to outline in a brief but comprehensive manner the chief outward features of the environment of a short sentence prisoner, and of the third division (with or without "hard labour")

[1] According to the figures published by the Prison Commissioners in their latest report, out of a total of 49,732 prisoners "received under sentence" during the year ended 31st March, 1921, at least 41,280 were classified as offenders of the third division (with or without hard labour). There were 5,304 persons in the category of "Misdemeanants," while the numbers sent to penal servitude and to Borstal institutions were only 494 and 652 respectively. (See the 1920-21 Report of the Commissioners, pp. 3 and 40). The classification given is not quite clear. There were also 788 "Court Martial" prisoners, of whom the majority were probably classified as Third Division. The prevailing sentence is a short one—for, during 1920-21, out of 49,785 offenders sentenced to simple imprisonment by the "Ordinary Courts" (i.e., excluding Court-Martial prisoners), no less than 40,095 were sentenced to terms of six months or under, all sentences of over one month being, moreover, remitted in the event of good conduct to the extent of one-sixth of their duration. In the case of 25,379 of these offenders no punishment lasted for a period ranging between one day and five weeks. (See Appendix No. 4 to the 1920-21 Report).

[2] Cp. pp. 319-320.

[3] Cp. p. 33 and pp. 302 and 703.





TWO VIEWS OF THE INTERIOR OF A PRISON CELL.

To face p. 95

which contains the reception bath. His plunge into its regulation nine inches of warm water cleanses him, we may hope, from the last vestiges of external contamination still adhering from his previous environment; in the case of some prisoners, at any rate, the bath is by no means an undesirable precaution. By the bath side he finds a towel and a makeshift assortment of prison clothing, collected by the prisoner who works as "cleaner" in reception, with little regard in many cases for height or girth. The complete outfit (for a man) consists of a prison uniform (collarless coat, waistcoat and buckled trousers) stamped with the broad arrow, along with a cap of the same material, heavy shoes, socks, cotton shirt, a coarse handkerchief, pants and flannel vest. The sentenced offender is now a fully equipped prisoner, or at least he will be so as soon as he has been presented with a Bible and prayer book, a pair of sheets, a pillow-slip, a small towel, and a brush and comb, which form his only articles of equipment other than those which are inseparable from the cell.

Before he leaves reception the prisoner is supposed to have several other interviews (though these may be postponed until the following day) besides that with the prison doctor. The chaplain enquires as to the prisoner's religion, whether he is "Church of England," and, if not, whether he wishes to attend the Church services. The schoolmaster asks about his education, and presents him with a single "educational" book and possibly a school primer, which will have to serve, together with his Bible and a regulation "devotional book," as his only mental food for the next four weeks.[9] The governor or chief warder informs him that all conversation is forbidden and that he will be punished if he does not precisely obey all prison rules including those on his printed card, with its formidable list of possible offences. He is also probably given some instructions as to the cleaning and arrangement of his cell, and told that all applications to see the governor, chaplain or doctor must be made without fail first thing in the morning. But, as often as not, many of his duties (as well as most of his rights) are left for the prisoner himself to discover, in the course of more or less painful experience.

The Contents of the Cell.

The warder unlocks the door leading into the great hall of the prison, and, with his bunch of jangling keys at hand, accompanies the new inmate to the cell destined for his home. Here his name itself becomes lost, and he assimilates himself to the cell by buttoning on to his coat the unsightly yellow badge, inscribed with some such device as "A.3.21" or "C.2.8," which has been hanging over the door of the empty cell.[10] The warder sees that the cell water-can has been replenished and that the cleaning materials are not

[9] We believe, however, that now, in some prisons at any rate, there is a change of the "educational" book at the end of the first fortnight.

[10] A. 3. 21, for instance, means the twenty-first cell on the third landing of Hall "A."

exhausted. The door is banged and double locked, and the prisoner is left alone with his thoughts.

The cage in which he now finds himself is a stern and bare little room, of which the measurements are as a rule seven feet by thirteen and nine feet high.[11] Its furniture consists of a wooden table (either movable or fixed), a small stool without a back, and a bed-board. The window is so high up that it is necessary to stand on the stool to look out of it, and this, to make matters worse, may be regarded as a punishable offence. It consists of two or three rows of small panes, of which, at the most, two panes (each about eight inches by four) can be opened by sliding them aside along a groove. The little light and view of the sky and of the prison walls that the window can afford to the cell occupant is considerably diminished by several heavy iron bars that are fixed across it outside.[12] The massive iron door, thickly studded with bolts and screws, has no handle inside, but is provided with a small glass "spy-hole" for observation purposes. A more or less inadequate ventilating and heating system is provided; and incandescent gas (behind a pane of frosted glass) or electric light is available, though it is often not lit before darkness has already set in. The cell is, as a rule, whitewashed once a year, the lower portion of the walls being colour-washed. This process does not usually hide a collection of pathetic and in some cases objectionable inscriptions that are scratched upon the walls from time to time.

The most conspicuous object of the cell is the bed-board, consisting of two or three planks fixed on a low support, and measuring about two feet six inches by six feet. This leans against the wall in the day-time, accompanied by a hard stuffed pillow in its white case. The sheets, blankets, and mattress that make up the bed (often inadequately) are in some prisons slung over the top of the bed-board during the day, in others they have to be rolled up tightly in a neat but most unhygienic roll that stands in one corner under the window. In this corner, too, is the little shelf, on which have to be crowded the most precious objects of the cell—the white glaze pint pot, the salt jar, the knife and spoon, the brush and comb, and perhaps a tooth brush, a small allowance of soap and sanitary paper, the slate and slate pencil, the religious and library books, and, after the expiration of eight weeks, a little wooden rack to hold the monthly letters from home and possibly three or four photographs of relatives. Besides this shelf and its contents, the only authorised adornment of the walls is a collection of printed cards that hang upon a nail. One of these cards contains Church prayers and formulæ; another threatens the prisoner with punishment for improper behaviour or for carrying out, except by special authority, a number of activities

[11] Cells, of course, vary somewhat according to the date of construction of the prison, etc.

[12] The windows in the most modern cells are without the bars, owing to the fact that sashes can now be cast in manganese steel, which even the heaviest blow will not break.

that would be quite innocent in normal life. A third explains the "system of progressive stages."

On the floor, opposite the cell door, are arranged in symmetrical position a metal water can, covered by an enamel plate, an earthenware "chamber" with its metal top, and a small tin basin.[13] These utensils are flanked by a brush and pan, a scrubber, some cleaning rags, and a little box containing brickdust and whitening. At the side hangs a small towel and a dishcloth. There is also a bell handle (for use in very special emergencies), the pulling of which raises an indicator outside the door that remains extended until the warder (often after an interval of many minutes) comes to the cell. To these items we have only to add the prisoner himself and the materials and implements for his sewing or other work. The enumeration of the contents of the prison cell will then, we think, be complete.[14] And these contents are, generally speaking, identical for every cell in England, the arrangement of them being subject to only slight variations within certain limits of choice allowed to the authorities of each prison.[15]

The Daily Routine.

"It is now 4-30 in the afternoon," the chairman of the Prison Commission is reported as saying to the general secretary of the New York Prison Association in the summer of 1911, "and I know that just now, at every Local and Convict prison in England, the same things in general are being done, and that in general they are being done in the same way."[16] At that date a precise uniformity of Time Table was, along with other uniformities, one of the features of the system. This uniformity has, since 1919, been somewhat altered, owing to the concession of an eight-hour day to the warders. Now the Time Tables for the different prisons may differ slightly one from another, being fixed in each case after consultation with the governor and warders.[17] But the differences are not sufficient to prevent the account here given from being a substantially accurate picture of the daily routine in all the Local prisons of England and Wales.

[13] Enamel water-cans and basins are now, we understand, being substituted for metal ones.

[14] Outside each cell door hangs a board, which is divided into five compartments. In these various cards relating to the prisoner are put. These cards indicate his name and offence (hidden on the reverse side), his prison number, the length of his sentence, his occupation, the particular tools he has in his cell, his sectarian belief, or lack of it, and the earliest and latest dates on which his sentence may expire. The lower half of this board is occupied by a sheet upon which the marks that he has earned by his industry are recorded. If a man be sick or reported to the governor, or has a library catalogue; these facts are also indicated by cards put on the board by the warder. In short, on this board is the prisoner's biography, kept continually up to date.

[15] We understand that the Commissioners offer as many as six different styles of cell arrangement, out of which the Governor may choose one for use in the prison.

[16] "The Treatment of the Offender," being the 67th Annual Report of the Prison Association of New York (1911-1912), p. 151.

[17] Owing to the limitation in the number of the staff, the eight-hour day for warders has resulted in less time being spent by prisoners in associated labour and consequently more confinement to the cells. This is a great hardship. Cp. pp. 322 and 378.

The rising bell rings about 6-30 a.m. The prisoner must rise at once, so as to put on his trousers and shoes, wash his hands and face in the small basin, roll or fold up his bedding and polish or sweep his floor by ten minutes to seven, when he is supposed to begin his task of "cellular" labour—usually the sewing of post-office bags. A few minutes previous to this the warder has unlocked his door, so that he can put out his "slops" to be emptied by the prison "cleaner" and his water-can to be refilled; or else he takes them to the sanitary "recess" himself. If he has any complaint or request to make to cell warder or governor, to chaplain or doctor, he must look sharp and give in his name now, before the warder has relocked the door and passed on to the next cell. This is his only recognised opportunity."

For about an hour the prisoner is expected to work at his stitching or other task, and then the door opens again and his pint pot is hurriedly filled with the porridge which, with six ounces of bread, forms his breakfast. Once, twice or three times a week, according to the nature of the cell floor, a bucket of water (cold water usually) is put inside, and he must spend his after breakfast leisure in scrubbing the floor. Every day, too, either before or after breakfast, he must scrupulously polish up his tins, and arrange them, empty (save for the water can) against the wall, as already indicated. About nine o'clock the bell rings for chapel. The doors are rapidly unlocked and the prisoners emerge from their cells, and under the eyes of watchful warders, prompt to arrest any attempt at talking, they pass "at cell distance," along the landings into the Church of England Chapel. Here they have a service lasting from fifteen to twenty minutes, and an opportunity at last of using their tongues, as they join in the hymn or prayers. Another march back to the cell, and then the doors are opened for "exercise," unless, as is sometimes the case, it has taken place before breakfast.

It is laid down that every prisoner "when employed in cellular or indoor work, shall, when practicable, be permitted to take exercise in the open air for an hour."[18] If the weather is very wet, the exercise may be taken inside the prison, round and round the various cell landings, or it may, as often happened during the war, be omitted altogether. To the man confined during all the rest of the day to cell or workshop, this brief spell in the open air should be refreshing indeed. He fills his lungs, he sees the faces of others, he is under the freedom of the sky: he has sometimes vegetables and even flower-beds to look at besides the stern buildings of the prison and its encircling walls. But the sense of freedom is to a very large extent spoilt by the character of the exercise imposed—a monotonous and uninterrupted perambulation in single file round and round two

[18] For some prisoners the nervous strain entailed by this rule, and the fear of forgetting it, is considerable: when the door is first opened in the morning, the man has been in solitary confinement for at least 14 hours.

[19] Regulation 45. During the war, this hour was reduced, owing to shortage of staff to 45 or 40 minutes.

(or sometimes three) concentric tracks, under the orders and vigilant gaze of the warders, stationed on raised platforms, so as to detect all attempts at conversation and to regulate the distances between the trampers. And the prisoner is supposed (more particularly if he is working in his cell during the day) to rob himself of a portion of his short recreation by watching for an empty closet and falling out for the performance therein of his daily function.

About a quarter past ten "Lead in" is sounded by one of the senior warders, and there is a general march back to the cells. It is a rule that every man after entering his cell must close his door, which locks automatically upon him. Here, if he is in the first month of "hard labour," he sits until noon at his solitary task, stitching mail bags (the most usual occupation) or coal sacks, or possibly picking oakum. Otherwise he lines up in the hall with the others, to be marched off to a workshop for a spell of work in "silent association" under the strict supervision of a warder. During the course of the morning the governor rapidly passes round the prison on his daily inspection; but it is most exceptional for him to speak to a prisoner, apart perhaps from a formal "All right?" unless there is something obviously at fault."

At noon the dinner trays appear, and the warders, with two or three prisoner assistants, rush round the prison hurriedly opening and closing the cell doors, so as to thrust in the double tin containing the chief meal of the day. About forty minutes are allowed for dinner, and then the prisoner (if in his first month of "hard labour") is expected to resume his solitary cell-labour until supper time. If he is "on association" he may continue his mid-day pause until half-past one, when he is allowed out again for a second and longer spell of workshop labour until about 4-15 p.m. Once this is over, the only other incident of the day is the brief opening of the door some ten minutes later, when an allowance of cocoa and bread, with two or sometimes three ounces of some relish is handed in to him for supper. The door closes, and, except under most extraordinary circumstances, such as the rare visit of the chaplain, it cannot be expected to open again for over fourteen hours—until, about seven next morning, the warder breaks in once more upon the lonely man with the dreary order: "Slops outside."

At least two hours of the four that now elapse between supper and bed-time [21] are supposed to be spent in labour, so as to complete the full number of prescribed hours.[22] In practice, however, there is a certain fixed daily task (e.g., so many bags or sacks) allotted, and the man who is expert and diligent enough to complete his task by supper-time can, in some prisons at any rate, spend most of the

[20] See a description of this Inspection, pp. 365 and 366.

[21] Until recently there were only three hours, as "lights out" and rising were both fixed an hour earlier (8 p.m. and 5.30 a.m.)

[22] Ten hours per diem (exclusive of meals, etc.) for male prisoners at hard labour during the first month. Nearly nine hours for other prisoners, who are "on association." See Regulations 39 & 40 and the S.O. quoted on p. 113 of the P.C Report for 1911-12.

evening hours in reading his Bible or other book, in pacing round his cell, writing rhymes or blasphemies upon his slate, or occupying his vacancy in any other of the very limited means that a cell affords. Outside "the prison wards are bare and silent, and dark except for a beam of light at every cell lamphole. They are unfrequented, save for the night-warder, who moves in felt slippers, and peers in at the cell spyhole as he works his way up the long landings from cell to cell. From the inside of the cell one hears nothing of him except a click of the spyhole shutter and the dry dragging sound of the slippers."[23] In this way the caged man is never certain of privacy; and he is always liable to be threatened by a harsh voice with punishment next day if, for instance, he is not working (even though his task be completed) during the prescribed hours, or if he has taken down his bed before the final bell rings, or is suspected of communicating with his neighbour by standing on his stool at the window [24] or rapping on the wall.

At nine o'clock the bell rings for "Lights out"; the gas is soon extinguished by the patrol warder, and the prisoner is left for nine and a half hours to sleep or dream or fret away the night on his narrow bed-board, until once again he starts on his dreary round of morning tasks.

The preceding paragraphs give a pretty exact description of the routine which repeats itself day after day, with the sole exception of Sundays,[25] in the experience of every "offender of the third division" (whether a "first offender" or not), unless he be fortunate enough to have one of the very limited forms of labour, such as gardening, or "cleaning," which gives him a variety of tasks in different parts of the buildings and grounds.

The "Hard Labour" Regime.

The differences between the sentence "with hard labour" and that without it are concentrated in the first month. The hard labour sentence carries with it the additional penalties of (1) a plank bed, that is to say, deprivation of the mattress for the initial fourteen days,[26] (2) "strict separation" in the cell, and no work in "association" for the first four weeks, and (3) during the same period a slightly longer day's work—ten hours instead of 8½ hours. These

[23] Our quotation is from an ex-prisoner; E. W. Mason: "Made Free in Prison" (1918) p. 158.

[24] In at least one instance we know of prisoners being punished for this offence, when listening eagerly for the distant sounds of Carol singers at Christmas time. See p. 232.

[25] On Saturday afternoons the prisoner has to work alone in his cell, instead of in the shop. Since March, 1921, we understand, as some compensation for this, an additional period of exercise has been introduced on Saturdays in some prisons, for certain classes of prisoners, particularly the young prisoners.

[26] The effect of the plank bed on prisoners varies, of course, greatly. We quote, without comment, the view of a Prison Governor on this matter:—"In my opinion, reports (i.e. for punishment) would further diminish, if all male prisoners were supplied with a mattress; illness during the first week or two of a man's sentence is the principal offence, and I believe it arises largely from want of rest at night, when on a plank bed." (P.C. Report, 1902-3, p. 460.)

differences do not apply to women, who have their mattress and their association from the first, whether sentenced to "hard labour" or not. Nor do women now pick oakum. After the first month there is no practical difference between the "hard labour" prisoner and the other third division offenders—a fact, as has been pointed out, that is often unknown or forgotten by the magistrates and judges who award sentences.

"Strict separation," as applied during the first month of "hard labour," means, in practice, that a man is locked up alone in his cell on each week-day for nearly twenty-three hours out of the twenty-four; the cell door being opened during that period only nine times at most, viz., once for an hour's exercise, once for twenty minutes' chapel, three times for the admission of meals, once (or twice) for emptying "slops," once for the governor's formal inspection, and once, when the instructor comes to take away the work done, and to bring fresh materials. When it is realised that none of these breaks afford any opportunity for conversation, the demoralising monotony of such an existence should not need emphasising. On the other hand, the advantages of "associated" over solitary labour are not as great as might be supposed, at any rate under a warder who secures observance of the enforced silence. It may indeed be a relief to see one's fellows and to move about from one's cell to the workshop and back again; but some persons, notwithstanding, prefer the privacy of their cell to being always under the eye of an officer, among men with whom every form of intercourse is rigidly forbidden.

Some Breaks in the Monotony.

The rigid daily routine, which has been described, is modified slightly, but only slightly, in two different ways; first, by certain periodic incidents which are liable to occur during every week of the sentence; and secondly, by what is known as the "System of Progressive Stages."

In default of other exciting events, the weekly bath and the weekly change of "washing" often loom largely above the horizon of a prisoner's life. To men who are not afraid of warm water the excursion to the prison bath is a comforting and enjoyable incident, though enjoyment is in many cases a good deal spoilt by the shortness of the time allowed. And once a week a change of shirt, handkerchief, socks, and towel is thrust into each man's cell; the vest and pants being changed every fortnight. The third division prisoner has no private "kit"; but all these articles circulate indiscriminately throughout the prison. This unhygienic practice (for the washing of underclothing is often quite inadequate) has some compensations, in that it affords an element of exciting speculation as to the possible size and good condition of the garments which chance allots to each individual prisoner. A more unpleasant break in the usual monotony (occurring sometimes once a fortnight,

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sometimes rather less often) is the "surprise" search by two officers of the prisoner's cell and person for the detection of "prohibited articles," i.e., anything whatever which is not included in the official dress and equipment. The clothing of prisoners is similarly searched when they return from labour in the prison grounds. Contraband articles are often found, but experienced prisoners can generally evade discovery.

The periodic visit of the chaplain ought to be a much more important event than those which we have just mentioned, and it is doubtless welcomed by almost every prisoner as an opportunity for a little general conversation with a fellow-man, if for nothing more. Unfortunately, however, owing to want of time and the large number of men under his charge, the chaplain's visits to the ordinary prisoner[27] are usually short and infrequent. A man would be exceptionally lucky if he had a ten minutes' visit every two or three weeks; and what is such a short period to one who is otherwise officially condemned to perpetual silence? There are, it is true, the surreptitious whisperings to fellow prisoners. And there may occasionally be an opportunity for a few friendly words with a warder; but, if so, this is in spite of the regulations, which provide that "an officer shall not speak to a prisoner unnecessarily" and "shall not allow any familiarity on the part of a prisoner towards himself or any other officer."[28]

Were they more frequent, addresses given by well-equipped lecturers would be to many perhaps the greatest relaxation of prison life. Until recently, however, there were practically no prisons where the adult male prisoner could attend a lecture more often than once in three months. Now, however, we believe that it has been found possible in a few prisons to arrange for an hour's lecture for most prisoners once a month, or even once a fortnight.

The Prison Sunday.

We have so far omitted to deal with the Prison Sunday; but unfortunately that day usually affords no compensation at all for the monotony of the rest of the week. Saturday night lasts for ten hours—for the Sunday bell rings later, about 7 o'clock. There is no Sunday "workshop," nothing but meals, chapel, and exercise—the dreary exercise on the circular track.

All prisoners, except the few employed on such a task as cooking, spend the whole of the week-end from noon on Saturday until exercise on Monday in the solitude of their cells, with the exception of two Church of England services lasting about an hour each, and a bare thirty minutes' "exercise" allowed on Sunday morning.[29]

[27] I.e., apart from those who are sick, or under punishment, or being, e.g., prepared for confirmation.

[28] Regulation 114.

[29] Since March, 1921, an additional period of exercise has been introduced on Sundays in some prisons, for certain classes of prisoners, particularly the younger prisoners.

They are allowed, if they wish, to work in their cells at their weekly task, and this option, owing to the excessive monotony of the day, is welcomed by many prisoners. Attendance at chapel services is optional (that is to say, a man must either go to all chapels or none at all); here again it is probably the fact that Sunday would otherwise be a day of unbroken solitary confinement that causes the great majority of men to attend the church services. Prisoners have no Sunday exercise during the first month of their sentence, unless they have elected to be absent from all chapels. Men who are content to laze, or who can take sufficient interest in the few books which have been allotted to them, doubtless look forward to their weekly "day of rest"; but to others Sunday is, as we have had it described by many prisoners, as well as by warders and chaplains, the "worst day in the week."

The System of Progressive Stages.

The remaining variations of the routine, which characterises the first month of every sentence in the third division, arise from the "System of Progressive Stages." The object of this device is best described in the words of Sir Edmund Du Cane, the Commissioner under whose régime it was introduced[30]:—

> The principle on which this system is founded is that of setting before prisoners the advantages of good conduct and industry, by enabling them to gain certain privileges or modifications of the penal character of the sentence by the exertion of these qualities. Commencing with severe penal labour—hard fare and a hard bed—the prisoner can gradually advance to more interesting employment, somewhat more material comfort, full use of library books, the privilege of communication by letter and word with his friends; finally the advantage of a moderate sum of money to start again on his discharge[31] . . . . His daily progress towards these objects is recorded by the award of marks, and any failure in industry or conduct is in the same way visited on him by forfeiture of marks, and consequent postponement or diminution of the prescribed privileges.[32]

Reserving punishments for later treatment, we will assume that the prisoner consistently succeeds in gaining the full number of 56 marks obtainable for his task of labour and for good conduct under the stage system; the amount of the task appears to vary in an inequitable way, but the majority of prisoners get full marks without

[30] The Stage and Mark system was adopted by the Convict Prison Directors under the Penal Servitude Act of 1857, having been first introduced in Australasia by Governor Maconochie, of Norfolk Island. The privileges that could be gained in Sir E. Du Cane's day were somewhat less extensive than those of to-day, but the system with its four stages has remained substantially the same since its introduction in 1878. (See the Report of the P.C., 1878, Appendix 12.)

[31] The right of a well-conducted prisoner to his gratuity has now been abolished, but on the other hand, since 1907, if his sentence is over one month, he has been able to earn a remission of one-sixth of its duration.

[32] Sir E. Du Cane: "Punishment and Prevention of Crime" (1885), p. 77. It may be observed that the present progressive variations of the treatment are based partly on the principle that a sharp lesson or shock must be administered to all offenders at the beginning of their sentence, and in the case of the very numerous prisoners, who have very short sentences (i.e., of a month or less), throughout their sentence. (See pp. 503-7.)

much difficulty. With this assumption each of the first three stages will last four weeks successively. The routine of the first stage has been already described. When the prisoner receives the stripe on his arm, which marks his entrance into the second stage, he will, if he has a "hard labour" sentence, start on associated labour in the workshop or elsewhere; if he is illiterate, or almost so (but not otherwise), he will be eligible for short periods of school instruction; he will secure half-an-hour's exercise on Sunday; he may keep in his cell if he makes special application, four photographs of relatives or friends; and he will have issued to him, with a limited opportunity for choice, one work of fiction, which may be changed weekly, together with a fresh "educational book," of which a fortnightly change at most is allowed him. Entrance into the third stage (after eight weeks from conviction) is marked by the addition of a second library book to the weekly allowance, as well as by the first opportunity for communicating with family or friends. A visit of twenty minutes' duration is allowed, and the prisoner may write a letter and receive a reply to it. A second letter and reply may be obtained in lieu of the visit.

The fourth stage is reached by the well-conducted prisoner at the end of twelve weeks, and with it he obtains all the privileges that can be gained as a matter of right in a Local prison, even for a man with a two years' sentence.[33] The only thing (apart from the additional stripe) that distinguishes this stage from the previous one is that six weeks subsequently to the first letter and first visit, a second letter and second visit are allowed. Thereafter these letters and visits become obtainable at the end of each succeeding four weeks. In this final stage the visits may last for half-an-hour. All letters and replies are subject to censorship. Visits take place in the presence or neighbourhood of a warder, and all contact between the visitor and the prisoner is prevented by a wire netting or by two rows of bars with a space between. (We understand that arrangements are now being made to enable prisoners to see visitors without these barriers).

We have now, we believe, described with fair completeness all the outstanding features in the life of the well-conducted "local" prisoner, whether he remains in the prison for three or for twenty months. That it should be possible to describe the external features of his life so completely in a few pages is evidence of the extent to which imprisonment has been reduced to a regulated and uniform standard.

"The paralysing immobility of a life, every circumstance of which is regulated after an unchangeable pattern, so that we eat and drink and lie down and pray, or kneel at least for prayer, according to the

[33] A prisoner who remains after six months may now possibly be allowed a note book and pencil "for purposes of special study," and he may get one of the coveted "red band" occupations, e.g., in the library or the garden.

inflexible laws of an iron formula: this immobile quality that makes each dreadful day in the very minutest detail like its brother . . ."[34] —this feature at any rate of Oscar Wilde's powerful indictment of the prison régime remains, in spite of recent improvements, almost as true to-day as when "De Profundis" was written a quarter of a century ago.

Discharge.

Every prisoner, whose sentence exceeds a calendar month, is released when five-sixths of his sentence has expired, unless he has, by idleness or bad conduct, forfeited the whole or a part of his remission.[35] And even the most idle or rebellious prisoner reaches at length the day of his discharge, which cannot, except in cases of insanity or dangerous illness, be postponed beyond the date fixed by the law. On the day before the discharge he is examined by the doctor, and admonished by the chaplain and possibly by the governor. By means of a card that has been hanging in his cell he has already been made aware that he is entitled to apply to the Discharged Prisoners' Aid Society; and he has probably been interviewed by the representative of the Society, in case he wishes for assistance in securing employment, lodging, or temporary maintenance.

On the eventful morning of his discharge the prisoner does not emerge with the rest for exercise or chapel, but is brought down to the "Reception" cells, and there once more puts on his own clothing and receives back any money or personal property which he had with him on admission. Then he is ushered forth again into the world outside the prison gates alone, or to be met, it may be by his own relations or friends, or possibly by the Agent of the Aid Society. Where he is unable to reach his destination on foot by midday, he may be given a railway warrant to his home or to the place of his conviction, "whichever is nearest."[36]

[34] Wilde: "De Profundis," p. 22.

[35] This is the actual practice, under Rule 37 (A), which runs as follows:—A convicted prisoner sentenced to imprisonment, whether by one sentence or cumulative sentences for a period exceeding one calendar month, shall be eligible, by special industry and good conduct, to earn a remission of a portion of the imprisonment not exceeding one-sixth of the whole sentence.

This Rule, in its present form, was introduced in 1907. Up to 1899, prisoners in Local prisons always had to serve their *full sentence*. The introduction and extension of the conditional remission of sentence were welcomed by Prison Governors, who frequently asserted in their Reports that it was a powerful incentive to industry and good conduct. It should be observed that in Local prisons the discharge before the expiration of the actual sentence is not accompanied, as is the case with convicts, by any restrictions (as regards reporting to the police, etc.) after release.

[36] S.O. 117 (1911), which adds, however, "In the case of prisoners of the vagrant class, whose object may be to continue their journey at the public expense, the Governor may withhold the fare altogether, or, if he thinks fit, give a warrant to the place of conviction."

Where a prisoner's fare is paid, it is usual for a warder in plain clothes to accompany him to the railway station.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—The rigid and monotonous uniformity; the obtrusive and military discipline.

2.—The suppression of choice and personality, the treatment of men and women merely as bodies; the absence of individualisation.

3.—The atmosphere of distrust and deceit.

4.—The depressing "bareness" of the solitary cell.

5.—The 17 to 23 hours of daily solitude.

6.—The constant lack of privacy.

7.—The rule of perpetual silence.

8.—The neglect to inform a prisoner of his "privileges."

9.—The transformation, under the Stage system, of elementary rights into rewards.

Appendix to Chapter Six.

THE PRISONER'S IGNORANCE OF "PRIVILEGES."

One of the most frequent complaints made by ex-prisoners is the ignorance in which they are kept of the "privileges" to which they are entitled. Often they speak of this feature of their experiences with intense bitterness, due no doubt to the fact that the prison routine is so monotonous and prison existence so bare that any relief becomes a matter of great importance.

The cards which hang on the cell wall contain a long list of prohibitions, but, except for the minimum "rewards" connected with the Progressive Stage System, little information is given of the few obtainable variations of the rigid régime, and even when such information is given it is sometimes so worded that its significance is not clear.

The first rule on the cell card is the command: "Prisoners shall preserve silence." Many prisoners at first interpret this as meaning that they must never address, not merely their fellow-prisoners, but the officers, and consequently refrain from consulting them about matters of the routine which often cause them much anxiety during the early days of their sentence. "When I entered prison," says one ex-prisoner, "I endured much unnecessary misery because I thought I should be reprimanded if I asked the warder about things which I did not understand." One of the early anxieties of prisoners is their inability to complete the regulation "task" at their work. They are rarely told that the Standing Orders insist that the instructor shall give them a proper opportunity to become proficient before expecting the full "task."

One of the early "privileges" unrealised by most prisoners, owing to the obscure wording of the Library Books Card, is the possibility of obtaining books of moral or religious instruction and "schoolbooks," in addition to the "education book," allowed during the first month. Nor do many prisoners know that they may change their "education book" after a fortnight, whilst almost all are ignorant of the fact that they can have it changed by application to the chaplain if it is unsuitable or if they specially desire some other educational work. Another little known "privilege" in connection with books is the possibility of obtaining books from outside the prison if friends are ready to give them to the prison library.

Turning to matters of cleanliness and sanitation, prisoners have often been left ignorant of the possibility of obtaining a toothbrush, whilst the fact that they can borrow a pair of nail scissors from the landing officer is scarcely ever known. Many prisoners at first are also unaware that by ringing the cell bell they can obtain permission to go to the w.c.

One of the cruellest features of imprisonment is the isolation from home and relatives, yet prisoners are often not informed even of little relaxations which ease this hardship. There is a Standing Order, for instance, which permits prisoners to have four photographs of relatives in their cells when they have completed a month of their sentence; it is very rarely that they are informed of this officially. If they learn of the "privilege," it is generally through illicit conversation with other prisoners. More serious, sometimes, is the prisoners' ignorance of the fact that they can obtain permission to write special letters on urgent domestic or business matters, whilst the

printed instructions which hang on the wall do not even acquaint a prisoner that he is allowed to receive and write a letter in lieu of a visit.

Another "privilege" unknown to prisoners is their right to make any complaint or application to a Visiting Magistrate *privately*. Even the fact that they may see a minister of their own religious denomination *in private* is not known to many. Least known of all the "privileges," perhaps, is the power which the Standing Orders give to governors to permit prisoners who have served 12 months in prison to converse at exercise.

The failure to acquaint prisoners with their "privileges" is no doubt largely due to a reluctance on the part of the officials to make any modifications of the routine which demand extra thought and effort. They run in the groove so constantly that they can with difficulty get out of it. But the suppression of prisoners' "privileges" is also undoubtedly due to shortness of staff owing to motives of economy. Every little relaxation requires personal attention and supervision on the part of some officer (and generally more than one), with the result that such changes in the customary routine are restricted to the minimum. So long as the present system of discipline persists, this tendency would seem inevitable, but, even so, prisoners have just as much right to be informed of their "privileges" as of their punishments, and there seems to be no reason why a card of things permissible should not hang side by side with the card of things prohibited.

CHAPTER VII

PRISON LABOUR

Prison industries are unsatisfactory from almost every point of view. They are of the most elementary character and are performed in a crude, amateurish way. Only in a very few instances are they of any educational value to the prisoner, whilst they are a serious economic loss to the nation. The "instructors" are rarely trained men, and efficient machinery and equipment are almost entirely lacking. The workshops are frequently poor, and the prisoners work under conditions which give them little interest in their labour and no incentive to do well.

The Three Categories of Labour.

The official statistics divide the employment in Local prisons into three main categories: Manufactures, building, and domestic service.

Those engaged in domestic service comprise cooks,[1] gardeners, stokers, laundry workers (women when available), hospital orderlies, and "cleaners," as the prisoners are called who are engaged in cleaning the halls, distributing the food, and otherwise assisting the officers. The "cleaners," despite the disagreeable nature of some of their duties, are considered among the most favoured of prisoners, since they have a greater sense of liberty than those who are confined to the workshop, they are frequently able to secure for themselves any surplus food, and, by their constant contact with the landing officer, they often succeed in breaking through his official reserve and in gaining a more or less favoured position. The work of "cleaner" in the Reception Hall is particularly prized, since, despite every precaution that may be taken, it provides obvious opportunities for securing tobacco, newspapers, and other forbidden articles from the outside world.

Officers generally select their "cleaners" from among the "habituals" on account of the fact that they "know the ropes." "The man who adopts crime as his vocation is by no means a useless person in prison," remarks Dr. R. F. Quinton. "It is to him chiefly that prisons are indebted for that shining cleanliness which characterises them. He scrubs the floors, polishes the iron work,

[1] Some ex-prisoner witnesses complain that although the prisoners who are employed in the kitchen work all Saturday afternoon and on Sundays, they have the same cell "tasks" as other prisoners, and consequently are compelled to work seven days a week.

and is ready and expert at all the hundred and one jobs which ordinarily devolve on the housemaid. . . . All these duties he performs with readiness and alacrity under the supervision of his officers, who, for the most part, prefer an old hand for these purposes."[2] One of our ex-prisoner witnesses gives particulars of a case where a landing officer keeps the position of "cleaner" open for a certain habitual prisoner whenever he is discharged, knowing that he is certain to return within a short time.[3]

The category of Building has reference only to the premises themselves, and ordinarily accounts for few men, but during 1920-21 a large number of prisoners were employed on a housing scheme for officers' quarters, the daily average of such workers being 324. Practically all prison alterations and repairs are done by prison labour, and sometimes quite ambitious schemes, such as the erection of the fine chapel at Wormwood Scrubbs, are carried out.

Under the remaining heading of Manufactures we find the following trades represented in the 1920-21 returns:—

Bakers	62	Nose bag makers	135
Basketmakers	51	Oakum pickers	156
Bedmakers	201	Pickers and sorters	228
Bookbinders	59	Sackmakers	50
Brush and mopmakers	42	Sailmakers	5
Carpenters	41	Ship fender makers	157
Dressmakers	3	Shoemakers	148
Glovemakers	15	Smiths and fitters	82
Knitters and repairs	235	Stonebreakers	4
Labourers	17	Tailors	214
Mailbag makers	2736	Twine and ropemakers	36
Matmakers	92	Washers	51
Moulders	331	Weavers	170
Needleworkers and repairs	409	Woodchoppers	118

Except for a little pea sorting, etc., done under contract locally, all this work is done for Government Departments.

The Absence of Industrial Training.

The Comptroller of Industries, who is charged with the superintendence of all prison industries, claimed in his report for 1909 that "it may be truly said that many (prisoners) carry away with them on release a cognizance of some trade or craft likely to prove invaluable to such as seek an honest livelihood . . . . we are doing our utmost to carry out the wishes of the legislature by using industrial training as a leading factor in the reclamation of the criminal class." The evidence we have received has entirely failed to justify this claim. Instead, the statements of our witnesses indicate the present

[2] "Crime and Criminals" (1910), p. 82.

[3] S.O. 257 reads: "The domestic service of the prison, cleaning, etc., should be performed by prisoners under short sentences, who have no knowledge of, or in whose case time will not permit of instruction in, industries requiring skill. When other classes of prisoners are available, those known to be old offenders should not be employed." Of all Standing Orders this is probably observed the least.

truth of the assertion of the Departmental Committee on Scottish Prisons (1900) which remarked, after investigating conditions in both English and Scottish prisons, that "no one ranks very high the educative or reformatory influence of prison labour."

In the case of Juvenile Adults (between 16 and 21), a definite, though inadequate, attempt is made to impart some industrial training, but no serious effort is made to train other prisoners in skilled industrial processes. It is true that a Regulation insists that "the trades and industries taught and carried on shall, if practicable, be such as shall fit the prisoner to earn his livelihood on his release." It is true that a Standing Order demands that "the longer sentences shall be concentrated exclusively on such industries as require training and technical skill," and that the governor shall have regard to "such benefit as a prisoner might derive on discharge from training and employment at any particular industry." It is true, also, that the claim is made that in recent years even the short sentence prisoners have been trained.[4]

But our evidence conclusively proves that neither the rules nor the claims of the Commissioners are of much value in actual experience.

To a number of witnesses we have put this definite question: "Have you known any cases of men who have learned a trade in prison sufficiently to earn their living at it outside?" Of forty-three warders, chaplains and agents of Discharged Prisoners' Aid Societies, only three are able to quote instances of prisoners who have learned a trade in a Local prison.[5]

"I have never heard of a prisoner learning a trade in a Local prison so as to get a living at it," says the agent of a Discharged Prisoners' Aid Society, "and what is more I have never heard of anyone else who has heard of such a person either." "There's nothing to learn here that a man can use after he goes out," says a warder at a large prison, "except sometimes he will pick up enough matmaking to allow him to go round putting new edges to mats." "I haven't heard of anyone getting his living by a trade learned in a Local prison," says another warder, "with the exception of one or two who were taught basket making and repairing."

The last remarks will enable the reader to understand, perhaps, what the Prison Commissioners mean when they say prisoners are taught trades. They mean that they are employed on comparatively simple processes like mat-making, or basket-making, or mailbag

[4] "Since the war started," wrote the Commissioners in their Report for 1917-18, "it has been the practice to teach trades to habitual offenders undergoing short sentences. Progress was slow at first, but each time these prisoners returned to prison they became more efficient, with the gratifying result that since 1913-14 the number of inmates on low grade industries has fallen from 19 to 2 per cent." The Comptroller of Industries stated that this was being done as long ago as 1899, but the practice does not seem to have been maintained. The low grade industries are picking oakum, unstranding cotton, unravelling wool, breaking stones, etc.

[5] The greater facilities for learning trades provided in Convict prisons are described on pp. 322 and 328.

sewing or laundry work. No trades demanding any degree of skill are taught in Local prisons[6] and such trades as are taught are only half-taught. "The quality of work," says another warder, "is not such as would fit anyone for work outside."[7]

There is a special class of prison officers described as "instructors" whose duty it is to teach and supervise prison industries. It is clear from our evidence that many, if not most, of these officers have themselves received no training in the industries in which they give instruction, but have "picked it up" in the course of their duties in prison. None of the "instructors" who have given evidence had had any training. We give some typical instances.—

A. Assistant instructor in tailoring. Had never learned the trade. Only picked it up in prison.

B. Instructor in brush making—scrubbing brushes, broom-heads, grate brushes, hair brushes,—but when he left the prison service he found that he had not the qualifications to obtain work as a brush maker.

C. Instructor in mat making, brush making, sack making, tailoring, knitting, and the making of mail bags, hammocks, gloves, and seamen's bags. Had never learned any of these trades, and admitted that he would not be able to earn his living at them outside prison.

D. Instructor in mail bag and hammock making for eight years, but admitted that skilled prisoners had often instructed him.

E. Trade instructor for ten years, but had had no training.

"It is seldom that an experienced and highly trained instructor is found in a prison," says one warder. "Indeed, it frequently happens that men who have had no experience except service in the regular forces are instructors and men with knowledge of a trade are employed in disciplinary work." Another warder complains that appointment as an instructor depends upon favouritism.

We recognise that the prison authorities are faced by serious difficulties in approaching this question of industrial training and in the organisation of the prison industries generally. The prison population is below the normal scale, physically and mentally, and is largely unskilled industrially, and prisoners rarely serve sentences sufficiently long to enable them to learn a trade requiring much practice or skill. No one will blame the authorities for failing to transform all prisoners into skilled workmen. The solid ground for criticism of prison labour, as revealed in our evidence, is to be found in the fact, not that it fails to train prisoners sufficiently to earn a livelihood as skilled artisans, but that it hopelessly fails to train them in any effective degree whatsoever, or even to encourage

[6] Very occasionally prisoners skilled in some craft are able to work at their craft. "A prisoner skilled in woodcarving," says the Governor of Preston Prison (Annual Report, 1904) "has carved a magnificent oak eagle lectern and several other things for the chapel."

[7] More than one ex-prisoner states that he learned more from skilled fellow prisoners than from the instructors. "I got to know quite a lot about carpentry," says one, "because I worked with a prisoner who was a skilled carpenter. If I had only received the instructions given me by the officer, I shouldn't have progressed much."

in them any aptitude for work. This failure is due to the character of the work and the conditions under which it is done. These we will proceed to describe.

The Penal View of Labour.

The Commissioners are supposed to have thrown over the penal view of labour (except during the early stages of imprisonment) as long ago as 1896, but the punitive element still characterises practically all prison work. There are many monotonous processes performed by hand which would be performed by machinery in any up-to-date factory. This is partly due, no doubt, to the difficulty of providing sufficient work for rapid manufacture, and of running well-equipped workshops by the low-conditioned and constantly changing prison population; but it is certainly due also (despite all theoretical repudiations) to the punitive conception of the work, and to the system of silence and separation which could not possibly be fitted in with any remunerative form of co-operative production.

Work is regarded not as a means to an end, emphatically not as a craft, but as a prescribed task to be fulfilled as part of the punishment of imprisonment. More than one prisoner describes how, when the supply of canvas had given out, completed mail bags were deliberately taken to pieces so that the tasks might be forthcoming. "There is little wonder," remarks one ex-prisoner, "that the man who makes, unmakes and remakes the eternal mail bags should decide that what is known as 'honest work' is an abominable fraud."

This same attitude towards work on the part of the authorities is revealed in other quotations from the evidence of ex-prisoners. "Coal," says one, "is deposited on one side of the prison for no other reason than to provide fetching and carrying for some of the prisoners." "In my experience," says a second witness, "the coal and coke had to be carried a considerable distance in buckets, whilst wheelbarrows capable of holding three times the quantity were locked up in the adjoining building." "The work in the wood-yard," says another ex-prisoner, "was a ridiculous waste of energy. How quickly it could have been done in a saw mill!" "The prisoners supplied the driving power to all the machinery in the weaving shed," says a third. "I am a cotton weaver, and assert confidently that it would be impossible to learn to weave on such machines." Writing of the same machines another ex-prisoner says: "One man by means of a power loom could weave as much in one day as the whole shed, comprising 29 looms, could do in a full week." "All processes of mail bag work could be done better and more cheaply by machinery," says another witness. Similar statements have been made to us again and again.

So far as the work given to Hard Labour prisoners during the early stages of their imprisonment is concerned, it was stated by the Prison Commissioners in 1896 to be deliberately penal. They

remarked that in their opinion it was "of the highest importance that penal labour of a deterrent nature should accompany the early stages of imprisonment." The Departmental Committee of 1895 quoted a statement by Sir E. Du Cane, then Chairman of the Commissioners, to the effect that the punishment of "hard, dull, useless, uninteresting, monotonous labour" is necessary, although he added that "there is a limit to the time during which a prisoner can be advantageously subjected to it, for it is decidedly brutalising in its effect."

The fact is that though the treadwheel and crank have gone—often they were purely penal contrivances without productive capacity—many of the tasks at present imposed during the first month retain their vices. Oakum picking is still sometimes enforced;* and little more can be said in defence of oakum picking than of the treadwheel. "Beyond keeping unskilled labourers from idleness," remarked the Comptroller of Industries in his report for 1904, "there is no redeeming feature about oakum-picking. On the contrary, the work is of a low grade, second only to the obsolete treadwheel; the task is at all times difficult to enforce; and the oakum, even when well picked, seldom commands a ready sale."†

The picking of horsehair, the sorting of cotton, the teasing of cocoanut fibre, and similar processes upon which prisoners are commonly employed at first are not so hard and painful as oakum picking, but they are almost as wasteful. They are done laboriously by hand because they are considered suitable for cellular labour, because they can be learned easily by short sentence prisoners, and, presumably, because their monotony gives them the desired penal quality. No prisoner doing this work would be encouraged in habits of industry. Instead, he would be encouraged in habits of shirking. The effect of attempting to make prison labour "deterrent" with a view to inculcating a distaste for prison is to make labour itself distasteful.

In criticising the character of the manual labour enforced in prison, we do not forget that much modern factory work is both monotonous and degrading too, and that from an educative point of view hand work which allows some initiative and expression is far more valuable than tending to machines. Our criticism is that prison hard-work permits neither of these things. It merely compels prisoners to do mechanical work by hand, in a word, *to become inefficient machines.*[10]

* S.O. 250 limits oakum-picking, "unless otherwise ordered," to the first 14 days of a sentence of hard labour and states that "it is not desirable when more suitable forms of labour are available." Oakum-picking is recommended, however, for prisoners who cannot be trusted with tools. The number of pickers in 1920-1 was 156.

† "The work is monotonous and often painful to those unaccustomed to it, making the fingers cracked and raw."—Governor Pentonville Prison, Annual Report, 1904.

[10] Even in hand-weaving the slightest variation from the prescribed pattern or stripes is prohibited; yet, despite this, an officer says that men employed in this rather more interesting work are much more manageable than those employed on mail bags. See Note at the end of this chapter, "Unauthorised Crafts in the Cell."

The penal character of prison labour is emphasised by the imposition of a "task" which has to be performed every day by all prisoners certified as fit to do it by the medical officer. The "task" works out very unevenly for different prisoners and for different forms of labour, and is the cause of much anxiety to some prisoners, although others, after a little experience, perform it easily. Marks are awarded by the instructor according to the degree of industry shown by the prisoner. *Eight, seven, or six marks may be earned* daily, but in practice, so long as the prisoner works to the satisfaction of the instructor, eight marks are given.[11]

The Workshops.

The prison workshops can rarely be described as model establishments. In many cases the old treadwheel buildings were converted into workshops, with not very satisfactory results. Generally they are dull, ill-lit, uninviting places, such as only third rate industrial firms would be satisfied with. In a few prisons more modern workshops have been erected, but neglect is common. One witness describes how the roof of a twine-shed at a certain prison was so badly in need of repair that water flowed in whenever there was rain. In other prisons the workshops are described as "cheap," "cramped," and "poor." The women's sewing room of one prison is stated to be "very low." In many prisons there are either no workshops or only one or two, so that the prisoners have to work in association on the basement landings. Often these landings are quite inadequately lit for such work as sewing, and in winter they are draughty and cold.

The Absence of Open-air Work.

The best form of work for prisoners is undoubtedly not manual or mechanical labour done in cell or workshop, but open air employment on the land; yet of the daily average of "effective" workers in prison during 1920-21, only 118 (or 1.68 per cent.) were employed in gardens or on the land. The Departmental Committee of 1895 stated that "it is agreed by all medical experts and prison officials that no kind of employment is more useful,"[12] but pointed out that "most prisons are, unfortunately situated in large towns and populous places" and therefore provide little opportunity for open-air work. The committee recommended that "the 160 acres within

[11] Prisoners who are sick in hospital are only credited with six marks a day in the *first instance*, but the governor has power, on the recommendation of the medical officer, to allot additional marks, and the full eight are almost invariably given. No marks are given for conduct, but they can be forfeited by misconduct. A prisoner must earn 224 marks in each stage, until he reach the fourth stage, in which he completes his sentence. A prisoner who earns full marks has one-sixth of his sentence remitted. (See p. 109). Previous to March, 1917, prisoners were given a little extra diet—in one prison a pint of cocoa, in another a piece of bread and a pint of cocoa, in another a piece of bread and cheese, in another a pint of tea—*for doing 33 per cent. above the "task."* For 24 feet of canvas sewing, for instance, such rewards would be given. Was there ever such sweating?

[12] *Our evidence entirely corroborates this statement.* Some of our warder witnesses state that prisoners, particularly agricultural workers, ask for land work, on the ground that (we quote from an officer) "sewing softens them so much that afterwards they are incapable of doing a day's work and can't keep a job."

prison walls" should be used as far as possible for gardening purposes, and they stated that they saw "no reason why prison yards, especially the portion set aside for women, should not be made less ugly by the cultivation of flowers and shrubs." In the case of prisons in agricultural districts, they recommended that "it would be desirable whenever possible to acquire land adjoining such prisons for the purpose of labour."

The Prison Commissioners in commenting upon these recommendations pointed out in their report for 1905-06 that only 70 acres could possibly be used for cultivation by prisoners and that 59 acres of these were actually so used. The governors of prisons, they said, had been instructed to bring the remainder into cultivation "wherever possible." Our evidence makes it clear that the area of land available for the employment of prisoners remains comparatively small. In some of the prisons there are still no vegetable gardens, even in country districts. This is deplorable, for such work is both healthy, reformative, and easily learned. The experience of the allotments adopted so extensively during the war showed the possibility of acquiring skill in gardening work in a comparatively short time, and that a remarkable liking for it can be developed in most people.

Moreover, open-air work, as American experience has proved, possesses greater possibilities of efficiency than other forms of prison labour. In 1905 the Commissioner of Labour (U.S.A.) published a report comparing the value of prison and free labour. It proved that in farming, prison labour had 75 per cent. of the efficiency of free labour, 99 per cent. in road work, and 107 per cent. in lumbering, remarkable results in view of the character of the prison population. In indoor occupations the efficiency standard was much lower—ranging from 60 per cent. in boot and shoe manufacturing to 45 per cent. in the manufacture of chairs, tables, etc. These returns re-enforce from the point of view of economy the acknowledged advantages of outdoor work from the point of view of health. Lumbering is not an extensive English industry, road work may be thought undesirable; but there is no reason why the employment of prisoners on farming should not be extended widely.[14]

The Supervision of Prison Labour.

It is the general rule in the case of all labour performed outside the cell that an officer should be on the spot to keep a vigilant watch

[14] An interesting statement on the outdoor work done by prisoners in New Zealand was made by Sir Robert Stout, the Chief Justice of New Zealand, in an interview with a representative of the "Manchester Guardian," on January 6, 1921. "As far as possible," he said, "prisoners are set to outdoor work, farming, tree planting, and so on. They have farms in several districts, one of 2,000 acres. About fifty-seven million trees have been planted by prisoners. The outside work is of enormous benefit to the men. Their appetites and their weight increase. They work well, harder than ordinary men. Very few have to be punished for slacking. They know that their conduct is watched, and that if the Prison Board sees fit they will be released and work found for them. Their prison life trains them to work well, and people are always willing to employ them."

over every movement of the prisoner. Thus the work is done in a atmosphere of restriction and suspicion fatal to the creation of any high view of the dignity or social worth of labour, and a serious waste of time and energy occurs. The gardening gang, for instance, has to move as if they were roped together. Whenever one man has the smallest job in another part of the garden, e.g. emptying out some weeds or fetching some vegetables for replanting, the whole party has to down tools and accompany him; otherwise, the warder in charge would be temporarily out of sight or hearing of one portion or other of his gang. The whole effect is ridiculous in the extreme.

There is one exception to this rule of close supervision. For many years it has been the practice in Convict prisons to permit a few "trustworthy" prisoners, denoted by red collars, to be employed away from immediate supervision. In 1910 this system was introduced into Local prisons, the prisoners concerned being denoted by red bands on the sleeves of their jackets. The governors of prisons and the Prison Commissioners have been unanimous in their praise of the red band system, not merely on the practical grounds of economising the employment of warders and enabling odd jobs to be executed promptly, but "for its moral effect in showing prisoners that if they behave well they will be trusted."[15]

It ought to be pointed out, however, that a mere handful of prisoners enjoy this privilege—not more than two in small prisons and six in large prisons. The red band prisoners are most frequently employed in the library, in the garden, or as carpenters and fitters.

The Problem of Payment.

Before 1877, in certain English prisons, when under the control of the local justices, prisoners were paid regular wages for their work; amounting, e.g., at Preston and Southwell prisons, to 50 per cent. of the profits accruing to the prison by their labour.[16] Since prisons have been under the Home Office, wages have not been paid to prisoners, but until 1913 it was the custom to pay them a small gratuity. The gratuity was never regarded as a payment for work done, however, and was abolished in that year as ineffective both as "a means of charity" and "as a means of securing the good conduct of the prisoners."[17] We find a large body of opinion among our witnesses in favour of the payment of wages.[17] The superior prison officials are not, on the whole, favourable, but one governor at least would welcome a wage system. "At present," he says, "it is the wives and children

[15] P.C. Report, 1910-11, p. 24.

[16] See "English Prisons Under Local Government," by Sidney and Beatrice Webb, Chapter VIII. (b), and "The English Prison System," by Sir E. Ruggles-Brise, p. 156.

[16] Nothing was paid to a prisoner in the first stage; 1s. for 28 days in the second stage; 1s. 6d. in the third stage; and 2s. for each 28 days in the fourth stage.

[17] See the Appendix to this Chapter for instances of the payment of wages to prisoners in other countries.

left outside prison who are punished most." An ex-prisoner who has for many years been prominently active in the Labour movement says:—

> The payment of wages would entirely change the industrial problem in prison. Its first result would be to give dignity and value to the work in the minds of the prisoners; their daily labour would no longer be merely a "task." Secondly, it would enable the prisoners to contribute towards the maintenance of their wives and families whilst they were in prison. This would not merely relieve the terrible anxiety from which many prisoners suffer; it would save the breaking up of homes and prevent many domestic estrangements and tragedies.
>
> But beyond this, if prisoners were paid the standard rate of wages, a reasonable sum having been deducted for the cost of maintenance, the necessity for restricting prison industries to such as do not involve "competition with any particular trade or industry" (Prison Act, 1877) would disappear, at any rate from the Trade Unionists' point of view. Under such circumstances I see no reason why Trade Union officials should not be permitted to enter prisons to make sure that no undercutting of wages occurred.

This last point is of great importance. The restriction upon industries quoted by this witness is a main factor in preventing the efficient organisation of work in prison. The Departmental Committee of 1895 instanced the case of mat making which had "to a large extent been given up owing to outside agitation against competition of prisoners with free labour." The Committee examined two representatives of the Parliamentary Committee of the Trades Union Congress and the following paragraph in the report is devoted to their evidence:—

> These gentlemen gave very fair and impartial evidence. They admitted that industrial labour was morally and physically beneficial to the prisoners, and agreed that it ought to be found. They urged that direct competition with outside labour should not be allowed at "cutting prices." Taking their evidence as a whole, we gather that they approve of industrial training of prisoners; and bearing in mind that the products of prison labour go to reduce the costs of prisons, they have no objection to the sale of prison goods provided that (a) they are not sold below the market price for the district or standard price elsewhere; (b) every consideration is shown to the special circumstances of the particular industries to avoid all undue interference with the wages and employment of free labour.

For our part we are unable to understand how the restriction of prison industries to work for Government departments surmounts the objection to "competition with free labour." If the Home Office publications were not printed at Maidstone Convict prison, they would be printed at the standard rates by free labour. Similarly with the mail bags for the Post Office and the ships' fenders for the Admiralty which are made in prisons throughout the country. "The fact Trade Unionists must bear in mind," remarks the witness from whom we have quoted above, "is that all useful work done in prison is necessarily competitive with free labour. It is no use

restricting prison labour. The right course is to demand that it should be done under Trade Union conditions."[18]

"Prison labour is slave labour, which is notoriously inefficient and always will be so," remarks Mr. T. M. Osborne, the American prison reformer. Slavery is the right description. The work is compulsory, the worker has no choice of trade, he has no voice in the conditions of his labour, and he receives no wage. If it be said that freedom in these respects cannot be expected in prison, the reply must necessarily be: "Then you must not expect labour under the dishonourable conditions of prison to fit a man for honourable labour outside." Prison labour, at least under existing conditions, cannot possibly teach a man either the dignity of work, self-reliance, or responsibility to others.

[18] It is fairly clear that the outside agitation against prison competition has largely been inspired by those interested in the one exceptional industry of mat-making. When the agitation took place, mat-making was one of the smallest of British industries, more persons being employed at it inside prison than outside.

Note on Unauthorised Crafts in the Cell.

As a contrast to the lack of interest with which prison work is frequently regarded, we quote from the evidence of two witnesses who succeeded in secretly doing decorative needlework and weaving whilst confined to their cells (in the year 1918) for refusing to conform to prison rules.

The first says:—"My evenings, after the risk of being disturbed by the entry of warders had ceased, were occupied with my decorative needlework. I am a natural 'fidget,' yet I have been so engrossed in my work, either drawing the designs or carrying them out in needlework on canvas, that I have sat from five o'clock, immediately after supper, till the bedtime bell was rung at eight o'clock, without once moving from my stool. I am quite sure that these little pieces of work have been the means of preserving my reason. My materials were all obtained from what is supplied for making various kinds of Post Office bags. I had the ordinary stout machine thread in black, white, brown, and red, and for yellow I used the flax that is used for sewing buckles and straps on satchels. Small pieces of canvas of various kinds were also quite easy to obtain, and these I used as a base for my work."

The other ex-prisoner says:—"So soon as I developed the possibilities of the situation so far as to obtain materials for weaving, I began to experience days of such complete absorption that time was no weariness whatever, and I lost all sense of confinement completely. I had lengths of different coloured threads passed under my door and placed in my potatoes, etc., by cleaners, and with an empty reel and some wooden bread skewers I invented a loom which embodied (though I say it) two or three really new principles. Having some weakness for design (I am a designer of fabrics by trade), I was able to proceed with the business apace. Weaving was new to me, and, like all that kind of work, fascinated me extremely."

If it be possible for prisoners to do such intricate work under such circumstances against the rules of the authorities, what might not be done if hobbies and crafts were encouraged? (See also pp. 162-65.)

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—The punitive conception degrades prison labour. The work is unnecessarily crude and monotonous and does not inculcate habits of industry. There is practically no up-to-date machinery.

2.—There is scarcely any choice of labour.

3.—The daily "task" is not proportioned to the capacity of the individual.

4.—No wages are paid to prisoners.

5.—The minute disciplinary supervision of the working parties is degrading and wasteful.

6.—There is an absence of industrial training of prisoners sufficient to enable them to earn a living outside.

7.—The trade instructors are usually themselves untrained.

8.—The prison workshops are often ill-lit and unsuitable.

9.—The number of prisoners employed in agriculture or open-air work is very small.

Appendices to Chapter Seven.

I.—THE PAYMENT OF WAGES TO PRISONERS.

In many countries wages are now paid to prisoners. In New Zealand, for instance, a prisoner who has passed out of the probation grade and has served three months of his sentence is qualified to earn wages. The wages are divided into two parts—"payment to prisoners for industry combined with good conduct," and "payment of daily wages to prisoners for the support of dependents." Both payments are carefully graduated according to a system of marks, combined with an extra remuneration for skilled labour; but whilst it appears that all prisoners become in course of time able by good conduct to earn the former payment, the latter is only accorded to able-bodied male prisoners with proved dependents, and under certain conditions to female prisoners with dependents. The maximum credited, except in the case of overtime, under the first head is 9d. a day to unskilled and 11½d. to skilled workers. No provision is made for spending earnings whilst in prison; the money is credited to the prisoner against the time of his release. Under the head of daily wages for the support of dependents, sums which apparently vary between 3/- and 6/9 a day can be paid over to a prisoner's dependents. In arriving at the exact sum, skill, length of service, and the ordinary labour rates of pay are taken into account, and a deduction is made for the cost of maintaining and supervising the prisoner.

In France the payment of wages is limited to prisoners serving sentences of more than 12 months. Contractors organise the workshops, supply the materials, the tools, and the foremen, and pay fixed wages, stated to be somewhat less than the district rate owing to the inferiority of prison labour. A part of the wage (pécule réservé) is handed to the prisoner on his discharge, the rest (pécule disponible) may be spent at the canteen. The work includes the making of brooms, brushes, wooden shoes, and, in the case of women, men's shirts.

We take the following review of the practice in American prisons from the report of the Indian Jails Committee, 1921 (p. 146):—

> In some States, such as New York, the gratuity takes the form of a percentage on the estimated value of the prisoner's work. In other States, e.g., Indiana, each prisoner employed under the contract system is allotted a regular amount of work to do, but for any out-turn produced in excess of that task he receives payment at a scheduled rate. This rate represents the full value of the extra work done and thus amounts to a wage for all work in excess of the fixed task, and may be quite a substantial sum, as much as 30 dollars a month. In other States, again, such as Minnesota, the practice has been adopted of paying the prisoner regular wages ranging from 15 cents up to over a dollar a day for all work done. The wages belong to the prisoner, who is allowed either to remit them to his family or to let them mount up for his own benefit at release. The warden of one prison which did business in 1918 to the value of over 2¼ millions of dollars stated that they had paid over seventy-five thousand dollars in that year in wages to prisoners. He added, "As far as discipline is concerned, we have had very little trouble, the men being so busy and so profitably employed that they do not bother with infraction of rules to any extent." We found indications of a growing opinion in America in favour of giving prisoners substantial

remuneration for their work. Amongst other reasons it is strongly supported as helping a prisoner to provide for his family while he is in prison. It is also held to be at once remunerative to the State and reformatory in respect of the prisoner. At the institutions we visited the prison officials were strongly in favour of the principle, and it certainly seemed to us that where the prisoners were receiving a reward in proportion to their out-turn they were working with a cheerfulness and interest very different from the slackness and listlessness we noticed where this stimulus was absent.

The Indian Jails Committee itself, whilst repudiating "all claim or right" on the part of a prisoner to gratuities or wages, thinks "it may still be wise to furnish him with some motive for industry more effective than the fear of punishment and more immediately operative than the hope of expediting his release by remission. It is generally agreed that greater reliance can be placed on rewards than on punishments and that punishments are particularly inefficacious in stimulating men to industry." It, therefore, recommends "that every prisoner on tasked labour should be allowed a money gratuity for any out-turn done in excess of the fixed task in proportion to the excess turned out," the gratuity to be the prisoner's own property. It is suggested that it should be "open to the prisoner to exchange the whole or any part of his gratuity for remission, if he wishes to do so," and that he should be allowed to remit it to his family or to spend half of it on comforts.

A Commission of jurists and scientists, presided over by Professor Enrico Ferri, appointed by the Italian Government in 1919, has reported in favour of paying and organising prison labour along lines of free labour. "The criminals will have pay and hours identical with those obtaining under Trade Union rules. Not all their pay, however, will go to them. One-third will be devoted to the person for having injured whom the delinquent is in prison; one-third to the State for the maintenance of the offender; and the other third to the prisoner himself or his family." [19]

[19] The particulars of the Italian Commission's report are taken from a summary in "The Observer," January 23rd, 1921.

II.—THE VALUE OF PRISON LABOUR AND THE COST OF PRISONS.

The wastefulness of prison labour is shown by the returns the Prison Commissioners publish as to its value. In 1920-21 the "average annual earnings" per prisoner were £44 2s. 9d., that is less than 18s. a week, or about 8s. a week pre-war value; and this was a very high figure compared with previous years. In 1878, when the Local prisons were taken over by the Government, the average earnings were £5 16s. per annum. They had advanced to £9 18s. 9d. by 1904 and to £13 2s. by 1908.

These figures (except those for 1920-21, which are given in the Prison Commissioners' Report) are reproduced from Sir E. Ruggles-Brise's "The English Prison System," [20] but they have little comparative value. In 1898 the method of estimating the value of prison labour was entirely changed, "per diem" rates giving place to "per article" rates. Therefore it is obviously worthless to compare the figure for 1878 with the present figure.

The estimated value of prison labour is now based, according to the Home Secretary, "on a comparison of the value of each article made in prison, with the value of a similar article outside." [21] We presume this means that an article of prison manufacture is valued by the market price of a similar article made outside prison, but how frequently the valuation is made is not clear. The Home Office gave figures in a letter addressed to Mr. Ben Spoor, M.P., on June 3, 1920, which suggest that the assessment so far as mail-bags are concerned was fairly accurate in 1915-1916. During that year the trade quoted from 9d. to 1s. for sewing bags, and the latter figure was the estimate of the Commissioners. Again, a Dundee firm asked 9½d. for sewing a hessian bag, including cost of cord and sewings (then about 1½d.) and establishment expenses, which compared reasonably with 6d. estimated by the Commissioners for labour value only. During 1920-21 a rough attempt was made to re-estimate the value of prison labour according to the advance in wages outside prison. "Information was obtained from the Board of Trade," say the Prison Commissioners, "as to the average earnings under various trades in different years, and the percentage of advance has been applied to the rates hitherto in force for the valuation of prison labour." [22] This change is responsible for the much higher figures given in 1920-21, but their reliability is extremely doubtful as the valuation of prison labour is now made on a basis combining two distinct principles; that is to say, upon the per article rate hitherto taken have been superimposed amounts proportionate to the recent increases in wages. This combination is clearly unsound, as wages and prices do not change in exact proportions. Moreover, the value of prison labour cannot properly be compared with labour outside, as the latter is applied to up-to-date means of production. In the case of the hessian bag mentioned above, for instance, the Dundee firm estimated the price on the basis of machine sewing, whilst all sewing is done by hand in prison. Consequently, if the bag was rightly valued in 1915-16, it would be greatly over-valued now, as there has been added to it the increased wage rate of wastefully applied labour.

[20] Op. cit., pp. 139 and 140.
[21] Letter to Mr. W. Lunn, M.P., February 23rd, 1921.
[22] P.C. Report, 1920-21, p. 17.

It is of interest to give the estimated average value of the labour per man *in some representative prison occupations*. The figures are for 1920-21 [23]:—

	£	s.	d.		£	s.	d.
Bakers	85	12	0	Oakum Pickers	9	10	10
Bookbinders	117	6	2	Pickers and Sorters	1	4	5
Building Workers	60	17	8	Ship fender makers	26	9	8
Carpenters	29	14	2	Shoemakers	52	17	8
Gardeners	50	12	6	Tailors	49	13	5
Knitters	20	15	0	Weavers	20	15	7
Mailbag makers	40	6	8	Wood choppers	18	4	0
Matmakers	23	8	4				

In estimating the cost of the prison administration, a deduction is made for the "value of labour exclusive of employment in the service of the several [prison] establishments." In 1920-21 this sum was put at £210,436 for Local prisons, £51,211 for Convict prisons, £3,068 for Preventive Detention prisons, and £33,563 for Borstal Institutions, giving a total of £298,278.[24] If prison labour were organised efficiently, there is no reason why a very large part of the cost of prisons should not be met by the value of the articles produced.

As we have indicated in the foregoing chapter, prison labour in America often yields a remarkably substantial revenue. In this connection it is worth referring to a paper read to the Prison Association of New York in 1911, by Mr. O. F. Lewis, its general secretary, on returning from an investigation of English and European prisons. "The American who is familiar with the great industrial development of many of our prisons will feel that the English prisons are securing a small output indeed for the number of men they have," he says. He suggests that the Prison Commissioners do not want the financial return to shape the administration (a laudable attitude, were it not for the fact that their opposition to improved industrial organisation is based on their opposition to co-operative effort by the prisoners), and emphasises the drawback of separate confinement from the point of view of output.

The Cost of Prisons.

It will be convenient to include here some figures regarding the cost of the prison administration. The Table given on the next page is taken from the Commissioners' Report for 1920-21.[25]

It will be observed that the cost of "superintendence and staff" per inmate is nearly three times that of maintenance, and two-thirds that of the total cost. The cost per inmate has risen extraordinarily. In 1913-14 it was £27 14s. 11d. (including State Inebriate Reformatories), as compared with £93 13s. 10d. in 1920-21.

The total cost of the prison administration and upkeep in 1920-21 (including the Preventive Detention prison and Borstal Institutions) was £1,165,183. If this vast sum were doing something to lessen the volume of crime, it would be worth while. If, however, as the facts indicate, imprisonment helps to make criminals, this expenditure is not only colossal waste, it is positively injurious to the community.

[23] Calculated from the returns given on pp. 54-57 of P.C. Report, 1920-21.
[24] P.C. Report, Appendix 7, Table A, p. 42.
[25] P.C. Report, Appendix 7, Table B, p. 43.

Statement Showing the Annual Average Charge per Inmate.

Establishments.	Daily Average Number of Inmates	Expenditure	Average Annual Charge per Inmate. A. Superintendence and Staff £ s. d.	B. Maintenance £ s. d.	C. Miscellaneous Charges £ s. d.	Total £ s. d.	Net Annual Average Charge £ s. d.
Local Prisons ...	8,409[26]	928,529	74 5 9	26 12 6	9 10 2	110 8 5	84 16 5
Convict Prisons ...	1,435	238,494	118 2 7	36 18 9	11 2 8	166 4 0	129 6 8
Preventive Detention Prison	76	28,503	292 8 8	50 14 3	31 17 11	375 0 10	334 1 1
Borstal Institutions ...	1,097	141,833	73 12 1	40 9 8	15 4 1	129 5 10	98 8 8
Total and average cost of all establishments	11,017	1,337,359	31 8 8	29 10 4	10 8 10	121 7 10	93 13 10

[26] Including 17 Military detention prisoners.

CHAPTER VIII

DIET AND HYGIENE

Diet

The question whether the scale and quality of prison diet should form part of the punishment has long agitated the responsible authorities. In 1843 an enlightened Home Secretary, Sir J. Graham, declared that "diet ought on no account to be made an instrument of punishment"; but, since local administration was then in operation, he had no power to enforce his view. The local justices often acted on the theory that the diet should properly be part of the punishment, and in 1863 they were supported by a declaration of the Committee of the House of Lords on prison discipline to the effect that a "diet may be made a just and useful element of penal discipline." Following on the report of this committee, Dr. Guy was appointed to enquire into the dietary systems, and, when he sought official guidance as to whether he should follow Sir J. Graham's dictum or that of the Lords' Committee, he received the somewhat inconclusive answer that the diet ought not to be an instrument of punishment "by injury to health."

A committee which framed new prison dietaries in 1878 applied the principle that "the shorter the sentence is, the more strongly should the penal element be manifested in the diet," with the result that, when a further committee considered this subject twenty years later, it found that the short sentence diets had been "inadequate."[1] The Home Secretary accordingly abolished them and substituted a new commencing dietary for seven days. This committee in recommending the new diet expressed disagreement with the principle that short sentence diets should contain a penal element; but, "having regard to the grave dangers which would, in their opinion, accrue should the lowest scale be unduly attractive," they provided for it to "consist of the plainest food, unattractive, but good and wholesome, and adequate in amount and kind to maintain health and strength."[2]

What the committee of 1898 considered adequate may be judged from the following scale[3]:—For breakfast, 8 ozs. of bread

[1] P.C. Report, 1899, p. 21.
[2] Ibid.
[3] Known as "A" Diet in the Rules for Dietaries established in 1901. They remained unchanged up to 1917.

and one pint of gruel; for dinner, 8 ozs. of bread and one pint of porridge (or 8 ozs. of potatoes or suet pudding); for supper, 8 ozs. of bread and one pint of gruel. Readers with more imagination than this committee will hardly be surprised to learn of the constant complaint of ex-prisoners that, except when asleep, they were never without the feeling of hunger during the seven days of this diet. Complaint of inadequacy is also repeatedly made by ex-prisoners regarding "B" diet, upon which, after the seven days, they completed their first four months' imprisonment. This was followed by "C" diet, which, although open to other criticism, was generally found sufficient in quantity.[4]

This system of diets continued in Local prisons until 1917, after which the exigencies of the war necessitated a number of alterations. For a period of nine months the scale was wretchedly inadequate, but in 1918 a diet was introduced which was in many respects an improvement upon that of pre-war days; the low diet of the first week was abolished, a pint of hot cocoa was provided at supper (prisoners never had a hot drink in the pre-war diet until they had served four months), and the items generally were more appetising and varied. This diet, which is, we understand, still experimental, has remained, and consists of the following items:—

Breakfast.

Daily—1 pint porridge and 6 ozs. white bread.

Dinner.

Daily—1 lb. potatoes and 3 ozs. white bread.
In addition—
Monday and Thursday—3 ozs. bacon, 3 ozs. beans, and 3 ozs. vegetables (usually carrots).
Tuesday—4 ozs. boiled beef, 1 pint broth, and 3 ozs. suet pudding.
Wednesday and Saturday—21 ozs. soup, composed of minced meat, split peas, rice or pearl barley.
Friday—6 ozs. fish and 3 ozs. suet pudding.
Sunday—3 ozs. preserved meat and 3 ozs. rice pudding (sweetened).

Supper.

Daily—1 pint cocoa.
In addition—
Monday and Thursday—8 ozs. white bread, 1 oz. margarine, and 1 oz. cheese.
Tuesday, Friday, and Saturday—6 ozs. bread, 1 oz. bacon, and 2 ozs. beans.
Wednesday and Sunday—Same as Tuesday, with 1 oz. margarine added.

[4] Experience apparently convinced the inspectors of prisons that the penal principle for dietary is unsound, for in their 1902 report they say, "It has been suggested that the improved food and treatment now accorded to prisoners may have the effect of lessening the deterrent influence of imprisonment, but we have no fear that these changes will increase our prison population; a man will not willingly sacrifice his freedom for a few additional ounces of food."

The printed store list includes the following vegetables, which are frequently given in the hospital diet and are sometimes allowed as substitutes for a part of the potatoes in the ordinary diet:—Cabbage, carrots, leeks, onions, parsnips, and turnips. These vegetables are always greatly appreciated by the prisoners, but in town prisons they are rarely provided. Vegetable gardens are frequently attached to prisons in the country, and greater variety is possible.

Even with the present improved diet, every ex-prisoner who has given evidence states that the effect was bad in *some* respect or other. Fifty complain of *general debility*, 51 of chronic indigestion, 14 of frequent diarrhœa, 19 of skin rash, and nine of constant constipation.[5]

The medical officers, on the other hand, seem mostly satisfied. One advocates "*more green vegetable food and not so much starchy food.*" A diet specialist criticises the diet principally on the ground that it is excessively starchy and lacking in green stuffs. An excess of starch, he says, forms "an over-stimulating and over-heating food, which gives an apparent well-being for a time, but the permanent effect of which is bad. It maintains body-weight, but has very unfavourable effects in *other* directions."

The diet in Convict prisons has also improved greatly in recent years. An ex-convict who served a life-sentence tells us that in the early nineties the food was so unsatisfying that "one could have eaten for a week and *never* been satisfied." It was a common practice, he says, for men to drink out of oil-cans and to chew rugs. Before the war there were varying diets at Convict prisons, workers on the farms and in the quarries receiving extra; but now all convicts, except those under medical attention, are given a uniform diet, composed of the following:—

BREAKFAST.—*One pint tea, one pint porridge, six ozs. bread,* with ½ or ½ oz. margarine.

DINNER.—First course, potatoes, with peas or beans, and either bacon or meat soup, or hot meat, or corned beef, or fish. Second course, suet pudding mixed with treacle, or sweetened rice, etc. Seven ozs. bread.

SUPPER.—One pint cocoa, nine ozs. bread, 1½ ozs. bacon or cheese.

An officer states that the improved diet has made a *great difference*. "There is now very little waste of the food, and complaints are few," he says. "The diminution of grumbling and of talk about the food is a great advantage."

No one will claim that the manner in which the food is distributed to the prisoners tends to have a civilising influence upon them. There is an entire absence of those social elements which we associate with meal-times, and which serve so effectively to develop

[5] It is a common belief among prisoners that the food is regularly drugged for the purpose of de-sexing their natures in accordance of the discipline, quelching the sexual instincts, and relaxing the bowels. It is clear from our evidence, however, that there is no foundation for this belief. Both warders and medical officers declare it to be a myth. See p. 555.

a sense of human fellowship and the cultivation of character. The rations, apportioned in the kitchen, are placed in tins, and then distributed to the prisoners in the solitude of their cells. The prisoner's door is opened about ten inches, the tins are thrust on to his table, and the door slammed to again. The whole process is impersonal and inhuman, a mere matter of providing the prisoners' bodies with sufficient food to keep them going. This is not a criticism of the operators, for obviously the more rapidly they distribute the food the hotter and more appetising it will be. It is the system itself which is at fault.

If prisoners have complaint to make as to the quality or quantity of the food it must be made at once. Most prisoners accept whatever is given them, many being of the spiritless, easily driven type that never complains about anything, others disliking to complain about such a thing as food, others quite unaware as to what rights they possess, others hesitating until it is too late, and many others refraining from complaint because they know that it will involve unpopularity with the warders and because their card of rules threatens them with punishment for "frivolous and groundless complaints." "Old hands," of the more courageous type, however, make a habit of examining their rations immediately, and, if anything be wrong, they hastily ring their bells before the officer has proceeded far down the landing. If the complaint be of under-weight, the prisoner is allowed to see the ration weighed, and any deficiency is made up; if it be of the quality, the matter is referred to the chief warder.

Our evidence shows that under-weight is very frequent. In one prison a number of political prisoners ingeniously constructed scales out of their work-tools, which resulted in a stream of applications every meal-time for rations to be weighed, and invariably the complaints were justified. One of these men had the hardihood to ask for his food to be weighed twenty-six times in three weeks. The outcome of this persistent protest was that the officers in the kitchen were given instructions specially to weigh the rations of these prisoners before distribution; but there is no ground for thinking that any greater care was taken over the rations of other prisoners.

Similarly, the food is often of poor quality, the flour musty, the porridge thin (or thickened with mice-droppings), the potatoes diseased, the meat leathery or bad. At one prison in 1919 the potatoes were uneatable for three months. At another "the oatmeal was contaminated with rat excreta," and, in consequence of protest by political prisoners, was officially condemned. But we are assured that when the "politicals" were released "the old oatmeal was brought out again and was eaten by the ordinary prisoners."

We do not wish to suggest that food is objectionable in this manner as a general rule. In some prisons scrupulous care appears to be taken. But complaints of this kind are sufficiently frequent to demand notice and emphasis.

Our ex-prisoner witnesses also very frequently state that the tins in which the food is served are dirty. No less than seventy-seven

witnesses make this complaint. A deputation from the Penal Reform League which waited on the Prison Commissioners in 1920, suggested that the rust which gathers in the tins might be obviated if they were bowl-shaped, and the Commissioners promised that the tins should be made in this form in the future. We are glad to learn that during 1921 earthenware utensils were introduced at one large prison.

Diet bulks very largely in the minds of most prisoners. This is no doubt in great part due to the monotony of prison existence, which tends to cause an exaggerated emphasis to be laid upon meals. But the inadequacy and monotony of the diet has certainly also been responsible for the constant thought of food. One witness tells how prisoners employed on an outside works party picked up bits of cabbage stumps and carrots "to eke out the prison rations," and how one was discovered and consequently punished. Prisoners employed in the workshops complained to him that they could not eat nails or wood. "The worst of this shop," said one, "is that never by any chance does anything we can eat get into it." Another witness records that during the period of short war rations prisoners ate the grease which they used in the making of ropes.

One of the dietary problems arising from the imprisonment of political offenders is the frequent demand for a strictly vegetarian diet. This was provided for women suffrage prisoners at request, but had apparently fallen into disuse by the time of the war, for the "politicals" of this period only obtained it after much difficulty and delay. Several vegetarians refused all food containing animal matter, and, in spite of the sufferings which it entailed, subsisted for many months on the inadequate amount of bread, potatoes, and porridge contained in the ordinary diet. The vegetarian diet is still permitted, but ordinary prisoners very rarely apply for it.[6]

Dress.

All convicted prisoners wear a uniform. The prison authorities deny that it is "intended or designed as a garb of shame," but, crudely cut, untidy, ill-fitting, and sprinkled with broad arrows, it emphatically gives that impression. On the jacket hangs an ugly yellow disc, bearing the prisoner's number.

The colour of the cloth varies with the classification of the prisoner. For the ordinary male prisoner it is drab, for the second division

[6] The Vegetarian Diet is as follows:—

Breakfast. Daily—6 ozs. bread, 1 pint porridge, ½ oz. margarine

Dinner. Daily—6 ozs. bread, 16 ozs. potatoes.

Sunday. Rice pudding as follows—3½ ozs. rice, 1 oz. milk, ½ oz. sugar, or 1 oz. jam to each portion.

Monday and Thursday. 6 ozs. beans or peas, 1 oz. cheese.

Tuesday and Friday. Flour pudding as follows:—2 ozs. flour, ½ oz. margarine, 1 oz jam to each portion.

Wednesday and Saturday. Vegetable Soup as follows:—2 ozs. fresh vegetables, 2 oz pearl barley or split peas, ½ oz. onion, 1-6th oz. flour to each portion, 1oz. cheese.

Supper. Daily—6 ozs. bread, ¼ oz. margarine, 1 pint cocoa, 1 oz. cheese, 4 o potatoes.

prisoner brown, for debtors and "remand" prisoners blue, for court martial prisoners dark grey. The cap, usually worn indoors and out, is made of a similar stuff. The brown dress and apron and white cap of the women prisoners give a rather neater and happier impression, but many women find even this uniform very distasteful. The first division and remand prisoners may wear their own clothing if they desire, and if it be clean and decent, but the number disc must be worn.

In 1889 a committee appointed by the Government to advise about 'prison dress' gave the following points in favour of a prison uniform:—

(1) It is a safeguard against the introduction of infectious disease.
(2) It is easily washed and repaired.
(3) It is a safeguard against escape.
(4) It is a means of classification.
(5) It is a check upon the secretion of prohibited articles.
(6) It saves private clothing from wear and tear.

In opposition to these considerations, some ex-prisoners strongly urge that identical uniforms involve a suppression of personality, and suggest that, even if prisoners must have different or additional clothing to their own, there is no reason why some variety of style should not be permitted.

A prison uniform was first advocated in this country by John Howard, for reasons of humanity. At that time most prisoners were in a wretchedly miserable condition, and those who were penniless and unable to pay "garnish" on admission were forced to surrender some of their apparel, however scanty. An Act of 1779 directed that prison clothing should be adopted, but it is clear from certain prison rules of this period that John Howard's humane considerations did not guide the minds of the authorities. For instance, one of the rules of the Gloucester Penitentiary House, 1785 (quoted by Major Arthur Griffiths in a historical appendix to the report of the committee of 1889) reads: "Offenders shall be clothed in a coarse and uniform apparel with certain marks or badges affixed to the same, as well to humiliate the wearer as to facilitate discovery in case of escape."

Prisoners are still "clothed in a coarse and uniform apparel with certain marks or badges affixed to the same," and, despite the denials of the authorities, they certainly serve not only to "facilitate discovery in case of escape" but to "humiliate the wearer" as well. Again and again our ex-prisoner witnesses protest against the degrading effect of the prison uniform. "After I put on the prison clothes," says one, "I had a difficulty to retain my self-respect. The ugliness of them, the dirty colour and the patches in the coat and trousers, the arrows denoting my criminality, the disc bearing the number of

[7] Departmental Committee of Inquiry as to Rules concerning wearing of Prison Dress, etc., 1889.

my cell—all had a degrading effect, making me feel less a man and more an outcast." Warders speak similarly. "The prison garb is an unnecessary degradation," says one. "It is very humiliating," says another. "This is especially true of first offenders. To habitual criminals the broad arrows mean nothing."

A male prisoner's clothing consists of jacket (buttoning tight up to the neck), waistcoat, trousers, shirt, flannel vest, cotton or flannel drawers, socks, and shoes; a woman prisoner's of jacket, skirt, apron, cap, calico or flannel shift, stays, flannel petticoat, calico or flannel drawers, stockings, shoes and nightgown. Calico underclothing is given to all prisoners except those who arrive wearing flannel, but flannels are obtainable by any prisoner on application to the medical officer, although, as in the case of most "privileges," few are aware of this right. In addition, prisoners may wear a short cape, descending to the waist (if in hospital, a long overcoat) when at exercise or at work in the open on rainy or extremely cold days.[8]

Male prisoners in Local prisons are never supplied with sleeping garments, nor are women prisoners serving sentences of less than fourteen days. Our ex-prisoner witnesses constantly complain of this. "It was most objectionable," says one, "sleeping in a shirt which had become damp and hot owing to exertions at work during the day." A woman prisoner serving more than fourteen days is generally provided with a nightdress, although the Standing Orders read that it is only to be issued "where the privilege is not likely to be abused or where the prisoner has been accustomed to wear it in free life."[9]

Some ex-prisoners complain of the insufficiency of the clothing, in cold weather. "The capes were of little use," says one. "They were small and often could not be done up owing to the buttons being off. In the cells we got bitterly cold. I used to wrap myself up in blankets."

The dilapidated condition of the clothing provided, particularly the socks and underwear, is a repeated complaint. One ex-prisoner says: "If the memory of everything else in connection with my prison experiences grows dim, my recollection of the clothing, underclothing particularly, I was compelled to endure in prison will vividly remain. I am well aware that it would easily be possible to show to any person or committee underclothing which would appear quite good, but, in the main, I have no hesitation in saying that they constitute a positive scandal: socks or stockings which may be a collection of holes held together by threads of wool or worsted, outer shirts that look more like a collection of dirty dusters stitched together anyhow, pants that hang in strips and have to be tied round the leg, if there happens to be a string or tape to

[8] Women prisoners are permitted to retain these capes in their cells as an additional wrap. They find them a great boon in cold weather.

[9] Appendix 15 to S.O., p. 462.

tie them with." This experience is clearly not general, but it is sufficiently common to call for attention.

The clothing is often repaired in the crudest way. It is done "as far as possible with old material," and (we quote the Standing Order[10]) "the serviceable parts of condemned garments, sheets, blankets, etc., will be reserved for this purpose. . . . The tops of condemned stockings and socks will, when practicable, be unravelled and the material used again." Sometimes this material is not of a very promising character, and, when the generally inexpert hands of the prisoners who do the repairs are applied to it, the results cannot be expected to be very satisfactory.

Little is done to induce prisoners to pay regard to tidiness: the dress, so wretched in character, is in itself no incentive, and attempts to encourage neatness and care are seldom made. The rules for Scottish prisons (1854) require the matron to instruct women prisoners in domestic matters and to "encourage them to put their own clothes into a good state of repair before they leave the prison"; but nothing of this kind is done in English prisons.[11] Indeed, one of our warder witnesses laid particular stress upon "the careless way in which the private clothes of prisoners are tied up and put away." They are often spoiled, he says, "and the underclothing is not washed unless a special request is made."[12] One of our witnesses quotes a case where a prisoner was refused permission to repair his personal clothing before discharge.

Practically all that has been written above applies to the clothing provided for convict prisoners. The uniform is slovenly and humiliating. The underclothing is often dilapidated and ill-washed. There is no encouragement of neatness in dress. But there are one or two ameliorations which deserve mention.

From September to April convicts are provided with cloth leggings and a warm "cardigan" or "sweater," which may be worn either under or over the shirt. They also have working "slops" or overalls (made of a kind of waterproof jute), marked with red stripes on deep blue, with the broad arrow superimposed—hideous things, but serviceable. Each convict has his own kit of underwear, and an extra shirt is given to wear at night. At one Convict prison, at least, slippers are provided for use in the cell.

There is a general complaint by our ex-prisoner witnesses that the bedclothes provided are inadequate. The medical officer is permitted to allow a third blanket "during severe winter weather" and generally does so, but the blankets are usually thin and the cells are cold, so that it is the universal custom for prisoners to utilise mail-bags and stuffs provided for their work as extra covering for their beds. The

[10] S.O. 1345.

[11] We hear (December, 1921) that instructions have now been issued that prisoners are to be permitted to repair their own clothes and boots preparatory to release.

[12] In certain prisons the private underclothing of prisoners is washed.

prisoner whose work does not provide him with such materials is always an object of pity.

Exercise.

To most prisoners "exercise" is the most welcome hour of the day. That it should be so considered illustrates the monotony of the general routine, for anything more dull and dreary than prison "exercise" it would be difficult to imagine.

The scene itself is depressing; prison walls and prison buildings are the surroundings. A series of circular concrete tracks, about four feet wide, with vegetables (sometimes grass) growing between; four large stone blocks, equidistant on the edge of the outermost circle; and a very conspicuous row of four or five w.c.'s, wretched-looking places with half-doors like cattle-pens: such is the typical "exercise" yard. Sometimes it is better, with flower-beds and green shrubs[13]; sometimes worse—a bare surface of asphalte or gravel with not even a blade of grass.[14]

The "exercise" is as dreary as the scene. Warders stand on duty on the stone blocks, to prevent talking and to give permission to the prisoners to "fall out" to visit the w.c.'s.[15] ("Exercise" is the official occasion for this necessity; there is generally a queue of prisoners awaiting their turn). The prisoners walk round the tracks in single file, five feet apart; the old and slow-moving in the inmost circle, the young and quicker on the outside. The former is sometimes not more than twelve feet in diameter; and shuffling round this is all the exercise the old folk have. In wintry weather the officers will sometimes permit those on the outer "ring" to run if they desire to do so. Lame prisoners are allowed to take what exercise they are capable of on a side track outside the circles.

A good deal of conversation generally takes place at "exercise" despite the vigilance of the warders. Prisoners soon learn the art of speaking to the man in front or behind without moving the head and with little movement of the lips. It is only possible to say a few words before coming within earshot of an officer, but in the course of an hour devoted to "exercise" a good deal can be said. It is the custom of prisoners to endeavour to "fall in" next to their chums, but the warders prevent this whenever possible.

Many prisoners, however, become too dulled by the prison routine

[13] A large number of ex-prisoner witnesses speak of the inspiration received from these rare patches of colour, and deplore the fact that they are not to be seen more frequently in prison.

[14] "For three months," states one witness, "I exercised in a stone-paved yard, surrounded by the ugly prison buildings on all sides. For about three feet one could, by walking on tip-toe, just catch a glimpse of some trees outside the prison; that piece of ground came to be considered a sacred spot by many of us. After some heavy rain, a few sprigs of grass—a deep, rich green—sprang up between two of the stone flags. How we treasured them! When, one morning, after a visit from the 'Garden Party,' we found that the grass had been carefully dug out, I could not keep the tears from coming to my eyes, and for many days I went about with a sense of acute loss."

[15] In some prisons the warders on duty walk round a concrete track between those on which the prisoners walk, and in the opposite direction.

to desire or to dare interchange of speech or glance. "They tramp round," says one of our witnesses—"left, right, left, right,—the seventy paces of the ring, with their eyes fixed on the ground or staring blindly at the man's back in front of them. It is like a funeral procession of dead souls."

By the end of the hour most of the men have had enough. They are wearied by the monotony of the thing; they are tired out physically. The order comes from the hall-door, "Send them in," and mechanically they return to cell and workshop. Those who are employed outside are often called away soon after "exercise" has begun, their work being apparently considered a sufficient substitute. In summer time a certain number of prisoners exercise before breakfast. On wet days it is the usual custom for prisoners to take exercise round the interior of the halls, although in one large prison, at least, "exercise" has been omitted altogether if the weather does not permit it outside. In one or two prisons the governors divide the "exercise" period into two parts, half-an-hour in the morning and half-an-hour in the afternoon. Prisoners speak appreciatively of this innovation as an additional break in the monotony of the routine.

Prisoners usually find Saturday afternoons and Sundays the most difficult period of their imprisonment, and the monotony is increased in the case of the first stage prisoners by the absence of "exercise." Many of our ex-prisoner witnesses strongly urge that Sunday "exercise" should be extended to all prisoners. "The First Stage men need it most," says one witness, "since they are confined to their cells even for their work throughout the week." Other ex-prisoners urge that additional "exercises" should be arranged for Saturday and Sunday afternoons. We understand that the Prison Commissioners have now introduced second exercises on Saturday and Sunday for certain classes of prisoners in certain prisons: the obstacle to a general extension is said to be insufficiency of staff.

The Departmental Committee of 1895 recommended that "the simpler forms of gymnastic exercises" should be introduced, and that they might "take the place to a considerable extent of the monotonous walking." So far as we can discover, this recommendation has not been put into effect, despite the fact that more than one governor has advocated the same change and that the opinion of the medical officers is apparently unanimous that instruction in physical drill for juvenile adults has most beneficial physical and moral results.

Personal Cleanliness.

"A prisoner shall be required to keep himself clean and decent in his person," reads Rule 33, but our evidence indicates that only in the most extreme cases is anything done to ensure cleanliness and decency.

"During the three years I was in prison," states one witness, "I never heard a prisoner reprimanded for uncleanliness, although men

were often obviously dirty, and boasted of the fact that, in order to retain the polish of their bowls, they refrained from washing. There were other men, too, who disliked water and soap, and used as little as possible even at the weekly bath." Another witness tells how he was discussing with a prisoner the advantages of working in the kitchen. "You get a bath twice a week, don't you?" he asked. "Yes," replied the second prisoner, "but, then, you needn't get into the water if you don't want to."

Visitors to the prisons are always impressed by the cleanliness of the halls and cells. The stone floors are scrubbed clean every morning; the metal rails along the corridors shine brilliantly, the tin utensils in the cells glisten with almost dazzling effect as the light strikes them. The impression left is that whatever may be said in criticism of prisons, they must be very educative toward cleanliness.

Yet ex-prisoners again and again assert that the cleanliness of the prison is only obtained at the expense of the cleanliness of the prisoner. The reasons for this we shall explain. If we seem to our readers to go into unnecessary and offensive details, we would point out that their importance lies in the cumulative effect, which is indicative of the callous and inhuman way in which prisoners are treated generally. Even if prisoners are sometimes too degraded to be concerned about these defects, to leave them undisturbed in their dirty habits is clearly wrong.

The washing basins in many prisons are still made of tin which has to be highly polished.[16] "The prison recipe for cleaning these utensils," says one ex-prisoner, "is to wet it all over, rub it over with soap, polish it with bath brick, and finish it off with whitening. What the prisoner is supposed to wash his hands in, after he has performed these various processes, I do not know. If he uses his basin, the polish all goes and his labour has been in vain." "If your tin was clean, you were dirty," remarks another ex-prisoner. "The compulsion to keep the tins bright discourages the use of them," says a third. Some prisoners apparently dispense with washing. Others resort to the use of alternative utensils.

"I washed each morning in my enamel dinner plate to save dirtying my wash-tin," states one ex-prisoner, and a number give similar evidence. "One of the first bits of advice I got on entering prison," says another witness, "was to use the earthenware chamber for washing, in order to save dirtying the tin basin. This was commonly done. I was also told to use my prayer-card for a lid to my chamber in order not to spoil the polish of the tin lid. I found that many of the cards on the cell walls had dirty circles on them, showing that they had been used for this purpose." A warder of long experience asserts that prisoners often throw their urine out of the window and then wash in the chamber, and that they even throw out the solid excrement, wrapped in paper and rags,

[16] Enamel basins are now being introduced in some prisons, but the tin chamber lids remain.

in order to avoid dirtying the chamber. An ex-prisoner gives corroborative evidence. "For eight months," he says, "I was turned out alone in a small yard for exercise. Two or three times a week I used to find human excrement lying about, tied up in rags with twine."[17]

It used to be the custom to supply tin chambers as well as tin water-cans and washing basins, and in some prisons they are still used to a limited degree. This led to the same rags being used for cleaning the chambers and the other utensils, and the chambers themselves were almost always in a disgusting condition, despite the efforts of warders to secure constant polishing. The tin water-cans are now being replaced by enamel ones, the Commissioners having apparently realised the difficulty of keeping the cans highly polished, and preventing the water which they contain (for which there is no other receptacle) from becoming dirty in the process. In many prisons only one opportunity of changing the water is given daily, and there are frequent complaints that it becomes undrinkably dusty.

Repeated complaint is also made that the basins supplied for washing are not big enough for serviceable use. "Washing had to be a mere cat's lick," says one ex-prisoner, "owing to limitations in the size of the bowl and the amount of water." In some prisons the washing-basins are only about ten inches in diameter at the top, six inches at the bottom, and very shallow. There is a second type of basin which is larger. Ex-prisoners frequently complain of the meagre allowance of soap, of the small towel, and of the inadequate supply of toilet paper. Other complaints are of the bad-smelling brushes supplied for scrubbing the floor and furniture of the cells, and of the dirty floor-cloths.

No attempt is made to encourage decency in personal appearance. The use of razors is forbidden, except in the case of those awaiting trial and of offenders of the First Division. Clipping is substituted for shaving; the Standing Orders say that "the hair, beard, and moustache" must be cut once a fortnight, but it is seldom that a prisoner receives such attention more than once a month, and some of our witnesses speak of having to wait three months. The result is that male prisoners always appear dirty and with grotesque, shaggy, half-grown beards.

Our evidence suggests that this negligence is often serious in its demoralising effects. A warder at a penal servitude prison, for instance, says that a convict recently told him that his unshaven face made him feel "as if he did not care if he ever washed his face or brushed his hair again." An ex-prisoner gives evidence as

[17] An ex-convict gives similar evidence regarding Convict prisons. He says: "I have known men who very seldom used their bowl for washing, in order to avoid the task of cleaning the bowl. I have known one or two men who on this account would never use it. They gave their bowl a bit of a polish up once a week for the inspection, but they did nothing more with it. One weekly bath in the bath-house, where there was no cleaning-up afterwards, sufficed them!"

follows: "I was a bit of a swell before I went to prison, always being very particular about shaving cleanly and regularly. But I soon became accustomed to having a dirty-looking, bristly face, and since I came out of prison I have had quite a struggle to recover my old habits."

The official reason for the prohibition of the use of razors is the danger that they may be used for the purposes of suicide or assault, but the absurd fact is that tools are commonly supplied to prisoners which could be used for either purpose just as effectively. For example, knives are provided for leather work and other processes which can be sharpened to such a degree that prisoners often use them as razors with most satisfactory results."[18]

Before 1899 prisoners in Local prisons had their hair cut close, as penal servitude prisoners still do, but now a moderate length is allowed.[19] Women prisoners only have their hair cut on the written instructions of the medical officer, endorsed by the governor.

Prisoners are supplied with a hair brush and comb on reception. They are permitted to wash their hair brushes (*and tea-cloths!*) at their weekly baths, but for this purpose no additional water is allowed. There is a Standing Order that a pair of nail scissors shall be kept by the officer in charge of each landing to be lent to prisoners on application; but it is clear from our evidence that very few prisoners know that they are obtainable. Many ex-prisoners who have served the maximum sentence of two years never learned of this "privilege." Those who do not have scissors for the purpose of their work commonly keep their nails short by biting them.

The possibility of obtaining tooth-brushes is more widely known, but prisoners frequently only learn of it by illicit conversation among themselves, and not through any official channel. Even after application is made for a tooth brush, the prisoner usually has to wait for a week or ten days before receiving it, and often longer. Some ex-prisoners complain of the absence of a looking-glass in the cell. The polished washing bowl is almost universally used as a substitute.

By most prisoners the weekly bath is regarded as one of the few bright incidents in the routine, although there are some, as already mentioned, who dislike it. Until 1911 the baths were fortnightly; then they were made weekly. The majority of our ex prisoner witnesses speak appreciatively of the conditions under which the

[18] The habitual criminals under preventive detention at Camp Hill are permitted safety razors, and fears of suicide or assault have proved groundless. The chaplain at Camp Hill stated in his report for 1911-12 that "permission to grow the hair to a moderate length and the possibility of having a cleanly shaved chin are instances of what might be permitted *without weakening discipline* and yet encourage the growth of self-respect."

[19] The prisoner who serves as "prison barber" (rarely has he had any experience of barbering outside prison; hair-dressing appears to be a law abiding profession) passes from hall to workshop and workshop to exercise yard in pursuance of his duties. He is generally placed right under the warder's eye, but nevertheless "by working close to his client's ear and keeping up an incessant whisper, without as much as a lip movement" (we quote from a statement by a "*prison barber*"), *he usually manages to serve as an effective* circulator of prison news.

bath is taken, but there are many complaints regarding important details. Insufficiency of time is one; about fifteen minutes is allowed from the time of entering the bath house to the time of leaving, but delay is often caused by the emptying and filling. When the number of bathers is not large, however, additional time is generally allowed.

Several ex-prisoners state that no distinct bath is reserved for venereal and other medical cases. One records that when he complained of this to the warder who assisted the medical officer, "he assured me that the baths were scrubbed out after these men." In most prisons special baths are provided for those suffering from contagious diseases, the doors being marked with red crosses.

A third complaint arises from the fact that in most of the large prisons the bath-house is a separate building. In winter-time this involves passing from a hot bath and steaming atmosphere into the cold air, with frequent halts whilst doors are locked and unlocked. Many ex-prisoners state that this was a cause of colds and chills.

The Prison Laundry.

The complaint constantly recurs that the underclothing of prisoners is irregularly supplied and badly washed.[20] "In ——," says one ex-prisoner, "I could not get clean flannels for three weeks, and found myself seething with lice at the end of that time." For the irregularity, a temporary shortage of staff may have been responsible, but it is evident that the causes of the unsatisfactory washing are more permanent. No less than fifty-nine ex-prisoners speak of the dirty clothes supplied, in contrast with six who state that the clothes were clean. "Many times," says one ex-prisoner, "I preferred to wear the underclothes I had on a whole month longer rather than change into those given me as clean." "I frequently had to refuse 'clean' clothes because they were dirtier than those I had on," says another. "At —— I was given a 'clean' pair of cotton drawers having very obvious traces of having been worn by a man suffering from piles." An ex-prisoner who was employed in the laundry of a large prison gives the following description of the conditions there:—

> Prisoners engaged in *scrubbing* clothes are allowed only a certain amount of soft soap. The quantity is carefully weighed out and is generally inadequate. Men are expected to work at such a speed that the articles are *not thoroughly* cleansed.
>
> The handkerchiefs are first soaked in water drawn from the hot water tap, but the water is often not very hot. They are then scrubbed, a mild carbolic soap being used; then rinsed, treated in a centrifugal drying machine, and finally dried in a chamber heated to 100° F., a temperature not sufficiently high to kill germs. I saw no special precautions being taken with the handkerchiefs during an epidemic of influenza which caused associated labour and chapel to be suspended for eight

[20] The S.O. provide that cotton shirts, calico drawers, handkerchiefs, and stockings shall be washed weekly, and flannel vests and drawers fortnightly (214).

weeks. It was frequently evident on inspection that the "clean handkerchiefs had not been thoroughly scrubbed.

The flannels (pants and undervests) were washed in machines which did not do their work efficiently, and then the neck and belt were lightly scrubbed. I found them literally saturated with dirt, even after they were supposed to have been washed. This was evidenced by the change of colour which occurred, when, acting contrary to instructions, I thoroughly scrubbed one or two.

One of our warder witnesses explains the inadequate washing by the fact that it is done by "careless or inexpert prisoners," but it is evident from the statement given above that the washing arrangements themselves are also open to criticism.

A number of witnesses complain that the underclothing worn by prisoners with skin disease is not properly separated. "Prisoners suffering from skin disease have their clothing washed separately," says an ex-prisoner who worked in the laundry, "but the trouble is that when these clothes are taken from the water the other prisoners' clothes are washed in the same water; this reduces the separation to a farce. This applies to all hospital clothing, too." A Standing Order (214) prescribes that "trousers which have been worn by a prisoner three months will be washed before they are issued to another." By far the greater number of prisoners are sentenced to terms of less than three months. The consequence is that one pair of trousers passes constantly to a succession of short term prisoners without being washed.

The most frequent complaint regarding the bedding is that the blankets are dirty. They are supposed to be washed once a year, but a number of ex-prisoners state that much longer periods have elapsed in their experience without a clean blanket being provided. The blankets are used indiscriminately by a succession of prisoners, and are often stained and soiled. Complaints regarding the sheets are fewer. They are supposed to be changed once every four weeks, and the pillow-slips once a fortnight. There are occasional complaints of verminous mattresses, and, more often, of the presence of bugs in the bed-boards. "Insects gather between the cross-boards," says one ex-prisoner, "and multiply to a great extent in the summer time, no matter how clean one may scrub the bed-board each week.

The bedding is aired by being hung in the hall outside the cell door for an hour before breakfast once a week; a stupid proceeding. The air at that time is often evil-smelling, following the emptying of the night's slops and there is dampness and dust from the floor-scrubbing and the collecting of mail bags, etc., which are proceeding. Why should not the bedding be hung either in the open-air or in a clean and well-ventilated hall for the best part of a day?

The Condition of the Cells.

Complaints are sometimes made that the cells into which prisoners are put temporarily, such as the reception and punishment cells,

are dirty. The reception cells are little more than boxes, and are occupied during the day only. A succession of prisoners passes through these cells, and some of them leave vermin behind. More serious are the effects in those prisons where the first night is spent in the reception hall. At one large prison, at least, the medical officer does not examine the "receptions" until the following morning, and a promiscuous succession of prisoners, many dirty, some diseased, use the same cells and bedding. As a consequence both are frequently filthy.

The punishment cells similarly have a succession of occupants, although the danger due to lack of medical examination is not present in their case. One passage from our evidence on this matter reads as follows:—

When I first went into a punishment cell the walls were very dirty. I asked to be allowed to scrub them down, but the warder said this was not allowed on No. 1 Diet. The cell had apparently been used by a man whose nose was bleeding. There was blood deposited all round the walls. I pointed this out to the warder, a very considerate man, but he said it was against the rules to allow me to wash it.

When the doctor came round I called his attention to the state of the cell. I suggested that for reasons of hygiene it would be as well if I were allowed to wash the walls. The water did not come that day. I then called in the deputy governor, and put to him that the rule should be set aside. He agreed to let me have the water, but it did not come until I had once more spoken to the warder.

A number of ex-prisoners speak of the dust and dirt and smell caused by the work they were required to do in their cells. "My cell task was picking horsehair," says one, "and the fine dust made my mouth and throat quite dry and entered my lungs. The dust soon gathered on the walls and floor of the cell and every article in it—the table, the shelves, the books, the mug, plate, knife, and spoon—so that one could write with the finger upon it. It must have been unhealthy." Similar complaint is made of the dust caused by the picking of cocoanut fibre—although it is not so disagreeable as horsehair,"[1]—and by the making and repairing of mail bags. "Some of the bags are made of Hessian," says one ex-prisoner, "a material from which a great quantity of fine dust is given off, and this is continually in the atmosphere of the cell. One may be sweeping all day and never be able to get entirely free from dust, and any dust swept up has to be kept in the cell throughout the day and night—dust pans are only emptied at breakfast time." Strong complaint is made of the dirtiness of old mail bags upon which repair work is necessary, of the smell of the material of some of the bags,[2] and as to the space they occupy in the cells. "My job was to put two patches upon large parcel-post bags," says one

[1] S.O. (214) reads: "Hair and cocoanut fibre shall not be picked in cells." It is clear from our evidence that this Order is sometimes not observed.

[2] In at least one prison, mailbags returned for repair are fumigated before work is begun upon them.

ex-prisoner, "and often I had thirty of these in my cell all day and night. They occupied a considerable part of the air space."

Much work is necessarily dirty and disagreeable, but obviously such work ought not to be done in a small cell in which the prisoner is often confined for 23 out of the 24 hours.

Sanitation.

On no aspect of prison life is there greater divergence of view between official and non-official witnesses than that of sanitary conditions. The medical officers are practically unanimous that they are satisfactory; the ex-prisoners who gave evidence are almost as agreed that they are unsatisfactory. The following are the chief grounds of complaint:—

(1) Prisoners who for various reasons (including sickness—even diarrhoea cases) are confined to their cells, find great difficulty in getting permission to visit the w.c. The cell bell is rung in vain, and when the warders respond they often bully the prisoner into acquiescence of the use of the cell chamber.

(2) The method of collecting slops from door to door in an open bucket is felt to be disgusting especially since the utensils sometimes get changed and are frequently improperly cleaned.

(3) Inadequate segregation of men with infectious diseases, particularly venereal diseases, makes other prisoners reluctant to use the w.c.'s at "exercise," etc., especially if they are not kept clean.

(4) Outside w.c.'s are semi-public, and are very draughty in cold weather.

(5) There is frequent shortage of toilet paper, and ill-fitting lids of chambers are common.

The rigid discipline of the prison system is bound to cause considerable difficulties in the matter of allowing prisoners freedom to attend to the normal calls of nature. Water-closets are provided adjoining the "exercise" ground and the workshops; and on each hall landing there is one closet to every twenty cells or more. But these last closets are seldom used, save for emptying utensils, for, in the words of the Surveyor of English Prisons, "endeavour is made to induce prisoners to stool at exercise and in the shops, and to avoid using the w.c.'s in the wings or their cell utensils." Owing to poor health and irregularity of motions caused by the unnatural confinement, the nervous strain of imprisonment, sedentary occupation, and the "sloppy" nature of the diet, a considerable number of prisoners are unable to comply with this desire of the authorities. In their case the cell chamber has as a rule to be used to relieve the bowels.

How large is the number of prisoners inconvenienced in this disagreeable way is illustrated by the fact that as many as fifty-eight ex-prisoners state that they suffered materially from the sanitary arrangements. Of 193 ex-prisoners whom we asked whether an

improvement of facilities to visit the w.c. is needed, 171 answered affirmatively, and most of them with considerable emphasis. Other unofficial witnesses take the same view. For instance, an agent of a Discharged Prisoners' Aid Society, speaking from many years experience, says that one of the most frequent complaints of ex-prisoners is the lack of facilities for performing natural functions. "Much pain is endured as a result," he says.

Mr. A. J. Wall, the Secretary of the Prison Commission, stated in a letter to the Secretary of the Howard Association (May 14, 1917) that "a prisoner is allowed, on ringing his bell, either to use the closet, or empty his cell chamber, if it had been used, between 6 a.m. and 10 p.m. In the event of his having to use the cell chamber at night between 10 p.m. and 6 a.m., he empties it on unlocking after 6 a.m. in the morning." If the Prison Commissioners' orders were to this effect, they were everywhere ignored. No ex-prisoner or warder who has given evidence regarding prison conditions up to the year 1919 reveals knowledge of the practice of permitting prisoners to leave their cells after supper (4.30 p.m.) for the purpose of visiting the w.c. or of emptying the chamber. The only prisoners who were permitted to visit the w.c. after supper were those who were specially employed in association in order to perform urgently required war work, and even they were confined to the cells after 8 p.m.

The best comment upon the Prison Commission's letter is provided in the evidence of ex-prisoners. When asked what he considered to be "the worst feature of prison life," an ex-prisoner answers, "having to ask for, and perhaps be denied, the use of the w.c." Another ex-prisoner tells how he once rang thirteen times without answer. A newcomer to prison describes his experiences thus:—

> I asked the warder if the piece of iron behind the door was the bell handle to be used in case I should need to use the lavatory. His reply was as follows: "Do you think we have got nothing else to do but to run about and wait upon you; you must go when it is convenient; it is only a habit. You will have 'exercise' every morning and then is the time." With this he slammed the door. The next day I wanted to evacuate, so I asked the same warder on his visit in the afternoon whether I could go to the lavatory. The answer was curt: "Ask at a proper time, it is not convenient now." With this he abruptly left me.
>
> You will readily believe that I was in great pain the remainder of that day and night, and through the restraint I was forced to practise, my bowels refused to perform their normal functions for several days. In the course of work I was told by another prisoner that I was supposed to use the utensil in the cell for that purpose. Something ought to be done in the way of a remedy, as the idea of remaining in the cell with bad ventilation and human excrement is revolting to any decent human being.

"If a prisoner needs to visit the w.c.," says a woman ex-prisoner, "she may ring for hours without attracting attention."

Apart from the lack of opportunities to visit the w.c. during the day, the time spent in the cell at night sometimes means that the chamber is not sufficiently large even for ordinary requirements. "There are thirteen hours of the day during which the chamber may not be emptied," says one ex-prisoner. "The wet food makes the prisoner pass an enormous quantity of urine, with the consequence that in nine cases out of ten he finds the utensil supplied to be not large enough. So he is driven to use his wash-bowl." Our evidence suggests that this witness exaggerated the frequency of the occurrence, but it is certainly not rare.

We believe that since 1919 there have been certain improvements in the facilities provided for prisoners to visit the w.c. "A good deal of unpleasantness was caused through the revelations of the conscientious objectors," states a warder, "and men are now allowed to empty their chambers more frequently, though the opportunities are still insufficient." A medical officer, who admits that the arrangements have been bad in the past, says he has had no complaints for some time, adding, "we used to have complaints frequently." Prisoners are now stated to be permitted to attend the w.c. during breakfast and dinner and after supper until 8 p.m. A night commode is also kept on each landing and is available for men suffering from diarrhœa. Before these arrangements were put into operation, it was urged that the right to visit the w.c. would be abused. After a year's experience of the new system a warder states, however, that "cases are very isolated."[23]

Two methods are employed of emptying cell slops. In some prisons, the prisoners themselves carry their chambers to the recess and empty and wash them. In other prisons, the chambers are placed outside the cell doors, and the cleaners empty their contents into a big pail, afterwards rinsing them in a smaller bucket.[24]

The first method is much preferable, although in some instances a large number of prisoners have to wash their chambers in the same bucket, and in others the chambers are emptied and the cans containing the drinking water filled in immediate succession at one sink. We quote from the evidence of ex-prisoners to illustrate the insanitary nature of both practices:—

> "At ——," says one ex-prisoner, "the arrangement for cleaning the earthenware chamber was most unsatisfactory—a pail of water at the side of the w.c. to dip it in after emptying. The water in the pail was very nasty. An ill-tempered officer would not allow a man to rinse his chamber with running water at the sink."

[23] The improvements have not been carried out at all prisons. A witness released from a large prison in January, 1921, says that in practice there was no possibility of being let out of your cell to visit the w.c. at breakfast or dinner or in the evening. The patrol warders would not answer the bells, at any rate, on any landing higher than the ground floor.

[24] An "instruction" for the guidance of ward officers reads: "On no account is the chamber to be emptied into this pail if it contains excrement" (S.O. 216), but our evidence shows that this is often done.

> "At ——," says another ex-prisoner, "twenty or thirty men would stand in a queue outside the recess, some carrying chambers which had been used for evacuation purposes, other carrying their cans for drinking water. Both would use the same sink, and often the sink would smell badly from previous use when we went to get the drinking water."

The second method is condemned in the strongest terms by all who have had experience of it. "The stench was horrible at 6 a.m." says one ex-prisoner, "when all the waste was put outside the cell doors to be collected up. It was also impossible to keep the pots clean, not having access to the taps." "Many times I got a chamber in my cell for the next twenty-four hours streaked in and out with excreta," says another prisoner, "and a water-can in a filthy condition."

A third ex-prisoner describes what happens thus:—

> First thing each morning the warder opened your cell door, calling out "slops, water can, dust out." Then some other prisoner rushed round and emptied them, and as you were only allowed to put them out once a day, you may imagine the state of the chamber in many instances. The man emptied the slops first and, well, he couldn't help getting his fingers in the contents whatever it was. Then he rushed round with two or three water cans at a time, and I have got my water can back on several occasions with the handle and edge of the can marked with excreta. The old-time prisoners see that their mates have a well-cleaned can and put the filthy ones down for those who don't complain.

More than one ex-prisoner complains that on wet days "exercise" took place in the hall simultaneously with the emptying of the slops. "At that hour," says one of these witnesses, "there would be a chamber at every door which two or three prisoners would be emptying. Sometimes the stench would be awful. It was in this atmosphere that we marched round." The complaint is also frequently made that on Sunday mornings the collection of slops proceeded whilst open dixies full of porridge for breakfast stood near at hand on the landings.

Some of the warders urge that the officers suffer equally from the bad sanitary arrangements. "It is a horrible task opening the doors in the morning," remarks one. "The real sufferers are the warders," says another, "who have to stand by when the cells are opened and the chambers emptied without any chance of seeking fresher air."

The half-doors to the w.c.'s, leaving a space of about one foot at the bottom and only rising to the level of the waist, are objectionable both from the point of view of draughtiness and lack of privacy. The w.c's in the "exercise" yards in winter time are bitterly cold. In one prison at least, where the w.c.'s face a wall, no doors are provided at all. Objection to the lack of privacy is urged particularly by women ex-prisoners. "The half-doors on the lavatory are most indecent," says one woman witness, "especially when, as was the

case during one month of the time I was confined in 'F' wing, workmen were being employed on the landing opposite." The nervousness caused by the feeling "that one is on exhibition when making use of the closet [to quote the words of another witness], aggravates the constipation from which so many prisoners suffer."[25]

If there be one place more than another in prison where the enforcement of cleanliness and decency might have been expected, it is in the hospital, but our evidence shows that the sanitary arrangements in prison hospitals are very inadequate. The following is from the statement of an ex-prisoner:—

> In hospital no provision was made in the cell for washing plates or mugs, and it was the custom for prisoners to take them to the recess when they were allowed out of their cells to empty their slops. In the recess there was a w.c., a very small sink used exclusively by the cleaner, and a bath. The bath was used for the washing of plates and mugs, porridge dixies—and chambers. I have frequently seen a prisoner washing out his chamber at one end of the bath, whilst a second prisoner washed his plate and mug at the other end. This was a daily occurrence.

Other prisoners have made similar statements, so the practice is obviously not exceptional but a recognised custom.

There are also many complaints as to the infrequency of baths in hospital.

I.

> In —— hospital I did not get a bath during the whole of the 5½ weeks I was there. Twice applied. Both times told I would get one in my turn.

II.

> In the hospital at —— there was no systematic arrangement for baths. I got one weekly by particularly requesting the principal warder; he allowed me to bathe during the dinner hour and permitted me to use a special bath on another landing. But the other prisoners had to use the bath in which the chambers were washed out—on the rare occasions that they got a bath at all. Some of the men told me that they went a month without a bath, and that, if they didn't want one, no one insisted upon it.

Such systematic neglect is without excuse.

The bad sanitary arrangements in prison are made worse by frequent carelessness. "The porridge or 'skilly' handle," states a woman ex-prisoner, "was left for the night with the round closet brush used for cleaning the pan of the w.c. in a pail used for the same purpose." The following are the ironical remarks of another ex-prisoner:—

> It was always a source of cynical amusement to me that on my prison library card should be the title of a book, usually supplied to prisoners shortly before their discharge—"A Healthy Home and How to Keep It." As after many months I had not seen the book, I one day felt inspired to enquire of my landing officer whether it recommended that salt should be kept in an open canvas bag in the w.c. "recess."

[25] A witness says: "Once when visiting a prison hospital with other members of the Grand Jury I was struck with the open and offensive exposure of an unfortunate prisoner found in these circumstances. And the State punishes what it calls indecency!"

A Standing Order[26] insists that all w.c.'s shall be inspected by officers daily, but it is clear that this rule is frequently carried out in a most perfunctory manner, and sometimes not at all. One ex-prisoner states:—

> At —— there are earth closets. The pails in the w.c. where I exercised were sometimes not emptied for ten or 14 days, and many times I had to complain because they were so disgustingly foul.

These last cases are the results of negligent administration rather than of the bad system, but enough has been written to make clear that many features of the recognised prison routine are likely to discourage prisoners from leading regular, healthy, and decent lives. The numerous defects mentioned in this chapter are not only bad in themselves; they are significant of the careless attitude towards prisoners involved in the existing régime.[27] As we shall proceed to show, this disregard of physical needs is accompanied by a still more serious disregard of the prisoners' mental and spiritual needs.

[26] S.O. 352.

[27] An ex-prisoner writes: "One of the most valuable things prison discipline could achieve for many prisoners would be the inculcation of cleanly habits. Incidentally, a very strict 'cleaning parade' for the inspection each day of the decency of prisoners would meet the desire of those who consider that prison treatment should be penal, as a large part of the prison population dislike soap and water and cleanliness generally."

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

Diet.

1.—Diet is inadequate for some prisoners, and is excessively starchy and lacking in green stuffs.

2.—The meals lose all social value owing to the separate confinement of the prisoners and the mechanical distribution of the food.

3.—There is an inadequate opportunity for complaint by prisoners. Underweight, badness, and dirtiness are frequent. The food tins are unsuitably made and are consequently often rusty and dirty. (Earthenware utensils are now provided at one prison).

Dress.

4.—The uniform is ugly, ill-fitting, and humiliating.

5.—No sleeping garment is provided, except for women prisoners with sentences of at least 14 days.

6.—The clothing is frequently dilapidated, particularly the socks and underwear. Little is done to inculcate tidiness in prisoners.

7.—Owing to the cold buildings, the clothing is inadequate in winter.

8.—The bed clothes are inadequate in winter.

Exercise.

9.—The monotony and the rigidly enforced silence and discipline of the "exercise" destroy most of its value.

10.—The "exercise" grounds are generally depressing, and are frequently unadorned with flowers or shrubs.

Cleanliness.

11.—The provision of tin utensils in the cells encourages uncleanliness to avoid the necessary polishing after use. (Some of the tin utensils are now being replaced by enamel ones).

12.—The occasional clipping of the beard is an inadequate substitute for shaving and encourages carelessness as to personal appearance.

13.—Underclothing is often supplied irregularly and is frequently badly washed. The laundry arrangements are often unsatisfactory. Except in Convict prisons, prisoners do not have separate kits of underclothing.

14.—The arrangements for separating the underclothing of prisoners suffering from skin diseases are inadequate.

15.—The arrangements for cleaning reception cells and punishment cells are often inadequate.

Sanitation.

16.—Prisoners confined to their cells have great difficulty in visiting the w.c's.

17.—The method of collecting the slops from door to door in an open bucket is obnoxious. Generally, slops are emptied and drinking water obtained simultaneously from one sink. In some prison hospitals, chambers are emptied and plates and cups washed in one bath or sink simultaneously.

18.—Men with skin diseases, particularly venereal diseases, sometimes use the same w.c. as other prisoners.

19.—There is a lack of privacy in the w.c's.

CHAPTER IX

EDUCATION

The Educational Standard of Prisoners

"Prisoners," wrote the Commissioners in 1896, "are largely recruited from a class which, even now, is hardly touched by the Education Acts, and even if an elementary education has been given, lapse of time and the habits of life have effaced all memory of it."[1]

This generalisation is, unfortunately, still to a considerable extent true to-day, if we accept the rough estimates submitted by the prison authorities.[2] Though the percentage of illiterates among convicted prisoners decreased from 21 per cent. in 1896 to 13.3 per cent.—18,491 illiterates in all—in 1913 (the last year for which returns have been published), the proportion of those unable to read and write "well"[3] remained almost stationary, comprising in 1913 as many as 96.5 per cent. of the total number convicted annually, as against 97.7 per cent. in 1896. After over forty years of compulsory education these figures are as distressing as they are unexpected.

The Table given on the next page shows the estimated educational standards of prisoners on reception in the years selected.[4] The unsatisfactory results (as shown particularly in column 6) are to a great extent confirmed by the official Prisoners' Libraries Committee of 1910. The report of this Committee states that "the days when the bulk of prisoners were quite ignorant and illiterate are past"; but that "among local prisoners it is the exception to find persons of any substantial degree of education," and that "in the smaller Local prisons they are almost unknown."[5] Several chaplains have given

[1] Observations of Prison Commissioners, 1896, p. 8.

[2] The 1896 Prisoners' Education Committee gave (p. 6) the following warning in regard to statistics of prison education:—"In examining these statistics, however, it must be noted that the precise degree of education is not estimated upon a thorough examination, as the educational staff only examines those whom the sentence and age limits render eligible for instruction, the general mass of prisoners being classified principally on their own statements on reception." We believe that a similar statement is still true to-day, but it is probable that the average prisoner would be more likely to over-estimate his attainments than to understate them.

[3] i.e., at least as well as children in Standard V. of the elementary schools—the standard through which the child of average ability passes between the ages of 11 and 12.

[4] See fuller Table Q, on p. 40.

[5] Report of Prisoners' Libraries Committee, 1911, pp. 6 and 7.

even more decided evidence, one of the most experienced asserting that the majority of prisoners have forgotten most of what they learnt at school.[6]

Year	Total Number of Prisoners	Per Centage of the Total Number of Prisoners returned as being in each State of Instruction.						
(1)	(2)	(3) Illiterate	(4) Read and Write imperfectly. Standards I and II	(5) Moderate Proficiency in Reading and Writing. Standards III and IV	(6) Not above Standard IV (including Illiterate) i.e. Total of columns 3, 4 and 5	(7) Read and Write well. Standards V to VII	(8) Superior Instruction	(9) Instruction not ascertained
1870	157,223	33·6	62·6		96·4	3·2	·2	278
1896	149,002	20·9	76·8		97·7	2·0	·03	154
1905	196,168	17·1	76·8		93·9	5·0	·02	1,591
1909	182,216	14·8	41·0	38·7	94·5	5·4	·02	541
1913	139,060	13·3	44·5	38·7	96·5	3·1	·02	90

The totals include convicts who began their sentences in Local prisons.
Before the year 1907, Standards I. and II. were not distinguished from Standards III. and IV. No returns have been published since those for 1913.

The figures which we have extracted for the preceding Table are to be found in the Judicial Statistics, and have not, in the recent pre-war years, been divulged in the Annual Reports of the Prison Commissioners. These reports convey the impression that only a very small proportion of prisoners—some six per cent.—have been receiving elementary (or indeed, any) education whilst in prison, and the ordinary reader would probably infer that most of the remainder had advanced beyond the need of it. This the Table completely disproves; *and the small proportion is due*, as we shall presently show, to rules restricting education to only a small minority of those who need it.

The Educational Scheme Until 1919.

The scheme of education in force up to 1919 originated from the report of a small Departmental Committee on the "Educational and Moral Instruction of Prisoners in Local and Convict Prisons," appointed in 1896, with a *Prison Commissioner as Chairman*, and a Governor as Secretary.[7] The 1895 Departmental Committee on Prisons had recommended, without going into detail, the establishment of class teaching and the "extension of tuition to the prisoners generally who, it might be considered, would be the better for it."[8]

[6] Incidentally, these figures and statements raise the question as to how far the general adult populations of those districts (chiefly slum areas) from which the bulk of our prisoners are recruited, have dropped below the very moderate Standards IV. and V. since they left school. There appears to be no existing method of testing the matter statistically.

[7] Report of Prisoners' Education Committee, 1896 (C. 8154).

[8] Departmental Committee on Prisons, 1895, Sect. 74.

These generous recommendations the official Committee of 1896 did not uphold, though they made various suggestions for improvements in existing arrangements.

In 1897 the Prison Commissioners partially carried out these suggestions in a new scheme, applicable to all Local prisons. The educational aim which is supposed to govern this scheme is set forth in the following words:—

> The objects of the new scheme are to bring the educational requirements into conformity with that prevailing in the public elementary schools by the adoption of the first three standards of the day school code, our object being to provide such simple and elementary education as will suffice to enable an illiterate or imperfectly educated prisoner to obtain, during his imprisonment, such instruction as will enable him at least *to read and write easily, and to conduct simple calculations in money*, likely to be of service to him on discharge, for the purpose of the ordinary operations of his every day life.[9]

This very moderate aim was, and still is, considered to have been attained when the prisoner, on a test examination, supervised by the chaplain, is able to pass out of Standard III. of the Elementary School Code, in each of the "three R's" which it comprises. This standard may be regarded as roughly equivalent to that through which the Elementary School child of average ability passes between the ages of nine and ten. The Commissioners decided that in a Local prison nobody over the age of forty should have instruction. In so deciding they were largely influenced by the view of prison officials who thought forty a good limit and that it "worked well."[10]

The Commissioners have frequently complained in their reports of the short time available; but they themselves made the task of the schoolmasters in this respect much harder by insisting upon the principle that the first month (sometimes, therefore, the whole) of every sentence should be passed in strict "separate" confinement and under other particularly rigorous and punitive conditions, which exclude education. It was made a rule (it is still operative for "hard labour" prisoners) that no education be imparted to any prisoner during the first four weeks (i.e., the first stage) of his or her sentence, on the grounds that "the first class hard labour undergone by prisoners during the first month should not be interfered with" and that "education should be looked upon as a privilege" to be obtained by a month's obedience and industry."[11]

Education having thus been cut out from the first month, its further limitation to prisoners under sentence of at least three months followed almost naturally; for with the usual remission of a sixth part of his sentence, even a three months' prisoner would,

[9] See P.C. Report, 1896-7, p. 18, and elsewhere.

[10] Prisoners' Education Committee (1896), p. 8.

[11] Prisoners' Education Committee (1896), pp. 6 and 8.

under this rule, receive little more than six weeks' instruction, while a two months' offender would not get more than three weeks. Instruction for such short periods was not thought to be worth while.

Prison education was accordingly restricted, as a general rule, to well conducted prisoners under 40 with sentences of three months and over, who had not passed out of Standard III., and to them it was only given from the beginning of the fifth week of their sentence. It is true that a Standing Order gave the chaplain a discretion (besides that of refusing instruction to those otherwise eligible) to "admit other offenders, in whose cases there is reason to believe that good results will follow from their being made subject to educational influences."[12] But the statistics show that this discretionary power was seldom exercised.[13]

The one change between 1897-8, when the scheme was introduced, and September, 1919, occurred in 1906-7, when class teaching was substituted for that given to each prisoner separately in his cell. Also, until 1910 the unfortunate students were only allowed to write on slates; but then, it appears, pens, ink and paper were given them.[14] The time devoted to this class teaching was limited to two hours on two days or one hour on four days each week, and was taken from the time otherwise spent in labour.[15] The only subjects were, and are, reading, writing, and arithmetic, up to simple calculations in money; but "the chaplain is earnestly requested to see that the examination for passing out of Standard III. (the final Standard) is strict" and that a prisoner is not exempted from instruction until he has shown himself able to conduct with ease these three elementary operations.[16]

The history of the change from teaching in cells to associated classes is instructive. The Departmental Committee of 1895 were not in favour of class teaching, mainly because with their traditional horror of "contamination," they did not want to interfere with the separate system then in force. The majority of chaplains, they asserted, much preferred the cellular system.[17] Cellular teaching accordingly continued in force until 1906-7 when the Commissioners suddenly decided to institute teaching in association in all the Local prisons.

This step was no doubt due to the apparently successful results of the gradual introduction of associated labour about the year 1900. The outcome was similar; no evil results of class teaching were reported to the Commissioners. The Chaplain Inspector, reviewing the past years in 1915, declared that "the experiment of teaching of

[12] S.O. 356.

[13] The Instruction Tables published in the Commissioners' Report for the years 1908 to 1914 inclusive, classify a small number of prisoners (615 out of 8,800 under instruction in 1913-14) as being in Standard IV. on recordion and yet as passing the same examination "out of Standard III." as the remainder. The Chaplain Inspector's reports include these prisoners as "under Standard IV.," so that the Table appears to be misleading.

[14] P.C. Report, 1910-11, p. 45, and see Du Cane, "Punishment of Crime," p. 82.

[15] A minimum of four hours a week is required by the statutory rule 69.

[16] S.O. 360 (1919), based on the old S.O. 359.

[17] 1895 Prisoners' Education Committee, p. 7.

prisoners in association instead of in separate cells has proved completely successful. The general results are better, and the time of the schoolmasters is economised."[18]

In the report for 1908 we are told that a majority of the chaplains greatly preferred the teaching in association to the former cellular system, having been entirely converted by the experiment.[19] Here is an interesting case, where an antiquated feature of imprisonment was maintained in force for many years, merely because the officials had made no trial of any different method.

The Present Educational Scheme.

During the war, the education of prisoners was entirely, or almost entirely, discontinued, except, to some extent, in the case of juvenile adults. In 1919 teaching was re-introduced, and a new educational scheme and syllabus was circulated to all prisons in September of that year, "after consultation with the Board of Education."[20]

This new scheme proves on examination to be merely a recasting of the one in force before the war. Under that scheme, we have seen, teaching was restricted to those prisoners under 40 years of age, with sentences of three months and over, who had not passed out of Standard III., and was only given from the beginning of the fifth week of their sentence and for one hour on four days of the week. The existing scheme retains the same provisions as to the Elementary School Standards,[21] but restricts teaching to those *under the age of 25 years;* such prisoners, provided their sentence is *over one month*, receive instruction for *one hour on five days* of the week (excluding Saturdays and Sundays) *from the beginning* of their sentence, except in the case of Hard Labour prisoners, who, as before, get no teaching while in separate confinement, i.e., for the first four weeks.[22]

For Juvenile Adult prisoners (those between 16 and 21) the new scheme allows the same hours of instruction from the date of conviction to all not above Standard III. serving a sentence of 14 days and over. It is only the comparatively few selected Juvenile Adults, with sentences of three months or more, sent to the four prisons known as "Collecting Depots"[23] who "may be permitted to extend their education until they can pass out of Standard V." Otherwise,

[18] P.C. Report, 1914-15, p. 34.

[19] We are sorry to see, however, that the chairman of the Commissioners, in his recent book, suggests a reversion, in certain cases, to cellular teaching. Sir E. R. Brise, "The English Prison System" (1921), p. 127.

[20] This was, we understand, the first time that the Board of Education have even been asked to advise the Commissioners.

[21] In the 1919 scheme the term "Grade" is substituted for "Standard." It seems, however, preferable to retain "Standard," to avoid confusion, as this is the popular term still in use in the schools.

[22] We recognise, of course, that willingness to behave should be a necessary condition of admission to class-teaching. But many "hard labour" prisoners would behave as well as those without hard labour.

[23] There were only, in 1920-21, 524 of this category out of a total of 4,217 male juvenile adults serving sentences in Local prisons in that year. (Home Secretary's reply to question on May 3rd, 1921). The "depots" are Bedford, Bristol, Durham, and Liverpool prisons.

all qualified prisoners, over and under 21 alike, get their instruction under the same provisions. And not only is the same Elementary School Standard still retained as a final test, but no appreciable advance in objective has been made. The object of Education in Prison is expressed in the 1919 scheme in language which is practically identical with that used in the 1896 scheme, and indeed in the Commissioners' Reports on the subject, as long ago as 1878. In all these years no appreciable advance in objective has been made. Prison education still aims at "affording every young prisoner the opportunity of learning to read and write easily and to conduct simple calculations in the money and other tables."[24]

It is, of course, encouraging that the hours of instruction have been slightly increased (although the awful monotony of the week-end is still left untouched) and that the restrictions as regards the qualifying length of sentence and the date when teaching begins have been diminished. It is very deplorable, however, that no definite provisions are made for the instruction of men and women over the age of 24, i.e., of the large majority of the prisoners. This restriction is all the more surprising seeing that a considerable number of prisoners of this age evidently benefited by the instruction given in past years. Even among those over 40 there must always be some who have a genuine desire to be taught; it is cruel and unwise to debar anyone, however old, from the opportunity of learning to read and write.[25] The new scheme like the old provides, it is true, for a discretionary power on the part of the chaplain to include as pupils, exceptionally, those over the age of 25. But it is unlikely, in view of the pressure on the chaplain's time and thought, and the difficulty in obtaining exceptions in prison routine, that much advantage will be taken of this provision.

"The experience of past years," we are informed, "has satisfied the Commissioners that the best policy is to concentrate attention on the younger prisoners, say under 25 years of age."[26] In the absence of further explanation we can only suppose that the principal motive for the reduction in the age limit is economy, the funds available being only sufficient to pay the salaries of a small number of poorly qualified and part-time teachers, regard being had to the fact that, for disciplinary and other reasons, classes are limited to 20 prisoners at most.

The Teaching Staff.

The teaching of prisoners is in the hands of an officer, who enjoys the title of "Clerk and Schoolmaster Warder," a class instituted in 1895 to meet the need particularly of the smaller prisons, where it was more economical to have one officer to perform both clerical and scholastic work.[27] These officers are selected from the general body

[24] S.O. 359.

[25] Cp. Note on p. 159.

[26] This explanation, given in the 1919 scheme, is repeated, without addition, in Sir E. Ruggles-Brise's "English Prison System" (1921), p. 126.

[27] P.C. port, 1897-8, p. 24.

of warders and have to pass a qualifying examination conducted by the Civil Service Commission.[28] The examination is of a very elementary type, the only subjects being Reading, Writing from Dictation, English Composition, Copying Manuscript, Arithmetic, Digesting Returns into Summaries, and Book-keeping; it is a test of ability to do clerk's work, not of competence as a teacher.

The chaplain, who may himself have no scholastic aptitude, is supposed to give the new schoolmaster-warder, "careful personal instruction, and direction as to the mode of teaching prisoners" for a period of six months, at the end of which probationary period a permanent appointment is made. A schoolmaster's pay is slightly in advance of that of the ordinary warder, and he is not required to wear a uniform.[29] He is supposed to be employed entirely on clerical and scholastic work and as prison librarian, with no disciplinary duties. It is obvious that a very poor standard of teaching ability is all that can be expected from schoolmasters appointed upon these slender qualifications.[30] Indeed, the incompetence of most of them is recognised, we believe, by many chaplains. At the same time, our evidence indicates that their moral influence upon the younger prisoners especially is good, compared with that of the average warder.

The teaching of the few women prisoners who are eligible is at most prisons in even poorer hands. Regular "Schoolmistresses" only exist at three prisons (Holloway, Liverpool, and Manchester).[31] Elsewhere an ordinary wardress undertakes the schooling in her spare time under the chaplain's supervision.

Of the value of the class-teaching imparted the public have no means of judging apart from the meagre information given in the Commissioners' Reports. There is no inspection by any independent authority, and in fact none at all that is worthy of the name. From 1905 to 1914 the annual reports of the Commissioners contained a tabular statement showing the progress during the year of those under instruction. Thus during 1907-8 we are informed that, out of 13,407 prisoners who were being taught, 5,407 passed through one standard (beyond the degree of attainment at which they started); 3,180 through two; 1,163 through three; and 221 through four standards. In 1913-14, out of 8,800 under instruction, only 4,147 made progress to the extent of one standard or more. This big falling off in the proportion probably indicates a raising of the

[28] Until recently the examination was by an Inspector of the Board of Education, who merely had to certify that the candidates had sufficient proficiency in reading, writing, and arithmetic to qualify them to pass a test about equal to Standard V. of the old elementary school course.

[29] Plain clothes were recommended by the 1896 Prisoners' Education Committee "as a means of increasing the respect of prisoners for the teacher," since the Committee found that the schoolmasters were unanimously against the wearing of the discipline officer's uniform.

[30] At one at least of the four "Collecting Depots" for juvenile adults the instruction is given, we believe, by a qualified certificated teacher, who comes in from the outside; but this is quite the exception.

[31] They are selected after a very elementary examination conducted by the Board of Education.

standards of examination, for, as the Chaplain Inspector points out the whole value of the figures depends upon the strictness of the passing-out examinations conducted by the various chaplains.[32]

Prison education is, of course, gravely handicapped by the shortness of a majority of the sentences. Juvenile Adults, however, as has already been mentioned, now receive instruction from the date of their conviction, provided their sentence is one of at least *fourteen days;* while in certain prisons (where some of those with sentences of at least three months are congregated) these young persons may extend their education until they can pass out of Standard V. of the Elementary School. We may not unreasonably assume that the same provisions might with advantage be applied by the prison authorities, if only the funds were available, to prisoners of *any age*, who were willing to receive education.

From the returns, which we have quoted on page 150, we can estimate that about 95 per cent. of the prison population are unable to read and write "well," i.e., to pass out of Standard IV.; and of this 95 per cent. less than one-fifth have sentences of less than 14 days. Assuming that (say) another three-tenths of them are ineligible from infirmity, unwillingness, or other causes, we arrive at the conclusion that, on the Commissioners' own standard as applied to Juvenile Adults, at least 48 per cent. of the total prison population might reasonably be accorded definite instruction as far as Standard V. in prison. In point of fact, only 5,481 prisoners or about 12.5 per cent. of the men and women received into Local prisons were given instruction (and no higher than Standard III.) during the year ended 31st March, 1921.[33]

Education in Convict Prisons.

Convict prisons ought to provide a greater scope for education than the short sentence prisons. This was recognised partially even under Sir Edmund Du Cane's stern régime. But the educational system for convicts is one of the few features of prison which actually changed for the worse, in some important respects, as a result of the new rules framed under the 1898 Prison Act. Up to that time, it was the practice for each convict under instruction to receive a lesson (in class, as had always been the case in those prisons) of half an hour's duration once a week, between five and six p.m. The time in class was very scanty, but it was supplemented by private study, and the lesson was given by a properly "certificated" teacher (one of a "highly intelligent and valuable class of prison officers") and, most important of all, the education was continued up to Standard VI. of the Elementary School Code.[34] There was no prescribed limit as to age or length

[32] P.C. Report, 1907-8, p. 37.

[33] The percentage receiving instruction under the older scheme, in the year 1913-14 was 6.4 of the total number of prisoners received into Local prisons during the year.

[34] Report of Prisoners' Education Committee, 1896, pp. 10 and 11.

of sentence. In 1895 out of 1,065 convicts at Portland prison, 266 or about 25 per cent. were receiving instruction.[35]

In 1900, as the result of the recommendations of the official "Prisoners' Education Committee," a new scheme was introduced. Under it convicts who had not passed Standard III. (and only these) were placed under instruction from the first for one hour daily (taken from the time allotted to labour). If, at the end of six months, the convict had not passed Standard I., his name was liable to be removed from the instruction list. In any case, education was no longer continued up to Standard VI., but only up to Standard III.[36] As a result of this change, certificated teachers have, we understand, gradually disappeared from Convict prisons, their place being taken by the "Clerk and Schoolmaster Warder" with only the slender qualifications already mentioned.

In the years intervening between 1900 and 1914 convicts had at any rate some advantages as regards education over the short sentence prisoner, inasmuch as (a) the hours of instruction were somewhat longer, (b) there was no age limit of 40 fixed for eligibility, and (c) the instruction began at the beginning of the sentence, there being no short sentence disqualification. But, in other respects, though in the case of convicts the need for education was much greater, its character and conditions were, generally speaking, similar to those of Local prison education.

This similarity was still further increased by the new Education Scheme of September, 1919. Under this scheme the three distinguishing features just mentioned have all disappeared; the age limit of 25 is introduced for the convict as well, he also has five hours instruction weekly, while Standard III. remains the limit to which he is taken (except for the Juvenile Adult Convicts who are taken up to Standard V.) On paper, at any rate, the scheme is identical in all material features for Local prisoners and for convicts. Such an assimilation we regard as unexplainably wrong; first because the problem of the ever shifting short-sentence prisoner is here absent, and secondly because the convict, with never less than a stay of two years and three months to look forward to, has all the greater need of intellectual pursuits as a means to healthy interests, preserved faculties, and intellectual development.[37] During 1920-21,

[35] Ibid. Appendix V.

[36] See the S.O. quoted on p. 119 of the P.C. Report, 1900-1901.

[37] We have shown that, were it not for the restrictions imposed, the vast majority of Local prisoners would have been eligible for elementary instruction. In Convict prisons there has been no restriction as regards length of sentence, nor (up to 1919) as to age. And yet the proportion of convicts returned during the pre-war years as eligible for instruction up to Standard III. is, by comparison, remarkably small. Thus in 1913-14, out of a total of 1,054 new convicts, only 122 or 11.5 per cent. were returned as eligible for instruction, only 14 of these being illiterate. (P.C. Report 1913-14, p. 78). Unless a certain number of men have been considered ineligible from advanced age or mental infirmity, this small proportion can only be explained by the existence of a much higher standard of education among prisoners sentenced to penal servitude than is the case among those who serve their terms in Local prisons. As the majority of convicts have served a previous term or terms in these prisons, the explanation may be in part that they have already reached the prescribed standard by instruction received during an earlier sentence.

178 convicts, out of a daily average population of 1,435, were stated to have been receiving education up to Standard III.[38]

Unsuitability of the Elementary Education Scheme.

Quite apart from the special drawbacks peculiar to the prison system, the value of the education actually given within the new limits is for two reasons unnecessarily restricted. In the first place, it is deplorable that teaching of a more than usually difficult nature should be entrusted to men who, as a rule, have no skill in teaching and are often only slightly better educated than the backward scholars themselves. Secondly, the methods laid down for instruction are most unsatisfactory. It is ridiculous (we quote a competent witness with some experience of prison education) "to organise the work in Grades or Standards— a system which (though now somewhat obsolete in Public Elementary Schools) was designed for young children with a definite number of years for education before them."[39] Such a plan is quite unsuited to adults or adolescents. Much more individual teaching is required, and instruction should not be confined to the "3 R's." The best criticism that can be made upon the present scheme of prison education is afforded by the admirable directions for the instruction of backward recruits (a class of pupils not very unlike those under the care of the Prison Commissioners) issued in the official handbook by the General Staff of the War Office.

> "Careful individual instruction," so it is advised by the War Office handbook, "is the best means of developing the intelligence. Special classes should be arranged for the most backward, but it should be borne in mind that because a man required instruction in reading and writing it does not follow that his interest in such subjects as Citizenship and History is any the less or that he is incapable of profiting from instruction in them. Such men should, as far as possible, be made to feel that the education they are receiving is education in general subjects, and that the rudimentary instruction which has to be given them is only an accidental accompaniment to assist them in other subjects. Even if for a time they have something of a struggle to keep pace, they will be only the more encouraged to go on with the rudiments by being introduced at once to the ideas for which the rudiments are worth acquiring."[40]

Some of the prison chaplains, we are informed, realise that these are the kind of educational ideals that ought to inspire the prison administration and that the teaching at present accorded to illiterate and backward prisoners is almost valueless as a method of education. That it has value for *recreational* purposes, we do not

[38] Home Secretary in reply to Mr. T. Myers, M.P., November 10th, 1921.

[39] The Prison scheme of 1919 is based, in an uncritical and very abbreviated form, upon the Board of Education's handbook "Suggestions for Teachers in Elementary Schools," (Revised Edition, 1918, H.M. Stationery Office).
The Board of Education's "Suggestions," it cannot be too strongly emphasised, are written with a view to the instruction of children under 14. Yet the Prison Education Scheme makes use of them, without in any way modifying them, to meet the requirements of adult pupils.

[40] "Educational Training." War Office: 1920. Part 1, p. 50.

deny; poor though it be it affords a welcome break to the perpetual monotony of silence and solitude of prison life.

The Theory of the Provisions for Further Education.

The vast majority of prisoners, we have seen, are persons who have not even reached the very moderate standard regarded as fairly satisfactory for a child of eleven or twelve; and for these backward scholars the Commissioners have thought it worth while to provide the needed elementary education in the extremely limited proportion of about 6 per cent. only.[41] It is hardly surprising, therefore, that they should have made no provision at all for the instruction of the small proportion of prisoners who are able to read and write and do sums with comparative ease, and that the only "educational" arrangement available for them, as a rule, should be in the form of books for private reading.

The Departmental Committee of 1895 made no specific recommendations as to education other than elementary, though they advocated "the extension of tuition to the prisoners generally, who, it might be considered, would be the better for it."[42] The question was further considered by the Departmental Prisoners' Education Committee of 1896 (of which three out of five members were prison officials). This Committee was not favourable to anything beyond a slight extension of the facilities for the most elementary form of education. Their recommendation was as follows:—

> While we are strongly in favour of every encouragement and opportunity being given to prisoners to improve themselves by individual effort, we are of opinion that it is not advisable to carry elementary instruction in prisons further than the average standard laid down as being necessary outside the prison walls, and we think that when a prisoner has passed the Fourth Standard in the three subjects, reading, writing, arithmetic, he should be exempted from further schooling attendance. He should, however be permitted to have in his cell works of a higher educational standard than the fourth, subject to the approval of the chaplain.[43]

This view was adopted by the Prison Commissioners in framing the new educational scheme for Local prisons, introduced in 1897, which provided that "such as have passed Standard III. will be given educational books in their cells and be encouraged to work at them in their leisure time, e.g., during meal hours and after completing the day's task."[44]

Reasons for Their Complete Failure.

This provision represents the total amount of education that has been available in theory for the fairly literate inmate of a Local prison, at any rate up to 1919,—no instruction, but opportunities for self-education with a certain amount of encouragement. In

[41] i.e., up to 1914. For 1920-21 the proportion is stated to be 12.5 per cent.

[42] Report of Departmental Committee on Prisons (1895), Section 74, p. 26.

[43] Prisoners' Education Committee, 1896, p. 8.

[44] P.C. Report, 1878, p. 155.

actual practice the provision has, our evidence indicates, been extremely unsubstantial, principally for the following reasons:—

1. It is difficult for the prisoner to secure the books required. In the first place, according to the "Stage System," he is usually limited, at any rate during the first two months, to a single "educational" book which can be changed only once a fortnight; and even afterwards he can only with difficulty secure suitable or sufficient books for study. There has existed, it is true, an unpublished rule, allowing him, on special permission, books supplied by his friends, on condition that after use they become part of the prison library. But most prisoners are not informed of this rule (normally only hearing of it by chance from another prisoner), or they may not have friends able to supply them, or permission may be refused, if the book is thought unsuitable by the Commissioners.[45] Hence in the vast majority of cases a man must depend for his materials for study on the resources of the prison library.

Prison Libraries vary greatly. Most, we believe, contain a certain number of historical and scientific works, of technical manuals and a few foreign language books. But even though in the last few years there has been more adequate provision (due partly to purchases and gifts of books, and partly to the smaller number of prisoners) many libraries have certainly been inadequate to supply industrious prisoners with what they require. The prisoner is further hampered by the rule which limits to four the number of educational and "library" books (i.e., fiction, etc.) which he may keep in his cell; and, in some prisons, by the inefficient machinery for exchanging and allotting books in advance. The following evidence of an educated prisoner (with experience of three different prisons during 1916 and 1917) indicates the drawbacks of the system, with specific reference to the attempted study of a foreign language, such as Italian and French.

> Even supposing that the libraries were richer than they are now, under the present system a prisoner, after waiting a long time, might possibly get a foreign text *or* a dictionary *or* a grammar separately. Another member of the trio might appear perhaps six weeks or even three months later. He could not get them together without extreme difficulty and long sacrifice of other reading matter. Now obviously a schoolmaster worthy of the name ought to be empowered to enable everybody who really wished to study a language to have a text, a grammar, and a dictionary simultaneously, as his educational or school book, and to continue to receive two other volumes of fiction or general literature as in the ordinary course.

Another witness with experience of three prisons extending over more than two years says (and this is typical):—

[45] "The Commissioners (who themselves deal with all these applications) usually act on the principle that permission should only be given for books of a special or technical nature. . . . which the prisoner can show to be of use to him for maintaining and increasing his knowledge of his trade or some kindred purpose." Prison Libraries' Committee Report, 1911, p. 25.

> One could not do any consecutive reading. We might ask for a book and it might not come round for three or four weeks.

2. A second great difficulty has been the absence of writing materials for note-taking and exercises. It is true that every prisoner has a slate pencil and a slate (the former sometimes broken, and the latter often scored with the engravings of a predecessor).[46] But, as almost any adult will find if he makes the experiment, a slate is a very inadequate substitute for pencil and paper; moreover, the prisoner needs them as an emotional outlet against silence and repression, as well as for notices to the librarian or warder.

Of the official prison chaplains who have given us evidence on this subject as many as ten are in favour of a greater provision of writing facilities. One of them, with over twenty-six years' prison experience, instances the case of a rather desperate character who offered to do three times the normal task of hard labour if allowed pen and paper to write. The Commissioners refused permission, and a prisoner of hopelessly bad conduct was the result. Another chaplain declares that "the slate is a barbarous provision for adults," and mentions one prisoner, able to write poetry of sufficiently good quality for one of his pieces to be included in the prison hymn-book, who was naturally "much hampered by having only a slate." A third suggests that prisoners "might be taught to take deeper interest in the books they read, if they were encouraged to write essays on them."

From many complaints by ex-prisoners on this subject, we give the following as typical:—

> The lack of means to write—one hasn't the heart to do much on one's slate—made systematic study very difficult. This lack is a very grievous one. One kept thinking round in a circle, instead of getting any "forrarder."

Another writes that his great longing for constructive work only found outlet on the rare occasions of his letters to his family. Several ex-prisoner witnesses have even singled out the lack of writing materials as the *worst* feature of prison life.[47]

3. But apart from the deficiencies of reading and writing materials, the circumstances of the prisoner's condition are seldom conducive to study. In another chapter we shall show how the rigidity and dullness of the régime tend to impair the intellectual powers, to discourage initiative and to produce apathy. Without the stimulus of companionship, of conversational discussion, and of class teaching, the average prisoner finds it very hard to apply himself to sustained study behind a locked door. He has not the "vocation" or the spiritual resources of the cloistered ascetic, and few ascetics have condemned themselves to perpetual silence for months at a time.

[46] Slates were first introduced as part of the cell furniture by the educational scheme of 1898.

[47] Cp. the instance given on p. 575 of the disastrous results of withholding composing materials from a musician.

In some cases prisoners have only too much leisure for reading, especially during the week-ends,[48] but in others, where excessive tasks have been fixed, or evening labour is rigidly enforced, even after the task is completed, there is insufficient time available for study. It was all very well for the Commissioners to speak of "study during meal hours." Some men's constitutions do not allow of brain work close on a clogging and starchy meal; there is also the chance that much of the meal-hour has to be occupied in cell-scrubbing, polishing, or other domestic occupations.

4. Lastly there is very little evidence of that "encouragement" of prisoners in self-education suggested by the Standing Orders. We have heard of no coaching or advice being given by schoolmaster warders to those prisoners who pass out of their hands on the attainment of Standard IV. The chaplain is required by the Standing Orders "in the course of his cellular visitations to make it his regular practice to interest himself and offer advice upon each prisoner's reading."[49] But the chaplain's visits are too brief and rare (hardly ever more than a quarter of an hour monthly) to make such "regular practice" anything but a formality. He has too little time available for anything besides his routine duties. It is needless to emphasise how little real help can come to a lonely and bewildered man from occasional visits like these. The encouragement of self-education is not such a simple matter, even when a man is free, much less when he is an offender living under repression.

There may, of course, be exceptional cases where a chaplain, concentrating on some particular prisoner, has given him guidance through a course of study. And, apart from literary pursuits, gifted prisoners have sometimes been allowed to employ their talents in a way that is both educational and constructive, as for instance in the decoration of the chapel or the planning out of a bird's eye view of the prison. We know of a Catholic priest who gets his women prisoners to do drawings in pen and ink. But these are rare oases in the barren desert of prison culture.

Prisoners' Efforts at Self-Culture.

The present writer may perhaps be pardoned for illustrating from his own experience in a provincial prison some of the obstacles to effective study. It was not until after the end of his first imprisonment (lasting four months) that he learned from a fellow-prisoner the rule by which a few books might on occasion be presented to the prison library for the use of a particular prisoner. He wanted to devote himself during his second sentence (one of two years hard labour) to the study of the text of the Greek Testament, and had

[48] The official Prison Libraries Committee of 1910 estimated that the time available for reading averaged about two hours on a weekday in a Local prison (where five to six hours on Sundays. This was probably an overstatement, though some men in some prisons have had more than this. Now that lights out is at 9 instead of at 8 o'clock, most prisoners perhaps have three hours available for daily study.

[49] S.O. 372.

therefore asked his relatives to send the chaplain a copy of this book, of which he might have the use. This was done; soon afterwards, during the usual two long months of isolation from all visits and letters, he was informed by the chaplain (who was most kind in the whole matter) that the volume had been received, and that he had written to the Prison Commissioners for permission to add it to the library. But a week or two later the chaplain opened the cell door again and, with evident and somewhat shamefaced reluctance, informed the expectant prisoner that the Commissioners had written saying that they could not authorise the admission of the Greek Testament to the prison library, on the ground that such a book was not likely to assist the prisoner in his subsequent career. This information received in the depressing solitude of prison (the prisoner was suffering from chronic ill-health), left him in a sufficiently tragic state of disappointment.

If the writer had been the average prisoner, without friends belonging to the governing class and able to exert pressure on Whitehall, that would have been the last of his cherished study. But such friends he happened to have, and accordingly six weeks later the volume reached his cell, where it remained during the rest of his imprisonment.

The concentrated study of it in leisure intervals, extending over several months, led the prisoner to conclusions as to the interpretation of certain passages which appeared to him both interesting and new.[50] These he had to record upon his slate, which soon became full to overflowing. When writing his monthly letter to his family, he occasionally transcribed some of these notes, but naturally did not care thus to occupy much of the precious three pages allowed. He had, therefore, to rely on other expedients; and being unable to trust a memory impaired by prison conditions, he pricked his notes with a needle in the margins of the hymn book, which, since it was not prison property, he hoped to retain at the conclusion of his sentence. Other notes he copied briefly on the margin of each monthly letter received from home, when pen and ink were allowed him for the purpose of answering it. These letters (fortunately not impounded, as they might have been, when the writer left prison), enabled him to work up his notes into articles which appeared in theological and other periodicals, and thus (contrary to the expectations of the Commissioners) assisted his career by bringing in money when it was needed!

There have been many other recent cases where perfectly harmless compositions of some interest and value have been surreptitiously produced and smuggled out of prison. Some prisoners secrete bits

[50] He was during most of this time employed upon garden work under exceptionally favourable conditions, so that his natural powers were kept comparatively fresh. Later on, when he resumed the usual occupation of sewing mail bags, his powers of study dwindled, and he read little but works of fiction. No assistance in study was offered by the chaplain, who, though doubtless willing enough, had too many duties to find time for such individual attention.

of pencil; a few have even improvised inkpots of soap or cobbler's wax. Spare pieces of sanitary paper serve as notebooks or carry illicit communications to fellow prisoners. In nine prisons we found during the war political prisoners succeeded, in defiance of all the regulations, in circulating among themselves private newspapers containing occasional articles of some literary merit. In all these instances the prisoners concerned exposed themselves to the possibility of serious punishment, usually involving terms of bread and water and solitary confinement, if detected; and every now and then such severe punishment fell upon them.

Prisoners, we submit, should not be driven to these awkward and surreptitious expedients in order to help forward their studies and to satisfy their desire for self-expression. And how many must have failed, for one reason or another, to make use of these unrecognised methods, to the detriment of their mental health and of their capacity for living intelligently after their release!

The upshot of the matter is that, under the system, [illegible] system obtaining in Local prisons, at any rate up to the [illegible] tional scheme of September, 1919, there has been [illegible] of very few prisoners, nothing worth calling [illegible] who have passed beyond the elementary Standard III. [illegible] Prison Libraries' Committee of 1910 asserted that "[illegible] stantial progress made by the use of the trade manuals [illegible] are numerous," mentioning the case of a man [illegible] book-keeping, and shorthand. But they bring no evidence [illegible] port their general assertion, and the considerations [illegible] mentioned disincline us to believe that it is based on [illegible] an unsubstantial deduction from one or two rare [illegible] exceptional prisoners.

Of the urgent need and of the ample opportunity for [illegible] in prison (except for those under very short sentences) there is abundant evidence. The best witnesses are the [illegible] ingenious and pathetic objects, expressive of the [illegible] and creative instincts, which prisoners have [illegible] during their long hours of solitude. The variety of these productions is amazing,—elaborate designs [illegible] even on a layer of whitening transferred to the [illegible] embroidered handkerchiefs, Christmas and birthday cards [illegible] with artificially made colours, printing type [illegible] pieces of rag twisted into fancy devices, fancy objects [illegible] ravellings of blankets, more solid ones from soap or cobbler's wax with intricate inlaid patterns of coloured thread, tooth [illegible] etc., carved out of a bone tooth brush, wooden toys, [illegible] frames for photographs, even a beautiful little set of [illegible] black and yellow, composed of cobbler's wax.[51]

[51] See also the description of the [illegible] and weaving on p. 219, and [illegible] occupations on pp. 576-79.

In a few cases, these artistic treasures have been smuggled out by the prisoner, or perhaps given to a warder in recognition of some substantial act of kindness. But the prison authorities have usually seized them, very possibly rewarding with stern punishment the temerity of the artist.[52] We have ourselves seen and admired some of these productions and confess to a feeling of awe and veneration at the thought of the tremulous emotion with which they were pieced together and of the tender care which hid them away from the sight of the prison officers.

A number of chaplains and others of the higher prison staff whom we have consulted are decidedly in favour of greatly extending the educational facilities, particularly by allowing prisoners to practise some craft especially during the long black hours of Saturday and Sunday. Thus one chaplain (with experience of convict as well as Local prisoners) writes as follows:—

> To the extent to which prisoners are now allowed to decorate their cells with picture-cards—to that extent there is gain in mental contentment, in evoking finer feelings or keeping alive affection.
>
> Provision might well be made for prisoners to express themselves in wood or leather or other materials; much clever and happy work would be done, which would keep them from harmful thinking, feeling or acting in loneliness. . . I think outside educationists might be admitted to train and educate individuals during those long hours of solitude, just as outside chaplains go round in such hours and converse and instruct religiously.

A high prison official of long experience has told us that he would give facilities for such occupations as water colour sketching so long as no tools were used which might facilitate assaults, escapes, and suicides. Something of the kind is actually being done at Camp Hill Preventive Detention Prison.[53]

The Inadequacy of the 1919 Reforms.

We have so far been dealing primarily with the educational conditions obtaining for post Standard III Local prisoners prior to the year 1919-20. It remains to enquire how far the educational scheme introduced in September, 1919, has affected them.

The only relevant portion of this scheme runs as follows:—

> Prisoners who have passed out of Grade III. will be given school books in their cells and encouraged to work at them in their leisure time. They, and all prisoners desirous of improving their knowledge, will be encouraged to prosecute their studies, and the chaplain and schoolmaster will assist them by personal guidance and instruction.

There is also a new regulation, according to which an exercise book and a pencil may, with the governor's concurrence, be issued to any prisoner who has been at least six months in prison.

These two rules represent the only advances made, in respect of "further" education, since the 1897 scheme (with the exception of

[52] In one prison at any rate, we are informed, these secret crafts are not discouraged, though the objects are confiscated when the prisoner leaves.

[53] See p. 445.

the increased lectures for Juvenile Adults); and the first of them is merely a somewhat more emphatic repetition of one of the provisions of that scheme. We have little evidence as to how far cellular instruction is in fact now given by the chaplains and schoolmasters to those who have passed Standard (Grade) III. As far as the chaplain is concerned, it appears in the highest degree unlikely, as we have already indicated, that he has, as a rule, adequate time to spare for this. What evidence we have supports this view.

The supply of notebooks and pencils as aids to study would go a considerable way towards remedying one of the most serious deficiencies to which we have drawn attention. But there is reason to fear that extremely few prisoners receive them. The concession is restricted to the small minority of prisoners who have served at least six months and to these "subject to good behaviour and provided that the governor and chaplain are satisfied that a proper use will be made of them for the purposes of study and not for journalistic purposes."[54] And the only study allowed is that of "some particular subject, the knowledge of which is likely to benefit them on their discharge," i.e., presumably from the standpoint of earning their living.[55] Writing materials would apparently be refused to a man who wanted them merely to prevent mental deterioration.

The chaplain of one of the largest prisons states that the officials are very suspicious and oppose this reform, because it means more inspection and more work, although he adds that the Juvenile Adults make very good use of similar writing materials and very rarely abuse the privilege. There is altogether a want of positive evidence to show that the educational scheme in force since 1919 for Local prisons has materially improved the possibilities of education for those comparatively few prisoners who have passed beyond the elementary Standard III.

We are glad, however, to have private information of a very recent experiment, in one prison only, which may have far-reaching results. Three skilled volunteers have been allowed to hold classes in embroidery and basket work on three afternoons a week for the unconvicted women prisoners and also the convicted women who are in the hospital cells. The door is not locked and as a rule no wardress is present. During the summer the class has been held out of doors. The results of the work are very creditable, and the effect on the women is said to be excellent. One of the women teachers writes:—

> The work is greatly appreciated by the women. It not only affords a real interest for them in their spare time, but the fact that we are people coming in to them from outside, and are in no way connected with prison life as they know it, undoubtedly counts with them even more, and has made possible their attitude of freedom and courage towards the lessons.
>
> Some of the girls on remand here have taken work with them, when they go for trial, and have done a good deal, while waiting in the police court cells.

[54] Reply to Mr. B. Spoor, M.P., March, 1920. It has also been stated that those prisoners to whom writing materials are allowed are permitted to have books sent to them by their friends to a much greater extent than was the case under the older rules, and that these books, as well as the note books, may be retained by them on their discharge.

[55] In at least one prison during the war a third division political prisoner obtained leave to take an hour out of associated labour in order to recover his speed in shorthand, so as to be able to continue earning his living as a newspaper reporter. This is a precedent that might well be followed.

We understand that the Visiting Justices contemplate making a grant of money for the expenses of this admirable scheme; and that there is good prospect of the classes being opened to convicted women prisoners, apart from hospital cases. If successful in this prison, there seems to be no reason why the scheme should not be extended to all the other prisons, as soon as volunteer teachers are forthcoming.[56]

Evidence as to the conditions of "further education" in Convict prisons[57] is lacking. Outwardly they are the same for convicts as for Local prisoners under the 1919 Education Scheme. Cell study, with the supposed assistance of the overworked chaplain and schoolmaster-clerk (and the use in special cases of notebook and pencil after a prisoner has served six months), is the rule.

This last concession, under conditions similar to those obtaining in Local prisons under the 1919 scheme, has been made an occasional privilege in Convict prisons for some years past. The subjects usually allowing of a notebook are shorthand, algebra, electrical engineering, tailoring, and a foreign language. In a few special cases a convict has been allowed to have drawing instruments in his cell. We have evidence of several well-educated convicts who have been refused notebooks and pencils, ostensibly on the ground that the subject which they wished to study was not one likely to be of use to them in earning a livelihood subsequently.[58]

In conclusion, we may trace the highly unsatisfactory state of prison education to the following main causes:—

In the first place, the maintenance of the punitive and deterrent factor as the primary principle of the system has fatally hampered educational progress. In the days of Sir Edmund Du Cane the Prison Commission set itself definitely against the experiment, instituted (with very little success, it is true) in some of the county prisons before 1878, of making literary education an instrument for rehabilitating offenders.[59] This bias still survives. It has prevented,

[56] In two of the Scottish prisons, weekly Brabazon classes for women prisoners are held, with good results to which the officials testify warmly.

[57] Cp. par. 722 and 323 for industrial training of convicts.

[58] In 1910-11 a new departure in Convict education was made, though we can find no trace that it has been followed up. "Three men," the governor at Maidstone reported in that year, "have just commenced courses under the tuition of the International Correspondence School, the courses being Marine Engineering, Building Construction and Mechanical Engineering."

[59] Compare, for instance, the annual report of the Commissioners for 1885 (Sections 39 and 471): "The deterrent and reformatory effect of a sentence should not be sacrificed in order that a prison may be made a place of literary education"; and the ridicule cast by Sir E. Du Cane on Reading prison under the administration of the County Justices (Du Cane's "Punishment and Prevention of Crime," 1885, p. 57); and also p. 79—"it would be bad policy to diminish the deterrent influence or penal discipline in favour of those who are ignorant." Before 1878, prison education seems to have meant little more than being taught to read the Bible and other religious books.

until within the last two years, any education being given to prisoners during the first month of their sentence, as it still does in the case of "Hard Labour" prisoners and those sentenced to one month only. It has in other cases unduly restricted the hours available for education, and has hampered the possible progress of the scholar in diverse ways.

Secondly, injury has been done to education by the rigid adherence to the rule prohibiting one prisoner from communicating with another —a rule partly punitive in intention and partly based on the fear of contamination and collusion.[60] So long as this rule is maintained as an essential part of the discipline, the free supply of writing materials to prisoners will be impossible. It is too much to expect men who are prohibited from conversation with their fellows not to use their pencil for sending them occasional notes; and this cannot be prevented if they have a pencil in their possession for study purposes.

Thirdly, there is the over-ruling motive of economy. This has affected both the extent and quality of the education given. The very poor qualifications of the teaching staff and the deficiency in books and equipment, on the one hand; on the other, all the restrictions of the benefits of education in regard to age, standard and terms of sentences, which we have detailed in this chapter—these very serious defects are at least primarily due to the Government's constant disinclination to allot larger sums for the instruction of the most despised portion of the community.[61] Whether this, and other like forms of public economy relating to national education and prison administration, are wise from any large and long-sighted standpoint of policy, is a question which, to say the least, is gravely open to doubt.[62]

Finally, the absence of any inspection of the educational arrangements in prisons by an independent authority (such as the Board of Education) is a serious disadvantage. Until provision is made for adequate inspection and criticism, prison education must remain a veiled problem, hidden by the satisfaction of the Commissioners with their own arrangements and by the gloom of official secrecy that covers every part of the prison administration.

[60] Compare the remarks of the Home Secretary in 1913 to a deputation arranged by the Penal Reform League) on this subject. "I am heard to say that some of the rules and Standing Orders with regard to books and writing material are antiquated . . . . However, I know there are practical difficulties of supervision and that kind of thing . . . . For example, you do not want to have men, under the pretence of writing, concocting, as often does happen in prisons, crimes, when two or three have to be out again together." (Penal Reform League Record, 1913, p. 511.

[61] It is hardly necessary to bring evidence in support of this assertion. We find it for instance in the report of the Official Prisoners' Education Committee of 1895, e.g., P.8, Section 29, as regards the reasons against educating prisoners with sentences of less than three months; and in the reply of the Home Secretary in 1913 to the Penal Reform League deputation ("I do not believe you would appreciate by education the preventive effect of punishment. But there are practical difficulties. It would involve more staff, more money, and we have to tackle the Treasury"). P.R.L. Record, 1913, p. 51. No separate account is kept of the expenditure on education in prison.

[62] Another difficulty from the administration standpoint is, of course, the shortness of the majority of the sentences; but for this the prison authorities are not in any way responsible.

A Note on Adult Education.

In the 1913 year book of the Workers' Educational Association (p. 263) we read: "The ages of the students range mainly from 25 to 40 years, though quite 10 per cent. of each year's membership have been between 40 and 50 years of age." The reference is to the Association's summer school, but the Secretary writes that it is generally true of their students, adding that a very considerable proportion of them verge on 50 years of age. The following notes on the possibilities of adult education have been supplied to us by a university graduate, who has taken a leading part in the movement for adult education among artisans and labourers:—

(i) The idea that men do not respond to education after 20-25 is an error. Much intellectual growth takes place after 25, particularly in the working classes.

(ii) The idea that lack of previous education is an insurmountable obstacle to advanced education of a humane kind is also an error.

What is true is (a) that most men lack the special preparatory knowledge necessary to certain branches of knowledge (e.g., weak mathematics may prevent advanced scientific work), and (b) that mental machinery—power of clear expression, etc.—gets out of gear between 14 and 18, and therefore men seem to the unskilled observer to be stupid.

The fact is that the growth of interest and of general ideas goes on long after formal mental discipline has ceased. These can nearly always be appealed to once they are discovered. When they are discovered, practice very soon restores the power of expression in most cases, though not in all. As a matter of fact, the very backwardness of the latter causes the first years of adult education to give "increasing returns," which astonish the teacher. I have seen apparently stupid men acquire the art of expressing themselves well on paper in a winter.

(iii) Adults cannot be taken through a preconceived course. Education must start from their predominant interests, and teaching must be related to these, especially at first. Hence the teacher must get to understand them, and it is even more important for him to know his pupils than to know his subject.

(iv) The change in character which education under the right conditions can produce among adults is amazing. When a man discovers that he is really learning to understand big questions, he gets a new self-respect and hopefulness. The mental growth is nearly always a moral growth as well.

(v) No one is hopeless, because everyone has some avenue into his mind. If the teacher does not find it, he is the wrong man. One must always assume that the student has a tender spot somewhere which education can discover.

(vi) Men learn most easily in groups, because they educate each other, and can stand up to the teacher.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Education is seriously hampered by the punitive principles of the discipline and the silence rule.

2.—Too little money is spent on education. There is no independent inspection.

3.—Prisoners of 25 years and upwards are generally denied education, as are also those over 21 years, who have passed out of the elementary Standard III. Instruction is in any case only given in the three "R's" and only for five hours weekly, and it is not given to those whose sentence is a month or less, nor to hard-labour prisoners during the first month. In the case of those under 21, it is only given up to Standard V. when the sentences are three months or over.

4.—The prison education scheme, though applied to persons between the ages of 16 and 25, is crudely based on a system drawn up for children under 14.

5.—Despite the greater possibilities for education in the Convict prisons, education is similarly restricted (except in the case of juvenile adults) to those under 25 years and under Standard IV., to five hours weekly, and to the three "R's."

6.—The teachers are not trained and are generally incompetent, the qualifying examination for the "Clerk and Schoolmaster" grade of warder being very elementary.

7.—No provision is made for further education, except in study under solitary and depressing conditions by means of an inadequate supply of library books. Prisoners are not allowed writing materials (except slate and pencil) for the purpose of study, except in a few special cases when six months have been served.

8.—The chaplain is too overburdened with work to assist prisoners in further education.

9.—There is no provision for the learning of a craft or the practice of a hobby.

CHAPTER X

RECREATION

Lectures in Convict and Local Prisons

It is impossible to consider prison lectures as part and parcel of any educational system. They have hitherto been too rare, or too disconnected in their subject matter. They must be treated as more in the nature of recreation.

In the early period of the penal servitude system, lectures were not unknown in Convict prisons, where the Directors experimentally introduced them; and at Woking, the "Invalid Convict prison" of the time, over 200 convicts voluntarily attended to hear such men as the Christian Socialist writers, F. D. Maurice, Thomas Hughes, and others. But when the punitive side of the system came to be more emphasised after the Royal Commission of 1863, this admirable experiment was discontinued, and we hear no more of lectures either in Local or Convict prisons until the era of the Departmental Committee of 1894-5.

It is somewhat surprising that this liberal-minded committee made no specific recommendation as regards lectures in their report. The smaller and more official Departmental Committee of 1896, having been specially directed to report on the subject, emphasised the objections advanced by many chaplains and other prison officials; in particular, "the necessarily penal nature of imprisonment and the ever present danger of injudicious relaxation of discipline," together with "the terrible evils resulting from the injudicious association of prisoners." Owing to these considerations and to the material and practical difficulties involved, a very large proportion even of those witnesses who were favourable to the introduction of lectures, "gave their assent almost grudgingly, qualifying it by many conditions."[1] Nevertheless, the Departmental Committee recommended that lectures should be introduced as an experiment

[1] e.g., the Bishop of Newcastle, as ex-prison chaplain, said that "prisons are not quite the places to be made extremely attractive."

in a few prisons, Local and Convict, and suggested very sensibly that subjects of a historical or biographical nature would be preferable to abstract themes such as thrift or temperance.[2]

The experiment, tried in both classes of prisons, was a remarkable success, in spite of the gloomy prophecies of the officials. We read in the report of the Commissioners for 1901 that "lectures on moral subjects are given by chaplains and educated laymen, and there is a general testimony to the good effect of this new departure." And in the same passage the claim was made that "a wide effect had been given to the recommendation . . . that lectures and addresses should be organised in such a way as not to interfere with the necessary deterrence of prison discipline."[3]

Notwithstanding this statement of the Commissioners, it is quite evident that the introduction of lectures into the prisons was a very slow process, mainly because it was dependent upon uncertain voluntary effort, which, unfortunately, was neither readily forthcoming nor effectively organised. This was most marked in the case of the Convict prisons, doubtless owing to their more isolated position. Yet for convicts, with their long sentences, these diversions were required most. Accordingly, in 1909-10, Mr. Winston Churchill, when Home Secretary, approached the Treasury for a small grant to establish a paid system of lectures and musical entertainments in Convict prisons only. The Commissioners agreed that this innovation might be introduced "to relieve the monotony of penal servitude, without prejudice to good order and discipline," and in the next year (1910-11) definite arrangements were made for two lectures and two musical entertainments at each Convict prison in the year.[4] Against these innovations no bad effects so far as we can discover, have been alleged, and they have apparently been continued as regular quarterly events (with some interruptions, owing to the unusual circumstances of the war). Governors and chaplains have frequently testified to the benefit they have been to the prisoners.

The general introduction of lectures into the Local prisons was almost equally slow, even for women and juvenile adults, who for a number of years alone benefited in the majority of prisons.

As regards the women, a regular provision of lectures by lady visitors on secular subjects (health, nursing, and sanitation) was inaugurated in Holloway prison in 1904 "with perfect success," the privilege of attending being confined to "selected cases." A year later a similar lecture scheme had been adopted in 24 women's prisons. During 1909-10, 257 lectures were given in the 43 prisons containing women.[5]

[2] *Prisoners' Education Committee Report (1896), p. 13.*
[3] P.C. Report, 1900-1, p. 21.
[4] See P.C. Report, 1909-10, p. 30, and 1910-11, p. 17.
[5] P.C. Report, 1909-10, p. 34.

During these years the provision of lectures to the juvenile adults was also extended, so that, in 1909-10, 1,133 lectures were given to this class in the 56 Local prisons then existing.

The male adult prisoners in Local prisons largely outnumber the women and juvenile adults taken together. But it was not until a year or two before the war that the men, in any considerable numbers, had an opportunity of attending a lecture. Thus, in the year 1909-10, the Chaplain Inspector informs us that the total number of lectures given to the general body of prisoners in the 60 different prisons was 51—less than one per prison.

In 1911-12 the Chaplain Inspector stated that the lectures given to the general body of prisoners were infrequent, and that he "had, therefore, during his recent visits, conveyed to the prison chaplains the desire of the Commissioners that a *monthly* lecture of this kind, on secular subjects, should (as at Ruthin prison) be arranged for, *if possible.*"[6] Unfortunately, this laudable desire for monthly lectures, owing, we imagine, to the want of local initiative, failed in its object, and instead, by 1913-14 at any rate, arrangements were to have been made for the general body of prisoners to have four lectures a year.[7] During the war even this plan broke down, owing to the difficulty of obtaining lecturers and to concentration of prisoners upon war-work, and lectures ceased in most prisons for the time being.

In the period which has elapsed since the end of the war, the Commissioners have, we understand, done something to encourage the introduction of regular and frequent lectures in all Local prisons. But no grant has been instituted towards the provision of paid lecturers in Local prisons. The organisation of interesting lectures is, therefore, dependent upon the initiative and energy of either the visiting committees of justices, or the chaplain and governor, or of a combination of these. The results, naturally, are very variable. We have evidence that, in the case of a considerable proportion of the visiting committees nothing at all is done, the matter being left in the hands of the chaplain. The chaplain, in his turn, is often handicapped by not having, or not choosing to have, the necessary leisure, and by not knowing where to secure suitable volunteers to deliver the lectures.

As an indication, however, of what is being done in some prisons, we give two instances that have come under our notice.

At Birmingham prison a quarterly lecture is now given to the whole body of prisoners (attendance about 440); a monthly one by a lady visitor, or other lecturer to the girls and women (about 40); and a fortnightly one to the juvenile adults and a few other men under 25 (attendance from 50 to 60). The visiting justices have themselves been among the lecturers, and the subjects have

[6] P.C. Report, 1911-12, p. 44.
[7] P.C. Report, 1913-14, Chaplain Inspector's report, p. 39.

ranged from "Open Windows" and "Pawn-shops" to "Napoleon" and "Customs of the Orient." (Sacred concerts are also given in the chapel on Sunday afternoons about four times a year.)

At Pentonville a system of weekly lectures has been in regular operation since November, 1910, for all juvenile adults, while men of the "Star" class and other first offenders have been allowed to join in debates, an extraordinary innovation, which we shall presently describe. Among the subjects treated at the lectures we find "Butterflies," by an artisan nature-lover; "Life in a Coal Mine," by an ex-miner; "Three American Presidents," by a college professor; and "Extremes of Human Life," by a medical man.

The lectures have usually been held on Friday evening from 5-30 to 6-30. One of the lecturers has written to us as follows with particular reference to an address (illustrated with slides) on "Characters from Dickens":—

> My audience numbered 49, plus four to six warders. They were the most appreciative audience I ever recollect speaking to. How heartily they laughed in response to Dickens' humour!—while the hush that accompanied the stories of pathos was such that it could be felt.[8]

The Prison Commissioners have publicly stated that, if suitable arrangements as to accommodation, etc., can be made, the lectures may be opened to all prisoners, and that, while general discussion is not permitted, questions may be put at the chaplain's discretion.[9] This is often done with great success. We understand, however, that, in practice, the number of lectures is very seriously restricted owing to the refusal of the Prison Commissioners to incur the expense of keeping warders on overtime for more than one evening a week. This may mean that, where a weekly lecture is given to juvenile adults, the adult prisoners may only be able to attend a lecture once a month or even once a quarter. A practical difficulty also arises where the chaplain objects to the use of the chapel for secular lectures, the chapel being often the only room of sufficient size available.

Most of the chaplains whom we have consulted are in favour of an increase in the number of lectures, particularly during the monotony of Saturday afternoon, and (in some cases) also on Sunday evenings. If interesting and suitable subjects are chosen there seems to be no reason why all prisoners, who are able to behave themselves during the lecture, should not be given a chance of attending at least once a week. In any case, there is, even under the present restricted régime, a great opening available for service to prisoners by gifted men and women able to bring light and cheer into their restricted lives. It is true that few people are ever lectured into a change of life, but anything that keeps a man from the morbid brooding that is characteristic of prison cannot fail to do good.

[8] Compare the accounts of the emotional response of a prison audience given on pp. 658-9.
[9] Reply to Mr. Snell, M.P., March, 1920.

Concerts.

In addition to lectures, occasional musical entertainments, both sacred and secular, have been allowed and encouraged in the prisons, at any rate since 1910. The almost unanimous verdict of the prison authorities is that these concerts do good. "The good effect is evident," reported one chaplain in 1912, "the prisoners are touched by the music itself and by the interest taken in them by strangers."[10] What evidence we have from ex-prisoners is to the same effect. Concerts are dependent on the enlistment of local volunteers—orchestras, choirs, bands or individual amateurs, by the chaplain or visiting committee of each prison. For obvious reasons it is easier to secure such volunteers in the winter, and especially at the Christmas season, than in the summer.[11] The prisoners have not yet been allowed to organise their own musical entertainments, as is frequent in some American prisons,[12] and as has been tried with success at the Preventive Detention prison at Camp Hill.

In their report for 1920-21, the Commissioners announce that it is proposed shortly to introduce recreation classes, for reading, recitations, lectures, discussions, music, etc., in male Convict prisons. By good conduct convicts will be able to participate in these classes after serving two years of their sentence.[13]

Debates.

In their report for 1919-1920 the Prison Commissioners announced a novel departure, so far as the English prison system is concerned, in the formation of debating classes at Pentonville, Wandsworth, and Maidstone prisons. They quoted the chaplain of Pentonville as describing the experiment as "an unqualified success," and as declaring that he "cannot conceive of any more humanising influence," and the chaplain of Wandsworth as commending a class which gives opportunity for self-expression, stimulating mental activity, and disseminating useful information.

Prisoners speak with great appreciation of the debates. "I can assure you," says one ex-prisoner witness, "that as soon as one debate was over I was looking forward to the next, as the debates and the concerts were the only break in the frightful monotony of prison life." The prisoners are in general given a free choice of subject. Among the topics debated have been "Women's Work," "Are Men Better for the War?" "Trades Unionism," "Prohibition," "Will and Fate," and "The Divorce Bill."

At the Wandsworth debates no warders are in attendance; at Pentonville two or three warders sit at the back of the room, but a

[10] P.C. Report, 1911-12, p. 28.
[11] At one prison, at least, the custom is followed of permitting friends of those taking part in the concert to watch the proceedings from an overlooking gallery. The prisoners bitterly resent the curiosity of the visitors. "They pointed at us and strained their necks to see us as though we were wild animals," says one ex-prisoner.
[12] See p. 658.
[13] See pp. 333 and 334.

prisoner states that they never interfere and that conversation is permitted. "The behaviour of the prisoners has been excellent," says a visiting magistrate of Pentonville prison, "and the presence of the warders is hardly necessary." The debates last two hours; the chaplain generally presides; the speeches of the two openers are of ten minutes' duration, those of other speakers of five minutes; a prisoner acts as minute secretary. "The chaplain adopted a splendid attitude," remarks one of our ex-prisoner witnesses. "He insisted that we were free men for the time being." Occasionally one of the prisoners gives a "lecturette" instead of opening a debate, the other prisoners participating in the proceedings later with criticism and comment. One evening a London editor, imprisoned on a political charge, gave an address on "The Press." Other subjects treated by prisoners have been "Pig Breeding," and "Fishing in Labrador."

"The debates have made a tremendous improvement in the mental lives of prisoners," declares an ex-prisoner. "They have given a fresh and living interest to prison existence. Whenever they get a chance, prisoners go on arguing with each other about the subject of the last debate or discuss the prospects of the next one." The prisoners who take leading parts in the debates are permitted to have a pencil and paper to prepare their speeches. The pencil must be returned on the following morning, but the notes for the speech may be kept. This privilege is also greatly appreciated.

An incident occurred in connection with the debates at Pentonville which deserves record as an instance of the loyalty and unselfishness which so often characterise prisoners in their dealings with one another. "At first," an ex-prisoner informs us, "the debates were confined to 'Stars' and second division men. The chaplain told them that he had written to the Commissioners asking that another debate should be allowed on another evening in the week for the other prisoners. The Commissioners replied that they could not allow a second evening in the week, but that they did not object to the debates being extended to the other classes of prisoners. On hearing this the 'Stars' themselves proposed that their own debate should be held only once a fortnight, and that the hard labour and other third division prisoners should have a debate the alternate week. This was agreed to."

The "Stars' " debate is attended by about 100 prisoners. The attendance at the second debate reaches 200, which represents the limit of the accommodation.

The debates are of great value in themselves; but they also have a wider significance which may not have been wholly realised. "The men are trusted," remarked the Chaplain-Inspector in an interview given to a Press representative, "and, being trusted, they act up to it." Therein lies the deeper value of this experiment; it has made a breach in the walls of suspicion and suppression which form the citadel of the prison system.[14]

News of the Week.

The absence of newspapers is one of the most noticeable of prison deprivations. The traditional attitude of the prison authorities has been that news of the outside world must be kept from prisoners, but during recent years there has been a welcome modification. In their report for 1915 the Prison Commissioners stated that "in consideration of the special efforts made by prisoners" on war-work it had been decided that they should once a week "be made acquainted with the progress of the naval and military operations." In the 1919-1920 report the Commissioners added that they had informed governors that they had been "greatly impressed by the humanising effect in prisons of the weekly war address, and that they saw no objection to the continuance of the practice, which reacted favourably on the temper and attitude of prisoners towards authority, as showing that the authorities did not desire to exclude them, though prisoners, from all news of the outer world." The conscious philanthropy of this sentence indicates that the authorities still hold that prisoners have no right to "expect news of the outer world."

Our ex-prisoner witnesses state that in some prisons the present weekly recital of news takes about 15 minutes. In one prison, at least, not only are events of general political and social importance recounted, but "all the football results, and any important boxing news." This is a startling departure from the attitude which rigorously excluded such news from letters to prisoners and from the conversation at visits, on the ground that it would encourage betting and gossip with the prison officers.

The chaplain at Newcastle, writing of the news as given out in his prison, says "it is eagerly awaited and seems to have met a real need. It gives prisoners something to think over outside their own narrow range of thought, and keeps interest alive. I believe that anything which creates healthy interest fortifies prisoners against the temptation to a life of crime. Lack of imagination and the absence of healthy interests are very noticeable amongst prisoners."[15]

The provision of news has an important social effect upon the after life of prisoners, in addition to the broadening of their interests in prison. It is the frequent testimony of the agents of Discharged

[14] "The object of these efforts (lectures and debates) is not merely educational," says Sir E. Ruggles-Brise ("The English Prison System," pp. 128 and 129). "Experience has shown that they have a psychological effect, which is even of greater importance and value. They provide healthy food for thought during many solitary hours, and so tend to prevent morbid introspection, brooding over wrongs or worrying about family affairs; they break the unavoidable monotony of institution life, and provide a mental stimulus which is of the utmost value. But more than this, the mere fact that a prisoner is trusted, if only for a short time, to control himself without the restraint of authority, is of immense value in building up that self-respect, without which restoration is impossible."

[15] P.C. Report, 1919-20, p. 28.

Prisoners' Aid Societies that ex-prisoners have been at a serious disadvantage on returning to normal life owing to their lack of knowledge of public events. A Salvation Army officer says that loss of contact with the outside world makes ex-prisoners "mentally petrified" when they resume ordinary life. "My ignorance of well-known events often landed me in awkward situations and nearly revealed to my workmates that I was a 'gaol-bird,'" says an ex-prisoner.

For this reason many of our witnesses—prison officers, chaplains, agents of Discharged Prisoners' Aid Societies, and others—urge that prisoners should be permitted to see newspapers.[16] One warder suggests that a prisoners' paper should be published giving a resumé of the week's news. This is, in fact, done in Ireland, where in 1910 the Prison Board began to issue "an illustrated weekly publication containing news of the main current events of the world" for circulation amongst "well-conducted prisoners of long sentences some time before their release." The Board justified the starting of the paper on the ground that "keeping prisoners of long sentences without any knowledge of current events leads to mental apathy and depression, and places them at a disadvantage on release."[17]

Prison Libraries.

If prisoners have any appreciation of reading, the books provided by the library are their best prison friends. In the romance of a novel, or an exciting story of adventure, or in the concentration of attempted study, the prisoner for a time may forget his surroundings and find solace from the tyranny of prison discipline.

Almost all prisoners who are not illiterate read books with avidity. The Departmental Committee on the Supply of Books to Prisoners (appointed by Mr. Winston Churchill in 1910)[18] found that "many prisoners never read at any other time than during their terms of imprisonment." A governor tells us that prisoners read books as a narcotic. "It takes the edge off the discipline." A prison officer says that nearly all prisoners prize their books.

There are some prisoners, however, so a Jewish Rabbi informs us, who, although able to read, have not acquired the reading habit sufficiently to practise it even in prison. A woman prisoner tells us that many of the women prefer sewing to reading. But these are the exceptions. Generally speaking, our witnesses assure us that prisoners read as much as they possibly can. The Chaplain Inspector (in his report for 1902-1903) quoted a prisoner who described the library as "the one bright light of his cell life."

[16] We cannot forego quoting a contrary opinion expressed by a Roman Catholic priest. "Prison is and should be," he says, "a place of punishment, and not the vestibule of a Free Library and Reading Room."

[17] Report of Irish Prisons' Board, 1910-11, p. 10. Compare also the practice in American prisons, p. 657.

[18] Report of Departmental Committee on Supply of Books to Prisoners. (Cmd. 5539, 1911).

During the first month of their imprisonment, prisoners in the third division are only permitted one "educational" book (which may be changed after the first fortnight), and possibly a "school book," in addition to a Bible, Prayer Book, and hymnal, and a devotional book. The Bible, Prayer Book, and hymnal are officially considered a part of the furniture of every prisoner's cell.[19] "School Books" are usually either elementary arithmetic instructors, grammars, spelling books, or badly printed dictionaries. Such books are not given to prisoners except by request, and few prisoners realise that they have power to obtain them. The "educational" book allowed may be of a practically worthless character, or it may be a really valuable work. A prisoner is given one of these books on reception, and what he receives is generally a matter of sheer luck. Most prisoners never think of challenging what they are given, but if application be made to see the chaplain a good book can generally be obtained. In any case, the books allotted to the prisoner's first month are normally quite insufficient to maintain his interest during the long hours of loneliness.[20] This is the more important as about 80 per cent. of all prisoners receive sentences of one month and under and thus never become entitled to works of fiction.

After the first month, third division prisoners who have earned their full marks are permitted one "library" book, that is, a novel or other work of fiction, and after two months, two "library" books. Prisoners in the second and first division are allowed two "library" books from the first. Library books may be changed every week. During the last month of their sentence prisoners are given "A Happy Home and How to Keep It," a small book of elementary instruction regarding hygiene.

When prisoners are in hospital the chaplain is permitted to allow them extra books, but we have no evidence that this is often done, despite the fact that most hospital patients are kept in separate confinement. It seems frequently to be an unofficial custom, however, for a reserve supply of books to be kept by the hospital cleaners. The following quotation from our evidence will illustrate this practice:—

> In the cupboard of the hospital kitchen 30 or 40 books were hidden, and additional books were obtainable from the cleaner if one got on the right side of him. The hospital warders knew of this practice and tolerated it so long as the extra books were not in evidence when the governor or chief warder came round. There were no "searches" in hospital, so it was safe to put the contraband books behind the heating-pipes.

[19] Prisoners who describe themselves as members of the Church of England are usually given either "The Narrow Way" or "The Traveller's Guide" as a devotional book. Nonconformists are permitted "Pilgrim's Progress"; while Jewish prisoners have a devotional book of their own faith.
Roman Catholic prisoners have either a Catechism or "Think Well on't" as a devotional book. Instead of the Prayer Book they receive "The Garden of the Soul."

[20] A woman Visiting Magistrate has, for instance, informed us of a woman doing her first month, whose only book beyond the devotional ones was a small shilling volume on the "English Constitution." "'It's not very interesting,' she said, 'and it's old now, it's not even up to date.'"

Whilst many sick prisoners seem to participate in this unofficial distribution of books, the frequency with which the complaint of lack of books appears in the evidence given by those who have been confined in a prison hospital shows that the practice is by no means general.

In the larger prisons the educational books include some good histories, biographies, and works of philosophy and science, political social and physical. In smaller prisons the choice of books is much more restricted, and in both large and small prisons it is often difficult for a prisoner to get a good work. Many of the educational books are not merely elementary (such are necessary for the majority of prisoners), but are of poor quality and obsolete.[21]

From the point of view of the ordinary prisoner there is little ground for complaint as to the character of the books provided.[22] One of our witnesses, a librarian officer at a large prison, states that Miss Braddon, Mrs. Henry Wood, and Charles Garvice are the favourite authors, and that Charles Dickens is the only standard author who challenges them. Scott, he says, is distinctly out of favour; among the modern writers the works of Arnold Bennett, George Birmingham, Hall Caine, and Thomas Hardy are most in demand. This witness adds that about one-sixth of the men who want books ask for works by well-known authors, and that many of them would rather read good books a second time than accept books written by indifferent authors. An ex-prisoner who worked in the library states that the great majority of prisoners, after becoming entitled to "library" books, never trouble to change their "educational" books.

A large body of prisoners—the majority, probably—prefer bound volumes of magazines to books, despite the fact that, on account of its size, one magazine counts as equal to two library books.[23] So popular are the magazines that at a certain prison where Roman

[21] The Standing Orders for 1911 (No. 379) direct that "practically all kinds of books other than fiction" may be given as educational books. In exceptional cases the chaplain is even authorised to issue a "standard work of fiction" in this category, but we have never heard of any chaplain doing so. Until recently educational books have, as a rule, been changed once a month, but now we understand they are changed every fortnight.

[22] We have seen a copy of the catalogue at one of the largest prisons, and among the books in the educational section we find Bacon's Essays, Boswell's "Life of Johnson," John Bright's Speeches, Plato's "Republic," Prescott's "Conquest of Mexico," John Morley's "Burke," Gibbon's "Rome," and works by Carlyle, Darwin, Defoe, Emerson, Macaulay, Montaigne, Mazzini, and Ruskin.

Among the "library" books represented are works by George Eliot, Jane Austen, George Borrow, Charlotte Brontë, Charles Dickens, Sir W. Scott, W. M. Thackeray, H. G. Wells, Mrs. Gaskell, Rudyard Kipling, J. M. Barrie, and R. L. Stevenson. The majority of the books are by such writers as Miss Braddon, who is represented by 45 works, Wilkie Collins, Fenimore Cooper, Rider Haggard, and Mrs. Henry Wood. Books of poetry are few in number, but they are good. Among the authors in this section are Robert Burns, Cowper, Dryden, Longfellow, Milton, Shakespeare, Spenser, Tennyson, and Thomas Moore. Few prison libraries are, of course, as good as this.

[23] The magazines provided include "Chambers' Journal" and "The Cornhill." The Committee of 1910 discussed whether literary and political reviews of the type of the "Nineteenth Century," the "Saturday Review," the "Spectator," and even "T.P.'s Weekly" might not be introduced. It recommended that bound volumes containing issues of such publications for three months should be provided in the larger prisons, taking the view that only good could come "from admitting information as to the principal events of the outer world and the opinion of educated writers upon them." Our evidence indicates, however, that this reasonable recommendation has only been put into force in a very meagre way, if at all.

Catholics and adherents of the Church of England had separate libraries, the priest found that the reason why a number of Roman Catholic prisoners wanted to become Protestants was that the Church of England library contained the "Strand Magazine"! The Departmental Committee of 1910 were anxious not to encourage prisoners to read magazines and recommended that the proportion of magazines to books, which had been one-third, should be reduced. They expressed the fear that the preference for the bound magazine arose from a desultory habit of mind, which found difficulty in sustaining attention on "a single story of any length." Their fear was doubtless justified. In addition to the untrained state of mind which many prisoners bring to prison, the experience of prison itself is apt to destroy a capacity for sustained reading even in the most orderly and disciplined mind.

As might be expected, criticisms regarding the prison libraries come almost exclusively from educated prisoners. Complaints are particularly strong in the case of those who have been confined in small prisons. In the libraries attached to such prisons only a very few good books are to be found, and, if an educated man serve a long sentence in a small prison, the limitation of reading is felt very keenly. The Departmental Committee of 1910 suggested that books might be borrowed from large prisons in such a case, but we have never heard of this being done. The governor of a small prison agrees that the libraries are "often stocked badly and with poor books."

Many educated prisoners find that, even during the second and succeeding months, when two fresh books may be issued to them weekly, they have not nearly enough reading material to occupy them when their task is finished, and especially during the long week-ends of solitary confinement. The results in many cases are disastrous. It is a pity that more books cannot be issued to them at a time, or that the books are not changed twice a week, as was recommended by the 1896 Departmental Committee on the Educational and Moral Instruction of Prisoners.[24]

The criticism is frequently made that prisoners often have no voice in the selection of their books. Prisoners are supposed to consult a catalogue obtainable from the warder on each landing, and to write on their slates the numbers of four books which they require. The library officer is then expected to note these numbers, and to supply them as soon as the books are available. In some prisons this system works satisfactorily.[25] In others the system is scarcely put into operation at all. "I passed through a sentence of three months' imprisonment without knowing that there was such a thing as a

[24] Report of Committee, p. 13. It was also stated that at that time the changing of books twice a week had recently been introduced and was working well at Portland Convict prison. Apparently it has not been adopted elsewhere.

[25] Experience has shown that in large prisons it is necessary to have more than four books noted.

library catalogue," says an ex-political prisoner. "The result was that I had a series of trashy books which were simply not worth reading, the only exception being one novel by Lord Lytton." "The books were given out as oranges would be at a children's party," says another ex-prisoner.[26]

Each year the chaplain is required to forward to the Prison Commissioners, with the concurrence of the governor and visiting committee, a list of books which he desires for the prison library. But the books in his list must, as a rule, be confined to a catalogue which is supplied by the Commissioners. The chaplain's list is examined by the Chaplain Inspector and finally authorised by the Commissioners.[27] New books are provided by an annual grant at the rate of 1/6 per head of the average population of the prison. One chaplain states that this sum is quite inadequate in view of the heavy prices of books at the present time.[28]

Illiterate Prisoners.

As we have already indicated, 11 per cent. of the male prisoners and 19 per cent. of the female prisoners are illiterate.[29] For them, scrap books are provided, composed of illustrations cut out from the obsolete books. These are of little value, and the monotonous existence of the prisoner who cannot read must be very hard to bear. "The man in the cell above me could not read," says an ex-prisoner witness, "and during the first month of his imprisonment he spent hours every day tramping up and down his cell—five steps, then a turn, again and again. The worst time was Saturday and Sunday, when he used to walk the cell for hours on end. Books enabled one to forget prison for a time, but this man was always like a caged beast." Some illiterates endeavour to keep their lack of schooling from the knowledge of their fellow prisoners, and regularly ask for library books. One ex-prisoner mentions that not infrequently they ask for Shakespeare and even for foreign works.

The Departmental Committee of 1910 suggested that pictorial magazines, catalogues, and puzzles might be provided for illiterates. So far as our evidence goes, little response has been made to this suggestion, although at one prison, at least, illiterates have recently (at the schoolmaster's suggestion) been provided with jig-saw puzzles

[26] A librarian officer who gave evidence to our Committee, suggested that many of the difficulties in connection with the distribution of books might be overcome if prisoners went to the library instead of the librarian going to the prisoners. The librarian frequently goes round with the books when the prisoners are out of their cells, so that they are not able to make any choice, if the books they have noted are not available. At one large prison this difficulty is obviated by the practice of making the distribution during the dinner hour.

[27] The chaplain may, after consulting the governor, excise from a book any matter which he considers objectionable, and in magazines particularly, whole pages are often cut out or covered over. Descriptions of expert burglaries, stories like the exploits of "Raffles" and criticisms of the prison system, are among the items censored.

[28] About 20 per cent. of the prison library is condemned each year as beyond repair, although the Chaplain Inspector in his report for 1902-1903) remarks that it is rare that books receive rough treatment. The books are rebound, as long as it is possible, in a rather crude way by the prisoners who work in the library.

[29] Or were so in 1913. See pp. 148 and 150.

as a recreation. The committee recorded that reading aloud to illiterates had been tried and had failed, but in view of the success of prison lectures we do not understand why this should necessarily be the case.

The foregoing paragraphs may be taken as applying generally to the distribution of books in Convict prisons, with the following modifications. While in Local prisons the number of books issued is graded at first in accordance with the system of progressive stages, the convict remains entitled throughout his sentence (except, of course, when under punishment) to the same number of books, viz., four books, of which no more than two may be fiction.[30] There is a bigger demand in Convict prisons for "educational" books, e.g., good historical or philosophical authors, in preference to novels.

For obvious reasons the need of good library arrangements is of even greater importance in the case of convicts than it is for short sentence prisoners. "The library," Jabez Balfour wrote, "is the most successful factor in promoting the physical, mental, and spiritual well-being of the unhappy men who are congregated in Convict prisons. As regards myself, I believe that I owe, under Providence, the retention of my reason, and with it the preservation of my life, during the ten years and more that I was a convict, entirely to the books which were at once my consolation, my instructors, and my friends."[31]

[30] The Prison Commissioners publish in their report for 1920-21 new Standing Orders relating to the progressive stage system for convicts, which permit convicts additional books when they reach the "superior" stage, at the discretion of the chaplain. See pp. 338 and 354.

[31] Jabez Balfour, "My Prison Life," p. 231.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—In most prisons there are many prisoners (especially the adult "hard labour" prisoners) who have only very rare opportunities of attending a lecture, or any other recreative gathering.

2.—There is insufficient access to news of outside events.

3.—Some of the libraries are badly stocked; and, in the case of well-educated prisoners, the system of allotting books is often unsatisfactory.

4.—The quantity of reading material supplied is often gravely insufficient, especially during the first month in a local prison.

CHAPTER XI

CHAPLAINS, RELIGIOUS SERVICES, AND VISITATION

The Official Chaplains

Under the provisions of the Prison Acts it is required that to every prison there shall be appointed "a chaplain, being a clergyman of the Established Church."[1] In an earlier chapter we have pointed out that, according to the present system, the task of promoting the "reformation" of the prisoner is entrusted to the chaplain.[2] What then are the chaplain's powers and duties, how does he exercise them, and what impression does he make on the prisoner thereby?

In answering these questions it should be realised at the outset that all the work of the chaplain has to be done under Regulation 57 of the Prison Rules, which requires that—

> the chaplain shall conform to the rules and regulations of the prison, and shall not interfere with the working of them as regards the safe custody, discipline, and labour of the prisoners, but shall support the governor in the maintenance thereof.[3]

Chaplains are also forbidden to communicate to the Press, without special authority, information derived from official sources, or to publish any article or book relating to prisons or prisoners, unless the sanction of the Commissioners has been previously obtained. They may not even communicate with the friends of a prisoner without the governor's sanction.

Every chaplain is therefore willingly or unwillingly obliged to perform his duties as a supporter of the authorities. He starts with as definitely designed a check upon his initiative as does the warder, with this difference—that while the warder is admittedly an instrument in the repressive régime of prison discipline, the chaplain's relationship to the prisoners tends in an opposite direction to that discipline. For example, the warder is prohibited from speaking familiarly with the prisoner and is obliged to enforce at all times the rule against conversation, whilst it is the duty of the chaplain to have conversation with the prisoner and to become friendly with him.

[1] 1865 Prison Act, Section 10.
[2] See p. 79.
[3] Rules for Local prisons, 1899, Section 57.

He is further allowed to give expression to truths which of themselves throw a sharp light upon the ethics of prison conditions. One ex-prisoner, for instance, comments:—

> All Christian services and all Christian teaching in prison strike me with a sense of futility because the whole atmosphere of the prison life is a denial of Christianity. The forgiveness and love of God, etc., are meaningless terms to a man who has never known forgiveness and love from men, and is in prison because men refused to give them to him.

That this sharp contrast between Christian teaching and the treatment of prisoners is the most serious of all handicaps upon the work of chaplains is, in our view, obvious. As Thomas Mott Osborne has expressed it:—"The religious appeal, to be really effective, must be based upon a treatment of the prisoner somewhat in accordance with the precepts of religion. Preaching a religion of brotherly love to convicts while you are treating them upon a basis of hatred is a discouraging performance."[4]

The civil control of the chaplains does not only begin after their appointment. The responsibility for their appointment itself is vested in the hands of the Secretary of State; notice of the appointment of a chaplain being afterwards transmitted through the Commissioners to the bishop of the diocese in which the prison is situate; from the bishop a licence has to be obtained before he can officiate. The chaplain's position is in consequence dependent upon the goodwill of two authorities, for he may be removed by the Commissioners, or the bishop may withdraw his licence at any moment.

The general supervision of all the chaplains is entrusted to a clergyman, entirely responsible to the Prison Commissioners, who has the title of Chaplain Inspector.[5] This official spends his time in visiting the prisons, and in the pre-war years his annual report used to be printed with that of the Commissioners. He has no doubt also great influence in nominating clergymen for the office of chaplain.[6]

The arrangements for the chaplaincies are of two kinds.[7] In some —usually the larger prisons—full-time chaplains are employed, who have no paid duties except under the Commissioners. This is the case in the Convict prisons and in 17 of the Local prisons. In the remainder of the Local prisons the chaplains are parish priests,

[4] "Within Prison Walls" (1913), p. 324.

[5] From 1896 until about 1905 there was a "Visiting Chaplain" with much the same duties as the present Chaplain Inspector. We believe that the holders of these offices have all hitherto been prison chaplains, previous to their appointment.

[6] Cp. P.C. Report, 1907-8, p. 32, where the Chaplain Inspector states that he has been instructed by the Commissioners not to "present for the office of prison chaplain" anyone who has not a special fitness for the post.

[7] Chaplains are paid salaries varying from £100 a year (part-time) to £450. The salaries of whole-time Roman Catholic priests vary from £200 to £400. Part-time Roman Catholic priests receive from £10 to £150. Full-time chaplains and priests are granted, in addition, a house or an allowance in lieu. Nonconformist ministers are paid on a capitation rate of 40s. a head, which diminishes as the numbers grow to one of 5s. per head per annum. (Reply of Home Secretary to Mr. T. Myers, M.P., October 31st, 1921).

who combine the two offices and are allowed to have the assistance of one or more curates in their prison work.[8]

The Chaplains' Duties: the Cell Visits.

While the activities of the chaplains tend to be restricted by their dependence upon official control and by the repressive character of the régime, they are, as a rule, impeded in addition by the very varied character of the duties laid upon them. These duties (as summarised by the Chaplain Inspector in 1911) include the conduct of chapel services, interviews with all prisoners on reception and discharge, cell visits, supervision of secular instruction, guidance of lady visitors, arrangements of lectures, missions, and musical services, Bible and religious classes, and a share in the Prisoners' Aid Society's work. Beyond this the chaplain has further allotted to him the charge of reading prayers daily to any sick who may be in hospital, the admonishing of those under punishment, and the general supervision of library arrangements; while, on the occasion of an execution, he has to attend the condemned man and officiate at the tragic ceremony itself. Last, but not least, he has to satisfy the customary demands of a central authority in the way of completing all kinds of forms and returns.

It is hard, therefore, to put any precise limit to what may be required of the chaplain in the performance of his round of responsibilities. Indeed, on the second head alone—his obligation to interview all prisoners on reception and discharge—the work, if properly carried out, may be considered in many instances a very exacting task. As Dr. Quinton expresses it:—

> **Only those who are conversant with the ordinary routine of a Local prison can appreciate the difficulties under which chaplains deal with short-sentence offenders. In large prisons they arrive in shoals—a reception of a hundred a day being nothing unusual—and they go out in shoals also, so that the prison becomes a thoroughfare. A very short interview with each incomer and outgoer under these circumstances obviously makes a large draft on the time available for their work under the routine of the establishment.**[9]

When we read in the Chaplain Inspector's retrospect in 1915 that "the system of visiting is vastly improved. Admissions and discharges are no longer admonished in a body on parade, but interviewed separately," we may well ask whether the chaplains who were required to carry out this improvement were given the additional assistance necessary. We have no evidence that this was the case.

We have taken some trouble, by enquiries from trustworthy ex-prisoners as well as from chaplains themselves, to discover the

[8] This plan has certain obvious advantages, which have appealed so strongly to the Scottish Prison Commissioners that in the prisons of that country there are, we understand, now no resident chaplains. All chaplains are ministers with local duties. They are re-appointed each year and allowed to remain in office only for a comparatively short term. They are paid according to the number of hours a week they undertake to spend in the prison. "Other," we are told, "the particular chaplain cannot undertake all the hours he undertakes and has to find a substitute, and that brings in another man, which is considered an extra advantage and safeguard."

[9] "Modern Prison Curriculum" (1912), p. 139.

average frequency and duration of the ordinary cell visit as distinguished from that made on admission and on discharge. We understand that the official requirement, at any rate for Local prisons, is that every prisoner should be visited at least once a month. And on the whole it appears that a monthly visit lasting for some three or four minutes is what the average prisoner may expect as his share of the chaplain's time and attention.

One chaplain, indeed, has told us that under the rules for cell visits, and dividing the amount of time available for visiting by the number of prisoners to visit, he is limited to an average of four minutes for each man once in two months. Where, as in most cases, the monthly visit is paid, it may be as much as five minutes on the average, or, on the other hand, it may be reduced to a few seconds. Several prisoners with experience of more than one prison have described to us the pastoral visit as consisting of the unlocking of the door, of an abrupt question such as "Got your books all right?" and an equally abrupt bang of the door.[10]

On the other hand, there are no doubt exceptional cases of men, for whom the compassion or spiritual interest of the chaplain is aroused, so that he may feel it essential, even to the neglect of his other duties, to give them a full half-hour once a week or even longer. One chaplain informs us that he sometimes calls for a couple of prisoners, and interviews them in his room for an hour or so, the time being credited as equivalent to labour.

As regards the value of this cell visitation, those who have only a flying question put to them, and a banged door, can hardly be said to have been visited at all, though, especially during the first month of separate confinement accorded to new prisoners, even the slight draught and disturbance created by this almost simultaneous entrance and exit no doubt serve as a welcome break to the prisoner's monotony. And even where the overworked clergyman manages to find time to visit a prisoner for, say, ten or even twenty minutes during the month, it is not to be expected, except in the rarest of cases, that his influence upon the man's character can be a powerful one, or counterbalance in any effective way the repressive influences of the discipline. It is clear that in the great majority of cases it is not the chaplain who is to blame for the briefness and the rarity of his cell visits. The blame rests primarily upon the authorities who have laid the burden of visitation upon one man with far too much to do.[11]

[10] The following statements of chaplains are taken from the annual reports of the Prison Commissioners:—

All convicts have been seen on reception and discharge, and the sick and those under punishment have been seen daily. They have been regularly, systematically, and diligently visited in their cells. In addition to those who have made application to see me, they have been seen once in six weeks by the assistant-chaplain or myself. I do not consider that it is possible or necessary that they should be visited more frequently than this. Otherwise visiting would degenerate into an unseemly rush to see how many could be seen in the time, which in a Convict prison is very limited.—(Portland Prison Chaplain, in 1913-14, p. 123).

Cellular visitation is carried out at this prison on a system by which every man receives a visit at least once in six weeks. "Star" and second division men are seen once a month —some of them more frequently.—(Pentonville Prison Chaplain, in 1913-14, p. 69).

The Chapel Services.

The other instrument of "reformation"[12] available to the chaplain is the religious service in the chapel. In Local prisons this is held daily during the week for about twenty minutes every morning according to the forms of the Church of England;" in Convict prisons there is, as a rule, only one such service, of longer duration, on one week-day.[13] On Sundays there are in all prisons two services of about an hour each. Two sermons must be preached by the chaplain, his deputy, or a substitute, on Sundays; and at least one address is given during the week. There is usually a weekly "choir practice" of the hymns. The services are as a rule attended not only by prisoners registered as Church of England, but by most of the others who are not Roman Catholics or Jews. If a prisoner desires to attend chapel at all, he is bound to attend always.

In one or two instances the prison chapels are places of real beauty, but generally they are hideously ugly. Frequently ornate decoration has been attempted by amateur hands—perhaps by prisoners—with disastrous results. "I came to the conclusion," says one witness, "that the windows in our chapel were painted by an ex-prisoner who had made the best of his opportunity to have his revenge upon the authorities!" Another ex-prisoner says, "The chapel at —— was like a cheaply-decorated showman's booth." In many cases the chapel furniture is similarly crude. "The pulpit at —— was a large square clumsily-constructed erection adapted more for an auction room than for a place of religious ministration," says another witness.

In the conducting of chapel services the scope of the chaplain's personality is undoubtedly in some sense greater than during his hurried cell visits. Here, if he is a man predisposed to wide sympathy and understanding of human nature, it is possible for him to express some at least of the fundamental elements in the realm of spiritual reality in a less crudely personal and a more leisurely setting than any such reference might have or be supposed to have in the cell. Our evidence points, however, on the whole, to the conclusion that the devotional life in chapel suffers almost as severely as the personal interviews from the fact that those who conduct the

[11] The rules further require a daily visit from the chaplain to all prisoners who are either sick, i.e., in hospital, or under punishment. We have not space to deal with these requirements. It is, however, pretty clear that the pressure upon his time makes it usually impossible for the chaplain to give adequate attention to these two classes of prisoners. This is particularly unfortunate, as the sick are frequently, like those under punishment, in solitary confinement and they are not entitled to additional visits from friends or relatives.

[12] See Note on page 484 as to the use of this term.

[13] In a few Local prisons, where the Roman Catholics have to use the same chapel as the Anglicans, prisoners can only attend service on alternate days.

[14] Before 1914 convicts also had a daily service. "This," the Home Office asserts, "was changed on representations made by chaplains of Convict prisons, supported by the chaplain inspector, that a better spiritual result would be likely to follow from one longer service, with an address, on one week-day only, and experience has justified the change."—(Answer given by Mr. Shortt to Mr. Myers, in the House of Commons, on July 7th, 1921).

services are recognised as part of the prison régime, and therefore as incapable of yielding the intended fruits of love, joy, and peace. The Commissioners have styled the reclaiming influences of the chaplain "the essential *complement* of the sterner side of prison life."[15] To most prisoners unhappily that so-called sterner side has neutralised if not poisoned its complement; even in chapel the sternness is only too obvious, not only as a mental background, but in the obtrusive presence and occasional actions of the warders, who are seated amongst the prisoners so as to be able to observe their least movements.[16]

Constant reference is made to this feature in the mass of evidence that we have received from ex-prisoners as regards the character of the chapel services. Thus one ex-prisoner (with experience in six prisons) writes:—

> So long as the silence regulation is *maintained, so long will the warders* be required to sit on high chairs, so as to overlook the prisoners, and command them to "kneel up, there!" when anyone adopts a too devotional attitude during prayers, lest he should be bowing his head to talk to his neighbour.

From one of the northern prisons we get the following:—

> It is a rule that during prayers a prisoner must sit with his back absolutely straight. It is an awful sight to see a warder step over from one form to another to a boy, who has broken down in tears, and get hold of his shirt collar and pull him straight.

Such incidents make it natural that, to some at least of the prisoners, chapel should appear an evil farce, as described in somewhat bitter language by another writer:—

> One goes to the service, in a way, as to but one more prison occupation, which is presided over by a prison official in the *person of the chaplain*, with the governor as the personification of a system which endeavours to crush the personality and the good in a man and salves its conscience by two or three weekly services.

A former inmate of a large women's prison writes to us as follows:—

> Somehow Sunday is the worst day in prison. From the first moment when one awakens one feels far more strongly than on week-days the nervous tension of the place. There is no work, and an ominous hush seems to hang over the prison. After breakfast, time drags on interminably till the bell sounds for chapel. . . . What a travesty of religion! To see these unfortunates under close surveillance of officers, supposed to be worshipping their Creator, in reality making furtive efforts, generally doomed to frustration, to satisfy their natural cravings for human intercourse. . . .

[15] P.C. Report, 1903-4, p. 31.

[16] There are fortunately indications that the authorities are feeling their way towards the removal of the warders from chapel. We know of one prison, where lectures are given to a body of from 50 to 80 juvenile adults, with no one but the lecturer and chaplain present, yet good order and attention prevails. At one at least of the London prisons, where debates are now held, no warders are present at those gatherings. Compare also the practice at the preventive detention prison (see p. 449).
Further, the 1919 Prison Education Scheme contains the instruction in regard both to local and to Convict prisons): "Except under unusual circumstances, a discipline officer need not be detailed to attend school." (S.O. 358).

But from some ex-prisoners comes evidence that the chapel services do serve a useful purpose, particularly owing to the relief occasioned by breaking the silence in singing; and also, though the evidence of this is more rare, in a real religious sense. A witness from five prisons states:—

> I think that the chief value of the services lies in (1) communal singing, and (2) the spaciousness of the hall where the service is held. The *sense* of space was a very real pleasure to me. The religious value of the services was *nil*.

That the singing in chapel is not altogether in accord with its motive is borne out by an ex-prisoner, who states that it is not uncommon to hear around one, mingling with the strains of the hymn or the solemn responses of the Litany, and chanted forth under cover of the appropriate cadences, such unexpected refrains as " 'Eard from the o-old woman lately, Bill?" or " 'Ow are you going on for grub?" Of this we have had other evidence also.

Our final citation from an ex-prisoner is of a kind that one would like to meet with more often:—

> The Church of England services are one of the three things (the others are books and the flower beds) which made imprisonment bearable. Our chaplain was capable of making some of us at least feel the joy of Christianity. He always conducted services with a kind, joyous, personal touch.

The possibilities open to a clergyman of sympathetic imagination, even under the present régime, are thus described by the agent of a Prisoners' Aid Society with many years' experience:—

> Chaplains have a magnificent opportunity, and many of them don't know how to use it. Preaching at these poor people is futile. Prisoners are the keenest of critics and they know when there is something human in the pulpit. . . . I have seen overwhelming evidence that men may be influenced by the right type of men in the pulpit; and I have been in prisons where the ministrations of the chaplain were a by-word. . . . Generally speaking, however—and I know quite a lot of prison chaplains—their work is worse than useless.

We have questioned a number of warders as to the services, and have found amongst them almost complete agreement that their value is small, except as "breaks in the monotonous solitude," and in the relief afforded by the singing. One warder thinks that if prisoners were offered the choice of attending services or having extra exercise (i.e., the monotonous exercise of the circular track), the attendance would fall immensely, while another suggests that chaplains would be of much greater value, if attendance at the services were made voluntary.

Of all people, the Chaplain Inspector has the best opportunity of making a survey of the outward character, at any rate, of the services in the 40 to 50 prisons which it has been his duty to visit. Reading through the Chaplain Inspector's reports to the Prison Commissioners during the ten or fifteen years ending in 1915,[17] one is impressed by his extraordinary and apparently undimmed satisfaction with all the arrangements made for the prisoners' religious needs and with the way in which the chaplains are carrying out their duties. The conduct of the services, the demeanour of the prisoners, the system of visitation in the cells, the educational and library arrangements, the work of the Aid Societies—everything is "entirely" or "generally satisfactory." There is practically no criticism; at any rate, none is published. The following are typical allusions to the character of the chapel services:—

> Prisoners are devout in manner, hearty in responses . . . and apparently deeply interested in the religious worship provided for them.[18]
>
> Services are short, simple and devout. . . . Altogether it may be doubted whether the spiritual needs of any section of the community are better cared for than those of the prison population to-day.[19]
>
> Everywhere I have found the demeanour of prisoners orderly and attentive; and in most prisons there is unmistakeable evidence of interest and appreciation.[20]

As far as it is possible to ascertain, whether from printed reports or private enquiries, the satisfaction of the Chaplain Inspector with the chapel services is shared by a large proportion of the official chaplains.[21] Many of them, for instance, appear to be ignorant of the bad effect produced on the prisoners by the assertive presence of warders.

To sum up, whatever moral or religious value the Church liturgy and the pulpit address may have to the *free* man and woman, it seems to us certain that their value *in prison* is bound to be diminished, first, by the compulsion and the discipline which accompany them, and *secondly*, when they form absolutely the only authorised breaks upon the silence and solitude of the week, and are consequently appreciated, in the first instance at any rate, simply

[17] None has been published since.

[18] P.C. Report, 1906-7.

[19] P.C. Report, 1908-9.

[20] P.C. Report, 1911-12, p. 44. The Official Prisoners' Aid Committee of 1896 (p. 270), when enlarging on the universally attested good behaviour of prisoners in chapel, expressed the view that "though the pleasure which they find in the services may not always be strictly devotional, the mere habit of reverence, inculcated by constant attendance, exerts for the most part a salutary influence." The Apostle considers whether *evangelistic* work of this kind is not more valuable than a place for Epistle or Gospel.

[21] It is among the chaplains of Convict prisons that we find most signs of emptiness and weariness. The chaplain at Parkhurst (1911), for instance, has stated in one of his reports that "ordinary services in a reformatory of this kind are a farce." The "atmosphere" is unusual and unless it be carefully analysed it is useless to hope to successfully dissipate its most dangerous constituent." (P.C. Report, 1912-13, Part II., p. 125).

for that reason and for the opportunity of some degree of unauthorised communication with other prisoners.[22]

Of one existing defect, at any rate, we are glad to say very many of the prison chaplains are conscious, and that is of the deplorable monotony that now characterises the prison Sunday as a whole (as well as Saturday afternoon), making it "the worst day in the week." They would be glad of means to alleviate this evil and would doubtless endorse, to judge from our evidence, in whole or in part the following statement made to us by the same Aid Society agent whom we have already quoted in this chapter:—

> The week-end is one of the most depressing and irritating parts of the sentence. Except for attendance at chapel on Sunday for a short time, prisoners are quite alone, often with books they have read and re-read, or books they do not like, or books that are quite unsuitable but were the most easily available to the library officer. Only a comparatively few are visited by the chaplain during that period, and many of them would much prefer to work hard rather than be subjected to these long hours of stifling loneliness. This enforced solitary period is the parent of soured temperaments and explosive moods. They get things in the wrong perspective and there is no one to put them right. Often men become slaves to their passions, stirred by unclean thoughts. Under an enlightened régime, week-ends might be made to contribute in a most valuable way to the recovery of the prisoners.

The Handicaps of the Chaplain.

It is not our intention to discuss here the chaplain's work in connection with the after care of his prisoners; he is always closely connected with the Discharged Prisoners' Aid Society, and no doubt in many cases puts in much exacting and devoted service both in collecting funds for the Society and attempting to restart ex-prisoners in useful occupations.[23] But one unfortunate aspect of this connection and of the chaplain's power generally of dispensing privileges must be mentioned, as we have had much evidence of it.

An ex-convict, who has made good after serving three sentences of penal servitude, gives evidence to us as follows:—

> Another vice which terms of imprisonment force upon most of the men is that of hypocrisy. Prison religion, for instance, is chiefly hypocrisy in order to curry favour with the chaplain and get privileges from him. The men who take the sacrament in chapel are often the meanest beasts in prison.[24]

[22] We may note here that, allowing for these considerations, some of the most welcome and effective addresses heard in the prison chapel are given by preachers coming in from outside.

In most years, bishops are reported as having preached in prison. In 1910-11 we are informed by the chaplain inspector that as many as "21 of our bishops" did so. At the same time it is regrettable that these visitors have not taken more trouble to ascertain and make public the crying evils of the system.

[23] See pp. 469-70.

[24] We transcribe this last sentence with some hesitation; it is confirmed by at least one other witness and to some extent at least by the election of Bartimeus Prize in 1900, who stated that "in spite of the fact that numerous prisoners are apparently anxious to take the Sacrament, I can detect scarcely any signs of spiritual life."—P.C. Report, 1900, Part II., p. 551.

Another convict wrote from prison to his sister (in the year 1809) that

> unless a man leads a Christian life while in prison and repents, takes the Communion, and attends Bible Class, and the chaplain thinks he is a reformed man, the chaplain might not recommend him to the (Aid) Society. Of course, a lot of prisoners are really sincere, but some can act anything from Hamlet to the second gravedigger to gain their own ends.

Other ex-prisoners have made similar statements to us. Warders' evidence is to the same effect. "The chaplain is just a blind," one warder says, "an excuse to get a few shillings, a particular book, and so on." A Salvation Army officer, who has visited prison for 20 years, has given us his view that "the official chaplain is considered by the men not as a spiritual adviser, but merely as a Help Agency. His connection with the prisoners is a materialistic one almost entirely." Finally, a magistrate of long experience of ex-prisoners asserts that "a man finds out that, if he keeps good friends with the chaplain and Aid Society agent and appears very humble and penitent, he gets far better treatment."

We have no wish to insist that this aspect of the matter is the only one; but we are afraid that statements of this kind somewhat discredit the reference in the official reports to frequent cases of "reformation."[25] Our present prisons are more calculated to produce hypocrisy than penitence, and chaplains, we fear, are often deceived.[26]

Enough has perhaps been said in the earlier portion of this chapter to show what scant opportunities for really fruitful work are afforded by the interviews with the prisoner on coming in and going out, together with the intervening cell visitation (if any). We may attribute this in part to the exterior limitations imposed, and partly also to the psychological difficulties inherent in the situation, which vary no doubt from cell to cell. And yet upon the chaplain devolves the most subtle and important of tasks. One political prisoner (confined successively in four prisons) has put the need in the following simple way:—

> The Church of England chaplains (so far as my experience goes) are very obliging and take a certain amount of interest in the prisoners' reading, but as to speaking for the interests of our Lord Jesus, I have had no such communion with them, eager and willing though I was to have it.

Another ex-prisoner writes from a somewhat different standpoint:—

> Failing the presence of a psychological expert, one's chaplain is the only person in prison whose duty it is to find out anything about one's state of mind. He should, therefore, be given much greater powers not only in supplying books, etc., but of advising concerning a man's work and everything else likely to affect his mental condition.

[25] See p. 79.

[26] This question is further discussed in Part II. See especially Note on p. 464 and Note, pp. 493-500.

This plea for a greater freedom in the performance of their service to the prisoner does not emanate from one class of witnesses alone. We have reason to believe that it is a need felt, if not expressed, by a number of the chaplains themselves. Some of the best of these have informed us how their efforts to improve the conditions of the prisoners on more humane and educational lines have been hampered by one or another of the higher authorities. It is somewhat surprising, indeed, that in scarcely any instance has a chaplain resigned his office expressly for the purpose of disclosing the baneful effects of the prison régime. On the other hand, the lack of independence and the hindrances imposed upon the work of befriending the prisoner are doubtless chiefly responsible for the generally admitted failure to attract the finest type of Anglican clergymen into the prison service.[27]

Here and there, indeed, we have evidence of noble clergymen who are wrestling with an almost impossible situation and doing their Master's work in shepherding their unhappy charges. But we could multiply indefinitely quotations from our evidence indicating that the majority of prison chaplains have not hitherto been of sufficient calibre to accomplish this heroic task. As one warder of long service has stated to us:—

> Chaplains nearly always end by surrendering to the inevitable. They find it very difficult to stand up against the requirements of officialdom, the obstacles placed in their way, the régime itself. There are formidable limitations to their work, and those chaplains who came with ideas and an honest desire to do good slowly but surely assume the role of official.[28]

Our conclusions are that under the present system chaplains are far too much under the control of the Commissioners, far too deeply involved in officialism; that they have as a rule, a great deal too many duties to perform, too many prisoners to visit, too many forms to fill in, too much routine and secular work; and lastly, that their Christian work is hampered almost fatally by the repressive and thoroughly unchristian character of the system, in which they, like the prisoners and warders, are involved. Until these defects begin to be removed, as we hope will be the case in the near future, the

[27] One chaplain ascribes this failure chiefly to the facts that they are not appointed (as are in practice the Roman Catholic chaplains) by the bishop, and that they have to do many secular duties in prison. Another chaplain states that large numbers of the existing chaplains are wholly unsuitable, because "good men—except in rare instances—cannot be obtained at Home Office pay."

[28] We add just two more representative quotations. This from an ex-prisoner who has known three different prisons:—"Prison chaplains have a tremendous opportunity. A good man is very much appreciated by the prisoners; but unfortunately the average chaplain is regarded as a joke, as one of the prison staff (and therefore a natural enemy) who is clever enough (so they think) to stick to a 'soft job' by talking hypocrisy." And a warder of 28 years' service asserts: "The chaplain is now just a part of the establishment. The 'old lags' know his weak points; the new prisoners are too reticent to an official. Chaplains should come in from outside, not as officials."

authorities cannot expect to secure for the outcasts of society the spiritual friends and brothers whom many of them sorely need.[29]

Roman Catholic Priests.

The Charter of religious liberty for the English prisoner runs as follows:—

> If any prisoner who is of a religious persuasion different from that of the Established Church specially so requests, the governor shall permit a minister of that persuasion to visit him at proper and reasonable times, under regulations approved by the Commissioners. The governor shall cause such prisoners to be made acquainted with this privilege on their admission.[30]

[illegible] majority of those prisoners who avail themselves of this li[illegible] choice (and choice is the rarest thing possible in prison) are[illegible]n Catholics. In 1906 (it is unlikely that the proportions have[illegible]d much since) out of every twenty prisoners, approximately[illegible]en were registered as Church of England, four were Roman[illegible]olic and one only belonged to some other denomination.[31]

The Ro[illegible]atholic Church possesses an exceptionally favoured status in c[illegible]risons. Its chaplains are not appointed by the Commissioner[illegible]ut by the bishop of the diocese, whose nomination is approved b[illegible] Commissioners. Except in a few of the largest prisons they a[illegible] full-time officials, but visiting or parish priests, with other outsi[illegible]uties.[32] For this reason Roman Catholic chaplains enjoy an independence unknown to their Anglican colleagues at the prison; their time (except perhaps in the case of the few full-time chaplains) is not filled up with routine work; nor are they regarded as officials in the same way as are the Anglican chaplains.

[29] We add a brief mention of one or two other matters affecting this chapter, which cannot be more fully treated:—

(i) In the last few years the Commissioners have experimentally allowed evangelists belonging to the Church Army to take the place of assistant chaplains in certain prisons. It seems possible that this may be an important development, leading in some cases to the substitution of these preachers for the usual type of chaplain.

(ii) Religious "Missions" are occasionally held by the Church Army and other bodies. They may extend over four week-days, with daily services, the attendance at which is strictly voluntary.

(iii) Bible classes are occasionally held by the chaplain for those desirous of attending, and confirmation classes for any prisoner who is to be confirmed by the bishop.

The portions of the chaplain's department which fall under the heads of Library and Education have been considered in a previous chapter.

[30] Local prison rules (1899), Section 39. Cp. also Section 47 (4).

[31] According to the Parliamentary Return made in March, 1906, out of 21,580 inmates of the 61 Local and Convict prisons then open in England and Wales, as many as 16,089 were returned as "Church of England," 4,397 were Roman Catholics, leaving only 1,094 who professed other kinds of religion or none at all. Of these 1,094, 257 were Jews, while 22 returned themselves as Atheists and 26 as "No religion."

The great preponderance of "Church of England" prisoners is largely due to that denomination being established as a national institution. Only a very few of such prisoners are members of the Church of England, in the sense of being communicants or even attenders in ordinary life.

[32] The Local and Convict prisons all have part-time Roman Catholic Chaplains, except those at Wormwood Scrubbs, Liverpool, Manchester and Dartmoor.

A priest, who was Roman Catholic chaplain for six years at a Midland prison—a man whose sympathies were strongly on the side of the prisoners—has informed us that he was not interfered with in his ministrations either by the Commissioners or the governor. He held services on weekdays and Sundays, and had access to his prisoners at all times, with keys to their cells. None of the other Roman Catholic chaplains, whom we have consulted, have complained of their ministrations being seriously hampered by the Commissioners' regulations.

From the above considerations and other evidence, we conclude that Roman Catholic prisoners are likely to get friendship and spiritual comfort to an extent which is unknown to most other prisoners. But for them also the punitive régime remains, covering the greater part of their prison life; and some at least of their chaplains are not sufficiently enlightened, as their evidence to us testifies, to have any insight into the injurious and unnecessary character of that régime.

Visiting Ministers.

Turning to the visiting ministers of the various Free Church denominations (of which the Wesleyan Methodists are the most important for prison purposes), we find that though they are usually as free as the Roman Catholic priests from the stigma of officialism, yet they may be seriously hampered in their spiritual work by want of sufficient access to the prisoners, and of opportunities for holding united worship.[33]

We have received complaints both from Nonconformist prisoners and from visiting ministers, that "there is nothing like religious equality in prison." In the first place, though a service or fellowship meeting is permitted where the number of prisoners attending is in excess of eight or ten, it may not in any case be held on Sunday, nor as a rule more often than once a fortnight. Contrast this with the daily and Sunday services of the Anglicans! Secondly, it is, we believe, exceptional for a visiting Nonconformist minister (other than a Wesleyan) to be allowed a key, so that he may have free and private access to the cells; nor, indeed, is he, as a rule, allowed to pay his cell visits on more than one short afternoon each week. These restrictions detract very largely from the good that an earnest minister could otherwise do. Not only is the time for prayer and conversation cut short, but the absence of a key means or may mean that the invaluable blessing of a sense of privacy is lost, owing to the presence, real or suspected, of the escorting warder outside the open cell door.[34]

[33] We have no intention of making any comparison here between the respective virtues of Anglican and Nonconformist (or Roman Catholic) chaplains. When General Booth asked for the prisons to be handed over to the Salvation Army's spiritual care, many "Army" officers with a knowledge of prisons thanked God that the request was not granted, lest they should themselves become prison officials, with all the drawbacks incidental thereto.

[34] Owing to the small number of Nonconformists, such prisoners usually have the advantage of more frequent visits than "Church of England" men. A Wesleyan minister writes to us: "Probably every Wesleyan prisoner is seen once a fortnight, perhaps for ten minutes. Little enough. Every day would not be too much."

Prison ministers receive from the Government a small capitation grant (starting at about £2 per prisoner per annum for the first five prisoners). They are under similar restrictions to the chaplains, as regards the prohibition of communications with the friends of a prisoner, or to the press or public.

In the case of the smaller denominations, it is difficult for a prisoner, unless he has active friends outside, to secure the great privilege of a *minister of his own persuasion*. He is apt, for the convenience of the prison authorities, to be pressed into accepting the ministrations of the Established Church, or of the Wesleyan minister.[34] Until recently it was impossible for a man professing an "ethical" or "agnostic" philosophy to have any visitor at all; but now, it is stated by the authorities, "a prisoner who declares himself to be of no religious persuasion may be visited, for the purposes of moral assistance or guidance, by some person of repute approved by the Prison Commissioners for the purpose."[35] We know of political offenders who have been able, with some difficulty, to obtain this privilege; but we have no information as to how far it has been obtainable by other prisoners.[37]

Other Visitors to Prisoners.

The Departmental Committee of 1894-5, when discussing the difficulties inherent in any effort to bring "reformatory influences" to bear upon prisoners, came to the following conclusions:—

> Without an excessive and impossible increase in the number of higher prison officials adequate individual attention to prisoners could not be given. But the warders could be trained to do some of this work, and under proper rules and regulations outside helpers could be brought in to supplement the work of the prison staff. Ordinary amateurs, as a rule, would be worse than useless. There are, however, many men and women in every centre of population, who, by training and temperament, are amply competent to render valuable assistance.[38]

[34] We understand that any Nonconformist may attend the Wesleyan services, but that many do not know of this privilege.

[35] Answer given by Sir J. Baird to Mr. Myers in the House of Commons, on July 7th, 1921.

[37] The following details may also be of interest:—

(i) The work of the Salvation Army in the prisons (i.e., not including "After-Care") extends, we understand, to (a) pastoral visits to prisoners who either belong to the "Army" or make a special request to the governor to see a Salvationist, (b) interviews with prisoners who desire assistance from the "Army" after discharge, and (c) the holding (very occasionally) of musical or mission services.

(ii) Jewish prisoners are exempted from labour on Sabbaths and the five principal festivals. A Jewish visiting minister informs us that he has come across quite a number of Jews who gave their religion as Church of England so as to avoid having solitary confinement on Saturday as well as on Sunday.

(iii) During the recent war there were for the first time sufficient "Quaker" prisoners to allow of religious meetings being held on the basis of free silence as practised by the Society of Friends. At these meetings the prisoners (or some of them) usually took more part in extempore prayer and preaching than the visiting minister himself. It is conceivable that the orderly character and good results of this innovation had some influence with the authorities in opening the way for the recent introduction of free debates in certain prisons.

[38] Report of 1895 Committee, p. 9

This cautious recommendation can only be said to have been carried out in regard to the *female* section of the prison population, and there only to a very limited extent.

The Lady Visitors.

In women's prisons access is allowed to a certain number of Lady Visitors, who visit the prison regularly. Each woman, if she so desires, is allotted to a visitor, who is supposed to give personal help and advice. All Lady Visitors are appointed by the Prison Commissioners, with the concurrence of the Visiting Committee, and of the governor and chaplain of the prison. They are required "to work under the guidance of the chaplain, co-operating with him, and seeing such prisoners as may be arranged for in their cells or in a room."[39] They thus have a very definite official status; and the limitation of their numbers is rigidly secured to the central authority.

During the year 1913-14, we are informed, "over 200 ladies of various denominations, received the sanction of the Commissioners to visit in female prisons; 2,893 visits were made, and 28,076 separate interviews with the women held during the year."[40] These figures are not, however, so imposing as they might at first sight appear. They indicate that each Lady visited *on the average* about once a month, and had about ten short interviews during each visit. As there were 39 female prisons, each prison *on the average* had about five or six Lady Visitors. Further, 37,523 women were received in Local prisons during the year. How many of these, we may ask, got more than one of the 28,076 separate interviews with a visitor during her sentence? Clearly the visitation of women prisoners is not overdone.[41]

Apart from the rarity of the visits in many cases, it is obvious that the value of the arrangements depends, not quite, but almost entirely, on the personality of the Visitor herself, and on her willingness to give good work rather than good words. The Visitor is inevitably something of an official. She is handicapped (far more, usually than she knows) by the fact that no prisoner is able to be her normal self, and under the existing system it is almost impossible for the right human relationships to exist. But the mere fact of discussing troubles with a friendly person from outside is often a relief to the prisoner and a certain amount of good work is certainly accomplished.

On the practical side of obtaining employment on discharge much help is given by Lady Visitors. In Holloway, besides the four Visitors for the whole prison, one Visitor is specially appointed for the girls under the "modified Borstal" treatment, and she devotes much time to them. There is also a Lady Missioner. The Lady

[39] S.O. 155 (1911).

[40] P.C. Report, 1913-14, p. 40.

[41] Previous to 1895 the Commissioners were much less in favour of Lady Visitors. In 1834, out of 54 prisons receiving women, 25 prisons had no visitors. Sir E. Du Cane suggested in his book that the visits of Elizabeth Fry and her friends ceased to be useful "so soon as the regular authorities in the prison had been stimulated to do their duty." —("The Punishment of Crime," p. 48).

Visitors in Holloway have been instrumental in obtaining some recent reforms.[42]

Visitation of Male Prisoners.

In the male prisons there is, as a rule, nobody corresponding to the Lady Visitor, whose existence is probably chiefly due to the fact that the chaplain is of the opposite sex to the inmates of female prisons.[43] It is true that one or two exceptional individuals, of commanding personality and influence for good, (such as the late Thomas Holmes, Secretary of the Howard Association) have been sufficiently trusted by the Commissioners to be allowed a free hand in visiting prisoners. But in the ordinary way, the male prisoner (whether a convict or a "local") receives no visits except (a) the rare periodic visit from relative or friend, (b) the visit from the chaplain or prison minister, and possibly (c) a visit from the agent of the local Prisoners' Aid Society, or from a representative of the Salvation Army, with a view to assisting him to find employment on his discharge.

The value of the last class of visits is no doubt considerable from the point of view of After Care;[44] but it can hardly be expected to have any lasting influence upon the character of the prisoner, if only because each prisoner receives as a rule no more than a single visit, to discuss his future occupation, towards the close of his sentence. But there are exceptions to this generalisation, as in the case of the Aid Society agent who informs us:—

> I quickly discovered that I could not do my work well unless I had access to prisoners long before their discharge, without an officer being present, and I so far carried my point that cell and pass-keys were given to me, so that I could visit prisoners at any time.

Such a practice has hitherto been of rare occurrence. It is, however, encouraging to note that the Chaplain Inspector is approvingly quoted by the Prison Commissioners in their 1920 Report, as being

> strongly of opinion that an (Aid Society) agent ought to visit the prison daily to see not only prisoners due for discharge, but also the receptions, in order that he may begin his contact with probable clients right from the beginning of the sentence, and in the case of the unconvicted, even before that time. By this means the agent could be in close touch with the prisoner, and in the case of one remanded or committed for trial, he might be of great use to him in Court.[45]

This excellent official suggestion, if it could be extended (as seems to be contemplated) beyond the Society agents, may open the door to the establishment in our prisons of lay visitors, who would act as "prisoners' friends," and perform many beneficent services, such as the chaplain, under present conditions, is unable to supply. Many of our witnesses, ex-prisoners and others, have emphasised

[42] See also the account of the educational work now being attempted in one prison, pp. 165-67.

[43] It may be noted that in the case of at least one religious body (the Society of Friends or Quakers) a woman has been accepted by the Commissioners as a visiting minister to prisoners of her own sex and denomination.

[44] See Chapter 28 of this Part.

[45] P.C. Report, 1919-20, pp. 28-29. Cp. pp. 469 and 470.

the need of such persons. Most of the agents of the Aid Societies, whom we have approached, are in favour of "much more approved visitation," provided sufficient care is exercised in the selection of visitors; and some of the chaplains concur in this, though there are other chaplains, who want the work left to themselves, and (in the words of one of them) object to "letting well-meaning amateurs from outside dabble." One high prison official is in favour of the *men* prisoners being visited by a Lady Visitor. "With the right woman," he says, "it would be a tremendous help. The influence of a woman is refining, and in the case of married prisoners and boys her work might be of immense value."[46] At least one governor is quoted in the Commissioners' annual volumes as recommending the visitation of men prisoners on similar lines to that authorised in the case of the women.[47]

The great lack of unofficial prison visitors is doubtless largely due to dislike by the Central Authority of any interference in its own absolute control over the prison régime and to its dread of any reform which would throw the prisons and their repressive arrangements open to the inspection of the inconvenient philanthropist;[48] it has also been felt that the punitive element of the treatment might be seriously impaired if a prisoner had frequent visits from sympathetic outsiders.[49]

But the largest share of the blame for the desolate and friendless position of most prisoners must, we think, be laid at the doors of the intelligent public, and of the Christian Churches in particular, who have shown no insistent desire to befriend the prisoners and captives, for whom they sometimes offer up prayer. One of the very few volunteers, who has been allowed to visit prisoners before their discharge as the "honorary agent" of an Aid Society, writes to us as follows:—

> The first thing that struck me when applying for permission to visit prisons and prisoners, was the surprise that such an application evidently caused; and when after much correspondence I was at last put into touch with the Aid Society and eventually interviewed, I was made to feel how extremely rare such an application was, and how remarkably "good" it was of me to think of visiting prisoners for no apparent reason. And yet, one would imagine that anyone who had come into contact with any sort of Christianity, or who had merely read the New Testament would have taken some note of the words "I was sick and in prison, and ye visited Me not."

[46] We have been informed that in one prison Sisters of Mercy were for a long while allowed to visit the juveniles and juvenile adult prisoners on Saturdays in order to give them religious instruction (in groups).

[47] e.g., P.C. Report, 1900, p. 204. But the 1894-5 Departmental Committee found that the general opinion of prison officials "appeared adverse to Lady Visitors, unless specially qualified and selected with great care." (Report: p. 14.)

[48] Contrast the wise attitude taken up in the Report of the Indian Jails Committee, 1919-20 (Vol. 1, p. 259), where the practice of encouraging non-official visitors to Indian prisons is commended.

[49] "If the door were opened too wide, and visits (i.e., to prisoners by Aid Society agents) allowed indiscriminately, one of the principal ends of the punishment would be defeated." Paper on "Discharged Prisoners' Aid Societies," by Sir E. Ruggles-Brise, in Report of the International Prison Congresses, 1895 and 1900, p. 128.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

Church of England Chaplains.

1.—The contrast between prison treatment and the ethics of Christianity seriously and constantly handicaps the chaplain in his religious work.

2.—The chaplain is appointed by the Home Secretary and is under the control of the Prison Commissioners. His official position and the numerous and varied duties he has to perform in connection with the administration of the prison detract from his influence and encourage hypocrisy in the prisoner.

3.—The conditions of service do not usually attract the best type of clergyman.

4.—The chaplain is overburdened with work. He has little time for the proper visitation of prisoners. A visit of about five minutes once a month is almost useless.

5.—In addition to the incongruity of officially holding Christian services as a part of the prison routine, their value is impaired by the obtrusion of the disciplinary element, particularly the prominent posts of observation occupied by the warders.

6.—Sunday, owing to the excessive confinement, is to many prisoners the worst day in the week.

Visiting Ministers.

7.—Owing to the favoured position of the Established Church, there is no true religious equality in prison.

8.—There is no Nonconformist service on Sundays, and rarely is one held more than once a fortnight.

9.—Nonconformist ministers (other than Wesleyans) are rarely allowed to have cell keys and all their cell visitation is generally restricted to one afternoon a week at the most.

Other Visitors.

10.—It is quite exceptional for an adult male prisoner to have the benefit of a visit from anyone except the official chaplain or visiting minister; apart from a single interview with an After-care agent.

Appendix to Chapter Eleven.

A ROMAN CATHOLIC PRIEST ON THE PRISON SYSTEM.

[The following is a copy of the replies sent (among a number of others from chaplains) to the secretaries of the Enquiry in response to a list of questions, by a priest who had been for some years chaplain at one of the smaller prisons. The italics represent the words underlined by the writer. It will be observed that this chaplain is in favour of more educational facilities, but is otherwise, apparently, quite satisfied with the existing régime. We give the statement without comment, as an illustration of the views of a certain type of official, who is not uncommonly to be found in the prison service, and much more among the superior officers, we think, than among the warders. The answers sufficiently indicate the questions put, but the full questionnaire will be found on pp. 601-3.]

I consider that laws are made for the protection of the individuals of society. Laws thus made are then, in the *first* place, deterrent, and in the *second* place, reformative.

Under English justice everyone is innocent till *proved* guilty, and only then when *proved* guilty do the prison regulations affect the individual, and these regulations necessarily then should be *primarily* deterrent and secondarily reformative.

1. I would *not* prefer local administration.

2. The authorities have a clear idea of the deterrent and reformative elements in the present discipline.

Yes. I consider it is reformative to some extent. But if not, then it is due, not to wrong personnel nor to bad regulations, but to the fault of the individual offender against the law.

3. I am *not* prepared to advocate free association among prisoners.

The present degree of association is of real value to subjects amenable to reformation.

The rule of silence, as now practised, is beneficial to subjects amenable to reformation—to others it is necessary punishment.

I do not think it is good to give opportunity for the exercise of Christian and social virtues one towards another.

Men are now injured morally by loss of self-respect involved, e.g., in being called by number; in the convict dress, etc. Their self-respect is lost *when they transgress the law*, and the sinking of personality, etc., would be a help to subjects willing to reform.

4. I think the first month of solitary confinement is of value both in a deterrent and reformative direction.

To those amenable to reform the opportunity for reflection promotes penitence and desire for a better life—to others it most likely acts as a deterrent, and may possibly break the spirit of the prisoner, thus making him more amenable to prison discipline.

5. I think it wise to encourage reform as in present Borstal and Preventive Detention experiments.

I do *not* think we want a complete recasting of the present régime, and I do *not* think it wise to give liberty to religious or other bodies to experiment.

6. Prison régime is *not* responsible for the great number of recidivists, but more likely surroundings *outside the prison.*

7. I do not remember any cases of a trade learnt in prison being such as to enable one to earn his living outside.

8. I do *not* agree that greatest need is further classification and more individualised treatment.

9. I do *not* think that many are now left in prison who ought to be treated in an institution for mentally defective.

10. "Modified Borstal" system of treating juvenile adults is successful in giving a chance of starting afresh.

11. I do not think that opportunities of communication between the prisoner and his family should be increased.

12. I have found sincere repentance for past faults almost *general* among first offenders, but rarely among previously convicted prisoners.

13. I have not come across cases who have received serious damage (a) to their physical health, or (b) to their mentality, owing to the condition of their imprisonment.

14. The effect of confinement on a prisoner's mind is not necessarily bad, nor does it concentrate thoughts on crime, except in cases difficult of reformation; nor does it concentrate his mind on sexual things, except in cases so inclined.

15. I quite agree that most prisoners find Saturday afternoons and Sundays exceedingly monotonous.

Sundays might be much more effectively utilised for true educational and reformative purposes.

Chaplains might classify prisoners into different groups, according to educational facilities or the capacities of the prisoners; and their education or reformation might be attempted by the chaplain with the co-operation of warders and the help of efficient outside visitors, as suggested under answer to Question 21.

16. I have observed the effect of restraint and isolation on their mental life; in cases of subjects amenable to reformation it is generally good. In refractory cases this restraint, etc., is only a deterrent. But no marked psychological change is noticeable in prisoners.

17. Literature plays its part only according to the former inclinations of prisoners. According to their former inclinations it is one of the chief factors of mental health. Many but not most prisoners appreciate books.

18. Greater facilities could be given for education, as suggested in answers to Questions 15 and 21.

19. More facilities should not be given for creative activity, nor greater provision for writing facilities.

20. My religious ministrations have *never* been hampered by unreasonable rules and restrictions.

I would *not* like the discipline by warders to be less prominent during services.

21. It is *not* a good thing to leave the personal reformative side of the treatment to the chaplain *only*. The co-operation of warders and of efficient outside visitors is desirable, as referred to in answers to Questions 15 and 18. Governors co-operate willingly and *effectively* in this work by personal contact and knowledge of prisoners.

22. I do *not* think the ground of many prison practices and restrictions is the wish to save time and trouble and to keep down the numbers of the staff.

23. I consider the practice of putting men in "observation cells" a good one, and do not know of any bad results from this practice.

24. Arrangements for "after-care" of prisoners are good and adequate.

In my experience, societies are able to find work for *all* ex-prisoners *who are willing* to accept their help.

This letter is in reply to the list of "Questions for consideration" which you forwarded, and is answered in rotation.

CHAPTER XII

LETTERS AND VISITS

The Infrequency of Letters

A prisoner in the third division is not permitted to write a letter for eight weeks after the commencement of his sentence,[1] and to secure even this "privilege" he must earn full marks at his work and have a clean record so far as punishments are concerned. Following that he may receive a letter after six weeks, and afterwards every four weeks throughout his sentence.[2] Visits are allowed at similar intervals; if a prisoner does not have a visit, he may write and receive an additional letter, instead.[3]

Many ex-prisoners describe the long intervals between letters, and particularly the initial eight weeks' wait, as the most cruel feature of imprisonment. "I entered prison recently-married," says one prisoner, who served a life-sentence. "Three years after, I heard that my wife was going wrong. I wrote, but was obliged to wait three months—as was the rule when I began my sentence—before I could write again. The time was one of great anxiety. She eventually threw me over for another man, but I believe if I had been allowed more contact with her, I might have had her yet."

"The long silence and the absence of news from home—especially to the man whose home is poor and whose wife is struggling," says a warder, "often depresses a prisoner almost to madness." "The mental agony of those who think anything about home would be very largely relieved," says the agent of a Discharged Prisoners' Aid Society, "if letters were allowed once a fortnight."

In the report of his visit to America in 1910 in connection with the eighth International Penitentiary Congress, the Chairman of the

[1] Prisoners are permitted to send a "short notification of their imprisonment to one friend "if the governor is satisfied that the prisoner's friends are not aware that he is under sentence, or in what prison he is confined, and that it is desirable that they should be informed."

[2] Prisoners committed in default of payment of a fine, or for debt, may send a letter with the object of procuring release at any reasonable time. All prisoners may be permitted a special letter in the case of the death of a relative, or on urgent business matters, or with the object of obtaining employment. In such letters prisoners are apart in the information which they give in these words and allow special letters very rarely, "the governor may at any time communicate to a prisoner any matter of importance."

[3] For rules allowing more frequent letters and visits in the case of certain other classes of prisoners, see pp. 218, 221, 224, 227, 252-253, and 276. The more frequent letters and visits allowed to convicts are referred to on pp. 221 and 224.

Prison Commissioners for Scotland records that in American prisons "much more frequent letters from relatives are allowed than with us." One American governor, he adds, said he thought the British system "absolutely cruel."[4] Our ex-prisoner witnesses are, needless to say, unanimously of the same opinion, and a large majority of the official witnesses take the same view.

"Much more frequent letters should be permitted," says the priest at one prison. "Family affection is, as a rule, the one link one has to work on, and if more communication could be kept up with home the men would have some hope." "Frequent letters," says a Nonconformist visiting minister, "would help to keep the prisoner alive to his social and family duties." "The influence of relatives and friends from outside has a beneficial effect on a prisoner," says a warder, "and helps a man in those hours of solitude of which a prisoner has far too many." "Letters are humanising," says a Wesleyan minister at a large prison; "to deny them is a cruel and hardening punishment."

On the rare occasions upon which the present infrequency of letters is justified by our witnesses the grounds are three. One or two officials defend isolation from relatives as a punishment.[5] Several point out that more letters would involve an addition to the staff in order that the necessary censorship could be carried out. One priest says that the fewer the letters from home the better, since "parental weakness, if not criminality, is often responsible for the crimes of the children." The following statement by an ex-prisoner, submitted to us quite independently, happens to deal with all three points:—

> The withholding of letters is a punishment not only to the prisoner but to his dear ones. It would be difficult to say who suffers the more—the man in his cell, cut off from home for eight weeks, full of remorse, anxious as to how his family is getting on, worrying, perhaps, over a wife or a child who is ill; or the woman at home, grieving over the man in disgrace, wondering what has become of him, asking herself again and again if his health can stand it. Moreover, the more criminal a man is, and therefore, presumably, the more deserving of punishment, the less likely is he to feel this deprivation of letters. It is upon the least criminal type of prisoner that the punishment falls most heavily.
>
> If we pass from the point of view of punishment to the point of view of reform, it cannot be doubted that in the great majority of cases letters from home have a softening and humanising effect. If any letter is bad in its influence, the governor always has the power to stop it.
>
> The objection that more letters mean more censors surely ought not to stand in the way. If letters would help to unmake criminals the extra censors would be cheap.

[4] Op. cit. (Cmd. 564), 1912, p. 19.

[5] See Report of Brussels International Prison Congress (1900), p. 126. (Quoted on p. 204.)

The Censorship of Letters

Both the outgoing and incoming letters are read by the officials and are liable to be censored. The prisoner is informed on one of his cell cards that he must not write about his treatment in prison, but as a matter of fact allusions to prison routine are permitted by Standing Orders unless they are made in the way of complaint.[6] In many cases the effect of the rule prohibiting complaints gives the recipient of the letter a quite wrong impression of the conditions and feelings of the writer. "I should just like to write you a letter in which I could insert black as well as white," a convict once wrote in a letter, "I'd turn this show upside down." But even these words were deleted.

An ex-prisoner says on this point:—

> Many prisoners receive replies from their friends saying that they are pleased to have such cheerful letters. The prisoner either smiles grimly or curses vigorously when he reads this. It is practically impossible for a prisoner to write anything but a cheerful letter. If he complains of anything, what he writes is immediately deleted. On this account it is practically impossible to ascertain the true feelings of a man in prison.

Allegations of ill-health are permitted "if they contain no complaints of medical or prison treatment," but letters containing such allegations must be accompanied by "a short statement of the prisoner's real state of health signed by the medical officer."[7]

On the first page of the official note-paper upon which prisoners write to their friends, a printed notice appears to this effect:—

> The permission to write and receive letters is given to prisoners for the purpose of enabling them to keep up a connection with their respectable friends and not that they may be kept informed of public events.

Nevertheless, the Standing Orders state that "news of public events is not necessarily to be treated as objectionable," and instruct the governors to consider whether it can be put to improper uses. "News of passing interest, such as shipwrecks, accidents, etc., or even political events are as a rule quite unobjectionable," but accounts of racing, football, pugilism, etc., are open to doubt as "possible subjects of betting amongst prisoners or of attempts at familiar conversations with officers." The application of this rule varies greatly. In some prisons news of public events is permitted fairly freely; in others, the censorship is rigorously applied to all news relating to other than domestic affairs. For instance, the following passage was deleted from a letter sent to Dartmoor Prison in 1904:—

> One of our old favourites, Dan Leno, is dead, and it was a splendid funeral. I think all the musical artists were present, and the flowers were splendid. The Lord Mayor's Show was a good old-fashioned one this year.

What harm is there in a passage like this?

News of the conviction of other prisoners is deleted unless the persons concerned are relatives of the prisoners.

When there is objectionable matter in an out-going letter, the prisoner is given an opportunity to re-write it in the first instance. An "inward letter" containing objectionable matter, "too long for deletion," is returned to the sender for re-writing, but "when the objectionable matter consists of one or more short sentences," it is copied into the "Erasure Book." Matter deleted from out-going letters is similarly placed on record in the prison books.

The process of censorship often involves delay, and one of our ex-prisoner witnesses complains of the anxiety this occasions:—

> When there is matter in one's letter which it is thought necessary to refer to the governor or the Home Office, one is (so far as my experience goes) not informed unless the decision is to delete or suppress.
>
> The result is that there is great delay in the dispatch of the letter and consequently in the reply, with the result that one wonders anxiously what may have happened to the person to whom the letter is sent. For example, when I was in prison a letter which I wrote was held up for ten days without my knowing, and I became very concerned as to my wife's health. Not receiving my letter when she expected it, she became concerned about me, too.

This may seem a trivial matter, but to a prisoner eagerly anticipating a letter from home after two months' silence, and left in separate confinement for many hours daily, to brood over the delay and to work his mind into a fever of anxiety over its possible meaning, it is a cause of very real suffering. This witness indicates that the deletions made in his letters were afterwards mentioned to him, but our evidence shows that in many cases they are not mentioned to the prisoners concerned.

Complaints by ex-prisoners of censorship of letters are many and bitter. "I know hundreds of cases," writes an ex-convict, "where prisoners' letters were half blotted out or stopped altogether." A common occasion of deletion is the making of a request to relatives to petition the Home Secretary for commutation of sentence or release. The Standing Order on this point does not justify these deletions. "It is not desirable," it reads, "to encourage prisoners to request their friends to petition the Secretary of State on their behalf, but a letter written with this purpose should not be disallowed."[8] That many such letters are in fact disallowed we have convincing evidence.

To supplement the periodical letters, prison chaplains are permitted, in the case of juvenile adult prisoners, to write to the local agent of the National Society for the Prevention of Cruelty to Children, who may visit the relatives of the prisoner and report on

[6] "Complaints of prison treatment should be deleted. . . . But mere allusions to prison routine may be quite admissible. As to these there can be no hard and fast rule, but governors are advised to use their discretion in a liberal spirit." (S.O. 391).

[7] (S.O. 391).

[8] (S.O. 391).

his visit to the chaplain. The chaplain may then pass on to the prisoner what he has heard. In the case of ordinary prisoners, the chaplain may not communicate with their relatives without the permission of the governor. Since 1909 Lady Visitors have been permitted to communicate with a woman prisoner's friends "where it is clearly for the benefit of the prisoner." The governor or chaplain must always be consulted.

The lack of facilities to communicate with the outside world leads to a good deal of illicit correspondence through prison officers and by other means. Prisoners' friends are informed on official notepaper that "persons attempting to clandestinely communicate with, or to introduce any article to or for prisoners, are liable to be severely punished." Nevertheless, considerable "trafficking" of this character occurs, and from time to time prison officers are dismissed for engaging in it.

The Conditions Under Which Visits Take Place.

Visits are permitted at similar intervals to letters,[9] and all that has been written in criticism of the infrequency of letters applies equally to visits. There is, likewise, a censorship of the conversation at the visits similar to the censorship of letters, whilst the conditions under which the visits take place form one of the most humiliating features of prison life.

The number of visitors is limited to three. Each visitor is required to give his name and address and relationship to the prisoner. Persons who have served sentences in prison are not admitted unless they be near relatives. An ex-prisoner complains that he found it very difficult to get permission to have a visit from a gentleman who was interested in him without being personally known to him. "Every petty objection was raised," he says. Children, other than infants in arms, are not admitted to visit prisoners except in the case of political offenders. The first visit is limited to twenty minutes. Subsequent visits may last half-an-hour.

Visits take place ordinarily under one of two arrangements, described in prison parlance as the "meat-safe" and the "cage"[10] respectively. The former consists of two small compartments similar to telephone boxes, partitioned from each other by two screens of thick wire gauze about a foot apart. The visitors stand in one box, the prisoner with an officer behind him to "censor" the conversation, in the other. The wire gauze so darkens everything seen through it that no clear impression can be obtained of the persons in the opposite box. "When my wife visited me," says an ex-prisoner, "I was entirely unable to recognise what I afterwards found to be an excellent photograph of our child."

[9] The governor may allow a prisoner to receive a special visit if arrangements respecting his private affairs could not be completed before conviction, and on other very exceptional grounds. The Visiting Magistrates have the power to allow an extra visit, but generally leave the decision to the governor. Two magistrates who have given evidence cite cases where they have granted permission for a special visit despite the previous refusal of the governor.

[10] We hear (December, 1921) that the "cage" is no longer to be used for visits.

The second arrangement is a most literal example of the truth of the analogy which continually comes to one's mind when writing of prisoners—the analogy of caged animals. A room is divided by two parallel rows of bars reaching from floor to ceiling, into two bare cages with a corridor between. The prisoner stands in one cage, the visitors in the other, and the officer sits in the corridor dividing them.

> "I shall never thoroughly get over the shock which I had when I saw my husband through the bars," says the wife of an ex-prisoner. "It makes me ill now to think of it. He stood pressing forward through the bars, clasping them tightly, his face dirty and unshaved, his eyes distraught, his body clothed in a rough ill-fitting way. Just for a moment I felt that I was looking through the dim light at some fierce, uncouth animal at the Zoo. Then I forgot his looks. The only thing that mattered was that it was *he*. But after I left him the cruelty of the thing was a bitter persistent memory."

The humiliation of visits under these conditions is felt so acutely both by prisoners and visitors that often they prefer to do without them and take advantage of the rule allowing an exchange of letters instead. "I had one visit from my wife and boy during 17 months," says an ex-prisoner, "They were in one cage and I was in another, with a warder between us. The visit lasted half-an-hour and was so painful to all of us that I never had another." An ex-convict states that a number of men refused to have visits because of the humiliation of the "wild beast cage." "Many men (myself included) discouraged visits," says another ex-prisoner. "The full degradation of one's condition and the full brutality of the system were most apparent in this period of barred and baffled communion with the outer world. It tended to leave one in a state of hysteria or else suppressed fury, and generally shattered and restless for many days." "The conditions under which the visits take place represent the old idea of seeing how much punishment and degradation the authorities can pile on," says a Roman Catholic priest. "I know a lot of men who refuse visits on the ground that they cannot stand the humiliation."

Another factor making against visits is the expense of travelling. This is particularly the case at the Convict prisons which are situated in isolated parts of the country and often long distances from the home of the prisoner. We are informed that only about five per cent of the convicts at Dartmoor have visits. Dislike of the visiting arrangements and "a growing feeling that more can be accomplished in a long letter than in a flying visit" (we quote a Dartmoor official), are partly responsible for the infrequency, but the economic reason is undoubtedly mostly so. Some of our witnesses, including one high official, have strongly urged that the relatives of prisoners should periodically be provided with free railway passes.

In special circumstances, governors are permitted to allow prisoners to have visits in an ordinary room. In this case the

prisoner sits at one end of a table and the visitors at the other, with the officer midway.[11] The prisoner is required to keep both his hands on the table "so that the officer may see that the prisoner does not receive anything." Some of our ex-prisoner witnesses say that they preferred the "meat-safe" system of visits to the open-room system, because, under the former conditions, they could often speak without being overheard, one officer frequently having to supervise several visits in neighbouring boxes. The range of conversation permitted by officers varies greatly. Some do not permit the prisoner to make any reference to what occurs in prison nor the visitor to give any account of public affairs.

In cases reported by the medical officer to be seriously ill, visits are permitted in the hospital, an officer being in attendance, of course. If a prisoner be critically ill, relatives are allowed to visit him frequently.

It is the custom in many American prisons to permit prisoners to visit dying or infirm relatives on *parole*. In Scotland, also, permission is often given for a prisoner to attend the death-bed or funeral of a relative, though under escort, but in England this humane practice has not been so generally followed. During the war a few political offenders were given 72 hours leave on *parole* either to visit relatives critically ill or to attend funerals, and in at least one instance since the war the same "privilege" has been granted to a political offender. More than one of our witnesses urge that this practice should be extended to all offenders. "The Scottish custom of sending an officer in plain clothes with the prisoner might be followed where thought necessary," suggests a chaplain.

The full importance of this whole question of visits may not be appreciated on a first consideration.[12] It is not simply a matter of human kindness; it is definitely a matter of saving prisoners from mental and moral deterioration. "The visit of a wife or a mother or a sweetheart had a wonderfully refining and beautifying influence," writes an ex-prisoner. "Prison conditions are hard and harsh and sordid. The mental atmosphere is lowering and the isolation is dangerous to moral character. Into the midst of all this came the shining, loving face of a pure woman. It lifted one right up again."

It is as short-sighted as it is inhuman to permit such influences to operate so rarely. "The best influence to which the prisoner might be submitted," wrote Prince Kropotkin, of Russian and French prisons, "the only one which might bring a ray of light, a softer element into his life—the intercourse with his relatives and children—is systematically excluded."[13] The same might still be written, alas! of English prisons to-day.

[11] One governor sometimes permitted a chaplain or the agent of the Discharged Prisoners' Aid Society to be in attendance at a visit in place of a prison officer.

[12] See pp. 198-201 for the visitation of prisoners by other persons than their family and friends.

[13] "In Russian and French Prisons" (1887), p. 520.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

Letters.

1.—Letters are allowed to be received and written too infrequently, the initial delay of two months in the case of third division prisoners being particularly cruel.

2.—The range of censorship in the case of incoming and outgoing letters is unnecessarily extensive.

3.—When incoming letters are returned to be re-written, the prisoners are not informed. Much anxiety is occasioned by the unexplained delay.

Visits.

4.—Visits are allowed too infrequently, and they are too short.

5.—The subjects to which reference in conversation is allowed are unnecessarily restricted.

6.—The conditions under which the visits take place, either in the "meat-safe" or "cage," are degrading.

7.—The long distances from the homes of the prisoners and the consequent expense of travelling often prevent visits taking place.

8.—Ordinary prisoners are debarred from visiting a dying relative or attending the funeral, however close the tie between them.

CHAPTER XIII

CLASSIFICATION IN LOCAL PRISONS

Classification in Theory and in Practice

Classification has become a commonplace of prison theory, but has not yet been satisfactorily applied. There have been both divided authority and inconsistency of method.

When the prison administration was centralised in 1877, the Home Secretary was given power to place particular classes of prisoners in particular prisons or parts of prisons, but the Departmental Committee of 1895 found that this provision had been "very sparingly used."[1] An effort had been made to keep first offenders and juveniles apart from habituals, but the Committee reported that no adequate attempt had been made "to secure a sound system of classification in Local prisons." In Convict prisons, prisoners clearly not of the habitual type had been separated into a Star class[2] since 1879, and one of the results of the Committee's recommendations was that a similar classification was introduced in Local prisons in 1898-97, with the object of securing "the separation of such prisoners from those who are versed in crime and of corrupt habits."

This was the first important attempt at classification in Local prisons. Two years later, under the Prison Act of 1898, a more ambitious scheme was introduced, but the responsibility was in this instance placed in the hands of the judge or magistrate who convicted the prisoner. He was given the power to direct that prisoners should be treated as offenders either of the first or second division, in all cases where there "is evidence of good character over a considerable period of time, and when it is clear that exceptional temptation or special provocation has led to a merely *temporary* deviation from the paths of honesty, or to an act of violence not in consonance with the natural disposition of the defendant."

[1] Report of 1895 Committee, p. 28. The sexes had been separated, and also penal servitude prisoners from the short sentence prisoners in Local prisons.

[2] So called because they were red cloth stars on their caps and tunics.

[3] P.C. Report, 1896-7, pp. 15 and 141.

Both the framers of this Act and the Prison Commissioners hoped that a considerable proportion of the very large number of persons annually convicted to prison in *default of payment of a fine* would be allotted by the Courts to the second division. "The second division," the Commissioners wrote in 1903, "was intended to meet the case of persons guilty of offences not implying great moral depravity, and to a large extent the cases of persons committed to prison in default of paying a fine where the antecedents were respectable."[4] In this hope, however, they were almost completely disappointed.[5] The creation of the second division made no appreciable difference.

The Prison Commissioners also anticipated that the introduction of these new divisions would mean the automatic disappearance of the Star class, but in this they were disappointed, too. The judges and magistrates not only made very little use of their new powers; when they did take advantage of them they placed many men in the second division who would not have been considered fit to belong to the Stars. Consequently the Star class was continued among third division prisoners, in addition to the second and first division classifications.

The failure of the courts to classify prisoners led the Prison Commissioners to suggest in their report for 1910-11 that the responsibility should be left entirely in the hands of the administrative staff of the prisons. This proposal the Home Secretary did not accept, but the Criminal Jurisdiction Act, 1914, gave the visiting magistrates of prisons the power to place prisoners in the second division in the absence of any direction by the Court. They have taken little advantage of this provision.

The object of the creation of the first division was to give separate treatment to "first-class misdemeanants," but, again, the courts almost entirely ignored their powers, with the result that Mr. Winston Churchill found it necessary to table a new rule in 1910 enabling the "privileges" of the first division to be extended to prisoners in the second and third divisions who had been convicted for offences "not involving dishonesty, cruelty, indecency, or serious violence." This rule was applied for a time to women suffrage prisoners, but has been used even less than the classifications which were placed in the hands of the courts.

These are not the only classifications. On the official prison "muster ticket," prisoners with hard labour, court martial prisoners, debtors, and penal servitude prisoners are mentioned in addition, and this list curiously omits the juvenile adults and juveniles.[6] The conditions under which these different classes of prisoners are con-

[4] P.C. Report, 1903, p. 25.

[5] P.C. Report, 1911, p. 23.

[6] To complete the list, unconvicted prisoners and appellants must be added; and there are the various classes of convicts in penal servitude prisons. See pp. 295-304, 305-15, and 317-36.

fined are described later. Here our intention is to consider how far the classifications succeed as a whole.

The verdict of our witnesses, both officials and ex-prisoners, is practically unanimous that the attempt to separate the various classes has failed. "I was supposed to be kept apart from other prisoners," writes an ex-political prisoner, "but during the 28 months I was in prison I not merely became acquainted with, but got to know well, prisoners of every class—juveniles, juvenile adults, Stars, debtors, remands, second division prisoners, habituals, and internees. I even spoke to women prisoners. The only class of prisoner I didn't converse with was the first division, and that for the simple reason that there was never one in the building!" "All the classes could easily communicate with each other—by stealth, of course," remarks a witness who served a long sentence for a criminal offence. "Such illicit communication is possible under any conditions, between landings, between wings, between the prison and the hospital, and even between different prisons. I sent messages to men I knew in another prison by means of 'transfers,' and got messages back."

A warder ridicules the idea that the separation can be effective so long as the different classes are housed on the same landing, or in the same building, or go to the same workshops, whilst a governor admits that contact must occur so long as the various classes are accommodated in the same prison. "It would be best to classify them in separate buildings," he says, "but that would cost too much. As it is, there is undoubtedly a good deal of contamination of youthful offenders by hardened criminals."

We do not mean to suggest that such separation as there is does nothing to prevent contamination. We think it is indisputable that the existence of the Star and juvenile adult classes has sheltered to a certain degree first and young offenders from some of the corrupting influences of habitual criminals, ineffective though the separation has been. But this only represents the negative object of classification: appropriate treatment for the different types of criminals is the positive and more important object. This aim the prison authorities have to all intents and purposes ignored. As for individual treatment, the goal of classification, it is not even dimly hinted at under present conditions.

The majority of our official witnesses take the view that, whilst the present classification has failed, further classification and more distinct separation would succeed. They argue from the point of view both of the prevention of contamination and of the treatment of the prisoner. But most of those possessing experience of prisons recognise the difficulties. "You want a separate class for almost every prisoner and to know each *as a man*," is the conclusion of a warder of more than twenty years' experience. "This means upsetting the whole system from top to bottom."

That some classification is necessary no one doubts; mental

deficients need separate treatment, inebriates need separate treatment, young persons in their formative years should be protected from unrelieved contact with criminals. But when these distinct types have been separated and appropriately treated, and when everything has been done by probation and similar means to keep as many people as possible out of prison altogether (including the whole of the Star class[7]), a fundamental difficulty will remain. On what principle is the separation to proceed? Is the number of offences to be the test? Many prisoners with a clean official record have lived worse lives and have a worse influence than hardened criminals. Is character to be the test? It is impossible for either a magistrate or a governor to judge a prisoner's character. "It is possible to read a prisoner's record, but not to read his mind, disposition, or moral character," remark Mr. Mitchell Innes, Inspector of English Prisons, and Sir Alex. Cardew, of the Madras Executive Council, in the report of the Indian Jails Committee, 1921. "No classification can detect the future habitual in the present first offender, unless indeed the prisoner is clearly defective, and, even then, temporary mental differences exist."[8]

Moreover, from the point of view of treatment, that is of fitting prisoners for ordinary life, it is doubtful whether specialised segregation is of value beyond a certain point. Unless special treatment demanding separation be necessary, the limitation of association to persons of the same peculiar or degraded type may be positively harmful; certainly it is not likely to encourage in the offender the recovery of a decent mode of conduct among normal people. A witness who has given his mind to this subject for many years, urges that the best classifiers would be, under freer conditions, not judges or governors, but the prisoners themselves.

> "The first step, it seems to me," he says, "is to establish confidence, co-operation, and a sense of individual and collective responsibility amongst the prisoners. Then *they* may begin to find out that certain individuals amongst themselves can't or won't play the game, and some of these may turn out to be defectives, who would be better cared for elsewhere. Others may prove to be individuals with an evil influence which they don't feel able to cope with. Here the medico-psychologist might come in and help."

A prison warder puts forward a similar view. "I would not separate men into classes so much," he says, "but I would allow them to choose their own friends."

The whole problem is admittedly complex. Certainly all attempts to classify have so far failed. Perhaps the prisoners at Sing Sing prison, New York, pointed the way to the solution when, under Mr. Mott Osborne's system of corporate responsibility, they took the

[7] "Who is to do it?" asks a high prison official. "The governor? My experience is that if a boy is good-looking he is put into the Star class. It is not a matter of the crime or of character, but of looks and smartness. A psychological expert? Very difficult!"

[8] Op. cit., p. 112.

course anticipated by the witness whose evidence we have quoted above and asked for the help of the doctors when they found certain defectives among their number who did not respond to the appeals of mutual welfare and responsibility.

This view does not involve the sacrifice of individual treatment. To discover, as far as possible, how each prisoner came to commit the offence, what were the contributing conditions—economic, domestic, industrial, physical, mental and moral—and to prescribe treatment best suited to his particular needs, such individualisation must undoubtedly be the path of any real progress. The most hopeful advance in English penal methods is the experiment along these lines now proceeding at Birmingham.[9]

The Second Division.

The original purpose of the second division, as created by the Prison Act of 1898 and the Rules made under it, has already been stated. The "privileges" attached to this division, differentiating the treatment from the usual prison régime already described, are comprised under the following heads[10]:—

1. The prisoner is, as far as possible, kept apart from other classes of prisoners.
2. The governor may, on application, release the prisoner from the obligation to take a bath on entering the prison.
3. The prisoner may, on application, receive a pint of tea in lieu of porridge for breakfast.
4. The prisoner may be compelled to clean any part of the prison except [illegible] and utensils.[11]
5. The prisoner's clothes are of a different colour (for men, chocolate, instead of ugly drab; for women, grey-green, instead of brown).
6. The prisoner is not compelled to sleep on a hard board, without mattress, for the first fourteen days of his sentence (as is a male hard labour prisoner).
7. The prisoner can be employed on work of an industrial or manufacturing nature only.
8. The prisoner is allowed a visit and a letter, in and out, every four weeks, instead of having to wait eight weeks for the first and six weeks for the second. The greater frequency of visits is counterbalanced by the fact that they are uniformly of 15 minutes' duration, instead of the 30 minutes allowed to third division prisoners after the first visit.

   In other respects offenders of the second division are subject to the general prison rules, i.e., the rules which apply to third division prisoners.

[9] Cp. pp. 52 and 53.

[10] See Sections 232-242 of the 1899 Rules for Local prisons, and Section 1-3 of the 1901 Rules for Dietaries.

[11] This rule is not always observed. An ex-prisoner of the second division writes, "I was compelled to clean part of the prison and so were other second division men. They did scrubbing, etc., in the early morning just as much as the third division men."

Besides the above "privileges," laid down by the published regulations, there appear to be two others of some importance, which apply in practice to second division offenders. It is usual to supply them *from the first* with two books, one "educational" and one of a brighter kind (the latter changed weekly), instead of their having to exist for the first four weeks on a solitary "educational" book of possibly a very *indifferent* nature. And they sometimes have the great hygienic advantage of retaining the same "kits" of underclothing (or rather two interchangeable kits) throughout their sentences, instead of interchanging garments promiscuously with their companions.[12]

It will be seen that the only differences of any real importance between offenders of the second and third divisions are (1) the separation from close contact with the (presumably) most objectionable prisoners;[13] (2) during the first few days an extra book or two, and a mattress; and (3) a visit and letter after the first four, instead of after the first eight weeks.

Apart from these points, prison conditions are the same for both divisions. The second division offender, like his brother in the division below, assumes, when he enters "reception," an ill-fitting garb sprinkled with broad arrows, and leaves behind him every vestige of his property and of his connections with the world outside. He is, like him, continually either under lock and key or under the watchful eye of the warder. He has the same bare dismal cell, the same monotonous diet, the same extreme paucity of books and writing materials. He is subject to the same rigid daily routine —the mechanical perambulation on the exercise ground, the silent occupation in the workshop, the 14 hours of unbroken solitude within cell walls. He has to suffer from the same objectionable sanitary arrangements. He has no greater opportunities of association with the chaplain or other members of the staff. He endures the same régime of *enforced* silence—or of surreptitious conversation; he is liable to the same punishments if he is caught talking with his neighbour or trying to do him some little service.

In two respects, indeed, the second division prisoner may be actually worse off than the third division prisoner. He may find himself the only, or almost the only, prisoner of his class in the

[12] A woman ex-prisoner of the second division informs us that this "privilege" was not extended to her, and more than one male witness who had experienced second division treatment gives similar evidence.

[13] The *separation* of second and third division prisoners is often lax. One witness who served 60 days as a second division prisoner in a large prison says that "second division men worked, were weighed, attended chapel, and took their baths in association with third division men of the Star class."

gaol.[14] He is then deprived, owing to his segregation from the rest of the prison, of those occasional opportunities for unrecognised communication with his fellows, which to many, if not to most prisoners, prevent the torturing monotony and unnatural silence of the routine from becoming quite intolerable.

The second disadvantage is also a consequence of the limited size of this class. Since they must be separated from the rest of the prisoners, it is necessary to restrict the work of second division prisoners to a very narrow field, and many of the more desirable employments are placed outside their reach. One warder considers that this drawback makes the second division, despite its relaxations, less advantageous than the third.

How small is the number of second division prisoners may be judged from the fact that whilst in the fifteen years ending 1914 (the last for which figures are obtainable) the number of second division prisoners fluctuated between 1,475 and 2,455 for the year, the receptions varied between 136,309 and 197,941. The question of second division treatment is, therefore, a comparatively unimportant issue. And in view of the slight difference between the two types of treatment, it would, it appears to us, have remained comparatively unimportant, even if the desires of the Commissioners had been realised and the great mass of "quasi-criminal" persons "of respectable antecedents" had been consigned to it by the courts.

The First Division.

The numbers in this division, also instituted by the Prison Act of 1898, are extremely small; the annual totals for England and Wales fluctuated between 16 and 55 during the years 1900-11 inclusive, except for 1906-7, when they were swollen to the figure of 160 by committals in connection with the Woman Suffrage agitation.[15] One measure, the Vaccination Act of 1898, expressly prescribes first division treatment for persons convicted under it. But the statistical Tables indicate that the commonest offence for which the Courts assign persons to the first division is non-compliance with the Elementary Education Acts.

The "privileges" to which the first division prisoner is entitled under the regulations, are, in comparison with third division, very considerable, and may be summarised as follows:—

Like the man in the second division, he is supposed to be kept apart from other classes of prisoners. Beyond this he has, or may have, if he has the means to pay for them, peculiar advantages which are shared by no other class of inmate, except the unconvicted prisoner awaiting trial. (The rules for "trial prisoners" are to a very large extent verbally identical with the first division rules; but, as indicated elsewhere, most trial prisoners, owing to their poverty, are unable to secure these "privileges"). Thus he may wear his own clothing. He may have "such books, newspapers, or other means of occupation" as are not considered to be "objectionable" by the authorities. He may be visited once a fortnight for a quarter of an hour by three friends and may write and receive one letter in each fortnight; for special reasons the Visiting Committee may increase this allowance of letters and visits. Further, he is not required to work and "may be permitted, if practicable, to follow his trade or profession," receiving the whole of his earnings, if he is not maintained at the expense of the prison. If he has the requisite means, he may arrange to have his own food supplied and even have a limited quantity of beer or wine, "subject to such restrictions as may be necessary to prevent luxury or waste." Finally, the Visiting Committee may, "if, *having regard to his ordinary habits and conditions of life*, they think such special provision should be made," permit the first division prisoner (1) to occupy at the rent of 2/6 weekly a superior and specially furnished room or cell, (2) to have the use of private furniture and utensils suitable to his ordinary habits, and (3) to have at the charge of 6d. a day, the help of another prisoner, "relieving him from the performance of any unaccustomed tasks," such as, e.g., the cleaning of his cell and the washing up of his crockery.[16]

Though the regulations are silent on these points, first division prisoners are apparently sometimes allowed an hour's open-air exercise in the afternoon, as well as in the morning, with the opportunities of unrestricted conversation with some other first division inmate of the same sex, should any such be found in the prison—a rare occurrence. In most cases, too, a visiting minister of the prisoner's own denomination is allowed free access to him for at least an hour each week.

The first division offenders are the aristocrats of the prison world. The rules affecting them have a class flavour about them, and are evidently intended to apply to persons of some means, who are in the habit of keeping servants. A poor man, who had no trade by which he could earn in prison, would hardly be better off in the first than in the second division, except that he could have his own clothes and books, and enjoy a visit and letter fortnightly instead of monthly.[17] But almost all first division prisoners have doubtless the means to take full advantage of the privileges allowed.[18] They have

[14] This is admitted by the Commissioners, who write in their report for 1908 of the evils "reserved exclusively by the small number of persons placed in the second division, "the number being so few that it is not possible to work them in association, thus practically defeating the object of classification."

[15] *C.P. Report*, 1911, p. 25.

[16] See sections 217-231 of the Rules for Local prisons. Two ex-prisoners of the first division complain strongly that they were never made aware of the details of these "privileges," e.g., the cost of the special cell.

[17] Two of our witnesses who have undergone first division treatment state that they were permitted to have flowers sent by friends. In one case this was only allowed after much pressure.

[18] One witness, however, who has had first division experience, says, "I had neither the desire nor means to pay for comfortable board and lodging, so shivered in an arctic cell and turned with loathing from the food offered me."

however, to forego the use of tobacco and, unless they can show that "writing" of some kind is their profession, they have no opportunity for recording their thoughts on paper beyond the fortnightly letter.

These may be serious deprivations, and, in any case, the essence of the punishment of first division prisoners is in the denial of almost all freedom to communicate with their fellows and in their perpetual confinement within their cells or other parts of the prison precincts. Apart from these severe *restrictions upon their movements*, first division prisoners are not subject to anything in the nature of "*discipline*" or "*treatment.*" They have merely to undergo a rather rigid form of internment, the severity of which doubtless varies very much in accordance with the dispositions of the officers who administer it.

The object of this internment is presumably either to deter such offenders, and others also, from repetition of their offences, or else to isolate them temporarily from society, inasmuch as their liberty of action is regarded by the Government as being dangerous to itself and to the community.

Political Prisoners: The "Churchill Rule."

Political offences on the part of British subjects are not recognised as such by our laws. The provisions in regard to such offences in the Extradition Act of 1870 relate solely to foreigners who are charged with offences committed against foreign Governments. When the 1898 Prison Act was framed, it was doubtless intended that political offenders "having regard to the nature of the offence and the antecedents of the offender" should be consigned by the Courts to treatment in either the first or second division, but, as we have seen, this *differential treatment* was very sparingly accorded by the Courts. Recognising the iniquity of treating political prisoners as ordinary criminals in the third division, Mr. Winston Churchill, when Home Secretary, introduced a New Rule (numbered 243A), in order, as he said, to mitigate the more degrading conditions of prison treatment for offenders whose crimes do not imply "*moral turpitude.*" Or, in the words of the Commissioners' Report for 1911-12, "the purpose of the new rule

> was to mitigate the *disgrace, and discomfort, and the stigma of imprisonment* in cases where the offence and the character and antecedents of the offender do not call for a full and rigorous application of penalty."

Rule 243A came into force in July, 1910, and runs as follows:—

> In the case of any offender of the second or third division whose previous character is good, and who has been convicted of, or committed to prison for, an offence not involving *dishonesty, cruelty, indecency*, or serious violence, the Prison Commissioners may allow such *amelioration* of the conditions prescribed in the foregoing rules as the Secretary of State may approve in respect of the wearing of prison clothing, bathing, hair-cutting, cleaning of cells, employment, exercise, books and otherwise.
>
> Provided that no such amelioration shall be greater than that granted under the rules for offenders of the first division.

This rule was introduced to meet the case of the prisoners convicted for their part in the Woman Suffrage movement. During 1910-12, 508 prisoners are stated to have been dealt with in accordance with its provisions. The rule was also applied in a rather less generous way between December, 1917, and April, 1919, to conscientious objectors to military service, who had served twelve months in the third division; but the benefit of it was not usually given to offenders against the Defence of the Realm Act, nor was it extended to the Communists imprisoned during 1920-21. The rule is clearly capable of application to any political offender not guilty of serious fraud or violence, or indeed to anyone who may be imprisoned for the breach of a police or governmental regulation; but, except for the two classes mentioned, it has remained practically a dead letter. The Home Secretary says that "neither prisoners whose offences are due to political motives, nor any other class of prisoners are entitled to claim the benefit" of the rule and that "each case or class of cases is judged on its merits."[19] The rare application of the rule suggests that a strong public agitation is the only kind of "merit" which secures favourable judgment.

The general effect of the rule is to give a selection of the first division privileges to third division (or in some cases to second division) prisoners. The particular selection is governed by the Standing Orders which the Home Office and the Prison Commissioners may agree to be sufficient and appropriate to the cases under consideration. In the case, for instance, of conscientious objectors of more than a year's standing, the only relaxations of third division treatment allowed were as follows:—

(1) Instead of the one silent and regulated exercise, two periods of exercise were conceded daily, at which men could walk and talk in twos and threes, choosing their own companions each time.

(2) Books might be sent to them from the outside so long as they were not of an "objectionable" character. These might be changed weekly, but only four books were permitted in the cell at one time.

(3) Men might wear their own clothing, or supplement the prison clothing by additional garments of their own. (This provision was acceptable, owing to the need of extra warmth in the cells. Overcoats and gloves were the items of personal clothing usually added to the prison kit.)

[19] Reply to Mr. T. Myers, M.P., February 23rd, 1921.

(4) Men might write and receive a shorter letter every fortnight, in lieu of a longer one once in four weeks. The monthly visits were to be held in a "private" room (with a warder) instead of on either side of double bars or gratings.

(5) Another prisoner might be set, on payment of a small charge, to clean the privileged prisoner's cell and utensils. (It is doubtful whether any conscientious objector availed himself of this "privilege.")

(6) A very limited amount of choice was allowed as regards the kind of prison labour assigned to the prisoner.

Experience has gone to show that the first two of the above relaxations were much valued in most cases, the third in some cases, while the last three, or at any rate the last two, were of trifling importance.

The Standing Order introduced in 1910, for the sake of the Woman Suffrage prisoners, included all the above privileges, but was of a somewhat wider nature, as it allowed a weekly parcel of food weighing not more than eleven pounds to be sent into each prisoner, and to be kept in her cell in the daytime. It also provided that these prisoners should be specially searched only by an officer appointed for the purpose; and that they should only be employed on the lighter forms of labour.

Even thus the status under Rule 243A, as hitherto interpreted, falls much short of full first division treatment, under which fortnightly visits and daily supplies of food are allowed, the use of a special cell and furniture is conceded, together with permission to follow one's own trade or profession, and the admission of newspapers and books bearing on current events, as well as "other means of occupation."

It is doubtful how far such ameliorations of the prison régime as have been allowed under the "Churchill Rule" sufficiently alter the character of prison life, so as either to remove its supposed deterrent value or to give it a reformative virtue. It must in any case be remembered that where these privileges are only granted to a small proportion of the prison inmates, they tend to create, by way of contrast, a greater sense of privation among the others, who fail to understand why they also cannot share in them.[20]

The Star Class.

Prisoners in the Star class are defined by Standing Orders as those "who, after full enquiry, are found to have not been previously convicted, and are not habitually criminal." The object of the class,

[20] "Prisoners of one class would be extremely jealous of any little privileges which might be granted to prisoners of another class," says an ex-prisoner, "the feeling of injustice being apparently quite free from any consideration as to the relative merits of the two classes, or the magnitude of the crimes they had committed. Both were ordinary folk against whom society had a grudge, and it was unfair that one section of the unfortunates should be treated better than another."

the Orders proceed, "is to secure the separation of such prisoners from those who are versed in crime and of corrupt habits."

The Star system, as already recorded, was started in Local prisons in 1896-1897 following a recommendation by the Departmental Committee of 1895. In commenting upon this recommendation in their 1895-1896 report, the Prison Commissioners argued that the efficiency of the Star class system in Convict prisons had depended upon (a) time for enquiry, and (b) "facility of transfer," and drew attention to the fact that 75 per cent. of the prisoners in Local prisons[21] were sentenced on an average to about two weeks' imprisonment, and also to the difficulties of organising prison labour so as to segregate the Stars.

The method of selecting Star prisoners is as follows:—The police representatives at the Court are asked to furnish a report on the "character and antecedents" of prisoners who have not been previously convicted, whose previous offence has been of a trivial character or who have been committed "several years before." Where no information is procurable, the governor uses his discretion, and doubtful cases are submitted to the Registrar of Habitual Criminals with a description form and the finger impressions. The results of this enquiry are submitted to the Visiting Magistrates, who are supposed to give their formal decision in the matter.[22]

The Standing Orders expressly say that inclusion within the Star class "does not confer any privileges or differential treatment." Its purpose is purely segregation. Star prisoners must be located in cells "where they cannot come in contact with prisoners of other classes," and must sit in chapel and take exercise separately.

The actual operation of the Star system is criticised in three particulars by our witnesses. In the first place, the Star class has two distinct disadvantages. It is the custom of officers to treat Star prisoners with greater severity than habituals (the latter become an accepted part of the institution), and the rule of segregation limits the range of industries to which they may be put. For these reasons many prisoners prefer not to be placed in the Star class.

Secondly, before first offenders are placed in the Star class they frequently mingle with habituals whilst on remand, and in many prisons it is the custom to class them among the habituals after sentence whilst their claim not to have been previously convicted is investigated. The Standing Orders say that "during enquiry the prisoner will be kept apart from other prisoners," but our evidence shows that in many cases this is not done. On this point an experienced warder says:—

> It is during the first few days that it is most important to keep first offenders from being associated with those who are "prison-hardened," but under the present arrangements it takes a week or so to ascertain

[21] The number of prisoners serving very short sentences has decreased considerably. The average length of sentence in Local prisons is now about five weeks. See p. 4.

[22] Cp. P.C. Report, 1896-7, p. 141.

whether a man should be treated as a Star prisoner, and, by the time he is placed with the Star class, the harm has been done and he has acclimatised himself to the prison and the surroundings. Whilst on remand, too, the first offender mixes, often to his disadvantage, with the habitual.

The third ground of criticism has already been emphasised—the inadequacy of the segregation when, in due course, it is supposed to be enforced. "The Star class are not strictly separated," continues this witness. "They are employed in the domestic service of the prison, in the bath house, at chapel cleaning, etc., and this constantly brings them in contact with other prisoners." Evidence to this effect is general.

Despite these defects, our witnesses on the whole take the view that the placing of first offenders in a separate class is of some value in preventing contamination. The first returns of the Prison Commissioners suggested that this classification was highly justified, but year by year the percentages of Stars given by the Commissioners as returning to prison have mounted up, rising between 1897 and 1910 from 4.9 to 9.2, in the case of men, and from 7.0 to 14.4, in the case of women.[23] Even from these figures, it is clear (after allowing for the rise that would be expected to occur over the greater period of years) that the early hopes of the Star system have not been realised, and further considerations confirm this conclusion. It is most unlikely that the Commissioners' returns can be accepted as complete. They are based, in the first instance, upon the statements of the prisoners themselves, who would naturally be anxious not to disclose previous convictions. The figures for all prisons have not been given since 1910, but in 1911 the Prison Commissioners published returns relating to one prison—Stafford—which showed that no less than 33.6 per cent. of the first offenders—the great majority of whom would be Stars—received during the five years ending in 1904, returned to the prison between the years 1900 and 1910.[24] The difference between these figures and those given previously by the Commissioners for the whole of the country cannot be reconciled; and, moreover, as the Commissioners admit, the Stafford returns were incomplete, since they make no allowance for first offenders who subsequently found their way into other prisons. This contrast strongly supports the view that the Commissioners' figures are far too favourable. The Stafford returns, it should be noted further, only relate to a period of ten years. The number of Stars, who in the course of their life eventually return to prison, is probably well over the 33.6 per cent. shown by the Stafford figures.

Nor can the undoubted fact that many Star prisoners succeed in remaining out of prison subsequently be taken as evidence of either the deterrent or the reformative value of the prison system in general, or of the Star system in particular. Many first offenders

[23] P.C. Report, 1897-8, p. 18 and P.C. Report, 1909-10, p. 22.
[24] P.C. Report, 1910-11, pp. 18-20.

are entirely accidental criminals, imprisoned for an offence which they would never be likely to repeat. Others are effectively pulled up by the shock of the disgrace of conviction, quite apart from prison treatment. Still others are kept out of further misconduct by the care of relatives and friends. These factors are enough in themselves to account for almost every case of a prisoner who avoids falling into the clutches of the law a second time.

Debtors.

The number of persons imprisoned as debtors during 1920-21 was 5,204. In 1918-19 it was 1,830, and in 1913-14, 14,138. The decrease since 1914 is approximately proportionate to the fall in the number of prisoners generally.

The conditions under which debtors[25] are imprisoned are very similar to those which apply to other prisoners. The "privileges" which they enjoy may be summarised as follows:—

(1) A debtor may wear his own clothing if fit for use,[26] and may have his own hair brush and comb "and any other article of toilet" permitted by the governor.
(2) He may from the first have two library books a week, as well as educational and religious books, and may have "one of his own books (if unobjectionable), in *lieu* of a library book."
(3) He may work, where practicable, at his own trade or profession. Otherwise, he is employed at a prison industry and paid not more than 2/6 a week for his work if he perform the task.[27]
(4) He is permitted to converse with a prisoner of the same class when at exercise.
(5) He has two exercises daily.
(6) He is allowed one visit (of 15 minutes) and one letter each week.

Except for these relaxations, debtors are treated exactly as are prisoners convicted of criminal offences.

Before the rules of 1899, prisoners of the debtor class were allowed various indulgences, such as a common room for daily association, freedom from compulsory work, and the receiving of meals (beer and wine were allowed) from outside. The Departmental Committee of 1895 described this class as "very unsatisfac-

[25] Debtors are committed to prison on the theory that a person who fails to pay a debt when ordered to do so by a competent court, "having the means to pay," commits an act of contempt. "Any persons imprisoned for default in payment of a debt, including a civil debt recoverable summarily or in default, or in lieu of distress to satisfy a sum of money adjudged to be paid by order of a Court of Summary Jurisdiction, when the imprisonment is to be without hard labour," are classed as debtors. The following remark by the governor of Worcester prison in his annual report for 1909 is of interest:—"I find that a great proportion of the debtors are victims of the 'tally-man'—an individual who cajoles the wives into purchasing unnecessary articles on a system of weekly payments—frequently the husbands know nothing of these transactions until the judgment summons is served personally upon them."
[26] The prison uniform for debtors is blue, similar to that of the unconvicted prisoners.
[27] For non-fulfilment of the "task" the debtor is liable to punishment.

tory," declared that "there seems to be no sufficient reason why they should be more favourably treated than other prisoners," and recommended that "they should be made to work to a reasonable if not penal extent."[28]

The Prison Commissioners, commenting upon this expression of view in their report for 1895-1896, went considerably further in urging the stiffening of the conditions of debtor prisoners.

> "We are strongly of opinion," they said, "that the effect of the privileges they now enjoy is demoralising, and is a disadvantage in the administration of the prisons, and, further, that judging by the frequent return of the debtor class, we unhesitatingly say that imprisonment in these cases is not deterrent. We, therefore, recommend that all classes of debtors and surety prisoners should, as regards employment, be treated in the same way as prisoners sentenced to simple imprisonment, i.e., without hard labour."

The Government did not go as far as the Commissioners desired, but by the 1899 rules, which were made under the 1898 Prisons Act, the conditions of imprisonment for debt were made to approach far more closely to the conditions of imprisonment for crime. The Commissioners anticipated a considerable reduction in the numbers of debtors as the result of this change, and in the following year they reported a decrease of 600. But in their report for 1902-1903 they were compelled to note the "considerable rise in the number of prisoners committed for debt, the numbers being 16,312 as compared with 14,089 the previous year," and proceeded to say that so far the expectation of a smaller number of debtors coming to prison in consequence of the more rigorous treatment authorised by the Act of 1898 had not been fulfilled. An examination of the figures suggests that the rise and fall in the number of debtors depend much more upon the conditions of trade and employment and other external conditions than upon any changes made in the prison treatment of debtors.

If the Standing Orders were interpreted strictly, the position of the debtor would, in certain respects, be considerably worse than that of the ordinary prisoner. They lay down that cellular confinement "will be the general practice, exception only being made where association is practicable under supervision."[29] Apparently association under supervision generally is practicable, since our witnesses both from large and small prisons report that advantage is frequently taken of the further clause that debtors shall be eligible for employment outside the cell—cleaning, painting, odd jobs, etc. —provided that they are not brought into immediate and close contact with ordinary criminal prisoners."[30]

A debtor confined in a small prison is often the only prisoner of his class, and, consequently, has both to work and exercise in isola-

[28] 1895 Departmental Committee Report, p. 33.

[29] S.O. 1041.

[30] A part of S.O. 1041 reads: "A debtor who has no criminal antecedents will not be associated with one who has been previously convicted of crime."

tion sometimes completing the whole of his sentence under conditions of separate confinement. "One wretched debtor," remarks a witness, describing a visit to a small provincial prison, "was enjoying the privilege of exercising alone, on a barred-in square of asphalt. I think company—even under supervision—would have been preferable."

Debtors may secure release at any time on the payment of the amount which is owing, and on payment of a portion of the amount can secure a proportionate remission of the sentence. They are permitted additional letters and visits for the *bona fide* purpose of securing the payment of the debt. The maximum term of imprisonment for an ordinary "debtor" is 42 days, but 21 or 28 days is a more usual sentence.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Putting aside the question, whether under a different system the isolation of the different classes of prisoners would be necessary, the existing classification is neither effective in preventing "contamination," nor utilised for the purpose of securing appropriate and individual treatment.

2.—With the exception of the few first division offenders, the treatment of the existing classes is governed by the same repressive and demoralising principles that characterise the régime of the third division hard-labour prisoners.

CHAPTER XIV

PUNISHMENTS

Prison Offences and Their Punishment.

Prisoners who do not keep the prison regulations are liable to punishment, and, since the regulations are of such a character that no one can possibly keep them, prisoners never feel immune from punishment. Not only is obviously improper behaviour, such as violence to a fellow prisoner, idleness, indecency, or irreverence in chapel liable to punishment, but if a prisoner speak he may be punished; if he whistle or sing or make any "unnecessary" noise"; if he nod his head, or smile, or raise his cap to another prisoner; if the tins in his cell are not polished to the pleasing of the landing officer; if he leave his "appointed location" without permission; if he have a pencil or other forbidden article in his cell; if he give to, or receive from, any other prisoner "any article whatsoever without leave"; or even if he attempt to do any of these things, he becomes guilty of an offence, for which an officer can report him to the governor, and the governor sentence him to close confinement, loss of remission marks, and a period of punishment diet. "It seemed to me," wrote Jabez Balfour, "that my one chance of safety was to do nothing at all, and that if I succeeded in such a task I should be considered a well-conducted and industrious prisoner."[1]

The degree to which a prisoner's life is hedged about by the possibility of punishment is illustrated by the following "crimes" committed by some of our witnesses:—

Offence.	Punishment.
Tins unpolished	One day No. 1 diet;[2] one week separate confinement, one day remission lost, and letter and visit postponed a week.
Leaving place to visit lavatory without permission	One week separate confinement, one day remission lost, and letter and visit postponed a week.
Singing	Three days No. 1 diet, 14 days separate confinement, two days remission lost, and letter and visit postponed 14 days.

[1] "My Prison Life," p. 263.

[2] Since 1918, No. 1 diet has consisted of 12 ozs. bread, 8 ozs. potatoes, and water per day, and No. 2 diet of 12 ozs. bread, two pints porridge, and 8 ozs. potatoes. See pp. 238-39.

Offence.	Punishment.
Talking	Two days No. 1 diet, one week separate confinement, one day remission lost, and letter and visit postponed a week.
Non-performance of "task" ("I could not perform full 'task,' was new to the work")	Two days No. 1 diet, one week separate confinement, one day remission lost, and letter and visit postponed a week.
Whistling on exercise	Three days close confinement, one week separate confinement, one day remission lost, and letter and visit postponed a week.
Lending a book to fellow prisoner	One week separate confinement, one day remission lost, and letter and visit postponed a week.
Raising hat on account of heat ("charged with signalling to another prisoner")	One week separate confinement, one day remission lost, and letter and visit postponed a week.
Trying to look through window at Christmas singers	One day No. 1 diet, one week separate confinement, one day remission lost, and letter and visit postponed a week.
Talking in bathroom	Fourteen days separate confinement, two days remission lost, and letter and visit postponed a week.
Possessing a pencil	One week separate confinement, three days remission lost, and letter and visit postponed a week.
Accepting two ozs. of bread from fellow prisoner	One week separate confinement, one day remission lost, and letter and visit postponed a week.
"Complaining to officer who had wrongfully reported another prisoner for talking and for stating that I was the guilty man"	One week separate confinement, two days remission lost, and letter and visit postponed a week.
Having pen concealed in cell	Three days No. 1 diet, 14 days separate confinement, three days remission lost, and letter and visit postponed 14 days.
Giving another prisoner a piece of bread	One day No. 1 diet, seven days separate confinement, three days remission lost, and letter and visit postponed a week.
Saying "Good Morning" to a prisoner	Three days No. 1 diet, one week separate confinement, one day remission lost, and letter and visit postponed a week.

Offence.	Punishment.
Pricking holes in toilet paper ("to indicate numbers of library books desired, in case they should be rubbed off slate")	Fourteen days separate confinement, two days remission lost, and letter and visit postponed 14 days.
Making notes from Green's History on Christmas Card with black chalk	One day No. 1 diet, one week separate confinement, one day remission lost, and letter and visit postponed a week.
Singing carols on Christmas Day	Three days No. 1 diet, 14 days separate confinement, three days remission lost, and letter and visit postponed 14 days.

The above cases all occurred in Local prisons. We are able to supplement them by instances in Convict prisons taken from letters written by men undergoing penal servitude.[1] In one of these letters we read "the reason why I got punished is for giving a loaf of bread away. I got too much and could not eat it, so I gave this loaf away, and the officer saw me give it to the other man, then he reported me." Another convict, a Star man, wrote "you would not believe what a man has got to put up with here. The other day I was whistling to myself, anyone half-a-yard away from me could not hear me. Yet I got reported for it and lost a month's class and 42 marks. . . ." (a sentence afterwards reduced). Another case is of a man who on the morning of his reception greeted a companion in misfortune with the words, "Good morning, Jack." For this crime he was punished with two days bread and water diet. We quote three further extracts:—

I.

I have had the misfortune to lose 30 remission marks through being caught with a needle and thread. These are prohibited articles. I only had them for the very harmless purpose of sewing on buttons when required.

II.

I accidentally caught my breeks on a nail and made a large rent in them whilst at work, and having a few days previously accidentally made a small tear in the same breeches . . . 'twas thought I had wilfully torn them. . . . (The governor) put back my day another six and I lost all privileges for a month. Being quite innocent of any wilfulness or even carelessness, and a warder having seen and testified that the large rent was the result of an accident, I naturally felt it rather hard lines and was a little disheartened.

III.

A prisoner asked me a civil question concerning a tune book. We are both in the choir, and I gave him a civil answer. The officer in charge saw us and reported us, made an exaggeration of the case, with the result that I lost a few days remission and some stage.

A large number of such instances might be quoted.

[1] The fact that the writers of the letters knew that they were liable to censorship makes the reliability of their statements probable.

If prison officers always reported prisoners when they observed them breaking the regulations, practically every prisoner would be reported in the course of a week. Broadly speaking, officers do not report prisoners for talking, for instance, unless they have broken the silence rule fairly persistently, and in most instances they give warning.[4] The officers themselves, however, are liable to punishment by fine if they do not report prisoners for breaches of discipline, and sometimes the proximity of a superior officer compels a warder to place a prisoner on report. Many warders complain bitterly of the unfairness of their position in being expected to enforce rules which cannot be enforced.

This fact that the rules are of such a character that they cannot be rigidly enforced, and yet are enforceable at any moment, places a power in the hands of the officials which is open to serious abuse. If an officer become prejudiced against a particular prisoner, it is always open to him to find occasions for reporting him, and more than one of our ex-prisoner witnesses complain that officers have made a "dead set" against certain men. Many of our officer witnesses agree that in certain exceptional cases this abuse arises.

A few ex-prisoners also complain that certain warders have sought to find occasions for reporting in order to obtain the good opinion of the governor with a view to promotion. Most of our officer witnesses deny, however, that governors expect reports or that promotion depends upon them. They agree that there was a time when this was the case, but, as a rule, they say it is not so now. Exceptions, however, remain. "In my prison," says one officer, "many men are unjustly reported. The governor expects reports—and, of course, they have to be made." Another warder remarks, "Young officers, like police (and some never grow old in this respect) allow personal feeling and ambition to prompt many of their reports."

It is a very usual custom for the charges against prisoners to be exaggerated. "One New Year's Eve," says an ex-prisoner, "I rapped on the wall to my neighbour at midnight. I was caught and reported; I was rendered almost speechless next morning by the charge brought against me. It included not only knocking the wall, but shouting, hanging my utensils, and generally making a disturbance likely to upset the discipline of the prison!" One officer states that it is almost always the rule to exaggerate the case against the prisoner, and he admits that officers go out of their way to support each other when giving evidence.

The Number of Punishments.

The number of punishments imposed is steadily decreasing. The Prison Commissioners attribute the diminution to "the policy . . . of increasing the rewards and encouragement in the case of well-behaved and industrious prisoners."[5] We should ourselves attribute the decrease to the less rigid prison routine and the less hard enforcement of prison discipline. The amelioration which has taken place in prison conditions during recent years has been considerable, as will be seen from the descriptions given elsewhere, while the general tendency towards leniency in enforcing discipline is attested by almost all our witnesses of long experience.

[4] There are exceptions. One ex-prisoner writes: "Our officer demanded the strictest observance of the silence rule. The consequence of this severe repression of the natural use of speech was a very ugly temper among the men. Had he been on duty permanently an explosion would have been inevitable."

The decrease in the number of punishments is shown in the following Tables based on the returns of the Prison Commissioners:

Percentage of Prisoners Punished in Local Prisons.

1913-14	12.8
1917-18	7.6
1918-19	7.1
1919-20	6.0
1920-21	4.9

Particulars of Prisoners Punished in Convict Prisons.

	Total in Custody	Total Offences	Number included for Violence	Total Male Convicts Punished	Per Centage Punished
Average for 5 years ended 1906-7	4,296	4,225	686	1,607	37·4
,, ,, ,, 1911-12	4,211	2,961	519	1,211	28·7
,, ,, ,, 1916-17	3,455	1,675	391	802	23·2
For year 1917-18	2,194	1,106	196	498	22·7
,, 1918-19	1,987	833	187	439	22·1
,, 1919-20	3,056	1,453	317	663	21·7
,, 1920-21	2,958	1,095	165	658	22·2

The Prison Commissioners classify prison offences under four heads—violence, escapes and attempted escapes, idleness, and "other breaches of the regulations." In 1920-21, 26 cases of violence occurred in Local prisons (women were responsible for seven), seven escapes or attempts (all men), 631 cases of idleness (women 27), and 4,587 other breaches of the regulations, most of which would be infringements of the silence rule. In Convict prisons there were 161 cases of violence (of which four were women), three attempted escapes, 69 idleness (one woman), and 858 "other breaches" (15 women). Eighty-seven of the cases of violence occurred at the invalid prison at Parkhurst, where there are many mental patients.

The Trial Before the Governor.

Several ex-prisoners declare that the ordeal of awaiting trial and of the trial itself is a greater strain than the punishment. One of these witnesses says:—

[5] P.C. Report, 1906-7, p. 27.

> I could never sleep when I anticipated being reported. I had no fear of the actual punishment, yet the thought of what I had to go through so upset me that my mind went over the prospects of the morrow again and again.

Another witness who was located in proximity to juvenile adult prisoners states that he heard them sobbing for hours when they were sent back to their cells on report, yet they frequently went through the punishment itself light-heartedly.

The trial before the governor is certainly calculated to tax the nerves of the prisoner unless he be thoroughly hardened to such proceedings. The door through which he enters the orderly room opens on to a narrow dock cut off from the rest of the room by a high iron railing. In this dock stands the principal warder of the prisoner's hall. The governor is seated at a table with his clerk standing to the left of him, the deputy governor or chief warder standing behind him, and the "Reports and Applications" officer near by. In the centre of the room is the officer making the charge. The tone of the proceedings is as formidable as is the scene.

The charge is read out, the officer gives his evidence in a sing-song voice, the governor, or his clerk, noting it in his book. The prisoner is then asked whether he has anything to say. In the great majority of cases the prisoner neither attempts to deny the charge nor to excuse his conduct. The governor then reads out the sentence, writes down the particulars in his "Offences and Punishments" book, and the prisoner is hustled away to undergo the punishment awarded.[6]

The governor is permitted to sentence a prisoner to No. 1 punishment diet for three days, No. 2 punishment diet for 21 days, to close confinement for three days, to reduction in stage for 14 days, to forfeiture of remission of sentence by 14 days, and, in the case of idleness or refusal to work, to deprivation of mattress for three days. If a prisoner be charged with a serious or repeated offence "for which the punishment the governor is authorised to inflict is deemed insufficient," the governor is instructed to report the matter to a member of the visiting committee[7] (or a director, in the case of Convict prisons). The committee (or director) has the power to remit a portion of any punishment ordered if the prisoner express contrition and if the governor "has good reason to believe that the effect of the punishment already undergone has been such that he is not likely to repeat his offence."[8]

No prisoner may be placed on punishment unless certified fit by the medical officer. The form which he is required to fill in is as follows:—

[6] The governor is required to make a brief statement of the case in his book, including the evidence of the officer and any defence made by the prisoner. Every Saturday the pages used during the week must be detached and forwarded to the Prison Commissioners, by whom they are afterwards returned, being then pasted in a guard book and retained at the prison. The governor must give his reasons for dealing leniently with any prisoner.

[7] See pp. 391-3.

[8] S.O. 439.

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I HEREBY CERTIFY that I have this day examined Reg. No.

.....

and find him capable of undergoing the several descriptions of punishments as specified below; also that he is ..... for restraint of Handcuffs, Leg Chains, Cross Irons or Body Belt and Canvas Dress.

Description of Punishment.					Remarks. (*especially as regards mental state.*)
Close Confinement	Scale of Diet		Corporal		
	No. 1	No. 2	Cat o' Nine Tails	Birch Rod	
	*	*	*	*	

**Here insert "fit" or "unfit."*

.....

Medical Officer.

In at least one prison, despite this elaborate certificate, a reliable witness informs us that the medical officer did not take the trouble to examine prisoners reported for punishment. He says:—

> Whilst I was at —— I was sentenced to one period of three days No. 1 diet, with close confinement, to one period of nine days No. 1 diet, with close confinement, and three periods of 15 days No. 1 diet, with close confinement. Two M.O.'s visited the prison, but neither of them ever examined me. They used to ask if I was all right, and when I answered "Yes, so far as I know," they did not worry themselves further.

It is not necessary to stress the gravity of the laxity and neglect which this statement reveals.

Prisoners placed on punishment used to be confined in entirely dark cells. The Prison Act of 1877 diminished the power to confine prisoners in these cells, and after the report of the Royal Commission on the Irish prisons in 1884, which strongly condemned them, the use of entirely dark cells was discontinued.

Prisoners frequently undergo their period of punishment in their own cells. In other cases a landing of ordinary cells is set apart for punishment purposes.[9] When a prisoner is ordered close confinement[10] or punishment diet, all articles are removed from his cell except his stool, his chamber, his Bible, and an educational book of

[9] In at least one prison the cells on the punishment landing have glazed windows, and there are no opening panes.

[10] In December, 1921, the Prison Commissioners instructed governors to permit prisoners sentenced to cellular confinement, or other punishment, an hour's exercise daily.

the severest kind.[11] At 8 p.m. the prisoner on punishment is permitted to take his bed-board, mattress, and bedclothes into the cell for the night, but they are removed again first thing in the morning. If a prisoner on punishment be removed to hospital, the time spent in hospital counts as part of the sentence awarded. If, however, it is subsequently found that he has been malingering and the medical officer certifies that such is the case, a fresh punishment is imposed for this offence in addition to the balance of the first punishment. If a prisoner commit a further offence while undergoing punishment he is tried again immediately he has completed his period of close confinement. If he be on No. 1 diet he cannot be awarded a second period of that diet, but No. 1 diet may be substituted for No. 2 diet, or No. 2 may be awarded so as to overlap with No. 1.

Dietary Punishment.

There are two diets utilised for purposes of punishment. No. 1 diet consisted, from 1901 until 1918, of 1lb. of bread per diem, with water. In 1918, in accordance with war-time regulations, only 12 ounces of bread were allowed, eight ounces of potatoes being given additionally. No. 2 diet, before 1918, was made up as follows:—

Breakfast.—Bread, 8 ozs.
Dinner.—Porridge, 1 pint; Potatoes, 8 ozs.; Bread, 8 ozs.
Supper.—Bread, 8 ozs.

In 1918 the bread was reduced to 12 ozs., and one pint of porridge given additionally. These punishment diets still remain in force.

The "bread and water" diet may not be given for more than three days. If No. 1 be ordered for a longer period, "the bread and water" diet must be alternated with the ordinary diet every three days. No. 1 diet may not be ordered for a period of more than 15 days, and "no prisoner who has been upon this diet shall be again placed upon it for a fresh offence until an interval has elapsed equal to the period passed by the prisoner on No. 1 diet." This rule is interpreted as meaning that the number of days actually spent on "bread and water" diet must elapse before the punishment is renewed. Thus if 15 days No. 1 diet be ordered, nine days must pass before punishment recur.

No task of labour is enforceable when a prisoner is on "bread and water" diet, but the prisoner may "be allowed the option of performing suitable labour in the cell." The work provided is frequently oakum picking.[12]

[11] Although the chaplain is instructed by a Standing Order (353) to use great care in selecting such books, always recollecting that a man under punishment must not be allowed any book that does not (a) convey instruction, and (b) require effort to master its contents, a broad interpretation to this phrase is frequently given. One ex-prisoner, for instance, was allowed Boswell's "Life of Johnson," another any educational book in the library. A third witness, however, says that the chaplain in his case was doubtful about allowing him the "Meditations of Marcus Aurelius."

[12] Cp. p. 114.

Most of the prison medical officers apparently think that there is no need to modify the practice of imposing dietary punishments. One of them, however, strongly objects to such punishments. "The only punishment should be the deprivation of privileges," he urges. "More privileges should be gainable which could be taken away if necessary." This doctor points out that punishments are administered even in asylums, but they take the form, not of the deprivation of food, but the deprivation of such "privileges" as tobacco or attendance at an entertainment or dance.

The Departmental Committee of 1895 recommended that "No. 1 diet punishment should be inflicted with great care," especially urging the need for precaution in the case of women. "Undoubtedly it tends to lower the system," their report proceeds, "and this in itself is most undesirable."[13] The Prison Commissioners subsequently summarised the Committee's recommendation upon this point in these words: "No. 1 dietary punishment to be inflicted only when no other sufficient substitute is to be found, such as loss of privileges"; and declared, "We have systematically enjoined on governors our view on this question, which entirely coincides with the recommendation."[14] Our evidence does not suggest that governors have been greatly impressed by the Commissioners' communication to this effect. "A sentence of bread and water diet is almost inevitable for the most trivial offence subsequent to being reported for the first time," remarks one ex-prisoner witness, and all other witnesses support his view.

Dr. R. F. Quinton asserts that dietary punishment is often found to be the only way, short of the infliction of corporal punishment, of appealing to the feelings of an idle or insubordinate person; for there are prisoners who light-heartedly submit to loss of remission marks, loss of stage privileges, loss of gratuity, or even to cellular confinement, if their diet is not reduced.[15] A warder of long experience declares, on the other hand, that "diet punishment with old lags is not a severe form of punishment—they say they lie flat on their backs and do not feel the hunger very much."[16] Other prisoners, he acknowledges, suffer intensely. About a third of our prison officer witnesses urge that punishment by diet reduction should be abolished.

Corporal Punishment.

Corporal punishment can only be inflicted upon prisoners convicted of felony or sentenced to penal servitude or hard labour who are found guilty of mutiny or incitement to mutiny or of gross

[13] 1895 Departmental Committee Report, p. 16.

[14] Observations of the Commissioners, 1896 (C.7995), p. 2.

[15] "Crime and Criminals," p. 27.

[16] This is borne out by the personal experience of a witness. "During four months at —— prison," he says, "I was sentenced to three days, nine days, and three periods of 15 days on No. 1 punishment diet. At the beginning, when I felt the hunger most, I spent much time lying on the floor, my head propped up on a book. I found that by this means the pain became much less acute. During the second period of punishment—that of nine days—I found that inaction of this kind was unnecessary. I had become used to the low diet. At the end of my third period of 15 days the medical officer forbade further dietary punishment."

personal violence to any officer or servant of the prison." Ordinarily, at least three members of the visiting committee (two of whom must be justices) must be present when the sentence is passed, but the Secretary of State may appoint a Metropolitan Police Magistrate or Stipendiary to take their place. The sentence must be confirmed by the Secretary of State.[18]

The medical officer is required not only to certify the prisoner as fit to undergo the punishment beforehand, but to attend the flogging and "give such orders for preventing injury to health as he may deem necessary." Apparently, however, he only intervenes when vitality is dangerously lowered. When there is any record of previous mental defect in a prisoner "recommended" for corporal punishment, the special attention of the Prison Commissioners must be called to it.[19]

The instrument used in inflicting corporal punishment upon a prisoner over 18 years of age is either a cat-o'-nine-tails or a birch rod; in the case of a prisoner under 18 the cat-o'-nine-tails must not be used. Thirty-six lashes or strokes may be given to a prisoner over 18, eighteen to a prisoner under 18.

The flogging is attended by the governor, the medical officer, the chief warder, and a hospital warder, whose duty it is to give the prisoner brandy in the event of faintness. The warder who carries out the punishment is invisible to the prisoner, so that he may be ignorant whose hand is responsible for the blows. The neck and kidneys of the prisoner are protected from injury by leather straps, and after the flogging he is generally taken to the hospital and nursed until he is normal again.[20]

The following description of flogging by cat-o'-nine-tails, though written half-a-century ago, is, we believe, approximately accurate to-day:—

> The prisoner is fastened to a triangle, or to an apparatus somewhat resembling the stocks, so that he can move neither hand nor foot. His back is bare, the man who wields the "cat" shakes out its nine thongs, raises it aloft with both hands, and deals the criminal the first blow across the shoulders. A red streak appears on the white skin. Again the thongs are shaken out, again the hands rise, again the whips are brought down with full force, and the streak on the skin grows redder and broader. A turnkey gives out the number as each stroke falls, and the silence is only broken by his voice, the descent of each successive blow, and by the cries or groans of the sufferer.[21] . . . .

[17] In addition, when a Court of Assize or Quarter Sessions sentences a prisoner to corporal punishment, it is the duty of the governor of the prison who has had the custody of the prisoner during his trial to carry out such sentence by a prison officer, unless instructions to the contrary are given by the Court.

[18] Prison Act, 1898, Section 5.

[19] When a prisoner reported for an offence punishable by corporal punishment is within a few days of his release and time will not admit of the necessary formalities, particulars are required to be forwarded to the Commissioners with a view to a prosecution in a Court of Law.

[20] Formerly he would be put in chains or sent to work the next day.

[21] A governor declares that he prefers to witness an execution rather than a flogging.

> It is far from an agreeable task to watch the face and figure of the flogger as he executes the sentence, and few would deny that the moral effect upon *him* must be as great as upon the criminal whom it is his duty to whip. The State, when it sanctions the use of the lash, causes a human being to do just such an act of violence as it desires to check.[22]

Dr. Devon has strongly emphasised this last aspect of corporal punishment. "Will the man you employ [to flog the prisoner] not be a brute also? . . . Does your official imprimatur remove the brutality of his act? . . . If not, one result would seem to be that at the end you have two brutes among you instead of one."[23]

The majority of prison officers look with abhorrence upon the duty of flogging, but to judge from our evidence, many of them consider that corporal punishment is necessary as a deterrent to assaults. "God help the warders if corporal punishment were abolished," a governor exclaims. One warder urges, however, that if prison discipline were more humane, such a deterrent would be unnecessary. "The repression of the prison system," he says, "provokes outbursts of temper resulting in assault."[24] A principal warder illustrates the truth of this statement from his own experience:—

> "When I was a young man," he says, "a convict only had to shake his head to be brought before the governor. All that is a thing of the past. The result is that convicts do not feel the strain so much and there are not the violent outbursts which come from unnatural repression. In the old days the assaults usually took place in chapel, where the warder was likely to be taken unawares."

A serious objection to corporal punishment is the effect of a flogging upon the prisoners as a whole, from whom, sometimes, the shrieks of the victim cannot be kept. "The knowledge that one of their number is to be flogged not only creates a state of unrest among the men," says one officer, "but it seems to appeal to an ugly temper in them. Fear may prevent further assaults, but every officer finds that the temper of the men is more difficult and that the tone of the place is lowered."

The number of prisoners subjected to corporal punishment has greatly decreased during recent years, as the following Table indicates:—

Number of Annual Floggings.

	Local prisons.	Convict prisons.
Average for five years ended 1901-2	32	12
,, ,, ,, 1906-7	23	12
,, ,, ,, 1911-12	19	9
,, ,, ,, 1916-17	8	5
In the year ending 1917-18	1	—
,, ,, ,, 1918-19	3	—
,, ,, ,, 1919-20	2	4
,, ,, ,, 1920-21	1	—

[22] L. O. Pike, "History of Crime in England" (1876), Vol. II., p. 576.

[23] "The Criminal and the Community," p. 171.

[24] Cp. pp. 509-10 and 564.

The decrease in the number of prisoners sentenced to corporal punishment followed the Prison Act of 1898, which greatly diminished the offences punishable by flogging. During the four years previous to the passing of the Act the number of inflictions of corporal punishment in Local prisons was 301. During the four years immediately following its enactment the number was 92. "It was considered by some at the time," remarked the Prison Commissioners in their report for 1902-3, "that the removal of this powerful deterrent would adversely affect the discipline of prisons and render it less easy to maintain. As a matter of fact, however, comparing the four years following the Prison Act, 1898, with the four years preceding it, the yearly average number of offences against prison discipline had decreased from 147 to 131 per 1,000 of prisoners."[25]

Nevertheless, some visiting committees represented to the Home Secretary that there had been difficulty in dealing with serious offences other than mutiny and violence owing to the restriction of corporal punishment. The Prison Commissioners, "after careful examination," were not satisfied that this allegation could be maintained. In the first place, apart from the general improvement in discipline as revealed by the above figures, they were able to show that there had been "a most notable rise" in the number of the very offences for which corporal punishment was still inflicted, "from which it may be inferred," they proceeded, "that corporal punishment is not the only, or even a sure deterrent, against the commission of serious offences against discipline." The Commissioners remarked finally that they believed that the "limitation of corporal punishment . . . has been justified by its results."

The fall in the number of cases of corporal punishment cannot be accounted for, however, solely by the restriction under the 1898 Prison Act. Between 1901-2 and 1920-21 the number fell from 25 to one in the case of Local prisons, and from 21 to none in Convict prisons. Two governors put the decrease down to the fact that criminals are now of a better type than formerly. Another governor thinks "the better type of warder has most to do with it." But most of our witnesses take a similar view to that quoted above from the evidence of a principal warder—that, apart from the 1898 Act, the easing of discipline has been chiefly responsible for the decline.

Restraint of Violent Prisoners.

There are six means of restraint authorised for use in prison. They are "to be used only as a measure of restraint, and not as a punishment,"[26] but in actual practice we fear that insufficient attention is paid to this distinction. Three of these appliances—the loose jacket, the canvas waistcoat and trousers (a canvas frock in the case of women), and ankle straps may only be used on the recommendation of the medical officer. Two—body belt and handcuffs—can be

[25] Op cit. p. 24.
[26] S.O. 446.

used on the instruction of either the governor or medical officer. The canvas suit (or dress) to be worn by prisoners who destroy their clothing can be used apparently on the order of the governor alone. All cases of restraint must be reported to a member of the visiting committee forthwith, and handcuffs may not be used for a longer period than 24 hours without the order of a member of the visiting committee. During 1920-21, 18 male and four female prisoners were put in irons or handcuffs in Local prisons, and 28 male prisoners were similarly treated in Convict prisons. Of these 28, as many as 22 were at the invalid prison at Parkhurst.

Despite the fact that Rule 92 says that "no prisoner shall be put in irons or under mechanical restraint as a punishment," our evidence suggests that the strait jacket is often used for this purpose and in such a way as to involve much unnecessary pain. The following statement is made by a trustworthy ex-prisoner witness:—

> During the time I was in the hospital I occasionally saw prisoners brought over from the main prison, generally with a black eye or their face disfigured in some sort of way. The prisoners who fed them said they were perfectly sane. If Dr. —— thought that any man was malingering he would put them in the padded cell. In fact, he often used to shout, "Put him in the pad, that'll cure him."
>
> A prisoner named F—— and I carried a man on a stretcher from E. Hall. He looked very ill; and was shaking and trembling all over. The warders said he was "swanking," i.e., shamming. We put him in the "pad," and he was kept there for two or three days. It was his first time in prison, therefore he wouldn't be an expert in "swanking."
>
> On another occasion a Canadian soldier named F—— had attempted suicide, and was placed under observation. He was confined in the padded cell and was also put in a strait jacket. On the evening of March 30th, 1918, about 5-30, F—— wanted to use the lavatory. The principal warder asked me to unbutton his trousers. The jacket was strapped so tight that I could hardly get my hand up to it. While doing my best to unbutton the trousers, F—— called out to me, "You are hurting my arm." The principal warder shouted, "Break his b—— arm, the —— Canadian."
>
> After having returned from the lavatory he was put into the "pad" again, trussed up like a chicken, and was moaning and crying, and seemed to suffer great pain. About 6 P.M., the R.C. priest, who happened to be in the hospital and whom F—— had complained to, asked the principal warder to loosen the jacket a little (not to take it off). The principal warder replied, "He is all right, he is only 'swanking.'" Well, whether he was "swanking" or not, the other prisoners were unable to sleep for the groans and crying during the night.
>
> When D——, a prisoner, called to the night nurse and asked him to unloosen the jacket he would not do so, and, as I am led to believe, could not do so, as a junior officer cannot undo what his superior has done. As F——'s cries continued throughout the night, other prisoners complained, especially another Canadian, but his language I will not repeat here.

During the following morning, March 21st, I discovered that the jacket had been taken off B——. When the medical officer put in an appearance, D——, who had been principal spokesman, was summoned to his room and "told off."

We have similar evidence from several ex-prisoners.

In Convict prisons restraining irons—leg chains locked at the waist and ankles—are fastened upon those who have attempted to escape or who have committed assault. They can be used on the order of a director for a period up to six months; an ex-convict assures us, however, that they are not very effective in preventing movement. These prisoners are further distinguished by a grotesque parti-coloured uniform of drab and black, in the case of those guilty of assault, and of yellow and black, if they have attempted escape.

"Silent" cells are provided for noisy prisoners. "Not infrequently," records Major Rogers, the Surveyor of Prisons, "old prisoners; either from devilment, temper, or irresponsibility, commence shouting and making a *disturbance* in the cells at night." Other prisoners raise their voices in protest, with the result that "the prison block is not what it ought to be." Major Rogers states that experience has shown that such men, if placed in cells where they know they cannot be heard, soon give up shouting, and, to meet this need, two or three "Silent" cells have been built in the largest prisons outside the halls. Where, as in most prisons, the "Silent" cells are placed in the basements of the ordinary halls, they are, despite the double doors, "practically useless for silencing men determined to make a row."[1]

"Special" cells with padded walls and extra strong fixtures are also provided "in which violent prisoners may be placed for their own security or that of *others*." These cells may not be used without the authority of the medical officer, and the Prison Commissioners explained when they were introduced (1899) that their use "is restricted to the *times and occasions* when they are necessary for the prevention of violence of prisoners, and we have forbidden their use for penal purposes."

[1] Paper prepared for International Penitentiary Congress, Washington, 1910. (Actes du Congrès, Vol. V., pp. 125-47).

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—The severe discipline, finding expression in a multiplicity of rules which cannot possibly be kept, makes liability to punishment constant.

2.—The fact that rules cannot be rigidly enforced, and yet are enforceable at any moment, gives officers the power to victimise prisoners capriciously

3.—It is the custom of some officers to exaggerate the charges against prisoners, and they support each other in giving evidence.

4.—The trials of prisoners for prison offences, before the governors and the visiting justices, are unduly intimidating.

5.—Medical officers sometimes certify prisoners as fit for punishment without examination.

6.—Punishment by lowering the diet is dangerous to health.

7.—Many prison offences are the result of nervous exasperation. In such cases, to impose close confinement as a punishment tends to aggravate the cause of the outbreak.

8.—The infliction of corporal punishment has a demoralising effect upon the whole prison population and is degrading to the officer who performs the duty of flogging.

9.—"Means of restraint" are sometimes used for punitive purposes.

CHAPTER XV

EXECUTIONS

The Treatment of Condemned Men

Prisoners who are charged with murder are generally kept in the prison hospital before the trial, often in dormitories with other prisoners. After sentence of death has been passed, they are confined in special cells about three times the size of the ordinary cell. If in good health they are placed in the "condemned cell" in the ordinary part of the prison, if in poor health, in a similar cell in hospital. On the morning of the execution the condemned man is removed to a cell within a few yards of the gallows' shed. It is here that the last interview with the chaplain takes place.

Efforts are made strictly to segregate prisoners condemned to be hanged, and, so far as speech and ordinary means of communication are concerned, with success, after the sentence of death is passed. But in many cases the "condemned cell" is located among the ordinary cells, and the presence of the condemned man in their midst is very real to the other prisoners.[1] One ex-prisoner witness, speaking of a man condemned to death for the murder of his wife, states that he was kept for three weeks in a "condemned cell" at the "centre" end of the hall occupied by the juvenile adults. This meant that practically every prisoner passed the cell during the course of the day.

Two officers remain with the condemned man night and day. This extraordinary surveillance has as its chief object the maintenance of the majesty of the law by preventing the suicide of its victim. On the material side, however, some efforts are made to make the last days of the condemned man as comfortable as the conditions will allow. Extra diet is sometimes given, and the cell is furnished with a bed, and three exercises are allowed daily. One witness tells how a box of dominoes was provided for a "condemned man" who asked

[1] Major Rogers, the Surveyor of Prisons, stated in a paper read at the International Prison Congress, Washington, 1910, that "great care is exercised in the selection of the position of the cell so that the execution shed can be reached without having to traverse a long distance, or descend steps, or come under view of other cell windows." (Actes du Congrès, Vol. V., p. 130). If that be the case, the authorities, as what follows will make clear, are not always to be congratulated on the results of their "care."

to be allowed "a game."[2] No one may visit a prisoner who has been sentenced to death except with the special consent of a member of the visiting committee or of the Prison Commissioners. Visits take place in the "caged" visiting cells in the presence of two warders. The chaplain, the medical officer, and the governor see the prisoner daily.

Our evidence differs as to the relationship which exists between the "condemned man" and the warders in charge of him. No doubt the relationship varies. By ex-prisoners the assertion is frequently made that the warders are callous, but prison officials assert that the officers are good companions to the condemned man, and one prison warder states that he has known cases where the murderer has thanked the warders for their cheerful words. Dr. Devon records that the warders almost always report that the condemned man was "not such a bad fellow."

The varying attitude of prison officials towards men sentenced to death is suggested in the following statement by an ex-prisoner:—

> Warders in conversation told me how they disliked the job of having care of a condemned man after sentence and prior to his execution, and what a nervous strain it was. One of them told me that the condemned men (three) put under his care had been quite ordinary decent fellows, better than the average prisoner. He told me this story of a negro, who had repented of his crime and had surrendered to the police. The prison chaplain came to see him daily, but he was cruelly inhuman and unsympathetic. He used to order the negro to kneel down, "gabble off" some prayers, curtly ask if he had anything to say, and then depart. After some days the negro declined to accept his ministrations. Then the chaplain left for a week's vacation and a visiting curate came. His actions were entirely different. He was brotherly and humane and quite melted the negro, addressing him by his Christian name. By the day of the execution the prison chaplain had returned. Immediately the man was dead the chaplain turned to the warder and said, "Well, we have got rid of a rare rascal there."
>
> "I could restrain myself no longer," said the warder to me. "I told him I thought the negro was a gentleman and that in a moment of passion he had done what many of us might do. I told him that he had given himself up and that his behaviour showed that he was really penitent. And I told him that I thought he had treated the negro scandalously."

The Effect Upon the Prison Population.

Evidence of the bad effect of executions upon both the staff and the other prisoners is unanimous. "It upsets everyone," remarks a governor, and a chief warder and a medical officer emphasise its bad effect upon the warders particularly.

The following statement by an ex-prisoner illustrates this demoralising effect of an execution upon the prison population:—

[2] One warder describes how a condemned man in his charge pleaded to be allowed a button. "We let him have one," he proceeds, "and we soon realised what he wanted it for. He played shove-halfpenny continually till his execution."

I left Pentonville prison in July, 1916, two or three days before the execution of Roger Casement. There was intense nervous excitement in the prison. The chief topic of conversation among the prisoners was the forthcoming execution. Would Casement be reprieved? Could you see him go out to exercise? The whereabouts of his cell, the attendance of warders day and night, the food he got, the whereabouts of the hanging shed, particulars of the cleaning of the shed by a prisoner, the programme on the day of the execution, the details of the hanging—all these were eagerly discussed whenever an opportunity of conversation occurred—and in the workshop they were many. The execution was obviously a topic of frequent discussion among the officers, too. Sometimes they joked about it before the prisoners.

I was in —— prison at the time of the execution of a man named ——, who had murdered his wife and baby. He was detained in hospital for several weeks before trial, and was a subject of excited interest among the prisoners.

As the day of the execution approached—it became generally known about a week before the date—the excitement of both prisoners and warders rose. Prisoners mounted to their windows at every meal-time when the condemned man went out to exercise under the close escort of two warders. He could be seen from two wings of the ordinary prison and from one hospital wing. In the evenings the juvenile adults worked on the landing of the hall in which my cell was located. I could hear whispered conversation about the details of the murder and of the hanging.

"I have never seen anyone who had anything to do with the death penalty who was not the worse for it," declares Dr. Devon. "As for the doctor, who must be in attendance, it is an outrage on all his professional as well as his personal feelings. . . . There has never (for very many years) been any pretence that the executioner's occupation is not a degrading one."[3]

The cruelty of the death sentence in its effect upon prison officers is movingly expressed in a conversation which an ex-prisoner records in the following statement:—

A principal warder told me what a strain it was to have to attend executions of men who had been under his charge for many weeks, men whom he had got to know well and sometimes almost to love. "For many nights before and after an execution I cannot sleep," he said. "Before it comes, every time I see the man or think of him the thought of what I shall have to do at the execution strikes me. I see him hanging there, whilst I hastily undo the buttons of his jacket and pull open his shirt for the doctor to listen to his heart. After it has taken place, I cannot shake the memory of the scene from me. You see, I have sometimes been in daily contact with the man a month or more, and often he has bared his soul to me. Many of these men have occupied quite a warm place in my heart."

In some prisons, at least, the "condemned cell" is stationed at a long distance from the gallows' shed, and the wretched man has to pass, on the morning of the execution, before the eyes of many of

[3] "The Criminal and the Community," pp. 169-171.

the other prisoners. Upon this point the following quotation from the evidence of an ex-prisoner is emphatic:—

On the day of the execution I was in close confinement under punishment, but I was aware of a curious nervous tension in the prison. Prisoners were kept in their cells until about 11 o'clock. At about eight I heard the door of the "condemned cell" unlocked and the prisoner taken through the hall in which I was. He was then taken down the side of a yard under the full view of two wings, to the special cell, where he spends the last hour with the chaplain. This is within a few yards of the hanging shed and is situated within the view of three wings (F.H.I.) of the prison. Afterwards I heard other prisoners talking of these proceedings in great detail.

This is not the place to argue whether the death penalty is ever justifiable, but it is within our province to urge that no man condemned to death should be hanged in a prison. An execution inevitably brutalises the already unhealthy atmosphere of prison, and reacts most disastrously upon both officials and prisoners.

The Capital Punishment Act of 1868 requires that the sheriff charged with the execution, and the governor, chaplain, and medical officer shall be present at the hanging. They are generally accompanied by one of the principal warders, one of the hospital officers, and the two officers who have been in charge of the condemned man, in addition to the executioner and his assistant. The Capital Punishment Act contains a clause allowing any Justice of the Peace for the jurisdiction to which the prisoner belongs and "such relatives of the prisoner or other persons as it seems to the sheriff or the visiting justices of the prison proper to admit" to be present at the execution. This clause is rarely, if ever, put into operation, although on one recent occasion two Press men were permitted to attend an execution.

The number of persons hanged in 1919-20 was 13. The average number of hangings annually during the five years, 1909 to 1914 (we omit the exceptional war years) was 15.6. During that period 22 persons were hanged despite recommendations to mercy by the jury. Women found guilty of murder are almost invariably reprieved, serving a sentence of penal servitude instead; but a woman was hanged in 1907.

A PRINCIPAL DEFECT INDICATED IN THE PRECEDING CHAPTER.

Leaving aside the question of the justifiability and expediency of capital punishment, an execution has a demoralising effect upon the whole prison population, is degrading to every official concerned, and certainly ought not to take place in a prison.

CHAPTER XVI

THE HEALTH OF PRISONERS AND THE MEDICAL STAFF

Health of Prisoners on Reception

The Departmental Committee of 1895 reported that "the average prisoner in height, weight, strength, and mental condition is markedly below the average of the outside population," and all subsequent evidence has borne out this view. The late Dr. Charles Goring, whilst proving that there is no such thing as a criminal type, shows also that the average criminal is less healthy, physically and mentally, than the law-abiding citizen. He found that, except in the case of criminals convicted of fraud, "the mean stature and weight of the criminal is from one to two inches, and from three to 7½lbs. less than the corresponding stature and weight of the non-criminal public."[1]

Dr. Goring's investigation was concerned primarily with convict prisoners, but his comparative statistics of the physique of convicts and of the occupants of Local prisons show that they approximate closely, and his conclusions are generally endorsed by Local prison authorities. "The intellectual and moral inferiority which characterises so large a section of the criminal class," reported Dr. Smalley, late Medical Inspector of Prisons, in 1908, "is associated with a physical inferiority of at least as pronounced a degree." "Out of 706 prisoners who were received into the hospital, 239 were admitted on their reception into prison," wrote the medical officer of Pentonville prison in 1912, "and 189 of these remained in the hospital during the whole of their imprisonment, which indicates the large number of prisoners received suffering from physical and mental disease."

[1] "The English Convict," 1913, p. 194.

Effect of Imprisonment upon Health.

The prison population being thus below the standard of health on entering, how is it affected by imprisonment? If we took the number of "sick" prisoners treated outside hospital, together with the hospital inmates, we should conclude that prisons are disease-ridden. In 1920-21 the daily average of such prisoners was 1204, which was 14.35 per cent. of the total average daily population. But the fact is that a great proportion of those who report sick suffer from quite minor complaints—constipation, headaches, stomach disorders, coughs, cuts, etc.—which would ordinarily receive simple domestic treatment, but which in prison can only be treated by application to the medical officer.[2]

The prison test of health is bodily weight. So long as the monthly returns do not show loss of weight a prisoner is assumed to be healthy. The medical officers apparently all consider this test to be satisfactory. One of them, however, qualifies his approval with these remarks:—

> The body-weight test is sufficiently satisfactory for judging the general health of large bodies of people, but it is an unsatisfactory test for the individual. I mean this: if you have a large body of people and their weights drop, you can be certain there is something wrong. If their weights remain normal you can be fairly sure that their physical condition is normal. Indeed, it is difficult to think of another general test. But an *individual* may be all the better for losing weight and all the worse despite gaining weight.

If greater individual attention were paid to the health of prisoners than our evidence proves to be the case, there would be less ground for criticism of the bodily weight test.

The official view of the effect of imprisonment upon health, both physical and mental, is that it improves. As long ago as 1894, when conditions were less good, the Prison Commissioners in their annual report claimed that "residence in prison in England and Wales is favourable to the maintenance of health and strength." "Physical health nearly always improves," a governor declares. "Any mental weakness generally improves. Discipline, absence of excitement, of drink, of excitement of the opposite sex, has a tranquillising effect." "My experience is that prison is a sort of 'rest home' for many, and that the improvement in health is usually very marked," says a medical officer, and he is supported by a number of his colleagues.

On the other hand, some of the medical officers do not share this view. One states that in some cases prisoners suffer mentally; another that the effects of imprisonment are harmful both physically and mentally in the case of long sentences; another that prisoners

[2] An experienced nurse, commenting upon this practice, suggests that the time of the doctors could be freed for more responsible duties which are at present neglected if a sister or a trained male nurse were authorised to deal with these minor complaints, "just as a matron deals with them in a boys' school."

suffer in health "to some slight extent"; another that "they do not tend towards improvement."

Dr. Goring's general conclusion upon the matter was that neither physique nor mentality is apparently affected, but that in certain respects variations occur. Mortality from accidents and infectious diseases he found to be less than the general population standard; from suicide and surgical operations very much more; from tuberculosis about the average.[3] These conclusions, it should be noted, were reached on evidence derived from Convict prisons, where the diet is fuller than at Local prisons. Dr. Goring's only test of physical health was body-weight.

In contrast with Dr. Goring's conclusions, our evidence impressively denotes the bad effect of imprisonment upon health. Seventy of our ex-prisoner witnesses state that imprisonment caused general debility, 35 state that it seriously affected their nervous system, 20 state that their digestion suffered, 16 state that their eyes suffered,[4] and 10 that their lungs suffered. These are the principal prejudicial effects reported, but many others are mentioned.

Certain considerations, however, tend to qualify this testimony. Most of these witnesses were imprisoned during the war, when the diet was most seriously reduced. Many of them were hitherto accustomed to conditions of comparative comfort. Most of them served long terms, and some, indeed, owing to repeated convictions, more than the maximum two years permitted by law, with practically no respite.

With these points considered, on the evidence before us, our conclusion is that most prisoners on short sentence improve in physique, owing to the fact that so many of them are in a low condition of health on arrival, although in some cases the strain of even short sentences has a damaging effect. In the case of those who serve long sentences, in Local prisons particularly, they generally become seriously weakened, suffer severely from nerve strain, with loss of physical energy to a very marked degree, while any flesh gained is puffy and flabby in condition. The mental effects are dealt with in later chapters.

Deaths in Prison.—The authorities are always anxious to prevent deaths occurring in prison. One of the rules reads that "whenever the medical officer is of the opinion that the life of any prisoner will be endangered by his continuance in prison, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, he shall state the opinion, and the grounds thereof, in writing to the governor, who shall duly forward the same

[3] "The English Convict," pp. 228 and 229.

[4] As described elsewhere, the lights in some cells are very defective, and reading and sewing are a serious strain upon the eyesight.

to the Commissioners." The result is almost invariably an order for the release of the prisoner, if suitable conditions can be found for him outside prison. Indeed, prisoners are sometimes released when it would be more humane to keep them in prison. The coroner at an inquest held in Shrewsbury prison on January 18th, 1913, remarked that "the last sick man who was discharged died on the steps and another died in a railway train." A coroner's inquest must be held on every death that occurs in prison.

In his annual report for 1898-99, Dr. Smalley explained how it is that some deaths occur in prison despite the efforts of the authorities to avoid them. The prisoner may have no friends or relatives, or, if he has, he may not wish to throw himself upon them. The friends may be unable or unwilling to be burdened. Release must also be recommended with great judgment. "If the case is one considered suitable for release, there must be some guarantee that the position of the prisoner is not rendered worse by such release than by remaining in the prison. All this takes time, when perhaps there is little to spare." Further, the patient may become critically ill suddenly, so that removal might jeopardise his life.

The policy of releasing prisoners suffering from fatal maladies makes the death-rate of prisons comparatively low. The following are the Local prison figures for 1913-14, the three years preceding the abnormal period of the war, and for 1919-20 and 1920-21:—

	Deaths other than hangings and suicides.	Per thousand of the prisoners received.
1911-12	97 ...	.50
1912-13	70 ...	.38
1913-14	93 ...	.55
1919-20	31 ...	.98
1920-21	43 ...	1.14

The deaths in Convict prisons numbered 13 in 1920-21, giving a death-rate from natural causes of 8 per 1,000 of the daily average population. In 1919-20 the rate was 7.6.

The large proportion of deaths in prison which occur shortly after reception demands particular notice. So long ago as 1885, Sir William Harcourt, then Home Secretary, issued a circular to the courts urging that "it is desirable that every care should be taken to prevent persons afflicted with fatal disorders from being sent to prison, which are places of penal discipline, and which cannot serve their proper purpose when the prisoners are received in a dying state, or in such a condition that they have to spend the whole of their term in the prison hospital." The practice, however, persists, and a large number of people seriously ill continue to be sent to prison. The medical statistics for the years 1911 to 1914 (the statistics have been omitted since) show that in Local prisons the number who died within three weeks of entering were:—

1911-1912	43
1912-1913	30
1913-1914	40

The Medical Staff.

In 1898 the rule was made that one of the five Prison Commissioners and Directors of Convict prisons must be a medical man,[5] and Sir H. Bryan Donkin, M.D., was appointed. Resigning in 1909, he retains his voice on the Board of Directors of Convict prisons as honorary "medical adviser." The present medical member of the Commission is Dr. Dyer, who served previously both as a medical officer and inspector of prisons. Whilst satisfied with the present medical representative on the Prison Commission, some medical officers urge that the appointment should be made electively by all members of the prison medical service, the criticism being frequent that the Commissioners take little notice of their recommendations.

Promotion is now a matter of time, until recently it was a matter of the prison population. "The result was we had no incentive to reduce the prison population," remarks one medical officer frankly. "Indeed, the incentive was in the opposite direction. The more prisons and prisoners there were, the more jobs and the greater the chances of promotion. Therefore, we were not inclined to welcome methods which made for less prisoners."[6]

There is a Medical Inspector of Prisons, and it is his duty to visit them periodically, taking particular note of the sanitary arrangements, the food supply, the details of the hospital régime, and the medical attention generally. Most witnesses agree that these inspections are hurried and superficial, but occasionally they result in improvements being inaugurated.

Each prison has at least one medical officer specially responsible for the health of its inmates, with the exception of Camp Hill Preventive Detention prison, which utilises the services of the doctors attached to the neighbouring Convict prison at Parkhurst, and the women's convict section of Liverpool prison and the men's convict section of Maidstone prison, which share the staff of the Local prison. There are three medical officers at Brixton, Holloway, Liverpool, and Parkhurst prisons, and two at Manchester, Pentonville, and Wormwood Scrubbs prisons. At 31 of the smaller prisons only part-time medical officers are employed.

[5] See p. 60, Footnote 14.

[6] One medical officer strongly urges that the prison medical service should be taken over by the Ministry of Health and associated with the asylum service. "An exchange of work and posts between these two services," he says, "would be advantageous and welcome." The scale of remuneration for medical officers has recently been considerably advanced. Class 1 is now from £450 to £700, Class 2 from £225 to £500. Bonus and housing accommodation are in addition. One medical officer declares that even these improvements leave the scale worse than that paid in the army and navy. The hours of work appear to be reasonable, and no complaint is made of the lack of freedom.

The views of both medical officers and prisoners on the advantages and disadvantages of part-time service vary. Some medical officers are in favour of part-time employment. "It is advantageous," says one, "to have work outside, otherwise one may become narrowed." Some think full-time employment better, but they do not consider that small prisons provide sufficient duties. One medical officer states his opinion thus:—

> Prison duties cannot be carried out properly by a half-time M.O. It is impossible for a half-time man to make an adequate inquiry into the mental condition of prisoners. That would require more time than a half-time man could be asked or expected to give.

In the case of the ex-prisoners, some take the view that the part-time medical officers are more hurried and superficial, others that they are more humane and less subject to the hardening effects of the prison régime.

The medical officer is the most powerful official in a prison. "Of all the officers," says Dr. James Devon, "he has the freest hand."[1] The medical officer can order prisoners increased or special diets, can exempt them from doing full "task," can apportion them special work, including work in the open air, can secure additional exercise for them, can prohibit dietary punishment or cellular confinement, can remove them at any time to hospital, can place them in dormitories or observation cells or padded cells, and can order them to be put in strait jackets; can recommend surgical treatment outside the prison; can, with a Fellow-doctor, certify them insane, and with the concurrence of a visiting magistrate have them removed to an asylum; and finally, can recommend their release. It will be seen at once that a great deal depends on the attitude and capacity of the medical officers.[2]

The Medical Officers and the Prisoners.

In the evidence we have received as to the character and efficiency of medical treatment in prison, the work is sometimes praised, more often severely censured. The following statement made by a prisoner who had served sentences of hard labour in five prisons reflects the opinions of many others, both appreciative and condemnatory:—

> I was in —— prison only 10 days and saw the medical officer but once, being discharged unexpectedly. He examined me with greater care than I ever experienced afterwards on entering prison, sounding my lungs and heart and asking a number of questions about my medical history. He impressed me as a man who knew his work and performed it conscientiously.
>
> At ——, the medical examination on reception was very perfunctory, and on the three or four occasions on which I had to see the medical officers, they struck me as doing their work rapidly and mechanically,

[1] "The Criminal and the Community," p. 218.

[2] "Any improper exercise of his powers renders a medical officer liable to an action at common law."

without much care. For almost every ailment one or two stock doses of medicine were given. An example of this was a case of a Scottish lad who asked for more food in view of the fact that he was doing heavy gardening work. The medical officer, not understanding his pronunciation, ordered him the customary dose of medicine, which the boy at once drank off, so taken aback was he by the lightning decision of the doctor!

Despite the fact that medical officers are permitted (so I understand) considerable liberty, the doctors at this prison seemed to me to do everything, according to routine. At the same time, whilst curt, they were always civil to me.

At ——, the assistant medical officer was both uncivil and curt. His language was frequently almost as bad as anything I ever heard in prison, either from officers or prisoners. He seemed to look upon every prisoner as a scoundrel or a shirker, and to consider that every application for medical treatment was a cloak for malingering. His brutal attitude caused him to be hated throughout the prison, and many prisoners refused to make any application owing to fear of him. Like many men of this type, his brutality was a covering for cowardice. On the rare occasions when prisoners "stood up" to him, and told him that he ought to be civil or threatened to report him, he changed his tone at once. In one instance of which I have first-hand evidence, after leaving a prisoner in his cell unattended, with an open expression of view that he was malingering, this doctor was suddenly summoned to the cell and found the occupant to be dangerously ill with appendicitis. The prisoner (a reliable man) told me afterwards that the doctor's fear that he might die and the lack of medical attention consequently be exposed, was almost pathetic.

The senior medical officer at this prison was civil, but officially distant and cursory in his duties. His examination on reception did not occupy more than twenty seconds, and during the two months I was at ——, I was never examined again, nor, except on discharge, even asked if I were "all right."

At —— prison the medical attention was far more thorough and efficient. During the eighteen months I was there, two doctors were in charge successively, and both of them were most conscientious in fulfilling their duties. They went the round of the prison once a week, and, while they did little more than pass the cell doors, if any complaints were voiced, they immediately made an examination. When a prisoner was in separate confinement, they generally examined him once a week, and their examinations were always careful.

When a prisoner was run down or suffered from loss of weight, he was readily transferred to hospital, and in hospital the medical officers paid detailed attention to the patients. They were reserved in their attitude towards prisoners, but I do not think any doctor could have been more attentive.

At ——, the medical attention was disgracefully bad. It is a small prison, and the hospital is only opened when prisoners are exceptionally ill. The medical officer was employed part-time only, and although I had a period of three months' bread and water there and eight months' separate confinement, I was only examined once, and that when I was suffering somewhat acutely from intercostal neuritis. The doctor was

kindly to me personally, but my experience suggested that he was not competent at his job, and information given to me by others fully bore out this view.

In a questionnaire which we sent out to 715 ex-prisoners who had served terms of imprisonment in local prisons, there was included a request for an expression of opinion on the medical attention. The replies may be summarised as follows:—

Poor or hurried	78
Inhuman	58
Suspicious of Malingering	18
Good or fairly good	29

The proportion of adverse criticism is even more pronounced than these figures suggest, owing to the fact that in almost every case the expressions of satisfaction referred to two particular medical officers.

The following are typical quotations from this body of evidence:—

I.

The three doctors with whom I came in contact appeared to be careful and conscientious, though one of them had sometimes a roughness of speech and impatience of manner which I know some of those whom he treated felt rather keenly.

II.

Reluctant to put men in hospital. Entire lack of sympathy. Every prisoner, unless life is obviously in danger, is treated as a malingerer. The manner of all doctors I have met in prison is a disgrace to the profession and markedly in contrast with the manner of doctors outside.

III.

M.O. at —— was the most objectionable man in the prison service, and one never went near him unless one could help it. When one did, one got no attention nor attempt at diagnosis. . . . There is an inevitable absence of trust. For example, I have been under specialists for eczema, but when I stated this fact to the M.O. at ——, with a request to be given work elsewhere than in a laundry, he stated that if my story was true I ought not to be in a laundry, but he would take no action as I might be telling a lie.

IV.

Hurried, callous, and insulting. Although suffering from neuralgia with abscess, I was afraid to see the doctor.

V.

Medical attention is a disgrace. One is treated just like an animal by the M.O. Half a dozen stock medicines supply the remedies for any disease, with very few exceptions.

VI.

One immediately beneficial reform would be the discharge of almost all the present staff of M.O's, who are almost without exception of the worst "institution official" type. In all my experience of six prisons I only met with one M.O. who treated prisoners with anything approaching the sympathy and consideration they would give to patients outside.

The above evidence has been provided by political prisoners, but it is borne out by the evidence which has reached us from ex-prisoners of a more usual type and from other officials in the service. An officer of 20 years' experience, for instance, when asked whether he had known governors or medical officers who had had a good influence on prisoners, replied, "Yes, in the case of governors; no, in the case of doctors." There is much to suggest that many medical officers are even more cursory and contemptuous in their treatment of ordinary prisoners than in the case of political prisoners who, it should be remembered, often have many inconveniently influential friends outside prison. Particulars have been given us of a woman who died of cancer very shortly after being censured by the medical officer for expecting treatment "as though she was in a convalescent home." Another prisoner who was always said by the medical officer to be shamming, was found to be in a most critical condition when taken to a hospital after release.

The Extent of Malingering.

That much malingering occurs cannot be doubted. Mr. Tighe Hopkins[10] quotes a description by Dr. Tennyson Patmore of how he "cured" a convict sent from another prison to Wormwood Scrubbs, as suffering from "grave epileptic fits." The patient was put to bed, and Dr. Patmore solemnly remarked in his hearing that there was no "medical treatment available for such a case save a protracted course of very low diet." In less than a week the man pronounced himself "entirely cured" and never to the end of his sentence had he another epileptic fit!

Dr. R. F. Quinton, of Holloway prison, argues that criminals are abnormally insensitive to pain. He writes:—

> I have, for instance, frequently laid open acutely inflamed abscesses, which to an ordinary patient, with a normal nervous system, would cause intense pain, and fished out such foreign substances as bits of thread and wire, which had been purposely inserted in the flesh by the convicts themselves, without apparently causing any real suffering. In the case of one prisoner who had acute inflammation in both eyes that lasted several days, and was of a suspicious character, I stumbled accidentally on the exciting cause. The patient was constantly tampering with some part of his body and was an adept at shirking work. He deliberately drank the lotion supplied for his eyes, and I was summoned hastily to find him ill with unpleasant symptoms. I discovered in each eye tucked in under the lid, a small piece of spring steel which he had no time to remove when his symptoms came on. He admitted afterwards that he had been in the habit of "wearing" them in his eyes for a couple of days so as to get ready for the doctor.[11]

[9] Convicts from Portland and Dartmoor, however, report satisfactory attention from the medical officers, although more than once a phrase such as "They shared the hardness of the prison staff" is added. A woman convict, who served her sentence at Aylesbury, gives an opposite view: "Very unsympathetic. Only concerned in seeing how much you can stand without dying."

[10] "Wards of the State" (1913), p. 228.

[11] "The Modern Prison Curriculum," pp. 107-8.

The fact of malingering is sometimes cited as a proof of the innate dishonesty of prisoners. It might rather be regarded as evidence of the intolerable nature of the conditions from which they desire to escape. Certainly, when prisoners are prepared to inflict upon themselves pain of the severe character described above, it goes to prove that the treatment to which they are being subjected is beyond endurance.

We must add, however, that we have ourselves received no evidence of malingering of this extreme kind. One witness in the course of a careful analysis of the malingering now practised in prisons, says:—

> My experience leads me to take the view that the official suspicion of malingering is much exaggerated. Hospital conditions are little better than ordinary prison conditions, frequently they are worse, so prisoners generally now have no object in getting into hospital.
>
> There are exceptions. Discipline in hospital is generally relaxed somewhat. Where dormitories are used, hospital treatment is certainly better, and sometimes prisoners will risk a period of separate confinement in the Hope of eventually getting the job of "hospital cleaner"—one of the best jobs in the prison. These are all incentives to malingering.
>
> Sometimes, too, a prisoner will dislike his work or the officer in charge of his party, and will try to get into hospital to escape one or the other. Sometimes a prisoner will have a pal in hospital whom he wants to join.
>
> Two prisoners often arrange to put down for the M.O. on the same morning in order to get an opportunity of meeting and conversation whilst waiting outside the doctor's room. Sometimes one would hear a prisoner whisper to a pal as two separate working parties passed each other: "Report sick to-morrow."
>
> There are times when the strain of the discipline, the constant supervision, the work, and the diet of ordinary prison conditions become unbearable. Then the comparative comfort of the hospital cell, the relaxation of the ever present eyes of the warders, the rest from work, and the possibilities of a larger diet encourage one to put down for the M.O. in the hope of getting a short respite.
>
> Finally, from desperation of the sheer monotony of prison life, one sometimes puts down for the M.O., the governor, the chaplain, or anyone else with the idea of a little relief from the ordinary routine. When locked in one's cell, to hear a warder come along the corridor and open another cell door makes one feel quite jealous—even if the prisoner is only to be taken to the doctor's room. These trifling breaches in the rigid time-table of prison existence are quite red-letter occasions.

Whilst, however, some malingering is admittedly practised, it does not excuse the serious medical neglect which our evidence indicates sometimes occurs.

The Adequacy of the Medical Staff.

Among the points raised by the evidence from which we have quoted earlier in this chapter, is the alleged hurried character of examinations and treatment. The majority of medical officers apparently consider that the facilities for treatment are sufficient. Many of them assert that prisoners are regularly examined and that they have every possible attention.

Upon these replies we must make the comment that only in an insignificant number of cases have ex-prisoners borne out the view that adequate medical attention is given, and in no single instance have they suggested that a periodical examination of prisoners is made.[12] One witness who has undergone terms of imprisonment in three London and two provincial prisons says:—

> I was always examined on reception, generally in a very hurried way. When reported for punishment I was sometimes examined; on many occasions I was merely asked if I was all right. At ——, the M.O. used to come round the landing once a week and ask if we were all right. Once when I was rather seriously ill I had a thorough examination, and perhaps on three or four other occasions I was given a hasty examination owing to special circumstances, such as a letter of enquiry from influential friends. But there was no regular examination, and unless a prisoner took the initiative in applying for treatment or complaining sick when the M.O. came round (and one needs to screw oneself up to do this as imprisonment curiously destroys self-reliance) any malady, unless very obvious, would certainly go unattended.

Careful consideration of our evidence points to the conclusion that the present medical staff ought to be large enough to treat the ordinary physical ailments of the prison population, even to the extent of a periodical examination of every prisoner, taking a certain number each day. Certainly it would be large enough if it were supplemented by trained nurses. But clearly, with only the present staff, psychological study and treatment of the individual is quite impossible; and more and more it is being realised that such treatment is what a large number of prisoners need.[13]

With the exception of Birmingham prison, the mental treatment of prisoners seems to be almost entirely neglected. We believe we are correct in stating that none of the medical officers, even at Brixton or Holloway prisons, to which hundreds of cases are sent for mental observation, or at Parkhurst prison, the prison to which physically and mentally weak convicts are sent, have any special qualifications for the diagnosis or treatment of mental cases.[14] Sir E. Ruggles-Brise states that all medical officers are required to have "a practical knowledge of insanity";[15] but the phrase appears to signify little.

[12] At some prisons the women prisoners are examined weekly for indications of "itch" or for dirty heads.

[13] In the year 1913 (the last normal year for which figures are obtainable) there was one medical officer for 499 prisoners at Birmingham, one for 495 at Durham, one for 477 at Leeds, one for 637 at Wakefield, two for 1,146 at Wandsworth, and two for 1,365 at Wormwood Scrubbs.

[14] Yet 20 years ago Sir E. Ruggles Brise referred to "the growing belief, fostered by the developments of anthropological science, that criminality is largely the effect of mental causes; and that, consequently, a prison doctor must be qualified, not only to deal with physical disease, but also to note and detect the symptoms, mental or nervous, which may invalidate the full responsibility of conduct." (Report of Brussels International Penitentiary Congress, 1900, p. 61.)

[15] "The English Prison System," p. 185.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Prisoners who serve long sentences generally become seriously weakened and suffer severely from nerve strain.

2.—Medical officers of good calibre are rarely attracted to the prison service. The medical attention is frequently hurried and callous, and suspicion of malingering is very prevalent.

3.—The medical staff is not large enough to enable individual psychological study and treatment to be undertaken. Nor is it, as a general rule, competent for such duties.

CHAPTER XVII

THE TREATMENT OF THE SICK

THE medical officer usually sees prisoners in his room. In certain prisons, however, the practice is for him to visit the prisoners in their cells, accompanied by a hospital officer and a prisoner carrying a medicine tray. The latter method has the advantage of not necessitating prolonged standing in the corridor on the part of the applicants. Frequently the prisoners have to stand in a row outside the doctor's door for half-an-hour or even an hour. If they are weak this is a great strain, and in the winter the corridors are often cold. The evidence we have received from ex-prisoners as to the cruelty of this practice is considerable. The following quotations are typical:—

I.

W. was so ill that he leaned up against the wall whilst awaiting the doctor. We were kept standing for 40 minutes. He was bullied for resting against the wall, by a warder, who said "Are you having a sleep?" etc. W. was then seriously ill. [W. died five days later.]

II.

Applicants are kept standing a long time, with the result that a man near to me fainted one day.

III.

Sometimes I got quite dizzy, owing to having to stand such a long time when I was in a weak condition. It was often more than an hour.

IV.

Twice when I was waiting for the doctor, men near me vomited badly.

We have received frequent complaints as to the limited opportunity prisoners have of applying to see the doctor. Applications have to be made to the warder when the cell door is first opened in the morning. Prison officers have instructions to summon the medical officer when patients need attention, but our evidence proves that much unnecessary suffering is undergone because of the difficulty prisoners have in approaching the medical officer. It also indicates that there is some necessity to accelerate the medical attention after the doctor has seen the prisoner.

Treatment of Specific Complaints.

Eyes, Teeth, and Skin.—Practically no attention is paid to eyesight. If a prisoner cannot see to do his work or has pains in his eyes, the custom is to give him a dozenful of glasses and tell him to select the ones which suit him best. Persistence, however, will sometimes secure that the eyes are tested, and one witness records that the medical officer obtained from the Home Office permission for him to be taken to an oculist. In this case the prison authorities paid the oculist a fee, but the prisoner was required to pay for the new glasses.

The care of the teeth is almost entirely neglected. No attempt is made to get prisoners to clean their teeth. One ex-prisoner states that "the present remedy for all dental trouble is extraction, and extraction by unlicensed warders with clumsy instruments." This statement appears to be approximately true so far as Local prisons are concerned. If prisoners are sufficiently importunate, the services of an outside dentist can be obtained, the prisoner paying the cost. In the case of convict prisoners, where longer sentences are served, the prison authorities pay more attention to dental needs, and dentists visit the prison at the public expense.

Skin complaints are common in prison, due no doubt to the absence of green stuffs in the diet, the confined existence, lack of exercise, lack of cleanliness—both personal and general, and also, in some small degree, to contagion. As typical of the unsatisfactory treatment of these complaints, we quote the following statement from an ex-prisoner:—

> *After I had been in prison a few months* I was troubled with an itching sensation on the hands. The symptoms became more serious and I decided to go to the doctor. He merely told me to go back to my cell. Soon a warder came for me and told me to pack up as I was going to an "itch cell." Two cells are set aside for the treatment of this disease. I had to leave all my possessions outside the cell and strip off all my clothes and throw them outside; then I had to put on an old shirt and get into bed between dirty blankets, there being no sheets.
>
> Then a warder came with a prisoner who painted my body almost completely with a yellow liquid, although the disease had affected only my hands. I then got back into bed and the paint slowly dried. Dinner was eventually brought and placed on the table, which was out of my reach. I had previously examined the utensils in the cell; the knife was red with rust; the plate was filthy. I was now expected to get up, attired only in a damp shirt, and serve myself with dinner and to wash my utensils. I lay in bed and dinner was taken away.
>
> First thing next morning the warder came and said, "Empty your pot." As this meant going out into the hall, I refused to do it until my clothes were brought. When I had performed the task I got back into bed again.
>
> A little later the doctor inspected me and ordered me another coat of paint, which was administered that morning. On the following (the third) morning, I was again visited by the M.O. and was afterwards taken to hospital for a bath and given a change of underclothing. Before I left the "itch cell" I heard a man being put into the next cell to be treated for itch, as I gathered from the conversation between prisoner and warder.
>
> I experienced the symptoms of itch for some weeks afterwards, but these slowly died away. Yet even admitting the efficiency of the medical treatment, I contend that it should have been administered in hospital, and not under conditions so like those of punishment.

Two other ex-prisoners give very similar evidence.

Consumptive Cases.—The prison treatment of cases of phthisis has greatly improved within recent years. In his annual report for 1899, Dr. Smalley stated that the segregation of tubercular prisoners "is very easy to say, but not so easy to carry out." The next year, however, he reported a beginning in segregation, and a series of elementary regulations were tabled for the treatment of phthisical cases. In 1901 it was decided to construct specially airy cells for tubercular prisoners, but it was only in 1913 that the Comptroller of Accounts reported "considerable progress." The cells include iron bedsteads, oak chairs, smooth cornerless walls and extra ventilation.

Dr. Smalley's 1907 report on the operation of the regulations relating to tubercular prisoners (based on Convict prisons only), gives the average tubercular death-rate (1896-1902) as 2.00 per thousand. In 1903-7 it became 1.17, a decrease coinciding with the introduction of the new regulations and an improved standard of diet, with an increase of fatty elements.

Dr. Smalley gives a comparative Table, showing the deaths of convicts from phthisis to be well under those of the general male population, and of certain occupational classes outside, but apart from the fact that the systematic release of dying prisoners makes the comparison valueless, it is no testimonial to the prison authorities that their own statistics compare favourably with those produced outside by bad housing and other adverse conditions. There is no reason why prison conditions should not be made definitely preventive.

Venereal Diseases.—In connection with the Royal Commission to enquire into the prevalence of venereal disease, the medical officers of all Local prisons were asked during the six months, November 1st, 1913, to April 30th, 1914, to report to the Prison Commissioners the number of cases of manifest venereal disease received each month. The returns may be tabled as follows:—

	Males.	Percentage.	Females.	Percentage.
Suffering from gonorrhœa	488	.7	106	.62
Suffering from syphilis ...	1,011	1.56	233	1.36

Dr. Smalley (1913-14) points out that only those cases in which there were manifest symptoms were reported; the Wassermann test was not applied. All these cases, he states, were placed on active

treatment, but, owing to the short sentences of many, "a cure cannot always be effected, and the returns indicated that about half of those received into prison suffering from venereal disease are still in an infectious condition when discharged."

The results of examination in three prisons for evidence indicating that the inmates had suffered from syphilis showed 299 (or 17.04 per cent.) male convicts, out of a total of 1,755, as presenting signs of venereal disease. Among 100 female convicts, six had a history of syphilis, but, adds Dr. Smalley, the same steps for examination as were taken in the case of male convicts were not feasible in the case of females, and the percentage may therefore be placed as much higher than six.

The medical officers seem for the most part to be content with the provisions for treating and isolating cases of venereal disease. Only one considered the facilities inadequate. But from ex-prisoners complaints of laxity in isolation are frequent. We quote some:—

I.

Isolation lax. Sheets round the w.c. and on the floor when V.D. cases used them for syringing, were mixed with the other prisoners' sheets when sent to be washed. The V.D. cases were kept in the prison and isolated there, but came over to hospital for syringing frequently.

II.

At ——, all the hospital cases exercised together and the venereal disease and other patients used common w.c's.

III.

The prisoners suffering from venereal disease have special tins, but they are collected in the same way as the others, and the tins are all taken to the kitchen and washed in the same water. The men who collect the tins are in some cases suffering from the same malady. The V.D. prisoners use the same w.c., etc., as the other prisoners, and are allowed to do orderly work in the ward.

IV.

Whilst I was in hospital acting as an orderly, a man had to be treated who had been infected with venereal disease through being cut on the chin by the clippers used for shaving. Following this, the M.O. gave instructions that the clippers should be dipped in disinfectants before use in every case.

V.

During the greater part of the time I was at —— the men suffering from venereal diseases were not kept isolated. They used the same baths and lavatories as the rest of us, and their work and tools were mixed up indiscriminately with those that others had been using. After a time, as a result of vigorous protests by the other prisoners, a separate bath was put aside for the use of infected men and they were put in cells in a separate hall, but even then the isolation was not complete. No adequate medical attention was given, however, and finally four Colonial soldiers, who were infected, hunger struck for several days in order to draw attention to their condition and to get transferred to another prison where proper treatment would be given. One of them, a New Zealander, said he was determined that he would not go back to his wife until he was cured, and he had been kept in prison over a year without any proper treatment.

Some of the laxity revealed in this evidence may have been due to war conditions. Even so, it was inexcusable; nor can shortage of staff be urged as an excuse in every case. The following statement, for instance, is made by an officer about the present arrangements at a Convict prison:—

Venereal cases have special tins, knives, and forks, also special kits of underclothing, but their tins and underclothing are washed in the same place as the others. There is a w.c. for these "special cases," but it is not properly used by them. Men will not go to it as they are afraid of being marked out from among the rest, and they are not compelled to do so. The present precautions are useless. The only way to prevent infection would be to absolutely isolate all the venereal cases in a separate part of the prison.

Forcible Feeding.—Artificial feeding is not infrequently resorted to in prison. Some of the evidence which we have received regarding it is very disturbing. We give as an example extracts from the statement of one of ten political prisoners artificially fed in a northern prison during February, 1919:—

While we were being forcibly fed on the morning of Wednesday, February 17th, the doctor used the same feeding tube in the nose of each man. Some of the men were suffering from nasal catarrh. Each one protested to the governor against the use of the same tube. The operation caused much loss of blood, each prisoner being supplied down the nose. The doctor used such violence to me that he drew a handful of hair from my head.

Feeding through the nose continued until February 23rd. The hunger strikers having lost much blood, complained to the governor, and have since been fed through the mouth. On one occasion while being fed through the nose the doctor placed the tube in a position which obstructed the food. When the obstruction occurred, the doctor had left the prison wing and had to be called back to insert the tube afresh, as I was in a very serious condition owing to the tube resting on the windpipe. The doctor inserted the tube again, which was so big that the milk still refused to run. He was obliged to fix a smaller tube which had already been put in another prisoner's nose. I complained to the governor and have since then been fed through the mouth. The language of the doctor was most foul. . . .

We should be reluctant to publish a statement of this kind were it not corroborated by the other prisoners who underwent forcible feeding at the hands of this doctor.

On March 14th, 1918, W. E. Burns, a political prisoner, died in Hull prison. At the inquest on March 21st, 1918, the jury returned a verdict that he died from "pneumonia, consequent upon

the inhalation of some fluid food during the forcible feeding." The jury held that no blame whatever was attributable to the doctor, but the evidence suggested some fault in the tube used for the operation.

During the proceedings the following questions were put to the medical officer:—

> The Foreman: Did you examine the man before you forcibly fed him to see whether he had pneumonia on him or not?
>
> A: No, I just examined. He had not got any sign of pneumonia.
>
> Mr. Owen (for the relatives of the deceased): The forcible feeding brought the pneumonia on?
>
> A: It did.
>
> Mr. Owen: And it killed him?
>
> A: Yes.

Later, this question was put regarding the tube:—

> Mr. Owen: I put it to you—I am not trying to impute blame—the fact is that if it had been longer the breathing in would not have affected the food passing?
>
> A: No.

A second medical man, Dr. Pigeon, gave it as his view that the tube was "a little too flexible."

We do not wish to convey the impression that prisoners who refuse to take food are as a rule carelessly treated when resort is had to the operation of forcible feeding, but, in view of the evidence, the verdict of the jury in this case might have the effect of encouraging a most undesirable sense of immunity among medical officers. Our evidence suggests that they often regard forcible feeding very lightly, and we think it well to point out that other medical men take a very different view. Quite apart from accidents like that in the Hull case, many medical men hold that the effects of forcible feeding are often grave.[1]

Surgical Operations, etc.—The Criminal Justice Administration Act, 1914, included a clause authorising the Home Secretary to permit a prisoner who is suffering from a disease which cannot be properly treated in prison, or who requires an operation which cannot properly be performed in prison, to be taken to a hospital or other suitable place. Whilst absent from the prison, the prisoner is deemed to be in legal custody. No operation can be performed without his consent.

The Prison Commissioners in their report for 1919-1920 describe this as a most useful provision, "enabling skilled operative and other

[1] A medical man (Dr. Joe Sibly) have a serious doubt upon the following circumstances upon the Hull case. It is almost impossible that any food should get into the bronchial tubes or lungs or even the larynx. The tube often catches at the top and may get into the top part of the larynx, but in that case only about six inches has gone in and if the milk is poured in from it would certainly go into the larynx, bronchial tubes, and lungs. But the tube should be passed 18 inches, and this is known by a mark or piece of rubber on the tube; then if the person is breathing comfortable the milk is poured in, and even if he coughs it cannot go into the bronchial tubes unless about 10 inches of the tube comes out first, when of course the milk should be stopped. Mr. Owen should have said: 'If the tube had been passed further in (i.e., into the stomach), then the morphine could not have induced inspiration of food into the lungs."

treatment to be given in all cases in which it could not be secured in prison except at very great expense." "With rare exceptions," they say, "the practice has not been abused by prisoners absconding while in hospital." In 1920-21, 54 prisoners were removed to hospital under this provision. Of these, eight died.

The necessity for more suitable conditions for the performance of operations was conclusively shown by Dr. Goring. Commenting upon the fact that the death-rate from intestinal obstruction and peritonitis is 24 per 1,000 in prison, as against nine per 1,000 in the general population, he explained the high prison mortality thus: "These bodily conditions, including strangulated hernia, involve in every case the performance of a major surgical operation, the results of which, in prison hospitals, could not be expected to attain the high level of success obtained in general hospitals."[2] In addition to the absence of proper facilities for the operation, success is probably prejudiced by late diagnosis. From what has been written above it is evident that a patient may lie unattended for some hours before the necessary steps are taken.

The Prison Hospital: Solitary Confinement.

The daily average number of prisoners in hospital during 1920-21 was 375—266 males and 109 females. The proportion to the general prison population was 3.7 per cent. in the case of males and 9.4 per cent. in the case of females. In 1919-20 the proportions were 4.5 per cent. and 9.1 per cent. respectively.

We print as an appendix to this chapter an account of life in a prison hospital. The feature of this description which will immediately impress the reader who is not familiar with prison conditions will be the solitary confinement to which the writer was subjected. That anyone suffering from illness or accident should be kept in solitary confinement, except on account of dangerous mental derangement, will, we believe, strike every ordinarily humane person as monstrous. The longest term of separate confinement which a prisoner undergoes outside hospital is one month. But it is the custom in hospital to keep a prisoner in separate confinement for much longer periods, and generally without any additional provision of books and with the absence of any work to occupy his mind.[3]

The following extracts from our evidence illustrate the cruelty of this system:—

[2] "The English Convict," p. 224.

[3] S.O. 288 reads. "Prisoners who are under medical treatment in cell or in hospital but are not confined to bed shall be given light employment if they so desire and if the medical officer sees no objection." But the staff do not like work to be done in hospital, and a prisoner rarely knows that it is permitted. The medical officer of Wakefield prison in his report for the year 1912-13 acknowledges that "in regard to those patients whose cases demand a long period of detention in hospital, there is necessarily a great deal of monotony in their lives, arising from the lack of occupation and amusement," and records that "at the suggestion of the Commissioners," he has introduced the use of frame knitting machines by patients in his cells. "It has served in some instances," he says, "to afford a healthy stimulus otherwise entirely wanting. In one weak-minded case, notably, it has given the patient a new interest in life, with beneficial effects on mind and body." This is the only reference to this experiment we have seen. What happened to it?

I.

There was one old man, sixty years of age, suffering from acute rheumatism. He served the whole of his eighteen months' sentence in hospital, and during the six weeks that I was there he was confined to his bed in his cell the whole time. There was a second old man of seventy years of age who served a twelve months' sentence in a hospital cell, and there was a tubercular patient (afterwards removed to die in Woolwich hospital) who remained all day in an ordinary hospital cell—although in his case the door of the cell was left open. Anyone with a little imagination will appreciate what physical and mental torture such treatment involves.

II.

I was in hospital six months. The single cell confinement was worse than in the prison cells. It was more quiet and we were locked in all day. It nearly drove me mad.

III.

The cell system in prison hospitals is bad. It shuts up a man more than the ordinary prison routine. After the serving of supper at 4 p.m., a man is left entirely till about 5.45 a.m. next morning. Men may die between those hours; a sudden attack, relapse, or fit may take place, and no one at hand to help. The mental effect of the cell confinement drives some men nearly mad.

IV.

I cannot imagine any punishment much worse than being in a prison hospital.

V.

I was in hospital eight weeks owing to heart trouble following the shock due to my imprisonment. I was kept in separate confinement the whole time. The mental effect was terrible and indescribable. The absence of anything to do became unbearable, and I asked for some sewing and was given some caps to do. The conditions were such that it was only after I had been in the hospital a month, or five weeks that I came to know I was in hospital at all. (*From a woman ex-prisoner*).

Medical officers generally advocate the extension of the dormitory system and the restriction of cellular treatment. "Dormitories are unquestionably better than cells," one remarks. "They ought to be extended as fully as possible, but it is a question of the cost."

The objection most frequently raised to the proposal that the dormitory system should be extended is the danger of contamination. Upon this point the English Departmental Committee of 1895 reported: "Our inquiry has led us to believe that the evils attributed to contamination have been exaggerated so far as male criminals are concerned," whilst the Scottish Departmental Committee (1900) recorded that the prison officials denied that association in hospital, so far as it is practised, results in contamination. The advocates of the dormitory system agree, of course, that there must be strict supervision.

The Hospital Staff.

The official manual for members of the Prison Hospital Staff has been "Prison Hospital Nursing," a book of 360 pages, "published by authority" in 1902 and written by Sir Herbert Smalley, M.D., the late medical member of the Prison Commission. The tone of the book is on the whole sympathetic and human, although the disciplinary aspect of the officer's duties often finds expression. The following passage describes what should be the general attitude of the hospital warders:—

> Disabuse your mind of the idea that the prison is a den of iniquity, the warder a surly guardian, and that, because you have only criminals to deal with, they do not require the same skill, care and attention when ill, as is deemed requisite for those more happily situated. Enough for you to remember that, though probably more frail mentally, and perhaps also mentally and physically, than those met with outside the prison wall, yet they are as capable of being influenced by care, gentleness, and upright conduct as most other human beings. Who can tell what good may be done by a kind action and a good example, when a stubborn nature is softened by the levelling hand of illness?[4]

These are excellent sentiments. Unfortunately, however, the Prison Commission does not apply them, nor allow its officials to apply them.

Dr. Smalley says that criminals when ill require the same "skill, care and attention" as those more happily situated. Our evidence, from which we quote later, proves that the Prison Commissioners markedly fail to provide skilled attention for the patients in prison hospitals; and that the hospitals staffs are quite inadequate to give the "care and attention" which those in their charge require. Nor is it of much avail to urge hospital officers to be "kind" when they are prohibited by the prison rules and Standing Orders from any human relationship with prisoners. Equally with the disciplinary officers, they are not permitted to be friendly or familiar with prisoners, and are liable to reprimand for breaches of this rule.[5] In actual practice, discipline is generally less strict in hospital than in other parts of the prison, but this relaxation is unofficial and is due, not to any modification of rules, but to the partial detachment from the eye of authority which the hospital enjoys. On the occasion of the regular visits from the governor deputy governor, or chief warder, the discipline is as rigid as elsewhere.[6]

In a reply given by Mr. W. Brace, M.P., then Under-Secretary for the Home Department, to a question by Lord Henry Cavendish

[4] Op. cit., p. 14.

[5] Miss Beatrice Kent (Royal British Nurses' Association), on the occasion of a deputation to him, March, 1918, gave the Home Secretary the following account of a conversation between the governor of Holloway prison and a nurse on the hospital staff:—The governor sent for this particular nurse, and he said, "I hear you talk to the prisoners."—"Yes, Sir, I do, I certainly talk to the prisoners."—"You are not to talk to the prisoners, it is not your business to talk to the prisoners; you are here to nurse and nurse only." She is a woman of some spirit, and she said, "What, is it treasonable to talk to a prisoner?"—"No, I do not say it is treasonable, but you are not to do it, you are not here to talk to prisoners."

[6] Searches rarely take place in the prison hospital, but one witness describes how officers from the discipline staff were sent to perform this duty and cites a case when a consumptive man was stripped and searched with no hospital warder present. "It is not a common occurrence," he says, "taking place only when there is suspicion of contraband articles, but it is objectionable on many grounds. Surely the health of prisoners should be put before the object of finding bits of tobacco? And surely, if a search is necessary at all, it should be carried out by the hospital warders? The hospital staff not unnaturally resents this procedure."

Bentinck, November 6th, 1918, the arrangements for staffing prison hospitals were described as follows:—

> At the male prisons shown on the attached list [1] there are hospital officers most of whom had previous service in the Royal Army Medical Corps, or as sick berth stewards in the Royal Navy. Before being appointed as hospital officers in the prison service, they underwent a special training for at least two months in prison hospital duty at a large prison hospital and were reported as efficient and satisfactory. They do not wear a distinctive uniform. They are wholly employed in hospital duty, unless the number of hospital patients falls so that there would not be sufficient duty for them, in which case they would be employed on some discipline duty.
>
> In the male prisons in which there is no hospital staff the average number of sick requiring special nursing is so low that the whole-time services of a nurse would not be justified. In such prisons where the need for a nurse arises, the governor is authorised to engage an outside nurse or nurses, or, if this is not possible, nurses would be sent from some other prison.
>
> As regards the female prisoners, all female officers go through at least one month's training at the training school in simple hospital duties. Many of the female officers have had previous experience of nursing, and the governors of the various prisons consider this previous experience when selecting officers to act as nurses. At the larger prisons many have been employed as hospital officers for years and are reported to be quite efficient. They do not wear any distinctive uniform.
>
> In all but a few prisons, the number of hospital patients is so small, averaging less than one, that the employment of a whole-time nurse is not called for. If a case calls for special nursing, which in the opinion of the medical officer could not be carried out by one of the staff, the governor is authorised to engage an outside nurse or nurses. Further the Commissioners are now arranging for all the female officers to undergo six months' training in hospital duties at the training school.

At the first glance, perhaps, the arrangements outlined in these statements may seem satisfactory. More detailed consideration and the evidence of experience prove that they are very unsatisfactory. The fact is that the number of hospital officers is quite inadequate and that they are trained in a most amateurish way.

Most of the male hospital officers, we are informed, have "had service in the R.A.M.C., or as sick berth stewards in the Royal Navy." It will be noted that it is not claimed that all the male hospital officers have had such experience; those who have not had it enter upon their duties with no more experience than two months' training in a prison hospital. Nor is it claimed that the members of the hospital staff who have served in the R.A.M.C. belonged to the "nursing section"; and the elementary duties of the privates in

[1] Prisons where hospital officers are employed:—Aylesbury (1), Birmingham (2), Borstal (1), Leeds (3), Liverpool (5), Maidstone (3), Manchester (5), Newcastle (1), Parkhurst (2), Pentonville (5), Portland (9), Preston (1), Shrewsbury (1), Wandsworth (6), Winchester (1), Wormwood Scrubbs (6). In addition, 27 hospital officers are serving with the colours.

the general duty section of the R.A.M.C. are well known. Even when serving in wards, they are not expected to do more than light fires, clean stoves, sweep floors, carry refuse, scrub tins, etc., etc.

To be satisfied with giving men who act as the responsible staff under the medical officer, without the guidance or instruction of any fully-trained nurses, merely two months' training in the narrow school of a prison hospital impresses us as scandalous.[8] "The male officers do not get much training," admits one medical officer. "The tests which they have to pass at the end of the two months are very simple." It is not necessary to suggest that every officer employed in the prison hospital should be a skilled nurse, but that a proportion of them should be thoroughly trained for hospital work would seem to us a moderate demand to make.

We are glad to record, however, that during 1919 the Prison Commissioners began to employ five fully-trained nursing sisters in the hospital attached to Holloway (women's) prison. An account of their work appeared in the "British Journal of Nursing" (October 18th, 1919). It is from this account we quote:—

> One sister devotes her time to the venereal cases, and it is the duty of a second to observe mental defectives and report the result of her observations to the medical officer, a third deals with the surgery cases, the fourth devotes herself to midwifery, and the fifth has charge of the skin cases, from which it would appear, as this *Journal* has always pleaded, that there is a great scope for the services of trained nurses in our prisons. Their work might be usefully extended to preventive nursing amongst all the prisoners.[9]

There is now a Hospital Lady Superintendent at Holloway prison, and an Advisory Board, with the Medical Commissioner as chairman, and "including medical, nursing, and lay representatives" has been established with the object of "placing the hospital staff on a more satisfactory basis."[10] But even the Lady Superintendent is not a trained nurse.

The view of the medical officers is, so far as we can judge, predominantly against the regular employment of women nurses in the hospitals of male prisons, but one doctor has expressed the opinion that it would be a good thing to employ nurses on the same footing as nursing sisters in the army:—

> There *should certainly* be trained nurses, but if you had women nurses in a male hospital you would have to have some system like the army system: women of education who would be of a different status from the ordinary officers and who would associate with the M.O. and with

[8] The Departmental Committee on Scottish Prisons (1900), after reviewing the English system of training, expressed the view that "it is doubtful if two months is sufficiently long a period of training," and suggested that it should be six months.

[9] The Royal British Nurses' Association, of which the "British Journal of Nursing" is the organ, strongly urges that trained women nurses should be employed in all prisons.

[10] P.C. Report, 1920-21, p. 20.

the governor. That would work. It would be an excellent plan. But the women would have to stand in the same relation to the officers as Army Sisters to the R.A.M.C. men.

This would seem to be an eminently reasonable proposal. Under the present regulations a woman nurse may be called in to attend a serious male case; but only very rarely is this done.

But even if a proportion of the hospital attendants were *fully*-trained nurses, it is quite clear that the number of hospital officers is utterly inadequate. Reference to Mr. Brace's list of prisons where hospital officers are employed shows that they number 20 out of the 64 prisons and Borstal Institutions.[11] In many smaller prisons there has been *no officer* with any hospital training, and only in cases of extreme gravity are nurses called in from outside. In the larger prisons the staff is frequently insufficient to allow a hospital officer always to be in attendance.

The evidence of the inadequacy of the hospital staff is indisputable. The insufficient provision of night nurses may be taken as an example. The official manual for the prison hospital staff lays particular stress upon the necessity of having alert and efficient hospital attendance during the night. How far this necessity is recognised may be judged by the following item of evidence from a prisoner:—

> The two hospital warders possessed a little medical knowledge, but at night the hospital was in the sole charge of a night watchman (aged approximately 60) who had no idea whatever of nursing or rendering any medical assistance in case of need. He had a key of the cells in a sealed case which he must not use except in case of dire extremity. It often happened that prisoners in the cells *might* have to take medicines at intervals during the night. In these cases the night watchman would go to the bars of the gates at the stated times and hold the medicine through to the prisoners in a spoon. The prisoner (and this happened in cases where he had a "temperature") had consequently to get out of bed and walk across the cold floor to the gate to receive the medicine. The danger of catching a chill in doing so is obvious.

The hospital to which reference is made by this prisoner is attached to a comparatively small prison. We have similar evidence about a hospital attached to one of the largest prisons:—

> At night the ordinary discipline warders were on duty in the hospital. In case of serious illness there was no one with knowledge or experience to attend to the patients' needs. I write "patients." I never heard the word used in hospital. Its associations are far too human.

The Hospital Diet.

The normal hospital diet is of a better quality than the prison diet,

[11] In calculating the number of prisons and Borstal institutions, where there are a prison and a Borstal Institution in one place, we have counted them as one institution only.

but is rather less in quantity.[12] The dinner is made more appetising by the inclusion of four ounces of vegetables in addition to potatoes, generally greens, carrots, parsnips, or turnips. Frequently the medical officer orders an extra pint of porridge for breakfast, and since the supply of porridge for hospital is as a rule plentiful, and large bowls are provided, the ration in fact is often a quart. For special cases a pudding diet is given; for other cases, a low diet. The medical officer has the power to order special diets as the needs of any patient may require.[13]

Absence of Hospital Treatment in Small Prisons.

The information available regarding the absence of hospital treatment in small prisons reveals a most serious state of affairs. "The conditions of medical treatment in small prisons are very bad indeed," states one medical officer of long prison experience. "The hospitals are scarcely ever opened. There are no hospital officers, or perhaps only one."

The practice in small prisons is to employ a half-time medical officer, and prisoners are only removed to hospital when they are in a serious condition. Otherwise they remain in their cells, in which a bed is sometimes placed. We quote a description by an ex-prisoner:—

> In February, 1919, I was on the sick list for 14 days for influenza. There was a hospital in the prison, but it was not used whilst I was there. I was given no proper nursing. I had a high temperature for several days. It was only with difficulty and delay that I was able to get warm water for a wash, or an extra blanket. Ordinary food was given me after the doctor's first visit, although he said I was too ill to be allowed to walk to another cell, and afterwards put me on milk diet.
>
> The ordinary cleaner cleaned out my cell and made my bed—I was given a bed—but there was no proper nursing and no one seemed particularly responsible. If I had not known how I ought to have been nursed, and asked and insisted on the necessary things being done, I might have had a very bad time. Medical treatment and attention seemed of a very off-hand character and gave one the impression that there was no one in prison who minded very much if you lived or died.

[12] The normal diet is as follows:—Breakfast: Bread, 8 ozs.; tea, 1 pint, containing 1-6th oz. tea, ¾ oz. sugar, and 2 ozs. milk. Dinner: Meat 5 ozs. (cooked); potatoes, 8 ozs.; vegetables, 4 ozs.; bread, 6 ozs.; salt, ½ oz. Supper: Bread, 8 ozs.; tea, 1 pint.
For some cases the "Pudding Diet" is given:—Breakfast: White bread, 6 ozs.; milk, 1 pint. Dinner: Rice pudding, containing 2 ozs. rice, 1 egg, and 10 ozs. milk; or batter pudding, containing 3 ozs. flour, 1 egg, and 10 ozs. milk; or custard pudding, containing 1 egg and 10 ozs. milk. Supper: White bread, 6 ozs.; milk, 1 pint.
For certain cases the "low diet" is given:—Breakfast: Bread, 6 ozs.; tea, 1 pint (ingredients as in ordinary diet). Dinner: Cornflour, containing 1 oz. cornflour, 1 pint milk, 1 oz. sugar, to produce one pint. Supper: Bread, 6 ozs.; tea, 1 pint.

[13] Our evidence points to the fact that the hospital cleaners take advantage of the exceptional diets ordered by the medical officers for special patients to retain choice portions for themselves. One witness says:—"At —— it used to be the recognised custom for the cleaners to take all the cream off the milk which came for patients. Similarly, when the medical officer ordered special diets, the cleaners generally helped themselves to a slight portion before it reached the patient."

A comparison of the medical care given in large and small prisons is possible by means of the following Table which gives the proportion of admissions to hospital to the total admissions to prison for the last three years for which statistics are published:—

Large Prisons (Daily Average above 1,000).

	1911-12.	1912-13.	1913-14.
Manchester	1 in 11	1 in 14	1 in 14
Wandsworth	1 in 13	1 in 15	1 in 11
Brixton	1 in 14	1 in 15	1 in 15
Liverpool	1 in 15	1 in 16	1 in 15
Wormwood Scrubbs ...	1 in 16	1 in 16	1 in 14
Pentonville	1 in 22	1 in 26	1 in 24
Average ...	1 in 15	1 in 17	1 in 15

Small Prisons (Daily Average between 100 and 200).

	1911-12.	1912-13.	1913-14.
Norwich	1 in 42	1 in 227	1 in 189
Nottingham	1 in 59	1 in 44	1 in 45
Worcester	1 in 70	1 in 85	1 in 126
Lancaster	1 in 73	1 in 113	1 in 75
Bristol	1 in 99	1 in 62	1 in 78
Warwick	1 in 104	1 in 79	1 in 81
Lewes	1 in 125	1 in 101	1 in 95
Exeter	1 in 206	1 in 134	1 in 94
Reading	1 in 238	1 in 364	1 in 961
Northampton	1 in 260	1 in 205	1 in 227
Usk	1 in 298	1 in 1413	1 in 185
Portsmouth	1 in 320	1 in 537	1 in 439
Northallerton	1 in 554	1 in 470	1 in 484
Swansea	1 in 945	1 in 363	1 in 1186
Shrewsbury	No admission to hospital	1 in 659	1 in 646
Average ...	1 in 242	1 in 324	1 in 327

If it is found necessary, in the case of the larger prisons, to admit to hospital one in every 15 prisoners the medical attention which only gives hospital treatment to one in every 32 prisoners in the case of the small prisons, is obviously grossly inadequate. These figures indicate a particularly glaring instance of the pursuit of economy as the source of injury to the health and life of the prisoners.

What a prison hospital might be is suggested by the evidence of one witness who describes hospital conditions under the influence of a medical officer who avoided the use of cells as far as possible, and made the conditions in the dormitories approximate to those of an ordinary hospital. The highest tribute is paid to this doctor by every ex-prisoner who has been under his charge:—

> The medical officer of —— prison is quite the most humane doctor I have met in prison; and the hospital was conducted on almost ideal lines. The rules of the prison were relaxed to such an extent that it was difficult for me to realise that I was not in an ordinary hospital ward. The maximum of cleanliness, fresh air, and general curative influence seemed to be the natural order of things. The relaxation of prison discipline was quite against the official rules and regulations, and was entirely owing to the character of the M.O.

There is nothing in our evidence to suggest that the humane treatment given at this particular prison was not justified by the results. Indeed, it is the recurring testimony of those who experienced it that they obtained new hope from the care and consideration shown to them.

A Medical Opinion of a Prison Hospital.

It will perhaps be well to give here a description of a prison hospital written by a medical man after a visit. It corroborates what has been written above, particularly as regards the cellular confinement of prison patients:—

"Many cases were treated in the cells. The temperature charts were on the cell doors, one showing a temperature of 102 degrees. The treatment of single patients, with fever, with little attention at day and none at night, in the confined cells common in prison establishments, should be unhesitatingly condemned. The whole hospital arrangements seemed to me to be far from even moderately acceptable.

"There was a small operating theatre, moderately well-equipped, but in need of modernising. The sterilising room next to the operating theatre was not very neatly kept, and we were informed that salvarsan or allied substances were prepared there by the medical officers for administration. It is almost needless to remark that, in deference to the current ideas of surgical asepsis, a sterilising room should be kept scrupulously clean, and that the proper place for the preparation of salvarsan or any of the anti-syphilitic remedies for administration should be in the pharmacy."

There are occasional complaints by ex-prisoners as to the situation of the hospitals. "At Maidstone the hospital cells are close to the workshops. The noise is very trying for some," states one witness. "One of the defects of Leeds hospital was its sunlessness," says another. "The cells face north-east by east." Another ex-prisoner complains that the exercise ground is as "uninspiring" as that of the prison, and many of our witnesses comment upon the absence of beauty. In most prison hospitals flowers are never to be seen. "The absence of flowers is a strange feature," says one ex-prisoner. "They are not to be seen even in the ward."

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Prisoners who are weak through illness often have to stand for long periods whilst waiting for the medical officer.

2.—Opportunity to apply to see the medical officer is restricted to the first opening of the cell door in the morning.

3.—In the Local prisons the care of the eyes and teeth is neglected, and skin diseases are inexcusably common.

4.—The segregation of venereal disease cases is lax.

5.—Artificial feeding is often enforced with insufficient care.

6.—Patients in prison hospitals are frequently kept in solitary confinement, sometimes for very long periods.

7.—The rules of discipline are not officially relaxed in hospital.

8.—The hospital staff is inadequate and, except at Holloway prison, there are no properly trained nurses. Even at Holloway, the superintendent of the hospital is untrained.

9.—The hospitals in small prisons are only opened rarely. In these prisons, prisoners who are ill are generally left in ordinary cells.

Appendices to Chapter Seventeen.

I.—REPORT OF TWO CASES OF DEATH IN — — PRISON, JANUARY 3RD AND 4TH, 1919, PREPARED BY A GROUP OF FELLOW-PRISONERS.

1.

W—— had been declining in energy and vitality for some time. Friday, December 20th, at 12 noon, F——, a prisoner on B3 landing, was ordered to distribute clean linen. Noticing that the canvas bag in which the clean linen was packed was *damp*, he drew the landing officer's attention to it and was informed that the linen had only just been packed in the bag. He distributed the linen, warning each man—"Take care, the washing is damp." The linen to be changed included flannel vest, pants, cotton shirt, socks, handkerchief. F—— noticed that all the linen was damp, and some wet through. At 1-30 three men asked to have linen changed, owing to dampness (G.K.K.). Later in the day, W—— said to B——, "I believe I have put on a damp shirt. I wish I had changed mine like the others."

TUESDAY, DECEMBER 24TH.—At factory in morning W—— showed signs of chill, and P—— advised him to report sick. In the afternoon W—— went, with seven other men, to bath. On trying water, three men, W——, F——, and M——, decided to refrain from bathing owing to coldness of water. *Having tested temperature with thermometer*, officer in charge gave them permission to do so. This necessitated sitting in a damp, cold atmosphere for 25 minutes, while other men bathed. Same afternoon another man (B——) noticed that W—— looked unwell. On questioning him he answered, "I am cold."

WEDNESDAY, DECEMBER 25TH.—W—— was feeling better and told P—— so.

THURSDAY, DECEMBER 26TH.—Again unwell, and asked F—— and P—— whether if he reported and was detained he would be prevented having a visit he was expecting. He was assured it would not, and then said, "I would not like my wife to have a fruitless journey all this way."

FRIDAY, DECEMBER 27TH.—Had not reported. Told L—— in the morning that he had the worst cold he had ever had; it was cutting his chest in two. Had the expected visit in the afternoon. Same afternoon was particularly noticed by C—— and P—— to be decidedly unwell. F—— states that during December 24th—27th W—— could not read or sleep, and had to pace the cell to keep warm.

SATURDAY, DECEMBER 28TH.—Reported to see doctor at 6 a.m. At 7-15 attended usual Saturday chapel service. At close of the service it is the rule for all prisoners to stand while chaplain passes to vestry. W—— was noticed by F—— (at side) and B—— (immediately behind) to be quite unable to rise at the moment. 8-45 a.m. went to exercise. At 9-0, W—— was called away, *in company with other applicants, by hospital officer to wait for doctor.*

The waiting takes place in assembly hall—the men standing close to the wall. W—— having leaned against the wall was ordered to get away from the wall. Some minutes after he approached officer in charge of the hall and asked if he might be allowed to sit down while waiting. Permission was granted, and he sat on stool in adjacent cell. This incident was noticed by L——, F——, H——, E——, and P——. Doctor arrived at 9-30. (*The*

waiting is usually of about half an hour's duration). The hospital officer having previously taken temperature, doctor saw W—— in the same condition sitting. No examination (i.e., testing of lungs with stethoscope, etc.) was made; the doctor asked a question or two, then ordered him to cell and into bed (prison term, "Detained 24 hours, bed down"); three doses of medicine, no change of food. At 12-0 F—— was sent to change W——'s cup, the first having been broken. He rendered a little assistance, placed food close to bed, etc. At 1-30 F—— again sent to empty W——'s slops. He noticed that breakfast and dinner were practically untouched. F—— asked if he would like his books and was told he was unable to read.

SUNDAY, DECEMBER 29TH.—At 9-30 a.m. doctor saw W—— in bed. At about 2-0 p.m. W—— was ordered to rise, fully dress, and pack necessary articles in preparation for transfer to hospital. After nearly an hour he was taken with five others (F——, A——, F——, B——, E——) to hospital. They were walked in the open air, on a cold, damp day, a distance of about 150 yards. After being weighed, all were sent to bed in hospital cells. At 4-0 o'clock tea served, ordinary prison diet, and an additional pint of milk (first alteration in diet). F—— was placed in next cell to W——, and says that during the night he was very restless and troubled with violent and incessant fits of coughing.

MONDAY, DECEMBER 30TH.—At 6 a.m. all men were ordered by hospital officer, T——, to rise, empty slops, make beds, and sweep out cell. On way to empty slops, F—— noticed W——, in shirt and pants, attempting to make bed, but really leaning over and supporting himself upon it. In morning doctor made the one visit of the day. Apparently in no case did he make an examination; simply ordered to keep men in bed, pudding diet, and quinine. This was the first radical and beneficial change in diet. W—— steadily got worse during day. At night F—— again heard him coughing violently. Several times the officer on night duty came to cell and called through closed door, "Are you all right?"

TUESDAY, DECEMBER 31ST.—Consultation of the two doctors on W——'s case, and examination. After dinner, removed, with three others, to hospital ward. Here F——, who supplied most of the foregoing information as to treatment in hospital, lost sight of the case, being himself confined to cell as a mild case.

During the period December 27th to 30th, W—— was able to eat scarcely any food. Complete relaxation of discipline in ward. An ordinary prison officer was placed in charge during day. Hospital officer T—— was transferred to night duty, and remained in ward through night. Two convict cases (one, M——, being fortunately a qualified chemist) were given as assistants. Brandy, oranges, Oxo, etc., were supplied from now. In afternoon W—— evidently regarded as seriously ill, his wife being sent for.

WEDNESDAY, JANUARY 1ST, 1919.—In afternoon two cylinders of oxygen were obtained locally and administered, it appears, by M—— (the convict chemist). The cylinders were faulty, only enough for a few minutes' supply, as was evident from officer's annoyance. Doctor was not present. Witnesses K——, H——, F——. Doctor was evidently notified by telephone of failure; but it was not until over 24 hours later, that is almost certainly on the morning of Friday, January 3rd, that an attempt to repair failure by renewal of supply took place. Two further cylinders were brought and oxygen administered. Doctor again absent. W——'s condition was then hopeless. Death occurred at 12-30 p.m.

II.

B—— was ailing and weak for at least 12 months before death. He was regarded as being among the weakest physically among us. During summer 1918 (about July) he reported sick one day. After seeing doctor he was told to fall in and return to work. He protested that he was quite unequal to work, and was told that the doctor had not excused him. He maintained that he was unable to work, and was finally sent back to cell.

A day or two after he was taken to hospital suffering from gastritis. After a week in hospital (on pudding diet) he was discharged, presumably cured, and returned at once to ordinary prison diet. Was put on light work as he was still unwell (but not by advice of doctor, simply the humanity of officer). After that he continually looked weak and ill, and on several occasions was asked by various men if he felt ill. He told several that he was often unable to digest food.

SATURDAY, DECEMBER 28TH.—He reported sick, received same treatment as W——. No examination, sent to bed, and three doses.

SUNDAY, DECEMBER 29TH.—B—— dressed and saw doctor in hall, afterwards went back to bed; 2 o'clock, told to prepare for hospital. Same treatment as W—— rest of day.

MONDAY, DECEMBER 30TH.—Same as W——. From 28th to 30th ate little food.

THURSDAY, JANUARY 2ND.—B—— became delirious, jumping out of bed and walking about ward. It was found necessary to have two cases (F——, C——), who were recovering, to keep him in bed.

FRIDAY, JANUARY 3RD.—Oxygen administered and probably did some good, life being prolonged a little, but on Saturday, January 4th, death occurred shortly after 3 p.m.

II.—LIFE IN A PRISON HOSPITAL

The following vivid description of a prisoner's life in hospital has been given us by an ex-political prisoner :—

Sometimes during the weeks of my solitary confinement I had thought that it might be a pleasant thing to fall ill, for then I would be taken to the hospital; and there I might be put with other men, to whom I could talk; and there I might have better food and not always be so hungry; and, perchance (so little did I yet know of prison) there might even be a nurse or a matron. But such dreams were quickly to be dispelled, when on account of a broken wrist I did enter the desired retreat.

My arm having been set and put in splints, I was, to my amazement, locked up alone in a cell; and there in a solitude broken for but an hour a day, I was to remain for eight weeks. The cell was better, it is true, than the cells in the prison itself. It was slightly larger; the windows, although stoutly defended with iron bars, let in a little more fresh air; and the walls were not whitewashed, but painted a restful green. Moreover, instead of a plank to sleep on, I had a bed.

For several days I had to remain in bed, in great pain and with no solace of any kind. Prisoners, even when in hospital, may only see visitors and write and receive a letter at rare intervals, and for some weeks yet I would not be entitled to such privileges. The doctor visited me daily; each morning the governor made his lightning inspection, and the chaplain opened my door for a second to ask if I were "all right"; two orderlies, prisoners "doing time" for forgery came for a few minutes after breakfast to sweep the wooden floor of my cell; and thrice every twenty-four hours a warder brought me my scanty meals. Such were the only breaks in the monotony of those first few interminable days—days that were down at length to wakeful and still more interminable nights. . . . . I was unable even to read. I had broken my eyeglasses; and, full as was my cup of misfortune, the loss of my glasses was, perhaps, the bitterest drop of all.

* * * * * *

Fortunately, however, a sense of the ridiculous did not wholly forsake me. On my second day in hospital, while I was feeling sick with pain, yet hungry through weakness, a warder brought in my dinner and set it silently on the small wooden table beside my bed. The dinner consisted of two herrings on a plate full of vegetables, and the problem that now faced me was how with one hand (for the other was powerless) to balance the plate, while with a spoon, the only implement allowed, I broke open the hardest fish that ever swam the seas! At each new attack on the herrings, fresh quantities of vegetables fell over the plate on to the bedclothes; until at length on plate and counterpane there was such an inextricable mess that I had to abandon the fight for my meal, and, tickled irresistibly by the stupidity of the situation, to laugh and laugh aloud. I had little dinner that day; but perhaps the laughter did me more good.

* * * * * *

On the fourth day I was able to rise from bed, and to fall in with the ordinary hospital routine. This began each morning at 5.30, when prisoners were awakened by a bell. By six o'clock they were supposed to be washed and dressed; but being one-handed I was unable to wash properly and was never offered any assistance. Breakfast was served at 7; and at 8, when the warders returned from their own meal, the two orderlies came in, under

supervision, to clean my cell. At about 9, prayers for the hospital patients were held daily and lasted for upwards of 15 minutes. At 11, there came "exercise" for three parts of an hour, followed by dinner at noon. Supper, the only other event of the day, was served at 4.30 and the bell for bed sounded at 8. No work—except a little occasional cleaning—was offered even to those patients capable of doing it; and the regulations admitted of no increase in the number of books.

* * * * * *

"Get ready for prayers," said a warder opening my door promptly at the same hour each morning. And I would wander out of my cell into the corridor, into which other prisoners in varying stages of infirmity and sickness, would be moving slowly. Forming into single file, this strange little procession of derelict men—numbering as a rule between ten and twenty and all wearing the grotesque garb of shame—would limp and slouch along to a large room, in which the chaplain would already be seated at a harmonium. . . . .

The prisoners all enjoyed prayers; not because they cared a jot for anything the chaplain said, but because prayers made a break in the maddening monotony of their lives, and because they had an opportunity for illicit talk.

At the appointed time each morning the same little procession shuffled out for "exercise." The hospital "exercise" ground differed slightly from the other "exercise" yards in the prison. There were, of course, the two narrow rings on which the prisoners walked in single file; but around and between the rings were grass plots and flower-beds, whilst four seats were provided for those too infirm or weary to walk for the full time prescribed. Those patients who could sustain a good pace kept to one ring, the other being reserved for those too ill or too old to do more than totter along. Some of the prisoners walked with a certain swinging defiance in their gait; but there were other men with hollow eyes and sunken cheeks to whom every movement was an effort, while one old man was quite blind and was led out to a seat, where he sat during the whole period. . . . I saw nothing, of course, of those hospital inmates who were too ill to attend prayers or join the "exercise" party, but on two occasions I heard a fellow-prisoner go mad. In each case the unfortunate man was left to rave violently in his cell through several days and nights before being taken away—presumably to an asylum.

* * * * * *

There were two great events in the week for me. One was the visit of the Nonconformist minister from the outside world, who spent a short time with me each Friday. The minister was the only person, apart from the prison staff, who was ever allowed to enter my cell. The other event was the mid-weekly change of books.

In due course my glasses were mended and reading became for me again the one possible spur for the leaden-footed hours. . . . Thus the dark and weary days wore by. There are things that words will not describe; and the life of some of the patients in our prison hospitals, languishing through weeks and months of isolation,

> "Hid from the light of every fair,
> Holy, and clean, and human thing,
> Till silence stabs them like a sword,"

is among them. . . .

CHAPTER XVIII

THE MENTALLY DEFICIENT

The Number of Mentally Deficient Prisoners.

Dr. Charles Goring estimated the proportion of mentally defective criminals as certainly not less than 10 per cent., and probably not greater than 20 per cent.[1] The lower estimate was based upon the official prison returns, which Dr. Goring regarded as very incomplete. Sir Bryan Donkin, the Medical Adviser to the Directors of Convict prisons, allows 10 to 15 per cent. as the proved proportion of the definitely weak-minded, but considers the true maximum probably higher; the "demonstrably mentally defective" he estimates at 20 per cent.[2] Both Sir Bryan Donkin's and Dr. Goring's estimates were made when the Mental Deficiency Act was less operative, but, as we show later, the Act has had little effect upon the prison population.

In the Criminal Lunatics Act of 1884 the principle was laid down that modifications in prison treatment should be made in the case of prisoners "who appear to be from imbecility of mind unfit for the same penal discipline as other prisoners." The Prison Commissioners were for a time content to give discretion to the medical officers "to deal individually with each case on its merits," and it was not until 1900 that special rules were drawn up for the treatment of mentally defective prisoners. These rules provide for prisoners who are suspected of mental deficiency being placed under observation in special cells, or wards, and for modification of the general treatment as regards employment, diet, breaches of discipline, and punishment.

A record kept of the number of prisoners coming within the scope of these rules shows them to be about 400 every year. After 1912, all cases of "well-marked" mental deficiency were included, not merely those unfit for discipline. The result was that the number jumped to 932 in 1913 and 843 in 1914. A high prison official has made the interesting statement that governors have opposed doctors

[1] "The English Convict," pp. 254 and 255.
[2] "The Feeble-Minded Criminal," quoted on p. 254 of "The English Convict."

certifying criminals as mentally defective, since it means that they are unable to punish them for breaches of discipline.

In 1908 a Royal Commission on the Feeble-Minded was appointed, and from its recommendations developed the Mental Deficiency Act, which came into operation in 1913. The Act gave the Home Secretary the power to transfer any prisoner certified by two medical practitioners to be mentally deficient from birth or early age to an institution for mental defectives. Dr. Smalley, the late Medical Commissioner, estimated, however, that only 30 per cent. of the mental defectives in prison would come within the scope of the Act, and, reviewing its terms, he somewhat despairingly declared "it will be a long time before the desired elimination from prison of all persons mentally affected will be attained."

Experience has justified his pessimism. The war made the operation of the Act ineffective, owing to the unwillingness of the local authorities to spend money and to the commandeering of the State institution for mental defectives which had been erected near Liverpool; and even so recently as 1919-20 less than half (54 out of 120) of those certified to be within the scope of the Act were actually transferred to the institutions provided for them. In 1920-21, 104 prisoners were certified, and orders were made for their removal in the case of 62.

On March 31st, 1919, the Prison Commissioners classified the inmates of Local prisons who showed obvious signs of mental defect or weakness of mind. The returns are tabulated as follows:—

	Males.		Females.
Certifiable under M.D. Act	61	.....	16
Mentally Deficient but "insufficiently marked to make them certifiable"	46	.....	33
Weak-minded but not due to early defect ...	103	.....	35

These figures, which, of course, only include a fraction of the 15 or 20 per cent. estimate of Drs. Goring and Donkin,[1] demonstrate that of 299 persons in prison who were "in the opinion of the medical officers likely to repeat their offences or indulge in criminal acts as a result of their mental condition," no less than 222 were outside the scope of the Mental Deficiency Act. Moreover, there would certainly be a still larger proportion of uncertifiable defectives among those whom this cursory survey did not reveal. It will be seen, therefore, that despite all that has been written regarding the unsuitability of prison conditions for such persons, *approximately two-thirds of the mental defectives who are sent to prison are still legally condemned to remain there.*

The Treatment of the Mentally Deficient.

A picture of the existence which mentally deficient prisoners lead is given in the following statement by an ex-prisoner:—

[1] As to the incompleteness of the figures, see p. 430 (footnote 12) and pp. 518-19.

Owing to the fact that the hospital was crowded, I was transferred to the landing in a hall used for the mentally deficient. The landing was known in prison parlance as "Rotten Row." This was the most distressing period of my imprisonment. To walk down the hall and pass several cells with the doors replaced by iron railings, like a cage at the Zoo, and to see behind them men whose reason was impaired, perhaps muttering to themselves, or making grimaces, or walking the cell or lying on the floor shouting and singing, was more than one's reason could bear without acute depression. Sometimes one would be awakened in the night by the shrieking of a prisoner, and twice there was a terrible racket owing to a prisoner smashing his windows and utensils; on these occasions most of the occupants of the landing seemed to join in the din by shouting and banging their doors, and ringing their bells. One day a boy of 21 was brought to the padded cell at the end of the hall. He had been employed in the kitchen and had tried to throw himself into the boiler. For four nights and days he scarcely ceased shouting, so that at last one felt that something was missing when he was quiet. He used to tear to pieces the cardboard plates given him for his meals and he tore his clothes to threads. After about a week he was removed to an asylum.

I exercised with the occupants of this landing, and it was a tragic sight. There was one man who was a picture of abject misery. He never took his eyes from off the ground and stood facing the wall, only shuffling to and fro a few feet despite the intense cold of wintry winds. When the warder spoke to him he looked blankly into his face, and he had always to be led out to exercise and in again. Another man appeared to be 60 years of age. I was told he was only 37. He used to spend the whole of exercise-time racing up and down a path about ten yards long, waving his head from side to side, and talking to himself with great earnestness. He had the mind of a simple child, and was unable to do anything for himself. For instance, he would start out for the lavatory the other side of the exercise ground, but before he had got half way, he would walk in a different direction and lose all sense of his whereabouts and the object with which he had set out.

It amazed me to find such people in prison. The magistrates who sent them to prison appear to me to be guilty of crimes much greater than many of those which they judge from day to day.

Generally the quarters provided for mentally deficient prisoners in Local prisons are a part of the prison buildings and are as bare and ugly as the rest; but at Birmingham the feeble-minded are accommodated in a separate building, with separate entrances and a separate garden for exercise, and the walls are decorated with brightly-coloured pictures.[4] Some description of the exceptional arrangements made at Parkhurst prison, where mentally deficient convicts are congregated, will be found in a later chapter.

The Observation Cells.

There are four kinds of observation cells used for mental defectives. The first is like an ordinary cell, but has an iron railing gate instead of a door. The second is an ordinary hospital cell with a spy-hole

[4] This is in connection with the special investigation of unconvicted prisoners described on pp. 52-53.

in the ceiling. The third has coir matting on the floor and about seven feet up the walls; above the door, also padded, is a trap-door, with bars to protect the observing officer from assault. The fourth is a padded cell thickly upholstered with cushions; the ceiling, some 12 feet high, has a skylight, and there are several spy-holes; there are no utensils for drinking or convenience, only a drain in the centre.

The first and second types of observation cell are used for elementary mental cases; the first particularly for prisoners addicted to self-abuse. The third type is used for prisoners subject to epileptic or other fits or inclined to violence. The fourth is only used for very violent prisoners. In some prisons the observation cells are located in the hospital, but in many they occupy a landing in the ordinary prison buildings, a bad arrangement both for the cases and for the ordinary prisoners.

The warder in charge of the observation ward is instructed to observe the prisoners regularly and to enter in a book how they spend their time. The occupants of the padded cell are supposed to be observed at least every half-hour. One of our warder witnesses asserts that the succeeding warders in charge of the observation cells nearly always repeat the record of the first, and that this duty is often performed very carelessly.

Having received some very disquieting evidence both from ex-prisoners and warders as to the use to which observation cells are put, and their disastrous effects on those confined in them, we questioned a number of medical officers and chaplains as to their value. Almost without exception they replied that the observation cells are necessary and well-adapted for their purpose, and that if properly used they do not endanger mental stability. The contrary view of warders and ex-prisoners is almost as unanimous. One warder, whilst acknowledging that the cells with iron railing gates are sometimes effective in checking the habits of a man addicted to self-abuse, strongly criticises the arrangement by which prisoners in these cells are placed next door to one another in a promiscuous way. "The proximity of the prisoners leads to the demoralisation of the innocent by the viciously confirmed," he says. He also points out that the warders placed in charge of observation wards are entirely without training for their work. Another warder, after endorsing the remarks of this witness, adds that he fears that observation cells are sometimes used as a method of punishment. A third describes observation cells as "torture chambers." A fourth urges that observation cases should be placed in a hospital ward. "They only get worse caged up like animals for months." A fifth says that the effect of leaving observation cases in open-door cells in the prison is that the other prisoners jeer at them as they pass by, making them worse. They ought to be removed to hospital.[5]

[5] On the other hand, some warders declare that the open-door observation cells are preferred to the ordinary cells by many prisoners. One remarks that he had known a man beg to be put in an observation cell in order to break the monotony of the separate confinement with a closed door.

In an appendix will be found a remarkable description of the experiences of a prisoner who was confined in a cell in an observation hall. We give here two statements from ex-prisoners; the first is made by an ex-prisoner who was himself confined in an observation cell for nearly 18 months:—

> From what I have seen and experienced I can say that the system of observation has the effect of intensifying the mental condition and driving the prisoner to further distraction. Especially is this so in the case of men considered to be becoming affected mentally by imprisonment. The observation cell is the first step, the padded cell the second, and the asylum the third.
>
> This was so in the case of F— F—. A very important point to my mind is that the attention of the governor had to be called to this man by his fellow prisoners before he received any consideration whatever, and while he was still in an ordinary cell. A man can be gradually developing into a tragic mental state, and pass unnoticed. The chaplain may pay his periodical visits, and understand the case not in the least, and the walk round weekly of the doctor is generally—well, just a walk round.
>
> This man F— had been heard talking to himself a great deal, sometimes at day time, other times at night, and to look at his eyes there seemed to be something wrong. When attention was called to him, after being watched more carefully in his own cell, he was placed in an observation cell—next to my own, in fact. Hitherto he had not been noisy, and spoke more or less in ordinary tones. But after two days "under observation," shouting was more predominant than speaking and signs of distraction were evident. After four or five days he was raving, and he was transferred to the padded cell in the middle of the night, when he became intensely excited and destructive. I know he was being watched, for I could see the warder sometimes, just at the side of the doorway.
>
> Later on a soldier was placed in an observation cell near me, on similar grounds. At first he could not be restrained from singing loudly, and walking about his cell in an excited way. Observation turned the singing into loud shouting, door banging, destructive, abuse to warders, to whom he had shown no signs of ill-feeling before, and after a few days the padded cell was his lot, and we know where he would be taken a little later on.

The second statement we give is an account of the development of a negro prisoner towards insanity:—

> Darkey was a negro who had been sent to prison for assaulting an old woman. From the moment of his entry he seemed dazed and crushed; the cold cells and wintry weather combined with the solitary confinement, completed his undoing, for he rapidly developed symptoms which caused the doctor to place him in a gated cell for "observation." At first he was allowed cell furniture; utensils, bedding, slate, picture book (for he could not read), but he was deprived of these some days later, either because of a "crime" or the development of dangerous symptoms, and was also "taken off work." Having nothing to do, he sat hour after hour dazed, shivering, and gibbering, nought to take his thoughts away from himself or interest him in the slightest degree. He became worse, was removed to a mat cell, and given a blanket for additional warmth. He was not allowed to leave his cell, to which he took a deep dislike, for several officers had to force him back the first time he went out. All his slops were carried away by another prisoner escorted by a warder.
>
> I was taskmaster's assistant and had ample opportunity for going about the prison unescorted and was thus able to observe the unfortunate men under observation as I passed their cells. The negro especially attracted my attention; huddled in a corner of his cell, silent, crushed and with a vacant gaze. Shut up, like an animal in a box, fed at fixed intervals, peered at every half-hour; thus he was whilst his sanity rotted.
>
> Several times I saw him standing in the centre of his cell gazing vacantly at a divested garment or part of his naked body. I tapped at his door to attract his attention, but he was too obsessed to notice me. Then he would look around with vacant, staring eyes, which had an expression of unutterable defeat.
>
> Darkey became worse, his clothes were taken from him and bedding given to him to induce him to sleep. The officers said Darkey would soon be off his "nut."
>
> Some time later I peered in at the negro again. Despite the cold he was standing in the centre of his cell, naked. He had daubed himself all over with his breakfast porridge and would from time to time regard various parts of his porridge-painted body. The sight sickened me.
>
> The negro became worse daily. It seemed as though I watched him for ages, but time seems long in prison.
>
> I passed his cell one afternoon when the landing officer was collecting dinner-tins. The negro, who was under some bedding at the far end of the cell, beckoned the warder towards him. The latter, a kindly disposed man, complied with the request, when suddenly he was clutched desperately round the legs by Darkey . . . . At length two officers hastened up—and they immediately set about freeing their fellow warder by shaking off the negro, perhaps not roughly, but none too kindly, I fear.
>
> Next day I passed Darkey's cell. It was empty.

These statements could be supplemented by similar evidence from many other ex-prisoners. One witness who says that he nearly lost his reason in prison describes how, "when one is going mad through the solitude and silence, to be put under observation and given more of the solitude and silence is like the last straw." A third tells of a prisoner who was deaf and dumb. "He went out of his mind, was kept in a strong cell for a whole week without exercise, and got into an awful condition, losing control of all his faculties. He was afterwards removed to an asylum."*

The influence of imprisonment in encouraging attempts at suicide is discussed in another section of this report. In the Standing Orders it is pointed out that the tendency to commit suicide is greatest during the first week of imprisonment and among first offenders, and

* The loneliness of the observation cell seems peculiarly cruel in the case of prisoners charged with attempted suicide. [illegible]

T.

that precautions are therefore especially necessary in such cases. Instructions are given that a prisoner with suicidal tendencies shall be watched with "much care" and that he shall be deprived "of any facilities for hanging or strangling himself."

The Insane.

A prisoner who is found to be insane is sent either to a county asylum or to a criminal lunatic asylum. The only circumstances under which an insane person is kept in a Local prison is where the sentence is less than a month and the case is not urgent; then the transference to a county asylum takes place at the end of the sentence. The decision whether a prisoner should be sent to a county asylum or a criminal lunatic asylum depends both upon the gravity of the offence and the nature of the disease.

During 1920-21, 85 prisoners were certified insane and removed to asylums. Since 1908, 1604 prisoners have been certified insane, the highest number being reached in 1912, when 156 were certified. These figures do not include those found insane on indictment, nor the small number of cases whose sentences were too short to allow certification.

One of the prison rules reads: "Where the medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, the test shall only be applied by authority of an order from the visiting committee or a commissioner." The nature of these "painful tests" may be judged from the following description of an apparatus at Dartmoor to test whether a convict is shamming lunacy:—

> Suppose a telephone box constructed of iron bars, and enclosed in a huge glass coffin. Within the bars is just room for a man standing upright, who can be easily viewed from all directions through the bars and glass. A warder's explanation of this apparatus is as follows: A convict apparently becomes insane and is suspected of shamming. He is removed to hospital, stripped, and placed in the cage, which is guarded by a warder and inspected by the doctor. Above the convict's (supposed lunatic's) head is an ordinary shower bath apparatus, which is turned on, and left on if need be for 15 minutes (but not for more). Now the psychology of that test is as follows: If the man is only shamming madness, he will of course know why he has been removed to hospital. He will understand that he is supposed to be a lunatic, and, having no other explanation for the shower bath without end, will suppose that it is the hospital treatment for his condition. Consequently, when the torture becomes unbearable, as is likely in less than five minutes (in view of the temperature of Dartmoor water, plus iron bars) he will confess to the doctor that he is shamming and so escape further treatment.
>
> But the man who is genuinely mad having no such internal key to the situation—no consciousness of pretence—will stand or collapse under the 15 minutes shower bath without confession. The correctness of the psychology is only less admirable than the perfect adaptation of means to an end.

We are glad to record that, so far as our evidence reveals, this diabolical test has only once been used since 1901.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Two-thirds of the mental defectives sent to prison are legally condemned to remain there.

2.—The prison discipline generally, and the "observation cell" arrangements in particular, are calculated to drive some persons to insanity.

Appendix to Chapter Eighteen.

IN AN OBSERVATION CELL.

[The following extracts are taken from an unpublished account of his experiences, written by an ex-prisoner who is stone deaf. He served a sentence of some months in the third division in the year 1912 for an offence involving neither violence nor immorality. We consider it right to say that we have not verified this statement, but we think that the sincerity of the author is obvious.]

After I had been in hospital for some months, the chief doctor left for another prison. Before he left I was brought before him and examined, and seeing that my sight was worse, and also that my general health was much impaired, he directed that I was to be allowed to remain in the ward.

Soon after his departure, however, I was again placed in the ordinary part of the prison by the deputy, who was now acting as chief doctor. I protested to the governor, but as he was unable to interfere, I again petitioned the Home Secretary, I being then in such a state of health as to render me quite unfit for the ordinary prison life, with its nerve-racking routine and rough food. In my petition I gave a brief statement of my case, setting forth the consistently harsh and unfair manner in which I had been treated by the deputy medical officer from the day of reception.

As a consequence he had me brought before him. He appeared to be in a violent rage, and, after asking several quite irrelevant questions about matters he must have been perfectly well acquainted with, gave an order for me to be located in what was called C. Hall.

"Abandon all hope ye who enter here." Dante's famous inscription might well have been written over the portals of this building. Though I had never been inside an asylum or similar institution, I quickly recognised the character of the place to which I had now been brought.

I have no doubt that many sane men placed in such a position would have stormed and raved. I did neither. As I called to mind all the stories I had heard, and what I had read concerning the conduct of such establishments, I recognised the worse than futility of violence. Therefore, I calmly seated myself on the little wooden stool and awaited developments, occupying myself meanwhile with a book I found on one of the shelves. Every few minutes an officer would look through the spy-hole in the door, doubtless expecting to find me in a state of panic. During the whole of the night a flaring gas jet was kept burning, rendering sleep impossible.

Soon after the grey light of morning broke, the door was opened. I contented myself with quietly preferring a request to be allowed to see the governor. I was advised to consult the medical officer instead, but I persisted in my application. I then wrote a brief request on my slate that either the hospitals I had attended or the specialists I was under should be communicated with concerning my mental condition. This I handed to the governor on his usual morning visit, at the same time submitting that as he knew the facts of the case it must be manifest to him that I was being treated in a way obviously prejudicial to my health, and, therefore, as governor of the prison, he had it in his power to intervene, even against the doctor.

He carefully read what I had written, and said that, whilst he had no power to do anything himself, he would put me down to see the Visiting Committee, and I could also petition the Home Secretary.

Two days passed, during which I maintained an outwardly calm demeanour, though the strain of knowing that one was in such a place was terrible. Some of the scenes I witnessed whilst in this hall were calculated to try the nerves of the strongest. Several of the inmates had fits, and would fall down whilst in the exercise yard—the most dreary and depressing spot imaginable, surrounded by high brick walls. Others were simply wrecks of humanity, the dull pallor of whose faces and apathetic look betokened the absence of mind within. Yet others there were whose flushed cheeks and quick, restless step, told that theirs was suffering of a different nature. Some perhaps, driven over the border line of sanity by the injustice and brutality of our laws, or wrongs of some other kind—wrongs which call to heaven for vengeance but which can never be righted in this world—the constant brooding over which had adversely affected the reason. There are many such men in our prisons.

Whilst passing along the corridor to and from exercise I noticed men whose cell doors had been left open for the purpose of observation, aimlessly wandering about inside. A glance at their faces was sufficient in most cases to show that with them hope and reason had alike fled. There was one old man in particular, whose peculiar little shuffling walk to and fro, to and fro, across the narrow limits of his cell recalled to my mind some caged animal I had seen in captivity. Once he stopped for a moment and looked in my direction with vacant, unseeing eyes from which the last spark of light must have long since died. The mind had gone. Where was the soul? I wondered. It should be apparent that on the score of humanity alone, if on no other grounds, such cases should not be kept in a prison at all. . . .

Upon returning to my cell after the first day's exercise I felt so depressed that I feared, should I be kept long in such surroundings, I might easily share the fate of the poor helpless creatures I had seen. I remembered having read that even doctors hesitate to take up this branch of medicine, constant association with the insane being apt to have an unfavourable influence upon the health of the most robust. The effect can therefore readily be imagined in the case of one whose bodily powers had been weakened by illness or disease of any kind.

There seemed something in the psychical atmosphere of the place which hung about it like a pall, creating an indescribable feeling of sorrow and despair. All that was most sad, all that makes life appear darkest and most drear was there, weighing down the spirits with a sense of grief and loss unutterable. . . .

As thoughts such as these passed through my mind I placed myself in God's hands praying—as I never prayed before—that whatever else He in His wisdom might decree I was to suffer, that in His mercy I might be taken from a world which for many years owing to my infirmity had shown little to attract or allure. A great peace then filled my soul, and I seemed to know that my prayer was answered and that my stay in my present situation would not be of much longer duration. . . . .

On the third morning I was visited by the doctor, who, I had strong reasons for supposing, had been interviewed by the governor on my case; so I made no direct appeal to him save to point out how prejudicial my present position was to my general health, and in particular to my sight, the light

from the narrow window (smaller even than those in the prison) not being sufficient to read or write by except with extreme difficulty. He said nothing in reply, but within a few minutes of his departure an officer arrived who informed me that I was to go back to hospital. It can be better imagined than described with what feelings of relief I received this intelligence.

For many a day after—and even now at times in dreams—I have been haunted by the visions of what I had seen in this place, which seemed to touch the lowest depths of human misery and degradation; and it is the misery of what I have witnessed, and the uneasy conjecture that some fellow-creature may be suffering under circumstances similar to my own, that has led me to speak of things over which it might otherwise have been well to draw a veil.

CHAPTER XIX

JUVENILE ADULT PRISONERS

The Number of Juvenile Adults

We have before us a record of the prisoners under 21 years of age sent to a northern prison during the year 1907. The list includes 11 boys of 15, and two of 14; the offences are almost invariably either gaming, obstruction of the highway, or some petty theft. For instance, the two lads of 14 are recorded as having been found guilty of gaming, playing football in the highway, and street trading, in the one case, and of stealing a pair of boots in the other. The sentences for both were "seven days," in default of paying fines of 17/6 and 15/- respectively.[1]

Happily the imprisonment of boys and girls under 16 years of age is now a very rare occurrence. Before 1909 they were sometimes sent to prison at even younger ages than those instanced above: the Commissioners' Report for 1908-9 records, for instance, that four children under 12 had been received that year. The Children Act of 1908, however, absolutely prohibited children under 14 being committed to prison, either on conviction or under trial, and the sentencing of young persons between 14 and 16 was disallowed unless "the court certifies that the young person is of so unruly a character that he cannot be detained in a place of detention" or "that he is of so depraved a character that he is not a fit person to be so detained."[2]

The effect of this amendment of the law is shown in the following Table:—

The Number of Prisoners Under Sixteen.

	Males.	Females.	Total.
1908-9 ...	515 ...	14 ...	529
1910-11[3] ...	32 ...	2 ...	34
1913-14 ...	12 ...	— ...	12
1920-21 ...	6 ...	— ...	6

[1] It is worth recording the "family history" of the second of these prisoners as illustrative of the kind of conditions among which so many "criminals" grow up—"Parents both living. Father has no regular work. Gets drunk very often. Also mother. Has a poor home. Has never done any work and none to go to on discharge."

[2] Children Act, 1908, Section 102 (5). In no case may an offender under 16 be sentenced to penal servitude. Ibid Section 102 (2).

[3] The first complete year during which the Children Act was operative.

Prisoners under 16 are known in prison parlance as "juveniles." They are treated very similarly to the "juvenile adults"—those between 16 and 21; they need not, therefore, be dealt with separately here. It may be recorded, however, that our evidence suggests that juveniles are sometimes sent to prison for very inadequate reasons. Thus a witness describes how on January 10th, 1920, a Little gipsy girl of 14, who had been arrested on a charge of stealing was transferred to prison[4] merely for having broken a window at night at the Remand Home. "The sound of her sobbing in her cell at night was most pitiful," adds this witness. The injustice was the greater in this case because the girl was eventually acquitted.

A second instance: One of the writers of this book came in contact when in prison with a bugler of 15 sentenced to one month's imprisonment for stealing a bicycle, on the ground that he was too unruly to detain elsewhere.[5] He was a most promising type of boy, adventurous, but certainly not criminal or dangerous. The court sent him to prison under the exception permitted by the Children Act because he had escaped from the police station. "But," as he remarked, "what soldier wouldn't have done it? They put me in a yard to exercise alone, and the wall wasn't six feet high. Of course, I was over in a jiffy." Later we shall make further reference to this boy, which will show how disastrous the imprisonment of juveniles may be.

There are no restrictions upon the sending of young persons between 16 and 21 to prison; they may be sentenced to any term from five days to life, and at the present time there are juvenile adults serving life sentences at Dartmoor.

The following Table shows the number of juvenile adults imprisoned in 1901-2, in the year immediately before the war, and in 1920-21.

The Number of Juvenile Adults in Prison.

	Males.	Females.	Total.
1901-2 ...	13,342 ...	2,200 ...	15,542
1913-14 ...	6,320 ...	858 ...	7,178
1920-21 ...	4,217 ...	743 ...	4,960

A very large number of juvenile adults are sentenced to short terms for trivial offences; in 1920-21, for instance, 1831 boys and "the great majority" of the girls were sentenced to terms of one month or less.[6] And despite the Criminal Jurisdiction Act, 1914, which empowers the court to place young offenders under supervision until the fine be paid, a large number are still sent to prison

[4] Under Section 97 (2) of the Children Act.

[5] "Unruly" or "depraved" boys and girls between 14 and 16 sentenced to terms in certified schools may also be detained in prison (Children Act, Section 65) until a school is found for them. As ten-elevenths of these institutions are under private management (although almost entirely supported by public money), and as there is no obligation on the managers to accept a particular child, there is sometimes considerable delay.

[6] P.C. Report, 1920-21, p. 12

in default of paying a fine, as the following Table given by the Commissioners in their Report for 1920-21 reveals:—

Number of Juvenile Adult Male Prisoners Committed for One Month or Less in Default of Payment of Fine, etc.

Sentence.	Total.	Number who paid Fine after reception.	Number who were not allowed time to pay Fine
1 month and over 3 weeks ...	191	52	132
3 weeks and over 2 weeks ...	86	23	59
2 weeks and over 1 week ...	208	61	153
1 week or less ...	162	51	111
Total ...	647	187	455

It is the general view that punishment of trivial offences by the imposition of short sentences is particularly futile in the case of young offenders. In their Report for 1920-21 the Commissioners urged that "there is marked evidence of the need for the effective operation of Section 1 (3) of the Act of 1914, whereby 'supervision' may be exercised over lads until the fine imposed by the Court is forthcoming." They pointed out that "whilst under the facilities afforded by the Act of 1914 for the payment of fines, adult male prisoners committed in default of payment this year had decreased by 82 per cent. since 1913-14, in the case of lads of 16-21 the decrease has been only 71 per cent."[7] No less than 455 boys were received during the year with sentences of one month or less who had not been allowed time in which to pay their fine, and, as the above Table shows, a considerable number of these paid after reception into prison. It is disgraceful that lads should be sent to prison unnecessarily in this manner.

Forty-two per cent. of the male juvenile adults received into prisons during 1920-21 had been sentenced previously. Twenty-two per cent. had been sentenced once before; four per cent. more than four times. Sixty per cent. of these lads were convicted of offences against property. Of the girls, about 43 per cent. had not been previously convicted. Thirty-four per cent. of them were convicted of larceny, etc., and 26 per cent. of indecency, etc.

The poor physique of J.A.'s (as the members of this class are called) is a constant cause of comment by both officials and ex-prisoners.

> "There were 80 or so J.A.'s in our prison," writes an ex-political prisoner. "They were the puniest set of boys I have ever set eyes on. Had I not known that the class was limited to those above 16, I should have said that many of them were not more than 12, some not more than 10. One little fellow was so diminutive that I wouldn't take an

[7] P.C. Report, 1920-21, p. 13

officer's word for his age—I sought an opportunity to ask him personally. 'Sixteen and a half,' he replied, although, as he looked up, his baby face seemed that of a child in an infant class. The majority of these boys were obviously undernourished and stunted, the product of the worst conditions of poverty."

In 1903 Dr. Smalley prepared a table comparing the height and weight of juvenile prisoners with young persons of the same age (1) in the general population, (2) among artisans in towns, and (3) among the labouring classes in the country. We reproduce the particulars for the ages 16 and 20:—

Comparison of Average Height of Juvenile Adult Prisoners with Free Population of the Same Age.

Age	J.A. Prisoners	General Population.	Artisans (Towns).	Labouring Classes (Country).
16 ...	62.96 ins.	64.31 ins.	64.50 ins.	62.83 ins.
20 ...	64.24 ins.	67.72 ins.	66.50 ins.	66.03 ins.

Comparison of Average Weights of Juvenile Adult Prisoners with Free Population of the Same Age.

Age	J.A. Prisoners	General Population.	Artisans (Towns).	Labouring Classes (Country).
16 ...	113.1 lbs.	119.0 lbs.	118.2 lbs.	117.2 lbs.
20 ...	130.6 lbs.	143.3 lbs.	136.4 lbs.	134.8 lbs.

It will be seen that the average J.A. prisoner of 16 is more than two inches shorter than the average boy or girl of the same age, and nearly eight lbs. less in weight, and that at 20 he is more than 3½ inches shorter and nearly 13 lbs. lighter.

The Modified Borstal System.

Since 1908 juvenile adults serving a period of imprisonment in Local prisons have, in increasing numbers, been subjected to what is known as the "Modified Borstal System." In the Prison Commissioners' report for 1907-8 its object is described as being "to adopt, as far as length of sentence would permit, the principle of the Borstal System *for all offenders*, 16-21, committed to prison."[8] These methods are officially summarised in the following way:—

1. Segregation from the adult prisoner.
2. Close individual attention and observation with a view to arresting the criminal habit, by—
   (a) discipline;
   (b) sustained work;
   (c) physical and mental training;
   (d) careful disposal on discharge.

[8] Op. cit. p. 12.

"Suitable cases"[9] with sentences of three months and over are transferred to a Collecting Depôt (an unpromising name) at the prisons at Bedford, Bristol, Durham or Liverpool, and (for girls) at Manchester, where a number of modifications of the ordinary prison régime are made. It is necessary to emphasise, however, that only about one-eighth of the juvenile adult prisoners enjoy these advantages. In 1920-21, for instance, only 524 of the 4,217 male prisoners under 21 years of age went to one of the four special prisons.

On arriving at the Collecting Depôt, the J.A. enters the "Ordinary Grade," which is little different from ordinary imprisonment, except that he has drill before breakfast daily, associated labour from the outset, educational classes, and a weekly lecture. After he has earned 150 merit marks, obtainable in six weeks by "good conduct and industry" on the award of the Borstal Committee,[10] he enters the special stage. In this stage the rules allow:—

1. Conversational exercise on Sundays.
2. Meals in association (if practicable).
3. Recreation, if practicable, on Saturday afternoons and evenings.
4. Monthly letters and visits.
5. A good conduct stripe of red to be worn by the J.A. on the left arm after he has passed a month in the special grade with exemplary conduct, entitling him to a special gratuity of 6d. for each completed month, so long as he is allowed to retain the good conduct stripe. This special gratuity may be sent home, or he may reserve it to be expended for his benefit on his discharge. (The total must not exceed £2.)

A juvenile adult in the special stage is also permitted to have an iron bedstead, a strip of carpet, and a looking-glass in his cell, as well as photographs and other little ornaments received from home. Meals have so far been given in association at only two of the Collecting Depôts—Bedford and Durham. "At the other two, Bristol and Liverpool, this has not hitherto been done," says the Home Secretary, "owing to the want of suitable accommodation, a difficulty which it is hoped will be overcome."[11]

When a prisoner between 16 and 21 sentenced to less than three months happens, owing to the locality of his offence, to be committed to one of the Collecting Depôts, he is treated under the

[9] S.O. 1055 (2) reads: "It will be for the discretion of the governor and chaplain, having regard to age and character, to decide as to treatment, under juvenile adult, or ordinary adult, rules, of prisoners known to have been subject to the juvenile adult system under a former sentence. Prima facie, where good influences brought to bear under a former sentence have had no result, it would hardly seem worth while again to allow such a case to benefit by such preferential treatment as the scheme admits; but there may be circumstances which would justify another chance being given, and, as to this, the authorities on the spot must be the judges."

[10] Consisting of the governor, the chaplain, and "voluntary workers, either members of the visiting committee or local residents co-opted for the purpose." The committee makes its award on a report by the officer in charge of the working party to which the prisoner belongs.

[11] Reply to Mr. T. Myers, M.P., November 10th, 1921.

Modified Borstal Rules. Otherwise, he is subject to the ordinary prison routine, except that, if practicable, he receives daily drill and two exercises on Saturdays and Sundays, and is allowed visits and letters every six weeks. A juvenile adult with a sentence of three months or more who is not transferred to a Collecting Depôt is treated similarly, but, after serving three months, is permitted letters and visits every four weeks.

A further "privilege" which juvenile adults enjoy is exemption from clothing marked with the broad arrow. The boys wear corduroy knickerbockers and brown tunics, with black collars and cuffs for the ordinary stage and red collars and cuffs for the special stage. The girls are distinguished by aprons: check in the ordinary stage and white in the special.

The Statutory Rules mention "instruction in useful industries" and "education" as two matters of special treatment in the case of juvenile adults. For those with very short sentences, instruction in any trade is, of course, impossible, and it is not attempted; and, even in the case of those with longer sentences, the time is too short to learn a trade adequately, whilst the instructors rarely are trained men, and the conditions of the work and the equipment are often very unsatisfactory.[12] To some extent, however, gardening, carpentry, blacksmithing, cobbling, building, and cooking are taught. Indeed, so far as this last is concerned, the governor of Bristol prison reports in 1912 that "one juvenile adult on discharge successfully passed a cooking examination with honours, and another passed very satisfactorily."

Many, if not most, J.A.'s attend school for five hours a week, but the teaching, as we have shown in an earlier chapter, is of a very elementary standard.[13] Trained teachers from outside are stated to be employed now at the four Collecting Depôts to conduct continuation classes in the evenings; otherwise "School-master warders" give the instruction.

At each prison there is supposed to be a Borstal Committee[14] for the special care and supervision of all prisoners coming within the Modified Borstal system. The committee, in addition to the duty of awarding "merit marks" (generally a mere formality), has the responsibility of arranging the weekly lectures and addresses and of making provision for each juvenile adult prisoner on discharge.[15] How far the work of these committees succeeds in this latter respect depends largely upon their *personnel*. At Bristol the committee is apparently very successful owing to the enthusiasm of its honorary agent, who is constantly visiting the boys. This particular committee claims that it almost invariably finds work for its charges.

[12] See pp. 110-112 and 115-117.
[13] See pp. 153 and 154.
[14] See footnote 10 on previous page.
[15] See p. 471.

The Contamination of Juvenile Adults.

The first prescription laid down for the treatment of juvenile adults is separation from the adult prisoners. Opinion is practically unanimous, however, that segregation is not effected. The Indian Jails Committee, after an investigation in England, says that segregation "in practice may not amount to much more than the collection of the adolescents into a separate gang, working on a separate patch of the garden, or to their employment at the further end of the workroom in which adult prisoners are employed, and to their sleeping in a separate wing of the prison or at least on a different storey from the rest."[16] We know that more than one governor takes the view that Borstal treatment cannot be properly given in prison owing to the presence of adult criminals. An ex-chaplain in the course of his evidence says "the boys cannot be shut away from the older men; they work in close proximity to them." "Some communication cannot fail to pass between the J.A.'s and the ordinary prisoners," says a warder.

Ex-prisoners give numerous instances of contact between J.A.'s and adult criminals. One says, "The boys were in a wing with the other prisoners and worked in a factory with them." "The separation was lax," says another. "The J.A.'s were kept apart by a canvas screen in the workshop, but they talked through it freely." "You can always hear the boys talking to the men through their windows," states a third. "The boys were kept on one landing, the men above them." A fourth reports overhearing a conversation between an "old hog" and a boy in some such terms as these:—

> "Say, kid, what're you in for?"
> "Pinchin' a bike."
> "When do you get out?"
> "Tuesday week."
> "I shall be out two days later. You're just the kind of boy I want for a job. Meet me at such and such a place and time."

This evidence is in keeping with that of a high official who states that "the old hands often try to get hold of the young prisoners on discharge." In consequence of this danger, the governors of some prisons release juvenile adults at different times from other prisoners and send them home on different trains.

In this connection we venture to quote a passage from what one of the writers of this book has written elsewhere.[17] It has reference to the bugler boy mentioned [illegible]

> Whilst I was in [illegible] prison a boy [illegible] was placed in the next cell. He was a bugler in the army, a small, bright boy, and generous. He was sentenced to one month's hard labour for stealing a bicycle.
>
> I asked him why he did it. "I don't know," he replied. "I saw a bike standing outside a shop, I had a sudden desire to jump on it, and

[16] Report of the Indian Jails Committee, 1921 (Cmd. 1554), p. 495. One of the members of the committee responsible for this statement was Mr. Mitchell-Innes, an inspector of English prisons.
[17] A Fenner Brockway, "Prison as Crime Factories" (International Bookshops, Ltd., 2d.).

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before I knew what I was doing I was riding off full speed. I was caught almost at once." Obviously the boyish impulse of a lad bubbling over with the love of adventure, and, if you will, the spirit of mischief, but assuredly not a vicious or criminal type.

I quickly taught this lad the Morse Code, and we rapped out long conversations through the wall. I found that he was a great reader, that he was anxious to learn, that he was really ambitious to get on. It became indisputably clear to me that in sympathetic surroundings and with proper training he could become both an able craftsman and a good citizen.

There was another prisoner with whom I came into close contact in Lincoln gaol. He was found guilty of a crime which I will not particularise. He was a vicious, demoralised wretch, whose whole thought seemed limited to what was filthy and foul.

The lad finished his month and went out, vowing to me that he would never enter such a place again. The other prisoner went out the same day. Three weeks later he was back. And only a week more had gone by when the bugler returned. . . .

Will it be the boy's fate to come back again and again, to spend his life in prison? One hopes not, but I soon found that he had caught "the prison habit." He was deteriorating visibly from day to day. Already he was behaving like an old hand. And a scene I witnessed one evening from my cell window showed that the contamination had gone far.

The supper bell had tolled and the prisoners were coming out of the wood-shed, single file. There were only twenty of them, 14 of the "old crocks" followed by six boys. The figures and faces of the old men seemed to be a denial of all that is divine in man. There was insanity there, there was inebriety, there was sexual viciousness. These outrages upon the image of God were the finished articles made by personal weakness, bad social conditions, and, not least, our crime-making prisons.

Behind them came the boys, with figures and faces marred, yet not hopeless. There was weakmindedness there, there was hot temper, there was dare-devilry. But there was no wickedness so deeply rooted that right surroundings and right influence might not have eradicated it.

I looked again more closely. The last of the old men was the degraded wretch. The first of the boys was my bugler. And they were conversing familiarly together in a way that made me shudder.

The beginning and the end of the tragedy.[18]

The higher prison officials often claim that juvenile adult prisoners generally benefit physically, mentally, and morally by a long term under the Modified Borstal system. That those who have previously been the victims of under-nourishment and overcrowding sometimes benefit to some degree physically we do not doubt, but the evidence from other quarters leads us to the definite view that the majority of juvenile adult prisoners suffer far more mentally and morally than

[18] Evidence of this nature must not be accepted as implying the necessity for a stricter enforcement of the Silence Rule. Under existing conditions, contamination would occur, however rigorously the authorities attempted to apply it. The remedy lies in other directions. See pp. 569-70.

they gain. "I would rather see my boy dead than in prison," remarks a warder. "Having come once," says another, "most of them come again and again for the rest of their lives." "This is an age," says the Indian Jails Committee, referring to the adolescence of juvenile adults, "at which development, both physical and mental, is still rapidly proceeding in the normal individual and at which the character is still plastic and peculiarly open to extraneous influence, whether good or bad." After reading what we have written, can anyone doubt that, despite all the earnest endeavours of Borstal Committees and prison chaplains, "the extraneous influence" of prisons upon adolescent youths and girls is overwhelmingly bad?

Note on Special Treatment of Prisoners under Twenty-Five Years of Age.

Following the year 1909 an attempt was made to deal specially with a certain number of such male offenders between the ages of 21 and 25 as might be expected to profit by it. The Modified Borstal system was not applied, but strict discipline and hard work were accompanied by individual attention on the part of the governor and chaplain and special aid on discharge.

Selected prisoners were transferred from Liverpool, Manchester, and Preston prisons to Lancaster, where "the orders were that they should be kept in strict discipline, employed at hard and continuous labour, and that they should be the subject of special *individual* interest of the governor and chaplain, as well as of any unofficial person connected with the visiting committee or otherwise."[19] Special attention was also given to their aid on discharge. The governor was satisfied that the success of the experiment justified its extension. "He was able to furnish instances of young professional burglars and thieves, who, as a result of the *individual* effort made, have now abandoned a criminal career."[20]

The Prison Commissioners commented: "It is nearly certain that under the existing prison system these lads, without exception, condemned to successive short sentences of imprisonment, especially in great prisons like Manchester and Liverpool, where from necessity the same individual attention cannot be given as in smaller prisons and in selected classes, would have drifted irretrievably down the incline to a professional criminal career."[21] Yet the experiment at Lancaster was dropped the following year and has not been recommenced.

The Prison Commissioners state in their annual report for 1919-20 that 56 young women up to the age of 25 years had during that year been brought within the scope of the Modified Borstal system.

[19] P.C. Report, 1912-13, p. 13.
[20] Ibid. p. 13.
[21] Ibid, p. 13.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER

1.—Juvenile and juvenile adult prisoners suffer from the same repressive régime, in its general aspects, as other prisoners. The relaxations are slight.

2.—The provision of recreation and meals in association for juvenile adults in the special stage, is optional.

3.—Juvenile adults receive inadequate industrial education and training. (See summary of defects following chapters 7 and 8).

4.—The segregation of juvenile adult offenders is incomplete.

5.—It is impossible to give proper treatment on Borstal lines inside prisons.

CHAPTER XX

UNCONVICTED PRISONERS

The Number of Unconvicted Prisoners

Unconvicted prisoners are of two classes—those who have been refused bail or who have been unable to secure the necessary securities on the adjournment of a trial, and those who are awaiting trial by a higher court.[1] The refusal of bail is a judicial question, but it is important to emphasise that a very large percentage of those who are sent to prison on remand are afterwards either discharged as not guilty; or are fined, placed on probation, or given some minor sentence which does not bring them back to prison. The figures given in the Table on page 37 reveal that 55 per cent. of those who are sent to prison on remand do not return to prison. In 1920-21, 10,300 unconvicted prisoners were not received again into prison. There are no returns to show what happened to them generally, but the Prison Commissioners give particulars of 142 such prisoners committed to one prison, which show that 46 were under 21 years of age and 44 between 21 and 30. On returning to Court, 89 were bound over, 34 were discharged, 8 fined, and 7 sent to homes, asylums, etc.[2] It is deplorable that any of these persons ever entered prison, since it was subsequently adjudged to be the wrong place for them.

Often the period spent in prison on remand is considerable. There are no recent statistics available, but in 1913, of the unconvicted prisoners afterwards *acquitted*, no less than 382 spent four weeks or more in prison, and no less than 165 eight weeks or more. In 1912, 1,659 unconvicted prisoners were subsequently acquitted. Of these:—

575 were detained in prison under 4 weeks.
154 were detained in prison from 4 to 8 weeks.
77 were detained in prison from 8 to 12 weeks.
40 were detained in prison from 12 to 16 weeks.
9 were detained in prison for more than 16 weeks.

Only one accused person in five is granted bail, yet of those who are granted it only one in 1,000 absconds.[3]

[1] Sometimes, under exceptional legislation, political prisoners have been confined in prison for an indefinite period without having been convicted.

[2] P.C. Report, 1920-21, p. [illegible].

[3] In France imprisonment undergone before or during trial is deducted in full from the period to which the prisoner is sentenced. In the Philippines, except in the case of recidivists, every day on remand counts as half a day of the subsequent sentence. In England the period spent on remand does not in any way count as part of the subsequent sentence. The Indian Jails Committee, 1921, recommends the adoption of the Philippines' system (Report, p. 247).

The majority of persons imprisoned "on remand" are probably sent to prison because magistrates generally concur unquestioningly in police opposition to the granting of bail. But other reasons sometimes actuate the Bench. In chapter twenty-two special attention is given to the practice of some magistrates in placing prostitutes on remand for medical reasons. Whatever may be thought of the motive expressed in this course, we think that the dangerous confusion of principle involved in such a use of the power to remand persons in custody will be generally recognised. In addition to this, a practice has grown up of remanding prisoners, about whose guilt there is no reasonable doubt, as a punishment milder in form than that of imprisonment, in that it is free from the stigma of a conviction. In a considerable number of cases these prisoners must really be regarded as people who, though by a mild subterfuge they are still innocent of crime in the eye of the law, are in fact adjudged guilty of the offence with which they are charged, and are practically, though not technically, being punished for it.[4]

A very large number of prisoners are placed on remand in order that their mental condition may be observed. In 1901, Dr. Smalley said, in his annual report: "It is, I think, an open question whether prison should be made the receiving house of lunatics or quasi-lunatics, or whether the prison staff should be called upon to perform this public duty." By the year 1909, Dr. Smalley had apparently become converted to the use of prisons for this purpose, for he points out that "it is undoubtedly a result of the care taken in investigating the medical state of individuals charged with such offences (graver homicidal offences) that the number of prisoners certified insane after sentence is much lower in crimes of violence against the person than in any other category of indictable crime." It is undoubtedly an advantage to have the mental conditions of prisoners investigated before sentence, but more than one of our witnesses urges that prisons are not the right places for such investigation, and that the services of experts should be secured for this purpose. Except at Birmingham prison, mental experts are apparently nowhere employed in these duties.[5] If a prisoner be mentally unsound, or even if there be a suspicion that he is, he ought never to enter prison.

Whatever be the reason for sending a person to prison on remand, the bad effect is undoubted. The stigma attaching to the prisoner in the popular mind is in actual fact little less because of the absence of a formal conviction.[6] All the other evils of the short sentence—

[4] Thus one witness instances a case where a boy and girl were arrested [illegible] their milk together. Both were remanded for a week, the girl being sent to a [illegible]. On the very day she left the girl tried to escape from her escort. When [illegible] on the second time, the boy was discharged and the girl was told that [illegible] to run away she would have been discharged, but as it was she must be remanded [illegible] prison for a week.

[5] We believe that the Bradford magistrates now [illegible] to assist them in remanded cases. For an account of the Birmingham mental [illegible] see Qs. 84 and 93.

[6] "The great harm of sending unconvicted persons to prison," says a witness who has had experience of the police service as well as of prison management, "is that, even if acquitted, they have the prison taint upon them, and they also lose the fear of prison."

the familiarity with prison, the loss of situation, the possible shock to the nervous system or the damage to health in other ways, the inevitable contact with a degraded type of person, and the repressive, inhuman régime—all of these are present.

THE CONDITIONS OF IMPRISONMENT.

Unconvicted prisoners are not supposed to be confined under penal conditions. The Prison Act of 1877 (30th Section) declares explicitly that they are persons "in law presumably innocent" who are detained "for safe custody only," and directs the drawing-up of special rules framed so as to make their confinement "as little as possible oppressive." The Departmental Committee of 1895 made the comment, "We cannot think that this provision has been carried out adequately,"[7] and, despite the improvements which have resulted from the recommendations of that committee, we are compelled to reach the same conclusion. More than one witness who has experienced prison conditions, both on remand and when undergoing hard labour, declares that, after the first month of separate confinement is passed, he prefers the latter. Remand prisoners, with a few exceptions, are kept permanently in separate confinement, and sometimes the period on remand is as long as three, four, or even six months.[8]

The "privileges" which unconvicted prisoners may enjoy are facilities for (1) daily visits; (2) correspondence; (3) receiving books and newspapers; (4) obtaining food from outside; (5) wearing their own clothes; (6) using their private bedding; (7) earning a small wage by their labour; (8) two exercises daily (in the case of those who are on remand for a month or more); and (9) shaving and hair-cutting. If desired, an unconvicted prisoner may also have, with the permission of the visiting magistrates (who must, however, "have regard to his ordinary habits and conditions of life"), "a private room"[9] with bed, washing-stand, rug, and commode, on the payment of 2/6 per week, and the service of a prisoner to clean and tidy it at the additional charge of 3/6 (of which the prisoner may get 1/2).[10] The governor of the prison is instructed by Standing Orders to call the attention of the visiting magistrates to cases where any further modification of the prison routine would be desirable, but apparently the governors exercise the right very rarely.[11] In any case there is the objection that the limitation of these "privileges" to a few—those in whose case they are consistent with their

[7] Report of Departmental Committee, 1895, p. 33.

[8] The Daily Press of June 14th, 1921, reported an inquest on the body of a boy of 16 who had hanged himself in his cell at Winchester prison whilst on remand. He had been in prison since April 2nd. In a message to his mother left on his slate he wrote, "I am sorry it has come to this, but I cannot stand prison life any longer." The governor of the prison said that the long interval often left between commitment and trial is very bad, and stated that he knew of one young man who had to wait six months for trial.

[9] The "private room" is an ordinary prison cell with the additional articles of furniture mentioned.

[10] See Rules 185-212 for *Local prisons*, 1899.

[11] Cp. p. 393.

"ordinary habits and conditions of life"—serves to retain within the prison walls the class differences which exist outside.

Apart from the strain occasioned by the separate confinement, the most frequent complaint by unconvicted prisoners is the hampering effect of the conditions of custody upon the preparation of their defence. The Rules and Standing Orders suggest that everything possible is done to enable unconvicted prisoners to secure legal advice and the attendance of witnesses, and to prepare their defence generally. On the wall of the cell a card hangs giving particulars as to how legal aid can be obtained at the public expense by poor persons. Prisoners not receiving legal aid are informed that they will be afforded every facility in writing to friends to procure the attendance of witnesses, and that, if they desire it, the police will do their best to the same end. Unconvicted prisoners are permitted to write confidential letters to their solicitors and to receive confidential letters from them, and "for purposes of defence" they may be examined by a private doctor. In addition, if an unconvicted prisoner "out of health" desire the attendance of his "usual medical attendant" the visiting magistrates may permit it, the prisoner, of course, bearing the expense.

Despite these opportunities, however, the conditions of confinement necessarily prevent prisoners on remand from preparing their cases with the thoroughness and detail possible to a person on bail. Mr. Arthur Paterson[12] says of remand prisoners that "most are there [in prison] because it would be highly undesirable in the interests of justice that they should be at large and able to take evidence or destroy it." Regarded in this suspicious light, it is inevitable that prisoners on remand should be somewhat restricted in their efforts to clear themselves. Mr. Paterson adds, for instance, that the interviews and identity of "legal advisers" have to be closely watched." The conversation between solicitor and prisoner is supposed not to be overheard, but a warder is stationed beyond a glass door so that he may observe the proceedings.

All correspondence other than that with the solicitor is read by the prison authorities, and one witness asserts that any incriminating statements made in it are communicated to the prosecution. So far as the Standing Orders are concerned the governor of the prison is only authorised to communicate the contents of letters in the case of a person awaiting trial on a charge of murder. In these cases he is authorised carefully to examine all letters written or received and to forward any to the Commissioners which, in his opinion, "throw any light on the circumstances of the case."[14]

Visits of 15 minutes' duration are permitted to take place every

[12] "Our Prisons," p. 43.

[13] Ibid, p. 43.

[14] S.O. 964. A solicitor informs us that even in the case of letters to solicitors they are frequently read and inscribed with the initials of the governor.

afternoon, except on Saturdays and Sundays.[15] They may take place, like the visits of the solicitor, "within sight but not in the hearing of the officer." The visitors are not allowed to approach the prisoners,[16] and, except with the permission of the visiting magistrates, must not number more than two. The postage of letters is debited to the prisoners. If they have no money, letters are sent unstamped, but the governor is permitted, where advisable, to pay postage.

No restriction is placed upon the receiving of newspapers and books, so long as they are not of "immoral or of objectionable character." Unconvicted prisoners not receiving books and newspapers from outside are entitled to two library books a week from the prison store, as well as religious and educational books.

The only limitation regarding food is that intoxicating liquors shall be restricted to one pint of "malt liquor, fermented liquor, or cider," or half-a-pint of wine in 24 hours and that meals must not be luxurious or wasteful. Unconvicted prisoners are permitted to wear their own clothing if it is not "insufficient or unfit for use." Many of them do so.

Prisoners awaiting trial for a month or upwards are allowed to work either at their own trade "when this is practicable" or at prison industries. All unconvicted prisoners who elect to work are credited with payment, after deductions have been made at the rate of 6d. per diem for maintenance, and of 1d. per diem for tools, when such are used. It is very rare that unconvicted prisoners are able to work at anything else than a prison industry, and, since they do not, as a rule, work in association, almost all are employed at mail-bag making or other sewing work which can be performed in the cell. When employed on prison industries they are not permitted to earn more than 5/- per week after deductions, unless, in any special case, the Prison Commissioners agree, on the recommendation of the governor, to a larger payment. These earnings may be expended by the prisoner for the benefit of his family, on legal expenses, or in the purchase of books and newspapers. If a prisoner be found guilty, any unexpended balance of his earnings is retained for payment to him as a gratuity on discharge, or, at the discretion of the Aid Society and with the consent of the prisoner, is expended for the benefit of his family. Work is not compulsory for unconvicted prisoners, but most of them prefer to do something rather than remain idle.

Unconvicted prisoners found guilty of breaking prison regulations in any way (e.g., smoking) are liable to dietary punishment in the same way as ordinary prisoners. They are not permitted to speak, although the Departmental Committee of 1895 recommended that they should be allowed to communicate with one another in the

[15] In "any special case for special reasons," the visiting magistrates may "prolong the period of the visit." Rule 207 (3).

[16] A governor's explanation of this is that police might be passed from one to the other. What of the food sent in?

presence of warders."[17] The cells occupied by unconvicted prisoners are ordinary prison cells. Brixton prison, which, except for debtors, is exclusively for unconvicted prisoners is of the usual type. "Why," asks one of our witnesses "if these prisoners are confined for safe custody only, and if their confinement is to be as little as possible oppressive, should not association is provided for such prisoners entirely unlike and unassociated with prison?"[18] Unconvicted prisoners in the great majority of cases sleep on the ordinary bed-boards, although in one hall at Brixton bedsteads have been introduced.

When all the "privileges" which unconvicted prisoners enjoy have been taken into account, it will be seen that they undergo much the same treatment as the convicted. In many other respects the treatment is identical; the penal discipline, the imposition of silence and the degradation of personality are the same. Indeed, the régime is so similar that most prison officers show no difference in their attitude towards the two classes of prisoners. In one important respect conditions are definitely worse, namely, the enforcement of separate confinement. In a further respect, also, unconvicted prisoners frequently suffer compared with convicted prisoners; the chaplains and the lady visitors have not the same standing in the case of a prisoner on remand as in the case of a convicted prisoner. His or her "welfare" is still technically the concern of the Police Court Missionary, who can hardly be expected to add to his arduous duties by becoming a prison visitor. Thus it often happens that less steps can be taken to help a prisoner on leaving prison after remand than after imprisonment.

It seems to us outrageous that prisoners who are unconvicted of crime and who, as the book of "Instructions for Prison Officers" points out, are "in law presumably innocent" should be treated in the severe way which is now the rule. "His detention is only justifiable on the ground that he might fail to appear at Court for trial," says Dr Devon.[19] "The fact is so, he ought not to require permission from any committee or official before he is allowed to feed, clothe, and amuse himself; and he should only be prevented from doing so if his act is detrimental to his own health or that of the other inmates of the prison. . . . On no account is he permitted to smoke. This is a curious restriction, and there is not the faintest show of reason for its exercise. The proper attitude towards the untried prisoner is not that implied by the question, 'Why should he be allowed to do this?' The question ought always to be, 'Why should he not be allowed to do what he wishes?' and this would be

[17] Report of the Departmental Committee, 1895, Sections 88 and 126, X (7). The Prison Commissioners objected; and the recommendation was never put into force.

[18] Some years ago the authorities introduced a much better window, with a large opening pane, in one of the halls at Brixton, but when, after seven years later, another block was built, they reverted to the old pattern. The reason given was that some attempts at escape had been made, but one of our witnesses points out that the danger could have been avoided by dividing the large window into two parts.

[19] "The Criminal and the Community," p. 253.

the question if the theory that presumes an untried prisoner's innocence were put into practice."

The Effect Upon Young Prisoners.

The worst feature of the practice of sending unconvicted persons to prison is the effect upon the young. Mr. Clarke Hall, the magistrate, has laid special stress on the folly, and worse, of committing girls charged with small offences such as "insulting behaviour" to prison on remand. The difficulty is that in many of these cases the girl has run away from home and is living among bad companions, with the consequence that at the time she is charged there is no opportunity to get into touch with her parents. As a rule "homes" will not take these girls without several days' notice and without a medical examination. Two have been found in London, however, willing to accept girls straight from the Courts, and the practice now is at one Court, at least, to give suitable girls the option to go to one of these places instead of to Holloway. In every case, we believe, the offer of the "home" has been accepted."[20]

The following statement embodying particulars given by A.P., who spent seven days on remand in an observation ward of a prison hospital, illustrates the dangers in the case of girls:—

> A.P. was only 17 years of age and was charged with breaking her conditions of probation, following a sentence for stealing a bicycle. She was afterwards again placed on probation. She was placed in a ward in the hospital for observation.
>
> The cases in the ward where she was placed included women charged with child-murder, manslaughter, bigamy, soliciting, stealing and neglect of children. She was the youngest, and all the other women were more than 20 years of age. The wardresses (except one) permitted conversation freely. The conversation of some of the women was very bad, and one described to A.P. how she used to steal from men with whom she "got off" every day. One of these women asked A.P. to go and live with her when she got out of prison, and another impressed on her how easy it was to get a good living by stealing, and how rarely one got caught. The wardresses conversed with the women prisoners, but A.P. did not hear any of them endeavouring to get them to lead better lives.[21]

The danger of sending young persons to prison on remand is further illustrated in the following statement made by a witness who spent three months in a hall occupied by unconvicted prisoners:—

> The most noticeable difference between the remand hall and other halls was the laxity of discipline in the former. During every mealtime the remand prisoners talked freely to each other through the

[20] It is clear that the success of this plan depends entirely upon the management of the "home." In the case of one of these, not only has no girl ever attempted to abscond, although complete freedom of egress is given, but many girls sent to it have, on returning to Court, begged to be allowed to go back. One of our witnesses urges that such a home is not only of immense help to the girl, but of great assistance to the police, since intimate association with the girl enables those in charge to make valuable suggestions as to the best course for her future. At present the cost of these homes depends upon voluntary contributions, and already a woman magistrate who has paid particular attention to the work of the penal problem, urges that the Government should at least contribute a sum equal to the cost of the girl's detention in Holloway.

[21] As we point out elsewhere, an attempt to impose silence is no safeguard against contamination. See p. 558-70 for a discussion of this question.

windows, and rarely did we have a visit from the warder or were they stopped talking. The remand prisoners included boys between 16 and 20 years of age, petty offenders, bigamists and murderers.

The most serious criticism I would make is that the boys were obliged to listen to the most foul and vicious conversation. A man charged with manslaughter, who occupied a cell near mine, described in horrible language how he had killed with the butt end of his rifle (he was a soldier) a policeman who had come to arrest him for bigamy. His conversation expressed the beastliest view of women and utter callousness about human life. He discussed quite calmly what his sentence would be, prophesying five years, which proved right. Filthy talk about women was common, and I felt wretched about a young drummer boy who was in the next cell to me and who used to stand at his window listening to it all.

A fellow prisoner on the other side of the hall told me that similar conversation occurred there, and this was particularly bad because the remand hall was at right angles to one of the women's halls, and women prisoners used to stand at their windows and join in. One of the men prisoners of a particularly bad type made an appointment with one of the women to meet him outside.

A Statutory Rule[22] insists that unconvicted prisoners should be kept apart from convicted prisoners and that they should be kept out of their view. It is practically impossible to carry out this instruction in any English prison. So long as prisoners awaiting trial are sent to prison, they will suffer, in some degree at least, from the deteriorating physical, mental, and moral influences and effects of the prison system.

APPELLANTS.

A prisoner who appeals against his sentence to the Court of Criminal Appeal, established under the 1907 Act, is treated with exceptional severity pending the hearing of the appeal. He spends the whole period in separate confinement, that is, he is confined to his cell for nearly 23 out of 24 hours; and he does not enjoy the privileges relating to clothes, books, newspapers, food, and visits which prisoners on remand enjoy. His treatment, in fact, is, except in two respects, identical with the first and severest month of a hard labour prisoner; the modifications are, first that he is entitled to have access to his legal adviser, and second, that if the appeal be successful, he is paid for his work. If the appeal be unsuccessful, the period spent awaiting the hearing is not counted as part of the sentence imposed, unless the Court specially directs that it shall be so; but in the case of a prisoner sentenced to penal servitude, "the period passed as an appellant will count as part of the period of separate confinement." We do not understand on what ground appellants are treated with this severity, since it is still an open question whether they will be found innocent or guilty, and since, even if they be found guilty, the time spent in prison pending the hearing is not calculated in whatever sentence is imposed.

[22] Rule 189.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—The conditions of imprisonment for those on remand, although "in law presumably innocent" and detained "for safe custody only," are in most respects similar to those for convicted prisoners. Many of the "privileges" are not within the reach of the poor. The same warders apply the same repressive routine to convicted and unconvicted alike.

2.—Prisoners on remand are kept in separate confinement, sometimes for long periods.

3.—They are considerably hampered in preparing their defence as compared with those admitted to bail.

4.—The injustice is much increased by the fact that about half of those remanded to prison are subsequently either acquitted or adjudged suited for some other treatment than imprisonment.

APPELLANTS.

5.—A prisoner who appeals against his sentence to the Court of Criminal Appeal is kept in separate confinement and does not enjoy even the "privileges" extended to remand prisoners.

Appendix to Chapter Twenty.

NOTES OF A WOMAN REMAND PRISONER.

Miss X was arrested at Marylebone without a warrant on September 3rd, 1919. Taken in a taxi to Walton Street Police Station. There had read out to her the charge of stealing goods by means of a trick. Finger prints taken. Was left for an hour in a cell with a woman who searched her and took away her bag. No woman on spot at first; man took finger prints.

Had a cup of tea—sent out for; wardress told her to give policeman 1/- for fetching it, which she did. She had ordered some bovril and given money (1/-) for it. It did not come before she left; 1/- not returned. Taken in a taxi to Westminster Police Station. Kept for some time in a cell; no complaint of treatment, but no woman there again at first.

Remanded for a week on request of prosecuting counsel. She had no lawyer. Taken in *prison van* (wardress very nice and sympathetic to all the prisoners) to Holloway.

Got to Holloway. Met by a wardress. Asked "how long she was there for"; replied "just for the night." Wardress looked at paper and said, "That's not true, you are here for a week." Answered quite nicely that she was going to be bailed out to-morrow. Wardress said she had heard that tale before, and told X not to answer back. Put in a cell till called out into the receiving office, and told to undress. There were a lot of people in the room. Had to undress there—sheet not given till X was stripped.

Nurse said she must examine Miss X's head, and said it was not clean. X said she knew it was. Nurse said she must have her head washed. X insisted that this should not be done, and was sent to her bath. Prison clothes sent in; she protested, but they insisted on the ground that her head was not clean. Stockings, one with no toes, one with no heel; clothes fairly clean.

Another woman, a wardress, examined head, could see *nothing*. First said, "Oh, it's probably run away, there aren't many." Other said, "You want good eyesight for nitty heads." X explained that she went weekly to a good hairdresser, and they desisted.

X was shut up in a cell. She said, "Will you order a special room; I have money to pay for it." (Police had told her that this was possible). Wardress said, "You cannot have it now, you can have it to-morrow night." She then explained that she had had no food all day, and would like to order dinner, as the police had told her she might. Wardress (another) said it was impossible to have in a meal that *night*. One of the prisoners said if X wanted breakfast she must order *it that night*. X asked a wardress about it, who said, "Well, order it when you get up in the morning." She was brought her ordinary prison supper, which she was quite unable to eat, in the ordinary prison tin; cocoa, a lump of bread with lump of margarine in middle, no knife or plate.

Doctor (a man) then examined her in another room, chest sounded, asked about V.D. She was then taken to a larger building and put in a cell upstairs. Ordinary plank bed, prison mattress and bed-clothes, no nightdress

given. X was allowed to visit w.c. before going to bed, but wardress kept on calling to her to hurry all the time.

Next morning was awake when bell rang, got up and dressed; wardress showed her how to roll up sheets round a slate, etc. Cell was clean, with exception of chamber, which smelt badly. The first thing she did was to order a breakfast from outside. Wardress (not the same as previous night) said she could not have it as she had not ordered it the night before. Breakfast given consisted of greasy porridge, tea highly sweetened. She took nothing.

Told to scrub out cell, floor, table, bed-board and chair. When X asked wardress how the brickdust was to be used, the wardress first seen passed, and said, "She knows well enough how to do it, only she won't." Second wardress said, in a very unpleasant way, "At least, if you don't know how to do it yourself, you've got servants and you've seen how they do it."

X was then taken up to a room labelled "dirty heads," where was a very nice nurse. She talked kindly and looked at head quite inoffensively, and without directly contradicting other officials, made it clear that nothing was amiss.

After dinner, X's father arrived to bail her out. She was put into another cell, made to undress entirely, and then given back her own clothing and released.

CHAPTER XXI

PENAL SERVITUDE

The Convict Population

The minimum sentence for prisoners confined in the Convict prisons (at Maidstone, Dartmoor, Liverpool and Parkhurst[1]) is three years penal servitude.[2] Penal servitude is imposed for the most serious offences or for repeated crime, but it must not, therefore, be assumed that the prison population at Convict prisons is of a more degraded and depressed type than that at Local prisons. Indeed, our evidence suggests that the opposite is the case. "Penal servitude men tend to be the artists in crime now," says one high official. "They are of a much better type in many ways than Local prisoners—in large part they are clever artisans."

The great majority of penal servitude sentences are for not more than five years. In 1920-21, of the 492 prisoners sentenced, 444 were for five years or less. About two-thirds (314) received the minimum sentence of three years. Eleven prisoners were sentenced for life, one for 20 years, two for 15 years, eleven for 10 years, six for 8 years, fourteen for 7 years, and three for 6 years.

The proportions are fairly constant, but since 1913-14 the daily average of penal servitude prisoners has, like that of Local prisoners, decreased nearly one half; from 2704 to 1435. Compared with the fall in the number of convictions to simple imprisonment, the drop in convictions to Convict prisons has, however, been comparatively small; whilst sentences to simple imprisonment have fallen from 150,308 to 48,588, the fall in penal servitude sentences has only been from 797 to 492. One cause of the difference is the fact that the Criminal Justice Administration Act, 1914, has not affected the population of Convict prisons.

The number of women convicts is small. In 1913-14 the daily average was 95, in 1920-21 it was 76. The number of convictions was 45 in 1913-14, and 20 in 1920-21.

The last returns enabling us to judge the nature of the offences for which convicts are sentenced refer to 1913-14. The proportion

[1] The prison for "Star" convicts is attached to the local prison at Maidstone. Portland prison has recently been converted into a Borstal institution for boys. Women convicts occupy a part of Liverpool Local prison. Convicts not fit to perform hard labour are sent to Parkhurst.

[2] This is reduced by good conduct to two years and three months, followed by nine months of liberty under the restrictions of the "Licence." See pp. 473-474.

of crimes against property was 73 per cent., 35 per cent were accompanied by violence. Of the 740 males convicted, 146 were found guilty of simple larceny, 226 of burglary and shop and house-breaking, 98 of forgery and obtaining property by false pretences, and 128 of crimes against the person. Among women 31 were for crimes against property, and 14 for crimes against the person.

Dr. Goring found that the age when the criminal careers of convicts begin is, on an average, 19 years.[3] The 1913-14 returns give the following particulars of the ages of penal servitude prisoners when convicted of the offences for which they were then undergoing imprisonment:—

Under 21.	From 21 to 30.	30-40.	40-50.	50-60.	60 & over.
52	837	887	501	232	157
2 p.c.	31 p.c.	33 p.c.	19 p.c.	9 p.c.	6 p.c.

It will be seen from these figures that no less than 33 per cent. were under 30 years of age when sentenced to penal servitude. An ex-convict who served a sentence at Maidstone, remarks that "the youthfulness of most murderers and assaulters was striking, but forgers and defrauders, etc., were not normally young."

Recidivism is the outstanding feature of the population of Convict prisons, as the following analysis of the careers of the men undergoing penal servitude on March 31st, 1914, reveals. Of the total 2,568, no less than 1,124, or 44 per cent. had previously been sentenced to penal servitude; 544 once, 327 twice, 131 thrice, 84 four times, 34 five times, and 4 six times and over. If we include conviction to Local prisons, we find that only 415, or 16 per cent. had never been previously convicted, and that 743 had been convicted from 6 to 10 times, 568 from 11 to 20 times, and 235 above 20 times.

Classification.

Convicts are classified into three groups, the Star, the Intermediate, and the Recidivist. Until 1903-4 there were only the two classes, the Star and the Recidivist,—but in that year the Commissioners, responding to suggestions which had been made for some years in the reports of the Prison Inspectors, created the Intermediate class for the "large body on the borderland between those not previously convicted of crime (i.e. the Stars) and those who have made crime a profession (i.e., the Recidivists.)"

In 1913-14 the convict population was divided into 1636 recidivists, 515 intermediates, and 288 stars. Prisoners who have served previous sentences for trivial offences may be included in the Star class, but the regulations exclude men guilty of receiving stolen goods and of certain sexual offences. The exclusion does not appear

[3] In 1911 the chaplain at Parkhurst prison tabled particulars of the ages of 1,000 convicts when first sentenced; 44 per cent. were 20 years or under, and 73 per cent. were 30 years or under. (P.C. Report, 1911-12, Part 2, p. 191.)

to be strictly carried out.[5] "The whole possible catalogue of sexual offences," says an ex-convict, "seems to be represented at Maidstone Convict prison, which is reserved for Stars."

It has been the custom to send the male intermediates and recidivists who are fit for hard labour, to Dartmoor or Portland.[6] When the intermediate class was first introduced, separation from the recidivists was, we are assured by a warder, "practically complete," but in recent years the two classes seem to have been freely mixed. "There have not been sufficient men to make effective separation possible," says a responsible official. "Certain work has had to be done, and there have not been sufficient men of one class to do it alone."

The Prison Commissioners claimed in 1903-6 that experience had shown "the value of instituting the intermediate class," but many of our witnesses are sceptical as to its worth. "Many of the recidivists are better than the intermediates," says one officer. "The officials who make the selection are not at all accurate as judges of character." On the other hand, it is generally agreed that there is a marked distinction between recidivists and the "accidental" criminals, who form the bulk of the Star class. "The latter," says a prison officer, "are more reformable, but the former make the best prisoners, taking the life philosophically as part of the game."

The only big difference in the treatment of the three classes is the longer period of initial "separate confinement" to which recidivists are liable. The discipline at Maidstone is, we believe, less strict than has usually been the case at Dartmoor and Portland, and the intermediates are trusted a little more than the recidivists and given rather less supervision. But the treatment after the first three months is practically identical, and although promotion is obtainable from one class to another (and degradation enforceable), the men are said to be usually indifferent to any change.

Promotions from the Intermediate to the Star class are occasionally made, and degradations rarely occur. One ex-convict states that during the three years he was at Maidstone "there were two or three degradations for violent behaviour and one merely for repeated infraction of the silence rule." The classes are distinguished in outward appearance by particular marks upon the uniforms; the stars, like the same class in the Local prisons, wear red stars on their caps and sleeves, and the intermediates red chevrons.

[5] "In the case of prisoners sentenced to penal servitude," says Mr. N. G. Mitchell-Innes, Inspector of English Prisons, in a memorandum prepared for the Indian Jails Committee, 1919-1920, "the governor of the Local prison in which he is lodged on reception sends out printed forms of enquiry to the police and to any respectable friends. These, when completed, are forwarded to headquarters with the convict's 'dossier,' which contains a record of his age, a newspaper cutting of his trial, and a statement of any previous conviction incurred by him, etc., etc. From a study of these a decision is come to, as to whether the convict shall be placed in the 'Star,' the 'Intermediate,' or the 'Recidivist' class."

[6] Portland prison having been transformed into a Borstal institution, most of the Recidivists and Intermediates are now congregated at Dartmoor.

Distinctive Features of the Convict Regime.

The principles upon which the régime in penal servitude prisons is based are the same as those underlying the Local prison system, and most of the Standing Orders issued for the regulation of the routine are identical for both. As in Local prisons, the system is founded on silence, separation, slave labour, and slave morality. We shall only describe here the features of the routine which are different from those which have already been detailed.

A man sentenced to penal servitude is sent, in the first instance, to the nearest Local prison to serve a preliminary period of solitary confinement. Before 1899 the length of this period was nine months; in that year it was reduced to six months; in 1905, on the reclassification of convicts, the period was varied with the class of the prisoner, the stars being required to serve three months' "separate," the intermediates six months', and the recidivists nine months; finally, in 1911, Mr. Churchill reduced the period to three months for recidivists and one month for stars and intermediates.

Instructions issued in 1911 made the periods of separate confinement "subject to such exceptions as administrative necessity or convenience may demand," and in actual practice the periods are largely determined by considerations of convenient transference. Thus if a star convict has served a month's separate confinement and there are other convicts in the same prison, they are all removed together, irrespective of the time they have been there.[7] A warder at one of the penal servitude prisons informs us that some of the convicts come "after only having done a few days in Local prisons" even though they be recidivists. They begin work in association immediately on arriving at the Convict prison.

The period of separate confinement was originally adopted "entirely with regard to its reformative value," but in recent years its penal and deterrent aspect has been most stressed. The fact that the regulation period is now frequently ignored suggests that this justification is in turn being abandoned. A superior officer at one of the Convict prisons urges that a few days separate confinement is advisable "to enable the man to face the blow of the sentence just like when you've lost a relative and want to be alone"; otherwise he disapproves of it entirely. The trend of opinion is clearly in this direction.

Convicts, especially star convicts, are supposed to be kept separate from other prisoners whilst in Local prisons, but this rule is often disregarded. We are informed, for instance, that the convicts at two of the largest prisons exercise with the local prisoners, and that in one prison at least, they work together. The life of the convict in the Local prison is identical with that of a hard labour prisoner, except that he is not required to sleep without a mattress,

[7] The convicts are transferred in prison dress and are strongly chained together with wrist-cuffs and chains. Not more than ten men may be transferred at once.

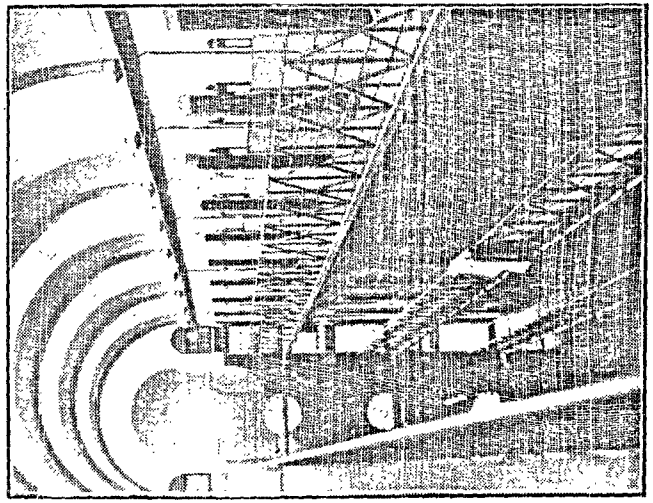
is permitted a visit of 20 minutes and to write and receive a letter during the first week, has an exercise on Sunday from the first, and an additional exercise on Saturday, and sometimes is allowed a second educational book. The regulations require that special attention shall be paid by the chaplain during this period to educational and religious instruction, but we have no evidence that the overworked chaplain has, as a rule, time for anything but a brief visit or two. Unlike the local prisoner the convict is permitted to send to a friend any money or property which he may have on his person on reception. His hair is cropped close before he is transferred to the Convict prison.

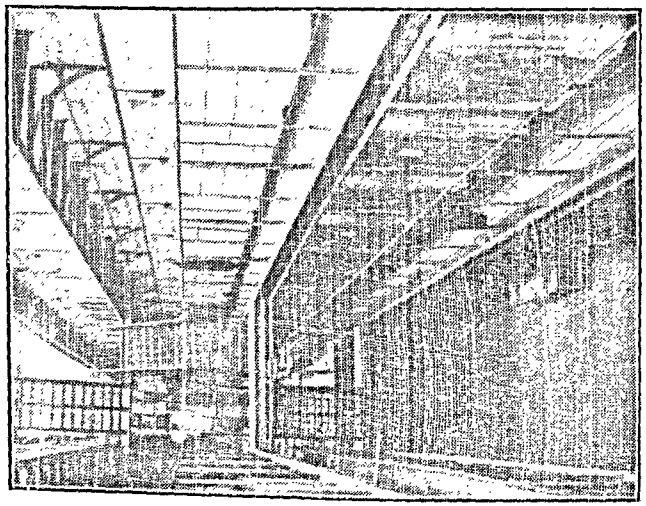
It is a common remark among prisoners who have undergone the régime of both Local and Convict prisons, that they would rather do three years in a Convict prison than two in a Local, but the rules are very similar and the ameliorations few. The early months of the sentence are particularly hard to bear. Convict prisons are cut off from the outside world to a greater extent even than Local prisons—incomings and outgoings are less frequent, and the prisons are situated in more isolated places—whilst the long sentences to be served make the prospect of release seem far distant. Except at Maidstone, the discipline within the prison buildings is strict, and the newcomer takes some time to learn in what directions relief may safely be sought from the rigid routine. "The first three months which I spent at Dartmoor," says a "lifer," "seemed as long as any year which followed."

The silence rule is enforceable in Convict as in Local prisons and its effects (which we shall discuss later) are equally demoralising, but the nature of much of the work done makes observance impossible, and in the farming parties at Dartmoor, conversation about the work, at least, occurs with little restriction. It is probably the chance of open-air work, with its interest, variety and reality, which makes prisoners prefer Convict to Local prisons. "The men about the farm might have been farm labourers, except for their clothes," say a visitor to Dartmoor. "They were all cheerful." Another visitor remarks that it was interesting to see how the warders' children, coming for milk, ran among the convicts at Dartmoor. Compared with the monotonous labour of Local prisons such employment must be of almost exhilarating interest.

Convict Labour and Industrial Training.

In the past most convicts were employed in quarrying, building, or other heavy open-air labour. Now, a very large proportion of the men are employed in workshops. The work at Maidstone is mostly of a light, industrial nature, printing being an important factor; at Parkhurst the employment is mostly farming and market gardening, suitable for the less strong prisoners; 40 per cent. of the convicts at Dartmoor were employed before the war, in manufactures





TWO VIEWS OF THE INTERIOR OF A HALL AT DARTMOOR PRISON, SHOWING THE LANDINGS AND CELL DOORS. ALL ENGLISH PRISONS ARE BUILT ON THIS PLAN.

In the picture on the left, note the wire-netting hung across the first floor landing to prevent suicide.

for prison use, such as basket making, carpentering, knitting, mail-bag making, shoe making, tailoring, smithing, or twine and rope making; and at Portland the tailoring, moulding, smithing and fitting shops gave work for about 30 per cent. of the prisoners. Quarrying was done at Dartmoor as well as Portland before the war—the New Scotland Yard is built of Dartmoor stone—but in recent years all the attention of the open-air workers has been given to attending cattle, cropping, and reclaiming land.

> "Men go out in working parties to distances of two miles," states a witness. "Large areas of moorland are being reclaimed. The site is high for wheat and the summer short for root crops, but oats are largely grown. The principal business is stock raising and dairy farming for the prison and the officers. No produce is sold except at the yearly sale of stock, which last year realised £4,000. The stock, both cattle and horses, is very carefully bred. All the warders' houses, as well as the prison itself, are repaired by the convicts, and the roads for a considerable distance from the prison are also kept up by convict labour."

The stock reared at Dartmoor and Parkhurst is of a high standard, and the cattle have won several prizes at agricultural shows. Sir Basil Thomson, who is an ex-governor of Dartmoor prison, says:—

> Generally, convicts are always kind to animals, and I cannot recall a single instance of cruelty. The care of animals on the farm seems to bring with it a sense of responsibility and self-respect quite out of proportion with the effect that such duties have on free men. The convict will devote himself heart and soul to nursing and grooming an animal for the show ring, and will swell with pride when he learns that his charge has carried off the first prize.[4]

The prisoners at Dartmoor are not allowed to work on the farm until the last period of their sentences; otherwise some choice is permitted, subject to the proviso that "the interests of the prison have to be considered before the desires of the prisoners."[5] To give the men a voice in choosing their employment keeps them contented, says an official, and helps to get tolerably good work from them.

> "Personally, I would like to see them having still more choice," he proceeds, "If they cannot get the work they want, they 'go sick' or malinger, and they usually get their way in the end. Sometimes men will get up a fight between one another in order to force the governor to shift them. For instance, one man in a shop was refused a change of work. He got up a row with another man and threatened to 'bash him.' The governor punished him by putting him on bread and water—but he got shifted! Another man, a farm labourer, could not get the governor to shift him from the kitchen. He refused to work, got punished and was sent back again to the kitchen. But again he refused to work and this time he got shifted. You cannot make a man work if he doesn't mind punishment, and it would be better to consider his wishes in the first instance."

[4] "The Story of Dartmoor Prison" (1907), p. 265-6.

[5] Mr. Mitchell-Innes, Inspector of English Prisons, in memorandum to Indian Jails Committee Report, p. 525, para. 12.

The labour advantages of Convict prisons have been considerably reduced since 1919 owing to the introduction of cellular labour. Before this, no cellular work was done in Convict prisons, the men being employed for a full eight hours either in the workshops or on the land. As a result of the introduction of the eight-hour day for officers, however, work in association has been reduced in order to lessen the amount of supervision required, and convicts are now employed making mail-bags in their cells in the evening.

The practice of selecting trusted men to do work without supervision was adopted in Convict prisons before Local prisons, and at Dartmoor there are from 30 to 40 "red-collar" men employed in farming, as well as others, who work about the prison as gas-fitters, carpenters, etc. The "red-collar" men are supposed to be chosen because of their good character, but as we have before observed, a man with a good prison character is not necessarily a trustworthy person, and a warder of experience tells us that some of these privileged prisoners are of a very "artful" type, accustomed not so much to keep prison rules as to avoid discovery in breaking them.

The longer terms served in Convict prisons make trade instruction more possible, and theoretically, at any rate, the prison authorities recognise this. The Commissioners instruct the governors to make arrangements for the technical instruction of all classes of prisoners, the time spent thereon to be proportionate to the length of the sentence. It is particularly provided that men in the Special Grade (the last before release) shall have every opportunity to make themselves proficient so as to give them the chance of employment on discharge, and as far as possible they are to be employed at their trade or at any trade of which they have some knowledge and which they declare to be their wish and intention to follow on release. "The object," say the Commissioners, " is, that all convicts shall have special regard bestowed upon them so that we may feel satisfied that no prisoner is discharged from our Convict prisons without some definite care and thought being given to afford them [*sic*] opportunities for leading an honest life.".

Our evidence makes it clear, however, that, whilst the absence of industrial training is not so marked as in the case of Local prisons, little advantage is taken of the opportunity to teach trades, and the Commissioners' instructions are flagrantly ignored. The soverest criticisms in this respect come from Maidstone prison. Ex-prisoners who were employed at shoemaking, tailoring, and printing respectively agree that it would be impossible to learn any of these trades at Maidstone. An ex-convict who is a printer by trade states that the instructors in the printing room were incompetent and that the work was not taken seriously either by officers or prisoners. "It is generally believed by the men," he adds, "that the work done is destined to be burned. They will often take advantage of foolish instructions to spoil a lot of material, only calling attention to the mistake towards the end of the job—not because they are a particularly bad lot, but because they despise the men over them and the useless work they do." The only trade which our evidence suggests can be learned at Maidstone is bookbinding.

An ex-convict who served a term of three years at Portland says that as a rule the warder instructors, with the exception of the shoemakers, are not skilled enough to teach a trade. "The only way to learn a trade," he says, "is to pick it up from an efficient tradesman among the prisoners, if you are lucky enough to get in touch with one. Then, if you stick to him, you *can* learn a trade." This witness himself learned plumbing by this means. A "Lifer" gives similar evidence about Dartmoor, but complains that "when working with a man who knows the trade better than oneself, it is punishable to ask him advice." Both these witnesses state that the warders themselves often learn from skilled prisoners.

Agents of Discharged Prisoners' Aid Societies inform us that they have known convicts who have learned shoemaking, tailoring, and farmwork sufficiently to earn a livelihood outside. This is in keeping with further evidence from ex-prisoners, who agree that skill in these trades and callings can be acquired at Dartmoor and Portland. One witness states, for instance, that he can now earn his living as a skilled shoemaker as a result of his experience at Portland. He had a good instructor, learned to do really good work, was able to get as many up-to-date trade manuals as he wanted to study in his cell, and, although not allowed a pencil, he was able to trace out the patterns in the shop. He expresses the view that any man who tries to learn either shoemaking or tailoring can do so, and adds that he knows a man who served ten years penal servitude and is now earning his living as a tailor's cutter, owing to his prison experience in making warders' uniforms.

We do not understand why the skilled training which has been given in shoe making and tailoring at Portland and Dartmoor should not be given in all the trades carried on in all the Convict prisons.

The Routine at Convict Prisons.

The daily routine of the Convict prisons is in almost every respect identical with that of Local prisons, except that only one chapel service is held during the week in addition to the Sunday services, and two "exercises" take place daily. At Maidstone both the Convict and Local sides of the prison are worked, broadly speaking, to one time, and are managed by one staff. At the other Convict prisons there used to be some variation, owing largely to the longer time spent by convicts in the workshops and in open-air work, but the introduction of cellular labour in the evenings has caused the time-tables to be revised on the lines of the Local prisons.[19] Under present arrangements the prisoners are locked

[19] The daily time-table at Dartmoor is (or was recently) as follows:—6-30 a.m. rising bell; 7-0 a.m. breakfast; 8-15 a.m. exercise for half-an-hour for closeting; 9-0 a.m.-11-40 a.m. labour; 12-15 p.m. dinner; 1-30 p.m.-2 p.m. exercise; 2-0 p.m.-4-20 p.m. labour; 4-30 p.m.-5-0 p.m. supper; 5-0 p.m. work and reading in cells; 9-0 p.m. lights out.

in their cells at 4.30 p.m. and the door is not opened again until 7 o'clock the following morning—a period of 14½ hours. This continuous confinement is bad in the case of local prisoners, but its dangers and cruelty are greatly increased in the case of prisoners who are serving sentences of from three to fifteen years. Convicts now pass at least 17½ hours out of the 24 hours of the day in solitary confinement. It is important to emphasise this, as an impression has been created that convicts spend a large proportion of their time in the open-air. The introduction of outside labour in the evenings would be possible if the staff were increased.

It is officially admitted that the repressive régime is responsible for a great loss of time and labour. "The men," wrote an Inspector of Prisons in 1918-19, "are supposed to work nine hours a day [this has since been reduced], but in a 'Convict' prison the constant parading, searching, marching to and from work, distribution and collection of tools, etc., take up an unfortunately large portion of the working day." [11]

The cell in which the convict is condemned to pass about 18 out of every 24 hours does not differ in any essential respects from the Local prison cell, with the important exception that it is, as a rule, rather smaller. The equipment only differs in the bed. At one time convicts slept on mattresses in hammocks, but these have now disappeared. Iron bedsteads have been provided at Parkhurst, and at Maidstone and Dartmoor the men sleep on plank beds with coir mattresses. A little more freedom from the strict minimum of contents catalogued in the regulations is apparently given. The provision of technical books adds to the prisoners' library; the number of photographs kept in the cell is only limited by the governor's discretion; and cases are actually on record where flowers have been permitted in the cell. At one time it was the custom of the governor at Maidstone to present bunches of primroses and lavender to every prisoner twice a year, whilst at Parkhurst flowers are now to be seen decorating the cells of the sick.

A stricter watch is kept on convicts to prevent them secreting prohibited articles. About once a month they are subjected to a "dry-bath" search, the indignity of which is bitterly complained of by ex-convicts. They are made to stand, one at a time, in a disused bath, wearing only a shirt, while two officers feel down their bodies and examine their clothing. "When the prisoner is stripped to the shirt, which is to be quite open in the front," reads the Standing Order, "he will be required to hold his arms up and to stand with his legs apart." [12] One ex-prisoner describes this proceeding as the most humiliating and degrading of his prison experiences.

Much more elaborate precautions are taken in the Convict prisons (other than Maidstone) to prevent the escape of prisoners. This is

[11] Mr. Mitchell-Innes, Inspector of English Prisons, in memorandum to Report of Indian Jails Committee, p. 525, para. 13.

[12] S.O. 8 (4).

partly due, no doubt, to the greater likelihood of attempts at escape being made among "confirmed" criminals who have long sentences to serve, but the principal reason is the greater opportunities of escape given by the employment of convicts in scattered parties outside the prison walls. A witness, speaking of Dartmoor, says that attempts at escape are frequent. "A man will suddenly drop his tools and run," he says. "It is as though something took possession of him. The warders shout to him, he comes to his senses, and walks back. There is very rarely need to fire." A similar view is expressed by Mr. A. Paterson. "They seldom do it by deliberate plan," he writes, "in most cases it is the result of a sudden uncontrollable impulse to cut and run. One man did this though he had only six weeks to serve to finish his sentence." [13]

To succeed in escaping is practically impossible. Only one convict, we are assured, has ever got away from Dartmoor without being captured, and he is thought to have perished in the bogs. Every working squad carries a small portable telephone like the army field telephone. Two mounted patrols accompany the working parties across the moor, and a guard armed with a rifle remains constantly with each party. At Parkhurst there are no mounted patrols, but armed guards, bearing staff cutlasses and loaded revolvers, are stationed at points outside the prison night and day.[14]

Until recently it was the custom of the officers at Dartmoor and Portland to carry truncheons loose in the hand as a protection against assault, but this is no longer done; they are carried inside the dress as in Local prisons. "The practice of habitually carrying the truncheon in the hand," says an officer at Dartmoor," was introduced in 1902 by Governor Basil Thomson owing to an assault on a warder in the chapel. It has been abandoned since the re-opening of the prison in 1919. I consider the practice was a kind of terrorism," this witness adds, "and that its effects were bad; it provoked assaults." Prison breakers and violent prisoners may have chains put on them, but the occasions for this are rare.[15]

The System of Progressive Stages.

There is a system of progressive stages in Convict prisons based upon the same principles as the corresponding Local prison system.[16] A year's full marks must be gained before a convict can pass from one stage to another. The one meagre privilege attached to the second stage is the choice of a pint of tea and two ounces of bread in lieu of the gruel or porridge provided for breakfast. Letters and visits are only permitted once every 120 days in the first and second

[13] "Our Prisons," p. 22.

[14] The law only allows escaping "felons" (not "misdemeanants") to be fired upon at the risk of killing, if there be no other means of capture. The consequence is that "misdemeanants" are not employed outside the prison walls.

[15] See p. 244.

[16] See pp. 103-5.

stages; in the third stage the intervals for letters and visits are reduced to 90 days, and in the fourth stage to 60 days. As a rule, visits are of 20 minutes duration, but when a convict enters the fourth stage they may be of 30 minutes. The most noteworthy prison privilege to be gained under this system is "talking exercise," which is permitted once a week to convicts in the fourth stage. Good prison conduct and the gaining of full marks secures a remittance of one-quarter of the sentence in the case of men, and of one-third in the case of women. If he secure this or any lesser remittance he is released "on licence," but remains until the actual conclusion of his sentence under the supervision either of the police or of the Central Association for Discharged Convicts or of some other Prisoners' Aid Society."[17] In the case of any breach of the conditions of the licence, it is revoked, and the convict returns to serve the rest of his sentence in prison.

The advantages provided by the progressive stage system will no doubt seem to our readers to be so small as to be practically worthless, and they are, in fact, niggardly to the degree of cruelty. That they are effective at all in stimulating to "industry and good conduct" is the severest comment upon the narrow and monotonous existence to which convicts are condemned. We are glad to see from the 1920-21 report of the Prison Commissioners that it is intended to give much fuller "privileges" after the second year has been completed. We reproduce the new Standing Orders at the end of this chapter.

In addition to the four ordinary stages of the Progressive System there is a special stage which can be entered by three-year stars at the end of two years, by four-year stars at the end of two years and nine months, by five-year stars and by intermediates at the end of three years and six months, and by six-year convicts of all classes at the end of four years. Convicts serving more than six years may enter the special stage 12 months before the date of their discharge.

The special stage gives the benefits of the ordinary fourth stage, together with some further privileges. A special remission of one week (!) is given to men who are in the stage for six months or more, and of three days for those in it for less than six months. Special stage convicts wear a distinct uniform, their hair is allowed to grow when they are within three months of their discharge, and they are eligible for "special employments of trust"—that is "red collar" duty. Letters and visits are permitted at intervals of 60 days in the case of special stage convicts who are serving sentences of less than six years, and at intervals of 30 days in the case of those serving six years or more.

Our ex-convict witnesses all speak of the relief afforded by the talking exercise. "We looked forward to it all the week," says one. The prison officials agree that this relaxation of the silence

[17] See pp. 472-474.

rule has had good results. "It seems to work well," says a superior officer at one of the Convict prisons, "and it might be extended." Language of an obscene, blasphemous, and objectionable character is liable to be reported, and the governor has a right to withhold the privilege from any prisoner guilty of abusing it, but such action is rarely necessary. At Maidstone and Dartmoor the convicts are allowed to select their partners, but at Portland this was not permitted. "Criminals would become pals, and would plan crime together if we allowed that," remarks an official, "it would never do"; but an ex-convict who served his sentence at Portland tells us that, although selection was not officially authorised, it took place. "If a man wanted to walk with another," he says, "he gave him the tip during the week and they fell in together on exercise parade."[18]

Outside all these stages are the convicts whose licences have been revoked or forfeited and who return to prison to serve what is termed the "remanet." They are kept apart in a special class, are allowed a visit and letter during the first week, and thereafter at intervals of 120 days. They become eligible for a fresh licence at the end of three-fourths of the uncompleted term of imprisonment.

The Long Sentence Division.[19]

So far we have been dealing with convicts in the ordinary division. In 1905 a Long Sentence Division was created for selected convicts sentenced for ten years or more; ten years later the division was extended to include men sentenced for eight years or more. Such convicts are eligible when they have served a term of five years, but something more than good prison conduct and industry are necessary to secure admission. The directors of Convict prisons consider each case, and take into account the offence, character, and history of the prisoner. The number of prisoners belonging to the division is small; in 1913, it was 80; in 1914, 84. They comprise about 80 per cent. of those whose sentences qualify them to enter.

Until 1905, long sentence convicts marked time between the fourth year and a year before their discharge on licence. The Commissioners discovered that some greater stimulus to industry and good conduct was required "than can be derived from the fear of losing privileges earned in the earlier stages," and stated that it was "the opinion of those most able to judge . . . . . that the full deterrent effect of a sentence of penal servitude is exhausted when a man has been about seven years in prison."[20] For this reason they established the long sentence division where the treatment would be "sensibly ameliorated."

Convicts in this division are separated from the rest, wear a special uniform of light grey, have a talking exercise daily, and are

[18] For a further consideration of this "talking exercise" see pp. 566-69

[19] See the Rules for the Government of Local and Convict Prisons (1921), including Rules dated May, 1915, and January, 1905.

[20] P.C. Report, 1903-4, p. 16.

allowed to earn a small gratuity of 1d. per day, which can be expended on certain "comforts" such as biscuits, pickles, jams, sugar, fruits, and potted meats. Should the gratuities not be expended in full, they are handed to the officials of the Central Association for the benefit of the prisoner after discharge, but this rarely occurs, the convicts preferring to spend the full amount themselves. Our evidence contains frequent reference to the generosity of long sentence division convicts towards their fellow prisoners who are outside the scope of these privileges. We have been told of one convict who made it his practice to distribute, at his own risk, to other prisoners, five pennies' worth of food made up in little packets, out of every half-a-crown's worth of "comforts" he purchased. The following statement from an ex-convict is worth quoting:—

> A convict in the long sentence division receiving little extras had a friend, B——, who was in the lower division. The long sentence man shared all his extras with B——, and would have been quite miserable if his friend hadn't got his half. "I don't care if they take them from me altogether," he said, "but so long as I've got anything, B—— shall have his bit." This "passing" means some risk, of course; an orange for instance, might pass through a dozen hands before it reached B——, but it would get there. I myself have carried an orange for B—— all round the prison before finding a chance of passing it any further. Had the practice been discovered all those who took part would have been punished, and the extras would have been stopped.

There is much complaint among long sentence prisoners that the increase in prices has greatly reduced the value of their small gratuity. In April, 1919, nine of the long sentence men at Maidstone petitioned the Home Secretary for an increase in the allowance to meet the greater cost of "comforts," but the request was refused. The Home Secretary at the same time declined to include tobacco among the purchasable articles, afterwards defending his refusal in the House of Commons on the ground of "the impossibility of separating a small group of convicts from the rest."[21] But, as will be seen from page 334, it is now proposed to allow convicts in the new "special" stage to have tobacco.

According to the rules of 1906, the long sentence prisoners may be given their meals in association, but nowhere is this done. Prison officers, both of the superior and subordinate staffs, tell us that the men do not want to have the rule applied. "When this rule was first introduced," says one officer, "there were about 20 long sentence men in Dartmoor, but hardly any of these wanted meals in

[21] An officer at a convict prison says that convicts find the vegetable ration to enforce one of the hardest things to bear. Another officer says that the want of tobacco keeps the men in a chronic state of discontent and leads to much "trafficking." An exception, describes "twist" tobacco as the cement of convict prison life. "One man may who can command tobacco can command anything except liberty. You want good want clean laundry? There's a man in the tailor's shop will fit you up for a 'couple of inches' You fancy an orange? There's a man in the warehouse will see you right for a few oranges or other comforts at the rate of 'seven inches' for 3d worth of goods."

association when consulted." An ex-convict at Maidstone, on the other hand, states that long sentence men at that prison frequently petitioned to be allowed meals in association and that the majority to whom he spoke would have welcomed it. One superior officer declares that the warders would not be prepared to supervise meals in association owing to the danger of attack from the men whilst in possession of knives and forks. Another superior officer ridicules this.

The opinion is unanimous that such privileges as are enjoyed by the long sentence convicts have a salutary effect from the point of view of prison discipline. These prisoners, say the Commissioners in their report for 1913-14, "are convicts who could be trusted not to abuse any relaxation of discipline when removed from direct supervision."[22] Somewhat later, the Commissioners stated that the relaxed discipline had "no doubt gone far to relieve the oppression and discontent which were formerly noticeable as the result of a long and monotonous sentence, unrelieved by change of treatment and uninspired by the prospect of rising to a higher grade."[23]

There can be no doubt that the long sentence division has been appreciated. Few convicts forfeit its privileges by breach of rules. The slender resources of the convict's life make him very anxious to avail himself, even at some cost, of every slight amelioration that can be gained. The restricted comforts of the canteen, the privilege of talking, and the more frequent letters and visits, are trifling modifications of the *régime of harsh servitude*, but they are too valuable to the convict to be thrown away.[24]

The Life-Sentence Men.—A large number of the long-sentence convicts are men undergoing life sentences for murder. Their treatment is precisely that of the other convicts, with whom they live and work side by side. At the commencement of their sentences these men are warned not to entertain any expectation of release until they have completed 20 years, but in actual practice most "lifers" are released when they have completed 12 to 15 years. "*Lifers*" are generally agreed to be among the better types of men in Convict prisons. "The best prisoners I have known," remarks an officer, "have been murderers." A witness with close personal knowledge of some of these men regards it as urgent that the conditions should be altered under which men sentenced to death have to wait two or three weeks before the reprieve comes. To spend days in the expectation of probable execution, watched by two warders day and night in every act, is, he says, "an ordeal which tends to reduce them to pitiful wrecks of humanity for the remainder of their days."

[22] P.C. Report, 1913-14, p. 13.

[23] P.C. Report, 1916-17, p. 16.

[24] See Note at the end of this Chapter on important proposed modifications in the Progressive Stage System.

Juvenile Adult Convicts.

Prisoners who are under 21 years of age when sentenced to penal servitude are placed in a special juvenile adult class, and they remain in this class for the duration of the sentence, however long it may be. Some members of the class are over 30 years of age. Juvenile adult convicts serve their sentences at Dartmoor, and have special privileges of association and recreation besides the elementary education, which they may receive, for five hours a week, provided they are sufficiently ill-educated to be unable to pass out of Standard III. The assistant chaplain then at Dartmoor obtained permission from the Commissioners in 1910 to conduct an extension school in the evenings, at first twice a week, and later four times. Trade manuals were studied, drawing and designing were taught, lessons in first-aid were conducted by the deputy medical officer, and talks were given on moral questions. The boys, so the chaplain responsible for the scheme informs us, showed great improvement in knowledge and mental capacity, were less morbid, and revealed a greater sense of moral responsibility. "Free talk was always encouraged," he says, "and it was this that helped the lads so much. We gave them healthy interests to think and talk about, and so avoided the whisperings of crime and sex. We put them more or less on their honour not to use the privilege granted in a way likely to deteriorate them, and usually they rose to the occasion."

The chaplain responsible for this scheme left Dartmoor in 1911, and it was not fully continued, but the juvenile adults still enjoy at any rate some of the privileges begun during the experiment. They are permitted pencils and paper in their cells for the purposes of study, and even water colours.

The Invalid Convict Prison.

Convicts certified by a prison medical officer as unfit for hard labour are sent to Parkhurst prison in the Isle of Wight. Many of these men are by no means invalids, but the Parkhurst population includes all the diseased, mentally deficient, imbecile, and aged convicts. It is the infirmary of the convict establishments.

The fall in the general convict population has not been reflected by a fall in the numbers at Parkhurst. There were 780 prisoners there in 1920, and the full complement is only 20 more. The explanation probably lies in the fact that the army did not draw off the Parkhurst population to the same degree as it did the more able-bodied convicts.

All classes of convicts go to Parkhurst—stars, intermediates and recidivists,—but the separation is not strict. The stars work at one end of the workshop partitioned from the rest, but the intermediates and recidivists mingle fairly freely. Prison discipline is maintained

—indeed, the discipline is strict, but it is relieved by certain ameliorations which make the existence somewhat less oppressive than at the other Convict prisons.

By a recent and noteworthy innovation, for instance, after the stars have served a year, and after the prisoners of the other classes have served two years, they enjoy recreation in association on certain evenings. During the summer they are permitted to walk, sit, or read, in the garden. During the winter they play chess and other indoor games and hold debates, over which a convict presides. We understand that it is the intention of the governor to convert a storehouse into a kind of club, where it will be possible for the prisoners to have their games and debates, and to hear lectures, both from men in their own ranks, and from visitors.[25]

There are three medical officers at Parkhurst; this number seems to us inadequate. These officers not only have to attend to the needs of the 700-800 convicts in the prison, including a large proportion of physically and mentally diseased; they are responsible, in addition, for the health of the population of the neighbouring Preventive Detention Institution at Camp Hill, and for that of the members of the staff of both establishments and of their families. The necessary individual attention must be absolutely impossible in view of the detailed duties which prison medical officers are asked to perform.

Our evidence indicates that many of the shortcomings in the general medical care of prisoners are evident at Parkhurst. An experienced witness thus describes the prison hospital:—

> An old-fashioned gloomy block, ill-adapted to its use, neither better nor worse than most prison hospitals. There are two wards, each containing ten or twelve beds. The cells are ordinary prison cells, with observation doors. One part of the hospital has a good exercise ground, in which the men walk or sit about as they please. It is a cheerful garden and grass place. The other wing, however, is served by a large, dismal, asphalted space, in which the men wander or sit disconsolately. This wing is just an ordinary prison block of the old type, with only the poorest kind of window, two rows of tiny panes.

All convicts suspected of being weak-minded are sent to Parkhurst. They are kept under observation and, if found insane, are sent to Broadmoor criminal lunatic asylum; if mentally deficient or feeble-minded only, they are retained at Parkhurst. They are segregated and are given special treatment, described as follows by Dr. Smalley in his report for 1912-13.

> Their dietary, employment, and general supervision are the subject of special consideration, the aim generally being, whilst maintaining order, to attain this with a minimum of rigid discipline and without the strait waistcoat.

More than one-third of the mentally deficient convicts at Parkhurst are unfit for ordinary labour. They are provided with light

[25] It seems probable that these relaxations are intended to correspond with the new Standing Orders reproduced in a Note at the end of this Chapter.

outdoor employment, such as market gardening, road sweeping, and coir picking. Quiet conversation is permitted at work, but punishment may be given for loud talking, laughing, or gossipping. Those who are not fit for outdoor employment are said to be confined to their cells all day, except for two periods of exercise. If this be so, a great cruelty is being practised upon the most unfortunate of this unfortunate class.'

Special emphasis must be laid upon the fact that, despite the concentration of the mentally defective convicts at Parkhurst, none of the medical officers of that prison is a mental specialist. When mental examinations are required, the honorary medical member of the Board of Directors of Convict prisons pays a special visit to the prison. The Prison Commissioners have appointed a mental specialist to deal individually with the remand cases at Birmingham prison. It ought not to be necessary to urge that at least one specialist is required to treat the mental cases at Parkhurst.

A special class of aged convicts was established at Parkhurst in 1910-1911 "with a view of suppressing unnecessary and purposeless suffering."[28] All convicts over 67 years of age, together with those who have not reached that age but who by reason of premature senility are unfit for prison discipline, are placed in this class. They are given light work, and as the following description by one of our witnesses makes clear, enjoy many relaxations from the usual régime.

> The aged convicts have a large, light, association room, with tables and chairs. No daily newspapers are allowed, but magazines like the "Strand," the "Grand," and journals like the "Church Family Newspaper" are permitted. A door of this room leads out into a little garden, brilliant with flowers, where the old men sit in the sun. They may talk, and although they have mail-bags to sew, no work is insisted upon. They quarrel occasionally, but not much.

These prison veterans are pathetic figures. Many of them have nowhere to go when they leave prison; some of them have no relatives, the relatives of others are ashamed of them. It is not to be wondered at, therefore, that they are often reluctant to leave, and that some of them deliberately commit crimes in order to return.

As we have indicated, the conditions of convict life are ameliorated in certain respects for the sick and the aged, for the young, for the long-sentence prisoners in their later years. Nevertheless, if we were to describe the régime at the Convict prisons as *punitive slavery* rather than as *penal servitude*, a more accurate impression of its character would be given. "The real atmosphere of Dartmoor, so far as the men responsible for its well-being and discipline are concerned," says Mr. A. Paterson, in a graphic if exaggerated phrase, "is that of a handful of whites on the American frontier among ten times their number of Apache Indians. "We stand on a volcano' an

[28] P.C. Report, 1910-11, p. 43.

officer said to the writer in a matter of fact tone. 'If our convicts here had opportunity to combine and would trust one another, the place would be wrecked in an hour.'"[29] That may be one side of the picture. The real atmosphere of Dartmoor, so far as the prisoners are concerned, is that of slaves denied the most elementary rights of human nature, working without wages, under the supervision of task-masters, for one quarter of the day, and confined in narrow comfortless cells for the rest of the twenty-four hours, with the oppressive sense of an iron discipline always present, and with the threat of still severer punishment always lurking in the background. Such is the lot of many human beings for three, for five, for ten, for fifteen years, and in some cases twenty years. Have we the right to expect that they should come through it better fitted to lead the life of an honourable citizen?

A Note on the New Recreation Scheme for Convicts.

In their report for 1920-21,—the *Prison Commissioners* give new Standing Orders "relating to certain proposed modifications in the treatment of male prisoners undergoing penal servitude." They say that they "have come to the opinion, as a result of careful observation, and of certain experiments which have been made, that much of the rigour incidental to penal servitude can, without danger, be modified," and they declare that "experience has clearly shown that, with the hearty co-operation of the governor and all members of the staff, greater latitude may safely be conceded to convicts as a body." These statements may be held to justify the hope that the Commissioners intend to transform penal servitude on the lines of the preventive detention system, although the modifications which the new Standing Orders inaugurate are much less ambitious than that.

The new Standing Orders are as follow :—

> There will be four stages of Penal Servitude for male convicts, viz., "Ordinary," "Probation," "Superior," and "Special."
>
> When a convict has earned 4,380 marks, representing two years of his sentence, with good conduct and industry, he may, at the discretion of the governor, pass into the "Probation" stage, when, if the governor so decides, he may be brought out of the cells in the evening on certain days in the week, and may be admitted to take part in readings, recitations, lectures, etc., as organised for the "Superior" stage.
>
> After one year (2,920 marks) in the "Probation" stage, he may be admitted to the full privileges of the "Superior" stage, namely, dress and trousers of different pattern, shaving and hair cutting, looking-glass, and wash-stand. These privileges may, however, be accorded to the "Star" class after six months (1,460 marks) in the "Probation" stage.
>
> Recreation classes may be formed on two or three evenings a week. Readings, recitations, lectures, discussions, music may be arranged. Games such as chess, draughts, and dominoes may be allowed. During the summer months advantage may be taken of the fine weather to walk or sit in the grounds of the prison gardens.

[29] "Our Prisons," p. 21.

Prisoners in the "Superior" stage will be encouraged to contribute, by their own efforts, to the formation of clubs, or otherwise, for the organisation of debates and discussions on prescribed subjects; or they may co-operate with the officers of the prison in organising musical entertainments. If such clubs are instituted, careful rules will be drawn up and records kept.

A convict admitted to the "Superior" stage may, with exemplary conduct, earn a special remission of three days if in the stage for any period less than six months, and of seven days if in the stage for any period of six months or over.

When a convict has served four years of his sentence (11,680 marks) with exemplary conduct, he will pass into the "Special" stage. When in that stage he will be subject to the rules laid down for the "Long Sentence" Division, and Standing Orders 178 to 181.

In addition, a convict in the "Special" stage may be allowed to purchase a weekly journal or newspaper, and pipes and tobacco. A small bag will be provided in which each convict will keep his smoking materials. Smoking will be allowed during the dinner hour, and for those entitled to association in the evening after supper. Any convict who abuses this privilege will forfeit permission to purchase tobacco and to smoke for such time as the governor considers necessary. Chewing will not be allowed.

A convict will be allowed to receive a visit of 30 minutes' duration, and to write and receive a letter as follows during sentence :—

(*a*) During the first week of his sentence.
(*b*) After earning the first 960 marks.
(*c*) Afterwards, and until he reaches the "Superior" stage, for every 720 marks earned.
(*d*) Whilst in the "Superior" stage, for every 480 marks earned.
(*e*) Whilst in the "Special" stage, for every 240 marks earned.
(*f*) On reception from a Local prison a convict will be allowed to write and receive a letter, which shall not be counted as a stage letter.

Thirty minutes will be the usual time allotted for visits through all stages, unless, in any case, the Governor should consider an extension desirable.

In addition to the usual religious and educational books, two library books will be allowed per week until the "Superior" stage is reached, when the number allowed will be at the discretion of the chaplain, having regard to the particular needs and requirements of the convict.

Convicts will be allowed exercise in the open air on Sunday as follows :

"Ordinary" and "Probation" stages ...	One period.
"Superior" stage	Two periods.
"Special" stage	Three periods.

The weakness of these new rules is that they do not, as far as we are informed, apply to women convicts and that, in the case of men, they do not come into force until convicts have served two years; much mental and moral damage may be done by the repressive régime during that time. We trust that these modifications will represent only a beginning in a policy of complete departure from the inhuman severity of the penal servitude system.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Most of the defects previously noted apply to Convict prisons equally with Local prisons. The oppression of the routine is felt more severely because of the greater length of the sentence.

2.—The recidivist is liable to be kept in separate confinement for the first three months of his sentence.

3.—The severity of penal servitude has been increased since 1919 owing to the increased cellular confinement, resulting from the introduction of the eight hour working day for officers. Cellular labour has been introduced.

4.—Despite the greater scope given by the length of the sentence, there is no efficient industrial training, except in shoemaking, tailoring, and farm work at Dartmoor.

5.—The "privileges" for ordinary convicts, as regards letters, visits, etc., are cruelly inadequate. Even in the case of the long sentence division (entered after five years), they remain but trifling modifications of the régime. (More extensive privileges, after two years, are now proposed under new Standing Orders.)

6.—The medical staff at the invalid Convict prison (Parkhurst) is inadequate. There is no mental specialist, despite the fact that all mentally defective convicts are sent to this prison.

CHAPTER XXII

WOMEN PRISONERS

The variations in régime between men's and women's prisons are slightly in favour of the latter; but there is no radical difference. The same repressive system, the same idea of *punishment*, with almost no thought of cure, runs through both systems. The wastefulness, the failure to individualise, the lack of serious training, and the cruelty which comes from looking upon people merely as bodies instead of as personalities are found in both. In both there are the small, nameless humiliations, the inevitable abuses, or a too-absolute power, and the infringements of rules to the prisoners' disadvantage. If we do not stress these points here, it is because they have been fully dealt with in other chapters, not because they are absent from women's prisons.[1]

The Population of Women's Prisons.

In the appendix to our chapter on the Prison Population[2] we print Tables giving the prison numbers for both sexes, with the offences for which they were convicted. They show that the average daily number of women prisoners in Local and Convict prisons in the year 1920-21 was 1,235, of whom 76 were in the Convict prisons. The daily averages in 1913-14 (we omit the exceptional war years) were: Local prisons, 2,236; Convict prisons, 95. In 1918-19 the figures were 1,322 and 83; in 1919-20 they were 1,219 and 82. The fall in the number of women prisoners has led to the closing of many of the women's sides of the prisons. In 1913-14 there were 44. Now there are 30, and the closing of six more is foreshadowed.

The most frequent offence is "Drunkenness with aggravation," for which in 1913-14 (the last normal year represented in the statistics) the number of women committed was 12,459. Prostitution came next (7,952), then "Offences against public regulations" (2,827), "Simple drunkenness" (2,681), "Simple larceny" (2,154), and assaults (1,164).

The crimes for which more women than men were sentenced to imprisonment in 1913-14 were "keeping brothels and disorderly houses" (men, 116; women, 396), "concealment of birth (men, 2; women, 25), "procuring abortion" (men, 4; women, 14), and "habitual drunkenness" (men, —; women, 4). Of persons sentenced for "cruelty to or neglect of children," 769 were women as against 1,058 men.

[1] See p. 131 for dress; p. 155 for education; pp. 166 and 167 for crafts' classes; pp. 198-200 for lady visitors; and pp. 378-381 for wardresses.

[2] See pp. 27-33.

Cruelty to Children.—Women imprisoned for cruelty to children are sometimes highly-strung people whose nerves and tempers have given way under the accumulated strain of repeated child-bearing and crowded miserable housing. They are also often people of extreme stupidity and ignorance, whose cruelty is not so much deliberate as the result of utter neglect, ignorance, and bad conditions. Under the present penal system no real effort is made to give such women any training in home duties. The children who come in with them are usually but not always cared for by wardresses. One witness notes the curious fact that these women are often particularly jealous and mistrustful of those who have charge of their babies.

Abortion and Infanticide.—An interesting light is thrown upon the psychology of women convicted of procuring abortion by the statement of more than one experienced official that some of these women persuade themselves that they are doing a kindness to their clients. "The poor women come to us in such distress, and we do what we can to help them." It is not by any means always a question of gain. "It's not as if I'd done it for money," said one ex-convict, who admitted the gravity of the fault, but pleaded her entire ignorance of the law and the innocence of her intention, and argued that three years was too hard a sentence for a first offence. Some women, however, practise it as a regular trade with full knowledge of their position. If the risks of the profession are great, the profits are said to be correspondingly large.

Amongst the other grave offences found amongst women, murder and attempted murder claim attention. The crimes of this group, so far as women are concerned, are principally cases of infanticide. Upon a crude *a priori* judgment this might seem the most "unnatural" of crimes, and it might be supposed that the women guilty of it were of a specially low type. Such a judgment would be quite wide of the fact. The view of prison officials seems to be that they are as a type in reality very superior to the ordinary criminal, and that at the time when they commit the act they are often beside themselves from financial anxiety, shame, loneliness, and the fear of being cast off by their families. When in addition we consider the factor of mental instability, frequent at the time of childbirth, it is not difficult to understand why those committed for infanticide are often first offenders, women under normal circumstances far removed from any "criminal type." In these cases sentence of death is generally passed and afterwards commuted to imprisonment for life, but in practice the time served is usually three or four years.

During the last 16 years 57 women have been sentenced to death, of whom only one was executed (in 1907). It is not sufficiently realised what cruelty is involved in putting a woman, often a mere girl, through all the mental agony of living for days under a sentence of death, which is real to *her*, though reprieve is an almost foregone conclusion to the authorities. "When have I got to die?" was, a

prison official tells us, the cry of a young woman recently on being brought back to the condemned cell after receiving sentence of death, and the kindliest of officials dare not forestall the prerogative of mercy by holding out any assurance that the sentence will not be executed. An extreme instance of belated action on the part of the authorities is given in the following evidence of a witness:—

> Death sentence was passed on —— over three years ago. The reprieve did not come till the woman had been weighed to see what drop was needed and till within two days of the execution being carried out. I believe the gallows was prepared. Matron was absolutely ill with suspense, and the feeling among the officers and the other prisoners—not to mention the poor thing herself—was intense. It was nothing short of torture.

Prostitutes.—Of the figures of non-indictable offences the most significant in their bearing upon women's prisons are those connected with prostitution.[3] The figures of imprisonment under the head "sexual," given on pages 32 and 33, by no means cover all the offences against morals. Under the heading "Offences against Police Regulations" come a large number of other misdemeanours of this character, making up altogether a formidable part of the women's crime of the country.[4]

The treatment of such offences is the outstanding problem of women's prisons. There is a remarkable unanimity amongst those qualified to judge, that the present plan is completely useless. The women themselves regard a certain amount of imprisonment as one of the risks of their trade. They know by experience that a plea of guilty will get them off more easily than a declaration of innocence. Arrests can be made on the very slightest evidence, and as their whole lives are spent in the power of the police they know it will be better for them not to make difficulties and subsequent enemies. It is not necessary that the person solicited should either make the charge or appear to give evidence. The evidence of two police constables is sufficient. In point of fact the evidence of one is sometimes taken.

From the very nature of the case this practice opens the door wide to corruption of more than one kind. It is difficult to get direct independent evidence of such corruption, as the transaction is, of course, immediately known only to one or other of the parties concerned, but we find it impossible to disregard the concurrent evidence of numbers of people who are occupied in work amongst women and girls that, as a matter of fact, blackmail on the part of the police, and bribery on the part of the women, not only happen but happen frequently. The police are often to be "squared," either by cash payment or in other obvious ways. An ex-policeman

[3] The several methods by which a prostitute may be sent to prison are set out in a Note at the end of this Chapter.

[4] An ex-prisoner gives evidence as follows regarding the attitude of other prisoners towards prostitutes:—"There is a certain amount of condemnation of and superiority felt by prisoners sentenced for theft, etc., against those convicted of immorality. 'I might be a thief, but I'm not like her,' is a typical remark."

discussing the point, says, "It is very hard to get a woman convicted as a prostitute the first time, but when once she has been convicted you can get her sentenced again as easy as *that*"—with a snap of his fingers.

But there is another serious aspect to these committals. Imprisonment, while retaining its penal character, has come to be looked on as an opportunity for imposing medical treatment for venereal disease—partly perhaps, for the sufferer's own sake, but chiefly in the interests of public health. Within the last few years prison authorities have awakened to the need of such treatment. In the larger prisons arrangements are now made for it to be given—in Holloway, by a recently appointed staff of one woman doctor with five trained nurses; in most Local prisons under the prison medical officer (a man) with the assistance of a wardress (who has occasionally received a little *ad hoc* training). Sometimes a trained nurse from outside comes in to give it, or the patients are conveyed to the local infirmary for inoculation.

In practice the treatment thus given sometimes encourages the magistrates in sending women to prison who would otherwise be released on bail, fined, or discharged. Our prisons are *not* hospitals, whatever they ought to be; and nothing but confusion can arise from straining the powers of the law to procure a compulsory medical treatment which the law itself does not authorise.

Nor is this practice more satisfactory as seen from the medical side. The ordinary sentence for prostitution is far too short for any effectual treatment. All the evidence goes to show that even those women who serve their full sentence go out but little improved in health, and soon return worse than before. Many do not serve the full sentence. Their fines are frequently paid, and the prison authorities have no choice but to liberate the prisoner, even though, as sometimes happens, the fine is paid at nine o'clock at night by a man who meets the girl at the prison gate.

The recognition of the futility of short sentences has led to a deplorable custom. Some magistrates, instead of passing sentence on a woman suffering from V.D., remand her from week to week for treatment[5]—a grave evasion of the safeguards of personal liberty.

There is another aspect of the medical treatment of women of which mention must be made. It seems clear that the treatment and isolation of venereal disease cases is improving, and that the exposures made by suffragists and special war-time prisoners, have caused more attention to be paid to the matter. But the attention is accompanied by dangers. The assumption that a prisoner is likely to be suffering in this way is humiliating to a self-respecting woman, and though in *theory* she is not obliged to submit to a searching

[5] See Appendix to this chapter, pp. 351-2.

medical examination, *in practice* she sometimes dare not, or does not realise that she can, refuse it. That some examination is sometimes necessary we do not of course deny, but it should be with the prisoner's consent, and never become a matter of the ordinary prison routine.

The Unconvicted.—The number of unconvicted women sent to prison (i.e., on remand or committed for trial) for the year 1919 (the last for which figures are available) was 4,511. Of these, 1,622 were subsequently sentenced to various terms of imprisonment, whilst the remaining 2,889 were either acquitted or were dealt with after their trial in some other way than by imprisonment (fine, probation, etc.)

In themselves these figures make a powerful argument for the extended use of bail.[6] But it is not safe to explain them exclusively by an over-reluctance on the part of the magistrates to give bail to women for reasons of safe custody. In many courts it is the general rule to refuse bail to women charged with solicitation. A police-woman, writing after 18 months' experience of one court, says: "I only remember one case in which a woman charged as a common prostitute was allowed bail, and that was the occasion on which I charged a man and woman together with indecent behaviour. The man asked for bail as soon as he was charged, and both were allowed bail."

There are cases where the sending of women to prison on remand results in very serious consequences. It is by no means uncommon for a woman in an advanced stage of pregnancy to be refused bail. The story of Ellen Sullivan, which received considerable publicity in January, 1919, may be briefly summarised here.

This girl of 17, was charged in a London police court with using insulting language in a public place. She was declared to be pregnant, and her mother offered bail and begged to be allowed to take her home. Bail was refused because the magistrate could see no reason for granting it. He said she would be well cared for in the prison. The police had already accepted her recognisances for £2 and allowed her to return home pending her appearance in Court. She had thus proved herself trustworthy. Subsequently, Ellen Sullivan, in a cell of the prison remand hospital, gave birth to a 6½ months' child, which died almost immediately. She herself died a few hours later—according to the doctor's report, of diabetes.

A similar case occurred in February, 1920, when a pregnant woman was sent by train from Hendon to Holloway, with a considerable distance to walk at both ends, and gave birth to her child the same night. Such facts need no comment.

[6] See pp. 305 and 306.

Juvenile Adults.—The deplorable results of sending "juvenile adults" and other young people to prison on short sentences for small offences are dealt with elsewhere, but the special effect upon the after-career of girls may be illustrated by the following instances. An ex-prisoner writes:—

> One girl who cleaned my cell and who was in for soliciting told me that she was going to help a very young, pretty, little girl who was in a cell near, and was convicted, I think, for theft. "Poor girl, she knows no one in London, but as I shall be out first I have arranged to meet her at the prison door, and will put her in the way of getting a living."

The second instance is supplied by a Woman Police Officer:—

> A young woman (aged 21) at —— was sent for one month's hard labour on a charge of stealing. She had appropriated to her own use 8s. which she had collected from customers on her milk round. When she came out of prison she began at once to be a good deal on the streets at night, in company with well-known women, and with many different men. I talked to her one night and pointed out that the policemen had their eye on her, and very soon her character would be gone. She told me, with great vehemence, that she did not care, that now she had been in prison she did not care what became of her—she had no character. Until the time of her conviction and sentence, she had been, I believe, quite straight.

The Regime.

The most important difference in the routine treatment of men and women prisoners is that the month's separate confinement with which the men's hard labour sentence begins is omitted for women. Since the year 1909, all women prisoners upon conviction have, in theory, been put at once to associated work. Prison officers, who have been questioned, are definite in their view that the morale of the women is greatly benefited by this regulation. When questioned in Parliament, the only explanation the Home Secretary could give of this discrimination in favour of women was that "it has always been the practice in English prisons to enforce sentences of hard labour less severely in the case of women than in the case of men." The fact that the women are reported as being "more manageable" in consequence of associated labour is, in the view of experienced witnesses, a strong argument for the abolition of separate confinement for men.

Unfortunately, it sometimes happens that through shortness of staff the women are deprived of their association. "Reception," involving a complicated routine and sometimes a considerable time spent in the cleansing of dirty newcomers, may occupy the wardress who should supervise the women's work. It is particularly to be deplored that this sometimes happens on a Saturday, adding a further burden of lonely hours to the solitude of the week-end.

The work done in women's Local prisons consists of laundry work, sewing (by hand and machine), knitting and repairing socks, making post-office bags, cleaning the prison and the officers' quarters or

rooms, distributing food, carrying coal, etc. Occasional outdoor jobs (such as cutting grass, clearing drains or weeding) are given, generally to tubercular or mentally defective prisoners.

In Holloway prison, cooking must be added to the above list. In prisons which contain both men and women prisoners it is customary for the cooking to be done on the men's side and the food sent over on hand-trolleys to the women's, an arrangement which does not conduce to its being served hot. One ex-convict who had been moved from Aylesbury (where only women were confined), says, "I'd hardly one hot dinner all the time I was at Liverpool. In Aylesbury the dinners were always boiling hot."

The statistics of employment given by the Commissioners in their reports since the beginning of the war do not show a classification according to sex. To illustrate the nature of the work upon which women prisoners are engaged we give the following report of women's occupations from the report of 1913-14.[7]

Daily Average of Women Prisoners engaged in various Employments, in Local and Convict Prisons.

Bakers	4
Bedmakers	47
Bookbinders	2
Cotton teasers	8
Dressmakers	25
Knitters	303
Knitters' repairs	78
Mail-bag makers	51
Needleworkers	471
Needleworkers' repairs	96
Net makers	26
Sail makers	5
Tailors	18
Twine and rope makers	11
Farm work	5
Painters	3
Whitewashers	4
Cleaners and jobbers	246
Cooks	26
Gardeners	29
Hospital orderlies	20
Stokers	27
Washers	475
	1,960[8]

[7] In very few prisons is there any range of employment, nor is there in practice much real option.

[8] This total does not tally exactly with the totals given in the 1913-14 P.P. Report, owing to an error of addition in column 3, p. 109, in that report.

There was a daily average of 456 women *not* employed. It is very much to be regretted that so few women are engaged on systematic out-door work.'

The laundry usually washes for both sides of the prison; the female officers' clothes are also washed there, and, at Holloway, towels, dusters and cloths for Government offices. The laundry exemplifies one of the chief problems of prison labour, viz., its fluctuating quantity. The outside work and the washing for the men's side do not diminish when few women happen to be "in," and a very real difficulty sometimes arises in getting through the work; it even sometimes happens that when there are so few women the laundry is temporarily handed over to the men. It is no uncommon thing to hear the officials speak highly of the way the women rise to the demands of extra hard work. The "reality" of the work—the fact that it has to be done—tends to produce a feeling of co-operation between officials and prisoners, and, in spite of the pressure which it sometimes entails, redeems this occupation from the dreary aimlessness of so much prison labour. The "habituals" are said to prefer the laundry, with its free-er discipline and opportunities for talking, to other forms of associated work. The laundries differ considerably as to ventilation, space, and convenience.

The sewing varies from mail bags to uniforms. In one prison quite a good class of work, the making of the wardresses' dresses, is done. For work of this sort sewing machines are provided, but an enormous amount of needlework, including the prison clothes for men and women and the hemming of cloths and towels, is done by hand. Sewing by hand, unless of the very finest sort, is not an occupation at which a reasonable living can now be gained, and is therefore of little value from the point of view of training with a view to self-support.

In many prisons the facilities for association at needlework are very faulty. Too often when a room is provided it is not well lit. In the smaller prisons the ground floor corridor of the block is often the only place where the women can sit and work. The block is usually three stories high, lit by a top sky-light, and the iron galleries of the two top floors darken the bottom floor, which is therefore a very unsuitable place for such an occupation. One questions whether the authorities have realised how extremely trying to the sight sewing in a bad light can be. An ex-convict woman reports that complaints of eye-strain are very frequent. In one prison (a solitary instance, we believe) the women are allowed in summer to sit and sew on the grass in the yard, which is brightened by a few flower beds.

[9] It is worth quoting in this connection from the report of the superintendent of Aylesbury Inebriate Reformatory for 1905. He says that women employed on garden work improve both in health and temper. "It is an extremely rare occurrence," he adds, "for a garden worker to be reported for an offence against discipline. I am strongly of opinion that outdoor employment is the most satisfactory form of work for these women." (P.C. Report, 1905-6, pp. 578 and 579.

Sewing is given out to be done in cells as well as in association. Thus one woman employed in the kitchen all day reports having 12 mail bags weekly for sewing in her cell. Of course no work is required to be done on Sunday, but instructions are given that the sewing is to be left in the cell so that a woman who wishes may occupy herself with it, a considerable boon to some prisoners in mitigating the dreariness of that most dreary day.

Diet.

The diet of women prisoners scarcely differs in its constituents (except for the addition of tea) from that of the men. It is considerably improved since 1916, when for two out of the three daily meals nothing but dry bread with tea (in lieu of porridge) or cocoa was given. Somewhat smaller quantities of bread, porridge, potatoes, rice, and pulse are served out to female prisoners than to men. There are slight local variations in diet; prisons with gardens, for instance, are able to give better and more varied fresh vegetables. The quality of the food varies. The general opinion is that the cocoa and bread are of very good quality, but that the bacon and fish are often almost uneatable.

Women on some classes of work receive extra for breakfast; pregnant women now receive some increase of diet; and a small addition to rations is made in the case of convict prisoners. We have evidence that these latter, in for long terms, find the diet very unsatisfactory and monotonous. The change from the more varied and better general diet at Aylesbury, where a "lettuce or a bit of fresh onion to our tea" could sometimes be enjoyed, has been acutely felt by the convicts who have been removed to Liverpool.

The interval of over 14 hours (from 4-30 p.m. to 6-45 a.m.) between the last meal at night and the first in the morning appears to be felt even more acutely by the women prisoners than by the men.

The Silence Rule and Other Features.

The application of the silence rule is not uniform. On the whole it is probably less severely enforced in female prisons than in male, though this is not always the case. Some women officers at least would welcome the abolition of the rule. So long as it exists, even if tacitly modified, they feel it is something the breach of which might be brought up against them. Others are favourable to it.

The following may probably be taken as fairly typical of the women officers' opinion on the matter:—

> Silence is a prison rule and should therefore be kept. Ours being such a large prison it cannot be kept, as I believe it can be in a small prison. Therefore, with the rule as it is, it is not a fair rule for either prisoner or officer. Certainly abolishing the rule might be the means of contaminating an otherwise clean mind with bad thoughts. If the classes and work-rooms were on a smaller scale and the officer able to hear any and all conversation going on, it would then certainly have to be "clean" and perhaps could be made very helpful.

The psychological results of imprisonment are probably not very different with women from what they are with men.[10] It is possible, as one ex-prisoner suggests, that women feel the deprivation of normal conversation, the one relaxation in life for some of them, even more than men do, and their anxiety at being separated from their children is probably more poignant. The gipsy mother imprisoned for fortune-telling, who has left a caravan full of young children with no woman to care for them; the mother who has left a sick boy at home and can have no news of him for two months; the housewife who hears in prison that her husband has taken to drink in her absence, that the children have been scattered and the home sold up—these are merely instances which enable us to fill in, in imagination, the cruel anxiety which occupies so many of the minutes of the 18 hours' solitude.

Our evidence indicates that little attention is paid to the special needs of women during their monthly periods. "Women ought to be allowed to lie down in the afternoon during that week if they feel the need of it," urges an ex-prisoner. "At present they are not permitted to put down their beds by day." The complaint is also made that proper privacy is not afforded. We take the following statement from the speech of an ex-prisoner at a conference arranged by the Penal Reform League in June, 1917:—

> Owing to prison negligence I became ill and only left my cell for four hours' exercise on *four different days—during the whole of my sentence.* My cell was, therefore, my dining-room, my bedroom, my bathroom, and my water-closet, and I was always just in my nightdress. I must, of course, leave a good deal to your imagination, but can you realise what it meant when the male governor, male deputy-governor, male doctors, male chaplains, male visiting magistrates, male inspector, all apparently have the right to plunge into your cell-bedroom without the slightest warning, or even knocking, or even asking your permission! The wardress certainly unlocks the cell for these men, her superiors; but as you seldom hear their approach, and practice has made her a lightning-speed key-fitter, a prisoner may be caught in the most embarrassing situations. I do not want to labour the point, but I say that there is not one woman in this audience—whether single or married—who would like to think that any strange man could burst into her bedroom in that way.

One of the medical officers at Holloway prison is now a woman. We see no reason why this prison should not be exclusively staffed by women, from the governor downwards.

As a rule the medical officers of prisons do not appear to be encouraged to use their position with a view to research into the immensely important bearing of physical conditions upon crime. In view of the fact that the emotions are so profoundly affected by the sex instinct, it might reasonably be supposed that the incidence of crime, particularly of those forms of it which are more directly associated with emotional instability, would vary with the condition

[10] For the general mental and moral effects of imprisonment, see Part II.

of the sexual life. It should be a comparatively simple matter t elucidate some of the effects of this element in the causation of crim in women owing to the definite monthly cycle of the sexual life.

A considerable number of women when admitted to Local prisor are pregnant. It is even said that in some cases, where the priso doctor has a specially good reputation, women commit small crime in order to be in prison for their confinement—a severe reflectio upon the conditions outside prison! It is the practice in Scotlan (but not in England) to send women out to a hospital for the birth c the child, requiring them to return afterwards to complete their ser tence. In England it is the general rule in the case of sentence which have not long to run for the doctor to report the case an obtain the woman's discharge before her baby is born. But eve so, a considerable number of babies are actually born in prison.

Babies in Prison.

No official figures of births in prisons are issued. It is now th custom when a child is born in prison to enter the address on it birth certificate as No..... Street, thus avoiding the slur of a official statement of its place of birth. This pious fraud may hav its uses in later life, but probably the child itself knows well enoug where it was born. In this connection there exists a curious legen that any child born in prison has a right to a farthing a day fror the Government for the rest of its life. For this, of course, ther is no foundation. Nevertheless, from time to time claims for arrear reach the Prison Commission.

For her confinement the mother is placed in the prison hospital probably in a ward. Afterwards the child shares her cell, with al its limitations of space and ventilation. One prison has a doubl cell for mother and baby, but it is so dark and gloomy that little i gained. The mother is not allowed to make or bring into the prisor clothes for her child; these are provided by the authorities.

Convicted mothers with young children are allowed to bring thei babies into prison with them. The following rules govern th reception of children in prison:—

> When a child is received into prison with its mother, under the orde of the committing magistrates, such child shall not be taken from it mother until the medical officer certifies that it is in a fit condition t be removed. When the child has attained the age of 12 months th medical officer will report if he considers it desirable that it should b detained for any longer period. Before discharging any such child th governor will ascertain from the relatives whether they are willing an able to receive it, and, in the event of their being unable, will repor the case to the Commissioners for decision whether the child shall b retained for a further period, or sent to the workhouse. If the chil be not retained in prison, it will be sent to the workhouse of the Union i which the mother was apprehended, previous communication with th workhouse authorities having been made by the governor.[11]

[11] S.O. 102.

> A crib, cot or cradle will be issued to every female prisoner with a baby. Each such prisoner will be told that she is to use this for the baby at night, and will be warned that, if she disobeys the order she will render herself liable to report and will be held responsible in the event of any accident occurring.[12]

In practice, the 12 months' limit is sometimes extended, and we have heard of a boy of three, whose mother and grandmother were both in the same prison, who ran all about the place and stopping at a cell door would knock and call, "You all right, granny?" Where there are several children in at the same time they are placed in the care of a wardress, and generally spend much of their time out of doors. Some prisons have special rooms for them. Until recently the children in these "creches" have been entirely tended by wardresses, but at Holloway prison the mothers are now expected to bathe their own children.

There is no doubt that much kindness is shown to these little children; they are well looked after, have good food, and are kept clean. The advantages to the mother of their presence in the prison are obvious; and into the cold existence of the other women, too, the children bring a touch of something human. The crowing of a baby breaks the silence, a scrap of ribbon on its sleeve makes a touch of unwonted colour, and to many women the mere sight of a child is a relief. A case has been instanced to us of a girl, probably abnormal, whose violent temper occasionally involves such penalties as the strait jacket and the punishment cell, but who can be calmed completely by the company of a little child.[13] It is, however, a question, in the light of recent discoveries as to the effect very early environment and unconscious memory have on the formation of character, whether, for their own sake, children ought to be left in prison, however remedial their influence upon others may be.

Convict Women.

All women convicts are at present confined in Walton Prison, Liverpool. They occupy the innermost block of the women's prison. This block is in such proximity to the men's remand block that the language of the men, often bad and indecent, is distinctly heard, and conversation passes between the prisoners confined in the two sections.

We believe that the accommodation of the convict women at Liverpool prison is supposed to be only temporary. On this point a visiting magistrate says: "For long sentence prisoners such as these it would be very desirable if one of the smaller country prisons at present empty could be used. It crowds the Local women badly, and the convicts' lives are more wretched than they need be from the cramped and dismal nature of their surroundings."

[12] S.O. 103.
[13] See p. 17.

The women convicts have a good workroom for needlework, and a fair laundry, which they share with the local prisoners. The convicts do the staff washing, their own, and all the ironing; the locals do the rest. The convicts also cook for the women officers and do the housework of their quarters.

The convict women have some "privileges" denied to the shorter term prisoners. They have from the beginning a bedstead and mattress, a square of mat and a chair, and are allowed Christmas cards, picture postcards, photographs, etc. In the cells of Roman Catholics a crucifix may be seen; a small table-cloth and a vase of flowers in others. A looking-glass is allowed after the first nine months. They are fortunate in having a lecture by a visitor every Wednesday, and a choir practice or concert with outside performers on Saturdays. They have "associated exercise" after nine months, but no other recreation or classes. They are not searched as part of the ordinary routine, though every few weeks a "surprise" search is made. (This is always resorted to when thefts of food, etc., are suspected).

There is no doubt that the long-sentence women feel acutely the conditions of their imprisonment. They frequently complain of hunger, and the food is too little varied for prolonged periods, even when sufficient in quantity. Moreover, the length of confinement in cells is very hard to bear. The actual occasions on which they are out of the cells for work, exercise, and chapel, last from 8.30 a.m. to 11.45 a.m. and from 1.30 p.m. to 3.45 p.m. This means 18 hours out of the 24 in solitude. One woman, when asked how she stood this confinement over a period of several years, replied: "It is very hard to avoid bitter thoughts of them that sent you here."

Associated exercise gives opportunities for talking. Comparisons of sentences and crimes are a staple of conversation, and the inequality of punishment adds a sense of injustice to their lot. Religion is occasionally discussed. "You don't hardly know what to think of religion; inside, there doesn't seem like as if there could be a proper God, with so much hardness and injustice." It is noteworthy that a number of ex-convict women subscribe a penny a week to provide flowers for the prison chapel.

Women convicts are favoured in being allowed remission of one-third of their sentence as a reward for industry and good conduct, as compared with one-quarter allowed to men convicts. Women sentenced to long terms also still receive a daily gratuity. Moreover, a well-behaved woman convict with a sentence of five years or more may be permitted to spend the last nine months of her period of imprisonment in an "approved refuge" or home, so that the time actually spent in prison by a woman sentenced to five years' penal servitude may not be more than 31 months.[14] These women come under the care of the Central Association for the Aid of Discharged Convicts, whose assistance often proves of the greatest value.

[14] Rules for Convict Prisons, 1899, Nos. 33 and 34.

A Note on the Law Regarding Prostitution.

Under the Towns Police Clauses Act, 1847, any "common prostitute or night walker loitering and importuning passengers for the purpose of prostitution" is liable to a penalty of 40/- or to imprisonment for 14 days if the offence be to the obstruction, annoyance, or danger of the residents or passengers in any street. The Act is (or is supposed to be) restricted to offences in cases of "obstruction, annoyance, or danger."

The Vagrancy Act, 1824, deals with every common prostitute wandering in the public streets or public highway or in any place of public resort and behaving in a riotous or indecent manner. Under this Act a woman merely accosting a man commits no offence. For a first offence the defendant is deemed to be an idle and disorderly person, and may be imprisoned on the order of one justice for 14 days, or on the order of two justices for one calendar month, or fined not exceeding £5. For second offences under the Act more severe penalties may be inflicted.

Under the Metropolitan Police Act, which applies within the Metropolitan Police District, "every common prostitute or night-walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers" is liable to a penalty not exceeding 40/- or one month's imprisonment. This is a similar offence to that under the Towns Police Clauses Act.

Prostitutes are often bound over in sureties to be of good behaviour. Legal authorities are not agreed as to all the offences for which this surety may be required. The power is traced to a Statute of Edward III.'s reign. The statute has been so extended that it has become difficult to define how far it shall extend and where it shall stop. The authorities state that "sureties may be required from . . . . night-walkers; and in general, whatever act is of itself a misbehaviour is sufficient cause to bind over such an offender." The Court may order the offender in default of compliance with the order to be imprisoned for a period of six months by a petty sessional Court (two lay magistrates or a stipendiary), or for 14 days otherwise.

The amount of the surety is in the discretion of the Court, having regard to the rank of the parties and the circumstances of the case. Amounts are often demanded which are placed deliberately beyond the credit of the woman concerned, and thus a large number are actually sent to prison under this provision. A very frequent term is six weeks, which is a longer sentence than can be given under the other Acts above-mentioned.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Nearly all the defects previously noted apply to women prisoners equally with men prisoners.

2.—It is not made sufficiently clear that the special examination of women prisoners for the symptoms of venereal disease is not compulsory.

3.—Little attention is paid to the special physical needs of women.

4.—There is insufficient privacy. The doors of the women's cells may at any moment be opened to admit male officials.

5.—There is a woman inspector of prisons, and a woman doctor and hospital superintendent at Holloway prison, but otherwise the superior prison staff is entirely composed of men.

6.—The cells in which women with infants are detained are too small. Little training in the care of children is given.

Appendix to Chapter Twenty-Two.

CASE OF REMAND FOR MEDICAL EXAMINATION

On April 9th (Easter Monday), 1917, at about 10-30 p.m., Mrs. E—— W——, aged 20, and Miss E—— K——, aged 19, were arrested at H—— Barracks Railway Station on a charge of "using insulting words or behaviour," etc. They were taken to the police station and later released on bail for the night. Next day (Tuesday) they were charged before Mr. H. H——, chairman of the B—— Police Court. He remanded them for a week to Holloway prison for the express purpose of medical examination, bail being refused.

They were received at the prison on Tuesday, April 10th, had the usual bath and saw the prison doctor, who made the customary examination, which merely consists of sounding the chest and asking a few questions. On Thursday, April 12th, they were sent for by the doctor and underwent a complete medical examination, including an examination of the vagina.

The same night (Thursday) they were released on bail and re-appeared at the B—— Police Court on Tuesday, April 17th, for the remanded enquiry.

The secretary of the Association for Moral and Social Hygiene saw Mrs. W—— (the elder of the two women charged) on April 25th, and received the following statement from her:—

> I am 20. My husband is a soldier. I have never been in any trouble before. There was a party of us coming from a dance at B——, my mother-in-law, with a child of four, Miss K—— (the other woman arrested), and myself. My sister-in-law had gone home in a trap, and taken my baby with her. My mother-in-law was getting the tickets. There was a lot of noise and a crowd of people, and suddenly K—— and I were taken by a policeman. My mother-in-law came along and protested, but was told that she would be taken too if she were not quiet.
>
> We were released on bail that night and got home about 12-30 a.m. dead beat. Next day (Tuesday) we were charged at the police court and remanded to Holloway. I am feeding my baby at the breast and I did not see him from the Tuesday morning till late on Thursday night. My brother-in-law kept trying to get us out on bail, but the solicitor was told at the Court that we must first be medically examined, and that bail would depend on the result of the medical examination.
>
> On Thursday (April 12th), after we had been in prison two days, we were sent to the doctor and were both stripped of everything except our chemises. My friend (K——) was examined first, and I found her crying. The nurse said, "K—— is all right." Then I was told to lie down on my side and take off my chemise. The doctor and the nurse examined me, and the nurse called the doctor's attention to where I had been torn when my baby was born.

Mrs. W——, in answer to questions, stated that the examination was a vaginal examination, but she thought no instrument was used. She said that she was so upset and crying that she could not be sure if the doctor used anything but his hands.

Both the doctor and the nurse were quite kind and gentle. I did not know that I could refuse to be examined and did not know exactly what they were going to do to me. I understood I could not get out on bail until I had been examined, and I wanted to get back to my baby. After the examination was over I was told it was all right, and we were released later in the day. If I thought I would have to go all through this sort of thing again I would rather do myself in.

On the Tuesday following, April 17th, the two women answered to their bail. The following account of the proceedings is taken from the "M—— Chronicle," of April 21st :—

. . . Twice during the hearing the chairman intimated that the Bench would deal with the accused by cautioning them, but Mr. W—— F——, who defended, said that he wanted more than that, for he wanted justice, and declared that the last had not been heard of the matter, whatever might happen. He insisted that there was an apology due to these young women, for although there was no doubt a disturbance at the station, the police had made a mistake in arresting his clients, who were in no way concerned. But there was something else, which had to do with the extraordinary action taken by the Bench at the first hearing, in ordering these respectable girls to be subjected to the indignity of a medical examination by the prison doctor. There was no legislation to warrant such a course, and he held that the Bench had no authority to make such an order. He repeated that to subject respectable young women to such treatment on the evidence before the Bench was wrong, and some reparation was due to them for the indignity they had suffered.

The chairman held that the evidence given at the first hearing was such as to lead the Bench to regard the accused as of disorderly character, and that it was in the public interest that they should be medically examined whilst under remand. That sort of thing had been done before and would be done again. However, the case had been thrashed out, and the accused would be discharged.

Apart from the flagrant injustice and disgraceful indignity to which these women were subjected, this case is of interest as indicating that the Bench of magistrates and the clerk of the Court were under the impression that they had a perfect right to order the medical examination for venereal disease of women charged with street offences. The two women were sent to Holloway prison with definite instructions from the magistrates that they were to be examined for venereal disease, bail being refused until the result of the examination was known. They had two medical examinations, one the ordinary routine sounding of the chest, etc., and, two days later, a complete internal and external examination for venereal disease. Both were on remand, and, being unconvicted prisoners, were entitled to the fullest protection of the law.

CHAPTER XXIII

THE GENERAL CHARACTERISTICS OF THE ROUTINE

The Suppression of Personality

It will be clear to those who have read the preceding chapters that the *dominant* characteristic of the prison routine is its suppression of personality. "*From the* time he enters prison to the day of his release the criminal is as nearly as possible dehumanised," writes an ex-prisoner; "he is a mere unit, with a distinguishing *number*; except in his cell he is never beyond the eye of a warder, and even there he may be silently observed through a spy-hole in the door. His every action is treated as a mere mechanical process, and human motives, one might suppose, are deemed not to animate him. He is never trusted, but always regarded as a potential wrong-doer."

"Human dog-kennels" is the description which another ex-prisoner gives of prison.

"Men are animalised here," he proceeds. "The governor is responsible to the State to keep the bodies of the men it sends him for the period stated. I have seen the book marked 'Body Receipt Book.' As soon as we enter, that is what we are—a mere body. . . . It took me some time to find a fitting condemnation of this well-run machine—clean and regular, but it is that we are treated as bodies without souls. To keep our bodies safe we are counted *over 30 times a day—in and out*, in and out. You must not do a thing without permission. Get up when told, empty slops when told, scrub floors when told, exercise in a certain way as told, stop when told. Every *movement must* be done as *ordered*, nothing must be done without permission, from six in the morning till eight at night, when you are at last allowed to make your own bed and get into it."

The cold, inhuman mechanism of prison existence has probably never been more eloquently expressed than by Michael Davitt in his well-known letter to the "Daily Chronicle" on the question of the recidivist :—

All individuality is mercilessly suppressed in the prisoner. No prisoner is allowed to do anything except with the permission and within sight of a warder. He is the object of constant and ceaseless vigilance from sentence to liberation. He is closely watched when at prayers in chapel. He is under the warder's eye while in his cell, and is never for a second lost sight of when at work.

> He is made to feel in every particular of his routine life of silence and labour that he is treated, not as a man, but as a mere disciplined human automaton. To possess a will or attempt to exercise it even in some praiseworthy or harmless manner—as, for instance, to share a piece of bread with a more hungry fellow unfortunate—is to commit a breach of prison rules. The human will must be left outside of the prison gates, where it is to be picked up again, five, seven or 15 years afterwards, and refitted to the mental conditions which penal servitude has created in the animalised machine which is discharged from custody.[1]

In all essential respects this is as accurate a description of prison life to-day as when it was written.

In its regardlessness for the individual the prison system is, of course, akin to the army system, and frequently in our evidence protest is raised against the "militarism" of the routine. "The autocratic methods of militarism are resented very keenly by the prisoners," says a witness who has had 14 years' experience as the agent of a Discharged Prisoners' Aid Society. "The army-like discipline represses all the finer instincts of the prisoner, and he sees himself developing into an automatic machine. The whole régime is devoid of soul, of tenderness, of mercy, of sympathy." Dr. Devon makes the same point:—

> Prisons are run more on a military than on a civic model. The civilian and the soldier have a different conception of discipline. In industrial and commercial life a man is required to develop a sense of initiative; to act on his own judgment. He dare not do this in prison except at considerable risk. Prisoner or official, if he wants an untroubled time, he will get it best by putting his personal responsibilities on the shoulders of some other body, suppressing his judgment, and doing what he is told.[2]

The Apologia of the Chairman of the Prison Commission.

In a recent book, entitled "The English Prison System," which may be taken as its official apologia, Sir Evelyn Ruggles-Brise describes "the individualisation of the offender" as "the aim and purpose of the modern penal system in all civilised countries," and urges that "patient observation of every human being while in the custody of the State for an infraction of its laws" will prove (together with After-care and Prevention) the chief factor in the solution of the criminal problem.[3] The chairman of the Commissioners is at great pains to show that the prison authorities have for many years been seeking to find what Mr. Winston Churchill once termed the "treasure that is the heart of every man," but in the light of our own experience and the mass of evidence that has been placed at our disposal we are bound to remark, first, that were all the modifications of the prison régime which Sir E. Ruggles-Brise cites operative, they would make little difference to its dehumanising

[1] Quoted on p. 263 of Tighe Hopkins' "Wards of the State."
[2] Report of Proceedings of National Conference on Prevention of Destitution (Crime and Inebriety), 1912, p. 27.
[3] Op. cit. pp. 14 and 16-17.

nature, and, secondly, that, as a matter of actual fact, the impressions which he gives of the alleged ameliorations of the rigid routine are seriously misleading.

The Rule of Silence.

The most manifestly dehumanising prison rule is that which demands silence on the part of prisoners. It is a tribute to the effectiveness of the criticism of this rule that Sir E. Ruggles-Brise attempts to prove that no such thing exists.[4] He points out that previously to 1898 the order ran, "The governor shall enforce the observance of silence throughout the prison," whilst now the rule is as follows:—

> The governor shall, subject to the provisions of these rules, prevent all intercourse or communication between the prisoners, so far as the conduct of the business of the prison or the labour of the prisoners will permit, and shall take care that all intercourse or communication between them shall be conducted in such manner only as he may direct. But the privilege of talking may be given after a certain period as a reward for good conduct on certain days, for a limited time, and under reasonable supervision, to such long-sentenced prisoners as have conducted themselves well, and who desire the privilege and are not deemed unsuitable for it.

"Conformably to this rule," proceeds the Chairman of the Prison Commissioners, "a prisoner who desires this privilege (and many do not desire it) and is not unsuitable for it, may, on Sundays, after a certain period of sentence, walk and converse with another prisoner, provided that such prisoner is of the same class, and that, in the opinion of the governor, the association is not likely to be injurious. Female prisoners and invalids in hospital are allowed a large latitude in this respect. The object of the regulations is not to impose a strict 'law of silence,' which is reasonably deemed 'unnatural,' but to prevent harmful and profitless gossip, and inter-communication between prisoners, which is not only dangerous from the point of view of order and discipline, but as furnishing a fertile source of corruption."

Similarly, the secretary to the Prison Commission, Mr. A. J. Wall, writing to the Howard League (March 31, 1921) says: "It is only persistence in unauthorised gossiping and profitless chatter which would bring a prisoner under punishment."

We are confident that the vast majority of prisoners and prison officers alike would ridicule these official attempts to belittle the reality of the silence rule, although, as we indicate later,[5] it has been found impossible to enforce it at all times. The first rule on the prisoner's card is, "Prisoners shall preserve silence," whilst the prison officers have recently been getting into trouble for permitting a certain amount of conversation at Dartmoor. Commenting upon this fact, an officer writes in the "Prison Officers' Magazine" (April, 1921), as follows:—

[4] Ibid, pp. 7 and 8.
[5] See pp. 562-70, where the Silence Rule is fully discussed.

> It is obvious to anyone not a fool, or lacking in prison experience, that any attempt to rigidly impose a strict observance of these instructions (such as we have witnessed here), must, in the vast majority of cases automatically impose a law of silence on prisoners, there being little or no necessity for intercourse or communication *re* the business of the prison.

The reference by Sir E. Ruggles-Brise to conversation at exercise on Sundays is grossly misleading. Such conversation is permitted to convicts when serving the last year before release; that is all. It is true that there is an instruction permitting conversation at exercise once a week to the small minority of prisoners in Local prisons who have served 12 months, but not one prisoner in a thousand knows of this provision and, except for certain political offenders, we believe we are right in saying that it has not been put into operation since 1907. So far from the silence rule merely prohibiting "harmful and profitless gossip," every prisoner could give instances of punishments being imposed for entirely innocent and natural remarks; whilst reference to the "Punishment Book" would show that the "Law of Silence" has by no means been set aside even in women's prisons. A decisive refutation of Sir E. Ruggles-Brise's attempt to deny the reality of the silence rule is provided in a section of the report of the Indian Jails Committee, published over the name of Mr. Mitchell-Innes, one of the inspectors of English prisons.[6] He admits that "in practice talking cannot always be prevented," but "it (the English System) *forbids conversation at all times.*"

A Survey of the Routine.

But, as we have tried to show in what has gone before, the silence rule is only characteristic of the whole system. Self-respect is systematically destroyed and self-expression prevented in every phase of prison existence. The buildings in their ugliness and their monotony have a deadening and repressive effect. The labour is mostly mechanical and largely wasteful, and every indication of craftsmanship or creative ability is suppressed. The meals are distributed through momentarily opened doors as though the prisoners were caged animals. The sanitary arrangements are degrading and filthy, and the dress is hideous, slovenly, and humiliating. Education is limited to the most elementary standard and is denied to those above 25 years of age. To the vast majority of prisoners recreation is totally unknown, and lectures and music are only very rarely available. A letter may not be written to (or received from) home until two months of the sentence have been served, and the conditions under which the visits take place are so humiliating that many prisoners prefer not to have them. The religious ministration is almost valueless because of the conditions under which it is offered, and the classification of prisoners is crude and ineffective. Punishments involving a starvation diet, solitary confinement, the postponement of letters and visits, and the loss of

[6] Indian Jails Committee Report (Cmd. 1303), p. 108.

remission, are imposed for innocent and kindly speech or even for acts of unselfishness, and the health of prisoners is constantly neglected under the suspicion of malingering. Such are the methods in which those responsible for the prison system have sought to find the "treasure that is the heart of every man."

The Failure to Reform.

Perhaps in no respect does Sir E. Ruggles-Brise's book more completely misrepresent the actualities of prison experience than in its passages referring to "the reforming influences of religion." For instance, one reads:—

> It is not only by the call of the Chapel services, with the hymns and simple prayers, but by the regular visitation of each in their cells, that this spark (of life and regeneration) latent, but not quite extinguished, may rekindle. Do not let us undervalue the quiet, patient, and unwearying task of those who minister spiritually to those in bondage in prison cells. The door is wide open to all creeds and denominations who seek to enter in; and not only to ministers of religion, but to lay visitors and missionaries who find their prompting to this work by their desire to realise the holy precept, "I was in prison and you visited me."[7]

We ask our readers to refer back to our chapter on "Chaplains, Religious Services, and Visitation," to judge how different is the experience of prisoners from what one would gather from reading the above. The truth is that the chapel services are almost worthless from the religious point of view because of their prominent disciplinary features, whilst spiritual ministration "to those in bondage in prison cells" is necessarily limited to about five minutes per prisoner per month on account of the way in which the chaplains are overweighted with other official duties. Their official status also has the effect of destroying the influence of the chaplains among the prisoners since they inevitably and fatally identify them with the prison administration.

One is amazed that Christian virtues can be expected to develop under the un-Christian conditions of prison existence. To take one feature only, a demoralising animosity and suspicion permeates the atmosphere. "You don't go anywhere or do anything without a warder watching you," says an ex-prisoner. "Distrust on the part of the officers and deception on the part of the prisoners determine the moral tone of prison existence," says another ex-prisoner; in this sentence the twofold effect of the discipline is summed up. The futility of such methods is frequently illustrated in our evidence. We quote two instances from the statement of an ex-prisoner:—

> D.T. (a professional burglar) told me that, when serving out the meals, M—— (the officer) watched him so closely and suspiciously that it stirred up the devil in him to want to get his own back. At one point, perhaps, there was a bread (or something similar) over, which M—— did not

[7] Op. cit. pp. 5-6. Cp. pp. 187-9 and 197-201 above.

notice. D.T. told me of the delight with which he felt he had outwitted M——'s vigilance when he managed to secure it.

A further incident illustrates the comparative morality produced by trust and suspicion. The Norwegian lad who was cleaner on landing A5 for some time told one of us that when M—— was serving and adopting this suspicious attitude, he would always diddle him if he could. On the other hand, when J——, who trusted him, was serving, he would never take advantage.

Sir E. Ruggles-Brise lays great emphasis upon the reformative influence of lectures, concerts, Bible classes, debates, and "many other ways in which their humanity is respected." He mentions the following:—

The brightening of the daily Chapel service, with arrangements for choirs, singers, and instrumentalists taking part in the services; weekly missions in prisons; the delivery of moral and religious addresses by lay persons or members of religious bodies of any denomination; weekly classes, for which prisoners can be taken from labour, and where they may discuss among themselves selected subjects . . . Lectures, with or without magic lantern, may be arranged on lay or sacred subjects, calculated to elevate and instruct prisoners, and containing an undoubted moral purpose and value.[8]

One would imagine that such recreative occasions are common features in prison life. Actually they are extremely rare. At the time of writing there are still only a few prisons, we believe, where all male adults can attend a lecture more than once in three months, and the visits of "choirs, singers, and instrumentalists," are in practice restricted to three or four a year, whilst the weekly discussion classes are so far only held at Pentonville, Wandsworth, and Maidstone prisons."[9] Sir E. Ruggles-Brise mentions that "the value of such influences is manifested in a wonderful degree by the reference made to them in letters from prisoners to their homes and friends."[10] Such enthusiastic references are made because they are considered red-letter occasions, oases of colour in the drab desert of the prison régime.

The same tendency to make the exceptional the rule is apparent in Sir E. Ruggles-Brise's references to the educational work in prisons. The elementary education, he says, "forms only a small part of the moral influences which we seek to bring to bear in prisons."

"The prison libraries," he proceeds, "are stocked with suitable books both of technical instruction and of general literature, and prisoners are encouraged to make full use of them under the guidance of chaplains and schoolmasters. Notebooks and pencils are provided for those who wish either to make a special study of some particular subject, or to maintain knowledge which they previously possessed; and if the necessary books are not in the library, permission can be obtained for them to be supplied by the prisoner or his friends."[11]

[8] Ibid, p. 3.
[9] See pp. 173-7.
[10] Op. cit. p. 6.
[11] Ibid. p. 127-8.

Here again the impression given is extremely misleading. Except in the case of the largest prisons, the libraries are not well stocked, and even in those it is often difficult to get the books required.[12] The chaplains and schoolmasters (both overworked in other respects) do practically nothing to guide the prisoners' reading, whilst notebooks and pencils (as Sir E. Ruggles-Brise acknowledges elsewhere) are only provided to prisoners who have completed a sentence of six months, an insignificant minority, and the conditions governing their use limit the number enjoying this "privilege" still further.[13]

We feel compelled to warn students of the English prison system that this kind of half-truth is scattered freely through Sir E. Ruggles-Brise's book.[14] In his preface he tells how at the Brussels International Prisons Congress, 1900, the head of the Russian prisons asked him what was the minimum sentence of "hard labour," thinking it was comparable to the "*katorga*" of his own country. "When I explained that it might be inflicted for one day only," says Sir E. Ruggles-Brise, "he turned to his secretary with a smile, saying, 'How little do we understand the English system!'" If Sir E. Ruggles-Brise attempted to give enlightenment in the manner of his book, we are afraid the Russian went away still understanding the English prison system very little, for, although this volume was originally planned to impart information to the prison experts of other countries, we must say emphatically that no-one can obtain from it an accurate picture of present-day conditions in English prisons.

The Cry from the Prison Cell.

"Portland as I knew it was a heart-breaking, soul-enslaving, brain-destroying hell upon earth," says Jabez Balfour[15]; and so both Convict and Local prisons might still be described. "The prison system is vindictive and not Christian," remarks a chaplain. "What humanity is in the administrators escapes them despite and not because of the system. Human sympathy and kindness often are manifested by governors and warders, but the system facilitates the men inclined to brutality and tyranny." In his "Society and Prisons," Mr. Mott Osborne, from a somewhat different standpoint, sums up the whole matter thus:—

The prison system endeavours to make men industrious by driving them to work; to make them virtuous by removing temptation; to make them respect the law by forcing them to obey the edicts of an autocrat; to make them far-sighted by allowing them no chance to exercise foresight; to give them individual initiative by treating them in large groups; in short, to prepare them again for society by placing them in conditions as unlike real society as they could well be made.[16]

[12] See pp. 181 and 182.
[13] See pp. 165 and 166.
[14] One further instance may be given. Describing the "privileges" enjoyed by convicts in the Long Sentence Division, Sir E. Ruggles-Brise says (p. 41): "The rules provide for meals in association, and for conversation at exercise and meals." The rules do so provide—but they are not put into operation. Nowhere do convicts have meals in association or is conversation at meals permitted.
[15] "My Prison Life," p. 67-8.
[16] Op cit. p. 153.

His diagnosis is masterly, and to it we will only add: The prison system endeavours to make men human by suppressing every human attribute and by reducing them to the level of machines. From a thousand cells there still rises the cry uttered in the "Ballad of Reading Gaol":—

> And never a human voice comes near
> To speak a gentle word;
> And the eye that watches through the door
> Is pitiless and hard;
> And, by all forgot, we rot and rot,
> With soul and body marred.
>
> And thus we rust Life's iron chain,
> Degraded and alone,
> And some men curse, and some men weep,
> And some men make no moan;
> But God's eternal Laws are kind,
> And break the heart of stone.[17]

[17] Oscar Wilde. Op. cit. (1898), p. 29.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

See the summary at the end of Chapter VI., "The Routine," p. 108.

CHAPTER XXIV

THE PRISON STAFF

It will be clear to those who have followed what has been written that even if the officers who operate the prison system were people of the highest type they would be able to do little to humanise it. By a kindly bearing they may do something to soften its harshness. By breaches of the rule which forbids familiarity with prisoners, they may do something to encourage their charges to keep from despair and to resolve to refrain from crime in future. But the essential inhumanity of the system remains.

At the same time, any hard and unsympathetic attitude on the part of the officers, supplementing the inhumanity of the system, accentuates its cruelty greatly. "Little things make a world of difference in the crushing monotony and isolation of prison life," writes an ex-prisoner. "A smile and a cheery word from the officer in the morning will bring sunshine all day. A bullying or sarcastic word will make one despond and despair."

The question of the personnel of the prison staff is also of vital importance from the point of view of any change in the prison system. Many students consider it the heart of the problem. It is necessary, therefore, that we should attempt to give some estimate of the quality of the men and women engaged in the prison administration.

It has been thought most convenient to describe the duties of the chaplains and the medical officers in earlier chapters dealing with religious influences and the health of prisoners.[1] Here we shall consider the duties and qualifications of the governors and the subordinate staff.

The Governors.

The governors are appointed by the Home Secretary. The subordinate officers are appointed by the Prison Commissioners.[2] On what principles the selection of governors is made it would be difficult to say. No particular qualifications are demanded by law, and the frequency with which retired military and naval officers are appointed indicate that disciplinary capacity is primarily considered. Some of the appointments suggest that the influence of highly-placed persons has been effective. Of the 54 prison governors, 26 have served with the regular forces.[3]

[1] See pp. 185-9 and 194-7, and pp. 255-9 and 260-1.

[2] See p. 59.

[3] The Home Secretary (Mr. E. Shortt), in reply to Mr. Ben Spoor, February 23rd, 1921. The number does not include five governors who joined the forces temporarily during the war.

The military characteristics of prison governors are a constant theme of criticism among those of our witnesses who have given thought to reformative possibilities. A witness who has occupied a high place in connection with the prison system declares that "no progress can be made in prison reform until the type of man predominant in the system is changed. Hitherto, superficial, middle-aged ex-army men have been the general rule among commissioners, governors and warders—men who win external order and submission, but without knowledge of human nature." We should say that this generalisation is particularly applicable to the governors. Apparently little or no attention is paid to educational or psychological qualifications. "Governors should be expert psychologists," urges a medical officer. "Governors should be of the type of man represented by our best headmasters," urges a chaplain. "Governors should be acquainted with the different theories of penology, and with the general practice of the dominions or of foreign countries," urges a visiting magistrate. "He should have knowledge of the experiments in dealing with convicted criminals or juvenile delinquents at home and abroad." The qualifications of both the educationalist and the psychologist would no doubt be present in the model prison governor; it is certainly inexcusable that governors should be so ignorant of their subject.[4]

Exactly half of the present governors have been promoted from the subordinate prison staff.[5] Unfortunately the military features of the prison system develop an almost exclusively disciplinary type not less surely than the army or navy, and, in addition, the promoted governors are stated sometimes to have other undesirable characteristics. A chaplain describes them as "toadies to those above and bullies to those below." A high official, with a long record of service, states his experiences as follows:—

> If you have a man who has been in the service his entire life and worked his way up, he imagines that he is a sort of superman, and has no sympathy with such degraded creatures as prisoners. Thus the reformative side is lost sight of. Besides, a man who has never been out of the prison service can have no idea of human influences.

[4] The Departmental Committee of 1895 said: "Military and naval training undoubtedly develops capacities for organisation and maintenance of discipline, but we do not consider it to be by any means essential to the qualifications of a prison governor." (Report, p. 35.)
The following extract is taken from the "Report of the Indian Jails Committee, 1919-1920":—"In order that these objects (the prevention of further crime and the restoration of the criminal to society as a reformed character) may be achieved, it is, in the first place, essential that the care of criminals should be *entrusted to men* who have received an adequate training in penological methods. The day is passed when it can be supposed that anyone is fit to manage a prison, just as it is no longer imagined that anyone can teach in a school." (p. 33).
The Committee recommends that before any person is appointed superintendent of a prison he should undergo a period of training in gaol management and of study of the principles of penal science, that he should have six months' training in a central gaol, including a careful study of "such standard works of penology as may be prescribed," and that superintendents should be given "study leave" to study jails and connected questions in Europe or the U.S.A. (pp. 46-7).

[5] In addition, two had previous experience as medical officers and one in an unstated capacity in the Colonial Prison Service.—(Home Secretary, House of Commons, February 23rd, 1921). No doubt *some* governors previously held posts as deputy-governors—the latter belong to the superior staff.

If it be true that promoted governors are particularly unsympathetic and autocratic, the explanation probably lies in the fact that an officer who secures the highest promotion in such a rigid system is likely to be of an officious and hard type.[6] "Neither retired soldiers nor promoted warders are the people to make good governors," is the conclusion of a visiting magistrate, who has been chairman of Quarter Sessions for over 30 years. "They think too much of their own authority and importance."

It is impossible, of course, to draw a picture of a prison governor which would be true in all cases. They vary from the governor of a certain prison who is described by a witness of wide experience and penetrating insight as "most keen; had thought of a good many reforms for himself and was quite open-minded; took a personal interest in each prisoner," to the governor who is stated by the same witness to be "well-intentioned, but abnormally stupid, entirely without ideas." Generally, we should say that governors are men of limited knowledge, disciplinarians, lacking in imagination, sceptical about new proposals, but conscientious and just. The typical prisoner's view of governors is probably reflected (if somewhat rhetorically) in the words of the witness who speaks of them as "distant gods who deal out punishments and privileges, stride majestically past the cell door on tours of lightning inspection, and sit in lofty aloofness in the chapel." Sometimes, however, ex-prisoners speak appreciatively of them. "The governors were very good," says an ex-convict who had served a life sentence. "They sometimes talked kindly to me. At the beginning I was very nervous and the governor helped me a good deal." In contrast with this it is necessary to quote the view of another "lifer," a view which is probably more common:—

> The governors are simply military men who have little thought for the welfare of the prisoners. Discipline is their god, and they enforce its worship rigorously. They are overbearing and inconsiderate, impervious to prisoner and warder alike,—men utterly opposed to reform in its good sense. I have known only one good one out of eight or nine. He was a Christian gentleman. Only this one ever conversed with me; to others I was a number, a name, a dog, anything but a human being.[7]

The almost exclusively disciplinarian attitude of governors is illustrated in their outlook on the present prison system. One governor assures us that the British system is "the finest in the world and as near perfection as any system can possibly be." Another tells us that the maintenance of discipline must be the first

[6] The S.O.'s say that "the discipline staff, from the governor downwards, will perform such part of the clerical work as reasonably falls within their ordinary duties, and ability to do so will always be considered in making promotions and appointments." This necessity for clerical ability explains how it is that most promoted governors are drawn from the "Clerk and Schoolmaster" class. Recently a number of civil service clerks connected with the prison system have been made governors. This has aroused considerable criticism among prison officers, who complain that they have no knowledge of discipline duties.

[7] Compare the statement of the agent of a Discharged Prisoners' Aid Society, who says that at the interviews with prisoners one particular governor "was always courteous and to some extent sympathetic. He made the proceedings much more human than they would have been without him."

concern and that when a man returns to prison it is a proof that the system is not severe enough. "Keep people out of prison," he says, "but when they come, give them 'hell.' Then they'll keep away."

The Duties of the Governors.

The prison governor is responsible for the security of the prisoners and for the maintenance of prison discipline. The importance attached to this responsibility may be judged from the fact that he is not permitted to be absent from the prison for a night without the consent of the Prison Commissioners. His first duty in the morning is to attend chapel and from a seat which overlooks the whole building observe that discipline is duly maintained. He then sits in the orderly room, hears the "applications," adjudicates upon the "reports," and conveys the contents of official and other permissible communications to the prisoners concerned.[8]

An inspection of the prison follows. The governor is supposed to inspect daily the "wards, cells, yards, and divisions of the prison, also the bakehouse, kitchen, and workshops," and the hospital in addition. It is obvious that in large prisons these duties can only be performed in the most perfunctory way. In most instances the practice is for the governor to pass round the landings of one hall a day, glancing into the cells as he passes, and to walk through the workshop and yards in a similarly remote manner. The rule says that he shall as far as practicable "see every prisoner once at least in 24 hours," and "visit daily all prisoners while employed at labour, and see that they are industrious." In actual fact, the contact with the prisoners frequently appears to be quite incidental to the inspection of the premises. A visit to the prisoners on punishment and in the hospital is never omitted, but even here it is in most cases little more than a matter of form. The morning's duties are concluded by an examination (generally cursory) of the food in the kitchen.

The following account of the governor's round of inspection in a large prison, which we believe to be substantially accurate, indicates the formality of the proceedings:—

> It would be quite impossible for any man of ordinary presence of mind to make any answer beyond "Yes, sir," to the perfunctory "all right?" shouted at him obliquely as the governor passes his cell door. Sometimes the governor may pause to tell a man he is not standing in the exact place for this lightning inspection. Now and then a plate may be out of its appointed position. Of one man he will enquire whether the spectacles he is wearing are his own or the prison's, or some such detail, but of any real contact with the prisoners there is absolutely none. The inspection of the hospital wards is a shade less perfunctory.

The inspection of the smaller prisons is often more leisurely and human. Sometimes a pause is made to speak a few words to a prisoner about his books, or his task, or the length of the sentence

[8] Where there is a women's side to a prison, this procedure is gone through a second time.

still to be served. Sometimes the governor will show some interest in what is being done in the workshop. Sometimes he will stay and chat for half-a-minute with an interesting prisoner in the hospital. In the larger prisons the governor appears rarely to have time to break his rapid round in this way.[9]

Owing to the machine-like régime, the size of a prison has, however, less influence upon the relation of the governor to the prisoners than might be expected. It is generally admitted by our witnesses that if the human factor were introduced into the treatment of prisoners through scope being allowed for the initiative and personal influence of the head officials, some of the prisons would be impossibly large. As it is, this consideration only applies very partially, and where there is a strict governor or chief warder in a small prison, he can more directly enforce the severe routine authorised by the rules and regulations. On the other hand, the more easy-going habits of country districts sometimes invade even the prisons and cause a softening of the discipline.[10]

The Influence of the Governors.

Although the activities of the governor are closely limited, his general attitude has a distinct influence upon all the prison life. If he be at all sympathetic in his manner towards prisoners, the subordinate officers will be likely to adopt a similar bearing. If he be a stern disciplinarian, the same attitude will find expression in the rest of the staff. Easy-going governors are preferred not only by the prisoners but by the officers, because a strict governor means that the deputy-governor, chief warder, and the principal warders, will in turn keep a strict watch upon the officers below them. In addition to their personal influence,[11] governors have the option of putting certain orders into operation. Sometimes, we fear, their decision is reached upon considerations of the additional work involved. An official of a large prison complains, for instance, that games for juvenile adult prisoners were not introduced for a long time because the governor would not take the trouble to make the necessary arrangements. Many small alleviations of prison life, such as lectures, concerts, and the use of pencil and paper, lie within the power of the governor to permit, discourage, or prohibit.[12]

[9] The governor will sometimes pay a surprise visit of inspection during the afternoon, and the rules require him, at least once a week, to "go through every part of the prison at an uncertain hour of the night." (Rule 130).

[10] Other differences between large and small prisons may be recorded here. The chaplains and doctors in small prisons are only part-time officials: some ex-officers say that this means that their work is rushed, others that they are less subject to the dehumanising characteristics of the régime. The medical treatment is much less adequate in small prisons, the hospital is rarely opened, the library is generally poor, and there is little variety of work. On the other hand, the fact that most of the small prisons are in country places means that there is more open-air work and the food (generally better cooked and served better) is varied by contributions from the vegetable garden.

[11] Some instances have come to our knowledge where governors have tried to secure the correction of harsh sentences or suspected miscarriages of justice by representations to the Home Office. Sometimes these have been successful, but not always.

[12] Governors are invited to offer to the Commissioners at any time suggestions for the improvement or advantage of the prison service.

The office of deputy-governor was very unpopular among the subordinate staff and has been abolished, but the name remains commonly in use, and the "fifth class governors" who are now appointed under the governor in the case of the larger prisons, perform much the same duties.[13] The deputy-governors were instructed particularly to observe the behaviour of the subordinate staff and to report any neglect or misconduct on their part—sufficient explanation of their unpopularity. They also relieve the governors of many of their duties, such as the reading of letters to and from prisoners. They are of much the same type as the governors, though generally younger, and the complaint is frequent, both on the part of ex-prisoners and officers, that they are excessively officious.

The Subordinate Staff.

The hub of the prison is the chief warder. It is he who deals with all the details of discipline, the division of duties among the staff, and the location and employment of the prisoners. The chief warder generally reflects the attitude of the governor, but sometimes his influence is felt independently. Instances have been reported to us where the coming of a strict chief warder has entirely altered the discipline of the prison, despite the fact that there has been no change in the governor.

Below the chief warder are the principal warders. Each hall in the prison has a principal warder, and in large prisons a principal warder is stationed at the "centre" to regulate the comings and goings of prisoners from the cells to the workshops, and to see that the time-table generally is maintained. The duties of the principal warders are largely supervisory. They are responsible for conformity to the prison regulations in their respective halls; they must periodically examine the cells to see that the ward officer is insisting upon proper order and cleanliness, and must check the progressive stage cards to see that the marks are being entered correctly. All applications on the part of prisoners to see the governor, the medical officer, and the chaplain pass through the hands of the principal warder of the hall.[14]

The other grades of prison officers are:—Civil service clerks, clerks and schoolmasters, artisan warders, engineers, foremen of works, pharmacists, and warders. In the case of women's prisons, a lady superintendent or matron assists the governor, and below her are the chief wardress, principal wardresses, and wardresses. Of these, it is only necessary to describe in any detail the duties and characteristics of the warders and wardresses.

A few years ago advertisements of vacancies in the prison service used to be published, but now more applications are received than vacancies occur. When an applicant writes to the Prison Com-

[13] Fifth-class governors serve on the staffs of Parkhurst, Liverpool, Manchester, Pentonville, Wandsworth, Wormwood Scrubbs (2), Brixton, Maidstone, and Dartmoor.

[14] In large prisons the cook or baker, and sometimes a works officer, is a principal warder.

missioners he is sent a most elaborate form to fill in. Among other things, he is asked to give the names and addresses of his previous employers, of his schoolmaster, and of further references, such as ministers of religion. Special questions are asked about military and naval service. All officers are required to be men of "good moral principles and of unblemished character." If the replies prove satisfactory the applicant is "noted" until there be a vacancy; then he is ordered to proceed to the nearest prison, where, before the appointment is finally made, he is required to pass educational and medical tests—the former very elementary, the latter thorough. The educational test includes the three R's only, and is not much above fourth-standard capacity.[15]

The same predilection for ex-army or ex-navy men is apparent in the appointment of the subordinate officers as in the case of governors. In the report of the Departmental Committee of 1895, the statement is made that of the 1,959 subordinate officers in Local and Convict prisons, 987 had had military or naval service.[16] When questioned in the House of Commons on February 23rd, 1921, the Home Secretary (Mr. E. Shortt) was unable to give the present proportion of officers who have been members of the regular forces, but stated that "a large proportion of prison officers have had previous military or naval service." The Committee of 1895 considered the question whether military or naval service gave "the qualifications necessary to secure a moral influence over prisoners," and came to the conclusion that "under the present system in regard to warders there is not any appreciable difference" in the merits of ex-service and civilian warders.[17]

Upon this our evidence varies, with the balance against the ex-army officer. An experienced official criticises the appointment of warders who have had only army or navy experience on the ground that such men know little of the conditions from which the prisoners come and to which they go. "A retired sergeant does not make a good warder," says this witness. "Experts of character are wanted." A witness who has 14 years' experience as an agent of a Discharged Prisoners' Aid Society is very much opposed to ex-army warders, describing them as "nigger-drivers." On the whole we are inclined to agree with the ex-prisoner who says:—

> I doubt whether a line could be drawn between officers from the army and other officers. Many of the former no doubt had the drill-sergeant manner before they joined the prison service, but even if the latter entered innocent of it, prison conditions would soon make them masters of it. I should say that if a line is to be drawn at all it is between the disciplinе officers and the instructors, and it is largely a matter of the duties which they have to perform in prison.

Our evidence regarding the character of the officers appointed to the subordinate staff differs very widely; one might expect this since they are a large body of men, and our witnesses have known them

[15] Candidates with a Class 2 army certificate are exempt from examination.
[16] Op cit. p. 36.
[17] Op. cit. p. 36.

not as a whole but in exclusive groups. "When I first entered prison I thought prison officers were brutes of men without exception," remarks one ex-prisoner witness. "After I had been in prison some time I found that the bullying manner was in most cases superficial. One or two officers with whom I came in contact were of a very high type. Most of them were ordinary men, some hardened by the system they have to apply, but kind underneath. A few of them were really brutal." A visiting magistrate says that "the average officer is of a rough type without any enthusiasm for bettering his charges." An ex-prisoner who has served a life sentence declares that most warders are "hard-hearted, ignorant men of the old army type." On the other hand, other ex-prisoners who have served terms sufficiently long to get to know the officers well, constantly speak highly of them and declare that their seeming harshness is only a reflection of the system which they have to administer.[18] From warders themselves we have evidence of the deteriorating effect of the system. "It is the biggest fight out," one prison officer states, "to keep oneself from becoming an awful bully." Another says:—

> Doubtless you think warders are brutes, and, speaking generally, they are. The reason is that when a person becomes a warder he loses or tends to lose his personality. He is merely a victim of the general surroundings in which he is placed.

It is undoubtedly true that many officers who at first feel keenly about the futility and barbarity of the system, become resigned to it in time.[19] A chaplain tells us that "it usually happens that zealous men, after three months' experience of prison work, lose all heart and become quite indifferent. Some of the best men leave." At the same time, whilst most warders seem to agree that the system fails to reform men, as their saying, "once a lag always a lag," testifies, few probably have any ideas as to an alternative, and many of them consider that the present system is justified for punitive and segregative purposes. Indeed, many of them complain that prison life is too easy to act as a deterrent.

Before being placed on the permanent staff, prison warders usually attend a training school for four months, after which they serve a further term of probation for eight months.[20] The first "school" was established at Chelmsford prison in 1896. The following year other schools were opened for warders at Hull and for wardresses at Wormwood Scrubbs (afterwards transferred to Holloway prison).

[18] An illustration of the effect of the prison system upon the character of warders is their common practice of sarcasm. "If you don't stop talking, you'll have the pleasure of talking to the governor in the morning" is a typical remark. In the case of sensitive prisoners who are feeling the harshness of the system acutely this sarcasm cuts very sharply.

[19] We shall deal later with the conditions which prevent prison officers, however sympathetic they may be from doing much openly to help prisoners towards better things. It is significant that the "Prison Officers' Magazine," which prints communications every month from officials at most of the prisons, practically never has any item written in the interests of the prisoner or expressing his standpoint. On the other hand, see the Note at the end of this Chapter instancing the case of a sympathetic officer.

[20] At any moment officers who fail to carry out their duties properly may be placed on special probation by order of the Commissioners.

During the war the training schools were suspended, but in 1919 a school for warders was re-opened at Hull and for wardresses at Manchester.

Apparently the majority of warders pass through the schools, but in certain cases they are posted direct to the prison to which they are assigned and learn their duties there. According to Standing Orders, the training at the schools is both theoretical and practical. The practical side covers all the details of discipline and routine. The theoretical training is supposed to be given by means of lectures by the governor, chaplains, and others on discipline, "humanity in the treatment of prisoners," "employment of prisoners—work as a factor in the reformation of the criminal," the "exercise of moral influence on prisoners," and "the awarding of marks for industry."[21] This sounds very impressive, but practically without exception the warders who have given evidence take the view that the training schools are of no value from the moral and humane point of view. One officer, however, states that whilst he was under training it was drummed into his head that it was "not his business to avenge the crime but to reform the man." Except in this solitary case, they state that they gained no moral benefit from the training.

Most of these witnesses agree that the training was of value in giving a knowledge of the rules and methods, but even in this respect a number complain that, since details vary in different prisons, much of what they learned had to be unlearned. Sometimes it is argued that prison duties can be taught just as effectively at the prison to which the officer is permanently posted, but one experienced officer strongly urges that a training school under a sympathetic governor with modern ideas might be very useful in preparing warders for their duties. When officers go direct to a prison they are taught the routine under the supervision of experienced warders, but they do not receive lectures on the theoretical side. Such instruction is supposed to be given them in the shape of advice and explanation and by frequent catechism.

At the end of the four months period of instruction the probationers are set a short paper of questions on prison duties. The replies are forwarded to the Commissioners with reports from the governor and other officials. The governor must recommend whether the officer should be posted to fill a vacancy, placed on an extended period of instruction, or be rejected. The great majority of officers appear to pass the examination easily, but a principal warder who was stationed at one of the training schools assures us that the training "needed some getting through" owing to the complexity of the rules.

All members of the subordinate staff pass through this period of training and probation. Those who undertake special duties sometimes receive further training afterwards. Officers who are posted

[21] S.O. 603.

to be in charge of kitchens and bakehouses, for instances, go to a school of cookery at Wormwood Scrubbs prison for three months. It is claimed that they become much more efficient by so doing.

The Duties of the Warders.

Officers are supposed to be acquainted with all the Rules and Standing Orders relating to their duties, and are provided with a book of "Instructions for Officers of Local prisons" (115 pp., small type). The book is described as a "code of instructions for the guidance of subordinate officers," but consists of *extracts* only, and the preface makes it clear that the "officers are bound to make themselves fully acquainted with all rules and orders"— a formidable task,—"and cannot plead ignorance of any of them." The preface to the complete volume says that "officers are expected to interpret these orders reasonably and intelligently with due regard for the interests of the service," but, in fact, the rigidity of the prison system allows little room for either reason or initiative. Upon this our warder witnesses are practically unanimous. "Every action is regulated," says one. "Our life is clock-work," says another. "Initiative is dangerous to one's future progress," says a third. "It is the last thing wanted," remarks still another. "It's a good machine the Commissioners want."

The duties of prison officers, as what has gone before will have led readers to expect, are practically restricted to repressive vigilance. They consist almost entirely of locking and unlocking doors and gates, keeping an alert watch over the prisoners to see that they do not talk or commit some other breach of the rigid rules, counting them periodically in order to make sure that none has escaped, supervising them at exercise to prevent them walking within five paces of each other, keeping an eye on them at chapel to prevent clandestine communication, standing over them in the workshop with the same object, spying upon them in their cells through the little eye-hole provided for that purpose, examining the equipment of the cells to ensure that every article is put in its right place and is clean, searching their persons to try to discover prohibited articles, accompanying them when they are visited by their friends in order to prevent complaints being uttered regarding their treatment; and so on, and so on.[22] "To do nothing but stand over the prisoners and spy upon them is thoroughly demoralising," declares a warder; "it is disastrous to both prisoners and warders."

Their Relations with the Prisoners.

The prison Rules prohibit the warders from speaking unnecessarily to the prisoners or being familiar with them. It is true that one of the rules instructs officers "to treat the prisoners with kindness

[22] Officers perform all their duties under a semi-military discipline. They are paraded and inspected by the governor or other responsible officer three times a day. The purpose of the inspection is to see that they are punctual in attendance, are properly dressed, and in every respect fit for duty. (S.O. 696). Communications from the Prison Commissioners and orders from the governor are read to the assembled officers at these parades.

and humanity," but it proceeds to urge that they must be "firm in maintaining order and discipline," and "enforcing complete observance of the rules and regulations of the prison."[23] Most officers apparently regard the injunction to be kind as a pious fraud, intended to reassure the public rather than to find expression in their conduct. They state that if they speak to prisoners except as a matter of discipline, or even if they show in the expression of their faces or in their bearing kindness towards them, they are liable to a charge of being familiar with them. We are assured, for instance, that to laugh in the presence of prisoners may be regarded as an offence.

We find that such restrictions are much resented by prison officers and that many of them say that were they allowed to try to assist the prisoners they would be able to influence them towards better lives. "Over and over again," says an ex-prisoner, "warders have complained to me in words like these: 'If they gave us some discretion we could pull them round. We get to know them.'" One of our warder-witnesses complains rather bitterly that "to give prisoners a helping hand is to encourage the rebuff from a superior officer—'that is the parson's work; the chaplain is here for that purpose.' Many a prisoner might be given an uplift, or sound or good advice in the early days of his imprisonment," he says, "but we are liable to punishment if we attempt to help." "Boys often communicate with the warders with very good effect," says a priest. "The warders could help the prisoners more than anyone else if they were allowed to do so and were always of the right type."

Of course, in practice it is absolutely impossible to maintain a rule which prohibits speech between officers and prisoners, and the landing warders are generally on familiar terms with those of their prisoners whose sentences are fairly long. In some cases the influence of the warders is not good. We have evidence from ex-prisoners who state that the language and subjects of conversation of the officers were worse than those of the prisoners. But on the whole we should say that the influence of warders is probably beneficial, and we have evidence of a number of instances where, despite the rules, warders have helped prisoners considerably.[24]

[23] Rule 108 (dating from 1899). "The great object of reclaiming the criminal," the rule proceeds, "should always be kept in view by all officers, and they should strive to acquire a moral influence over the prisoners by performing their duties conscientiously but without harshness. They should especially try to raise the prisoners' minds to a proper feeling of moral obligation by the example of their own uniform regard to truth and integrity, even in the smallest matters."

[24] Capt. D'Aeth, *governor of Parkhurst*, speaking at a dinner given to Sir E. Ruggles-Brise, June 24th, 1921, said that 25 years ago the average convict was a fiend and a great many officers were brutes. Now matters were entirely altered. The convicts felt that the officers were their friends; the younger of them regarded them almost as elder brothers. On Easter Bank Holiday the officers at Parkhurst gave up the half-holiday and with their friends, gave an excellent concert to the convicts in order to relieve the monotony of their lives. On Empire Day there were sports for the officers, their families, and their friends, and the day before the event one of the convicts came to him, as representing a body of 200, and said they wanted to forego their usual recreation in the evening in order that no officer might be deprived of their pleasure.
Conditions at Parkhurst (the Convict invalid prison) are not at all typical (see pp. 330-32), but this passage illustrates the good fellowship which can exist between prisoners and officers when the sterner discipline is relaxed.

Nevertheless, it would undoubtedly be necessary to select officers with greater regard to their influence upon prisoners if perfect freedom were permitted between them and those in their charge. "I should like to eliminate the warder who is unfit to influence towards good, and then give the suitable men every freedom to influence the prisoners," says a superior officer at a large prison.

A governor argues against allowing warders to assist in the reformative side of prison life on the ground that it would lead to "collusion with the prisoners and the introduction of contraband and trafficking."[25] As a comment upon this we may quote the following passage from the evidence of an ex-prisoner who has given considerable thought to the subject:—

> It is doubtful whether any more trafficking would occur if warders were allowed to speak freely. Warders and prisoners now have frequent opportunities of conversing together without being overheard, and, despite the rules, they do so. Men who are prepared to traffick are not likely to be deterred by a rule prohibiting speech. Further than this, under a sensible prison system, the prisoners would not be denied the harmless needs which are now the subject of trafficking—letters from and to friends, tobacco, palatable food, and newspapers. Even then I suppose the authorities might fear collusion in more serious matters, such as the provision of intoxicating liquors and assistance in escaping. As for this, it ought to be comparatively easy to restrict the *personnel* of the prison staff to men and women who would realise the wrong of collusion in such extreme matters. After all, the nurses in hospitals outside prisons are trusted to talk familiarly with the patients, although they are doubtless frequently offered bribes to break the rules by bringing in alcohol for them.

The rules against trafficking are very strict and dismissal is the invariable result of discovery.[26] Despite this, both in Local and Convict prisons a few officers are to be found who are prepared to risk dismissal for the bribes which the friends of prisoners give them for providing tobacco, letters, newspapers and food. Another form of trafficking sometimes carried on is the making by skilled prisoners of articles for the personal use of officers. We have evidence that at two prisons small domestic articles such as woodwork boxes and brackets were made for officers by carpenters among the prisoners, and that at another prison suits of clothes were actually made by tailors.

Whilst the duties of warders are primarily disciplinary, they are not allowed themselves to inflict any privation or punishment. Rule 112 emphasises particularly that an officer "shall not strike a

[25] Trafficking is the term employed for any illicit service rendered by officer to prisoner or prisoner to officer for a monetary or other consideration.

[26] An officer will not be allowed to remain in the service. S.O. 684 reads, "if the Commissioners are satisfied, after full enquiry, that he has betrayed the confidence placed in him by making any unauthorised communications concerning the prison to the friends of prisoners." Rule 121 says that "if an officer, contrary to orders, brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out, to or for any prisoner, any money, clothing, provisions, tobacco, letters, papers, or other articles whatsoever, he shall be forthwith suspended from his office by the governor of the prison, who shall report the offence to the Commissioners."

prisoner unless compelled to do so in self-defence." It is clear from our evidence, however, that when there is no third person present officers occasionally use the small truncheon which they carry in their pockets to chastise a prisoner. Further, on occasions when violence on the part of a prisoner might be held to justify some use of the truncheon, our evidence suggests that sometimes it is much too freely used.

The Departmental Committee of 1895 reported that it was satisfied that cases of gross ill-treatment by warders were very few and "that the harshness which is frequently imputed to the warders ought to be attributed rather to the compulsory enforcement of minute regulations than to any want of humanity on the part of the men themselves."[27] We concur entirely in this view, but it would not be right to omit to say that evidence of a few cases of cruelty has been given by trustworthy witnesses. We give the following as examples:—

I.

T. (*a recalcitrant prisoner*) was pulled along the landing by his feet and *dragged down the iron stairs on his back. We raised a protest and 30 of us went back to our cells in indignation. One officer apologised the same evening.*

II.

A very bad case of ill-treatment occurred at —— on October 14th, 1918. A penal servitude prisoner was ordered to return to his cell from associated labour. He returned to the cell door, but refused to enter, and at the same time began to argue with the warder on duty at the centre. Upon still refusing to enter his cell, this warder collected three *more of the prison staff, who got into line and went towards the prisoner.* To get him in his cell, all that was required was to push him in, as he stood at the entrance. A warder, however, attacked him with *his truncheon, knocking him senseless to the ground.* He was then dragged along the landing, and upon regaining *consciousness was again knocked senseless.* He was then dragged down two flights of steps into the *punishment cells, where he was again attacked by the warders with* truncheons.

Of this latter case we have received corroborative evidence from a second prisoner who witnessed it. A more frequent kind of cruelty by prison officials is illustrated in the following case:—

III.

I saw the acting chief warder order and hustle a *feeble old prisoner* in the most brutal fashion. It was pitiful to see so old and helpless a person being pushed and yelled at so coarsely.

If a prisoner break the silence rule, it is the recognised custom for the officer to warn him on the first occasion. If the offence be repeated, the warder is *supposed to report him* without any further indulgence. In the case of other breaches of the regulations, the offence must be reported without warning. "An officer shall not fail, under any pretence whatever," reads one of the Rules, "to make an immediate report to the governor, or through his superior officer, of any misconduct or wilful disobedience of orders." In actual

[27] Report of the Departmental Committee, 1895, p. 36.

practice most officers "wink" at minor infringements of the rules, so long as they are not too frequent or flagrant, but there are some officers who, so far as is possible, insist upon the discipline required by the regulations. Experience has shown that, if prisoners are constantly under the charge of a strict officer, the tension resulting from the strict observance of the rigid discipline, and particularly from the enforced silence, generally results, sooner or later, in the development of an ugly spirit and in more serious acts of defiance. Complaint is often made by ex-prisoners that some officers "take spite against" certain prisoners and report them unjustly. The impossibility of any prisoner obeying the prison rules gives an officer who has such a prejudice ample opportunity for giving expression to it.[28] An ex-governor acknowledges that reports are made from these motives sometimes, and adds frankly, "You have to take a warder's word and part, even when you are sure that the fault is his."

Espionage Within the Prison Staff.

We have already recorded that it is one of the duties of the superior officers to see that officers of the lower grades carry out their duties, and to report them to the governor when they fail to do so. This practice leads to a most unwholesome atmosphere of fear permeating the prison staff.[29] Repression operates downwards from governor to prisoner; the governor is apt to bully the chief warder, the chief warder the principal warders, the principal warders the warders, the warders the prisoners. Each vents his feelings upon the man below.

Sometimes principal warders descend to much resented methods of espionage to ascertain whether proper discipline is being maintained. A few years ago the system of reporting and fining of warders was used to persecute officers who were foremost in asserting their rights, and particularly those who were known to be connected with the Prison Officers' Federation. We have been told, for instance, of one officer who was driven out of the service by the frequent fines to which he was subjected. This kind of tyranny has been much modified, largely as the result of the activities of the Federation, but even in recent years a humiliating espionage has remained,[30] although the power to impose fines has now been taken out of the hands of governors and reserved for the Prison Commissioners.

[28] We have also evidence which suggests that if a prisoner make a complaint regarding an officer, the latter will sometimes get a fellow officer to bring a report against him at the first opportunity.

[29] The manner in which the officers "bow and scrape" to the governors, chief warders, and even principal warders in some cases is most humiliating. "At ——," says an ex-prisoner, "there was a self-important governor and a tyrannical principal warder, who practically ran the show. The warders' servile manner in relation to them was positively sickening." A warder speaks of the "degrading" habit of many officers in this respect.

[30] The following instance of the reporting of an officer is taken from the "Prison Officers' Magazine," May, 1920:—"Recently an old officer was reported (by order of one of the higher officers) for permitting two prisoners to talk whilst the party was marching from labour. This officer had 31 men in his party, comprising a good number of cripples and infirm old men. The distance from the leading to the end files was approximately 40 yards. The position of the officer is in the rear of his party; possibly the two men who were talking were amongst the leading files. Was it possible for the officer to hear these men talking at such a distance?"

Thirty-two breaches of regulations are tabled in the Standing Orders for which officers are liable to punishment. For "minor neglects of duty" they are "admonished" by the governor, for "graver neglects of duty" they are "reprimanded," and for "very grave or repeated acts of omission or commission" they are "severely reprimanded." Six "admonitions" or four "reprimands" or two "severe reprimands" within a year entail report to the Commissioners, who may either place the officer on probation, order the forfeiture of the usual increment in salary, or advise the Home Secretary to dismiss him. For grave offences an officer may be reported to the Commissioners in the first instance and fined or punished by them in one of the above ways.[31]

The *kind of offence* which until recently led to the fining of an officer may be suggested by two instances. The first is of a warder who rewarded a prisoner for cleaning out a verminous cell by giving him a little extra cocoa from some which was to spare. He was fined two shillings. The second is the case of a warder who neglected to change the cards in some cells which had been vacated by Roman Catholics and occupied by Anglicans. He was fined one shilling. The nature of the espionage sometimes practised is illustrated in the following evidence from a warder in one of the largest prisons:—

> There is only one principal warder of whom we have the right to complain, but his methods are abominably mean. He creeps about the place like a cat, in order to discover officers either breaking any rules themselves, or permitting prisoners to break them. There is a long workshop here, and it is the custom for a principal warder to pass through it from one end to the other twice a day. This official, however, does not go directly through, but attempts to surprise us. One time I just caught him in a little lobby in the centre of the work-shop, which he had entered by an unused door. He stood there in the shadow for some time hoping that he might catch some of the prisoners talking, but I silenced my men and sent one of the prisoners to the other end of the hall to warn the officer there. That is one of the effects of this kind of spying—to unite the lower grade officers with the prisoners against the superior officers. It makes the collusion it is supposed to stop.

More disturbing still to the *esprit de corps* of the prison staff is the custom which used to exist, and which some officers assert still exists, of one officer secretly reporting a fellow officer of the same grade. The Standing Orders insist that "an officer who may be aware of any irregularity or other circumstance which may be injurious to the order of discipline in relation to the prison or to any officer or prisoner shall not fail to make report thereof without delay to the governor or his superior officer."[32] We believe that it is now the case that officers must be fully informed of the charges brought against them, but some witnesses state that occasionally verbal charges are accepted in addition to the written charge, and, that

[31] P.C. Report, 1920-21, p. 44.
[32] S.O. 655.

these verbal charges influence the verdict. Undoubtedly, however, there is much less ground for complaining of "secret reports" than was the case a few years ago.

Other Classes of Warders.

In addition to the discipline staff, there are the trade instructors. Their duty is to teach prisoners their work, and to see that the proper "task" is performed. The instructors are obliged to report prisoners for breaches of discipline in the same way as the disciplinary officers, but the disciplinary side of their work is relieved by their other duties, and it is generally agreed among our ex-prisoner witnesses that the instructors appear to be more humane men than the purely disciplinary officers.[33]

Another special class of officers is composed of the cooks and bakers who supervise the work in the kitchen and bakehouse. They, too, are responsible for maintaining discipline, but the fact that they have necessarily to participate to some degree in the work usually establishes a more personal relationship between them and the prisoners in their charge. It is one of the jokes in all prisons that prisoners employed in the kitchen or the bakehouse rapidly become plump. No doubt a certain amount of pilfering by prisoners is winked at, but the officers must take care to keep it within reasonable bounds, because, except for a small margin for waste, they are only allowed supplies sufficient to meet the rations and are responsible for any shortage.[34] We cannot omit to state that from more than one source we have received evidence that on some occasions, no doubt rare, the officers engaged in the kitchens and bakehouses have themselves been guilty of tampering with the supplies.

The class of "Clerks and Schoolmasters" is appointed from the disciplinary officers in the manner we have already described in our chapter on Education.[35] A fourth special class are the works and artisan officers. The Prison Commissioners make a point of bringing into the service a certain proportion of men who are able to do the little mechanical and engineering duties necessary in a large establishment. These officers are generally assisted by one or two prisoners, generally "red band men," for whose conduct they are responsible, but their disciplinary duties are slight. The officers belonging to the hospital staff are dealt with in our chapter on the treatment of the sick.[36]

The Secrecy of the Service.

Prison officers are strictly prohibited from informing the public as to what occurs inside prisons or from acquainting the outside world as to the facts about the prison system. Every prison official,

[33] As to how far the trade instructors are qualified technically, see p. 112.
[34] The cook in a large prison writes: "If the magistrates come along and find a bit too light, I'm in trouble; and if the steward comes along and finds a bit too heavy, I'm in trouble again. They say I'm robbing the prisoners, and he says I'm robbing him."
[35] pp. 154-155.
[36] pp. 270-274.

for instance, who has given evidence for this Enquiry has risked dismissal and imprisonment. One of the Statutory Rules prohibits an officer from making "any unauthorised communication concerning the prison or prisoners to any person whatever," or from communicating with the Press or writing a book about prison matters.[37] This rule means that a prison officer who through his experience has come to feel acutely the futility and cruelty of the prison system is absolutely barred from giving expression to his views. There is no opportunity for such criticism within the service, and he is prohibited from voicing it outside. Much of the evidence which has been given us, despite this rule, by prison officers proves how useful to the State the contribution of their views on the prison system might often be. In addition to this Statutory Rule, prison officers are subject to the Officials' Secrets Act, which renders them liable to a term of imprisonment up to two years for making unauthorised communications to any persons regarding the internal conditions of a prison.[38]

The improvements in conditions which prison officers have secured during recent years have in many ways reacted advantageously on the prisoners. A better type of warder has been attracted to the service, whilst the shorter working hours and the less harsh discipline have meant less nervous strain and better prospects. But in one serious respect better conditions for the officers have resulted in worse conditions for the prisoners. The introduction of the eight hours' working day for officers has involved a revision of the prison time-table, with the result (owing to shortage of staff due to motives of economy) that the prisoners have considerably more cellular confinement. In the case of Convict prisons this has meant the introduction of cellular labour, and prisoners both in Convict and Local prisons now spend more than 17 out of the 24 hours in separate confinement. It is a matter of urgent necessity that new arrangements should be made.

The Wardresses.

In most respects the considerations which apply to the staff of male prisons are equally true of the staff of women's prisons.[39] But a few special points must be noted:—

(1) The retiring age of 55 (the same as for male officers) is felt to be too late for this work. Many wardresses would welcome the possibility of retiring with a proportionately smaller pension at an earlier age, whilst they still have energy to take up some employment elsewhere. It is probably true that very few women can keep till 55 the freshness and serenity essential for the best performance of a

[37] Rule 116.

[38] S.O. 711 declares it to be "unbecoming" for prison officers "to take a prominent part in polemical discussions with regard to the public conduct of ministers or in party politics; or to attack the Judiciary or the Executive in meetings or in the Press."

[39] Cp. what follows with the Appendix on pp. 385-83 dealing with the general conditions of service of male officers.

wardress's duties.[40] The perpetual responsibility under very depressing circumstances is as bad for the officers' nerves as the exercise of arbitrary power too often is for their characters.

(2) In the smaller women's prisons there are as a rule no *separate* officers' quarters. The wardresses generally have a mess-room—sometimes a small and none too cheerful apartment—supplemented by a kitchen. Their bedrooms are scattered up and down the prison itself, and often at a considerable distance from the bathroom reserved for the staff. The bedrooms are in themselves fairly good, but the discomfort of such an arrangement is obvious. The staff, except when they are absolutely "out," cannot in their off duty hours get any change from the prison atmosphere. At night they are liable to be called up; if they have the early morning off duty, their rest is disturbed by the clanging of unlocking doors, the ringing of bells, and the painfully familiar noises of the day's routine. The warder gets home to his house and family and becomes an ordinary citizen when his work is over; the wardress has her meals in the prison and has no family life to refresh her. As she has her quarters inside, she receives no extra payment for sleeping in, with its attendant responsibility, except when she is caused "considerable inconvenience."

The warder off duty comes and goes as he wills. The wardress must obtain special permission to be out after 10 at night. This special permission involves a request to the matron to sit up to open the gate for her, and in many cases the officers hesitate to give trouble. The effect of such regulations is considerably to limit their freedom in making evening engagements, although, as they say, it refreshes their minds to get a real change, and therefore benefits their work.

It is not unnatural, too, that they feel a difficulty in asking visitors to see them when they have so little facility for receiving them. Thus a wardress who is sent to a town where she is unknown finds it difficult to make friends. Consequently their lives are often lonely, and the prospect of continuing to live under such conventual rules until 55 disheartens even keen workers.

We need hardly point out that all this reacts on the prisoners. The wardress is more constantly in prison than all save the most habitual of criminals, and the nature of her work is such that change, recreation and friendship are essential to her. The conditions are undoubtedly worse in the small prisons, but the problem of recruiting the right women and of their proper treatment exists for all prisons alike. There is a consensus of opinion amongst prison officials that it is becoming increasingly difficult to get a good class of recruits for wardresses' work. The fact that the class of applicants is declining for women officers, although improving for men, whilst probably partly attributable to the opening of other

[40] "They are worn out long before that," says an ex-wardress.

occupations, seems to have a real connection with the conditions referred to above.

(3) The following statement gives the impressions of an ex-prisoner regarding the work and character of wardresses:—

> The *average prison wardress seems* to belong to a semi-educated, respectable and conscientious section of the community, and she has all *the limitations and defects* of her class as well as its good points. There are, of course, a few bright exceptions, but on the whole I *should say* that the chief characteristics of the *ordinary wardress are narrowness*, lack of sympathy or imagination, self-righteousness, combined with a strict sense of duty and discipline, and a *conscientiousness in regard to detail which could* be turned to great account in work of a different and more socially useful character. The badness of the conditions under which she works often induces in her a sense of resentment which tends towards harshness towards the prisoner. It is not unusual to hear her complain that although *she, at least, has kept herself* "respectable," the prisoners have an easier time! The rather petty mind, which, from her lack of real education and her narrow environment, she so often brings to her task, is nearly always adversely affected by the power over others which her position gives her, and she is apt to become *more* and more hectoring, fussy, and callous as the years go by, and as the deadly *monotony* of the *system*, to *which she is subjected* even more completely and *continuously than* the prisoners themselves, gradually *crushes out* her individuality and her humanity.
>
> Then again she is nearly always haunted by the fear of losing her job, which she seems to regard as offering greater security than she would get in other kinds of work, and when she has done several years of service her desire for advancement subordinates her still more to the system, and her fear of losing her pension turns her into something little better than a slave.
>
> On either side of this average type there is another class of wardress, the exceedingly kind and the exceptionally brutal. To deal with the former first, it is amazing what an effect she has even within the narrow limits of a rigid system. With all the dreariness of prison buildings and pettifogging rules to militate against her, she yet manages to bring a ray of sunshine into the lives of those under her charge. But again the system conquers. The exceptionally kind wardress rarely remains long. She is dismissed or she leaves because she cannot stand it.[41] Very *rarely does she get advancement or rise* to a position of power—almost every kind of humane action she can perform is against the rules, and, unless she becomes as deceitful and furtive as most of the women in her charge, she will almost inevitably be found out and punished.
>
> That the last type of wardress, she who *has become brutalised* by her work and is now utterly callous, is still quite in the minority says a great deal for the inherent goodness of human nature. When one thinks of the effect on a narrow, undeveloped personality of the continual effort, under the dreariest possible circumstances, to rule by fear and to watch with ever-ready vigilance a number of human beings, many of them mentally defective or physically diseased, and most of whom she has been taught to regard as wicked and degraded, one marvels that any of the officers remain humane. That she herself is subject to a rigid discipline and is always under strict surveillance is an additional strain on the nerves of the officer, and one can hardly blame her if she becomes hardened. Nevertheless, the evil that can be done by a brutal or spiteful wardress among prisoners, the weakest of whom are completely in her power, is incalculable.

[41] The following evidence is in point:—"I was told by a girl in —— who was constantly in and out of prison that 'the only nice wardress there' had been sent away because she talked to the prisoners and made them laugh. This was confirmed by ——, the lady visitor, who said that this particular wardress had been dismissed *because she* talked to the prisoners."

this we may add the views of a former wardress:—

> The rule is a rigid silence, except for instructing the prisoner; and the wardress, not being allowed to show interest or feeling, does not show *any*; and as time goes on that indifference deepens; *hence* the idea which is so general that she is inhuman, whereas she is just an ordinary person working under conditions that do not allow of her showing the human side, however, much she wishes. She therefore misses from the first the opportunity of an understanding with those under her charge, to the disadvantage of both. I think in no other institution is this *rule* or system expected—*workhouse*, hospital or asylum. If one enters a hospital *the* nurse makes you feel at once that you are in her charge, and that you are quite all right, just a common understanding. Why not the same with prison? So many difficulties could be bridged and a great start made for a more pleasant round of duties for the wardress and benefit to the prisoner while serving her term, and perhaps some lasting good by a little praise and encouragement, for the wardress is essentially always with the prisoner and she can see and know the good *in her* charge, if she cares, and she could do this much more if she were encouraged.

The Fitness of the Staff.

Before concluding this chapter we should like to repeat that anything which we have written in criticism of the character and attitude of the officials has been expressed with a keen realisation of the difficulties of their duties and the severe conditions of their work. The case could scarcely be stated better than in the following review of the status and the task of prison officers which an ex-prisoner has contributed:—

> The warder's *main duty is* policing, locking and unlocking, spying and searching, and standing idle in the midst of prisoners at work or on exercise to prevent them talking or communicating. This seems to me entirely wrong. The chief duties of an officer should be to teach trades, to supervise work and to *co-operate* in it, to engage in social intercourse with the prisoners, to take meals with them, and to give advice as regards reading, etc.[42] So long as the present bad system is maintained, more warders are wanted. The neglect of, and occasional cruelty to, the prisoners is often the result of hurry and strain of temper. There should be absolute trust in the officers,—no spying, no secret reports, no fines and punishments. There should be encouragement of the missionary spirit, for surely this is the most honourable of all the professions, the "*mending* of men." All punitive rules and the prohibition of intercourse should be dropped. At present there is an atmosphere of fear and deceit among warders owing to the harsh discipline to which they are subjected, but there is little corruption. They frequently break the rules through kindness of heart.

[42] A warder urges that "it would be much better if we worked by the men as foremen."

Our general conclusion is that whilst the prison staff is a great deal better than the prison system, it would not be good enough to administer a system which had as its first object the education of prisoners and the development of their characters. "We all want clearing out, bag and baggage," says a warder, "and more intellectual and moral men substituted."

> "The attitude of the warders and of the medical officers and the governor," states a medical officer, "is one of superiority and firmness with punitive feeling; it is therefore cold and indifferent with a suspicion that anyone complaining is shamming. I 'caught' this feeling almost at once on entering the prison in an official capacity, and definitely had to pull myself up and say to myself, 'But these are human beings.' Then if I tended to leniency and consideration the warder would 'advise' me. I have been shocked when the matron has talked to women prisoners as though they were worse than dogs. You may possibly get some regulations improved, yet so long as the personnel regard the prisoners as so much 'scum of the earth' put there to be jolly well punished, I cannot see that they are likely to act otherwise than harshly."

"The right person for such work is one who regards it as vocational rather than as occupational," says a chaplain. "Such men might be trusted not to abuse freedom. The present type of warder hardly could be trusted." A prominent official connected with the prison system urges that the officers should be trained as efficiently as schoolmasters and should have the same status. "The prison officer of to-day," remarked Professor Vamberey, of Buda-Pesth, at the International Prison Congress at Washington, 1910, "is about as well-fitted for the treatment of criminality as a hospital nurse of a century ago was fitted for the treatment of disease." We should say that this remark is as true at the present time as it was when uttered.

It is quite obvious that with a new system there must be a new prison staff and a new method of appointing it. "If the desire of the State is to reform the criminal," urges a warder who has had 20 years' experience in the service, "prisons should be hospitals for the soul, and, like hospitals for the body, we ought to find our best physicians for the work."

An Officer's View of the Prison Service.

The following statement from a visiting minister is worth producing as it illustrates the state of mind in which some officers join the service and their subsequent attitude :—

"One day I met Principal Warder —— in civilian clothes. He told me that he was leaving to take up chief warder's duties *elsewhere*, and that he was not sorry to leave —— where he had not been at all comfortable. It was too efficient, too machine-like altogether. I asked if all prisons were not subject to that criticism. He said he thought it differed in degree. I asked: 'Will you tell me what made you, with your outlook on your fellow-men, become a warder?'

"He replied, 'I saw men and boys being sent to prison for doing things that were really far more the fault of their upbringing or surroundings than their own, coming back no better in any way, and I thought if somebody inside really took an interest in them and could find out why they had gone wrong, and help and advise them when they were tender about it, it might make all the difference. So I got inside to try.'

" 'Well, how did it work?'

" 'Knowing what you do of prisons, you'll say I was soft to try, but I did —hard. I found for the most part I was, by my uniform, suspect and could do no good, but in just a few cases I did get through. Then one man had no more sense than to write and thank me for what I'd done, and he addressed the letter to me at the prison. It was opened, and I was carpeted at once before the governor, and asked what the letter meant. I was younger then and a bit flurried, and the governor went for me. "Understand once and for all," he said, "that the prisoners have no business even to know the names of the warders, and no personal conversations of this kind can be allowed for a moment. Let this be a warning"—and more to that effect. I had to give it up. It nearly broke me.' "

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—The governors are selected primarily as disciplinarians. They have little or no knowledge of education, psychology, or other penal systems.

2.—Governors have little personal contact with the prisoners.

3.—Optional orders are sometimes not put into operation by governors on account of the trouble involved.

4.—Governors are permitted to use little initiative in the treatment of prisoners.

5.—The officers of the subordinate staff are also selected primarily as disciplinarians. A large proportion of them have little previous experience outside the army and navy. The educational test is very elementary.

6.—The training of the subordinate staff is of little moral value.

7.—The officers are allowed no initiative and their duties are practically restricted to repressive vigilance.

8.—The officers are not allowed to exert an influence for good upon the prisoners by conversation or sympathetic contact.

9.—The impossibility of anyone obeying all the multifarious and unnatural prison rules gives officers with a prejudice against any prisoner ample opportunity to report him. Governors almost invariably accept the evidence of a warder against that of a prisoner.

10.—The shortening of the prison officers' working day to eight hours has resulted, owing to shortage of staff due to motives of economy, in prisoners being confined for longer periods in their cells.

11.—The liability of officers to be reported by their superiors, for infringing the regulations, sometimes leads to the practice of a disagreeable espionage and to an atmosphere of fear, suspicion, and deceit permeating the prison personnel.

12.—The wages and pensions given to prison officers are below those of the police service. Their Representative Board is not sufficiently independent and its activities exclude matters relating to discipline and the treatment of prisoners. (*See Appendix*).

13.—The quarters in which prison officers are compelled to live are frequently crowded and inconvenient, and sometimes insanitary. Bachelor officers may be required to live within the prison itself. (*See Appendix*).

14.—Prison officers are not permitted to make public the evils of the prison system as known in their experience.

15.—The retiring age of 55 is too late, certainly in the case of wardresses.

16.—In the smaller women's prisons the wardresses have to live within the prison, under very depressing conditions.

17.—The disagreeable and confined conditions of the service, the want of trust and responsibility, and the unconstructive character of the discipline which they have to enforce discourage men and women who have a real vocation for the work, from entering, or remaining in, the prison service.

Appendix to Chapter Twenty-Four.

THE CONDITIONS AND PAY OF THE PRISON SERVICE

As we have already indicated, there have been considerable improvements during recent years in the conditions of work and in the payment of prison officers. The improvements synchronised with the growth of the Prison Officers' Federation, and were accelerated by the amalgamation of that body with the Police Union in 1913. When, however the latter organisation called a strike in 1919, only seventy or eighty prison officers responded,[1] and since its break-up they have had no independent organisation, relying upon the machinery set up in 1919 for the election of a Representative Board for subordinate officers. Latterly warders have been complaining that the authorities have begun to "put on the screw" again, but the existence of "The Prison Officers' Magazine," as independent as ever, has enabled a strong assertion of rights to be maintained.

The Representative Board is the application of Whitleyism to the prison service. Officers below the rank of chief warder select one of their prison staff to serve on a district panel.[2] There are eight panels, each of which elects, from its own members, representatives on the Board in the proportion of one member to every hundred officers. The clerks and schoolmasters and the works officers are separately represented. The Board meets not less than half-yearly and has the power to send deputations to the Prison Commissioners. The Commissioners define the Board as an "instrument and means of personal communication in all matters affecting the conditions of service between the Commissioners and the discipline staff at prisons." The scope of the Board is very limited and excludes matters relating to discipline or the treatment of prisoners.

The Representative Board is criticised within the prison service principally on three grounds. First, it is asserted that it is too official and that the influence of the Commissioners is dominant. Second, the power of the Board is considered to be slight because the prison officers, now without an independent Union, are isolated from the Labour movement. Third, it is urged that the scope of the Board's activities should be extended to include matters of discipline and prison treatment.

In their report for 1919-1920 the Commissioners also announced the establishment of a Representative Board for superior officers. Apparently the discussions have been largely restricted to conditions of employment and the salaries paid. A medical officer states that the Board is dominated by governors of the military type and that any criticism of the Commissioners' views regarding treatment would make the critic a "marked man."[3]

The prison officers are demanding that their status and pay should be raised to the standard of the police service. The Home Office has so far declined to accept this claim, but in their report for 1920-21 the Prison Commissioners say that, "while an exact analogy (between the prison and police services) cannot be maintained, there is a sufficient analogy to justify a practically analogous rate of pay, especially in the lower ranks." For our part we cannot see how the prison officers' claim can be resisted. To guard

[1] They were mostly at Wormwood Scrubbs prison and were dismissed from the service
[2] P.C. Report, 1918-19, Appendix 2.
[3] Cp P.C. Report, 1919-20, p .31.

the law-breaker and to influence him towards better things[4] is certainly as responsible a task as to find the law-breaker, and the strain upon the prison officers is far more constant than in the case of policemen. The prison authorities acknowledge that improved conditions are already attracting a better type of man to the service. If the status and pay of prison officers were advanced to those of the police, a still further improvement might be expected.[5]

In the month of March, 1921, the payment of the subordinate officers (including bonus) varied from £3 6s. 8½d. a week in the cases of first year warders to £7 15s. 4½d. in the cases of first class chief warders in their last years.[6] The war bonus, which is about two-thirds of the present wage, is subject to change with the cost of living. In addition to this monetary payment officers are provided with quarters or allowances in lieu thereof. The wages of officers are increased by small, annual increments "contingent upon continuous good conduct and efficiency."[7] Promotion depends largely upon seniority, but the authorities point out that "to lay down that the strict rule of seniority should be followed would be highly inexpedient." The claim of seniority is therefore tempered by the reports which the officers' superiors make "as to their qualifications and their conduct in the performance of their duties." Since 1919 prison officers have had a 48-hour working week.

Prison officers are permitted to retire at 55 years of age and must do so at 60 years. They are entitled to superannuation allowances, which vary according to the length of service and to the status of the officer. A principal warder, retiring at 55 after 25 years' service, receives an allowance of £89 1s. 0d. a year. If he retire at 60 he receives £94 1s. 0d. a year. A chief warder (class 3), retiring after 30 years' service, receives £98 19s. 0d. a year. If an officer be compelled to retire from the prison service on medical grounds prior to the retiring age, he is paid a pension proportionate to the length of service.

The superannuation allowance has the effect of keeping officers within the service and of making them amenable to the discipline enforced, however distasteful the duties are felt to be. Officers come to regard the superannuation as equivalent to a sum deposited in the bank, and only on very powerful grounds are they prepared to sacrifice it. For similar reasons they are disinclined to show an independent attitude towards the authorities or to risk dismissal for infringements of discipline.

[4] As we have shown, this is officially included among the officers' duties, although they have little opportunity within the regulations to carry it out.

[5] A Committee appointed to enquire into the "conditions of service and superannuation" of prison officers reported in 1919 against granting warders the police scale of pensions, or their widows police widows' pensions, on the ground that policemen have more dangerous duties, have more night duty, and are more exposed to the inclemency of the weather. One member of the committee attached a note to the report disavowing the view that "the differences between the two services necessarily justify a higher pension scale for the police," adding, "many men would prefer the police service to the prison service, apart from any superiority of pension conditions." The fact that in another part of their report, quoted on the next page, the committee say that the mental strain imposed by the duties of prison officers distinguish the warder class from all other civil servants, suggests that the disadvantages of the police service are at least outweighed in other directions.

[6] The weekly wages paid to subordinate officers (including bonus) in December, 1921, were as follows:—

Male Staff.—Warders, from £3 6s. 8½d. to £4 13s. 4d.; principal warders, from £4 16s. 6d. to £5 9s. 4d.; chief warders, from £5 15s. 8½d. to £7 15s. 4½d.; and clerks and schoolmasters, from £4 0s. 6d. to £5 7s. 8½d.

Female Staff.—Wardresses, from £2 15s. 2½d. to £4 0s. 6d.; principal wardresses, from £4 2s. 1½d. to £4 6s. 1½d.; matrons, from £4 8s. 6d. to £5 4s. 6d.; chief wardresses, from £5 7s. 8½d. to £5 14s. 1½d.; and lady superintendents, from £6 5s. 4d. to £7 8s. 1½d.

Small additional allowances are paid to warders performing special duties, e.g. the Hospital officers, the instructors, and the cooks and bakers. Special allowances are also given for exceptional duties, e.g., 2s. 6d. is paid to an officer who inflicts corporal punishment upon an adult, 1s. to an officer who inflicts corporal punishment upon a boy, 3s. to an officer who assists at a post-mortem examination, and 6d. to an officer taking finger-prints. (maximum, £15 a year).

[7] S.O. 615.

All members of the prison staff are required to live in quarters, or, if accommodation cannot be found, within a certain distance of the prison. The governor's, chaplain's, medical officer's, and steward's houses are usually on either side of the entrance gates. The gatekeeper sometimes has his quarters between the inner and outer gates, and occasionally a few other officers are quartered in turrets of the prison wall. This last kind of accommodation is frequently disgracefully overcrowded and inconvenient. The general quarters are in most instances built close to the prison wall, sometimes actually against it. They are often wretched habitations. "It would appear," wrote Major Rogers, the surveyor of prisons, in 1910, "that frequently no thought was taken as to what point of the compass was faced, and some have all living-rooms facing directly north." Often the windows actually look into the prison. "Such sites do not lend themselves to the provision of an ideal residence for the present generation," proceeded Major Rogers, "and, if it is added that frequently the interior arrangements were sacrificed to the architectural treatment in order to provide an exterior in keeping with the elaborate castellated or crenelated facade of the entrance, etc., one receives thought as to what to avoid." So, no doubt, the prison officers think! The officers in certain prisons are quartered in self-contained cottages, but often the "barrack system" remains. An officer-witness complains bitterly of this latter system and of the condition of the older quarters. "They are without baths," he says, "and the sanitary conditions are bad."[8] Bachelor officers may be required to reside actually within the prison itself, and to consider themselves "on guard." In such cases they receive the allowance given in lieu of quarters.

The mental strain under which prison officers work—the strain of the discipline which is imposed upon them from above, and also the discipline which they themselves have to impose upon the prisoners—is very disturbing to their health, both physical and mental. We have no statistics upon the point, but more than one witness of the officer class insists that a quite exceptionally large number of prison warders become mentally unstable and even insane. In this connection it is worth quoting the following passage from the report of the Prison Officers' Superannuation Committee, issued in 1919:—

> A much higher standard of physical efficiency is required of him throughout the whole of his career than is requisite in the case of civil servants generally, and in the second place, and it is even more important, the daily contact with the criminal classes and the continuous and intensive watchfulness which is required, impose a mental strain upon him which few men are able to bear unimpaired beyond 55 years of age. These conditions distinguish the warder class, in our opinion, from all other civil servants . . . . We are satisfied that retirements on the ground of ill-health are abnormally numerous.[9]

[8] Good houses are now being built for the staff at Camp Hill prison, for the male staff at Holloway, and at some other prisons. In some cases the houses built for governors are quite gloomy and inconvenient.

[9] Op. cit. (Cmd. 513), p. 4.

Prison officers and their families receive medical treatment free of charge from the prison doctor.[10] If an officer be absent ill for more than one month, the Standing Order says that "he will be removed from the pay of the establishment, unless special authority is given by the Commissioners to the contrary." In practice such authority is almost invariably given, and full pay is continued for two, three, and sometimes six months. Then if there is hope of recovery, half pay is given.

[10] S.O.'s 746-751. This does not include confinements.

CHAPTER XXV

THE VISITING JUSTICES

The highly centralised management of English prisons, is, in theory, at any rate, somewhat tempered by the existence of bodies of visiting magistrates having certain limited powers of administration and inspection.

This institution, as has been already stated in our third chapter, takes two distinct forms,—the Visiting Committees of Justices, appointed under the Prison Act of 1877 for the Local prisons then taken over by the Central Authority; and the Boards of Visitors for the five Convict prisons, constituted by the 1898 Prison Act.

The Visiting Committees for Local Prisons.

Before the control of the Prisons was placed in the hands of the Whitehall Commissioners by the Act of 1877, the authority responsible for each prison was usually the body of Justices for the locality. The 1877 Act, while taking away the real management of the prisons from the local Justices, attempted to retain their co-operation by instituting visiting committees. These consist of magistrates appointed annually, in the case of a county by quarter sessions, and of a borough (with the special exception of Worcester City) by the Borough Justices.[1] Up to the present year the committees have been composed, we believe, exclusively of men; although one of the recommendations of the 1895 Departmental Committee on Prisons was that women should be appointed to sit with the justices for the purposes of dealing with the women prisoners. Now that women have been admitted to the Bench, it appears very desirable that they should be adequately represented on the visiting committee of those prisons where women are detained. In the case of some committees, this need has already been met.

The functions of the Visiting Magistrates were originally laid down in rules framed by the Home Secretary in 1878. In 1895, however, the Departmental Committee reported that, for various reasons, the visiting committees "had for the most part acquiesced in the supremacy of Central Administration, had discharged their duties perfunctorily, and had not exercised the very considerable functions

[1] See Section 13 of the Prison Act, 1877, and Section 275 of the 1899 Rules for Local Prisons. The appointments are usually made in January.

laid upon them by the (Prison) Act." [2] The magistrates apparently felt that the new system only allowed them shadowy and valueless responsibilities and ceased as a rule to take interest in the prisons. In consequence of this an attempt was made by the Home Office in 1899 to stimulate new local interest and co-operation by increasing the functions of the committees. The changes made, however, did not add nearly so much to the responsibilities of the justices as was recommended by the 1895 committee, who would, for instance, have given them the power to nominate the prison chaplain and to determine in the first instance the kind of labour to which prisoners should be put.[3] The present functions of the committees are regulated in great detail by Part VIII. of the Code of Rules for Local Prisons made under the 1898 Prison Act in April, 1899. Before describing these functions, it is desirable to mention that Section 15 of the 1877 Act provides that any Justice having jurisdiction either in the locality of the prison or "in the place where the offence in respect of which any prisoner may be confined in prison was committed," may, when he thinks fit, inspect the prison and the prisoners, and record his observations for the notice of the visiting committee. In doing so he is allowed to speak to any prisoner in reference to his prison treatment or to any complaint the prisoner may have to make.

We have evidence of one great city where "all the magistrates are from time to time invited to visit the prison; and the members of the visiting committee welcome this as a means of making the sentences awarded by such justices intelligible to those who have to award them." Nor is there any reason to suppose that most visiting committees would, in principle, resent occasional visits of their fellow magistrates to their prison. But the undoubted fact remains that such visits are in most districts very unusual and that there is widespread ignorance among magistrates of their rights in this respect. One visiting magistrate has stated to us that the Prison Commissioners do not desire that the visitation of prisons by ordinary magistrates should become customary. Whether this be so or not, it is apparently the case that no circular has been issued to magistrates from the Home Office informing them of their rights in this respect or urging them to take advantage of them.

Another regulation, which, in view of the want of publicity in the prison administration, deserves to be better known, allows a visiting magistrate to take a companion with him on his visit to the prison, provided he first introduces him to the governor.[4]

The visiting committee are required to meet at the prison once in every month, unless they state their opinion that eight times in the year is sufficiently often. The prison must be visited once a week

[2] 1895 Departmental Committee Report, p. 7.

[3] 1895 Departmental Committee Report, pp. 40-41, and Observations of the Commissioners thereon (1895), pp. 13-16.

[4] S.O. No. 850. "He (the governor) will permit any person to view the prison, who may be introduced by a member of the visiting committee."

by one or more members, unless they resolve that fortnightly visits are sufficient. The committee must make an annual report to the Home Secretary, in addition to special reports on any matters which, in their opinion, require attention.

Their Judicial Powers.

The most important of the committee's functions are its judicial powers. The prison governor is only competent to deal with minor offences on the part of the prisoners, and may only inflict a limited amount of punishment, covering a period of not more than three days for the severest forms.[5] Cases, for instance, of violence to persons or property, of attempted escape, or of grossly abusive language must be referred by the governor to the visiting committee or to one of them. Such member or members have power to hold an inquiry, and, if thought desirable, to award punishment to a degree not more severe than any of the following sentences, which may, however, be combined:—14 days' "close confinement"; 15 days' bread and water diet for periods of three days, alternating with periods of three days' ordinary diet; forfeiture of the "stage" privileges or of remission of sentence for 28 days. In cases of mutiny or of violence to an officer the committee (three members at least being present) have power to award corporal punishment (either with the birch or the "cat") up to 36 lashes, but it is only inflicted provided the Home Office specifically confirms their award. No prisoner may be kept in irons or under mechanical restraint for more than 24 hours without an order from one of the visiting committee.

The following account of the procedure, when an offender is tried before the visiting committee, has been given by a political prisoner who had several such trials.[6] We believe it to be in harmony with the facts.

> Ordinarily a trial by visiting magistrates is rapid and formal. Sometimes only one magistrate is present. Before entering the room the prisoner's person is searched in case he has any implement of attack upon him. The officer bringing the charge is usually required to take the oath, and any subsequent witness is required to do so also. The prisoner has no opportunity of reading a written statement of the evidence supporting the charge. But he is permitted to make a statement in reply to the charge and he is sometimes asked whether he has any questions to put to the witnesses and to those who bring the charge against him. The proceedings are not unlike those in an ordinary Court of Law.
>
> On one occasion my trial by the visiting magistrates happened to synchronise with the annual meeting of the visiting committee, and I had an extraordinarily impressive trial. The charge was the publication and circulation of a manuscript newspaper. Nine magistrates were present, evidence was given in great detail, and I was permitted to cross-examine the witnesses, including the governor. A number of the magistrates were impatient with the fair treatment accorded me, but the chairman insisted upon an impartial trial.

[5] See p. 236.

[6] Compare the account of a Trial before the Governor, p. 235-6.

> The general view of prisoners is that visiting magistrates always take the governor's view, an opinion borne out by my own experience in the trial to which I have just referred,—when, a dispute having arisen between the governor and myself, a majority of the magistrates (against the view of the chairman) held that it was unnecessary to investigate the matter further, since the governor was to be believed before a prisoner!

We believe that most visiting magistrates consider that the arrangements in use for the trial and sentence of a prisoner accused of breaking the rules are quite satisfactory and calculated to ensure a just verdict. Some of them, however, feel that the influence of the governor's views is too prominent. One magistrate writes:—"The prison governor dominates the committee. I think the hearing should be conducted without the presence of the governor." Another *from a different prison* urges, for the same reason, that at least two magistrates should always be present to award the punishment. "It takes a very strong man to go against those in authority, but it is not nearly so difficult a matter for two." One of our witnesses, who is chairman of quarter sessions, as well as an experienced visiting magistrate, gives it as his strong conviction that it is the exception for a prisoner to get a really fair trial.

Several magistrates have also pointed out to us that the accused prisoner is in an unfair position compared with the warder, or warders, on whose report he is usually charged. Thus one magistrate writes:—"There is a difficulty in that the prisoner's offence is often supported by several warders, whilst he is alone in his defence, or at least generally so." Another admits that "the weakness of the arrangement from the prisoner's point of view is the difficulty of getting confirmatory evidence from other prisoners, and I do not see how this difficulty is to be got over." A third magistrate points out that "the warders are able to collate their evidence outside," and suggests that "this might be partially obviated, if they were not allowed to leave the room after giving evidence."

These admissions could easily be corroborated from the evidence of ex-prisoners, whose experience has taught them to what extent the average prisoner, dazed and isolated by the rule of silence and separation, is at the mercy of the warders, and how possible it is for a warder, under the strain of his disciplinary duties, to get a grievance against a "troublesome" prisoner; and how, too, the *esprit de corps* among the prison officers tends to induce them to back each other up.

The execution of the committee's award is left in the hands of the governor and his subordinates.[7] We have already, in a previous

[7] But the visiting committee, if they exercise their powers improperly, are liable to be visited with damages. This actually happened in 1909 at Manchester prison, where a refractory prisoner who refused to leave his cell was, on the order of the committee, dislodged by the use of the hose-pipe, with the result that the committee were held liable for damages at the Manchester County Court.

chapter, described the character and some of the effects of the different kinds of punishments.[8]

Their Contact with Unconvicted Prisoners and Other Special Classes.

Apart from the refractory prisoner, the class of prisoners whose condition appears (according to the printed rules) to be most vitally affected by the action of the visiting committee is that of the unconvicted, i.e., those who are supposed to be committed to prison, not for punishment, but for "safe custody" only until the date of their trial.[9] In this case the committee may, without any reference of the matter to the Commissioners, permit the occupation of a specially furnished room or cell, the use of the prisoner's private furniture and utensils, the appointment of another prisoner to do cleaning, etc., for him, the attendance of his private physician, and, in general, the "dispensing with any practice, which, in the opinion of the governor, is clearly unnecessary." These rules appear to indicate that, in the case at least of persons of sufficient private means to be able to take advantage of them, the comfort and health of prisoners awaiting trial may depend largely on the decision of the visiting committee.

The committee have very similar powers in regard to the treatment of offenders of the first division; but this class of prisoner is so small that the details do not merit special mention here.[10]

Most of the magistrates who have given evidence to us state that they have dealt generously with any applications for relaxation of the rules that have been received from unconvicted or first division prisoners, and that their decisions in these cases are unfettered by any directions of the Commissioners. But such applications from unconvicted prisoners appear to be very few; and it seems probable that many of these prisoners are not aware of the extent of their rights in these respects; while the justices, in some cases, share the prisoners' ignorance and in other cases have no wish to dispel it.

The treatment of prisoners in the second and third divisions is regulated with great minuteness and uniformity by the Commissioners' Rules and Standing Orders; and the ways in which the judgments of the visiting committee can affect the prisoner's life are not numerous, so long as he is not himself reported for breach of rules or has no reason for complaining that the rules have not been observed by the prison staff. The committee may, it is true, in case of urgency, allow him an additional letter or visit;[11] they may dispense with his attendance at chapel and permit him, on adequate grounds, to change his religion. Demands for additional books for

[8] See Chapter 14.

[9] See Part 2 of the Rules for Local prisons, especially Rules 189, 190, 202, and 203, and pp. 207-8.

[10] See p. 221.

[11] The members of some visiting committees state that the governor has dealt with all or most of such applications, though the governor's powers in this respect are considerably restricted under the rules.

the prisoners' library are supposed to pass through them on the way from the chaplain to the Commissioners, and they may, if they choose, organise lectures and addresses "directed to the moral improvement of the prisoners." But, in practice, these matters are usually left to the chaplain. Out of ten different visiting committees, whose members gave evidence on this point, nine were taking no part in the arrangements for lectures. In the case of the remaining committee, regular lectures have been given for some years past under the supervision of the committee and in some cases by members of it, and we believe that they have been much appreciated.

The approval of a member of the visiting committee is required under the Rules and Standing Orders in respect of the decision as to the fitness of a first offender for the "Star" class.[12] If no direction is given by the Court as to the division in which an offender is to be placed, a member of the committee may assign him to the second (instead of the third) division, unless he is likely to exercise a bad influence on first offenders.[13] And when any unfortunate prisoner is considered to be insane, the presence and signature of two visiting justices, assisted by two legally qualified medical practitioners, is necessary to certify him for removal to a lunatic asylum.[14]

The Hearing of Complaints.

In the case of the ordinary prisoner who is not guilty of serious breaches of the rules, contact with the visiting committee is, in practice, almost wholly limited to the occasions of periodic perambulation of the prison by one or more of the magistrates, with the primary object of giving prisoners an opportunity of making complaints.

Complaints (other than those of a medical nature) may be made either to the governor, or to the visiting committee, or to an inspector of prisons,[15] or to a Commissioner (though in Local prisons there is practically no opportunity of seeing one), or, in the last instance, in the form of a written petition to the Home Secretary.[16] In most prisons it is customary to address complaints, in the first instance at any rate, to the governor; but in some prisons, where for one reason or another the magistrates are regarded as more sympathetic authorities than the governor, most complaints appear to be made direct to them.

If a man wishes to see the governor by reason of any request or complaint, he must not fail to apply to the warder first thing in the morning when his cell door is unlocked. Any application made later in the day will be unavailing. Complaints to the governor have usually to be made to him in his office in presence of a chief or

[12] Cp. p. 225.
[13] Criminal Justice Administration Act, 1914, Section 16 (2) and (3).
[14] Criminal Lunatics' Act, 1884, Section 2.
[15] Cp. p. 62, and Note 20 on that page.
[16] See Appendix to this Chapter, pp. 408-9.

his actions, and after consultation with the governor and chief warder, the visiting justice adjourned the case for still further observation. This took place, and revealed that the accused was suffering from shell shock, which resulted in intermittent periods of mental irresponsibility. After some weeks' observation, the insanity so developed as to necessitate the man's removal to the asylum. This incident led, among other things, to the initiation of the highly important experiment in mental observation and treatment at Birmingham already described.[21]

We can infer from what has happened at Birmingham that this Rule 293 might be a most valuable instrument for effecting changes in the prison régime, both in individual cases and for prisoners as a whole, if applied by a visiting committee who were convinced of the need of such change.

Apart from the provisions of this rule, there is one other species of decisive action which the committee are authorised to take "in case of urgent necessity," viz., "they may suspend any officer of the prison until the decision of the Commissioners is made known."[22] We have been informed of one case of such suspension, arising out of the assault of a warder upon a juvenile prisoner. The Commissioners upheld the magistrate's action.

The Visiting Committees and the Commissioners.

The remaining functions of the visiting committee are of a purely advisory and inspectorial character. Thus the quality (but not the character or quantity) of the diet, the condition of the buildings, the operation of the Prisoners' Aid Society,[23] the suitability of the prison industries, the prison accounts, are all subject to their inspection, but they cannot do more in regard to these matters than report their criticisms or suggestions to Whitehall, so as to expose abuses and to "co-operate" as the regulation directs, "with the Commissioners in securing the efficiency of the service."

How far even this limited co-operation,—for it in no case amounts to a share in the administration—exists except on paper is a question upon which our evidence is conflicting. Thus the chairman of a more than usually active visiting committee states that "the Prison Commissioners give careful attention to any request or recommendation of the committee; and they frequently refer special matters for enquiry and advice." On the other hand a magistrate visiting one of the largest of our prisons gives as his opinion that "the Commissioners do not pay serious attention to recommendations of the committee. I have never heard of their referring any special point to the committee. They work with the governor, who is their

[21] See pp. 52-53.
[22] Ib. p. 213.
[23] In fact, one or two prison committees have been members of the visiting committee do active work as members also of the Aid Society.

servant, and seek to reduce outside intervention to a minimum." A zealous member of a third committee states as his experience, that the "Commissioners are rather a dead letter, neither helping nor hindering in the work."

On the whole the evidence in our possession points to the conclusion that, in those few cases where the visiting committee have views of their own, which they are prepared to press, the Commissioners do pay some attention to their recommendations; while, in other cases and more particularly where the governor is a masterful character, the committee remain in the background and restrict themselves almost entirely to their investigation of complaints and offences of individual prisoners. The strong position which the governor holds as compared with the committee is explained in a memorandum submitted by a visiting magistrate, from which we take the following extract:—

> One of the most striking characteristics of prison administration is the tendency for all power to drift or to be manœuvred into the hands of the governor. Governors are inclined to dislike the visiting magistrates, or at least their functions, however politely the dislike is concealed, and to endeavour to the utmost of their ability to minimise their usefulness. . . . Smoothness of administration is the ideal, and innovation or suggested improvements are disliked. Hence it is very difficult for the visiting magistrates to bring about any improvement in the prison system. Quietly, but deliberately, the permanent officials seek to limit the work of the magistrates merely to the punishment of offenders against discipline and to the investigation of complaints against warders. Neither the governor, medical officer, nor chaplain would consult the visiting committee or any of its members, unless absolutely obliged to do so by the regulations. . . . It is but little use giving permissive powers to visiting committees. The governor, medical officer and chaplain should be *required* to bring all important matters for their consideration and approval."[24]

In some cases the governor's power to get his way appears to be further enhanced by the fact that, according to the regulations, most of the functions of the visiting committee can be exercised by one magistrate acting alone. Though most of the visiting magistrates whom we have consulted do not consider this provision objectionable, one of them has asserted to us that "if a visiting magistrate takes a line against the officials' evidence, he will most likely not be applied to again, but another magistrate will be called upon."

A further reason for the ineffectiveness of the committees and particularly for their inability to act as a check upon prison officials is, we are afraid, the ignorance of their powers and functions which characterises many of the members. The Statutory Rules are not known as they should be. This is testified to us, not only by ex-prisoners, but by visiting magistrates themselves. One of them

[24] Another witness, however, states that, in the case of a chaplain, and possibly also of a medical officer, there is often difficulty in securing effective access to the committee.

states that "most magistrates take the view that they have scarcely any powers. When any question comes up, the governor says, 'That is for the Commissioners,' and not knowing their powers the committee acquiesce." Another writes that "no doubt many prisoners know their rights better than some of the visiting justices," and recommends the preparation of a "short list of their duties and powers, to be handed to each visiting justice on his appointment."

The successful work done by one exceptional visiting committee—success vouched for by ex-prisoners, who have described the prison in question as more humane than any other—is ascribed by one of its most active members to the following reasons:—First, to the good fortune of having humane governors with whom to work; secondly, to the careful selection of the visiting justices recommended to the sessions for appointment; and thirdly, to constant personal attention and visits by the chairman independent of the visits of the other members of the committee.

There are doubtless other visiting committees which have discharged their allotted duties in a conscientious way. But the fact remains, that, during the forty odd years of their existence, no great contribution to the science of prison treatment, with the possible exception of the present Birmingham experiment,[25] has been made at the instance of these committees of magistrates.[26] This is partly, no doubt, due to the character of their personnel, and partly also to their relationship to the powerful Government department which administers the prisons. If the prisons, like the lunatic asylums and the schools, were locally administered, with inspection by a central department, the position would be entirely altered. But so long as the administration remains in the hands of a Government department, experience indicates that it is almost useless to rely, for competent and independent inspection, upon the local authorities, or upon visits from the lay public. The weight of official authority is so great, the power and prestige of the Government department so influential, and the task of critical inspection and complaint so unthankful, that no effective outside supervision will be thereby continuously secured.

Probably the only course available, where administration is by a Government department, would be to separate administration from inspection; to leave the entire responsibility for administration in the hands of one department, under its own head; but to make it the duty of entirely separate departments, with no power of giving orders, to conduct independent inspections,—combining this with the duties of research into the subject matter, of collecting comparative information as to what is done elsewhere, and of keeping the

[25] See pp. 52, 53, 398, and 399.

[26] Compare, on the other hand, the instance given on p. 244, as regards the apparently misleading allegations of certain visiting committees as to the effects of restricting corporal punishment.

legislature and the public continuously informed as to the deficiencies and the possibilities of the administration."[27]

But, after all, so long as a penal system continues to exist, the one essential, far more important than considerations of machinery, or even of *expert knowledge*, lies in the *human factor*, in the possession by administrators and inspectors alike of that superlative virtue of *sympathetic imagination*, that faculty of believing in the treasure hidden in every criminal's heart and of looking at prison conditions through his eyes: the one essential for the administrator lies in his being able to repeat in all sincerity and humility the inspired sentiment of the Roman dramatist: "*Homo sum: humani nihil a me alienum puto.*"

The Boards of Visitors to Convict Prisons.

The boards of visitors for the five Convict prisons owe their origin to the recommendations of the 1895 Departmental Committee on Prisons. Up to and at that date, though certain provisions had been made for the occasional introduction of magistrates and visitors, there was in practice, on the Commissioners' own showing,[28] no co-operation of any independent body with their own direct management of these institutions, in their capacity of Directors of Convict prisons. The Departmental Committee took exception to this partly because of the amount of the directors' time absorbed by their monthly visits to the prisons, and also in view of the absolute judicial powers over prisoners which were so vested in the director. "From him there is no appeal except to the Secretary of State, and, should there be a complaint or an appeal from his judgment, he is an intermediary authority in his own case."[29] They therefore recommended that "a different tribunal" should be set up, and "that an arrangement might be made for regular visits by a judicial functionary for the purpose of investigating ordinary complaints and imposing punishment." To this suggestion the Commissioners objected, insisting that, "in the interests of discipline and order they would be unwilling to introduce a new element into the government of Convict prisons, believing that it might seriously hamper the administration and not effect greater justice to criminals."[30] They were ready, however, to agree to the co-operation of a body of independent visitors, provided the directors retained their existing measure of control, i.e., a control which was in practice, absolute. The result was a compromise, carried out under Section 3 of the 1898 Prison Act, which enacts that "the Secretary of State shall

[27] For instance, the Board of Education might be made responsible for the inspection and criticism of the prisoners' educational occupations, and the Ministry of Health might inspect and report upon the health and medical care of prisoners.

[28] Observations on the Recommendations of the Departmental Committee (C. 7995), 1896, pp. 34-36.

[29] Departmental Committee Report, 1895, p. 43.

[30] Observations, etc. (C. 7995), 1896, p. 35.

appoint for every Convict prison a board of visitors, of whom not less than two shall be justices of the peace, with such powers and duties as may be prescribed by the prison rules." These rules are included in the code of regulations published in April, 1899; and no published alteration of them has been made since that date.[31] They are short and can be briefly summarised as follows:—

The board of visitors for each prison is appointed by the Home Secretary, for terms of three years. At least one member of the board is to pay a visit to the prison in each month. They are to "co-operate with the directors in promoting the efficient working of the prison," to make enquiries as required by the directors or the Home Secretary, and to submit periodic reports to both these authorities. They are to inspect the food and the books of the prison. They may in the case of urgency allow a prisoner an additional letter or visit, and they are requested to interest themselves in the classification of prisoners (which is, however, settled by the directors) and in the arrangements made for their assistance after release.

They must investigate any complaint made by a prisoner, reporting their opinion, if necessary, to the directors. In so doing they may, if they desire, have a private interview with any prisoner "out of sight and hearing of prison officers," and they may have free access to all parts of the prison. They must report any abuse discovered and may, in case of urgency, temporarily suspend a prison officer.

Finally, in regard to judicial functions, they are limited to the adjudication "on such prison offences as may be referred to them by the directors." With this determining proviso, their judicial powers are considerable, as it is laid down that "the board of visitors or one of them, shall for the purpose of punishment, have all the powers of a director," including the power, subject to confirmation of the Secretary of State, to award corporal punishment with the birch rod or the "cat," to the extent of 26 lashes. This penalty is reserved, as in the Local prisons, for mutiny or violence to an officer; but the visitors may also inflict the continuous wearing of leg chains and the parti-coloured dress, for as long as six months, upon men guilty of an assault or attempted escape. For other misdemeanours, such as grossly abusive language, or breaking windows, or "any serious or repeated offence for which the punishment the governor is authorised to inflict is deemed insufficient," the visitors may order dietary and other punishments precisely similar to those placed in the hands of the visiting committees of Local prisons, except that the punishments may be for longer terms, e.g., they may adjudge separate confinement for six months and forfeiture of the whole of a convict's remission.[32]

This summary represents the sum total of the duties allocated to the visiting boards, "the slender privileges and duties cautiously

[31] Rules 176-190, 242 and 75-80 of the 1899 Rules for Convict prisons.

[32] Rules 75-78 for Convict prisons.

confided to such functionaries by the Home Office," as a member of one of the boards has called them.[33] Compared with those of the corresponding visiting committees for Local prisons, their powers and functions are small, except in the one matter of the investigation of prisoners' complaints. In particular, while the Local prison magistrates have the duty to adjudicate on all the more serious offences on the part of prisoners, the Convict prison boards may only do so when the directors choose to refer offences to them.

The Limitations of the Boards.

It is evident that the Commissioners (in their capacity as Directors), who doubtless settled the form of the governing rules, have not desired the intrusion upon their tight control of penal servitude of any independent body with a mind of its own. They have therefore succeeded in restricting the executive functions of the visiting board to such matters as they may deem it safe to refer to them without running the risk of a conflict of opinion. The public has no means of knowing how far the adjudication on prison offences has actually been referred to the visitors, or how far they have backed up the complaints of prisoners against the views of the directors. Such evidence of ex-prisoners as is available makes it appear probable that the local justices—landowners and other gentlemen of the same class[34]—composing the boards are men whose point of view, in regard to the treatment of convicts, is very similar to that of the directors; indeed, probably in most cases, of the two bodies, it is the directors who may be supposed to have, if anything, somewhat more of the gift of sympathetic imagination into the convict's state of mind. Consequently it seems probable that there is little friction or disagreement between them and the visiting boards. At any rate, in their report of 1904-5, after some five years' working of the new arrangement, we find the Commissioners expressing their satisfaction that, through "the presence at each Convict prison of a body of independent gentlemen, unconnected with the official authority, but working harmoniously with it," a ready means of appeal had been afforded to any dissatisfied convict and a system established for the independent investigation of any matter on which the Home Secretary may require an impartial opinion.[35]

The most fundamental grounds for complaint on the part of convicts are those directed against the officially prescribed discipline of penal servitude—and, with the discipline, the visiting board, like the visiting committees for Local prisons, have no power to deal;[36] while, on the other hand, the monotonous rigours of that system, acting on the irritated mentality of the convict, produce many trivial

[33] Sir William Collins, in a pamphlet published in 1903.

[34] "Selected for their large purse or broad acres," says a Local prison magistrate with some knowledge of the Convict prison visitors.

[35] See 1904-5 P.C. Report (p. 26).

[36] In the case of Convict prisons there is no provision similar to Rule 253 for Local prisons, which suggests that a visiting committee may have the discipline altered in the case of a man whose mind or body is suffering injury.

or unfounded complaints. Besides, there is the general tradition that few convicts can be trusted to speak the truth; while a governor's or warder's account of the matter is regarded as presumably a reliable one. And there is, too, the fear of the convict who has a genuine complaint against a warder, that he may be subsequently victimised by him. For all these reasons it would require men unusually gifted with imaginative sympathy to be able to render justice to the convict's standpoint, or to sift the really genuine complaints from those which are more trivial. The difficulty is still further aggravated in the case of the large majority of convicts, who spring from working class origin, by the fact that there are no or almost no representatives of their own class among those who sit in judgment upon them.

Evidence derived from male ex-convicts as well as from prison warders tends to confirm this view.[37] We have not heard from such witnesses of any attempts on the part of visitors to cultivate a close acquaintance or friendship with prisoners as fellow human beings in distress. In the matter of complaints and adjudications there is a general impression that they take their cue from the prison governor, and are therefore useless. "The magistrates seem to be wholly dependent upon the governor for guidance regarding procedure. Consequently they are his puppets," writes one ex-prisoner. Another states: "An appeal to visiting magistrates was usually a waste of time. They are completely dominated by the governor. Prisoners go before them, not to get redress, but to make a row." A third ex-convict has told us: "All complaints taken to authorities higher than the governor passed through his hands, and the prisoner's word was never taken. I was forcibly ejected for demanding the right to defend myself when brought to trial for breaking the rules." A life-sentence man states that "if you dared to complain as to your food or anything else, the general effect was for the prison officials to make it harder for you afterwards." It is to be feared that the warder who told one of our witnesses, "You know, when you complain, the people are persuaded you are a nuisance," was making a generalisation that was not far from the truth.

The general rule for interviews with a Visitor would appear to be that they take place in the presence of the governor, his clerk, and at least one warder. Very few Visitors to the prisons for male convicts, as far as we can discover, ever take advantage of the express provision of the rules, by which they are invited to see prisoners "either in their cells or in a room out of sight and hearing of prison officers."[38] Prisoners do not seem to be aware of this provision. Nor is it, perhaps, every magistrate who would care to be closetted alone with a strongly-built convict, whose tendency to violence may

[37] This and the following paragraphs are not intended to refer to the prison for women convicts, where the circumstances appear to be more favourable.

[38] Rule 142 (5) for Convict prisons. The provision is not actually in the Statute, as it is in the case of Local prisons.

be aggravated by the irritation of the prison discipline. This suggestion was made to us by a visiting magistrate himself, and we repeat it only to indicate the troublesome eventualities that have to be faced in carrying out this laudable proviso for private interviews. The first chairman of the Directors and Commissioners took strong exception to this proviso, on the ground that such interviews would put "the character and positions of the officers complained of at the mercy of persons of lost character, with every motive to discredit their authority and weaken their position."[39] This account of the matter indicates, as might be expected, far too much confidence in the inclination of the magistrate to sympathise with the prisoner's standpoint, and far too little understanding of the disinclination of the less hardened prisoner to make his complaints in the presence of men who are necessarily in the position of task-masters over him, with power to make his life miserable in many ways, small and great.

Whether the fault lie chiefly with the system or rather with the personnel of the visiting boards, there is, then, a widely spread feeling among convicts that it is of little use to expect redress from the Visitors, that their powers are not substantial, that their views and decisions are influenced unduly by the governor, and that the real power resides with the Directors and the Home Office, who, again, are too much inclined to take the governor's point of view. This means that, even under the present rigid and centralised administration, the character of the governor is of great importance, and it implies, of course, that, in the somewhat exceptional cases where the governor is a man of wide human sympathies who takes the trouble to seek for an intimate knowledge of his charges, the defects of the visiting board, as at present constituted, will be of comparatively little consequence. As it is, we are unable to attribute any serious importance as wise and impartial critics, to these "bodies of independent gentlemen," who, knowing penal servitude at close quarters, have acquiesced in it for over twenty years without any substantial protest.

[39] Sir E. Du Cane, "Punishment and Prevention of Crime," p. 72.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Many visiting justices are ignorant of their functions and powers.

2.—The fact that they are magistrates, and thus identified with the judicial administration which has awarded sentence, tends to produce a want of confidence between them and the prisoners.

3.—Visits of the visiting justices are usually hurried and the inspection is generally superficial. Most prisoners (except the old "lags") are unable to collect their thoughts in time to frame a complaint before the visiting justice has passed on. The presence of a prison official prevents prisoners from making their complaints privately, as they have a right to do under the Prison Acts.

4.—The governors frequently have a dominating influence over the trials of prisoners for prison offences.

5.—A prisoner accused of a prison offence has no opportunity to collect evidence. The warders are able to collaborate in giving evidence against a prisoner.

6.—Visiting justices rarely organise lectures for prisoners or pay attention to their physical and mental health. (Prison Rule 293).

7.—The powers of visiting committees are too much confined to securing the observance of a minute code of Rules, and too limited in other respects to encourage a sense of responsibility in their members. It is too much to expect such bodies to give effective criticism and inspection in the face of a powerful central authority.

8.—Magistrates other than the members of the visiting committee make little use of their right to visit prisoners.

The Boards of Visitors to Convict Prisons.

9.—The duties of the boards of visitors to Convict prisons are even more restricted than those of the visiting committees for Local prisons.

10.—The members of the boards are mostly of the land-owning class and out of touch with the conditions from which most convicts come.

11.—Points 2, 3, 4 and 7 above, relating to visiting justices, apply equally to the visitors at Convict prisons.

Appendix to Chapter Twenty-Five.

PETITIONS

Inasmuch as the subject of the prisoner's right of complaint is necessarily dealt with at some length in the foregoing chapter, it is convenient to add here, rather than elsewhere, a brief note on the specific right to petition the Home Secretary.

Prisoners are supposed to have the right to petition the Home Secretary at any time either on matters of complaint or in order to ask reconsideration of the length of their sentences.[1] A good deal of advantage is taken of this right, but very rarely are the petitions of any real effect. Prison officials regard petitions simply as safety valves for the relief of grievances which might otherwise find more disagreeable expression, whilst the "old lags" always ridicule them as not being worth the paper they are written on. "I never knew a petition make any difference," says an officer of fifteen years' experience; whilst a convict wrote from Dartmoor in 1908, "There's thousands goes from here, or supposed to go, but it's all one tale—not sufficient grounds. You might as well petition the moon." "I suppose the office boys of the Home Office have some fun reading it," remarked another Dartmoor convict in the course of a letter written in 1911, referring to a petition he had sent; "they send the usual stereotyped answer."

The printed answer which ninety-nine out of a hundred petitions receive gives the impression that they are dealt with in an excessively formal manner. Two instances of the mechanical treatment of petitions may be given. The first is that of nine convicts at Maidstone prison who petitioned the Home Secretary on August 4th, 1919, for an increase in the gratuity of 1d. a day to compensate for the increases at the canteen and for concessions on the lines of those granted at the Preventive Detention prison. Three are known to have received replies; one after 17 weeks, one after 24 weeks, and one after 26 weeks.[2] All the replies read: "The Secretary of State, after giving careful consideration to your petition, cannot see his way clear to grant your request."

We give the second instance in the words of the ex-prisoner concerned:—

> I petitioned the Home Secretary about half-a-dozen times on various matters. On every occasion except one I received the stereotyped reply refusing the request.
>
> The one exception arose out of the "relaxations" allowed to conscientious objectors who had served 12 months. They were stated by the governor to involve a reduction in the time of visits from 30 to 15 minutes. I petitioned for the retention of the longer time. A week later the governor sent for me, stated that he had heard from the Commissioners that the visit was to be 30 minutes, and added that he presumed I would therefore wish to withdraw the petition. Apparently everything must be done to prevent a petition being sent which would require something other than the formal reply!
>
> On another occasion the application was that vegetarians might be allowed an extra ration of margarine in lieu of meat. A few days after receiving the inevitable refusal the additional margarine was given.

[1] But a petition must not be sent if a former petition has not been answered. Since several weeks often elapse before a reply is received, this rule sometimes involves hardships. One witness from a Local prison instances a case where a reply was not received for three months, and a further petition was not allowed during that period. At Convict prisons it seems to be a general practice only to allow one petition every three months.

[2] The Governor is required to call the special attention of the Commissioners to a petition from a prisoner charged with murder or under sentence of death, or a petition referring to early legal proceedings. (S.O. 411). This is reassuring.

The principal warder, who hands the petition form to the prisoner for filling in, is instructed to read to him the rule requiring that "temperate and respectful language" should be used. The prisoner is also told that complaints of ill-treatment and charges against officials must be fully stated, "it being understood that such will be investigated, and if proved to be untrue will render the petitioner liable to punishment." The governor is authorised to suppress any petition containing "improper and abusive language," but prisoners must be given an opportunity of re-writing petitions, and all suppressed petitions must be forwarded to the Prison Commissioners. This is a right safeguard against any suspicion of suppressing proper complaints.

When a complaint refers to matters with which the visiting committee can deal (such include diet, employment, library books, exercise, letters and visits, and punishment), the prisoner must in the first instance lay it before the committee, but if unsatisfied with its decision, he may proceed to petition the Home Secretary. Under these circumstances the governor sends a report with the petition, prepared by himself or the officer concerned.[1] Complaints of illness or medical treatment are required to be forwarded to the Home Secretary without reference to the visiting committee.

Frivolous complaints are punishable under the rules, and, indeed, the subjects of some petitions are, of course, very trivial when judged by standards outside prison. But the fact should not be lost sight of that the little details in the life of a prisoner inevitably loom large, and that his perspective is distorted by his isolation and the narrowness of his existence, which provides few interests and no variety in experience. Little deprivations in a life that is already impoverished to an extreme degree, petty annoyances in a life that is already a constant strain on the nervous system, small privileges meaning much in a life that is denied the most elementary human rights—these are things to which the minds of the prisoners turn over and over again, and which naturally find expression in petitions.

One rather serious result of this state of things is that, amid the mass of trivial complaints, or complaints which cannot be remedied without altering the system, petitions dealing with matters which even the Commissioners would regard as serious tend to get overlooked.

Complaints and requests are often sources of much trouble to the prisoners who make them. If an officer's action is criticised, or a right that is being withheld is insisted upon, the prisoner is frequently made to suffer by a persecuting enforcement of discipline. Altogether, the right to petition appears to have little more than a paper value. The delays in answering exasperate the prisoners and intensify their bitterness. They come to feel that it is impossible to get their grievances righted, or to obtain any consideration for their requests. They learn to look upon the whole process as an elaborate fraud. Nowhere is there less faith in the justice of the authorities than in prison. The bad effect of this upon the prisoner's after-life will be obvious.

[1] It is obviously unfair to the prisoner that the governor or other officer should be able to discredit his statements in a secret report to which he has no opportunity of replying.

CHAPTER XXVI

THE BORSTAL SYSTEM

THE Borstal System is an attempt by the State, acting through the Prison Commission, to reclaim those who, between the ages of 16 and 21, offend against the law. It differs from certified industrial and reformatory schools in that they admit children under 16 only, and are almost all (198 schools out of 220) under private management.

The Borstal System was designed to deal not with "the youthful offender . . . who may have lapsed into some petty or occasional delinquency," but "the young hooligan advanced in crime, *perhaps with many previous convictions*, and who appeared to be inevitably doomed to a life of habitual crime."[1] Its aim, as stated by Sir E. Ruggles-Brise, is to check the criminal tendency by "the *individualisation* of the prisoner, mentally, morally, and physically."[2] The object is avowedly reformatory, a welcome advance upon the principles on which the prison system is based.

The System falls naturally into two parts:—(1) Borstal Institutions, wherein "young offenders, whilst detained, may be given such industrial training and other instruction, and be subject to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime";[3] and (2) the Borstal Association, a quasi-official body, subsidised by the Treasury,[4] which receives on release, and is responsible for the after-care of every boy and girl who has been under the full Borstal treatment.[5]

BORSTAL INSTITUTIONS.

The chief lines of the Borstal System were laid down in the Report of the Departmental Committee on Prisons, in 1895. The Committee recommended the establishment of "a half-way house between the prison and the reformatory . . . a penal reformatory under Government management," *for offenders* under the age of 23, who might be committed "for periods of not less than one year and up to three years, with a system of licences graduated according to

[1] and [2] Sir E. Ruggles-Brise, "The English Prison System" (1921), pp. 94 and 95.
[3] Prevention of Crime Act, P.I. 4 (1).
[4] Prevention of Crime Act, P.I. 8.
[5] The Borstal Association does not supervise offenders released after "Modified Borstal treatment." See p. 300.

sentences." The institution "would have penal and coercive sides . . . . . but it should be amply provided with a staff capable of giving sound education, training the inmates in various kinds of industrial work, and qualified generally to exercise the best and healthiest kind of moral influence . . . special arrangements ought to be made for receiving and helping the inmates on discharge."[6]

Experiments embodying some of these recommendations were begun by the Prison Commissioners at various prisons from 1899-1900, but, until 1908, these experiments were undertaken as a matter of internal arrangement under the ordinary prison regulations framed by the Secretary of State under the Prison Act, 1898, modified as far as might be to meet the altered circumstances. In 1908, by the passing of the Prevention of Crime Act, the Borstal System was adopted as part of the penal system of the country,[7] taking its name from the village of Borstal, where it superseded the Convict prison.

The Statutory Basis and the Standing Orders.—Borstal Institutions are now governed by the Prevention of Crime Act, 1908, Part I., as amended by Sections 10 and 11 of the Criminal Justice Administration Act, 1914.[8]

To be eligible for Borstal treatment an offender must be over 16 and under 21 years of age, and

(1) Convicted on indictment of an offence for which he is liable to be sentenced to penal servitude or imprisonment; or

(2) Summarily convicted (*and remanded to Quarter Sessions*) of an offence for which the Court has power to impose a sentence of imprisonment for one month or upwards without the option of a fine, and previously convicted of an offence, or guilty of breaking the terms of a Probation Order;[9]

and of criminal habits or tendencies, or the associate of persons of bad character. Before passing sentence, the Court (of Assize or Quarter Sessions)

shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the case for treatment in a *Borstal Institution*, and shall be satisfied that the character, state of health, and mental condition of the offender . . . are such that the offender is likely to profit by such instruction and discipline . . . .[9]

The minimum period of detention in a Borstal Institution is two years, the maximum three years. But male offenders may be released on licence after six months' detention, females after three months, and licensing is freely adopted.

[6] Report of the Departmental Committee on Prisons, 1895, pp. 30-31 (Cd. 7702).
[7] Borstal *Association Report* for 1910, p. 5.
[8] Criminal Justice Administration Act, 1914, Section 10 (1).
[9] Prevention of Crime Act, 1908, Part I., Section 1, and Criminal Justice Administration Act, 1914, Section 10. Cp. p. 51.

The age-category, 16 to 21 years, is generally accepted as serviceable, but there is much to be said against separate systems for offenders below and above 16. The problem of the juvenile-adult offender can never be divorced from the general problem of juvenile delinquency because the dominant feature of both is the training-for-labour factor. Vocational training is rendered nugatory, both in Borstal Institutions and certified Reformatory Schools, because the latter cannot keep lads after they are 17, and the former cannot have them till they are 16. The period during which vocational training should be acquired is thus split up by the two sets of institutions, the result being that in neither is it possible thoroughly to teach any inmate a trade, even though he be sentenced to the maximum term of detention. The "youthful offender" of 14-16 and the "juvenile-adult offender" of 16-21 are spoken of and treated by the authorities too much as though no connection existed between them, whereas the fact is that they are two parts of one problem, and often enough one individual figures in turn under both denominations. This must be so until the authorities see the wisdom of merging Borstal work into that of the Reformatory Schools Department to which, being in theory more educational than penal, it properly belongs.

The age limit is also to be criticised from the point of view of the unreliability of the chronological measurement of physical and mental development; and the fact that Section 1 (2) of the Prevention of Crime Act empowers the authorities under Statutory Rule to go beyond the usual maximum of 21 years and enables them to apply Borstal treatment to offenders under 22, suggests that this is becoming recognised in theory. The age measurement is particularly unreliable in the case of an offender. A Borstal medical officer says, for instance, that "fully 20 per cent. of the cases brought to Borstal are border-line defectives, the average mental year of whom is 13-14 years."[9] In some American institutions having similar aims to Borstal, the maximum age of committal is 30, but there use is made of psychological examination, as yet unknown to the Borstal System, which clings to the older view that conduct and responsibility are chiefly conditioned by physical development.

The proviso that "the character, state of health, and mental condition" must be "such that the offender is likely to profit by such instruction and discipline. . . ." often debars just the offenders whose chief needs are regular vocational training and the discipline it affords. Although physical defect is recognised by the Prison Commissioners as a contributory factor to crime, there is in practice no place in the Borstal System for the crippled offender, none for those suffering from tuberculosis, epilepsy, or defective hearts.

The qualifications for treatment in a Borstal Institution so far as physique is concerned are covered by a Home Office Memorandum (332404/7, Nov. 25, 1919) which says that whilst "it is not necessary that he" (the offender) "should be fit for heavy manual labour,"

he must not be suffering from *active* tubercular disease or other conditions likely to incapacitate him during training or on discharge; or from physical or mental defects which are likely to render him unemployable on discharge. The following minor defects are no longer held to exclude from Borstal treatment, however, unless accompanied by some exceptional complications:—flat feet; pigeon chest; slight rupture, which can be remedied by a well-fitting truss; defective sight, if it can be corrected by suitable glasses, loss of an eye, loss or paralysis of a limb, or deformity of joints; slight deafness; spare physique; slight curvature of spine; affections of the heart, well compensated and not of a serious nature; slight varicose veins; deformities due to old tubercular disease which has been arrested and which does not appear likely to become active again.

This list goes but a little way to cover the defects presented by offenders. It is the more serious disabilities that breed the conditions in which offences occur. Moreover, although paralysis and loss of a limb are theoretically excluded from the disqualifying defects, we have knowledge of cases where these defects have excluded the offenders. So long as these omissions continue, the Borstal System must be held to be evading the major part of the problem, for it is not usually the youth of good physique and sound mind who becomes the recidivist, nor even the slightly defective.

In addition to satisfying the authorities that the offenders are between the ages of 16 and 21 on committal for trial and that they are of good physique and health and non-epileptic, their records must show that they are not so bad that they will contaminate, nor so good that they will be contaminated by, other Borstal inmates. The latter class comprises offenders who "might suffer more by association with recidivists and hooligans than they would gain by the special training";[10] the former, "lads who in a Reformatory School, or on a previous committal to a Borstal Institution, have had a chance of reform and have failed to profit by it."[11]

From published statistics, it is difficult to test the insight with which the Standing Orders here quoted are applied. It is within our knowledge, however, that the tendency is to consider committal to Borstal as an act of punishment little different in essence from a sentence of imprisonment. Normally, only half the inmates of Borstal have ever been in prison (except on remand); the other half consists of offenders who have relapsed on probation or during or after detention in a Certified School.[12] The fact that Borstal is for many administrative purposes scheduled as a prison, and controlled by the Prison Commissioners, undoubtedly restrains magistrates from remanding offenders to Sessions with a view to Borstal. This is especially true where the offender is only just over 16—the maximum age for committal to a Reformatory School

[10] S.O. 1052 (3).
[11] Ibid 1052 (b).
[12] Of every 15 lads committed to Borstal, 14 were committed for dishonesty; of every 13 girls, 11 were committed for dishonesty.

—and it often appears that the difference of a few months in age decides whether an offender shall go to a Reformatory for three years or to ordinary imprisonment for a few weeks. Rightly or wrongly, Borstal does not so often figure in the magistrates' mind as the appropriate treatment for lads over 16 as the Reformatory School does for lads under 16. This circumstance should be remembered when the results of the Borstal System are considered.

The Standing Orders relating to Borstal are drafted so as to give room for some elasticity in interpretation. The case of ex-Reformatory lads and Borstal is an example. The Orders read:—

> As a rule, the ex-Reformatory boy, who is the failure of the Reformatory School system, is the worst and least hopeful sort of prisoner, and the sending of such cases to a Borstal Institution would be much to be deprecated. There have, however, been occasional exceptions to this rule, where the prisoner is known to have done well after discharge from the Reformatory and to have relapsed under the pressure of exceptional circumstances; and when the demeanour in prison of such an offender is hopeful, and his history since leaving the Reformatory School is not known to be bad, it would be desirable to make inquiry of the authorities of the school in order to ascertain whether his behaviour there or on discharge has been such as to justify a further trial in a Borstal Institution.[12]

Though, as stated, this extract indicates that a certain discretion is left to the Local prison authorities, it also shows, in our view, a totally wrong attitude of mind in selecting cases for Borstal treatment. Borstal represents, with Preventive Detention, the only side of the prison system that is avowedly reformatory in aim, and the more the records of lads show they have need of such treatment, the greater is the community's need that they should receive it. Neither is it for the Prison Commissioners to say whether a lad's record is too bad for reformation: that is decided by his age, the maximum of which was fixed low by Statute because, as Sir E. Ruggles-Brise says, "up to a certain age, every criminal may be regarded as potentially a good citizen . . . " and "it is the duty of the State at least to try to effect a cure."[13] Standing Order 1052 (h) betrays the same outlook. It directs enquiry as to whether the offender "*deserves* a trial in a Borstal Institution, and *would be likely to respond to it.*"

Most offenders sent to Borstal Institutions are at first detained for some time in Local prisons from one or more of three causes:—

(1) Because the Courts competent to commit to Borstal are the Courts of Quarter Sessions or Assize, and the interval between the proceedings of the police court and the Court of Quarter Sessions or Assize is in the great majority of cases spent by the offender on remand in prison.

[12] S.O. 1052 (3).
[13] Sir E. Ruggles-Brise, "The English Prison System," p. 87.

(2) Some juvenile-adult offenders sentenced to ordinary imprisonment are transferred from prisons to Borstal Institutions, under Section 10 (3) of the Criminal Justice Administration Act, 1914.

(3) The interval between committal to Borstal by the Court of Quarter Sessions and the offender's actual removal thereto is spent in prison.

The following instructions govern the detention in Local prisons of prospective Borstal inmates:—

> As soon as any person is sentenced to detention in a Borstal Institution, arrangements shall be made for his removal thither, and until such arrangements can be made, he will be specially located and segregated in the prison of the district wherein he was committed, and be subject to the prison rules for offenders sentenced to imprisonment without hard labour; provided that where, owing to lack of accommodation in the Borstal Institution, immediate arrangements cannot be made for the removal of any person so sentenced to any Borstal Institution, the Prison Commissioners may temporarily locate such person in a prison where training similar to that given in Borstal Institutions is being given to a class of juvenile-adult prisoners; and any person so located shall not be allowed to associate with any prisoners except members of the juvenile-adult class, and shall be removed to a Borstal Institution as soon as accommodation is available.[14]
>
> Whenever the period between the committal and the trial exceeds 14 days, such prisoners will attend school and be drilled with other juvenile-adults, care being taken to keep them apart from convicted prisoners. For the purpose of drill they should stand at the back of the squad and not mix with it.[15]

It is clearly undesirable that the period of reformative treatment at Borstal should be generally preceded by detention amongst adult offenders in ordinary prisons. While giving full value to the efforts made to separate the two classes, our evidence is conclusive that, no matter how strict the regulations, complete separation is impossible so long as juvenile-adults and adults are detained *in the same prison buildings.*[16] It is asserted by some of our warder witnesses that this period of waiting in prison is often the beginning of a lifetime of crime. At any rate, it is the worst possible way to create in the Borstal boy the frame of mind that will be receptive of reformatory influences.

The Borstal Population.—Committals to Borstal Institutions for the year ended March 31, 1921, numbered 598 males and 73 females, and "during recent years the annual committals . . . have averaged nearly 600 for males and 180 for females."[17] The average age of

[14] Statutory Rules and Orders 771 (1910).
[15] S.O. 1053.
[16] See pp. 201 and 202.
[17] Sir E. Ruggles-Brise, "The English Prison System," p. 94.

the boys received during the year was 17 years 11 months, and of the girls, 18 years 5 months.

Although, as has been already shown, offenders presenting grave physical defects are ineligible for Borstal treatment, "the majority of the boys who are sent to Borstal are considerably below the average of their class in physique . . . some inches shorter and smaller."[30] Often an important predisposing factor to delinquency is "physical weakness, which makes hard work sometimes intolerably hard, and gives to easier ways of life an irresistible lure."[30] On the other hand, apparently, inmates respond to the invigorating life at Borstal. There is stated to be very little sickness.

Mentally defective offenders appear to be admitted to Borstal more freely than those physically defective. A Borstal medical officer says boys get to Borstal because of "mental inability to earn an honest living," and a Borstal ex-chaplain says he was "with very few exceptions struck by the very low mental standard."[31] Girls undergoing Borstal treatment are reported as generally "over-excitable, and lacking in self-control," many among the observation cases having to be sent to homes for the mentally defective. Abnormal girls form 20 per cent of the inmates, but most of them are not bad enough to be certified as mentally deficient under the Act.

Even when Borstal inmates are certified as mentally deficient, great difficulty is experienced in finding institutions for them, "with the result," say the Commissioners in their report for 1920-21, "that some have to be retained for many months after the certificate of mental defect has been given." Accordingly, certified cases are now congregated at one Borstal institution and "segregated from the ordinary inmates under such modified régime as their mental condition calls for."[31] During 1920-21, six boys and three girls were certified under the Mental Deficiency Act.

The low mentality of Borstal inmates is reflected in their educational attainments. The Borstal Association reports that "the majority of the boys are of the second or third standard at school," and of the girls we learn that there is a high percentage of illiterates.

Of 336 boys committed to Borstal before the war, and discharged in 1914-15, 49 were "first offenders," the remainder—287—had 675 previous convictions, or roughly five convictions for every two lads. The average number of previous convictions of the boys received during 1920-21 was slightly over two; 177 boys had been convicted three or more times. Many of these convictions would be for bye-law offences—shouting newspapers, "jostling" railway passengers in order to carry their bags, trespassing on railway stations, and so on—offences incidental to street-trading by which a great number of lads come into conflict with the police, and so compile for themselves

[30] Borstal Association Report, 1910, p. 11.
[30] Borstal Association Report, 1916, p. 16.
[31] C.O. Report, 1920-21, p. 19.

police records. The late Mr. C. E. B. Russell, of the Reformatory Schools Department, stated:—

> Delinquency on the part of such youths usually takes one of the following forms:—
>
> 1. Purely venial offences against local bye-laws, such as loafing, street obstruction, and the like
> 2. Acts of vagrancy, principally sleeping out and begging.
> 3. Petty theft, which as time goes by, and the youth fails in one way or another to come under the influence of institutional or reformative treatment, almost invariably leads to more daring and serious crime.
>
> It must never be forgotten in dealing with the more serious acts of juvenile delinquency that very frequently the acts themselves are the illegitimate expression of perfectly natural impulses, and I have little doubt that the want of adequate playing fields and opportunities for healthy recreation has very much to do with many cases of petty theft which are really the outcome of a certain spirit of daring and adventure, which in a crowded slum cannot in any way find adequate expression.[32]

The Borstal Association repeatedly endorses the view that a spirit of adventure is at the bottom of a great number of cases of youthful delinquency.

Economic factors have a peculiar bearing on adolescent lawlessness, both in relation to the offender and to his home conditions. The two cases are excellently put by the Borstal Association:—

> The period [between the ages of 16 and 21] marks the time when mental control has weakened, when a boy's wages no longer satisfy, and a man's wages cannot be claimed, when the strong boy feels restless and the weak boy hopeless; it is not to be wondered at that the great majority of confirmed criminals date their downfall from acts of outlawry during these years.[33]
>
> Boys and girls who come to Borstal Institutions have been brought up in very poor surroundings, shut off from the wholesome amusements and occupations of spare time which are available to more fortunate children. The street has been their playground, and the nearest open space being far away, the house has been crowded, the gutter thronged; parents living in such places who would protect their children from a compendious knowledge of evil and a low local standard of behaviour, would have to take them up in a balloon.[34]

The Borstal Association also reports that of Borstal boys, only half come from "good" homes; of girls, less than half.[35] Many lads, known to the writer before being sent to Borstal, had neither friends nor home. When they had the sixpence, they slept in a common lodging house; when not, they "slept rough" (i.e., slept out under

[32] Paper at the National Conference on the Prevention of Destitution, 1912 (Crime and Inebriety Section), p. 4.
[33] Borstal Association Annual Report, 1910, p. 5.
[34] Borstal Association Annual Report, 1920, p. 2.
[35] Borstal Association Annual Report, 1916.

arches, in canal boats, etc.) Some had never had regular work in their lives, and they could not have taken it if offered, because they lacked money for food and lodging until they drew their wages.

The above statements, however, should not be taken as applying to all Borstal boys. A fair proportion of them are neither mentally nor morally incapable, nor chronically destitute, but are lads of strong character struggling to grow in conditions that cramp, in rebellion against restrictions that choke the life in them. They are of the stuff that will lead its fellows, though themselves lacking direction. This view is confirmed by a Borstal Committee, which says: "They do not necessarily belong to the criminal classes . . . " and "are not of the 'street arab' or submerged tenth class."[26] It is not the "submerged tenth" that revolts

From the foregoing it will be seen that the inmates of Borstal Institutions are of diverse physique, mentality, and character. There is urgent need for the separation of violent and mentally sub-normal offenders from other inmates. Although the former constitute only about 30 per cent. of the total, so long as they are kept with more tractable offenders, the present gaol-like precautions will continue, for the standard of control is decided by them. If these were segregated, in addition to the certified cases, the authorities would be able to deal with the remainder on educational, and much less penal, lines. On this point, the Borstal Association says:—

> When mental deficients have been eliminated, Borstal Institutions should be able to give a good account of all but a very few of their young charges.[27]

The Buildings.—The Borstal Institutions are four in number, of which one, at Aylesbury, has accommodation for 200 girls, and three —at Borstal, Feltham, and Portland (Weymouth Institute) —are for boys. Accommodation for boys is at present in the neighbourhood of 1,800, but during the year ended March 31, 1921, the daily average of juvenile adults detained in all the Institutions was 1,097, of whom 191 were girls. The buildings occupy healthy sites, and, on the whole, are well adapted for their purpose; much of the fabric, indeed, has been specially erected, and building work is now proceeding. These last statements do not apply to Portland (to be known in future as the Weymouth Institute), which was transformed from a Convict prison into a Borstal institution during the summer of 1921, and which is absolutely unsuitable for Borstal purposes. Commenting upon this change, a visitor to a Borstal institution says: "The Home Office, in blind obedience to the call for economy, has committed a very serious breach of trust in using Portland for a Borstal institution. It is a cheap way out of the difficulty." We understand that lads are being sent to Borstal who, when convicted, had been away from home influence for a long time, either in the

[26] Quoted in P.C. Report, 1914, p. 17.
[27] Borstal Association Report, 1920, p. 5

army, at sea, or in certified schools. The reformative value of the place and of the discipline enforced there may be judged from the fact that within a few months of the opening of the Weymouth Institute one boy committed suicide, another attempted suicide, and a succession of attempts at escape occurred.

The buildings at Borstal are divided into a right and left wing, each under the supervision of a deputy-governor, who acts as housemaster. Some lads, known as N.C.O.'s (see description below), sleep in a dormitory—large and airy; the others have separate cells, or "rooms" as they are called, measuring 10 x 10 x 8. The late governor of Borstal not infrequently received applications for permission to remain in the cells, owing to the desire which existed to possess a private room. The dormitory system has, after a trial, been abandoned at the Borstal Institution in Scotland.

The flooring of the cells is made of parquet wood. There is a large window, unbarred, but with small panes and iron frame. The bed consists of a wooden board set on infolding legs, a fibre mattress, flock pillow, three blankets, and counterpane; nightshirts are provided. The boys may keep photos of relatives up to twelve in number, and trifles of decoration. At equal distances along the hall a room is allotted to an N.C.O., who makes himself more or less responsible for the number of boys allotted to him.

N.C.O.'s are inmates whose conduct has placed them in the highest grade, and on whom is placed some responsibility. They have a separate dining room, made homelike by a dresser and pictures, and have the privilege of managing everything for themselves, even selecting their own committee. The usual warder is replaced by a kindly and cheery matron, but a male officer patrols during the night in a corridor outside their dormitory observing the boys through barred slots in the wall and corner windows of glass at the end of the corridor.

In addition, the Borstal Institutions comprise work-shops, classrooms, dispensary and other offices, and farm and gardens, which will be considered later.

The institution at Borstal showed last year a daily average of 407 lads. This number is far too large. The reformatory element can never be made a matter of machinery or regulations, nor of anything other than personal influence and direct human contact. *Esprit de corps* can never be very strong because the better boys, from whom it would naturally come, are discharged on licence earliest. Thus Borstal must rely chiefly on the personal influence of its head, and this requires that the head must not be set a task too large to manage. As Sir Evelyn Ruggles-Brise rightly says:—"It is the personal influence of the superintending staff, from the governor downwards, which is the thing that matters."[28] In our view,

[28] "The English Prison System," p. 99.

such an institution as Borstal purports to be should be limited, at the most, to 200 boys or girls, who might be divided into four "houses" of 50 each.

The Staff.—The staff consists of governor, deputy-governors or tutors, instructors, warders, and the officers usual to an institution—doctor, nurse, matron, steward, etc. Sir E. Ruggles-Brise says:—

> The "Tutors" are a special feature of the Institutions. They are in a sense house-masters, or masters of sections or wings of inmates. They are selected for their special qualifications for dealing with lads of this age and character, each of whom it is their duty to "individualise," i.e., to observe closely. They have an important position in the establishment, having the rank and status of deputy governors. They constitute a sort of advisory council to the governor, advising as to claim and fitness to pass from one grade to another. They are, at the same time, the friend and counsellor of the inmate, and the adjutant to the governor in maintaining a strict discipline, and a due observance of order and method in every particular. They are also, under the presidency of the chaplain, the educational authority of the establishment, being responsible for the method both of elementary and advanced teaching.[29]

When, in 1914, it was sought to widen the scope of Borstal Institutions under the Criminal Justice Administration Bill, Mr. McKenna, the Home Secretary, said:—

> We do not intend the Borstal Institutions to be anything like a prison, and as we develop the management of the Borstal Institutions, I can assure the House that they will be more and more removed from anything in the nature of a prison, and become more and more purely reformative and training institutions.[30]

It is instructive to compare this statement with the facts. Mr. J. Ellis, superintendent of the Hayes Reformatory, a man particularly well-equipped to form a judgment of reformatory work, visited Borstal about the beginning of 1921. He says:—

> A warder admits the visitor. . . To be met by a warder is at first a shock. To see warders almost as numerous as inmates emphasises the shock. Wherever one goes, in classroom, shop, recreation ground or refectory, their ubiquity is apparent. One wonders whether it is really essential to impress upon the youths the fact that, despite the profession of modification of the régime of an ordinary jail, in respect to discipline they have to be as carefully shadowed as any hardened criminal. . . In cases of emergency the uniform does not assist the man, but it must be detested by the youths, who regard the wearers as their natural enemies.[31]

This criticism is echoed by every witness we have consulted, and we are able to confirm it from a personal observation. Moreover, it

[29] "The English Prison System," p. 98.
[30] Report of Parliamentary Proceedings, House of Commons, April 15th, 1914.
[31] "Certified Schools Gazette," March, 1921.

is officially confirmed by a "Memorandum on the English Prison System," written by Mr. Norman G. Mitchell-Innes, an inspector of English prisons, published with the Indian Jails Committee Report (1921). Mr. Mitchell-Innes says:—

> A Borstal Institution may be regarded as a prison for youths who have made considerable acquaintance with crime, into which such features of reformatory schools as can be suitably utilised are introduced.[32]

It is impossible to explain this away by saying that the warders at Borstal constitute a special class, selected because of their suitability for the work. In 1919, we were told that fifty per cent. of the Borstal warders had been trained in prison; later, when it was proposed to convert Dartmoor prison from a convict settlement to a Borstal Institution, the Prison Commissioners invited prison officers to apply for transfer there, and still more recently we learn that almost the whole staff of warders at Portland Prison, despite their training to deal with convicts, have been retained as Borstal warders. Thus, although Parliamentary sanction to Borstal institutions was given on the assurance that they were not to be "anything like a prison," but "more and more removed from anything in the nature of a prison," the facts are that now, seven years after these words were spoken, not only have they many leading features in common with prisons, but so far, at least, as the personnel is concerned, are actually growing less like anything else.

The truth is that two irreconcilable principles of treatment are being applied to Borstal institutions—the educative and the military. The employment of "tutors" is on the lines of the public school routine, and in much of the régime one is conscious of an effort to get away from the military method, so characteristic of the prison system, to the educative method. But military discipline remains dominant. Side by side with the tutors, and more numerous and evident, are the warders, whose duty it is to impose the army system of drill and discipline. It is self-discipline that the Borstal boy needs most, and the army (and prison) system of mechanical obedience entirely fails to engender it. Moreover, the life of continual parading and drill is fatal to proper training for work; and it is imperative that the Borstal boy should acquire the habit of work if he is to live a useful life after discharge. On this point it is worth quoting from the evidence of a Borstal visitor:—

> The staff question is the crux of the whole problem. Here is the real weakness of Borstal institutions at present, and in its improvement lies the main reform. The tutors represent a very hopeful irruption from outside. They are not promoted from the prison staffs, but genuinely "tutors," specially chosen for the job. Their work has been difficult, planted as they are in the midst of a military personnel, but they have "made good" and more than justified their existence.
>
> The main trouble lies in the fact that the governors, chief warders, and warders are mostly ex-regular soldiers, and their very partial ex-

[32] *Op. cit.* Appendix xi., p 531 (Cmd. 1303).

periods of life and their management of men colours their whole administration. Transform the staff, pursue the experiment of non-service tutors, and you will get a real Borstal.

Mr. William Edwards, the chairman of the Portland magistrates, has put the issue admirably in the following words:—

> If the aim of a Borstal institution is restraint and punishment, it should be administered on Convict prison lines, but if its aim is the reformation and redemption of boys, it should be purely educational in its whole character and purpose. The conduct of the institutions should be entirely changed.
>
> Boys of the class who are sent to Borstal institutions can only be reformed by the personal touch of trained educationists with educated and sympathetic minds. How can the prison warder of the old system be expected to bring these qualities to bear upon the youths under their charge? This is no task for the ordinary prison governor and prison warders, yet these are just the men who are appointed.
>
> Patience, devotion, idealism, and the highest mental and spiritual qualities are needed by those who seek to save boys of this character. How can success be hoped for unless one is willing to study the difficult psychology of adolescence? Here is the most difficult material which reformers could have to work with. An iron discipline is an easy thing to obtain. The difficult thing is to save a boy from his past and to turn him into a decent, law-abiding citizen.
>
> I would have schoolmasters of long experience appointed to these institutions, instead of the old type of prison warder, trained in the traditions of the old régime of a penal settlement. There are such men to be found in plenty in the teaching profession, and particularly I have in mind the type of teacher who is called to train lads in the roughest parts of the East End of London. The suitability of appointing military officers to the governorship of these institutions might also be reviewed with profit.[33]

Mr. Edwards urges that Borstal institutions should be transferred from the control of the Home Office to that of the Ministry of Education.

The Régime.—The Borstal boys rise at 5.40 a.m., drill from 6.15 to 6.45, and then have breakfast, chapel is at 7.30, work begins at 8 and continues until dinner at noon. Work recommences at 1 p.m., tea is at 5, and evening school, a "silent hour," and recreation follow until locking-up time at 8.30.

The life of the Borstal inmate varies according to his "grade," which is determined partly by length of detention, and partly by conduct in the institution. There are four grades, viz.: penal, ordinary, intermediate, and special, the privileges they carry being progressive. On arrival the lad is placed in the Ordinary Grade. This is a time of discipline, drill, gymnasium instruction and hard work, its object being to improve physique and instil habits

[33] "Daily News," November 14th, 1921.

of obedience. Boys in this stage do the domestic work of the institution.

Promotion to the Intermediate Grade can be gained by twelve weeks of exemplary behaviour. During this second period, which lasts six months (or less if good progress is made), the boy chooses or has chosen for him the industry to which he is to go on discharge. He also attends school on three mornings a week for three hours each morning, and drill and physical training continue. The Intermediate Grade also brings certain "privileges," such as association for games and meals, and permission to receive visits and letters. The next stage is probationary for admission to the Special Grade, the members of which work in association without supervision, have outdoor games on Saturday afternoons, and earn "badge money," which may either be spent by them on approved objects or sent to relatives.

A boy may be promoted to the Special Grade after five months exemplary conduct. "The system is to trust every lad in a 'blue dress' " (a blue uniform is distinctive of the Special Grade) "until he shows that he is not worthy of trust. Then, of course, he is reduced."[34] All the parties working outside the institution are composed of blue dress boys. They are frequently sent to do their work by themselves, and on errands and visits in the neighbourhood. An inmate who behaves badly may be placed in the Penal Grade, where he is employed in separation, on laborious work, earns no gratuity, wears prison dress, and forfeits the privileges of letters and visits.

Much thought has been spent in devising the system of grades. Nevertheless, the "exemplary behaviour" which leads to the Special Grade is sometimes only exemplary institutional behaviour, the characteristic of which is rather implicit obedience than initiative and self-reliance. Mr. Ellis, from whom we have already quoted, says that during his visit to Borstal he interviewed two old boys from his own school:

> Both were "blues," and described as good boys who never give any trouble. I quite believe it. They never gave trouble at Hayes. They were docile creatures and willing plodders. But both were certified mentally defective. They lost all self-control as soon as they were released on licence. They had been recalled and given several chances. No place in the Certified Mental Institution could be found for them. History will doubtlessly repeat itself in a little while, and Borstal will be credited with two more failures. It was obvious to me that there are several such youths at Borstal. . . My belief is that the lads are so protected from the possibility of wrong-doing that as soon as the stringency of supervision is released in the slightest degree, as soon as the restraint is removed, there is a violent reaction, and it is probably due to this as much as to any other cause that so many failures have to be recorded.[35]

On reaching the Special Grade, every boy receives £1. After three months in it he receives a further 5s., after the second three

[34] Borstal Association Report, 1910, p. 8.
[35] "Certified Schools Gazette," March, 1921.

months 7s. 6d., and for succeding periods of three months 10s. This money is usually kept by the institution until he leaves, when it is handed to him, but if the boy desires to use it for books of a studious nature, such as trade text-books, he may do so. The late governor at Borstal has suggested that a "tuck shop" should be instituted at which boys should be allowed to spend a certain proportion of their money, and that smoking should be allowed, say once a week.

When first admitted the boy is allowed to send and receive only one letter every three months. When he is promoted to the Special Grade the letters become more frequent until he may receive and send one every week. Visits are allowed at similar intervals. This is not so advantageous as it would seem, however, as most of the parents live too far away and are too poor to take advantage of the "privilege."

For an ordinary breach of rules, a boy is simply reduced in grade, thus losing marks and the "privileges" they carry, and postponing the date of his release. If the boy works and behaves well, the marks may be returned. In more serious cases the boys may be deprived, for 14 days or less, of everything which constitutes a luxury, such as jam at tea-time and marmalade at breakfast."[36] In the Penal Grade, boys may, as a punishment, receive so many days stone breaking or grinding; the maximum period in the penal grade is two months. As in the case of convicts, corporal punishment is allowed for two offences only, viz.: assaulting a warder, and incitement to mutiny.

The punishment cells are as large as the ordinary cells. The bed is built on the floor, and the door is barred. In violent cases, where a boy is likely to do harm either to himself or to a warder, a belt is used consisting of a padded leather band which passes round the body tightly and fastens at the back. At each side is attached a handcuff which keeps the boy's arms bent and helpless. At meal times one hand is released; the feet are not bound. The use of this "jacket" is subject to carefully guarded restrictions and an immediate report to a superior officer. For very violent cases a special padded cell is provided.

Although the Borstal Association records its belief that "punishment, as such, stunts development,"[37] officers of the Borstal Institutions appear to take an opposite view. It has been suggested by one Borstal governor that boys should, in addition to the punishment awarded, forfeit the time spent in the punishment block from the period of sentence served. The officials, when interviewed, were unanimously in favour of corporal punishment.

[36] The Home Secretary, in a statement in the Press on December 24th, 1921, said: "I have stopped close confinement and punishments which would involve insufficient food." Previously, bread and water diet could be inflicted, as in prisons.

[37] Borstal Association Report, 1910, p. 10.

Borstal desires that its inmates shall "possess a certain modest standard of education"[38] on discharge. The proficiency aimed at is "practically represented by Grade [Standard] III. of the national code,"[39] and the Borstal Association tells us (this even before the war) that the period of educational training "may even be eliminated altogether, if the boy does not require such education."[40] The hours given to education have increased, however, from five per week in 1910 to nine (three hours on three mornings a week) at the present time. One is not surprised to learn that the bigger boys of 19 to 21 greatly resent being sent to school; that they are unequal to third standard work indicates a resentment of some standing. Workshop arithmetic is taught when necessary, and classes in geography and civics, and lectures are given four evenings a week. There are special classes for backward lads and there is a library of text-books on technical subjects, foreign grammars, travel, biography, etc. The schoolroom is large and well-ventilated, but Mr. Ellis, of the Hayes Reformatory, reports that "the trained staff is totally inadequate for the needs of so many lads."[41]

The Departmental Committee of 1910 on the supply of books wrote: "At Borstal we found that her (Mrs. Henry Wood's) preeminence was just maintained against the competition of Dickens, Clark Russell, Henty, Fenimore Cooper, Charles Reade, Conan Doyle and Marryat." A Borstal ex-chaplain says that the boys "liked books because they partly relieved monotony, but I don't think anything like enough was made of the opportunity to cultivate a decent literary taste. They were too often doled out books that can only be called 'sloppy' or 'goody-goody'."

The gymnasium is under the care of a special instructor. It possesses the usual gymnastic apparatus, and each boy has his own gym. kit, which he keeps in a pigeon hole in the lobby outside. Great attention is given to "brain work;" i.e., exercises which necessitate the boy keeping his attention fixed and his brain alert. Boys, when inspected, showed a very mixed ability to carry out instructions, the dull and alert drilling together. It would probably be better if they were divided into grades, so that each boy could be given work his brain could grasp rather than flounder hopelessly at much he cannot grasp.

During the time allotted to recreation, the N.C.O.'s are taken through special tables of exercise, and taught to command and drill other boys. Each evening after the educational hour games are allowed, including parlour games, cards (of the snap variety), chess, dominoes, draughts, etc. Books may be read, and the boys are allowed to write diaries, which they may take out on

[38] Borstal Association Report, 1914, p. 7.

[39] *Instructions for carrying out the Regulations under the Prevention of Crime Act, 1908*, 10 (1).

[40] Borstal Association Report, 1914, p. 8.

[41] "Certified Schools Gazette," March, 1921, p. 83.

their discharge if they wish. Football is taught and encouraged, and sometimes the Borstal team plays away. Boxing is also permitted and contests arranged within the institution. A stage has been erected, the boys having painted scenery and constructed a drop curtain, footlights, etc. Lantern lectures are given on Saturday nights, and outside concert parties give performances. Certain of the boys are allowed to go without a warder for country walks, visiting, etc.

The boys generally say they have enough food, but it is difficult to know how far their statements in this, as in other respects, are influenced by the fact that an officer of the institution is generally present when they are questioned. One lad said "the food is good, but not like I am used to at home." He received enough, "but at times I could eat more."

Industrial Training.— There is a general impression that Borstal Institutions "teach trades"—an impression as common amongst the judges and recorders who sentence offenders to Borstal treatment, as it is amongst laymen. On October 20, 1919, for instance, the Lord Chief Justice, after disposing of a number of appeals, four of which were by youthful offenders sentenced to Borstal treatment, said:

> In the opinion of the Court, the sentence of these lads to Borstal treatment was in their best interests, *as it afforded them an opportunity of acquiring a trade, and so enabled them to earn an honest living. . .* Further, the Court was clearly of opinion that *the three years' sentence. . . . was the right term, because that period allowed the lads properly to learn a trade* and be in a position afterwards to earn their own living.[42]

This widespread misunderstanding doubtless arose from the speech made by Mr. McKenna on the Criminal Justice Administration Bill, in the course of which he said "Our object is to provide a *place where the offender will be taught an industry.*"[43] Extracts from this speech, including this sentence, have been repeatedly reprinted in the reports of the Borstal Association. In fact, in the same report (that for 1919), one finds Mr. McKenna saying (on p. 6) that Borstal teaches an industry and the Association saying (on p. 3) that "Borstal does not pretend to teach a trade"!

One feels that in this respect there has been an element present in advertising Borstal treatment for which "false pretences" is hardly too strong a term. The Home Office has known for eleven years that Borstal does not do what the judicial authorities who sentence offenders to detention imagine it does. Other misunderstandings on the part of the authorities are promptly corrected by official circular; but this very grave error still goes uncorrected, and many

[42] "The Times," October 21st, 1919. We are informed that very few judges have ever visited any of the Borstal Institutions.

[43] Parliamentary Debates, April 15th, 1914.

unfortunate lads are detained needlessly at Borstal in consequence. A comparison of Mr. McKenna's speech on the objects of Borstal[44] with the facts of Borstal treatment shows that the salient conditions on which the consent of Parliament was obtained to the clauses affecting Borstal in the Criminal Justice Administration Act, 1914, have not been fulfilled.

Borstal does not "teach trades"; but it has a profound faith in the therapeutic value of hard work. Implicit in the system is the belief that by keeping a lad fully employed throughout a full working day he will contract the "habit" of work, keep it after he regains his freedom, and so cease from offending against the law. If it were possible to ensure that there existed in the community a constant demand for work, and that the lads were discharged sufficiently skilled to meet the demand, something might be said for this aspect of the Borstal System. Apart, however, from the fact that there is no such certainty of employment, Borstal does not—indeed cannot—give saleable skill in the time the lads stay there. For, though they are committed for from two to three years, the better behaved the lad, the earlier he is discharged on licence. Here is a difficulty that can never be overcome so long as Borstal retains its present quasi-penal character: it would be clearly unfair to keep the boys in a *penal* institution for the time needed to acquire a trade.

Granted that Borstal cannot teach a trade, how far does it go in teaching its inmates "so much of a trade as the length of his detention permits"?[45]

The daily time-table allows 7 hours 35 minutes for labour, which compares favourably with the hours worked by a skilled artisan, and even when the hour's drill and parade is added, cannot be regarded as excessive. The occupations followed are bricklaying, carpentry, painting, smith's work, shoemaking, gardening, farming, sea-cooking, Army instruction, laundry and domestic work in the institution. Every boy on admission is put into the laundry until it is decided at which trade he shall work. The laundry is airy, light, and well-ventilated, and in it all the washing of the institution is done. It is fitted with patent driers, washing and mangling machines, and tanks. An electric washer has been recently installed. Lads stay in the laundry from a few weeks to three months, seldom longer, the period being decided by the speed with which vacancies occur in the trades they desire to follow.

The trade instructors, are, on the whole, competent men, but they have little opportunity of doing their work well. They are given too many "pupils," and not enough tools. The lesson-schemes are well thought out, but they are not carried out. The dominant anxiety in every shop is not to see that each boy is taught "so much of a trade as the length of his detention permits," but to meet the

[44] Parliamentary Debates, House of Commons, April 15th, 1914.

[45] Sir Evelyn Ruggles-Brise, quoted by the Borstal Association, Annual Report, 1914, p. 6.

"orders" for goods required by the institution. Indeed, it is no exaggeration to say that Borstal is not primarily a reformatory institution at all; it is a colony where incompetent young workers supply as best they can, under competent direction, the needs of the institution, largely irrespective of their own needs.

Borstal is "starved"—starved of instructors (but not of warders) and starved of machinery. In the bootmaking shop there is not a single item of machinery. Every boot is hand-made, and the coarsest possible kind at that. The significance of this is seen when it is remembered that, except for a few special kinds of boots—surgical and theatrical boots, and the like—the demand for any but the highest class of hand-made boot has little or no commercial existence. Mr. Ellis says:—

> a lad who spends two years in this (the bootmaking) shop would scarcely be fit to take on a repairer's job in a remote country village. For the greater part of his time he will be intensifying his handicap in the commercial world. . . If boot-making must be taught at Borstal, it should be on the proper factory principles, so that a youth would go to any manufacturer as clicker, laster, finisher, and so on. If the lads of poor mentality must remain at Borstal, for them boot-repairing upon up-to-date principles would be an excellent form of vocational training."[46]

The chief work in this shop consists of making and repairing the boys' own boots for use whilst in the institution. The institution boots look heavy and uncomfortable, but experience of similarly heavy army boots suggests they may be comfortable enough, once the wearer becomes used to them. The bootmaking shop is large and airy, and the instructors appear capable of doing good work with their charges, if they were given reasonable conditions.

The external conditions under which tailoring is done are also good. The shop is light, well-ventilated, and heated by radiators, but, as the bootmaking shop contains not a single machine for making boots, so the tailor's shop contains not a yard of cloth! Gingham and rough corduroy are the materials worked with[47] Mr. Ellis, above quoted, saw working in the tailor's shop a lad whom he knew before his committal to Borstal as

> capable of making trousers, waistcoats and even coats, doomed to slavery which would have reconciled Hood's sempstress to her "stitch, stitch, stitch." The coarsest corduroy and gingham are not exactly the materials from which one can extract altruistic views of life. . . . The lads wear their "cords" and a coarse overall. The making of such appeared to be the whole duty of the tailors. Not a lad would be fitted for employment in any clothing manufacturer's establishment in this or any other civilised country in virtue of the vocational training given him at Borstal.

[46] "Certified Schools Gazette," March, 1921, p. 90.

[47] When a boy is about to be discharged "he is . . . measured for clothes by the outfitter of the Association."—Borstal Association Report, 1914, p. 9.

The buildings at Borstal are being extended by the boys' labour, and this fact must be allowed for in estimating the value of the instruction in woodwork. Nevertheless, the Borstal Institution should exist to train Borstal boys, not they to build Borstal institutions. The trainer in woodwork has no opportunity of exercising the gifts he quite certainly possesses. He is just the skilled workman, doing the more difficult jobs, and the lads around him, nominally his pupils, really are his labourers, doing what they can to help him fill orders to time. But "some of the lads," says Mr. Ellis

> are working independently, and doing really good work at window-sills, sashes, boxes, etc. This looks like evidence of sound training until a chance question reveals the fact that these lads were at the trade before they came to Borstal. Others present in the shop were still planing, as they had been from the beginning. If three or four good joiners were engaged, and each were given five or six apprentices, under the co-ordinating influences of the present instructor, all the work of the institutions and the new buildings would be accomplished, and the value of the training greatly enhanced. There would be some "life" in the shop.

If the shoemaking shop lacks machinery, its deficiency is more than made up by the engineering workshop, which is simply packed with machinery—most of it never used.

> The shop is of excellent proportions, splendidly equipped. The instructor produced his register and list of "lectures." It is merest charity to pass them over and write no more. . . .
>
> The fact is the instructor is set even a more difficult task than any of his colleagues. The institution needs are so many that it would be humanly impossible for him to carry through any systematic course of instruction. The result is that there is a very spasmodic attempt to carry through a series of graduated exercises, which apparently begin nowhere and end nowhere. He has to supervise and teach a large number of lads, far too many, even if they were working as an unified class. But the degree of attainment is so diversified that collective teaching cannot be given. The lads generally are engaged, when engaged at all, upon ordinary repairs. . . .
>
> Another lad was very successfully making horse-shoes—a piece of specialisation which will stand him in good stead if he takes up farrier's work. He had worked at the job for some time. In this department there is need for four or five highly-qualified instructors who would specialise, e.g., upon turnery, whitesmiths' and blacksmiths' work. Each instructor could take seven or eight apprentices and incidentally still do all the necessary work of the institution.[48]

The smithy is a large shop with glass roof. The horses of the institution are shod here, and the structure of the horse's hoof was shown by diagrams on the blackboard.

The cookhouse at Borstal is important from the fact that many Borstal lads are sent to sea as cooks. The room is large and contains

[48] J. Ellis, "Certified Schools Gazette" March, 1921, p. 93.

steam boilers, ovens, and bread store, and a galley-stove has been installed.[49] Each day samples of "superior" dishes—rice mould, stewed steak with mashed potato edge, pancakes—are cooked for instructional purposes, being afterwards consumed by the lads possessing the best records. Boys from each mess table bring in the food from the cookhouse. At meals there is little or no opportunity taken of inculcating table conduct, and a valuable educational opportunity is thereby missed.

The farm at Borstal ought to be one of the best features of the work, but digging is not farming, neither is picking out stones from the soil, though these appeared to be the main occupations of the lads when we saw them. We cannot help thinking that Borstal does not sufficiently realise the peculiar advantages presented by farm-work. We are informed that the period of detention is long enough to permit the lads to receive a serviceable agricultural training, and this, combined with the fact that many of the lads are mentally of low grade and incapable of developing sufficient skill at any handicraft, forms an additional reason for giving them such a training. This would involve installing much more agricultural machinery than Borstal now possesses, and also more cattle. There are a few horses, cows and pigs at Borstal, and a small dairy, but, if the land were properly farmed, more horses or, perhaps preferably, tractors, would be required. We observed that boys worked in rain unless very heavy (when they are given work indoors), in their ordinary clothes. It should be arranged that some sort of overcoat or light mackintosh be provided.

Nothing made in the institution is sold outside, and the only article produced by the boys, but not consumed or used by them, is the bread for the officers' mess.

The Borstal Association.

The Borstal Association is an integral part of the Borstal System. The Association is the outgrowth of "a small society, known as the London Prison Visitors' Association, which was formed to visit lads in the London prisons; and later in the prison at Borstal. The procedure was to visit Borstal by roster each month, and interview the cases about to be discharged in the following month, so that the best arrangements might be made. Out of this small body of visitors sprang the Borstal Association. . . . Among their (the visitors) were two young barristers, living in chambers, who placed their time and their rooms at our disposal. They were Mr. Fabian Porter and Mr. (now Sir Wemyss) Grant-Wilson, the first and the second Honorary Directors of the Association."[50]

[49] Also, "If a lad expresses a desire to go to sea, he is instructed in steering, knotting, lashing, etc., before he goes."—Borstal Association Report, 1910, p. 8.

[50] Sir E. Ruggles-Brise, "The English Prison System," p. 93.

The Borstal Association was founded by Sir Evelyn Ruggles-Brise, and is the society contemplated by Section 5 of the Prevention of Crime Act, 1908, which provides that:—

> Where a society has undertaken the duty of assisting or supervising persons discharged from a Borstal Institution, either absolutely or on licence, there may be paid to the Society, out of money provided by Parliament, towards the expenses of the Society incurred in connection with the persons so discharged such sums on such conditions as the Secretary of State, with the approval of the Treasury, may recommend.

The expenses of the Borstal Association are met by Treasury grants and voluntary subscriptions in the proportion of a £2 grant for every £1 voluntarily subscribed.

The Borstal Association undertakes the after-care of every boy and girl discharged from a Borstal Institution.[51] It is the authority responsible to the Secretary of State for the enforcement of the conditions of the licence under which boys are released from Borstal Institutions. It also undertakes to find work and, if necessary, a new home for all boys who have attained the Special Grade whilst in the Institution. The Association is different from any other Society interested in the welfare of offenders, in that it is national and not local in character, and it undertakes much more than the ordinary voluntary society, which can refuse any case or drop it if it so desire.

The Association first comes into touch with the boy on his reception at a Borstal Institution, when his official record is forwarded to its officers by the authorities and a full note made of its contents. In many cases correspondence begins forthwith with the boy's relations or with persons interested, or with possible employers. His home is visited and a careful note made of any circumstances likely to affect his future prospects. At any time during detention a boy can apply to see the representatives of the Association on their visits to the Institution, and can have a private conversation with them on matters affecting his future. Three months before discharge he is privately seen at the Institution by a representative of the Association (who has before him the opinions of the discipline officers and medical officer), and the boy's hopes and prospects are gone into. As the outcome of this visit arrangements are made for the disposal of the boy on release.

Boys may be released on licence,[52] on the recommendation of the governor after six months' detention; girls after three months. The most frequent period of detention is about 20 months for boys and 30 months for girls.

The ex-Borstal youth remains under licence for one year longer than the unexpired portion of his sentence. Thus a lad sentenced

[51] As a matter of literary convenience we shall in what follows refer only to boys, except when the treatment of girls is different.

[52] "Under the supervision of the Prison Commissioners" [Prevention of Crime Act, 1908, Sections 5 and 6, and Criminal Justice Administration Act, 1914, Section 11 (2)], acting through the Borstal Association.

to three years' detention, and licensed after 20 months, would remain under supervision for two years and four months. The conditions of licence are that:—

1. The licensee shall proceed to 25, Buckingham Street, Strand, W.C., (the headquarters of the Borstal Association), and shall not, without the consent of the secretary or person under whose charge he has been placed, remove from that place or such other place as may be named by the society or person.
2. He shall obey such instructions as he shall receive with regard to punctual and regular attendance at employment or otherwise; he shall report himself periodically, either personally or by letter, if required to do so; he shall not change his address without permission.
3. He shall abstain from any violation of the law, shall not associate with persons of bad character, and shall lead a sober and industrious life to the satisfaction of the Borstal Association.

If the licensee fails to fulfil these conditions the licence may be revoked and he may be taken back for further "training." The maximum period for which the licensee may be detained on recall is one year, and "he may be so detained notwithstanding that the period of supervision has expired."[53]

The Borstal Association says[54]:—

> This licence should not be confused with the licence which controls an ex-convict; the Borstal boy is not brought into contact with the police in any way; his licence simply attaches him to friendly supervisors and provides a stimulus to the formation of regular habits, for if his conduct is unsatisfactory, he may be arrested and taken back for further training.

On the morning of his release he is brought by an officer of the Institution (in plain clothes) to the office of the Association. His relations with the Association are clearly explained to him; its desire to help him to live honestly and to prosper; its duty to report him for re-arrest if he fails to lead a sober and industrious life. He is invited to write fully and frequently; he is warned against talking about his past; against expecting too much to begin with, or being contented with too little progress later on; and is advised to apply to the nearest Associate or to the nearest police station if through any sudden mishap he finds himself stranded and unable immediately to communicate with the office; the police, at the request of the Secretary of State, communicate at once with the Association if any boy so applies to them.

He is then sent on to his home or to the lodgings which have been found for him, where he is received by the Associate in that district, who has been duly notified of his coming. If the home conditions are unsatisfactory, or there is danger from old companions, a home

[53] Criminal Justice Administration Act, 1914, Section 11 (3). Thus a lad returned to Borstal when his licence had only six months to run might be kept for six months after it had expired.

[54] Borstal Association Annual Report, 1914, p. 8.

and employment are found in a new district.[55] He is provided with working clothes and tools; work is found for him, and, if necessary, money is provided to meet expenses of board and lodging until he is self-supporting. The local Associate thereafter exercises a close, friendly supervision, seeing that the boy is regular at his work, and, if possible, connecting him with a club or other means of spending his spare time healthily and honestly."[56]

The Borstal Institution reports that during the year ended March 31, 1920, 330 boys and 45 girls were released to the care of the Borstal Association, and work was found for about three-quarters of this number; in some instances many openings were obtained in succession for the same boy. The provision of work is one of the most difficult tasks for the Borstal Association:—

> To find work at all for a boy without character is difficult. . . . There are comparatively few jobs in which the absence of a character does not matter. Then the boy's previous experience of regular work is sometimes slight, or has been gained wholly at the institution, where working hours, supply of material, and speed of work are regulated by other than commercial considerations.[57]

In its 1921 Report the Borstal Association says that through its voluntary Associates it was responsible for the supervision of about 1,000 boys and girls, and, through its London office staff, of about 250 in the London area.[58]

The actual supervisors of the Borstal Association are voluntary workers of all ranks and conditions in life. Many of them are known to the writer, and though they vary in experience, zeal and opportunity, on the whole he is convinced that they endeavour to do their work kindly, tactfully, and in the spirit contemplated when the Borstal Association was formed.

Results.—The results of Borstal treatment share the same disability as the results of any other kind of penal treatment, i.e., the successes are seldom heard of, but the failures, by their subsequent appearances in Court for further offences, have the opportunity of advertising their failure. Thus it is that Court and gaol officials, with only the failures' records before them, are apt to generalise on biassed data. Many prison warders, for instance, say that Borstal is a place for the manufacture of criminals, and a policeman records his conviction that "when young persons are sent to Borstal they almost always turn out to be convicts later on."

To judge Borstal results, pre-war figures are probably a safer guide than those compiled later. An analysis published by the Borstal Association in 1915,[59] showed that—

[55] Borstal Association Report, 1916, p. 6.
[56] Borstal Association Report, 1916, p. 13.
[57] Borstal Association Report, 1915, p. 11.
[58] Borstal Association Report, 1921, p. 6.
[59] Borstal Association Report, 1915, p. 14.

(a) of 1,454 boys discharged between August 1908, and March 31st, 1914, 940 (64 per cent.) have not been reported as re-convicted, and were satisfactory when last heard of;

(b) 122 (8.4 per cent.) were unsatisfactory when last heard of, but had not been reported as re-convicted;

(c) 392 (27 per cent.) had been reported as re-convicted.

In the absence of data showing the arrangements made by the police for acquainting the Borstal Association with the re-conviction of ex-Borstal inmates, the phrase "has not been reported as re-convicted" cannot be taken as synonymous with "has not been re-convicted." "Satisfactory when last heard of" should be read in conjunction with statements of the difficulty Borstal Association Associates often find in keeping track of the lads. "It is impossible to keep in touch with some of these lads. Many have no home, and if they wander off from their lodgings there is no one with whom to communicate."[60] This difficulty is specially pronounced in regard to lads sent to sea—no small proportion of the whole.

In 1915, when the above figures were compiled, all these 1,454 boys had been at liberty at least 12 months. Details by years are as follows[61]:—

Boys discharged during the year ending	Not re-convicted.
March 31, 1910	64.6
,, ,, 1911	67.0
,, ,, 1912	65.9
,, ,, 1913	73.6
,, ,, 1914[62]	83.2

Of discharges for the two years ended March 31, 1915, the percentages of those doing well at the time the Borstal Association Reports were compiled (when the lads would have been at liberty from four years to 16 months) vary according to age on committal as follows:—

	Average.[63]
Sent when under 17	82.72
Between 17 and 18	83.97
,, 18 and 19	80.18
,, 19 and 20	75.74
,, 20 and 21	68.23

The percentage of success with lads committed to Borstal when over 20 years old appears to have dropped from 68.23 in 1914-15 to 45 in 1919. In their report for the latter year, the Prison Commissioners say:

[60] Borstal Association Report, 1914, p. 17.
[61] Borstal Association Report, 1915, p. 14.
[62] During the war the Navy or Army absorbed by far the greater proportion of lads discharged, when, whatever their conduct, it would seldom result in re-conviction by a civil court. Post-war figures are too scanty to rely upon.
[63] See Borstal Association Reports, 1914 (p. 17) and 1915 (p. 17). This column represents the average of figures given in the two reports.

As might be expected, more malleable material is found among the younger element of the population. There is a marked preponderance of successes among those who were under 17 years of age on conviction. The figures of success drop steadily as the age of committal increases. Of those sent to Borstal at over 20 years of age, only 45 per cent. have responded to the efforts made for their reclamation from a criminal career.

It is interesting to compare this statement with paragraph 16 of the Prison Commissioners' 1920 Report, where it is claimed for the system of Preventive Detention (confined to "habitual criminals of the most persistent type") that no less than 61 per cent. of these men are still, after at least *four* years, *doing* well," or even with the later statement of Mr. A. Andrews, J.P., Chairman of the Camp Hill (Preventive Detention) Advisory Committee, that 52 per cent. of convicts have done well after Preventive Detention.[65] The comparison should not be stressed unduly, and we know from experience some of the difficulties involved in straightening up the wayward youth of 20. But when the Borstal System can claim only 45 per cent. of success with youths of this age, while the Preventive Detention System claims from 52 to 61 per cent. of success from men whose criminal habit is fixed, habitual, and persistent, we consider that the Prison Commissioners should be far from satisfied with the results of their Borstal experiment.

Borstal Treatment of Girl Offenders.

The treatment of female offenders at the Borstal Institution at Aylesbury follows closely that of males at Borstal and elsewhere. There is some difference in the character of offences, property offences being rather fewer with girls than boys. Of 45 girls discharged during 1919 from the Borstal Institution at Aylesbury, 33 were sentenced for stealing clothing, jewellery and money, two for attempting suicide, one for administering poison, one for malicious wounding, one for concealment of birth, one for attempted child murder, and one for arson. Twenty-two of these 45 girls came from homes reported as "respectable," nine from "poor" homes, eight from homes of "doubtful moral character." Six girls were homeless.

The girls' Borstal Institution is established in the former prison at Aylesbury, to which is added the building previously used for the Female Inebriate Reformatory. This latter is very well adapted for its purpose. It is used for the girls who have reached the Special Grade. Each girl has a small but cheerful and well-warmed room of her own, nicely furnished, with a mirror. She may decorate it with flowers, plants, photographs, etc. There are also good dining rooms. The lower grades are lodged in the old prison buildings, a much less satisfactory arrangement. The cells have beds

[64] P.C. Report, 1919-20. See fuller figures given on pp. 459-462.
[65] In a speech at the Annual Meeting of the Howard League, June 3rd, 1921.

and mats, and as the girls progress in grade they are allowed photographs; but the prison corridors have to be used for the associated meals of the girls in the probationary grade, for which they are by no means well fitted. This prison accommodation, and the large number of girls—a daily average of 191 for the year 1920-21—are great disadvantages in dealing with girls of the "difficult" type.

But granted these things, one must go on to admit gladly that a great advance is being made on ordinary prison methods in the treatment of girls at this institution. Perhaps the greatest advance of all is marked by the fact that there is a consciousness of experiment about it, for too often one feels that "it has always been the rule" is a final answer to any comment upon penal administration. Rules have changed quickly at Aylesbury in recent years, and the authorities are the first to acknowledge that finality is never likely to be reached.

The most welcome contrast to prison discipline greets the visitor on arrival. The great gates stand open all day, and except for one "observation" block, the same is true of the other doors. Girls in the highest stage may go to the town, two together, to spend their earnings, and the authorities are able to say that this policy of trust, introduced during the office of the last governor, has not been abused.

The Régime.—The day's work for Borstal girls begins at 6.30, when the girls rise, clean their rooms and drill. By 7.45 breakfast is over and work begins, ceasing at 11.45. Between 12 and 12.30 the Special Grade dines, the Ordinary Grade drills, the latter dining at 12.30. Afternoon work lasts from 1.25 to 4.45. Tea is at 5, chapel 5.30, and between 6 and 7 there is school and "recreative work." An hour's general recreation begins at 7, the girls returning to their rooms at 8. Thus, work for Borstal girls occupies 7 hours 20 minutes, as compared with 7 hours 35 minutes for Borstal boys.

The girls are taught "farming, market and flower gardening, needlework, machine knitting, laundry work, baking, cooking and domestic economy" (the last phrase probably covers such miscellaneous occupations as stoking and dish-washing). Unlike the plan adopted in the case of the boys, the custom is for each girl to go round all the occupations in turn, usually staying at each for at least six weeks, unless she be proficient sooner; then she specialises on the one she wishes to work at on discharge. Some difficulty is experienced in getting employment for Borstal-trained land girls.

Girls who cannot pass Standard III. have one hour's teaching a day; other girls one hour a week and an hour's "preparation" on five days. This is completely inadequate. Longer hours of school and a wider and more stimulating curriculum should certainly be introduced, if the Institution is to have full educational value; at present the teaching too much repeats that of the elementary school.

For the two highest grades there is a troop of Girl Guides. A system of electing monitors is said to have failed because the girls always elected the very worst characters, but probably sufficient time was not allowed for the experiment to develop. Drill and gymnastic classes are held for girls as for boys; each having her own "gym. kit." The physique of the girls, after they have been in the institution some time, compares very favourably with that of women prisoners. Seen in their "gym." dress they might pass for secondary school girls.

The evening recreation of the Probationary and Special Grade girls takes the form of dancing, lectures, and games. The girls also organise entertainments, the "specials" sometimes entertaining the other grades. There are outdoor games and, for the higher grade girls, "talking exercise," which is taken strolling about the exercise yard, and not marching round in the usual prison manner. The inmates in the lower grades do not have associated meals. Their treatment altogether approaches more closely to that of ordinary prison discipline.

Dress.—The girls wear print dresses, of different colour according to their grade: greenish grey for the Ordinary Grade; blue-striped for the Probationary; red, white, and black striped, with red collar, for the Special Grade. Small white caps are worn indoors and sun bonnets in the garden. Suitable clothing is provided for out-of-door work. Altogether the dress is not at all unbecoming. Each girl is responsible for the washing, but not the ironing, of her own clothes.

Liberty Kit.—Unlike the boys, Borstal girls make their own "liberty outfits." These comprise blouses of various materials and patterns, a black dress and underlinen. An overcoat and boots are provided by the Borstal Association. Girls going into domestic service are provided with different clothing from that issued to girls proceeding to factory work. A suit-case is given to some.

Staff.—A woman governor has recently been appointed at Aylesbury. An effort is made to select a staff with special aptitude for this difficult work, but there still seems to be room for the inclusion of more women whose experience of the best methods of education has been gained altogether outside the prison system.

Hospital.—There are a woman doctor and two trained nurses at Aylesbury, but there is little sickness. The hospital wards are airy and cheerful. Girls unwell in cells have the cell doors open. A dentist attends, and a large number of girls have treatment. There is a crèche for the babies.

Punishments.—The Commissioners' Report for last year shows a startling rise in the number of punishments recorded at Aylesbury. The following are the figures since 1917-18:—

	Irons or handcuffs.	Close confinement in ordinary cells.	Dietary punishment.	Total prisoners during year.
1917-18	...	80 ...	85 ...	304
1918-19	...	33 ...	45 ...	319
1919-20	5 ...	66 ...	144 ...	293
1920-21	33 ...	74 ...	183 ...	269

These last figures must no doubt be read in connection with paragraphs 64-65 of the Report, where the Commissioners refer to the fact that, owing to lack of accommodation in institutions for mental defectives, some certified cases have had to be detained for many months in Borstal Institutes, resulting in "much administrative inconvenience," owing to their effect on other inmates. But no explanation can do away with the fact that during the year handcuffs were more frequently used upon the 269 girls at Aylesbury than upon the 2,288 men in Convict prisons. The effect of this upon a body of young women, many of whom are hysterical and unstable in temperament, cannot fail to be harmful in the extreme.

Results.—The successes with Borstal girls have been fewer than with Borstal boys. Figures relating to girls were published by the Borstal Association in 1915. They showed that between January, 1910 (when girls began to be discharged from Borstal treatment) and March 31, 1914, 132 girls were released. At the time the figures were compiled, all these girls had been at liberty for at least a year. Of these:—

(*a*) 75 (56.8 per cent.) had not then been reported as re-convicted and were satisfactory when last heard of;

(*b*) (12.9 per cent.) were unsatisfactory when last heard of, but had not been reported as re-convicted;

(*c*) 35 (26.5 per cent.) had been reported as re-convicted

(*d*) Two girls had died, and three were sent to asylums.

That is to say that of 127 girls who had been at liberty from 12 months to five years, 69.7 per cent. had not been reported as re-convicted.

Results published year by year by the Borstal Association show that in:—

1914—15 out of 45 girls discharged were doing well on licence.
1915—28 ,, 41 ,, ,, ,, ,,
1916—37 ,, 40 ,, ,, ,, ,,
1918—56 ,, 95 ,, ,, ,, ,,
1919—27 ,, 48 ,, ,, ,, ,,
1920—47 ,, 85 ,, ,, ,, ,,

In forming an opinion on the value of these figures it should be remembered that they cover at most one year of freedom. It is impossible to say, for instance, how many of the 15 girls reported as doing well when released in 1914, are doing well now.

One of the chief cares of the Borstal Association in regard to girls is to prevent them reverting to street walking for a living. This proved not so difficult during the war, when it was possible to earn good wages honestly, and many young prostitutes took the opportunity then offered of making a niche for themselves within decent society. But in normal times, when wages are much lower, many of these girls prefer "easy money" and the petty excitements of the streets.

Some idea of the occupations which the girls take up after discharge can be gained by the figures for the year 1917-18—the last for which these details are published. During that year 95 girls were discharged, of whom 36 went to domestic service, two to dressmaking, seven to hospital work, two to clerical work, six to laundries, 11 to munitions, 20 to other factory work, two to market gardening, and seven to their own homes. It is also reported that (with the consent of the Borstal Association) several licensed Borstal girls have married.

Reforms at Borstal.

Whilst this Report is in the Press, we hear that considerable reforms have been carried out at the Borstal Institutions, in part due, no doubt, to the appointment of Mr. Alec Paterson as a Prison Commissioner with special relation to Borstal.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—The penal element is still too dominant at the Borstal institutions.

2.—They are under the Prison Commission instead of in the Reformatory Schools Department. This prevents the problem of juvenile and adolescent delinquency being treated as a whole, and does not enable proper industrial training to be given extending from school age to adult age.

3.—The age limit of over 16 and under 21 is also unsatisfactory, because physical and mental development cannot be measured chronologically.

4.—Those who need educative treatment most—the more serious cases of physical deficiency and moral depravity— are excluded from Borstal.

5.—Young persons sentenced to Borstal are detained in prison pending their removal to Borstal institutions, and are liable to suffer the bad effects common to short-sentence prisoners.

6.—The mentally sub-normal (apart from those actually "certified") are given the same treatment as other offenders.

7.—The institution at Borstal is too large to allow the personal influence of the head to be felt by the boys.

8.—The military and disciplinary element is too obtrusive, particularly as expressed in the large numbers of warders on duty. It is indefensible that the vast majority of the personnel should be prison warders trained to administer the repressive régime of penal servitude and imprisonment.

9.—Borstal institutions share many of the defects of prisons, e.g., the system of progressive grades tends to encourage "exemplary institutional behaviour" rather than to develop good character; letters and visits in the early stages are too infrequent.

10.—Education is only given up to Standard III., and the educational staff is inadequate.

11.—Allowing for the fact that the period of detention is too short to permit a trade to be taught thoroughly, proper advantage is not taken of such possibilities as there are of giving industrial training. The chief anxiety is to meet the demands of the institution for goods and service, rather than to instruct the boys. The instructors are too few, the machinery is poor, and proper materials are lacking. Farm work is not efficiently taught.

CHAPTER XXVII

PREVENTIVE DETENTION

PREVENTIVE detention is so recent an addition to our penal arrangements, and its success has been so strongly emphasised in the Reports of the Prison Commissioners that it may be taken as representing the latest development in the official attitude of mind towards the problem of penal reform. It has not, in its operation, to face the drawback of antiquated or inadequate accommodation; and it has to quite a considerable extent shaken itself free from old and unhappy precedents of discipline. A special prison and specially designed rules have been provided to give the experiment a full chance of "making good." It is, to a great degree, new wine in a new bottle; only the vineyard from which it draws its raw material is old.

THE INAUGURATION OF THE EXPERIMENT

Preventive detention was instituted under the following provisions of the Prevention of Crime Act (1908), which came into operation in August, 1909.

When any person has been sentenced to penal servitude (i.e., for three years imprisonment at least), he may be sentenced to a period of preventive detention following that of penal servitude, provided that a jury has found on evidence—

(*a*) that since attaining the age of 16 years he has at least three times previously been convicted of crime, and that he is leading persistently a dishonest or criminal life; or

(*b*) that he has already been found to be a habitual criminal and has been sentenced to preventive detention; and provided also

(*c*) that the consent of the Director of Public Prosecutions has been obtained to this charge being made; and

(*d*) that due notice has been given to the Court and to the offender specifying the grounds upon which the charge is founded.

The sentence must be for a period not exceeding 10 nor less than five years, and persons undergoing preventive detention must be subjected to such disciplinary and reformative treatment and be employed on such work as may be best fitted to make them able and willing to earn an honest livelihood on discharge.

The Secretary of State may, at any time, discharge on licence a person undergoing preventive detention, and that licence may be revoked at any time if the person escapes from supervision or commits any breach of the conditions of the licence.[1]

[1] Quoted from the 1920 Report of the Central Association for the Aid of Discharged Convicts.

The words "it is expedient *for the protection of the public* that the offender should be kept in detention," in Section 10 of the Act, perhaps indicate its fundamental purpose.[2] The class of "habitual criminal" with whom the Act was intended to deal was not those persons "to a large extent mentally deficient who were a nuisance rather than a danger to society," but the hardened or professional criminals—"the men with an object, sound in mind—so far as a criminal could be sound in mind—and in body, competent, often highly skilled, and who deliberately, with their eyes open, preferred a life of crime, and knew all the tricks, and turns and manœuvres necessary for that life."[3]

The idea of preventive detention was borrowed partly from the American Penal Reformatory System and partly from the Irish institution of Intermediate Prisons, which were established about 1856 by Sir Walter Crofton, as a preparatory stage for convicts who were approaching their discharge.[4] The genesis of the present scheme may be found in the following paragraph of the recommendations with regard to Habitual Offenders made by the Departmental Committee on Prisons in 1895[5]:—

> To punish them [i.e., the "habituals"] for the particular offence in which they are detected is almost useless; witnesses were almost unanimous in approving of some kind of cumulative sentence; the real offence is the wilful persistence in the deliberately acquired habit of crime. We venture to offer the opinion formed during this enquiry that a new form of sentence should be placed at the disposal of the judges by which these offenders might be segregated for long periods of detention during which they would not be treated with the severity of first-class hard labour or penal servitude, but would be forced to work under less onerous conditions. As loss of liberty would to them prove eventually the chief deterrent, so, by their being removed from the opportunity of doing wrong the community would gain. With regard to the locality of such institutions, we suggest that sites on estuaries or other places where there is ample scope for land reclamation would be most suitable for consideration.

This recommendation was, after some hesitation, taken up by the Prison Commissioners, and in the year 1901-2 they submitted to the Home Secretary a detailed scheme to give effect to it.[6] When Lord Gladstone, who had been Chairman of the Prisons Committee whose recommendation has been quoted, was Home Secretary in 1908, the scheme of the Commissioners was embodied in the Prevention of Crime Bill which became law in the same year. The resulting Act is thus described in the Report of the Prison Commissioners for 1909:—

[2] Or that of Part 2 of the Act. Part 1 deals with the "Reformation of Young Offenders," and inaugurated the Borstal system.

[3] Lord Gladstone, quoted in the Memorandum to the Rules made for Preventive Detention in April, 1911.

[4] The last Irish Intermediate Prison, at Lusk, was closed after the Royal Commission on Irish Prisons of 1885.

[5] Report of 1895 Committee, Sect. 85, p. 31.

[6] P.C. Report, 1901-2, p. 9.

> It gives power, under certain restrictions and safeguards, to declare a man who has been leading persistently a dishonest and criminal life to be a habitual criminal, and where a person is so proved, a subsidiary sentence may be passed ordering that on the determination of the sentence of penal servitude (not less than three years) he may be kept for a further period not exceeding 10 or less than five years in a state of "preventive detention."
>
> The limitation of the period to 10 years was arrived at after much discussion in Parliament, but the desire of some, which appeared to be that an enemy of society should be detained for an indeterminate period, subject only to conditional release on satisfactory evidence of a reformed character, yielded to a strong opinion held by others that an unlimited period of detention was objectionable both in principle and in fact; that it invested the official authority with too arbitrary a power, as in practice it would depend upon the dictum of the official authority whether a man could, with safety, be released or not. The present limitation of 10 years was therefore arrived at as a compromise between two contending sections of thought, there being a general agreement that something sterner and stronger than what the present system of penal servitude affords was called for in the case of the persistently criminal man who, in spite of repeated convictions under the ordinary law, still continued his depredations on society[7]

The above account appears to be a fair statement of the chief points at issue, if it be understood that "something sterner and stronger" than penal servitude had reference not to the conditions of treatment during detention but to the *longer* period of segregation.

Although the Prevention of Crime Act became law in August, 1909, there was no need to open a prison for preventive detention prisoners until March, 1912, when the first men so sentenced were completing their three years of penal servitude (as reduced by the usual regulations governing remission of sentence).

Hitherto it has been the tendency of judges, in a large majority of cases, to give the minimum sentence allowed by the law—three years of penal servitude followed by five years of preventive detention—a fact which seems to indicate that those who administer the law regard it as a very severe form of sentence to be used with moderation and caution.[8] This is further indicated by the greater proportionate fall in the number of preventive detention sentences as compared with the fall in the number of committals to penal servitude.[9] During 1920-21 out of 482 persons sentenced to penal servitude only 44 received preventive detention as well, and in 1919-20 the corresponding number was 23 out of 457; during 1911-12 and 1912-13, out of 863 and 871 persons in the respective

[7] P.C. Report, 1908-9, p. 23.

[8] Out of 397 men received into the preventive detention prison between March, 1912, and October, 1916, no less than 385 men received sentences of three years penal servitude and 5 men sentences of five years preventive detention. Since the Act came into operation, 621 persons have been sentenced to preventive detention (P.C. Report, 1920-21, p. 13).

[9] It is alleged, however, that another reason for the decrease in preventive detention exists, viz., the legal difficulty in applying the definition of "habitual criminal" to the case of particular men.

years sentenced to penal servitude, 64 and 85 respectively received preventive detention. In this connection it is surprising to learn the somewhat discreditable fact that, up to the summer of 1920 at any rate, no judge had visited the Preventive Detention prison since its opening in 1912."[10]

Camp Hill Prison and its Regime.

There is only one Preventive Detention prison, Camp Hill (for men only) in the Isle of Wight, adjoining Parkhurst Convict prison. The number of women sentenced by the Courts to this form of imprisonment has from the first been insignificant. There have never been, at any time, more than five or six women in preventive detention. During 1920-21 there was only one such woman, for whom provision was made in connection with the Women's Convict prison at Liverpool.

The preventive detention system cannot be considered apart from the dwelling which has been provided for it, or indeed from the present administration of its rules, depending so markedly upon personality and an outlook which is new among prison authorities.

Camp Hill prison was opened in March, 1912. The greatest daily average number of prisoners in any one year was 271 in 1915-16. For 1920-21 the daily average number was only 75.[11] There is now accommodation for over 300 men. The special advantages of the prison are at present, therefore, to a very great extent, wasted; while the average expense per inmate has been raised to a point, at which it may form a dangerous weapon in the hands of a hostile critic."[12]

Though Camp Hill is a prison in a very real sense, its buildings, both without and within, are described as less forbidding and more open and cheerful than those of any other English prison. The red roofs and the flower beds contribute to this effect, and also the exceptional group or cottage system of cells. There are six of these cell blocks, each of them having two stories only, and each storey containing 25 cells and the common room used for meals and for association.

The modified rules governing the preventive detention régime at Camp Hill and differentiating its routine and discipline from the ordinary conditions of penal servitude are as follows:—

The prisoners are divided into three Grades,—Ordinary, Special, and Disciplinary.

The Disciplinary Grade is, as explained below, for ill-conducted prisoners, being practically a reversion to the conditions of penal servitude. In the usual course men start in the Ordinary Grade

[10] Report of the Central Association for ex-Convicts, 1920, p. 6.

[11] These numbers include some sick men accommodated in Parkhurst prison hospital.

[12] The average charge per inmate is given as £334 1s. 1d. for the year 1920-21, as against £129 6s. 8d. per inmate for Convict prisons.

and are eligible at once to earn by their work at one of the prison industries a gratuity up to a maximum amount of three-pence per day or one and sixpence per week. Half of this small sum a prisoner may spend at the canteen; he may also, if he chooses, send a portion of it to his family or accumulate it for use after his discharge. The gratuities, as well as the other privileges, may be forfeited at any time by misconduct, and, as the prisoner has no legal claim on his accumulated earnings, they are, on his discharge, handed over, not to him, but to the Association under whose supervision he is placed. The knowledge of this provision has tended to discourage the practice of saving a proportion of the gratuities."[13]

The prison canteen, for the sale of food, a fixed amount of tobacco and other articles at prices fixed by the authorities, is open (once a week) equally to prisoners of the Ordinary and Special Grades; the cost of the articles purchased is charged against the gratuities that have been earned.

From the canteen privileges of the first six months the eyes of each prisoner are directed forwards to a progressive series of new benefits, which are obtainable by certificates of good conduct and industry. After every six months he is eligible for one of these certificates; four of them give title of admission to the Special Grade. With each certificate a prisoner receives a "good conduct stripe," carrying important new privileges, and a special gratuity of five shillings.

Association, games, newspapers, more tobacco, more letters and visits, a garden allotment and a consequent increase to his gratuity, the semi-liberty of a Parole Cabin—these are the prizes to be successively won.

The steps in the progress of a well-conducted prisoner towards the maximum privileges obtainable may be summed up as follows. After six months he has meals in association; after 12 months he may enjoy associated evening recreations; 18 months brings him an allotment with its healthy interests and the solid profits of its produce; and two years transfers him to the Special Grade with its additional letters and visits, an increased tobacco ration, the provision of a daily paper (instead of a weekly), permission to take part in organised discussions and music, and other smaller privileges. The last and greatest of all the privileges (assuming a man is not previously discharged) is admission to the "Parole Lines."

In the allotment, the happy possessor of three six-monthly certificates may grow garden produce which is purchased, so far as possible, for use in the prison at market rates, and the proceeds credited to him. Half of these proceeds may be expended by the prisoner, so long as the total amount spent does not exceed four shillings a week.

[13] We are, however, informed that it is a rule of the Central Association for ex-Convicts to hand over the amount of gratuity saved to be expended by the men; and that in future steps will be taken to see that this is understood at Camp Hill.

The maximum gratuity of 3d. per day is ridiculously small. Though full maintenance is, of course, given, such a sum cannot in any sense be considered a wage, even when increased by the sale of garden produce. Out of this small income a man has to get his additional "comforts" from the canteen, he has to buy seeds and plants and manure for his allotment; and, if he wants to occupy himself with a hobby during the lonely hours in his cell, he must also buy out of it the necessary paints or other materials. Such things are not allowed to be sent in from outside; nor are prisoners officially permitted to lend or give them to each other—though we understand that such acts of generosity do in fact take place. These prohibitions strike us as unreasonable. There is no doubt, also, that the substitution, in place of the miserable "gratuity," of an adequate wage (subject to a deduction for maintenance) would add greatly to the men's self-respect. It would also certainly increase the value of their work, and add very considerably to the number of men (now apparently quite a small one) who practise crafts in their cell, as well as to the number of those who contribute to the needs of their families. The Camp Hill chaplain, in his 1914 Report, wrote of "the readiness with which the men desire to remit their accumulated balances to their relatives and friends in distress" as evidence that "the last spark of goodness" had not "been extinguished in any one of them." But in another Report we read that the large majority "have spent at the canteen to the uttermost farthing"—not a surprising habit for men in receipt of an income of 1s. 6d. weekly!

The leisure time which has to be spent in the solitude of the cell may be occupied by the practice of some craft,—drawing, painting, and even the construction of engineering models. This is a tremendous boon, and it is a pity that more men cannot be enabled or induced to avail themselves of it. An ex-prisoner has told us how much the use of paints and trigonometrical instruments meant to him in relief from tedium and strain.

For reading material each man is provided, out of the prison library, with three novels and two educational books—the novels being changeable weekly, and the educational books once in four weeks. He may also purchase eight books out of his gratuity during his term, or more than eight if he presents the balance to the library before his discharge.

We are informed that so far only two official lectures or concerts a year have been provided. This is, of course, far too few. The experiment of allowing the prisoners to organise a concert of their own has been tried successfully; and there seems to be no reason why this practice also should not be much more frequent. The present governor is in favour of introducing cinematograph entertainments, as having an educative value.

The association rooms are pretty well supplied with newspapers, as well as with indoor games, such as chess, draughts, and dominoes.

And here, too, the men smoke. In spite of the reputed characters of the assembled men, there are no reports of disorder. Nor has betting or gambling been discovered, though it seems to us too much to suppose that none exists. It does not appear that the men indulge to any extent in obscene or criminal talk, and the authorities, we understand, take the view that the extended liberty of speech has tended to diminish rather than encourage this evil. (Men may talk at labour as well as during recreation). Outdoor games have so far not been allowed. Their introduction, for those able to take part, would be a most valuable and healthy outlet for the energies of the men and their capacity for co-operation.

The trades in which prisoners are engaged and receive instruction include engineering, bookbinding, tailoring, and shoemaking; there is, besides, agricultural work and land reclamation. Outdoor work is given by preference, and jobs are said to be changed when the labour is becoming monotonous.

An ex-prisoner, who has since earned a good living as a plumber, has informed us that the instruction given, at any rate in smithing or fitting, was in his time not satisfactory—"unless you had the good luck to work alongside of another prisoner who was already a competent tradesman." On the other hand, some of the warders, though not technically trained, appear to be real craftsmen. And the agent of a Prisoners' Aid Society in the midlands, who has given evidence to us, reports that he has two men who are in engineering work apparently due to knowledge gained during a sentence of preventive detention. The equipment of the engineering workshop is admittedly very meagre indeed, inferior to that of some certified reformatory institutions.

A Visitor's Impressions.

The conditions of daily life in Camp Hill are described in more detail in the following *verbatim* extracts from an unpublished account of the system by Mr. Laurence Housman,[14] from which, as from the observations of other recent visitors, we are able to draw our information:—

"The general plan of Camp Hill prison ensures broad open spaces, generally an outlook including grass or trees, and to every cell a sufficiency of light and air. The cells are slightly larger than those of the older prisons; the windows [within three feet of the ground], with sash openings and bars outside, are similar to those of an ordinary living room; the beds have mattresses, pillows, and coloured rugs; there is a slip of carpet upon the floor, a movable stool [now a chair], a looking-glass, and shelves for books and utensils. Prisoners may keep photographs of relatives and friends. They may have safety razors for shaving. [This concession has never

[14] Certain additions and modifications to the extracts from Mr. Housman have been made, in view of more recent information. These are all enclosed in square brackets. Mr. Housman's complete report was seen and passed by the Prison Commissioners.

yet been abused.] They possess Sunday clothes of a different colour and pattern [a kind of brown Norfolk suit] from those worn on week-days; and these, though uniform, have nothing of the character of convict dress. The week-day dress carries no mark of degradation [i.e., no broad arrows.]

"Baths are obligatory once a week, but they may be had more frequently on request; even a daily bath might be permitted if asked for.

"The routine of prison hours (as regards meals and labour) is similar to that of other prisons; the task work of the day ends at 4.40, and more time is allowed for reading and recreation. [Those entitled to it may enjoy their evening association in the common room for their block from tea-time (about 4.45) until eight o'clock.]

"The diet of the prisoners (other than those in the disciplinary grade) is not under the same limitations as in penal servitude either as to quality or amount. It is varied in character, and sufficient for an ordinary appetite, and the variation does not take place under a strict weekly routine; the bread is of white meal.

"The prisoners are allowed to write and receive letters, and also to have visitors according to their grade. In the ordinary grade this means a letter and a visit once a month; in the special, once a fortnight; in the disciplinary, once in three months. In each case an extra letter is allowed when desired *in lieu* of a visit.

"The contents of letters to prisoners, received in excess of the regulation number, are always communicated to them by the governor, or are at his discretion handed over to them.

"The room in which prisoners see their friends has no grille or barrier; they sit and talk to each other across a table. A warder is present. Handshaking or embrace at meeting and parting is not prohibited. [No serious attempt is known to have been made to abuse this "privilege."]

"After these interviews there is no regulation *searching* of the prisoner, nor is any periodical "dry-bathing" (i.e., stripping to be searched) a part of the regular prison discipline. The governor only causes a man to be searched if he has any special reason for suspecting him."

Men are trusted to walk back to their cells after being discharged from labour, etc., without supervision, and in many other ways the very close and galling supervision of the Convict prison is considerably reduced.

As a commentary upon the above description, we may add the following testimony of an ex-prisoner:—

> The good effect of men having smart Sunday clothes and polished boots, the possibility of purchasing a safety razor and using it for shaving, the looking-glass, the difference it made at meals to have a proper knife, fork, and spoon; all these things gave a man self-respect and a pride in keeping himself neat and clean, in contrast to the utter degradation and filthy habits which clung to men inevitably in the ordinary prison. In prison, for instance, men became very uncleanly, because washing meant great labour in polishing your metal basin, but at Camp Hill there was *no polishing of tins to speak of*; everyone washed outside in proper lavatories.

This account of the matter is borne out remarkably by passages in the very interesting reports by the late Catholic chaplain, which are printed by the Commissioners. Thus, in his 1913 report, he writes:—"If the ordinary convict is put into contrast with the preventive detention prisoner, the contrast is much in favour of the latter. As a rule convicts are listless in manner and untidy in habits. It is far otherwise with the preventive detention prisoner. Their cells are not only models of order, but much taste is shown in the arrangements of the articles which adorn the shelves . . . They buy dainty articles from the canteen. . . . Greater still is the pride that men take in their own personal appearance. . . . A feature of Camp Hill is how clean the men are at meals and recreation. They have learned to respect themselves."[15]

Many of the details mentioned in the preceding paragraphs may appear trivial in character; but they are important, as they amount, when taken together, to what is little less than a revolution as compared with penal servitude. The prison authorities insist, too, that the Camp Hill *régime* is tentative and subject to experiment, that it is (as it should be) a growing and constantly developing system of treatment.

Camp Hill has no hospital accommodation of its own. The men have to go into the hospital of Parkhurst prison, which is next door. This is a serious defect, as the men naturally and justly object to having to go back, when ill, to the humiliating dress and to the discipline and associations of a Convict prison.

The chaplains, like the doctors, are shared with Parkhurst. But Camp Hill has two very fine and bright chapels of its own, one Anglican and the other Roman Catholic—buildings all the more remarkable since their erection and decoration have been carried out almost entirely by convicts. In the chapel the warders have been removed from the usual observation pews facing the prisoners at every fourth or fifth row. They now occupy the back seat only; and while this freedom from obtrusive espionage and supervision is much appreciated by the prisoners, it has not resulted in any loss of discipline.

As their printed reports indicate, the chaplains have opportunities of natural human contact with and influence over the men, such as they could not have in the repressive atmosphere of any other Convict prison. We have prisoners' evidence of one chaplain at any rate who made most effective use of these opportunities. On Sundays, however, there appears to be, apart from the religious service, no

[15] P.C. Report, 1912-13, Part 2, pp. 139-140.

more than the usual association—so that Sundays are probably to the majority, as they are in other prisons, the most monotonous and trying days of the week.

The Parole Lines and the Disciplinary Grade.

"The 'parole lines,' " to quote again from Mr. Housman's report, "were devised by the Prison Commissioners in 1912, and made operative in 1914, as an extension of the special grade, intended to provide for prisoners of good conduct an intermediate condition between custody and discharge, the object being to give to these prisoners greater liberty, under less supervision, as a preparation for their return to ordinary life. 'In this way,' says the [Commissioners'] report of 1912, 'it is hoped that the re-entry into free life will be facilitated, and it will be possible to form a better judgment as to fitness for release than if the man were left under strict surveillance up to the last moment.' [16]

"The parole lines consist of a block of 16 tenements [or cabins] lying in a garden enclosure outside the main prison walls. Each tenement opens upon a verandah, and contains a bed sitting-room, a scullery, and w.c. The prisoners have their own latchkeys, a gas-ring, and a few cooking utensils in which they can prepare food purchased from the canteen. They are obliged, like all the other prisoners, to be in cells, with lights out, after a certain hour; but they have their meals separate from the rest, and their own association room. With these, and other smaller privileges, they are conscious of being under considerably less direct supervision than the other prisoners.

"In the meal and association room, for instance, no warder is in actual attendance; he occupies an adjoining room with a communicating window.[17] During practically the whole day, at work, association, and meals, quiet conversation is permitted, and until lights are out the men are free to be in or out of their rooms [or, if they choose, cultivating their allotment], except when duty otherwise calls them."

This intermediate stage of liberty appears to have been singularly successful. When initiated in 1914-15, the Commissioners wrote that the experiment was "perhaps to a certain degree hazardous, but some risk must be taken." Their faith was justified, for in 1919 they stated that none of the 175 prisoners located in the cabins (since they were opened) had made any attempt to break parole, while only three had been removed for misconduct. It is a deficiency, though perhaps an inevitable one, that the benefit of the parole lines is not attained by the men who are released earliest. And the amount of trust extended to the men might well be increased if they are to be thoroughly prepared for the responsibilities of real life. We understand, indeed, that the authorities have, to this end,

[16] P.C. Report, 1911-12, p. 23.

[17] This is also arranged for in the most recently built cell block.

contemplated sending a prisoner by himself into a neighbouring town on occasional errands of trust involving money, in accordance with successful precedents at American prisons and at Irish Intermediate prisons of the last century.

At the opposite pole to the semi-freedom of the parole lines stands the disciplinary grade.

"The disciplinary grade," writes Mr. Housman, "is provided either as a punishment for personal misconduct, or as an administrative act rendered necessary when a man is known to be exercising a bad influence on the others; that is to say, though penal in its effects, it is not necessarily charged as a 'punishment' in the prisoner's record. It consists, broadly speaking, in a reversion to penal servitude conditions. A prisoner in this grade is only allowed association during labour, and is liable to be deprived of that also. [He has no gratuity, newspapers or tobacco.] He is also strictly under the silence rule, from which the other grades are relieved; and his dress (both on week-days and Sundays) is different from that of the other prisoners. [He is only allowed a letter and a visit once in each three months.]

"It is provided by rule that any [released] prisoner whose licence has been revoked *may*, on his return, be placed and kept in the disciplinary grade for such length of time as the Board of Visitors think necessary (Rule 15). It appears that this permissive rule has been in practice interpreted as though it were obligatory. [Men, for instance, who have been sent back to Camp Hill merely for leaving their address without notice, usually spend six months in the disciplinary grade.]

"It should be noted that the disciplinary grade involves not only deprivation of the right to associate, speak, earn gratuities, and purchase articles from the prison canteen, but also a reversion to convict dress and diet. It is therefore very penal in character; and the permissive character of the above rule ought not to be lightly set aside."

Apart from this penal grade, confinement to cells as a punishment is said to be of very rare occurrence. Indeed, it is stated that during the last two years there have not been more than 30 cases of punishment in all—all for minor offences. In most cases the fear of losing privileges has proved a sufficient deterrent to misconduct—so far, that is, as a deterrent has been necessary.

Although the Home Secretary has recommended to the Courts that only confirmed offenders over the age of 30 should be sentenced to Preventive Detention,[18] a good proportion of younger men are in fact committed. In his report for 1913, the chaplain comments on the fact that the ages of the men vary from 25 to over 70, and their earlier sentences from terms of simple imprisonment only to as many as six terms of penal servitude. There is at present no attempt at

[18] Memo. to Rules made in regard to Preventive Detention (P.C. Report, 1910-11, p. 114).

classification in Camp Hill, and this circumstance, therefore, means that the young habitual mixes freely, whether in the Ordinary or in the Special Grade, with the old and hardened criminal.[19]

There is a rule that a man may be placed in the very penal Disciplinary Grade, not for any misconduct, but merely "because he is known to be exercising a bad influence on others," and may be kept there as long as may be necessary in the interests of himself and of others. Fortunately, this provision is rarely, we understand, put into operation; if it were so, it would be very inhuman towards the victim, who may, after all, be doing his best.

Reverting to the existing conditions of the non-penal grades, Mr. Housman draws special attention to the fact that the various "modifications of discipline and routine are not definitely provided for in the Act, and only to a partial extent in the rules, but are left to the discretion of the Secretary of State and the prison authorities acting under him. But it is really in the application of these modifications that the difference and the advance from the old prison system mainly consists. Under the actual provisions of the law governing Preventive Detention there is little to prevent it from being converted, under a new set of rules, into a form of treatment only slightly 'less rigorous' than penal servitude.[20] While, therefore, it is highly important to note the spirit in which the Act is being administered, it must be borne in mind that the rules and their liberal interpretation have given to Preventive Detention much of its present distinctive character. Subject to their lying upon the table of the two Houses for a specified time, rules might at any time be altered. They might also by the same means be liberally amended. Important amendments have been effected outside the provisions of the rules as at first drawn up by the Secretary of State. Of that the institution of the 'Parole lines' is a notable instance." Another is the introduction of newspapers and tobacco, recommended by the Commissioners in 1911-12.[21]

The Governor, the Staff, and the Advisory Board.

"Very much of the success achieved in the working of the system at Camp Hill is certainly due to the personality of the man placed at its head, and to the new tradition of courtesy and absence of provocation toward prisoners which was being inculcated by him in

[19] Under the Osborne plan of separate responsibility this might not be harmful; but where government is from above, some classification seems most desirable. See pp. 671-86.

[20] Compare Sect. 13 (d) of the Prevention of Crime Act. "The rules applicable to convicts and Convict prisons shall apply to persons undergoing preventive detention, and to the prison or parts of prisons in which they are detained, subject to such modifications in the direction of a less rigorous treatment as the Secretary of State may prescribe by prison rules within the meaning of the Prison Act, 1898."

Mr. Winston Churchill, when speaking in 1910 on the Prisons Vote, as Home Secretary, described preventive detention as so severe a form of punishment that its administration should be "closely watched," adding as follows:—"There is great danger of using words for ugly things. Preventive detention is penal servitude in all its aspects. There may be modifications, but in the main it is a form of confinement and of surveillance, which must necessarily be of a severe and rigorous character."—(Parliamentary Debates, July 20th, 1910.)

[21] P.C. Report, 1911-12, p. 25.

the prison staff. It was evident also that the governor was prepared, at some personal risk, to show a much greater trust in the criminals under his charge than is usually the case; and that, in his personal interviews, he did all he could to establish sincere and confidential relations between himself and the men. As a result it is found, in the main, that the prisoners appreciate trust, and respond to it, even though there may be temporary breakdowns or failures."

This is in accordance with the extracts from the reports of the governors and chaplains, as printed (unfortunately up to 1914 only) by the Commissioners. The present governor's predecessor, for instance, wrote in 1914 of "the increasing self-respect which the many privileges, and the trust placed in them, seem to inspire in the men here; and the inference is obvious that this feeling must inevitably tend towards reform." In the same report he speaks of "the antidote to misconduct which is contained in the extensive privileges which preventive detention prisoners enjoy. There is so much to lose."[22]

An experienced magistrate who visited Camp Hill during 1920 wrote as follows:—"The new and right spirit of the governor is reflected in the whole atmosphere of the place and in the bearing and demeanour of the inmates. The faces of the men do not bear the *inferno* mark of Pentonville or Holloway. It is the most promising offshoot of our penal system."

The enlightened attitude of the governor is, we believe, supported by the influence of the Advisory Board or Committee who have the duty (under Section 14 (4) of the Act) of personally interviewing the prisoners, reporting upon their conduct, and recommending them, or otherwise, to the Home Secretary, through the Commissioners, for release under the conditional licence which will presently be described.[23]

The warders at Camp Hill are selected men taken from the staff of Convict prisons. Some of them have had 20 years service or more as Convict warders, and the majority probably were originally drawn from the old regular army. The relationship of the warders to governor and to prisoners respectively is not very different from what it would be in another prison, where the governor is a wise and humane man. It is said that the warders are strictly enjoined to treat prisoners with courtesy and not to give their orders in a provocative way; for the Camp Hill governor is aware, as many prison officials are not, how the nervous strain of imprisonment may provoke a man in spite of himself to incalculable acts of unpremeditated violence. The wearing of side-arms, which was the practice in the early years of Camp Hill, has now been discontinued. Still the relationship is in many respects a formal and military one.

[22] P.C. Report, 1913-14, Part II., pp. 127-8.

[23] There is also a Board of Visitors appointed by the Home Secretary for terms of three years (under Section 13 (4) of the Act) with similar duties, as regards offences and complaints on the part of prisoners, etc., to the Visiting Boards of Convict prisons. (See pp. 402-6.)

The approach of the governor is met by the usual stiff salute and gabbling of the oft-repeated formulas "30 men," "40 men," "All correct, Sir." And the warders are not trusted with their charges; familiar conversation is not authorised.

All this is out of harmony with the other features of Camp Hill; but it is made almost inevitable by the restriction of the post of warder to men trained in Convict prisons. An ex-prisoner has told us that this was, a few years ago at any rate, about the greatest defect of the preventive detention system. The warders, he said, naturally had, though in varying degrees, all the old habits of mechanical domination which they had contracted in Convict prisons, ordering men about like slaves and making it their chief task to spy out wickedness, wherever they could find it.

The Advisory Board, which is charged, as already mentioned, with the function of recommending prisoners for conditional release, appears to take its duties very seriously. "Nothing," the Commissioners wrote in 1914, "can exceed their conscientious zeal." Their task, of course, is of the utmost importance; for on their judgment and their decision hinges the whole success of the system. We understand that they attempt to form an impression of a man's conduct and stability of character over a long period of time, and, in addition to personal interviews, consult the governor, chaplain, and medical officer, besides the instructors and warders. Weekly reports on each man's conduct and industry are furnished by the warders. With the present type of warder, unfortunately, these reports are often, we have reason to think, not the best test of a man's fitness for release. As the Scotch Commissioner, Dr. Devon has said, "It is not uncommon for the most objectionable character, by subservience and sycophancy, to impress favourably those who have the dispensing of privileges."[24] Hypocrisy is a vice inseparable from prison, where, as a warder once told the present writer, "appearance counts for everything." An ex-Camp Hill prisoner informs us that early release depended not so much on real good character as "on the way you swank or study your particular warder," and he confessed that his own early release was due to such artfulness.

The Drawbacks of the System.

In this connection it is necessary to emphasise that much of the Camp Hill system of discipline shares the defects of prison treatment in tending to make good institutional inmates rather than good men. Promotion, privileges, and release are based on outward behaviour and on a capacity to avoid discovery in breaking rules rather than upon the development of character. There is little attempt to teach the elements of social conduct, and the prisoners still move in an atmosphere largely permeated by suspicion. Self-discipline is only encouraged to a limited degree, nor is there much appeal to a sense of corporate responsibility. In these all-important respects the Preventive Detention system seems to us to be far behind the Mutual Welfare system, for instance, which Mr. Mott Osborne has introduced in some American prisons.[25]

[24] Dr. J. Devon, "The Criminal and the Community," p. 296.

It must be admitted, however, that the implication that men secure release by good institutional behaviour only is not in harmony with the claim as to the large proportion of men released who act like reformed characters. Is this because, as the last-quoted witness considered, in some cases at least "the long acting of a part became so much second nature that men of bad character, by force of habit, even went on keeping straight permanently after their release"?

In any case it is absolutely necessary, if the fitness of men for release should be judged rightly that those in charge of the prisoners should be trusted to associate with them freely and should be men of high personal character. Whatever the merits of the indeterminate sentence, it can hardly be permanently successful without a changed prison staff. If the staff consisted of experienced men with a sense of "vocation" for their work, exerting a good influence on the prisoners through feelings of friendship, their advice might prove trustworthy. But so long as warders are only engaged as "keepers," and kept in their present subordinate position, it is useless to expect that they should possess such capacity.

Not only every warder at Camp Hill, but every prisoner, too, has previously graduated in a Convict prison. The Act, as we have seen, requires that the preventive detention sentence should be served continuously with a preliminary term of at least three years penal servitude. The effect of this provision can scarcely be better described than in the words of an ex-prisoner who, though he has himself made good as a result of the fresh start provided by the preventive detention system, regarded his restoration as something scarcely short of a miracle.

> "The greatest curse of Camp Hill," this witness told us, "and that which neutralised most of its good points in many cases, was that men came there *too late*; that is to say, after long spells of penal servitude. Nothing could be more deplorably demoralising and ruinous than the effects, mentally, morally, and sometimes physically, of the convict discipline. Instead of making a weak mind stronger, as punishment should, it makes it much weaker. Silence, solitude, compulsion, harshness, over a long period, cannot possibly strengthen a man. Owing to the want of healthy interests and the intense monotony, they are driven back upon their own evil thoughts and broodings. The worst curse of all and that which led to the ruin of many, was the vice of self-abuse, which was very prevalent. Owing to this and other features of the discipline, men came to Camp Hill after their long penal servitude sometimes in a very bitter, rebellious state, and nearly always in a dazed and stupified condition of mind. They naturally continued many of their bad habits, including the self-abuse, even under the better

[25] See pp. 672-85.

> conditions, and were not able to rise. They were already case-hardened, and many of them would hardly be able to benefit by the most kindly and humane treatment.

We believe these words to be a fair statement of the greatest drawback of the present system. The same criticism was made, in the form of anticipation, by so experienced a prison administrator as Dr. James Devon. Referring to the ordinary conditions of penal servitude and the necessity of an offender passing through them, before he qualified under the Prevention of Crime Act for preventive detention, Dr. Devon wrote in 1911:—

> To one who is not a legislator it appears foolish to insist that offenders should be placed under conditions which do not fit them to live honestly outside prison, and that the process should be repeated until they have become habitual criminals, *before* it is ordered that steps shall be taken for their reform.[26]

When the Prevention of Crime Bill was passing through the House of Commons, an amendment, allowing the convicting Court to impose a sentence of preventive detention *without* penal servitude, received large and influential support.[27] It was rejected by the Home Secretary, Lord Gladstone, on the ground that it would send a man "red hot from crime" direct to a treatment less penal than that of penal servitude, so that the worst type of criminal would be better off than more meritorious offenders, who were sent to penal servitude after a first or second offence. It must be admitted that there was considerable force in this objection. As will be indicated later, if preventive detention is the most effective way of reducing recidivism, the only logical course for the authorities would be to impose it, or allow it to be imposed, upon all convicted persons whom they regard as fit subjects for penal servitude.

In spite of the deficiencies we have indicated, however, there is no doubt as to the superiority, from the educative and reformative standpoint, of preventive detention over the convict system—assuming, that is to say, that the men who come under them are in a condition to be re-educated or reformed. The judgment of the highly intelligent ex-prisoner, whom we quoted on the last page is definite enough. This witness considered the Camp Hill treatment as an immense improvement on penal servitude. He thought it a reasonable plan to go through terms of probation in order to secure complete liberty finally, and that it was beneficial to work up to fuller and fuller privileges from an inferior status. His final verdict was that if there were proper instruction in trades, if the warders and some of the higher officers were a better type of men, and if a certain amount of red tape were swept away, then Camp Hill "would be something like a prison should

[26] "The Criminal and the Community," p. 290.

[27] It was urged by Sir William Collins that the insistence on penal servitude as part of the sentence emanated from "a bureaucratic commission" and not from the 1895 Departmental Committee. (See the Committee's recommendation quoted above on p. 442.)

be." This witness had no conception, of course, of the new penology which relies not so much upon good conditions, or even on good education and training, as upon the development of self-discipline and social conduct through the utmost possible provision of freedom and corporate responsibility.

Mr. Laurence Housman, after a prolonged personal investigation, has summed up for us in his report, as follows:—

> "From the foregoing it will be seen that the system, in its present application, is a milder form of treatment than that to which convicts sent to penal servitude have hitherto been subjected. The dietary is more ample, more varied, and of better quality; the cells, the beds, and the general conditions are more comfortable; the life is more varied; conversation and social intercourse are more freely permitted; the clothing is less degrading in character; and there is, at least in the Parole Lines, a very considerable escape from subservient routine and a beginning of self-order and self-discipline. . . . It may be said that with the exception of the longer period of imprisonment to which the convicted person becomes liable (a feature of severity rendered largely optional by the extended provisions for conditional release) there is no part of the treatment which does not show a more humane and sympathetic tendency toward the prisoner than the old penal servitude system; and we are thus faced by the fact that altogether with the option of an almost shorter sentence than he would otherwise receive (since, as stated above, judges have hitherto tended to give only the minimum of penal servitude as a preliminary) the hardened and 'hopeless' criminal is being presented with a prison treatment which at every point reduces the rigours of the system to which, when a less hardened criminal, he has to accustom himself. And if, in result, it can be shown that as large a proportion of preventive detention prisoners justify their conditional release by keeping straight, as penal servitude prisoners justify their ticket of leave, the argument for a further application of what we have described as the amenities of preventive detention becomes irresistible."

The New Method of Licence.

Before attempting to estimate the results of the Preventive Detention system upon the men who pass through it, some account must be given of the conditions under which they are licensed, when discharged from prison, as is usually the case, before the complete term of their sentence expires.[28] This conditional licence is an inherent part of the system; indeed it appears to be regarded by the authorities as the most important feature of it.

[28] The Prevention of Crime Act (Section 16) provides that the Home Secretary may at any time discharge absolutely any man who has been licensed. This is only done very exceptionally.

There is nothing to prevent the prison authorities from recommending and securing the almost immediate release of a prisoner, after he has passed from penal servitude to preventive detention, if his behaviour gives warrant for the supposition that his release will be attended by good results. The Commissioners inform us that the power of conditional release is very liberally exercised, a great proportion of the men being licensed "at a comparatively early period of their sentence."[29] But we believe that the practice is not to consider men for licence before they obtain the Special Grade, i.e., not earlier than the beginning of their third year.

On a man's discharge he is required by the terms of his licence: (1) to place himself under the supervision of the Central Association for the Aid of Discharged Convicts; (2) not to alter his address without permission; (3) to obey its instructions with regard to punctual and regular attendance at work and to report himself as required; (4) to abstain from any violation of the law, not to associate with persons of bad character, and to lead a sober, industrious life, to the satisfaction of the Association. If he commits a breach of these conditions, his licence may be revoked, and he may be sent back to Camp Hill prison for a further term of detention.

The Central Association, mentioned above, has had, since 1910, the duty of assisting all discharging convicts.[30] But the ordinary convict has, as a rule, to report to the police and is not under such supervision or conditions as obtain in the case of Camp Hill men. The Association has its officers and representatives, who see every man before his discharge, make arrangements for his lodging after release, and find him employment, providing him, so far as is necessary, with tools, equipment, or other outlay. It depends, for the quality of its work, upon a supply of voluntary "Associates" who are ready to take up these duties, to keep in touch with the men assigned to them, and act towards them, not so much as supervisors, as in the capacity of friends.

We have received evidence from a considerable number of witnesses—from ex-prisoners themselves, as well as from independent persons interested in helping them—as to the way in which the Central Association discharges its functions. Practically all our witnesses are unanimous as to the great superiority of the Association's methods over the old system of "police supervision," and as to the liberal manner in which it both gives moral and material assistance to the men, and also interprets the conditions of the licence conditions which in other hands might be made sufficiently galling. We have also reason to believe that most of the persons whom it secures for the very responsible task of "Associate" are men well worthy to bear the name of "prisoners' friend."

[29] P.C. Report, 1916-17, p. 13. During that year there were only 11 men who could not be recommended for licence before their sentences expired.

[30] It is worked from the same offices and with the same staff as the Borstal Association. See p. 432.

The Results of Preventive Detention as Compared with Penal Servitude.

What are the results, expressed in terms of the after-careers of the men involved, of the Camp Hill régime followed by the supervision of the Central Association? Remarkable results they appear to be, judged by all penal precedents. "Preventive detention has, so far," writes the chairman of the Camp Hill Advisory Board, "yielded much more favourable results than could have been originally expected."[31]

The usual annual returns given to the public as to the number of men discharged during any year, who were "satisfactory" or "unsatisfactory" at the end of that year, are of comparatively small value, as insufficient time has elapsed to show whether men will keep clear of fresh convictions. Fortunately, however, the reports of the Central Association for 1919 and 1920 give us more adequate information. In the 1919 Report, we read as follows:—

"A review has been taken of the progress of the first 200 men discharged from preventive detention and of their position on the 31st of March, 1919. The first of these men were discharged in September, 1912, and the last in 1917, so that a sufficient period has elapsed in every case to show whether the man has made a decided attempt to live honestly.

"Of these 200, no unsatisfactory report has been received concerning 135, that is over 67 per cent., and only 48, that is 24 per cent. have been re-convicted."[32]

A year later, owing probably to the difficulties of getting employment, the figures were not so good. We are, however, informed that "of the first 100 men discharged from preventive detention (all of whom have been at liberty over four years) 61 have incurred no further conviction;"[33] and that, of the 325 men in all discharged (on licence and for the first time) during the eight years 1912-1920, 105, i.e., 32 per cent. have been re-convicted of a further crime or crimes, and 220, i.e., 68 per cent. have incurred no further conviction; while of these last the conduct of 172, i.e., of 53 per cent. of the whole, has been good."[34] It is stated that, if a man keeps straight for the two or three years following his release, he scarcely ever relapses into crime.

[31] P.C. Report, 1918-19, p. 11.

[32] We are also informed that the large majority of those re-convicted were men who insisted on returning to their old residence and environment, instead of going to a new district.

[33] P.C. Report, 1919-20, p. 16.

[34] The mental and physical capacities of the average preventive detention prisoner appear to be very similar to those of the average recidivist convict. They are not, except very rarely, mentally deficient, but, as the Camp Hill medical officer tells us in his reports for 1913-14, the physique and the mental ability of many of them are below the average standard of "the hard-working free-labouring class." He admits that owing to this and to a certain amount of moral instability, many of them would find it difficult to earn a living outside prison. In 1914, out of 176 prisoners then under detention, 44 or 25 per cent. were only "fit for light or restricted work."—(1914 Report of Commissioners, Part 2, p. 130). And of those discharged during 1915-16, as many as 15½ per cent. were "unfit for ordinary laboring work."—(1916 Report of the Central Association, p. 5). These facts make the high percentage of men returned as doing well all the more remarkable.

In order to estimate the value of these figures, it is necessary to compare them with similar returns showing the after-careers of the ordinary "recidivist" convicts from Dartmoor or Portland, the class from which the Camp Hill men are drawn. The materials for any exact comparison are not supplied to us by the authorities, but there can be no doubt as to the much greater hopefulness, at any rate *prima facie*, of the preventive detention returns.

We are informed, for instance, that of 2,568 male *convicts* (including many "accidental" criminals, besides "habituals") *in custody in March, 1914, as many as 2,153 or 83 per cent. had been previously convicted (penal servitude or imprisonment), and only 415 or 16 per cent. not previously convicted.*[35] And during 1909-10 Mr. (now Sir) Basil H. Thomson conducted for the Commissioners an investigation into the after-careers of 4,568 convicts discharged during the five years, 1900 to 1904; i.e., a period of from five to 10 years was allowed, during which they might relapse into crime. The records showed that of the whole number—men of less hardened types as well as recidivists—only 1,386, or 30 per cent., had *not* been re-convicted; the 70 per cent. who had relapsed were composed almost wholly of confirmed recidivists. Of the recidivists (i.e., men of the preventive detention calibre) taken by themselves, 83 per cent. had been re-convicted, and only 697 *men or 17 per cent. had* not been re-convicted; and a *considerable proportion of this 17 per* cent. had either disappeared or were *dead*, or were in workhouses or asylums, or otherwise "*unsatisfactory.*"[36]

Matters had not improved very much by 1915, at any rate. For in the Report of the Central Association for that year it was stated that, of the convicts of all kinds discharged in the year 1911, only 46 per cent. had not been re-convicted during the years 1911-1915; 54 per cent. had been committed to prison again for some fresh offence. It may be confidently assumed that the percentage of convicts not re-convicted is principally composed of the much more hopeful "star" class, and that, therefore, the percentage of recidivists not reconvicted still remains very low.[37]

Compared with the results, in relation to recidivists, of the ordinary Convict prisons, the proportion of over 60 per cent. of preventive detention prisoners who have been saved from a further relapse into crime is certainly remarkable, even allowing for the "comparatively falling rate of recidivism" shown, as the Commissioners tell us in their 1920 Report, in the penal servitude population during recent years.

There is, indeed, room for a considerable difference of opinion as to how far the good results of preventive detention are due to the abnormal conditions caused by the great war, when even an ex-

[35] P.C. Report, 1913-14, p. 8.

[36] P.C. Report, 1909-10, pp. 104-105.

[37] Of the number of convicts discharged during 1920-21, and reconvicted during the same year, 89 per cent. are stated to belong to the recidivist class (P.C. Report, 1920-21, p. 23).

convict was either drafted automatically into the army or—assuming that he possessed a satisfactory military exemption certificate—was usually able to obtain lucrative employment with very little enquiry into his past record. For of the total number of 325 men discharged from Camp Hill from the outset up to May, 1920, well over 250 were discharged during the war, and less than 20 only before the war. The official figures, however, do not indicate any very large falling off in the high percentage of men who are doing well after conditional release from Camp Hill.[38] And if these old "habituals" are of the "incorrigibly criminal" class, to which they have been represented to belong, no amount of opportunities of good employment would be sufficient to deter them from fresh crimes.

We are justified, therefore, in forming the conclusion that, even with the drawbacks which we have indicated in the earlier portions of this chapter, the preventive detention system succeeds in reinstating twice or even three times as many of its "difficult and almost hopeless cases" as does penal servitude, when working upon the same "recidivist" material.[39] "Reinstatement in honest life is rather the rule than the exception" is the Prison Commissioners' conclusion in their 1919 Report.[40]

It is, of course, impossible to say in exactly what proportion these results are due to the differences of prison treatment under the respective systems, on the one hand, and to the difference in the conditions of licence and supervision after discharge, on the other. The reports of the Commissioners for 1919 and 1920, on the whole, suggest that their view is that the remarkable difference in favour of preventive detention is due chiefly to the superior merits of the after-care by the Central Association, and to the advantage of a *positive* licence requiring a man to earn an honest living "under kindly shepherding and supervision," as against a *negative* licence, which only requires him to report himself each month to the police and abstain from association with other criminals, etc. But it should be remembered that the kindly shepherding of the Association is equally available for all discharged convicts; indeed, a proportion of them (now about 14 per cent.)[41] are excused from reporting to the police. Our own view is that the greater measure of success obtained is due in a much greater degree to the state of mind in which they leave Camp Hill, and only in a less degree to the licensing and after-care, which, admirable as they are, would be

[38] The figures given by the Central Association in respect of the reconvictions of men discharged from preventive detention during 1920-21 are not nearly so good as in previous years (21 reconvicted out of 49). But the Association states that it is not fair to compare these results with those for 1912-20 given above; since (apart from the incitement to crime provided by the greatly increased difficulty of finding employment) it exceptionally happened that a considerable proportion of the 1920-21 discharges (24 out of 49) were not released on licence for the first time, but were either men discharged for the second time, after having had their licences previously revoked, or "expirees" owing to bad behaviour or physical or mental defect.

[39] A comparison of the results of preventive detention with those of Borstal is also most instructive. (See p. 435.)

[40] P.C. Report, 1918-19, p. 14.

[41] See p. 474.

ineffective as a restraining power upon the majority of convicts as they come direct from such a prison as Dartmoor has hitherto been. An ex-convict, who himself owed much to the assistance of the Association, commenting upon what he regarded as quite unreasonable prejudice against that body on the part of some of his fellows, states to us that "many of the convicts who leave prison are in a state of mind which prevents them from being helped by any Society; owing to the intense repression of prison life, their one idea, when they get out, is to have a 'fling' and indulge in every kind of dissipation—in spite of the Society and its agents, who naturally give them up as hopeless." The present writer has himself heard similar statements from the mouths of ex-convicts, with the addition of a vividly expressed desire that they might get their own back upon the authorities and society by committing a big enough depredation next time to make "another lagging" worth while. This kind of spirit does not appear to be so common amongst the men who have come away from Camp Hill; and we have reason to believe that the authorities have realised this fact and are prepared to give credit to the Camp Hill treatment for performing what a few years ago they would have regarded as a moral miracle.

The Habitual Criminal and Possibilities of Reform.

It seems desirable to illustrate here, by some quotations, how uniformly, before the Camp Hill experiment was tried, commissioners, governors, and chaplains asserted that the average professional criminal for whom it was intended was a practically hopeless and unreformable character.

It was, for instance, of this class of criminal that the Dartmoor prison chaplain wrote in his report for 1902:—

> Many seem to have given themselves up entirely to the powers of evil and are incredibly callous; even the better behaved class of prisoners speak of their wickedness as appalling; impervious themselves to all good influences, they should at least be prevented from contaminating others.[42]

In the same year (1902) the Commissioners, when outlining the scheme for preventive detention, write of "those older criminals, who, by a long course of repeated crime, have proved themselves indifferent to all reformatory influences and must be regarded as the enemies of society—men with regard to whom it is practically hopeless to expect that they will take warning from past punishment."[43] In their 1910 Report they referred to "the *residuum* of incorrigibility, whose anti-social instincts refuse to yield equally to the restraints of discipline and the appeals of religion and charity."[44] In their 1914 Report, again, the Commissioners laid emphasis upon the same "hopeless *residuum*," "the class of habitual offender who defies charity and baffles any effort made to restore him to honest life."[45]

[42] P.C. Report, 1901-2, p. 10
[43] P.C. Report, 1901-2, Part 1., p. 9.
[44] P.C. Report, 1909-10, p. 15.

And we find a highly intelligent ex-governor and medical officer, with a long experience of convicts, writing in 1910 as follows:—"It seems to be generally accepted that a person who deliberately adopts crime as his profession, and earns his living by it, is, to all intents and purposes, a moral incurable, 'whom the criminal law cannot either reform or deter from crime' (to use the words of the editor of the 'Judicial Statistics')."[46] The same prison administrator has told us in another volume how little hope he placed, by anticipation, in the re-educative possibilities of preventive detention, and has let us know, incidentally, the kind of valuation he places upon the personalities of convicts:—

> Habitual criminals have been hitherto so impervious to the teachings of reason and experience that it would almost appear that the only use to which they can be profitably put is to make them a warning to waverers by subjecting them to a more continuous form of restraint. They are already under heavy obligations to society for their maintenance in and out of prison, as well as for enormous sums spent in bringing them to justice; if they can be made to render this small social service of determent, it will be a trifling reparation to exact (*pace* humanitarians) in view of the valuable prospective advantages offered to them under preventive detention.[47]

These extracts refer to just that very type of man who, according to the official returns themselves, is, to a considerable extent at any rate, making good, and raising himself unmistakeably out of the category of "incorrigibles," of "enemies of society," "hopeless recidivists," "moral incurables," etc., under the new treatment accorded to him at Camp Hill as well as after discharge. In the words of the Prison Commissioners themselves, written in 1919, "so far as experience up-to-date shows, there is a reasonable chance that under the Camp Hill system the habitual criminal, however bad his record, can be successfully dealt with."[48] It is strange and tragic that the authorities should have so long held to the view that this incorrigibility was due to some inherent characteristic of the offender rather than in large part, at least, to the penal servitude and ticket-of-leave systems to which he was subjected.[49] If preventive detention has done nothing else, it has demonstrated the entire falsity of this idea, and opened the door for other experiments of an even better kind.

[45] P.C. Report, 1913-14, p. 11.
[46] Dr. R. F. Quinton, "Crime and Criminals," p. 75.
[47] Dr. R. F. Quinton, "The Modern Prison Curriculum," p. 49.
[48] P.C. Report, 1919, p. 14.
[49] Dr. James Devon, on the other hand declares that "when efforts to help a man result in failure, it is a safe working rule to assume that the fault is at least as much in the nature of the means employed as in the man. . . . The fact is that the offender is no more incorrigible than the reformer, and is sometimes not so stupid."—"The Criminal and the Community," p. 263.

The Proposed Extension of the System.

At present considerably over nine-tenths of those offenders, who are judged worthy of some severer punishment than a term of simple imprisonment (which must not exceed two years) are sentenced to penal servitude without preventive detention.[50] Commenting on this circumstance, and upon the remarkable success of the preventive detention system in dealing with the worst type of convicts, the Prison Commissioners, in their report of 1920, make the following remarkable statement:—

> The opinion is growing among those who actually handle this rebellious element, both while under detention and when released under the special form of conditional liberty prescribed by the Act [of 1908], that the time has come to extend the system, so that it may embrace not only those who come technically within the definition of habitual crime, but the great mass of the penal servitude population whose record shows that they belong indubitably to that class, and are in reality a danger to society.
>
> Having fully considered the matter, and being greatly concerned lest the effect of what we believe to be the very beneficent and protective effect of the Act may be lost through perhaps some legal defect in the definition, causing embarrassment to the Courts, we should be in favour of establishing the principle of Advisory Committees at all Convict prisons, to advise the Secretary of State as to any action he might think fit to take under Section 12 of the Act. That Section runs as follows:— "Where a person has been sentenced, whether before or after the passing of this Act, to penal servitude for a term of five years or upwards, and he appears to the Secretary of State to have been a habitual criminal within the meaning of this Act, the Secretary of State may, if he thinks fit, at any time after three years of the term of penal servitude have expired, commute the whole or any part of the residue of the sentence to a sentence of preventive detention, so, however, that the total term of the sentence when so commuted shall not exceed the term of penal servitude originally awarded." If it were found that the system worked successfully in the case of penal servitude for sentences of five years and over, *it might be extended to all terms of penal servitude* by a slight amendment of the Section. We should be glad if the Secretary of State would take these matters into consideration.[51]

In their report for 1920-21 the Commissioners announced that the Home Secretary had approved of their proposal and had authorised the establishment of an Advisory Committee to recommend convicts for Preventive Detention treatment. During the year the Committee submitted particulars of 18 convicts and in 16 cases the Home Secretary issued orders for their removal to Camp Hill.[52]

The 1919 Report of the Commissioners had already, it is well to notice, prepared the ground for this recommendation by the suggestion—in regard to preventive detention and to the principle of the indeterminate sentence as practised in America— that "for many of the crimes for which men are sentenced to penal servitude, it is neither necessary nor reasonable to inflict a long period of segregation under severe penal conditions," and that "a comparatively short period, followed by discharge on *positive* licence, with liability of forfeiture on relapse, would restore many men to normal conditions of life, before the habit of hard work had been blunted by imprisonment, and family and other ties broken, and would save large sums of public money now spent on imprisonment."[53]

The Commissioners' recommendation (italicised above by us) that the preventive detention system might be extended to *all* terms of penal servitude is a momentous one, and may well inaugurate a new and better epoch in the slowly moving development of prison reform in this country. Though it does not actually say as much, it distinctly implies that there is a case for the entire abolition or the very great curtailment of the preliminary period of three years' penal servitude now imposed upon men sentenced to preventive detention,[54] and imposed, as we have suggested above, with such disastrous results. This is not the place for a discussion of the difficult questions involved in the indeterminate sentence, or for a review of the comparative merits of the Camp Hill régime, with its careful regulation from above, as against, for instance, the system connected with the name of Thomas Mott Osborne, which hands over much of the responsibility for the management and occupation of the prisoners to the corporate direction of the men themselves and their elected representatives. It is, however, an unqualified blessing that in the minds of the authorities themselves the field is now apparently open for a sweeping away, for all outwardly manageable criminals, even for the worst of them, of the silent system and the other repressive abominations of Local and Convict prisons. It is impossible not to conclude that the Prison Commissioners are becoming persuaded, contrary to their own previous convictions and expectations, that a comparatively mild and educational régime, such as Camp Hill, under its present governor, provides, is a better protection against the relapse of "habituals" into crime than the stern repression of penal servitude. If the support of public opinion and of Parliament can be won, so as to secure the translation of this view into practice, a great step forward will have been taken in the direction of transforming our prisons into centres of re-education and of healing.

[50] In 1919-20 only 23 prisoners were sentenced to preventive detention following on penal servitude, whilst 434 received sentences of penal servitude.

[51] P.C. Report, 1919-20, pp. 16-17.

[52] P.C. Report, 1920-21, pp. 13 and 14.

[53] P.C. Report, 1918-19, p. 13.

[54] Under Section 13 (1) of the Prevention of Crime Act the Home Secretary already has the power to curtail this preliminary three years in particular cases.

SOME OF THE PRINCIPAL DEFECTS INDICATED IN THE PRECEDING CHAPTER.

1.—Before undergoing Preventive Detention the prisoners have previously suffered from the deteriorating and embittering effects of over two years of the penal servitude régime. The system of Preventive Detention does not therefore have a fair chance.

2.—The warders are drawn from the staffs of Convict prisons and are subject to the rigid discipline of the ordinary prison service. Both their previous training and their present status incapacitate them from influencing prisoners rightly, and from reporting judiciously upon the character of the prisoners in connection with the scheme of release on licence.

3.—The system of progressive grades and privileges tends to encourage "exemplary institutional behaviour" rather than to develop individual character and corporate responsibility among the men.

4.—There is no hospital accommodation at Camp Hill. Sick prisoners are taken to the hospital at Parkhurst prison, where they revert to convict dress and discipline.

5.—No wages are paid for industry. The gratuity of 3d. a day is utterly inadequate.

6.—The equipment of the engineering shop is poor.

7.—Paints and materials for hobbies may not be sent to prisoners, nor may prisoners lend or give such articles to each other.

8.—Lectures and concerts are too infrequent.

9.—Prisoners spend a great part of Sunday in cellular confinement.

10.—Despite the permissive character of Rule 15, prisoners who have had their licence revoked are almost invariably placed in the severe disciplinary grade.

11.—A man may be punished by being placed in the disciplinary grade not only on account of misconduct, but "because he is known to be exercising a bad influence on others." This may be a matter of physical or mental infirmity or bad upbringing, and not of the committal of wilful misdeeds.

CHAPTER XXVIII

THE CARE OF DISCHARGED PRISONERS.

We are unable in this volume to supplement our investigation into the prison system by any well-grounded estimate of the merits and deficiencies of the After-care system; but our report would be incomplete if we did not include some record of the efforts made to give discharged prisoners a new start in life and to keep them from committing further breaches of the law. The following account gives a bare outline, as accurate as we have been able to make it, of the existing provisions for After-care.

There are four official systems of aid to discharged prisoners (or After-care) in England and Wales, namely:—

1. A network of Discharged Prisoners' Aid Societies attached to Local prisons, certified by the Prison Commissioners, subsidised by the Treasury, and affiliated to a Central Discharged Prisoners' Aid Society with office in London. These Societies are supplemented by local "Borstal" Committees for prisoners under 21, and, in some cases, women under 25.
2. The supervision and aid by the Central Association for the Aid of Discharged Convicts (and associated societies and individuals) of convicts discharged on licence, usually under police supervision, for the rest of their sentence of penal servitude.
3. The supervision and aid by the Central Association for the Aid of Discharged Convicts of convicts released on licence from Preventive Detention.
4. The supervision and aid by the Borstal Association of inmates released on licence from Borstal Institutions.

The Aid of Discharged "Local" Prisoners.

Every Local prison has its Discharged Prisoners' Aid Society. Some prisons are served by more than one society. Bradford, for instance, has its Prisoners' Aid Society, but gets its discharged prisoners mostly from Leeds prison, not having the luxury of a prison of its own. In other places prisons have been closed, but the Prisoners' Aid Societies survive. There are also special societies for Roman Catholics, Jews, etc. All these societies are

affiliated to the Central Discharged Prisoners' Aid Society, being represented on its Executive Committee and at its annual conferences, and, at least in some cases, receiving financial help from it. The local Aid Societies are registered and given a certificate by the Prison Commissioners, receiving a capitation grant of one shilling per head of prisoners discharged during the year (exclusive of "modified Borstal" prisoners, who still draw gratuity), provided that they raise at least half as much by local subscriptions. The sum expended on any one prisoner must not exceed £2. The societies have for some time been asking for the capitation grant to be doubled, not, one would think, an unreasonable request. The following is an extract from the Regulations made at the Home Office for Local Discharged Prisoners' Aid Societies:—

151. The following conditions shall be complied with:—

(1) The affairs of the society shall be managed by a committee. The committee shall appoint a sub-committee who shall, if possible, meet weekly at the prison, in order to make provision for assisting prisoners due for discharge in the ensuing month or fortnight. The sub-committee should consist of *at least* one member of the Discharged Prisoners' Aid Society, to be selected by roster or otherwise, in addition to the official prison authorities. The governor, chaplain, priest, and minister of the prison shall be *ex-officio* members of the committee and of the sub-committee. Lady visitors shall also be members of both.

(2) Where the amount of work is sufficient, the society shall, if possible, appoint an agent or agents to act under their direction generally, and in particular:—

(a) to find employment for discharged prisoners.

(b) to find respectable lodgings or homes, in suitable cases, in which discharged prisoners may be placed and maintained.

(c) to visit, encourage, and report on the progress of all persons under the care of the society.

(d) to accompany prisoners to the railway station and see them off, if required.

(3) The payments and grants received from the Commissioners shall be expended for the benefit of prisoners and shall not be invested.

(4) The society

(a) shall render assistance to all deserving cases on discharge, irrespective of length of sentence; all prisoners being deemed to be eligible for assistance provided that they are, in other respects, worthy of the consideration of the society, special attention being paid to the longer sentenced prisoners who formerly earned gratuity;

(b) and may at any time render assistance to the wives and families of prisoners; such assistance shall be undertaken by Discharged Prisoners' Aid Societies, either alone or in co-operation with Charitable Associations.

(5) The society shall co-operate with the Borstal Committees in giving special attention to the assistance on discharge of persons treated under the "Modified" Borstal system. It shall receive and administer the gratuity earned by juvenile-adult prisoners.

(5) The Society shall assist all prisoners discharged from its own prison irrespective of the prison to which they were originally committed, and shall co-operate with other societies in such a way as may be deemed best for the assistance of prisoners.

Of the above Rules No. 151 (4) (b) was inserted at the request of the Central Discharged Prisoners' Aid Society in 1919, and the Prison Commissioners in the Report published that year, write:—

> The important question of dealing with the wives and families of prisoners whilst undergoing their punishment has been finally and satisfactorily dealt with by the Central Discharged Prisoners' Aid Society. Steps will be taken to ensure that, in the future, no deserving case will be overlooked, and the suffering that has been endured by hundreds of innocent women and little children will become a thing of the past.[1]

If this statement were true, it would be very good news indeed. But we are afraid that the Commissioners' prophecy is, to say the least, premature. At any rate, the practice varies in different localities. We know of one of the largest Aid Societies that has recently been forced, owing to financial difficulties, to suspend almost entirely the practice of helping prisoners' families during their sentence.

We are glad to hear of more than one prison where, when a married man is committed, his family is at once looked up and assisted, and it is to be hoped that this practice may, before long, become universal.[2]

Another matter in which the practice varies is in the visiting of prisoners and enquiring as to their needs and their wishes for the future. In all or almost all cases, it seems, the Honorary Secretary or the Society Agent visits every prisoner (usually in his cell) before he comes out. But in some prisons visits and conversations about the future seem to be begun earlier than in others.[3] Here is an account of "methods of work" taken from the report of one society, which is probably typical of most Aid Societies—at any rate of the best of them.

A card is hung in every cell telling the prisoner of the existence and objects of the Society, and that, if he needs advice or assistance, he should apply to see the governor, chaplain, priest minister, visiting justice, or the lady visitor. A sub-committee of the Society

[1] P.C. Report, 1918-19, p. 28.

[2] In some cases the prison chaplain acts as honorary secretary of the Prisoners' Aid Society; in all cases, probably, work connected with the Society takes up a good deal of his time. (Cp. pp. 193 and 194.)

[3] On the admitted importance of early visitation, see p. 200

meets weekly in the prison to decide cases brought before them.[4] The general committee meets once a month, reviews the sub-committee's work, deals with finance and exercises general oversight.

The hon. secretary, having seen and questioned the prisoner, proceeds to verify, as far as possible, his statements. Communication is made with the prisoner's friends, relatives, former employers, or other persons likely to be willing or able to assist him. Thus, by the day of the prisoner's discharge, the plan for dealing with his case has been fully and carefully decided upon. The agent attends daily at the prison at the hour that prisoners are discharged, and takes charge of those to whom assistance is to be given, and personally supervises the prisoner's fresh start in life. Where it seems likely to be helpful the hon. secretary writes about the outgoing prisoner to the local clergyman or minister of the denomination to which he belongs. The Society is in correspondence with a Sailors' Home and other agencies, and sends suitable cases to one or other of these, paying for rail journeys, lodgings, &c., until a berth is found on a ship, and for the shipping fee. Clothes, tools, &c., are paid for when required.

In some societies it is the agent who does most of the interviewing of prisoners, and he generally does a great deal of the work of preparing the way for them outside, visiting homes, finding work, etc. He does not always meet the prisoner at the gate, preferring sometimes to give the man an address to go to. In a few places the society, or some kindred society, keeps a workshop, where discharged prisoners can earn something while waiting for or looking for a job. There are also a few hostels or homes which take in women for a time. The Catholic Prisoners' Aid Society, in particular, makes use of such.

An active Discharged Prisoners' Aid Society does not depend only on its Honorary Secretary and official Agent or Agents, on its committee, and its lady visitors. It will find helpers and friends amongst other societies and individuals. One representative at a recent Central Society's Conference, reported that his society had correspondents in every market town of their district. Societies differ, as has been said, in the frequency and earliness of their

[4] "We are a
helpful perio
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as prisoners w
Senseless bull
had been delib
appeared being
ahyness of the
sharp command of the warder to put their hands palm inwards and straight down th
sides of their legs, almost jeered at by the committee for their inability to express their
selves, bullied for their slowness in re-employing the so much wanted power of speech
puzzled by impatient questions in language too educated for them to understand.—I lite
ally got hot with shame and longing to relieve them of some of their unnecessary di
comfort. The governor of the prison was, however, always courteous, and to some exter
sympathetic, and certainly had a great effect, when he was present, in making th
proceedings more humane."

that the prisoner's interview with the sub-committee is not always
te. One witness, who for a time acted as honorary agent for a Society
nce, which one hopes is exceptional, as follows:—"All were treated alike
umbers, and without the glimmer of a thought of their being fellow-men
for the use of power to cow and terrorise the unfortunate beings wh
up to their fate, was what I saw almost without exception, when the
'Aid Committee.' There, almost speechless with confusion and fear at
mpathetic faces of the committee, frequently startled by the sudde

visits; some seem to begin taking an interest in prisoners quite early, even as soon as they arrive. A few societies take a general interest in their prisons. The Birmingham Prisoners' Aid Society, for instance, takes a part in the arrangement of the periodic concerts and lectures for the prisoners, and we find the medical officer of the prison giving an address at an annual meeting of the society such as would rejoice the heart of a penal reformer.

A gratifying feature in the annual reports of the Aid Societies is the number of discharged prisoners who are stated to return to former employers, but an experienced official says that, generally speaking, "the ex-prisoner, if his record be known, is the last man to be engaged by the employer, and the first to be discharged."

The value of the work of a Discharged Prisoners' Aid Society naturally depends very largely upon the character and capacity of of its agents and of its workers generally. In the quality of their personnel the societies appear to vary greatly. Sometimes the agent is both earnest and efficient. In other cases he is quite unsuited for the post both by temperament and training. It ought to be evident that specially qualified persons are required for this work and that great care ought to be taken in their selection.

Two years being now the shortest sentence which admits to a Borstal Institution, juvenile-adults (16-21 years) sentenced to shorter terms of imprisonment go to ordinary prisons. For the after-care of these, Borstal Committees have been set up at all the Local prisons as adjuncts to the Discharged Prisoners' Aid Societies. Instead of capitation grants, they draw the gratuities granted to these young people, and spend them on their behalf. Considerable success has been achieved in starting a fair proportion of them at work and helping them to "keep steady."[5]

The Central Discharged Prisoners' Aid Society, with office in London (at present 26, Bedford Row, W.C. 1.), embraces all certified Discharged Prisoners' Aid Societies and consists of (a) every member of the committees of these societies, (b) three members nominated by the Prison Commission, (c) members co-opted at meetings of the Central Society, and (d) all members of the Central Executive Committee not comprised in (a), (b) and (c). The Central Executive Committee consists of (a) one representative member elected by each Discharged Prisoners' Aid Society (or two by a Society connected with a large prison), (b) six members selected by the Lady Visitors' Association, (c) the President of the Central Society, the Chairman and Vice-Chairman of the Reformatory and Refuge Union, and three members nominated by the Prison Commission (these are *ex-officio* members), and (d) 10 co-optative members, at least half of whom must reside outside a radius of 40 miles from London.

[5] See p. 300.

The Society must meet at least once, and the Committee at least twice a year in London or the provinces. The main objects of the Central Executive Committee are stated in the "Constitution and Rules" to be "to promote co-operation among the Societies, to consider subjects of common interest to them, to encourage the maintenance of a Discharged Prisoners' Aid Society in connection with every prison in England and Wales, and to provide a centre of information as to the best means of assisting youthful and other offenders." The work is largely done through sub-committees and the officers. Each Society is "invited to subscribe" one guinea a year.

The Central Committee keeps a list of societies willing to help in various portions of the work. The Central Discharged Prisoners' Aid Society obtains its funds from the balance taken over from its parent, the Reformatory and Refuge Union, grants from the Royal Society for the Assistance of Discharged Prisoners, interest on investments and a few subscriptions and donations. These last might be larger if it were more widely known that they would be acceptable. But the Central Committee is anxious not to prejudice the interests of local Societies.

The Licensing and Aid of Discharged Convicts.

Convicts—that is, prisoners sentenced to three years' or more penal servitude—can, by "good conduct" in prison, earn remission up to one-quarter of their sentences or, in the case of women, up to one-third. If a convict earns such remission in the ordinary way, "he is discharged on a licence (commonly known as a 'ticket-of-leave'), allowing him to be at large during the remainder of his sentence, on condition that he reports himself to the police of the place in which he resides on the day of his discharge and on the same day of every month following, and further reports to them any change of address which he may contemplate making. He is further bound by the terms of the licence to abstain from any violation of the law and from association with notoriously bad characters, and from leading an idle and dissolute life without visible means of obtaining an honest livelihood. This licence may be forfeited and he will then be liable to be returned to penal servitude for that period of his sentence which remained when he was licensed."[6]

The "negative" nature of these conditions of licence is frequently contrasted with the "positive" conditions of those licenced from Preventive Detention. A determined attempt has, however, been made to offer to the ordinary discharged convict such help in rehabilitating himself as will make it impossible for him "to say, with truth, on a subsequent trial that he has never had a chance."

[6] First Annual Report of the Central Association for the Aid of Discharged Convicts, 1912, p. 11.

In 1911, the Central Association for the Aid of Discharged Convicts was instituted, with the Home Secretary as president, the chairman of the Prison Commission as chairman of council, and Mr. (now Sir) Wemyss Grant-Wilson (hon. director of the Borstal Association) as director. (Its offices are at present at 15, Buckingham Street, Strand, W.C.2.) It is supported entirely by public funds. On the council are representatives of the leading societies engaged in the assistance of discharged convicts, the Catholic Prisoners' Aid Society, the Church Army Discharged Prisoners' Aid Society, the Church of England Temperance Society, the National Council of the Evangelical Free Churches, the United Synagogue Discharged Prisoners' Aid Society and the Wesleyan Prison Committee. The Association has many representatives or "Associates" in various parts of England and Wales, who undertake the work of befriending and supervising ex-convicts.

A notice is hung in the convict's cell "setting out the object of the Association, and inviting him to receive its representative in a frank and friendly spirit, so that he may be helped to make a good start." Every convict is visited privately by an officer of the Association before his release. If he accepts the offer of help, arrangements are made for his reception at the place to which he wishes to go, and " for such assistance being given him, in reason, as he desires"—lodgings, if he has no friends to go to, tools, clothes, and, if at all possible, employment. Some kind of aid is given to every convict, unless he refuses it or is certified to be fit only for treatment under the Poor Law. The Report of the Central Association for the year ended 31st March 1921, accounts for 462 male convicts and 30 women discharged to the care of the Association during the year as follows[7]:—

> Work was found for 140, who were provided with the necessary equipment; assistance in board and lodgings, tools, stock, or clothes was given to other 271. Assistance was not desired by 41, and it was not given to 10, nine of whom had been certified by the authorities as unlikely to be able to support themselves honestly owing to mental or physical defects, and were, therefore, cases for an Institution, while one was ill and was sent direct to a workhouse infirmary, where he died.
>
> Work was found for 12 women, who were provided with the necessary equipment. Assistance in board and lodgings and clothes was given to other five. Assistance beyond the amount of their gratuity was not required by 14. Assistance was refused by one. It should be noted that women sentenced to long terms of imprisonment still receive a daily sum (earned on good conduct) known as gratuity. The gratuity system has been abolished in men's prisons except at Camp Hill.

"The associate makes detailed reports to the Central Office," says the 1913 Report, "of the work done in helping the man and

[7] Op. cit. pp. 5 and 6. Women with sentences of five years or more may, if they wish, spend the last nine months on conditional licence in a home certified for the purpose. We have direct evidence of invaluable help being extended to women ex-convicts by the Central Association.

of his progress, and does not relax his efforts and interest until the man has become firmly established or has relapsed, or has proved to be fit only for assistance under the Poor Law."

Occasionally local Discharged Prisoners' Aid Societies help in this work; also Adult Schools, Guilds of Help, and other Societies or their members. The Central Association deals directly with some of the licensees, including all those sent to sea. Some of those helped are excused from reporting every month to the police.[a] Among some of those engaged in this work there is a strong feeling against police supervision and even against letting the police know that a discharged prisoner is coming to their neighbourhood. One experienced associate and social worker has made it a practice to refuse to take charge of a case, if the police are informed.

The Supervision of Ex-Convicts Released on Licence from Preventive Detention.

This is entirely in the hands of the Central Association for the Aid of Discharged Convicts, and has been described in the chapter on Preventive Detention.

The Borstal Association.

This has been dealt with in the chapter on "Borstal Institutions." The Borstal Association, with the Home Secretary as president, the chairman of the Prison Commission as vice-president, and Sir W. Grant-Wilson as honorary director,[b] is supported partly by voluntary subscriptions, the Treasury giving £2 for every £1 privately subscribed.

We indicate later some of the great difficulties which confront the [illegible]ers in these different societies in connection with their task [illegible]ning the ex-prisoner.[c] Whatever the defects of method a[illegible] [illegible]nery and of personnel may be, a great amount of good work [illegible]inly being done by the societies—good work, of which the r[illegible] would be far more durable if the influence of prison were not in such glaring opposition to the influence exerted by the man or woman who has the ex-prisoner's welfare at heart.

[a] The original proposal was, according to the P.C. Report for 1909-10 (page 16), to "remit the conditions of police report, so long as the licensee conforms to the guidance of the Central Association." It was afterwards stated that the reports to the police had only been remitted in the case of about 10 per cent of ex-convicts. At the present time, we are informed, this percentage has risen to about 14—i.e. one man in seven is exempted from reporting.

[b] Its address is the same as that of the Central Association for the Aid of Discharged Convicts, see p. 422 above.

[c] See pp. 515-17 and elsewhere.

PART II

THE EFFECTS OF THE PRISON SYSTEM

Chapter 1.—THE PROBLEM AND THE EVIDENCE.
" 2.—ADAPTATION TO THE SYSTEM.
" 3.—POLITICAL OFFENDERS.
" 4.—ORDINARY FIRST OFFENDERS.
" 5.—RECONVICTED PRISONERS.
" 6.—INSANITY AMONG PRISONERS.
" 7.—SUICIDE AND ATTEMPTED SUICIDE.
" 8.—SPECIFIC CAUSES OF DETERIORATION.
" 9.—GENERAL CONCLUSIONS.

CONCLUDING CHAPTER

SOCIETY AND THE OFFENDER

CHAPTER I

THE PROBLEM AND THE EVIDENCE

The English Prison System, in common with those of most other countries, aims at producing certain effects, first upon the prisoners and, second, indirectly, upon other persons with a predisposition to crime, who are presumed to be susceptible to the warning supplied by the punishment of the actual offenders.

The extent to which, in practice, the deterrent effect upon potential offenders is achieved cannot be made the subject of exact investigation. Judicial and criminal statistics afford an estimate, the accuracy of which is only specious and disputable. This aspect of the effects of the penal system is, therefore, not included within the scope of our enquiry, which is primarily concerned with the observed effects of prison discipline upon the mind and character of the prisoners.[1]

The Conflicting Views of the Effects.

Even within the limits so defined, and despite the strictly regulated conditions of prison life—the rigid uniformity and systematic supervision of detail, in which "nothing has been left to chance or is the outcome of neglect,"[2]—the evidence as to the mental and moral effects of imprisonment reveals a great diversity of opinion.

This diversity arises from two sources: first, from the actual differences in the effects of imprisonment upon the various types of prisoners, owing to dissimilarity in age, the nature of the sentence, and other concomitant circumstances; and in the second place, from differences in the methods of observation, and in the status and mental attitudes of those who have attempted to gauge the nature of the effects.

That prisoners differ among themselves in many ways that must occasion differences in the effects of imprisonment is admitted by every observer. There is, for instance, the young and inexperienced offender, who, under the stress of the first incidence of prison

[1] It should be clearly understood that the results of the Borstal and Preventive Detention systems (described on pp. 410-40 and 441-66) are not under discussion in this part of our book, which is solely concerned with the results of the Local and Convict prison régime.

[2] The work of the Prison Commissioners in taking over the prisons is thus described by Sir Godfrey Lushington to the Departmental Committee of 1863 (vide Report, p. 3), and his description gives a fair account of the mechanical rigidity which has been achieved and preserved ever since.

discipline, is unnerved and almost broken in spirit and mind, suffering intensely and apparently on the verge of collapse. Later on, we may find the same prisoner cheerful and self-possessed, thoroughly inured to the system and boasting to his companions that he can go through prison "standing on his head."

Among the long-sentence convicts there are some who to the end suffer acutely, recalcitrantly continuing to fight against the system, bitterly rebellious and perhaps ever afterwards vindictive. There is the occasional, or "accidental," offender, on whom a single sentence leaves a lasting imprint, fixing in him a certain undertone of melancholy and resentment, and who attributes to imprisonment a permanent impairment of physique and mental faculty. Some may never regain—in spite of a subsequent life of complete respectability—the standard of happiness and harmony experienced prior to imprisonment. There is another type, perhaps the most prominent in the average prison population, to whom the first experience of prison is but an introduction to a life of habitual crime. The only effect of his imprisonment has been to remove that fear of the unknown which formerly exercised a sufficient deterrent influence against the commission of grave offences.

That divergent views upon the effects of imprisonment arise also from the difference in the status of observers and from difference of outlook and of methods of enquiry, is equally clear.

In a previous chapter of this work we have endeavoured to summarise the declared aims and alleged results of the English prison system, as revealed in the utterances of those responsible for its administration.[3] The Prison Commissioners maintain, with some reservations, that the system is *sound in principle* and that it is reasonably effective in producing the desired results: i.e., prisoners are suitably punished on retributory principles, without impairment to body or mind; they are to some extent deterred from future crime and the system does in certain cases, reform; and lastly, whatever defects exist are being steadily eliminated in the course of internal reform. Outside the administration opinion is more critical; and the criticism ranges from the extreme of radical condemnation to a vague disquietude that all is not well with our treatment of the criminal.

Even with regard to the purely punitive aspect of prison discipline, voices are still to be heard in protest against "the pampering of criminals" and calling for an increased severity in the infliction of legal penalties. But while it is a matter of common knowledge that a certain type of habitual offender passes in and out of prison with comparative indifference,—even, in exceptional cases, preferring prison to Poor Law Institutions and Salvation Army Hostels or other places in which no intentional penal element is to be found,—it is more generally agreed that for the average human constitution

[3] See Chapter 4 of Part I. This chapter may with advantage be read as an introduction to Part II.

prison discipline is sufficiently, if not excessively, severe. This view is shared, at any rate up to a certain point, by the Prison Commissioners themselves.[4]

More important are the divergencies of opinion in relation to the "reformatory" aims and results of the present penal system.[5] The general impression that prison most signally fails to reform the criminal is relieved in the official literature by the recital of occasional "cases" in which such reformation is said to have occurred.[6] But signs are not lacking that the administrators of our prisons are themselves conscious of the slight extent to which prison is likely to exercise reformative influence.[7] Although they are apparently satisfied that a period of imprisonment does in certain cases, and to a certain extent, reform, there is a general tendency to relinquish any responsibility for the prisoner's reformation, and to adopt the point of view that "in prison we must be content, at any rate in the case of those with short sentences, if we have put them on the first step of the ladder towards reformation, leaving them to the good offices of after-care associations for a continuance of the good work."[8]

The principal contention of the critics of the present system, however, is not merely that it fails to effect the reformation of the criminal, nor merely that it wrongly transfers responsibility to after-care associations, but that it is itself responsible, in a large measure, for the creation of the habitual offender, and that it so impairs the mental and moral constitution of the prisoner as to render him more disposed to crime. Prison, it is asserted, is like "a machine which has the extraordinary faculty of doing nothing but making its own raw material."

Such differences of opinion must naturally arise where so many questions are regarded as adequately settled by mere "general impressions" and casual observation instead of by exact and systematic investigation conducted according to the accredited scientific method applied to other departments of life.[9] The present

[4] See, for instance, the protest in their Report for 1911-12 (p. 27) against the idea that prisons are too comfortable; and the discussion in their Report for 1902-3 (pp. 13-15) on the alleged attractiveness of prison to some of the tramp class, where they insist on the necessity of "guarding against the impression, which might be formed from the fact that a small section of the criminal community openly prefer prison to the workhouse, that therefore prison life is unduly attractive, that its conditions are not sufficiently rigorous, and that the whole edifice should be reconstructed to meet the special case of a few ne'er-do-wells who have lost all sense of self-respect, and to whom it is a matter of indifference whether they spend a few nights in a workhouse, a prison, or a barn."

[5] See Note to this chapter on the use of the word "reform," p. 484.

[6] Such cases are recorded from time to time in the Prison Commissioners' Reports. See, for instance, the Report for 1908-9, p. 38-9, Report for 1909-10, p. 35, and Report for 1912-13, p. 40. The discussion of this subject, however, is almost invariably vitiated by a failure to consider the extent to which such reforms are due to prison treatment, and to what extent in spite of it. See the Note on Beneficial Effects, pp. 498-500.

[7] We have already indicated this in more detail on pp. 80-82.

[8] Medical Commissioner's Report, P.C. Report, 1906, p. 38.

[9] The uniformity and standardisation of the conditions of prison life should have rendered the attempt to estimate the effects upon the mind comparatively easy, had such an attempt been made upon systematic and scientific lines.

enquiry aims at providing some preliminary material for such investigation. No exhaustive study of the problem has been possible and in view of the many restrictions imposed upon independent enquiry, and the extreme secrecy preserved with regard to the internal conditions of prison,[10] the evidence available is subject to certain inevitable limitations.

It has been impossible for the present writers to secure such direct and accurate knowledge of the prisoners' condition of mind as would be available to the investigator endowed with all facilities for entering prisons, observing the life of the prisoner, and applying such tests as would clearly reveal whatever changes might be taking place in his mental condition; but, from the scrutiny of such sources of information as were open, we have been able to draw certain conclusions which subsequent investigations will perhaps amplify and explain. Such sources of evidence as have been available may be classified broadly under three heads: official documents, the observations of unofficial students (including therein the researches of prison officials which have been published independently of official sanction), and, lastly, the evidence of those who have themselves experienced prison discipline. The separate consideration of these distinct sources of evidence is necessary in view of the special features which pertain to each, and which influence to a great degree the nature of the conclusions reached.

Evidence from Official Sources.

While the methods of systematic research have rarely been applied to the investigation of the mental and moral effects of imprisonment,[11] there have, nevertheless, been much labour and thought directed in other ways to the problem. Under the stimulus of criticism the Prison Commissioners have been at considerable pains to demonstrate the absence in imprisonment of any injurious effects upon the mind. Apart from the degree of bias which inevitably colours all evidence from this source the methods of investigation adopted render their conclusions unconvincing. The mere collection of opinions from the higher ranks only of the prison service,

[10] Cp. pp. 64-5 and 67-8.

[11] The classic researches of Dr. Charles Goring ("The English Convict—A Statistical Study," 1913), valuable as they are, do not afford an exception to this. The statistical investigation of the facts relating to the English convict was pursued primarily with a view to testing certain anthropological theories, not to examining the effects of imprisonment. It has been claimed by the present chairman of the Prison Commissioners (in his Preface to Dr. Goring's work) that incidentally to its main purpose, Dr. Goring's enquiry established the truth of the contention that prison treatment has no injurious effects upon the mind; but such a claim has not been generally admitted. As has been pointed out by Dr. Healy ("The Individual Delinquent," p. 312), Dr. Goring's assertion that "imprisonment, on the whole, has no apparent effect upon mentality as measured by intelligence," "is a very limited statement and not at all contradictory to the contention of all the other observers who have set forth the opposite," since "there are many mental conditions and effects, particularly such as may be correlated with immoral tendencies, which are not disclosed by simple intelligence tests." The more general conclusion that imprisonment has no serious effect upon the mind, so far from being established by the methods and data of Dr. Goring's investigation, is one that would depend for its confirmation or refutation upon methods of psychological enquiry which have been developed to a degree of practical utility only in the last few years.

governors, chaplains and medical officers, is in itself of little value.[12] The gulf of hostility and suspicion which usually separates the prisoner from the higher officials, the casual nature of every contact between them, and the decay of personal sympathy and understanding which seem almost invariably to result from long periods in the prison service all tend to close the minds of prison officials to facts immediately apparent to more impartial observers.

Concerning cellular confinement, for instance, a prison governor writes:—

> As to its alleged injurious effects on the prisoners themselves, I can safely say that the instances in which I found it necessary to recommend exception were extremely rare; that I never witnessed any of the dire results which are said to happen now; that the dramatic delineations of separate confinement presented to us lately are a complete revelation to me.[13]

Perhaps the principal reasons why injurious effects upon the mind pass unnoticed in prison lie in the facts that the absence of normal intercourse with prisoners prevents the officials from observing their state of mind, and that the high proportion of weak-minded and mentally abnormal types to be found there "renders less conspicuous the process of degeneration in those of a higher standard of mentality. In any case, evidence of this nature from prison officials stands in striking contradiction to the almost unanimous report of the prisoners themselves and of others who have carefully observed their condition of mind upon release. A further limitation of the value of official evidence lies in its preoccupation solely with the more extreme forms of mental aberration. Much evidence is amassed in the attempt to prove that prison discipline does not ever lead to insanity, but there is an almost complete disregard of the less pronounced effects upon the nervous system and the mind. This fact accords, moreover, with the characteristic features of the prison medical service, viz., its general disregard of the nervous system. The attitude of suspicion adopted towards prisoners' complaints results in a practical tendency to regard as a form of malingering every professed disorder in the prisoners which is not accompanied by unmistakable bodily symptoms.[14] Similar considerations tend greatly to depreciate the value of the general results of official observation. The evidence of

[12] As an instance of the methods adopted in the examination of the mental condition of prisoners, reference may be made to the manner in which statistics of feeble-mindedness are compiled. The medical officer of Leeds reported (P.C. Report, 1918-19, p. 15): "The statistics of feeble-minded prisoners called for must, I think, be more or less incomplete, as these cases are not diagnosable on sight—and to get really reliable numbers one would need to make systematic examination of prisoners by the Binet-Simon and other tests—a difficult matter, as each case takes a considerable time to complete. I imagine there are a good many more mental defectives than appear at first sight." Thus, such inquiries are conducted by casual inspection, and with a complete disregard of the only method by which figures of any value could be obtained. The figures actually arrived at naturally show an absolute divergence from those reported from similar institutions where exact methods are employed. (See p. 518.)

[13] Dr. R. F. Quinton, "Modern Prison Curriculum" (1912), p. 144.

[14] See p. 518.

[15] See pp. 15-16 and 256-60.

governors, medical officers and chaplains which merit most attention are not usually found in official publications, but are distributed through independent literature.

Evidence from Unofficial Sources.

In sociological literature there is much evidence to be gleaned which bears upon the mental and moral effects of imprisonment; but even here references are scattered, and incidental to other topics. It is, moreover, unfortunate, that writers in the field of criminological science have been chiefly preoccupied with the pathological characteristics of criminals, almost to the total disregard of the physically and mentally normal delinquent. They have also been concerned to a greater extent with the etiology of crime—its foundation in inherited defects and early environmental factors—than with the effects of various penal systems. But the prison system is essentially intended for the fully responsible and mentally normal offender, and to its operation the subject matter of these criminologists is irrelevant, except in so far as it may indicate those classes whose abnormality should remove them from penal treatment.

Any thorough-going investigation must attempt to estimate the relative influence upon the prisoner's subsequent career of two groups of factors: those relating (1) to the original causation of crime and to criminal "stigmata," and (2) to the influence of penal discipline upon the mind and character of the offender. In many criminals psycho-pathic antecedents are to be found, and in an even larger number of cases criminal habits have been formed, and a process of mental and moral degeneration has set in, long prior to the first imprisonment. Dr. William Healy comments specifically upon the difficulty of isolating the effects of these independent factors, adding, however, the assertion: *"But this thing is plain; if absolutely innocent individuals were put under prison conditions, they would tend to develop anti-social conceptions of conduct."*[16]

The Value of the Political Offender's Evidence.

Since this sentence was written, it has been possible to test its validity through the study of the effects of imprisonment upon individuals who are, at any rate, not sub-normal in their mental and physical constitution, and in whom the effects of incarceration are free from the complicating influence of the social stigma and other concomitants of conflict with the law. The imprisonment of men and women for political offences during the war, of conscientious objectors to war service, and of Irish Nationalists, has thrown a considerable amount of light upon the conditions of prison life and its effects upon mind and character—and although it would be

[16] "The Individual Delinquent" (1916), Section 225, p. 316. This is one of the very few works of recent years which attempts to make a scientific study of the mental effects of confinement in ordinary prisons. Dr. Healy's conclusions, though probably referring primarily to the conditions of American prisons, are also in the main applicable to those of our own, or indeed to those of almost any existing type of prison.

controversial to describe such prisoners as "absolutely innocent individuals," they are sufficiently free from ingrained criminal habits to conform with the requirements of Dr. Healy's hypothesis, or at any rate to provide evidence which is supplementary in many useful ways to that derived from the study of ordinary criminals.

Since much of the ensuing evidence has been derived from such political offenders, a few comments may be made here upon its significance. The primary significance of the evidence of political offenders lies in the fact that the mental effects observed in the course of imprisonment can be more easily isolated from the consequences of previous habits of crime, congenital abnormalities, and such concomitants of imprisonment as social ostracism in its varying forms; the last, in the case of the ordinary offender, being one of the most potent forces in the formation of criminal associations leading to the repetition of offences. In the second place, it may be noted that political offenders usually possess some facility and readiness to express themselves upon the subject of their prison experiences; whereas the ordinary offender is often either unable or disinclined to express himself clearly upon this matter. The evidence given by political offenders has a greater completeness, consistency, and accuracy, and it has the special value which arises from the relative simplicity and uniformity of the conditions under which it is obtainable and the comparative normality and moral responsibility of this class of offender. It has fortunately been possible to find among such offenders many whose accounts constitute a carefully weighed and balanced judgment, free from any serious degree of distortion on the score of prejudice or resentment.

It is impossible to estimate purely in the abstract the differing effects of imprisonment upon political offenders and other types of criminals; the relevant evidence tends to show that such differences are much less clearly marked than *a priori* considerations would suggest. It has frequently been supposed that imprisonment is more painful to the political offender than to the ordinary criminal, owing to the former being accustomed, as a rule, to more comfortable surroundings and a higher standard of life. This view arises probably from the fact that many of the political offenders, whose experiences have been published, have been poets, idealists, and men of refined susceptibilities; it is probably fair to assume that such are endowed with a specially sensitive constitution. But to base any general distinction upon the prominence of this particular type of political offender is to ignore both the hardy stoic and the much larger class whose political outlook has to a great extent been conditioned by the hardships and privations of their ordinary life.

A considerable number of political offenders have emphatically asserted that the sufferings of the ordinary offender were in their view greater than their own. Indeed, it is frequently suggested that prison involves comparatively little hardship to those who are endowed with intellectual resources, and are sustained by their belief

in a cause. There is much to corroborate this view, so that it becomes of the utmost difficulty to make any generalisation as to which type of prisoner, among first offenders at any rate, experiences the greater suffering.

But this question is of a less importance than that of other effects of imprisonment. The aspects of prison life to which the present enquiry has been particularly directed are those affecting the mental powers and character of the prisoner; and there is every reason to suppose that the impairment of morale which occurs in the case of many prisoners, and the factors in prison life bearing most upon the problem of recidivism, are of less significance in the case of the political prisoner. The greater resources of the latter, his ideals and his interests, are sufficient to protect him from the dangers of contamination and the effects of prison discipline which render the weaker type of offender more prone to future temptation. The political offender, moreover, resumes his previous life without meeting to the same extent the difficulties which beset the ordinary criminal.

Official investigations undoubtedly owe many of their obvious shortcomings to the complete exclusion of the evidence of prisoners. The wholesale disregard of a prisoner's statements, however necessary it may appear in the interests of prison discipline,[17] is wholly unwarranted in an impartial investigation; certainly no sympathetic student of criminal science can find it possible to ignore the evidence of the offender himself. The murderer is not necessarily untruthful, and to the unconscious distortions which arise from prejudice all men are liable. Subject to the conditions which affect the credibility of testimony in general, the prisoner's evidence is no less trustworthy than that of other witnesses.[18]

Evidence from Persons Familiar with Discharged Prisoners.

It is desirable, however, whenever possible, to test and supplement the records and allegations of those who have experienced at first hand the effects of prison discipline by reference to the evidence of external observers. No one should be able to supply more valuable information as to the condition of mind of a prisoner after a period of imprisonment than those whose life-work it is to assist him upon his release in regaining his lost social status and in applying himself to honest labour. To some of the agents of the various Discharged Prisoners' Aid Societies, and to other social workers with long

[17] It is attested both by prisoners and warders that in the case of any difference between a prisoner and an official, the prisoner's word is never accepted in contradiction to that of his superior officer. This principle appears to apply with equal force in the collection of official evidence on any subject.

[18] "Doubtless some will say that the statements of convicts are not to be believed. That touches upon one of the very worst features of the situation. No discrimination is ever made. It is not admitted that, while one convict may be a liar, another may be entirely truthful; that men differ in prison exactly as in the world outside."—Thomas Mott Osborne, "Within Prison Walls," 1915, p. 185.

"I have found very few prisoners who wilfully sought to deceive me when they knew why I sought information from them."—Devon, "The Criminal and the Community," p. 46.

experience in such work, this enquiry is deeply indebted. Whilst the administrative official naturally *feels* a certain responsibility to the system and tends unconsciously to adjust his evidence so as to rebut suspicion of the injurious effects of imprisonment; whilst resentment or bitterness against the treatment suffered may bias the evidence of the prisoner in an opposite direction, the independent position of the experienced worker amongst discharged prisoners invests his judgment with comparative fairness and impartiality. Even here, however, we have to reckon with the fact that many of these workers, however, sincere their intention, have inherited, with others of us, a tendency to accept the *status quo* in penal procedure, and therefore to judge results *in relation to the given fact* of prison instead of examining them in the light of what might have been possible under a more humane and educational system.

Upon a survey of these various sources of evidence, as wide as it has been possible to make it, the following investigation is based.

A Note on the Use of the Word "Reform."

We use the words "reform" and "reformative" in this Enquiry for the sake of convenience, since they are commonly employed in the literature of the subject to express the more beneficent aims of the existing penal and prison systems, aims which may charitably be supposed to include what we should ourselves regard as the proper objects (apart from any necessary restrictions upon their liberty) of any satisfactory method of dealing with law-breakers, viz., the helping of a fellow-creature to reach the fullest and healthiest development of his whole nature possible to him under the restrictions of his environment.

There appears to be no thoroughly satisfactory term to express this conception—that of helping a man to help or develop himself. The expression "reform" (together with *certain other words* beginning with the prefix re-) is unsatisfactory for several reasons. It seems to us to imply, on the side of those who use it, too distant and superior an attitude towards the offender—an attitude that is a poor substitute for the reverence due to human personality; and also an over-estimating of the part played by the administrators of any penal or prison system in shaping the *inner life of their prisoners*. Regeneration must always come from within. The term "reform" is also only strictly applicable to a certain proportion of the prison population—those who have really erred or fallen, *and who need some form of curative* or "re-educative" treatment. Under present conditions the prison population includes some whose morality is well above the average ethical standard of the community; and it includes many who *cannot* be said to have fallen from the standards of good citizenship, for the simple reason that, owing to their unhappy environment or upbringing, they have never had a *fair* opportunity of qualifying for such standards. It appears to us to be misleading to speak of "reforming" either of these classes of individuals. For these reasons it is with some reluctance that we use the word at all.

CHAPTER II

ADAPTATION TO THE SYSTEM

WHILST it is true that the most significant factors in prison discipline consist in the denial or restriction of the satisfactions of the simplest and most universal human needs—liberty, association, social desires, speech, and useful employment, it is nevertheless only natural that the force of these restrictions should fall with unequal weight upon persons of different types. The effects of any set of conditions, however standardised and uniform, will vary according to the temperaments, habits, and past experience of those upon whom it operates. But no classification of temperament or of experience can be wholly satisfactory.

It is generally admitted nowadays that the "criminal type" of Lombroso is a figment of the theoretical imagination, and that the denizens of prisons are men and women of like passions to ourselves, that the differences between us are more of degree than of kind,—the average weight of prisoners is less than our average weight, their average stature is less than ours, and the standard of intelligence prevailing in prisons is lower than that of the ordinary population: so much difference, but no more.[1] Clearly, then, any absolute classification of prison types, corresponding as it would, in the main, with a classification of the general types of human nature as a whole, would be out of place in an enquiry of this special nature. It is, however, possible to adopt a purely provisional and empirical division of prisoners in specific relation to the effects of prison discipline.

THE "SENSITIVE" AND "HARDENED" TYPES OF PRISONERS.

A prison is essentially an abnormal environment distinguished in many important respects from the ordinary surroundings of man, an environment calling for the exercise of qualities of mind and character not employed to the same extent under the ordinary conditions of freedom, and conversely excluding other qualities from any form of exercise at all. Just in so far as the conditions of life in prison differ from those in the previous experience of the prisoner, so far will imprisonment demand a process of general, and more particularly of *mental, adaptation*. It is in the power of adaptation that enormous differences are found to exist in different prisoners, and it is in this process—in the degree of success or failure to adapt

[1] Such may be taken as perhaps the chief positive contribution of Dr. Goring's investigation. (See "The English Convict," p. 370). There are also statements in the Prison Commissioners' Report to the same effect. See pp. 89 and 251 above.

—that we find the conditions of those mental and moral effects which are the subject of this study.

If, therefore, we describe those who are unable easily to adapt themselves to the conditions of prison life, those who suffer from the conflict of their temperament with this environment, as constituting the *"sensitive type,"* and those who through natural coarseness of fibre, pliancy of will, or long inurement to hardship become able to adapt themselves with ease to the privations of prison life as constituting the *"hardened type,"* we shall thereby include the whole of the prison population. It is obvious, however, that the difference is largely one of degree, the two terms representing rather the extremes between which prisoners are ranged in an almost infinite number of gradations. This division is one that appears equally clearly whether we consider the reports given by competent observers, or the personal records of experience given us by those who have passed through the system.

It should be noted, however, that the distinction between the sensitive and the "hardened" prisoner does not necessarily correspond to any other distinction either according to social class, type of crime, or degree of moral degradation. Many highly educated accidental offenders and political prisoners have given evidence to the effect that they found themselves readily adaptable to prison conditions. The "hardened *criminal*," moreover, who in the usual sense of the word is confirmed in vicious proclivities, does not necessarily fall into the class of "hardened" *prisoners*. It is true that as a rule he does; but he may be as fully sensitive to penal discipline as is the first offender, and it may be only after repeated or prolonged imprisonment that he becomes hardened to prison conditions. There is much to suggest, indeed, that the hardening of the prisoner is a by no means negligible factor in the creation of the hardened criminal. That some relation exists between the two cases is obvious, and it arises from the fact that the distinction between the sensitive and the "hardened" prisoner is relative and mutable: mutable, that is, in the sense that the sensitive tends to become, in course of time, the "hardened," i.e. the prisoner becomes adapted to prison. The reverse process naturally scarcely ever occurs.[2]

The Process of Adaptation.

It may also be noted here that in general the sufferings undergone by the prisoner are limited to the period before adaptation is com

[2] It is true that the more obvious signs of maladaptation such as nervous breakdow may not appear till after a considerable time has elapsed, during which the prisoner i apparently calm and adapted to the conditions of prison life. This is often the case wit the more highly-educated prisoners, who are sustained by their internal resources, and wit some of the political offenders who occupy themselves in "fighting the system." In the course of time internal resources become exhausted and the will to fight against the system becomes impaired. The cumulative effect of prison discipline may then begin to tell, and a nervous breakdown may ensue. Such cases are contrasted with those of genuine adaptation. The latter depend neither upon internal resources nor on other extraneous interests. The satisfactions of the adapted prisoner are found within the prison system. It is sometimes described as a system of non-desire. When this condition of apathy is reached, reversion to the earlier state of mind is unlikely to occur.

plete. The type of the perfectly adapted prisoner is the aged recidivist who has spent, perhaps, the greater portion of his life within prison walls. Instances are frequently quoted of such men who, upon release, are positively unhappy and take immediate or early steps to effect a return to gaol. In prison they are contented and at peace. It follows, therefore, that the more rapidly this condition of mind is acquired, the sooner the penal and deterrent effect of imprisonment is exhausted, and, conversely the more protracted the process of adaptation, the greater the suffering involved.

This law of adaptation (for the process of hardening, operating upon the originally more or less sensitive condition of the prisoner, invariably characterises prison life) is but a particular example of the way in which man under any circumstances tends to adapt himself to an unusual but unalterable environment; and thus we may comprehend all the mental and moral effects of imprisonment within the formula of "adaptation."

"Prison," it is said, "makes the good prisoner rather than the good citizen." In this sentence the process of adaptation is concisely described. The good prisoner is essentially of the adapted "hardened" type. To him prison is no very great misfortune. His sufferings are not acute, and he has adjusted his desires to the measure of the possible satisfactions. He is fed, clothed and sheltered, and beyond these elemental needs he has acquired a certain simplicity of tastes, so that the limitations of prison life are hardships which have grown tolerable by use. His fellow prisoners have become his normal associates, and he knows the ropes sufficiently well to secure all that he needs in the way of conversation and association. Such is the prison life of the recidivist and the professional criminal. Their habitual condition of mind is probably due in part to natural disposition, in part to inurement to hardship under the normal conditions of life, but to a considerable degree it is directly due, as we shall attempt to show, to the character of the prison system itself.

The ability to "do time on one's head" (as the phrase goes) is not learned in a day, nor is it wholly acquired in a normal life of freedom. The completely prison-hardened type is very rarely to be found amongst those serving their first sentence. Most of these contented prisoners were "sensitive" when first offenders, a category in which the sensitive type is much more prevalent, and it is here that we must study the good prisoner in the making.

Among first offenders many differences are naturally to be found, but excessive subdivision would only obscure the underlying identity of experience, which is, in fact, to be observed. It is sufficient for our present purpose to distinguish the political from the more usual type of first offender.

CHAPTER III

POLITICAL OFFENDERS

THE offenders from whom the evidence in this chapter is in the main derived, consist of men of from 20 to 40 years of age, who have been subjected to imprisonment with hard labour for a period of 12 months or more.[1]

The process of adaptation to prison conditions in the case of these political offenders is usually more protracted than in the case of juvenile offenders, and of prisoners of undeveloped mental powers; but there is no evidence that it differs in any important respect from the same process in the case of the ordinary offender of average mentality, whose first imprisonment occurs within the ages specified above.

The study of this process, by means of such records as have been preserved in diaries or subsequent descriptions, irresistibly suggests that it is one of steady deterioration. The deterioration in its main features is practically universal. In certain cases it has been possible to trace this process through a series of fairly well marked stages, the general features of which are also recognisable from external observation.

MENTAL EFFECTS IN THE FIRST STAGE: EXCITATION.

Prisoners differ very widely in respect of their behaviour and their experiences in the early days of imprisonment, but this first stage has nevertheless certain general characteristics. *It is a period of excitation. The mental powers of the prisoner are, as a whole, stimulated or heightened.* That is, whether it be one of misery or otherwise, whatever its particular emotional tone, the prisoner notices in himself an acceleration of mental activity and of emotional response. The phenomena range in intensity from a condition distinctly hysterical to a moderate activity such as is often subjectively interpreted as "intense curiosity in the novelty of the situation." Whilst the reasons given for this increased subjective activity are

[1] The evidence given by political offenders relates primarily to the first experience of prison discipline, but, for reasons appearing in the sequel, there are fewer differences between the mental effects of the first term and those of subsequent terms of imprisonment in the case of political offenders than in the case of ordinary offenders. Nearly all the witnesses quoted in this section were conscientious objectors to the Military Service Acts, imprisoned from 1916 to 1919 by successive and consecutive sentences of court-martial, who, for various reasons, refused the offer of work in England under the Home Office, which would have secured their release. Their sentences were served in the third division with hard labour; but from the end of 1917 a few privileges (of which the most important was the "talking exercise") were conceded under Rule 245A to those who had served at least 12 months. (See pp. 222-24.)

by no means the same in every case, the fact itself is universally attested. Occasionally the excitement is regarded as being by no means painful; more frequently it involves a great intensity of suffering.[2] It is no doubt during this phase that the more observant prison chaplains and warders find prisoners sensitive and responsive to sympathy and humanising influences.

The official instructions in regard to the risk of suicide among prisoners refer specifically to this period as being more dangerous than any other;[2] and in many of the personal experiences described by political offenders, explicit mention is made of symptoms occurring during this period which suggest the incipient stages of serious nervous breakdown.

> Solitary confinement with Bible and Prayer Book developed a religious mania in a mild form. . . . a militant semi-insanity took possession of me. I refused all discipline. Later I became morbid and moody.

Another remarks, "I had one or two strange visions which are to me even now almost unaccounted for."

> "Roughly," writes another, "the period of solitary confinement was a hysterical one, and the rest of the first year one of doggedness and a kind of misery, above which I was continually floating in waves of inspiration when I thought of certain people and certain ideals."

THE SECOND STAGE: "MAKING THE BEST OF IT."

Arising out of this quite spontaneous phase of exaggerated mental activity, there is frequently a conscious, deliberate, and systematic attempt to occupy the time in some profitable way, to employ the period of solitary confinement just in the manner in which it was intended to be used by those who originated it. Social activity being excluded, this attempt naturally takes the form of some species of self-culture. The highly educated prisoner embarks, so far as the resources of prison permit, upon a course of study; a man whose religious nature is strong attempts to cultivate his spiritual life. Some prisoners apply themselves to physical exercises. The activity in all cases tends to become self-centred and introspective.

Examples of this second phase of prison experience will occur in later quotations. It is important, of course, in relation to the alleged curative or reformatory influences in prison; but it should be noted that most of the evidence on this point comes from the more highly educated prisoners. It plays a much smaller part in the life of the ordinary offender, whose mental life quickly reaches the third phase.

THE THIRD STAGE: DETERIORATION.

The arrival of the third period of prison adaptation is marked by the decline of profitable reflection or attempts at self-culture. This results in part from the exhaustion of the prisoner's internal and external resources. The routine has lost the interest of novelty,

[2] See pp. 555-55.

and definitely cultivated interests wane. Those who relied most upon their intellectual resources are unanimous in declaring how soon they found themselves drifting into mere dreaming or vacuity of mind. Mental activity, they assert, ceases from lack of stimulus, lack of variety, lack of discussion and criticism, and lack of opportunity for expression. They find themselves thinking the same thoughts over and over again, reaching a point at which the difficulties in concentration are insuperable.

This cessation of directed thinking seems to be due not merely to "mental starvation," but also, in part at least, to the definite intrusion of thoughts and images which are irrelevant to the subject upon which the prisoner is endeavouring to concentrate. Thoughts of food, of liberty, of all the unsatisfied desires tend more and more to occupy the mind.[3] "Profitable reflection" is pursued only at the cost of increasing effort. The mind perpetually drifts to other things or is monopolised by obsessional ideas, tunes, and the assertion of trivialities. "Day-dreaming" is recorded as being the most frequent occupation of the mind. Memories of childhood spring surprisingly into consciousness, and replace the more definitely cultivated interests. Side by side with this change of mental content there occurs an encroachment of moods of depression.

In many cases it is this third or intermediate period which involves the greatest suffering, and the prisoner's distress is probably increased and prolonged when he deliberately resists the process of deterioration. It certainly appears that those who abandon effort and give themselves over to dreaming more rapidly fall into that condition of torpor and indifference in which prison discipline ceases to be a pain. Conversely, it appears that those who struggle most to maintain a vigorous mental life are frequently those who in the end suffer from nervous breakdown.[4] During this period, depression alternates with phases of excitement or exaggerated emotion, and the prisoner is in a state of heightened irritability, which may express itself in petty breaches of discipline or in violent fits of rage, occasioning quarrels or assaults, or the breaking of the cell furniture. Perhaps the greater part of the malingering, petitioning and frivolous complaints with which the prisoner annoys the authorities are primarily an expression of this irritability and of the prisoner's desire to assert himself or to relieve the monotony of his life.

The Fourth Stage: Apathy.

The final stage in this process of degeneration is one of settled apathy and torpor. It seems to be a state of relative "non-desire," in which all vital functions are performed with an absence of energy

[3] In the case of most non-political prisoners, sexual and criminal ideas are prominent features of the mental content. The emotional repression, conflict, and isolation accentuate sexual impulses in all types of prisoners. See Note on "The Effects of Imprisonment upon the Sexual Life," pp. 586-589.

[4] A nerve specialist states that these predictions are exactly paralleled by the incidence of "war shock" breakdown, in its relation to preceding mental struggles. "The worst cases are those that have struggled most."

or tone. The routine goes on mechanically, and the passage of time is no longer noticed. Externally the prisoner appears to be calm and free from suffering. Whatever discomfort is felt is of the nature of a sense of weakness and weariness, but, in so far as prison life makes no great demands for energy or interest, this is not felt as undesirable, and the freedom from responsibility or necessity for effort may come in time to be positively preferred to any more active mode of life.

Some Personal Descriptions.

The course of this process of mental decay has been described in considerable detail in the published records of ex-prisoners and in private communications. The following extracts have been selected merely for illustration. Each extract is quite independent, and in every case typical and of general significance. Mere idiosyncrasies of personal experience, or those due to special or unusual circumstances, have been excluded. Our first witness writes as follows:—

I.

Every day in prison brings its hour of desperation. When the cell door has closed on the prisoner for the first time, he experiences a sense of relief. The worst has happened, and he takes also just a little pleasure in the novelty of the situation he finds himself in. But the continual closing and locking of the cell door has its effect.[5] My experience is a common one, I fear. On the two occasions I have been confined in prison, the climax was reached on the fifth day after my entrance. My brain began to repeat, automatically, like a telegraph instrument ticking out a message, the words: "You can't get out. You can't get out." And, if I may use the simile, the instrument increased its speed continually until the fifth day. The words clicked faster and faster. I worked at my task like a madman, hoping that, by the wearing down of the body, I might overcome the persistence of the brain. On the evening of the fifth day I was, on the first occasion, saved from a fit of insanity by the appearance of the chaplain, who stayed and discussed Socialism with me. On the second occasion, salvation came through the knowledge that the cell door, though closed, was not locked. Because I could get out, one part of me was able to hold out against the other part of me.

But in this kind of warfare there is no victory. A snatch of a tune heard in chapel, or a sentence from a prayer, takes its lodging in the brain. It repeats itself and repeats itself endlessly. This quite surely marks the beginning of what I will call "prison aberration." Such an experience is quite common among prisoners. The things one has learned in the past fade away from the memory. Names, even of personal friends and familiar districts, become forgotten, and that which insists on being remembered is a few notes of music, a few words, a mere nothing.

II.

"A person who has been observant and reflective," writes another political offender, "finds plenty in his mind to think over for a month or two, but I found as time went on a narrowing down of mind and memory. The same thoughts used to come over and over again until

[5] The constant locking and unlocking of the cell door appears to be a frequent source of nerve irritation to prisoners.

there became a kind of circle, as it were, outside which I could seldom get. The same with a tune, sameness was incessant, and one feels "Oh, for some new live experience—my kingdom for a new song." Any news which one may get is taken out of all proportion to its relative importance in the world. I found my memory becoming affected after about two years' imprisonment, and remember one occasion, after I had done about 30 months, when one evening in my cell my mind seemed to become a blank. I could not think what I was doing there, could not think of my name.

The obsession of tunes, etc., is almost universal, whilst the curious lapse of memory is only a slightly more extreme example of what is reported in a large number of cases. The prisoner was, in all probability, extremely close to a definite nervous breakdown.

Another carefully recorded sequence of mental changes runs as follows:—

III.

A certain amount of solitary confinement I found pleasant and restful. It gave one a chance of dreaming a little. As time goes on, however, one becomes faced with two alternatives: either one can go on dreaming, in which case one's mind stagnates, or one can attempt to force oneself to think. In the latter case one is very soon at the end of one's stock of ideas. . . . . I was humiliated to find how small was the number of things I could find to think about in spite of the fact that all my previous life had been occupied in studying. Always one's thoughts seemed to come round to the same point and get stuck there.

Naturally in these circumstances one tends to brood over one's personal grievances, even the most trivial, which become magnified until they fill the whole of one's thoughts.

The general tendency for the prisoner to abandon himself to dreams and reverie is mentioned by most of those whose prison thoughts have been recorded.

At times, a tendency to draw away from life, and dream—an increasing feeling of restlessness, and inability to settle down to any study.

In the following account this point, together with others that have been mentioned, is subjected to a more exhaustive analysis:—

IV.

I found it very difficult to concentrate my mind or interest myself in any subject. At first it took the form of one's mind wandering from the book one was reading to scenes of life outside. . . . One's mind would be filled with an image usually of a dinner table round which one's friends were gathered. Often I attempted to turn the stream of their imaginary conversation on to problems in which I was interested. At first it was possible to achieve a measure of success, but this gradually became more and more impossible. After 12 months or thereabouts I became incapable of imagining intelligent conversation. There was no play of mind, no variety, no wit and humour, merely the same animal appetite under the same thin disguise. . . .

When engaged in reflection I found it impossible to keep to the subject I started with. Two or three aspects of the problem would present themselves always in regular alternation, pro and con, and then my mind would wander. I know I made desperate efforts to prevent this. . . . . Every time I wanted to settle down to philosophising it needed a great effort that was very difficult to make. The power necessary to make this effort seemed to grow less and less as imprisonment wore on. During the last nine months the power seemed altogether gone.

The chief obstacle was this: As soon as one's mind wandered and one was plunged in reverie one's prison life was forgotten. For the time being one was at rest, free from all fret and from that peculiar prison wretchedness which is unlike anything else ever experienced outside. I argued to myself that this reverie was bad for me. I kept on addressing appeals to myself not to let prison impair the higher faculties of the mind, not to fall a victim to one's environment and so forth. But all without avail. It was too great a relief to lose for a while one's consciousness of being in prison that one could not forego the pleasure. . . .

In prison everything is of a low order. During most of the time one was growing consciously more primitive, and even when one seemed to have reached rock-bottom the process still went on without one being aware of it. One tended to dwell more and more on memories of long-forgotten childhood, which gave tremendous pleasure.

But efforts had to be made to concentrate on something. The very emptiness of prison life made some form of activity an imperative necessity. The ordinary prison routine became so much a matter of mechanical habit that it required, after, say, nine months, no conscious attention at all. All one's movements became stereotyped. The way one washed in the morning and all the motions involved, the movements made in polishing tins and dusting one's cell could have been tabulated. "Mental starvation" was a phrase constantly in my mind as summing up one of the chief evils (for me) of prison life. Something had to be done so I set about thinking of things to study. . . . But I soon realised it was impossible to study with anything like the profit that one could do outside.

During the last period of all—i.e., roughly the last eight or nine months—one felt that gradually one's powers of self-control were fast disappearing—self-control of all kinds.

Another marked characteristic of this period was a tendency for one's waking thoughts to be a continuation of one's dreams of the night before. Sitting at work, one or other of the vivid episodes of the previous night's dream would crop up and one would continue in a state of semi-somnolence a reverie that seemed of a piece with the dream.

When definite collapse is avoided the final stages of mental degeneration are evidenced mainly by weakness and general atrophy of faculty. In certain cases this condition is acquired almost deliberately as being the most satisfactory mode of adaptation. Such is the case of the following witness:—

V.

I gradually discovered that half consciously and half sub-consciously I was drifting and forcing myself (perhaps partly) into a condition of mental and nervous "hibernation," which proved the best possible protection against the mental and nervous strain of prison conditions. So, within a year of my first entering prison, I had developed a state of mind in which I cared little whether release came within a week or was

delayed one or even several years. My world had shrunk to the measure of the prison walls. I had become mentally as well as physically a cog in the prison wheel; I had found my place in the new system of things into which I had been thrust, was in a way content with it, and could have continued such an existence indefinitely without experiencing any consequent mental pain.

The prison work was not to me either a pleasure or a pain; it was a thing done mechanically, almost effortlessly, and half-unconsciously (from the mental point of view). I am speaking now not of the first three or four months, during which the work was certainly a pain and a "task" in the worst sense of that word, but of the subsequent period. Prison conditions determined the shape of the mould, but my natural adaptability (due partly perhaps to my extreme youth [6]) fitted me more perfectly into that mould. This process continued throughout my imprisonment, so that the second sentence was less irksome than the first, and the third than the second. My desire to read was weak; it required a tremendous mental effort to stick at any book but the lightest novel. Then I realised that my power of concentration (once considerable) was fast disappearing, that prolonged study was rapidly becoming absolutely impossible. But not only was the faculty of concentration impaired; that of memory was likewise enfeebled.

VI.

"Broadly," states another, "the effects were an increase of mental, and especially emotional, intensity during my first sentence and a falling off through my second, very gradual at first, but increasing rapidly after a year, and ending in an advanced stage of mental stagnation. I should say these effects and my state of mind generally were determined almost entirely by the pressure of prison conditions. . . . The general impairment of my mind started to show itself markedly about the end of my first year (about contemporaneously, that is, with my emotional adjustment to prison conditions). It showed itself in a falling off in concentration, but, more broadly, in an increasingly rapid fatigue in discussion and reading, and, above all, in an increasing disinclination for anything involving mental effort. . . . In the last months all attempts to think about anything practically ceased."

Outstanding Features of the Mental Degeneration.

In summarising the mental effects upon the prisoner we shall make no attempt to offer technical diagnosis of the mental aberrations induced by prison discipline. That the conditions of mind induced by incarceration closely resemble certain well-known psycho-pathic conditions is obvious; but for the present purposes it is enough to state in broad outline the characteristics of "the prison psychosis" without any attempt to interpret them in the light of medico-psychological theory. Certain features of the process of mental degeneration which occurs in prison are well marked.

1. *A general weakening of the mental powers.* In the case of the more highly educated prisoner, reference is usually made particularly to the intellectual faculties, memory, concentration, the power of abstract thought, and facility of verbal expression. In

[6] His age on reception was 19. See fuller statement by this prisoner on pp. 545-60.

general questionnaire answered by some 200 political offenders, the replies to the question: "Do you think that imprisonment injured your moral and mental health; if so, how?" most frequently referred to impairment of memory and of the power of concentration.[7]

A supplementary questionnaire [8] dealing more fully with the mental life (from which most of our quotations in these chapters have been drawn) has made possible a more detailed survey of this process of deterioration. The process of weakening in the intellectual powers is clearly shown to be merely symptomatic of a much more general form of atrophy, more particularly in the direction of volitional activity. Even when there is no marked decrease of mental activity, it is found that consciously directed thought tends to be displaced by involuntary sequences of ideas and a mental content of a lower order. Dreams, phantasies, and obsessional ideas occupy the mind, and in their turn tend to subside, leaving the mind relatively vacuous and inert.

The decay of memory appears to take place more particularly in certain forms of recollection and in the ability to learn. In other ways memory is active. Long forgotten incidents of childhood tend to be recalled, and the prisoner seeks relief from the misery of the present by living over again the more pleasurable periods of life; but the retention of recently acquired information becomes increasingly difficult. Impairment of memory applies more particularly to names, discrete items of information, the contents of books, recent events, and (after release) appointments, and all forms of immediate memory such as are involved in vocational pursuits.

2. *The prisoner progressively declines into a condition of listlessness and apathy.* This proceeds *pari passu* with, and probably conditions, the impairment of mental powers. "Weakness," "weariness," "laziness and mind wandering," "mental vacuity," "loss of interests and enthusiasm," are phrases constantly recurring in the descriptions given by prisoners of their mental and spiritual life. The condition of life is sometimes described as "neurasthenic," and in the popular, descriptive sense in which the term has come into general use, some of the principal effects may be expressed by the phrase "prison neurasthenia." Frequently this inert condition may be accompanied by depression, but very often, especially after long confinement, depression is not so marked; the most characteristic feature is emotional apathy, typically described as "living without any positive zest."

3. *There is a general tendency to revert to the mentality and outlook of childhood.* This tendency is probably to be regarded not as a distinct or separable feature of the prisoner's mental life, but as a particular aspect of the process of mental deterioration. It is less unmistakably pronounced than the preceding characteristics, but there

[7] A specimen of the questionnaire referred to is given on pp. 636-43.

[8] This questionnaire is reproduced on pp. 643-45.

are certain features of mental life in prison which are most conveniently expressed in this form.

In the dreamy mental life which absorbs the attention of the prisoner in the intermediate and later stages of his incarceration, the memories and incidents of childhood play a large part. The occupations of the prisoner in his solitude are frequently of a childish nature. He plays "noughts and crosses" on his slate, interests himself in trivialities, collects such useless and insignificant articles as would appeal to a child.

The religious life of the prisoner reverts, if not to that of childhood, at least to an earlier period of his development. It was noted by many of the most spiritually-minded political offenders (particularly those objecting on religious grounds to participation in war) and by those in whom the religious attitude was mature and adapted to practical life, that their feelings and thoughts in this respect took on an unwonted sentimental or childish nature. With those who had abandoned their religious habits and beliefs there was a tendency for these to be reinstated. But in both cases the particular forms of the spiritual life in prison seem to have been regarded as unhealthy and not calculated to be of any value in effecting the strengthening of character.[9]

Prisoners' dreams tend to approximate to the same type as children's and are free from the confusion and elaboration characterising the more complex product of adult mind. Like those of the child, they are often a relatively undisguised expression of an unsatisfied desire, in which food, cycling, travelling, social life and personal distinction figure prominently, i.e., the prisoner procures in his dreams many of the satisfactions denied to him by the restrictions of prison life. Frequently it is recorded that sleep and dreams constitute a definitely longed-for pleasure, the prisoner passing through his daily work as expeditiously and mechanically as possible, so that he may sink into sleep and live the much more satisfactory life of his dreams.

4. *The prisoner's condition of mind is characterised by a heightened disposition to emotional response.* This fact, which perhaps stands in apparent opposition to the first and second mentioned features, is at least equally well attested. But the conjunction of a general spirit of apathy, torpor, and mental atrophy with a condition of heightened emotional disposition is inherent in the mental condition itself. The condition of apathy characterises the general course of mental life as affecting interests and ambitions, but it does not preclude a condition of latent irritability or periodic waves of excitement, ecstacy and emotional experience, occasioned either by purely internal causes or by some chance stimulus or variation in the prisoner's environment.[10] A weakened will may show itself at one time in the form of lack of initiative, and at another time as lack of restraint.

[9] Thus one ex-prisoner, speaking of a wave of religious emotion, writes: "There was a tendency, looking back, for this wave to degenerate into superstition, almost into childishness—that was its bad side."

Such are the principal characteristics of the mental life of the political offender, a life of progressive mental deterioration, perhaps more accurately defined as one of "regression" to the primitive and uncultivated basis of mental life. The process is one which, to a greater or lesser extent, undoes the effects of education and civilisation, and at times engenders distinctly abnormal states of mind resembling the forms of insanity that occur among ordinary offenders.[11]

The Effects Upon Moral Character.

The effects upon the moral life are more subtle and more difficult to gauge. Some are the moral consequences of mental degeneration, whilst others are the direct effects of the prison system.

It is obvious that an impairment of mind which involves deterioration of mental powers, atrophy of the will, lassitude, childishness, and irritability, must react to a serious extent upon moral character. A certain number of political offenders have returned from prison life with less enthusiasm for ideal causes and with less capacity for high religious or political faith. Many are to some extent embittered. Idealism is transmuted into a spirit merely revolutionary and intransigeant.[12] The moral effects of political repression are too well known to need specific illustration.

The effects of the prison system upon personal character are, as one would expect, much less marked in political offenders than in others. Political offenders do, indeed, often acknowledge the influence of the system in placing a definite premium upon deceit and underhand practices, and in discouraging sympathy and kindness. But moral deterioration is almost certainly less pronounced in those who profess to notice it in themselves than in those who are unconscious of it. We have, therefore, so far as the ordinary offender is concerned, to rely mainly upon the judgments of the most impartial *observers* of prisoners, rather than on those formed by prisoners themselves.

From such evidence it is clear that the acquirement of habits of deceit is almost inevitable in prison, not only for the purpose of securing personal comforts, but also for the expression of the most natural impulses to acts of sympathy or generosity. To many the sense of moral deterioration, of a growing selfishness, and of becoming primitive and brutalised, has been one of the worst features of prison life. Refinement in all its forms tends more and more to give place to a life dominated by the cruder appetites and desires, and a progressive weakening of the higher controlling sentiments

[10] See pp. 503-10 for further evidence of this.

[11] Compare pp. 540-42.

[12] Of one of our political prisoners who gave evidence it is reported: "He went to prison a bit of an idealist, a vegetarian, and so on. He came out with but one idea—a desire for revenge on those who had made him suffer."

almost invariably occurs. This process, which in the case of the better educated offender proceeds consciously and is a cause of much distress of mind, is largely unconscious in the case of the ordinary first offender and the recidivist, and with them it undoubtedly proceeds with greater rapidity, and goes to considerably greater lengths. We shall, therefore, reserve a more detailed consideration of the nature of this moral degeneration for succeeding chapters.

Note on the Beneficial Effects of Imprisonment

Mention may here be made of the indications of certain beneficial effects of imprisonment which have been met with in the course of this enquiry. Testimony to such effects is somewhat infrequently afforded by prisoners themselves; but when received from this source the evidence is of greater interest than that given by merely external observers.

In one of the questionnaires circulated among ex-political offenders an enquiry was included concerning benefits derived from imprisonment. Of 213 witnesses, only 42 explicitly denied deriving any benefit at all from the experience of imprisonment; 37 abstained from replying to the question, whilst five were vague or non-committal upon this point. The remaining 134 witnesses mentioned "advantages" or "benefits" which may be classified in the following way:—

Opportunities for reading or meditation	46 cases.
Spiritual benefits (from prayer and religious exercises)	23 ,,
Other spiritual benefits (strengthening of character, "the uses of adversity," etc.)	15 ,,
"Experience" (not further specified)	19 ,,
"Experience of prison"	18 ,,
Sympathy with the unfortunate	12 ,,
Introspection	12 ,,
Rest, quietude, and sense of freedom from responsibility	10 ,,
Patience	7 ,,
Zeal for penal reform	3 ,,
Methodical habits	2 ,,

The most cursory survey of this list of "benefits" is sufficient to reveal the fact that many, if not most, of them spring from the character and antecedents of the offender, and are peculiar to the particular class of prisoners from whom the evidence is drawn. The one exception to this is in regard to opportunities for reading. These, in a restricted form, are undoubtedly provided by prison.[1] Though only a portion of the prisoners are able to avail themselves of these opportunities, yet there are probably some in every prison among the "ordinary" offenders who gain advantages from reading books to a degree, which, for various reasons, they cannot enjoy outside.

[1] We have indicated in the charters devoted to Education and Recreation (pp. 159-65 and 179-82) some of the restrictions imposed upon a prisoner's reading, and especially upon any sustained course of study.

But it is different with the other alleged advantages. "Spiritual benefits" are very infrequently mentioned by the ordinary offender, from whom we expect to hear at best an admission of having learnt "the lesson" of imprisonment, by which usually is meant the inexpediency of crime.

Further, the benefits experienced by offenders appear to have no intimate relation to the aims which are supposed to dominate the prison system. The enforced leisure and quietude of prison life provides opportunities for reflection and spiritual activity, but do not in themselves supply either content or incentive for the mind's activity. These are derived from the prisoner's normal life. When that life is filled with intellectual or spiritual activities some benefit may accrue, though it does not do so always by any means, and is usually far outweighed by the deterioration with which it synchronises. To the more unfortunate majority who are not so endowed, the opportunities afforded by prison usually serve only to render the mind a prey to thoughts of vice and crime.

It is clear, moreover, that many of the alleged beneficial effects of imprisonment—"experience," "sympathy with the unfortunate," "patience," and "strengthening of character," may be gained by all who genuinely desire them in almost any sphere of life, and there is little reason for attributing these to the special influence of the prison régime. Such effects, with many others, as, for instance, "zeal for penal reform," are purely accidental, and sometimes indeed contrary to the express purposes of the system; whilst "experience of prison" in the case of the ordinary first offender might easily be quite the reverse of beneficial.

From the evidence of political offenders, therefore, little of general significance as to any beneficial effects inherent in imprisonment is to be inferred.[2] At most this evidence tends to suggest, what has been indicated elsewhere, that the effects of imprisonment are less harmful in their case than in the case of the ordinary offender.

With regard to the ordinary offender,[3] cases are on record where the prisoner has acquired in prison habits of regularity, and has become accustomed to clean surroundings, and, though in most instances it appears that these results are quickly lost on return to liberty, there are no doubt some prisoners in whom the improvement is more permanent. A north country friend of ex-prisoners tells us that he knew of men who, after the comparative cleanliness of prison, had been disgusted with unclean lodgings, to which previously they would not have objected. But more usually it appears, as another witness says, that "the prisoner's will is so weakened that, if he goes to a clean place, he *may* keep clean, but if to a dirty place he soon drifts into the habits of his surroundings."

In any event, most of the good effects noticed in occasional cases of this class are of a somewhat trivial nature. Fundamental reformations of character following upon imprisonment appear to be rare, and the claims to have been instrumental in effecting these, which are made by some prison chaplains, seem to us to be exaggerated.[4] Expressions of penitence are often, we are afraid, more or less hypocritical, or only mean that the speaker is sorry that he got into prison, not sorry for his wrongdoing. As the evidence from which we quote in the next chapter indicates, prison is not a place calculated to

[2] Indeed, we have it on record from a high authority in Whitehall that our prisons are not expected to "reform" political, as distinct from criminal, offenders.

[3] It seems convenient to make this note more complete by reference to this class, with whom we shall deal in the next chapter.

[4] See Note on p. 484.

promote penitence. The very people, as one chaplain writes to us, who have made apparently sincere promises of amendment often "come rolling back in a month's time."

There are no doubt cases where the devotion of a specially gifted prison chaplain has helped to effect a real and needed change of character. But such cases are rare exceptions, and they are *in spite of* the system of treatment. The position is well put by another chaplain, with experience of both Local and Convict prisons, who, after expressing his opinion that prison usually makes men worse, not better, continues thus:—

> On the other hand, a few have told me that it has been a moral benefit for them to be sent to prison. They had seen their life in a new and better light, and would go out reformed. But in their cases it was not due to the discipline, but to the good latent in human nature stirred to life by Divine influence. It came from within the men, not from without through the prison regulations . . . . based, as they are, on punitive principles.

It is true, of course, that imprisonment provides the occasion for the change of life in these cases, but less inhuman conditions would be likely to provide them far more frequently.

In almost every case of a prisoner being "reformed," the result seems to be due to one or other of these causes, or to a combination of them. It is either owing to the spontaneous moral aspirations of the offender himself, expressing itself in spite of the régime; or else the change is to be attributed to the effects upon him of the *shock* of arrest and to other antecedents of prison, effects which (as we shall indicate in the next chapter) would probably be more surely produced by other means, e.g., by a good system of probation; or it may be due to the good influence of some personal friend or helper, with whom the prisoner has come into contact at or soon after his discharge.[5]

A dispassionate survey of the whole of the evidence relating to both the political and the ordinary "criminal" offender forcibly suggests the somewhat paradoxical conclusion that *the most beneficial effects of imprisonment are experienced by those least in need of them, whilst the weaker and more criminally disposed tend to suffer the more deleterious effects*—effects that we shall attempt to describe in the chapters which follow.

[5] See pp. 505, 514 (Note 32), 515-16, and 517.

CHAPTER IV

ORDINARY FIRST OFFENDERS

The Making of the "Criminal Type"

It is a significant fact that criminal characteristics are attributed by almost every observer to the "old lag" or habitual criminal, but not as a rule to the young offender in the early stages of his career of alternating crime and imprisonment.

The majority of first offenders do not possess these characteristics in any marked degree; they differ widely among themselves, and the future recidivist cannot at this stage be distinguished with certainty from the merely occasional or "accidental" offender. Confirmed recidivists, on the other hand, fall into a few fairly well marked classes, each of which possesses certain common characteristics. The statement of Dr. James Devon—an observer justly noted for insight and penetration into the nature of criminality and freedom from doctrinaire opinions—is emphatic on this point.

> If those who come to prison for the first time were made the subject of examination, it would be found that they are principally remarkable for the *absence* of what the books call criminal characteristics. . . . No two are alike, even among those who have committed similar offences. . . . They may develop certain common characteristics as the result of their way of living.[1]

It thus appears that the criminal in the early stages of his career is not distinguishable in any striking or generic way from the law-abiding citizen, but that in the course of time, and after several terms of imprisonment, he tends to conform to a type and to acquire the characteristics of the so-called criminal class. From the evidence relating to the different classes of prisoners and from a study of the effects of imprisonment, more particularly upon first offenders, it is possible to trace in broad outline the process by which the recidivist is made. It will be found that some of the most important factors determining a criminal career are to be traced in the circumstances attending the first experience of imprisonment. The factors fall,

[1] "The Criminal and the Community," p. 11. A similar view is expressed by Thomas Holmes: "How is it that a man's facial expression changes during a long detention? How is it that his voice becomes hard and unnatural? How is it that his eyes become shifty, cunning, and wild? . . . It is the system that does it, the long continued soul-and-mind-destroying monotony, etc., etc."—"London Police Courts" (1900), p. 220.

naturally, into two main groups, which may be separately considered:—

1. The mental reactions of the offender to his first taste of prison treatment.
2. The experiences dependent upon imprisonment, but following the prisoner's release.

MENTAL REACTIONS OF THE PRISONER: THE HARDENING PROCESS.

It is generally recognised that a recidivist's career usually has its origin in a sentence at an early age, that this is partly a consequence of the unsuitability of ordinary prison treatment for young offenders, and that it is therefore desirable that other means should be devised for dealing with the early manifestation of criminal proclivities. Borstal Institutions and the Probation system are expressions of this movement in the direction of reform. The continued practice of sending young offenders to prison seems to go on more from custom and the absence of a better system, than from any serious belief in its utility.

In deploring the evil effects of imprisonment on the young, stress is usually laid more particularly on the futility and harmfulness of a *short* sentence, as not only failing to deter, owing to its shortness, but actually resulting in the fostering of contempt for the law's instrument of punishment, by its familiarising the offender with what should be "the great mystery and dread" of prison.[2] But evidence indicates that it is not the shortness of the imprisonment, but any imprisonment at all, which does the harm; and that, in the case of most first offenders, long sentences served in Local prisons are more likely to confirm them in criminal careers than short ones. As Dr. James Devon points out, "the shorter time a prisoner is cut off from the ordinary life in the community, the less chance there is of his developing habits which will be useless to him on his return."[3]

One of the statistical observations of Dr. Goring also provides an important contribution to the question:—

> "It would seem," he states, "that recidivism measured by frequency of conviction is least marked in convicts who were fined only for their first offence; and that, measured by length of imprisonment, the recidivism of convicts becomes rather more pronounced with increasing severity of first sentence."[4]

[2] Cp. pp. 80-1 and 296-97.

[3] "The Criminal and the Community," p. 331.

[4] "The English Convict," p. 283. Such a conclusion provides an interesting commentary upon the statement of Sir C. Ruggles-Brise that Dr. Goring's researches demonstrate that imprisonment has no adverse effects upon the offender. It is true that Dr. Goring himself interprets the fact as indicating a relation between the gravity of the first sentence and recidivism; and not primarily as exemplifying the effect of imprisonment. But this opinion is not implied in the facts themselves. The qualitative evidence with which the present enquiry is more particularly concerned strongly suggests that the correct interpretation of Dr. Goring's statistical conclusion must attribute greater importance to the effects of imprisonment than to the gravity of the first offence.

This statement is, in effect, only a more exact expression of views current among prison warders that if a man has done a wrong action, and has not been imprisoned for it, he is more easily reformed than a man who has suffered imprisonment for doing the same action, and that no prison treatment is responsible for any sincere repentance.

A similar view is expressed by agents of Prisoners' Aid Societies. In answer to questions relating to this point, such replies as the following have been given to us.—

> "I have not found offenders usually penitent if imprisoned for a first offence."
>
> "Prison for the *first* time is the most important thing to avoid."
>
> "Inflicting a fine for petty larcenies and other minor offences does more good than any other form of sentence. You rarely hear of an offender so treated appearing before the justices twice."
>
> "I do not expect prison to promote penitence in any case."

Many expressions of approval of probationary and preventive methods are based on the known difficulties in reforming character after imprisonment. The attempt to provide facilities for the payment of fines similarly involves a practical recognition of the danger of imprisonment for a first offence.

That imprisonment is responsible for the hardening of first offenders in a way likely to defeat all efforts to reform is also recognised by prison governors and by the Commissioners. The following statement, for instance, appears in a governor's official report for 1911:—

> The usual outstanding feature of the returns is the huge bulk of . . . . particularly short sentences from the police courts—always represented (*sic*—consisting?) mainly of repeated infractions of the law of a minor kind. *Some trace of such early hardening process is to be found in the career of almost every criminal,* and therefore the conclusion is that preventive endeavours should be directed to devising means for dealing with the first offender *still more and more without recourse to imprisonment,* except as a sterner alternative when absolutely imperative.[5]

Similar expressions of opinion by the Prison Commissioners, in regard to the unnecessary and harmful imprisonment of young offenders have already been quoted in a previous chapter.[6]

THE THEORY OF "THE SHORT AND SHARP LESSON."

The evidence that short sentences are entirely ineffective, if not actually conducive to criminality, might be considered to be fully admitted were it not for a diametrically opposite theory which exercises considerable influence upon the administration of our present system of punishment. We refer to the view that a "short

[5] P.C. Report, 1911, Part 2, p. 81. The italics are our own.

and sharp lesson" is one of the most powerful deterrents from crime and that such a lesson may be effectively administered under the present system. This view is typically expressed by a prison governor in the following passage:—

> First offenders receive special attention at all prisons. A large proportion of them never return and are not really criminal in character, but are probably drawn from that large section of the community which, though it may be blind and deaf to a clear warning, is nevertheless capable of profiting by a short and sharp lesson.'

This is the principle of the plan, now considerably modified, by which the worst features of prison are presented to the offender at the beginning of his sentence, or, if it is a month or less, throughout his term. Thus the man sentenced to hard labour must still sleep on a plank bed for the first fortnight, must remain in separate confinement for a month, and do without such relaxations as visits and library books, even though the differences as regards labour and diet are now practically abolished. As Mr. Arthur Paterson says, "the necessary shock is given to the first offender, who must at any cost, be made to feel that there is hardness in prison life."[8]

Though the issue involved cannot here be exhaustively discussed, it is clear that the practical application of this principle demands a considerable degree of discrimination and individualisation of punishment: discrimination to select such cases as have the requisite self-control to profit from this kind of lesson; individual treatment in determining the particular point at which the lesson has been sufficiently enforced,—a matter of considerable importance, since, in the course of punishment, as we have already indicated, a certain point is reached at which the deterrent effect of imprisonment gives place to the counteracting effects of familiarisation and adaptation to prison conditions. The present system signally and entirely fails in providing this degree of discrimination and individual treatment.

That this is so must be clear from a perusal of the earlier portions of this book. As a prison medical officer of long experience has stated, imprisonment fails to be reformative in its effect owing to "the complete absence of the realisation of the primary conception that all penal treatment must be personal and individual."[9] The same opinion is advanced by a chaplain, who considers that prison treatment may to a large extent be responsible for the great number of recidivists by its "woodenness," i.e., by the absence of individual attention and treatment and the subjection of all alike to one rigid uniform régime.[10]

Two classes at least which bulk largely in the normal prison

[7] Dr. R. F. Quinton, "Modern Prison Curriculum," p. 140.

[8] "Our Prisons," p. 12. See also Note 27, p. 77 above.

[9] "So long," this medical officer adds, "as the penal system punishes all and sundry, without any enquiry into why the man has committed the crime, the result must be inappropriate treatment being applied, and the man's condition in regard to society being made worse."

[10] See pp. 83, 97, 104, 353, and 354.

population would be excluded by a proper application of the principle of individualisation—inebriates and those characterised by mental weakness. A habitual inebriate giving evidence on this point says:—

> Prison is horrible; each time I go in I vow it will be the last, but a few weeks after I get out I forget all about it and the drink gets hold of me again.

He had been imprisoned for drunkenness ten or a dozen times; and it is generally clear that the "lesson" of imprisonment is peculiarly ineffective against so special a temptation as that of intemperance.[11]

The principle of the short, sharp lesson is as clearly inapplicable to the mentally deficient, the confirmed vagrant, or indeed to any persons characterised by an inability to adjust their conduct according to calculation as to its probable consequences.

Excluding these classes, there remain the more normal types of first offenders, adult and juvenile-adult, to whom this principle might, with more show of reason, be applied. But in considering its application to these more responsible offenders, it is of the greatest importance to distinguish the effects of imprisonment itself from those produced by accompanying circumstances. The mere conflict with the law, arrest and trial, the publicity and the disgrace involved, may produce sufficient fear and shock to influence markedly the offender's subsequent life, even though imprisonment does not ensue.

The results of these two groups of causes—those connected with the trial and those arising from imprisonment—are frequently confused, since the effects of emotional shock are first observed, as a rule, during the period of imprisonment; and prison discipline is thereby assumed to be the cause. That this is not, in fact, the case, is shown by the occurrence of the same effects in the case of offenders who escape with merely a warning or a fine,[12] and by the absence of these effects upon persons who enter prison under conditions less emotionally disturbing than those experienced by the average first offender.[13]

Whatever validity the principle of a short and sharp lesson might have within an ideal system of penal treatment, is a question of theoretical interest; the present system, at any rate, fails to afford it any convincing support. A careful study of the actual effects of prison discipline upon the normal first offender shows that whatever beneficial results might follow from such a "lesson" are, in fact, almost invariably counteracted by other features of the system.

[11] Cp. Thomas Holmes, "Known to the Police" (1902), Chapter 3, Inebriates.

[12] It is true, of course, that the first incidence of prison discipline may intensify the shock produced by the antecedent events. A warder writes: "The whole of the prison system is a stupendous shock to the man who comes in for the first time. But if this shock does not cure, it is entirely ineffective."

[13] e.g., Thomas Mott Osborne entered prison for the sake of understanding the experience. Some political offenders have adopted a similar attitude, with the result that in their case the early period of imprisonment is of an entirely different nature from that of the ordinary first offender.

The First Shock and the Subsequent Adaptation.

The first result of the initial shock is that the prisoner is reduced to a softened and responsive condition of mind; this is not necessarily expressed, however, in the form of penitence. He is responsive, but responsive to good and bad influences alike. In the hands of a sympathetic guide he may become sincerely penitent and desirous of leading an honest life, but in prison there is less chance of his receiving the appropriate influence than outside. Criminal associations are only too likely to be formed, whilst the system itself is almost inevitably hardening.

There is practical unanimity of opinion in the evidence of prison warders on this point.

> "The first few nights," says one witness, "often bring outbursts of grief, but this soon passes off. Association with old hands and the whole routine lead to a certain callousness."

Another warder states:—

> The present system simply hardens prisoners—it makes criminals of them. It does not make a man penitent. In the first few days much could be done with them, for they need human sympathy and understanding, and kindly treatment would go a long way with them.

Such statements express from an external point of view the experiences already described in the case of the political offender—the initial period of emotional excitation followed by a gradual hardening and a growing apathy. In the case of the ordinary first offender this first period is of great importance for any efforts that are to be made to reform him. That such efforts are so rarely successful is not the consequence merely of negligence, or of any personal inefficiency in prison chaplains, but of positive features in prison life which tend to embitter the prisoner and to implant in him a state of hostility towards wholesome influences.[14] The following statement, by a criminal prisoner, typical of the utterances of many, clearly illustrates this fact:—

> Just at a time when one is feeling crushed by a consciousness of guilt and weighed down by a sense of degradation, a stony-hearted, thick-headed warder comes along and, in threatening language, insists upon the strict observance of a set of childish regulations, which have no aim except to degrade the human into a beast. A few kind words, some consideration (not petting), some humanity, would often send prisoners back into the world enlightened, repentant, and well-intentioned, instead of unrepentant, revengeful, savage beasts of prey.

This transition from a chastened and responsive condition to a rebellious mood is usually to be observed during the first three or four weeks. It is the first marked sign of the hardening which adaptation to prison conditions involves. It is in part due to the wearing off of the effects of the initial shock, effects which are essentially of a temporary nature, but more especially to the severity of the conditions of the first month, and to the realisation by the prisoner that effective sympathy is not to be expected from those whose duty it is to administer his punishment. The prisoner feels that whatever amelioration of his lot is possible is to be obtained only through himself, and that a friendly spirit is only to be found in his fellow prisoners. The preliminary period of solitary confinement in this way directly leads, by way of reaction, to his seeking closer association, chiefly by means of subterfuge, with the criminals about him. The criminal gregarious spirit is in part, at any rate, a measure of self-protection against the nervous disorders which would result from a literal obedience to the regulations prohibiting conversation and intercourse.[15]

[14] Compare the striking words of Oscar Wilde, drawn from his own experience: "For prison life, with its endless privations and restrictions, makes one rebellious. The most terrible thing about it is not that it breaks one's heart—hearts are meant to be broken—but that it turns one's heart to stone. One sometimes feels that it is only with a front of brass and a lip of scorn that one can get through the day at all."—De Profundis, p. 58.

Other factors in prison life co-operate in transforming the sensitive first offender into the hardened criminal. Familiarisation with prison has particularly been noted as a cause of recidivism in young offenders. A medical officer states:—

> Some years ago many more boys came into prison, boys of 12 and 13. For some hours after arrival they were dissolved in tears, but in a few days they became rid of the idea that prison was such a bad place after all. Many lads have better food in prison than they are accustomed to, better physical conditions altogether. They also become proud of being criminals, they look upon it as a distinction.[16]

A political offender makes a similar assertion regarding the juvenile adults whose behaviour in prison he had exceptionally favourable circumstances for observing.

> With the juvenile adults there is undoubtedly terrible suffering in the solitude, as evidenced by sobbing and restless pacing to and fro, but when in the presence of each other there is a certain bravado and spirit of adventure. In one prison I was on the landing above the juvenile adults. For the first week or two there were sobs and cries of anguish. Later developed either the bravado spoken of above or a heavy sullenness.

There is little doubt that the mere experience of prison removes much of the fear of the unknown, which might otherwise act as a deterrent from crime. This is not a consequence of leniency. Facility of adaptation to unusual conditions would be noticeable in young offenders under any system in which rapid and serious injury to health of body and mind were not inflicted.

Although adaptation is usually more complete, and is effected more rapidly, in the case of young offenders, its main characteristics are to be observed in all prisoners of normal ability and intelligence. After a few weeks of imprisonment, signs of mental atrophy are

[15] With the specific evils of separate confinement and silence we deal on pp. 562-73.

[16] Cp. the statement of Thomas Holmes, who comments in a similar way upon this familiarisation. "Though I have seen hundreds of youths weeping bitterly when awaiting in police court cells their first conveyance to prison, I cannot call to mind a single instance of a youth weeping or showing signs of fear when awaiting his second term."—Hibbert Journal, October, 1910, p. 119.

noticed by the prisoner himself, and would probably be easily susceptible of objective demonstration if the prisoner were made the subject of systematic and efficient observation. The mere fact of being cut off from the normal opportunities of social intercourse, and the ordinary sources of information and mental stimulus such as the Press,[17] is in a large measure responsible for the cessation or distortion of mental activity. More important even than this is the discontinuity of the more abiding and developed interests of life. This, in the case of the ordinary first offender, is perhaps one of the most harmful features of prison life, since the continuity of vocational interests is one of the most important factors in the life of the law-abiding citizen. Conversely, the absence of such a continuous activity is one of the most marked characteristics of the habitual offender. We have received a great deal of evidence on this point, of which the following (from the agent of a Prisoners' Aid Society of 14 years' experience) may be taken as typical:—

> A prisoner is not able to take his place in the business of the world. He is altogether unreasonably shut off from civil life and movements, and his growth ceases. He works by the clock. He is not required to think; only to obey. Then he is pitchforked into civil life and expected to "make good"!

When the deprivation of external interests does not result in the condition of apathy and listlessness (as described in the previous chapter), another and no less undesirable condition of mind is produced. Interest becomes displaced, and may be dissipated upon trivialities or, as is more probable, be turned in the direction of crime. The development, in this way, of a mental content which leads to criminality is one of the effects of imprisonment noted by Dr. Healy:—

> "Various undesirable forms of imagery," he asserts, "are likely to rush in to fill the prolonged vacuities of mental life during custody. There is the constant suggestion towards misconduct, which comes from thinking of oneself as an offender."[18]

In consequence of all this,

> "The very individual whom society would turn into the paths of rectitude is often made much worse by experiences forced upon him (i.e., 'during custody')"[19]

Exaggerated Emotionalism Among Prisoners.

It has been noted above[20] that a further characteristic of the prisoner's mental life in prison is a disposition for heightened emotional response to any stimulus which breaks in upon the monotony of the ordinary routine. This responsiveness persists

[17] Cp. pp. 177-78.
[18] "The Individual Delinquent," Section 226, pp. 314-5.
[19] Healy, op. cit., p. 310.
[20] See pp. 488-89 and 496-97.

throughout the greater portion of his sentence, even though, after the first few weeks, he becomes in many respects hardened and adapted to the routine. A slight æsthetic stimulus occasions strong emotion, a trivial provocation may lead to an act of violence or leave the prisoner trembling with excitement.

The observations of prisoners themselves to this effect are strikingly confirmed by many who have spoken or sung before a prison audience. Thomas Mott Osborne, the American prison administrator, writes of a convict audience as follows:—

> But, although a sad audience to look upon, it is, as I have found on previous occasions, a most wonderfully sensitive and responsive audience to address. Each point of the discourse is caught with extraordinary quickness; every slight attempt at humour is seized upon with pathetic avidity. The speaker soon finds himself stimulated and carried along as by a strange and powerful force he has never felt before. It is an exciting and exhilarating experience to talk to a prison audience; but one must take good care not to be a bore, nor to try any cheap oratorical tricks; for it is not only a keen and critical audience, it is a merciless one.[21]

Perhaps the most remarkable testimony is recorded by Sir Leslie Mackenzie, who wrote to us from Edinburgh in 1920:—

> Yesterday, Mrs. Kennedy Fraser, author and collector of "Songs of the Hebrides," told me of an interesting experience at the Calton Gaol here, on Christmas Day. She gave a song recital to the prisoners (some 500 men and women). She says that it was absolutely the most responsive audience she had ever sung to (and I suppose she has sung literally to thousands of audiences in all parts of the world). . . . A large number of the prisoners were English, not Scotch. . . . The numbers included a hundred naval mutineers, who can hardly be regarded as ordinary criminals. But even with that allowance the fact was very striking. She said that when she meant to make them laugh, they laughed, and when she meant to make them cry they cried. The co-efficient of emotional explosion, if I might use such an expression, seems to have been very high. Mrs. Fraser said she could play on that audience as on a delicately-tuned piano.

This account is confirmed by Mrs. Fraser herself, who even formed the opinion that "the majority of those who are in gaol are there just because they are so emotionally responsive"!

"The co-efficient of emotional explosion" is abnormally high, however, not merely in any specific direction, but, as we have already found in the case of the political offender, for almost every form of emotional response. Its most general expression takes the form of heightened irascibility, which renders the prisoner liable to violent paroxysms of rage on the slightest provocation. Many assaults upon warders and fights between prisoners are conditioned by this irritability. The incidents which provoke the most violent expressions of emotion are such as would in normal life be passed over without

[21] "Within Prison Walls," (1915), p. 12.

comment; in prison they provide an outlet for pent-up feelings.[22] A convict, who was serving the sixth year of his sentence, wrote in 1910:—

> I should like to write you a letter in which I could insert the black as well as the white! I'd turn this show upside down. Sometimes I relieve my feelings by standing my mattress up against the wall and saying to myself "this is so and so," and then I let out right and left at where *his* head ought to be.

Others relieve their feelings in less harmless ways, and are punished. "A longing to smash things," "to shout," or to "break out" in some way, is frequently experienced by prisoners, particularly under punishment. A vicious circle is set in motion. Intense irritability arises and finds expression in some infraction of regulations, for which the prisoner is punished. His condition is thereby aggravated, and the cycle of punishment and offence may continue until the prisoner's spirit is broken and he is reduced to a state of servility and apathy, or even of lunacy.

Closely associated with this condition of suppressed irritability other characteristics of the prisoner's behaviour are to be observed. The rumours which circulate in prisons are excitedly discussed and valued out of all proportion to their intrinsic probability. Judgment is unbalanced, and the prisoner lacks any adequate sense of proportion. Trivialities are treated with the same interest as would normally be attached only to matters of great concern. The frequency of petitions and complaints, which through their apparently trivial and baseless nature wear down the patience of prison officials and encourage in them an attitude of distrust and contempt for the prisoner, is to be attributed to a similar cause.[23] Malingering, also, is known to occur on a considerable scale. Whilst this, no doubt, is in part due to the deliberate effort of the prisoner to occasion some variation in the routine, the tendency towards an exaggerated response has also to be taken into account in the explanation of the fact. Silence and solitude and the absence of satisfying mental occupation lead to a self-centred condition of mind. Imaginary ailments become the object of exaggerated attention, and frequently represent the beginnings of a systematic delusion.[24]

The Deterioration of Moral Character: The Loss of Self-Respect.

Even more marked than the more purely mental effects of imprisonment upon the ordinary offender are the changes effected in his moral character. As has been previously observed, many of the latter arise from his weakened mental powers and his loss of interest in life. With the disorganisation of the mind, and the destruction

[22] In one exceptional prison the governor, recognising these facts, has been accustomed to give the warders special warning against assuming any kind of provocative attitude.

[23] The same phenomena have been observed among interned prisoners of war. (A. L. Vischer, "Barbed Wire Disease," e.g., p. 37). It is remarkable that the mental effects, said by the writer of this book (published in 1918) to arise from "internment," bear a close resemblance to those observed in the case of men in civil prisons.

The absence of "gradation of response" has been observed to be an important symptom of mental abnormality—the full significance of which is a topic of current controversy. See W. H. Rivers, "Instinct and the Unconscious," Cambridge, 1920.

[24] Cp. A. L. Vischer, op. cit., pp. 25-27, and 540-41.

of habits and interests which act as moral safeguards in the prisoner's life, tendencies appear which are coloured by the atmosphere of prison. The fact that crime is the only common bond of interest among prisoners is of the greatest importance in this connection. As Dr. Devon points out, in any institution intercourse must be based upon some experience common to all inmates; and thus in a penal institution, "the association of people, whose common bond is their offence, stimulates them to wrongdoing, or at least tends to hinder them from breaking off their old interests."[25] But the moral degeneration of the prisoner is by no means to be exclusively attributed to contamination from other criminals. Many features are the direct effect of the prison system itself. The cellular prison, designed primarily to avoid the evils of contamination, produces scarcely less undesirable effects of another kind; as Dr. Healy writes, it tends "to depress all consciousness to a bare vacuous level."[26] The excessive cellular confinement must also be held responsible for encouraging that preoccupation with criminal and sexual topics of thought which solace the hours of confinement.[27]

The feature of prison treatment which is perhaps most responsible for moral degeneration is the systematic destruction of self-respect. The complaints of prisoners against the numberless indignities of prison, against such things as prison clothing, the prohibition of speech, the manner of serving meals, the calling by numbers instead of names, the humiliating searches, the mechanical "exercise," the rigid posture demanded in chapel, the bullying manner of officials, and the imposition of useless and often degrading tasks, arise from the feeling that these things are meant to impress not only their guilt upon their minds, but their absolute loss of human status.[28] They feel that they are being "treated like dogs," and in consequence tend to behave as such.

Not only ex-prisoners themselves, but other classes of witnesses, including some prison officials, hold this view very strongly. A visiting chaplain of 20 years' experience writes to us:—

> Our present prison system conduces to sullen morbidity and self-contempt. This I have felt all the years I have been going to prison.

An experienced social worker amongst ex-prisoners states:—

> When prison arouses penitence, it also destroys self-respect, rendering penitence valueless so far as moral rehabilitation goes.

The following is a fuller expression of the same view from an official chaplain with experience of both Local and Convict prisons:—

> I think one of the chief evils of present prison discipline is the injury to the prisoners' self-respect. It degrades personality to be a mere number, to take away all freedom of speech or action, unduly to humiliate, and to dress men grotesquely. The discipline is based upon a disregard, if not disrespect, of personality.

[25] "The Criminal and the Community," p. 282.

[26] "The Individual Delinquent," p. 170.

[27] See Note on "The Effect of Imprisonment upon the Sexual Life," pp. 586-89.

[28] Compare the passage quoted on p. 77, from the Commissioners' 1911-12 Report, which appears to involve an official acknowledgment that imprisonment is intended to emphasise the loss of self-respect.

Once the self-respect of the prisoner is undermined he quickly drifts further into vice. Deceit of every kind is employed to outwit the officers, and to secure whatever meagre satisfactions are possible under the anti-social routine; and association under illicit conditions completes the process of degeneration.

Many offenders hold or affect to hold the view that right and wrong are terms denoting a quite illusory distinction: the real difference is between the man who is "found out" and the man who is not. Nothing fosters this view so much as the present régime. The language of the warders,[30] the conduct of the officials, the entire absence of trust, the whole atmosphere of the prison—all tend to give a fixity to this warped moral sense, even in the minds of those afflicted with temporary remorse. No prisoner can escape its contagion.

On the failure of the régime to supply that moral education which would assist the prisoner to return to normal life the better for his experience the majority of our witnesses are agreed.[30] The following form a selection of the considered and expert opinions that we have received:—

I.

Prison discipline, so far as I can observe it, and from the unasked statements of prisoners themselves, makes men worse, not better. . . . . It is not corrective, but merely punitive; it is vindictive, not Christian. . . . Prisoners return to life sly, morose, and cunning—qualities developed by the discipline. . . . Many contract great bitterness against society and against those who sentence and punish them.—*Official visiting minister with experience of Local and Convict prisons.*

II.

The present system is not reformative; it does not seem that the authorities ever had this aspect in mind.—*A Chaplain with over 25 years' experience.*

III.

The existing discipline does not regenerate. Good behaviour as a prisoner is no test at all of moral character, or fitness for the duties of citizenship. It rather encourages, as I found, artfulness, hypocrisy sycophancy. Prisoners would confess to me that they became experts in good behaviour. The prison system meant treating men like animals or worse; it was so degrading that I could only think of it as the bleakest and blackest thing in the whole world.—*A Catholic priest with six years' experience as a chaplain.*

IV.

Prison never reforms a man; it tends to confirm him in bad conduct, and to weaken his resistance to evil.—*A warder with 12 years' experience of Local and Convict prisons.*

[30] "Appearance is everything, especially in prison" is a remark we have ourselves heard from the mouth of a principal warder.

[30] It is perhaps unnecessary to state that a number of witnesses whom we consulted saw no grounds for attributing any portion of the mental and moral deficiencies of prisoners to the prison régime. We have already indicated some reasons for such an attitude on their part. (See pp. 479-81 and 483-84.) The quotations selected are representative of the more consistent and convincing body of evidence, and are drawn from witnesses who appear to have made an earnest and, as far as possible, unprejudiced study of the subject.

V.

The prison system produces good prisoners only. A prisoner is a machine. The only way in which self-discipline and self-control can be promoted is when there is free agency, and temptation. There is neither in prison.—*A Prisoners' Aid Society agent with 14 years' experience.*

VI.

I have for 20 years been dealing with men of all kinds, many of whom have been in gaol several times, and I am absolutely certain that there is no reformatory influence in the present system; it is entirely different in all its relationships from life outside that it alone unnes every quality that fits a man for his place in society.—*A employing with experience as a visiting minister in prison.* to prison. B further serio re

VII.

The cumulative sentences recorded against indiv en. overwhelmingly convincing that prison discipline has endency towar on a prisoner, male or female, in any sense whatever.— er meana ole *under a Midland County Council.*

VIII.

So far from the prison system encouraging self-discipline and self-control it has precisely the opposite effect. A man who has been a long time in prison is usually both mentally and morally unfitted to engage in the outside struggle for life.—*A London stipendiary magistrate.*

We may compare with the above collection of evidence the statement once made by an Under-Secretary of State for the Home Office—perhaps the most impressive characterisation of the English prison system that has ever been attempted:—

I regard as unfavourable to reformation the status of a prisoner throughout his whole career; the crushing of self-respect, the starving of all moral instinct he may possess, the absence of all opportunity to do or receive a kindness, the continual association with none but criminals, and that only as a separate item amongst other items also separate; the forced labour, and the denial of all liberty. I believe the true mode of reforming a man or restoring him to society is exactly in the opposite direction of all these. . . . This treatment is not reformatory. I consider that a mediæval thief who had his right hand chopped off was much more likely to turn over a new leaf than a convict who has had ten years' penal servitude.[31]

It must, we fear, be conceded that, in spite of the improvements of detail that have been made in our Local and Convict prisons during the last 25 years, this statement is almost as near the truth to-day as it was when it was uttered.

The Experiences Following Release

The full effects of prison discipline are to be observed only after release, when the ex-prisoner is called upon to re-adapt himself to the conditions of normal life. It is a matter of great difficulty to obtain exact information as to his condition at this time. Many men are rapidly lost to sight, more particularly those upon whom

[31] Evidence of Sir Godfrey Lushington in the Report of the Departmental Committee on Prisons, 1895, p. 8, and Minutes of Evidence.

imprisonment has had the most serious effects; for it is the more promising type of prisoner who is selected for assistance and supervision. The prisoner with a real desire to "make good" is taken under the care of a Prisoners' Aid Society;[32] one who has become embittered or degraded is usually given up as hopeless.[33]

With regard, however, to the class of offenders dealt with by the various Aid Societies, we have a considerable amount of information from which it is possible to study the effects of imprisonment after relea[illegible]. Noth[illegible] is the general rule, except for those who have served quite[illegible] language of [illegible]ntences, that re-adaptation to normal conditions of life [illegible]ce of trust, [illegible]y after overcoming the most serious difficulties. If this [illegible] fixity to thi[illegible]ence of the better type of prisoner, it is clear that relea[illegible]ted with temp[illegible] is almost inevitable in the case of those who are no[illegible]gion. [illegible]orthy of assistance.

The failure o[illegible] witnesses assert that the prisoner upon release is in a weakened condition of body and mind. He is not fit to take his place in industrial affairs, and he faces life with diminished powers of resistance against the temptations peculiar to his circumstances.

A probationary officer of 30 years' experience writes:—

> He (the discharged prisoner) is like a child bewildered, everything is strange. He imagines himself to be the cynosure of all eyes. He returns to work shy, lacking every essential of an efficient workman, skilled or unskilled. If sent *direct* to work he invariably has to drop out in a few hours or in a day or two.

Another, who has been for many years a "prisoners' friend," states:—

> The majority come out shy, morose, often cunning, seldom mentally alert. It usually takes weeks, months, or even years before they can concentrate on any particular job.

A Salvation Army Officer, with 15 years' experience of prisoners, writes as follows:—

> Loss of contact with the outside world makes men mentally petrified. Intelligence is numbed and a period of convalescence on release is almost essential. Great allowances have to be made for some months.

A witness, who has been for 20 years agent of an Aid Society, writes, in special reference to one feature of prison life:—

> I regard the idea of depriving prisoners of all knowledge of outside events as one of those which belongs to a dark and thoughtless age. It tends to make a man a moral and social invalid, with a natural shyness to speak, and an inclination to act foolishly; and he must lie to meet awkward questionings in regard to his ignorance.

[32] Certain prisoners who have "made good" have given evidence on questions in connection with this enquiry. In each case it has been shown that the return to an honest and law-abiding life has been the result of some personal influence, either of a friend, or of a social worker. It has been in spite of prison, not on account of it. On this we have found almost complete unanimity of opinion. (See p. 500.)

[33] Even Thomas Holmes, with all his humane enthusiasm, writes of the so-called incorrigibles as follows: "I confess myself hopeless with such men. The chances of their reformation are almost nil. No Prisoners' Aid Society can help such men, and those of us who are behind the scenes know perfectly that no Prisoners' Aid Society tries to help them. They naturally prefer more plastic material to work upon."—"Known to the Police" (1908), p. 38.

The agent of another Aid Society asserts that most men, with whom he has had to deal, have a period of illness beginning some weeks after discharge. "If employment has been found for him, explanations are difficult, and very often the man's place is filled when he returns to work. The mental upheaval which attacks an ex-prisoner is no doubt responsible to some extent for his breakdown."

The Mental Condition of the Discharged Prisoner.

It is true that one great difficulty besetting the prisoner upon release is the external obstacle in the way of securing employment which arises from the mere fact of his having been to prison. But the mental condition of the prisoner himself is a further serious disability, and handicaps all attempts at rehabilitation.

The imprisoned first offender thus has a greater tendency towards crime than one whose offence is dealt with by other means. He has, in the first place, entered in some degree into criminal association, met more hardened criminals whose influence is particularly dangerous at this point in his career. However slightly marked may be the disapproval of the society in which he previously moved, his own sense of degradation will often lead him to avoid his old acquaintances and seek companionship with those who live under similar disabilities to his own.[34]

More powerful than the influence of accidental associations formed in prison are the effects of prison discipline itself. Even though the effects of the initial shock of conflict with the law may have persisted until the prisoner's release, this in itself is no sure guarantee of his leading an honest life. Many ex-prisoners are almost incapable of directing their lives to any useful end. The abrupt transition from prison to normal conditions usually produces a nervous reaction which renders them restless and incapable of applying themselves to steady work. In certain cases this reaction from the repressive discipline of prison leads to the opposite extreme of self-indulgence. Prisoners also complain that removal from their normal tasks in life involves an impairment of efficiency, both in respect of actual skill and strength and of the necessary knowledge of current events. This is, of course, more serious in the case of the long-sentence prisoners, but it must be included among the factors which prevent the rehabilitation of first offenders with comparatively short sentences.

It will doubtless be objected that many of these disabilities are not the consequence of prison discipline, but spring from the inherent weakness of character in men who are predisposed to crime. As against this suggestion there are two powerful lines of argument. There is, first, good reason to show that the same type of first

[34] His craving for human sympathy may even be an added danger to his career. "At the time of release," states an agent of a Prisoners' Aid Society, "the psychological effect [illegible] prison) in weakening the will is illustrated. It all depends upon whom he meets [illegible] on discharge. If the Salvation Army or a similar organisation gets hold of him [illegible]re his old criminal associates, the results may be invaluable."

offender, when only fined or allowed to remain in ordinary life "on probation," will not as a rule repeat his offence or slip downwards into the recidivist's career.[35] And, secondly, the evidence of political offenders, from which we have already quoted, is of value in providing a clear illustration of the nervous reaction of comparatively normal individuals after a period of imprisonment.

Political offenders return to normal life under the most favourable conditions. They have formed no criminal associations, the stigma of prison is of little importance, and they usually experience little difficulty in resuming their places in their social circle and in securing employment. It is, nevertheless, the case that the symptoms of nervous reaction which have just been described in the case of the ordinary prisoner are almost equally marked in the case of the political offender. He, too, frequently endeavours to avoid society. Restlessness and inability to concentrate on any work are noticed by those who previously had been used to a life of regular activity.[36] "A dangerous reaction to pleasures of the senses" is observed by one political offender as one of the after-effects of imprisonment, and others use similar phrases to express a certain weakening of self-control and a loss of serious purpose and of capacity for effort.[37] It is, therefore, fair to conclude that the experiences and mode of life of the criminal upon release after his first sentence are adversely affected by the demoralisation of character resulting from prison discipline, and these experiences are admittedly among the chief causes of recidivism. This is, to some degree at any rate, the significance of the statement of Gabriel Tarde, that "the criminal is the result of his own crime and also, inevitably, partially the result of *criminal justice*"—that among the most potent causes of reconviction lies the earlier sentence of imprisonment, as well as the whole course of the prisoner's treatment at the hands of the law.[38]

It may be asked how it is possible to harmonise the conclusions to which the preceding pages point with the apparent fact that only a minority (perhaps between 35 and 40 per cent.)[39] of the total number of first offenders return to prison. To this enquiry we can scarcely give a better answer than that supplied in an official

[35] This is, for instance, the opinion of Dr. James Devon, who adds, "Imperfectly as the probation of offenders has worked, it has shown this." Op. cit., p. 269. In America there is a great body of evidence which points in the same direction. See Note on next page.

[36] We select the following two passages from much evidence on this subject we have received from political offenders—"Prison life had the effect of crushing any initiative. After some months of it I did not wish for any responsibility. Upon my release it was many days before I dared go out alone (this was partly due to nerve trouble). For long my self-reliance was nil."

"The renewal of normal life after imprisonment was in many ways more difficult than adaptation to prison conditions. Noise, bustle, and much company proved distasteful to me. I found it difficult to settle down to serious reading for some time."

[37] Dr. Devon also points out that a period of imprisonment makes a man awkward in society; and often indirectly drives him to taking intoxicants, because drink stimulates sociability and sets him free from the feeling of restraint to which he has been subjected.—"The Criminal and the Community," p. 259.

[38] Gabriel Tarde, "Philosophie Pénale" (1912 translation), p. 264.

[39] This is the deduction to be drawn from the official enquiry into the after-careers of first offender prisoners received into Stafford prison during 1900-1904. (See P.C. Report, 1910-11, pp. 18-20, and p. 226 above.)

memorandum of one of the present inspectors of prisons."[40] This memorandum, while expressing the view that "it would be going too far to say that all the efforts for the reclamation of the prisoner which are brought to bear in prison are fruitless," contains the following remarkable statements, which we quote *verbatim*:—

> If it be urged that the large number of men who never return to prison after undergoing a sentence points to their having been influenced for good while there, it may, on the other hand, be argued that many of these have no real criminal instincts, that the shock of a conviction has brought them to their senses, and that, especially if shepherded by their friends and relations on release, they take the first chance which offers of endeavouring to rehabilitate themselves. These, it may be urged, become good citizens not on account of, but in spite of, their imprisonment.

Further, it is also probable that a certain percentage of ex-prisoners revert to crime without being caught and that others escape identification by changing name and locality.

[40] "Memorandum on the English Prison System," attached to Report of the Indian Jails Committee, 1919-20, p. 529.

Probation in America

We have recently (in 1921) received the following statement from Dr. George W. Kirchwey, one of the leading authorities on this subject in the United States:—"More and more are the more progressive penal reformers in America turning to the 'suspended sentence' and probation as 'the way out.' In most American States judges of criminal jurisdiction have been invested with the power of suspending sentence on a convicted criminal (usually only in the case of 'first offenders,' i.e., of persons convicted for the first time of a felony) and of releasing him, subject to certain restrictions as to place of residence and his behaviour and usually (though not always) under the supervision of a probation officer. This probation officer may be an official appointed by the Court, or he or she may be a paid employee of a welfare agency of a religious or secular character, or it may be the parent, or schoolmaster, or clergyman, or other trustworthy person who is willing to assume the responsibility. While the probation system is still very imperfect, many judges still regarding it with suspicion and the probation officers being far too few and inadequately trained, it is safe to say that it works better—less automatically and with a far more effective supervision—than the corresponding 'parole' system (i.e., the plan of discharging men from prison on 'parole' when they have only completed a portion of their sentence). But the significant thing about it is its rapid growth. *At the present time, not less than three-fifths of the men, women, and children under conviction of crime or delinquency in New York city are 'out' on probation, only two-fifths in confinement.* What appears to me to be the most hopeful fact in our recent penal history is that our judges and magistrates—except in the case of hardened offenders and of persons convicted of the more serious crimes—are showing an increasing reluctance to committing convicted persons to a penal or even a reformatory institution. This is due to a growing conviction that such institutions rarely benefit and often degrade those committed to them, as well as to the sporting tendency to give the wrongdoer another chance."

CHAPTER V

RECONVICTED PRISONERS

RECIDIVISTS (i.e., persons who are repeatedly or at least several times reconvicted) fall into two fairly well defined classes. The first of these types—the "petty recidivist"—consists of "habitual" offenders whose delinquencies arise chiefly from weakness of character or intelligence. The great majority of these serve their sentences exclusively in Local prisons. The second class of recidivist comprises the professional criminal, and others who may be regarded as more fully responsible and deliberate in committing their offences against society. Many of this class find their way in the end to the Convict prison, with its régime of penal servitude.

Dr. J. F. Sutherland in his study of Recidivism states that the physical and mental capacity of these two classes of recidivists are quite different. In the first—the petty delinquent—the number of pathological types (obsessed and weak-minded inebriates, vagrants, prostitutes, and petty thieves) is large; in the second—the habitual criminal (house-breakers, burglars, thieves, and the alcoholic authors of crimes of violence and cruelty)—the number of pathological specimens is small.[1] The same writer describes the petty recidivist as "passive, idle, debauched, parasitic, and unproductive"; and the habitual criminal as "aggressive, noxious, anti-social, and to a slight extent industrious and productive."[2] The pathological cases among the habituals are, he says, mostly acute and chronic alcoholics.

THE PETTY RECIDIVIST.

In any attempt to evaluate the causes of petty recidivism which lie outside the prison system, importance must be attached to congenital mental defects and other psychic abnormalities. The proportion of mentally defective male prisoners has been judged from casual inspection to be not more than four or five per cent. of the total prison population in England and Wales,[3] but Dr. Goring estimated the percentage to be between 10 and 20, whilst accurate research in many American prisons has shown that mental weakness is to be found in at least 25 per cent. of the prisoners tested.[4]

[1] "Recidivism" (1908), Preface, p. 6.
[2] "Recidivism" (1908), Chapter 1, p. 1.
[3] P.C. Report, 1918-19. pp. 14-15; and see pp. 284-85, and Note 12, p. 480.
[4] Before, however, drawing any final conclusion from the results of earlier researches into the mentality of prisoners, further information must be secured. The more recent investigations of Dr. H. M. Adler, in Illinois, and of other Americans, whilst confirming the impression that a high proportion of offenders, particularly in certain classes, are of inferior intelligence, show also that there is a higher proportion of mentally defective persons among the ordinary population than was previously supposed to be the case. These investigations, however, relate only to the United States: systematic researches still remain to be undertaken in this country with regard both to prisoners and to the normal population.

The effects of imprisonment upon such abnormal types are difficult to ascertain; but we can confidently assert that to imprison them is to illtreat them. Beyond this, such evidence as we have been in a position to obtain does not justify us in advancing any but the most general conclusions. In certain ways, at any rate, prison life appears to afford a milieu more in accordance with their natural inclination than do the more strenuous conditions of normal life. It demands no exercise either of initiative or of intelligent self-direction, and the mentally defective prisoner suffers less than the ordinary offender by the deprivation of the ordinary sources of interest.

Though the feeble-minded prisoner is spared the somewhat painful process of adaptation to prison conditions, repeated imprisonment can only serve to confirm his incapacity to take his part in ordinary life, and he is equally with the normal prisoner liable to suffer the process of moral degeneration, which repeated experience of prison seems to entail. The prison régime alternating with spells of licence outside tends to hasten their decline into further depths of helplessness, vice or crime.

When we turn to the petty recidivist or reconvicted prisoner who is not definitely feeble minded, we are on much firmer ground for drawing conclusions. The results of repeated terms of imprisonment in Local prisons may generally be stated to be a confirmation of those produced by a single sentence. The hardening effects become more pronounced, and the possibility of reform proportionately reduced. The initial shock of conflict with the law, which was noted to be a possible factor in reform, is almost completely absent in any subsequent sentence. It is probably this difference between the first and second sentences which accounts chiefly for the prevalent view that, if a second sentence be incurred, the prisoner is "done for." This view appears to be almost universal among prison warders, and is frequently confirmed by the more experienced agents of the various Aid Societies. Thus one of these agents states, "If a man is sent to prison a second time he loses heart completely."

The following is from a visiting chaplain, who has made a special study of the subject:—

> If sent to prison a second time, they lose the esteem both of themselves and of society, and grow reckless. Further acquaintance with prison life and prisoners tends to induce continuance in a criminal career.

Another prison chaplain states that the results of imprisonment show that the more often a man goes to prison the more often he is likely to go. "Prisons discharge more criminals than they admit, many more." And a magistrate of long experience on the Bench, writes as follows:—

> After the third or fourth time a man gets accustomed to the stigma and to prison treatment, and does not mind either. No person should be sent to prison if it can be avoided.

The man who has been in prison a second or third time, or who has become a prison "habitual," must naturally, in the present temper of society, find great external hindrances to recovery, quite apart from any inner deterioration of character. A social stigma rests upon him, the attitude of both employers and workmates makes it difficult for him to obtain work, and he often suffers from excessive attention on the part of the police. For these reasons, as one witness says, "he is a marked man, and discouragement usually completes the process."

It is obviously impossible to decide how large a proportion of the blame for any particular recidivist's failure to shake off "criminality" is to be laid at the door of prison treatment as compared with those other adverse influences. It can only be said that the observed effects of prison treatment upon first offenders, political and "ordinary," tend to show that the factor of prison operates along with other factors in completing the hardening and demoralising process in the case of the short-term recidivist.

The Recidivist Convict.

Penal servitude, to which many recidivists in time graduate, is based on a system similar to that in force in Local prisons. Its effects do not differ in any important respects from those observed in Local prisons, but the longer sentences undergone by convicts result in these effects being experienced in an aggravated form.' Stress has been laid in an earlier chapter upon the process of *adaptation*. It has been noted that many prisoners rapidly become accustomed to the conditions of prison life, achieving a certain contentment if not a positive satisfaction from the ordered routine and freedom from responsibility. It might naturally be supposed that, with longer sentences than local prisoners, convicts would become more perfectly adapted to prison life. Whilst there are undoubtedly cases in which this occurs, we also find frequent failures in adaptation. This is shown by the intense mental suffering endured by many convicts, as indicated in the letters quoted below.

A further observation supporting this conclusion is the greater frequency of assaults and violent quarrels in convict establishments.[4] Whilst these results may be in part due to the penal servitude régime, partly also to the despair induced by the prospect of long years of punitive slavery, they are to be explained also by the

[3] Strictly speaking, the "star," or first offender convict, requires separate consideration, the mental reactions of such men being comparable in some respects to those of the ordinary first offender in a Local prison, and, in other respects, to those of the recidivist convicts, whose treatment is almost identical with theirs. Our space and the resources of evidence at our command do not, however, enable us to deal separately with this class. The great majority of convicts have been previously convicted.

[4] Thus, in 1912-13, in Local prisons, with an average daily population of 15,534 of both sexes, there were 318 cases of violence reported; while in the five Convict prisons, with an average daily population of 2,876, there were 584 cases of violence.

difference between the types of offenders usually to be found in the two classes of prisons. In the official literature this difference of type would be expressed by describing convicts as a more incorrigible and criminal type. It would be more accurate to describe them as of stronger character, for it is clearly the more energetic types which find the greatest difficulty in adapting themselves to prison conditions and accordingly indulge in violent outbreaks.'

In consequence of his superior power of resistance against the deadening effects of imprisonment, we find that a convict after two, four, or even six years' "penal servitude" is often still fighting against the system and apparently suffering as intensely as the ordinary first offender in the early days of his imprisonment. After three years of penal servitude a convict writes[5]:—

> This is worse than death. It is a wonder one can suffer so much and yet live. It is a living death here. (1908: during *second sentence*).

At the end of a similar period another writes:—

> The life here is dreary, sad, lonely and desolate. There is no feature of the whole system which is either wise or commendable. (1908: *third year of sentence*).

Similar utterances are:—

> I honestly believe this worry is setting me mad. At times I sit down and cry like a child. It's simply weakness caused by getting no sleep. (1908: *second year of first sentence*).

and after four years:—

> The present is horrible, unthinkable! (1912: during *first sentence*).

The following brief but eloquent expression of suffering breaks from a convict in the *eighth* year of his sentence:—

> Can't sleep, can't read, can't rest; Oh Christ! (1907: during *first sentence*).

The Mental and Moral Deterioration of Convicts.

It is therefore easily credible that when the strain of imprisonment persists in this manner over a number of years, signs of mental abnormality should appear, even in the case of those who escape insanity or nervous breakdown. It is unnecessary to describe in detail the process of mental deterioration which occurs. The characteristics of the mental changes previously enumerated[6] in the case of political offenders apply, we have reason to believe, more fully to the convict population than to any other class of offender. That serious mental deterioration does occur is testified by many competent observers as well as by numerous references in convicts' own letters to premature age, childishness, and weakening of the

[5] Probably also, "high grade" defectives, "psychopaths," and other abnormals, gravitate towards Convict prisons. This class, though a small one compared with the "professionals," could provide a large proportion of the most sensitive and ill-adapted prisoners.

[6] See Note 12 on the next page.

[7] See pp. 486-91.

mind.[10] These references are all the more striking as coming spontaneously from a class of offenders of whom the majority are by no means introspective. The "old lag's" phraseology is somewhat different from that of the refined political prisoner, but it needs little imagination to see the identity of their experiences in prison.

But in the case of the majority of convicts, the degeneration noticed differs from that experienced by political offenders in entailing a moral rather than a purely intellectual deterioration. The convict is conscious of becoming bitter, hardened and brutalised. His animal passions, so far from decaying from disuse, are daily fed by countless provocations. Perhaps the most striking feature of prisoners' utterances is the pervading sense of *injustice*. It is frequently asserted that the majority of prisoners know that they have only themselves to blame for what they suffer and that their punishment is deserved. So far from this being the case, it is evident that our present system fails most signally in conveying a sense of merited chastisement. It has been pointed out by students of the mental aberrations of prison life that one of the first symptoms of these abnormal states of mind is a pathological belief in the prisoner that he is innocent of the crime for which he is imprisoned.[11] Such beliefs are well known in English prisons and are obviously incompatible with sentiments of penitence. But they do not stand alone. The prisoner who admits his crime feels that his punishment is unjust, not only in amount, but in the way in which it is administered. Whilst many would be prepared honestly to accept the fair consequences of their offence, a form of punishment that is degrading and injurious to mental and moral health is judged (and often quite rightly judged) by the prisoner to be as indefensible as his crime. Political offenders are said to view their punishment as a form of martyrdom. *That is the attitude of almost every prisoner.* Our present methods of punishment not only fail to inspire respect for the law, they inculcate for it positive moral contempt.

The following statements of prisoners exemplify this failure to inspire the prisoner with any sense of penitence or any hope of taking a useful place in society. A system that convinces the offender merely that he is less fortunate than his fellows, fails in its most fundamental purpose.[12] It will be noticed that some at least of the

[10] See the extracts given on p. 521 and pp. 523-26.

[11] See reference on p. 541.

[12] The following selected extracts from convicts' letters from prison are of special value as corroborating statements made by other witnesses in answer to direct enquiries. The extracts were copied from letters written by many different convicts in the years named to relatives or friends outside; in each case we have added particulars of the year and sentence in which the original letter was written. Where the words "first sentence" occur, they refer to penal servitude, and it is not necessarily a man's first conviction; he may have already served one or more sentences in a Local prison. These letters are simple personal documents, the spontaneous expression of feeling and opinion without any conscious intention to provide evidence upon the prison system. To object that these utterances are exaggerated would be to misconceive their real significance. It is precisely in their vehemence and startling phraseology that they convey an actual experience. It is not the emotion which is exaggerated, though the emotion be sometimes expressed by means of an exaggerated estimate of the facts.

writers are men of considerable powers of observation and expression, whose potential value to society is probably above the average.

I.

This life and the awful trouble I have passed through has so brutalised me, and after I have spent, as I shall do, four years in an atmosphere fetid with the breath of every crime and reeking with hypocrisy and humbug, I shall not be a human being when loosed, but a human tiger. At times I shake all over with suppressed anger when I think of what torture I have gone through and am likely to go on with.

(1905 : *second year of first sentence*).

II.

There's nothing to beat a lagging for utterly debasing whatever was left in a man of what was good.

(1905 : *second year of first sentence*).

III.

If one institution more than another tends to influence men's conduct in an inverse sense, it is prison; it degrades, brutalises and estranges his social affection and begets hatred for his fellow-men and himself included.

(1906 : *second year of first sentence*).

IV.

Such a life is not worth living, especially under those in authority at present. Men they are not, but cads they are. Bah, enough, the subject sickens me. They are trying to drive me to despair between them; but if I go, someone goes with me. A life for a life, a tooth for a tooth.

(1906 : *second year of first sentence*).

V.

We are perpetually having it instilled into us to love one another. . . . . Such a way in here is impossible. . . . I know what the moral influence of a place like this is on a sensitive mind, degrading, that is the only word; for if you prevent a man from exercising even the smallest good intention, how are you going to raise him morally and intellectually?

(1907 : *fourth year of first sentence*).

VI.

Twelve months in this place and a man is eligible for a situation in a deaf and dumb asylum; two years will make him eligible for a padded cell in Colney Hatch; three years for the dogs' home and annihilation. I am eligible for all these.

(1907 : *fourth year of third sentence*).

VII.

This life reduces one to the level of a wild beast, and every bit of one's better self is literally torn out. . . . leaving a sort of representation of Darwin's idea of your first parents. If you come to meet me in August, look out for something between a man and a beast, uncouth and uncivilised.

(1907 : *first sentence*).

VIII.

Such a living death, that's my definition of this place, and all others like it, to a poor convict. Not what poor deluded society thinks it.

(1907 : *second year of first sentence*).

IX.

Now this sentence has not reformed me, it has made me miserly and wicked. I shall treat mankind now without mercy.

(1908 : *third year of first sentence*).

X.

Instead of reclamation in 90 per cent. of the cases, we get the civilised man or woman depraved, degraded, brutalised and demoralised, and he or she goes back to the world and society with every human feeling but that of self seared as with a red-hot iron, callous to everyone and everything.

(1908 : *fourth year of fourth sentence*).

XI.

They cannot reform one in a hundred, while for every one reformed there are a thousand made ten times worse than when they entered the prison gate.

(1908 : *second year of second sentence*).

XII.

I am not allowed to have a mind in prison, and what little I do develop must, as a matter of course, be weak, because of the tyrannical surroundings in which it is formed. You know what Dante wrote over the gates of hell :"All who enter here, abandon hope"—the same inscription would well apply to a Convict prison. . . .

(1908 : *second year of first sentence*).

XIII.

I should like to see anyone make me tender. Why, this life has taken all the feeling out of me. I shall have neither compassion or pity on anyone for the future if they get in my way. . . .

(1909 : *fourth year of third sentence*).

XIV.

This imprisonment is a terror, a perpetual nightmare, and there are temptations to a fellow here not to be described. This prison system has robbed thousands of their manhood; they leave prison soft in body and mind, unable to cope with real steady work, a couple of days' work knocks them up; in fact they are not worth a tinker's curse, they become "drifters," and many dreadful ends of such may be cited.

(1909 : *third year of second sentence*).

XV.

I am sure this place is next to hell, and instead of doing any good in the reforming way it's the other way about by putting the edge on.

(1909 : *seventh year of second sentence*).

XVI.

For God's sake and your own, and for the sake of us all, stretch out a brotherly hand and pluck me from this brand of hell (for it is hell).

(1910 : *first year of second sentence*).

this may be regarded as suggesting that one of the chief causes of repeated convictions must be sought, not in the conditions which ordinarily make for crime outside prison, but in our treatment of criminals either during imprisonment itself or after their discharge.

A closer examination of the Tables shows that there have been two waves of crime. If we look at the different columns we see that the first wave culminated in 1904 in every case, except the "once" column, which shows a trifling increase in the following year. After this, the grand total of convictions decreases till 1907; there is then a sudden jump up in 1908; and then a progressive decrease.

The "first offenders" column follows these movements throughout. The "once" column also follows it, except that its highest point occurs a year later. The "three times" column does the same, but the decrease in 1907 is very small—300 as against 3,600 in the "once" column, 5,600 in the "first offenders" column, and 9,200 in the table of commitments. The increase in the "five times" column begins in 1907, and not until 1912 does a decrease occur, whilst the "eleven times" and "twenty-one times" columns, starting their increase in the same year, continue to do so steadily up to the war.

It can hardly be doubted that a considerable number of persons implicated in these waves have become "habituals," and so have travelled diagonally across the Table. Nor is it easy to avoid the inference that this is due either to the effect of the prison system or to the conditions after discharge. It is highly improbable that the persistence of these waves down and across the Table can be accounted for by the sudden appearance of an unusually large number of irreclaimable characters in our midst; and there would seem to be no other satisfactory explanation than that imprisonment and the experiences following discharge have the effect of confirming prisoners in a criminal career.

The only recidivist statistics available which deal with serious crime refer to prisoners tried on indictment, and from them we have prepared Table B. It is difficult to say to what extent the proportions would be altered by including indictable crimes tried summarily, which are far more numerous than those tried on indictment. The most interesting fact is that the waves are entirely due to previous offenders; the extraordinarily level number of first offenders is a phenomenon which seems incapable of being satisfactorily explained.

There are signs, shown by the percentages, of a reluctance to decrease in the case of the later columns, similar to that we have noticed in the previous Table. The movement is not so strong; but it is worth pointing out that in this case we should not expect the effects of the treatment during or after imprisonment to be shown so markedly, as these persons are mainly long term prisoners and include many convicts with sentences of three years and more. The effects would, therefore, take much longer to become apparent than in the case of persons whose average term is less than a month.

An analysis of the crimes committed by recidivists is not of great value unless we can determine the previous crime. There is a tendency to assume that criminals commit the same crime over and over again, an assumption which is in the main supported by such figures as have been collected; but not so predominantly as to make negligible those criminals who indulge in variety. Dr. J. F. Sutherland gives a summary of 370 Scottish cases of convicts and long term prisoners as follows[2] :—

[2] Recidivism, p. 32.

	No Previous Convictions %	Convicted of Homicides, Assaults, etc. %	Convicted of Burglary, House breaking, etc. %	Convicted of Larceny, Theft, Fraud, etc. %	Convicted of Sexual Crimes %
Homicides, Assaults, etc.	49	35	6	9	Nil
House-breaking, Burglary, etc.	1.8	1.2	68.5	28.5	Nil
Larceny, Theft, Fraud, etc.	4.5	1.5	30.6	63.4	Nil
Sexual Crimes	53.3	33	Nil	Nil	13

These figures are sufficient to prove that it is the acquisitive crimes in which professional recidivists mainly deal. Amongst petty offenders we find drunkenness and assault to be the most frequent causes of conviction. The Prison Commissioners published in their report of 1911 an account of 5,315 male first offenders received into Stafford Local prison from 1900 to 1904. By the end of 1910, 1,787 (or 33.6 per cent.) of these had returned with fresh sentences to the same prison. The percentage of reconvictions for the commonest offences were :—

Drunkenness, 43 per cent.
Offences not involving moral turpitude, 37 per cent.
Ordinary Assaults, 36 per cent.
Burglary, etc., 34 per cent.
Larceny and Receiving, 30 per cent.

Of the prisoners reconvicted—

17 per cent. were under 21 years on reception for the *first* time.
29 per cent. were over 21 and under 30 on reception for the *first* time.
26 per cent. were over 30 and under 40 on reception for the *first* time.
16 per cent. were over 40 and under 50 on reception for the *first* time.
8 per cent. were over 50 and under 60 on reception for the *first* time.
4 per cent. were 60 and over on reception for the *first* time.

These last figures are not very valuable without knowing the numbers of each age in the original total.

Dr. Goring shows that of 2,204 "habitual" convicts, 1,610, or 72.8 per cent., were under 21 years of age on first conviction, and 1,946, or 83.7 per cent., under 25.[3] Returns given in the Prison Commissioners' Report for 1920-21 [4] showed that approximately :—

Amongst prisoners as a whole, men were to women as 3 to 1.
Amongst previously convicted persons men were to women as 2 to 1.
Amongst persons previously convicted over 20 times men were to women as 2 to 3.

[3] "The English Convict," p. 201.
[4] Op cit., p. 8.

The Commissioners point out that, *proportionately*, recidivism is increasing among women. In 1913-14, one out of every five of the women in Local prisons had been sentenced over 20 times previously ; in 1920-21, the proportion was one in four. This is probably due not to an actual increase in the number of recidivists, but to the great fall in the number of first offenders. The large number of women with a lifetime of previous convictions is a well-established fact ; but it does not seem to be specially connected with the prison system.

A — Proportion of Convictions of Previous Offenders to the Total Number of Convictions.

YEAR	TOTAL[1]	First Offenders	PREVIOUSLY CONVICTED									
			At least ONCE		At least 3 TIMES		At least 5 TIMES		At least 11 TIMES		At least 21 TIMES	
			Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
1900	146,270	59,389	86,881	59	52,704	36	39,623	27	22,148	15	10,871	7
1901	162,755	69,689	93,066	57	55,366	34	41,196	25	22,964	14	11,419	7
1902	171,011	74,142	96,869	57	57,458	34	42,258	25	23,060	13	11,416	7
1903	188,601	82,845	105,756	56	62,667	33	45,925	24	24,800	13	11,892	6
1904	198,303	85,707	112,596	57	65,925	33	48,023	24	25,606	13	12,311	6
1905	196,099	83,508	113,491	58	65,737	34	47,266	24	24,189	12	11,443	6
1906	183,701	76,293	107,408	58	63,127	35	45,997	25	23,292	13	10,700	6
1907	174,574	70,678	103,896	58	63,131	36	46,439	27	24,580	14	11,620	7
1908	184,639	73,772	110,867	60	66,630	36	48,144	26	25,180	14	12,039	7
1909	182,749	71,588	111,161	61	68,050	37	49,361	27	25,622	14	12,368	7
1910	187,600	63,429	104,171	62	65,613	39	46,637	29	25,529	15	12,133	7
1911	159,108	58,503	100,605	63	65,428	41	49,267	31	26,362	17	12,579	8
1912	156,085	55,981	100,104	64	65,006	42	48,917	31	26,385	17	13,359	9
1913	138,295	46,458	91,837	66	61,104	44	47,190	34	27,683	20	14,428	10
			At least Once		At least 5 Times		At least 8 Times		At least 11 Times		At least 21 Times	
1920–21[2]	43,912	17,921	25,991	59·19	12,091	27·53	8,656	19·71	5,592	12·73	1,142	2·606

[1] Total of persons convicted, including those sent to prison with the option of a fine.

[2] The figures for 1920-21 are taken from the Prison Commissioners' Report. The particulars given do not permit analysis under the headings previously used.

B — Criminal Recidivists—Tried on Indictment Only.

YEAR	Total Committed to Prison	First Offenders	PREVIOUSLY CONVICTED									
			At least ONCE		At least 3 TIMES		At least 5 TIMES		At least 11 TIMES		At least 21 TIMES	
			Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
1900	7,975	3,090	4,885	61	3,449	43	2,622	33	1,143	14	366	5
1901	8,631	3,407	5,224	61	3,690	43	2,763	32	1,186	14	337	4
1902	9,138	3,370	5,768	63	4,055	44	3,032	33	1,322	14	408	4
1903	9,612	3,562	6,080	63	4,267	44	3,205	33	1,399	15	415	4
1904	9,918	3,471	6,447	65	4,464	45	3,329	34	1,484	15	496	5
1905	10,118	3,328	6,790	67	4,860	48	3,610	36	1,553	15	505	5
1906	10,390	3,241	7,049	68	5,034	48	3,763	36	1,597	15	487	5
1907	10,379	3,283	7,096	68	5,120	49	3,881	37	1,735	17	545	5
1908	11,628	3,406	8,222	71	5,979	51	4,589	39	2,049	18	632	5
1909	11,327	3,337	7,990	70	5,704	50	4,296	38	1,858	16	602	5
1910	11,337	3,340	7 997	70	5,806	51	4,384	39	2,004	18	644	6
1911	10,646	3,172	7,474	70	5,528	52	4,233	40	1,972	19	598	6
1912	10,931	3,466	7,465	68	5,526	51	4,303	39	2,052	19	673	6
1913	10,165	3,236	6,929	68	5,026	49	3,942	39	1,934	19	606	6
1919[1]	6,192	3,205	2,987	48	1,707	28	1,195	19	534	9	183	3

[1] Figures are not available for 1914-18 or for 1920-21.

CHAPTER VI

INSANITY AMONG PRISONERS

If, as would seem to be clearly indicated by the evidence adduced in the foregoing chapters, the unnatural restrictions and privations of our penal system, the shock of imprisonment and the ensuing nervous strain upon the prisoner, combine in fostering abnormal states of mind, it is reasonable to enquire whether these conditions do not also account in some measure for the unusually high ratio of insanity in the prison population.

The view that the rigours of prison life are sufficient in many cases to unhinge the mind or seriously to impair the prisoner's nervous constitution has often been urged, and attempts have occasionally been made to support it by statistical argument. Official opinion, however, has consistently held that the admittedly high ratio of insanity in prisons is to be explained by the purely general relationship which is believed to obtain between insanity and crime, in virtue of which many who are predisposed to mental abnormality tend in the ordinary course of events to be convicted for some offence.

In much of the discussion of this problem the spirit of judicial or scientific enquiry has been lacking, and it has been largely vitiated by two important defects. In the first place, the arguments have been almost entirely general in character. No detailed study of actual cases in English prisons has been published, or has, as far as we know, been made. In some other countries investigations of the nature of insanity in prisons have made it possible to judge with greater certainty the ways in which such an adverse environment may affect the development of pathological states of mind. A similar analysis of individual cases in English prisons, with its statistical results, would do much to elucidate the subject here.

The other defect, to be found chiefly in official pronouncements upon the matter, lies in the failure to distinguish between purely general predispositions and the more significant immediate causes in the development of insanity. It is, for instance, frequently implied in the Commissioners' Reports that since mental instability is known

to have characterised the prisoner before his incarceration, subsequent mental breakdown can be in no way the result of prison discipline. Congenital predisposition, or unfavourable circumstances in early life, is almost universally agreed to provide a necessary basis of all psychoses. The fact is overlooked that the real question at issue is whether prison treatment, operating upon such predispositions, may cause insanity in men and women who, under a more discriminating and humane system of discipline, would not only avoid serious mental disorders, but might be restored to ordinary social conditions healthier in mind, as well as in morals.

The Extent of Insanity.

A criticism of the prison system from this point of view, made by the Rev. Dr. W. D. Morrison, a prison chaplain of long experience, arrested the attention of the Departmental Committee of 1895. Dr. Morrison estimated the ratio of insanity in Local prisons in the years 1875-7, at 113 per 10,000, and in 1890-2, at 226 per 10,000. The doubling of the ratio of insanity, he argued, was largely due to the principles of prison discipline which had been employed since the introduction (in 1878) of the centralised system of administration.

The Departmental Committee, after examination of Dr. Morrison's contention, did not feel competent "to form a judgment either on the comparative extent of insanity in prisons, or on the best specific methods of treating those whose mental condition is doubtful or who are obviously weak minded."[1] A memorandum on the question presented by Dr. Bridges was, however, appended to its report. Dr. Morrison's figures were contested, but it was admitted that "among the prison population the ratio of insanity arising among persons apparently sane on admission is not less than three times as great as that amongst the general population of corresponding ages."[2]

A more exact analysis of the available statistics shows that neither of these accounts gave an entirely satisfactory presentation of the facts. Dr. Morrison, being concerned mainly with the effects of centralised authority in relation to Local prisons, ignored the even higher ratio of insanity prevailing in Convict prisons; and this fact was naturally also ignored in Dr. Bridges' reply.

The total number of cases of insanity occurring in prisons (inclusive of convicts) during the years 1906-15 is shown in Table A.[3] Taking an average of the ten years, the total ratio of insanity in prisons is 86.6 per 10,000; and, even after deducting those cases in which the prisoner is regarded as mentally unsound upon reception, we still have a ratio of 41.3 per 10,000, nearly five times as

[1] 1895 Prisons' Committee Report: par. 92, p. 34. This Committee did, on the other hand make certain recommendations, of which the principal was that weak-minded prisoners should be concentrated in special prisons or other institutions. (Report: pars. 92 and 93).

[2] 1895 Prisons' Committee Report: p. 48-9, Memorandum on Insanity in Prisons.

[3] See p. 543. See Table G., p. 549, for returns for 1915-21. It will be seen that the ratio of insanity in the prisons has increased considerably. In 1920-21 it was 113.69.

great as that prevailing during the same period among the ordinary population.[4] These figures are not in themselves sufficient to indicate the causes of the mental disorder, nor are they for all purposes comparable with those relating to the ordinary population.[5] Moreover, a large number of different types of insanity are aggregated together in a way which confuses a variety of factors.[6] At the same time they are extremely significant and demand careful consideration.

In a preliminary analysis we may adopt the method customary in the reports of the Prison Commissioners of distinguishing the cases of insanity in Local prisons from those in Convict prisons. From Table B (Insanity in Local Prisons)[7] it will be seen that the average ratio of insanity among prisoners classified as mentally sound on reception is about 28 per 10,000, more than three times that prevailing in the general population. The Convict prison population, on the other hand, shows (as set out in Table C.[8]) a similar ratio some 13 times as great as that in the general population. The difference is striking.

A closer scrutiny of the figures relating to Local prisons indicates that the ratio of insanity, high as it is when compared with the general population, is considerably underestimated. It will be seen from Table B. that of 1,342 cases of insanity occurring in the ten years, 880 (or over 65 per cent.) were considered to be mentally unsound at the time of their reception, and that the estimated ratio of insanity is based solely upon the remaining 462 cases. But, though it is probable that a majority of the "unsound" reception cases were mentally unbalanced, a considerable proportion were clearly insufficiently so to warrant certification, and these might never have become certifiably insane had they not been subjected to prison discipline. That the strain of imprisonment acted as the immediate cause of their breakdown is (1) strongly suggested by the descriptions given of the prisoners' condition of mind when received in prison, and is (2) rendered almost beyond dispute by the time elapsing before formal certification of insanity. We will consider these points in turn.

[4] Taking the ratio of insanity in the ordinary population over 15 years of age as 8·7 per 10,000.

[5] Some of the objections that may reasonably be urged against such comparisons will be found in the Report of Medical Inspector (P.C. Report) 1907-8. Whilst such objections furnish a partial explanation of the disparity between the ratio of insanity in the two cases, they do not justify us in going to the opposite extreme of denying all significance to it. In the absence of an adequate explanation it is impossible to avoid the conclusion that the conditions of prison life provide the final exciting causes of the mental breakdown of many who are certified insane during the course of imprisonment. This conclusion becomes the more irresistible in view of the independent indications set forth in the present chapter.

[6] The vast majority of prisoners serve only very short sentences, and in this class the ratio of insanity is low. The average ratio of all prisoners shows a close correspondence with the ratio of insanity among prisoners serving a twelve months sentence. Of 17,320 prisoners serving a sentence of one year, 139 were certified insane, 70 being regarded as having been so upon reception and 69 having then been declared apparently sound. The ratio of insanity among these prisoners therefore is 80.6, comprising 40.6 unsound on reception, and 40 per 10,000 declared sound when admitted to prison.

[7] See p. 544.

[8] See p. 545.

(1) It is necessary to emphasise the fact that a comparison of the summarised statistics in the Commissioners' Reports with the more explicit details provided, in pre-war years, in the appendices thereto, fails to confirm the estimate of the number of those unsound at reception given in the former. Many of those included are vaguely described in the appendices as "doubtful," "weak-minded," or merely as "peculiar." Usually, in fact, those definitely declared to be unsound do not exceed 45 to 50 per cent. of the total number of cases,[9] and even of that number some are retained in prison for over a year before removal to an asylum.

(2) The conclusion that those regarded as unsound at reception include a great number of merely doubtful cases, and that the strain of imprisonment acts as the immediate cause of their breakdown, is strongly reinforced when we consider the second point, viz., the period elapsing between reception and certification. Of those declared unsound (see Table D.[10]) only 55 per cent. were certified within the first month, over 17 per cent. not until after two months' imprisonment, and several cases remained in prison 12 or 15 months before removal to an asylum. These facts are the more significant because they are broadly parallel with those relating to prisoners regarded as *sound* on reception.

We may, therefore, conclude that the ratio of insanity among those mentally sound on reception in Local prisons is considerably higher than that given by the Commissioners.

The Effect of the Length of Sentence.

It is the custom of the Commissioners to draw attention to the number of prisoners developing symptoms of insanity in the first month of imprisonment,[11] with the object, presumably, of suggesting that their early occurrence clears the prison system from any responsibility. A careful analysis of the figures shows that they do not justify any such interpretation. The Commissioners base their conclusion upon the *absolute* number of cases of insanity occurring in the first month, but this figure is clearly worthless for purposes of comparison, since a large proportion of prisoners do not serve more than a month. For instance, three times as many prisoners serve one month as two months. The fact is that the ratio of insanity is actually smaller during the first month than afterwards, and that it increases in the succeeding months; this is

[9] The following is typical. In 1914-15, 125 cases of insanity occurred in prison. Of these 90 (i.e., 70 per cent.) are stated, in the body of the Commissioners' Report, to be "Insane at Reception" (i.e., mentally unsound at reception).

An analysis of Table D in the Appendix to the Report, gives the following figures:—

Number certified within a month	58	(46 per cent.).
Number described as "Insane or Unsound," etc.	56	(42·6 per cent.).
Number described as "Doubtful, etc.	46	(35·5 per cent.).
Number described as Sane, Normal, etc.	20	(15·9 per cent.).

These regarded as "Insane" include, therefore, most of the merely doubtful cases, and many who were not certified until after the first month of imprisonment.

[10] See p. 546.

[11] P.C. Reports, 1913-14, p. 21, 1914-15, p. 22, 1915-16, p. 17, etc.

clearly to be seen from a comparison of Tables D and E.[12] The relative insignificance of the number of cases of insanity occurring in the first month is also shown by the fact that, even if we ignore all such cases, we still have a ratio of insanity exceeding 50 per 10,000 of the daily average Local prison population.

If prison life had no effect upon the mind, we should expect to find that, after those insane at reception had been eliminated, the cases of insanity would be more or less evenly distributed over every month of imprisonment. The fact that the number certified bears a close relationship to the period of imprisonment served, indicates very strongly that imprisonment itself is a factor in its determination. This is shown most clearly by the figures in Table E. In the first month, the ratio of certifications is 35 per 100,000; in the second, it is 43; in the third, 58; and the general tendency is for it to rise until in the 42nd month it stands at 99 per 100,000. After that it falls, but the numbers are by this time too small to make inference reliable.

It will be noted that the increase in the ratio is not absolutely continuous. A perfectly regular increase is hardly to be expected since different factors likely to cause mental disorder are operative at different times. The cases which occur in the early period arise from the same causes as the suicides, which have been observed to occur with great frequency at this period.[13] These causes tend to become less powerful as the prisoner becomes adapted to his environment in the way we have described, but afterwards other factors supervene. The prolongation of the strain of imprisonment and the accumulating effects of the severe discipline tell upon many prisoners unaffected throughout the earlier period, with the consequence that the successive months reveal an upward movement of the ratio of insanity.

Similar conclusions regarding the distribution of the cases of insanity in English prisons are to be drawn from Table F.[14] From an examination of this Table the following points are clear:—

(1) The ratio of insanity to the number of sentences increases with the length of the sentence imposed. This applies both to those regarded as "unsound" at reception and to those deemed to be "sound" (though the rate of increase is considerably higher in the latter case), and continues throughout the whole range of sentences.

In all sentences under one month the number of those certified insane (though considered sound in mind at reception) is less than one per 10,000. At one month the ratio is approximately one per 10,000. Thence it rises somewhat abruptly, being seven per 10,000 at three months, and it continues to increase out of all

[12] See pp. 546 and 547.

[13] See pp. 555-56.

[14] See p. 548.

proportion to the increasing length of sentence. Twelve-month prisoners shew a ratio of 40 per 10,000; those sentenced to two years have a ratio nearly three times as large; convicts sentenced to five years, a ratio nine times as large.

(2) Among prisoners sentenced to less than one year's imprisonment, the majority of cases of insanity are drawn from those regarded as unsound at reception; among one year sentences the two classes are approximately equal; whilst in all sentences exceeding a year the greater number of those certified insane are drawn from those sane at reception. At six months, for instance, 36 per cent. of those certified insane were presumed to be sane at their reception, whilst among two-year prisoners this class amounts to about 64 per cent. of the total number of cases. This fact is perhaps partially to be explained by the greater care taken to prevent insane criminals being committed to prison on the longer sentences.

The low and somewhat constant ratio of insanity in prisoners sentenced to less than a month arises partly, no doubt, from the less systematic observation to which they are submitted, but chiefly from the sentence being too short to effect complete nervous breakdown. The observations of Continental investigators indicate that, except in the case of those certainly insane at reception, three or four weeks under prison conditions is necessary to produce the major symptoms of prison aberrations (that is, such symptoms as would warrant certification of insanity),[15] and many of those in English prisons who develop symptoms of insanity in the first month, do so only in the last week. This explains, no doubt, why the first month's ratio of insanity is disproportionately low, and why it rises somewhat abruptly in the two-month prisoners. It is significant that removal from prison is often sufficient to arrest insanity occurring during the first month.

(3) The high ratio of insanity in Convict prisons is hardly surprising, and confirms, with regard to English prisons, conclusions which had been reached concerning similar institutions on the Continent.[16] But it should be observed that Table F makes clear that the convict statistics are even more significant than appears at first sight from Tables B. and C. In those Tables the ratios are worked out on the basis of the average daily population. Whilst however, the number which indicates the average daily population in Local prisons represents about ten individuals (owing to its shifting character), the parallel number in the case of Convict prisons (owing to the much greater stability of the population) represents less than

[15] Exceptions to this rule, however, are afforded by the cases observed by the investigator Reich among prisoners awaiting trial. Certain acute mental disturbances may develop under these conditions, in a few days or even hours; but here, of course, other factors than mere imprisonment are operating, *e.g.*, suspense regarding the trial, etc. "History of Prison Psychoses," p. 31.

[16] "Three times as many of the long term prisoners as of the short term prisoners are stated by Sommer to become insane (Sommer: Beiträge zur Kenntnis der Kriminellen Irren. Allgem. Zeitschr. f. Psych. XL., 539 ff., 1884. ("History of Prison Psychoses," p. 141.

two persons. One might have expected, therefore, that the Local prisons would show a larger ratio than the Convict prisons. The fact that instead the Convict prisons show a ratio four times as high as that of the Local prisons is very noteworthy.

From the foregoing considerations it clearly appears that imprisonment is in a large measure responsible for the development of insanity. The excessively high ratio of insanity in prisons would alone strongly suggest such a conclusion. A detailed analysis of the facts shows that the attempt to explain this preponderance by a purely general hypothesis concerning the relation between insanity and crime to be quite unsatisfactory. The period elapsing between reception and removal to an asylum is a fact of great importance in this connection.[17] Still more significant is the fact that in Local prisons insanity is more prevalent among prisoners sentenced to long terms of imprisonment than among short-sentence prisoners, and that it is far more prevalent in the case of convicts than in the case of local prisoners. The only conclusion to be drawn from these facts is that prison treatment is a determining factor in the causation of a large number of cases of insanity in prison.

The Development of Insanity.

In the previous chapters describing certain of the mental effects of imprisonment upon the comparatively normal offender, references to marked pathological conditions were intentionally avoided. A comparison of the phenomena of insanity in prison with the mental effects of prison discipline upon normal offenders reveals certain striking and disquieting facts. The typical symptoms of the more serious mental aberrations show a close and intimate correspondence with some of the most common features of the normal prisoner's mental life during incarceration. This strongly suggests that the two classes of phenomena arise, to a large extent, from identical causes, and differ in degree rather than in kind. The fact that these phenomena in the case of the normal prisoner are distinctly traceable to the effects of imprisonment itself tends to substantiate the contention that imprisonment is one of the principal causes of the high rate of insanity among the prison population.

As we have indicated, no thorough investigations appear to have been made into the nature and genesis of the different types of insanity occurring under the conditions of English prison life, but evidence on this matter is to be found in researches pursued in other countries.[18]

[17] A medical man who has had 10 years' experience in the Ardwick Separate Prison writes: "Prison psychoses often improve considerably after the transfer of the patient to an asylum. This seems to indicate an unfavourable effect of the prison environment on the mental state."

[18] A review of these investigations will be found in "The History of Prison Psychoses," by Nitsche and Wilmanns (Nervous and Mental Disease Monographs, English translation, New York, 1913).

Gutsch,[19] one of the first of the students to apply himself to this field of enquiry, refers to the cycles of emotional excitements and depressions, the religious and agitated melancholia, suicidal and maniacal outbreaks, home-sickness, and the typical delusions of innocence or pardon. He attaches special importance to solitary confinement in the causation of hallucinations and delusions of persecution and of poisoning.[20] To solitary confinement also is attributed responsibility for the condition of irritability and restlessness which issues in insane rebellion against the prison routine.[21] It is significant that many of the cases studied showed distinct signs of recovery when the patient was removed from solitary confinement, whereas the application of disciplinary measures to cases of irritability or captiousness only intensified the abnormality of mind. The findings of Sommer, summarised by Nitsche and Wilmanns as follows, are representative of those of many observers:—

> The crime itself, the excitement incident to the act, the detection and publicity, the remorse and regret, the sad outlook for the future, the hopelessness of the situation, especially in long sentences, all these along with the suddenly changed mode of life, the curtailment of freedom, the forced subjection to an unaccustomed severe discipline, the scarcity of exercise and air, the consequent prison anæmia, the sexual aberrations, are certainly sufficient to unbalance a normal mind; how much more easily, therefore, a mind that is already working abnormally, one that is accustomed to the routine stimulations of customary luxuries which are now denied it? Certainly the punishment itself has a marked influence upon the mental condition of the patient.
>
> Sommer attributed much greater importance, however, to the kind of punishment. The inmate of a reformatory who spends most of the day in company with other prisoners or in the open, and who, as a whole, leads during his imprisonment a more rational life than that which his poor home surroundings or his vagabond existence afforded him, will seldom develop a mental disorder as a result of his imprisonment. . . . In contrast, however, to the workhouse or reformatory, the penitentiary with its long term sentences, its solitary confinement, its hard labour, and enforced mutism, its monotonous occupation and severe discipline . . . . furnishes greater opportunity for the development of mental disorders.[22]

A more detailed account given by Sommer of the mental changes occurring in the prisoner during the development of pathological states of mind accords with those of previous observers, and includes many of the points mentioned in the foregoing chapters. He instances as initial symptoms the inability to concentrate, irritability, and the manner in which the prisoner sinks into apathetic brooding. He notes, further, the tendency of disciplinary measures to strengthen

[19] "History of Prison Psychoses," pp. 8 and 9.

[20] Compare the drugging theory mentioned in the Note to Chapter IX., p. 686.

[21] For parallel phenomena among normal prisoners compare pp. 489-497, 507-10, and 521-22.

[22] Beiträge zur Kenntnis der Kriminellen Irren. Allgem. Zeitschr. f. Psych. XL., 1884, summarised in "History of Prison Psychoses," p. 13.

the prisoner's delusions and to lead to vicious assaults and insubordination.

Siefert,[23] a more recent investigator— and one who is inclined to attach less importance to the influence of imprisonment than the majority of observers—states that many of these mental disorders are to be regarded as the product of the joint action of predisposition and of the environmental influences, among which influences the deleterious effect of imprisonment is to be included. In many such disorders, he writes, "often apparently suddenly, or indicated by premonitory signs, collapse occurs in prison . . . . Whilst they are still recent and dependent upon the prison environment, medical interference may be of practical value." From the evidence relating to English prisons, such medical interference, except an order of confinement to an observation cell, appears rarely to occur until the disorder has become sufficiently aggravated to warrant removal to an asylum.

It is investigations of individual cases such as Sommer and Siefert have conducted which show, more clearly than general theories concerning the relation of insanity to crime—more clearly, perhaps, than the statistical data can do,—the true significance of insanity in prisons. The relation is not merely one dependent upon predispositions. If insanity in prisons is to be regarded merely as the effect of such predispositions carried over from the prisoner's prior life, the experiences of apparently normal offenders indicate that such predispositions are shared by the great majority of those who pass through the prison system. Moreover, even if this highly improbable supposition were granted, it would not account for either the actual outbreak of symptoms of insanity in those judged at reception to be sound in mind, or the preponderance of cases among convicts and others with sentences exceeding the average length.

From the evidence adduced it is clear, at any rate, that there is much which calls for full and systematic investigation by all who desire to improve the condition of those confined in the prisons of this country. On the Continent, where attempts have been made in this direction, the enquiries appear to have been wanting in the requisite sympathy and imagination, and the clearest recognition of the harmful effects of imprisonment upon the mind does not seem to have led to practical reforms. We hope that these faults may be avoided in England, and that scientific research may go hand in hand with the fullest possible imaginative sympathy with the human subjects of investigation.[24]

[23] Physician in charge of the Observation Station for the Insane at Halle. See "Ueber die Geistesstörungen der Strafhaft," 1907. ("Hist ory of Prison Psychosis," p. 44).

[24] Compare the wise remarks of Dr. Healy: "The Individual Delinquent," pp. 34-35.

Appendix to Chapter Six.

TABLES OF INSANITY.

A Table Showing Ratio of Insanity to Prison Population. (Local and Convict prisons).

Year	Average Daily Population	Total Number of Cases	Mentally Unsound on Reception	Remainder
1905-6	21423	148	74	74
1906-7	20943	178	94	84
1907-8	20783	172	77	95
1908-9	22029	158	73	85
1909-10	21710	154	85	69
1910-11	20291	179	100	79
1911-12	18989	201	107	94
1912-13	18410	188	99	89
1913-14	17056	184	101	83
1914-15	14641	152	92	60
Average	[illegible]	171·4	90·2	81·2

Total Ratio of Insanity in prison	86.8 per 10,000
Ratio of those mentally sound on reception	41.3 per 10,000
Percentage of cases mentally unsound on reception ...	52.7
Percentage of cases mentally sound on reception ...	47.3

B

Table Showing Ratio of Insanity to Local Prison Population.

Year	Average Daily Population	Total Number of Cases	Mentally Unsound on Admission	Remainder
1905-6	18288	129	73	56
1906-7	17911	129	89	50
1907-8	17719	128	72	56
1908-9	18923	135	73	62
1909-10	18521	118	85	33
1910-11	16982	136	96	40
1911-12	15907	156	106	50
1912-13	15534	135	96	39
1913-14	14352	140	100	40
1914-15	12164	126	90	36
Average	16624·1	134·2	88·0	46·2

Total Ratio of Insanity in Local prisons ... ... 80.7 per 10,000
Ratio of those mentally sound on reception—approximately 28 per 10,000
Percentage of cases mentally unsound on reception 65.5
Percentage of cases mentally sound on reception 34.5
Number of cases certified within month (including those mentally sound on reception) 578

C

Table Showing Ratio of Insanity to Convict Prison Population.

Year	Average Daily Population	Total Number of Cases	Mentally Unsound on Admission	Sound on Reception
1905-6	3135	19	1	18
1906-7	3032	39	5	34
1907-8	3064	44	5	39
1908-9	3106	23	0	23
1909-10	3189	36	0	36
1910-11	3309	43	4	39
1911-12	3082	45	1	44
1912-13	2876	58	3	55
1913-14	2704	44	1	43
1914-15	2537	26	2	24
Average	3003·4	37·2	2·2	35·0

Total Ratio of Insanity in Convict prisons ... ... 123.9 per 10,000
Ratio of those mentally sound on reception ... ... 113.2 per 10,000
Percentage of cases mentally unsound on reception ... 5.9
Percentage of cases mentally sound on reception 94.1

TABLE SHOWING PERIOD ELAPSING BETWEEN RECEPTION AND CERTIFICATION IN 1,342 CASES OF INSANITY OCCURRING IN THE YEARS 1906-15. (Local Prisons).

Months before Certification	1	2	3	4	5	6	7	8	9	10	11	12	Over 12	TOTAL
Cases "Insane on Reception"	501	156	85	41	32	24	15	11	12	10	5	2	8	905
Cases "Sane on Reception"	74	83	61	49	29	31	31	13	14	14	6	12	20	437
														1,342

NOTE.—The discrepancy between this Table and Table B with regard to the relative numbers of those sane and insane at reception is due to 26 doubtful cases of those regarded as sane at reception having been transferred to the other class. The vagueness of the distinction inevitably introduces an arbitrary factor into the classification. For our present purpose, cases having a previous history of insanity, though apparently sane at reception, have been classed with those unsound at reception. Difficulties in classification have been increased by inconsistencies in the official figures themselves.

E TABLE SHOWING THE RATIO OF INSANITY FOR THE SUCCESSIVE MONTHS OF ALL SENTENCES UP TO FIVE YEARS (1905-6 to 1914-15).

1 Period of Sentence	2 Number of Prisoners	3 Number of Prisoners certified Insane	4 Ratio per 100,000 (per month)	5 Cases regarded as Sound on reception	6 Ratio per 100,000 (per month)	7 Cases regarded as Unsound on reception
1st Month	1,641,223	580	35	74	4	506
2nd ,,	558,212	239	43	83	15	156
3rd ,,	262,906	153	58	64	24	89
4th to 6th Month	108,346	228	70	125	34	103
7th ,, 9th ,,	55,394	122	74	78	47	44
10th ,, 12th ,,	40,285	73	60	56	46	17
13th ,, 15th ,,	23,065	42	61	39	59	3
16th ,, 18th ,,	18,380	89	69	34	57	5
19th ,, 24th ,,	12,383	48	65	41	55	7
25th ,, 30th ,,	9,506	46	81	41	72	5
31st ,, 36th ,,		34	69	29	51	5
37th ,, 42nd ,,	3,518	23	99	22	95	1
43rd ,, 48th ,,		15	64	14	—	1
49th ,, 54th ,,	2,914	14	79	13	—	1
55th ,, 60th ,,		10	57	10	—	—

F TABLE SHOWING RELATION BETWEEN INSANITY AND LENGTH OF SENTENCE DURING THE TEN YEARS 1905-6 to 1914-15.

Length of Sentence	Number of Sentences awarded during the whole period of 10 years	Cases of Insanity			Ratio per 10,000		
		I	II	Total	I	II	Total
Up to 1 week	582,035	27	—	27	·46	—	·46
,, 2 weeks	411,078	99	10	109	2·4	·24	2·65
,, 3 ,,	63,644	21	3	24	3·3	·47	3·77
,, 4 ,,	26,254	10	1	11	3·8	·38	4·18
1 month	256,121	183	32	215	7·14	1·24	8·38
2 months	63,688	81	37	118	12·7	5·8	18·5
3 ,,	88,292	147	63	210	16·6	7·1	23·7
4 ,,	17,902	28	23	51	15·6	12·8	28·4
6 ,,	31,910	89	54	143	27·9	16·9	44·8
12 ,,	17,230	70	69	139	40·6	40	80·6
18 ,,	6,492	30	41	71	46·2	63·1	109·3
24 ,,	1,866	9	16	25	65·0	117·1	183
3 years	5,688	25	112	137	44·3	198·5	242·9
4 ,,	934	2	26	28	21·4	278·3	299·7
5 ,,	1,916	16	72	88	83·5	375·7	459·3
7 ,,	464	5	21	26	108	452	560
10 ,,	213	4	27	31	187	1267	1455
20 ,,	90	3	22	25	333	2444	2777

Columns headed I.—Cases classified as unsound at reception.
Columns headed II.—Cases classified as sound at reception.

G TABLE SHOWING RATIO OF INSANITY IN CONVICT AND LOCAL PRISONS, DURING AND SINCE THE WAR.

Year	Average Daily Population in Convict and Local Prisons	No. of Cases of Insanity	Ratio per 10,000 Prisoners	Average Daily Population in Local Prisons	No. of Cases of Insanity	Ratio per 10,000 Local Prisoners	Average Daily Population in Convict Prisons	No. of Cases of Insanity	Ratio per 10,000 Convict Prisoners
1915-16	10406	139	133·57	8256	103	124·76	2150	36	167·44
1916-17	9206	121	131·44	7424	104	140·09	1782	17	95·4
1917-18	8792	99	112·6	7399	81	109·47	1393	18	129·22
1918-19	8449	97	114·81	7220	83	114·96	1229	14	113·91
1919-20	8870	84	94·7	7317	74	101·13	1553	10	64·39
1920-21	9903	112	113·09	8392	85	101·29	1511[1]	27[1]	178·69[1]
Average 1916-21	9271	108·7	116·70	7668	86·3	115·28	1603	20·3	124·84

Since 1914-15 no particulars have been given in the reports of the Prison Commissioners as to the number of cases of insanity considered mentally sound or unsound on reception, but the returns tabulated above may be compared with those given in the preceding Tables.

[1] Including Preventive Detention prisoners.

CHAPTER VII

SUICIDE AND ATTEMPTED SUICIDE

ONE of the features of the interior of an English prison which can scarcely fail to attract the attention of a casual visitor is the elaborate nature of the precautions adopted against suicide.

The cell furniture and utensils are so devised as to render extremely difficult even any attempt at self-destruction. The knife provided for the prisoner's meals is such as would make extremely slow and painful any suicide attempted by its means; cord and other articles which might be used for self-strangulation are kept as far as possible from the prisoner's possession. The artificial lighting in the cells is apt to be very defective largely on account of the arrangements adopted to prevent the inhalation of gas.[1] This precaution, as Dr. James Devon remarks in an epigram not unworthy of Gibbon, "ensures that one hundred thousand people are inconvenienced, in order that one may be prevented from ending his discomfort."[2]

Judging from the extensive structural alterations[3] and other measures introduced into prisons in the last 20 or 30 years to prevent suicide, one would naturally infer that suicide is more liable to occur in prisons than in any other institution—except, perhaps, lunatic asylums; and, in fact, statistics prove this actually to be the case.

Suicide in prison has certain characteristics in common with prison insanity—the subject treated in our last chapter.

(1) The ratio of suicide in the prison population exceeds that in the general population by an even greater extent than the ratio of prison insanity exceeds the ratio of insanity outside.

(2) The age incidence both of suicide and of insanity is lower in prisons than in the general population.

(3) The types of offender among whom suicide is frequent are generally assumed to be the same as those most liable to develop mental disorders under prison conditions.

[1] See p. 28.

[2] "The Criminal and the Community," p. 222.

[3] In 1896 strong wire nettings were fastened across the interiors of nine prisons to prevent suicidal prisoners from throwing themselves down from the higher landings to the floor; and since then this device has, we believe, been extended to practically all prisons throughout the country. See illustration opposite p. 321.

(4) The features in the prison régime which appear to operate as causes of suicide are those noted as the most important environmental influences which cause insanity.

THE RATIO OF SUICIDE TO THE PRISON POPULATION.

The statistics compiled by Dr. Goring covering the 23 years, 1886-1909, conclusively show the excessive frequency of suicides in prison.

> "The death rate from suicide," he states, "which is 17 per 1,000 deaths in the general population, is over four times as great, 73 per 1,000, amongst prisoners. Is this increased incidence of suicide also a direct effect of prison environment; or is it due to the fact that persons with marked suicidal tendencies are more liable to be imprisoned for crime? This question cannot be definitely answered from the statistical evidence before us, although, in the circumstances of the case, there can be little doubt as to what the correct answer should be. We know that the suicidal act does require a certain conjunction of favourable conditions for its successful accomplishment; and that these conditions would be least likely found in the prison environment, which with its constant supervision of, and restrictions upon, a prisoner's actions, operates in every direction against his committing suicide easily. Consequently we should assume that the greater the intensity of the suicidal tendency, the less would be the likelihood of the suicidal act being deferred until such a time particularly unfavourable for its consummation; but, on the other hand, we would conjecture that amongst persons possessing an equal tendency to commit suicide, the additional strain of imprisonment would inevitably lead to an increased desire of death amongst suicides."[4]

Goring's statistics, being concerned solely with the actual death rate in prison, ignore the much greater number of attempted suicides —both those which are regarded as feigned and those apparently genuine.

An analysis of the cases of both actual and attempted suicides reveals not only the extremely high frequency of these attempts at self-destruction, but the very considerable increase that has occurred in recent years in spite of the greatly increased precautions adopted to thwart them. The following Table (in which the ratio is given for convenience per 10,000 prisoners, not deaths) presents, by way of illustration, the suicides reported as occurring and attempted in prison during (a) the years 1896-8, and (b) the years 1912-14;[5] no returns of attempted suicides have been published since 1914:—

[4] Goring, "The English Convict" (1913), p. 224. In this edition the suicide rate among prisoners is given as 56 per 1,000, a ratio which was subsequently amended, as given above, to 73 per 1,000, in the abridged edition of "The English Convict," published in 1915. The discrepancy arose through the large edition having included in its total deaths all those who were released on medical grounds, which would naturally bring down the ratio of suicides.

[5] It would appear from a study of the medical statistics in Part II. of the Commissioners' Reports that in the case of certain prisons, particularly in the earlier years, no returns of attempted suicide were published. It follows that some of the totals of attempted suicides given in our Table must be somewhat under-estimated.

Table Showing Actual and Attempted Suicides in Convict and Local Prisons in the Years (a) 1896-8; *and* (b) 1912-14.

Year	Actual Suicides	Attempted Suicides				Daily Average Population
		Genuine	Feigned	Doubtful	Total	
1896	5	12	52	2	66	17,614
1897	5	18	45	6	69	17,076
1898	8	19	50	2	71	17,051
Total	18	49	147	10	206	51,741
Average per annum	6	16·3	49	3·3	68·6	17,247
Ratio per 10,000	3·4	9·4	28·4	1·9	39·7	
1912	9	27	56	5	88	19,220
1913	12	41	70	0	111	19,343
1914	12	59	69	1	129	18,155
Total	33	127	195	6	328	57,234
Average per annum	11	42·3	65	2	109·3	19,078
Ratio per 10,000	5·7	22·1	34·1	1·1	57·3	

It appears that the number of actual suicides has almost doubled in the last 20 years, whilst the genuine attempts at suicide, as reported, have considerably more than doubled.[6] The increase in suicides regarded as feigned is also not without significance. There is much to suggest that many of the so-called "feigned attempts" are in fact perfectly genuine. In any case there is no sharp division to be drawn between the two classes, and to designate one class as "feigned" is seriously misleading. It would be better to describe attempted suicides as "faint-hearted," "half-hearted," or "whole-hearted."

The fact that the so-called "feigned," and, indeed, all unsuccessful attempts, are almost invariably ignored in the consideration given

[6] And yet the Medical Inspector of Prisons in the Commissioners' Report for 1910-11, says: "Suicide is fortunately of infrequent occurrence in prison. . . . suicide in prison shows no correspondence with suicide in the general population; neither has it shown the upward tendency which, until quite recently, has marked the statistics of ordinary suicide." See Table on p. 560 for returns of suicides during and after the war.

to the question by the Prison Commissioners constitutes a serious defect in the figures derived from official sources. A more thorough-going investigation of individual cases would almost certainly reveal the number of genuine attempts to be greater than is indicated in the foregoing Table.

The Age Incidence of Suicide.

The second feature of the statistics relating to suicide in prison which has frequently attracted attention is that its age incidence is lower than among the general population. The following Table[7] shows in detail the nature of this difference:—

Table Showing Relative Frequencies.

Ages	15-	20-	25-	35-	45-	55-	65-	75	Total
General Population	1·3	6·6	17·5	18·2	14·2	8·3	2·5	·3	69·7
Prison Population	16·1	31·1	54·2	56·3	35·2	23·1	6·0	1·0	232

Taking the number of deaths from all causes which occurred in prison during the 23 years ending March 31, 1909, this Table shows how the deaths caused by suicide at the various ages in the prison population compared with the suicides at the same ages in a similar number of deaths among the general population. It appears that whilst the average frequency of suicide among the prison population is at least three times as great during these years as that among the general population, the relative frequency is considerably higher at the lower ages. Prisoners of 20 to 25 commit suicide with a frequency nearly five times as great as that among members of the general population of similar age, and juvenile suicides are at least 12 times as frequent in prison as among the general population.

As was pointed out by the medical inspector of prisons (Dr. Smalley), in his report for 1910-11, the fact that young adults constitute a relatively greater proportion of the prison population than of the general population is quite insufficient to explain this extraordinarily high figure. "It is probable, therefore," he adds, "that some other influences are operative either in the special character of persons going to prison or in the special conditions that attach to imprisonment." It is natural that those responsible for the administration of the prison system should endeavour to show that the cause of suicide lies in the character of the offender more than in the influence of prison discipline. Accordingly, we are not

[7] Abstracted from the statistics compiled by Dr. Goring: *op. cit.* p. 222, Table 81. (A somewhat more intelligible table, avoiding decimals, is that on p. 400, Table 234).

surprised to have our attention directed in the same report to the third mentioned characteristic of prison suicide, viz., its greater frequency among prisoners convicted for crimes of passion or impulse.

The Greater Frequency of Suicides among Criminals of Passion.

Commenting upon the relatively high proportion of suicides contributed by criminals of passion, the medical inspector of prisons stated in 1911:—

> Its frequency in the criminal record of these prisoners is an indication that the suicidal tendency is really related to the nature of the offence, and is not an effect of the known or anticipated severity of the punishment which the prisoner has to face—an explanation which might be suggested in the case of crimes of special gravity.[8]

We have already had occasion to point out the inadequacy of a general disposition in a prisoner to explain a specific act on his part.[9] That the conclusion drawn by Dr. Smalley is not warranted is indicated by Dr. Goring,[10] when he points out that the fact to be explained is why—if the punishment has no relation to the suicide—the act should be so frequently attempted in prison, where it is the more difficult to perform. This consideration is so patent that Dr. Smalley immediately proceeds—inconsistently with his previous argument—to point out, as one of the principal causes of suicide in prison, the effects of the emotional shock of imprisonment upon persons characterised by emotional instability.

The type of criminal whose offence arises from uncontrollable impulse is also the type to whom the monotony and the restrictions of prison life cause the greatest suffering, and in whom the initial experience of prison induces the greatest emotional upheaval. This instability, however, is not restricted to the debased types of criminals, nor to the insane. It is, also, as Dr. Smalley acknowledges, "notably the case, for instance, in children and adolescents; and the earlier age incidence in prison suicides, to which reference has already been made, may perhaps be taken to point to the influence of the psychological instability of youth as shown by impulsive reaction to the shock of detection or of imprisonment." Dr. Smalley justly concludes with the statement:—

> From this point of view the need for exercising discretion in inflicting imprisonment on young offenders, and the desirability of making the treatment of such offenders educative and reformatory rather than merely punitive, becomes highly important.

Further considerations relative to this point fall under the fifth characteristic noted with regard to prison suicides.

[8] P.C. Report, 1910-11, p. 41.
[9] See p. 542.
[10] Passage quoted above, p. 531.

The Greater Frequency of Suicides in the Early Period of Imprisonment.

The greater frequency of suicides in the early period of imprisonment is specifically recognised by the Prison Commissioners, who have inserted in their Standing Orders the following explicit warnings:—

> The attention of the governor and other responsible officers is directed to the following points relating to suicide. It appears:—
>
> That the tendency to commit suicide is greater during the first week of imprisonment than at any subsequent period.
>
> That persons under remand or awaiting trial are more liable to commit suicide than those who have received sentence.
>
> That prisoners in prison for the first time are more liable than others to commit suicide.
>
> . . . . . .
>
> Precautions, therefore, are especially necessary during the earlier weeks of imprisonment, and those who are in prison for the first or second time are more likely to suffer from the state of mind which tends to suicide than those who have been many times in prison, and are hardened in crime.[11]

This point also received attention in the 1911 Report of the medical inspector already quoted:—

> The part which emotional shock plays in the causation of suicides in prison is also shown by the fact that in nearly 40 per cent. of the cases the prisoners are first offenders, and further by the frequency of suicide within a short time of reception. Of the 86 cases analysed, no less than 34 committed suicide within a week of their admission to gaol, and five killed themselves on the day of reception. That imprisonment, *per se*, is not an inducement to self-destruction is also borne out by the fact of its rarity in Convict prisons.[12]

Even though a distinction be drawn between "the part which emotional shock plays in the causation of suicides in prison" and "the known or anticipated severity of the punishment which the prisoner has to face," it is hardly possible to limit to the former the responsibility for suicides occurring in prison. In the published reports of actual and attempted suicide we find such statements as the following:—

> Holloway (1897): Suicide was attempted by a prisoner "who had just received sentence of 10 years penal servitude."[13]
>
> Brixton (1912): A suicide occurred and was "due to anticipation of a long sentence."[14]
>
> Portland (1913): A young prisoner undergoing a sentence of penal servitude for life committed suicide.[15]

[11] S.O., 317.
[12] P.C. Report, 1910-11, p. 42.
[13] P.C. Report, 1896-7, p. 252.
[14] P.C. Report, 1911-12, Part II., p. 19.
[15] P.C. Report, 1912-13, Part II., p. 151.

The artificiality of the distinction between the shock of imprisonment and "imprisonment *per se*" is clearly revealed when we turn from purely statistical argument to a study of the offender himself and of his condition of mind. Suicides in prison appear to be, in the majority of cases, the outcome of the interest suffering, the fruit of failure in adaptation to abnormal conditions of life, the resulting condition of mind being one that would probably not have been developed had the prisoner not been imprisoned, or had he been subjected to a form of treatment which was truly "educative a reformatory, rather than merely punitive."[1] It would not difficult to show how this condition of mind is related to those fact in the prison environment, whose evil effects generally have alre been traced.

Suicide and the Environmental Influences of Prison Life.

That the suicidal tendency is based upon emotional predisposition or conditions of psychic instability, more or less closely associa with those determining mental disorder, is unquestioned. That it also dependent upon environmental factors as the exciting cause its actual expression is scarcely less indisputable.

The meagre accounts of suicides to be found in official documen entirely obscure the significant factors in prison life which lead attempts at self-destruction. We may, therefore, quote, by wa of illustration, an account given by an eye-witness of a prison suicide. Apart from the incidental details of this particular case, features are to be observed which probably present themselves in a considerable proportion of these occurrences:—

> One afternoon I had occasion to take to the chief warder's office a petition to the Home Secretary, which I had been allowed to write during dinner-time. Owing to my landing officer being too busy to escort me, I went alone from B1 landing, on which I was located, to B2, and thence along to the "centre," where all the landings converge, and where, also, the chief warder's office is situated. As I was about to cross the "centre," suddenly I heard a sickening thud, and lying on the stone floor several yards before me was an elderly man. He had flung himself from the topmost landing of the prison. Before I had time to realise what had happened I was hurried away by our officer who came apparently from nowhere.
>
> I was deeply impressed by this terrible incident and succeeded in obtaining a fairly comprehensive account from certain of the warders who were kindly disposed towards me.
>
> Taskmaster P——, of —— prison, was a hard, exacting officer—a man brutalised by the prison discipline which he administered. If a prisoner's task were not completed for what did not seem to him a satisfactory reason, he would threaten to report him for idleness, and would resort to all kinds of browbeating devices to frighten the spiritless prisoner into giving out more work when he came round to the cells every morning. It is believed that the prisoner S—— had been bullied by the taskmaster

[1] P.C. Report, 1910-11, p. 42.

> P—— for several days in succession. Certain it is that after listening to some threats about reporting to the governor for idleness, S—— turned and struck the taskmaster to the ground. A scuffle followed, S—— clutching the officer's throat, but soon the latter freed himself and hastily left the cell, slamming the door behind him, and leaving S—— to realise the enormity of his crime.
>
> Violence to a warder meant the "cat" (cat o' nine tails), that was certain. As his passion cooled he became more fully aware of his utter helplessness; and this made him desperate. He was an "old hand" and had been in prison many times before. He had already served several weeks of his present sentence and was evidently in the throes of one of those uncontrollable fits of restlessness which periodically overcome prisoners and make them yearn to do anything violent to throw off the smothering cloak of monotonous discipline stifling them 24 hours each day. Passion exhausting itself and his restlessness subsiding, S—— brooded over his forthcoming punishment. He knew what to expect—a long succession of days with nothing but bread and water in a cold, barren, stone cell, loss of privileges, letters, books, and, moreover, the "cat."
>
> Dinner was served to S—— at noon as usual, and at 1-30 p.m. the landing officer came to collect the dinner-tins. He evidently overlooked or knew nothing of prisoner S—— being under report and, therefore, forbidden to leave his cell; or else, being in a hurry to finish collecting the dinner-tins and "slopping," he did not refuse permission when S—— asked to be allowed to empty his slops. The prisoner hurried to the recess where the slops were emptied, and, watching his opportunity, swiftly ran up the adjacent stairs to the topmost landing, then along the hall where the landing runs over the "centre." The landing here is covered with netting to prevent prisoners throwing themselves, or the warders, over to the stone floor 30 feet below. With the frenzy of a hunted animal, S—— violently tore away the strong netting and iron-work and flung himself headlong over the railings.
>
> He turned in mid-air and struck the ground with his back and head. Officers rushed from the chief warder's office and carried him away to an adjacent cell. Two days later he died.

This suggestive description requires no comment.

Apart, perhaps, from those suicides which are purely pathological, one of the chief elements in the mentality of an individual who attempts self-destruction, whether in ordinary life or in prison, is the sense of "hopelessness" which overcomes him. He feels that no practical measures can be adopted to alter circumstances or to avert an impending catastrophe. It is probable that, as long as some alternative course of action presents itself, suicide is not committed; even the most unfeasible project will be tried before the last desperate remedy is adopted. It is undoubtedly this sense of the exhaustion of all alternative measures, more than a desire for death *per se*, which leads to many, if not most, suicides.

In this connection it may be pointed out that although prison suicide is more frequent among criminals guilty of crimes of impulse, the suicide itself is not necessarily an act of impulse. There are

indications that it is usually preceded by considerable deliberation. When the decision is at last taken it is only as the result of much brooding and much planning of the methods to be adopted to effect it."

Now these two contributory factors—the inability to relieve the mental tension by action directed towards removing the cause of suffering, and a constant condition of inward brooding—these features of the prisoner's condition of mind are most closely dependent upon the nature of the prison régime. The futility of making any effort to amend one's situation is felt by almost every class of prisoner. When this is combined either with a general temperamental disharmony with the environment, or with some particular sources of inward conflict (as illustrated in the case described above), an immediate condition favourable to an attempt at self-destruction is provided.

This is indicated even in the feigned cases.

> "Prisoners," says a warder, "when they think they are being victimised sometimes threaten suicide, but few carry out the threat—they are too broken-spirited. They make careful preparations which absorb much time and energy, sharpen their tin knives or smuggle broken nibs which they rub to a razor edge. Nothing else happens. . . . I have heard them swear to drown themselves in their nine inches of bath water."

It is clearly no accident that the statistics for feigned suicides show similar movements to those relating to deliberate attempts. Both indicate the operation of the suicidal tendency under prison conditions, the former being a compromise with the stronger desire for life. Threats of suicide serve a similar psychic function, providing a less desperate substitute and a kind of "moral equivalent" for the act itself. Were prisoners to suppress all promptings to make feigned attempts or ostentatious threats, there is little doubt but that the figure relating to genuine suicides would rise.[18]

A close connection between isolation and suicidal tendency is evidenced in many of the reports. The effects of associated labour in mitigating the evil effects of separate confinement in many other directions are noted elsewhere.[19] Its influence with regard to suicide is mentioned in the reports of various prison governors.

> No suicide or attempts have occurred [in 1900], and this is no doubt attributable in a great measure to associated labour being carried out to a greater extent than formerly.—(*Report of the governor of Cambridge prison*, 1900).[20]

[17] A further consideration bearing on the nature of the suicidal act is that the subject of the victim's distress is one which, as a rule, is not communicated, and which, under prison conditions, perhaps, cannot be communicated, to other people. The decision to commit suicide is made by the victim without taking anyone into his confidence. This fact is borne out by the very general testimony of warders, that the most dangerous cases are those in which no external sign of the prisoner's intention is conveyed before the actual attempt.

[18] The reader's attention is drawn to the "Feigned" column in the Table on p. 552.

[19] See p. 572.

[20] P.C. Report, 1899-1900, p. 204.

> The absence of suicide is, in my opinion, attributable in no small degree to this humane regulation [i.e., that authorising associated labour].—(*Report of the governor of Northallerton prison*, 1904).[21]

Conversely, reports of attempted suicides sometimes explicitly give as the motive a desire to be removed to associated labour.[22]

In general, solitary confinement necessarily fosters the suicidal tendency by depriving the prisoner of the obvious safeguards inherent in useful activities and more particularly in healthy social intercourse. There is little doubt that a word of encouragement or a sign of sympathy, if it reached the prisoner when he was brooding upon projects of self-destruction, might restore that minimum of hope without which the desire for life cannot continue. Under the present régime, owing to the precautions taken to isolate the prisoner from his fellow-men, the chances of such encouragement are very slight.

There is no doubt a definite "suicidal tendency" in certain persons, but that it is independent and manifests itself without reference to environmental conditions or to the more general conditions of mental life, is inconceivable and derives no support from the evidence. The tendency is conditioned by mental health as a whole, which in turn can be beneficially or adversely affected according as the environment is favourable or the reverse to the strengthening and upbuilding of character. It is obvious that prison environment is not favourable, and that to it is largely due the remarkably high ratio of suicides in prison. The feeling of hopelessness, the severe mental tension, the burden of the rigid discipline, the cellular confinement, the atmosphere of general animosity, the harsh attitude of officials, the exaggerated irritation which little acts of injustice cause under such conditions, the absence of social intercourse, and the lack of friendship and encouragement,—these are undoubtedly the deciding factors in the occurrence of many, if not of most, prison suicides.

[21] P.C. Report, 1903-4, p. 407.

[22] e.g., at Wakefield, 1897. P.C. Report, 1896-7, p. 365.

TABLE SHOWING SUICIDES IN PRISON DURING AND SINCE THE WAR.

RATIO OF SUICIDE PER 10,000 PRISONERS IN LOCAL AND CONVICT PRISONS, 1914—1921.

Year	Average Daily Population in Local and Convict Prisons	No. of Cases of Suicide	Ratio per 10,000 Prisoners	Average Daily Population in Local Prisons	No. of Cases of Suicide	Ratio per 10,000 Prisoners	Average Daily Population in Convict Prisons	No. of Cases of Suicide	Ratio per 10,000 Prisoners
1914-15	14641	3	2·05	12104	2	1·65	2537	1	3·94
1915-16	10406	4	3·84	8256	4	4·84	2150		
1916-17	9206	6	6·52	7424	6	8·09	1782		
1917-18	8792	3	3·41	7399	3	4·07	1393		
1918-19	8449	3	3·55	7220	3	4·15	1229		
1919-20	8870	5	5·64	7817	4	5·47	1553	1	6·44
1920-21	9903	7	7·07	8392	7	8·36	1435		
Average 1915-21	10038·14	4·43	4·568	8301·71	4·14	5·22	1725·57	·28	1·48

Since 1914 the Prison Commissioners have not given returns of the number of attempted suicides, but the above Table supplements that which appears on p. 552 by showing the number of suicides which have occurred in prison during and since the war, and the ratio of suicides per 10,000 of the total prison population, and of the population of Local and Convict prisons separately. It will be seen that the ratio is rather lower than during the immediately preceding years included in the Table on p. 552, although it stood at the very high figure of 7.07 in 1920-21.

CHAPTER VIII

SPECIFIC CAUSES OF DETERIORATION

THE SYSTEM AS A WHOLE

In general the effects of imprisonment are of the nature of a progressive weakening of the mental powers and of a deterioration of the character in a way which renders the prisoner less fit for useful social life, more predisposed to crime, and in consequence more liable to reconviction. These are the effects of the system *as a whole*; they cannot be traced to any single feature. In many cases prisoners have denied that there is any one feature of the system which is more objectionable than another, asserting that its defects are fundamental, and can only be remedied by a complete change of principle, and of the spirit in which it is administered.

To the first offender the peculiar and distinctive feature of prison life is the sense of being in the grip of a huge machine which is felt to be repressive at every point, inhuman, aimless, tyrannical. The prisoner's condition of nervous irritability arises from this cause, not so much from specific provocation as from the cumulative effect of the strain which prison life in its entirety produces.

It is not only the prisoner who condemns the system as a whole. Its oppressive weight and mechanical rigidity are felt by officials of every grade whose duty it is to administer it, particularly by those who attempt to temper its severity by humanising influences. The warder who would exercise his influence to soften and assist the prisoner to regain some self-respect is restrained by the impersonal force of the system. The chaplain who endeavours to exercise a humanising influence upon the criminal similarly feels the weight of the system in opposition to his efforts.

But whilst the system as a whole embodies false principles and stands in need of fundamental change, it is possible to select certain specific features which are principally responsible for undesirable results.[1]

[1] In the questionnaire addressed to political offenders they were asked to state the worst feature of prison life. Of some 250 answers, over 50 per cent. referred to the absence of privacy and the denial of social intercourse, 12 per cent. referred to the physical features of prison or the system as a whole, whilst about 10 per cent. referred explicitly to prison diet. The answers of the remaining 27 per cent. were distributed over a wide range of topics, many of which referred to the denial of self-expression and the absence of any satisfying mental and bodily occupation.

The system operates almost entirely without the direct infliction of physical injury or bodily pain. Its essential nature lies in the systematic denial of liberty and of such activities as are not absolutely essential to the barest existence. The problem for its inventors has been to devise a method of punishment embodying their conception of the primary importance of retribution and deterrence, which would be applicable to every class of offender. The mere denial of luxuries would be inadequate in view of the numerous individuals among those committed to prison by the Courts, whose lives are normally so wretched as to render the withholding of luxury no additional burden. This difficulty is overcome by a régime of punishment, the essentials of which comprise the denial of those activities and rights shared by all, even the most needy. The chief of these common activities of man are speech and association with others, choice and self-direction in the actions of daily life, and self-expression in the arts and crafts of hand and brain. The prison system operates by forbidding speech, restricting association within the most inadequate limits, abrogating by rigorous supervision all choice and self-direction, and depriving the individual of almost all facilities for self-expression—prison labour being as far as possible lacking in interest or refining qualities.

These four features may be made the subject of separate consideration.

The Silence Rule.

Originally, as is well known, the imposition of the silence rule and the system of separate confinement were advocated to eradicate mutual corruption amongst prisoners and to effect reform of character through encouraging meditation leading to penitence. It is now generally agreed that the first aims have been lost sight of, and that the functions of these regulations are partly punitive and partly for the facilitating of discipline and the smooth working of the routine.[2]

The first rule on the card which hangs in every prisoner's cell is: "Prisoners shall preserve silence." One of the offences for which a prisoner may be punished is conversing or holding intercourse with another prisoner "without authority," and prison officers may be punished if they speak to a prisoner "unnecessarily." The prison authorities have recently stated that there is no rigid rule of silence in prison, but prison governors almost invariably interpret the rule as prohibiting all speech among prisoners, as well as speech between prisoners and officers which has no reference to prison duties.[3]

In actual practice the silence rule is not maintained. It is impossible to maintain it. It is beyond normal human nature for

[2] It is very remarkable that the Second Report of the first Home Office Inspectors of Prisons, made in 1837 (when the advantages of the Separate system were in question), furnishes a just and powerful condemnation of the Silent system, as in force to-day. (Quoted in Chapter IV. (p. 1) of Sidney and Beatrice Webb's "English Prisons under Local Government," from Parliamentary Papers, 1837, xxxix., 2, 3, 4.)

[3] See pp. 265-66.

men to come into contact with each other and not to communicate in some way. "It was not until I tried, that I discovered it to be physically impossible to obey the silence rule," says one ex-prisoner. "I cannot explain why, but it is so. If I started out with the intention not to speak throughout the day, it was impossible to keep it so long as I was working in close proximity to others." A Roman Catholic priest at one of the prisons points out that hardly any religious orders have the rule of absolute silence, and the members of these orders are very exceptional men. The "masters of asceticism," he states, look upon continual silence as the greatest trial which can be undergone; "perpetual and enforced silence will drive people mad."

Few prisoners attempt to obey the silence rule. Those that do so invariably suffer grave mental consequences. "If it were possible to enforce this rule," says an ex-prisoner of long experience, "ninety per cent. of the prisoners would lose their reason within a few months. I know one prisoner who felt that he ought conscientiously to observe the rules; he tried to refrain from all speech and communication with his fellows, and at the end of three months his mind was so affected that he had to be removed to a home for the mentally defective." "There was a young chap at Portland who was punished for talking," states an ex-convict who served a life sentence. "He promised never to do so again, and he kept his word. The result was that he became like an idiot, and could be seen working his face in a horrible manner as he stood at his work." "In the cell adjoining mine," says another ex-prisoner, "was a young lad of 20 whom I had met in the guard room. He was reported for speaking on his second day in the association shop, and was given a week on 'stage one' (separate confinement). This had such an effect on him that he was afraid to speak thereafter, and came out of prison at the end of the sentence—112 days—with his mind an absolute blank."

A number of similar instances could be given, but these extreme cases are rare, since the vast majority of prisoners make no attempt to maintain silence. Conversation occurs to some degree with the prison officials; and to a much greater degree it occurs surreptitiously with fellow prisoners. But even so, the strain of the silence so far as it is enforced is severe, and often the effects are serious.[4] "I have little doubt," says an officer, "that this absurd and unnatural rule is responsible for many of the cases of mental deficiency which constitute a certain proportion of our prison population. Most officers can recall cases that have come under their personal observation of prisoners who on first entering were mentally normal, but who, later, through lack of common intercourse with their fellow

[4] A physical effect of the strain imposed by the silence rule is the temporary impediment in speech from which a large number of prisoners suffer when they return to conditions of unrestricted speech. "I and my companions," remarks one ex-prisoner, "were often affected with a stutter and a definitely tied tongue."

creatures, became weak-minded and a permanent burden on the State."

The following extracts from letters written by convicts to relatives and friends outside prison are sufficient illustration of the oppressive effect of the rule, as it appears to some inmates of a Convict prison.[3]

> Most long timers and old lags arrive at a sort of semi-balmy state, simply and solely from being kept from talking with other men.
>
> (1904 : *third year of first sentence*).

> I expect they will order my tongue to be cut out next. As it is I am in a deaf and dumb party, not a word uttered from morning to night. This is the beautiful silent system. I am training for a Trappist Monk.
>
> (1910 : *third year of second sentence*).

> You can take my word for it, it is time something was done, as the present treatment is the cause of most convicts going weak-minded. It is nag, nag, nag from morning till evening, all because one man speaks to another prisoner.
>
> (1911 : *second year of fourth sentence*).

> . . . . Walking round a circle in Indian file three yards apart; no talking allowed. Now this is what demoralises a man; you see they forbid us the gift of the tongue. I believe God gave us that gift. . . .
>
> (1906 : *second year of third sentence*).

> I am afraid I will be mad before I leave this place. There is a strange humming in my head caused by this eternal quietness. I think this prison does not improve a man at all, but hardens him and makes him unfit for the world.
>
> (1910 : *second year of first sentence*).

"The silence system is a means of driving men mad," says an ex-prisoner who served a term of seven years. "Whilst I was at ——, lots of men went to Parkhurst who were practically off their heads. Three men committed suicide."

Officers frequently refer to the silence rule as a cause of assaults by prisoners. "To its attempted enforcement," says one, "may safely be credited most of the murderous assaults that formerly were so common a feature of prison life." A warder of a Convict prison describes the rule as "the curse of the system," from the officer's point of view as well as the men's. He proceeds:—

> What convicts object to most is the constant reiteration, "stop that talking." It makes for friction, and is the cause of most assaults. There have been no assaults or floggings since the re-opening of the prison in 1919. The reason for this is that the silence rule has not been enforced so strictly.[4]

It is clear, then, that the more completely the silence rule is kept, either by self-discipline or the vigilance of warders, the greater the likelihood of mental disorder. On the other hand, the more

[3] As regards these extracts, see Note 12 on p. 522.

[4] We believe it to be the case that in the early months of 1921 an effort was made to re-enforce the rule (at the prison in question). The result was unrest among the prisoners and serious dissatisfaction among the officers.

frequently the silence rule is evaded the more harm the prisoner suffers morally. That is one of the inherent dilemmas of the system. In order to protect himself from mental disintegration, the prisoner must suffer a certain moral degeneration by developing a capacity for cunning and hypocrisy; and, if he decline to practise this deception, the unsociability involved in the maintenance of silent isolation is in itself morally degrading.

Our evidence as to the bad moral effects of the silence rule is practically unanimous, whether the witnesses be ex-prisoners, warders, chaplains, or governors. "The silence rule is the cause of half the intrigue in prison," says a chaplain. "The silence rule," declares one ex-prisoner, "invites prisoners to practise deception so constantly that underhandedness and deceitfulness become their second nature.[1]

> "Pretence grows on one," he proceeds, "so as to become a habit, and from a habit it becomes a vice. 'I am doing things in here without turning a hair, which I should simply have blushed to do outside,' remarked a prisoner to me on one occasion, and I am certain that he was voicing the experience of almost every first offender. The effects of prohibiting open conversation is inevitably to encourage surreptitious communication, and human nature is such that the growth of a capacity for deception in one direction encourages a tendency towards deception in other directions also, and degrades the whole character. It is not too much to say that the silence rule, because it cultivates a capacity for deception, helps to manufacture the type and character which find natural expression in crime."

"It is needless to say," remarks another ex-prisoner, "that this prohibition of intercourse, this driving a man back exclusively upon himself, his own defects, his own grievances, his own needs, promotes the habit of selfishness to a most grievous extent." "The silence and the constant espionage," says an ex-prisoner recently released from a London prison, "have a very deteriorating effect on a man's character by changing him from a jovial, open type to sullen and suspicious." One further quotation from the evidence of a "lifer" is worth giving:—

> The silence rule encourages such a practice of deception that men grow artful and lying as a matter of course; even the most innocent man becomes crafty. It is simply a matter of self-protection. Men become such adepts that in the exercise circle they will converse for an hour, and anyone a few yards away will be utterly unable to perceive that they have exchanged a word. To give a cheering word to an unhappy comrade is punishable. Thus a morally good action is treated as a bad action in a prisoner.

Perhaps the most remarkable part of our evidence on this point are statements that the evasion of the silence rule is so recognised a

[1] The extraordinary acuteness of hearing which many prisoners develop is due partly to the silence rule, and partly to the long hours of solitary confinement. Some prisoners in adjoining cells succeed in communicating with one another by a system of rappings on the wall.

feature of prison experience that an officer will sometimes actually instruct prisoners in the art of deception. "I was in the garden party at —— prison," states one ex-prisoner, "when one of the warders came close up to us and said: 'The first lesson you have to learn in prison is deception. You should talk without moving your lips thus (here followed a practical illustration) and always appear to be doing something else.'" Another ex-prisoner, a political offender, writes:—

> L. didn't mind us talking so long as other officers did not see, but on one occasion he said, "You chaps would be all right if you'd any gumption, but you haven't got an atom. You aren't like the old hands. When you talk you bend towards each other, and anyone can see that you are at it half a mile off. You ought to talk like *this*—without turning, or moving your lips"—and he suited the action to the word.

"Nothing better illustrates the double standard of morality that permeates and debases prison life than this question of talking," is the comment this witness makes upon his own story.

In addition to the cunning which must accompany the act of speaking, the mental atmosphere created by this artificial and impossible rule is fatal to moral well-being. Again we quote from the evidence of an ex-prisoner:—

> Try to conceive what existence is like under conditions where, from day to day and week to week, it is only possible to communicate with the fellow human beings about one by a breach of rules—where there is the constant sense that in doing so one is doing something wrong, where one has constantly to stoop to all kinds of deception to evade discovery, and where there is the constant fear of being spied upon and deterted and punished. How can character be refined in such an atmosphere as that?

The Experiment of "Talking Exercise."

The unsatisfactory effects of the silence rule have been sufficiently recognised to lead from time to time to half-hearted attempts to introduce a mitigation in the form of "talking exercise." In 1899, prisoners who had served six months in Local prisons and convicts in the special stage (which is entered after a period of from two years upwards, according to sentence) were permitted to talk with a fellow-prisoner when on exercise once a week in cases "where the governor thinks association is not likely to be injurious." In Local prisons the experiment was apparently a failure. In the Convict prisons it was apparently considered successful, since in 1905 "talking exercise" was extended to men in the long sentence division established in that year, and was permitted daily.[8]

[8] The long sentence division is now composed of men sentenced for eight years or more, who have concluded five years of their sentences. We are glad to hear that an experiment is now being made, by which "long sentence" and other selected convicts are allowed conversation, with newspapers and recreation, on two or three evenings weekly, and that it is proposed to allow relaxations of this nature to all prisoners, who have completed two years penal servitude. See Note on pp. 533-34.

It is noteworthy that the system of silent single file exercise was only introduced into Convict prisons in 1879. Before that date, talking exercise was customary. (Minutes of 1895 Dep. Committee, p. 5411). (See pp 526-7).

The failure of "talking exercise" in Local prisons was, no doubt, in part due to the opposition of the officials; but not altogether. Prejudice was evident in the reports which some of the governors submitted on the point, but in many cases the criticism was supported by facts and statistics. The grounds of objection were stated to be (1) the bad effect on prisoners' characters through moral contagion and incitement to future crime; (2) the bad effect on prison discipline (but this point is rarely mentioned); and (3) the disinclination of prisoners to take advantage of the privilege. In 1902 the privilege of talking exercise was restricted in Local prisons to prisoners who had served 12 months. Its adoption was left permissive, and by the year 1907 only one governor[9] maintained it. The rule remains, but since that time it has apparently only been put in operation in the case of conscientious objectors who had served 12 months, and some other political prisoners, to whom special concessions have been made under the so-called "Churchill Rule."[10]

The grounds of objection to "talking exercise" in Local prisons do not appear to hold good to the same degree at least, in the case of Convict prisons. A witness who has served a seven years' sentence assures us that "little obscene language is to be heard, though there are some prisoners who indulge in it." The subjects of discussion, he says, were mostly "any news of the outside world which had leaked in, books read during the week, and home matters." On the other hand, another ex-convict witness does complain that the conversation was frequently indecent, and two women ex-convicts report that they declined "talking exercise" because of the "filthy" language of their fellow prisoners." So far as discipline is concerned, we have no evidence that it has been impaired at Convict prisons by the practice of "talking exercise," whilst the prisoner whose evidence we have first quoted above asserts that the weekly opportunity of conversation is "greatly appreciated."

The explanation of the failure of "talking exercise" in the one case and its success in the other probably lies in certain important differences in the conditions. The open-air work done by most convicts in the later stages and the limited time which, until recently, they spent in their cells have no doubt been responsible for the lessened degree of sexual obsession and nervous tension reflected in the healthier conversation and greater orderliness that marked their "talking exercise"; whilst the disinclination of prisoners in Local prisons to participate in "talking exercise" was no doubt due, first, to the fact that many of them who were not of the habitual class would not wish to associate closely with other

[9] The governor of Wandsworth.

[10] This Rule will be found quoted on pp. 222-23.

[11] The difference between the men's and women's prisons is in part due, no doubt, to the fact that, whilst the women were not permitted to select their partners, the men, whilst not authorised to do so, could in practice walk with whom they pleased.

prisoners, regarding themselves as aliens among the prison population, to whom the comparative shortness of their sentences did not justify assimilation; and, second, to the fact that the opportunity of selecting partners was usually very slight owing to the few prisoners entitled to the privilege.

Whatever the explanation, however, the evidence is strong that serious difficulties arose when "talking exercise" was introduced into Local prisons. The subordinate prison officers who have given evidence to our enquiry are almost as agreed upon this as were the governors in their annual reports. One warder states that the experiment was discontinued in his prison not only because the prisoners took advantage of it "merely to retail filthy jokes," but because fights occurred among them. Perhaps nothing testifies more convincingly to the effects of imprisonment than evidence of this nature. It would be absurd to suppose that such things are merely the result of "criminal characteristics." An hour's conversation under normal conditions of life, even among the most pugnacious, hardly provides equivalent causes of conflict, and even the most debased have other topics of conversation than crime and indecency. So far as "talking exercise" has failed, it has failed primarily because the conditions of prison life render the prisoner unfit for association. Nervous irritability becomes so pronounced that, unless the minds of prisoners are directed to some definite interest (as is the case in the debates recently introduced with great success at Pentonville and Wandsworth prisons), any relaxation of the routine is likely to become an occasion of conflict or revolt, whilst the starvation of all healthy interests leaves the prisoner's mind a prey to the most objectionable themes. "They cannot stop us thinking," wrote a prisoner from Dartmoor. "If they were to do that, they would be able to reform men, but they never can do so under the so-called silence system. If we could make our thoughts published, what a noise it would make in the world of clever men!" [12]

The character of the conversation when the "talking experiment" was permitted in Local prisons reveals in a startling way the thoughts which germinate in silence. So long as silence is enforced, it is possible to preserve the illusion that it fosters profitable reflection, but the expression of thought in talking exercise is convincing evidence that the reforms most needed are those which would give the prisoner something profitable upon which to exercise his mind.

This conclusion is reinforced by a study of "talking exercise" under its most favourable conditions—when granted to political offenders. Among men, the majority of whom endeavoured to spend every leisure hour in prison in reading and meditation, we find what is fundamentally a similar effect—not, indeed, indecency or quarrelling, but the vitiating of the benefits of the "privilege" by the other conditions of prison life. With the passage of time, the strain of

[12] Written in 1906 by a man serving his third sentence.

imprisonment, the incapacity to read or think clearly and consecutively, and the starvation of all interests, even the opportunity of sustained talking becomes a burden to the mind. Many political offenders assert that after some time "talking exercise" became little less wearisome than silence, and had little power to combat the listlessness and apathy which characterise the later stages of mental degeneration.

Nearly all the evidence points in one direction. To be of any real value, talking must be allowed as something more than a mere temporary relief from machine-like monotony and silence. It must play its part in a wider scheme of education and co-operative activity, and as a corollary of healthy interests bred by the systematic encouragement of a vigorous mental and spiritual life. "The remedy is to introduce occupations and recreations into prison that will give the prisoner wholesome and natural subjects of conversation," says a high official connected with the prison system. "Then conversation could be allowed without much fear of contamination."

Contamination occurred with "talking exercise," contamination occurs now, and contamination will continue to occur so long as nothing is done either to fill the prisoners' lives with healthy interests and their minds with wholesome thoughts, or to foster in them a feeling of responsibility.

An educated woman who has been in prison writes as follows:—

> The silence rule is intended to prevent contamination of prisoners by one another. That this takes place under existing circumstances no one would deny. There is an aspect in which this affects women especially which needs more adequate consideration. Young girls often find their way to prison for the first time for small crimes which arise from an exuberance of spirits and an emotional nature. The sudden suppression of one's personality and the entire isolation from one's fellows have a profound psychological effect on all sensitive natures. An intense craving for some sign from a fellow human being probably seizes hold of the prisoner, and if she allows herself to become possessed by her own thoughts or feelings, madness seems imminent. In this mood a chance sign or word, after the intense mental struggle caused by isolation, may affect her whole life. Those in authority have no adequate power to administer comfort or healing to a tortured soul. Her sense of values becomes altered, and the most degraded fellow-prisoner who disobeys orders to get in touch with her may appear as an angel of light. Our first duty, it would seem, is to learn to understand the needs of human nature and *then* to construct our theory.

"If warders were allowed to work with the men and talk freely with them," urges an officer of 15 years' experience, "there would be some chance of lifting the talking." "The danger of contamination will be very great," says an ex-prisoner, "so long as the interests of prisoners are divorced from all wholesome activities, from every kind of corporate responsibility and organisation, from all normal social or moral relations with their fellows, from all games, from all stimulating and useful work."

"The privilege of talking is like the privilege of seeing—a human right. It should be denied no one," says a governor. We agree; but, as we have shown, the right to speak is by no means the only human right which the prison system denies. The harmful effects of the silence rule are intimately connected with all the fundamental features of the system, and the removal of these evils depends upon the entire reorganisation of prison life in a way which will provide scope for self-directed activity and profitable occupation of body and mind.

Separate Confinement.

In all ages, kings and governments have employed solitary confinement to the detriment of their political enemies, real or fancied. We are officially supposed to have given up that practice now. "Solitary" confinement has given place to "separate" confinement. But there is in fact little difference between them, and the effects are almost identical.

"There is no such thing as solitary confinement," a prison governor asserts, echoing the theory of the Commissioners. "The prisoners go out of their cells to exercise and to empty slops, and they have their doors open before and after meals. The only exceptions are the prisoners who are on punishment." In the days (now happily long past) when the Howard Association defended the "separate" system, it argued similarly. "Prisoners are kept separate from other prisoners only, but have numerous visits in their cells from the officers, chaplain, schoolmaster, and from suitable persons from outside, together with industrial occupation, books, instruction and daily exercise."[13]

At the time when this was written, most local prisoners were kept in separate confinement throughout their imprisonment. Now, in Local prisons, only hard labour prisoners are placed in separate confinement, and they only for the first month; while, among convicts, the "recidivist" is liable to three months "separate," and the other classes to one month.[14] But during this preliminary period the "separation" is much slower than indicated in the passage just quoted. Many prisoners never have a visit from the schoolmaster or "a suitable person from outside," the chaplain is not likely to visit them more than once during the month and for a few minutes only, their instruction and occupation are limited to some simple labour task, and their books consist of a Bible and an educational work. A more accurate picture of present day conditions is given in the following statement of an ex-prisoner:—

> The warders, though, for various purposes, they mechanically unbolted my cell door nine or ten times in the 24 hours, were as a rule either unwilling or too busy to listen to one's remarks or to say anything beyond the different formulas of the day, "All right?" "Exercise," "Empty slops," "More bags or thread wanted?" etc. This is, in actual practice, what the advocates of the régime have called association with the prison staff, insisting that it is a *separate*, and not a *solitary* system!

[13] Howard Association Report, 1894.

[14] These periods are laid down by the rules. In practice, however, *there seems to be a* tendency to shorten them. We hope this is premonitory of a change in the rules. (See p. 319.)

As Dr. James Devon remarks, the differences between "solitary" and "separate" confinement are "merely technical."[15] In past years the accepted defence for separate confinement has been that it is not merely very punitive, but that it leads prisoners to reflect upon their misdeeds and to repent of them.[16] Our witnesses almost unanimously reject this view, one or two chaplains and one warder alone urging it. "I have found men during this period amenable to good counsel, and in a penitent or softened mood," says the warder, but he adds, "as soon as they begin to mix with other prisoners they become indifferent and callous." Obviously the "softened mood" of the prisoners, of whom this witness speaks, was superficial and temporary, and of no value when brought into contact with life.

The evidence regarding the bad effects of separate confinement is overwhelming. "The first month of separate confinement has no reforming value," declares an official visiting minister. "It seems to me wanton cruelty, or else very bad psychology. It nearly drives some men mad, others are made bitter with indignation, and it destroys personality with a third class, crushing them to the dust. It does little to promote penitence." "The preliminary period of separate confinement," says a priest, "is of no value and is cruel, particularly when prisoners are commencing long periods of penal servitude. They are shut up just when they need company." An experienced agent of a Discharged Prisoners' Aid Society declares that the separate confinement "very often affects mental powers in a permanent way," whilst a warder asserts that "the moral and physical dangers of the month's separate confinement are far and away more serious than any compensating advantage." An ex-prisoner who served over two years in prison sums up the effects of separate confinement as follows:—

> The silence and isolation merely serve to drive the man more and more into himself and confirm whatever was there before. The effect is confirmation in previous tendencies—and not conversion from them; remorse for having been caught, but not penitence. If there be a sense of grievance, it leads to brooding which poisons the whole life.

Dr. James Devon states: "In the case of most, to shut one into no company but himself can only result in his mental deterioration and . . . . some have been driven towards insanity through this treatment."[17] Regulations affecting suicides have already been quoted indicating that the early period of imprisonment is the most frequent occasion for attempts at self-destruction, i.e., they usually

[15] "The Criminal and the Community," p. 229.

[16] It has also been justified, of recent years, as a kind of quarantine, "very essential for administrative purposes." See pp. 78 and 319.

[17] "The Criminal and the Community, p. 229.

occur during the period in which isolation and separate confinement are most rigorously enforced."[18]

The experience of the prisoner during this period is strikingly expressed by Edward Carpenter in his prose poem, "Portland":—

> The same, same thoughts thought over and over and over and over again; the same little stock of memories and fancies brought with one into this whited sepulchre—getting smaller and slighter daily—now like a wheel with ever rapider motion going round and round, till the brain itself is reeling.[19]

After a month of separate confinement, the prisoner with hard labour, or the "star" convict, works in association; the "recidivist" convict may have to wait three months for this privilege. Associated labour provides some mitigation of the severity of the rule of separation, for, although silence is enjoined, it is impossible rigidly to enforce it and most men desire some satisfaction from the mere sight of their fellows. Even the briefest snatches of conversation, even the mere sense of human contact, serve to relieve the inner tension and draw the prisoner from the morbidly self-centred condition bred by isolation.

Prison governors, almost without exception, have reported an improvement in the industrial efficiency, the behaviour, and the mental condition of prisoners since the introduction of regular associated labour about the year 1901. Reference is often made to this change in the reports of the Prison Commissioners and the Comptroller of Industries. Thus, in 1901, the official reported as follows:—

> The concession to well-conducted prisoners of the privilege of working in strictly regulated association continues to exercise a humanising and stimulating effect. More than 5,300 local prisoners, a large proportion of whom would formerly have been strictly confined to their cells, may now be seen working in properly supervised groups with a degree of interest and assiduity which it is pleasing to witness. More than one governor has drawn my attention to the striking contrast between the normal expression of countenance of the associated prisoner and that of the solitary worker in a cell—the former animated and alert, the latter more or less apathetic or depressed. This in itself is surely valuable evidence in favour of the change of system.[20]

Whilst such passages appear rather to over-state the value of their association under conditions which preclude a full use of its possible advantages, they are of interest in indicating that some slight attention is being paid to the mental as well as to the physical health of prisoners, a matter which previously has been almost totally neglected.

In both Local and Convict prisons the period of each working day spent by a prisoner locked up in his cell, even during the months of separate confinement has been passed, in 1913 hours out of the

[18] See pp. 565-76.

[19] Carpenter, "Towards Democracy" (1905), p. 470.

[20] P.C. Report, 1901, p. 55. The closure of expression would hardly have taken place were it not for the added fact of occasional opportunities for conversation.

24, whilst on Saturdays and Sundays he spends 19 to 20 hours in the same condition. There is, therefore, in reality a great deal of separate confinement even for those who are technically on association, and its bad effects remain throughout the term of imprisonment.[21]

Prison Discipline.

Next to silence and to solitude, the feature of prison life most severely criticised both by prisoners and other observers is the discipline imposed upon them through the warders who direct their movements. The nature of this discipline will be sufficiently apparent to those who have read our earlier chapters and considered the list of possible offences for which every prisoner is threatened with punishment. The rigid, precise, and mechanical routine is not only excessively irksome to the prisoner, but is morally useless and in no small way responsible for the development of "criminal characteristics." Leaving the prisoner practically no opportunity for the exercise of choice even in the smallest things of life, prison discipline tends to reduce him to a merely passive machine, incapable of deliberation, forethought, or intelligent self-direction. Once the decision has been made to accept the routine and to obey all orders, no further demand is made upon the will. This condition of purely passive obedience is the dominant characteristic of the "good prisoner," and it is upon the ability to forego the satisfactions which proceed from the exercise of will that adaptation to prison conditions largely depends.

After a long term of imprisonment, passive obedience and dependence upon authority have become habitual, and the prisoner finds himself, when he at last faces the tasks of normal life, without decision, without initiative, and lacking in self-control. Obedience under a system of rigorous discipline becomes aimless, drifting as soon as external authority is removed. It has, moreover, a further danger when the offender, particularly if he be in the early stages of his criminal career, returns to a criminal environment. Most of the expert and professional criminals make use of docile accomplices; and, in general, it is probable that a majority of crimes arise more from the inability to resist a criminal suggestion than from deliberate aggression. The prevalence of recidivism in overcrowded urban areas and its intimate association with intemperance strongly indicate its dependence upon what is known as "herd suggestion." Dr. J. F. Sutherland, writing on this point, when referring to slum areas with their noxious moral and material atmosphere, asserts that "it would scarcely be possible for a saint to live in them and not be contaminated. The contagion is virulent and paralysing."[22] The relaxing effect of prison discipline upon the will must considerably

[21] In Scotland "separate confinement," as practised in English prisons during the first month, has been in principle abandoned, except for prisoners under punishment. We understand that the new prison accommodation now being provided in Scotland will enable all prisoners to have associated labour throughout their sentences.

[22] "Recidivism," p. 34.

weaken the powers of mind upon which a good life in such an environment depends. Whilst it would be too much to say that prison discipline is mainly responsible for this contagion of crime upon ex-prisoners, it is, at any rate, clear that the process of demoralisation which occurs in prison considerably weakens the offender's powers of resistance, and that a system of discipline which would operate in exactly the opposite direction is required if prison treatment is to have the effect of enabling a man to resist the temptations of a bad environment.

Even such an apologist for the existing régime as Dr. R. F. Quinton suggests that the true aim should be "to cultivate and reinforce whatever will-power the criminals may possess, rather than to conquer it by measures of repression,"[23] though he does not see how utterly imprisonment still fails to carry this out. Offenders who have passed through our prisons have been taught, as Dr. Devon points out, "to be respectful and obedient, but they have lost, in a corresponding degree to their improvement in manners, their power to act for themselves."[24] Not only is initiative destroyed, but the power of resisting temptation cannot be learnt in a régime where men are not entrusted with responsibilities and where no appeal is made to their honour, but only to their sense of fear and their desire for "privileges."

We have much evidence of the pernicious character of the discipline. For instance, a prison minister with experience of both Convict and Local prisons writes:—

> Prison discipline is detrimental to self-discipline. It destroys the will—men become mechanical and as soon as discipline is relaxed are morally at sea. There is no effort—save by the chaplain, and that too often very formal—to get within men. The discipline is external. . . . Its *military* nature, which mechanises men, is the radical fault.

On this last point an ex-officer in the army, who before the war had much experience of prisoners both inside prison and on discharge, writes to us that "the present system of Convict and Local prisons makes good soldiers rather than good citizens." The great need, he asserts, is for "experts in character" on the prison staff, instead of "parade ground masters of cleanliness and symmetry." The secretary of a Prisoners' Aid Committee, also with army experience, testifies to the same point, when he declares that "the convict having everything done for him, his initiative becomes sapped, his independence entirely abolished."

A probation officer and supervisor of ex-convicts with 30 years' experience, compares the discipline to the machinery of an engineering shop; but in prison, he says, you are working, not on metal, but on "minds which differ in capacity, decision, and imagination more than their faces, so that cast-iron rules with no elasticity have an inevitable tendency to paralyse and eventually to atrophy and extinguish any latent spark of initiative or self-control."

[23] "Modern Prison Curriculum" (1912), p. 51.

[24] Devon, op. cit., p. 270. The reformer, Captain Maconochie, made a similar observation years ago:—"Men kept for weeks, months, years, under a sense of severe external pressure, and praised and encouraged in proportion as they submit to it, are in a direct course of preparation to yield to other forms of pressure, as soon as they present themselves. They go in weak, or they would not probably be prisoners, and they come out still more enfeebled." (Quoted from his "Crime and Punishment," pp. 2 and 9, 1846).

One of the most powerful indictments of the discipline is to be found in a report of the Prison Commissioners themselves. The chaplain of Portland Convict prison wrote as follows in 1910:—

> I should like to mention one point which has been more and more firmly impressed upon my mind, particularly since I have been at this prison. It seems to me that the most usual effect of a long imprisonment is to obliterate almost entirely the sense of responsibility. The will of the individual is, for the time, completely suppressed. He lives under strict rule and discipline. He gets up in the morning and goes to bed at night because he is ordered to do so. He works, because he would be punished if he refused. He exercises at stated times for the same reason. He takes his meals when they are brought to him, and he has no choice as to what he shall eat. He is not allowed to talk. The only chance he has of exercising his will is in the choice of library and educational books with which to pass his leisure time. This being so, it follows that such an one, even supposing that he has the desire to recover himself, begins his struggle under a terrible handicap, and it can hardly be wondered at that so many fail.[25]

The chairman of the Commissioners supplied us, by implication, with an almost equally cogent criticism of the régime when he wrote in 1900: "The majority of prisoners behave well, or, to be accurate, do not behave badly."[26]

However much the prison routine succeeds in the majority of cases in producing the good prisoner, its harsh features are constantly creating a condition of suppressed irritability which in many ways impairs its smooth working. Punishment and offences constitute a vicious circle within the prison system. Offences are frequently the outcome of the irritation bred from prison discipline, and are themselves the occasion of further punishment.[27] The extent to which this factor operates is largely obscured by the fact that prisoners are locked in their cells for most of the day, and therefore have little or no opportunity of committing offences. It is probably the physical impossibility of giving trouble more than the effective nature of the discipline which accounts for there being no more offences than, as a matter of fact, occur. It is noteworthy as indicating the injurious

[25] P.C. Report, 1909-10, Part 2, p. 246.

[26] Report on the Fifth and Sixth International Penitentiary Congresses (1901, Cd. 573), p. 25.

[27] A tragic instance of this has recently come to our notice. A musical composer of considerable talent was serving a sentence of three years' penal servitude. He suffered greatly owing to the confinement and the inability to relieve his mind and emotions by writing down his compositions. His friends made efforts to secure permission for him to have a notebook for this purpose. It was denied to him because his behaviour was bad, and he could only promise improvement in this if he secured the coveted book. The vain struggle went on, until one day he was certified as insane and removed to the criminal lunatic asylum. His friends consider that the allowance of a notebook would, at the least, have had a great influence in preserving his sanity.

effect of the discipline that when concessions have been made or relaxations allowed, it has almost invariably been reported that improvement in the conduct of prisoners is the result.[28]

Absence of Self-Expression in Occupations.

A further feature of the prison system calling for special consideration is the denial of opportunity for self-expression in interesting labour.

Complaints that prison labour is hard are surprisingly rare; that it is monotonous, useless, and degrading is almost invariably the burden of the more intelligent prisoners' protests. Even when enough labour is provided to occupy the time, it is usually insufficient to occupy the mind. Mere mechanical and monotonous tasks, however effective as a punishment, are incapable of developing the qualities most needed if the criminal is to be restored as a useful member of society.[29]

> "Here, it seems," writes a prisoner undergoing penal servitude (the fourth year of his second sentence), "the best man is looked on as he who has thoroughly mastered the noble art of 'fiddling.'"
>
> "I am engaged," writes another convict (the second year of his third sentence), "in such intellectual work as weeding, and picking up little bits of brick and stone in the prison yard and then scattering them abroad again, or chopping up firewood that nobody wants. After being engaged in such pleasant pursuits as these for 12 months you are expected to go out into the world and suddenly transform yourself into a rational human being again. No wonder we all come back again!"

Whilst minute care is devoted under the Rules and Standing Orders to other aspects of the prisoner's life, the care of his mind is a subject of almost total neglect. In spite of the limited relaxation obtainable through the prison library, long periods are spent in isolation with nothing to relieve the blank vacuity of consciousness except morbid brooding, unhealthy images and idle dreaming, or in some cases the torture of obsessions. A convict writes (the first year of his first sentence):—

> You have no idea what it is, sir, to be in a gloomy place like this, always studying and thinking, and what nasty, unearthly dreams; it is enough to send a man mad.

The struggles of prisoners to find something outside their own thoughts with which to occupy themselves provide perhaps the most pathetic passages in the descriptions of prison life; every effort involves a conflict wtih the regulations and provides an occasion for

[28] Cp. Devon, op. cit., pp. 255-6, and the passages from the Commissioners' reports, to which reference is made on pp. 78-9.

[29] Most of these statements might be truly applied, mutatis mutandis, to much of the work done in factories. It seems possible that the small scope allowed to the creative instinct in modern industrial life is in itself one element in the want of equilibrium resulting in crime.

further punishment. The secretion within the cell of forbidden articles has almost invariably for its motive a harmless aspiration to cultivate some hobby that will occupy the mind.

Sometimes the occupations of prisoners are of a trivial and childish nature, such as playing bricks with minute pieces of wood or meaningless arrangements of the meagre contents of their cell. Other prisoners manage to devise pursuits of a more elaborate and creative character. Most prison governors possess a small museum of ingenious contrivances and objects of art produced by prisoners in their hours of solitude. We have described some of these cell-crafts, when dealing with prison labour and the need for greater educational facilities.[30] The somewhat limited concessions as regards cell-occupations that have been granted at the Preventive Detention prison and the Borstal institutions illustrate what might be done to meet this hunger for mental occupation and creative activity.

The occasional taming of wild animals and birds as pets affords a rather appealing instance of the exercise of the same starved faculty of self-expression, which rejoices to find in another sentient creature a response to its own activities. One of the writers of this book, whilst serving three months' solitary confinement, managed, by means of potato and bread crumbs, to induce a sparrow to come regularly inside the tiny window opening, and finally to descend on to the cell floor in pursuit of its crumbs at least three or four times a day. Warders have told us of other prisoners who have managed to catch and clip the wings of sparrows and even of a jackdaw, keeping them under circumstances of concealment that must have been cruel, we fear, to the poor birds; and there is the classic instance of Michael Davitt and his black-bird."

At one, at least, of the Convict prisons, viz., Dartmoor, the keeping of field mice as pets is a regular practice. One of the warders at this prison has given the following account:—

> Quite a number of the convicts catch field mice to keep as pets. This practice was encouraged by one of the best of the Dartmoor governors, who also first started giving men a little cage in which to take away their mice on discharge. The giving away of these cages was kept up until 1914.
>
> The mouse is usually kept tied up in a cloth bag in the cell during the daytime, and it is a recognised practice in searching the cell not to interfere with them. Men have also been known to keep a rat as a pet. In one case a warder cemented up a hole in the floor of a man's cell, at which the man complained bitterly; he explained afterwards that the hole contained a rat, which was "his only friend in the world"; so the warder tacitly allowed him to knock the cement again out of the hole.

The field mice are sometimes, as might be expected, the cause of fights between two prisoners, both intent on securing a mouse as

[30] See pp. 119 and 163-65.

[31] M. Davitt, "Leaves from a Prison Diary" (1885), preface.

the solace of their solitude; and assaults on warders are said to have arisen out of interference with one of these pets. The following extract from a letter written by a convict in 1910 has in it a note of bitter irony:—

> I had a little mouse that could do no end of tricks. I would not have parted with it for anything. One day an officer drowned it to save me the trouble of looking after it. I think I can laugh at a man who carries his love so far as that!

But such a catastrophe is, we believe, very exceptional. We have it on good authority that "for the sake of the comfort and pleasure given by the keeping of these pets and its humanising influence, the practice is not forbidden," and is even encouraged by the governor and Commissioners."[39] We hope that the precedent will induce these authorities to introduce into our prisons many more "humanising influences," until the whole atmosphere is changed. Then there will be no need to fight for the possession of a single much-coveted mouse.

The following narrative, written by an ex-convict, illustrates another not uncommon outlet of this same passion for self-expression:—

> One Saturday afternoon, when the prison was busy with cleaning; and much jangling of keys, slamming of doors, shouting of orders, and clatter of buckets helped to drown any noise otherwise likely to be heard, a peculiar noise *was* heard and the warders commenced to localise it; a warder on rubbered tip-toe commenced to look through each spy-hole on the doors of the suspected cells; at last he suddenly opened one, and found a prisoner covered up with his bedclothes and trying to play a tune from an instrument made by tying pieces of thread across his washing bowl and plucking them with a piece of wood; poor wretch, he was fond of music and tried his best to get some, other than that supplied on Sundays at the prison chapel.
>
> Again, I know of a prisoner serving a long term, who with much patience and industry managed to accumulate sufficient material to make a very presentable zither; it had over 24 notes properly tuned; for quite a long time he managed to evade the vigilant warders and delighted his fellow-prisoners with a few musical moments at discreet times. Alas, in a moment of confidence all went wrong. It so happened that a certain semi-religious person who was visiting the prison for the good of the inhabitants, paid a visit to the musician. Just how the subject arose, I don't know, but the prisoner showed the visitor his instrument, explained all there was to explain, was praised for his ingenuity and industry, and the visitor left him, feeling a somewhat better man. Nemesis followed. A few minutes after, the principal warder came, sought for and found the music maker's instrument and took it away, and the next day the penalty was paid.

Of such a nature are a large proportion of prison offences. Immunity from punishment is secured by passive resignation to the vacuity of mind and the restraining of every impulse to create; it

[39] Paterson, "Our Prisons," p. 20.

is escaped by those who are content to dwell in imagination upon the obscene, by those who idly dream of successful crime; but upon those who struggle to retain a living interest in such primitive arts and handicrafts as can be practised in secret, upon those who endeavour to cultivate those qualities of mind and character that are of value in ordinary life, it is upon them that the full weight of the system falls. It is for this reason, perhaps, more than for any other, that prison fails in itself to reform or to re-educate those who need it.

CHAPTER IX

GENERAL CONCLUSIONS

To sum up: the essential features of our present penal system lie in the confinement of offenders under unnatural conditions, in an environment in which many of the normal human functions become inoperative. Speech and association with one's fellow-men—the most elementary of human rights,—if not wholly eliminated in prison life, are at least subjected to the severest limitations; while mutual aid and all moral and social co-operation are forbidden. Other features of prison life are the imposition of monotonous and uninteresting tasks of little or no use as training for the future; deprivation of opportunity for initiative, choice, or any form of self-directed activity and submission to a rigid and precisely regulated discipline. In brief, the system may be defined as the deprivation of every influence and the prohibition of every activity beyond the bare necessities of life, excepting only certain minor concessions in the form of books, religious ministrations, and—for some few prisoners—very restricted educational facilities.

Physical Pain Replaced by Mental.

The full significance of this system can be seen only when contrasted with the penal codes from which it is historically derived. The most primitive form of punishment consisted in the infliction of bodily injury, of a temporary or permanent nature, with its accompaniments of physical pain. It is noteworthy that with the exception of capital punishment and a restricted use of the lash, direct physical injury has been discarded from the penal code. Modern methods of punishment take the form of deprivation of liberty and the denial of intellectual, emotional and spiritual satisfactions. Stated in physiological terms, primitive forms of punishment consisted in the infliction of gross bodily hurt; modern penal methods are directed upon the higher functions of the central nervous system.

It is to this characteristic of modern methods of punishment that prisoners mean to refer in their frequent allusions to the "mental suffering," "scientific punishment" or "refined cruelty" of prison. The elimination of crude physical pain from penal discipline is popularly regarded as an indication that prisons are being progressively reformed. Much of this apparent reform in penal

methods is illusory. The change serves as much to protect officials *from* public criticism as prisoners from unnecessary suffering. Though no less intense than physical pain, the suffering experienced under prison discipline is vague, diffuse, and cannot be so vividly represented in memory or imagination. Whilst public sympathy might easily be enlisted to assist a fellow-creature who is suffering from wounds, mutilation or organic disease, as the result of his punishment, the depth of misery to which our prisoners may sink to-day is obscured by the cleanliness of the buildings and the orderliness of the routine; and the vacancy and inertia of the prisoner's mind are mistakenly regarded as inherent criminal characteristics beyond all remedy. Thus the prisoner is effectively isolated from public sympathy, and the sense of being immured and forgotten by the world increases his despair.

The well-known difficulty of reproducing mental pain in memory or imagination has another and—from the point of view of the express purposes of the prison system—a somewhat serious consequence. The memory of prison experience, even though that experience may have caused permanent mental injury, has neither the vivid nor compelling quality required to influence conduct in a moment of special temptation. The system of punishment adopted in modern prisons in this way fails even to achieve its own professed intention of deterrence.

Effects on "Sensitive" and "Hardened" Types.

The mental effects of imprisonment which have been dealt with in this review fall broadly under two heads. There is, on the one hand, a group of effects arising from the prisoner's *failure to adapt himself* to the conditions of prison life; and there are, on the other hand, the effects which appear in consequence of *successful adaptation*. It follows from this division that the two classes of effects tend to be mutually exclusive, though the possibility of varying degrees and different modes of adaptation involves under certain conditions the occurrence of effects of both types in the same individual. The effects of imprisonment upon the more refined and sensitive natures such as are found among political offenders and offenders drawn from the more favoured social classes are more frequently those of failure in adaptation. The ordinary offender, especially if imprisoned at an age before character is fully formed, tends more frequently to experience the effects of adaptation.

Failure in adaptation to prison conditions is evidenced by mental aberration, of which insanity or nervous breakdown produced by the stress of prison conditions is an extreme example. Other examples, the pathological nature of which is frequently misunderstood by prison officials, are nervous irritability, a heightened disposition to emotional reactions, morbid fancies, and delusions of persecution.

Conversely, atrophy of the powers of mind and condition of

listlessness are changes in the prisoner's mental life which place the prisoner more in harmony with his environment, and diminish the sufferings that arise from unsatisfied desires. When rigid discipline is enforced and restrictions are most severe, the stifling of desires which cannot be satisfied is the only means by which peace of mind can be obtained. Complete apathy, therefore, is the most perfect form of adaptation.' In any extreme and absolute form such adaptation is rare. Various modes are possible, and some are unquestionably beneficial. For instance, the prisoner may find occupation for his mind in self-educational pursuits, which previously had played but a small part in his life; it is to be feared, however, that under the actual conditions of prison life, other means are adopted with greater ease. So few of the possible satisfactions to be obtained in prison depend on effort or practical activity that the prisoner turns for compensation to his imaginations. Just in so far as the prisoner is denied adequate means of practical activities, so far does he tend to become more and more absorbed in imaginary satisfactions. Such a tendency is detrimental to his practical efficiency, and may often take undesirable directions, in gratification, for instance, of his acquisitive or sexual instincts. Much of the moral degeneration which occurs in prison is likewise but a result of adaptation to prison conditions. The development of cunning and of the habits of deceit for the object of securing forbidden satisfactions exemplify the ways in which such adaptation may render the prisoner more unfit for life in ordinary society.

A statistical study of the distribution of these effects of prison discipline among the various classes of the normal prison population would probably show that the effects of successful adaptation are more prevalent than those which arise from failure. They are also more permanent, and, on the whole, more harmful.

It will thus be clear, we hope, that the fact that prison possesses a certain attractiveness (and even a "mysterious fascination") for some classes of offenders does not indicate that its routine errs on the side of not being sufficiently stern and repressive, and is by no means a legitimate source of self-congratulation to the authorities. The attractiveness of prison simply shows that adaptation to its conditions is the line of least resistance for deteriorated characters, to whom a life of responsibility and initiative and prudent forethought is becoming increasingly irksome, while their capacity for feeling mental pain and even physical discomfort becomes progressively lessened. In the contrary cases, where insanity occurs, some congenital instability is probably co-operative with the effects of imprisonment in producing it, as well as the more serious forms of nervous breakdown. These conditions occur primarily as a result of prison discipline chiefly in the more sensitive and refined classes of offenders, who constitute a small minority of the prison population.

[1] Kropotkin, speaking particularly of French prisons in the eighties, traced the tendency toward adaptation to the repressive discipline, combined with the desire to economise in the staff. "The ideal of our prisons would be a thousand automatons, rising and working, eating and going to bed, by electric currents transmitted to them from a single warder."—"In Russian and French Prisons" (1887), p. 325.

Insanity, Suicide, and Mental Deterioration.

The ratio of both insanity and suicide is incomparably greater in prison than in the ordinary population, and, whilst many criminals may have greater natural tendencies towards mental disorders and self-destruction than the law-abiding, it is clear that the régime is in large part responsible. Insanity is more prevalent among prisoners sentenced to long terms of imprisonment than among short sentence prisoners, and more prevalent among convicts than among local prisoners. As regards suicide, the gravity of the results is obscured by the fact that the authorities have failed to take account of the very large number of attempts at suicide. Moreover, such attempts are made extremely difficult by the structural and other precautions adopted. That the hopelessness of prison life, the solitary confinement, the harsh régime, and the inhuman system of silence help to cause insanity and encourage attempts at self-destruction, will not be doubted by impartial minds.

The less clearly marked degrees of impairment of mental powers are probably almost universal, except in the case of the shortest sentences. Even a few months of imprisonment appears to be sufficient in many, if not most, cases to produce an effect upon memory, concentration, and the powers of will. In the case of the long sentence prisoner, this process of deterioration may lead to premature senility, or a childish weakness of mind, which renders him almost incapable of resuming normal life in any efficient capacity. Such atrophy may be general, affecting the mind as a whole, expressing itself in a kind of torpor and an absence of interest in life, or it may more particularly affect certain special functions. Most prisoners, particularly after a sentence exceeding a few months, notice an impairment of the powers of mind employed in their vocational pursuits. In many cases this seems to arise, not only from the blunting of intelligence and the loss of technical skill, but from the abnormal nervous condition of the prisoner upon release.

In the case of abnormal or defective prisoners (occurring particularly among the class of petty recidivists) it does not appear that injuries to the intellectual processes are so great as in other cases. This is natural enough when we consider that they enter prison lacking the ordinary incentives to mental activity, and often with a more or less pronounced atrophy of volitional powers. But it is certain that these unfortunate persons are injured in other ways by the rigid and unsympathetic treatment.

Whilst the impairment of mental powers probably occurs more among the better-educated prisoners than among those endowed with slender intellectual resources, the latter class has less power of recuperation. Some of our witnesses assert that this impairment is

permanent, but there is evidence that many ex-prisoners, particularly those who have only served a short sentence, regain ultimately, under favourable conditions, their normal alertness and mental vigour. Recuperation, it seems, is less likely to occur when the powers of will or the moral qualities *are affected by* imprisonment. Feelings and interests may find in prison new and probably anti-social channels. In his struggle against the system and to preserve his interest in life, the "bad prisoner" develops a state of nervous irritation which may afterwards become settled into a permanent sentiment of bitterness and revolt.

The process of mental and moral deterioration operates in various ways as a positive factor in the production of recidivism. The breach in the continuity of habits and interests, as well as of family ties, and the cessation of activities which in normal life provide legitimate spheres of employment prepare the ground for the more far reaching effects. Mental atrophy and listlessness render the prisoner less fit to resume his prior pursuits after release. The general suggestion of crime within the prison acts upon the prisoner when he is most susceptible to *its influence*. In countless ways prison life provides topics of thought and impulses to action which are criminal in character.*

Exceptional instances are found of men who have apparently not deteriorated in any way through imprisonment,—on whom prison has had no appreciable effect one way or the other. Naturally such cases occur most frequently with very short sentences. We have indicated that the alleged beneficial effects of imprisonment appear to be either merely accidental—in spite of the tendencies of the system—or else due to the effects of the shock of conviction, not to the prison regime.

Specific and General Causes of Deterioration.

Of the specific features of the present system most responsible for the prisoner's mental and moral deterioration, the silence rule and the rigid separation are the most important. The original intention inspiring these regulations has been lost from view, and the present operation of these rules, so far from serving a useful purpose, is productive of mental abnormalities and of serious moral results. Long periods of isolation and silence, without profitable occupation

* The evidence adduced by witnesses in this Enquiry has, in the main, confirmed every conclusion reached by Dr. William Healy in his investigations. The following are noted by him as the chief moral evils resulting from imprisonment.—("The Individual Delinquent" (1914). Section 226, pp. 312-316):—

1. The development, during any short term of imprisonment, of the conviction that prison is not so bad after all.
2. The spread of pernicious ideas of sexual affairs and the acquirement of bad personal habits.
3. The development of friendships that tend to corrupt character.
4. The development of criminalistic knowledge and technique.
5. The development of a mental content which drives towards criminality, both through the constant suggestion towards misconduct which comes from thinking of oneself as an offender, and from the prolonged vacuities of prison life.

for body or mind, not only fail to eradicate criminal desires, but engender a condition of mind which renders the prisoner more susceptible to the undesirable influences which surround him. The impossible silence rule and the unnatural separation encourage artfulness and deceit.

Another feature of prison life productive of injurious results is the nature of prison discipline, in its more limited sense. Excessive control of the details of the prisoner's life, and supervision which excludes all opportunity for initiative or choice, contribute to a more or less pronounced atrophy of the will and a consequent degeneration of mind and character. The denial of opportunities for self-expression or profitable activity, whether in arts and crafts or in educational pursuits, adds to this effect. It withholds the very influences which might provide adequate incentives for useful social life, and whilst it impairs his vocational efficiency it disintegrates the habits and interests of the prisoner in a way which destroys his self-respect and releases criminal propensities.

While such features of prison life may be held to be more particularly harmful, most of its defects reside in the more general principles upon which the system as a whole is based. These defects appear to be the result of having set up as primary aims the ideas of retribution and of deterrent punishment, and of allowing concern for economy and for the smooth working of the machine to stand in practice before any interest in the welfare of the imprisoned men and women. There is an almost complete absence of professional, scientific or humane interest in the criminal, and in the problems he presents. Consequently there is no true "individualisation," whether of punishment or of curative treatment.

All prisoners are not criminals, but those that are, however varying their circumstances of birth, training or environment, are similar in this, that their sense of citizenship is defective. Only by re-edification of that sense can they be led from the tendency to crime. But our prison system, while it sometimes makes good prisoners, does almost nothing to make good citizens. It fails to restore the weak will or to encourage initiative; it reduces energy by the harshness of its routine and adds depression to the depressed. The system presents no outlet to the emotions, no appeal to the æsthetic sense, no object lesson of goodwill or of communal solidarity. The separation which it aims at establishing, as a discipline, between prisoners, gives reinforcement to that separation which it establishes, as a fact, between them and the society which so uses them. The influences of the prison system are, therefore, not only anti-individual but anti-social as well; in both directions alike it debases the currency of human feeling. That debasement is its fundamental defect; and in so far as this stands proved against it, it must necessarily be judged as a failure. And the more the system costs the community, and the more highly it is organised, the more monumental must that failure be.

Appendix to Chapter Nine.

THE EFFECTS OF IMPRISONMENT UPON THE SEXUAL LIFE.

In the course of the *Enquiry*, attention has occasionally been drawn by our witnesses to the apparent effects of imprisonment upon the sexual life It is generally believed, and it is probably true, that some forms of institutional life, more particularly those involving the prolonged segregation of individuals of the same sex, are an exciting cause of certain perversions of the sexual instincts. Prison [illegible] no exception to this rule, but the difficulty of obtaining exact information on the matter makes it impossible to decide with certainty whether prison life is more liable to produce these perversions of the sexual instincts than are other institutions. The more irregular manifestations of perverted sexuality, such as are associated with homo-sexual emotional attachments between prisoners, are rendered almost impossible in English prisons by the strict manner in which the system of separate confinement is usually carried out.

On the other hand, it has again and again been asserted to us that auto-eroticism and the practice of masturbation arise in direct consequence of this segregation and of the intense monotony of the routine. Warders appear to be almost unanimous in their testimony to the prevalence of this practice. Among the higher prison officials whom we have consulted on this point there is a divergence of opinion, some holding that masturbation is not more common in prison than it is outside. Many of these officials are not in the habit of observing prisoners closely, and it is in any case not an easy matter for them to form a judgment as to private practices of this kind. Some chaplains, however, who have given evidence to us, have expressed themselves very strongly as to the connection between the existing prison routine and solitary sexual vice.

Such tendencies in the evidence would probably at once convince most impartial judges that this form of sexual perversion is more prevalent in prison than elsewhere, were it not for the apparently contradictory implication in another quite independent body of evidence.

Among convicts and prisoners generally there is a widespread belief that drugs which are intended to act as sexual sedatives are secretly and indiscriminately administered in prison food.[1] No definite evidence of a trustworthy kind has been adduced in support of this belief, but its origin appears to arise from a fact of considerable significance, namely, that many prisoners, at any rate for a certain period during their imprisonment, experience a marked absence of sexual feelings, and a general diminution of virility. The drugging theory has apparently been framed as an attempt to explain this fact.

The two lines of evidence might appear contradictory, but both indicate a certain disturbance of the sexual life under prison conditions, which deserves further investigation.

The sexual aberrations of prison life are not isolated phenomena. They are intimately associated with the process of mental deterioration described

[1] Cp. p. 128 (Note 5). We understand that petitions objecting to this alleged practice have been not infrequently addressed to the Home Secretary by convicts.

in the foregoing chapters. Sometimes, indeed, the view has been expressed that this process of deterioration among prisoners is not due directly to prison discipline, but to the practice of masturbation which has its origin in the earlier life of the prisoner. Even where this is true of his earlier life, there is little doubt that imprisonment considerably aggravates the tendency to such perverted activity. But that self-abuse is the universal or even a predominant cause of mental deterioration in prison is an entirely mistaken view of the matter. For one thing, this mental deterioration is seen to occur in prisoners who are known not to have been addicted to such habits either before or during their imprisonment.

The true view of the matter seems to be that the habit of masturbation is very often acquired as one of the results of mental deterioration, particularly on account of the weakening of the will and of the power of self-control, and, when this occurs, the sexual excesses which are involved, must as a rule, considerably increase the mental and moral deterioration which has already set in.

That prison life is specially liable to lead to perversions of this kind is indicated by the fact that among the answers to the questionnaires upon the mental effects of imprisonment allusions occur (though this topic was not mentioned among the questions) to the special need of self-control in this respect. Thus one man, giving an account of his experience, writes :—

> Self-abuse is common among prisoners. The loneliness is greatly responsible. I know what a grip I had to keep upon myself. What would be the effect of 19 hours behind a locked door on a youth between 16 and 21?

while another, in speaking of the prison routine, says :—

> Long hours of solitude, lack of physical exercise, and sleepless nights often caused my thoughts to run into unhealthy channels. If I had been leading a more natural life, this would not have occurred.

The vitiated atmosphere within prison walls is described as only too favourable to "morbidity of thought and increase, through repression, of sexual impulses." One prisoner contaminates another by his suggestive conversation, and, in some cases, even warders are said to be infected by the general corruption. Other statements of ex-prisoners, which are all the more significant because they were not the result of any direct question as to sexual effects, are the following :—

> Broodiness, morbidness, brain fag, loss of self-control, self-abuse, were the vices and weaknesses I had to fight against.
>
> The *silence rule* tends to make a prisoner's only occupation introspection. It has, for example, led me to brood far too much on certain pathological sexual tendencies heretofore far less developed.
>
> By the exclusion from my sight of all the things worth living for, I gradually developed the bad habit of unclean thinking. The prison surroundings were hopeless and depressing.

Other prisoners have asserted that a sexual motive is to be found in prison dreams more frequently than is the case in ordinary life.

The above statements all refer to the short sentence (Local) prison. What evidence we have from ex-convicts is still more emphatic. Thus one man, with experience of three years' penal servitude, writes that

CONCLUDING CHAPTER

SOCIETY AND THE OFFENDER

The Need to Revise our Penal Theory

At the close of the chapters in the First Part of this Report we have indicated the most serious defects revealed in the course of our examination of the English Prison System. Even if these defects were remedied, however, such reform would be rather a palliative than a cure. The whole existing treatment of crime and of criminals rests upon a theory, or theories, which modern thought and experience are showing to be both confused and erroneous.

Punishment is commonly justified on some or all various grounds. These may be distinguished as revenge, retribution, prevention, and deterrence. Of these, the two former imply necessarily guilt in the criminal; the two latter do not. But it is commonly assumed both that criminals are guilty, and that their punishment tends to prevent future crime. This assumption requires reconsideration in the light of facts.

Regarding the matter historically, it seems clear that revenge is the origin of punishment. Revenge was taken in more primitive social conditions by the injured party or his representatives. Hence the blood feud, which has played so great a part in History, and which still survives in some communities remote from civilisation. But this indulgence of private revenge was so inconvenient and disorderly that the substitution for it of punishment, enforced by the whole community through its judges, is commonly recognised to have been a great step in advance. This step further implied a change in the motive of punishment. The offence was regarded as being committed against the community, "contrary to the Peace of our Lord, the King, and His Majesty," rather than against the individual, and for the idea of revenge was substituted that of justice. It is now the rules of conduct laid down by society, rather than the feelings and rights of the individual affected, that are regarded as

outraged by crime, and although some theorists consider that the gratification of revenge is still a legitimate and desirable adjunct of the criminal law, the judge, it is agreed, should act impartially as the representative of the order of the State. From this point of view he may be supposed, so far as guilt is attributed to the offender, to represent and vindicate abstract Right, and what he inflicts to be a just and impartial penalty. This is the theory of retribution as distinguished from that of revenge, and it still profoundly influences opinion. For punishment is very generally regarded as right, whether or no it benefits either the community or the criminal. This common view must be considered separately before passing on to the theory of deterrence.

Most religious people believe that God punishes sin. But it is a long step from this to accepting a human judge as a representative of God or human law as an expression of the divine. In the first place, the law makes no attempt to punish everything that is recognised as sin. For instance, sexual offences such as fornication or adultery, though consistently denounced by religion as sin against God, are not punished by law. Conversely, many offences punishable by law are not commonly regarded as sin. If, therefore, human law rested upon or corresponded with either current morality or divine laws of conduct as prescribed by the consensus of religions, it would have to be modified in ways which certainly would not commend themselves to enlightened opinion.

Moreover, the conception of Divine Justice is undergoing change. As men come to see that misfortune is often the direct cause of offences, and that punishments usually demoralise and degrade the offender, they are less able to conceive of a beneficent Power inflicting punishments. Misfortunes once regarded as divine judgments on sin are now increasingly recognised to be due in many cases to causes which, so far as the individual is concerned, have no moral relation to the suffering they entail. The "natural" punishment of sin is seen to arise from within, instead of being imposed from without. Hence, among those who possess faith in a Divine Providence, the temptation to seek to be the instrument of its Justice (in the old retributive sense) is passing away.

Further, on the view that punishment ought to correspond with guilt, we are faced with the difficulty of estimating the guilt. Judges are human and liable to all the weaknesses of the individual and of his class. This is obvious in the case of a country gentleman administering the game laws against a destitute poacher, or a propertied person applying the law of theft to a starving man. In a fully democratic society, no doubt the class bias would cease to be important. But it must remain impossible for any man precisely to assess the guilt of another. All that a judge can be expected to do, and that not infallibly, is to ascertain whether the offence was

committed and whether it was intentional. The assumption that the offender is also wicked may or may not be correct. But how far he is so is a question which no ordinary judge or jury can reasonably be expected to determine.

These general considerations are immensely strengthened by a sympathetic study of the real circumstances and antecedents of criminals. Much crime is due to poverty, to lack of opportunity and education, to bad counsel and bad example, much to inferior or diseased development, for which, as modern psychology and medicine more and more show, the offender is not responsible. Much crime is committed by people who can find in our society no outlet for capacities which, under other circumstances, might be regarded as virtues. It would be interesting, for instance, to know how many people, released for the purpose from prison, made good soldiers during the recent war. In all such cases it may be necessary to deal with the offender by the compulsion of the law. But in none of them can he be fairly and truly dealt with as morally guilty. Guilt, and the measure of it, is a question for a higher and a more competent judge than human beings are ever likely to provide.

Similar considerations must affect our view of the effect of punishment on the criminal. Punishment, it is sometimes thought, produces a moral reformation. It would be rash to affirm that this is never true. But it may be safely said that it is very rarely true of punishment inflicted by the law. The offender is often not guilty in his own judgment and his punishment then appears to him as arbitrary, cruel, and unjust. This point has been illustrated in a previous chapter. And it is hardly necessary to point out that the conviction that he is being made to suffer pointlessly and unjustly will produce the directly contrary effect to moral reform.

Reflections such as these based on experience and reinforced by medical science and psychology are steadily modifying opinion. Less and less frequently is punishment justified by the idea of guilt, more and more by that of prevention and deterrence. But if this latter point of view be considered by itself, it will be found very difficult to reconcile with the facts. Prevention from repeating an offence can only be guaranteed by the death penalty or by imprisonment for life. Such punishments, however, are practically reserved for murder, which is of all crimes the one least likely to be repeated. The ordinary punishment is imprisonment for a limited term. Does this deter?

We must distinguish between the effect on the prisoner and the effect on others who might be tempted to crime. As to the prisoner, the evidence reviewed in previous chapters proves that imprisonment has in most cases no deterrent effect, but the contrary. The sense of fear and dismay, often present at first, passes into bravado, depression, callousness, or despair. On release after a first imprisonment, the offender, in spite of the efforts of societies to assist him,

finds it hard to obtain work because he is regarded as disgraced, and harder still to do it properly if he obtain it, because he is weakened in habit and will by what he has undergone. These effects are increased with every new conviction. Indeed, as we have seen, it is a view widely prevalent among prison warders and officials of Prisoners' Aid Societies that, if a second sentence be incurred, the man is "done for." The figures of recidivism show that, after a certain number of convictions, a prisoner is almost certain to return to prison.

That imprisonment cannot and does not cure is not only owing to its effect on the criminal and on his chances of employment outside, but to the fact that so much crime is really due to feeble-mindedness or other such defect. This point has been sufficiently treated in other chapters and need not here be further developed. But even where there is no such defect, much crime must be attributed to poverty and its accompaniments and consequences; and imprisonment could in no such case help those who commit such crimes, since it merely makes it more difficult than before for them to live without crime. It must be recognised as an established fact that our principal punishment actually creates or perpetuates rather than abates crime in those upon whom it is inflicted.

It may still be argued, however, that such punishment deters other people from similar crime, and probably it is on this ground that it would be chiefly defended. This is a point on which it is difficult to speak with confidence. It is obvious that there are certain crimes, such as some crimes of sudden passion, or those due to mental defect, which cannot be affected by the fear of punishment; in other cases it is probably not the actual hardships of prison life that deter. Thus even the Chairman of the Scottish Prison Commissioners wrote in 1911:—

> Unless for very short periods, it is not in fact in civilised countries now possible, even if thought desirable, to impose such conditions of hardship as would themselves act as deterrents. The loss of liberty is the real deterrent, combined with the feeling of disgrace which the more sensitive experience.[1]

It may be argued that if the defects exposed in this book were amended, such small deterrent effect as the fear of the hardships of prison may in fact possess might be diminished. Such an argument assumes that there are, in all societies, great numbers of people prone to crime and restrained only by fear. This belief is impossible to prove and is in our opinion not borne out by the evidence. At the most, it may be thought that acute poverty conduces to this state of mind, and it is the business of society, in the ordinary course of its political development, to prevent or ameliorate such poverty. So far as this argument bears on reform in our system of punishment, the most that can be reasonably said is that in the guidance of such

[1] Report to Secretary for Scotland on the 1910 Washington Prison Conference (1911 Cmd. 5640), pp. 19-20

reform an eye should be kept on this consideration, not that it should be regarded as barring it.

When so much crime is plainly due to poverty, to feeble-mindedness, and to other causes which punishment cannot cure, the adaptation of our institutions to these facts should not be obstructed by a perhaps hypothetical fear of making crime more popular.

The Directions of Reform.

In reviewing the cures for crime suggested by the facts brought out in this book, we must note that some of them and not the least important, are the same as the remedies for poverty, for lack of proper education and the like, and are therefore political rather than specifically criminological. No one can judge how much residue of crime there might be in a society more just than ours, where opportunity was more equal. If we had fewer of the idle and incompetent rich as well as of the destitute poor, we should have, no doubt, proportionally less crime. But that problem belongs to the general theory and practice of politics.

Meantime, we have in the first place to deal with offences, chiefly by young persons, due not to disease or inherent defect, but to lack of opportunity, of good education and influence, or, perhaps not seldom, to an adventurousness to which their surroundings give no satisfactory vent. For such cases we desire to see a great extension of methods, such as probation, which give offenders opportunities to "make good" without withdrawal from ordinary life. Where all such methods fail, the treatment provided should be definitely educational. To send such offenders to prison is merely to run a grave risk that they will fall into the ranks of habitual criminals.

For offenders clearly not amenable to such treatment as probation, we desire to see a drastic enquiry into the causes and antecedents of their offence; followed by a careful (though not minute) differentiation for purposes of re-education, by various kinds of curative treatment for mind and body, and by a thorough, and probably arduous, training for ordinary life and resumed liberty—a training which will involve wide opportunities for individual and corporate responsibility on the part of the delinquents.

We hope to see this treatment placed in the hands of men and women of proved aptitude and sympathy, who have received special preparation for the work. We are of opinion that whatever small residuum of offenders, failing completely to respond to such treatment, continue to exhibit definite and recurrent anti-social tendencies of a serious kind, should be regarded as being not so much culpable as abnormal. That such people must continue, at any rate for some time, to exist in small numbers, we are prepared to believe; but we anticipate that society, if it thinks itself compelled in self-defence to deprive them of liberty, will segregate them under conditions securing for them not merely the minimum of suffering, but the

ERRATA

Page 595, line 20: "or interest" *should be* "of interest"
" " " 35: "brothers' helpers" *should be* "brothers' keepers"
" 598, " 16: "starting" *should be* "staffing"
" " " 21: "different" *should be* "difficult"

maximum of wholesome happiness that is compatible with their isolation and their infirmity.

If our methods of treating offenders were remodelled on these lines, instead of the long procession of men and women passing continuously in and out of the prison gates, hardened and deteriorated by the rigours and deprivations of the régime, every offender would be given an opportunity to turn back from the path of crime and again to become a good and useful citizen. Thus would our national life be relieved of the hideous burden of the present punitive system, and much misery and degradation be transformed into hope and endeavour for better things.

A NOTE BY THE CHAIRMAN OF THE ENQUIRY.

In the preceding chapter we have surveyed the ground on which punishment, and specifically judicial punishment by means of our prison machinery, is "commonly justified." But the reasons commonly offered in justification of, or apology for, courses of civic procedure enforced by ancient authority, evolved by slow and long-intermittent modifications from primitive and barbarous expedients, and not forced into the consciousness and criticism of the great majority of the nation by any common personal experience or insistent provocation or interest in their working, may very easily be something quite different from the actual and operative reasons why such modes of civil procedure persist. And this is, in fact, very much the case with our penal theories.

For whoever will reflect, without prepossession by the influence or associations of words and phrases and *clichés*, judicial, official, or endeared to the Criminal Investigation Department and the police, will recognise that persons who break the law are not in the actual life of our time apprehended and sent to prison in consequence of the pressure of any general public desire, or any demand that their souls may be purged by penance or that they may suffer retribution for misdeeds, or otherwise experience any of the salutary ingredients of punishment, nor yet that they may be reformed or educated to enable them to live honourable lives. No number of ordinary citizens worth taking account of care, or think it their business to care, or regard themselves as being their brothers' helpers, sufficiently to keep the criminal law in action for any of these purposes. Indignation, resentment, or vindictiveness may no doubt prompt many of such prosecutions as are not instituted officiously by the police, but the overwhelmingly predominant motive force of the functioning of the criminal law is that certain modes of activity of men in advanced

societies are troublesome or injurious to the average citizen, and criminals at large a nuisance from which he expects and demands to be protected. The average citizen, therefore, merely feels a desire that those whom he fears or conceives of as criminals should be killed or crippled or tortured or beaten or at least locked up safely and kept from troubling him. Penal reformers, and, on their incentive, Governments, by fits and starts, and in later days more or less enlightened prison authorities with some continuity, have had regard to the point of view of the criminal, and, whilst insisting that the killing should be restricted, the physical (though not the spiritual) maiming abated, the implements of mechanical torture (such as treadwheel and crank) superseded by impalpable devices of moral evisceration, the flogging confined to crimes which still provoke so much answering savagery among vocal classes of citizens that politicians give way to their outcries for violent retaliation, they have found, in the ideas of the justice and salutary nature of punishment, in that of deterrence and in that of reformation, useful bases for compromise between the demands of humanitarian penal reformers and of the advocates of more drastic prison discipline.

Now it has (at any rate up to within recent years) been very wholesomely recognised and insisted upon among Englishmen that the State takes on itself a most serious responsibility when it deprives any man of his liberty, and great jealousy of such a proceeding has been maintained. But when, after all the safeguards against illegal imprisonment have been (at least ostensibly) observed, conviction has been judicially pronounced, the interest of the community as to the treatment of the convicted man in prison is comparatively infinitesimal, partly because he has become what is spoken of as a criminal, a member of "the criminal class," and is branded by that classification as something below and outside common manhood, with only "reversionary rights (as Sir E. Ruggles-Brise expresses it) in humanity," and partly because, whilst there are many who might be falsely imprisoned, those actually in prison are few, and few, at best, those concerned at all about them.

These few people, then, are locked up and put away for the protection and relief from annoyance of us who remain out of prison. Persons deemed insane are locked up and put away for reasons substantially similar, namely, that they are felt as a nuisance intolerable to their neighbours. Everyone who has had to concern himself with the fate of such persons knows that the defects in their treatment in institutions have very much in common with the defects in the treatment of prisoners, and to a great extent for the same reasons. But the common responsibility of all citizens, including all the readers of this book, must be recognised as being, in regard to the imprisonment and prison treatment of criminals, far greater than in regard to the confinement and treatment of lunatics. These people are put away for our benefit and for our protection. How ought they to be dealt with? We deprive them of liberty and subject

them to a mechanical and severely exacting discipline. We know that their bodily and mental constitutions, their temperaments and their characters, must be exceedingly diverse. We profess to aim at the elimination of crime, and the denial of liberty only to those who cannot be weaned from the criminal life. Diagnosis of each particular case to be dealt with ought, therefore, to begin at the prison gates. The first thing that the Home Office, if it is to deal with prison life to any serious purpose, must do, is to organise an adequate staff properly qualified by education in sociology and psychology, normal and morbid, to undertake this diagnosis, which must include sympathetic enquiry into the prisoner's antecedents, and which will in time, through collaboration of the persons engaged in it, consolidate and classify understanding of the causes and idosyncracies of crime. As we have seen, the duty of providing for such diagnosis has been recognised at Birmingham and Bradford, and a beginning made of putting it into practice. Nowhere else. Why at Birmingham and Bradford? Because enlightenment and human sympathy have been strong among the justices there. Why not elsewhere? Because the Prison Commissioners, whilst discoursing very liberally about "individualisation," have not been moved by similar endowments to establish at all other necessary centres a properly qualified personnel for the purpose. Of course, the expenses would be appreciable, and the properly qualified personnel would be hard to find. What right have we, when we take these men and women and destroy them (in nine cases out of ten because we cannot forgive injuries, and consistently regard the precepts of Christ as absurd), to refuse to spend what is necessary to mitigate as far as we can our part in that destruction? The immense depopulation of our prisons by the war (they are filling up again, unfortunately, under the Peace) enabled the Treasury to cut down the Prison Votes very substantially. Here was a margin that ought to have been made one for increasing the efficiency of our prison treatment.

And it must be clearly recognised and boldly kept in mind that except by the adoption of a very much more liberal scale of expenditure than the Treasury have been prepared hitherto to sanction, or than political critics, now terrorising Parliamentary politicians with invectives against departmental extravagance, are likely to abstain from denouncing, the reproach of our methods of dealing with our prisoners cannot begin to be taken away. The military and mechanical organisation, the peremptory routine, the gang-treatment, the locking of the prisoners in their single cells for nearly three-fourths of their time, in whatever degree they may be imagined to be desirable on grounds of penal theory, are maintained, in contempt of the professions in favour of greater "individualisation," by the desire to save money. If we are not to have a mechanical prison staff for whose behaviour in the control of prisoners we must perforce rely chiefly on drill and discipline, but, as is the only hope for

improvement, are to employ as prison officers men and women who have sufficient intelligence, force of character, education, and adaptability to be trusted to use their discretion in dealing with different prisoners and to enable differentiation to be extended not only between classes of persons convicted and sentenced as criminals, but again between individuals in those classes, there must not only be greater numbers employed (just as it is recognised that there must be in our public elementary schools, where the classes are still too large for the allowed staff of teachers to cope with), but these men and women must receive the higher pay which their abilities would earn in other trades or professions, and must, moreover, have themselves had a far more expensive and advanced education than is postulated as qualification sufficient for our present types of prison official and warder.

Those among the contributors to this book, who have had the highest responsibility in regard to the control, the starting, and the finance of prisons, are most painfully convinced on this point. Prisons, lunatic asylums, and elementary schools all suffer on the same lines in this connection; whilst in schools we do less justice than we might to valuable human material, in asylums are less than humane and shabbily scamp our duty of endeavouring to cure different cases among the unfortunate whom we desire to relieve, in our prisons we put away men for our own convenience, and, for the sake of financial economy, control them by mechanical methods which not only deteriorate their own characters and dissipate their inheritance in humanity, but in the majority of cases ensure that if we release them we shall have to put them away again, and continue the process of their destruction till nothing but animal life can be said to remain to them.

SYDNEY OLIVIER.

APPENDICES

1.—SPECIMENS OF EVIDENCE.

2.—SOME AMERICAN EXPERIMENTS.

3.—REPORT AND RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE AFTER INVESTIGATING ENGLISH AND AMERICAN PRISONS.

4.—LIST OF PRINCIPAL AUTHORITIES.

APPENDIX I

SPECIMENS OF EVIDENCE

Over 400 witnesses with special knowledge of prison life gave evidence to our Enquiry. It is impossible, of course, to print their evidence in full, but we think it of interest and value to include the views of a few of these witnesses as some indication of the nature of the contributions made to our investigation in this manner.

The specimens of evidence which we give in the following pages must not be taken, however, as necessarily typical of the class of witness represented. The evidence given from a Church of England chaplain, for instance, probably does not do justice to Anglican chaplains as a whole, while on the other hand we fear it must be said that the evidence from the visiting Free Church minister and the Aid Society agent is too enlightened to be accepted as a reflection of the point of view of the general body of their colleagues. The evidence from these two witnesses may be compared with the evidence of the Roman Catholic priest printed on pages 202-4, which is fortunately rare in its extreme unimaginativeness.

We have made no attempt to select witnesses who corroborate our conclusions. In fact, the reader will notice that in some instances the answers given are in direct contradiction to these conclusions. In such cases we have a body of contrary evidence which decisively outweighs, in our view, the evidence printed in these particular answers.

In some cases it has been found convenient to select the specimens of evidence from among the written answers supplied to questionnaires which were sent to different classes of witnesses; in others, the replies reproduced were given at interviews and transcribed *verbatim* or summarised.

Finally, it should be borne in mind that the conditions of their service make it impossible for us to give the names or particulars of prison officials, and in some cases it has not been possible to reproduce their evidence in full.

A.—EVIDENCE OF A CHURCH OF ENGLAND CHAPLAIN

1.—*Would you prefer a local administration of prisons, as, e.g., in the case of lunatic asylums, with central inspection and a measure of central control?*

A.—I should be *against* local administration.

2.—*Do you think the authorities have any clear idea of how far the deterrent and the reformative element respectively enter into the present type of prison discipline? Do you consider that it is reformative to any extent? If not, how far is this to do with a wrong personnel, and how far with bad regulations?*

A.—Some reforms might produce a more reformative influence. The personnel with which I had to deal has been, on the whole, excellent.

3.—*Are you prepared to advocate free association between prisoners? If so, under what safeguards? Is the present degree of association of any real value.? Do you think the silence rule is beneficial, as it is now practised? Do you think men are injured morally by the loss of self-respect involved, e.g., in the calling by number rather than name, the suppression of personality by the rigid discipline, the convict dress, and other humiliating features of imprisonment?*

A.—I am not prepared to advocate "free" association. I think the silence rule is to some extent beneficial. I do not think the ordinary type of prisoner is any further degraded by present regulations.

4.—*Do you think the first month of solitary confinement has any value in a deterrent or reformative direction? Does the opportunity for reflection which it affords promote penitence and the desire for a better life? Does it have the effect of breaking the spirit of the prisoner, and thus making him more amenable to prison discipline?*

[No answer given.]

5.—*Do you think it wise to encourage reform along the lines of the freer association and greater amenities contained in the present Borstal and Preventive Detention experiments? Or do we want a complete re-casting of the present régime, possibly giving liberty to religious or other bodies to experiment, as they can now do in social work?*

A.—Much depends on the individual prisoner. I should not be in favour of outsiders belonging to religious bodies coming into the prison, beyond the chaplains of various denominations.

6.—*How far do you think the prison régime is responsible for the great number of recidivists?*

[No answer given.]

7.—*Have you known cases of men, who have learnt a trade in prison, sufficiently to earn their living at it outside?*

A.—Yes.

8.—*Do you agree that one of the greatest needs is further classification of prisoners, with a view to more individualised treatment?*

A.—Certainly.

9.—*Do you think that many persons are now left in prison, who ought rather to be treated in an institution for the mentally defective?*

A.—I have found such cases, but some prisoners are extremely clever at shamming *defective mentality.*

10.—*Is the present "Modified Borstal" system of treating juvenile adults successful in giving them a chance of starting afresh? What are its chief defects?*

[No answer given.]

11.—*Do you think that the opportunities of communication between the prisoner and his family might be increased with advantage in many cases?*

A.—In some cases.

12.—*How far have you found sincere penitence for past faults among* (a) *first offenders,* (b) *previously convicted prisoners?*

A.—More among first offenders than "old" prisoners.

13.—*Have you come across cases of men who have received serious damage* (a) *to their physical health, or* (b) *to their mentality, owing to the conditions of their imprisonment?*

A.—(a). The health of nearly all prisoners improves in prison; (b). No.

14.—*Do you consider that the effect of confinement upon a prisoner's mind is bad, leading him to concentrate his thoughts upon crime, and upon sexual things? Does the confinement and lack of healthy interests and activities encourage sexual abuse?*

A.—Not to my knowledge.

15.—*Do you agree that many, if not most prisoners, find Saturday afternoons and Sundays exceedingly monotonous? And that Sunday might be much more effectively utilised for true educational and reformative purposes? If so, on what lines?*

[No answer given.]

16.—*In your visits to the prisoners in their cells, have you observed the effect of restraint, separation, isolation and self-centred activity on their mental life? Is any marked psychological change noticeable in prisoners?*

A.—I have not found much evidence of psychological change. The answer to the former question is "no".

17.—*What part does literature play in the prisoner's life? Is it one of the chief factors in his mental health? Do you find most prisoners appreciate books?*

A.—Most prisoners certainly appreciate books.

18.—*Could greater facilities be given for education? If so, on what lines?*

A.—I think that the means of improving their education should be increased among the "long-sentence" prisoners. What I have found is that most prisoners have forgotten most of what they learned at school.

19.—*Should more facilities be given for creative activity—such as woodwork, drawing and the making of little articles of use and decoration, in order that prisoners may express themselves and their personalities in craftsmanship and on their immediate surroundings? Should there be greater provision of writing facilities?*

[No answer given.]

20.—*Have your religious ministrations been seriously hampered by rules and restrictions? Would you like the discipline by warders to be less prominent during the services?*

A.—It greatly depends upon *how* divine service is conducted. In my own prison the warders have exercised little or no discipline in the chapel. It has been unnecessary.

21.—*Do you feel that a chaplain's pulpit work is worth while and generally helpful to the moral and spiritual needs of the prisoners? Have you indications of this from prisoners?*

A.—It depends on the chaplain. Personally, in my own case, scores of prisoners have expressed to me that they have found much help from my pulpit ministrations. I would give the chaplain far more to do than he usually has, e.g., in the work of teaching. The whole question turns upon the kind of man the chaplain is. I speak from experience of work both in civil and military prisons. A large number of chaplains are wholly unsuitable for their work, especially part-time chaplains. Good men—except in rare instances—cannot be obtained at the price the Home Office pay.

22.—*Would the effect not be better, if prisoners could enjoy in prison some facilities for the practice of Christian love, charitableness, and openness of disposition?*

A.—I don't understand this question. Has the one who has framed it any practical knowledge of the inside of a prison, i.e., as an official?

23.—*Is it a good thing to leave the personal reformative side of the treatment to the chaplain only? Would the co-operation, for example, of warders or of outside visitors be desirable? How far do governors co-operate in this work by personal contact with and knowledge of the prisoners?*

[No answer given.]

24.—*Do you think that the ground of many prison practices and restrictions is the wish to save time and trouble, and to keep down the numbers of the staff? If so give examples.*

A.—No.

25.—*Do you consider the practice of putting men in observation cells a good one? Can you illustrate, from your own experience, any bad results that have come out of this practice?*

A.—It is absolutely necessary, I should say, for some prisoners to be put into observation cells. I have *never* known the least harm result from the practice.

26.—*Are the arrangements for the After-care of prisoners adequate? How far in your experience are the societies able to find work for ex-prisoners who will accept their help?*

A.—As secretary and acting-treasurer for the Discharged Prisoners' Aid Society for —— I have had a good deal of experience in this work. Here, again, it is chiefly a question of *personality.* Get a really good, sensible agent and the work is admirable.

APPENDIX TO FOREGOING REPLIES.

In prison work the danger is generalisation. What is needed is individual treatment. Governor, chaplain, doctor, and warders should (ideally) have a training in psychology, so should magistrates. In 'prison reform' I should begin with these last and abolish most *amateur* magistrates, putting trained lawyers in their place, i.e., stipendiaries. The governor with whom I worked had risen from the ranks. He knew the difficulties of the warders from personal experience. One needs to know prison life from the inside to understand how extremely trying prisoners can be and yet not actually do anything for which they can be punished.

I believe a far closer study of *moral* psychology is needed. I have also been chaplain of a lunatic asylum. The dividing line between moral responsibility and moral irresponsibility is exceedingly hard to draw.

Personally I have a very considerable dread of those who have no experience of prison life *from inside* interfering in its management.

The question of reform I regard as a question of *personality* in the staff. Get the right officials, pay them liberally, and I believe reforms in the right direction will come.

B.—EVIDENCE OF A VISITING FREE CHURCH MINISTER

1.—*Would you prefer a local administration of prisons, as, for example, in the case of lunatic asylums, with central inspection and a measure of central control?*

A.—I think I should. At present a prison stands in a population entirely ignorant of its working, and with no means of bringing interest or humane feelings to bear upon it. Local administration with central inspection and control would secure local interest. In some prisons enlightened governors and chaplains, especially the latter, call in local lecturers and choirs, and occasional entertainers—but the general community knows nothing of this and is not therefore interested in the prison in its midst.

2.—*Do you think that the authorities have any clear idea of how far the deterrent and reformative element respectively enter into the present type of prison discipline?*

A.—I do not. Prison discipline, so far as I can observe it and from the unasked statements of prisoners themselves, makes men worse not better. A prisoner, who had served very many years, told me it was calculated to make men worse not better, and others have said the same. On the other hand, a few have told me that it had been a moral benefit for them to be sent to prison. They had seen their life in a new and better light and would go out reformed. But in their cases it was not due to the discipline, but to the good latent in human nature stirred to life by Divine influence. It came from within the men; not from without, in the prison regulations.

The lack of reformative influence in prison seems to me to be due to the punitive principle upon which the regulations are based.

3.—*Does prison appear to encourage a man to be self-disciplined and self-controlled?*

A.—Prison discipline is detrimental to self-discipline. It destroys the will—men become mechanical and as soon as the discipline is relaxed are usually at sea. There is no effort—save by the chaplain, and that too often very formal—to get *within* men. The discipline is external.

4.—*Do you think that prisoners are injured morally by loss of self-respect?*

A.—I think one of the chief evils of present prison discipline is the injury to the prisoners' self-respect. It degrades personality to be a mere number, to take away all freedom of speech or action, unduly to humiliate, and to dress men grotesquely. The military nature of the discipline, which mechanises men, is the radical fault. It is based upon a disregard to, if not disrespect of, personality.

5.—*About which features of prison treatment do prisoners speak most bitterly as a rule?*

A.—The long hours of silent confinement, made worse (longer) by the shortening of the working hours of the warders. Staffs have not been increased to compensate for the shorter hours.

6.—*Do you think that the first month of solitary confinement has any value in a deterrent or reformative direction?*

A.—No. The first month of solitary confinement has no reforming value. It seems to me wanton cruelty or else very bad psychology. It nearly

drives some men mad, others are made bitter with indignation, and it destroys personality with a third class, crushing them to the dust. It does little to promote penitence. The prohibition of communication with or from relatives is especially resented all the time.

An imprisoned solicitor informed me one day that, familiar as he was with criminal law, he was absolutely horrified at the cruelty and inanity of the first month.

7.—*Do you think that the effect of confinement leads the prisoner to concentrate his thoughts upon crime and sexual things?*

A.—I am afraid it is so, but have not enough knowledge to say much. I have observed signs of both.

8.—*Is it your experience that many prisoners find Saturday afternoons and Sundays exceedingly monotonous?*

A.—Yes. Sunday and Saturday afternoons are felt to be very irksome. There should be more personal freedom granted, with safeguards. Freedom to walk about, to converse. Companionship (temporary) could be permitted for a few hours. Study circles on religious, social, literary, artistic and scientific subjects could be held, conducted by qualified outsiders. Singing and music could be encouraged. Fraternisation with warders—it is often secretly practised now in humane interests by good warders—could be allowed also. Lectures, concerts, free religious services by experts from outside could be permitted (to some extent, they exist to-day), with great advantage No possible harm could be done by these things, wisely supervised, but much good.

9.—*Are you prepared to advocate free association between prisoners? Do you think the silence rule is beneficial as it is now practised?*

A.—The present degree of association, small as it is, is a comfort to prisoners. But from its guarded nature, it leads to deceit and underhandedness. The Silence Rule is bad. It is bitterly resented, it is defied, surreptitiously broken, and its violation is often connived at by kindly warders. It is bad in its moral and mental effects. Yet naturally there will need to be restraint in speech between prisoners in the interests of order, of work, and even of morality, for certain depraved types might use it for corrupting purposes and others for conspiring purposes. Some safeguards would therefore be necessary, best determined or recommended by those in charge. Reasonable conversation should be allowed at exercise, also at work.

10.—*Do you think it wise to encourage reform along the lines of the greater amenities contained in the present Borstal and Preventive Detention experiments?*

A.—Yes. I should like to see wise and bold experiments along the Borstal and Preventive Detention lines. But even then nearly everything depends upon the persons who administer the system, and their principles. Those whose ideas are of mere "punishment" or "deterrence" and not "restoration," "reform" or "true humanity," cannot successfully work Borstal schemes. Hence much failure.

I should prefer a recasting of the whole system. We have much to learn from America—in certain quarters,—from Russia, and still more from the East. The power of "forgiveness" is too little understood in our criminal system. Its methods are too wholesale and mechanical. A more individual treatment is necessary to secure even justice, to say nothing of reform.

If Christian churches could qualify some of their members for the care of law-breakers, much might be done to de-populate or possibly close our prisons.

11.—*Do you consider that one of the greatest needs is further classification of prisoners?*

A.—Yes. I think there should be some organisation outside the prison system—of Christian experts—to whom each case could be referred. To be *Christian* justice it must be moved by love not wrath or cold calculation. Each case should have infinite pains taken with it by right-minded, compassionate people. To this end a wide-spread, highly-trained Christian organisation, through reformed Churches would be needed. For the very churches need education in compassion and Christian criminology.

12.—*What part does literature play in the prisoner's life?*

A.—The library at my prison is an excellent one. All my prisoners spend much of their time in reading fiction, biographies, travels, histories, technical and religious books and illustrated magazines. They find them their chief comfort.

13.—*Could greater facilities be given for education?*

A.—I think outside educationalists, many of whom would delight to render such service and could be trusted, might be admitted to hold classes and train and educate individuals during those long hours of solitude—just as "outside" chaplains, like myself—go round in such hours and converse and "instruct" religiously.

14.—*Should more facilities be given for creative activity—such as woodwork, drawing, and the making of little articles of use and decoration?*

A.—Yes. To the small extent to which prisoners are allowed to decorate their cells with photographs there is gain, in mental contentment, in evoking finer feelings, or keeping alive affection. Provision might well be made for prisoners to express themselves freely in wood or leather or other material; much clever and happy work would be done, which would keep from harmful thinking, feeling or acting in loneliness. Great improvement is needed in writing facilities. The slate is a barbarous provision for adults—especially when it is the only provision. I knew one man who solaced and inspired himself in writing quite decent poetry. He was much hampered by having only a slate.

15.—*Have you known of men who have learned a trade in prison sufficiently to earn their living at it outside?*

A.—No.

16.—*Have you found men who have learned cleanly, regular, temperate habits as a result of the prison régime?*

A.—None who were not so before—with the exception of a few ruined by drink.

17.—*Would you have more frequent visitation of prisoners by friends and relatives?*

A.—I would. It is humanising, and to deny it is a cruel and hardening punishment.

18.—*Do you think health is impaired by imprisonment?*

A.—Yes. Prisoners suffer greatly in their health from the food and from the long hours of confinement in cells—some for 18 hours at a stretch. This latter is sometimes said to be due to reduction of staff, and at others to reduced hours for warders and re-arranged shifts. I knew one criminal—a man of 45—who was obviously going out of his mind. An old warder confided to me that it was due to repeated terms of imprisonment—"it did have that effect on some of them," he said. I have known conscientious objectors' health ruined by imprisonment. A high-minded man reduced to utter nervous feebleness—indeed, two such.

19.—*Do you consider that the practice of putting men in observation cells is a good one?*

A.—I cannot say; and it is probably necessary in some morbid cases, or mental cases. A few cannot be trusted to behave decently or sanely alone. Yet it is not certain that they are at a stage for a lunatic asylum. For a normal prisoner—if ever used as a punishment it would be a terrible cruelty. Prisoners resent the grating or "spy-hole" in the cell-door as it is. Yet perhaps—it is necessary with so many bad, vicious and desperate men on hand.

20.—*Have your religious ministrations been seriously hampered by the rules and restrictions?*

A.—No. The only disability I have suffered has been from inability to use the prison chapel for the administration of the Sacrament according to the rites of my denomination. The warders do not obtrude themselves and my services are often "unconventional."

21.—*Do you think that many prisoners are morally and spiritually helped by the influence of the chaplains?*

A.—To some extent—but my opinion is naturally biassed. I think it would be a calamity not to have an official chaplain. He serves many humane as well as Christian purposes. *Obligatory* services, perfunctory performance of duties are certainly harmful. Much depends upon personality in the chaplain. Prisoners should have religious freedom to a greater extent than they now have it. I see no reason why earnest-minded outsiders, lay or clerical, should not be admitted to help individual cases, upon satisfactory credentials. Even now, outside chaplains (unofficial) are admitted on request.

22.—*Is it a good thing to leave the personal reformative side of the treatment to the chaplain only? Would the co-operation, for example, of warders or of outside visitors be desirable? How far do governors co-operate in this work by personal contact with and knowledge of the prisoners?*

A.—I think other persons than chaplains should be allowed to help in the personal reformative work of prisons. The governor, of course, knows his prisoners personally, but mostly in a disciplinary or pettiomary capacity. I have known one who was most humane and visited men in their cells for friendly and helpful talk. The vilest of men spoke well of him and welcomed him. The office is one of noble possibilities.

23.—*Have you found a majority, at any rate of first offenders, penitent and desirous of leading an honest life on discharge?*

A.—Yes, I have. First offenders—and even some old offenders.

24.—*It is sometimes said that if a man is sent to prison a second time he is done for. Is there a rough truth in this?*

A.—There is much truth in it. Men then feel hopeless. They fall both in their own esteem and that of society, and grow reckless. Further acquaintance with prisoners and prison life also tends to induce continuance in a criminal career.

25.—*How far do you think the prison régime is responsible for the great number of recidivists?*

A.—I think that the Rev. W. D. Morrison has demonstrated that the prison régime is responsible for recidivists. One young fellow of 19, in my care, has been in prison seven times—each time for a worse offence. He has good desires and intentions, which alternate with hopelessness over his "record" and "police reputation." He has declared that he now feels "doomed to the gallows." Not much good in the past treatment of that lad!

26.—*Are the arrangements for after-care of discharged prisoners adequate?*

A.—No! The "after-care" work needs developing. The Salvation Army and Free Church mission methods of meeting prisoners need increasing. I think the Discharged Prisoners' Aid report and the report of the police court missionaries and societies indicate fair success.

27.—*Is an ex-prisoner really able to take his place in the business of the world?*

A.—It is difficult for an ex-prisoner to resume his business life—apart from the damage done to his reputation. Prison takes away alertness—and cuts men off too much from the knowledge of the world's affairs. Prisoners should have more access to papers (news) and not have news served out to them only by the chaplain. They return to life shy, morose, and with cunning—qualities developed by prison discipline.

28.—*Do you find that prisoners have a sense of bitterness against society?*

A.—Many contract great bitterness against society and against those who sentence and punish them.

29.—*Are there any general observations you would like to make?*

A.—In general I am deeply concerned with the need for prison reform. Imprisonment is not corrective, but merely punitive. It is vindictive, not Christian. What humanity is in the administrators escapes them despite and not because of the system. Human sympathy and kindness often are manifested by governors and warders—but the system facilitates the work of men inclined to brutality and tyranny. The food is, to my mind, unnecessarily repulsive. But, above all, there is far too much solitary confinement, and the prohibition of human intercourse and fellowship are too drastic. Prison cannot be made a holiday—if we are to have any—and care is needed in allowing bad men too much freedom of intercourse. But there is infinite room for wise experiment and reform. Men and women on remand, too, legally innocent till proved guilty, ought not to be herded and confined with the guilty and sentenced.

Finally, the structure of modern society and its social conditions, with its emphasis on property, and luxury at one end, poverty at the other, its mal-distribution of wealth, its slums, its false standards of life, its materialism and load of misery, its strain, its unemployment and injustices to individuals not provided with opportunities for earning a living—all tend to create law-breakers. Society creates criminals, and needs to repent and reform itself, as well as the prisoners.

C.—EVIDENCE OF A MEDICAL OFFICER

1.—*How many years' experience have you had of the prison medical service? Were they passed in small or large prisons?*

A.— —— years. Both in large and small.

2.—*Do you consider that the initial separate confinement which hard labour and penal servitude prisoners undergo is often harmful to their health, physically or mentally?*

A.—Not as a rule. In the exceptional cases, which are rare, the M.O. can step in.

3.—*Apart from this separate period, do you consider that the monotony of prison life, the long periods of confinement to the cells, the lack of social intercourse, and the restricted opportunity for physical exercise, have any harmful effect upon prisoners' health, physical and mental?*

A.—Not in Local prisons. My experience is that prison life in the majority of cases acts as a rest-cure, and that the health on discharge is, as a rule, much improved.

4.—*Do you consider it healthy for labour to be performed in the cells:—(a) throughout the day? (b) during the meal-times and after supper? Are any kinds of cellular labour unhealthy—e.g., repairing old mail-bags and picking horse-hair and cocoa-nut fibre?*

A.—There is not much cellular labour now, and I have not found repairing mail-bags, horse-hair picking, and cocoa-nut fibre detrimental. Should the hair, etc., be found very dirty, it is condemned.

5.—*Do you consider that the diets provided for prisoners are adequate and health-making?*

A.—Yes; as a rule the weights increase.

6.—*Do you regard the "body-weight" test (the one usually employed, according to official reports) as by itself a satisfactory test of the adequacy of the diet or of a man's general health (apart from specific complaints on his part)?*

A.—The body-weight, taken in conjunction with the man's general appearance and condition, yes.

7.—*Do you consider that the facilities which medical officers possess for supervising the health of prisoners are sufficient? If not, in what respects are they inadequate?*

A.—Yes.

8.—*Is the prison medical service under-staffed* (a) *in small prisons?* (b) *in large prisons?*
Should medical officers have sufficient time to examine all prisoners periodically?

A.—(a) and (b), No. I consider the prisoners have every attention medically. It would be better to have full-time M.O.'s at all prisons, but with the small prisons it would hardly be feasible.

9.—*Is the medical equipment sufficient—e.g., the medical instruments, the medicines and other medical necessities?*

A.—Yes. I have always had my demands granted.

10.—*Is the assistance provided for medical officers adequate and sufficiently trained? Ought there to be trained nurses in the hospitals? How far are there such? Would you advocate the introduction of female nurses into the male prisoners' hospitals?*

A.—The hospital staff here is not adequate. There should be trained nurses in the hospitals. I should not advocate female nurses in the male prisoners' hospitals.

11.—*Are the hospitals adequate? In small prisons as well as large? Would you urge that the dormitory system should be extended in the hospitals and the cellular treatment restricted?*

A.—I think the hospitals are adequate in the prisons I know.

12.—*Are the arrangements for observing and dealing with mentally deficient prisoners adequate? If not, what improvements are necessary? Would you advocate the removal of "mentally deficients" from prison entirely? How far are they being removed?*

A.—Yes, fairly adequate. I should advocate the removal of mentally deficients from prison entirely to some farm or labour colony. There is still some difficulty in disposing of them, although this is gradually improving.

13.—*What do you consider the value of the observation cells? Do they sometimes increase mental instability?*

A.—I think the observation cells very useful if properly employed. In those cases where mental instability is increased, the M.O. can again use his judgment.

14.—*Are the facilities for dealing with venereal disease cases adequate?*

A.—Yes. I have know cases who have confessed to being sentenced for the sake of treatment.

15.—*Are the facilities for dealing with tubercular cases adequate?*

A.—I have never met with advanced cases of tuberculosis. The cases with tuberculous tendency, or old sanatoria cases, always seem to do well in the special cells provided.

16.—*Do you consider the habit of sexual abuse (masturbation) is prevalent in prison? If so, do prison conditions, in your view, encourage it?*

A.—I have very seldom had cases of masturbation reported to me and have no reason to think it is especially prevalent in prisons.

17.—*Are there any forms of prison punishment which you think should be abandoned or modified?*

A.—No.

18.—*Are sanitary conditions, ventilation, and heating satisfactory?*

A.—Yes: taking into consideration the difficulty of heating and ventilating equally large buildings (e.g., the Houses of Parliament).

19.—*Do you consider some men suffer through not having sufficient opportunity to visit the w.c.?*

A.—This is not my experience; have had no complaints.

20.—*Is the inspection by the Assistant Medical Inspector of Prisons valuable?*

A.—Any inspection has a certain value; it smartens men up if inclined to slacken.

21.—*Do medical officers have adequate opportunities to make recommendations to the Prison Commissioners? Is proper attention paid to their recommendations?*

A.—Yes, as a rule.

22.—*Do medical officers have any opportunity to carry out research as to the relation of physical and mental defects to crime, etc.?*

A.—Opportunity would, I think, be given.

23.—(a) *What percentage of criminals would you say are mentally defective?* (b) *How far do you consider that physical and mental defects are responsible for crime?*

A.—(a) Perhaps, two-thirds. (This is a difficult question; as difficult almost as saying the proportion of the really mentally sound of the outside population). (b) I don't know.

24.—*Are medical officers and their assistants adequately remunerated? Are the conditions of the service otherwise satisfactory to medical officers?*

A.—It is not a well paid service.

25.—*Do you consider that the present constitution of the Prison Commission at Whitehall is satisfactory from the point of view of the work of the medical officers? Should the medical officers be represented upon it?*

A.—I don't consider I am capable of forming an opinion.

26.—*Have you any other observations or suggestions to make?*

A.—I consider it rather dangerous to idealise with prisoners, especially with Local prisoners (convicts probably require, with their long terms, some difference in treatment). Idealists, it seems to me, for the most part regard prisoners from their own stand-point, forgetting that the large majority of prisoners are not very intelligent or intellectual, are not in the habit of thinking very deeply, and ignore details which would affect a more sensitive mind; that it is difficult to find officials with the qualifications to carry out suggestions intelligently and efficiently; and that the result would probably be a maudlin sentimentality, doing more harm than good.

How many schoolmasters are really capable of teaching and educating? How many parents thoroughly understand or take the trouble to understand their children's characters? How many persons are really able to train a dog? My experience is, that prison is a sort of Rest Home for many, and that the improvement in health is usually very marked, regular hours, rest, no worries, good food, and clean clothes. The routine and discipline are restful. A woman sentenced here some years ago remarked, "Had I known it was like this, I would have come in long ago."

I have known venereal cases get sentenced on purpose for treatment, and women who have once been confined in prison come in again, when pregnant, with the object of again getting a special nurse, clean linen, etc., etc.

One woman, an elderly troublesome prisoner, as she had behaved well—she had passed a longish sentence and was not very strong—I thought I would be rather indulgent to her, so I put her into hospital and gave her fish and potatoes, with the result she immediately became insolent and unbearable, so that at the end of two days I had to discharge her to her cell again on her ordinary diet, when she resumed her previous good behaviour. I put my confidence in discipline with justice. I have never found any prisoner resent strictness and firmness, if it be dealt with justice.

It is the feeling of not being fairly treated that, as a rule, causes disturbances and unrest.

D.—EVIDENCE OF A WARDER

1.—*What is your view of the surveillance (spying) to which prison officers are subjected?*

A.—This practice is not so prevalent as heretofore, but it is an abominable practice at any time and tends to lower the humane standard of the officer.

2.—*What is your opinion of the list of 32 "breaches of regulations" for which officers are liable to punishment?*

A.—I am of the opinion that many rules are unnecessary and only tend to strengthen the hand of authority. These rules are often abused when a superior officer wants to show a keen sense of his authority.

3.—*Do you think the practice of accepting secret reports of one officer against another has really been abolished?*

A.—No!

4.—*Why are you so emphatic?*

A.—The text of a recent circular to all prisons says in effect that an officer will now be allowed to become acquainted with the report of another officer upon him, and "prepare his defence." That shows that reports are still expected.

5.—*Can you illustrate the abuses to which such reporting leads?*

A.—One of the abuses of this practice was that any ill-will existing between two officers would be introduced in the report, often bringing about the downfall of the one in a most unfair manner. An accused officer can now demand to see the evidence against him, but, to counteract this, verbal evidence, omitted from report, is taken behind the back of the accused officer.

6.—*What evidence have you of this?*

A.—It is a known fact that indirect questions are put to other officers and answered; these, of course, may go for or against an accused officer. Jealousy has a great deal to do with this; tittle tattle combined with ignorance.

7.—*Is it possible for a warder to give an uplift to a man's character under the present rules?*

A.—Only by his own example.

8.—*If free conversation between warders and prisoners were allowed, do you think many of the present warders would try and help in this way?*

A.—Yes, in the majority of cases. I have practised this myself, unofficially, for many years and am sure that I have been successful in many cases.

9.—*And would more trust and freedom attract better men into the service?*

A.—Even with this practice in operation I am afraid the Prison Service would be unattractive. It is not contact with prisoners which makes the service lose its attraction, so much as the iron rule and the red tape to which he is subjected.

10.—*Is the work of merely watching for breaches of the regulations good for a warder's character?*

A.—Generally speaking, no.

11.—*Do you think it would be better for warders to work alongside men as foremen, taking their share in the work?*

A.—Much better, but hardly applicable when "safe custody" becomes the first consideration.

12.—*Is the warder given any opportunity of initiative?*

A.—The warder is not supposed to possess initiative, being a subordinate person. *In every action he is completely governed by regulations.*

13.—*Do you think different types of prisoners should be given different and appropriate treatment by specially trained officers with knowledge of psychology, hygiene, educational theory, etc.?*

A.—I have always been an advocate of this and personally am of the opinion that it would be one of the finest measures towards the reformation of the prisoner.

14.—*Would you say that a prisoner is often ill-used by a warder?*

A.—No. Years ago, even in my time, this was so, but it is hardly ever seen now—in fact, so seldom that it cannot be earnestly considered.

15.—*Or unjustly reported?*

A.—This depends upon the type of officer. But I think I am correct in saying that the percentage of this class of report is below consideration. Generally there is a marked absence of reports, and the majority of those which crop up are the result of the most stringent enforcement of regulations by *Superior Officers*.

16.—*Are there any forms of punishment which you think should be abandoned?*

A.—Yes, "close confinement" to my mind is the most abhorrent form of punishment possible and I would welcome its abolition, although in practice this punishment eases things for the officer under whose charge the offender is. But it is "hellish" for the offender, mentally, and to a certain extent, physically, as he is deprived of fresh air and exercise.

17.—*What do you consider the first object of the prison system—punishment or reform?*

A.—It is quite apparent that *punishment* is the first object.

18.—*Does it succeed in deterring a man from another crime?*

A.—I cannot say that it is a great deterrent.

19.—*Or in reforming him?*

A.—It seldom if ever reforms him. I think the real answer to these last questions lies in the fact that it is not prison which deters or reforms, but social conditions in civilian life. It is these which are mainly responsible.

20.—*Have you come across many men who are sincerely penitent?*

A.—Very few, for with adverse conditions always against him, a man can hardly regret what he has done, particularly as it often happens that his wrong-doing has been brought about in self-defence—in the widest sense of the term.

21.—*What is the value of the silence rule?*

A.—Concentration of mind *on* whatever is in hand.

22.—*How far do governors expect it to be observed?*

A.—Governors expect the fullest observance of this rule.

23.—*Do governors really think that the rule can be enforced?*

A.—I am sure that most governors do expect the silence rule to be enforced. Most governors will not listen to anything concerning slackness of this rule.

24.—*Does it in your view encourage deceit?*

A.—Undoubtedly.

25.—*Do you think men are injured by loss of self-respect involved in the convict dress and other humiliating things?*

A.—Without a shadow of a doubt. I am sure a more suitable civilian dress could be used. It is obvious, though, that with the very unfortunate classes they, at least, *must* be provided with some dress for purposes of health and sanitation. And I think that in the majority of cases, if prisoners were allowed to wear their own clothes, they could not themselves provide clean underwear or a change of suit when required. I think *style* is what is required—something in which a man could feel and look comfortable and *human*.

26.—*Would you be ready to trust prisoners more?*

A.—Yes. They should talk *freely* at exercise and at common meals; but more moderately at work, for work is essential, I think, to each and every being. Work with occasional relaxation is certainly beneficial.

27.—*Do you think that they could be induced to talk about healthy things, without contaminating each other?*

A.—With careful classification of prisoners I do not fear contamination, but rather the reverse.

28.—*Does the present separation of trial prisoners, stars, and J.A.'s really keep these classes from bad influences?*

A.—Not entirely, for the "trials," particularly, are made up often of the very worst class of prisoners morally. That is to say that the man with a long list of previous convictions is associated with the first offender, often to the latter's detriment. And the "trial class" should be divided and sub-divided into classes of its own, viz., either according to number of previous convictions, or moral status. Star men, J.A.'s, and, in fact, every class could and should be sub-divided according to moral and social standards.

29.—*Do you think that the month's separate confinement for hard labour prisoners does them any good?*

A.—No. I am against all forms of "separate" or "close" confinement, as I consider it prejudicial to health and mind.

30.—*Would you say that it is intended to keep prisoners in ignorance of many of their privileges and duties?*

A.—I think this may apply when an unscrupulous or *lazy* officer has direct charge of prisoners, but so far as the heads of the department are concerned I am sure they desire all privileges to be enjoyed and all duties to be performed.

31.—*Do you think the ground of many prison practices and restrictions is the wish to save trouble and to keep down the staff?*

A.—Undoubtedly; for many practices and restrictions are the outcome of the inadequate staff. This inadequacy seems prevalent throughout the prison department, on the clerical as well as discipline side.

32.—*Do you know of cases where a man has learned a trade in prison sufficiently to enable him to earn his living?*

A.—No; for no trade can be thoroughly taught, even with facilities, under existing conditions. And I am sure that no prison-taught man could be called a tradesman, although the knowledge thus acquired may *assist* him to earn his living in civilian life.

33.—*What do you think of the value of the chaplain's cell visits?*

A.—Entirely without value and usually resented inwardly by the prisoner, except as a means whereby the spell of solitude is broken.

34.—*And the church services?*

A.—The church service is generally looked upon as a part of the prison *routine*, and for any religious purpose is useless. But, again, it is at present a break in that monotonous solitude which breaks the morale of most men.

35.—*Have you known of a governor or a doctor who had a personal influence for good over prisoners?*

A.—In my experience I think the reverse is the case. Each of these officials is generally so self-important as to repel even any genuine respect.

36.—*How far is the "close-search"—to the shirt and beyond—practised in Local prisons?*

A.—This is *officially* practised fortnightly and in any special search. In actual practice it is seldom carried out. Since I rejoined from the Forces I have not seen it once put into practice, and throughout my service I have personally only performed this duty when under compulsion. Of course, this does not cover the searching of prisoners' clothing when at the bath.

37.—*Have you noticed that many prisoners suffer through not being able to visit the w.c.?*

A.—No. At present facilities are fairly good, and if a prisoner chooses to regulate his system (this is easily possible) the suffering is nil. Prisoners may now visit the w.c. up to 8 p.m. and in severe cases a night commode can be placed in the cell.

33.—*What are the objections to more frequent communication between a prisoner and his family?*

A.—This is a method of punishment. There can be no other reason than this for objection.

39.—*Does the long separation do men any good?*

A.—I am sure that more harm than good accrues from this. The influence of relatives or friends from outside must have a beneficial effect upon a prisoner and help a man in those hours of solitude, of which a prisoner has far too many.

40.—*Do you think it is much advantage to a prisoner to be in the second division?*

A.—Very little. The privileges practically only affect the first 28 days of the sentence, except that outside I think it is looked upon as not being so detrimental to the man or his relatives.

41.—*Do you think that the statutory rules for trial prisoners as regards food, books, papers, and work, are properly observed?*

A.—Yes. I have seen much trouble taken for a prisoner in the observance of these rules. But it is seldom that "trial" prisoners are employed at their own trades.

42.—*Are they ever allowed to converse with one another?*

A.—No.

43.—*Are many prisoners keen to finish their task quickly?*

A.—A considerable number.

44.—*To save leisure for reading?*

A.—This is practically the sole reason.

45.—*How much of the day must a man work according to the rules?*

A.—Nine hours.

46.—*And in practice?*

A.—Approximately six hours.

47.—*Do you think the practice of putting men in observation cells beneficial?*

A.—Yes. If a man is mentally deficient or physically unsound I think either from the point of view of the safety of the man or of other prisoners it is advisable. Also, in the case of a man of unnatural or immoral habits, it is a check to his practices.

48.—*Have you known bad results come from such confinement?*

A.—I cannot honestly say that in my experience have I ever known any bad results from this practice. And in all cases it is *only* the medical officer, usually after examination, who has the authority to place any prisoner in an "observation cell." This also applies to "matted cells" for prisoners subjected to fits. The more drastic practice of confinement in a padded cell can only be carried out under the supervision and personal authority of the M.O., and in these cases (rare) the visiting magistrates must be informed, and they also visit these prisoners when so confined.

E.—EVIDENCE OF AN AGENT OF A DISCHARGED PRISONERS' AID SOCIETY

[This witness has had 14 years' experience as agent of a large society. He has not only known prisoners after discharge, but, having been allowed cell and pass keys, has been able to visit prisoners freely, and has consequently gained an intimate knowledge of the inside of prisons.]

1.—*Are you able at all to compare the good and bad effects of a month's "hard labour" in separate confinement with a month's working in association under prison conditions?*

A.—Hard labour in separate confinement is a wicked and barbarous institution. It lays a foundation of bitterness and hatred on which it is next to impossible to erect anything good subsequently. Working in association is infinitely better from all points of view. I believe in the principle of association. I would extend it to meals, evening concerts, and lectures.

2.—*Do you agree that the silence rule (and its inevitable infringement by secret talking) promotes artfulness and deceit? Under what safeguards, if at all, would you advocate free association between prisoners?*

A.—The silence rule is inhuman and defeats the best intentions of everybody concerned in the welfare of prisoners. It *does* promote artfulness and deceit.

For free association I would *select* my prisoners. All star class men should be allowed to associate. I have not much faith in "*safeguards.*" I am convinced we could get a lot more out of prisoners by trusting them. There are far too many rules in prison.

I am perfectly certain that nearly everything depends on the officer in charge. Generally speaking they are incapable—mostly ex-soldiers who apply military methods to the poor prisoners. I consider officers should be most carefully selected, well-paid, and they should be trained in the art of getting the best out of the men, and in the recovery of those in their care. A great number of officers with whom I have come in contact were nigger-drivers, with little appreciation of the value of a human soul. Given the right sort of officer, association would lose most of its terrors.

3.—*Do you consider that the military pattern on which prisoners are so largely modelled is good?*

A.—The autocratic methods of militarism are resented very keenly by many men who are down in the world, and who are already suffering from a deep sense of disgrace and remorse. Moreover, often these methods are used by ignorant and incapable men—perhaps the best type of man the Home Office can get to express their point of view, and certainly the best they can get for the remuneration offered—who think the way to obedience and industry is by way of bullying. It not only immediately sets up friction between the inmates and the warders, but it does more, it represses all the finer instincts of the man as he sees himself developing into an automatic machine. The man who responds to the orders of the officer most willingly gets on best. The man who indicates his abhorrence of the treatment meted

out to him, especially to the frightful language with which some of the orders are accompanied, is often given a rough journey. The whole régime is devoid of soul, of tenderness, of mercy, of sympathy. Even the furniture (*sic*) and domestic utensils are repellent, and there is hardly a single operation to save the prisoner's life from being one long soul-torture.

4.—*Some of our witnesses say that officers who have not been in the army are worse than those who have.*

A.—I should imagine it to be impossible. I could tell of many a case of officers with no army experience whose whole tone and bearing towards prisoners have been helpful. And, of course, ex-army men are not all alike. I knew one who, owing to his perpetual smile, was the idol of every prisoner who came to gaol. But no one would suspect *him* of being an ex-service man.

5.—*Do you think that many prisoners are morally and spiritually helped by the influence of the chaplain and the church services?*

A.—It depends on the chaplains. So many of them are pot-boilers. They have a magnificent opportunity, and many of them don't know how to use it. Preaching at these poor people is futile. Prisoners are the keenest of critics, and they know when there is something human in the pulpit. The chaplains will insist on being parsons instead of men. I have seen overwhelming evidence that prisoners may be influenced by the right type of man in the pulpit; and I have been in prisons where the ministrations of the chaplain were a by-word. I believe the Church Service is a good thing for prisoners; but I believe more useful work could be done in small group classes. Individual work in the cell is neglected or done mechanically.

6.—*Could you give illustrations of good influence by the ministration of chaplains in prison?*

A.—I have one chaplain in mind. I have known him do heaps of things totally outside the prison regulations in order to help a man under his care, and no service was too great for him. I have had hundreds of letters from ex-prisoners speaking in terms of the highest admiration for his ministrations—something he said in his sermon, or in their cell, or some little act of unexpected kindness made an impression on their minds. But, generally speaking—and I know quite a lot of prison chaplains—their work is worse than useless. In the hands of the right men the possibilities are illimitable.

7.—*Is it a good thing to leave the personal reformative side of the treatment entirely to the chaplain, as is done now?*

A.—It again depends on the chaplain. Personally, I would admit any recognised social worker who would organise reformative agencies. I would very much like to see classes organised for the study of economics, history, and literature. The value of music has never been fully realised. It is an immense instrument for good.

I have also known agents of Discharged Prisoners' Aid Societies to wield enormous influence. Generally speaking, however, they are a *poor* lot.

8.—*Would you have much more visitation of prisoners?*

A.—Certainly. And I would exercise a great deal more common-sense in the way visits were made. Some governors do, but most of them are so feeble that they strictly adhere to Standing Orders.

9.—*How do some governors exercise "common-sense"?*

A.—I was thinking of one governor in particular. He always exercised his discretion in interpreting regulations. He was head and shoulders above and better than the system. He often permitted a wife to see her husband in a room. I have known him to take them to his private office, and he would permit me or the chaplain to be present instead of an officer. I have also known him to permit extra visits, not only by relations, but by interested people. Any of our agents, or any clergyman, or any officer of a society, could obtain permission to visit prisoners if the governor was persuaded they were trying to help.

But this was an exceptional governor. I have known others who were so inefficient that they would not swerve by a hair's breadth from the letter of the Standing Orders. In that they were perfectly safe.

10.—*Would you see any objection to a much more frequent communication between the prisoner and his family, where this is suitable?*

A.—No. It is inhuman to shut off a man from his family in the way it is done. No greater injury is done to a man than this. It rankles in his mind, and embitters him against everything and everybody.

11.—*About which features of prison treatment do discharged prisoners, as a rule, speak most bitterly?*

A.—The soul-destroying labour of oakum-picking. [This has been greatly decreased lately.] It is practically a useless industry; it certainly is not creative. To many men it is terrifying. There can be no object in it but punishment. Unless a first-time prisoner is shown how to do it, it is an impossible task, and often men have been punished for not doing what they couldn't do. It is exceedingly painful to the fingers, and there is nothing to see for a day's work except a heap of hemp on the cell floor. It is a deadening labour, and any man with a spark of pride in his soul must feel it a gross insult to be compelled to do it.

12.—*Have you known any cases of men who have learnt a trade in prison sufficiently to earn their living at it outside?*

A.—I do not think I could cite one case of a man, having learned a trade in prison, earning his living at it outside. They do not learn trades—not in Local prisons. They are not there long enough. Machinery in prison is very primitive, and a man is quite at sea in a modern factory.

Prison life generally unfits a man for industry. The mental upheaval in his make-up, together with the artificial, inhuman, and useless atmosphere of his daily life, disqualifies him from taking his place in industry. Most men I have had to deal with have a period of illness some weeks after discharge. Many convicts were totally unfit to be discharged into civil life and were without the least preparation for it.

13.—*Can you give any illustrations of ex-prisoners who have had "a period of illness" after discharge?*

A.—This applies more particularly to convict long-timers, but, in a lesser degree, also to men serving long sentences in Local prisons—up to two years. I have always set it down to the sudden change of food, and from regular habits to the comparative freedom of their own homes, where they may do as they like. Whatever the cause, the fact is borne out in numerous cases

which have passed through my hands. After two or three weeks' freedom they strike a period of ill-health. If employment has been found for the man, explanations are difficult and very often the man's place was filled when he returned to work.

The mental upheaval which attacks an ex-prisoner is no doubt responsible to some extent for his breakdown. He is a very sensitive creature after discharge. But I don't think it is the only reason. In most cases they are totally unfit to face the duties and demands which a return to civil life makes upon them.

14.—*Does prison appear to encourage a man at all to be self-disciplined and self-controlled? Is it true that the prison régime tends to produce the good prisoner rather than the good citizen?*

A.—Certainly not. A prisoner is a machine. The only way in which self-discipline and self-control can be promoted is when there is free agency, and temptation. There is neither in prison.

Yes, the prison system produces good prisoners only. Some of the most difficult men I know always got the best jobs in prison. Officers looked for them; they know their way about, and can be depended upon to do as they are told. That is all that is expected.

15.—*Have you found a majority, at any rate of first offenders, penitent and desirous of leading an honest life, when they come out?*

A.—Emphatically, yes, a majority. Not only first offenders, but men who have served several terms. I have dealt with a very large number of convicts in my time. I know how intensely most of them want to "make good." But ex-prisoners without a friendly hand to help them up the ladder again have a task few of us appreciate. Everything seems to be against them. When the law condemns a man, the world, alas! [illegible] him. Even his friends look shy. The community to which he returns is unfriendly. The police give special attention to him. Workmen very often won't work with him, if they know he has been in prison. Ex-prisoners need patient shepherding by some friend who will stand by them until they are able to stand on their own feet. I know they can be recovered by this method. It is hard work, but worth while.

16.—*Most of our witnesses have suggested that ex-prisoners, instead of being penitent, come out of prison animated by an anti-social grudge. That is not your experience?*

A.—By a "majority of ex-prisoners" being penitent I mean a majority of men selected by the Discharged Prisoners' Aid Society as being deserving of assistance. Many prisoners were "turned down" for various reasons, and I *cannot include these. But a majority of the men handed over to me* for re-settlement in various parts of the country or in their own homes were genuinely sorry for their mistakes.

I know the "anti-social grudge" theory. But I had unique opportunities day after day of meeting these men in their cells, doing all sorts of kindnesses to them which no one else could do, such as writing letters to their wives and friends when they could not write themselves; and whilst they may have had a sneaking feeling that they had been badly treated, in their best moments they often expressed their contrition. To a casual visitor, the "anti-social grudge" would be emphasised. But to a friend, such as I had opportunities of being, they were not slow to unburden their regrets. If

there was more real fellowship inside a prison we should hear less of the "anti-social grudge." It is a sense of loneliness which often compels a man to magnify his grievances.

17.—*It is sometimes said that if a man is sent to prison a second time he is done for. Is there a rough truth in this? If so, on what account?—the difficulty of obtaining work, the ill-will of respectable society, suspicion on the part of the police, or incapacitation and demoralisation due to prison treatment?*

A.—It is the imprisonment that "does for" a man. He often loses all then. But no man is really "done for," however many times he goes to prison.

18.—*Have you found men who have learnt cleanly, regular, temperate habits as a result of the prison régime?*

A.—No. The prison régime is a soulless conception and quite incapable of producing "cleanly, regular, temperate habits."

19.—*Some witnesses have suggested that ex-prisoners have been disgusted with uncleanly conditions, particularly in lodging houses, after the experience of prison.*

A.—I have had no experience of this sort. My work did not lead me very much to visit ex-prisoners in their homes. I would not say it is not a possible result, but I think it extremely doubtful.

I never took a discharged prisoner to a lodging house, even if he had been accustomed to living there. I always found private lodgings. But there are thousands of ex-prisoners who go back to the lodging house on discharge and live under the most sordid conditions. In prison a man has a bed-board and blankets to sleep on, but that does not induce thousands to give up their summer pastime of sleeping under hedges or in hayricks. They prefer it. Prison is, however, a Godsend during the winter to the tramp who has been sleeping out all summer.

20.—*How far do you find ex-prisoners mentally deficient, i.e., men who would be better treated in an asylum or home, rather than in prison?*

A.—To a very large extent. They are better described as weak-minded. They ought not to be in prison at all, but I am afraid the mental deficiency is not sufficiently acute to bring them within the scope of the Mental Deficiency Act. It is particularly noticeable among boys who go to prison; they are dull, slow, silly. In a suitable home, with expert treatment, they could be much improved. They have little or no moral sense, and the ridicule to which they are subjected by thoughtless and incapable officers, the punishments which are meted out for failing to do tasks for which they have little or no capacity, do not tend to make them better. The Mental Deficiency Act cannot remedy this condition, even if it were working efficiently.

21.—*Is an ex-prisoner really able to take his place in the business of the world?*

A.—An ex-prisoner is not able to take his place in the business of the world. He is altogether unreasonably shut off from civil life and movements, and his growth ceases. He works by the clock. He is not required to think; only to obey. Then he is pitchforked into civil life and expected to "make good"!

22.—*How far are the opportunities of ex-prisoners to obtain work prejudiced by Trade Union regulations, or the ill-will of other workers?*

A.—I have no experience of Trades Unionists, as such, disliking to work with an ex-prisoner. I have abundant evidence that men generally won't work with a man who has been in prison, except in the lower walks of general labourers and navvies. I have found employers sympathetic, but they dare not let it be known that a man has been in prison. I have had to keep away from the firm, being well-known, and most of my arrangements with employers have been made on the 'phone or by correspondence. The same argument applies to lodgings. Men will not live in the same house with a discharged prisoner.

F.—EVIDENCE OF A CRIMINAL CONVICT

[This witness was arrested in 1917, spent a month in —— prison as a trial prisoner, and was subsequently sentenced to Penal Servitude. He was released in 1919, after serving about two years as a convict. His evidence, given in an interview and in writing, is summarised below.]

THE PRELIMINARY SEPARATE CONFINEMENT.

Witness was sent to serve his preliminary month of separate confinement in —— Local prison, and remained there two months before transference to —— Convict prison. This delay, he said, often happened owing to the inconvenience of transferring prisoners on the exact termination of their month. During this period he was subject to exactly the same régime as hard labour men, except that he was not deprived of his mattress for the first two weeks, and he had more books during the first month. In his view the preliminary separate confinement was intended as "an essential stage in paralysing and rendering abortive one's thinking capacity."

THE STAFF.

The witness spoke of two governors. One was autocratic and officious, and relied upon military discipline. He was a stern and heartless man, and was unable to converse with convicts (unless a Director or magistrate was present) without abuse or sarcasm. He endeavoured to conform to the utmost with the text of the Standing Orders, regardless of the effect upon the men. If the convicts asked for "privileges" due to them, which caused him more than his usual routine work, he expressed extreme resentfulness, with the result that many men surrendered their rights rather than face him. The other governor was very different. He used to come into the cells and chat with the men in quite a friendly way. He was much appreciated by the convicts.

The witness spoke bitterly of one of the prison doctors. He was "indifferent respecting the health and comforts of the men, and his behaviour callous and brutal." Like the governor previously referred to, he was sarcastic and bullying. Another doctor he described as very clever. The chaplain at ——was very kindly, and sensible to the need of prison reform. He was practically the only friend a prisoner had in the whole system, and the only educative and regenerative factor. His cell visits, however, were not of much value, because (owing to want of time) they were so few and far between—perhaps once in two months.

The chief warder acted as the buffer between the governor and the men. It might be said that the life of a convict was tolerable in direct proportion to the humane nature of the "chief." The "chief" at —— was a very firm, just man. The principal warders usually modelled themselves upon the "chief."

The warders ("screws") were of different types. There were the slackers, the sneaks, the bullies, and the officious: They were much divided into cliques. Some of them indulged much in filthy jests, and were of a low mental type. Some of them were corrupt. Though they were often lax in

maintaining discipline, the warders did not help prisoners as they might have done. For example, the prisoners were left to find out their privileges from the other men through illicit talking.

THE DISCIPLINE.

Warders could not be found to enforce the rules to the letter. The discipline at —— was lax, and talking at exercise was practically ignored. Inter-communication generally was easy; he had heard it was very different at —— and ——. Prisoners learned to talk so that their features could not be seen to move. The witness himself could hardly be recognised as speaking a yard away. The warders largely connived at talking in the workshops. The prisoners were absolutely at the mercy of the officials. There was no possibility of effective appeal against unfair treatment. No redress was really possible. The prisoners were called by their names more often than by their numbers.

LABOUR.

Convicts had no fixed "tasks"; they were marked on general results. Practically no work was done at —— prison which would enable the men to learn a trade whereby they might earn a livelihood on leaving. He did not think any convicts wanted to work in their cells. There was much more freedom and activity in the workshops of Convict prisons than in those of Local prisons. The men moved about freely from one part to another, and there was more variety of jobs and plenty of opportunity for talking. The machinery made this easier. This greater freedom was, as the authorities probably knew, indispensable to preserve the men against falling victims to the prolonged deadly monotony. There were only three or four "red-collar" men in the prison.

DIET AND CLOTHING.

The food was good, but hopelessly insufficient. The war diets were extremely scanty, and witness had known men cry with hunger. The body weight was artificially kept up by the diet, which made the body puffy with fat and caused secretion of water. On leaving prison the weight dropped at once.

The bedding at the Local prison was insufficient, and the mattress was filthy and verminous. The clothing at the Local prison was ill-fitting, uncomfortable, and in winter insufficient. At the Convict prison the clothing was better and warmer, but the underclothing was still poor. Prisoners at ——did not have separate "kits" as they did at other Convict prisons.

EXERCISE.

On Sundays the Convict prisoners had 90 minutes' exercise in the morning at quick pace without stopping, and 45 minutes in the afternoon. The long morning exercise was designed to tire the men out, and it was very distasteful to them. On very wet days there was no exercise round the landings inside, as in Local prisons, because talking would be too easy.

IGNORANCE OF PRIVILEGES.

Throughout their prison life prisoners were kept in absolute ignorance of their duties and tasks. This ignorance was, of course, an excellent basis for bullying and sarcasm on the part of warders. Prisoners were also kept

in total ignorance of concessions, privileges, and rights. Extra work or trouble must not be put on any official; otherwise one experienced the direst penalties. It was important always to bear this in mind. If a prisoner asked for a privilege due to him, the warder often wanted to know how he knew it was due. The officials expected the prisoners to take all that came smiling, to ask for nothing, and to waive all claims to privileges.

THE PRISON HOSPITAL.

Owing to an accident, the witness was in hospital for five weeks. Much kindness was shown to him by some of the officials, but the so-called hospital nurses were unskilled and many of them were callous. The witness strongly expressed the view that lack of proper care and of trained nursing "murdered patients in prison."

THE "LIFERS."

Capital punishment ought to be abolished, or otherwise no reprieve should be given. The anxiety of waiting for the reprieve had in every case of which he had knowledge partially deranged the mind.

MENTAL REACTION.

Prisoners generally suffered a reaction after conviction, and frequently had nervous breakdowns. There was a great danger of suicide and incipient madness during the early period of separate confinement. There was nothing to relieve the strain except two educational books, a Bible, and prayer book. The rare visits of the clergy were useless. The usual relaxation adopted by most prisoners was to exhaust their strength by continued masturbation, which brought about tiredness and sleep. Other methods were to work hard, and then pace the cell until thoroughly exhausted. Deception, cunning, and bare-faced lying were also practised as means of easing the mental pressure. The constant and often frivolous complaints (and petitions to the Home Secretary), the insubordination and bad language, were mainly due to the intense monotony. Later, slow mental decay was caused by this monotony, the dreary silence, and the isolation, which was an agonising feature. Between 16 and 17 hours per day were spent in the cell alone, and 40 hours at the week-end. If wet, the confinement was still longer. Men quickly found that to take the line of least resistance was the only course. The harsh treatment and the brutal and demoralising conditions broke one's spirit of endeavour to retain self-respect; the utter want of trust also hastened the loss of self-respect, and in two years the system had gained the victory. Thereafter prison was no longer a matter of great concern; the men just drifted. Degeneration continued for a year or so longer, and then came a stage of absolute childishness. Filthy and obscene language was common. The men had no healthy interests to talk about.

THE SYSTEM AS A WHOLE.

The present prison system was the culmination of many years' experience in refined mental torture, and it had for its direct aim the immediate degeneration and final extinction of all self-expression. The personality was eventually so obscured that the convict after a while became an indiscriminating machine. The residuum of character found expression in a childish display of interest in the most minute objects, in cunning of the lowest type and in deception.

G.—EVIDENCE OF A "LIFER."

[This witness was sentenced to death for murder, but was reprieved, and served a life sentence of 15 years. He was confined in one Local prison and three Convict prisons, including Parkhurst.]

1.—*Do you feel better fitted to do useful work as a result of imprisonment? Have you learned a trade?*

A.—I learned bookbinding, but I feel that I only owe that to my own efforts. And I have not been able to get work at it.

2.—*Did the absence of responsibility in prison lead to a lessening of self-reliance after release?*

A.—The absence of responsibility tends to make men childish and incapable, and it is thus deteriorating in its effects. From the first years of my sentence I had the impression that imprisonment was a hardening process and that it undermined character. It allows for no initiative and leaves the prisoner very weak in will; he goes out capable of any villainy. The element of humanity is wanting; the object is punishment, and it is a slow, hardening process, neither reformative nor uplifting.

They should try to get a prisoner to act like a *man* and not like a numbered machine. No good actions—to help others—are tolerated. To keep the moral law—such as feeding the hungry, cheering the wretched, and so on—is punishable. Hence there is continual deterioration of the moral life of the prisoners, and they become hardened. There was a nice young fellow named D—— who came to prison when 16 years old and who left it brutalised and immune to kindly actions. I sacrificed some margarine for him on one occasion when he did not get any, and he told me I was a fool.

The man who gets on best in prison is generally the worst criminal. Criminals do not mind going back to prison. They have no responsibilities, life is regular, and they get treated better than the first-sentence men. In addition, they are adepts at dodging the regulations.

3.—*You seem to be an exception to the hardening effect of imprisonment.*

A.—No; I can never explain the bitter feelings that arise in me sometimes.

4.—*What was your condition, physically and mentally, on leaving prison?*

A.—I was physically well, but not strong. Mentally I was quite sane, but nervous and unable to stand worry or any great strain. I shrank from brain work. I went into prison a drunkard, but the regular life steadied me in that.

5.—*What do you consider the worst features of prison?*

A.—The childish treatment to which one is subjected, and the inhumanity of everything. Just at a time when one is feeling crushed by a consciousness of guilt and weighed down by a sense of degradation, a stony-hearted, thick-headed warder comes along and, in threatening language, insists upon the strict observance of a set of childish regulations, which have no aim except to degrade the human into a beast. A few kind words, some consideration (not petting), some humanity, would often send prisoners back into the world enlightened, repentant, and well-intentioned, instead of unrepentant, revengeful, savage beasts of prey.

6.—*What was the effect of the silence rule upon you?*

A.—Silence, as enforced in prison, made me morose, unsympathetic, and prone to brood. It encouraged such a practice of deception that men grow artful and lying as a matter of course; even the most innocent man becomes crafty. It is simply a matter of self-protection. Men became such adepts that in the exercise circle they would converse for an hour, and anyone a few yards away would be utterly unable to perceive that they had exchanged a word. To give a cheering word to an unhappy comrade was punishable.

The silence nearly drove me mad, and it inevitably makes mentally defective prisoners go mad. There was a young chap at —— who was punished for talking. He promised never to do so again, and he kept his word. The result was that he became like an idiot, and could be seen working his face in a horrible manner as he stood at his work.

When relaxation of the silence rule was allowed, as in talking exercise, men became more cheerful and happier at once.

7.—*What was the effect of the preliminary period of separate confinement upon you?*

A.—I did not do any "separate." I was in hospital. But I know thousands who did, and the effect was very bad. Many told me that it made them want to commit suicide.

8.—*Did you find the long daily periods of confinement in the cell a strain—particularly the confinement on Saturday afternoons and Sundays?*

A.—It was a heavy strain. I was always glad to get out when Monday came. I occupied myself by reading, studying music, and writing letters on my slate and rubbing them out again. It is a dull, dreary time to nearly all. Some, who can, sleep it away. Some read. But large numbers brood. This brooding affects the brain and engenders in many cases a state bordering on insanity.

9.—*Was the chaplain any help?*

A.—No, not to me, or any others I have conversed with. All of the chaplains with whom I had any dealings have been hardened, self-sufficient, unsympathetic officials *only*.

10.—*What did you think of the chapel services?*

A.—The chapel services were, as the chaplain admitted, only part of the prison routine and had to be gone through the same as anything else. They were utterly useless as far as *helping* men was concerned, and totally ineffective as far as giving them a true idea of religion was concerned. One man said, "I would rather lose my Sunday dinner than go to chapel," and hundreds have repeated it.

11.—*What did you think of the medical officer?*

A.—The M.O.'s I have known were good—that is, they would do all you needed to get and keep you well if you were ill. But they shared the hardness of the prison staff; prisoners were to them only *things*, not men.

12.—*Did you spend any time in hospital?*

A.—I was in hospital a number of times. It is (or was) a dull, dreary, lifeless time. Many men as soon as they "get round" a bit.

The silence rule was just as strictly observed there as elsewhere. Sometimes one is in a cell, sometimes in an "association ward," where *association* is a punishable offence! We were let out for two exercises daily, about two hours.

13.—*What is your view of the warders?*

A.—Few were fit for their jobs. They were mostly thick-headed, ignorant men. The education of the board school and a few years in the army or navy—and they were considered fit to have charge of hundreds of men whose future a great deal depended on the treatment meted out to them!

14.—*Then they did not exert a good influence upon prisoners?*

A.—No; they only spoke to the men (other than giving orders) at their own risk. They were like bits of a machine that had to treat the men as if they had no feelings. Familiarity with a prisoner was (and is) a dischargeable offence. They detested most of the prison rules as much as the prisoners did. If they tried to be considerate to the prisoners, the principal or chief warder would sooner or later perceive it, and they would be reported and punished accordingly. They went in daily fear of losing their jobs, and the better class of men didn't stop long under a strict governor or chief warder. They either left or got themselves into trouble through being humane. A good warder (the sort of man they all ought to be) said to me once: "If I could get another job I'd go out and chuck this belt over the wall the next minute." Warders are generally anxious to enforce the regulations to protect themselves. I remember a very kind officer who was discharged for treating prisoners too leniently.

15.—*What did you think of the governors and deputy-governors?*

A.—Of most of them, not much. They may have been gentlemen, but they never showed it. They were simply military men, overbearing, inconsiderate, impervious to prisoner and warder alike—men utterly opposed to reform in its good sense. Discipline is their god, and they enforce its worship vigorously.

Only one good governor have I known out of eight or nine. He was a Christian gentleman. Only this one ever conversed with me. To the others I was only a number, a name, a dog, anything but a human being.

16.—*Did the infrequency of letters and visits cause you anxiety?*

A.—Yes, much. I entered prison recently-married. Three years after I heard that my wife "was going wrong." I wrote, but I was obliged to wait three months (in those days) before I could write again. She eventually threw me over for another man, but I believe that if I had been allowed more contact with her I might have had her yet. The time was one of great anxiety.

17.—*Did you experience any censoring of letters?*

A.—I took care myself to avoid it and I told my relatives just what they could say with [illegible] being stopped though even then some of their letters were censored. I [illegible] dreds of cases where prisoners' letters were mutilated or [illegible] altogether. So long as you kept to family matters you were all right, [illegible] anything [illegible] always stopped.

18.—*Under what conditions did the visits take place?*

A.—Behind double bars, with openings about 18 inches square. A warder stood in a passage between the bars; and you behind one set of bars and the visitor behind the other. The room was called the wild beast's cage. Some of the prisoners refused to have visits under these conditions.

19.—*Were the visits of the visiting magistrates of any value to you?*

A.—They were but another instance of officialism. I never saw any indication on their part of interest in the prisoners. One could complain, but at the finish what the governor said prevailed. We always used to look upon a complaint or a request to the visiting magistrates as futile. The general rule held here as in other cases—the prisoner was to blame until proved otherwise.

20.—*Did you find the food sufficient and appetising?*

A.—When I went in the food was so bad that you could have eaten for a week and never be satisfied. During the first five years I could have eaten anything. It was a common practice for men to drink out of oilcans and to chew rags. About 1900, an inquiry was held, and the food was improved both in quantity and quality. It was sufficient in quantity, but appetising —*no!*

21.—*Were the sanitary conditions satisfactory?*

A.—No. You could only go to a w.c. at stated times. If you are hard pressed at other times you have to keep it in your cell, even if it is all the night. If you have diarrhœa it is horrible.

22.—*Were the various classes of prisoners strictly separated?*

A.—There was some attempt to keep the various classes of prisoners separate, but all prisoners could communicate with each other if they were only artful enough and willing to risk punishment. Life in prison consists largely of such underhand scheming; studying to be cunning and crafty; it is inevitable. Illicit communication is possible under any conditions.

23.—*Were you ever punished?*

A.—No, but I was reported more than once. The first time was at the critical moment of my prison career, when it was a case of my "going right" or "going wrong." It was six months after I was sentenced, and I was desperate. I cared for nothing, I was utterly godless, I wished I were dead. They put me to work at turning a printing-press, for which I was scarcely strong enough. Words passed between me and the warder, and I was placed "on report." I expected punishment, but the governor only asked me if I didn't think I had behaved foolishly. I confessed I had, and he let me off. Through the governor refraining from punishing me, I became one of the handiest and most willing workers in the prison. If he had punished me I should have committed suicide. Simultaneously, an encouraging letter came from a Christian lady who corresponded with me, telling me that my wife would wait 40 years for me if need be, and conveying some spiritual comfort. I have been a Christian since.

The second time I was reported I waved my hand to another prisoner as my cell door was being shut for the night, in token of "good-night." I

was reported by the warder for "signalling to another prisoner." A third time, a man smiled at me from his cell window (it was Sunday afternoon, when he was not allowed to be out, and I was), and we were both reported. But on both these occasions the chief warder had the sense to suppress the reports before they went to the governor.

24.—*What did the effect of punishment appear to be on others?*

A.—The effect of punishment was simply to harden prisoners. In fact, the more they were punished, the more they did to deserve it.

25.—*With what feeling did you come out of prison?*

A.—I came out with a nervous dread. I did not know what was before me. In 15 years the world and I had become utter strangers to each other, and I didn't know how we were going to meet. I had some good friends, however,—I can only say, "God help those who haven't." I wanted to go straight, because I had been endeavouring whilst in prison to lead a Christian life, and I hoped to continue it in the new life, both for my own sake and for my friends' sake.

26.—*Did you apply for assistance to the Discharged Prisoners' Aid Society?*

A.—Yes, but it did not find me work. A private person did that. The Society had in their hands about £11, which I was entitled to for my labour in prison, and they doled it out to me.

27.—*Did you find any hostility among your fellow-workers?*

A.—No. I was placed under the Corporation as a street sweeper among men who are often of doubtful character. No "references" were required.

28.—*Have the police harried you?*

A.—No. The police were very good to me and helped to cheer me up a great deal. Some of them tried to get me work, and it was through a policeman that I was introduced to Mr. B, who put me in the way of work, which I kept for five years or more. I have only had two jobs since I left prison, and I am still working at the second. My experience is that if a man (no matter what his past has been) will only show by his conduct that he is intent upon deserving respect, he will win the sympathy and consideration of his fellow-men and what help they can give him.

H.—EVIDENCE OF A PREVENTIVE DETENTION PRISONER.

[This witness had served three sentences of Penal Servitude. After his third sentence he served over two years at Camp Hill Preventive Detention prison, being then released on probation. The following is a summary of his evidence.]

STAFF.

There seemed to be no one in the Preventive Detention prison, with the exception of the Catholic Priest, who really took the trouble to get to know the men and to help them personally [this was before the coming of the present Governor]. The members of the Board of Visitors interviewed men privately, but in a superficial way.

One of the greatest curses of the Preventive Detention prison was that the officers were all ex-convict warders. They naturally had all the old Convict prison habits, ordering the men about like slaves and spying out for wickedness everywhere, with eyes closed to good qualities. Many of them were dishonest, and, in some cases, this led to what was practically blackmail on the part of some prisoners. Thus the worst prisoners, threatening perhaps to report a warder for dishonesty, would get all sorts of favours from him, along with good reports of conduct and industry.

The work at Camp Hill was not "tasked," but the warders gave daily reports ("v.g.," "g.," "bad," etc.). It appeared that the governor, in recommending a man for release, depended a good deal on these reports. For this reason, the most artful and dishonest men, who were able to get favours from the warder, got the best reports and earliest release. Witness said that in this way early release depended not so much on real, good character, as "on the way you swank or study your particular warder." He admitted that his own early release was due to his artfulness in some such way.

LABOUR.

Another serious defect was that few, if any, trades were properly taught. He thought perhaps this did not apply to shoemaking, but at any rate there was no opportunity for getting proper instruction in carpentry or fitting or smithing. The warders were not qualified instructors, and the only chance for a man to learn a trade was the possibility of getting hold of a fellow-prisoner who was an efficient tradesman, and learning from him.

THE ALLOTMENTS.

The provisions for garden allotments for men after a certain period were not in fact nearly so good as they looked on paper. In the first place, the prison only supplied the ground and the tools. Men were supposed to buy seeds and plants and manure out of their weekly 1s. 6d. If one was lucky and "wangled" seed and manure which belonged to the prison, then you might get started and make a profit out of your allotment; otherwise not. For instance, in the case of the witness, he put in lettuces twice, which were destroyed, first by rain and then by rabbits. After that he did not care to spend money on it, and only used the two afternoons a week (from two to four p.m., which was all the time available,) in playing at digging on the

ground. After six months (when he got released), owing to it being winter and his disinclination to spend money, he had grown no crops at all on the ground and got nothing out of it. This was the case with a good many other allotments.

THE PENAL GRADE.

An abuse which the witness thought was serious was the power of the governor to degrade a man to the very penal disciplinary grade for an *indefinite* period. Some men were kept, he thought without good reason, in this grade for very long periods.

PREVENTIVE DETENTION TOO LATE.

But the greatest curse of Camp Hill, and that which nuetralised most of its good points in many cases, was that men came there *too late;* that was to say, after long spells of penal servitude. Nothing could be more deplorably demoralising and ruinous than the effects, *mentally, morally, and* sometimes *physically*, of the convict discipline. Instead of making a weak *mind stronger*, as punishment should, it made it weaker. Silence, solitude, compulsion, harshness, over a long period, could not possibly strengthen a man. Owing to the want of healthy interest and the intense monotony, they were driven back upon their own evil thoughts and broodings. The worst curse of all, and that which led to the ruin of many, was the vice of self-abuse, which was very prevalent. Owing to this and other features of the discipline, men came to Camp Hill after their long penal servitude sometimes in a very bitter, rebellious state, and nearly always in a dazed and stupified condition of mind. They naturally continued many of their bad habits, including the self-abuse, even under the better conditions, and were not able to rise. They were already case-hardened, and many of them would hardly be able to benefit by the most kindly and humane treatment.

PRISON "RELIGION."

Another vice which terms of imprisonment had forced upon most of the men was that of hypocrisy. Prison religion, for instance, was chiefly hypocrisy, in order to curry favour with the chaplain and get privileges from him.

Again, in pretending to be well-conducted in order to secure early release, men screwed themselves up to "act the part" continually. The most honest and straightforward men, who would not do this, suffered in consequence. In some cases, however, the witness thought this acting of a part became so much second nature that men of bad character, by force of habit, even went on keeping straight permanently after their release.

ADVANTAGES OF PREVENTIVE DETENTION.

In spite, however, of all these defects, the witness considered the Camp Hill treatment an immense improvement on penal servitude. He thought it a reasonable plan to go through terms of probation in order to secure complete liberty finally, and that it was beneficial to work up to fuller and fuller privileges from an inferior status. His final verdict was that if there were proper instruction in trades, if the warders and some of the higher officers were

a better type of men, and if a certain amount of the red tape were swept away, then Camp Hill "would be something like a prison should be."

He spoke as to the much greater self-respect which was instilled at Camp Hill, the good effect of men having smart Sunday clothes and polished boots, the possibility of purchasing a safety razor and using it for shaving, the looking-glass, the difference it made at meals to have a proper knife, fork and spoon; all these things gave a man self-respect and a pride in keeping himself neat and clean, in contrast to the utter degradation and filthy habits which clung to men inevitably in the ordinary prison. In prison, for instance, men became very uncleanly, because washing meant great labour in polishing your metal basin, but at Camp Hill there was no polishing of tins to speak of; everyone washed outside in proper lavatories. The possibility of earning a little money, too, helped the men, and, as for the canteen arrangements, "you could not grumble at them."

It was also a tremendous relief to be able to occupy yourself in some artistic or mechanical way in your cell. The witness, for instance, had purchased, out of his earnings, water-colours and trigonometrical instruments. Another man, who was a rare artist, and had wasted years and years of his time doing nothing during penal servitude, was able to do really good sketches at Camp Hill. The witness had given him some of his own water-colours to start on. This handing on of things to other prisoners, including food, was against the rules, but was winked at. The chief difficulty was that the materials for this cell work had to be purchased out of your weekly 1s. 6d., so that it took time to put by enough money, as well as to order them and get the things through.

A friend of the witness had been in the "parole lines" and had given a very good account of them and their partial liberty. The witness himself was released too soon to qualify for them, and this arrangement, according to which some men missed the opportunity of the lines altogether, was a defect.

REASONS FOR BETTER RESULTS.

When asked to what he attributed the greater success of Camp Hill men in keeping straight, the witness put it down to three reasons, apparently in this order :—

1. The excellent supervision of the Central Association, under Mr. Grant Wilson. The Association found men jobs and treated the men straightforwardly and well, allowing them plenty of money to set themselves up in their new occupations.

2. The more humane and self-respecting treatment at Camp Hill, to which many of the men responded, notwithstanding all the drawbacks.

3. The more deterrent nature of the long Preventive Detention sentence. The witness was not very clear about this; but his chief point seemed to be that a man out on licence from Camp Hill had reason to consider that another conviction would mean three years' penal servitude with subsequent preventive detention for perhaps ten years, and little prospect of another early release on licence. This consideration did act as a deterrent to some men, witness thought, who might face three or five years' confinement with equanimity. Also he thought that the *indeterminate* nature of the sentence in itself acted as a greater deterrent in some ways. He had heard men say, "I'm beat," in reference to this.

I.—EVIDENCE OF A POLITICAL PRISONER

[This witness was in prison practically continuously from June 17th, 1916, to April 7th, 1919, owing to his refusal to obey military orders on conscientious grounds. He served successive hard labour sentences of 112 days, 6 months, 1 year, and 2 years (of which last he completed 14 months), and was confined in four different prisons. This is an exceptional case of a man who endured many months of imprisonment with the minimum of physical and mental impairment.]

1.—*Apart from the first month of your sentences did you have any strict separation (i.e., without "association")?*

A.—Occasionally, but not for long periods. Often at —— and —— "association" consisted in sitting with the cell door open, and often the doors were only opened down one side of the landing at a time. Shortage of officers was the reason given for irregularity of real "association" in prison halls or work-sheds. Things may be better now the war is over.

2.—*What breaks in, or modifications of, the strictness of separation did you have?*

A.—None during the first month of my second and third sentences, but when I returned for my fourth sentence new regulations were in force for the benefit of C.O.'s,[1] which allowed them to go on association from the very beginning of their sentences. At —— I had association from the third day onwards, as the work I was doing (ships' fenders) was not easily done in cells, and was supposed to be important.

3.—*Any remarks on food as to*

(*a*) *Quantity?*

A.—Ordinary prison diet—just or barely sufficient. 1917, January to October—quite insufficient. After that—passable. From October, 1917, to my release, I was receiving extra bread, porridge or milk.

(*b*) *Quality?*

A.—Good on the whole.

(*c*) *How cooked?*

A.—Fairly well, mostly. —— meat, leathery. Porridge, watery at times.

(*d*) *How served?*

A.—Tins often very dirty, especially at ——. All meals, of course, in solitude.

(*e*) *Any noteworthy ill-effects upon yourself or others?*

A.—On myself—practically none, except loss of weight, which was largely regained before I left prison, and occasional attacks of diarrhœa, which soon passed off. Other C.O.'s often complained of various ill-effects.

[1] i.e., Conscientious objectors to military service.

4.—*Were you given any food in addition to, or modification of, the ordinary dietary?*

A.—In October, 1917, at ——, owing to serious loss of weight, I received 1 pint of milk and 1 pint of porridge extra. At —— at the beginning of 1918, I received extra porridge. When on fenders at ——, I received bread and cheese extra for this work. Milk diet when I had slight attack of indigestion.

5.—*Do you think that your imprisonment injured your physical health,*

(*a*) *Temporarily?*

A.—Slightly.

(*b*) *Permanently?*

A.—Not at all, so far as I can tell.

If so, how?

A.—While in prison, memory bad, marked hesitation in speaking, and in recalling names, etc. Better immediately on release.

6.—*Remark on arrangements for personal cleanliness—bath, clothes, bedding, utensils, etc.*

A.—*Baths* always hot and good, but time allowed (particularly at ——) inadequate, and a great rush. *Clothing* very often badly torn, and occasionally not changed regularly. Once or twice slightly verminous—but for the most part passably clean. None too warm in cold weather. Great care taken that cotton or flannel underclothing should be worn in prison, in accordance with what prisoners were wearing when they came in. *Bedding* usually clean, though blankets hardly ever changed. Not enough in cold weather, and had to make out with mail-bags, etc. Usual allowance—2 blankets, 2 sheets, 1 coverlet.

7.—*Did you suffer materially from the sanitary arrangements? Please give details.*

A.—Sometimes very awkward not being able to get out of cell in evening and night. In some prisons no prisoners are allowed outside cells for any purpose between 4 p.m. and 6 a.m. Earthenware chamber with zinc lid the only convenience allowed, with limited supply of water. Cell thus got very unpleasant at night often. Other sanitary arrangements usually fairly satisfactory.

8.—*Is improvement urgently needed as regards, for instance, additional freedom for visiting the water closet? Any other improvements needed in sanitary arrangements?*

A.—It is often very difficult to make officers hear or answer bells rung in cells. I have known prisoners ring repeatedly for an hour without any result, and then get abused for their pains. The w.c's are unpleasantly public, with only half-height door, over and under which anyone can see.

9.—*Were you in hospital? If so, for how long? What remarks have you to make on the hospital arrangements?*

A.—Never—except for visit to dentist, who was an outsider and quite satisfactory.

10.—*Give your general impressions of the character of the medical attention given. Can you suggest any reforms as regards this part of prison life?*

A.—The medical officers varied considerably. At——, the doctor was a very pleasant, kindly gentleman, and did his work most conscientiously, visiting each prisoner each week. Other prison doctors were the reverse—surly, bad tempered, and forbidding. The assistants nearly always seemed to be kindly people. As for the medical skill and attention, I had little chance of judging.

11.—*Do you think that your imprisonment injured your moral or mental health? If so, how?*

A.—Certainly not moral, and I think not mental.

12.—*Specify the different kinds of work, of which you had experience.*

A.—Making mail-bags of many kinds, button-holing hammocks (two weeks), twine and thin rope making (nearly a year), ships' fenders (six months), cleaning, etc.

13.—*Any remarks on nature and method of work, implements used, etc.?*

A.—Work usually dull and monotonous, with little opportunity of exercising initiative or skill. Methods were usually antiquated, and tools to match. Officers often stupid. *E.g.*, in a twine shed, a certain amount of twine had to be turned out weekly, measured by *weight*, not length. The amount fell rather below weight one week. The officer, who was easy-going, instead of attempting to speed up the work, put another strand into the twine, thus making extra weight, but not increasing the output of twine! Time or labour-saving never seemed to enter into calculations in most prison shops.

14.—*What were the arrangements for reading? Remark on these. Any improvements you can suggest?*

A.—Prison libraries vary. —— was shocking. —— seemed fairly good. (*Educational*) books for six months, as follows:—"Wealth of Nations," Mill's "Political Economy," Whittier, Motley's "Dutch Republic," Macaulay's Essays, and a book on Sheep Farming. All but the last I asked for and received). At my first sentence at —— there was no chance of seeing a catalogue or choosing books at all, and we had to take whatever rubbish was given us. I only got two really good books during the 112 days. Evenings were allowed for reading in most prisons, though we were supposed to work till 7.30 p.m. at ——.

15.—*What facilities were allowed for writing? Suggest improvements.*

A.—One slate in most prisons. I managed to get two at ——, second sentence. Letters according to prison rules. No other facilities at all. I would suggest that prisoners should be allowed *note* books. If any danger of being wrongly used for illicit correspondence, a system of numbered pages, to be examined each week by landing officer or other official, could easily be devised. But *writing paper and pencils* of some sort *should most certainly be provided for use of all prisoners.*

16.—*Had you full opportunity of speaking to*

(*a*) *the Governor or Deputy Governor?*

A.—Possible to complain every morning to governor. In some prisons the complaint had to be stated to the chief officer first, who would say whether it was to go forward to the governor or not. I think this arrangement unsatisfactory. Governor naturally took officers' defences rather than prisoners' complaints.

(*b*) *Visiting Magistrates?*

A.—About once a month. Always felt it was futile speaking to these gentlemen. They always asked if there were any complaints. I invariably answered "no." I felt they were in with the prison officials, and did not understand the position of the prisoner. Also, if one once began complaining, where was one to stop?

(*c*) *Inspectors?*

A.—Above remarks apply to the visits of inspectors. Officials always know when these gentry were coming, and prepared accordingly.

17.—*Give your impressions of the personal influence upon the prisoners of*

(*a*) *the Governor.*

A.—In most cases the governor's influence was negative, and fear-inspiring. He was regarded as a sort of angry deity who sat behind a table, and gave punishments. There were honourable exceptions, however, notably at ——, where the governor was distinctly above the average, and would chat with the prisoners on his rounds each morning. He once took the word of several C.O.'s against that of an officer.

(*b*) *the Chaplain (C. of E. or R.C.)*

A.—Mostly regarded as an official (as governor, doctor, etc.) varied. Mostly highly *unsatisfactory*. Preaching in most cases poor, and theology antiquated. Visits (at any rate to non-C. of E. prisoners) short, few, and far between.

(*c*) *the Warders.*

A.—Chief warder usually an unpleasant person with much power, and great influence with governor. Warders —usually harmless when left to themselves, but much harassed and badgered by chief and principal warders. They are attempting to carry out many absolutely impossible rules, such as the "silence rule." On the whole, far too good for their mean and pettifogging jobs. They often become friendly with *prisoners*, but in an underhand sort of way. At —— the warders were mostly very stiff and strict. The warders certainly improve when treated kindly. To sum up—they are very ordinary people in a very unpleasant position. Many of them are old soldiers, and are sticklers for discipline; but I think the new generation are seeing the folly of the whole prison system and are becoming ashamed and disgusted.

The whole of the prison service is one vast system of espionage. Chief warder spies on warders, warders spy on prisoners (because they have

to), governor spies on chief warder, and so on up to the Home Secretary, apparently.

18.—*What do you think of the services in prison, and the way they are conducted (including the position and conduct of warders)?*

Name the persuasion (C. of E., R.C., etc.) to which you refer.

A.—*Church of England* services are dull and dreary. Very little life or variety. Sermons very poor. Chapels uncomfortable. Backless seats at —— and other places. The whole services are most wearisome and unsatisfactory.

19.—*Did you have a denominational minister and meet with him for*

(a) Conversation?

A.—Yes. In each prison I saw a *Quaker Chaplain* (I am a Quaker) and met him often.

(b) Worship?

A.—Yes.

20.—*Did you have "talking exercise"? How far was this an improvement?*

A.—Yes. I had talking exercise for the last year and a half. A very great improvement. It made all the difference. I would advocate its use throughout prisons. If men want to talk they *will* talk, and no power will stop them. So let them do it openly.

21.—*What visits of relatives or friends were allowed? Under what conditions (room, duration, supervision)?*

A.—None for first eight weeks of sentence. Then one after six weeks; then one each month. Visits—half hour long, behind "grill," with warder in attendance. *Later* (after concessions for C.O.'s), two visits a month, in ordinary room, but away from visitor, with warder in attendance.

22.—*What punishments, if any, were awarded to you? What for?*

A.—"One week on first stage," for talking in work-shed.

23.—*What do you consider the most cruel form of prison punishment known to you?*

A.—Difficult to say. Little experience of prison punishment. I should say, prolonged solitary confinement is most cruel, made worse by reduced diet.

24.—*What single feature of the prison system affected you most cruelly?*

A.—Solitary confinement.

25.—*What is your opinion of the value of the system of progressive marks and stages?*

A.—Of practically no value under present conditions, because when the highest marks are earned there is nothing at the end of it except slightly less dreary conditions and liberty a few days earlier. There is *no value* in the work itself—*educational* value, I mean—therefore little use in giving men any incentive to do the work. If there were really useful work, and the doing of it brought more wholesome conditions with it and more real responsibility, more beauty of outlook, more chance of self-expression, there might be some value in marks and stages. But then that would mean a new system altogether.

26.—*What effect does the prison system seem to have on the warders?*

A.—I believe that there are two classes of warders. First the older men, who joined the service 20 and 30 years ago, and who are welded into the system. These men do their best to carry it *out to the letter*, and look upon prisoners as their natural enemies. The newer type of warder is different. I believe a large proportion of them hate their jobs. When they are not being watched they do not attempt to carry out the more ridiculous and inhumane of the rules. Thus, at one prison an officer would set a watch at the window of a work-shed for the governor, and tell the prisoners that they might talk so long as they did not let the governor see them. The effect of the system on the warders is undoubtedly degrading and demoralising. It makes them underhand, lazy, and inclined to grovel before officials. And they realise this, and several have told me that they wished they were clear of the whole business. But there again, they cannot get clear. "They cannot dig, to beg they are ashamed"! The system unfits them for any other work.

27.—*Do any of them seem dissatisfied with the system from the point of view*

(a) of their own treatment;

A.—Yes. They regard their treatment as petty and mean. (See above).

(b) of any feeling of their own as to its cruelty and inefficiency?

A.—Yes, in some cases. I fancy C.O.'s have made them think pretty hard.

28.—*Mention any advantage you gained from imprisonment.*

A.—Time for thought. Time for reading (under C.O. concessions).

29.—*Had you any opportunity of observing ordinary prisoners and the effects of imprisonment upon them? If so, please give your impressions.*

A.—Plenty of time for observation. In many cases the physical effects of imprisonment were most marked. Men became thin and haggard. Many were mentally affected. I fancy that after the first month's solitary confinement most men are in a very plastic condition and might be influenced for good at that period. After that, a sort of dullness seems to settle on them, and the one thought seems to be when they are going out. All prison walls are scored with the words "Roll on such and such a date," with calendars marked up, and crossed off day by day. Conversations heard out of windows, etc., often turn on length of sentence, or crime.

30.—*Do you think it would be possible in any prison you were in*

(a) to learn a trade;

A.—I learnt no trade, but my work was hardly in the line of any useful trade. *Gardening* might, I think, have been learnt in one or two prisons.

(b) to learn how to work properly?

A.—For the most part, tools were primitive, and not much trouble was taken to teach. In the up-to-date steam laundry at ——, the instructor told me he had trained several men and made them fit for good positions outside.

31.—*Did you see any boys—*

(*a*) *apparently under* 16;
A.—Yes.

(*b*) *apparently under* 14, *in prison*?
A.—Some who might have been under 14, but all were under-sized. I should not care to state definitely that many were actually below this age.

32.—*To what extent were different classes and divisions of prisoners kept apart from each other and from juvenile-adults* (16-21) *and from any prisoners under* 16?

A.—Strictly in most cases. First division usually exercised separately. Second and hard-labour prisoners often exercised together. Debtors seemed to do everything apart from other classes. J.A's exercised separately, but at —— they worked (mail-bags) in the same shed with hard-labour prisoners, with canvas screen dividing them. They had a landing to themselves. In chapel they occupied the front forms, and thus entered first and went out last.

33.—*Did any cases of particular ill-treatment come to your notice in prison?*
A.—Nothing outside the usual routine of the prison system itself.

34.—*Did you notice any marked difference between prisons?*
A.—None.

35.—*Mention two or three reforms which appear to you most urgent.*

A.—The first reform is to pull down all existing prisons. The second is to keep about three-quarters of the men (particularly first-timers) out of prison altogether, by means of probation, medical and mental attention, etc. For the remainder, prison should be for *reform*, not for punishment. Let the men have the things which help you *and me—beauty*, art, music. *Self-expression*—writing and drawing facilities. *Responsibility*—self-government (as in Auburn and Sing Sing Prisons, America). As much liberty as possible, and a minimum of restraint. A new type of warder should be introduced; who regards his work as a vocation. This is, of course, creating a new system, not reforming the old. I am not sure that the old can be reformed. Reforms have been tried before, but when the reformers with their enthusiasm have passed away, the whole thing has become stereotyped, and formal, and—a system.

36.—*Any other remarks?*

A.—The whole prison system should be made public. More facilities for the unofficial public to enter the prison gates should be given. *Evil and oppression always thrive behind stone walls and locked gates.* The Penal Reform League should do their part in doing this, by lectures, lantern slides, pamphlets and meetings. It is a most urgent question.

J.—THE MENTAL EFFECTS OF IMPRISONMENT

To a number of our ex-prisoner witnesses who revealed more than average ability in self-observation, we submitted the following questionnaire on the mental effects of imprisonment:—

A MENTAL QUESTIONNAIRE.

The purpose of the following questions is to gain what information we can concerning the *mental effects of a period of imprisonment*. This is clearly important for the purposes of an Enquiry like ours, which aims at investigating the results, good, bad, or indifferent, of the existing British system of prison discipline and prison régime upon different types of individuals thrust under it.

You will assist us most by making your answers as full and as concrete as you can. For this reason we are not limiting the space at your disposal, and it is left to you to deal with the facts in any way that may seem to you best, and which will make prominent what you consider most important. But, in this connection, no detail need be considered trivial; your prison dreams, your habits of work and employment of leisure time, your mental attitude toward people around you and to the routine, may all be significant of important changes in your mental life consequent upon silence and repressive discipline.

Though you may, if you prefer, deal with these matters in another way, we suggest an arrangement of your answers upon the following lines:—

1. The effects of prison upon your general state of mind.
2. The effects upon your intellectual powers.
3. The effects upon your emotional life.
4. The effects upon the will and practical abilities.
5. Other aspects, special points, etc.

Specific questions under these headings will be found on the accompanying sheets. In answering these questions, please give details and examples. If, for instance, you noted a weakening of your powers of concentration, state in what respect, in efforts to read, in attempting abstract thought, in practical affairs or in your normal occupation, or whatever it might have been.

Wherever possible, state *when* these changes in your mental life occurred, whether in the early or later stages of imprisonment. If you can distinguish marked stages in such mental changes, please give an account of the order in which they occurred. Distinguish also, when possible, between the temporary and the more permanent effects, and between those occurring in prison and those noticed since your release.

If they are easily accessible, you will probably find your prison letters most useful in reviving your past memories; unless, indeed, you were able to keep a diary or some more intimate and uncensored record.

1.—*Give a brief description of your general attitude of mind during imprisonment*, and estimate how far this state of mind was brought about by the pressure of prison conditions. Did you notice an increase of mental activity or a tendency for your powers to grow weaker and to atrophy?

Was solitary confinement conducive to profitable reflection or to any definite spiritual benefits?

2.—*What were the effects of imprisonment upon your intellectual powers*, your powers of concentration, memory, observation, etc.? Give, if possible, an account of your mental life in prison, the subjects of your thoughts, your interests, etc.

Was it possible to follow up the intellectual interests of your life outside prison or to form new ones?

Which of the circumstances of prison life interfere most with reflection and intellectual development, and which are favourable to these things?

3.—*Can you give an account of your emotional condition in prison?* Were discomfort and pain (i.e., apart from any definite physical ailment) continuous, or was it easy to adapt yourself to the conditions?

What emotions played most part in your life (e.g., bitterness, sympathy with fellow-prisoners, anxiety concerning relatives, despair, longing for social intercourse and the other advantages of freedom, etc.)?

Were your emotions heightened as compared with your life outside, or did you experience a weakening in their intensity or even a condition approaching to indifference or entire want of feeling?

4.—*What effects did prison have upon the practical side of your nature, your will*, and such qualities of your character as self-reliance, determination, etc.?

Incidentally, please mention in which directions you had any opportunity of exercising initiative or choice (e.g., in choice of labour)? Please also state your *occupation before your arrest.*

After your release, did you notice any *loss of practical efficiency* in your daily pursuits, any loss of acquired skill or training?

5.—Can you estimate how far any *want of efficiency in your prison labour* was due—

(*a*) to the special characteristics of that labour (uninteresting, tasked, unpaid, quantity not quality aimed at, etc.), and how far (*b*) to the pressure of the discipline and other conditions of prison life?

What was your mental attitude to your labour, and how far was it determined or affected by the rewards or punishments of the system?

6.—Did you notice any marked *differences in your mental and spiritual condition at different periods* of your imprisonment (e.g., first week, remainder of first month, the following months of your first sentence, etc.)?

Were there any important differences between the first, second, and following sentences?

7.—What was to you personally the *most objectionable feature* of prison life?

From what features did you derive *most benefit or pleasure?*

8.—If you have had any opportunity of making observations upon and of giving considered thought to the question, can you say in what especial respects *the mental effects of imprisonment* which you have mentioned *would be likely to differ in the case of typical non-political offenders*—for instance (*a*) the "accidental criminal," i.e., the first offender who has yielded to a stress of strong temptation in respect of some offence against the person or property, or (*b*) the habitual thief or burglar, who makes his living by stealing and takes terms of imprisonment almost as a matter of course?

9.—Give the *date of your final release.*

Can you summarise the *mental effects* of your imprisonment, which have revealed themselves *since that date?* Have these effects, so far as can now be judged, proved to be permanent or only temporary?

10.—*What, generally, was the condition of your physical health* during your imprisonment? Did you suffer from any ailment causing frequent physical pain or discomfort? If so, at what period of your imprisonment did this appear, and was its appearance closely connected with changes in your mental powers, outlook, or emotions?

Did you suffer from sleeplessness?

Did you experience any form of nervous breakdown?

Please give your age (in years) when arrested, and describe in one or two words your general state of *health previously.*

11.—Mention any other relevant information, which you have to give, not included under the foregoing heads.

From the answers received to the above questionnaire we select the following as a specimen. The witness quoted, a conscientious objector, represents a notably successful case of "adaptation":—

ANSWER BY A POLITICAL PRISONER.

The witness was arrested 18th Sept., 1916. Aged 19 years. Entered prison, 30th Sept., 1916.—Final release, 9th April, 1919. Total imprisonment, 30 months (approx.).

1st period of imprisonment— 3 months.	1st month, solitary confinement.
2nd period of imprisonment— 3 months.	1st month, solitary confinement.
3rd period of imprisonment—10 months.	1st month, solitary confinement.
4th period of imprisonment—12 months.	No solitary confinement.

In looking back over any period in one's life it is only possible to divide that period into distinct and differing divisions if there occurred marked events either on the physical or spiritual planes, which stand out clear and definite on the photographic plate of memory and from the mile-stones which separate one stage from the next. In reviewing my 2½ years' imprisonment, the monotony of which was unbroken by any striking events (for my occasional brief sojourns in a guard-room differed little from actual imprisonment), I therefore find myself unable to say that during certain months such and such were my feelings and emotions, and in the immediately following months I experienced certain other conditions of mind, but rather I have a general, and, at this distance of time, somewhat vague idea of my feelings during the whole period.

I went into prison young—within a few days of my nineteenth birthday to be precise—and probably the two traits in my character which made themselves at once conspicuous in my new environment were obstinacy and adaptability; the former because I was determined to remain in prison any length of time rather than accept a compromise, however specious, which might be

offered by the Government as a condition of release, and was even disposed to reject any offer of release, without considering it: the latter because, foreseeing a long period of confinement, I was determined to make the best of it and get through it with as little trouble to myself as possible.

My natural obstinacy (and I have at least my fair share of that quality), was increased rather than otherwise as the long months slipped away. In adapting myself to my surroundings I gradually discovered that, half consciously and half sub-consciously, I was drifting (and perhaps partly forcing myself) into a condition of mental and nervous "hibernation," which proved the best possible protection against the mental and nervous strain of prison conditions. So, within a year of my first entering prison, I had fully developed a state of mind in which I cared little whether release came within a week or was delayed one or even several years. I had not lost my love and longing for my home and friends, but that love and the thought of those things had been changed, had become a sort of half-real dream, a pleasant memory, which the mind scarcely thought of as realisable. In other words, the consciousness of unity between myself and those outside prison had grown very weak. My world had shrunk to the measure of the prison walls: I had become, mentally, as well as physically, a cog in the prison wheel, I had found my place in the new system of things into which I had been thrust, was in a way content with it, and could have continued such an existence indefinitely without experiencing any consequent mental pain. Unless I [illegible] differently constituted from the majority of my fellow C.O.'s[1]—and there I can hardly credit—I must conclude that it was to some extent by an effort of the will that I got into the dead-alive condition to which I have referred; for to most of them (i.e., my fellow C.O.'s) the period of imprisonment was a long agony more or less acutely felt during which they longed [illegible] There were many to whom a [illegible]

The prison work was not to me either a pleasure or a pain; it was a thing done mechanically, almost effortlessly (from a mental point of view) and half unconsciously. I am speaking now, not of the first three or four months of imprisonment, during which the work was certainly a pain and a "task" in the worst sense of that word, but of the subsequent period. How far this state of mind was due directly to prison conditions it is difficult to say. Prison conditions determined the shape of the mould, but my natural adaptability (due partly perhaps to my extreme youth) fitted me more perfectly to that mould, and that process was aided by an effort of the will, when I had realised, more or less intuitively, that to fit myself to my environment, to accept the circumstances in which I found myself and not to kick against the pricks, was the line of least resistance and of least pain. This process continued throughout my imprisonment so that the second sentence was less irksome than the first, and the third than the second, as I got moulded more and more perfectly to the prison machine, fell into its routine and lost consciousness of my individuality and, perhaps it would not be too much to say, of my humanity.

If any subsequent statement of mine may appear to contradict what I have said regarding my condition of "hibernation" during imprisonment, it must not be thought that one or other is therefore false; for in the strange vagaries of human psychology I believe it possible for two apparently opposite states of mind to co-exist. And so it happened that even while my life had

[1] i.e., Conscientious objectors to military service.

become a mere mechanical existence, I wrote more and perhaps better poetry than I had ever done before. While at school I had been of a poetical temperament and occasionally written verses, but from about the end of the first six months of my imprisonment onwards, scarcely a month passed without my writing one or more poems (at the most fertile period even five or six per month) though they were not, as a rule, of great length. The [surreptitious] circulation of a manuscript magazine among us C.O.'s in prison may have stimulated my efforts in this direction. I do not know whether it be mere coincidence, but it is nevertheless a fact, that during the first six months of my imprisonment, i.e., before I had found my feet, so to speak, and settled down to prison life, I wrote no verse whatsoever. What may seem more strange is that since release I have written practically no verse, though this is doubtless in part explained by pre-occupation with other things.

I had always been a keen student and made full use of the books provided by the prison library, reading at first indifferently on all subjects according to the books I chanced to receive. My "strong" subjects as a boy were English literature and history and, with a view to following up the former, I endeavoured when first imprisoned to get some of my own books sent in to me for study, but without success. At a later period of my imprisonment I made up my mind to make a special study of history, and obtained what few books the prison library afforded relative to that subject. When, at a later date, the modifications of treatment were issued for the benefit of C.O.'s, I had books sent in to me. But by that time (i.e., after 18 months' imprisonment) I found that I could not make such use of this privilege as would have been possible earlier. My desire to read was weak; it required a tremendous mental effort to stick at any book but the lightest novel, and often when, by such an effort, I had sat myself down to do some definite study, I found myself reading mechanically, following the words with my eyes, perhaps even pronouncing them with my lips, but without receiving any mental impression therefrom. Then I realised that my power of mental concentration (once considerable) was fast disappearing, that prolonged study was rapidly becoming absolutely impossible.

But not only was the faculty of concentration impaired; that of memory was likewise enfeebled. When, by a great effort I had studied a few chapters of a book and grasped their significance, the impression was but temporary, and within a few days I retained but the vaguest notion of what I had read. My memory of pre-prison experiences was as keen and lively as ever even with regard to the things I had undergone; since arrest my memory was faithful, but the power of remembering things acquired by intellectual effort in prison was no longer mine.

The faculty of observation grew weak for want of use. In the world outside prison, the constant change of surroundings, the continual stream of new faces, the ceaseless changes in the appearance of Nature, quicken and exercise one's observation; but in prison it is otherwise. The drab walls and corridors, the white-washed cell, the beautyless workshop and uninspired countenances of warders and prisoners become too familiar to be noticed, or, if noticed, repel everything in one that yearns for beauty and variety and sympathy. There is nothing fresh to be observed, so one ceases to observe, and with disuse of the faculty comes its gradual loss. It is only since release that I have realised this to the full, when time and again friends have said: "Did you notice this thing or that person?" and I have had to reply in the negative. Even when again free, I continued at first to go

about in the same half-blind way in which I had tramped round the prison exercise-yard or marched from the cell to the workshop. Akin to this weakening of the *power of observation* is the weakening of eyesight, experienced by myself and many other prisoners, for that, too, is, I think, due, among other causes, to more limited use of one's eyes.

Many have remarked that the prison system has the effect of making its victims cunning and sharp, and the weakening of observation which I have mentioned might seem to contradict this. But that is not really the case, for in my experience it is rather by the development of a sixth sense than by actual use of the eyes that one ascertains whether or no the warder's attention is distracted when wishing to communicate clandestinely with a fellow-prisoner.

People who have never been in prison have sometimes spoken of the solitary confinement afforded by it as a splendid opportunity to get away from the world and the cares of ordinary life, from the stress of competition and the struggle for existence, and to meditate on the great spiritual problems as did the hermits of past days in the caves of the deserts. This is quite a mistaken idea. It is almost impossible in prison to feel alone even when double-locked in a cell. One is always conscious that there is a spy-hole in the door through which at any moment of the day or night a hostile and unsympathetic warder may be observing one's most intimate movements; ready to report one for punishment for even the most trivial thing, and especially for not working; and even when one's actions are quite innocent, the thought that one is perhaps being secretly watched, does not conduce to the state of mind best adapted for reflection. Ruthless men, even under the present régime, have had great spiritual experiences, but it has been rather in spite of the hindrances of the system than in consequence of the facilities it affords.

To a sensitive nature the solitary confinement of an English prison has all the disadvantages of physical confinement and separation from one's fellows without the spiritual advantage of real calmness: while to a brutalised and hardened nature, with no intellectual or spiritual reserve to fall back upon and no talent for beneficial self-introspection, it is conducive only of evil, of further hardening and brutalisation, of the crushing out of all that is divine or even human, i.e., love, sympathy and goodwill towards one's fellows, and of the engendering of hatred not so much against the system as against those who administer it and the society which is responsible for it. The English prison system is well calculated to turn its victims into Ishmaels; but its reformative influences are nil.

The spiritual effects of imprisonment vary, of course, with the individual; for the ordinary man I believe, they scarcely exist; for sensitive and religious natures they are sometimes considerable though not always beneficial. During the second year of my imprisonment I passed through a period of religious doubt and difficulty which affected me considerably at the time, but gradually passed away. Whether I should have experienced it if not going to prison it is impossible to say. Many young men do pass through such a condition. Its direct permanent effects were very slight so far as I have been able to observe, though indirectly it may have strengthened and deepened my character. I entered prison accepting the official teaching of Christ and a more or less unitarian theology; the doubts just mentioned were inward questionings as to the all applicability of Christ's teaching of passive resistance, on which I finally reached a fairly definite affirmative conclusion, and speculations as to the truth or otherwise of the theological teaching of the

Christian Church, on which I reached no conclusion (or rather an inclination to a negative one), and which gradually ceased to trouble me; and I left prison to all intents and purposes, an agnostic. And there were many other C.O.'s who, like myself, came out of prison agnostics, who had entered it with a definite belief in God. My ethical faith was probably, on the whole, strengthened by my imprisonment, but what little religious faith I had, disappeared.

My emotional life (which, however, was very slightly developed at the time of my arrest) was, for the time being, largely crushed by prison (or perhaps, "lulled to sleep" would be a better expression in so far as it was but part of the process which I have called "hibernation.") Of intense personal emotion I experienced practically none, though I could generally manage to work up a sort of *unreal* objective emotion when I wanted to write a love-lyric for the prison magazine. Concerning purely physical emotion, the effect of imprisonment in unnaturally exciting sexual instincts, leading often to self-abuse, is testified to by every prison doctor.

There were peculiarities in the position of the C.O. which differentiated him widely from the ordinary inmate of prisons and developed sides of his character, which in the case of others, would remain comparatively unaffected. To take up a definite stand against the majority of one's fellows, and to suffer for it, has great dangers for the individual who does it. The development of self-righteousness and spiritual pride were things against which I think most C.O.'s found the necessity of guarding. The less objectionable qualities of self-reliance and determination were certainly encouraged by the experience, but they would have been even had we not gone to prison, so it is impossible to say how far prison was responsible for the development of these characteristics in individual cases. In my own case I know that my natural obstinacy and blind adherence to a conviction once fully accepted (unfriendly critics would call it "pig-headedness") were certainly strengthened by imprisonment.

My occupation in prison (in which I had no choice) was principally mail-bag making and repairing, and rope and twine making. The work was fairly hard and not over-interesting, but, without wishing to take credit for the fact, I can say that I did not fall into the habit of scamping the work to the same extent as many other prisoners. But the monotony of prison work and its industrial inefficiency (i.e., the retention of antiquated methods and appliances, because they make the work harder) tend to disgust even the most enthusiastic prisoner with it, and discourage interest and good workmanship.

Though, however, I maintained a fair level of quality in my work, I showed no zeal to do more than the minimum task required. Prison work is given and received as a punishment, and it is impossible for the prisoner to get away from that feeling. Thinking, in the majority of cases, that he is being unfairly punished (and this applies to criminals, so-called, quite as much as to C.O.'s—a warder once told me that he had never met a prisoner who admitted being guilty of the offence of which he was convicted!) he is not prepared to inflict on himself any more punishment than is necessary. The only exception to this rule is the case of men (and I have known several such among ordinary prisoners, but never among C.O.'s) who will do a tremendous amount of work just to kill time; especially would this apply to men who could not read or disliked reading. In the majority of cases a prisoner does unwillingly just sufficient work (both as regards quality and quantity) to obtain his remission marks and avoid punishment for idleness.

Before imprisonment, my occupation was that of an insurance clerk, but while I was in prison I became more than ever convinced of the *immorality* of the present competitive commercial system and determined to take as little direct part in it as possible after release. I therefore gave considerable thought while in prison to the question of my future occupation, and gradually came to the conclusion that I had a vocation for school-teaching, and that occupation I have since release not unsuccessfully followed. Whether, had I returned to my former occupation I should have noticed any decreased efficiency in it due to imprisonment, I cannot say; but it is certain that my imprisonment, or rather the attitude to life which led to my imprisonment, unfitted me morally to follow my former occupation.

Since my release (9th April, 1919) I have gradually recovered from the more obvious mental ill-effects of prison, and, though I have no means of making an adequate comparison, I imagine that I am now about as efficient as before my arrest in 1916. My power of adapting myself to circumstances is perhaps increased. But there has remained with me as with most prisoners —and especially, I think, with so-called "criminals"—a contempt for the law and for the opinions and moral code of society which, though it may be a valuable asset to a reformer of strong character and sound subjective morality, bears obvious dangers for the ordinary man. The spy system by which prison discipline is maintained (to me the most objectionable feature of the system—even worse in its effects than the silence rule) destroys all sense of honour and individual responsibility in a prisoner, inculcates craft and suspicion and under-handedness, and after two-and-a-half years in such a morally venomous atmosphere, I do not claim to have come through unscathed; still less is the ordinary "criminal" likely to remain uninfluenced by it.

The mental effects of imprisonment which I have described above, from my own experience, may be taken as normal in so far as they were not accentuated or influenced by physical pain or ailment. Before imprisonment I had enjoyed excellent health; during imprisonment I continued—though somewhat weakened by confinement, lack of exercise, and insufficient nourishment—to remain fairly fit; and subsequent to release I have regained all my former health and strength, with the exception of weakened eyesight.

To sum up, the general effect of a period of imprisonment is to deaden one's mental and intellectual faculties, the permanence of the effect varying according to the length of the imprisonment and the power of resistance to its effects possessed by the individual. Its moral effects are generally ill; its beneficial spiritual effects practically nil; while in religious minds a condition approaching religious mania is sometimes excited.

APPENDIX II

SOME AMERICAN EXPERIMENTS

Two prefatory remarks are called for. The first is that no paper on American experiments in penology is complete which does not describe what is probably so far America's chief contribution to penal reform, namely, the suspended sentence and probation; but, since we have confined ourselves in this work to prison treatment, that side of the subject is not dealt with here.[1] The second is that this paper is not intended to be a description or criticism of American prisons as a whole. If it were, we should have to point out that America is in some respects behind other civilised countries, that many of her arrangements for the custody of prisoners are deplorable, and that some of the influences and movements we here describe have not yet penetrated or extended very far. Our present concern is with particular experiments and proposals of especial promise. The reader is asked to accept this warning at the outset and (not expecting a complete study of American prisons) to be content to accompany us in the more pleasant and, we hope, profitable quest of examples and projects likely to be helpful to us in the British Isles. It is necessary to bear in mind, also, that the experiments here described have, for the most part, yet to be tested by time and that they may not always be applicable to other countries and circumstances. Moreover, we have had chiefly to rely, not upon unbiassed accounts, but upon the testimony of those who believe enthusiastically in their success.

In North America for some 50 years past, and especially during the last 10 or 15 years, penal problems have been subjected to an amount of practical thought and experiment to be found, we suppose, in no other country and at no other time. This is in great part due to what is commonly regarded as a source of weakness in penal matters, namely, the fact that the country is divided into many States, each with a number of different authorities. We find, consequently, decentralisation and great variety.

Among the State administrations of "correctional institutions" there are three recognised types—(1) the centralised system, where the heads of institutions are appointed by the governor of the State, or by a central authority (an official or Board) appointed by him; (2)

[1] But see the Note on p. 517.

the decentralised system, where each institution has its governing board which appoints the warden or superintendent; and (3) a mixture of the two. As an instance of this last type, New York may be cited, where there is a superintendent of prisons over the State prisons, but boards of managers for the State reformatories.[1]

Now, when one is dealing (in addition to the federal system for the whole country) with 48 States, each with its own way of doing things, it is rash to generalise; but one impression gained is that, whatever the system or the theory of administration may be, the warden or superintendent generally has a free hand and is looked upon as a leader, not only by his own staff, but often by the members of his board of managers, who regard him as the expert who knows his business, and themselves as persons whose duty is to bring common sense and business principles to bear in judging results. Not infrequently a head is appointed to carry out a policy of which he (or she) is known to be an advocate or exponent. He has power to appoint or dismiss his own subordinates, sometimes with the approval of his managers, sometimes quite independently, with the exception of the physician and here and there, one or two other higher officials. In some places he has to choose new officials from a list of successful candidates submitted by Civil Service Commissioners.

One great advantage arising out of the decentralisation and the numerous authorities is that there is no long list of prison governors and deputy governors, of prison doctors or chaplains, waiting for promotion and transference to a more important prison and certain to feel aggrieved if any outsider is brought in over their heads. This has two results (where "politics" are excluded), namely, (1) that a warden or superintendent, resident physician or chaplain, may, and often does, remain for many years in one prison, identifying himself with its welfare; and (2) that authorities may look where they like all over the country and appoint the best person they can find from any field of life. Thus one finds successful administrators who have never been in the prison service before. The superintendent and deputy-superintendent of one famous women's reformatory which the writer has visited,[2] are instances of this; they had been social workers, and the superintendent was a graduate of several universities in America and Europe.

The boards of control, parole boards, and the managers or commissioners, are appointed by the governor of the State from among the public—business men, social workers, etc. Thus many public-

[1] In North America, that is, the United States and Canada (included in this survey), the head of a prison is called warden; that of a reformatory is called superintendent; and the official whom we call a "warder" is there called a "guard." Officers, in contrast with often called), are sometimes called "employees" or, occasionally, "privates."

[2] The writer of this Appendix made a first investigation of American prisons in 1910. The information there gathered has been supplemented and brought up to date by a study of the literature (reports, reviews, and books) since issued. This Appendix has been submitted to, and endorsed by, several leading American authorities on prison administration.

spirited men and women are brought into contact with prison problems and have opportunities of putting theories to the test of experience. One comes away from an examination of the better prisons and reformatories of North America with an impression of outstanding personalities, leaders of men and women, grappling with their problems with initiative and enterprise.

Other noticeable features of the North American system are the greater publicity and accessibility of the prisons and the extraordinary amount of public discussion of penal and cognate problems at conferences and in reports and special magazines. The co-operation of private societies is encouraged; for instance, the Prison Association of New York is required to inspect prisons and gaols and report to the State Legislature. At the annual congress of the American Prison Association, and the National Conference of Social Work, papers by experts are read and discussed. There meet members of governing boards, wardens, superintendents, prison physicians, chaplains, judges, probation officers, professors, social workers, and other interested members of the public.

The result of all this thought, discussion, and experiment, is the commencement of a revolution in the treatment of criminals. This revolution is what we have to try to describe.

So far about six phases may be distinguished, namely:—

1. The reformatory movement, which opened its campaign in 1870.
2. The recent expansion of convict road camps, and the increase of prison farms. (This might be described as the "open-air" movement.)
3. The "honour system."
4. The so-called "self-government" movement. (As this term is apt to be misleading, we prefer to call it "corporate responsibility of prisoners.")
5. The entry of science, especially medico-psychology.
6. The movement for efficient organisation of industry; still largely in the stage of discussion and recommendations.

All these really belong to one great reform movement, which is a progressive attempt to get away from the tradition of punishment, and from legal categories of crime, to the views of criminals as members of human society, with a human psychology, but with individual peculiarities and infirmities, which call for study and suitable remedial and educative treatment. Rehabilitation is perhaps the one word which sums up the aims and aspirations of the movement.

[1] In this connection only a fortnight's visit was paid to Canada. In some States a number of particular details a change of the entire personnel of the governing institutions. This, at any rate, brings more people into contact with prison problems.

The Reformatory Movement

The Indeterminate Sentence.—The root principle of the reformatory movement being remedial treatment for the offender, the logical corollary is an indeterminate sentence. Obviously, if you undertake remedial treatment you must continue it till you have achieved a cure, and no longer; and you cannot say beforehand how long it will take. Therefore, to the reformers the first necessity seemed to be to get rid of the predetermined or definite sentence.

American legislatures, however, have not yet been induced to enact a fully indeterminate sentence. All that could be obtained, in one State after another, was, what Z. R. Brockway, the first superintendent of the pioneer reformatory at Elmira, called, a "bastard indeterminate sentence," a sentence with a minimum and a maximum term. A prisoner must serve the minimum term, after which he may be released on parole if the paroling authority see fit. On the expiry of the maximum term, whether in prison or on parole, he must be discharged. If released on parole he may be kept on parole till the expiry of the maximum or until such earlier time as the proper authority see fit to discharge him. This partial indeterminateness is now quite common in many States.

In practice the minimum sentence has often come to be regarded as the real sentence, at the end of which, if his *conduct* has come up to prison requirements, the prisoner is released on parole. Then, at the end of six months or a year, if nothing is reported against him, he obtains his discharge. The intentions of the indeterminate sentence are thus stultified.

In a few places recently the minimum term has been dropped. The New York State reformatories for women, for instance, by a recent Act retain their maximum of three years, but have no minimum. So, also, the Courts of New York City, Buffalo, and Rochester, have power to give sentences to their municipal prisoners without a minimum. This does not satisfy the advocates of an out-and-out indeterminate sentence. Some prisoners, they say, are not ready for parole before the maximum sentence has expired, and, if kept in prison till then, they lose the advantages of the tentative release with its supervision and support. "We have to choose between paroling her when we know she is not ready and having no supervision over her after her discharge," wrote Dr. Katharine Bement Davis, then superintendent of the Bedford women's reformatory, in "The Survey," of February 18th, 1911.

A common requirement before the prisoner is released on parole in America is that he should have approved employment and a good home or "wholesome living conditions" ready for him to go to. In some reformatories it is preferred that he should be employed at the trade he has practised in the reformatory.

The prisoner is released after a parole board has considered his fitness for parole. The board is either the managing board of the prison or a State or Municipal body. The parole agents likewise either belong to the prison or are State or Municipal officials. In New York City committing magistrates may sit with the parole commission when the cases of those committed by them are considered for parole, and paroles from the city penitentiary require the approval of the committing court or judge.

Opinions differ on the question of institutional as opposed to State control of parole. The Hon. Burdette G. Lewis, no mean authority, considers that to take parole out of the hands of institution (prison) officers lessens their responsibility and effectiveness. All agree that the co-ordination of efforts in prison and on parole is essential.

Illinois, which claims a leading rôle in this regard, has a division of pardons and paroles, the superintendent of which, with the assistant director of the department of public welfare, the superintendent of prisons, and the State criminologist, form the board, which visits the prisons monthly to consider reports of the parole work and to consider the progress of prisoners and their fitness for parole. Each State prison or reformatory has a supervisor of parole to whom parole agents report daily and monthly. The State is divided into 10 districts each having an agent (the district which contains Chicago has six agents and six police sergeants specially detailed to co-operate with them). Co-operation with the police is a main feature, and it is reported that the paroled prisoners now recognise the police as friendly and helpful. The prisoner is paroled to a "sponsor," approved after careful investigation. The agents who supervise in districts are furnished with descriptive cards, giving information from the mental health officer in the prison as to peculiarities of character in parolees.

There is increasing resort to scientific aid. Psychiatrists and psychologists are more and more employed and consulted at the beginning, during imprisonment, and before paroling prisoners. At the New Jersey women's reformatory the parole department has been from the beginning under the psychologist, who has also had charge of the school work.

The writer found one institution, the Pennsylvania industrial reformatory, which did not use parole agents. Here inmates were required to have an approved situation to go to, and to report monthly to the reformatory with their employer's endorsement. Unsatisfactory behaviour resulted in a communication to the police with a photograph and warrant for arrest. The superintendent claimed that his returns showed fewer violations of parole and more violators arrested than did those of institutions which had parole agents.

In some parts prisoners are paroled to "best friends" or "first friends." The services of private societies and individuals are welcomed, but official control is largely retained. The New York

Prison Association has a department for this service with an employment secretary.

Where the responsible co-operation of ex-prisoners is secured, as in the case of the Mutual Welfare League (described below), they have proved themselves capable of doing a good deal to help one another after release. The Mutual Welfare League has an after-care department.

Factors of the Discipline.—Leaving the principal factor, namely, work, to be considered later, let us glance at some other features of reformatory discipline—not confined, however, to reformatories so named, but to be found in other prisons as well.

Schools.—The original American reformatories have their schools of letters, which often claim the inmates for a considerable part of the day, and credit marks are generally earned by attention and progress in the school. In other prisons there are evening classes, largely if not entirely voluntary. Much use is made of prisoner teachers. Sometimes all the teachers in a prison are prisoners, under the supervision of a school superintendent or director or of the chaplain. At Elmira, in 1910, the school staff consisted of a school superintendent, three lecturers and 35 "inmate" teachers. The superintendent taught the teachers, not the pupils, and planned the outlines for the classes. In addition to their regular school classes there were Sunday school classes, lectures, ethical classes, and discussions. A college lecturer came on Sundays and both lectured and answered questions on various subjects.

At the Massachusetts State prison, Charlestown, there was a correspondence school of 350 or 360 pupils (out of between 800 and 900 prisoners) organised and managed by prisoners under a prisoner superintendent, studying 30 different subjects. The chaplain told the writer that they had the books necessary for passing a pupil through the primary, grammar, and high school grades, up to the second year in college.

Books and Magazines.—In many prisons the authorities are liberal with books, and there are fairly large libraries. At Charlestown in 1910, they had 5,000 text books, 2,000 or 3,000 vocational books, and between 8,000 and 9,000 circulating volumes. They had arrangements with the Boston public library to supply annual catalogues. These were marked by prisoners, so that they received 50 to 80 books a month of their own choosing, to be kept four weeks. At Elmira the writer was given 6,000 as the number of volumes in the library, with about 500 bound magazines. The catalogues of the Illinois State penitentiary library at Joliet, dated 1904, showed a grand total of 16,271 volumes, including 525 magazines and 343 reference books, with a supplementary catalogue, dated 1908, of 2,697 more volumes. The Joliet prisoners numbered some 1,500.

At Charlestown the chaplain selected the vocational books. For men who did not know how to use a catalogue a selection would be made from lists of new books on various trades; and, in addition, the chaplain used to secure men at the head of their calling to speak to prisoners on their own subjects. Manufacturers also sent trade journals. The aim was to return men to the outside world up-to-date, or even a little ahead of others.

News.—The modern American prison administrator does not believe in the vacant mind. He does not shut out the news of the world from prison. At Elmira a big notice was put up by the stairs, where the inmates passed to and from meals, giving items of the day's news, home and foreign. In another prison the news was posted in the dining hall and furnished subjects for conversation at meals. In some prisons papers are taken for the prisoners. Sometimes they are allowed to take in papers for themselves, or to have their home local papers sent to them (but only direct from the publishers, as a precaution against improper enclosures). For the Charlestown prisoners the State bought 25 different monthly periodicals and 10 weeklies—in some cases a number of copies of the same paper, whilst hundreds of periodicals were donated. These were first circulated amongst the teachers (all prisoners); then they went to the bandsmen and orchestra and others who wished for them.

Elmira reformatory subscribed to seven morning, evening and commercial papers, three weeklies, and two Elmira papers. "Why, we have from 360 to 370 papers a day at Jackson," the chairman of the Board of Control of the Michigan State prison is reported as saying. "What chance has a man got coming before a parole board, or coming out into the world, if he doesn't know what's been going on?"

Many prisons publish their own paper. Some 27 were counted in 1915 or thereabouts. These are generally produced and edited by prisoners. The writer came across one which was mostly in the hands of the chaplain. The printing is done by prisoners—a trade at least partly taught. These journals, however, perhaps come rather under the head of recreation.

Recreation.—This takes various forms. In some reformatories there is a good deal of military drill as well as physical culture—not, however, regarded as recreation. Some prisoners have games for an hour and a half in the yard or other playground on Saturday afternoons—or oftener. Those not playing sit or stroll about, and talk or shout as they please ("the more row they make the better," said General Bridges, the veteran warden of Charlestown.) National holidays are celebrated with games and sports, and probably a cinema or other entertainment. At Elmira the winners at the sports had a special dinner or supper. Entertainments are fairly common,

sometimes given by the prisoners, sometimes by the management or by outside people. The cinema is becoming a regular feature of the prison régime. Sometimes a play is got up with prisoners taking part, or running the whole thing, or nearly so.

In America recreation is regarded as an aid to discipline and health. Over and over again this is emphasised by prison experts. One administrator said he considered it as important as food. Mrs Hodder, superintendent of Sherborn women's reformatory, Massachusetts, told the 1912 American Prison Association Congress:—

> My reasons for letting them have games are exactly the same as would hold good for people outside such institutions. "All work and no play makes Jack a dull boy." I think the reasons for allowing games are manifold. It is humane to do so. It helps to let off steam. It helps to make them forget their own sorrows. It teaches them co-operation with others. It teaches fairness, and I believe it is very wholesome to do it. I also do it because I know that I should go almost mad if I had to sit in a workroom all day long and could not have a minute's freedom of my own. I let up on the discipline because I feel sure that if the women cannot be trusted in a wholesome womanly way in here, they cannot be trusted outside, and I want them to do in the institution only what is necessary to keep dignified order, but I want no humiliating discipline.
>
> I think the effect upon the health of the women has been excellent. . . . I think that music as a recreation factor has tremendous value in institutions of this kind.[3]

One writer points out that the recreation of the employees (i.e., the prison officials) is as important as that of the prisoners for the good working of a prison.[4]

Music.—Prison bands and orchestras may be mentioned as part of the contribution to educational and recreational discipline. In one or two prisons the orchestra plays regularly at meals. Some prisons allow prisoners to have their own instruments and play them in the cell. The chaplain of Charlestown prison told the writer that there were some 200 instruments in the hands of prisoners, "and this does not include harmonicas and Jews' harps." Good singers from outside came sometimes to Sunday services and occasionally to concerts.

The report of the Standing Committee on Prison Discipline of the American Prison Association for 1914 has these words:—

> Music and flowers are indispensable to the best government of a prison. The management that wants all its money in guard force and none in music and flowers has not studied very profoundly the hearts of men.

The amount of devoted thought and energy put into the work of introducing and encouraging art and other helpful and recreative agencies in some prisons is remarkable. At Charlestown $6,000 (£1,200) worth of art work was produced in the prison every year—

[3] "Proceedings" of the 1912 Congress, p. 578.
[4] Philip Klein, "The Delinquent," June, 1916, p. 11.

illuminated cards, oil painting, bone work, inlaid work, paper flowers, etc., etc. Half went in gifts; half was sold.

Chaplains.—A word should be said on the chaplains. The writer was much impressed by the amount of useful work some of them did. We have already told something of the colossal educational and recreative work done by or under the direction of the chaplain at Charlestown prison. Another chaplain stated that he regarded the prisoners as his parishioners, and they were so in every respect, excepting that he could not ask them to dinner and they could not ask him. It seems to be not unusual for the chaplain to have an office where prisoners can visit him for an interview, and for prisoners to write to him there for advice or put questions to him to be dealt with in class or meeting. This is in addition to cell to cell visiting. In at least one women's prison the chaplain was a woman.

Food.—The authorities are very particular about the food in the best prisons in America, and responsible administrators repeatedly emphasise its importance. "I believe that good food is a prerequisite to good discipline," said one speaker at the American Prison Association Congress, 1910. "It should be good in quality, abundant in quantity, well-cooked and served with a relish." "The food should be put in a nice dish," said another, "and there should be particular care in the matter of cleanliness." The prisoners assigned to the service of food are, in some prisons, specially passed by the doctor and dressed in clean neat clothes.

Only in one prison visited, if the writer remembers rightly, did all the prisoners eat separately in their cells. In others, the first or first and second grades, or all except those undergoing punishment, dined in the hall.

In Jackson prison, Michigan, every officer was required to take two meals a week with the prisoners, on different days, to ensure good food. More and more, decent delft is being insisted on; knives and forks are generally used.

Conversation.—In some prisons talking is allowed at meals, or for a few minutes at the end of work-time, or during recreation outside. Sometimes talk at work, about the work, is allowed. In other places conversation is allowed at any time. "We do not believe in the silent system," reported the Standing Committee on Prison Discipline in 1914. "There are times when they (the prisoners) can with propriety converse, and for them not to do so is destructive of good order and good government." Dr. Peyton, the former superintendent of the famous Indiana reformatory at Jeffersonville, said to the 1912 Congress:—

> I have been asked recently the question: "Why are prisoners denied the right of ordinary, polite conversation within our institutions?" I

[5] "Proceedings, National Prison Association, 1914," p. 74.

> say to you that my answer was: "I do not know." I am personal unable to answer that question intelligently, except to say that I belie that it is a relic of the things that have been (and should now be entire done away with) but which have been handed down along with oth things that are mistakes and that are still to be found in the accepte order of handling men in our institutions.[8]

General Bridges, of Charlestown, told the writer that the be way to guard against the prisoners "talking schemes" was to gi them as much freedom as practicable. "Then, if they do tal schemes," he said, "they are likely to give themselves away. Yo can't do it by silence rules."

Letters, Visits, etc.—The more modern prisons allow—c encourage—frequent letter writing. The allowance varies fro once a month to "as often as they like." In at least one priso the inmates are allowed to use ordinary notepaper to obviate th reluctance of some to write home or to friends on prison paper And no prison stamp or mark is put on these letters.

In some cases good arrangements are made for visits of friends In one or two reformatories the prisoner and his visitor, or visitor sit on comfortable chairs or benches in the "guard room," a larg central hall, where one or more officers are always about, but wher they can talk privately. The visit often lasts an hour, or longer i the case of relatives coming from a distance.

Dress.—The Hon. Burdette G. Lewis writes:—

> Tattered clothing, or clothing which fits the prisoner like a gunn sack, should not be tolerated. Nothing is more likely to retard th prisoner's development. Human beings are affected in a marked degre by their clothing. This need not be expensive in the case of prisoner but it should fit the person wearing it, and it should be possible to kee it in a neat condition.[9]

Such considerations are observed in many American prisons to-day The ridiculous stripes are gradually being abandoned, and the dres in some institutions is quite smart. In some prisons each prisone has his own marked underclothing.

Buildings and Hygiene.—Some of the worst and some of the be prison buildings are to be found in America. The outside cell syste (that is, cells built against the outside wall, with doors facing inwards is finding more favour, and the windows are often better than out (if we except Borstal institutions, Camp Hill, and the new priso near Edinburgh). There is a difference of opinion about sanitar arrangements. With good ventilation, such as is often found i American prisons, it is confidently claimed that it is better to hav complete lavatory fittings in the cell than the bucket arrangemer

[8] "Proceedings," 1912, p. 96.
[9] "The Offender," p. 262.

with no special ventilation. Warden Tynan, of Colorado, advocates a plumbing system in the cell block, on the grounds of economy. A sanitary night bucket, he says, costs $1.85 annually. A drinking bucket would bring it to $2.25 a year for the two. And bucket duty, he adds, consumes about 40 minutes a day.[10]

The Westchester (New York) county reformatory has about the most up-to-date buildings of their kind. It has outside cells with "tool proof" steel bars *inside* the windows. These bars can be painted a light colour. There are no bars outside. The modern prison architect sets store by appearances, and aims more at educational, and less at punitive, objects than formerly.

A new cell house was lately projected (and presumably is now built) at the Kansas State prison without doors to its cells. The prisoners, it was said, were to be free to move about the cell house, and were to have curtains to give them privacy in their cells when they wanted it. A feature of some new or planned prison buildings is a dormitory for six or more prisoners with sitting-room space and a bath. At Guelph, Ontario, the dormitory, accommodating about 20, has sitting-room space in a bay window, with a wash room, a lavatory, and a dressing room attached. At this reformatory the prisoners were to progress from cell to dormitory, and thence, we believe, to a private single room.

Perhaps the best "cells" the writer saw were in women's prisons. Some of those in the Indiana women's prison looked quite pleasant rooms with large windows, with perhaps a plant, and even a canary in the room. This prison has a board of trustees of four women, one of whom told the 1913 Congress:—

> We try to make it as homelike as possible. We have no cells. Our women are in rooms, and . . . . . we try to make the rooms comfortable and pleasant.[11]

The Bedford and Albion women's reformatories of New York State are built on the "cottage system," as is Clinton Farms, the New Jersey women's reformatory. Some of the newer penal farms probably come near to the cottage system. They often have huts and buildings constructed more for ordinary living and sleeping purposes than for safe custody, with windows and without bars or bolts, light and air being more thought of than the prevention of escapes.

The building solution and its correlation with the industrial solution are fairly well summed up, for men, by Mr. James Govan, the Ontario architect, in the following passage from an address to the National Committee on Prisons and Prison Labour, in January, 1919[12]:—

[10] "The Delinquent," March, 1913, p. 6.
[11] "Proceedings," 1913, p. 289.
[12] "Prison Construction," Leaflet 57, pp. 19-21.

> To my mind the solution of many of the difficulties that we all have to contend with in prison construction and financing is this: To use our short-term prisoners for clearing land, farming, lumbering, and work of that kind, housed in buildings of temporary character, which can be built far more cheaply than heretofore. That would only leave the long-term men to be dealt with in more permanent constructions, and probably they could be trained to make most of the furnishings and furniture required by the Government in hospitals for the insane, epileptics, feeble-minded, and so on. Work of that kind would not conflict with Union labour on the outside, because consumption of all products would be by wards of the State.

"Successful prison administration," he says further on, "depends not on buildings but on staff; therefore spend the money on those who produce the real results in terms of human reformation."

Punishments and Rewards.—In America, as elsewhere, less and less reliance is placed on punishment for maintaining discipline in prison. Flogging has largely been abandoned—officially, at any rate. Deprivation of food seems to be obsolescent. Many wardens and superintendents rely much on deprivation of "privileges." In a few cases of intractability or obstinate refusal to work, a prisoner is (or was till lately, for nowadays in the best prisons the doctor would be consulted about his mentality) confined either in his own cell or some other special place of detention, perhaps on two meals a day, or even on bread and water. The special place of confinement would not always be a dark cell. The usual rule seems to be that the prisoner remains in this confinement till he gives in and promises to behave, when he is released.

But, generally, reliance is now placed on other influences—the indeterminate sentence; "good time" (time deducted from a definite sentence); promotion and "demotion" in grades according to marks gained or lost; earning and losing of "privileges," such as tobacco (generally a little smoking or chewing tobacco is allowed), games, entertainments, etc. The writer found that at least one or two heads of American prisons did not set great store by systems of marks. Yet that a well-devised credit system can be made to subserve real educational purposes seems to have been shown by Mr. Calvin Derrick at Westchester, New York, and in New Jersey.[13]

The Illinois Progressive Merit System.—This system deserves special notice. The Hon. John L. Whitman, superintendent of prisons, Illinois, claims that entirely visible to the prisoners, it serves to maintain discipline and promote industry, as well as to fit the prisoners for successful careers in after life. It provides that they pass through the following stages in their preparation for freedom:—

> 1. (E).—Confinement within the prison, and subjection to all the prison rules, with very little, if any personal responsibility.

[13] See Report of the New York State Prison Survey Commission [illegible]

> 2. (D).—Increasing opportunity to merit more confidence on the part of prison authorities, by strict application to industry and adherence to prison regulations.
>
> 3. (C).—Positions of trust within the prison walls.
>
> 4. (B).—Life in cottages outside the prison walls; but under supervision of the prison officials.
>
> 5. (A).—Work on the prison farm, without guards.
>
> 6. Parole.
>
> 7. Freedom.

A prisoner enters grade C, from which he may be "demoted" to D (forfeiting five days a month) and E (forfeiting ten days), or advanced to B after three months good progress, and to A after at least three months good progress in B. In B he can gain five, and in A ten, extra days a month. He must have three months progress in A before being eligible for a hearing before the Division of Pardons and Paroles. He is given marks for *behaviour*, taking into consideration mental and physical capabilities and general attitude and honesty of purpose, and for *workmanship*, counting sincerity of effort as well as amount and character of work. The provisions are carried out by "a staff" composed of the warden, his assistant, the physician, the psychiatrist, the psychologist, and at least two of the subordinate prison officials who are in constant personal contact with the prisoners. "This staff meets daily, and their deliberations and conclusions are minutely recorded by a secretary. It considers new cases, and interviews prisoners at regular intervals, as progress or lack of progress is shown."[14] The prisoner, on arrival, is "thoroughly examined by the physician, psychiatrist, and psychologist, each of whom prepares a report of his findings." With this information before it, the "staff" "calls the prisoner into conference." The system and what is required of him is carefully explained to the prisoner.

The peculiar architecture of the new State penitentiary at Stateville, Illinois, is said to be adapted to this system. Of 2,193 acres of "State farm," 64 acres are enclosed by a concrete wall, 33 feet high, with no buildings close, so that they can be watched from towers at the corners. The prisoners' cells are on the outside wall with large outside windows, their inner side being mostly glass, so that they can be seen into from a central observation tower. With regard to this arrangement, the architects say:—

> It may be claimed that such constant supervisory control may not be beneficial to the inmates; if so, it can be said that during the year, or more, that the first unit has been in operation at Stateville this objection has never been raised by an inmate. It can be said also that any inmate who is detrimentally affected by such supervision may have his cell front provided with a curtain, if, indeed, he is entitled to such privacy

[14] "The Illinois Progressive Merit System," p. 8.

On the other hand, it is claimed that this plan provides for healthful cells, security of confinement, and classification by means of small units. There are some dormitories for from three to six inmates in each. The lighting from the roof is so arranged that each cell can have at least two hours' direct sunshine on a sunny day."[15]

Wardens' Experiments.—One might fill many pages with accounts of the devices that wardens and superintendents think out and try. One warden will instal boxes (of which he keeps the key) into which prisoners can drop letters to him, and will grant, if necessary, absolutely private interviews. Another sends a man out to his mother's funeral or to tend a sick relative till the illness is over. A third meditates inviting a man's family to come and stay with him (as is done in the Philippines). A fourth sends out a large party of prisoners to work in the open on their honour not to escape; while yet another invites his prisoners to form a society of their own and manage it themselves. These things show, not only the goodwill and zeal of the wardens, but also their independence. They are not tied up with rules or dependent on orders from a central office. The fact is that the heads of American prisons, though they are not, as here, called governors, do govern their prisons. Some mistakes occur—even, perhaps, an occasional scandal—but progress is achieved.

Perhaps the departure from routine is most marked and general in the women's prisons directed by women independently. The superintendent of one women's prison told the writer that occasionally she took a prisoner out for a stroll when she thought she required it, and let her pick flowers. Another said that she sometimes broke the monotony by having all the prisoners out in the morning. In another, the prisoners are sometimes taken out in the woods for a walk and to pick berries. One can hardly repeat too often that discipline and progress in American prisons depend on the personalities of the prison chiefs.

Convict Road Camps and Farms.

Formerly associated with chains and degradation, road work now appears in a new light. It has joined the movement for "God's own air and sunshine," an expression used by practical prison administrators. It is also coming more and more into the field of the "honor system." We find one State after another, one county after another, taking it up, and we read of States with 30 and more camps of convict road workers. If you were to come across an up-to-date convict road camp you would not know it from an ordinary workers' camp, except, perhaps, by its extra tidiness. You would see no one who looked like a prisoner. The men are generally "on their honor"; they are far from prison walls, sometimes a 100 or more miles away, under, perhaps, one warder per camp, perhaps no warder, but just a foreman. One or two camps have been run by prisoners alone. Road camps cannot be praised without exception. We are afraid some "honor camps" have not much honour about them!

[15] For the Illinois parole system, see p. 536.

The story of prison farms is not unlike that of convict roads. Some old convict plantations with their horrors still survive, as do chain-gangs for road work; but in other places the prison farm and plantation are now in the open-air movement, and to a great extent in the "honor" movement. Penal farms are springing up here and there in one State after another, in one municipality or county after another, in the United States and in Canada. In Indiana the State farm for misdemeanants (short-sentence prisoners) at Putnamville is putting the Local gaols out of business for imprisonment purposes. In Ontario the central prison migrated gradually, over several years, from Toronto to Guelph, where a large plot of farm and quarry land had been taken. The writer was there in the better days, before they had built the substantial "reformatory" building. At that time there were about 170 men working in the open, on the farm, in the quarry, building a bridge over the river which flowed through the grounds, carting, building, and so on, with only three unarmed guards over them, and these working with them, rather like foremen than warders. "We all work here," said the works superintendent. They were housed in temporary buildings, two long dormitories with real windows, no bars, no bolts, no arms, and some, I believe, were still billeted in neighbouring cottages. In the meantime, other work being called for about the province, camps were formed to build a hospital in one place and clear bush and make valuable farming land in another. During the war the solid buildings at Guelph were wanted for other purposes, and the prisoners were taken north to Burwash, where they had to cut out a camp for themselves. They seem to have done well, working hard in the open, trusted and knowing that they were trusted.

The writer saw the same sort of thing at Warrensville, where the Cleveland (Ohio) city workhouse migrated, about eight or nine miles from the centre of the city, and became a "correction farm." Here also men were working in the open, driving carts, doing various jobs, looking much like ordinary labourers under the sort of supervision, and want of supervision, that ordinary labourers would have. It was not "do this" or "do that," the superintendent explained, but "come along, Smith, let's do this," or "I'll start in here, and you go over there." The officers had to set the pace.

Some of these farms are either self-supporting or hope soon to be so. Others have no such hope. The secretary to the Board of Charities, Washington, D.C., told the Prison Association Congress of 1917 that, of about 600 men in the workhouse at Occoquan, "200 can do a fair day's work; 200 more are 'useful'; 200 more are a burden. That is about the general average. If we have to care

for all of the 600, I do not see exactly how the institution can be self-supporting; but I am not worried about it."[16]

The Superintendent of the Indiana State Farm told the same Congress that, as against more than a dollar a day for gross maintenance of a man in gaol, the 55 cents. per man per day allowed him for the farm met "the entire pay roll, subsistence, fuel, light, heat, medical service, clothing, transportation, field and garden seeds, fertilizers, common labor tools and all other items of maintenance."[17] They had found it practicable, he said, to do all kinds of labour, both common and skilled, with these short-term prisoners. They sent men to live in camps and maintain the State Parks, ditching the farm land of a hospital for insane more than 100 miles away, and to a railroad camp to make railway switches for State coal mines. These men were said to do more work than ordinary men employed on a railway switch nearby.

The superintendent of the Municipal Farm of Kansas City gave the same Congress a very reseate account of the work his prisoners were doing, and of the "very noticeable transformation from filth and unkempt duds to their gentlemanly dress when they leave. There is a like change in their countenance and their character as well."[18] They expected to be self-supporting when their plans for the "manufacture of commercial products" were complete. They seem to get excellent work of various kinds out of prisoners who "a few days previously were loafing about the streets of Kansas City, begging, carousing, stealing."

> It is true that they are not with us long enough to become proficient in any trade, but this fact does not show in the character of work they perform at the Farm, and they at least receive the notion that they can be producers instead of parasites. It is not unusual for a man to continue in the same craft after he gets back into free life.[19]

A cripple, who had been begging his living, went to the general superintendent and asked him to find him a place where he could learn a trade by which to earn a living, without being on his feet. He was advised to go to the Farm, and there learned shoemaking. Another man learned blacksmithing at the Farm, started a shop of his own, and wrote to the Board of Public Welfare that, if they had a man who had worked under the foreman at the Farm, he would give him a place in his shop, for he knew he would know his business.

The claims generally made for this kind of short sentence are well summed up in the following extracts from an interview with Mr. Charles E. Talkington, Superintendent of the Indiana State Farm:

[16] "Prison Congress Proceedings," 1917, p. 129.
[17] Ibid, p. 116.
[18] Ibid, p. 127-8.
[19] Ibid, p. 125.

> We get the alcohol out of their systems, give them all they can eat, make them keep regular hours and do a man's work, and the good in them has a chance to show itself.
>
> We do not say our plan is perfect, nor do we make any great claims about our ability to reform a man during the short time he is here. But we do say this is the best manner yet devised for handling them. We take a man from the gutter and at least make it possible for him to improve. We give him health and direction enough to get him into some employment at which he can earn his living. Although we refuse to put forth any claims about how much good we do for the man, we at least know that we do not injure him. And that is more than can be said for any jail or prison. We aren't running any school for crime here. We do know that. We also know that we can make this institution self-supporting and a means of revenue for the State. What more can you ask?[20]

Here also the "guards" are working foremen—none standing idle. Some of the prisoners lived on the lower end of the farm working under a prisoner-foreman. Of these the superintendent said: "We see them only when we are making the weekly round of inspection."

Farm work, reclaiming land, putting men on their honour, have been in practice with short-sentence prisoners for a good many years. They are now increasingly being applied to other prisoners. Several States have been buying large areas of land for prison purposes. Pennsylvania has, within the last few years, acquired 5,250 acres at Bellefonte for its Western Penitentiary, and apparently means to move the famous Eastern Penitentiary there also. In Louisiana the Angola Plantation alone has 6,000 acres." In 1917 there were 8,125 acres reported under cultivation in connection with the penal system of this State.[21] Of a prison population of 1,900 in that year, about a third were constructing levees on the Mississippi, and the other two-thirds were doing farm work, largely on sugar plantations. In the same year the Texas State Penitentiary system, said to be the largest cotton growing concern in the world, had 35,000 acres planted in cotton, and altogether 65,000 acres in cultivation, keeping nearly 3,000 prisoners employed on its different farms.[22] This penitentiary system was declared to be self-supporting for the first time in 1917."

The State of Florida has a prison farm of about 15,000 acres, with some 500 prisoners and "only eight employees." All the guards have been dispensed with except three, two night guards and one day guard; and the last is the gate-keeper. The Mississippi Penitentiary was reported a few years ago to employ 12,000 men on 16,000 acres, raising cotton and fodder crops. An area of about 1,000 acres of land is used by the Great Meadow Prison, Comstock,

[20] "The Delinquent," March, 1917, pp. 10-12.
[21] "The Delinquent," June, 1917, p. 13.
[22] Ibid, October, 1917, pp. 11-12
[23] Ibid, p. 15.
[24] "The Delinquent," January, 1918, p. 26.

largely for open-air work, under comparatively free conditions for the more reliable prisoners.

Thus while open-air work with approximation to free conditions is established as especially suitable to short-sentence prisoners, the same methods are also being successfully applied to long-sentence prisoners. But for the latter the provision of a great variety of occupations, with facilities for thorough training and practice, is necessary.

The "Honor System."

Many and various are the practices that come under this heading; but all that are included under the name have this in common, that the warden or other responsible official trusts a prisoner with such liberty that, if the prisoner took advantage of it and escaped, the official would fail in his custodial duty. The official, that is, risks his reputation and duty to the public in trusting to the prisoner's loyalty or honour. In some cases the prisoner pledges his word, orally, or in writing; in others there is a tacit understanding.

The percentage of failure—that is, of misplaced confidence—is small. The Americans are not greatly concerned about a few escapes, which seem to occur anyhow, "honor" or no "honor." (Indeed, some comparisons show a much higher percentage of escapes of escorted and watched prisoners than of trusted ones). In one prison where they began "honor" experiments on a large scale those responsible for them expected 20 per cent. of escapes. The actual escapes were very much less; but the confessed expectation shows what responsible American officials will risk in the hope of gaining an educational result. "Our method may not entirely eliminate the occasional escape of the individual prisoner," said Mr. Richards, the architect of the new Ohio Penitentiary, "but it has not been our feeling that the occasional escape of an individual prisoner was a matter of serious moment."[24]

"The warden is doing great work, and the boys out here appreciate it," said a "lifer" one of some 50 prisoners working on their honour from a large State prison: "nobody is going to run away, and we're going to make this farm go." "No surveillance, and better work than we could get if we had hired labour," was the warden's judgment.[25]

Warder Tynan, of the Colorado State Penitentiary, who has put hundreds of prisoners on their "honor" on road work and thereby built many miles of road, says:—

> The convict's word of honor, when given, is just as reliable and just as binding as that of his brother in freedom. It is simply a matter of adjusting conditions to meet the man, not the Quixotic idea of adjusting the man to meet conditions.[26]

[24] "Prison Construction," p. 5.
[25] "The Reformatory," July, 1913, p. 31.
[26] Article, "Has Colorado's Work a Moral," in "Survey," Dec. 1912.

"These camps," he writes, "are hundreds of miles from the prison; they are in charge of trained and competent overseers; not a gun guard; no sign of prison life; well housed, well clothed and well fed." He asks what it is that prevents these men from escaping, and answers:—

> Nothing but *the word of honor* they pledged to the writer, and their own inmate sense of loyalty, which is in itself the greatest step toward genuine reformation possible.

At the Ohio Reformatory, Mansfield, the writer stood one evening and watched little groups of "honor" men coming in from farm work outside, and Dr. Leonard, for so long superintendent, told him how it came about. He had an "Ethical Society" of inmates, which met weekly for discussions on ethical and other subjects. To this gathering he put the question whether he, as responsible to the State for the safe custody of inmates, would be justified in taking an inmate's word that he would not run away if he trusted him to work outside on his honor. The "Ethical Society" debated the subject and arrived at the conclusion that he would be justified. So Dr. Leonard started a system by which he and the inmate so trusted both signed a bond. He told the members of the International Prison Congress in 1910 that he had trusted 1,500 men and nine had failed him."

Moral and educational motives were not always uppermost at the inception of "honor systems." Economy sometimes had a good deal to do with it. A young State like New Mexico, for instance, wanting to ease its over-crowded prison and put its convicts to build roads, set them to work on their "honor" to save the expense of extra staff. The superintendent of Clinton Farms explains in her 1915 report that, though she had always believed in "honor" methods, she had been compelled by circumstances into much more of it than she had imagined could be safely resorted to. The necessities involved in practical management of farm and other departments had forced the pace.

Economy, probably, accounts for the fact that for many years it has been quite common in some States for short-term prisoners to work in the open, reclaiming land, farming, etc., more or less "on their honor." Lately it has become more and more common for all kinds of prisoners, up to "lifers," to be put "on their honor."

[27] Or take this from an article in the "Houston Chronicle," Texas, January 4th, 1913, on the Chicago House of Correction:—"Superintendent Whitman has succeeded in making men and money for the city. Working with a short-term, unskilled, and in most cases deficient prisoner, heretofore considered a hopeless proposition by those who profess to know the prison field, he has proved that the man's interest can be aroused and his loyalty secured. Prisoners work outside the walls without guards; they go into remote parts of the city with motor trucks to wreck buildings or to haul in waste material. In attempting to conserve the waste of the city the superintendent has paid as much attention to the men as he has to the material. The prisoners' relief fund pays the salaries of the social workers, who assist men upon discharge. Mr. Whitman is preventing wastage in human life through the profits on the waste of the community." Here the "honor" was probably based as much upon the interest of the work and general tone and business-like methods as on any explicit pledge between the superintendent and the prisoners. There was no explicit pledge.

We have already seen some of this under the heading of roads and farms. In Iowa, in 1915, there were about 100 prisoners in five prison camps under one unarmed foreman for each camp, the prisoners wearing plain clothes. There were also, besides other special jobs, three farms, half of whose men remained on the farm, the others returning each day to the prison: altogether some 250 out of 673 prisoners, coming and going and working more or less "on their honor," and able to escape if they desired.[28] The entire work of the farm and dairy of a State Institution in Ohio was carried on by 19 life prisoners "without a guard." On the farm of the Michigan State Prison they had 600 men without a guard.

In the summer of 1914 the warden of Wisconsin State Prison reported that the "honor system" had operated there for about two and a half years without an attempt at escape or serious infraction of rules. On April 1, 1912, they had given up having guards on their prison farm, "leaving only a general superintendent in charge of the work, who was not made responsible for the men in the sense of being a guard." They had obtained better service, and, out of more than 300 men trusted, only one, it was reported, had returned to this prison for a second sentence "or in any other way become a burden to society." The men left the building at 5 a.m. and returned at 7 or 8 p.m. unattended. At the time of the report, they had 77 men in camps at various works, roads, buildings, etc., who did not return to the prison at night, their work being supervised by a superintendent and assistant superintendent, like any other work. "It is conceded by all," said the warden, "that our camps surpass the average construction camp in efficiency, co-operation, moral conditions, sanitation, and general good fellowship among the men."[29]

Many other ways are tried of putting prisoners "on their honor." New experiments are constantly being reported. They are feeling their way, as one warden put it. There is the well-known story of Governor West, of Oregon, who telephoned to the State Prison for a certain prisoner to be sent to him unattended. He commissioned the prisoner, who was on a life sentence, to go about selecting machinery for a prison industry.

Not an uncommon practice, which has been going on here and there for years, is what is sometimes called "temporary parole." Prisoners are allowed to go home to attend funerals or to see sick relatives. In several places they are sent home for Christmas holidays. In one State they were each given a cheque for $10 (£2) to take with them as Christmas gifts for their families. Sheriff Tracy, of Montpelier, Vermont, wrote that whenever a member of a prisoner's family was seriously ill, the prisoner was allowed to go home and stay till the crisis had passed; and not one had ever broken faith. Dr. Hastings H. Hart, in his Report on "Social Problems of Alabama,"[30] says, that "well-behaved and deserving convicts are there allowed to go to their homes in order to attend a funeral or to visit a sick friend, or to assist in farm work. The results of this plan have been amazing." It had been reported that "out of 585 temporary paroles, only five violated their paroles and failed to return," and that "when a man returns from a temporary parole he comes back like a new man and makes a better prisoner."

[28] "The Delinquent," June, 1915.
[29] "The Delinquent," March, 1915, p.

One of the latest forms of "honor system" was reported from Oklahoma State Penitentiary, where some of the prisoners were being allowed "to go down town" on Saturday evenings. They might walk in the street, go shopping or to theatres or "movies," but not to pool rooms, dance halls or questionable resorts.

Speaking generally, the "honor system" depends primarily on a personal relation between the warden or superintendent and the individual prisoner whom he trusts. But the bond is not always only between warden and individual prisoner, at any rate where a number are trusted together. In such cases they are often actuated by loyalty to one another and by fear of discrediting the "plan"; as, for instance, in the case of the prisoner already quoted, who exclaimed, "we're going to make this farm go." During the war, 132 prisoners were working on what is called "industrial parole"—that is, they were released "on their honor" to do war work—in Rock Island. One of them, a man who appears to have had a "history" of mental defect, committed a larceny. The others passed the hat round amongst themselves and raised the money to refund the amount stolen.

In large prisons, only prisoners selected by the warden or superintendent are put on their honour, and it seems that the wardens who practise this system think they can apply it to somewhere about half of their prisoners. In farms, camps, and gangs they are often all trusted together. Generally, no doubt, these are selected groups, but not always. In such cases we border upon a system of "self-government" or collective responsibility.

Corporate Responsibility of Prisoners.

Warden Tynan has been quoted as claiming that the loyalty evoked by the "honor system" is "the greatest step toward genuine reformation possible." We now have to consider what is claimed to be a much greater step. It is based on the innate sense of loyalty, not to one man as a *quid pro quo*, but of prisoners to one another. We have seen that the "honor system" can evoke this loyalty when extended to a number of prisoners. But the move-

[30] Op. cit. pp. 67-8.

[31] In this connection it may be noted that a New York State law now permits a prisoner, accompanied by a warder, to attend a funeral or visit a relative who is seriously ill.

ment now under consideration takes "honor among thieves" as its starting-off point, and expands it to loyalty to all the prisoners in the prison, with the hope of its growing eventually into the kind of fellowship which includes the whole of society and knows no limit to its growth.

"Self-government" is the name usually given to this movement, or method; but, as has been pointed out by Mr. Mott Osborne, the word is apt to mislead. Also, it lends itself to some confusion of thought. It may be used to mean individual self-control; some people appear to think it means control of others by anyone who contrives to induce them to put him into a position to exercise such control; while others, again, seem almost to think that self-government consists in electing delegates and officials.

To speak of self-government by prisoners is actually a contradiction in terms. Prisoners are prisoners, however the pill may be gilded. They are ultimately under the control of their gaolers. So that, however much freedom or self-control may be granted to them, it is always something that is granted, and may be taken away again. In a sense it might even be said that there is more self-government in the secret life of the prison fellowship carried on in defiance of rules and officials in the old-fashioned prison, than in the open, but officially limited, "self-government" of the most modern prison.

We do not hope entirely to dispense with the term self-government, which is, after all, a convenient one; but, being anxious to avoid, as far as may be, the misunderstanding and confusion connected with the word, we have ventured to adopt the phrase "corporate responsibility of prisoners." This seems to us more clearly to indicate the nature of this method, which places a certain amount of responsibility on the prisoners as a body, and induces them to co-operate with the authorities out of loyalty to one another.

The father of the movement (perhaps one should say grandfather, or even patriarch) is "Daddy" George, the inventor and founder of the Junior Republic. The story of that founding with some of the results is recorded by Mr. George in "The Junior Republic," and by Lyman Beecher Stowe, with Mr. George's collaboration, in "Citizens Made and Remade." Add Mr. T. Mott Osborne's "Within Prison Walls" (1915) and "Society and Prisons" (1916), and you have the classics of this movement in four of the most interesting books you could read."

The two main principles of Mr. George's scheme are self-support ("nothing without labour" is the Junior Republic motto) and self-government. His Republic is a sort of model village, whose citizens are aged 15 (now 16, we believe) to 21, with an administrative superstructure modelled after the American State and National Governments—with a president and vice-president, cabinet ministers, judges, courts and prisons. At one time they had two Houses of Parliament, but soon gave them up and contented themselves with a Town Meeting for legislative purposes.

It was not long before Mr. George began to think of applying the same principles to adult criminals, and in "Citizens Made and Remade" we find a proposal for the enclosing of a large area of land where convicts should be allowed to carry on business and manage their affairs in their own way. No inmate was to be allowed to take any money with him into this enclosure, but each man must pay his way by his own earnings. There were to be one or more interior enclosures to which offenders against the convicts' own law could be committed by their own court.

In 1914, or thereabouts, Mr. George started a venture of this kind, which he calls a "Social Sanitarium," on the grounds of the George Junior Republic at Freeville, New York. It has one extraordinary feature. In the book the proposal begins in this wise:—

> Let several thousand acres of land be surrounded by a wall or a stockade with a dead-line of sufficient distance running along inside."[34]

To this, the authors add in a footnote: "Personally, we believe that this wall would be found to be unnecessary." In fact, the wall has so far not been built. The scheme, which, we understand, has so far only been applied to young people, provides for five interior enclosures. The offender against the law of the inmates is committed to No. 1 enclosure. If he offend there, he is committed to No. 2, and so on. No. 5 is for hopeless offenders who will probably need permanent care—to be made as happy and useful as they can be with their limitations. To get back to the outside world each inmate must return by the way he came. If he is in No. 4, he must graduate from there to No. 3; thence through No. 2, No. 1, and the general sanitarium before reaching free conditions again. Up to August, 1920, not more than three enclosures had been found necessary. But the joke is that they are not enclosed! "Although there is mingling between the patients of the various enclosures," Mr. George writes, "they understand distinctly the enclosure to which they belong. . . . Each one of these enclosures has a government unto itself to which it holds allegiance. The only way that one may rise from a lower to a higher enclosure is through the decision of the residents of that enclosure immediately above one." "Patients" are dressed like ordinary people. They may have their families with them if they and their families like, the families, of course, being free to leave at any time. According to the original scheme, "patients" would have to prove their fitness to return to the outside world to a "Court of Rehabilitation."

Since Mr. George and his boys began their experiments at Freeville in 1895, the idea has spread far and wide. Within 15

[33] Further useful information is to be found in "Your Prison and The Prisoner," edited by Julia K. Jaffray, "Prison Reform," compiled by Colonel Frank, "Punishment and Reformation," by H. Wines and W. D. Lane, and in other available and reliable

[34] W. R. George and L. B. Stowe, "Citizens Made and Re-made," p. 257.

years or so, there were some seven or eight Junior Republics in America. We know not how they have fared. Mr. Calvin Derrick, who had been superintendent of the George Junior Republic, Freeville, in (or about) 1912 became the superintendent of the Preston School of Industry, a boys' reform school at Ione, California. At the request of a troublesome company of boys he drafted an intentionally faulty constitution for them to play with. The boys soon discovered its faults, and by degrees the constitution was amended, and was adopted by other companies. The companies or houses became something in the nature of States in a national federation, and adopted civil or military constitutions, the civil form gradually winning its way. By the institution of mental examination some 10 per cent. were judged to be unfit for "self-government." Later as warden of the Westchester County Penitentiary, New York, Mr Derrick demonstrated that a modified form of "self-government" could be successfully used with short-term local prisoners, and the "Effort League" founded under his auspices, was carried on there by his successor.

The New Jersey State Reformatory for women, was founded at Clinton Farms, New Jersey, in January, 1913, with methods of individual and corporate responsibility which have developed with apparent success. They have an "honor group," whose members elect their own "student officers." They also select the recruits to their own ranks from the prisoners who have had a preliminary probation of at least three months. Each cottage has its own governing unit, with officers according to its particular activities. Generally they have about six student officers or commissioners each, two in charge of hygiene and sanitation, and four responsible for *morale* and discipline in various departments.

In November, 1914, an "honor community" was organised at the Washington State Reformatory. It seems to have had its turn of political intrigues, and cliques, but we gather that it weathered the storm. A report in "The Delinquent," May, 1917, quotes a statement that

> In a period of two short years the honor community of the University of Another Chance has graduated from the experimental ranks to those of an absolute success such as cannot be duplicated in any other part of this country. . . . students elect all of their officers from mayor to sheriff, and manage a three-storey building, housing about one hundred men. The mayor is the head of the community, with the following offices, each filled by election every three months; three judges, one presiding and two associate, prosecutor, public defender, marshal, community clerk, legislative body, board of health, and Board of examiners.

In a former issue (March, 1916) we read that this community had "the initiative, referendum and power of recall." The community appeared to be a selection from the reformatory population. In "The Delinquent," February, 1917, is an account of "the balloting among the prisoners of the Missouri Penitentiary to choose nine of

their number to draw up plans for an honor system in the prison and establish a form of self-government." A "delegate-at-large" was also chosen to preside over the council.

Probably one of the oldest and most firmly established prison "self-government" systems is to be found in the Philippine Islands. The Philippine penal system might well have a chapter to itself, with its industrial training and its recreation and social life. We suppose it is about the most complete and elaborate prison system in the world. Our concern for the moment is with the "self-governing" features of the Iwahig and San Ramon penal colonies there. The former has 100,000 acres on the Island of Palawan and a considerable preserve of sea for the colonists to fish in. To quote from a paper of Dr. Dade, Director of Prisons, Manila, P.I., at the 1916 Congress of the American Prison Association":—

> These colonies have been allowed, under careful guidance, to form a practical and almost self-governing body. They elect colonist officials, including the police force, colonist judges and jurymen for the maintenance of peace, apprehension and trial of offenders. Here the colonists have organised and are conducting a co-operative store, in which only colonists can become stock holders, and which stock has paid as high as 80 per cent. per annum. No barred windows, no stockades, and no guards are required to retain the colonists, who, while naturally anxious to gain their release, are willing to do so by honest endeavor and diligent service. If these means do not bring about their pardon or parole after a few years, they at least win for themselves the privilege of having their family or even their fiancée join them at the colony at government expense, the condition imposed upon the fiancée being that she must marry on the day of her arrival at the colony.

San Ramon is on the same lines, but on a smaller scale, being a separate complete penal establishment for Moros. It is, we believe, generally reckoned to be the best prison in the Orient, if not in the world.

Mr. Mott Osborne's Experiments.

We have not exhausted the list, but we must come to the movement which has excited particular interest and controversy since 1914. Thomas Mott Osborne had been President of the Board of Trustees of the George Junior Republic for over 15 years. In 1913, being appointed Chairman of a New York State Commission on Penal Reform, he was anxious to study prison conditions from the inside, and prevailed on warden Rattigan to allow him to spend a week, as a prisoner, in Auburn prison. In order to disarm the suspicions of the prisoners it was decided that the thing should be done openly, and he addressed the prisoners, explaining his motives, the day before he went in. The warden gave orders that he was to be treated like other prisoners; and, having gained the confidence of the prisoners, Mr. Osborne felt able to trust them to tell him if any difference was made.

as "Prison Congress Proceedings," p. 156.

Let us pause here to pay a tribute to Warden Charles F. Rattigan and the part he played in the inception of this movement. He was responsible for Auburn prison when Mr. Osborne did his week's imprisonment there; he gave his consent to this extraordinary proceeding, consented to, and helped with his advice in, the founding of the Mutual Welfare League, consented to the release of the "dangerous and desperate" prisoner, "Coney Island," from solitary confinement to the care of his fellow prisoners, and to other departures without precedent. His attitude is well illustrated by his reply to Mr. Osborne's request for an unheard of experiment. "It's never been done," he said; "but that's no reason why it shouldn't be. I'll take the chance, if you will."[80] But, as Mr. Osborne points out, the official responsibility was certainly the warden's. Perhaps no one who has not himself been the responsible head of a prison can quite realise what Warden Rattigan risked. The debt of prison reform to his faith, courage, and sagacity, would be hard to exaggerate.

Mr. Osborne surrendered himself in Auburn prison on the 29th September, 1913. He was put to work in a shop with a reputation for difficulty from the disciplinary point of view, but where he could converse with his mate if he did it quietly. He even spent part of a day and a whole night in the "cooler", that is, the punishment cells. By this feat Mr. Osborne not only gained firsthand knowledge of prison conditions and came to close quarters with the mentality of prisoners, but he also gained an entry into the fellowship of prisoners and criminals in general. His action amounted to an appeal to be accepted as "one of the gang." He was accepted. He was admitted as a member—to be accurate, as an honorary member!

His shop-mate was Jack Murphy, whose name should find a place in a new book of golden deeds. Not only was he the suggester of the idea of the Mutual Welfare League and its joint founder, but he refused to allow Mr. Osborne to move for a reduction of his sentence, because he felt he could be of more use to the League in prison. The Mutual Welfare League was the result of this momentous week of voluntary imprisonment. The story of its founding is told in Mr. Osborne's two books already mentioned. On December 26th, a committee of 49 was elected to determine the nature and organisation of the League. It sat on the 29th, unguarded, with "Thomas Brown" (Mr. Osborne's prison name) voted in the chair, and debated the matter. In January, 1914, the League was founded, and nearly all the prisoners in Auburn prison joined it. Its object was agreed to be "to promote in every way the true interests and welfare of the men confined in prison." It adopted the motto: "Do good—Make good," and, for colours, green and white—emblematic of Hope and Truth.

The first governing body at Auburn was a board of 49 delegates,

[80] "Society and Prisons," p. 172.

elected every six months (every three months, afterwards, at Sing Sing, we believe) who selected an Executive Board of nine from among their number. This Executive appointed a clerk and a sergeant-at-arms, who could add as many assistant sergeants-at-arms as necessary, the delegates also acting in that capacity. The Board of Delegates was at first divided into eight grievance committees, of five each, to hear and to determine complaints against members. Later, at Sing Sing, these committees were changed a good deal and multiplied. One was the Judiciary Committee, which acted as the Trial Court, and tried most charges against prisoners, with an Appeal Court consisting of the warden, principal keeper and physician. The only punishment enforceable by the prisoners' court was suspension from the League. Other modifications have been made which need not be gone into here. The secretary, the chief officer of the League, who generally took the chair at meetings, was a whole-time officer and very busy man, with an office next to the principal keeper's. The oath of office which Warden Rattigan administered to the elected representatives on Sunday, January 18th, 1914, was:—

> You solemnly promise that you will do all in your power to promote the true welfare of the men confined in Auburn Prison; that you will cheerfully obey and endeavor to have others obey the rules and regulations of the duly constituted prison authorities, and that you will endeavor in every way to bring about friendly feeling, good conduct and fair dealing among both officers and men to the end that each man, after serving the briefest possible term of imprisonment, may go forth with renewed strength and courage to face the world again. All this you promise faithfully to endeavor. So help you God.[81]

The method of procedure of such a League seems to be gradually to extend its scope by gaining the confidence of the warden and asking for one "privilege" after another. The first privilege wanted by the Mutual Welfare League was to have Sunday afternoon meetings of their own in chapel. It was, in fact, largely a means whereby the prisoners could have alleviation from some of the worst periods of monotony without giving more trouble to the officers. Through committees, not only are meetings, entertainments and games arranged, but hygiene and sanitation are looked after, educational courses of various kinds promoted, and discipline greatly improved with less trouble to the staff. The marching of prisoners from cells to work, to meals, etc., was early undertaken by the League officers. Then guards were withdrawn from workshops and prisoners left with ordinary foremen. At Sing Sing, when Mr. Osborne took over, the knit-shop had a bad reputation. There were seven guards over some 100 men; but they could not prevent quarrels and fights, breaking of windows, even smashing of machinery. Mr. Osborne took the guards off. "If there's no one to make trouble for, there can't be any trouble," he said. So they kept themselves in order, and increased their output.

[81] "Society and Prisons," p. 165.

"It was on December 1st, 1914, that Mr. Osborne went as warden to Sing Sing. A branch of the Mutual Welfare League was soon organised there. Sing Sing prison was probably one of the last places any friend of the movement would have chosen to start a branch. Notoriously it had one of the worst prison buildings in the world. It was a very mixed lot of prisoners, young and old. The League members would have preferred to start work at Clinton prison, where there were older and more "hardened" prisoners, more reliable men from their standpoint. There had been riots at Sing Sing. The authorities, without consulting those who had experience at Auburn, had been trying new departures in an ill-advised way. The prison was in an unsettled condition. Nevertheless, the riots ceased and discipline improved rapidly.

But Mr. Osborne was assailed from inside and from outside the prison, and, finally, a number of very grave accusations being made against him, he was relieved of his post on December 31st, 1915, pending their investigation in the Courts. Fortunately, his friend, Dr. George W. Kirchwey, stepped into his place during his absence. To Dr. Kirchwey also must be awarded a tribute of gratitude for invaluable service to the League in its early days of storm and stress. He thoroughly understood the movement, and under him the League still went forward. In July, 1916, the charges having broken down, Mr. Osborne was reinstated. But, becoming convinced that the authorities were working against him, he finally resigned in October of the same year. Yet, in spite of all these difficulties and obstacles, and continued attempts, apparently, on the part of the authorities to throw cold water on the League and curtail its operations, it persisted and remained in being, and renewed its strength when Major Lawes was appointed warden in 1920.

In 1917, Mr. Osborne was given charge of the naval prison at Portsmouth, New Hampshire, and remained in the post till June, 1920, starting with a preliminary reconnaissance of a week's "bit" in a penal ship. Here the prisoners organised another branch of the Mutual Welfare League, and we read that, whereas he found 170 prisoners with 180 marines or guards, all the guards had to carry loaded rifles, and that these had been withdrawn. Charges of maladministration and improper practices were inquired into by a board composed of the Assistant Secretary to the Navy and two rear-admirals, who completely vindicated Mr. Osborne and reported that the guarding of prisoners by prisoners was "proven to be justified by the result obtained."[38] The same system was continued by Mr. Osborne's successor. We understand there are now (Midsummer, 1921) some eight or nine institutions successfully practising the method of the Mutual Welfare League.

Certain palpable and apparently indisputable results are credited to the League. They come for the most part under two heads:—

[38] "The Naval," March 27th, 1920.

(1) improved discipline, and (2) individual conversions. "Improved discipline" is hardly an adequate expression for a complete change of attitude, on the part of the prisoners, from antagonism to co-operation; and, on the part of the officials, for what might be called a change of function, namely, from suspicious watching and suppression to friendly help and encouragement. The prisoners were raised from ill will and depression to good will and hope. Resulting symptoms could not but be remarkable. At Sing Sing riots ceased; escapes, assaults and fights were enormously reduced. Drug-taking and vice were drastically dealt with by the prisoners themselves. There seems to have been much of both before. "Very little here now," said several delegates at once to a question about drugs, from a visitor at Auburn. "It isn't needed now, and it's frowned upon." A member of the Executive Committee added: "I'll be frank. I've taken nearly every kind of dope that's known. I took it deliberately. Now I don't need it, and I've cut it out." Dr. Kirchwey says: "There is no reason to doubt the substantial accuracy of Mr. Osborne's claim that 'dope' and drink were practically eliminated from Sing Sing during his first term, and that unnatural vice was hunted down and exposed as never before in the history of the prison."[39] The output of the industries has also increased.

There is no doubt that this system has proved itself useful from an administrative and disciplinary point of view. Dr. Kirchwey says:—

> As an aid to good administration the Mutual Welfare League at Sing Sing was a pronounced success. The zeal and authority of the sergeant-at-arms and his aids, of the elected delegates representing the several squads or "companies," and particularly of the Judiciary Board, or inmates' court stiffened the discipline by making good behavior, even in small matters, an obligation due to the entire inmate body. The numerous committees of the League, covering a wide range of administration, from education, sanitation and food regulation to the decent burial of dead comrades, were active and energetic, and not infrequently capable and efficient. All these activities were supervised by an Executive Board, which held daily sessions and which kept in constant touch with the official administration."[40]

In the same report of the Prison Association of New York, the following account of the work of the Inmate Educational Committee is quoted from the American Year Book for 1916, p. 400:—

> A most remarkable venture in prison schools has been the development of classes and curricula at Sing Sing prison by the Mutual Welfare League. The prison population forsook to a large extent the school conducted by the teacher appointed and salaried by the State. Evening classes were started and excellently conducted by a staff of inmate teachers under leadership of an inmate director with advice from noted

[39] "The Delinquent," August, 1914.
[40] 72nd Annual Report, Prison Association of New York, 1916, p. 38.
[41] Ibid, pp. 48-9.

educators from outside. English, Italian, French, Spanish, arithmetic, electricity, mechanical drawing, automobile mechanics, are the chief courses. While there has been but a beginning, the progress has been almost incredible. Financial support has been generously supplied by sympathisers of the League. The development of this educational programme, as well as the complete reorganisation and modernisation of the medical service and the establishment of the psychiatric clinic, were made possible by the zeal of Warden Kirchwey and by the remarkable loyalty and co-operation which he was able to call forth from the inmates of Sing Sing.

A great reduction in insanity is recorded. The prisoners being allowed out of the cells into the open air a great deal more, naturally their physical health improved. This was also, no doubt, largely due to the change in mental and spiritual conditions, which latter are difficult to measure or to prove on paper. Some indications, however, may be mentioned. The new attitude of prisoners to escapes surprised the men themselves; we read of prisoners out all night hunting for a runaway and relieving the officers in manning the walls to prevent the escape of a man believed to be hiding on the precincts. Instead of corrupting young prisoners, we are told, old-timers have become anxious to help them to go straight. "There are 100,000 prisoners in this country," said George Evans, formerly a judge of the prisoners' court at Sing Sing, to an audience in Carnegie Hall, New York. "It is the hope of the Mutual Welfare League that it may help to prevent 100,000 children from growing up to take our places."[42] The change of mind could hardly be more strikingly expressed than in the words of a prisoner quoted by Mr. Osborne:—

> "Do you realise what it is that the League has done here?" said he. "Let me tell you. It has started the men discussing the right and wrong of things, every day, from one end of the yard to the other."[43]

Another prisoner, an experienced New York pickpocket, is reported as saying.—"You can't hear anythin' round dis prison now, 'cept how we're goin' to make good when we goes out."[44]

As for the officers, the Mutual Welfare League has evidently removed from them a load of distrust and nerve-strain. The testimony of Mr. F. A. Dorner, formerly principal keeper at Sing Sing, seems conclusive. He writes:—

> Twenty years of prison service under the old system and two years under the new have convinced the writer that the new prison system is as beneficial to the officers as to the men, that it is based on sound common sense, and will grow stronger and stronger as officers and men realise more fully their opportunity under it.[45]
>
> . . . . The officers who were formerly armed have voluntarily discarded even their clubs, and are on very friendly terms with the men. . . . . When first the new system was inaugurated, I had little faith in it, but it has stood the test and I am convinced that the men are better under it, the officers are happier under it, and the officers' families are grateful for it.[46]

[42] Prison Leaflet No. 33. Nat. Committee on Prisons p. 3.
[43] "Society and Prisons," p. 229.
[44] Ibid, p. 191.
[45] "The Prison and the Prisoner," p. 117.

Some of the improvements to which Mr. Dorner refers have been brought about in other places without any League or "self-government" methods; but that fact does not nullify his whole-hearted approval of the main scheme. Considerable economy in officials, as mere guards or warders, becomes possible, and officers are enabled to turn from their old occupation of suppressing prisoners to the more congenial and promising one of helping them to find and express themselves.

Such a wholesale conversion could hardly be achieved without individual conversions. And, if conversion mean the discovery of fine gold where only dross was seen before, then the Mutual Welfare League has wrought not a few conversions. It discovered much fine gold in men like Jack Murphy, "Canada Blackie" and other dreaded criminals of whom the old régime had despaired. "The Story of Canada Blackie" has been told by Anne P. L. Field in a book of that name, and Mr. Osborne gives an epitome of it in "Society and Prisons." He was a notorious criminal, a "veritable hero of the underworld." He was in prison for "life and ten years" at the time the League was started at Auburn. He had been in solitary confinement for years on account of his supposedly desperate character. We will only add the following, which Mr. Osborne relates of him:—

> "I wish I could get out of that back gate," he said to me one day. . . .
>
> "Why?" I asked.
>
> "So that I could walk right around and come into the front gate. I'd like to show them what this League means."
>
> To him it meant something high and holy, something more than life; it meant service. A passionate desire seized upon him; a desire to aid his fellow men, which, after all, was only another expression of his old loyalty to his pals. This dangerous criminal,—this wild beast, fit only to be caged and beaten and broken—according to the old theories, became one of the most potent forces for good in the whole State of New York.[47]

Tony Marino, one of the prisoners at Auburn, had a scar on his face, the result of a slash made by another prisoner when he was lying ill in bed. He had vowed to kill this man. Under the influence of Mr. Osborne and the League he spontaneously renounced his vengeance before his assembled fellow-prisoners, and shook hands with his enemy.

One of the first requests the League made of Warden Rattigan was to allow a prisoner known as "Coney Island," who had been in

[46] Ibid, p. 123.
[47] "Society and Prisons," pp. 202-3.

solitary confinement over a year and was considered incorrigible and dangerous, to be released to work with other prisoners in a department where there were no warders. He had been in constant trouble when with other prisoners before. The request was granted, and he became an exemplary and much trusted man. Over and over again prisoners whose records had been bad under the old régime became well-behaved after the League was started. One striking case is related of a man whom even his fellow prisoners did not expect to "make good" outside. After keeping straight under most trying and disappointing circumstances he came to Mr. Osborne, refused money and begged for help in getting employment.

On the whole, it must be conceded that Mr. Osborne and his supporters have some ground for believing "that the true foundation of a new and successful penology has at last been found."[48] In short, as Mr. Osborne says, "*the thing works.*"

Some weak points have, however, revealed themselves. Not all the prisoners respond to these methods of responsibility. There seem to be some who think themselves superior to it, and others whose mentality is too deficient. Medico-psychology might be helpful in both cases. For a time there seemed to be a certain slackness on the part of some of the officers, a tendency to resign their duties to the prisoners. This appears to have been a passing phase, but it is not surprising that some prison officers, accustomed to a régime of suppression, should at first, during the transition therefrom, feel their occupations gone. What seems to us a possibly more serious matter is a report conveyed in correspondence that in Sing Sing a condition of affairs was reached when it seemed necessary to be constantly devising fresh interest or excitement for the prisoners, and the multiplication of committees was perhaps partly the result of this craving for emotional stimulation. How far this is a true representation of facts we do not know; but, even if it is well-founded, it must be remembered that one great preoccupation of the Warden in Sing Sing was to find excuses for keeping the prisoners out of their insanitary cells for as much of the day as possible, and no doubt the facilities for wholesome and interesting industries were limited. To build up these must take time. It is one of the chief needs in any prison system.

There are, as far as we know, three failures to be recorded. Miss Doty, in her interesting book, "Society's Misfits," tells the tale of the short-lived League in the Auburn women's prison. It was a wonderful success for a time. Perhaps it suffered from the over-zeal and strictness of one of its leading members. But it appears to have succumbed to the hostility of the staff. If so, the lesson in this case would seem to be that, in trying new departures, it is well to consult with your colleagues, however subordinate, and try to carry them with you.

[48] Ibid, p. 186.

The other two "failures" were at the Connecticut and New Jersey State reformatories, at each of which "self-government," after about a year's trial, was discontinued in pursuance of a large majority vote of the inmates. We are not well acquainted with the history of these two experiments. There may be some force in the argument that there were too many feeble-minded and psychopathic inmates. From the comments of several officials connected with the two institutions in question we are inclined to think that some of them did not fully understand the nature of the business in hand.

Mr. Osborne says "*the thing works.*" What is the thing that works? What we are considering seems to be, among other things, a practical method of securing the co-operation of prisoners in their re-education, somewhat on the principle of consulting "the man on the spot." Obviously the prisoner is the man who has the best chance of knowing where the prison shoe pinches. The prisoners know more about the prison régime than the warders do; as the warders know more than the prison governor. And the governor knows more, at any rate about his own prison, than the Prison Commissioners. It is, therefore, a great advantage to have the prisoners' knowledge available for improving the efficiency of the prison. And it becomes available as soon as the prisoners are able to give it—willingly and with responsibility. But they cannot feel responsibility in giving advice or information unless they have a share in bringing about results, and are consulted as a body, organised in their own way. They must themselves choose, and be responsible for, any spokesmen, organisers or other representatives that may be needed. And they must be consulted honestly, with a view to their advice being accepted, unless some good reason can be shown for not accepting it. They must be taken seriously into partnership in the work of their own betterment, on the principle that, subject to the public interest, prison is for the good of the prisoners.

And so we find that corporate responsibility is worked out step by step by the prisoners with the sympathetic help of the officials. The prisoners take the initiative in asking for "privileges." Beginning with petitions for facilities for meeting or recreation, and for the removal of the more obviously useless restrictions and irritations, they go on, as they feel increasing confidence in themselves, to ask for more scope for their powers of self-discipline, mutual aid, self-improvement—always remembering that more scope entails more responsibility.

Once prison is recognised as an educational establishment, it becomes obvious how important and helpful to the staff will be the responsible co-operation of prisoners. Under the "honor system," for instance, wardens take great pains in selecting the men they think they can trust. They generally think they can *not* trust about half of them, who, therefore, remain under suspicion and are watched. The Mutual Welfare League puts the responsibility of

making selections on the prisoners, who have the best means of knowing. The men who know best are now co-operating and feeling responsible. They have left behind the antagonism and irresponsibility forced on prisoners by the ordinary system of distrust. And so, when at Auburn it was decided to send out a party of prisoners to an "honor camp" for three months' hard work in the open, the officials of the Mutual Welfare League helped to select the men.

This is a process by which a common conscience grows, a progressive public sentiment, under which the better nature of individuals unfolds, and surprising qualities and capacities, formerly inhibited, reveal themselves and become available for service. Men who before were accounted the worst now take the lead as the best. Speaking of "Canada Blackie," Mr. Osborne says:—

> The very qualities which had made this man one of the most dangerous of criminals—his skill, ingenuity, boldness, bravery, intellectual power, and loyalty—("the whitest of pals" is the way one friend has described him): all those things were assets of the highest value to society, the moment he turned to "go straight." The dangerous and desperate criminal is often the hero gone wrong.[48]

In this new prison community the individual seems to find his natural place, tends to be rated according to his merits, and to get the medicine he needs. Thus, through corporate responsibility, individual differential treatment seems to have its best chance.

The aim of the modern prison should be, of course, to prepare prisoners for life outside prison, and one of the merits attributed to this responsible community in prison is that it prepares prisoners for the future by making life in prison as much as possible like life outside—prepares them for freedom by giving them as much freedom as possible while they are still prisoners. Here one is inclined to ask if the system has not the defect of its quality. For we have seen that this foretaste of freedom, this responsibility and co-operation in prison, results in public sentiment and fellowship which raise and sustain the *morale* of individual members. But in the outside world such public sentiment and fellowship are far to seek, and will surely be missed. Therefore the fellowship must be extended to help outgoing members. This is what the Mutual Welfare League has done. It has its ramifications outside. It even has an employment agency.

We hope that it is now plain that this is not a plan for handing over the prison to the prisoners straight away, or for relieving the officials of their responsibilities. Rather is it a plan which requires of the officials, and especially of the prison governor, more intelligence, energy, and spiritual force than our present system calls for. It is no good denying that personality comes in. It would be quite contrary to fact to say that no personal influence was exercised, or personal loyalty evoked, by Mr. Osborne. When Mr. Osborne left Sing Sing, pending the trial of the charges against him, a prisoner named Tony Marino, having been very depressed over the matter for some time, and fearing that Mr. Osborne would not come back, escaped from prison, to the consternation of his colleagues. H. B. Bolasky, an ex-prisoner and Mr. Osborne's valet, tells how he hunted him up. After searching in New York for some hours he met an old friend while on his way to get an automobile to take Tony away! Bolasky explained his errand, and the old criminal replied:—

> I never saw Mr. Osborne in my life, Harry. But let me tell you this, there is not a real crook in the city who would not go the limit for him. Come on, I'll fetch you to Tony.[50]

A number of friends gathered to plead with the runaway.

> We started by pointing out to him what his escaping meant and that it would kill the League. One by one we pleaded with him. One fellow, who in former years was the terror of the East Side, said: "Tony, I have been a thief all my life and it's not in me to tell a pal to go back to prison. But you know what Tom Brown means to us. He is the only man who has ever given us a square deal, and he has got society to look upon us as human beings. Take my advice, pal, and go back, for it does not pay to throw down a real friend."
>
> For over five hours we pleaded, and finally Dick Richards said: "Tony, you know me. I have been on the level with my pals all my life. Tom Brown is our pal and we can't double-cross him. Tony, you must go back, and go alone. Now say the word."
>
> Tears came to most of our eyes as Tony, all dressed and supplied with money for his getaway, replied: "Fellows, it means about four more years for me, but if I have to do every day in solitary confinement for it I will not throw down the boss. I see where I have made a big mistake. I am going back."

This strong personal loyalty to one man may, to some people, appear to be a weakness in the movement. But it will depend upon such devotion less and less as the League becomes firmer on its feet. It must be remembered that Mr. Osborne's influence rests on renunciation. He renounced his superiority, made friends with criminals and treated them "on the level," as they say. The intensely dramatic opening, the "semi-religious enthusiasm" of the early movement, was perhaps needed to enable it to weather the storms of those first days. It does not follow that the same strong emotions will be required all along. Thought and practice will make the way easier as both officials and prisoners gain understanding.

Dr. Kirchwey sums up the matter well in the following passage:—

> Viewed from the outside, the League is an ingenious device for utilising the goodwill and talent of the inmates in the production of better discipline, better work and a better disposition in the prison. Viewed from the inside, as Mr. Osborne contemplates it, it is a means and a process of moral regeneration. From the one point of view, the moral benefits are illusory, problematical or merely incidental; from the other, the material advantages of better administration are only the by-products

[48] "Society and Prisons," p. 329.

[50] "The Survey," February 5th, 1916.

of the moral process. Probably the truth lies in a combination of the two views. For a prison there is no better administrative machinery than a well-organised, co-operating Mutual Welfare League. For the inmates there is no better training in the essential elements of character than to serve whole-heartedly in such a League. It takes a wise heart as well as a wise head to bring and keep such an organisation in the service of law and order. It is easier to make it impotent or to degrade it into a tool. It calls for all that, and for *something more*—for a quality of inspiration in which the wisdom of the heart and head are fused into one—to bring and to keep the inmates in the service of *the common* good.[51]

From all of which, a legitimate inference seems to be that, if we cannot find a man or woman with the required wisdom of heart and head, or if, having found such an one, we cannot find authorities willing to give him or her a free hand—then perhaps we had better not try to introduce any such methods into our prisons. And yet we unhesitatingly agree with an experienced critic who remarks that "almost any form of corporate responsibility of prisoners is better than none, and the thing should work under the average warden or superintendent who can be inspired to try it in good faith," having first (we will add) won the willing co-operation of his staff.

The Entry of Science.

The members of the Mutual Welfare League soon found that they had to deal with certain fellow prisoners who did not respond satisfactorily to the appeal of the League, and could not be relied on to keep up to required standards. They, therefore, asked for scientific help.

It happened that for some years scientific men—physicians, psychiatrists, psychologists—had been conducting researches, preparing the public, and training themselves to give just the help which the organised prisoners themselves now asked for. A medico-psychological movement has been growing for some years, and is claiming its right to co-operate in revolutionising penal methods.

Already for many years experts had been trying to impress on the American public—sometimes, perhaps, not without exaggeration—that a considerable proportion of criminals, inebriates, and prostitutes, were mentally defective and required something other than imprisonment. In March, 1909, a juvenile psychopathic institute was organised by private initiative under the direction of Dr. W. Healy, in the juvenile detention and court building in Chicago, and some of the results of five years' work were published in 1915 in two books, "The Individual Delinquent" and "Pathological Lying, Accusation, and Swindling." Work of this kind grew apace. Psychopathic clinics and laboratories sprang up in connection with courts about the country, and are finding their way into prisons.

[51] 72nd Annual Report of the Prison Association of New York, 1916, pp. 37-8.

Already in 1910 the ordinary medical work in penal institutions—courts and prisons—in some parts of America seemed to be far ahead of what was to be found in this country. The writer was particularly impressed by its development in the Chicago House of Correction under Superintendent John L. Whitman. In an article in "The Survey," of May, 1911, Mr. Whitman said:—

> In my estimation it is highly important in an institution of this kind to be prepared to give the best of medical or surgical treatment to those of the inmates who need it. We have a medical department well equipped with all the facilities of a first-class hospital. The regular staff of that department consists of four physicians and two trained nurses, who live on the grounds, besides specialists who visit the institution at regular intervals. In addition to this we have a staff of consulting surgeons and physicians, each of whom visits the department at least once a week. No better attention is given patients in any hospital than our inmates receive. From fifty to seventy-five major operations are performed each month by as competent surgeons as there are in the city. The results obtained in this department have been most gratifying, and tend to prove that if permanent progress is to be made in the matter of the management of penal institutions, much assistance must come from a well-regulated medical department, where the mental condition of the inmates is considered as well as the physical.

In 1913 we find Mr. Whitman telling the American Prison Association that his medical department, in addition to the ordinary care for the health of the 2,000 inmates, and the sanitation and food, had each week, with the aid of a consulting staff of 12 physicians, surgeons, and specialists (the entire staff then consisted of 19 professional experts), the following clinics:—

> Three Surgical Clinics,
> One Medical Clinic,
> One Nervous and Mental Clinic,
> Two Eye, Ear, Nose and Throat Clinics,
> One Skin, Genito-Urinary Clinic,
> One Gynecological Clinic,
> Two Dental Clinics.[52]

The City prison, said the medical superintendent, had come to be "looked upon by the police department, the judges, and part of the public, as a city emergency hospital and sanitarium for all the alcoholics, drug habitués, epileptics, chronic incurables, cripples, blind and helpless beggars, cranks, perverts, and mental and moral defectives who require special medical and surgical attention."

We find this lead being followed in other prisons, both local and State, with a steady development in the medico-psychological direction. The position of the prison physician is developing apace. He is organising and systematising studies and efforts to

[52] "Proceedings," 1913, pp. 520-529. A large part of this paper was reprinted in the "Penal Reform League Record," for July, 1914, p. 27.

include the mental welfare of patients as well as their physical needs. These are the words of Dr. Guy G. Fernald, resident physician of the Massachusetts Reformatory, who told the 1917 Congress[54]:—

> A notable step taken by the progressive physicians has been the recognition of the importance and necessity of treating in prisoners the remedial physical obstacles to clarity of thinking and symmetrical mental development. The next logical step in penal medicine is the recognition of the importance of classifying prisoners on the basis of their mentality. . . . .
>
> The physician's duty and privilege to study and safeguard the mental integrity of his patients should be regarded as not less important nor apparent than his responsibility for their bodily health. The prison physician may convey vastly more benefit to his charges in one hour by his advice and prescriptions of moral and intellectual calisthenics based on their mental needs as ascertained by the analysis and friendly inductive reasoning of the psychopathic interview than by ministering to them in the hospital for days.

Two extracts from an article by the same author in the "Journal of the American Institute of Criminal Law and Criminology," for May, 1920,[55] will perhaps indicate more clearly the kind of work the American prison physician is now making his own.—

> The real reformatory influence of a penal institution with a psychopathic laboratory is of two kinds, namely: (1) The constantly exerted influences born of the community knowledge that the institution exists for the sole purpose of pointing each individual to his best course of action, and (2) the critical hours in the laboratory where the psychiatrist presents the case to the prisoner constructively on the basis of the ascertained and checked-up facts.
>
> The direct responsibility for behavior rests with the individual offender, of course. The prison physician is responsible not for the prisoner's reformation, but for doing all that his province may do to assist and direct the offender to self-reformation.
>
> It is illuminating to some prisoners to find how many of the following five steps in reformation have been taken, and how much it will cost to take the remaining steps:—
>
> 1. To *regret* the damage to the offender and to others caused by his mistakes.
> 2. To *intend* to do better.
> 3. To *make a plan* of how he may live day and evening for a long time (3 to 5 years) while practising his good intentions.
> 4. To *decide* to follow the plan for the time set and to *determine* to adhere to it
> 5. To go out and *live* the plan as determined.

[54] "Proceedings," 1917, p. 208.

[55] Article, "The Importance of Character Study in Criminology," p. 109; also reported in the "American Prisons Association Congress Proceedings," 1915, commencing p. 475.

There is a tendency in America nowadays in a case of ill-behaviour in prison to refer it to the doctor rather than have recourse to punishment in the first place."[56]

There is not space to explain all that these scientific people hope to do for prisoners. In the words of Dr. Spaulding, they are working for "increased resources in institutions for re-education along academic, domestic and industrial lines as well as for the treatment of physical disease and abnormal mental conditions, so that when the individual is returned to the community, he will have developed to the greatest extent possible his mental, physical and social capacities."[56]

Naturally the physician has a leading part to play in the examination of the prisoner on entry, which is becoming quite an elaborate affair. This leads to the classification of prisoners; or at any rate some people hope it will. When the present proposals are fully carried out the investigations and examinations in some cases will last days or months, and will be supplemented by investigations outside prison by "field officers," that is, trained investigators who visit homes and any places where information is to be had. Out of all these investigations the physician and other officials will work out a policy for each prisoner's re-education.

One of the proposals is, to quote Dr. Fernald again, for "specially adapted training of prisoners in suitably constituted groups, these being determined by individual psychopathic examination for classification." A new plan (already under way when America entered the war, but since interrupted) is to have a special clearing house for each State or municipal system, where prisoners will be thoroughly examined and tested before being passed to the institution considered most suitable in each case. Thus for New York State the clearing house or reception prison was to be at Sing Sing, and for New York City one was to be instituted on Blackwell Island.

Mr. Lewis F. Pilcher, New York State architect, addressing the Congress of the American Prison Association, in November, 1917,[57] on "The Old and The New in Prison Construction," described the new Sing Sing prison then "under way." After giving an account of the prisoner's first reception, his physical, educational and occupational examination leading to a "first classification," in the Registration Building, he proceeds:—

[56] Dr. Edith Spaulding, formerly director of the psychopathic hospital of the laboratory of social hygiene connected with the Bedford Hills reformatory for women, New York, in her annual report, dated July, 1918, makes the following suggestions arising out of experience:—(1) The "need of study and diagnosis both sociological and mental in the courts," before sentence, so that "cases with marked mental defect or with definite psychoses" may receive suitable treatment elsewhere, "instead of receiving a penal sentence"; also that advanced scientific knowledge may be applied to probation, etc.; (2) in institutions (prisons, etc.), "possibilities resources for sociological investigation and psychological study, either in a consulting or a resident physician," there should be "a psychiatrist to whom every case of unusual behaviour may be referred"; (3) there should be a special department where unusual cases could receive individual study and treatment.

[56] "Proceedings," Congress, A.P.A., 1917, p. 288.

[57] Ibid, pp. 82-89.

Adjacent to the Registration Building, and on the same high plateau overlooking the Hudson, is a temporary detention building, with cell-rooms so arranged as to place the prisoners under the constant supervision of the clinical experts, who conduct their examinations in the adjoining clinical laboratory building.

This clinical laboratory, which was developed under a special Medical Commission, has on the first-floor provisions for a modern X-ray apparatus, and its various accessories; three rooms for the surgical director in charge of the venereal examinations; an X-ray and venereal laboratory; rooms fitted for the examinations covering the eyes, ears and throat; and a laboratory for the use of the staff working in the diagnosis and examination rooms.

On the second floor is a quantitative laboratory, a museum, a recording room, a library, and lecture rooms, while on the third floor are surgical wards, subdivided for major and minor operations, together with medical wards, so planned as to have ordinary and chronic medical cases in separate divisions.

The fourth floor contains a complete operating department with two operating rooms, one for major and the other for minor operations, each having separate sterilization facilities, together with preparatory etherizing and recovering rooms, while the remainder of the floor is given up to rooms for the male nurses and a convalescent solarium.

In addition to using the building as a clinical hospital for the housing of psychiatric and medical requirements of the prison, it is also planned to use it as a school for the education of male nurses. It is found that efficiency in prison nursing is directly proportional to the nurse's understanding of the relation of scientific, medical and psychiatric knowledge to the peculiar problems of a prison community.

It is also proposed that before being paroled, prisoners should return for examination at the same medico-psychological clinic. Another rôle proposed for these clinics is to help in vocational guidance. In fact, the object is, in the words of Dr. Bernard Glueck, the first Director of the Psychiatric Clinic at Sing Sing, "the intensive study of the individual delinquent from all angles and points of view."

Psychiatrists repeatedly insist that this scientific study, to be successful, must be a personal and human affair, that the human being behind the act is the crux of the problem. Good personal relations must be established with him. And, we read in the 1917 Report of the Prison Association of New York, "a diagnostician in crime must be a sociologist as well as a clinician." He cannot afford to ignore faulty economic or social conditions. A Social Service Bureau was organised to help prisoners' families and paroled prisoners, in connection with the Sing Sing Psychiatric Clinic.

Universities are also joining in. They send students to help in prison studies, and to study themselves. The Preston School of Industry gives scholarships to the University of California for students who will study in the school. The same University does extension work in St. Quentin prison. The Westchester County

Reformatory offered three scholarships to New York University. Pennsylvania State College of Agriculture gave two courses of agriculture and farming to the prisoners in the Eastern Penitentiary; and the prisoner students did so well that others were organised. Engineering and agricultural certificates have been won through correspondence and other tuition by both men and women prisoners in several places. No doubt the list might be prolonged.

The above information will meet with a varied reception in different minds. With regard to the eagerness of the doctors to classify prisoners, we are reminded of the prisoner who said to Mr. Hanna, formerly Provincial Secretary of Ontario, under whom so much was done for Ontario penal and other institutions: "You will make the mistake of your life in connection with this whole prison if you attempt to classify us at all. We will not be any better inside than society is outside, because the classification of society is what brought us here, and we will have to get away from that or the whole thing falls to the ground."[55] We find Mr. Osborne writing[56]:—

> But the great difference between the Elmira system and the prison of the future would be that the classification would not be arbitrary nor determined by the prison officials (always prone to error), but by the verdict of each man's peers—his fellow-prisoners.

He is talking here of the two or three groups into which the prison population would divide itself in accordance with ability to live up to standards of behaviour set in the "prison of the future" by the organised prisoners. At the same time the temporary grouping of prisoners in small classes for purposes of instruction or training would not necessarily interfere with the general, natural grouping of the prisoners by themselves, and it is difficult to deny the useful part the medico-psychologist might play in helping to classify prisoners for industrial purposes. Nevertheless, over-emphasis of the pathological view is a danger to be guarded against.

A point which, although it may be outside the immediate scope of this inquiry, bears too closely on it to be ignored is the fact that the medico-psychologist, not merely asks for the examination of convicted persons before sentence; he asks for the examination of all children who show any peculiarity in behaviour. It is obvious that this latter advice, if universally followed, would greatly affect prison problems. In America, medico-psychological examination before sentence is instituted in a number of places; and the medico-psychological clinic for children is established as a regular part of the educational system in at least one locality.

Norfolk State Hospital, Massachusetts.—A conspicuous example of science and commonsense combined is Massachusetts hospital for inebriates and drug victims. (There may be others of the same kind

[55] "Proceedings," Annual Congress American Prison Association, 1913, p. 143.
[56] "Prison Reform," p. 303.

and as good, but this is the only one of which the writer has knowledge.) It now stands in about 1,000 acres of land in Norfolk and Walpole counties. The patients do various kinds of work, which they seem to enjoy. The hospital co-operates for employment with other institutions, such as the State Fish and Game Commission, forestry and agricultural departments, and Amherst Agricultural College, from which it receives advice and help (the farm seems to be practically an extension colony for the agricultural college); so that it is able to join in the work of furthering advanced agricultural methods.

The hospital takes voluntary patients as well as those sent by the courts. The latter, on signing an undertaking to abide by hospital rules, are allowed the same freedom as other patients.

A most important feature is the out-patient department, which has, throughout Massachusetts, a number of out-patient offices and visiting centres, where discharged or paroled patients as well as others not needing admission, or before admission, can be seen and attended to. Here, also, lectures are given and information about the work of the hospital disseminated. Patients' relatives are looked up, employment found, and generally the way prepared for their return from hospital. Dr. Neff, the superintendent, long ago thought the two years maximum period of detention too long, and the actual stay in hospital has been so reduced that patients are often paroled after a few weeks (in 1917 an average of four weeks), thus enabling them, in the words of the trustees, to "obtain work and support their families during the critical weeks of their rehabilitation."

The courts, in dealing with inebriates, have come more and more to ask the advice of the officers of this hospital. The hospital authorities themselves regard their institution as fundamentally a preventive agency; while Dr. Neff, the superintendent, writes in one of his reports:—

> This re-educational work can be briefly expressed as follows: (a) physical improvement of the patient; (b) removal of underlying cause for inebriety; (c) sustaining interest; (d) return of patient to congenial employment and environment; (e) extended educational treatment by out-patient department.

We have here an example full of suggestion for dealing, not only with inebriates, but also with other persons suffering from anti-social defects.

Prison Industries.

All problems of the re-education and rehabilitation of prisoners turn on the central problem of the prisoner's occupation, especially his daily work. The founders of the reformatory movement no doubt recognised this, but they seem to have handicapped themselves by overloading their curriculum with formal "education." Much of the working day is spent in the school of letters and in the "trade school." Manual training methods and "exercises" in making models or practising processes are pursued at the expense of productive work. Twelve or 18 months, the usual actual period of detention in a reformatory, are all too short a time in which to learn a trade. What can be expected when this time is reduced by a half or more?

Dr. Arthur D. Dean, director of Agricultural and Industrial Education in the New York State Department of Education, says:—"I cannot conceive of a prison system of industrial training which is not a part of the educational system."[60] Dr. Christian, superintendent of the Elmira reformatory, says:—"In all prison industries the first consideration must be training for future honest livelihood."[61] Taken in conjunction with the insistence of the New York State Prison Survey Committee that "work is to be the foundation around which every activity revolves in every prison,"[62] we may take these statements as summing up the best thought in America on the subject. Dr. Dean points out that in many prisons "men are assigned to jobs in a perfectly haphazard manner," not because they would have chosen such work or will necessarily follow it after they leave, and adds: "It is not a bit of an overstatement to say that these people are really forming habits of idleness rather than of work, and when they do form habits of work they are learning under methods and machinery which are often antiquated and produce a low quality of workmanship." And again:—

> If these imprisoned people are to be ruined, I can think of no better way to destroy a man who enters prison industrially and commercially capable along certain productive lines than to assign him in prison to lines of labour which have no relationship to what he did before he came in or what he can do after he leaves.[63]

Apart from necessary work for building, repair and service of prisons, there are five "labour systems" in American correctional institutions, namely:—

(1) The Lease System, by which prisoners are leased out to employers away from the prison, much like so many slaves.

(2) The Contract System, by which industry is carried on in prison workshops, under prison supervision, the contractor supplying raw material, machinery and instructors, paying the authorities so much a day per man for the labour, and disposing of the products in his own way. This involves a kind of dual control of the prisoners, and the warden is not always quite master in his own prison. There are often several contracts in one prison.

[60] "The Prison and the Prisoner: A Symposium," edited by Julia K. Jaffray, p. 127.
[61] "The Delinquent," April, 1915. p. 3.
[62] p. 167.
[63] "The Prison and the Prisoner," p. 128-129.

(3) The Piece-Price System, by which the State or municipality manufactures goods in prison and sells them to contractors at an agreed rate.

(4) The State or Public Account System, under which the State or other public authority manufactures its own goods and sells them in the public market.

(5) The State Use System, under which articles are manufactured for the use of the State and public institutions and political divisions of the State.

Some would add a sixth, the Public Works System, to denote work on roads, bridges, reclaiming land, etc., but we think these are generally included in State Use.

The trend of reform is in the direction of State Use, though the Contract System remains widely used—until lately very widely used—and still has its advocates. The State Account System prevails in such progressive States as Minnesota, Wisconsin, and Michigan, and enables prisons of the highest reputation to be self-supporting, or nearly so, or even make a surplus. Under this system, of course, the prison competes with outside trade, excepting where, in a particular industry, there is no competition. Such a trade is a kind of "blind alley." It cannot be followed after release.

The State Use system is not so lucrative, or not so soon made so, as others; but it is claimed that it affords more diversified occupations and better opportunities for trade instruction, and gives many openings for trade carried on in the outside world. The following is a statement of the method of selecting industries under the State Use system in Ohio:—

> In the first place we try to select an industry that will be instructive, and will, if possible, teach the men a trade. Furthermore, we endeavour to select an industry that will go back as nearly as possible to fundamentals, one in which the raw material is something that is produced by the farm, forest or mine. In other words, our manufacturing industries are not assembling industries. For instance, we manufacture practically all of the furniture used by the State, and a great many of its subdivisions. This requires a vast amount of lumber, and to secure this we are working in conjunction with the forestry department so that the forests of the State will produce, as far as possible, the raw material required. In like manner, in our woollen mill department, our raw material consists of wool purchased from the farmer. In our spinning department our raw material consists of a bale of cotton, and the finished product is a garment.
>
> When everything is taken into consideration, the State Use system is ideal from a manufacturing standpoint, in that the market is all created. There is no sales expense, no insurance or taxes, and no labour troubles.
>
> In selecting an industry, our first move is to select a man to have charge of it; a man who is skilled in [illegible] and a man who can handle men. With his advice and assistance we purchase and instal the equipment. His assistants in turn are rated as guard-foremen, and are men who have had experience in their respective lines of work.
>
> We endeavour as far as possible to obviate all appearances of detention. The guards work with the men.
>
> All the clerical work at the brick plant and the stone quarry, the book-keeping operations, the cooking, and all service in the dormitories, is performed by prisoners.
>
> Each of these industries is obliged to stand on its own base, and the cost of operation borne strictly by the proceeds, even so far as the clothing and feeding of the men themselves, together with the ordinary repairs and upkeep.
>
> In addition to the men employed in strictly manufacturing industries, we have others scattered throughout the State in various capacities, such as firemen and engineers' helpers, plumbers, pipe fitters, table waiters, hospital attendants, farmers, gardeners and greenhouse men. These men are employed singly or in groups, with and without supervision. At one time the entire work on the farm and dairy of one of the State institutions was handled by a group of 19 life prisoners without a guard.
>
> One of the principal aims in our manufacturing industries is to gather up waste products, to stop leaks, and to operate the State institutions as efficiently as possible. How well this has been done is evidenced by the fact that during the past year when the highest prices in history have prevailed, we were able to operate the several State institutions at a cost practically the same as prevailed during the year 1911, notwithstanding the fact that in the interim the population of the institutions had increased more than 1,800, and that there had been added two additional institutions under the control of the Board. The Ohio Penitentiary alone is operating at a cost of $100,000 per year less than in 1911.[44]

How to keep the work up to the standard of the world outside, so as to send prisoners out able to take their place beside, and on an equality with other men—that is the great problem. Efficiency is in the main a question of interest, and one recalls the words of the chairman of the Board of Control of Jackson Prison, Michigan: "Let him run the whole thing and share in the profits, and see how long it takes to get him interested." This was, apparently, to some extent being done at Jackson. There are trades which carry in themselves an obvious incentive. In one or two prisons the writer found what seemed to be good commercial tailoring and bootmaking for the supply of prisoners on release, so that they could go out presentably dressed. They were in some cases offered a choice of material. Suits were fitted individually in one case, in another a number of sizes were made.

The Hon. Burdette G. Lewis, says:—

> No person should be discharged from a correctional institution unless supplied with a well-fitting, well-pressed suit of clothes, a good hat,

[44] "The State Use System in Ohio." By H. S. Riddle, member of Ohio Board of Administration. National Committee on Prisons, etc. Prison leaflet No. 62, pp 3ff.

and a good pair of shoes, as neatness in appearance is essential if a man is to secure work.[65]

Here we have three trades called for—tailoring, shoe making, and hat and cap making—all of which should be taught and practised up to outside standards in prison. This is an idea which might be extended. In more than one prison the barber's trade was taught. Modern American prisons have bands and orchestras, which serve the double purpose of adding music to the educative amenities of prison life and teaching a wage-earning occupation.

"The best judges now agree," writes Mr. Thomas Mott Osborne to a Board of Trustees, under date 2nd April, 1920, "that prisoners should receive full compensation for the work they do and, on the other hand, *should pay for all they receive—lodging, board, clothing*, etc. That is not only fair, but it gives to the prisoners elementary lessons in political economy which most of them badly need."[66] In the Report of the Committee on Compensation of Prisoners made to the 1917 Congress of the American Prison Association, Warden C. S. Reid, of Stillwater Prison, Minnesota, made the following statement:—

> In the institution at Stillwater, Minnesota, it is claimed that a payment of a wage to the prisoners has been a very material aid in the matter of prison discipline, and has increased the efficiency of the prisoner to a very marked degree. It is the opinion of the officials of that institution that the wage feature more than doubles the efficiency or output of the prison industries. There is no doubt that the spirit of the inmate is very materially benefited by the payment of a wage. It gives to the inmate a sense of feeling that the State is willing to reward him for good conduct and industry, and very much lessens the helpless and hopeless feeling that is apt to prevail in an institution where a man is required solely to do so much time for so much crime. The effect is also beneficial to the family, for in Minnesota, where perhaps as much or more is done than elsewhere, *the claim is made, and can be supported* by facts and figures, that no child is deprived of its schooling by reason of the fact that the head of the family is in prison. This effect, of course, cannot be reduced or shown in dollars and cents, but will always remain an unseen force and benefit.[67]

In this remarkable prison they keep a fund for helping their prisoners' dependents, into which a dollar a day (apart from his wages) is paid by the industry to which a prisoner is detailed.[68]

[65] "The Offender," p. 247.

[66] "The Evening Journal" (Delaware), April 6th, 1920.

[67] "Proceedings, Congress American Prison Association," 1917, pp. 79-7.

[68] To show how this works it may not be too much of a digression to quote the following from a paper by the warden to the 1916 Congress: I had a prisoner who had a family of six children, the husband having been committed to prison. We visited their home that day to his family; they lived 30 miles away. We found the wife and children in very sad circumstances. He [denied to the institution, giving information regarding their condition, and was ordered to go to a grocery and buy provisions, and to get coal, and not to leave the family until they were absolutely taken care of. It was done without delay. This is done in every case, if we find them in immediate need. If a man has father, mother, wife or children depending on him, relief is furnished. ("Proceedings," 1916, pp. 141-2.)

In various American prisons daily "compensation" of from 1½ cents to $1.50 (say about three halfpence to six shillings) is paid or credited to prisoners. The latter figure was reported from Stillwater (Minnesota Prison) in 1918, with probability of a further rise in the following year. The families of local prisoners sentenced for non-support are often paid 50 or 75 cents (say two or three shillings).

At Montpelier, Vermont, Sheriff F. H. Tracey has, since about 1910, been finding employment for his prisoners with neighbouring farmers and other employers, who pay from $1.75 to $2.50 (say eight shillings and ninepence to twelve shillings and sixpence) a day. One dollar (4/-) is deducted for board in prison, and the remainder goes to the prisoner for himself and family. The prisoners go out to work in ordinary dress and return to prison in the evening. It is reported that when their term expires they have no difficulty in finding employment. In Windham County, Connecticut, gaol prisoners are employed in gangs of 10 or 12 on farms, on excavations or other rough work, and $2.50 is paid to the County, which allows nothing to the prisoners. But the contractors voluntarily added 50 cents (2/6) for the prisoners themselves. In Dayton, Ohio, the city Director of Welfare finds employment for local prisoners, through the Free Labour Exchange and other agencies, with various employers in factories, etc. Here the prisoners receive the whole wage, like free labourers. They return to prison each night on foot or by tram. In Wisconsin there is a State law requiring county sheriffs to find employment for their prisoners outside the gaol, and some counties comply. In parts of Delaware, employment is found for prisoners, who, it seems, earn for their County or State, as the case may be, as much as free labourers, and are allowed 50 cents a day. This plan of employing prisoners at ordinary rates, says Dr. Hastings Hart, from whose reports much of the above is obtained, "has invariably resulted in a surprising increase in the efficiency of the prisoners, and a very marked improvement in the numbers who become honest workmen after their discharge."[69] In Maryland payment of wages is reported to have brought prisoners' work up to the standard of free labour.

It is noteworthy that in 1918 President Wilson, in authorising the placing of war contracts with the heads of prisons and reformatories, ruled that prisoners engaged on such contracts should receive wages corresponding with those paid for similar work in the vicinity.

It is supposed by some people in America, as in this country, that "organised labour" bars the way to efficient organisation of prison industries. It is, of course, not unnatural that workers should object to the competition of slave labour, which is what prison labour generally is. But, where "organised labour" has been con-

[69] "The War Programme of the State of South Carolina" dated February, 1918), p. 53.

sulted in America, it has been found ready to co-operate in the working out of something really helpful to the community and to the prisoner. Dr. Dean gives the sound advice that "the trade work in institutions must not be entered into until there is an understanding with organised labor."[10] The scheme of the New York State Prison Survey Committee, referred to below, was worked out with the co-operation of Labour representatives.

The organisation of prison industries with an educational aim, but on a business footing, is not a very simple task. Several recent reports have tackled the problem; for instance, the Report of the Commonwealth of Pennsylvania Commission to investigate Penal Systems, 1919; the Report of the National Committee on Prisons and Prison Labor on the Penal System of the District of Columbia, U.S.A., 1920; and the Report of the Prison Survey Committee of New York State, 1920. For details the student must be referred to the Reports themselves, especially to the last-named, which is, we imagine, the most complete study of the kind yet published; but the following rough summary of most of their recommendations may be offered:—

1. The Prisons Department to have the following divisions, amongst others:—

   A Bureau of Finance, Supplies and Audit, with well paid, expert purchase, store-keeping, and sales agents;

   A Bureau of Industry, Agriculture and Public Work;

   A Bureau of Medicine and Psychiatry;

   A Bureau of Education;

   Each under a well-paid chief with corresponding directors and divisions in the prisons.

   Also, for the various industries, Wage Adjustment Boards, each composed of a trades union representative, and a manufacturer in its line of industry and a representative of the prisons' finance department, with a delegate of the prisoners' shop committee as secretary.

Independent of the Prisons Department proper, there should be—

(a) A Board of Standardisation to determine kinds and qualities of products, create standards, prepare specifications, etc., and see that public institutions and departments buy prison products;

(b) A Prison Commission for inspecting purposes;

(c) A Board of Pardon and Parole (with, in New York State, the Superintendent of Prisons or his deputy as a member), which would, amongst other things, require of a prisoner a certain standard of industrial efficiency and character, and perhaps a bank account, before granting him parole.

The State Industrial Commission (of New York) should also, it is recommended, have power to inspect prison workshops.

[10] "The Prison and the Prisoner," p. 145.

2. A rotating capital fund, to be turned over and used as often as required for business purposes.
3. A Receiving Station or Clearing House, where the Bureaux of Medicine and Psychiatry and of Education will be located and each prisoner be examined, tested and classified with a view to being allocated to the prison and to the work most likely to suit him. It is a part of the scheme that the prisons should be classified mainly according to the industrial efficiency of their occupants.
4. Modern and adequate equipment in workshops, etc.
5. Business (including hygienic) rules for working conditions and hours.
6. Supplementary vocational instruction and other educational and recreational provisions.
7. Wages to be paid as recommended by Wages Boards, and prisoners, as far as possible, to pay for their keep and for that of their dependents.
8. Willing co-operation of prisoners to be secured by granting them as much freedom and responsibility as practicable. Prisoners' shop committees or councils to be instituted.
9. Prisoners to be encouraged to join trades unions on proving themselves qualified to the satisfaction of union officials.

Conclusion.

Although the application of the principles of re-education for criminals is difficult and complicated, the principles themselves are simple. They have been stated by Mr. W. R. George, in four words:—Self-government (which has here been called "corporate responsibility"), Self-support, Recreation, Service. We have seen how American penal reformers are trying to realise the first three. In America, as in this country, it was discovered during the war that the inmates of a prison would respond to a call of public service like other people; and it would not really be hard to find in more normal times means of taking advantage of this trait for their own good and for the good of the community.

The lesson of this short study of American thought and effort is well summed up in words which it would be well if the public and its servants who administer the prisons, would take to heart[11]:

"Unless a prison is curative and makes a man better, so that when he goes out he will see things from a different standpoint, it has no more right to exist than a hospital which would maim and cripple its patients and send them out a greater burden on the community than when admitted."

[11] Mr. R. Ogden Chisholm, in an address to the 1919 Congress of the American Prison Association ("Proceedings," p. 238).

APPENDIX III

REPORT AND RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE AFTER INVESTIGATING ENGLISH AND AMERICAN PRISONS.

In April, 1919, the Government of India adopted a resolution recommending that a commission should be appointed "to investigate the whole subject of jail administration and to suggest improvements in the light of the experience of the West." The Secretary for India (Mr. Montagu) agreed, and a Committee was appointed under the chairmanship of Sir Alex. G. Cardew, of the Madras Executive Council. It consisted of the Secretary of the Home Department of the Indian Government (Sir J. H. Du Boulay), two inspectors of Indian prisons (Col. Jackson and Sir W. Buchanan), an inspector of English prisons (Mr. Mitchell-Innes), and two Indians (K. B. K. S. Hamid Husain and D. M. Dorai), with an official of the Indian Civil Service (D. Johnstone) as secretary.

The Committee inspected prisons and examined witnesses in England, Scotland, America, Japan, the Philippines, and Hong Kong, before investigating the conditions of Indian prisons, and its report[1] contains most useful memoranda upon the English prison system (prepared by Mr. Mitchell-Innes) and the treatment of child and adolescent offenders in Britain and the United States, besides discussions of mental defect and mental abnormality and disease as a causative factor in crime (by the two inspectors of Indian prisons—both medical men) and the indeterminate sentence, parole, and conditional release, as practised in America, etc.

Indian prisons are very different from English prisons, but much of the report and many of the recommendations are relevant to English conditions. Mr. Mitchell-Innes appears to take the view throughout that the English prison system should be taken as the perfect model, but he is frequently in a minority. We summarise some of the more interesting points.

The Silence Rule.—On the subject of conversation Mr. Mitchell-Innes advocates "the introduction of the English rule under which unnecessary talking at all times renders the prisoner liable to report," but his colleagues hold that this prohibition is not necessary, desirable, or enforceable, and recommend that quiet conversation should be permitted, except at parades.

[1] Cmd. 1303, 1921, H.M Stationery Office, 3s. 6d.

Cellular Confinement.—Similarly on the question of cellular confinement Mr. Mitchell-Innes advocates the English system, being supported on this occasion by the chairman. The majority of the Committee—the inspectors of Indian prisons and one of the Indians[2]—defend association and the dormitory system. They urge that the cellular system "would seem almost of necessity to result in embittering a criminal and in rendering him less fit to resume his place in the ranks of honest men. A prisoner would emerge from a sentence carried out under such conditions devitalised by cellular confinement, depressed by silence and demoralised by monotony." The true method of preventing contamination, they argue, is not cellular confinement but classification, "combined, if possible, with a psychological and psychiatrical examination of each criminal."

> To shut up every prisoner in a cell for 16 hours, or for 12 hours, for the whole of the sentence to be served, on the ground that some may be bad and may infect the others, is akin to the action of a huntsman who, discovering a couple of mangy hounds in his pack, stops his hunting and proceeds to put every hound in a separate enclosure instead of segregating the infected animals and curing their disease.

Every gaol should contain "a fair proportion of cells" for depraved or refractory prisoners, or for better class prisoners desiring them.

> "Maconochie found Norfolk Island a hell," say the advocates of association, "and left it an orderly, well-regulated community. To effect this marvellous change, no recourse was had to cells; he relied on a firm, even-handed justice, the inspiration of hope, and his own influence—that of a good and earnest man. It is by action on these ideas that we shall reform and improve our prisoners; we shall never do so by putting our faith in bricks and mortar. . . .
>
> "We consider that to shut up a prisoner in a cell from 6 o'clock every evening till 6 o'clock the next morning for years together, is an unnatural proceeding. Undesirable imagery fills the mental vacuity of the prisoner; and if there is risk of unnatural vice in an association sleeping barrack—a risk in our opinion grossly exaggerated as likely to exist among selected prisoners or in properly lighted, properly patrolled wards—there is a much greater risk of self-abuse in the cell. The objection to cells would largely disappear if prisoners were not locked up in them till 9 p.m. . . . It is, in our opinion, most important that the idle time between 5.30 p.m. and the hour of sleep should be fully occupied by education, reading, and simple indoor games."

Recreation.—The Committee as a whole accepts the view that "the hours between lock-up (5.30 to 6.30) and 8.30 or 9 p.m. are those in which time must hang most heavily on the prisoners' hands and in which illicit practices and harmful conversation are most likely to occur." It recommends, therefore, that wherever possible, a recreation room should be provided "where prisoners would be allowed to read, either to themselves, or aloud, to play quiet indoor games, or to receive education." Mr. Mitchell-Innes opposes the

[2] D. M. Dorai Rajah.

introduction of this plan into cellular jails "on the ground of the risk of contamination involved."

The Staff.—The Committee urges that in order to achieve the objects of imprisonment—"the prevention of further crime and the restoration of the criminal to society as a reformed character"—"it is in the first place, essential that the care of criminals should be entrusted to men who have received an adequate training in penological methods. The day is past when it can be supposed that anyone is fit to manage a prison, just as it is no longer imagined that anyone can teach in a school." It therefore recommends that "every prison should be under the superintendence of a trained expert," and that "the whole prison staff should be so selected and remunerated that they may exercise a salutory influence on the prisoners under their control." In order to secure "wise and careful management," the number of prisoners in one prison should not exceed 1,000.

Labour.—The Committee declares that the object of prison labour must be "the prevention of crime by the reformation of the criminal." In the case of the long-term prisoner trades should be taught. The Committee feels that "to supply agricultural labour for 100,000 prisoners who represent the daily population of Indian jails, is out of the question," but recommends that the old-fashioned industrial implements now used should be replaced by modern tools.

> It is evident that training under modern conditions must possess a greater instructional value than a period passed in breaking stones, in turning the handle of an oil-press, or even in working the simple, primitive mechanism of a hand-loom. We have come to the conclusion that the greater benefit to the prisoner will be conferred by giving him the best available instruction in up-to-date methods of labour, and so enabling him to command a living wage on his release from prison.

The Committee recommends that attention should be concentrated in each jail on one or two large industries and that each should have at its head an expert "who has received thorough training in the special industry of the jail." Power-driven machinery should be introduced. Familiarity with such machinery is "instructive and mind-awakening" and at the same time "it increases production and tends to give increased relief to the taxpayer." The articles produced should be sold to the various Departments of the Government, which should be compelled to purchase them, "subject to the condition that they are of similar quality to, and not of greater price than, those obtainable in the open market." The sale of articles to the general public should not be prohibited, but it should be reduced to a minimum. Prisoners should be paid a money gratuity for any out-put in excess of the fixed task.[3]

Mental Defectives.—The Committee recommends that mentally deficient prisoners should be entirely removed from the ordinary

[3] See pp. 121-22.

prisons and that in each Province there should be established a special institution for such. It suggests that mental deficiency should be defined as in the English Mental Deficiency Act, *except that the words "from birth or from an early age," should be omitted.* The two inspectors of Indian prisons[4] advocate among other things (1) that all young adults and children who commit crime, should be mentally examined by an expert; (2) that all persons should be so examined before being released on probation; (3) that all persons should be so examined before being released on parole; (4) that all mentally defective and mentally abnormal persons should be sent to a special prison, and (5) that selected medical officers in the prison service should be sent to the United States to study the subjects and the methods there in use. The Secretary of the Home Department of the Indian Government concurs in the third, fourth, and fifth of these proposals.

Unconvicted Prisoners.—The majority of the Committee is opposed to unconvicted prisoners being kept in their cells all day (Mr. Mitchell-Innes and one of the Indians form the minority), but any prisoner who desired to remain in his cell should be allowed to do so, and adolescents and those who have not been previously sentenced should be separated from other unconvicted prisoners. The Philippine custom of counting half the period of detention before and during trial as part of the sentence, is urged to be worthy of consideration. Tobacco should be permitted, but not alcohol.

Indeterminate Sentence.—The Committee recognises "the theoretical advantages of the indeterminate sentence," and thinks it probable "that it will continue to be more and more widely accepted," but does not think it suitable everywhere in India at present. It recommends, however, that every long sentence should be brought under review when half the period has been served in the case of "non-habituals," and two-thirds in the case of "habituals." The Revising Board should consist of the Inspector-General of Prisons for the Province (chairman), the district judge, and a non-official appointed by the Government. Prisoners released on parole should undergo some sort of probationary stage, during which their fitness for final release could be tested and they themselves gradually habituated to freedom. In all cases the release of a prisoner on parole should be made subject to conditions, breach of which would render him liable to be remanded to undergo the full original sentence. The duty of seeing that a prisoner fulfils the conditions should not be imposed on the police, but upon parole officers.

The Committee (with the dissent of one of the Indian members) recommends the prohibition of sentences of imprisonment for less than 28 days.

[4] Col. Jackson and Sir W. Duchanan.

APPENDIX IV

LIST OF PRINCIPAL AUTHORITIES

[The following List comprises all the principal publications and documents which have been quoted or otherwise used in the text and footnotes of this book. It is not an exhaustive bibliography, even for English Prisons for the years 1895 to 1922.]

I.—OFFICIAL PUBLICATIONS.

The Prison Act, 1877.

The Prison Act, 1898.

The Prevention of Crime Act, 1908.

The Criminal Justice Administration Act, 1914.

The Annual Reports of the Commissioners of Prisons and Directors of Convict Prisons in England and Wales, 1895-1921. (For certain years these were published in two separate parts. See pages 62-3 ante.)

Statutory Rules and Orders made by the Secretary of State under the Prison Act, 1898, for Local Prisons and for Convict Prisons, in April, 1899, and subsequently. (See pages 57-8 ante.)

Rules and Standing Orders for the Government of Local and Convict Prisons, 1911, and subsequently. (The Standing Orders are privately issued for the Prison Service and are not obtainable by the public. See pages 63-4 ante.)

Judicial Statistics (Criminal), England and Wales, for the years 1905 to 1919.

1895. Report of the Departmental Committee on Prisons, 1894, Cmd. 7702 (5½d.): Minutes of Evidence and Appendices, Cmd. 7702, I.

1896. Observations of the Prison Commissioners on the Recommendations in the Report of the 1894-5 Prisons Departmental Committee, Cmd. 7905.

1898. Statement by the Prison Commissioners of the action taken, up to January, 1898, to carry out the Recommendations in the Report of the 1894-5 Prisons Departmental Committee, Cmd. 8700.

1896. Report of the Departmental Committee on the Education and Moral Instruction of Prisoners in Local and Convict Prisons (Prisoners' Education Committee), Cmd. 8154: Minutes of Evidence, Cmd. 8155.

1899. Report of Departmental Committee on Prison Dietaries.

1900. Report of Departmental Committee on Scottish Prisons, Cmd. 218.

1911. Report of Departmental Committee on the Supply of Books to Prisoners (Prison Libraries Committee), Cmd. 5589.

1901. Report on the Proceedings of the Fifth and Sixth International Penitentiary Congresses (Paris, 1895; Brussels, 1900), by Sir E. Ruggles-Brise, Cmd. 573 (9d.).

1906. Report on the Proceedings of the Seventh International Penitentiary Congress (Buda-Pesth, 1905), by Sir E. Ruggles-Brise, Cmd. 2849.

1911. Report on the Proceedings of the Eighth International Penitentiary Congress (Washington, 1910), by Sir E. Ruggles-Brise, Cmd. 5593 (4½d.).

1911. Report on the Proceedings of the Eighth International Penitentiary Congress (Washington, 1910), by the Chairman of the Prison Commissioners for Scotland, Cmd. 5640.

(See also Actes du Congrès Penitentiaire International, 1910, à Washington (1913, Stæmpfli, Berne): Vol. V.: Article on "The Construction and Equipment of English Prisons," by Major H. S. Rogers, Chief Surveyor of English Prisons.)

1921. Report of the Indian Jails Committee, 1919-20, Cmd. 1303, especially Appendix II., "Memorandum on the English Prison System," by Mr. N. G. Mitchell-Innes, Inspector of Prisons in England and Wales.

II.—REPORTS OF ASSOCIATIONS.

The Howard Association: Annual Reports, 1895 to 1920.

The Penal Reform League: Annual Reports and "Records," 1907-1920.

The Howard League for Penal Reform [1] (being the joint body now representing the former Howard Association and Penal Reform League): The Howard Journal, 1921.

The Central Association for the Aid of Discharged Convicts: Annual Reports, 1912 to 1921.

The Borstal Association: Annual Reports, 1910 to 1921.

III.—GENERAL LITERATURE.

BALFOUR, JABEZ SPENCER, author of "My Prison Life," 1907 (Chapman and Hall).

BROCKWAY, A. FENNER, author of "Prisons as Crime Factories," 1919 (International Bookshops, Ltd.).

DEVON, DR. JAMES, member of the Scottish Prison Commission, late Medical Officer of H.M. Prison, Glasgow, author of "The Criminal and the Community," 1911 (John Lane, 6s.); and of a paper on "The Relation Between Crime and Destitution and the Effects of Imprisonment" (Report of the Proceedings of the Crime and Inebriety Section of the National Conference on the Prevention of Destitution, 1913, P. S. King, 2s. 6d.).

DU CANE, SIR EDMUND F., First Chairman of the Prison Commissioners, 1878-1895, author of "The Punishment and Prevention of Crime" (1885).

[1] Addresses: 43, Devonshire Chambers, Bishopsgate, London, E.C.2; and 7, Dalmeny Avenue, London, N.7.

GORING, DR. CHARLES, late Deputy Medical Officer H.M. Prison, Parkhurst, author of "The English Convict: A Statistical Study," 1913 (H.M. Stationery Office, 9s.; abridged edition, 1919, 3s.).

HEALY, DR. WILLIAM, Director of the Juvenile Psychopathic Institute, Chicago, author of "The Individual Delinquent," 1915 (Heinemann, 21s.).

HOBHOUSE, STEPHEN, author of "An English Prison From Within," 1913 (Allen and Unwin, 1s.).

HOLMES, THOMAS, late Secretary to the Howard Association and Police-Court Missionary, author of "Pictures and Problems from London Police Courts," 1900; "Known to the Police," 1908 (Arnold); and "Psychology and Crime," 1912 (Dent).

HOPKINS, TIGHE, author of "The Silent Gate: A Voyage into Prison," and "Wards of the State," 1913 (Herbert and Daniel, 10s. 6d.).

MASON, L. WILLIAMSON, author of "Made Free in Prison," 1912 (Allen and Unwin, 2s. 6d.).

NITSCHE, DR. PAUL and WILMANNS, KARL, authors of "The History of the Prison Psychoses," 1912 (authorised translation by Dr. F. M. Baines and Dr. Bernard Glueck, New York).

OSBORNE, T. MOTT, late Warden of Sing Sing Prison, and afterwards of the Naval Penitentiary, New Portsmouth, author of "Within Prison Walls," 1915, and "Society and Prisons," 1916 (Humphrey Milford, 7s. 6d.).

PATERSON, ARTHUR, author of "The Metropolitan Police," and "Our Prisons," 1911 (Hugh Rees, 1s.).

QUINTON, DR. R. F., late Governor and Medical Officer of H.M. Prison, Holloway, author of "Crime and Criminals, 1910 (Longmans, Green, 4s. 6d.), and "The Modern Prison Curriculum," 1912 (Macmillan, 5s.).

RUGGLES-BRISE, SIR EVELYN, Chairman of the English Prison Commission, 1895-1921, and President of the International Prison Commission, author of various papers at International Prison Congresses and Reports of their Proceedings, and of "The English Prison System," 1921 (Macmillan, 7s. 6d.).

SMALLEY, SIR HERBERT, M.D., late Medical Inspector of Prisons and Medical Member of the Prison Commission, 1899-1918, author of "Prison Hospital Nursing," 1902 (H.M. Stationery Office, published for the Prison Service only).

SUTHERLAND, DR. J. F., late Medical Officer, H.M. Prison, Glasgow, and Secretary of the Departmental Committee on Habitual Offenders, Inebriates, Vagrants, and Juvenile Delinquents, author of "Recidivism: Habitual Criminality and Habitual Petty Delinquency," 1913 (W. Green and Sons, 3s.).

THOMSON, SIR BASIL, late Governor of Dartmoor Prison, author of "The Story of Dartmoor Prison," 1907 (Heinemann).

WEBB, SIDNEY and BEATRICE, authors of "English Prisons Under Local Government," 1922 (Longmans, Green & Co., 15s.).

WINES, DR. F. H., author of "Punishment and Reformation: A Study of the Penitentiary System," 1895 (Swan and Sonnenschein, 7s 6d. Revised edition with two papers added by Winthrop D. Lane, 1910, T. Crowell, New York).

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