

~~companions. If the prisoner returns to them when she is discharged she comes under very severe temptations. But if she can be placed in a family, under sufficient restraint to cause her to remain, she is likely to be able to resist temptation when fully released. Many continue in their places after their sentences expire. Prisoners thus indentured have their wages for their own use. As I have already mentioned, the demand is in excess of the supply, for only a part of the prisoners are suitable for domestic service, and none are put out until toward the end of their terms. Few leave their places or misbehave. Seventy were bound out last year, and only seven were returned. In some of these cases the fault was not the prisoners.~~

~~Sherborn proves what can be and what might be done, by the application of the highest principles to the reformation of the weakest and most erring of our population. Mrs. Johnson's prison methods stand out in startling contrast to those generally applied here and in other countries. Sherborn is one of the brightest outcomes of United States civilization—a civilization which, clogged by the crime, and misery, and shortcomings of Europe, has its dark sides, but which surpasses that of other countries in the scope which it gives for the exercise of all that is best in our nature.~~

~~During a tour of nine months abroad, I saw much that was deeply interesting, but nothing that approached in interest Sherborn Reformatory Prison for Women.~~

---

#### VIII.—*Crime, and How Best to Attack It.* By E. D. Daly, Esq.

[Read Tuesday, 15th June, 1897.]

THIS short paper is designed to start discussion, but, of course, not to deal in any sense exhaustively with a very difficult subject.

Mr. Webb presents one aspect of that subject, most pleasant no doubt for kindly persons to dwell on. I invite attention to another aspect, but I do not pretend that it is at all such a pleasant one—only unfortunately it is, I think, true.

First of all I will ask you to remember what crime really means. The essential characteristic of it is that it injures unduly the unoffending. Every person who does what is considered to be wrong is not a criminal. Some of them only ruin themselves. The criminal is he or she who by means of violence, theft, perjury, housebreaking, coining, or some other of the infinite varieties of fraud or wrongdoing, inflicts direct and admitted injury on other members of the community. If anyone sins quietly, and only injures himself, the State leaves him to the Church whose former practice, however, of employing fire or imprisonment against sin is no longer tolerated.

The State alone uses force now, and uses it only where without it, admitted injury would fall upon the unoffending. Hence, two wholly different sets of persons are always to be thought of in

reference to punishment or prisons. That is to say criminals themselves, whether caught or still at large, on the one hand; and on the other hosts of unoffending people upon whom criminals prey:—and, however, you deal with criminals you necessarily affect not only them, but the well conducted also, mischievously or the reverse. I do not for a moment, in what I am about to say, want to underrate the importance of having our treatment of criminals largely governed by every proper consideration for them personally. Indifference to them in carrying out penal treatment too easily becomes mere brutality. But forgetfulness of the interests of the unoffending public upon whom criminals prey is equally mischievous, and is I think the special mischief of our day in this matter.

Mr. Webb's paper illustrates the popular tendency. I see no place in the system he describes for the old fashioned Biblical notion that the law shall be a terror to evildoers, so that the well-conducted may live in safety. Such a system seems to me to give some justification for the remark of a vindictive old highlander who declared that God was quite right to keep vengeance to himself, because if he trusted it to men they would be letting people off. The arrangements of Massachusetts prison amount very much to letting people off. The absence of punishment is avowedly aimed at. The authorities do not even like to remind a prisoner that he or she has a crime to repent of.

Now, what must be the effect of letting people off unduly. No one has described it better than the Duke of Wellington—"They may talk" he said "of punishment as cruel, but there is nothing so inhuman as impunity." In other words you may, if you like, impose trifling sentences on wifebeaters—but, if so, whether you like it or not, there will be more black eyes and broken ribs for wives. In another place he remarks "A great error has crept into all the modern theories of punishment, of considering the reformation of the criminal the main and chief object. Whereas the point to be in the first place secured is the prevention of crime and the impression made by punishment on the public mind." It seems to me that no one can answer the Duke's view, and the first thing to assert in discussing the treatment of crime is that a prison system can never be justified solely by reformation of those who are caught. You must take into account the proper claims of the unoffending public. Suppose for a moment that every corner boy sent to Mountjoy could be turned out a good citizen by the use of kindness and culture—that would be no supreme advantage to Dublin householders and shopkeepers, or to brutally treated wives and children, if on the whole no precaution was taken to prevent new criminals from appearing as fast as the old ones were reformed. The victims of crime would suffer as much as ever from the perpetually recruited army of rogues. Therefore, no system can be justified by mere appeals to statistics of reformation of those who are caught. You must inquire also what effect a given system has in checking the outside supply of criminals, so as to insure protection for the unoffending from outside crime.

Now what evidence is available to judge of the Massachusetts method in reference to these points. We may look to statistics, and we may look to those laws of human nature which we all learn from our every contact with others. Personally I do not love statistics. A Blue Book is like a common informer, only reliable when strongly corroborated.

Statistics which appear to represent sobriety, only mean sometimes to those more fully informed that the police were on strike, or pre-occupied with treason felony—or that credit at the public-house was exhausted by bad times. Possible explanations of statistics are so infinite and unexpected, that it is hard to know when you are safe.

But sometimes you find all figures pointing one way, and no figures pointing the other way—which to say the least draws strong suspicion in the former direction, and that is the state of things in reference to Massachusetts as it seems to me.

Mr. Webb speaks frequently of the success of the Massachusetts system, and no one who knows his kindly nature can doubt that it was a system pleasant for him to inspect. But the only evidence he quotes of success is that, out of 70 women bound out only 7 return. He is silent as to the 60. They simply disappear into the unknown. Perhaps they learned in prison, to escape being found out so easily again.

That is no evidence of success, so far as it is evidence at all, it only proves failure in 7 cases out of 70.

Now, compare that inconclusive evidence with the following extracts, from remarks made by the President of the National Prison Congress held at Minnesota in 1894.

“The importance of the prison question cannot well be exaggerated and we believe the perpetuity of the Republic depends upon its solution.” “Crime is on the increase out of proportion to population.”

In 1850	it was	1	criminal in every	3,442
„ 1860	„	1	„	1,647
„ 1870	„	1	„	1,171
„ 1880	„	1	„	855
„ 1890	„	1	„	757

Again the same authority asserts.

“In the United States the criminal population has increased since the war relatively to population by one-third.”

It is quite true that large cities in America have increased, and that a given population produces more crime when crowded in centres than when widely scattered. But the fact remains, that whatever figures exist indicate growing crime, and there are none to indicate extensive reformation of adult criminals.

Now, throw statistics aside, and come to what we all can test by the intuitions of individual experience. Suppose I am a self-indulgent ruffian, and want to drink my wife's earnings, or to purloin my employer's property. Suppose by reason of compulsory and gratuitous education I can rise to higher levels of fraud and

swindling, why should I pause, because of such jails as Mr. Webb describes ?

I can see no punishment, I need shrink from risking.

Take a pen and underscore the disagreeable details, apart from detention, specified in Mr. Webb's paper and you will be confined to two, viz: If you leave any food on your plate at one meal you must eat it at the next meal, and you will lose marks if you do not behave. That mild treatment suggests rather the nursery than anything calculated to make a thief at large pause for fear of the risk of it.

There are other facts of American prison life in a most valuable re issue this year by the Howard Association of a work written by the secretary, Mr. Tallack. He quotes an American review which asserts :

"It is not too much too say that in the United States to be a prisoner has become a luxury."

At one jail—"The inmates had for breakfast, beefsteaks, hot biscuits, butter, and in general a bill of fare that would do credit to a hotel."

A gentleman preaching in the Tombs Prison, New York complains of being interrupted by "prisoners striking matches to light their cigars."

An Illinois newspaper of '95 reports that prisoners in that State consumed four tons of tobacco in five months. In Sing-Singa prisoner was found in bed at 11 a.m. smoking his pipe and reading a newspaper. Another was making his bed. A paper written by a prisoner in Elmira Prison, New York, on a cold snowy day, speaks of wretched homes within view of the establishment, where ill-clad and ill-fed children and wives of unemployed or weary men were crouching in cold ; and contrasted their lot with that of the convicts, adding—

"Here at this prison 'tis dinner-hour ; up from the great dining-hall rises the fragrant odour of good food, and the hum of animated voices with rippling laughter interspersed. The food is hot and sufficient as to quantity. The apartments are warmed with steam, and, after the short day is past, electric light brightens things for the long evenings : long, but not dreary, for books are abundant."

The library includes Dumas, Ouida, Bulwer, Jules Verne, and others.

Then turn to American prisons, which are not model, or, as some one calls them, hotel prisons.

The same absence of punishment appears to prevail.

The *New York Evening Post* of March 9, 1895, describes a local jail. The visitor on entering almost staggered, the atmosphere was so foul. No one used the bath-tub, but at a long table eight or ten prisoners were disputing over a filthy pack of cards. The Wisconsin State Board of Charities and Prisons remark :—Thieves, tramps, and other offenders enjoy the dirty lazy life in many of these jails because they have fire, good food, cards, tobacco, and whiskey.

Our own prisons, Grangegorman and Mountjoy, are not too bad—infinity better, in fact, than tenements about Meath Street, and Ash Street, and Purdon Street. Numbers of persons are sent to

prison through the Police Courts from the tenements of Dublin. They often complain that the magistrate is wrong, and constables tell me they complain of having to take a bath in gaol; but I never hear complaints of hunger, or cold, or over-punishment. Over and over again experienced delinquents, who again get a month or two, tell the Court it will only be a rest. Fancy how they would appreciate Massachusetts or Elmira!

But what does all this mean? What must it mean? Indulgence to a wrong-doer is sure cruelty to those whom he wrongs. No Blue Book in the world can upset the commonsense teaching of life—that the less, vicious people have to fear, the more will they indulge themselves at others' cost. A prison system which makes them comfortable, when caught, must fail to restrain or check outside crime. And for what end? The one end is the reformation of those who undergo confinement. But where is there any satisfactory evidence that adult criminals, whose habits and characters have crystallized under the hand of time, can, to any considerable extent, be reformed by State methods? In private life we all know how rarely adults mend their ways. The sulky, ill-tempered, tipsy, lazy, or untrustworthy man of mature years, as a rule, remains much the same for the rest of his life. We know how often kindly priests, or friends, or wife, or mother, weary themselves in vain to influence for good some one dear to them.

No State system, with its stern rule of paid officials, can pretend to apply equally effective influences; and it seems to me the success must naturally be less. Mr. Mallou has often told me how a particular kind of crime has to be watched for when the convict who had a fancy for it is released. That is to say, he comes out much the same as he went in. Up to this I have not met an officer of experience who had much faith in reforming adults, and who could give any reason for such a faith.

I see to-day, each morning, about the Police Courts many of the same faces familiar to me as a boy; and it seems to me that prison reformation of adults, on the whole, is hopeless, and that, for other reasons, prisons where there is real punishment for grown-up criminals are, and must, continue a State necessity.

But should we, therefore, conclude that punishment, and only punishment, is efficacious against crime at large, and that reformatory principles may be abandoned?

I could not easily imagine a more wrong headed and fallacious conclusion to the line of thought just pursued. The true conclusion is not to abandon reformatory effort, but to direct it to a more fertile region than adult life. Just as daily experience teaches us how abortive efforts to reform adults usually are, so does the same experience show how completely a child's character may be influenced either to habitual vice or habitual virtue.

If you want to limit crime, and save the public from the cost and mischief of a criminal class, swelling more and more, as in the United States, cease to weep over grown-up people who get into prison by wilful wrong-doing, and put a little more commonsense into the treatment of the young in large cities, so that every child

born into the State, instead of being trained downward by the influences of the streets and of vile parents, may have a better chance of growing up to be an industrious man or a decent woman.

The Prison Commission of 1895 stated in their Report that, until recently, no adequate thought had been given to the undoubted fact that the main source of supply for the criminal class was neglected children.

Mr. Davitt gave rather pathetic evidence as to a prisoner who charged that society had left him to the influences of the streets when he was too young to resist them, and then sent him to gaol for exercising habits he had had no chance of escaping.

It is only within a few years past that, by the Prevention of Cruelty to Children Act, the State created a means by which benevolent sections of society could interfere to save children even from cruelty with any effect.

And as to the stupidities which characterize existing Reformatory and Industrial School Legislation, the criticism of Commission after Commission almost leaves them beneath contempt.

State attention to neglected children is only in its infancy. By slow degrees the public is beginning to recognize that they are the true source of our permanent criminal class, and the necessity of our day is not to expend immense revenue on improving prisons for adults, but rather a complete remodelling of our attitude towards the neglected children of our great cities.

How that attitude might be greatly improved has been pointed out more than once ; but so far but little has been done.

I may, perhaps, be permitted to say that our efforts should not run into a blind craze for establishing new schools. Schools, both Reformatory and so-called Industrial Schools, are of vital importance for many cases ; but it must be bad for any community needlessly to disturb the family as our social unit. State schools may be essential to rescue children whose parents are incorrigible or not forthcoming. But it is against common sense to hurry children into schools, as we are doing, without any adequate attempt first to persuade or coerce parents to take better care of them. Legislation in that direction exists in other countries. It is hardly in existence here, and without it there can be no permanent success against criminals, because the greatest source of supply will not be sufficiently attended to.

From what I have said, you will see that I venture to disagree with Mr. Webb as to the best point of attack and the best method of attacking, to be chosen in a crusade against criminals and crime.

I say we should concentrate our attack by Reformatory and preventive methods on child life, and not, as at present, on adult life.

I say that so far as consistent with cleanliness and health, adult prisons, especially for all shorter sentences, should be uncomfortable and not comfortable.

And in saying so, I have just as much a right as Mr. Webb has to appeal to the truest feelings of humanity and kindness. It is a greater kindness and a truer humanity to make the law a steady

terror to the criminal than to lavish on him kindness and culture at the necessary cost of increased suffering from criminals at large to those who try to do well.

IX.—*Proceedings of the Statistical and Social Inquiry Society of Ireland.*

FIFTIETH SESSION.

FIRST MEETING.

[1st December, 1896.]

The Society met at the Leinster Lecture Hall, 35 Molesworth-street, at 8.15 p.m. The President in the chair.

The Rev. T. A. Finlay read a paper entitled, "Progress in Co-operation."

Mr. McGennis was elected a member of the Society.

SECOND MEETING.

[15th December, 1896.]

The Society met at the Leinster House, Kildare-street, by permission of the Royal Dublin Society, at 8.15 p.m. The President in the the chair.

Mr. Arthur Samuels, Q.C., read a paper entitled, "Private Bill Legislation for Ireland."

THIRD MEETING.

[14th January, 1897.]

The Society met at the Leinster Lecture Hall, 35 Molesworth-street, at 8.15 p.m. The President in the chair.

Mr. Nicholas J. Synnott read a paper entitled, "Some Features of the Over-taxation of Ireland."

FOURTH MEETING.

[19th January, 1897.]

The Society met at the Leinster Lecture Hall, 35 Molesworth-street, at 8.15 p.m. The President in the chair.

The discussion on Mr. Synnott's paper (adjourned from the last meeting) was resumed by Mr. Charles Dawson.

FIFTH MEETING.

[23rd February, 1897.]

The Society met at the Leinster Lecture Hall, 35 Molesworth-street. The Registrar-General in the chair.

Mr. E. D. Daly read a paper entitled, "The Struggle between the State and the Drunkard."

Messrs. E. P. Culverwell, E. D. Daly, and D. J. Wilson, were elected members of the Society.