THE ENGLISH BORSTAL SYSTEM

S. BARMAN

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SIR EVELYN RUGGLES-BRISE, K.C.B.
Founder of the Borstal System

THE ENGLISH BORSTAL SYSTEM

A STUDY IN THE TREATMENT OF YOUNG OFFENDERS

BY

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OF LINCOLN'S INN, BARRISTER-AT-LAW

With a Foreword by

SIR JOHN CUMMING
K.C.I.E., C.S.I.

and an Introduction by

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LONDON
P. S. KING & SON, LTD.
ORCHARD HOUSE, WESTMINSTER
1934

First published . . 1934

TO

SIR EVELYN RUGGLES-BRISE, K.C.B.

THE FOUNDER OF THE
BORSTAL SYSTEM
THIS BOOK IS
BY PERMISSION
DEDICATED

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AUTHOR'S PREFACE

THIS book is an attempt at a comprehensive study of the problems involved in the treatment of young criminals, with particular reference to the methods and achievements of the English Borstal system. The subject is many-sided, and it has been necessary to approach it from many different aspects—historical, theoretical, psychological, legal and practical. Much of my work has of necessity been pioneer work, since the existing literature on the subject is scanty and scattered. I have, however, aimed at producing something which should not only be of use and value to the authorities, in many lands, who are responsible for formulating or operating the methods of dealing with juvenile delinquency, but should also prove of interest to the general reader, and give a wider insight into the real meaning and objects of modern reformative methods.

That part of the book which deals with the practical working of the Borstal system is based upon personal observation. All the Institutions and After-Care Associations described were visited by me in 1932 and 1933, thanks to the generous facilities given me by the Home Office. The chapter describing each Institution was written individually while the impressions created were still vividly present in my mind.

It would have been impossible, in a work of this size, to deal with the whole range of questions connected with the problem of the young offender. No attempt has, therefore, been made to give a detailed account of the social factors leading to juvenile delinquency. Those who are interested in this aspect may well refer to Mr. Alexander Paterson's *Across the Bridges* (Edward Arnold, London, 1912) for a full and authoritative study of the question.

Borstal reformatory methods have been adopted in many parts of the world. In my own country, India, experiments on Borstal lines have shown very promising results; but unfortunately there is an unavoidable shortage of personnel with first-hand experience of the Borstal system as worked in England, and this drawback is intensified by the lack of practical literature on the subject. It is my hope that this volume will supply the latter deficiency. I recognise that the system, as practised in England, requires adaptation to the peculiar circumstances of India, and I, therefore, count myself fortunate in being able to include a Foreword by Sir John Cumming, who has a wide knowledge of the more intricate problems of justice and police, both in England and in India, and who is thus peculiarly qualified to deal with the applicability of the English system to Eastern countries.

In Western as well as Eastern countries, the need for a fuller understanding of reformative methods is likely to be increasingly felt. I shall be more than amply recompensed for my labours if I can contribute to spreading throughout the world a knowledge of the objects and the methods, the thoroughness and the success, of the English Borstal system, so that its principles may be more fully understood and more extensively applied.

No author can ever have had more generous helpers than I have had. It is in no merely formal or conventional sense that I tender to them my abiding gratitude.

In the first place I must express my indebtedness to Mr. G. H. Baxter, Financial Secretary at the India Office. From him came the first suggestion that I should embody the result of my researches in a book, and from beginning to end he has kept in close touch with the progress of the work. Despite other heavy pre-occupations, he found time to master the subject, and there is scarcely a page of the book that does not bear the impress of his constructive criticism. His judgment and knowledge of affairs have been exerted unstintedly on my behalf; his encouragement and enthusiasm have been my inspiration; and his

friendly guidance and practical help, given in a thousand ways, have been my mainstay throughout.

To Mr. Alexander Paterson, M.C., His Majesty's Commissioner of Prisons for England and Wales—who is no less well known for a lifetime of unselfish service to humanity than for his unrivalled knowledge of and insight into social problems—I am deeply grateful; for not only has he been instrumental in my receiving all possible facilities for my researches, and given me most generous advice and encouragement, but he has very kindly taken the trouble to write an Introduction to this book. It is a source of pride to me that my work should be distinguished by a contribution from the pen of one who is recognised as the outstanding authority on the Borstal system.

My very sincere thanks are also due to Dr. J. C. W. Methven, Assistant Commissioner of Prisons for England and Wales, who has given me continuous and invaluable help and guidance. The material on which my descriptive chapters are based could never have been so complete but for his wholehearted co-operation, especially in the matter of the exceptionally helpful arrangements that were made for my tour of inspection of the Institutions. Furthermore, Dr. Methven went through my MS. in detail, discussed it with me, and made many most valuable suggestions, so that I have been privileged to take full advantage of his expert knowledge and wide experience.

Sir John Cumming, K.C.I.E., C.S.I., has not only enriched the book by his illuminating Foreword, to which reference has already been made, but has enlightened me as to the working of reformatory institutions in various parts of the world, and has thus materially enlarged my knowledge of the subject. I desire to express my gratitude to him for his help, advice and encouragement. I should also like most sincerely to thank Sir Charles Tegart, himself a pioneer authority on this subject in India, for the interest he has kindly evinced in this work.

Finally, I should like to place on record my grateful appreciation of the great courtesy and hospitality which I

received from the Governors and staff of the various Borstal Institutions, who on the occasion of my visits to them have spared no pains to enable me to obtain a complete insight into the working of the system; and from the authorities and staff of the Borstal Association and the Aylesbury After-Care Association who received me with such kindness and whose co-operation has proved most helpful. In particular, I have to thank Sir Wemyss Grant-Wilson, who has readily complied with my requests for the supply of much essential information.

S. BARMAN.

London, 1934.

INTRODUCTION

BY

ALEXANDER PATERSON, M.C.
(H.M. Commissioner of Prisons for England and Wales)

THE Borstal system in England has been studied by many visitors from East and West, but few, if any, have shown such industry and sympathy as the author of this volume. His earnestness of purpose is illustrated by the care with which he presents a detailed account of his subject.

Every State institution that deals with an offender is based on the law that establishes it. Borstal Law is now sadly in need of co-ordination, and when the time comes to co-ordinate it, it may well be found advisable to bring the provisions of the new Act into closer accord with the development of the system. It is, for instance, difficult to associate such a phrase as "penal discipline" (*Prevention of Crime Act* 1908) with the Borstal system as it operates today at Lowdham Grange.

The gates of "Borstal," furthermore, have widened in many ways since 1908. There was then but one Borstal Institution, and in order to avoid contamination it was necessary that it should not contain the comparatively innocuous or the very depraved. In 1934 there are seven of these institutions, and the very number admits of a classification that should prevent contamination. It is almost true to say today that no adolescent offender is too good or too bad for "Borstal," for one type can be separated effectively from another.

The English system has one great drawback, in that it is inevitable that in many cases a lad spends two or even three months in an ordinary prison before he reaches his Borstal Institution. It is to be hoped that an alteration in the law may some time make this unnecessary.

The experience of Borstal Governors over twenty years has been that the full sentence of three years is advisable, although in the average case two years' actual detention and training, and in the exceptional case one year, may be sufficient. The Court is in no way able to know how long it will take to cure a delinquent of his habits. Only those who are in touch with him during his time of training can decide. It is therefore better that any adolescent delinquent should be sentenced by the Court for three years and that those who handle him from day to day should decide how early he should be licensed to a modified degree of liberty.

The author writes a chapter on a Reformative Penal System. The very title challenges a comparison between the old and the new way of dealing with an offender. The punishment consists more in the length of the period during which the offender is deprived of his liberty than in the conditions he is compelled to accept during that period. He would often prefer a few months of hard labour in a prison to two years of training in a Borstal Institution. It would seem, therefore, that punishment and reform are not antagonistic. "Borstal" is, for the adolescent offender, at once more deterrent and more reformative than prison. The turbulent adolescent can be dealt with in two ways. We can put the lid on him, or we can take it off. Prison does the former, "Borstal" does the latter. Prison necessarily represses and confines the effervescence of youth. "Borstal," with its opportunities of space and its variety of occupation, gives him room to stretch and grow.

At the heart of the system is the recognition of the individuality of each lad. They are not the raw recruits of a conscript army, to be arranged neatly in rows according to their physical stature, to be swung rhythmically in a mass across the parade ground to the beat of a drum. Each is a different and a difficult problem. It is because they must be handled individually, with sympathy, firmness and discernment, that those who handle them must be rare individuals. The strength or weakness of

the Borstal system lies in the strength or weakness of the Borstal staff.

Especially is this true of the Borstal girl. Though comparatively few in numbers (a bare hundred from a population of more than forty millions) she is a more complex and delicate organism than her brother, with her own physical and emotional difficulties. Sound principles exist, but no exact system will ever be elaborated for her training. It is essentially a personal problem, and its solution calls for women of exceptional calibre, deep faith and daily courage.

The ultimate success of the Borstal method implies the existence of a well-organised scheme of after-care. It is not enough to dismiss the product of two years' training with a few words of advice and fewer shillings. He returns perforce to an environment of great temptation, where the greatest strain may well be idleness.

If the after-care is to be thorough and effective, it cannot rely entirely on the efforts of the charitable public. A generous measure of State assistance is essential to ensure efficiency.

Finally, may I plead for more discrimination in the use of the word "Borstal"? Originally a place-name, attached many years ago to an upland village in Kent, it was lent to a convict prison built on the outskirts of that village. When that prison was rebuilt to serve as a training-school for adolescent offenders, the name assumed its final significance. It stands today as the name of a system which has been copied and adapted in numerous parts of the world. Many places bear the name of "Borstal" which bear no resemblance to the parent institution on the Medway.

"Borstal" is not a Boys' Prison. To collect all prisoners under twenty-one and confine them in a corner of a large jail, and call the result a Borstal Institution is a sham and a pretence, a piece of administrative complacency defrauding a credulous public.

A Borstal Institution is a training-school for adolescent offenders, based on educational principles, pursuing

educational methods. To be sent there is a punishment, for the training involves a very considerable loss of liberty, but to stay there is to have a chance to learn the right way of life, and to develop the good there is in each.

ALEXANDER PATERSON.

HOME OFFICE,
1934.

FOREWORD

BY

SIR JOHN CUMMING, K.C.I.E., C.S.I.

THE treatment of juvenile delinquency has been the subject of much literature in many countries—in North and South America, in several countries on the Continent, and in Great Britain ; and many methods—foster homes, agricultural colonies, industrial schools, reformatories, Borstal Institutions, juvenile courts, probation and other social welfare agencies, springing either from voluntary charity or from official sources—have been devised as measures of amelioration within the last hundred years. The British system for the adolescent delinquent, which has come to be known as the Borstal system, takes the form of specialised education—intellectual, physical and moral—with a definite individual bias. The system has lately been studied by Mr. S. Barman, a graduate of Calcutta and a member of the Bar in London, to whom special facilities were afforded by the Home Office. Mr. Alexander Paterson, one of H.M. Commissioners of Prisons and the leading and sympathetic authority on the Borstal system, has shown in his Introduction that Mr. Barman's book has a high value for the reader in this country ; moreover, it opens the door to Mr. Paterson's own suggestions for development of the system. It is, however, only right that it should be stated that Mr. Barman's further object in preparing the book was to place this intensive examination of a Western system at the disposal of his fellow-Indians in the East.

It has been the fortune of the present writer to have been in touch with developments in India since the foundation of a special juvenile jail in Bengal in 1908 till recent years, when, as editor of *The Police Journal*,

he received reports of experience in handling the juvenile problem in different countries. He has therefore much pleasure in bringing the book to the notice of Indian readers, especially those whose duty it may be in any future Indian Government to deal with this chink in the armour of Indian administration against crime.

There has been steady progress in the spread of humanitarian methods in dealing with juvenile delinquency from the early nineteenth century to the present time. The conditions of the middle of last century were revealed in Mary Carpenter's classic, *Juvenile Delinquents—Their Condition and Treatment* (Cash, London, 1853), while an account of modern conditions is to be found in Mrs. Le Mesurier's *Boys in Trouble—A Study of Adolescent Crime* (Murray, London, 1931). In the United States the volume of Drs. Healy and Bronner, entitled *Delinquents and Criminals, their Making and Unmaking* (Macmillan, New York, 1926), is of value as a close study on scientific lines of a large number of cases of juvenile delinquency in two important American cities. A long way has been travelled since the time when special measures for the juvenile transgressor were criticised as "acting unjustly towards honest persons" and a "premium on crime." Heredity and environment are both recognised as contributing factors. Among practical administrators and sociologists who have specialised in penology there is general agreement that the main objectives of modern days are to keep, if possible, the young offender out of prison altogether and away from the usual criminal courts; at any rate to segregate the first offender, if sent to jail; and to exercise individual reformative methods during the impressionable years, either by probation or in special institutions.

Now in this matter Great Britain has in recent years an honourable legislative record in her Probation of Offenders Act of 1907, her Prevention of Crime Act and her Children Act of 1908, and the recently passed Act of 1933, known as the Children and Young Persons Act; and in England since 1908 there have been

established seven institutions on Borstal lines, six for the delinquent youth and one for delinquent girls. India, too, has reconstituted her outworks in defensive measures against juvenile delinquency; and has some real progress to report within the last thirty years. There are now at least four provinces in India and Burma in which there exist institutions which correspond more or less to the Borstal Institutions in England. Both the house system which encourages the team spirit and the grade system which promotes emulation have been adopted. Moreover, provision has been made for Juvenile Courts in two Indian provinces.

India has many manifestations of philanthropy to her credit. For example, the family system in India, as in China, has cemented the social structure and enabled it to withstand the shock of changing dynasties. Nevertheless, there are certain forms of social endeavour for the public weal which, it is permissible to think, might be adapted—not necessarily copied—in the East. It is hoped that in future years the Indian public will do more to foster After-Care Associations, to supply Probation officers of the best class for juveniles, and to increase and support Prisoners' Aid Societies in the case of adults. It is obvious that under Eastern conditions the methods which have been found successful in the West may have to be modified; but the account, at once informative and sympathetic, of one outstanding branch of penal reform which has been written by an Indian in this volume, should furnish the Indian public with valuable comparative material; and so it is cordially commended.

The English Borstal System

Chapter I

REFORMATIVE PENAL SYSTEM

There are three aims of punishment, namely—retaliation, prevention and reformation. The preventive and retaliatory theories represent the old schools of penology. Formerly the aim of punishment was to make the offender suffer in his turn, by way of expiation and to frighten both the offender himself and other would-be offenders in the world outside by showing that retribution will follow crime. This old theoretical interpretation of punishment was based on man's primitive instincts of self-preservation, retribution and revenge. In the Mosaic Code of the Jews and the Lex Talionis of the Romans, we find the ideas of retaliation and vindictiveness which immemorial practice had made to seem logical and inevitable. The Lex Talionis was, in fact, the original and barbarous foundation of the penal code. The upholders of retaliatory and deterrent principles of punishment were moulded in the strictest school of puritanism. They accepted these doctrines unquestionably, which were indeed held by the majority of the older generations; in fact they not only believed them themselves but considered absolute adhesion to them as an essential of salvation and thinking thus they naturally did all in their power to secure others' allegiance to these principles. They never believed in the possibility of success of any method by which the criminal can be reclaimed as a useful citizen. Their verdict was a verdict of lifelong punishment for the criminal, doomed and destined for permanent bondage in the prisons.

Looking as far back as the tenth and eleventh centuries,

we find that under Saxon and Norman kings, common criminals were mutilated in various ways, blinded, branded, amputated of feet and hands, and let crawl about the country as a warning to others, showing the fate of a criminal. Such punishments were decreed with great particularity. Later, about five hundred years after, in Tudor times, we look for but still find no advance. In this period boiling alive was the punishment for poisoners and burning at the stake the penalty paid by traitors, by a wife who killed her husband and by a servant who killed his master or mistress. Such an atrocious system of law was not repealed until 1790, when "the great fickle lamp of democracy was already shining over the earth." Early in the eighteenth century, a bankrupt was likely to be publicly scourged through the streets at the end of a cart, his tongue split, his nose cut off, his eyes put out, his property dispersed and he himself finally hanged. Still later, forgers were usually hanged, a celebrated case having been that of the Rev. William Dodd, one of the most fashionable preachers of London, "who had signed the name of his benefactor and friend Lord Chesterfield, to a note." Coming down as near as early nineteenth century, we still find the primitive spirit of revenge and retaliation in the treatment of the criminal. The account given by George Ives[1] of the spirit of that period with regard to penal methods is as follows: "An instance appeared in a *Times* paragraph, 18th January 1801—which tells how a certain Andrew Branning, a luckless urchin aged only thirteen had broken into house and carried off a spoon. Others were with him but they ran away and only he was captured and brought to trial. His story ended in two words which were short and customary: Guilty—Death." This incident shows the attitude of society to crime and the criminal during the early nineteenth century. It shows to what a great extent the social outlook with regard to penal methods was pervaded by a spirit of retribution and revenge. Society still believed

[1] George Ives, *History of Penal Methods.*

in the theory that the aim of punishment was to drive criminality out of the soul of man by torture, violence or any method of force. It must be remembered that this was the time immediately preceding a great change. It was indeed a landmark in the history of penal methods —a great turning-point in the history of mankind. The "dawn of reaction" was at hand.

Thus we see that under the old régime, penal servitude became so elaborated that it became a huge punishing machine without discrimination, feeling or sensitiveness. The criminals—the poor, helpless victims of the forces of circumstance—who possibly had a London gutter or a workhouse for their only moral training-school, and who were probably nurtured in crime by society's other licensed agencies of moral corruption, received heavy penalties. It was this horribly unjust penal treatment that produced most of the dangerous desperadoes of the prisons under the old system. "The dull regularity of prison life, a life running for years without the least modification and which acts depressingly on man by its monotony and its want of impressions; a life which a man can endure for years, but which he cannot endure without being morbidly depressed and reduced to the state of a machine which obeys but has no will of its own; a life which results in an atrophy of the best qualities of man and a development of the worst of them and, if much prolonged, renders him quite unfit to live afterwards in a society of fellow-creatures."[1]

Moreover, the prisoner, when discharged after such a life of terribly deadly monotony with the inevitable consequence of moral and physical degeneration, carries out with him into society all his vices in a more developed form. Under the old system, the prison was a sewer throwing out into society "a continuous flood of purulence, the germs of physiological and moral contagion." It had a poisoning, brutalising, depressing and corrupting influence. It was a "manufactory at once of the phthisical, the insane and the criminal." Thus the old retributive

[1] Havelock Ellis: *The Criminal.*

penal system neither reformed nor got rid of the criminal, but merely hoarded him up temporarily to turn him loose on society more wolfish than ever. From the point of view of expensiveness, we find that to deal with a criminal under a retributive penal system is a most costly national luxury. It is a severe, profitless taxation on the public purse. Besides, increase of recidivism is more probable under the old system, for once a criminal becomes accustomed to the prison life he prefers it to a life of freedom. Such an unnatural attraction for prison life results from a general attitude of morbidity, which is itself the natural consequence of constant confinement in unhealthy cells, as in the prisons under the old régime. Such a state of things is the inevitable, natural outcome of a retributive penal system.

Finally, the most dangerous aspect of the old retributive system was that it ignored the necessity of special treatment of juvenile criminals. The danger of sending to prison a young offender, capable of reformation, and condemning him thus to abandonment, misery and mendicity, were never appreciated before. Such a treatment joins to the wretchedness which is the act of destiny, a wretchedness which is the act of law. It naturally degraded and ruined the delinquent, delivered him over to suggestions of despair, and finally made of him a confirmed criminal. Such ignorance of the human material was involved in the old conception of punishment, which was founded on the assumption of the responsibility of the offender, that he is a normal responsible person who consciously chooses to act as though he is not a responsible person—" a vine, as it were, that had chosen to bring forth thorns—and it was the business of the penologist to apportion the exact amount of retribution, due to this extraordinary offence, with little or no regard to the varying nature of the offender ; he was regarded as a constant factor."[1] With such a gross misunderstanding of the human problem, it is natural that the punishment was directed at the offence ; it was

[1] Havelock Ellis : *The Criminal.*

not necessary to consider the offender at all. The idea of scientific approach to the problem of criminality was foreign to the old schools.

Now turning to the third aim of punishment, *i.e.* reformation, it must be mentioned that the reformatory theory is a comparatively recent idea. It is well said that reformation is the dawn of reaction to old penal methods. According to the modern doctrine which the author will explain in this and the following chapters, the aim of punishment is " to so work upon the heart of the evil-doer that he will be led voluntarily to forsake his wickedness." As regards the history of the doctrine, we can undoubtedly trace its origin as far back as the tenth century, when Athelstane enacted that " men should slay none younger than a fifteen winters' man and provided that if his kindred will not take him, nor be surety for him, then swear he as the bishop shall teach him, that he will shun all evil and let him be in bondage for his price. And if after that he steals, let men slay him or hang him, as they did to his elders." This shows that even as far back as a thousand years ago, society used to give some amount of consideration to the offender in respect of his age and personality, and thus gave him a chance for reformation. In the Middle Ages, there is ample historical evidence to show that there was a desire to discriminate between the adult criminal and the young delinquent, for it is recorded in the Year Books of Edward I that judgment for burglary was spared to an individual of twelve years. This is clear proof of the fact that the State recognised the possibility of reformation of the young offenders and their subsequent return to society as useful citizens. But later, in the seventeenth and eighteenth centuries, the principle of awarding special treatment to young offenders seems to be lost sight of. Consequently the harshness of the law led to a large increase in the number of juvenile offenders till the beginning of the nineteenth century. The nineteenth century was an epoch-making period in the history of mankind. It marked in this respect the dawn of modern

civilisation. It was for the first time realised that criminals, especially the juvenile offenders, must be given discriminatory treatment. The Parkhurst Act of 1838 was the first legislative recognition of separate treatment for the young offender. Since 1840, the humanitarian spirit of social reformers has given a great impetus to the reformatory movement. The names of Mary Carpenter, Sydney Turner, John Howard, Matthew Davenport Hill and others appear prominent in the history of the reformative movement. They prepared the field for subsequent reforms, which would perhaps not have been possible but for their lifelong devotion to the service of humanity. Matthew Davenport Hill's epigrammatic formula of "Reformation or Incapacitation" clearly explains the whole principle of reformation. He contrasted two fundamental principles, when he said, "first, such treatment as incapacitates the criminal from the commission of offences, leaving at the same time his appetites and passions subdued and his desires unchanged; or secondly, a treatment which has for its object to reform him, by leading him to yearn after good instead of evil and by training his habits so that he shall be able to give effect to his new aspirations. We are reduced in short to Incapacitation or to Reformation."[1]

As evidence of the great humanitarian spirit of the age, we must also refer to the various activities of the English social reformers, which indirectly influenced subsequent legislation in the direction of establishing institutions for the reformation of the young offenders. The Marine Society founded in 1756 and the Philanthropic Society founded in 1788 rendered great social service to the country on these lines. But they were handicapped by the fact that they had to rely entirely on voluntary funds and had no powers of compulsion over the children whom they received. With the dawn of the nineteenth century, however, many benevolent institutions were established on similar lines with greater success. The growth of the

[1] In a letter of Matthew Davenport Hill to C. B. Adderly, Esq., M.P., in 1856.

Industrial Schools and the Ragged Schools is a clear evidence of the dawn of reaction to the old callous indifference of society to the unfortunate urchins of the slums. In the "Ragged Schools," the children were furnished with food and clothing as well as instruction, and the poorest, deserted orphans were also given shelter for the night. These Ragged Schools were founded in 1818, with certain children picked up in the streets of London. These schools formed "a noble bond between the higher and lower classes," and in them might be seen for thirty-four years a Chancellor of England teaching the alphabet every Sunday. The children were allowed to enter and leave of their own accord, though many of them were brought to the schools in the first instance by the police. They supported themselves by their own work. In 1860 there were 308 boot-blacks in the schools, each of whom brought the Society sixpence daily. Other similar institutions were established, such as the Boys' Brigade, which enrolled the little vagabonds of the streets by hundreds. It was instituted in Glasgow in 1883 by W. A. Smith. There were as many as 20,000 boys who drilled, marched, had common prayers and sang in the church. With the factory development in the forties of the last century, the social reformers felt the necessity of these institutions to cope with the evils of the new machine age. Mr. Quintin Hogg's mission of establishing recreation places for the young people in the vicinity of Adelphi and Drury Lane, was also directed to the same end. These philanthropic enterprises furnished a background for subsequent reforms. The humanitarian spirit behind all these benevolent institutions of the nineteenth century is the outward, visible reaction against the barbarity and brutality which, before the century opened, everywhere characterised the administration of the Criminal Law.

"As the long history of the penal system shows, severity is a double-edged weapon and if the offender leaves prison a worse man, a more embittered enemy of society than he was when he came in, society is injured

equally with the offender. The object of modern changes in prison treatment has been to remove or modify the features which conduced to deterioration of mind or character and to make imprisonment, so far as possible, a period of training. This aim is not inconsistent with the deterrent function of imprisonment. In addition to the deterrence resulting from loss of liberty, training—if the system is efficient—is a deterrent experience. It should demand from the prisoner a higher standard of effort in work and behaviour and self-discipline than is demanded by a purely punitive system."[1] The State soon came to realise the spirit of the new movement. From 1854 onward, several Reformatory Schools Acts were successively passed, to give effect to the demands of society for reformation of the juvenile offenders; but it was not until 1908 that full effect was given to these new social demands under the provisions of the Prevention of Crime Act of that year. The Act provided for the establishment of institutions all over the country for the reformation of adolescent offenders of the age between sixteen and twenty-one. It was the first time that the problem of adolescence had received such careful consideration from the authorities; it was the first time that the doctrine of individualisation had been adopted as the crux of the etiological problem of crime. In this and the following chapters the author will deal in some detail with these different aspects of the English State Reformatory system.

Principles of Reformation

The reformative treatment of the offender is a modern social problem. We find, above, from the history of penal methods, that the social attitude is the basis of all legal action against the offender. When under the old régime, society was crude and sought vengeance upon the criminal, the action was akin to Lynch Law. But today,

[1] From the *Report of the Departmental Committee on Persistent Offenders*, 1932.

when society is kind and gives careful consideration to the individual's nature and personality, this attitude shows itself in the elaborate, well-organised reformative penal treatment applied to the young offenders, as at the Borstal Institutions in England.

Dr. Hamblin Smith has aptly pointed out that "reformation is the result of a mental process within the man and not of anything which he can obtain from without." The authorities can do no more than attempt to enable the individual to adapt himself to reality, and to see where, how and why his previous efforts failed. The authorities have, however, to try and induce the individual to formulate a plan on which to base his future life. Absence of any plan of life is very characteristic of the delinquent class. The creative impulse for regeneration must come from the individual himself and that can only come through the acceptance by him of opportunities for self-expression and initiative that are afforded him by the authorities at the institution.

The success of a reformative penal system largely depends upon the personality of the staff and the efficient organisation of the institution, based on some fundamental principles. These principles can be divided under three heads, namely:—

(i) The Principle of Love;
(ii) The Principle of Freedom;
(iii) The Principle of Self-Government.

(i) *The Principle of Love.*—Here "love" is translated into approval, championship—not that the authorities shall approve of the crimes the young offenders have committed, but that they have to find out the good in the individual, even to see in the crimes of the individual evidence of qualities admirable in themselves and when differently expressed recognisable as the highest virtues. This is the principle of the reformative love—the love to see and encourage the good in the individual—which justifies and emphasises the positive aspect of the reformative treatment. It is because of the authorities'

genuine admiration for their high spirit, and their knowledge of the causes which have directed the young offenders into anti-social rather than social activities, that they are able " to secure their complete confidence and substitute in their hearts a different set of ideals." This is in fact the secret of success at " Borstal."

Love, then, in this context, consists in a benevolent regard for the good of the offender himself. The duty of society is to administer not only justice, but love as well—or one might say fraternity. Love is the complement of justice. We are never right in hating the criminal, for he is born into crime, pre-disposed to wrong. " He is already a prisoner—held in chains and weights. If these were removed, he would rise to higher things and be lovable as any human being is lovable. If we could descend into the heart of the person seeming to merit hatred we should discover good human possibilities held in fetters. Our hatred would change to pity, because instead of finding there a will or character that was bad from freedom of choice, we should behold one enslaved to evil and yet capable and desirous of the higher life. Must we not love such ? Is it not such that merit most especially our pity and love ? " [1]

Love inspires hope in the offender for reformation and subsequent return to society as a useful citizen. Hope is a more potent agent than fear. So it should be made an ever-present force in the minds of offenders, by a well-devised and skilfully applied system of rewards for good conduct, industry and application to learning. " Rewards more than punishment are essential to every good prison system." As far back as 1846 Colonel Montesinos, who made reformatory experiments in Spain, said, " what neither severity of punishments nor constancy in inflicting them can secure, the slightest personal interest will obtain . . . self-respect is one of the most powerful sentiments of the human mind, since it is the most personal ; and he who will not condescend, in some degree, according to circumstances, to flattery of it, will

[1] McConnell : *Criminal Responsibility and Social Constraint.*

never attain his object by any amount of chastisement ; the effect of ill-treatment being rather to irritate than to correct and thus turn from reform instead of attracting to it." This well describes the psychological constitution of the individual mind. What the authorities have to do under such circumstances is to handle the human material gently and cautiously, so as to win him over by sheer dint of their personalities. The moral object of a reformative penal system is not so much to inflict punishment as to correct, to receive human beings idle and ill-intentioned and return them to society as honest and industrious citizens.

One of the principal causes of juvenile crime is the failure of the parents to love their children. The love-sentiment, being inhibited from natural expression, gets perverted. The aberrations of the instinctive love-sentiment cause a colossal havoc in the young unsophisticated minds. Thus there grows in them a dangerous feeling, an indomitable craze for revolt, rebellion and crime. The aim of reformation in such cases is to reshape, remake and redirect the natural tendencies of human nature to purposes satisfying the individual and of value to the community. Such sublimation of the repressed energies is possible only in an atmosphere of mutual love—of loving and of being loved. The success of the whole system depends upon this reciprocity of love. Dr. Grace W. Pailthorpe puts it well when she says that " since directly or indirectly all accomplishments in life are brought about ultimately through the interaction of loving and being loved, the inhibition of this capacity, either in its active or passive form, is bound to react detrimentally both on the individual and on society as a whole. One of the qualifications, therefore, of those who have the educational side of these young people in their hands, must lie in the degree of the freedom, within them, of the capacity to love."

(ii) *The Principle of Freedom.*—The next fundamental principle of reformation is that of freedom. The individual delinquent must be allowed ample freedom to assert and

express himself. "Subjugation was the old idea; Conversion is the new." So in the institution, the offender's own desires and capacities have to be consulted; in fact, he is to be allowed to follow his own bent, within reasonable limits. The authorities have only to keep an unostentatious supervision over him, as observers, without interfering with his individuality. There is a great psychological significance in the grant of such freedom. Evil thoughts obsess the mind more, if they are repressed. The best way to get rid of a tune in the head is to sing it out, and of a repugnant desire, to acknowledge it. It is only because an individual does not and sometimes cannot, on account of unfavourable social conditions, give the right expression to his impulses, that they subsequently come out in morbid and abnormal ways. It is only in an atmosphere of freedom that he can be self-critical, can give psychological expression to his repressed instincts and thus can find relief from the pain and agony of repressed complexes. It has to be always remembered that it is only in so far as we recognise the individuality of the offender that we can reform him. By such recognition, in all his potentialities for good or bad, we can help him to re-educate himself and thus sublimate his whole being.

So the offender is to be allowed a great measure of freedom and is only to be restrained from injuring his fellow-inmates or the staff. The most effective way of making an impression upon the individual, to make him feel free at the institution and conscious of his privileges, is for the members of the staff themselves to share the institutional life of the offender by having meals, playing games, working in the gardens, etc., with him. It is very encouraging to find the unmarried members of the Borstal staff at Lowdham Grange having their meals with the lads in the common dining-hall. Such common dining and other aspects of a common institutional social life help the growth of an *esprit de corps* among the inmates and the staff, and also establish a friendly understanding among them.

At first such freedom may tend to upset the institutional discipline, and occasionally pandemonium may ensue. The offenders, having been allowed freedom to which they had never been accustomed before, may all at once have a tendency towards revolt, and threaten to get completely out of hand. At the first liberation of the repressed energies, they may smash crockery and windows, hit each other about, throw their food about, and even go so far as to cause a serious riot in the institution. But this, as experience shows, is only temporary. Very soon there comes a revulsion of feeling. They are sorry that they behaved so badly; and this regret provides a definite impulse in the direction of better behaviour in the future. Gradually they acquire an interest in the various activities of the institution, want to learn, seek things to do, and a spirit of co-operative rivalry comes into being.

Apart from this, much depends on the outward appearance of the institution. Locks and bars have to be avoided as far as possible. The Lowdham Grange "Borstal" without bars is an institution under ideal conditions. Such an atmosphere of freedom as prevails at Lowdham Grange helps both mental and physical development of the inmates. Absolute freedom of speech is allowed subject, of course, to such rules and regulations as are required for the preservation of a normal discipline. The arbitrary enforcement of silence, as under the old régime, had a most demoralising effect on the mental health of the individuals. "The denial of the right of speech does not prevent communication, it only renders it more difficult. It does not hinder conspiracy and wickedness—those get by; it is the pleasant word of hope and encouragement that is stopped—the cheery 'Good morning,' the kindly greeting of friendship. It is exactly as if an engineer were forbidden to put oil on his machinery for fear that he might be tempted to throw in sand."[1] The inevitable accompaniments of restriction of liberty were suspicion, fear and hatred. There was under the old régime a system of constant espionage. Unnatural

[1] Osborne: *Society and Prisons.*

offences were likely to take place as the result of essentially unnatural environmental social conditions, of terrible deadly monotony, of overwrought nerves. These serious shortcomings of the old system led to the inevitable consequence of moral and physical degeneration; and these shortcomings were due to lack of freedom and denial of the initiative inherent in human nature.

When we speak of freedom as a principle of reformation, we must not be misunderstood as implying a complete absence of compulsion. The conception of a reformatory institution in which there is to be no compulsion is completely erroneous. The fact is that there has to be compulsion, but so far as possible it should take the form of moral influence rather than of overt action. The chief function of a reformatory institution is to teach its inmates that there is no such thing in human affairs as absolute freedom, and that no man in life can escape responsibility for the consequences of his own actions. The individual offender's first contact with the institution has to be that of responsibility and confidence. He has to be made conscious of his responsibilities to the institution, of which he is a member; and of the fact that the institution desires of him his voluntary co-operation in the upkeep of its discipline. The institution in its turn has to keep confidence in each constitutent member, has to rely on each individual's voluntary contribution for its general welfare. Thus we see that the freedom which is to be allowed to the inmates of the reformatory institutions is not an absolute freedom, but a "limited freedom both of the individual and of the community to make mistakes, to test for themselves the value of every law and the necessity for every restriction imposed upon them." The proper basis for a reformative penal system is liberty. "It is liberty alone that fits men for liberty."

(iii) *The Principle of Self-Government.*—The principle of self-government is a corollary to the principle of freedom. Self-government and freedom are in fact two aspects—one the positive aspect, another the negative

aspect of the same phenomenon of human existence. One who is self-governed is free; one who is free is self-governed. Absolute freedom is an utter impossibility. Nobody can be absolutely free in a phenomenal world. By a free individual is meant one who is self-governed, who governs himself by his self.

Self-government, as a principle of reformation, implies that individual offenders are permitted, within suitable limits, to make their own "laws," and themselves to elect the authority they shall agree to obey. The purpose of such a self-governing institution is to break down the anti-social attitude of the individuals, to eliminate the possibility of the approval of the group being accorded to a courageous defiance of authority. Under such a system of self-governing institutions the law-breakers not only learn to become law-makers, they learn also to become law-enforcers, and thus the whole course of their activities can be turned into social channels. Provision of the right kind of opportunity for the exercise of concerted thought and action is of the very first importance in the development of self-government. It is interesting to note here that great concessions and privileges are allowed to the inmates of the Borstal Institutions in England, where, for instance, they "learn the difference between right and wrong from the bench as well as from the dock" in their self-governed Leaders' Court, where they run very successfully a quarterly review, *The Phœnix*, where they have allotments of land in which they are allowed to work in their own leisure time, and where they have also various other opportunities which afford an impetus to the development of the self-governing capacity.

To quote Mr. Sanborn, "the prisoner's destiny should be placed measurably in his own hands; he must be put into circumstances where he will be able through his own exertions to continually better his own condition. A regulated self-interest must be brought into play and made constantly operative." The entire policy has to be one of non-interference. The individuals have to be

allowed to find out experimentally for themselves, that having their own way with no thought for others cannot make life any happier for them. It is then only that they can well realise that however desirable pleasure may be in life, it cannot be attained by their anti-social methods. They soon get tired of that hooliganism which is the natural result of the sudden liberation of suppressed energy. The mode of life that at first appeals to them when they are left free does not long satisfy them. They begin almost imperceptibly to feel a desire to be like normal people. An inchoate preference begins to emerge for an ordinary, peaceful, happy, social life as against an extraordinary, dirty, destructive, criminal life. These feelings of uneasiness are healthy symptoms of an early reformation. They mark, in fact, the first signs of change in the criminal philosophy of the individual. All these feelings are, however, still vague and obscure. Though he now realises that something is wrong with him, he cannot yet find for himself what is for his positive good. It is then that he voluntarily seeks help from " those who stand by but never interfere." He begins to believe in the authorities, who can help him to put things right for himself. He feels that he need not fear their help, because if he does not like their help and guidance, they will not be imposed upon him. Thus the individual is left free to assimilate what he can digest. What the authorities have to do under such conditions is merely to help the young people through the medium of environment, without directly interfering with their ways, without imposing on them any unsolicited help and guidance of a positive kind. They have to wait patiently for the time when the inmate will voluntarily surrender himself to them for encouragement, help and guidance. They regard it as one of their most important functions to teach him self-government, to show him the way by which he can govern himself. Osborne says, ". . . I had not only found the practical way to get at self-government . . . but through my growing faith in the men themselves, I had learned that whatever measure of self-government

was granted, to be really successful, it must be worked out by the prisoners and not imposed upon them by the prison authorities. Reform . . . must be prisoners' own process ; all that officials or outsiders could do would be to promote favourable conditions." [1]

Apart from allowing freedom and self-government to the individual offender, a large amount of liberty has to be given to all inmates with regard to the internal administration of the institution. They have to be given full opportunities to organise the institutional activities themselves, with help and guidance from authorities when necessary. They have thus to be made conscious of their responsibilities to the institution. The House and Group systems, as they exist in the Borstal Institutions in England, play an important part in this direction. They give the members of the Houses and the Groups great responsibilities for a community decision in matters of general organisation and discipline. In such an atmosphere, the individuals are allowed to work off their delayed self-assertive energies, and at the same time to acquire a new self-respect as they cope with their new social responsibilities at the institution.

In all such matters with regard to development of self-government, the authorities have to be very patient and enduring in the handling of the individual. The proper methods have to be applied at the right moment, for this is the critical turning point in his life, when a potential criminal can be saved to society. The duty of the authorities with such sullen and defiant individuals is to encourage all activity, good as well as bad, to encourage all self-urged experiments and to assist them in reaching such conclusions as they will adopt as their own, so that they may by a process of elimination discard futile and false ideals. The reformation of individuals can only be sound when they are allowed to reach conclusions as a result of their own observation and experience. This will eventually lead to the gradual development of self-government.

[1] T. M. Osborne: *Society and Prisons.*

The success of a reformative penal system depends upon the effective application of the fundamental principles of love, freedom and self-government. The greatest aim of human life is for a man to attain himself, to be himself. It is humbling but ennobling, whereas pretence is humiliating and degrading. The objective of an ideal reformative penal system, such as " Borstal " in England, is to make the individual no other than himself. The discovery of his real self, as made under the most minute processes of individualisation, and the understanding of the motives which govern his actions, put resources at the disposal of the authorities, out of which they build a character truly his own, an individuality which is his own self, with its infinite possibilities of progressive development. The whole attempt is an attempt at self-realisation. It means, as Dr. Hadfield says, " the realisation of the full and complete self, which it is our purpose, like that of every organism, to achieve by the pursuit of a great ideal." [1]

From a careful review of the Borstal Institutions in England, such as the author attempts in the latter chapters of the book, it is possible to say that the system which they embody, and which has stood the test of experience for the last twenty-five years, deserves the highest commendation, whether we regard its aims, its methods, or its results. The English Borstal system can be defined as a State Reformatory system in which the object is to teach and train the individual adolescent offender of an age between sixteen and twenty-one, in such a manner that on his discharge he may be able to resist temptation and be inclined to lead an upright, honest life, as a useful member of society. Reformation is the actual as well as the declared object of Borstal treatment. The authorities do this by putting the offender's fate at his own disposal, by enabling him, " through industry and good conduct, to raise himself step by step, to a position of less restraint, while idleness and bad conduct, on the other hand, keep him in a state of coercion and re-

[1] Dr. Hadfield : *Psychology and Morals.*

straint." The whole system is thus founded on sound principles of love, freedom and self-government.

Some Aspects of Reformative Penal Treatment

Apart from the fundamental principles, as discussed above, there are many other subtle features of the technique which may be said to have contributed greatly to the success of the Borstal system in England. These different aspects of reformative penal treatment can be classified broadly under three main heads, namely :—

(i) The Environmental Aspect ;
(ii) The Physical Aspect ;
(iii) The Cultural Aspect.

(i) *The Environmental Aspect.*[1]—As mentioned above, the methods in the reformatory institutions are simply attempts on the part of the law to change the whole trend of the criminal's life by a temporary environment supplied by the State. The supply of a healthy environment is of the first importance in the organisation of a reformatory institution.

The most important problem in this connection is the system of confinement—whether the cellular or the dormitory plan is better and more reformative. The immediate physical atmosphere has a direct influence on the psychology of the human mind. Each of the two systems named has its advantages. The advantages of the cellular system are : that it secludes the offender from his fellows, thus reducing the risk of conspiracy ; that it has a deep healthy, psychological effect in helping him to know himself ; that it teaches him the qualities of sobriety, punctuality, and quietness ; that it gives him time for prayer and promotes that sense of personal freedom and privacy which is so valuable in character development, and that it thus tends to make him a

[1] This subject is discussed here on broad lines, and is examined more fully in some of the later chapters.

reasonable human being. The advantages of a dormitory system, on the other hand, are : that it makes of an offender a social human being, because of his constant contact with other fellow-inmates in a common dormitory ; that it serves the paramount purpose of reformative treatment, namely, the development of individuality in and through the group ; that it develops social instincts, such as unselfishness, enlightened self-interest, etc. ; that it keeps him aware of the bracing influences of struggle, which plays so important a part in human affairs ; that it helps whole-time occupation of the individual, thus counteracting any morbid tendency towards day-dreaming, masturbation or other malpractices. The advantages of each have, however, to be weighed against its disadvantages ; there are both good and bad points in each. Here again there is an intense need of individualisation. In England, therefore, the authorities, appreciating the advantages and disadvantages of each of the systems, have adopted a plan which combines the two. In the Borstal Institutions, they have provision for both cells and dormitories. The offender is put into cell or dormitory, according to the diagnosis of his individual case. The choice depends on the particular nature and tendencies of each inmate. It may be remarked here, that Borstal " cells " are not like grim prison cells but are very decent, spacious, healthy compartments which might well be called " rooms." [1]

Another problem connected with the environmental aspect of reformative penal treatment is that of keeping the inmates of the institution in touch with the outside world. In a penal system under the old régime, the conviction of an offender produced a sudden loss of contact with the world outside. The period of detention was a period of complete banishment from civilisation. Such an absolute detachment of the individual from society would be more likely to make of him a confirmed criminal than to reform him. The amount of recidivism that was experienced under the old régime was natural

[1] In fact the cells are called rooms at Aylesbury Borstal Institution.

and should cause no surprise. The environment in which the criminal used to be detained did not help to reform him—rather it sapped all the human elements, and thus made of him a human monster. Under the modern reformative system of penal treatment, the authorities have come to realise the necessity of keeping the inmates of the institutions in touch with the outside world through the medium of different voluntary agencies who are the representatives of the public. Through them a human relationship is established between the inmates and the general public. These voluntary agencies are great " idea-carriers " between the inmates and the wide world outside. This infuses in fact a sublime touch of humanity into the whole atmosphere of the institution. The inmate is more likely to be inspired by a keen desire for reformation when he is convinced that society is sympathetic and ready to help and reclaim him as soon as he proves himself worthy of a free social life.

Havelock Ellis says : " The barrier which has in most civilised countries been set up between the criminal and the outside world must be to some extent broken down. This is necessary in the interests of both parties. The criminal cannot be too carefully secluded from his fellow-criminals, neither can he have too much of outside socialising influence, if he is to be won back from the anti-social to the social world." [1] This aspect, in fact, finds a prominent place in the State reformatory system in England. The law provides for the appointment of Visiting Committees for the institutions. The members of these committees are representatives of the British public, chosen for their experience of men and life by the Home Secretary. These people are rendering a great service to their country. Very careful and judicious consideration is required in the appointment of the members of the Committees, so as to exclude fanatical, inexperienced and merely curious persons. These voluntary workers must be people genuinely inspired with the spirit of social service, and possessed of a wide and humane

[1] Havelock Ellis : *The Criminal.*

outlook; they must be willing to undertake the responsible work of looking after the highest interests of the young offenders. The spirit required of these devoted workers is one of love of service to humanity.

Another link between the inmates and the outside world is furnished by the trade instructors. In fact, these trade instructors play a most important part in the reformative treatment of the individuals. They teach them occupation, which is the essence of character-formation. They teach them skilled labour in the shops, which helps the youths to find jobs in those particular trades after they are discharged from the institution. The trade instructors make them as efficient as other workers outside the institution. As Dr. Wey says: "the idea has been to train the hand and eye and teach the use of tools, to awaken an ambition to pursue a lawful calling and appreciate the value of a practical knowledge of a trade, so that when the time shall come that they pass beyond the prison doors and again come into contact with society, they will not be handicapped by the same conditions that formerly operated to their detriment, but with increased resources of mind and body will be enabled to occupy a higher and more self-respecting place." The inmates, after two or three years' training in skilled labour in the shops, do well at least as improvers and sometimes can even compete successfully with any efficient worker in his trade. Moreover, the relationship as between the trade instructors and the inmates is very friendly. The atmosphere in the trade shops in the English Borstal Institutions is particularly interesting. There is a feeling of warmth, a sympathetic, encouraging, homely atmosphere about the whole place which leaves a deep impression on the visitor.

The disciplinary aspect of the environment is also very important. There has to be a military spirit throughout the organisation. The upkeep of a military dignity is highly beneficial to the moral progress of the inmates. It teaches the inmates punctuality, orderliness, smartness in movement, obedience and other healthy social habits.

Military drill and discipline play an important part in the reformation of the criminal. Military drill has both its physical and psychological effect on the inmates of the institution. A considerable amount of importance has to be given to the military side of the institutional discipline, without, however, emphasising too much the rigid uniformity inherent in a military system. A military parade of the Houses, composing the institution's General Regiment, has an immense psychological effect on the minds of the individuals. The congregation of the inmates from the Houses at the sound of the bugle, the filing of the inmate "privates" at the command of their "Leaders" in charge of the squads, the marching past of the whole regiment following the military concert band party—all these have a deep significance in the camp life of the institution. A system of dress parade every evening and a monthly competitive examination may be adopted. Under such a system, the Houses compete for honours in the form of badges to be worn for a period by the "commissioned officers" of the successful House. This is a very effective way of encouraging a competitive group spirit in the life of the institution. It also rouses the enthusiasm of even the most unsophisticated among the inmates of the institution. Apart from this, such a system leaves the inmates ample scope for self-government and gradually the government of the whole institution becomes a self-disciplined military government, conducted largely by the inmate military officers. An institution thus organised on a military basis can help the development of self-government among the inmates. It improves the health and bearing of the inmates, their habitual mental tone is improved, common disciplinary difficulties are diminished. In fact the government of an institution on a modified military basis is necessary to its satisfactory management.

But an absolute military system of reformatory administration has its grave dangers as well. The rigid uniformity of a military organisation is a great handicap to individual progress and reformation. Individualisation being the

crux of our problem, we cannot adopt an absolute military basis of administration. What at most we can do in this direction is to give the inmates freedom to organise among themselves a system of military drill and discipline, subject, of course, to directions from authorities when they are necessary, if at all. This will be a self-organised military system. There will be a competent military instructor. The institution regiment has to be fully officered with inmate military officers, a good brass band with drum corps has to be provided and to be in daily attendance at the general dress parade. Courts-martial and weekly officers' classes for the study of military tactics are to be held under directions and supervision of an expert military officer. All these have to be organised in such a way that the human and social element of the reformative system is not sacrificed to the rigidity of the military discipline. The artificialities of an absolute military institutional life have to be religiously avoided, for it is irreconcilable with " love, freedom and self-government," which are the fundamental principles of a reformative penal system today.

(ii) *The Physical Aspect.*—The importance of the physical aspect of reformative penal treatment will be discussed from a scientific standpoint in a later chapter on the medical method of individualisation. Here we shall discuss some matters, such as food, cleanliness and general bodily exercise, on which the physical health of the individual very much depends.

As regards food, variety and sufficiency are the essential tests of a good dietary for reformative purpose. The food supply in the institution should not be excessive, for over-abundance of diet makes one dull, inactive both mentally and physically. A standard quantity of food supply has to be maintained, subject to variation only in the event of extraordinary circumstances. In order to maintain this standard the items of food have to be weighed out on a regulation basis, in proportion to the number partaking. As we shall see later in the book, very minute attention is given to the quantity, quality

and variety of the food supply to the inmates of the English Borstal Institutions.

Furthermore, the inmates sit at a common table and enjoy their meals, talking to one another in a homely way. This arrangement has a considerable social value. It develops a spirit of brotherhood in the individuals and thus prepares them for a social life in the community.

As regards cleanliness, this is essentially important for an effective reformative treatment. " Cleanliness is next to godliness." Dirtiness is very prevalent among criminals, especially the young offenders. In many cases it may be that for a long time, perhaps for years, they have never changed their clothes, worn clean under-garments, nor had a bath. The natural consequences of dirty habits are a general morbid attitude towards life, dullness, incapacity to discriminate between right and wrong, inclination towards criminal behaviour, a general temperament of despair and damnation. These are the characteristics of the human material, that has to be remade, reshaped and reformed. The first step towards the formation of a habit of cleanliness is the provision of baths. Bathing and massage, moreover, give a tone to the whole nervous system ; they make the inmates feel fresh and capable of benefiting by the reformative treatment ; they stimulate the cutaneous system, bring the skin to a high degree of functional activity, and overcome all sorts of disorders. So there is provision for baths for inmates at the Borstal Institutions in England. These baths are organised in a group system, so that each inmate may have at least one bath a week. In summer a swimming bath is arranged in the pool of the institution. Swimming has an invigorating effect on the individual physique. It stirs up the whole system and supplies fresh energies to the mind.

Similarly the drill and discipline to which the inmates are subjected bring about a positive improvement in the physical constitution of the individual. They harden and develop the muscles that previously were soft and flabby, and the entire muscular system acquires firmness and power. The physical training, the drill, the gymnastic

at home, hurrying to the street after the day's work and evening meal, now since his return, hurries home from work, finding for himself and imparting to others, happiness with his books and quiet domestic enjoyments."[1]

What Mr. Brockway said as far back as 1888, equally applies to the Borstal system in England. Records in the offices of the Borstal Association show what admirable results follow from the literary education imparted to the juvenile offenders during their detention in the institutions. Æsthetic culture is spread there chiefly by means of a systematic study of literature. It is true that in some cases the individual at first meets the attempt with sullen stupidity as a new task imposed on him, and the consequence is that for some time he does not find any interest in reading. But gradually this lack of interest is overcome and he slowly begins to acquire an interest in reading. Much depends, however, on the choice of books, suited both to the taste and capacity of the individual. In the words of Mr. Alexander Paterson: "It is idle to try and force a book on a lad which is written in a way he cannot yet approach. . . . It is necessary to lead an untutored taste very gently along the inclined plane. A lad whose attention has never been captured by anything better than the romances of Sexton Blake should be introduced to Sherlock Holmes. It is but a step from Conan Doyle to Seton Merriman, and in a little while he will bridge another little gulf and reach Stevenson. Here we can leave him securely entrenched in the field of good English literature. He will not easily return to the drivel that once enslaved him."[2] An earnest constant study of good literature creates and develops a mental and moral faculty of æsthetic appreciation. Furthermore, mental and moral habits are formed just as certainly as physical habits, and without any more conscious co-operation of the individual than is required in physical practice.

Mention will be made later of a quarterly review,

[1] From the Report of Mr. Z. R. Brockway, the General Superintendent of Elmira Reformatory Institution for the year 1888.

[2] *The Principles*, by Mr. Alexander Paterson, M.C., H.M. Commissioner of Prisons for England and Wales.

The Phœnix, which is published from the Rochester Borstal Institution. It contains news of institutional interest and also literary contributions from the inmates. The contents of *The Phœnix* show the culture and education of the inmates. It may be said with justice that *The Phœnix* can be compared favourably with any ordinary average English newspaper.

As regards the moral side, it is very encouraging that the chaplains receive a quick and favourable response from the inmates to their moral and religious teachings. "For religion at all ages touches the deep springs of life, whence issue motive, action, temper and point of view."[1] It demands a great amount of patience and sympathy on the part of the religious instructors to create in the individual a religious attitude towards life. At first there may be unexplained but actual repulsion among the criminals to stereotyped religious dogmas, which have no meaning to them. But in matters of religious instruction, strictly theological questions need not be brought in. The religious instructor has to use his discretion in such matters and devise methods suitable to each particular individual. General discussions on religious or quasi-religious topics often give the best results. The subjects of such discussion should be as wide as possible, dealing with the fundamental principles of life, such as moral distinctions between right and wrong, motives good and bad, conflicts of conscience, the justice and expediency of laws and governments, need of self-control in society, sublimation of the animal instincts, etc. Discussion and lectures on all such topics help to inculcate in the individual a philosophy of life which is beneficial both to himself and the community. As we know, the criminal has his own philosophy under the delusions of which he feels impelled to criminal conduct. With a criminal philosophy of his own, the individual finds a social justification for crime from his own point of view. Such a conception of crime not only keeps him free from remorse, but he also "either denies his crime or justifies

[1] Mr. Alexander Paterson: *Across the Bridges*.

it as a duty, at all events as a trifle. He has a practical and empirical way of his own, of regarding the matter."[1] What is required then in all such cases is to impart such religious and moral instruction as will change his anti-social philosophy and prepare him for life as a social human being. The aim of reformative moral treatment, "is not so much to impart a knowledge of stereotyped facts and ideas as to stimulate the minds of the men to obtain for themselves a true conception of the moral order of the world of which they are members and to form true convictions as to their relations to it."[2] There are many criminals, and especially many of the unfortunate juvenile offenders, whose contact with crime is but a phase of their existence, who pass through it without belonging to it body and soul. They may be regarded as victims of the force of circumstance. They experience a crisis and must be helped through it by society. There is an obligation upon society, towards its members, to save them from wrong. "In this service, punishment should be one of the most effective measures. It must be wisely utilised, but to be thus utilised, there should be no concealment of the need of repentance and expiation, for that alone can effect a revival of conscience. If the interests of social protection were alone considered, convicts might be treated like hounded animals and not like men; but that is not the way to bring about reformation."[3]

Thus we see that an ideal reformatory institution is in fact a "moral hospital." The end of punishment being nothing else but the destruction of vices and the saving of men, a reformative penal system has to be founded on a rational and scientific basis. A reformative penal system is today the most promising direction in which we can turn for light on the treatment of the criminal. Such a system, which provides for a wholesome and improving discipline in the individual, is encouraging;

[1] Havelock Ellis: *The Criminal.*

[2] From the Report of Mr. Marvin, the Instructor of the Class in Practical Ethics at Elmira Reformatory Institution for the year 1888.

[3] M. Saleilles: *The Individualisation of Punishment.*

for it "shows us a community awakening to an active sense of its duties, so long forgotten, towards the weaker members, who, if neglected, become so dangerous to themselves and to others."

Period of Detention Necessary for Reformation

The process of reformation which is adopted in the Borstal Institutions, insisting as it does at all stages upon the unfettered expression and gradual development of the individuality of the young offenders, necessitates a much longer period in which to achieve success than does a method which seeks to restrain and correct evil by punishment or to inspire good by precept or example. Reformation is, in fact, a work of time. It has a benevolent regard to the ultimate good both of the criminal and of society. Therefore it requires that the offender's sentence of detention be long enough for reformatory processes to take effect. It is the experience of penologists that short sentences beget a class of minor recidivists known as "rounders, repeaters or revolvers," who are continually in and out of prison. These unfortunate results follow because the authorities, being bound down by the limited period of detention, cannot possibly apply measures for reformation. "Further, the system of inflicting short sentences is, from an economic point of view, the most costly and extravagant that could be devised. Add to the plundering of the public, the cost involved in the constant repetition of arresting, charging and conveying to prison a host of these habituals, and it will be found that every year thousands of pounds are lost without the slightest resulting benefit either to the public or to the prisoner."[1]

Reformation being the aim of punishment, it is clear that moral regeneration is not possible under a system of release at a fixed date. If punishment is to be a reformative measure, a moral treatment, the period of detention for

[1] *Crime and Criminals:* 1876–1910, by R. F. Quinton, M.D., late Governor and Medical Officer of H.M. Prison, Holloway.

reformation cannot be determined in advance. Hence the necessity of a longer sentence for effective reformation of the individual criminal.

The next problem is how long this period of detention should be, whether it should be (*a*) a long sentence of definite length; or (*b*) an "absolute indeterminate" sentence; or (*c*) a "modified indeterminate" sentence.

As regards definite long sentences, modern penologists hold the view that such sentences are unjust either by way of excess or of defect. Furthermore, they are inexpedient, because they fail in many cases to produce the desired results of reformation. They are retributary, imposed upon the individual as an expression of vengeance by society; or at the best they are an illogical compromise between curative treatment and the lethal chamber. Such definite sentences are imposed only in cognisance of the crime and not of the criminal. "Reformatory sentences can be based only upon the character of the actor, which it is desired to correct, but the time required to alter it cannot be estimated in advance, any more than we can tell how long it will take for a lunatic to recover from an attack of insanity."[1] "It is quite as absurd to limit the period to so many months or years, as it would be for the physician, when summoned to a serious case of illness, to predict a cure at a fixed date. . . . The patient's discharge must depend upon his cure, *i.e.* upon his restoration to physical health. The same would apply to the criminal. He should not be restored to liberty and the life of society until he has ceased to be a menace to society and has recovered his moral health."[2] So reformative penal treatment becomes a matter of moral cure and hospital treatment which requires a sentence fixing no definite period of detention.

The next alternative is the absolute indeterminate sentence, *i.e.* a sentence without any limit as to either the minimum or the maximum period of detention. Under an absolute indeterminate sentence, the offender may be

[1] F. H. Wines: *Punishment and Reformation.*
[2] M. Saleilles: *The Individualisation of Punishment.*

convinced that his anticipations of being set at liberty are fallacious, but that he will be released only when he can satisfy the authorities by his conduct in the institution that he is fit for release, and when society will have no longer any cause of being afraid of him. Thus the individual offender's future will depend upon how he behaves himself in the institution. The individual offender, under such a system of sentence, will take the personal initiative of working out his reformation on which alone his release will depend. What is guaranteed is not the release but the moral improvement. Such improvement is made the very condition of release and thereby gives a definite interest in the endeavours and efforts of moral reform, which the prisoner himself exercises. But these advantages of a system of absolute indeterminate sentence have to be weighed against its many disadvantages. A long indeterminate sentence has a terribly depressing effect on the offender's mind. He feels deprived of any near prospect of freedom, of any well-founded expectation of an end to the weary routine of a life without object or stimulus, with an unknown hopeless future. Under such a system, it may be possible, at least theoretically, to keep a person deprived of freedom for life. Furthermore, under a system of absolute indeterminate sentence, it is difficult to devise a relative test of reformation. The offender may pretend conversion to get freedom from detention. Such demonstrations of attained salvation, if readily accepted, would "place a premium on hypocrisy." In order to meet such cases, the reformative discipline has to be enforced in such an atmosphere of love, freedom and self-government as shall itself serve as a test and evidence of the moral progress of the inmates. Under such an environment, certain definite natural indications will be visible to mark the stages of progress. Yet a great disadvantage of the system of indeterminate sentences is that it is "not compatible with the discipline of state penitentiaries. It is practicable only under a specially devised system, one that departs as little as possible from the life of a free society with the

initiative that it involves and the efforts which it enforces. Thus alone may the attitude of the prisoner towards a regular life be stimulated, may he serve an apprenticeship to a regular life and be readapted to the life of society."[1]

Our last and the best alternative is the modified indeterminate sentence. After weighing the arguments in favour of definite sentences and indeterminate sentences, we can readily adopt a system of modified indeterminate sentence. Under such a system, a fairly long period of detention, not exceeding a limited number of years, is fixed. In the experience of those best qualified to judge, this system is the best to suit modern world conditions. The principle was accepted in England many years ago and found actual recognition in the Prevention of Crime Act 1908, which authorised the commitment of adolescent offenders to detention in Borstal Institutions for a comparatively indefinite term, not exceeding three years. In the Act of 1908, there is also provision for commutation, by which the actual term of detention can be abridged by the authorities as a reward for good conduct and progress. The Courts are in favour of imposing three years maximum sentence of detention, so that the authorities may have complete control over the offender for his own benefit; but if the offender shows a proper desire to reform and to lead an honest life he is released on licence before the end of the maximum period of three years. Thus it depends on the offender's conduct and progress at the institution, whether he is to be detained for the full maximum period or not.

There are many distinctive advantages of a system of modified indeterminate sentence as provided under the Borstal system in England. In particular, it avoids the danger of arbitrary prolonged detentions. Within the limit of the maximum period of three years, a discharge may be granted at any time when it appears that reform is accomplished. Absolute discretion is given to the authorities as to the release of an offender before the expiration of the maximum period. In actual practice,

[1] M. Saleilles: *The Individualisation of Punishment.*

an offender is released only when the authorities are satisfied that he is reformed and capable of being reclaimed as a useful member of society. Thus is made possible a most effective administrative individualisation, which is of the first importance for the reformation of the criminal.

Furthermore, under such a system, we can get the maximum certainty of infliction of the punishment necessary for each individual case. It provides an individual remedy for an individual problem of criminality and thus meets the complex variety of the problem of crime. As Mr. Osborne has remarked: "every hundred criminals sentenced by the courts will be a hundred different men, constituting a hundred different human problems, needing a hundred different methods of treatment to make their punishment successful. Punishment of some kind, society is justified in giving; the only questions are what kind and how much. The criminal has interfered with the orderly progress of society; he should be punished—impersonally, not unfairly, not revengefully, but sternly and inevitably. It is justice, not mercy, that he should receive from the Courts."[1]

The real reformation has to be brought about through rigorous experience on the part of the offenders, sufficiently irksome to make them feel the certainty of infliction of the reformative penal treatment. It demands the most careful individualisation of punishment, to get this maximum certainty of infliction. The quantity and quality of the punishment which will do good to each individual case can only be determined by the administrative authorities under a system of modified indeterminate sentence, which alone can give them sufficient time and scope to bring about an effective reformation of the criminal.

[1] Mr. T. M. Osborne: *Society and Prisons.*

Chapter II

PROBLEM OF ADOLESCENCE

For thousands of years the importance of adolescence, *i.e.* the period of rapid change from the childish to the adult type of characteristics, has been recognised. We have ample proof of this in the history of religious ceremonies, in different countries under different civilisations. But it is only with the development of the new science of individual psychology that studious observations of the phases of adolescence have begun, and it is now appreciated that no super-structure is possible which denies the fundamentals of human life. The laws of different countries have also recognised the importance of adolescence in determining the *mens rea*, which is the basic test of what we call " criminal responsibility." It was the recognition of this fact in England that led to the enactment of the Prevention of Crime Act 1908, which provides for various methods of treatment of young offenders.

We shall find in our study of the characteristics of adolescence that there are powers in the soul " that slumber like sleepers in myth," that there are immense potentialities in the individual, and that at that period there occurs a sudden unfolding of the social instincts and there awakens a new life of love. " It is the age of sentiment and of religion, of rapid fluctuations of mood and the world seems strange and new." At no other period of life is human material so plastic for being moulded into the best specimens of humanity, culture and progress. At this age, youth has all the best sentiments and feelings, with supreme inner potentiality. It is sad that such human materials are so often wasted because of the lack of interest and ignorance of those who are

responsible for their future. Many of our social evils arising from juvenile delinquency could be prevented if parents, teachers, preachers and physicians only realised their responsibilities and acted in accordance with the modern spirit of social service. The maladies of perverted, unadjusted adolescence could be effectively prevented if the influences of home and school were more healthy. The cases that we receive at " Borstal " in England are already at the advanced stage of degeneration and decay and consequently take more time and care for the complete cure of delinquencies. Furthermore, the individuals that come to " Borstal " are those who have proved failures in most cases both at home and at school. Modern life is hard, and in many respects increasingly so, on youth. Nothing is more disappointing than the fact that home, school and church fail at times to recognise the nature and needs of our youth and most of all, the perils of adolescence. As our " Borstal " records show, parents of the young offenders are in most cases morbidly careless of their duties and responsibilities to their children. Bad homes are the primary cause of juvenile delinquency in modern days. Nor does our educational system, based on old conservative ideals of morality and puritanism, help the individual to overcome the perils of youth.

The problem of adolescence, rightly understood, is not confined to " Borstal " alone. It is a problem everywhere in those institutions that are concerned with human materials. It is a problem as important for the Reformatory Institutions, school, national clinics, as for the family, the church and every social or religious institution that is concerned with humanity. No super-structure is possible which ignores the human element in the individual. There is a fundamental defect in our institutions. What we find in them is that " everywhere the mechanical and formal triumph over content and substance, the letter over the spirit, the intellect over morals, lesson setting and hearing over real teaching, the technical over the essential, information over education, marks over edification, and method over matter. We coquet with

children's likes and dislikes and cannot teach duty or the spirit of obedience." It must not be forgotten that society owes a supreme duty not only to itself and its constituent members but also to those who have gone wrong, for they are merely the victims of early environmental conditions for which society itself is responsible. Society is under a supreme obligation to cure such perverts and not merely to punish them. The ends of justice would never be served by taking revenge on the offenders by the imposition of retaliatory forms of punishment on them, for society itself is responsible for their behaviour. This conception of social responsibility on the part of the State is the real philosophical background of the English State Reformatory system today.

Apart from evil influences at home and school, the one other social factor that has contributed to the increase of juvenile crimes in all countries is the mechanised industrial civilisation of the world today. The difficulty of the problem of adolescence has been enhanced by the Industrial Revolution. The factory development that began in the forties of the last century is one of the primary causes of the problem of juvenile delinquency that we have got to face today. There is a close relation between rapid industrialisation and the increase in juvenile offences. Stanley Hall has drawn attention to the influence of " increasing urban life, with its temptations, prematurities, sedentary occupations and passive stimuli just when an active, objective life is most needed, early emancipation and a lessening sense for both duty and discipline, the haste to know and do all . . . the mad rush for sudden wealth and the reckless fashions set by its gilded youth. . . ." Industrialisation is not an unmixed blessing. It brings with it various evils, such as disease, perverted outlook on life, increase in crimes, perversion of youth. We must not forget that above everything else, " youth needs repose, leisure, art, legends, romance, idealisation and, in a word, humanism, if it is to enter the kingdom of man, well equipped for man's highest work in the world." As Mr. Alexander Paterson says, " romance

and interest have yielded to speed and profit. There can be only one result from this monotony of daily work. Power to think is deadened, natural buoyancy suppressed. But the drudgery which requires so little effort must bring to every restless spirit a swift reaction when its claim upon him ceases." [1] Nothing is an object of more pride to a nation than its youth. The youth of today is the nation of tomorrow. So the State's greatest responsibility is to keep the youth of the nation strong and virile. The education of its youth is a supreme trust in the State—a trust reposed in it by civilisation and humanity.

Characteristics of Adolescence

The characteristics of adolescence are various and full of complexities. They may, however, be broadly classified under two heads—physical and mental.

On the physical side, there suddenly and spontaneously begins an activity of the essential physical organs, with the actual maturing of germ cells. There is thus normally a rapid growth of the external sexual parts and of the whole body—a sudden disproportionate over-growth of the different parts of the body. There is a quick growth of the skeletal and muscular structure, and the heart shows a peculiar hypertrophy. This sudden accelerated physical development is caused by new conditions, which disturb the young person's whole being. He is more or less gravely affected by over-activity of the endocrine glands, the thyroid gland in particular becoming enlarged or swollen. He is unbalanced, prone to outbursts of emotion, and his judgment is affected. The truth is that chemical changes are taking place within the young adolescent. He cannot resist these tremendous compellants. The whole nervous system is disturbed. The nerves carry messages of the unusual situation to the brain. The brain in its turn sends out messages of discomfort to the glands. These glands again discharge too much of their hormone and the nervous system is irritated, with

[1] Mr. Alexander Paterson: *Across the Bridges.*

the consequence that the young person suffers from intense maddening restlessness. These new conditions of physical development involve an upheaval of the whole being. As Stanley Hall says: "it is like a new birth. . . . Nature arms youth with all the resources at her command—speed, power of shoulder, biceps, back, leg, jaw—strengthens and enlarges skull, thorax, hips, makes man aggressive and prepares woman's frame for maternity. . . ."

Adolescence is indeed a rebirth, for the old self is dead and the urge for the new is the problem of the individual. Everyone has to pass through this phase of life. His problem is then, how to control the new impulses and to what use to put the new functions, the new vigour and strength, with its hitherto inexperienced pain and pleasure. Unfamiliar with the new complications, finding it difficult to adjust himself to his new self, the individual may find the reality of the world too hard to overcome. The whole period of adolescence is one of vastly important new adjustments. The outcome of these adjustments colours all the rest of life.

During its phase of dominance, the period of adolescence is characterised also by the growth of instinctive tendencies which guide the life of the individual. It is a rebirth, and "the soul is rejuvenated like the faded blossom that turns to tender fruit." The conception of "rebirth" is in the name of the Rochester Borstal magazine, which is called *The Phœnix*, to represent the mythical symbol of rebirth, "the passing away of one psychological phase and the emergence into life of another." At the moment of "rebirth," the individual is "between two worlds—one dead, one powerless to be born." We are "reborn" at every different stage of life and "there are fresh instincts ready to spring forth, at every rebirth of life, like the young phœnix from the dead ashes of the old. By welcoming them, we remain young, by advancing with age we achieve perpetual youth."

Another important aspect of adolescent growth is that there is a thorough reconstruction of the sense functions in the individual. The urge of the sexual impulses asserts

itself and perhaps causes disaster "in the form of secret vice, debauch, disease and enfeebled heredity, cadences the soul to both its normal and abnormal rhythms." Unable to understand the problem of the inner self, the individual in some cases becomes disillusioned, desperate, and is finally driven to quacks for remedy because neither parents, teachers, preachers, physicians, nor any of those to whom he would naturally turn for advice, know how to deal with these problems of the individual.

The consequence of the reconstruction of the sense functions during adolescence is that the individual craves more knowledge of his body and mind—in fact, craves self-realisation, which is the ultimate goal of humanity. In no other period of life does one need so much protection and guidance to help one to face life's problems. But unfortunately many of our youth, and particularly the young offenders whom we receive in our prisons and other penal institutions, do not get this protection and guidance which might have saved them. The individual, unguided and unprotected, arrives at hasty and irrational conclusions about his sense organs, quite ignorant of their effects on his mental and physical health. When he does not receive satisfactory explanations regarding the growth of his natural functions, he goes on tormenting himself in secret with the problem and attempts to find a solution in which the truth, so far as he guesses it, is mixed up in the most extraordinary way with grotesque inventions. The consequence may well be that he fails to adjust himself to the society in which he has to live, so that he first comes in conflict with his fellow-men, with his family, and finally in conflict with the law. We hardly ever consider to what extent the individual himself is responsible for his anti-social behaviour. His misdeeds are only the last stage of his long-continued, unregulated period of adolescence, perils from which it is the duty of society to protect him.

Thus we see that in the stage of adolescent growth of different instincts and impulses, the sympathy and understanding of society are very helpful to these young

people until they become stabilised. During adolescence the individual is conscious of an increased tension and uneasiness which he cannot explain, and it so happens, especially in the case of a young delinquent, that he becomes restless and is impelled to do something at once. This tension demands immediate relief, which nothing but action of some kind can provide. He seizes and acts upon whatever opportunity is forthcoming. This excitement and tension are the most frequent contributory causes of anti-social behaviour and crime.

On the mental side, the changes during adolescence are even more important. As Healy describes the mental aspect of the adolescent development, " there is a rapid growth of individuality, of constructive imagination, of the powers of self-control and of abstract reasoning. . . . Most important is the fact that through new-found activities to complete adaptation to social requirements, there may be many stormy places. . . . It is as if the exaltation of the physical organism was carried into the mental sphere." This is the period of the development of new desires, aspirations, self-love, jealousy and all other mental conditions that prepare the individual for the attainment of maturity. Marro characterises the period of adolescence as the time of psychic hyperæsthesia. The individual becomes hyper-sensitive during adolescence because he feels instinctive desires which he has not yet the judgment to control. Thus he feels a spirit of rebellion against society and an adventurous desire for new experiences. It is this insatiable thirst for new experiences, this desire for self-expression, this irresistible urge from within, that leads the individual to actions which bring him into conflict with the law. Psychoanalysis of the inmates of the Borstal Institutions has shown how various exaltations and depressions and morbid imaginations, and also fault-findings and dissatisfaction with home surroundings and such other circumstances, are responsible for the downfall of young offenders.

The most significant mental aspect of the period of adolescence is that, if the individual's new lust to know

nature and life is starved, his mind becomes troubled by what is called in psychology " in-growing." This disease of " in-growing " is the real mental problem of the adolescent aberration. An important characteristic of adolescence is the fact that a new and all-absorbing interest in adult life and in vocations develops in the individual. He finds around him a new world, and understands neither it nor himself. The whole future of his life will depend on how his new powers, now " given suddenly and in profusion, are husbanded and directed." The young person becomes curious about himself, about his new development both in mind and body. There is an alternation of hopes and despairs, storming within. The inner self is vexed with serious problems which he had never encountered before. Unaccountable, peculiar feelings perplex his whole existence. He tries to adjust his new self to the world, always striving to bring about a harmony between himself and his environments. There is a constant struggle for adjustment between himself and his self, giving rise to various complexes. There is an unconscious craving to give vent to his instincts. At times the world appears unsympathetic towards him, when, in spite of all his striving, he despairs of attaining that higher unity, with the consequence that he acquires a morbid attitude towards life, becomes peevish and easily irritated. Such are the symptoms of the disease of " in-growing," unadjusted adolescence.

Adolescence is then a period of character-formation. It is the time when the " libido," the will of the individual, acquires its potentiality and strength, on which his whole future largely depends. The will determines the personality of a human being. The will is the motive force of human activity, it is in fact the very life of the self. It is only in so far as an individual exercises his will in altruistic activities that he maintains his character. There is always a struggle between the will and the impulse. The test of the strength of human character is the amount of victory of the will over the impulse. From this we can see how important the period of adolescence is in human

life, since it is then that the best traits of character are formed. Character and personality begin to take form in adolescence, though everything remains plastic till maturity is attained afterwards. There is an increased feeling of self-assertion and ambition, and " every trait and faculty of the individual is liable to exaggeration and excess." The vista of possibilities of life are before him. He feels the pain of inexplicable supreme power within himself. He feels like challenging the whole world. His inner potentiality is great. He strives after self-expression and suddenly asserts himself, inspired by his inner urge of love for work and self-expression. This inner urge is an urge to completeness, which is the most compelling motive of life. If we may use the words of Dr. Hadfield: " there is no motive of life so persistent as this hunger for fulfilment, whether for the needs of our body or for the deepest spiritual satisfaction of our souls, which compels us to be ever moving onward till we find it." This craving for completeness and self-realisation urges one to satisfy one's lusts and passions. The same craving impels one to the nobler pursuits of life, such as moral endeavour and the development of character. The impelling force is there in the individual. His future depends on how he makes use of this inner potential force. It may be heaven or hell, as the individual makes use of it. So in all different spheres of organic life, in biology, psychology, morality and religion, the craving for fulfilment is the dominating force which induces the individual to live and struggle with unfailing energy, till the supreme goal of self-realisation is reached. This urge towards completion is a part of human nature. It is a compulsion from which no one can escape.

Adolescence is a marvellous new birth. Nothing is so worthy of love, reverence and service as the body and soul of youth. The best test of a reformative system such as "Borstal," is how much it has contributed to bring the young offender to the fullest possible development of his potentialities for good.

Adolescence is the age of idealism, for there is a rapid

growth of constructive imagination in the individual during this period. He seeks for an ideal sentiment, which can harmonise all the new instincts which have been emerging in him during adolescence. It is an age in which the feeling of incompleteness and depression is very marked. Dr. Hadfield thus describes this phase of adolescence: " feeling the need of self-mastery, he seeks to master the forces of nature, and pits himself against his fellow-men; feeling the need of psychological harmony in his soul, he throws himself into movements for universal peace. But sordid facts of reality constantly intrude and spoil the vision. He cannot find the ideal, his impulses are left chaotic and from the heights of idealism he falls to the depths of despondency, the only escape from which often seems to be in death. This phase of life, commonly regarded as the happiest period of life, is in consequence also characterised by the greatest number of suicides and crimes." This, then, is the period of formation of idealism, the guiding principle of the individual's future life. This formation of idealism takes place amidst the greatest internal conflicts which the individual has ever experienced. His ideal is the test of what we call his personality, in later life. This is the ego, the " libido," the supreme motive force of human activity.

Marro classifies the mental troubles of adolescence as those: " (*a*) to which the individual has a pre-disposition and which merely find in pubertal stress a directly inciting cause; (*b*) mental troubles which are by their nature allied with the evolutionary conditions of puberty; (*c*) mental troubles which are due to imperfect evolution at puberty." The evolution of immature adolescence to mature manhood depends largely upon environment. Experience in dealing with young offenders shows that adolescence brings out marked peculiarities in individuals. We find, for instance, in the case of a particular Borstal inmate, that his records show that there is " an amount of storm and stress accompanying the remarkable new growth and new experiences of puberty which may have strikingly definite connection with the production of moral twists."

Healy enumerates the mental characteristics of adolescence causing delinquency thus: "(*a*) general changeableness or instability of ideas and emotions and consequently of character; (*b*) excessive impulsions, belonging both to the physical and mental spheres; (*c*) excessive lack of self-control; (*d*) mental and physical lethargy or laziness; (*e*) the general feeling, perhaps only occasional, of recklessness; (*f*) hyper-sensitiveness, as shown in romanticism, dissatisfactive hypochondria, etc.; (*g*) lack of foresight which is perhaps nothing more than a feature of childish mentality carried over to the time when signs of adult development are showing themselves; (*h*) egocentrism, ambitiousness. These with impulsiveness and lack of experience may lead to unfortunate behaviour. Running away to go on the stage is an example."[1] According to Healy, the delinquencies of adolescence are generally those of impulse. Rough, violent, reckless conduct is common during this period. Behaviour indicating criminal tendencies is similar in nature to other symptoms during adolescence. It is very significant that violence and recklessness, indulged in during this period, are in normal cases not very often found later in life. Healy gives the normal age for crimes against the person as between eighteen and twenty-one years. It is interesting to note here that the dangerous nature of this age as described by Healy and others of the same school of Criminology has been recognised by law in different countries, as in England by the Prevention of Crime Act 1908. For purposes of the criminologist, adolescence is a subject of serious research and study, for it is at this period that many characteristics develop which may easily, under faulty environment or poor disciplinary circumstances, make for delinquency.

Treatment of Adolescent Delinquencies

Having discussed the characteristics of adolescence, we turn now to the various forms of treatment of adolescent

[1] Healy: *The Individual Delinquent.*

delinquencies. The fundamental nature of all these various methods is that such treatment is mainly reformative and positive. The positive aspect of the treatment is its important aspect. Sir Percy Nunn says that ". . . in the treatment of crime it is now well established—though the fruits of discovery are sadly slow in maturing—that mere repression is no cure, and that the true remedy lies in the 'sublimation' of the criminal's misdirected energies." More importance must therefore be attached to what an individual should do than to what he should not do. For a proper understanding of these methods as devised by the authorities at different times and places, it is best to describe them under the following heads:—

(*a*) *Formation of Better Habits and Sentiments.*—When criminal habits and tendencies have been formed, steps have to be taken by the authorities for the formation of better habits. This can only be done in a suitable environment. No form of treatment will be of any benefit to the perverted individual unless his environment be good and healthy. In the light of these principles, and of the experiences at "Borstal," one is inclined to think that reformation is much more hopeful in the young than in confirmed offenders, for the former comprise a more elastic type of human material, capable of forming new and better habits under suitable conditions. So it is that in England the authorities have concentrated their efforts on the young offender, with the hope that by formation of better habits through institutional treatment, the individual can be reclaimed as a useful citizen. Dr. Hamblin Smith says that "the success of the Borstal system is due to the cases being selected, brought under its influence young, carefully investigated, trained in better habits, and on release supervised as far as may be possible by means of a system of organised after-care."

Efforts to form better habits in individuals are made in various ways, such as through employment in shops, gardens, evening education, games and recreation, and kindred activities in institutional life. In the shops, as at "Borstal" in England, the young offender acquires a

high degree of initiative, self-reliance and power of concentration ; he learns self-respect and at the same time respect for others, and develops a habit of serious, purposeful industry. As will be apparent to the reader from a perusal of later chapters, which deal with the Borstal Institutions, the Borstal system in England is a definite, deliberate and systematic application of the " play-principle " to moral education. Through games and recreation, the individual expresses the eternal craving of the organism for free self-assertion — a primitive, fundamental craving that must somehow be satisfied, otherwise the internal " libido " suffers damnation and decay. All types of neurotic troubles are caused by abnormal drifts of this libido. Sir Percy Nunn has pointed out that " all truly effective reform, both in education and society, is motived by the desire to enlarge as much as possible the field in which that central function of life may find worthy and satisfactory exercise." Thus we see that in appreciating the inner significance of play lies the solution of most of the problems both in education and reformation. In play the individual can anticipate the seriousness of life. Play exercises the powers that in real life are needed in the struggle for existence. Oskar Pfister records his view that play " creates symbolical fulfilments of the wishes which actual life in its parsimony contemns. Thus play is an elder brother of art, an elder brother who has not yet scaled the heights of art. Play is primitive drama, just as drama is spiritualised play." Each of the human instincts in turn has its own phase of activity. These instincts dominate the whole personality and find partial expression in play. " Play," says Dr. Hadfield, " is often explained as the outcome of exuberance of energy, but its function is to prepare us for life." This is what the educationalist calls the " play-way " of education.

A most important aspect of institutional employment is manual work. There are various branches of manual work at " Borstal," such as plumbing, book-binding, carpentry, painting, building-construction, boot-repairing,

arts and crafts, handyman, motor-engineering, etc. The psychological significance is that, in manual work, pleasure lies in the aim. It demands the co-operation of all the functions both physical and mental. It tends also to favour various physiological activities, such as respiration, circulation, digestion and transpiration. Manual work is a very effective means of treatment of mental and nervous disorders among the offenders. A comparative study of the relative importance of the various activities such as manual work, gymnastics, games and sports, shows that manual work is the best from all points of view. In gymnastics, the movements are ordained by the master. Gymnastics aim at increasing physical development and grace, but the movements are made for their own sake and the individual is not conscious of the result. In active play, the pleasure of movement of the different parts of the body is the chief factor. Movement in play is freer than in gymnastic exercises and the pleasure lies in the movement itself, the aim being secondary. Here there may be creative activity, initiative, the use of tools and materials ; but the individual does not usually aim at a result. In sports, too, the element of play is present, but competition and the team spirit are the dominant factors. The aim lies chiefly in victory. The rôle of initiative in creative activity is limited by the rules ; there is no material, nor special tools. But in manual work above all, the individual receives what he misses in any of the other activities, in gymnastics, games or sports. Manual work, more than any other activity, demands the co-operation of all bodily functions, both physical and mental. The recognition of this truth of the relative superiority of manual work to all other activities has found expression in the Borstal Institutions in England and the Reformatory Institutions in other countries, and the results are very encouraging. In many cases, after discharge, the young offenders are obedient, law-abiding citizens and have no more anti-social reactions. It may be mentioned here, that apart from this, the introduction of manual work as a part of the reformative programme,

has an advantage from the utilitarian point of view. The finished products of the trade shops at Reformatories, are in most cases of high quality and so can compete with those in the open market. Furthermore, the employment of the inmates in useful manual work fits them for securing jobs after they are discharged.

To achieve all these results from manual work, in a reformative sense, the authorities have to keep in view the proper spirit in which such activities should be organised. Thus preference has always to be given at first to useful manual work, especially to gardening, cooking, poultry, the making of toys, weaving, etc. Gardening and cooking find in fact, an honoured place in the curricula of Borstal Institutions in England. Other kinds of more skilled manual work such as book-binding, modelling, sawing, upholstery, joinery, carpentry, wire-work, which are also taught in English Borstal Institutions, have to be added gradually to the curricula. These activities are very useful, especially in winter and on wet days, when out-door work is not suitable. Furthermore, the authorities must give a measure of responsibility and freedom and must encourage initiative either by rewards or by some other system of giving concessions to the instinct for ownership, *e.g.* the canteen system of payment, the system of allotments (described in later chapters). The authorities also observe the aptitude of the individual for a special class of manual work and employ him accordingly. Much depends upon the choice of the work. In determining what sort of work will suit each lad, his mental age and character are also taken into account. It is necessary to encourage in him a liking for the work he does, and this can be done by example and by working with him. Interest in the work is the true spirit of manual work and craftsmanship.

Similarly, a great deal of thought and study must also be given to the social and cultural aspect of the treatment. No organised social life, or rather no form of play or amusements that is not spontaneous with the individual, is really re-creating. Institutional amusements are more

in the nature of work than play. There must be joyousness and spontaneity in every movement of the individual. So the new principle of employment is " to exploit more fully than hitherto that spontaneity of the individual which we have described as the essence of play."

Now turning to another aspect of the problem of adolescence, we must find what steps can be taken for the formation of sentiment in the individual. Sentiment formation is an effective means of the treatment of adolescent aberrations. Hardly any of the youths received in " Borstal " have been educated at school on the lines of sentiment formation. Nor do the homes from which the young offenders come help them in that respect. So education towards sentiment formation is necessary. Dr. Grace W. Pailthorpe, in her recent *Studies in the Psychology of Delinquency*, notes that " it is no unusual occurrence to see a person, even of mature age, apparently change completely in character, under some new and strong influence. . . . If this be so, where character development has taken place and a change can be effected, what might not be done by education, where very little character development has taken place ; where the original capacity for sentiment formation has not been stimulated into activity ; where such capacity is still lying dormant ? We are dealing with individuals, whose dispositions are rudimentary largely because life has been lived in surroundings which have been rudimentary. The surroundings lack ideals which are the outcome of, as well as the making of, sentiments. They live with people who lack sentiment formation even as they themselves ; there is no attraction or stimulus towards sentiment formation. This side of the individual is lying dormant. The egoistic sentiment in them is almost elemental in that it involves the activities of self-assertion alone. Their craving to follow fashion and live as others is largely imitative rather than idealistic, exhibitionistic rather than æsthetic." What Dr. Pailthorpe describes in these lines applies more to girls than boys, but the nature of the social disease, as diagnosed above, is true of individuals of both the

sexes. This disease is the disease of the lack of ideal sentiment.

Sentiment development is only possible in an atmosphere of healthy social life, where the individual has to reconcile his interests to the interests of others. A spirit of what is called " enlightened self-interest " has to be fostered in the individual, so as to prepare him for life in society. As Sir Percy Nunn says, " individuality develops only in an atmosphere where it can feed on common interests and common activities." Life being a social business and the institution a miniature society, there must be corporate acts. The co-operation of every individual is demanded for the preservation of what we call the " school order " in that society. Out of these corporate acts, there develops in the individual a spirit of discipline within his self. This spirit of discipline is the voluntary submission of the individual's instincts and desires to others, and it is this spirit which distinguishes him from a beast and makes him a social human being.

It is with a view to the formation of better sentiment in the individual that a Group or House system is adopted in the reformatory institutions. Such a system tends to foster a feeling of pride and a noble spirit of service in the individual for his House or Group as the case may be. These feelings are invaluable factors in promoting that spirit of unity and good-fellowship which society is so anxious to see reigning in the individual. It helps to engender a strong *esprit de corps* which has a very wholesome influence over the whole institution, each unit feeling an individual responsibility for the honour and good reputation of the smaller entity to which it belongs. The Group system gives a social atmosphere where the individuality of a lad can develop to its fulness. The individuals have various games, sports and other activities in which they have a common interest to serve their respective Groups. The winning of individual prizes is discouraged. Emphasis is thrown everywhere on the achievement of the Group. The spirit of Inter-House competitions in the various spheres of

institutional life at " Borstal " is healthy and hopeful. Men are never individual when alone. Individuality can only find scope for self-expression when one is surrounded by one's fellow-beings. So Sir Percy Nunn insists again that " all we demand is that individuality shall have free scope, within the common life, to grow in its own way and that it shall not be warped from its ideal by forces ' heavy as frost and deep almost as life.' "

The results of a well-organised House system as a means of forming social sentiments in individuals depend largely upon the personality of the superintending staff at the institutions. The superintending authorities must have a strong, enlightened optimism, and a belief that by an appeal to what is best in each individual—his honour, corporate spirit, pride in his House, love of sport and rivalry in games and competitions—by all these subtle weapons, wisely and steadily employed, it is possible, though not easy, to re-create young natures and dispositions not yet thoroughly depraved. It is sometimes difficult to see what room is left for the authorities in a scheme of individual re-education in which each individual has to seek his own individuality. In this connection, the position of the authorities at the institutions resembles that of a teacher at the school. The main function of the authorities is to be an " observer "—not merely a passive onlooker, but an active observer, who apparently keeps aloof, refraining from unnecessary interference but ready to help the individual when he feels like crashing and not after he has crashed. Thus the authorities must keep an unostentatious supervision over the individual, giving him the fullest scope for self-government and freedom ; their attitude should be one of patience behind power. They must patiently wait and observe the progress of the individual and keep a record of progress and must look for the moment when active advice and guidance will be necessary. Any attitude can be forgiven on the part of the authorities save that of anger. They must never be angry with the young individual, however wrong he may be in his behaviour. They must always

remember that the offender is a victim of the force of circumstances, and they should always look upon crime as only one of many inter-related social phenomena of a malignant character, such as persistence of poverty, of widespread disease and of mental disorder and defect.

The functions of the authorities in the field of sentiment development naturally make great demands upon their learning, intelligence and their appreciation of the principles of love, freedom and self-government. It is their task to create and maintain an environment in which the impulses and sentiments of the individuals are awakened and to direct them unobtrusively in the right directions. They must see that by inspiration, suggestion and criticism, the best traditions of perfect humanity are revealed to the individuals. They will thus be " idea-carriers " between the great world and the institution, infecting the individuals imperceptibly with " germs that may fructify into ideals of sound workmanship and devoted labour " and all other higher human sentiments of life. The manipulation of environment by the authorities is not limited to setting the stage for the activities of the inmates. With their superior powers and knowledge and strong personality they are themselves constant and most important factors in the institutional environment. Their personality exercises in the young individual mind an influence that is none the less decisive because it " is brought to bear in the indirect form of suggestion and example rather than by precept and command." From them, if they are worthy of their responsibilities, the individual learns in various subtle ways " the attitudes and tendencies that distinguishes the humane from the brutal, the civilised from the barbaric habit of life." Unknowingly and imperceptibly their values become his values, their standards his standards, and from them come the influences that direct his social impulses into definite forms of normal social altruistic behaviour.

The object of education is not merely the imparting of a certain amount of information, though undoubtedly such theoretical knowledge broadens the outlook. The

primary object of education is the formation of the ideal sentiments of humanity, and this can only be done by a well-organised system of individual re-education. The purpose of institutional education, says Dr. Hamblin Smith, is to place the inmate " in such an attitude that his mind will be in harmony with the social body in which he will have to live and that he may be a constructive factor in community life."

(*b*) *Individual Re-education.*—It is often not realised how difficult is the process of re-education, whether it is attempted by group treatment or by individual treatment.

The proper path to follow is in neither case foreknown exactly, nor is the result sure. Experience has, however, proved that individual treatment is more effective than group treatment. But, as has been pointed out above, men are never individual when alone. Individuality can only be recognised in its relation to the group. So we are inclined to a compromise, namely, the treatment of the individual in and through the group. This is the new spirit of individual re-education. The individual has to be re-made before he can be educated. This re-making is anything but an easy and automatic process. There is no ready-made solution for every problem. Each individual is a separate problem for study and treatment.

Being in direct, close touch with the lads individually, the authorities are in a position to observe each case, the nature of the difficulties, excesses and shortcomings of personality and character, and finally to devise methods suitable for the individual. There can be no hard and fast rule as to how they should deal with a particular individual. It all depends on the circumstances of each case. They must recognise the difficulties that an individual, specially one of weak character, has to encounter in trying to better himself. They must also consider the individual's former surroundings, the familiar scenes of dirt and disgrace. They must take into account the results of historical, medical and psychological analysis of the individual. All these results supply them with a background in which they can work out the methods of

treatment of each individual case. The purpose of all such methods is individual re-education, to supply the conditions under which the individual may best be stimulated and guided to the fulfilment each of his own individuality. The authorities must see that help is at hand in the form of kindly encouragement, guidance and instruction, leaving the individual to make the best use he can of it, each in his own way. They must deal with every individual as a unit and not merely as an item in a group. They must be conscious of the fundamental biological principle that all men are not born alike. Everyone has got his own characteristics, individuality, personality, distinct from any of his fellow-creatures. This personality is what we call the " ego." The aim of education is to develop that supreme ego—that sublime integrity of human nature.

The individual brings his human materials which he has acquired from his home environment, or heredity, or whence you will, and it is for the authorities to reshape these materials, making the individual fit for life in society. They do not create the materials ; they only give a shape to the already existing human material. They re-shape, re-make and re-educate them. The fundamental problem is how to maintain a proper balance " between impression and practical judgment based on experience of many individuals ; intuition ; the systematic or the scientific approach." The question has also to be considered, " how might the benefits of a greater use of system be obtained without losing too much of the elasticity of approach which is so essential in dealing with lads and in attempting to reconstruct their behaviour." In view of the complications of individual natures, various methods have to be adopted, according to the circumstances of each case. The methods also naturally vary according to the special aptitudes and differing personal qualities of those applying them. But, broadly speaking, experience at " Borstal " suggests that the process of re-education involves both diagnosis and treatment.

The primary step towards individual re-education is

to observe the subject and to note whether any particular piece of misconduct may be treated as a symptom of some underlying condition ; whether, for instance, there are present any tendencies, such as laziness, inability to adjust to discipline, excessive day-dreaming, solitariness, sense of grievance, self-display of the weakly type, excitability, insolence and defiance, or any other tendency which may suggest the existence of some internal complex in the individual. The period of such observation is in fact the period of diagnosis. A lookout is kept for the typical excesses and shortcomings of personality and character. It demands keen observation to find out these purely mental aberrations. The excesses and shortcomings of personality and character which are generally found in the young offenders are various, such as open antagonism, aggressiveness, over-confidence, boastfulness, obstinacy, carelessness and indifference as to the future, childishness, suggestibility, sense of inferiority, submissiveness, proneness to tears, etc. Many of these tendencies are of neurotic nature, and it requires deep sympathetic understanding to deal with those so affected.

After the diagnosis, when the authorities are in a position to understand the nature of the troubles, they have to adopt a method of treatment suitable for the individual. In many cases, the downfall of an individual offender is due to false ideas and ideals. When this is found to be the case, the best course is (i) to put before the individual biographies and case-histories which illustrate the processes of realising opportunities or of succumbing to difficulties and temptations. Reading helps the individual to satisfy his ungratified instinct by directing it towards salient figures in literature. Whatever is appropriate to his inner craving for self-realisation, arouses interest and pleasure. " All reading is subject to the influence of identificatory impulse. Unconsciously, the reader reads himself and his associates in the written record."[1] In the heroes of the books, the individual seeks himself. He loves the person who overcomes the

[1] Oskar Pfister : *Love in Children and its Aberrations.*

dangers and difficulties which he himself has to face. The greatest work of art and literature fails in its purpose if the reader cannot rediscover in them his own world. The greater the satisfaction he finds for his internal libidinal urges in reading, the fonder he becomes of it. (ii) To help the individual to develop a philosophy which compensates for handicaps, such as mental and bodily weakness, illegitimacy, lack of a home, etc. (iii) To give him books on civics, mental hygiene, sex, ethics, etc., which outline particular moral or social responsibilities. (iv) To give a reasoned argument in favour of a law-abiding life.

When it is discovered that the individual is suffering from repressed complexes, the authorities (i) must encourage him to give expression to his inner difficulties, by talking about them and in other ways; (ii) must show him how his mind works in certain situations, as a way of helping him to become more self-critical and more self-corrective; (iii) must explain to him the possible benefits to be derived from a psychological approach to certain problems; (iv) with his own co-operation, must direct him in building up resistances to particular habits and temptations, by progressively grading exercises, the underlying instincts being directed into legitimate channels of satisfaction, as far as possible. All these methods are, in fact, the different forms of sublimation. A very careful psychological approach must be made to all such difficulties. A very common mental defect found among young offenders is that they suffer from phantasies. These phantasies must be destroyed, for otherwise they do violence to their real selves.

A large number of successes in the work of reformation can be attributed to religious instruction and other means of sentiment formation, such as appeal to motives of social duty, personal dignity, family loyalty, sportsmanship, enlightened self-interest, and also by encouragement, by means of repeated personal contacts with the individual and by showing him in other ways that his welfare and progress are matters of concern to someone besides himself.

Sometimes other methods have to be adopted according to the needs of the case: for example, methods of free-association and suggestion give in many cases very satisfactory results. In other cases, reprimand, ridicule, strong moral condemnation or any form of deprivation of privileges may prove effective. Everything after all depends upon the circumstances of each case. Only through practice and experience can we hope in future to take a decisive step towards what we may then call the scientific art of individual re-education.

(*c*) *Psycho-analysis*.—Psycho-analysis is a comparatively new method of treatment of delinquents. The seriousness of the problem of adolescence can be more deeply appreciated when we look at the psychological aspect of the adolescent growth. Psycho-analysis, as we shall see later, is at once a process of diagnostic individualisation, and a process of autognosis which helps the individual to have a knowledge of his self. The more we study an adolescent delinquent through psycho-analysis, the more we appreciate how important it is that a delinquent should be studied as a complex individual piece of human material, strictly from a psychological point of view. We have seen above how intensely complex are the forms of adolescent mental aberrations. The complexities of these mental abnormalities, due to the perversion of adolescence, can only be effectively remedied by an effective psycho-analytic treatment.

"Psycho-analysis," as Dr. Hamblin Smith says, "essentially means retracing the steps which have resulted in the formation of character." Through psycho-analytic study, we get a clear insight into the complicated nature of the inner self, or personality. The complications as revealed by such analysis confirm our belief in the necessity of such study. Psycho-analysis aims at unfolding the inner working of the self. It seeks to find out the clogs that affect the smooth current of human life. It aims at discovering the troubles that are constantly sapping the psychic energy, without the individual suspecting that such a catastrophe is happening within himself.

Nothing affects human happiness more than these mental clogs, that lie hidden, with the dire consequence that the individual suffers from mental distress in the form of anxiety, fear, obsessions, phobias, etc., which he usually says that he cannot account for. We often hear it said of offenders, that they do not know why they committed a certain crime. The truth is that in all such cases, the flow of life has been disturbed by the clogs that are lying somewhere within the vast regions of the "Unconscious." In all these cases, psycho-analysis aims at finding out the clogs and removing them, so as to make the flow of life normal again. Psycho-analysis is thus the best treatment in many abnormal mental cases, since it may succeed in giving relief by bringing into consciousness the repressed complexes in the unconscious self.

The psychological approach is the best means of dealing with adolescent mental delinquencies. The approach, however, has to be made very carefully, for the results depend largely upon the nature of the approach. The symptoms of the troubles have to be traced to their historical origin; then the emotional complexes from which the symptoms spring are to be discovered. The analysis has to be carried on further, on the assumption that the emotional conflict which is the cause of the persisting symptom is still present in the individual. Then finally, elements of the complexes have to be readjusted by bringing the symptoms under conscious control of the will. This process of psycho-analysis is what psychologists call "The Direct Reductive Analysis." It is significant to note that the bringing of the instinctive complexes into consciousness by such modern methods of psycho-therapy cures many of the morbid abnormalities in juvenile delinquents. To the psycho-therapist "there are no vices in their own right; there are only perverted impulses which, when wrested from their morbid attachments, may be turned into positive virtues." This is what we call the process of sublimation. As Dr. Hamblin Smith says, "it is only when the repressed complexes are brought to light that the energy attached to the repressed emotions can be sublimated into more useful directions."

The psycho-analyst regards delinquency as indicating an offending complex, unacceptable to the rest of the mind. The individual may repress it into the unconscious and may think that he has destroyed it. But the complex still exists in the unconscious, acting with dynamic force, escaping into consciousness in disguised forms, paving the way for neurosis. Neurosis is an expression of the conflict between infantile desires and the demands of society. So we must treat such complexes in a wholly different manner. They are the carriers of those quantities of libido which have been withdrawn from the real life. To relieve the subjects from such mental troubles, it is necessary that the libido investing the complexes should be withdrawn from them. Such relief "can never be accomplished by rejecting the complexes and forcing them towards sublimation, but only by the most exhaustive occupation with them, and by making them fully conscious. The first bit of reality with which the patient has to deal is his malady itself."[1] The malady of these perverted pathological phenomena involves a regression of the libidinal development to the point of "fixation" or "irruption." These various phases of the repressed complexes can be explained as detachments of the libido from all the previous attractions of the individual. Such a process of repression happens silently, without the individual's knowing about it, but the fact is ultimately revealed by subsequent events. The method of recovery in all such cases consists in undoing the work of repression and bringing back the libido again to the objects the individual had abandoned before. The real solution is "to explore the unconscious, to bring up the repressed complexes and to surround the nuclei of the complexes with fresh emotions, while sublimating the original emotions." There are various desires, impulses and emotions which act upon the individual in early adolescence, such as "love of change, desire for adventure,

[1] Freud: *History of the Psycho-analytic Movement.*

liking for mystery, wishes for a 'gang' to which loyalty can be shown and the like. All these have been well understood as likely to tend to delinquency." These emotions have an inherent potentiality both for good and evil. The future depends on how these emotions are directed to channels beneficial both to the individual and to society. If the emotions and impulses are misdirected, the individual loses his mental balance. The proper method of treatment of such mental aberrations is psycho-analysis, a subject which will be further developed in the chapter on Individualisation.

Chapter III

INDIVIDUALISATION

The theory of individualisation as a basic principle of Criminology is a modern development. Looking as far back as the middle of the eighteenth century, we find the classical school, which represented a spirit of reaction against the neglect and brutality of which offenders were the victims in those days of cruel puritanism. The classical school drew its inspiration from Beccaria, the Italian philanthropist and reformer, who as early as 1764 published a famous work on *Crimes and Punishments*, which led to penal reforms in the European countries. According to this school the criminal has a "natural right" to be humanely treated, in spite of his own wrong-doing, and also in spite of the fact that he is a normal human being, responsible for his actions. The classical school held that punishment should be graduated to fit the offence committed, without regard to the personality of the offender. Later on, however, came the correctionist school, which recognised the fact that the character of the criminal cannot be completely dissociated from his criminal conduct. Moreover, it also came to maintain that age and mental condition must be taken into consideration in our estimate of personal responsibility. Our present legal provisions with regard to criminal lunatics and juvenile offenders and our modern reformatory Borstal system, derive their origin from the work and efforts of the correctionists. This was, in fact, the beginning of the growth of the idea, that the individual must be scientifically studied, if crime is to be satisfactorily dealt with. It must not be forgotten, however, that the correctionist school was still imperfect in its fundamental doctrines, because it concerned itself more

with penology than with criminology. Neither the classical nor the correctionist school can properly be described as scientific. They were both wrong in their estimate of personal responsibility. They did not realise that a human being is so psychologically built up that he is not in the fullest sense a free thinker, responsible for his actions, but a victim of the force of circumstances.

It was only after the day of Lombroso that criminology came to be regarded as a science. Lombroso's positive school of criminology came into existence in 1876. His distinctive merit lay in his spirit of humanitarianism. His principle was that it is the criminal and not the crime that we should study and consider; that it is the criminal and not the crime that we ought to penalise. According to the positive school, the fundamental problem is the individual—that everything depends upon what an individual is and not upon what he does. Crime is not to be looked upon as a mere social or moral phenomenon. Its root causes are to be sought through biological, anthropological, psychological and medical science. The offender is the victim of forces entirely beyond his conscious knowledge and control. So in doing justice to him, we must understand the criminal both as he is in himself and as he becomes through the influence of his environment. Thus the school of Lombroso, more humane than the correctionist school, expounded the new science of Criminal Anthropology. Lombroso's fundamental principle is to know the individual as he is in body, mind and spirit, and to adjust the treatment accordingly. This knowledge of the individual can only be secured by the modern doctrine of historical, medical and psychological individualisation.

Persistent attacks have been made on Lombroso's doctrines of modern criminology. These attacks are, however, not directed against Lombroso's conclusions, but against the methods by which they were reached. The charge against him is that he employed unscientific methods, so that Lombroso's doctrine is regarded as "the superstition of criminology." His mistake was,

however, in his over-emphasis of the physical peculiarities in the criminal. No modern criminologist can deny the authority of Lombroso, as the founder of the doctrine of individualisation. The difference in outlook between Lombroso and the modern criminologists is, that while Lombroso studied the causes of crime as purely anthropological phenomena, modern criminologists look upon the causes of crime as social and moral phenomena combined with physiological phenomena. In other words, the modern criminologists uphold the doctrine of plurality of causes of crime. Hence modern criminology has been divided into different schools such as the spiritualist school, the economic school, the environmental school, the hereditarian school, the bio-sociological school, the glandular school—all holding different solutions of the etiological problem of crime. The truth is that neither inheritance alone, nor environment alone, nor morals alone, nor economic conditions alone, nor disturbance of gland functions alone, would cover the whole picture of crime. Criminality is the result of all these factors taken together. The criminal sociologist says that the cause of crime must be found, not in the constitution of the offender, but in his adverse social and economic environment; that a criminal is not born but is made—the criminal's physical, mental and moral characteristics are results of unfavourable circumstances; in fact, that in the absence of unfavourable circumstances even inherent criminal propensities cannot develop. According to the criminal anthropologist, on the other hand, a criminal is a definite, anomalous human type: he is a specific product of anomalous biological conditions. The difference between the two views is really one between the subjective and the objective. The criminal anthropologists trace the causes of crime in the subject, *i.e.* the criminal himself. The criminal sociologists say that the cause is outside the criminal, in the object, *i.e.* in his environment. The truth, however, is that the cause of crime is to be traced both within and without the criminal. What is required is a scientific determination

of all factors that lead to crime. We must not confuse the notion of causation with the notion of association, in our study of the individual. This is the spirit of the new criminology.

Thus we see that no specialised theories of crime, sociological, anthropological, psychological or biological, considered alone, can be regarded as of universal applicability, when the concrete, real issue, namely the individual, is before those who have practically to deal with it. It is only from a close scientific study of the various facts about the life of the individual that we can obtain what Healy calls a " scientific and common-sense appreciation of the relation of antecedent to consequent, in the life-history of the individual offender whose actions and person are to be dealt with." [1]

In order to find out groups of facts concerning the individual, our Courts ask for a report on his home circumstances, as distinct from crime circumstances. These reports are also of immense importance to the Borstal authorities in enabling them to determine exactly what type of treatment will suit the individual. With our conception of the spirit of the new criminology, what we aim at now is to have a knowledge of the " real " individual and not the " hypothetical " individual.

Every man is a little world. The individual man is to human society what the cell is to the human body, the brick to the house, the atom to the chemical. The individual is an entity in himself, having a distinct life of his own—a birth, development, inner potentiality and a finality of self-realisation. He is a unit of the great potential force, of which society is formed.

It is very significant to note that nothing done on " general theories," *i.e.* on a general mass scale, or purely according to " system," can do any real good in matters of individual re-education and culture, for such theories or system take little account of the individuality of the offender. We must take human beings as individual gifts of nature. In Nature, there is both unity in diversity

[1] Healy : *The Individual Delinquent.*

and diversity in unity. The criminologist of the old school, who was obsessed by theories and doctrines, recognised only the first dictum of Nature, namely, unity in diversity. Modern criminologists, however, have come to realise the truth of both dicta. This is the basis of all modern scientific treatment. The method of studies and final summary analyses of the individual cases, as practised under the English Borstal system, is the surest way of arriving at a definite solution of the etiological problem of crime. That neither the General Causation theory alone nor the Association theory alone can give the right solution, has been the experience of our older schools of criminology. Nor, indeed, does individualisation invariably give perfect results, but it can at least indicate the " logical balancing of causative factors." The aim of the scientific methods of individualisation is to find the nature and origin of the criminal's physical and mental characters, his ancestors, and the constitutional and environmental conditions which led to his lapse into crime. After all these different methods have been applied, we have before us the facts which constitute our knowledge of the individual. The series of biological and social data thus obtained by observation are available as the basis of treatment.

Reading through the Borstal records, we find that criminalism may in some cases be traced to hereditary influences, in some cases to environment, and in other cases to inherent physical defects. The complications of the etiological problem of crime are further enhanced by the overlapping of circumstances, *i.e.* by the combination of one or more of the causes with others, thus rendering it difficult for the investigator to arrive at the truth. In such cases, it will not lead us far towards the solution of our problem to attribute the origin and nature of crime specifically to one causal factor. The pivotal facts must be thoroughly studied with regard to each particular case, for otherwise it often ensues in the long-run that our " experience is fallacious and judgment difficult." As soon therefore as the offender comes into the hands

of the authorities, a careful study has to be made into the characters and conditions of both him and his family. Such a method is a prime necessity in the Borstal system.

The individual personality is then the crux of the whole problem of a reformative penal institution. Such an institution is mainly concerned with a complex mass of human material. To mould this to its proper shape requires a most thorough study and analysis of its personality, and the method of this study is the method of individualisation. Individualisation is the method of diagnosis under which each case is analytically considered, its trouble determined, and finally the treatment applied. This diagnosis must be derived by thoughtful consideration and the prognosis carefully rendered. A clear comprehension of the make-up of human personality is of paramount importance to us. Healy emphasises strongly the necessity of such a keen analysis of the complexities, when he says that " a person is not fairly to be regarded merely as the soul and body of the moment . . . every individual is partly his ancestors, and partly the result of his developmental conditions and partly the effects of many reactions to environment and to bodily experiences and even of reactions to his own mental activities. An ideal description of a human person would refer each trait or conviction to its proper source. Most serviceable to us is the conception of the individual as the product of conditions and forces which have been actively forming him from the earliest moment of unicellular life. To know him completely would be to know accurately these conditions and forces ; to know him as well as is possible, all of his genetic background that is ascertainable should be known. The interpretations that may be derived from acquaintance with the facts of ancestry, ante-natal life, childhood development, illness and injuries, social experiences and the vast field of mental life, lead to invaluable understandings of the individual and to some idea of that wonderful complex of results which we term personality."

Methods of Individualisation

Individualisation is then admitted to be the crux of the whole problem. It is the instrument by which the individual and the many concurrent devices of the system are mutually adapted. It is the instrument by which the distinctive personal needs of each individual are ascertained and satisfied. Since an individual has to be known as he is in relation to the society that he lives in, as he is in body, and as he is in mind and spirit; three methods of individualisation have to be employed, namely :—

(i) The Historical Method ;
(ii) The Medical Method ;
(iii) The Psychological Method.

(i) *The Historical Method.*—We now quite appreciate that a thorough examination is necessary to find out the causes of delinquency with regard to an individual. Every offender must be, and in fact is, examined before he is dealt with by a Court. The crime that the Court punishes is but the symptom of the delinquency. It is only by means of a careful investigation of the circumstances and the surroundings in which the individual has lived, that we can have a proper diagnosis of the trouble. Social and personal historical factors must always be considered in determining what exact form of treatment would suit the individual. Hence the necessity of the Historical Method of Individualisation.

" Juvenile delinquency often begins with the attempt to play in the streets, contrary to town regulations. Poverty, overwork, lack of opportunity for normal modes of expression are all potent factors in the production of juvenile delinquency. Enforced unemployment may also act in this direction. Unsocial instincts are sometimes the result of lack of opportunity for social service." [1] Historical analysis of the individual's past life and surroundings gives in most cases a definite clue to his sub-

[1] Hamblin Smith : *The Psychology of the Criminal.*

sequent anti-social behaviour. With a view to historical analysis of the personality of the offender, the Prevention of Crime Act 1908 provides for such reports being available, with a view to the authorities knowing all circumstances regarding the individual from every possible source. Historical analysis discloses the fact that the offender is not a product of one day, but of years and generations of bad conditions of life, involving not only himself but perhaps his ancestors as well, so that he is the ultimate product of infinite unknown forces and circumstances. What therefore a modern criminologist, as a scientist, endeavours to do is to discover the circumstances which have made a person into a criminal, and then to apply the proper treatment to reform him as a law-abiding member of society.

The sources from which the historical investigator may collect information are the parents, other near relations, the probation officer, the school, the employer (if any), the police, the minister of religion, and indeed any source which can supply relevant information. These various people must be seen by the investigating visitors whenever possible. Experience shows that relations of the individual welcome such visitors, who take an intelligent interest in their family problem. Inquiries on certain subjects, *e.g.* those regarding birth, early life, etc., are appropriately entrusted to lady visitors. In some cases the causes of malformation, either of the body or of mind of the individual, can be explained by pre-natal accidents. In such matters it is only lady visitors who can help us, by making social and gynecological investigations. These may help the medical authorities to discover that the troubles of the individual are due to pre-natal disturbance at an early stage in the life of the fœtas, or perhaps to a formative upset later in fœtal life. This aspect of individualisation will be discussed in detail later under the Medical Method. It may be sufficient here to say that such investigations by lady visitors are of very great value.

The historical observer must also collect materials

regarding the early games played by the individual, for grave crippling of the mind may be discovered from the "language of play"; regarding his school career; and also regarding his relationships towards parents. Home circumstances must be minutely investigated, for these can reveal many things, which we may not be able to find from other sources. These revelations may indicate that the downfall of the individual is primarily attributable to his early home life. It may be that there is a deep-rooted need for affection at home. The natural craving for love and affection being unsatisfied, an intense feeling of antipathy grows in the individual. Many instances of juvenile crimes can be explained as a disturbance of the love-sentiment at home. Historical investigations into the past life of the individual confirm the conviction that love for parents is of immeasurable importance in the spiritual development of children, and if the normal course is inhibited it causes destruction, arousing fear and spreading disaster. It is also found that the consequence of unsatisfactory relationship towards parents is that many young offenders drift to crime simply in order to spite their parents or to extort sympathy from them. So Oscar Pfister says: "How many youthful liars, slanderers, tormentors of animals, bullies, tricksters, etc., have been forced into evil and even criminal courses, merely because their affections could not find vent in normal channels? And even when the conscious has compounded with meanness a study of the depths will disclose that in many instances, perhaps only just below the threshold of consciousness, there is a vigorous impulse towards moral freedom and genuine love. Far more often than is usually imagined, crime is but the illegitimate child of unhappy love."[1] Where, on the other hand, parents treat their children with the greatest kindness, and where parents' conduct is exemplary, the individual may have his affections so concentrated on the parents that he shuts himself off from the rest of the world, with the consequence that he becomes unsocial and cannot

[1] Oskar Pfister: *Love in Children and its Aberrations.*

adjust himself to society. Thus excess of parental love involves limitations of the personality, for which a pitiless revenge is exacted in the individual's later life. These historical inquiries into the family life of the individual are very useful, for in most cases the authorities get accounts of characteristics and environments and forebears and other antecedents, and in some cases histories of offences unknown to the authorities, that throw often a new light on what should be done with and for the offender.

It is interesting to note that the Historical Method satisfies both the hereditarian and the environmental schools of criminology. The Historical Method aims at investigation both of the hereditary and the environmental factors of crime. In the first place, it aims at finding out by verbal inquiries whether criminal taints have been inherited from parents and ancestors, whether criminal propensities of the family have been transmitted to the individual by direct biological inheritance. The results of the inquiries show that cases in which vices are inherited from ancestral stock are generally those of sex-delinquency, violent temper and impulsive stealing. In these cases of inherited delinquencies, if the perverted instinct is afforded some legitimate outlet in social activities, its expression can be diverted from anti-social behaviour. Such a solution of the etiological problem of crime satisfies undoubtedly the Hereditarian School of Criminology. But the Historical Method does not stop there. It aims also at finding out the environmental factors of crime, and its results show that environment, such as bad companions, bad neighbourhoods, bad discipline, and a bad example at home, may lead an individual to crime and other anti-social behaviour. Defective home discipline is vitally connected with juvenile crime. Defective family relationships, undesirable surroundings outside the home, the pressure of poverty, over-strictness on the part of the parents, illegitimacy, the presence of a step-mother at home, the absence of true father or mother through death or desertion or divorce, drunkenness, overcrowding

and general neglect, and above all quarrelling, sexual irregularity, vicious behaviour among the members of the individual's family, are the most effective contributory environmental factors in the production of juvenile crime. This line of inquiry satisfies the environmental school. Thus we see that the Historical Method brings about a compromise between the two opposite schools of criminology. The modern view is that crime can never be attributed to a single cause whether of heredity alone or of environment alone, but to the conjunction of many factors.

The success of the Historical Method depends upon the attitude of the investigator. He must have a temperament or an attitude of mind calculated to develop friendly co-operation with the offender and his relations. His attitude is to be one of " shrewd but sympathetic inquiry into an unsolved problem." He has to survey all the facts and to be guided in his conclusions by no special bias. The spirit of shrewdness that is required of him implies sufficient scepticism. But this must not be misunderstood as meaning the attitude of suspicion. The scepticism required in these cases " is that of a scientist who asks at least a reasonable amount of corroboration." One more important principle that the investigator has to keep in view is to be careful in passing social judgment on an offender's capacity. He has to appreciate the individuality of the offender, his abilities and disabilities ; so that " experience with one type of individual cannot without modification be safely applied to another." Passing social judgment in such cases demands the fullest exercise of the investigator's discretion. He has to appreciate that what may hold good with regard to a certain age in a certain social group, may not do so in another social group at the same age, and *vice versa*. He has to exercise his power of discretion, in relation to the age and social conditions of each particular individual. This, however, largely depends upon one's personal experience with different ages and social groups.

With regard to the time when these historical inquiries

ought to be made, experience at " Borstal " suggests that the best time is after the offender has been caught and while he is either detained or on probation and has not already been sentenced. It is then that his near relations will do their best for the solution of the problem, and the offender himself will strive hardest to achieve with the " doctor " some fundamental explanation of his criminal tendencies. The period of detention is for various reasons the opportune moment for collecting information from all possible sources. The historical investigations have to be made before trial; for immediately after trial, " when hope is abandoned, and the spirit evinced is that of taking the medicine and gritting the teeth, one finds that very little can then be gained by study. Relatives are usually tired of the case and evade inquiry. There is little use then in making approach, unless the individual be on probation and the question arises as to what constructive measures can be carried out for his reformation."[1] The work demands the most careful consideration on the part of the historical observer, for the whole career of the individual depends upon his recommendation, which is considered with those of the medical and the psychological analysts. The final recommendation of the authorities, as to the treatment most likely in their opinion to be beneficial, is made on the basis of the results of the various aspects of individualisation. The recommendation then being submitted to the judge, he has absolute discretion in sentencing the individual, but generally he complies with the recommendation. The importance of the historical report is so well recognised that the Prevention of Crime Act 1908 makes provision to the effect that a case is to be held in abeyance till facts are collected in the light of which the judge can decide the sentence upon the individual.

(ii) *The Medical Method.*—Many years ago Lombroso expounded the doctrine that the criminal is distinguished from the law-abiding community by marked differences in physique, these differences being revealed by measure-

[1] Healy: *The Individual Delinquent.*

ments and by the presence of conspicuous physical anomalies or stigmata. According to Lombroso, criminality is a specific condition of mind or soul: it is a definite state of physical disorder and physical instability. This physical state of instability, with its outward physical signs of an inward and spiritual darkness, this mental and moral instability underlies any and every form of anti-social behaviour and potentiality for crime. This physical state of instability is the only explanation and promoter of crime. Shop-lifting, larceny, assault, fraud, and every other kind of law-breaking that we find among the young offenders, are mere expressions or revelations of an identical abnormal state of being in body, mind and spirit. Whatever may be the faults of the Lombrosian doctrine, it must be admitted that the criminal man frequently has some characteristic physical peculiarities that can be distinguished from those of a normal man. A keen analysis of the constitutional factors shows that a criminal man is to a large extent a defective man, either physically or mentally. Thus Dr. Goring came to the conclusion that " the criminals are selected by their physical conditions and that the one significant physical association with criminality is a generally defective physique, and that the one vital constitutional factor in the etiology of crime is defective intelligence." There are evidently mental and physical differences which indicate clearly the existence of a criminal type. To ascertain whether an individual possesses any such physical abnormalities, careful observations must be made. The method of these observations is termed the Medical Method of Individualisation. It is an established fact that much of our success in the solution of the etiological problem of crime, is due to the effective application of the Medical Method and successful medical treatment of many types of offenders, specially in their younger years of adolescence. No system of institutional training and treatment can produce any beneficial results unless the subjects are physically and mentally fit to receive them. Offenders may be often diseased so definitely that nothing

can be done through instruction and teaching, until the defects and disorders have been corrected medically.

Some criminologists hold that there is no real influence of physical defects upon criminal conduct. They admit, however, that there is an indirect influence, in that physical defects such as those of speech and hearing, poor and undersized physique, weak nerves, etc., lower self-confidence and produce feeble-mindedness which ultimately leads to crime. Modern clinical researches, however, give definite proof that physical defects have in fact a direct influence in producing criminal delinquencies. The spirit of the new criminology is that crime is an outward expression of a physical disease, and that crime is therefore more a problem of medicine than of law. The modern attitude is that no human being commits or is capable of committing an offence, who is normal and hence responsible in the fullest sense. The offender, according to this conception, is in all cases either temporarily or permanently deranged and so incapable of controlling his act. Medical study aims at establishing the chemical causation of criminality and abnormality in the individual, for he is nothing but a victim of deranged bodily chemistry. This idea is the foundation of the study of the medical aspects of crime.

The exponents of the Glandular Theory of Crime have definitely established that crime may be caused by a disturbance of ductless glands and endocrines. Physical health depends largely upon the proper function of glands, which form a chain and are inter-dependent. The activity of the glands is stimulated by the impulses. So the individual whose thyroids are over-active is certain to be sensitive, nervous, emotional, highly strung, and likely to be lean and emaciated. But his mentality is keen, the mental processes being unusually but not unnaturally active. His movements are restless and tense. The hypothyroid individual, on the other hand, exhibits hebetude, lethargy, lack of spirit or ambition, pallor and weakness. Again, if the pineal gland is somehow disturbed, premature developments of the gonads and early

manifestation of the secondary sexual characteristics are found in the individual, and such youthful disturbances of the pineal cause mental precocity. Similarly, sex glands play an important part in the make-up of the individual personality. These glands contain two kinds of cells, which produce the spermatozoa or the ova and the interstitial cells which give off the hormone. The function of the sex glands differs according to whether the individual is male or female and produces the distinct physical and mental results which differentiate the sexes. It grows the beards of man and the antlers of stags. Human behaviour largely depends on the interstitial hormone, which controls the individual's conduct. "In the male the insufficiency or over-balance of this hormone is known to inhibit or exaggerate all manner of behaviouristic phenomena. . . . In the woman this shortage or surplus of her interstitial chemical likewise abates or increases the manifestations of such conductory phenomena as are peculiar to her sex. . . . It is the gradual recession in the activity of the interstitial cells and the consequent shortage of their hormone, which is attended by what are termed advancing age and eventual senility (steinach), a regressive development which may hence be looked upon as a subsidence of maleness or femaleness."[1] The interstitial type offers the sharpest contrast. Women of this kind are certain to be extremely possessive, contemptuous of social or moral restraints, cunning, acquisitive, selfish, immodest and ferociously jealous. The interstitial type of man, on the other hand, is over-aggressive, ruthless, violent, combative, and selfish. If an individual's suprarenals, on the other hand, are over-active, he is certain to be combative, courageous but aggressive. Similarly the nutritive, formative and functional processes of the cells in the human body are equally important for the physical and mental health of an individual. A thorough medical analysis shows that the glands and cells are the great determinants of humanity. From a clinical study of these functions, we can realise that an individual is

[1] Schlapp and Smith: *The New Criminology*.

but a helpless, mechanical product of inner secretion. Medical study can account for the various anomalies that are found in the individual. It shows that a person's individuality depends to a great extent on his glandular functions. Aberrations of the gland functions result in neurosis, mania and crime. So a thorough medical analysis may furnish a key to the solution of the whole mystery of crime; an individual's actions being due to an inner chemical compulsion. His actions are but reactions to his inner physical self. He is the slave of forces and chemical actions that are in him and that make him. The human being reacts indirectly and with enormous complexity but he reacts none the less. The crime is the outward expression or revelation of that internal reaction. Once it is granted that such chemical forces make up the individual's personality, there can be no such thing as freedom of the will. The chemically disturbed individual suffers from a " pain " of compulsion to commit crimes. The individual, like a cell, a bee, or a brute, lives and reacts only in the irresistible grasp of nature. In this connection we may cite the example of a kleptomaniac. The pathological interpretation of a kleptomaniac's act of stealing is that there is in this case no mercenary motive as in common thefts. A kleptomaniac is mentally unbalanced or grossly disturbed emotionally. The unrest in the interstitials quickly communicates itself to the suprarenal, thyroid, pituitary and other glands, with the result that the whole bodily chemistry goes awry, the cells in the important centres of the nervous system are over-sensitised, and the afflicted individual acts irrationally—without the usual powers of inhibition and self-control. It is difficult to ascertain how far such an individual is responsible for his actions while suffering from the disease. He has no ability to control his feelings and inclinations, because all his intellectual concepts have been submerged by the psychological effects of the disease, which we shall discuss in detail later on. Similarly, an epileptic is also a helpless victim of internal organic physical disturbances. When

such a disturbance results from lesions in the brain and such injury involves the cortex, it is called cortical epilepsy. When, on the other hand, it results from intrinsic or extrinsic poisons present in the blood, it is called toxic epilepsy. There is also ideopathic epilepsy, which owes its origin to glandular disturbance. There are many other kinds of organic abnormalities which are the primary causes of subsequent criminal conduct of the individual; such as cretinism, which is due to deficency of the thyroid gland and mongolism, a pluri-glandular affliction. The presence of gland maladies in the mother is a very common cause of subsequent delinquencies in the offspring. From a criminological point of view the types of deformities under the classes of cretinism and mongolism, are less dangerous than others. The dangerous classes of deformities are, as revealed by medical study, the Microcephals, the Macrocephals (the little and the big heads), the cases of Froclich's syndrome, who are usually and naturally vicious, intractable and prone to stealing, etc.; also infantilism, gigantism, and various other kinds which would require technical description. These various physical diseases are found to be the causes of ultimate mental deformities; and this indicates the necessity of a specialised medical method of individualisation of the offender, who must be judged less by his acts than by his mental and nervous states.

As already indicated, pre-natal circumstances are as important as the post-natal in determining the nature of the individual's troubles. In the course of medical analysis, we find numerous cases of abnormality inherited from deformed ancestors. Historical investigations sometimes give an indication of a probable damage to germ-plasm during gestation. Such damage is an important causal factor of juvenile crime. It may be caused in various ways, such as excessive alcoholism, action of toxins of various diseases, action of drugs and other extrinsic poisons; and may result in variations, mutations and deformities of all kinds. As mentioned above, historical investigations by lady visitors may help

the medical authorities to discover that the troubles of the individual are due to a pre-natal disturbance of the formative process in the cells at an early stage in the life of the fœtus (when in the mother's womb), with the result that certain parts of the central nervous system or brain are either totally absent or only partly formed ; or that the trouble is due to a " formative upset later in fœtal life, with the result that the glands and certain nervous groups have been malformed or under-developed." Thus endocrinological study shows that any severe shock or emotional upheaval may cause a gland disorganisation in a gestant woman, sufficient to account for the consequent abnormality in the offspring. Some types of criminality, deformity and imbecility are diagnosed as being of purely endocrine character.

Thus we come to the scientific conclusion that the medical study of the individual criminal is in fact a study of defective human chemistry. Great attention has to be paid to the physical condition of an individual, especially during the early years of adolescence. During adolescence, the individual undergoes rapid changes both in mind and body. In the course of these changes, it is found in the case of the juvenile offender that, owing to bad environment and bad social conditions, his growing adolescent instincts become perverted, and those perversions take the form of various physical defects. In view of this possibility, it is advisable for a competent medical specialist to examine the individual and report on his physical condition. So provision is made in England that the medical officers at " Borstal " must examine each inmate and give their opinion on his general physical condition, mental age, mental condition, physical defects, fitness for work, etc. These provisions embody the administrative recognition of the need of the medical method of individualisation, which is so valuable a feature of the new criminology.

(iii) *The Psychological Method.*—The Psychological Method is a comparatively new method of individualisation. The old puritan school of criminologists did not

realise that a repressed complex may be at the root of anti-social criminal behaviour. They adapted the punishment to the crime, not to the criminal Their methods, which to us may appear irrational, were in part attributable to the imperfections of the science of individual psychology at that time, and perhaps to a still larger extent to the general attitude of society to criminals, as doomed for ever.

There are immense complexities in the individual mind. Human feelings colour and throw into personal perspective every experience in life, every thought, every reaction—otherwise life would be void, without beauty, personality, individuality or true significance. It is the flow of emotion connected with every thought, every brain-activity of man, that makes what is termed human nature. The activating impulse of the human mind is the outward expression of the urges from within. Human action is the ultimate result of the different mental functions acting together towards a certain end. These mental functions are those of perception, association, the activities of the subconscious, the intellectual concept, the emotional activities, all these making their contributions to the motivating centre, which finally gives the initiative of the activating impulse. The intense difficulty of the mental problem is further enhanced by the sympathetic nervous system directly influencing the conscious mind. Furthermore, a great deal of mental life is subconscious and a great deal of conduct is directly dependent on subconscious mental activity. So crime being a conscious action, its immediate, if not always its primary cause, must be a psychological one. These psychological defects are most diverse—sometimes intellectual, sometimes temperamental, in some cases congenital, in others acquired. Criminal tendencies depend much more closely upon emotional conditions than upon intellectual conditions. Delinquency is in fact the ultimate consequence of perversions of specific instinctive propensities, *e.g.* those of anger, sex, wandering, acquisitiveness, suggestibility and general emotionality, etc. The

delinquent individual seems characterised by defective or undesirable interests and by the over-development of specific instincts. He is marked by an excessive outburst of the migratory, the acquisitive or the self-assertive instinctive impulses. Such psychological abnormality may lead to criminality, when the individual is no more susceptible to the inhibitory feelings of pain, sorrow, fear and affection. A normal individual has powers of self-control and reasoning, and experiences the development of ambition and of other ideals. These instincts and ideas normally act as inhibitory agents to the forces of self-assertion. But in the young offender the inhibitory forces are not strong enough. Moreover, in the case of an individual who is predisposed to mental aberration, the onset of adolescence causes an accentuation of this predisposition, resulting in crime.

These various phases of the mental condition may be called the psychological phases. It is the experience of modern criminologists that no study of the individual is adequate and complete until his mental contents, his mental traits, peculiarities and abilities, *i.e.* all the psychological phases, are determined. The method of investigating these phases is called the psychological method of individualisation; it is characterised by a deep individual approach, keen analysis of the mental processes, and the investigation of both normal and pathological phenomena from the psychological point of view. These pathological phenomena are many, such as neuroses, character formations, psychoses, character abnormalities, social relations, and finally, anti-social relations, including crime and delinquency. The psychological method aims at revealing the inner self of the individual, his intelligence, capabilities, mental functionings, mental contents and his emotions. Most important are the individual's emotions. It is the emotional centre that controls the entire functional activity of the individual. Emotional complexes prove everywhere a ready mechanism for the direction of overpowering instincts and repressed impulses into open acts of crime. The emotions are the greatest

potential forces of the inner self. The very emotions that make of an individual a criminal may, if directed in proper channels, make of him a law-abiding member of society. His emotional difficulties may then prove to be his real opportunities for self-realisation and progress. The functional activity of the individual's emotions has therefore to be determined, and then directed towards better ends. Thus Partridge says that " the study of the emotional life is probably the most important chapter in the study of individuality, for not only are the emotions the foundation of all the practical life, but they enter into the abstract intellectual functions in various ways."

Various methods—some of them highly technical—may be employed in pursuit of the psychological understanding of the individual, *e.g.* mental tests, analysis of the abnormal conditions, psycho-analysis, statistics, etc. All these different methods aim primarily at the scientific study of the individual. The mental tests[1] applied by the psychological investigator are many, and include reading, writing, simple arithmetic problems, the memory span, first form board, second form board, interpretation of pictures, comparison of lengths, reproduction on paper of two designs, cancellation, continuous subtraction, Heilbronner's apperception test, Healy's pictorial completion test, test as to general information and interests, the missing features test, æsthetic comparison (Binet), naming colours, naming the months of the year, simple problems with coins and stamps, the code test, ethical discrimination test, ethical perception test, Columbian group test, and Terman's individual test. The last two, namely, the Columbian group test and Terman's individual test, are generally used in the Borstal Institutions in England. The relative importance of these various tests can be ascertained only by experience. Success in their application depends on various factors, such as the mental condition of the examiner himself, the surroundings in which the examination is held and also on the attitude of

[1] For a description and explanation of these tests the reader is referred to *Studies in the Psychology of Delinquency*, by Dr. Grace W. Pailthorpe.

the examinee towards the tests, so that all these circumstances must be taken into consideration if success is to be assured. The tests applied are intended to be as objective as possible and to estimate the natural intelligence apart from educational acquirements. Many anomalies occur in the results of the tests, which sometimes we cannot explain on consistent scientific grounds. Some cases, for instance, show definite inconsistency by failing in a test at one age and succeeding in a similar but more difficult test at a higher age. Though such cases are few, they are very important and worth more scientific consideration. These anomalies are sometimes due to momentary inattention or some type of psychic disturbance in the individual. Sometimes retesting gives successful results. Dr. Grace W. Pailthorpe says that " it would be of great interest to retest a case after deep analytical treatment which had achieved alterations in the character, in order to discover whether there had been liberation of intellectual powers that had appeared, even after scientific measurement, to be congenitally absent. . . . To retest a subject, even after the most superficial psycho-therapy, might help to elucidate the influence of psycho-neurosis on the Intelligence Quotient."[1] The Terman modification of the Binet Simon tests, as very commonly used by the Borstal authorities in England, has the great advantage of giving definite intelligence quotients, which are very useful in distinguishing grades of normal intelligence.

As regards the method of analysis of abnormal conditions, for the psychological understanding of the individual, it must be mentioned that such an analysis demands of the investigator the most careful scientific observation, and involves a deep individual psychopathological investigation. The investigator has to approach the problem with due regard to the individual make-up, including the intellectual and sentimental propensities and their aberrations. Those aberrations from the norm of conduct, which we call crime, have a pathological explanation, viz., that there is in fact a

[1] Dr. Grace W. Pailthorpe: *Studies in the Psychology of Delinquency.*

criminal imperative, an inner driving force, which compels the individual to commit extraordinary human acts, forbidden by society. This inner driving force is explained entirely by psychological laws, controlling the human mind. For example, the significance of kleptomania can be explained as arising out of the repressed complexes of the mind. Kleptomania is found to be due to repressed hatred or repressed love. Some sort of unconscious impulse impels the victim of the disease to steal, a form of anti-social behaviour which alone can give relief to the individual. The causes of the malady are a stagnant love life, over-rigorous bringing-up, etc. The theft in such cases is an expression of the spirit of revolt, of the desire to disobey authority. It is also significant that profound disillusionment follows such an offence. The kleptomaniac cannot explain why he committed such an offence. The articles stolen are, in most cases, symbolical substitutes for forbidden pleasures. Many juvenile crimes can be interpreted as manifestations of the maladies associated with kleptomania. These troubles among young offenders begin at puberty when, on account of aberrations of the love sentiment at home, the individual starts to indulge in excessive masturbation, as an outward expression of the internal, starving self-love. Such self-abuse leads ultimately to kleptomania. Normal love-life at home is an aching spiritual need during adolescence. The love sentiment must first find normal expression in devotion, obedience and affection for parents, brothers, sisters and nearest relations at home, then in love outside home, *i.e.* in feelings for neighbours, for fellow-workers, and finally in respect for and adjustment to the demands and conventions of society. If somehow this sentiment of love is starved, on account of unfavourable home circumstances, the aberration leads to the development of abnormalities. In such cases, nothing but the awakening of love for home can bring healing. Much can be done, by bringing about the right development of love, to promote spiritual and moral health in the individual. This is just as true for the life of nations,

for the life of society, as it is for the life of the social individual.

The strength of the inner drive that impels to forbidden acts can sometimes be explained by the psychic effects of epilepsy. The epileptoid suffers from a feeling of confusion, loss of self-control, dizziness, loss of memory, dual personality, irritability, changes in disposition, terrible depression, brooding over trifling or fancied wrongs, and various other delusions. Sometimes he suffers from the unbearable pangs of irrational fears, dreads, hatreds, desires and strange ideas. All these gross mental abnormalities are due to the brain mechanism being out of gear, and the emotional machine without brakes. The reasoning power fails and the individual is entirely controlled by his mad emotions. He cannot foresee consequences, cannot make mental connection between cause and effect, cannot discriminate right from wrong. Moreover there is in him a pitiable lack of inhibition. He continually thinks of himself as an anti-social being, a possible breaker of the laws. He is prone to emotionalism, and much inconsistency is found in his feelings. The epileptic traits that dominate the personality of the individual are many, *e.g.* morbid self-love, egocentrism, leading to self-assertion of all kinds; excessive obstinacy; with the ultimate consequence of general deterioriation. The gradual downfall of the epileptoid to criminality is the result, partly of his innate physical and mental make-up, partly of the formation of mental and physical habits and partly of social conditions. ". . . The path of the epileptic from the clinic to the Bridewell and the penitentiary is astonishingly well worn. Vagrancy and crime are the natural results of social failure, especially when impulses from within surge higher than the powers of inhibition."

Apart from kleptomania and epilepsy, other gross mental abnormalities are also found in the delinquent. A keen analysis shows that many young offenders suffer from adolescent instability and specific, definite and innate defect in the powers of self-control. These

adolescent mental aberrations cause various mental troubles in the individual, which suggest lack of balance, as manifested in the individual's egotism, self-assertion, jealousy, psychic hyperæsthesia and feelings of physical exaltation. The most complicating feature of the adolescent mental aberrations is the psychic effect of excessive masturbation. Dr. Healy says in this connection that such "over-stimulation of the nervous system, at this period of hyperirritability, greatly predisposes to general erratic conduct. As seen among young offenders, there is no other cause of these temporary mental aberrations at all equal to this."

The explanation of the different methods of psychological individualisation convinces us of the immense complexities of the human mind. We find among emotional defectives strange outbursts of feelings, pathological egotism, rude frankness, and other abnormal fits of behaviour. Such individuals, though fully conscious of the demands and conventions of society, cannot control themselves. There are also among them the pathological liars, who are victims of a nervous disorder. The physical cause of such mental abnormality is, in many cases, that the cells in some parts of the nervous system are too irritable, too readily responsive. Phobias, half-mad fears, are also the signs of gross emotional disturbance. Similarly, the Sadists, who derive sexual satisfaction from the practice of cruelty, represent a gross kind of nervous and psychic disturbance. The application of the methods also reveals that activities of the conscious human mind are connected with the higher sentiments of life, and that their aberrations may find expression in anæsthesia, forgetfulness of surroundings, repression, revolt against society, loss of memory, unconscious self-assimilation of another's deficiency and various gross vagaries of thought and behaviour. These morbid conditions are manifestations of mental hostility. The ultimate consequence of all such intellectual abnormalities is that the individual's vital impetus turns away from the outer world and is vigorously directed inwards. The effect of this upon

mental health is that the individual disdains all emotional values and suffers from obsessive immersion in a single thought. This abnormal mental state is what we call "in-growing" or "introversion." Sometimes physical abnormalities are found as manifestations of the inhibited development of instinctive functions in the individual. Such abnormalities may be of movement, as laughing, crying, stammering, paralysis, grinding the teeth during sleep, etc.; or of sensation such as loss of appetite, deafness, loss of taste, asthma, etc.; or it may also be an abnormality of the vascular system such as blushing, skin eruptions, morbid sneezing, acute nasal catarrh, sweating, salivation, etc. These physical manifestations of gross mental abnormalities, show the close relation between mind, body and soul, and indicate how the mental, physical and spiritual development of man depend on each other.

So far we have dealt with only one aspect of the human mind, namely, the conscious. But we must also recognise that a great deal of mental life is unconscious and that a great deal of human conduct is directly dependent on the unconscious mental activity. An individual's activities are fundamentally the results of the urge from within—the unconscious. The unconscious contains in it the various complexes which are formed in the course of human experience in life. As a member of civilised society, the individual has to fight with these complexes, which seek for expression in ways that may be contrary to the realities of the world, with the consequence that he has to repress his emotions to preserve an external harmony between the "pleasure principle" and the "reality principle" of psychic life. This repressed complex, though apparently dead, is constantly acting to the detriment of the mental health of the individual. In normal cases the energy attached to the emotions of the repressed complex may be sublimated, otherwise the psychic energy of the repressed complex may take some other form and produce actions, of the real cause of which the individual himself may be quite unaware.

There are various phases of the activities of the repressed complex. It may escape into consciousness by taking the form of a physical symptom, or it may lead an autonomous life in the vast regions of the unconscious, and its energy may be displayed in symbolic form in order that its real significance may not be appreciated by the conscious mind, or it may escape into consciousness and may dominate the whole of consciousness in the form of an attack of insanity, or it may issue into consciousness in the form of a moral symptom. Such being the nature of the problem of the unconscious, it is essential to adopt a method of mental analysis which will aim at revealing the mental processes of the inner unconscious self. This method is called psycho-analysis.

Psycho-analysis, as has been indicated in the preceding chapter, is in itself both a method of diagnosis and a method of treatment of the mental disease. As a method of treatment, it aims at autognosis, knowledge of the self; the intention being that the patient should understand himself and should make his own readjustments. But psycho-analysis, as a method of diagnostic individualisation, aims at revealing the unconscious foundation of an individual's mental life. As Pfister points out, "psycho-analysis begins its work at the point where the analysis of the consciousness is arrested." Thus psycho-analysis, as such, is the study of unconscious mentation. It is the key to the secret writing of the unconscious.

The psycho-analytic investigation, which seeks to reveal the state of the whole unconscious mind, helps the authorities in deciding the methods of treatment appropriate to individual cases. Dr. Grace W. Pailthorpe emphasises strongly the importance of a psycho-analytic understanding of the offender's inner unconscious self when she says that "it should be possible from the knowledge so gained to find a way of meeting the subject's psychological needs and, at the same time, the demands of society. Many improvements in machinery are brought about by the adaptation of an existing part to another part. In other words, let the best be made of the material

that there is to hand. People have lived in dwellings made of petrol tins. In this way petrol tins are more useful than on the dust heap, and the man who makes this work of art is very proud of his production and does not sit down and cry because it is not a palace. So surely society should be content if a system were devised, in which the offender is dealt with in such a way as to make the best possible of him." So, even if after the most careful psycho-analysis, the investigator arrives at the conclusion that the offender should be permanently or temporarily segregated, or that he should be kept under permanent supervision, or that he is so psychologically built up that he is a mental and spiritual wreck, incapable of responding to any form of reformative treatment, society will at least have the satisfaction of feeling that everything possible was done to save him from a life of crime.

There are various technical methods of psycho-analytic diagnosis, such as hypnotism, word-association, free association, the interpretation of dreams, etc. It must be noted that in none of these different methods of psycho-analysis, should the investigator suggest the results to the subject, for such suggestion is likely to cause unhealthy reaction in the subject. These methods can in many cases trace the nature and origin of neurasthenia, anxiety neurosis, loss of memory, hysteria, compulsion neurosis, and other mental troubles which are the primary causes of criminality. There are also various forms of compulsion neurosis, such as kleptomania, dipsomania, homicidal impulses, etc., which can be accounted for by psycho-analytic diagnosis. A careful psycho-analysis shows how the sufferers from these grave mental abnormalities are impelled to forbidden acts in order to get relief from the pain of the internal conflicts. Nothing is more pitiable in a man than such a mental state, a struggle to harmonise himself with society; and the sequel when, being unable to do so owing to lack of self-control, he drifts to crimes.

Psycho-analysis gives a new interpretation to the old

theory of criminal responsibility. With the development of the new science of psycho-analytic diagnosis, we have to modify our former rigid standard of personal responsibility. Rosanoff has pointed out that "responsibility, in the sense of liability to profitless retribution for wrong-doing, does not exist, scientifically in any case. On the other hand, everybody is responsible in the sense of being liable to forfeit his liberty, property, or the results of his labour, when necessary for the protection of the rights of others, or for the restoration of damage caused by him."[1] So the element of *mens rea*, as alleged to be present in the criminal is, in fact, absent in many cases. These are cases of "irresistible impulse." What crimes they commit, they commit apart from themselves, without being fully aware of themselves or their conduct.

From a careful consideration of these psychological factors, we can easily realise that repressed complexes of the unconscious mind can issue in the form of crime. Thus many of the crimes arise out of "anti-social grudge formation" or from the idea of upsetting society, or from the acquisitive instincts, or from some form of sexual abnormality. Psycho-analysis reveals that the root problem of the psychology of delinquency is a problem of suppressed energy. Psycho-analysis can trace the nature and origin of crime to factors unthought of, factors of which the offender himself is not consciously aware.

Thus we see that the aim of psychological study is to discover the nature and origin of the individual's conduct, the various antecedents and conditions that led to his lapse into crime. By the scientific application of the mental tests, analysis of the abnormal conditions, psycho-analysis, and the scientific study of their results, we have before us the facts and data. But the mere aggregation of these does not in itself constitute complete knowledge. The results of the different methods have to be scientifically considered and the associations of the groups of facts with one another have to be accurately weighed. The method of weighing these facts is called

[1] Rosanoff: *Manual of Psychiatry.*

the statistical method. It must be made clear, however, that the statistical method is not an independent method by itself; it works upon the data collected by application of the other methods. There can be no scientific study of the individual unless it is based on a statistical analysis of large series of collected data. The statistical method interprets the facts in terms of science and thus makes an important contribution to the psychological study of the individual.

The English Courts are in fact prepared to place the fullest confidence in the results of the psychological study of the individual. These results are very encouraging and hopeful in the Borstal Institutions in England, where young offenders are detained for a sufficiently long period of time to enable the authorities to apply the different methods of individualisation, for an all-round understanding of the individual. The results of these observations are put in what is called the Borstal Record, which keeps up to date the life history of the individual. The success of the Borstal system depends largely upon the accuracy and completeness with which the results of the historical, medical and psychological methods of individualisation are recorded. The historical method elicits the environmental factors, about family life, heredity, conditions of home, etc.; the medical method analyses the physical constitution; and the psychological method reveals the mental contents of the individual. The results of all these methods taken together constitute the scientific knowledge of the individual.

Chapter IV

THE GIRL OFFENDER

The aim of this chapter is to furnish a scientific basis for the conceptions held regarding girl offenders, through an analytic examination of the various factors that distinguish the female offenders from their male prototypes. We shall here examine the main characteristics of the female offender, and indicate the distinctive aspects of the problem. It must, however, be remembered that the fundamental principles of reformation apply equally to both the sexes. We have discussed in chapters I, II and III these fundamental principles of reformation, the problem of adolescence and the various aspects of individualisation. The historical, medical and psychological methods of individualisation apply to girl offenders as well as to lads. It is equally necessary in the case of girls that their home conditions, educational opportunities, their physical and mental constitution, should be investigated and ascertained with a view to an all-round understanding of the human material.

There is indeed a greater necessity for intelligent study of the girl offender, in view of the peculiar complexity of the causal factors of crime among girls. "The question is complex and there is no simple solution. Probably the girls require even more individualised treatment than the lads."[1] The training of the girl offender has been found to be a very difficult problem which the authorities in England have faced with admirable devotion.

For a proper understanding of the problem, we shall discuss here the various causal factors of crime

[1] From the *Report of the Departmental Committee on the Treatment of Young Offenders*, 1927.

among young girl offenders, under three main divisions, namely :—

(i) Environmental Factors ;
(ii) Mental and Psychological Factors ;
(iii) Physical Factors.

(i) *Environmental Factors.*—Most of the girls who go wrong are found to have been in evil environments. Many of them come from homes in which there are immorality and alcoholism, poverty and dependency, absence of parental control and guidance, and in some cases even encouragement of wrong-doing.

A large percentage of them come from slums, where they are brought up in overcrowded homes.[1] "The vapour of the slum is so indefinable as to be more of an atmosphere than a smell ; it is the constant reminder of poverty and grinding life, of shut windows and small inadequate washing-basins, of last week's rain, of crowded homes and long working hours." [2] In such a neighbourhood, one or two gloomy rooms have as a rule to provide for all the purposes and events of family life. The members of the family sleep together in the same room, with the consequence that the young ones are influenced in acquiring evil sexual habits. This is the natural result where there is no privacy in the sexual relationship between the elder members of the family. Nothing acts on impressionable young minds more than suggestiveness of behaviour on the part of parents and other near relations with whom they live. The conduct of the elders has a direct corruptive influence on the character of the young ones. The psyche is such a delicate mechanism that it receives impressions through the delicate medium of the various senses. The subtle influences of the environment are unconsciously transmitted to their character. They think that sex does not matter. They cannot be called "immoral," but "unmoral."

[1] The standard of "overcrowding" adopted in England and Wales is "more than two persons" for each room.
[2] Mr. Alexander Paterson : *Across the Bridges.*

They do not think of sexual intercourse as anything more than the most common action.

So the poor and vicious parents of the slums are themselves the cause of their children going wrong. Neglected at home, the girl runs about in the streets, amidst temptations. She lacks naturally the power of self-control, for she was never brought up to exercise it. She has no high ideals before her, no guiding principle of life, no altruistic motive that can dissuade her from allurements. The ultimate consequence is that she succumbs to these temptations, and probably steals to satisfy her greed for some particular luxury which she cannot honestly afford because of the poverty of her parents.

Thus the dull-minded girl whose only home is a patch of floor in some overcrowded room in a slum, and whose only playground is the gutter ; the girl who leaves school, and anxious to work, cannot find work, through no fault of her own ; thus such a girl finds growing up in her mind the feeling that she is not wanted in the world—"a dangerous feeling, a natural breeding ground for revolt, rebellion and crime."

(ii) *Mental and Psychological Factors.*—Apart from the environmental factors, we can find causes of delinquency also in the individual herself. It has definitely been established by scientific researches that there are certain pathological states in which the libidinal urge for expression is unduly and disproportionately strong. Such abnormalities in psychic functions are due to certain irregular internal glandular secretions in the system. The consequence of such organic aberrations is that the individual feels an increased urge from within. The only restraining factors that prevent such a girl from immoral acts are her sense of morals and the socialisation that she has received. The conduct of these precociously developed girls depends to a great extent on their early training at home, and development of normal inhibitions. They can escape the dangers of the irresistible drive from within only when they have acquired a strong power of self-control. It is owing to this causal relationship between

weak inhibitions and intellectual level, that we find a close correlation between mental defect and crime. Perversions of this nature are more common among the feeble-minded, for they, on account of their low moral standard and lack of self-control, fall victims to the forces of circumstance.

Love is a predominant trait in feminine nature. In many cases, the records show that the downfall of a girl can be traced to some love affair during her early adolescence, when, with sexual development, there occur psychological changes in the girl. Such girls are found to have been victims of blind love for which probably they have to suffer lifelong misery. They love with great intensity and "take a real delight in sacrificing themselves for the man they adore and for whom they are ready to violate prejudices, custom and even social laws." They are found to embrace all privations, disgrace and shame for the sake of love. As Lombroso and Ferrero said many years ago, "this intensity of love explains why almost all such women have formed illicit connections without being, for that reason, impure. Virginity and marriage are social institutions adapted, like all customs and institutions, to the average type—that is to say, in this case, to the sexual coldness of the normal woman. But our offenders love too passionately to submit to such laws."[1] Unfortunately these girls become innocent victims of the most degenerate men. Possessed of weak inhibitions, they become an easy prey to unscrupulous men. They become attracted to these men more easily "since the normal channels of ego satisfaction are in great part closed to them. They, as is normal to all human beings, crave attention and affection. In order to gain the first and frequently under the guileful expression of the second, they submit to sex relationship without a thought of its probable consequences or any intention of accepting its probable responsibilities. Forsaken by their erstwhile friends, but now under the influence of the driving power of their

[1] Lombroso and Ferrero: *The Female Offender.*

sex impulses, hardly if at all checked by their normally weak inhibitions, many of them drift into promiscuity, when sooner or later pregnancy ensues, to end either in abortion or in the birth of an illegitimate child."[1]

Another aspect of love is trustfulness. The girl reposes implicit confidence in her lover. This spirit of trustfulness is at the same time her strength and weakness. When trust is reposed in the wrong man, she ultimately finds herself caught in a snare and delusion. Urged by an irresistible passion of love, she forgets herself, becomes blind to the consequence of her acts, and, lacking power of self-control, runs away from home; then ultimately finds herself in distress, when left by the man for whom she sacrificed everything—her parents, home, nearest and dearest relations, society—and, worst of all, in this plight she finds herself the mother of an innocent baby. Society is closed to her. She suffers from intense mental distress, disappointment and poverty, with the ultimate consequence perhaps that she is driven to crime to earn a livelihood for herself and the baby of which she is the mother. When we consider these facts, we find that love and trustfulness in the wrong person have been the cause of unhappiness, misery and the downfall of many.

Many of the girl offenders have a perverted attitude towards sex. These sexual perversions have, in most cases, their origin in repressed complexes in the unconscious which find expression in most extraordinary behaviour. A girl with a perverted attitude toward sex "uses her sex life to overcome or to compensate for the thwarting of desires or of activities in other directions or to gain consideration and through it expression of other desires and interests."[1] These are subjects for intensive psycho-analysis which can trace the origin of the abnormalities. The cause of such perversion may be some suppressed mental desire in the unconscious. Promiscuity is thus found to be an unconscious protest against the

[1] Dr. Henry C. Schumacher, M.D.: *The Unmarried Mother; A Socio-Psychiatric Viewpoint.*

maltreatment of parents. Misbehaviour may be merely an expression of feeling of social inferiority. Preying upon society is also found sometimes to be an attempt in the unconscious to gain satisfaction, and very often revenge, for real or imagined wrongs. All these mental malaises are further aggravated by low ideals. There are cases, and these form a large percentage among the girl offenders, who have deliberately and consciously chosen to gratify their passions. In such cases the criminal conduct is due to the girl's low ideals. Her will, the motivating centre of mind, does not receive adequate stimulus to suppress her impulses, which ultimately predominate so that she is impelled to criminal behaviour.

As we shall find in chapter XII, 90 per cent. of the girl offenders at Aylesbury are sentenced to detention in a Borstal Institution for stealing. This shows how strong is the instinct of acquisitiveness in the female offender. Greed is a powerful motive force of crime among girls. This is more so when a girl is idle and poor but fond of luxuries which she finds others enjoying. Further, there is a natural instinct in her to attract the opposite sex by possessing luxuries which she cannot afford. Being poor, she steals such things as frocks, etc., in order to look nice. A craving grows in her to possess all these luxuries which she cannot honestly earn. The craze for fashionable dress is so intense that she loses self-control and catches upon any near opportunity which may satisfy her passions. "Their offence will even appear to them in the light of an escapade rather than a crime and we must admit that they can commit it without being deeply depraved."[1]

Stealing, which is so common among girl offenders, is sometimes due to an instinctive urge. The impulse to do wrong, to damage herself, to load herself with guilt, occupies the girl's mind. The object of stealing is often a symbol of forbidden desires. "What is forbidden exerts a tremendous attraction; and many peculiarities of behaviour derive their great emotional stress alone

[1] Lombroso and Ferrero: *The Female Offender.*

from the fact that they centre on something that is 'forbidden.'"[1] Stealing is also sometimes an outlet of sexual pressure. The sexual urge compels the girl to do something which relieves the psychic tension. The potential creative energy seeks an immediate outlet which it finds in such misdoings as theft. "The criminal act is always carried out in a state of high excitation, being associated with an emotional tension during which the logical processes of the mind are in abeyance and the usual inhibitions no longer in force. The stolen articles are often secondary. The impulsive act and not the stolen article is the true objective."[1]

(iii) *Physical Factors.*—We have discussed in chapters II and III some of the physical abnormalities that lead to crime. Here we shall discuss the peculiar phases of female adolescence.

The age at which a girl offender commits a crime is generally that of the fullest sexual development. In fact the age between sixteen and twenty-one represents a stage of development which is more advanced than in the case of lads of the same age. It is, of course, true that lads also pass through a similar period of sexual upheaval at puberty, "but the disturbance is less severe and it is also final." "In girls 'Das Ewig-Weibliche'[2] is no iridescent fiction but a very definable reality, and means perennial youth. It means that woman at her best never outgrows adolescence as man does, but lingers in, magnifies and glorifies this culminating stage of life with its all-sided interests, its convertibility of emotions, its enthusiasm and zest for all that is good, beautiful, true and heroic. This constitutes her freshness and charm, even in age, and makes her by nature more humanistic than man, more sympathetic and appreciative."[3]

Yet it is this same essential characteristic of womanliness which manifests itself so differently in the girl delinquent. "At puberty such a girl is conscious of increased tension

[1] Stekel: *Peculiarities of Behaviour.*
[2] *The Eternal Womanly.*
[3] Stanley Hall: *Youth; Its Education, Regimen and Hygiene.*

and unrest, which she cannot explain. Suddenly without any reason she becomes 'fed up' and must do something immediately. The tension urgently demands relief and action alone can provide it."[1] There appear violent fits of anger, breaking things, threatening her relations, stealing. There occurs very often some mental disorder, and in particular an irresistible tendency to outbreaks of sexuality and bad temper.

This extraordinary behaviour has a physiological root, being the outward expression of an internal feeling of repugnance to the peculiar functions of the reproductive organs during adolescent growth. There is a subconscious feeling of uneasiness in the girl's mind, which arises out of the complexes formed about herself.

The most important phase of female adolescence is that of menstruation. As Havelock Ellis said: "Whenever a woman commits a deed of criminal violence it is extremely probable that she is at her monthly periods."[2] Dr. Galabin defines menstruation as "hæmorrhage from the mucous membrane of the body of uterus, which normally recurs at regular intervals of approximately one month and continues throughout the whole period of sexual activity in women, except during pregnancy and lactation."[3] The usual age when menstruation commences is sixteen or earlier, but there are cases of precocious menstruation occurring in early childhood. Medical examination shows that there is a large number of cases of precocious menstruation among girl offenders. Precocity in menstruation is an important causal factor of crime among the young delinquent girls. These phases are obvious causes of the downfall of a large percentage of the girl offenders. Premature sexual stimulation, caused by precocious menstruation, causes internal disorder in the subject both on the mental and physical side.

On the physical side, the girl during menstruation undergoes severe nervous convulsion. Medical examination shows that there occur not merely local changes but the whole organism is seriously affected by the phenomenon of periodic discharge. It is also found that menstrual disturbances are both preceded and followed by other disorders before and after the period. The subject suffers from arterial tension before the commencement of menstruation which alone can give relief. Temperature is higher; there is disorder in the glandular and cellular functions; and so on. Women "undergo two great chemical and glandular upheavals in the course of their lives, the first at adolescence when they emerge into fruitfulness, the second at the menopause, when their reproductive powers are exhausted and their labors concluded. At both these crucial periods, women are intensely disturbed chemically through the fundamental changes taking place in their endocrine glands. These internal revolutions are attended by severe emotional storms and disturbances . . . this glandular and chemical upheaval is repeated every month of her useful life in the throes of menstruation. . . . They are prone to tears and other outbursts of emotion, their judgment is affected and they are . . . off their balance."[1] Some extraordinary pluri-glandular deficiencies manifest themselves in the delayed onset of menstruation; and this also accounts for many cases of misconduct on the part of girl offenders. In these cases the thyroid and pituitary glands tend to stimulate the reproductive glands, and with the failure in the reproductive glands to function normally we find some hypothyroid and hypopituitary abnormalities present. The consequence is that the girl naturally becomes unbalanced and suffers from intense restlessness on account of the organic disorder in the gland functions at the onset of menstruation. A large percentage of these glandular cases are hypothyroid. Besides, any abnormality in menstrual discharge may cause irritability of nerve centres, hysteria, epilepsy or migraine. These abnormalities may be due to various causes such as congestion of uterus or ovaries, hernia of the ovaries, etc.

[1] Dr. Grace W. Pailthorpe: *Studies in the Psychology of Delinquency.*
[2] Havelock Ellis: *Man and Woman.*
[3] Galabin: *Diseases of Women.*

[1] Schlapp and Smith: *The New Criminology.*

On the mental side, the girl on the onset of menstruation experiences a new phase of life. The first few menstrual periods during adolescence affect the brain and soul more than those at a more advanced age when the sexual harmony is better established. The psychoses caused by menstruation during adolescence are very acutely morbid. This is a very critical period for the development of the nervous system. As Stanley Hall says: "few more pitiable objects exist in nature than a girl, especially if nervous or overworked, who must encounter this experience for the first time alone. The quality of motherhood has nowhere a more crucial test than in meeting the needs of this epoch. . . . Now begins a great and ineradicable difference between the physical and psychic life of woman and that of man."

The play in which the girl used to indulge before menstruation no longer attracts her. She seeks solitude and indulges in silent contemplation. She is easily led to reckless action. She suffers too from an inferiority complex arising out of her sensitiveness to an abnormal condition of uncleanliness which not unnaturally disturbs her soul. The inferiority complex with regard to her excretionary functions is in many cases the reason for sudden outbreaks of sexuality and bad temper.

As Stanley Hall says: "Everything she does and says must be judged by its exact position in this cycle which permeates her whole physical and psychical organism; and especially in unbalanced and neurotic persons, even guilt for crime is lessened, so that in criminal trials this should always be considered." In fact the menstrual function creates a peculiar psychological state. There are different degrees of perversion varying from simple moral malaise to "positive alienation" with complete loss of reason, morality and responsibility. "In such cases those who know most, will pardon most. Wherever crime occurs in such states, he would persistently raise the question of legal accountability. The sympathies between the brain and reproductive organs are more intimate than has hitherto been suspected. Even hysteria,

epilepsy, chorea, chlorosis and exophthalmic goitre are classified among neuroses of menstruation. Abnormality of this function is a pre-disposing cause to any of the obvious disturbances that heredity or the nature of any other troubles of body or mind may determine."[1]

Disorder in menstrual function may be the cause of various diseases, such as hysteria, epilepsy, chlorosis, nymphomania, etc.

Hysteria is often due to nervous disorder caused by some gross abnormality in the organic functions. The pathological state of an hysterical patient may be explained as due to the innervation of the generative organs.[2] It must be remembered that nervous troubles, which are found so commonly among girl offenders, assume all the forms of hysteria, because in women alterations of the nervous system, and especially those of which the uterus is the starting-point, are most often of this character. In girls predisposed to hysteria, the least trouble in the organic functions is sufficient to call forth a manifestation of nervous symptoms. In some cases monthly disturbances of the psyche occur with menstruation and hysteria is the disease which most affects it.

Epilepsy is a very complicated disease found in some girls.[3] Dr. W. Norwood East says that "the outstanding feature of criminal conduct due to epileptic automatism is, of course, its dissociation from the personality and independence of his control."[4] In automatism, whatever acts the subject of the disease performs, she retains not the slightest trace of recollection of them afterwards.

Chlorosis is a disease which is very common among girls during early adolescence. The disease has a close connection with the nervous system. The disease, in fact, is found in many cases to have a psychological origin. The circumstances by which it is caused are

[1] Stanley Hall: *Adolescence; Its Psychology, Etc.*

[2] As Pozzi says in his *Treatise to Gynæcology*, "the generative apparatus is not, so to speak, a secondary wheel in the feminine machinery; it is, on the contrary, the mainspring of the whole mechanism."

[3] The reader is referred to chapter III for more details about Epilepsy.

[4] Dr. W. Norwood East, M.D.: "Some Forensic Aspects of Epilepsy," published in October 1926 in the *Journal of Mental Science.*

purely emotional, such as frustration in love, bereavement, etc. The outward symptoms of the disease are many, such as giddiness, headache, flushing of the face, constipation, hepatic derangements, a tendency to morbid conditions of mind, and other feelings of nervous disturbance. Special symptoms of chlorosis are shortness of breath, general nervous debility, neuralgic pains and indigestion.

Nymphomania is a disease caused by suppression of uncontrollable sexual desires. The disease can drive even a very timid girl into most shameless behaviour.

Methods of Treatment

The methods of treatment of these wayward girls have to be mainly psychological. We have already discussed how through the study of the personality of the girl we can get an insight into the reasons behind her misconduct. So the methods of treatment have to be so applied as to make her conscious of these reasons, so that she can see and accept herself as she is. "Some will respond to a simple appeal to the group spirit; some can be reached by the influence of a single teacher or friend; to others again, a particular form of religious appeal may be the best avenue of approach. Some can be trained in institutional surroundings; others are more suited for life in smaller groups. . . . The question then appears to be how to provide for varied forms of appeal suited to the individual temperament and to a stage of development too, which is more advanced than in the case of lads of the same age . . . what is most important for the delinquent girl of this age is the strong influence of the individual teacher combined with varied methods of appeal."[1]

In England, the Aylesbury Borstal Institution enjoys ideal conditions. The institution is situated in a lovely English countryside in Bucks, in the midst of beautiful

[1] From the *Report of the Departmental Committee on the Treatment of Young Offenders*, 1927.

natural scenery. Such an open, free environment provides the most effective stimulus for heart and lungs and tends to mental elevation and breadth of view. There are the kitchen gardens; places for seclusion and religious contemplation; playgrounds; and so on. There is a large recreation hall, which is very useful when the weather is too bad for outdoor life, or when a girl is indisposed. There is for each individual a well-furnished single room that permits her to be in sublime solitude, for this develops inwardness, poise and character. Thus the institution provides those ideal surroundings on which the character development of the inmates so much depends.

The authorities have to adopt various methods of treatment according to the circumstances of each individual case. These methods are mainly psychological. Some of them are described below.

The most difficult cases are the girls who have a baby—which in most cases is an illegitimate child. The baby naturally exerts great attraction upon the mother. The most important aspect of human sentiment is maternal love, which is very strong in the girl offenders. In fact "maternity is a moral prophylactic against crime and evil; for a mother hesitates to commit an offence which might separate her temporarily or permanently from her child."[1] Maternal love is a great restraining sentiment which holds back a woman from crime. She is physically weak, but what keeps her strong is her high ideals and sentiments as a mother. Thus her weakness is her strength and beauty. Her individuality lies in sublime calmness, forbearance and patience; all of which qualities make her, above all, the mother. Maternity is a physiological function of woman. It is a part of her physical system. The baby grows with her blood and vigour. Maternity is abstract, absolute and natural, the very aim of the woman's existence in the real world. The whole creation stands on one fundamental principle of life, viz., the protection that manifests itself in maternity. Maternal

[1] Lombroso and Ferrero: *The Female Offender.*

love is the primary, original bond—all other bonds are artificial and so vary with the conventions of society. Maternal love is a creation of God, while all other relationships in society are creations of man.

For the full utilisation of the maternal instinct which is so sublime and strong, the girl mother and her baby should not be separated, at least during the trying time of the mother's readjustment to herself and to society. " In assuming responsibility for her child the mother not only has work to do, but she has a normal outlet for her pent-up love. Mother-love, moreover, is an outlet for her former sex hunger and that outlet is socially most acceptable." Such a noble attitude towards the young girl mother and her baby manifests itself clearly in the Aylesbury Borstal Institution. The authorities allow the mother to keep the baby with her, but not long enough to be influenced by surroundings. The mother keeps the baby in a cot in her room, and it is a great consolation to her in her distressed condition. The mother's maternal instinct finds satisfaction in caressing and looking after the baby. She is allowed time to bathe and dress the baby, and all concessions that may be necessary for its welfare. This has a definitely good effect on the mind of the mother. The very thought of separation from the baby is a torture to her. No punishment is more severe for a mother than separation from her baby. As Lombroso and Ferrero said many years ago, " the birth of an infant is an event which turns the whole prison upside down ; and insubordinate offenders, who would not submit to prison regulations even when threatened with solitary confinement, have shown a lamb-like docility on being threatened with separation from their child." [1]

A large percentage of the girl offenders are found to suffer from some kind of sex troubles. Until the sex energy is used up, they become violent, quarrelsome and show occasional fits of bad temper. So the authorities have to employ effective methods to exhaust the sex energy of these girls. Sex can be controlled by sublima-

[1] Lombroso and Ferrero : *The Female Offender.*

tion. The sex energy can be used up by plenty of physical exercise, gardening, good reading, hand-work, basket-work and regular hard work in all the different branches of institutional employment. Thus in the case of a girl overridden by sexual desires, outlets for her overpowering energies must be supplied. Furthermore, she has to be helped to acquire an ideal outlook on life. She has to be guided to the fulfilment of her great responsibilities to humanity. Thus she will achieve an aim in life that will absorb her and she will realise the supreme significance of motherhood. " It is not enough that the girl gain insight as to her motives but her sex life must be associated with healthy emotions and the emotions liberated must be redirected to new ends." [1]

Lack of self-control is the immediate cause of a young delinquent girl's downfall. She has no capacity to adjust herself to the moral demands of society. As the result of weak inhibitions, she has an inclination towards immoral and criminal behaviour. Dr. Schumacher says that " often sex promiscuity in such individuals is but an expression of the breakdown of the normal inhibitions or a freeing of former repressions due to mental ailment." The girl overridden by sexual desires has to be taught self-control. But the teaching of self-control must not be imposed on her but must come from within. " Only by admitting to herself the thoughts and desires back of the impulses and drives, can she gain control over them. Instead, then, of telling her to put sex out of her mind, she should be helped to accept sex as a part of herself and to give it psychological expression."

The most effective treatment for the reformation of the girl offenders is some form of religious, moral and æsthetic appeal. Nothing appeals to a girl more than a subtle touch of sympathy and understanding from others.

The keynote of female nature is to be sought in her tears. The understanding of the woman's psychology depends largely on that of her tears. The inner needs

[1] Dr. Henry C. Schumacher, M.D. : *The Unmarried Mother ; A Socio-Psychiatric Viewpoint.*

of the girl find expression in tears. " These causeless tears are the most real tears of the woman—tears of yearning after her perfection, tears of unfulfilled destiny. The unhappy weep them and the happy weep them, for between the fortune of the one and the misfortune of the other, there is little difference. But why she weeps, no one of them can say ; she only knows—' I feel so.' "[1] All such cases, prone to tears, need to be soothed, and varied methods of appeal will be indicated in different cases. There is always a desire for the girls to speak about their difficulties—psychological, as well as physical. Most of them are worried about home, work, and how they can get rid of their desire for a man. The authorities have to wait for the time when the girl will need such help. Thus, " while retaining their liberty they acquire friends who understand them, and who are able by their greater wisdom to help them, both directly and indirectly ; and there is a reasonable chance that in this way they will pass over successfully the stage of adolescence to the mature stage of the adult, when the sexual inrush has become once more equilibrated with the personality." [2]

Love is the basic principle of reformative treatment of the girl offender. Love can conquer everything. Reciprocity of love is, in fact, the secret of success of the Borstal Institution at Aylesbury. Good has to be found instead of evil.[3]

Some form of religious appeal is of immense importance for the reformation of the girl offender. Most of these girl offenders are ignorant, disordered, unbalanced, and without any ideals of life. The most common type is produced by want of discipline and sense of responsibility. Such an abnormal state of mind may be traced to the absence of religious and moral culture in the individual. In such cases Chapel services, religious talks, singing, and silent prayers, as conducted in the Aylesbury Borstal Institution, do immense good to these delinquent girls.

[1] Laura Marholm : *The Psychology of Woman.*
[2] Dr. Grace W. Pailthorpe : *Studies in the Psychology of Delinquency.*
[3] The reader is referred to Chapter I, which deals with this aspect more fully.

Miss Barker, the Governor of the Aylesbury Borstal Institution, very often takes the Sunday Afternoon Service. It takes the form of friendly advice to the inmates to cultivate a sober religious outlook on life. Miss Barker's service is very appealing to the impressionable minds of the young delinquent girls. Her motherly interest in each individual is a great strength and consolation when they feel depressed and hopeless about the future.

The punishments for the girls have also to be devised so as to appeal to their sentiments, in relation to which they are exceedingly sensitive. A form of punishment that may touch their finer sentiments is more painful than physical punishment. It is hard for them to bear the ridicule from their comrades who look down upon those who break the institutional discipline. So punishments for ordinary offences have to be mild but suggestive of the disgrace they have incurred as the result of breach of discipline in the institution.

The work a girl has to do in the institution has to suit her temperament and capacity. Some employment should, however, be compulsory, such as gardening. Handicraft work has always to be encouraged, as the most helpful preparation for managing their own homes. Farm work is also very useful, especially for those girls who will go back to villages. The domestic side of the institutional training for the girl offender must not be neglected ; the purpose of such training is to make a woman of her—a good wife and a successful mother.

Speaking generally, the aim of institutional training for girls is to ensure happiness in their lives. They have to be made conscious of the supreme significance of human existence. The happiness that they are to enjoy in future is " something different from the old, intermittent, noisy desire for pleasure and excitement, with collapses and inertia. This is something always awake, something integral, something which no momentary satisfaction can appease ; which demands a satisfaction entire and constant, a lasting condition and which presupposes awakened personalities." [1]

[1] Laura Marholm : *The Psychology of Woman.*

Chapter V

LAW OF THE ENGLISH BORSTAL SYSTEM[1]

As we shall find in chapter VIII, the Borstal Institutions are so called from the village of Borstal in Kent, where an experiment on reformative lines was first started. This experiment was first made in 1902, by collecting a party of young offenders in a portion of the old convict prison at Borstal and devising for them a scheme of industrial training and education. After a few years' trial, the system was found to produce good results. It was in 1906, when an experience of four or five years had established these reformative principles, that Sir Evelyn Ruggles-Brise, K.C.B., the then Chairman of the Prison Commission for England and Wales, addressed a strong recommendation to the Secretary of State, asking for an alteration of the law on these lines. Eventually in 1908 these principles became law under the Prevention of Crime Act of that year. By this Act, Parliament sanctioned the new establishments, under the name of "Borstal Institutions." Furthermore, it also authorised a period of detention long enough for purposes of training, with a period of supervision, under the control of licence, to follow discharge.

It is essential, for a clear understanding of the English Borstal System, to know the law which governs the practice and procedure of sentencing an offender to detention in a Borstal Institution. The Law of the English Borstal System is primarily governed by the Prevention of Crime Act 1908 (Part I) as amended by :

(*a*) Section 10 of the Criminal Justice Administration Act 1914, and

(*b*) Section 46 of the Criminal Justice Act 1925.

[1] This chapter is of a somewhat technical character, and may be omitted by the non-legal reader.

We propose to explain the various statutory provisions under the following five heads, namely :—

I. Eligibility for Borstal Discipline.

II. Some Salient Features of "Borstal" Procedure.

III. Period of Detention.

IV. Effect of the Criminal Justice Administration Act 1914.

V. Powers of the Home Secretary.

I. Eligibility for Borstal Discipline

Section 1 of the Prevention of Crime Act 1908 (Part I) is as follows :

"(I) Where a person is convicted on indictment of an offence for which he is liable to be sentenced to penal servitude or imprisonment and it appears to the Court—

"(*a*) that the person is not less than sixteen nor more than twenty-one years of age ; and

"(*b*) that by reason of his criminal habits or tendencies or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime :

"it shall be lawful for the Court, in lieu of passing a sentence of penal servitude or imprisonment, to pass a sentence of detention under penal discipline in a Borstal Institution for a term of not less than two years [1] nor more than three years :

"Provided that, before passing such a sentence, the Court 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, and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid."

[1] (As amended by the Criminal Justice Administration Act 1914, Section 11.)

By virtue of this section of the Act, Borstal detention could be ordered only for persons who were convicted on indictment of offences for which they were liable to penal servitude or imprisonment. Additional powers were, however, given to the Courts of Summary Jurisdiction by Section 10 of the Criminal Justice Administration Act 1914, Subsections (1) and (2) which are as follows :—

"(1) Where a person is summarily convicted of any 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

"(*a*) it appears to the Court that the offender is not less than sixteen nor more than twenty-one years of age ; and

"(*b*) it is proved that the offender has previously been convicted [1] of any offence or that having been previously discharged on probation, he failed to observe a condition of his recognisance ; and

"(*c*) it appears to the Court that by reason of the offender's criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime,

"it shall be lawful for the Court, in lieu of passing sentence to commit the offender to prison until the next Quarter Sessions,[2] and the Court of Quarter Sessions shall inquire into the circumstances of the case, and if it appears to the Court that the offender is of such age as aforesaid and that for any such reason as aforesaid it is expedient that the offender should be subject to such detention as aforesaid, shall pass such sentence of detention in a Borstal Institution as is authorised by Part I of the Prevention of Crime Act 1908, as amended by this Act ; otherwise the Court shall deal with the case in any way in which the Court of Summary Jurisdiction might have dealt with it.

"(2) A Court of Summary Jurisdiction or Court of Quarter Sessions, before dealing with any case under this section 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 offender for such detention as aforesaid, and a Court of Summary Jurisdiction, shall, where necessary, adjourn the case for the purpose of giving an opportunity for such a report or representations being made."

[1] Section 59 (1) of the Children and Young Persons Act 1933 provides that "for the purposes of paragraph (b) of Subsection (1) of Section 10 of the Criminal Justice Administration Act 1914 (which relates to the power to send youthful delinquents to Borstal institutions) a finding that a person is guilty of an offence shall not have the effect of a conviction if he was dealt with for that offence under the Probationer of Offenders Act 1907."

[2] Section 46 (1) of the Criminal Justice Act 1925, gave power to commit to Assizes also.

These various statutory provisions form a safeguard against the danger of sentences of Borstal detention being given too easily under the view that training and discipline will make a perfect citizen of the accused. These provisions require the Court to satisfy itself that all the conditions have been complied with before passing such a sentence. With regard to these limitations Mr. Justice Avory said :—

"Many of these cases present a difficult problem because of the limitations in the Act of Parliament. It is sometimes not possible to send these young offenders for treatment in a Borstal Institution on the ground that it is their first offence and there is not sufficient evidence that they are in the habit or that they have a tendency to commit these crimes. . . . I cannot help thinking that it is worth consideration whether these strict limits should not be relaxed, seeing that the statistics from the Borstal Institutions seem to show that the best results often are obtained in cases of those offenders who have not been previously convicted." [1]

The conditions that must be satisfied before sentencing an offender to Borstal detention are :—

(*a*) That he has been summarily convicted ; and

(*b*) that he is not less than sixteen nor more than twenty-one years of age ; and

[1] From the *Justice of the Peace and the Local Government Review*, 12th March 1932.

(*c*) that he has been previously convicted or failed to observe a condition of his recognisance ; and

(*d*) that he has criminal habits or tendencies or has been in association with persons of bad character.

(a) *Summary Conviction.*—The primary condition that must be satisfied under Section 10 of the Criminal Justice Administration Act 1914 for dealing with a young offender of the age between sixteen and twenty-one, whose antecedents make it desirable that he should be placed in a Borstal Institution for purposes of instruction and discipline, is that he shall have been summarily convicted of an offence for which the Court has power to impose " imprisonment for one month or upwards without the option of a fine." The offence of which the offender must be summarily convicted, may be any offence whether indictable or non-indictable. The words " any offence for which the Court has power to impose a sentence of imprisonment for one month or upwards without the option of a fine " in the opening portion of Section 10 (1) of the Criminal Justice Administration Act 1914, undoubtedly include non-indictable offences. They include all acts and omissions punishable on conviction by any Court.

(b) *Age.*—It is required that an offender to be sentenced to Borstal detention must not be less than sixteen nor more than twenty-one years of age at the time when he is before the Court which passes sentence. A Court has no jurisdiction to sentence to Borstal detention an offender who is more than twenty-one years of age. The relevant age, as required by the Statutes, is counted to be the age as on the date of sentence, not the date of conviction. So in *R.* v. *Scoffin*, 22 Criminal Appeal Report 27, Hewart, L.C.J., when giving judgment remarked : " The facts show that the appellant according to his birth certificate was born on 17th February 1909. He therefore completed twenty-one years on 16th February 1930. His conviction at petty sessions was on January 1930, but the commission day for Manchester Assizes was on 17th February 1930,

and in fact sentence was passed on 18th February 1930. It is perfectly obvious, therefore, that on the commission day of the Assizes, he was more than twenty-one years of age, namely, one day more and on the day when the sentence was passed two days more. . . . We have no doubt that the appellant was above the age prescribed by Statute and he must therefore be denied the benefits of Borstal." Section 10 of the Criminal Justice Administration Act 1914 provides that an offender may be sentenced to detention in a Borstal Institution, " if it appears to the Court that the offender is of such age as aforesaid," namely, not less than sixteen nor more than tweny-one years of age. It is clear that " not more than twenty-one " does not mean " not so much more than twenty-one." It is also clear that " is " cannot mean " was."

The onus of proof is upon the defendant to establish that he is over twenty-one years of age and therefore not eligible for Borstal treatment, if it appears to the Court that he is under twenty-one. The language of Section 10 of the Criminal Justice Administration Act 1914 justifies such a view taken by the Court. The test is whether it appears to the Court that the offender is not less than sixteen nor more than twenty-one years of age. " It might possibly be argued that this means if it appears by proof, in the usual way, but for the fact that in this Section ' appears ' is used in several places in evident contra-distinction to ' proved ' in another part of the Section."[1] The Court, however, seeks the best evidence available at the time ; if upon such evidence it is satisfied that the defendant " appears " of such an age, then the onus is cast upon the defendant to refute the presumption raised in the mind of the Court.

(c) *Previous Conviction or Failure to Observe a Condition of his Recognisance.*—If a youthful offender is charged under Section 10 (1) (*b*) of the Criminal Justice Administration Act 1914, it is important to remember that it is necessary for the prosecution to prove either :—

[1] From the *Justice of the Peace and Local Government Review*, 8th October 1932.

(i) that he has previously been convicted of any offence or

(ii) that having been previously discharged on probation, he failed to observe a condition of his recognisance.

If this is not done, the offender is not properly before the Court and the Committal is a nullity. In a recent case at the Somerset Quarter Sessions[1] a boy of sixteen who had in 1925 been placed on probation for six months without a conviction, was in 1929 convicted of larceny and committed to Quarter Sessions with a view to his being sent to Borstal. The Chairman (His Honour Judge Lindley) pointed out that there had been neither a previous conviction nor a breach of his recognisance and that the justices had apparently no jurisdiction to commit the boy under Section 10. It is also important to note in this connection that previous conviction as required by Section 10 does not necessarily mean previous imprisonment.

If an accused is convicted of felony and is committed to Quarter Sessions, but the latter, finding that he has not been previously convicted of any offence, discharges the accused and no further action is taken in the matter, and then later he is charged, convicted and sentenced to a term of imprisonment for a subsequent commission of felony, in such circumstances the Court can convict him and commit him to Quarter Sessions for Borstal detention in view of the fact that he had been wrongly sent on and discharged (although convicted but not sentenced) for his earlier offence; provided, however, that the other requirements of Section 10 of the Criminal Justice Administration Act 1914 are satisfied. In such a case, there is certainly a previous conviction to satisfy paragraph (1) (*b*) of that Section. A previous sentence to imprisonment is not a conviction precedent for sentencing a young offender to Borstal detention. There is, in fact, a large number of young offenders in Borstal Institutions

[1] 93, *J.P. Journal*, p. 653.

who have never been in prison, but have been fined or placed on probation for previous offences. This point was made clear in 1925 by Sir M. L. Waller, the then Chairman of the Prison Commissioners for England and Wales, in a letter addressed to the *Law Times*, as follows :—

> "There has recently been something of an epidemic of serious crimes committed by young men, who clearly fall within the terms of Section 1 of the Prevention of Crime Act 1908. That Section provides that a sentence of Borstal detention may be passed on a person within the required limits of age, if it appears to the Court that 'by reason of his criminal habits and tendencies or association with persons of bad character, it is expedient,' etc.—The object of this letter, however, is to say that it is not the case that the lads are not considered to be suitable for training in Borstal Institutions unless they have previously been in prison. Approximately half the lads now in Borstal Institutions have not been in prison but have been fined or placed on probation for previous offences."

As regards failure "to observe a condition of his recognisance," it must be proved to be an antecedent and independent failure. If a prisoner is put on probation for an offence on condition of residence in a colony, and then relapses and commits a second offence, when running away from the colony, in such a case the second offence (to which he pleads guilty) cannot be treated as the failure "to observe a condition of his recognisance" mentioned in Section 10 (1) (*b*) of the Criminal Justice Administration Act 1914. It is essential that an antecedent and independent failure be proved before the justices. Paragraph (*b*) requires proof of a conviction or of something which is the equivalent of conviction. The equivalent may be a broken recognisance; and just as conviction must be in the past and distinct from the new offence, so must the breaking of the recognisance be in the past and distinct from the new offence. There are innumerable cases of offenders discharged on probation and brought up for a breach of recognisance, who still later commit a new offence and are sent to "Borstal." Of course, it is true that the second offence during the

currency of the recognisance is a breach of it. But it cannot be used both as a breach to satisfy paragraph (*b*) of Section 10 (1) and as a new substantial offence to satisfy the opening words of the Section. It should also be noted that if the breach of recognisance had taken place before the charge of the present offence, the matter falls within Section 10 (1) (*b*) of the Criminal Justice Administration Act 1914 and the offender can be committed to Sessions for sentence to Borstal detention, though he had not been charged with this until after the proceedings for the later offence.

(d) *Criminal Habits or Tendencies or Association with Persons of Bad Character.*—There must be satisfactory evidence to establish that an offender has "criminal habits or tendencies" (*R.* v. *Stenson and Another* (1930), 22 Criminal Appeal Report 18). The Court of Criminal Appeal, in dealing with an appeal against sentence to Borstal detention, takes into account the character and antecedents of the appellant (*R.* v. *Palmer*, 2 Criminal Appeal Report 147). In the case of a first offence, however, the Court leans against detention even in a Borstal Institution (*R.* v. *Eling and Wallbridge*, 14 Criminal Appeal Report 24). Proof of good character is a good ground of appeal against a sentence of detention in a Borstal Institution. In *R.* v. *Milner and Atkin*, 15 Criminal Appeal Report 18, Reading L. C. J. when giving judgment remarked: "We very much appreciate these expressions of opinion with regard to the character of these boys. We are glad that their employers are ready to give them work as soon as they are set at liberty. . . . As they have both been hard workers until this occurrence, we set them at liberty. . . ."

Where there is a prospect of immediate work for an offender, among other circumstances in his favour, he is not sentenced to Borstal detention. Thus in *R.* v. *Smee*, 20 Criminal Appeal Report 193, "a Probation Officer informed the Court that the appellant's family was highly respectable, but that owing to illness he had not been kept under discipline; he had a definite prospect

of finding him work and meanwhile a brother would take charge of him: the latter was heard by the Court. The Court in view of these facts and especially of the prospect of immediate work, varied the sentence of three years' detention in a Borstal Institution to his entering into his own recognisance for £5 on the usual conditions and on that of obeying the instructions of the Probation Officer."

Similarly the Court sets aside sentence of detention in a Borstal Institution, if the offender has a good home and a regulated life, *e.g.* in a service of the State requiring strict discipline, such as the Army (*R.* v. *Martin*, 17 Criminal Appeal Report 50). Whether a young offender is a person of "criminal habits or tendencies" within the meaning of Section 10 (1) (c) of the Criminal Justice Administration Act 1914, is a question of fact on each case; but the evidence of such facts must be clear and certain; trifling offences or casual association with one criminal are not sufficient to satisfy the Statute. In *R.* v. *Connel and Irvine* (1930), 22 Criminal Appeal Report 105, two youths appealed against a sentence of Borstal detention which had been passed on them at Kent Assizes for burglary, which had been committed by four persons in conjunction, one of whom was a convicted criminal. The Court of Criminal Appeal substituted a sentence of six months' imprisonment and Swift J. in delivering the judgment of the Court said: "There was in our opinion no evidence in this case of criminal habits or tendencies or association with persons of bad character which rendered these two youths amenable to Borstal discipline. It may be or it may not be—I do not know—that the best thing for them might be Borstal discipline. That we need not speculate upon, because the conditions of the Act of Parliament which provides Borstal discipline for young people are not existent in their case." So also in *R.* v. *Greenwood*, 23 Criminal Appeal Report 55, evidence was given that the offender's home surroundings were very poor, and this seems to have led the judge to think that Borstal detention would be the best thing for him, but it was submitted that there

was no evidence of "criminal habits or tendencies, or association with persons of bad character," and accordingly it was held that this was not a case for detention in a Borstal Institution. Furthermore, a number of offences committed on the same day is not conclusive proof of "criminal habits or tendencies," as they might be if they had taken place at some intervals of time. In *R.* v. *Stewart*, 23 Criminal Appeal Report 61, Acton J. giving judgment remarked that "it is true that with his assent, three other offences were taken into consideration, but they were all committed on the same day and therefore, as against a career of respectability and hard work, in which there is no indication of criminal habits or tendencies, there can be set only the misdeeds of this one day. In the opinion of this Court, this is not a case for Borstal detention." But on the other hand, the offence itself may justify the inference that the offender has criminal tendencies. In *R.* v. *Walding*, 22 Criminal Appeal Report 178, where the prisoner was charged with two offences, one of shop-breaking with intent to steal, and one of shop-breaking and larceny, and had used force to carry out his nefarious designs, Avory J. observed: "It has been contended that there was no jurisdiction to send the lad to Borstal. We cannot concede to that argument. The very nature of the offence would justify the Court in drawing the inference that he had criminal tendencies at least. That in itself would be justification in law for imposing this kind of punishment." Positive proof of criminal habits or tendencies, such as would satisfy a court, has sometimes been found difficult, in the absence of numerous previous convictions and of evidence from witnesses who know the offender well. In such difficult cases, the very nature of the specific offence might justify the Court in sentencing the offender to Borstal detention. But as regards sexual offences if a youth has been convicted of some sexual crime, such as rape, which is itself of an extremely grave character, but which may be due to a sudden outburst of uncontrolled passion and is not necessarily indicative of any antecedent

criminality, in such a case a Court has generally no alternative but to send the offender to prison. Such criminal conduct, arising out of sudden outburst of repressed sexual impulses, is not conclusive proof of "criminal habits or tendencies." In *R.* v. *Hughes and Adams* (1930), 22 Criminal Appeal Report 145, two young men had been convicted of attempting to choke a female with intent to have carnal knowledge of her. One of them who was only seventeen years of age appealed against a sentence of three years' penal servitude which had been passed upon him. The Court of Criminal Appeal reduced that sentence to eighteen months' imprisonment with hard labour, and Avory J. when giving judgment said: "We have also considered whether it would be possible in the circumstances to substitute for the sentence an order that the appellant should be detained in a Borstal Institution, but we are unable to satisfy ourselves that he is brought within the provisions of the relevant statute."

As regards "association with persons of bad character," the evidence of such association must be clear and certain. The Court considers whether there is any evidence upon which it can come to the conclusion that by reason of the offender's association with persons of bad character it is expedient that he should be dealt with under the discipline of a Borstal Institution. The association must be voluntary and not a mere chance association. In *R.* v. *Connell and Irvine*, 22 Criminal Appeal Report 105, Swift J. when giving judgment remarked: "Even if he were a person of bad character, it does not appear that they were associates of his, in the sense of being voluntary associates. They happened to be in the same regiment and therefore they, no doubt, knew him." Such a chance acquaintance is not sufficient to establish one's "association with persons of bad character." The meaning of the words "association with persons of bad character" is not altogether free from ambiguity, but it is now clear from various judicial decisions on the point that "association with persons of bad character" means continued

association and that at any rate casual association with one convicted criminal is not sufficient to satisfy the Statute.

Summarising the effect of the various statutory provisions and judicial decisions, we find that the position is as follows. In deciding whether an offender is suitable for Borstal discipline, age alone must never be regarded as the deciding factor. Before that sentence is imposed, there must be sufficient and satisfactory evidence either of a criminal history or of continued association with persons of bad character. In certain cases, however, where the actual crime of which the offender has been convicted is not a "mere escapade of youthful bravado but presents features suggesting premeditation or audacity of a more practised criminal, the inference that the offender is of criminal habits or tendencies, may be drawn from the circumstance of the crime alone. This principle would apply more particularly to a case, where elaborate tools have been used in the commission of a crime of the nature of burglary or housebreaking."[1]

Apart from these conditions of substantive law, there are several matters of procedure which must also be strictly considered in determining the eligibility of a young offender for Borstal discipline. We shall now discuss some of the salient features of Borstal procedure under the next heading.

II.—Some Salient Features of Borstal Procedure

(a) *Reports.*—Section 10 (2) of the Criminal Justice Administration Act 1914, is as follows :—

> "A Court of Summary Jurisdiction or Court of Quarter Sessions, before dealing with any case under this Section, 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 offender for such detention as aforesaid and a Court of Summary Jurisdiction shall, where necessary, adjourn the case for the purpose of giving an opportunity for such a report or representations being made."

[1] From the *Justice of the Peace and Local Government Review*, 18th April 1931.

This provision requires the Court to pay regard, not merely to the facts of the specific offence, but to the history, character and circumstances of the offender, in deciding on the sentence. Before a sentence is passed, full information must be before the Court not only as to the offender's criminal record, but as to his general history, character and manner of life. The Prison Commissioners are required by Statute to submit to the Court a statement containing a report from the Medical Officer as to the physical and mental conditions of the offender,[1] such information as the Prison Commissioners can collect from various sources as to his history and circumstances, their general observations as to the suitability of the offender for a sentence of detention, the type of institution which may be available for him, and any other view they may wish to express.[2] The Court has, however, entire discretion to decide whether any sentence of Borstal detention shall be passed and, if so, whether it shall be for the full period of three years or less. "The Judge is confronted by one of the most difficult tasks conceivable, one that is frequently impossible, the finding of a formula that unites the subjective and the objective guilt. The solution of this difficulty is above all impossible when the success of an act is either greater or less than was intended." Hence arises the necessity of judicial individualisation of punishment. So the Court has to know of any view the Prison Authorities may take as a result of observation of the offender while in prison and consider their report.

[1] It is important to note here that medical opinion regarding an offender's mental capacity or observations and suggestions by a medical officer as to what treatment would be good for the offender are not by themselves conclusive (*R.* v. *Hobbs*, 21 Cr. App. R. 15). Other circumstances must also be considered.

[2] A resolution to this effect was adopted in the Prison Congress of 1925, declaring that a Judge before sentencing should possess, by means of inquiries made by the authorities, "a full knowledge of the physical and psychic conditions and the social life of the accused and the motives of the crime."

The report of the Prison Commissioners as to the suitability of the offender for treatment in a Borstal Institution, under Section 10 (2) of the Criminal Justice Administration Act 1914 is not, however, binding on the Judge. The Court can differ from the Prison Authorities in their opinion, *e.g.* as to whether a lad is or is not of criminal habits or tendencies.[1] Sentence to detention in a Borstal Institution is absolutely within the discretion of the Court of trial.[2]

The Court can suggest to the Home Secretary that he should consider whether he should, as he can by order, have the offender transferred to a Borstal Institution, where the offender can be taught a trade and given a last chance of reforming himself.[3] The Court attaches great importance to the circumstances of each particular case, and young offenders are not sent to a Borstal Institution if there is a probability that they will not be able to derive full benefit from the training there.[4] The powers of the Court are absolute in this matter. The Court need not accept the opinion of the prison authorities. In *R.* v. *Thorpe*, 13 Criminal Appeal Report 176, the Governor of the prison reported that he did not think that the appellant was fitted for Borstal treatment. But the Court rejected the Governor's advice and, holding that it was a case for Borstal treatment, sentenced the offender accordingly. Similarly in *R.* v. *Daniel*, 14 Criminal Appeal Report 15, the Governor did not recommend the fitness of the offender for Borstal treatment. In spite of such report, the Court decided in favour of sentence to detention in a Borstal Institution. Sometimes the Court takes a lenient view of the case of a young offender and accordingly mitigates the severity of sentence on the ground of youth. The Judge, while bound to consider a report that an offender is unsuitable for Borstal treatment, has to give the sentence on his own responsibility and is not bound to adopt the report. But

[1] *R.* v. *Watkins, Smallwood and Jones*, 5 Cr. App. R. 93.
[2] *R.* v. *Stanton*, 6 Cr. App. R. 198.
[3] *R.* v. *Wright*, 7 Cr. App. R. 52.
[4] *R.* v. *Bee and Pearce*, 12 Cr. App. R. 285.

usually the Judge acts in conformity with the report of the Prison Commissioners.

The Court of Summary Jurisdiction must consider the report contemplated by Section 10 (2) of the Criminal Justice Administration Act 1914 and must, if necessary, adjourn for that purpose. The Subsection is imperative in character. The Justices before deciding on the sentence of committal to Assizes or Quarter Sessions, with a recommendation that the offender be sent to a Borstal Institution, must adjourn the case in order to obtain the report or representations of or by the Prison Commissioners. They have no discretion to come to an immediate decision and leave it to the superior Court to consider such a report or representations of or by the Prison Commissioners. A Home Office circular dated 10th October 1916 drew the attention of the Justices to this important point of Borstal procedure, which is prescribed by the Subsection. Justices before committing a juvenile offender under the provisions of the Criminal Justice Administration Act 1914, Section 10, to the next Quarter Sessions for the purpose of having a Borstal sentence passed on him, must first inquire whether or not he is a suitable subject for such treatment. If the offender is committed to Quarter Sessions without such inquiries having been made, the result often is that he has to await trial at Quarter Sessions only to find that such a sentence cannot be passed in his case, as he is deemed unsuitable for it by the Prison Commissioners. So his case has to be dealt with in a way which was open to the Summary Jurisdiction Court in the first instance, and without all the delay. The Home Office circular therefore asks the magistrates not to make a committal order with a view to Borstal treatment until they have received the Prison Governor's report on the defendant's suitability for it, and to remand the case until the Governor's report has been received. Such a procedure avoids the possibility of unnecessary delay. The Home Office circular also states that governors of prisons have been authorised by the Prison Commissioners to make

their reports. The words " by or on behalf of the Prison Commissioners " give the latter authority to delegate to a Prison Governor their powers of making a report. The Justices can therefore accept the governor of a prison as a substitute for the Prison Commissioners in the performance of certain statutory duties under Section 10 of the Criminal Justice Administration Act 1914. We may also note a further point of Borstal procedure, that the Summary Jurisdiction Rules, 1915 (R. 55) require the Court of Summary Jurisdiction, from which the offender is committed, to forward to the Assizes or Sessions the written report submitted by or on behalf of the Prison Commissioners, along with proof of the conviction and the depositions and exhibits proving the offence.

(b) *Commitment to Quarter Sessions.*—By Section 10 of the Criminal Justice Administration Act 1914, " it shall be lawful for the Court in lieu of passing sentence to commit the offender to prison until the next Quarter Sessions,"[1] provided the necessary conditions are satisfied. If the magistrates send to Quarter Sessions for sentence, a prisoner who has not been proved to be previously convicted of any offence or discharged on probation, they so act in excess of their jurisdiction and hence the order of the magistrates is a nullity. Thus a question may arise whether, under such circumstances, the Quarter Sessions has any power to sentence the prisoner or otherwise to deal with him. The order is a substantial order made by a Court of Summary Jurisdiction. By the terms of the last words in Subsection (1) of Section 10 of the Criminal Justice Administration Act 1914, if the Court does not sentence the prisoner to detention in a Borstal Institution " the Court shall deal with the case in any way in which the Court of Summary Jurisdiction might have dealt with it." Acting under this provision, the Quarter Sessions can bind the prisoner over in his own recognisances to be of good behaviour or place him under

[1] Section 46 (1) of the Criminal Justice Act 1925 gave power to commit to Assizes also.

a probation officer or pass any other sentence that a Court of Summary Jurisdiction might have passed.

As regards the question which Quarter Sessions has jurisdiction in a particular case, for the purpose of sentence of detention in a Borstal Institution, the position is as follows. Section 14 of the Criminal Justice Act 1925 provides in general terms that the Justices may instead of committing an offender to be tried at the Assizes or Quarter Sessions for a place to which, but for this section, he might have been committed, commit him to be tried at the Assizes for some other place provided certain conditions are satisfied. But this section applies only to unconvicted persons, committed for trial on indictment and therefore the Quarter Sessions for another place has no jurisdiction in this matter. The duties thrown on a Court of Quarter Sessions by Section 10 of the Criminal Justice Administration Act 1914 do not amount to a trial within the meaning of Section 14 of the Criminal Justice Act 1925, for the following reasons : " *First*, Section 14 of the later Act applies to persons ' charged ' with indictable offences. The person committed under Section 10 of the earlier Act may be one charged with a summary offence or one charged with an indictable offence. It cannot have been intended that Section 14 should apply in some cases of committal for Borstal and not in others. *Secondly*, Section 14 applies to unconvicted persons only, as appears from the use of the words ' charged ' and ' trial.' The trial of a person committed for Borstal has already taken place. Quarter Sessions conducts only an inquiry. *Thirdly*, Section 14 has for object the expediting of trial. There is no reason for haste where the offender has been convicted and there is only a question of sentence. Section 14 is for the benefit of persons who are deemed in law to be innocent until convicted, and some of whom may in fact be innocent. The guilt of the person committed for Borstal is already determined."[1] Thus Section 14 of the Criminal

[1] From the *Justice of the Peace and Local Government Review*, 10th September 1927.

Justice Act 1925 does not give power to the Justices of a borough to commit to the next County Sessions offenders dealt with under Section 10 of the Criminal Justice Administration Act 1914. Section 14 of the Act of 1925 only applies to cases sent for trial. But an offender committed to Sessions or Assizes under Section 10 of the Criminal Justice Administration Act 1914 is not committed for trial, but for sentence only.

As regards documents, etc., to be sent to the Court of Quarter Sessions in Borstal cases, Rule 55 of the Summary Jurisdiction Rules 1915 provides as follows: "When a Court of Summary Jurisdiction commits a person to prison in accordance with Section 10 (1) of the Criminal Justice Administration Act 1914, it shall forward to the Court of Quarter Sessions such proof of the conviction as is prescribed by Section 28 (1) of the said Act, together with depositions taken or a copy of the note of the evidence given and the exhibits put in before and retained by the Court of Summary Jurisdiction, and also any written report submitted by or on behalf of the Prison Commissioners under Section 10 (2) of the said Act." By virtue of this rule, there must be forwarded to the Quarter Sessions a copy of the minute of the conviction, together with depositions taken or a copy of the note of evidence given and the exhibits. Among the exhibits should be included the certificate of previous conviction or the probation order relied upon.

As regards binding over witnesses to appear at the Sessions, there is no provision in the Criminal Justice Administration Act 1914 for such binding-over, nor is it the practice. Usually the police ask the witnesses to attend and they comply with such requests. But it is of course advisable that at least the police officer who has had charge of the case and the person who gives evidence of previous conviction should appear at the Court of Quarter Sessions.

(c) *Power to Bail.*—It has been authoritatively stated "that the justices have no power to admit to bail a person convicted before them and committed under

Section 10 of the Criminal Justice Administration Act 1914, to Quarter Sessions with a view to a sentence of detention in a Borstal Institution."[1] This means that it is compulsory to commit the offender to prison until Quarter Sessions, and the Justices have no power to allow the offender to be out on bail until the Quarter Sessions, either immediately or after the period of remand (if any) for purposes of obtaining the report or representation of the Prison Commissioners. Indeed, in no case has the Court power to allow bail, pending the sitting of the Assizes or Sessions, to an offender committed for sentence to Assizes or Quarter Sessions under Section 10 of the Criminal Justice Administration Act 1914, as the Section confers no such power.[2] It should also be noted in this connection that Section 23 of the Indictable Offences Act 1848 does not apply, inasmuch as the offender is not committed for trial but only for sentence.

(d) *Appeal.*—An appeal lies to Quarter Sessions against conviction, and also against commitment even if the prisoner pleaded guilty.

Section 37, Subsection (1) of the Criminal Justice Administration Act 1914 is as follows:—

> "Any person aggrieved by any conviction of any offence, who did not plead guilty or admit the truth of information, may appeal from the conviction in manner provided by the Summary Jurisdiction Acts to a Court of Quarter Sessions."

The Subsection confers on the offender a right of appeal from decision of Court of Summary Jurisdiction to Quarter Sessions, provided the necessary conditions are satisfied. As regards an appeal against commitment by

[1] From the letter of the Under-Secretary of State, Home Office, dated the 14th December 1928, to the Clerk of the Justices for Anglesey (Second Division), Holyhead, reprinted in the *Justice of Peace and Local Government Review*, 29th December 1928.

[2] The Departmental Committee on the Persistent Offender (1932), however, recommended that there should be a provision, which might be extended to Borstal cases, that "when a person after summary conviction is committed to Assizes or Quarter Sessions for a sentence of detention, he may be admitted to bail, and that while on bail he should submit himself to medical examination for the purpose of enabling a report to be made to the Court as to his fitness for detention."—Paragraph 41 (*a*) of the *Report of the Departmental Committee on Persistent Offenders*, 1932.

a Court of Summary Jurisdiction, Section 25 of the Criminal Justice Act 1925 provides as follows :—

> " A person who after pleading guilty or admitting the truth of the information is convicted of any offence by a Court of Summary Jurisdiction, shall have a right to appeal in manner provided by the Summary Jurisdiction Acts to a Court of Quarter Sessions against his sentence."

This Section confers on the offender a right of appeal against commitment, even if he pleaded guilty.

III. Period of Detention

In considering the period of detention, it should be noticed that the period for which a person could be sent to " Borstal " under the Prevention of Crime Act 1908, was for a term not less than one year nor more than three years ; but under the Criminal Justice Administration Act 1914 Section 11, the term in all cases is not less than two nor more than three years, and the feeling of the Courts is that sentence should generally be for three years. In *R.* v. *Revill*, 19 Criminal Appeal Report 44, Avory J. dealing with this subject said : " This Court has recently had to consider the question of detention in Borstal Institutions and we are satisfied by the information which has been given to us and particularly by reports of the authorities of the Borstal Association, that a sentence of less than three years is not to be recommended." Observations on detention in Borstal Institutions and the terms of sentences, by the Lord Chief Justice on the 20th October 1919[1] as quoted below are very instructive. " We desire to say that in our opinion the detention of these lads in a Borstal Institution is in their best interests. It is the best possible way of dealing with these cases however much the lads may dislike being kept for a period of three years ; it affords them an opportunity of learning discipline and acquiring a trade, so that eventually they may be able to earn an honest living without consorting with thieves or other undesirable

[1] 14 Criminal Appeal Report, p. 84.

persons. . . . We are unanimously of opinion that these Borstal Institutions are of great assistance to the lads and may—and often do—save them from a career of crime. The Court is of opinion that in the absence of exceptional circumstances, the term of three years is the right term because that period of time gives the lads a chance which very often a shorter term does not afford." Otherwise a long period of detention which, in the absence of exceptional circumstances, would exceed the standard sentence, would not be justified. The relevant Statute provides Borstal Institutions for young persons of good health and quasi-criminal characters between sixteen and twenty-one, where a special system of training and discipline is provided. The essence of this system is careful training, which requires a long period of time to prove effective. Therefore sentences of from two to three years duration are permitted by the Act of Parliament. This statutory provision is a tentative step in the direction of the indeterminate sentence. The object of an indeterminate sentence is both prevention and reformation. It is the general opinion among judges and the magistrates that in order that a Borstal Institution may have a fair chance of success, a sentence of one year is of no value and that a sentence for the full term of three years, reducible by the offender's exertions, affords " the best prospect of the conversion of a budding criminal into a useful member of society."

The Judges are so much in favour of imposing a sentence of the full three years' detention in a Borstal Institution that sometimes they increase the term of sentence to the maximum three years limit, so that the authorities may have complete control over the lad for his benefit ; of course if the offender shows a proper desire to reform and to lead an honest life, he is released on licence before the end of three years.[1] It is for the offender's benefit that the Judges increase the term to the maximum limit of three years, but it depends on the offender's own conduct whether he is to be detained for the full period.

[1] *R.* v. *Revill*, 19 Cr. App. Report 45.

In virtue of the provision under Part I of the Prevention of Crime Act 1908, as amended by the Criminal Justice Administration Act 1914,

> "a Borstal sentence, though it has a punitive character, is regarded not as a mere measure of retribution but as a method of training and reformation, and the main consideration which guides a Court when deciding whether to pass a sentence, is not the nature of the offence, but the character of the offender. There must be proof of an offence punishable by imprisonment before a Borstal sentence can be passed, but otherwise the nature of the offence is only important as one of the items of information which enable the Court to appraise the character of the offender. No question arises of adjusting the length of the sentence to the gravity of the offence. If an offender by reason of his criminal habits or tendencies appears to a Court to need a period of training and discipline, he may be sentenced to Borstal detention for a period of two or three years, although the particular offence of which he is convicted may be such as would not warrant imprisonment for more than a few months." [1]

IV. Effect of the Criminal Justice Administration Act 1914

The Criminal Justice Administration Act 1914 effected the following changes in the law and administration of the English Borstal system :—

(*a*) Section 11 altered the minimum Borstal sentences in the case of a "youthful offender" from one year to two years and indirectly rendered possible a maximum sentence of three years.

(*b*) By Section 11 (2) the period for which a person sentenced to detention in a Borstal Institution is, on the expiration of the term of his sentence, to remain under the supervision of the Prison Commissioners shall be one year and accordingly "one year" shall be substituted for "six months" in Subsection (1) of Section 6 of the Prevention of Crime Act 1908.

[1] From the *Report of the Departmental Committee on Persistent Offenders* (1932).

(*c*) "Youthful offender" means a person between sixteen and twenty-one years of age, which latter age may be extended to twenty-three years by an order made by the Secretary of State under Section 1 (2) of the Prevention of Crime Act 1908.

(*d*) By Section 11 (2), a Borstal prisoner sentenced to detention remains under supervision of the Prison Commissioners for one year and by Subsection (3), a Borstal inmate under supervision may be "recalled" by the Prison Commissioners to the institution in certain cases for a period of one year so that a sentence of three years' Borstal treatment may in fact place the offender under control for five years.

(*e*) Section 2 of the Prevention of Crime Act 1908 empowered a Court of Summary Jurisdiction to award a Borstal sentence only in the case of a youthful offender who has been sentenced to a reformatory school and has been convicted of the offence of committing a breach of school rules or of inciting to such breach or escaping from such a school. Thus the only power of awarding a Borstal sentence possessed by Courts of Summary Jurisdiction was in the case of boys or girls in reformatory schools who were convicted of committing a breach of the rules of the school or of absconding. Additional powers, however, were given to the Courts of Summary Jurisdiction by Section 10 of the Criminal Justice Administration Act 1914, Subsections (1) and (2).

(*f*) Furthermore, in respect of Summary Jurisdiction, it was provided under Section 1 of the Prevention of Crime Act 1908 (Part I) that where a person between sixteen and twenty-one years of age was convicted on indictment of an offence, the Court could pass a sentence of detention in a Borstal Institution. Borstal detention could thus be ordered only for persons who were convicted on indictment of offences for which they were liable to penal servitude or imprisonment. But the Criminal Justice Administration Act 1914 extended the Summary Jurisdiction by providing that the offence over which the Court has jurisdiction includes non-indictable offences.

The words " any offence for which the Court has power to impose a sentence of imprisonment for one month or upwards without the option of a fine " in Section 10, Subsection (1), include all acts and omissions punishable on conviction by any court.

Apart from these main changes affected by the Criminal Justice Administration Act 1914 there are others which will be apparent from reading the relevant provisions of the Act itself.

V. Powers of the Home Secretary

The Home Secretary has great powers in respect of the administration of the English Borstal system. These various powers may be discussed under seven heads, namely:—

(i) *Commutation of Detention in a Borstal Institution.*— Section 7 of the Prevention of Crime Act 1908 is as follows :—

> " Where a person detained in a Borstal Institution is reported to the Secretary of State by the visiting committee of such institution to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Secretary of State may commute the unexpired residue of the term of detention to such term of imprisonment, with or without hard labour, as the Secretary of State may determine, but in no case exceeding such unexpired residue."

In such cases the Home Secretary has thus the power to commute the remnant of the sentence of detention into a sentence of imprisonment or hard labour in a local prison. There is no appeal from the commutation by the Home Secretary of detention in a Borstal Institution to ordinary imprisonment. This was definitely established in *R.* v. *Keating*, 5 Criminal Appeal Report 181, where Lawrence J. when giving judgment remarked : " the appellant was absolutely unfit for the Borstal system and therefore the Home Secretary, acting under Section 7 of the Prevention of Crime Act 1908, did that which he had power to do. . . . This appeal therefore is not a case

for our decision and the sentence will have to stand." Technically, there is power under Sections 3 and 4 of the Criminal Appeal Act 1907 to review the original sentences passed on conviction on indictment, but neither that Act nor the Act of 1908 gives any right of appeal against commutation of sentence under Section 7 of the Act of 1908. If the Home Secretary acts without the prescribed report or without jurisdiction, he may subject himself to an action for false imprisonment, but that remedy is quite distinct from that given under the Criminal Appeal Act 1907 (*R.* v. *Kirpatrick* 73. J. P. 29 ; 1 Criminal Appeal Report 170). So the Court disclaims jurisdiction over the commutation by the Home Secretary of detention in a Borstal Institution to ordinary imprisonment.

This power of commutation is used only in a few cases of troublesome inmates who misconduct themselves repeatedly in the institution. It works fairly well, and the offender, on finding himself in prison, perhaps settles down, behaves well and goes out with some hope for the future.

(ii) *Power to Transfer from Prison to Borstal Institution.*— The Home Secretary has also the power of removing an offender from a prison to a Borstal Institution, if he thinks that such a transfer would be for the benefit of the offender. Section 3 of the Prevention of Crime Act 1908 is as follows :—

> " The Secretary of State may, if satisfied that a person undergoing penal servitude or imprisoned in consequence of a sentence passed either before or after the passing of this Act, being within the limits of age within which persons may be detained in a Borstal Institution, might with advantage be detained in a Borstal Institution, authorise the Prison Commissioners to transfer him from prison to a Borstal Institution, there to serve the whole or any part of the unexpired residue of his sentence and whilst detained in or placed out on licence from, such an institution, this part of this Act shall apply to him as if he had been originally sentenced to detention in a Borstal Institution."

This provision makes possible an effective administrative individualisation of penal treatment for young offenders.

(iii) *Power to send Juvenile Offenders to Approved Schools.*—Under the provisions of the Children and Young Persons Act 1933, the Secretary of State may send certain juvenile offenders to approved schools. Section 58 of the Act provides that the Secretary of State may by order direct that a person who is under the age of eighteen years and is undergoing detention in a Borstal Institution shall be transferred or sent to and detained in an approved school specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order; provided that the date to be specified shall be not later than the date on which his detention would have expired.

In determining the approved school to which a person is to be sent, the Secretary of State shall, where practicable, select a school for persons of the religious persuasion to which the person belongs.[1] Where an order has been made sending a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply to the Secretary of State to transfer the person to an approved school for persons of his religious persuasion. On proof of the person's religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to the person, the Secretary of State shall comply with the request of the applicant.[2] But it must also be noted that nothing in this subsection shall impose an obligation upon the Secretary of State to comply with any such request as aforesaid, unless the applicant has made his application before or within thirty days after the person's arrival at the school, and named a school for persons of the religious persuasion in question, and shown to the satisfaction of the Secretary of State that the managers thereof have accommodation available.

[1] Section 68 (2) of the Children and Young Persons Act 1933.
[2] Section 68 (3) of the Children and Young Persons Act 1933.

In the Children and Young Persons Act 1933, unless the context otherwise requires, the expression "Approved School" means a school approved by the Secretary of State under Section 79 of the Act.[1]

(iv) *Removal from one part of the United Kingdom to another.*—As we shall find in the following chapters, there are several Borstal Institutions all over the United Kingdom. These institutions have distinctive individual features. Each institution is meant for a particular type of young offenders. In virtue of Section 9 of the Prevention of Crime Act 1908, the Home Secretary can remove an offender from one institution to another, which he thinks would be suitable for the offender. The section is as follows :—

> "Where a person has been sentenced to detention in a Borstal Institution in one part of the United Kingdom, the Secretary of State, the Secretary for Scotland or the Lord-Lieutenant of Ireland, as the case may be, may, as authority under this Act for that part of the United Kingdom, direct that person to be removed to and detained in a Borstal Institution in another part of the United Kingdom, with the consent of the authority under this Act for that other part."

So the Home Secretary can authorise the Prison Commissioners to transfer inmates freely from one institution to another, from one part of the United Kingdom to another, and this power is used with great advantage.

(v) *Power of Releasing on Licence.*—Section 5 (1) of the Prevention of Crime Act 1908 is as follows :—

> "Subject to regulations by the Secretary of State, the Prison Commissioners may at any time after the expiration of six months or, in the case of females, three months, from the commencement of the term of detention, if satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal Institution on condition that he be placed under the supervision or authority of any Society or person named in the licence who may be willing to take charge of the case."

[1] Section 107 of the Children and Young Persons Act 1933.

In virtue of this section of the Act the authorities have the power to release an offender on licence at any time after the expiration of six months (three months in the case of girls) under the supervision of the Borstal Association (the Aylesbury Association in the case of girls), "if satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life."

In this connection it may be noted that the Treasury contributes towards the expenses of Societies assisting and undertaking the after-care of young offenders discharged from Borstal Institutions. Such contributions are provided under Section 8 of the Prevention of Crime Act which is as follows :—

> "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 the 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."

By virtue of this section the Home Secretary has the power of recommending grants of money to the Borstal and Aylesbury Associations for an effective after-care of persons discharged from the institutions.

Furthermore, in virtue of Section 6 (4) of the Prevention of Crime Act 1908, the Secretary of State may at any time after the expiration of the term of sentence, order that a person under supervision under this section shall cease to be under such supervision.[1]

(vi) *Power of Establishing Borstal Institutions.*—By virtue of Section 4 (1) of the Prevention of Crime Act 1908, the Secretary of State may—

> "establish Borstal Institutions, that is to say, places in which young offenders whilst detained may be given such industrial training and other instruction and be subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime, and for that purpose may, with approval of the Treasury, authorise the Prison Commissioners either to acquire any land or to erect or acquire any building or to appropriate the whole or any part of any land or building vested in them or under their control, and any expenses incurred under this section shall be paid out of moneys provided by Parliament."

[1] For further particulars about licence and other connected matters, the reader may refer to chapter XI.

(vii) *Power of Making Regulations.*—The Home Secretary has wide powers of making regulations for the administration of the Borstal system. By virtue of Section 4 (2) of the Prevention of Crime Act 1908, the Secretary of State "may make regulations for the rule and management of any Borstal Institution and the constitution of a Visiting Committee thereof and for the classification, treatment and employment and control of persons sent to it . . . and for their temporary detention until arrangements can be made for sending them to the institution. . . ." By virtue of this provision the Home Secretary has, among other powers, that of selecting members of the Visiting Committee, chosen for their experience of men and life, as representatives of the British public.

As regards terms and grounds of revocation of licence, Section 5 (7) provides as follows :—

> "A licence under this section shall be in such form and shall contain such conditions as may be prescribed by regulations made by the Secretary of State."

This provision confers absolute power on the Home Secretary as regards the administration of the entire licence system.

Chapter VI

PRELIMINARY STAGES.—BOYS' PRISON, WORMWOOD SCRUBS

Procedure.—The whole procedure in respect of Borstal detention of young persons is framed under Section 10 of the Criminal Justice Administration Act 1914 and Part I of the Prevention of Crimes Act 1908. It may be mentioned in this connection that under this Act there may be either a Probation Order or an order for Borstal detention in respect of the same offence. Borstal is a penal institution and any offender of not less than sixteen nor more than twenty-one years of age can be sent to it on the following conditions being satisfied :—

(*a*) that the offender has previously been convicted of any offence or that having been previously discharged on probation, he failed to observe a condition of his recognition, and

(*b*) that by reason of the offender's criminal habits or tendencies or association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime.

Under the provisions of the Act, the judges ask for a character report which when supplied by the Governor is submitted to the Sessions after the lad has been convicted. This report is based on information collected from the boy's parents, the police, his employer, probation officers and any other relevant source. The examination is conducted not in an official way but in a friendly way. Sometimes lady visitors are appointed for the purpose of

collecting materials for such report. They are voluntary workers, chosen by the Home Office. The especial value of lady visitors lies in the fact that they can talk more frankly to a lad's mother about his birth and other things on which male interrogators cannot embark.

The importance of women visitors is emphasised in the following passage from the Governor's report which appears (page 40) in H.M. Commissioners of Prisons Annual Report for the year 1929 :—

> "There are now 18 women visitors. They possess a specialised knowledge and it is not an exaggeration to say that their services are indispensable. Apart from the fact that they are doing very useful social work it would be difficult to supply the Courts with general reports, and reliable Borstal recommendations without the information which the women visitors obtain by home visits. In the case of mental reports also, it would often be difficult to express a confident opinion without a knowledge of the family history and early life of the boy obtained by these ladies. Every year a larger number of boys require a more intensive study. In my opinion the further successful development of work among young offenders depends chiefly on the consolidation and enlargement of the women visitors' work, carried out under expert guidance."

The matters about which information is collected from different sources regarding the past life of the lad are various, and include character of home, district and parents ; occupation of parents ; family circumstances ; the lad's behaviour with his family, his connection with any club or church, any special school education received by the lad ; the reasons given by his people for his going wrong, his health, temper and spare-time occupations, etc.

As Dr. Cyril Burt says :

> "In the causation of crime, and of juvenile crime above all, it is external conditions rather than internal that are commonly seized upon by the practical reformer." Criminals, he asserts, are not born but made ; and the making of them he assigns to their early surroundings. Environment rather than heredity is to his mind the real responsible factor. "To the biologist on the other hand," Dr. Burt continues, "heredity is no mere

hypothesis, but a scientific fact—a verified phenomenon with which he is far better acquainted than he is with the alleys of Euston or the dens by Limehouse Docks. . . . Yet the two views are not incompatible, they are complementary. Heredity and environment may each do their sinister share. And an equal attention to either aspect, with an impartial balancing of the respective points in evidence, becomes however rare and difficult, the first essential to a scientific survey."

Experience has shown that these young criminals may be entirely free from delinquency under the right kind of treatment in the right kind of institution. What that treatment and that institution should be must vary, as the Governor's analytical investigations unfold, according to the nature of the individual and of his history, his circumstances and his crime. These investigations disclose in many cases "that it is in the poor, over-crowded, insanitary households, where families are huge, where the children are dependent solely on the State for their education, and where the parents are largely dependent on charity and relief for their own maintenance, that juvenile delinquency is most rife."

It should be noted, however, that the Governor cannot suggest any sentence in the report. He can only give an opinion whether the boy would benefit by Borstal treatment. The judges are grateful to know of the home circumstances as distinct from crime circumstances. The Governor's report is either that the boy may respond to a chance under probation, or to a course of training in a Borstal Institution.

After the report is submitted, the judge has absolute discretion in sentencing the lad, though generally he follows the Governor's advice.

"The modern Court, no doubt, has in mind the lad's circumstances. The street has been his playground, the nearest space far away. His house has been crowded and the gutter thronged. Shops have displayed their wares temptingly on open fronts and unattended vans have been a lure. The lad has tried to paint something of movement and colour on the dull canvas of a monotonous life."

The above quotation from *Borstal in Nineteen Hundred and Thirty* gives a clear picture of the various circumstances which a judge has to keep in mind when sentencing a lad to Borstal detention. Furthermore, it adds :—

"the Court, however, has to defend civilisation in its present form and something must be done. If this is his first appearance in Court he is placed on probation and handed to the care of an officer of the Court whom he has to satisfy as to his behaviour during the next year or more. That procedure is almost proverbially successful provided that the Probation Officer is efficient and that the lad's environment is not too strong a counter-influence. When those conditions are not fulfilled he appears again and again, until having reached the age of 16, he has qualified for treatment in a Borstal Institution."

(*Borstal in* 1930 *: A Note on Borstal Institutions and the Borstal Association.*)

Thus all other possible methods of reforming a lad are tried before he is sentenced to Borstal detention. So with the Prevention of Crime Act 1908 came the institution of an entirely new system of reformatory treatment for some of the more serious offenders among the "Juvenile adult" criminals of whom the common gaol ought to be altogether relieved ; and the comparative success of this Borstal régime seems to open up a vista of further reforms. The Prevention of Crime Act 1908 introduced too a new variety into English prison administration. The judge was empowered, in addition to any sentence of penal servitude of not less than three years, to impose a further term, not exceeding ten years, of preventive detention. What was desired was some system by which certain classes of offender could be segregated without conditions of excessive severity, to be released if and when they were believed to be willing to abandon their predatory careers.

Classification.—The next stage after a young person has been sentenced to Borstal detention is classification.

Classification is really the first step of what M. Saleilles terms "administrative individualisation." "The law must grant to the administration sufficient initiative and flexibility in the adjustment of the discipline so that it

may in turn adjust the application of the punishment to the educational and moral requirements; and that is what is meant by administrative individualisation." After the lad has passed the stages of what are called "legal" and "judicial" individualisation, he is left to the "prison authorities on the ground that they can observe the prisoner in confinement, carefully adjust the punishment to the progress made and in due course omit it when they consider the reform established and rehabilitation secure."

Wormwood Scrubs is the collecting centre for all the Borstal lads in the country, whereas the "institutions" are the training establishments. Classification is carried out according to the boys' needs. At one end are the novices or amateurs, while at the other end are those well versed in crimes. At the bottom of the scale come those with several previous sentences.

H.M. Commissioners of Prisons describe the method and the usefulness of the classification in their Annual Report for 1930 (page 31) as follows :—

> "There are now five Borstal Institutions for boys and the increase in the number of institutions has made it possible to set aside different institutions for different types of youths. All offenders sentenced to Borstal training are first sent to a special block at Wormwood Scrubs known as the Boys' Prison. Here each case is carefully reviewed in the light of all the information that can be obtained as to history, home circumstances and character, and the decision to which of the institutions an offender shall be sent depends on the degree of his criminality. At one end of the scale is an institution which takes boys who have had most experience of evil courses: at the other end of the scale is an institution which takes those who are in the initial stage of criminality. As a result of this system of classification, the risk of contamination can be reduced to a minimum and different methods of training can be adopted for different types of offenders."

The Report further adds :—

> "Sometimes when a young offender has a record of serious and repeated crimes or is of vicious habits, the question is raised whether it is undesirable to sentence him to Borstal detention because of the risk of his contaminating others. In the opinion of the Commissioners there is generally no sufficient reason for refraining from a Borstal sentence on the ground that the offender is 'too bad for Borstal.' At one end of the institutions there are many youths who have extremely bad records and have associated with bad characters of various kinds. Special care is taken in the supervision of these youths and experience indicates that Borstal is, generally speaking, to be preferred to prison both for youths who have committed serious and repeated crimes against property and for those who have been guilty of vicious practices."

It is necessary to explain which type of lad goes to which institution, if one is to understand the purposes of classification at Wormwood Scrubs. The names of the institutions, with a description of the character of the lads sent to each, are therefore given below :—

Name of the Institution.	*Type of Boys.*
1. Lowdham Grange Borstal Institution.	"The best among the young offenders" are sent to it "with a view to their being released on licence at a specially early date if they work hard and behave well."
2. Feltham Borstal Institution.	Lads who are physically and mentally inferior and also those who are not of a very advanced type. They are lads who do not need a stiff régime, and are not usually institutionalised.
3. Rochester Borstal Institution.	Lads who are of fairly high intelligence and have very few convictions but fail on probation and have a considerable inclination towards crime.
4. Camp Hill Borstal Institution.[1]	The type between Rochester and Portland. Among others, motor car thieves are generally sent there, as it is on an island.
5. Portland Borstal Institution.	Older than those in other institutions, and have more experience of crime. They are physically bigger and stronger.

[1] See footnote on page 164.

Name of the Institution.	*Type of Boys.*
6. Sherwood Borstal Institution.[1]	The oldest type of Borstal lads. Those who ought to be treated as men rather than boys. They wear trousers instead of shorts. It is "a Borstal in the twenties rather than a Borstal in the teens."

The above analysis affords a comparison between the types of lads that are received at the different institutions. The lads at Rochester are of a more criminal type than those at Feltham, but they are less criminally inclined than the lads at Portland. Thus the Rochester lads are of the medium type between Feltham and Portland. The lads at Portland are those who have proved failures under other forms of training and are more sophisticated than those at Feltham.

Classification requires most careful observation by the Wormwood Scrubs staff for about two months. The minimum time for detention at Wormwood Scrubs is one month. Here from the beginning the method of individualisation comes into operation. This is a most important stage of the Borstal treatment. It is the period when the diagnosis of delinquencies of the individual lad is made. The whole future of the training at the institutions depends upon this diagnosis which is very carefully made by the authorities, since on it the success of the Borstal system depends. According to the Annual Report of H.M. Prison Commissioners for the year 1930, Mr. T. A. Rodger conducted an inquiry at the Boys' Prison at Wormwood Scrubs, under the supervision of Dr. C. S. Myers, the director of the National Institute of Industrial Psychology, and of Dr. Macrae, in charge of vocational guidance, to determine the value of the methods of the Institute in the diagnosis of the occupational potentialities of lads sentenced to Borstal detention. The report adds: "four hundred lads were examined

[1] The Camp Hill and Sherwood Institutions were not visited by the Author, and are therefore not described in detail in this book. The organisation, etc., of these is on similar lines to that of the Institutions described.

and when transferred to Borstal Institutions, half were put to work which the tests suggested were most suitable for the individual. The remainder were allocated to work-parties irrespective of the tests to act as controls . . ." "It is hoped that the tests will have practical value, for if a lad on admission to a Borstal Institution can be placed at once on work suited to his individual capacity the time required to try him out will be saved."

The immense importance attached to this aspect of the Borstal treatment is an ample proof of the considerable interest taken by the authorities in the welfare of a lad sentenced to Borstal detention.

Physical training.—Physical training is the most important part of the daily routine for the lads at Wormwood Scrubs. It is considered essential that they should be rendered as physically fit as possible before they are sent to the institutions. The purpose of such physical training is to make up the two deficiencies usually found in the lads, namely :—

(*a*) Physical unfitness and
(*b*) Lack of habit of industry.

These deficiencies are repaired by the Wormwood Scrubs authorities before the lads are sent to the various institutions ; so that Wormwood Scrubs Boys' Prison can rightly be described as a sort of preparatory school preliminary to Borstal training at the institutions.

As has been mentioned above, the lads are also examined psychologically by the medical experts. The reports of these medical experts are sent to the institutions along with the lads.

The Staff.—"The Borstal system has no merit apart from the Borstal staff." It is men and not buildings who will change the hearts and ways of misguided lads. Nothing requires more careful consideration than the selection of the members of the staff at a Borstal Institution. They are the people who set an example of ideal life to the lads. Upon them depends the whole structure. "Since individualisation implies the introduction of punishment of a

different character for the different kinds of criminals, a two-fold problem arises: first, to establish a classification of criminals; and second, to determine the punishments appropriate to several classes." The principle of individualisation would be merely a theory were it not put into practice through and by the members of the staff, and a theory divorced from practice is of purely academic interest. The task of the members of the staff is a heavy one, demanding exceptional qualities; it is a work of high responsibility, but also of great opportunity. As Mr Alexander Paterson says:—

> "The foundations of the Borstal system are first the recruitment of the right men, then their proper training, and finally their full co-operation with one another in an atmosphere of freedom and mutual understanding."

Furthermore, he adds:—

> "The staff will specialise in those virtues that are chiefly lacking in the lads. In order to control a party of unbalanced and erratic temperaments, they must by contrast present a firm and steady character, a just and even temper."
>
> (*Principles*, page 17.)

The Governor is the head of the staff. Under him are the house-masters. Each house-master is responsible for the development of the boys at his house. The number of boys at each house varies. It may be sixty or seventy or any number found to be convenient. Then there are the chief officers who are responsible for keeping discipline in the institution. There are also the instructors—at Wormwood Scrubs, physical instructors only. There are no trade instructors at Wormwood Scrubs as there are at the institutions.

Religious Instruction.—There is a chapel inside the prison. The Chaplain is the spiritual adviser, and the staff do not interfere with his duties. It may be noted here that the Chaplains are Home Office appointments.

There are two or three short services during the week—

sometimes as many as four. Religious instruction is entirely imparted by religious ministers.

One is very much interested to observe the religious aspect of the Borstal training. The lads receive instruction more on fundamental principles of life than on any particular religious code. The purpose of such religious instruction is to inculcate in their minds an ideal attitude towards the meaning of human life. They are helped to realise that if they have not so far been successful, they may yet do well—that "life consists in making fresh starts"—and that if they fall down they should get up at once and go ahead. "Look forward, not backward" is the keynote of the moral and spiritual side of Borstal education. The lads are very frank to the ministers, whose function it is to supply a sort of anchor to these unfortunate lads by way of religious instruction.

M. Saleilles gives great prominence to the personal and religious factors in reform in "Individualisation of Punishment" where he says that the religious element

> "serves as a personal incentive, as a source of individual inspiration and fruitful initiative. . . . This personal spirit is necessary . . . to accomplish a special service in each individual case by stimulating endeavour and a regeneration from within on the part of these unfortunates tainted by crime, who are nevertheless candidates for re-entrance into life under new auspices. All such reforms are the work of personal initiative and individual character. In matters of moral reform such initiative can but be a work of the religious life in the large sense of the word. . . . When this spirit shall have entered such of our reformatory institutions . . . it will become peculiarly easy to reproduce in France what has been accomplished at Elmira."

It is interesting to note here that the English reformatory institutions have attained that religious standard which is so earnestly desired to be reproduced in France by M. Saleilles. M. Saleilles further adds:—

> "This moral factor is one which each may appraise as he prefers in terms of its real nature, but whose reformatory value

> no criminologist can afford to neglect, for there can be no more powerful lever for the reform of conscience and the return to a moral attitude. The Zweckstrafe which considers punishment for its future benefit, has precisely this purpose."

There are also ministers for the Roman Catholics and the Jews, who visit the prison occasionally.

On account of the temporary stay of the lads at Wormwood Scrubs, advanced intellectual training is not possible. There is, however, a library consisting mainly of fiction. More intellectual books are available at the institution libraries.

Visits and Letters.—The friends and relatives of the lads can see them once a month. Such visits are a sort of stimulus to the lads. A lad is told when a visit is due.

As regards the letters, it is desirable that the lads should not write anything depressing to their friends and relations. But if a lad insists on writing in a dolorous strain, there is nothing to stop him from doing so. He is at perfect liberty as to his letters. Letters have, however, to be carefully written and not crossed, as they have to be read by an officer before they are sent. If a lad writes anything undesirable, such as that he is heart-broken, to his mother, the officer reports the fact to the Governor. The Governor tackles such cases very gently and urges the lad not to write such depressing things to his relations. The Governor explains to him very sympathetically that the effect of such letters is to upset his relations, which he should not do. The lad then is usually quite convinced and ceases to write in such a strain. This is only one of the very numerous ways in which the Borstal staff have to deal patiently and sympathetically with the lads left to their care and guidance.

The members of the staff are very optimistic about the success of the Borstal system. They give a definite assurance that the lads show clear signs of improvement even during their short stay at Wormwood Scrubs, and that the Borstal system in general is very successful.

Public Opinion.—The Borstal system is an increasing success in this country. Lack of knowledge on the

part of the public is the cause of "Borstal" not being understood as well as might be. Success of the Borstal Institution depends upon rational progress, and on the continuity of that rational progress. It is the finest reformatory system because it is human. In future generations we will be training the boys instead of sentencing men.

The success of lads discharged from a Borstal Institution largely depends upon the view held regarding them by employers of labour. It is an encouraging fact that the necessity of public opinion being in favour of the system was strongly emphasised as far back as 1908. The Commissioners of Prisons in their report for the year 1908 thus expressed themselves on the working of the experiment :—

> "Experience soon began to point to the probable success of this general application of the principle, in spite of the fact that the prevailing shortness of sentences operated against full benefit being derived from reformatory effort. The success was most marked in those localities where magistrates or other benevolent persons personally co-operated in making the scheme a success. Local Borstal committees were established at all prisons and it was arranged that those members of the local committees should become *ex officio* honorary members of the Central Borstal Association, which it was intended should become, what it now is, the parent society directing the general aid on discharge of this category of young persons."

Thus, what is most necessary for making the experiment an unqualified success is a favourable public opinion.

The public should note, as a definite sign of the success of the Borstal system, that 65 per cent. of the Borstal lads are never heard of again in a Court of Law.

Most authoritative of all is the statement made in the House of Commons in April 1914 by Mr. McKenna, then Home Secretary, in introducing the Bill which afterwards became the Criminal Justice Administration Act 1914. He said :—

> "Our object is to provide in the Borstal Institution a place where the offender will not be imprisoned but will only be

deprived of his liberty to that degree which is necessary to ensure discipline; where he will live under strict discipline affecting alike his body, his mind and his character, and where he will be taught an industry. It is not a prison. It is, or it should be, far more like a school under severe discipline with a strict industrial training. We do not intend the Borstal Institutions to be anything like a prison, and, as we develop in 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."

Chapter VII

BORSTAL INSTITUTION, FELTHAM

The Borstal Institution at Feltham was established in 1854 as the Middlesex County Industrial School by the Justices of the County under a Private Act. It was the first industrial school in the country. It cost £38,950 for the buildings, and £6000 for the land (90 acres freehold). In 1910 it was taken over by the Prison Commissioners and converted into a Borstal Institution. In March 1916 it was handed over to the War Office for use as a Prisoners-of-War Camp and used by them for the internment of prisoners taken from various disputed areas, such as Alsace-Lorraine, Schleswig, Silesia and Poland. In December 1919 it was returned to the Prison Commissioners and reopened by them as a Borstal Institution.

There are no high walls at the institution. The absence of walls imparts something of the atmosphere of a public school. There is hardly ever an escape or attempt to escape and no breach of trust of any importance. The lads are plainly shown that the authorities have confidence in their trustworthiness and are ready to treat them as responsible men. The description of the internal working of the institution, as given in the following pages, clearly establishes the fact that security is ensured by discipline and supervision rather than by high walls. As Dr. Cyril Burt says :—

> "Flight from custody has become more and more rare. Not unnaturally, when first despatched to an industrial school or Borstal Institution, a newcomer occasionally endeavours to decamp; . . . the decrease in cases of absconding is due largely to the removal of the main incentive—locked doors. When exits are open and windows unbarred, the glamour of the enterprise melts away."

At Feltham, all physically and mentally inferior cases and also boys who are not of a very advanced type are received. They are generally boys who do not need quite so stiff a régime and are usually lads not institutionalised.

There are seven stages of the Borstal training, which are divided thus :—

Brown Dress

Grade I.—They remain for three months in this grade, and are then promoted, subject, however, to having proved themselves satisfactory. The work in this grade is generally cleaning, scrubbing at their own houses.

Grade II.—The boys are promoted to this grade if they prove themselves satisfactory. The work they have to do in this grade is generally labouring work, laundry, farming.

Grade III.—There are the different trade-parties in this grade. Some of the boys may be put to labouring work if they are not intelligent enough for the trade parties. The trades in which the boys are employed are machine shops, blacksmiths, carpentry, shoe-repairing, gardening, painting, cooking, bakery, bread-making, block-making, electricians, building, tailoring, shoe-making and farming. Some of the boys may be engaged on farming all the time.

Probation (*or preparing for the Blue*).—It is a stiff grade to test the boys out for the Blue. The period of stay in this grade is three months. The work is exactly the same as in Grade III. The general tests of fitness for the Blue are trustworthiness, industriousness, cleanliness and perseverance.

Blue Dress

Grade I.—Just the same work as in the trade parties. The boy in this grade can be considered for selection as a leader.

Grade II.—Normal course.

Grade III.—A leader is considered for discharge four months afterwards. An ordinary Blue is considered for discharge one month after reaching "special grade III." The Institution Board considers such cases and recommends, or does not recommend, as the case may be.

Every privilege in the grades must be earned and worked for. The Blues must always be trusted with regard to the work they are set to do. A Blue is allowed to work without much supervision and looked upon as a man, and is expected to set an example to the rest. The authorities do not try to suppress the bad so much as to encourage the good. Games are never placed before the discipline of the House. The House staff works together and co-operates with the leaders.

Organisation.—Organisation is based on the House manned by its own staff of (*a*) House-Master, (*b*) Assistant House-Master, (*c*) Principal Officer, (*d*) House-Officers, (*e*) Matron.

The institution at Feltham is divided into five Houses—North, East, West, South and the New. The colours of the Houses are put against their names below :—

(1) North . . .	Green
(2) South . . .	Blue
(3) New . . .	Ash
(4) East . . .	Yellow
(5) West . . .	Red

A House-Master is responsible for the discipline of the House. Sometimes there is an Assistant House-Master. On the boys' side there are a House-Captain and six Leaders. The Leaders are selected from the Blues. Under each Leader there are about twelve boys. These boys may be Blue or Brown.

The constitution of the Houses at Feltham is shown on next page.

NORTH (78 boys)

House-Captain and 6 Leaders (Blues) — House-Master, Assistant House-Master, Two Officers

(Under each Leader there are about 12 boys.)

WEST	NEW	EAST
(75 boys)	(94 boys)	(about 75 boys)
	SOUTH (69 boys)	

I had the opportunity of minutely examining the North House. I was shown round by the House-Master and Assistant House-Master; through House, halls, the cells, the Leaders' Court, the Blues' room, the store-room, the kitchens, the workshops and various places in the institution. The elaborate system of moral, physical and industrial training of the inmates, the enthusiasm which dominated the work, the elaborate machinery for supervision of the houses, all these things satisfied me "that a real human effort is being made in these institutions for rehabilitation of the youthful criminals."

The Staff.—The working of the system can be better explained by the table showing the organisation of the staff as given below :—

Governor

NORTH HOUSE	SOUTH HOUSE	EAST HOUSE	WEST HOUSE	NEW HOUSE
X	X	X	X	X
House-Master	Chaplain	Deputy-Governor	House-Master	House-Master
Assistant House-Master	Assistant House-Master			

Principal Officer, House-Officers } In each house

The other office-bearers constituting the staff are the matrons, the instructors, the steward and his staff.

The instructors are attached to the various trade parties. They are free workmen from outside, appointed on their technical qualifications.

The matrons are in charge of the clothing. They are also responsible for table manners. They diffuse a womanly atmosphere which is a good thing for the rough lads.

Apart from the routine work, the House-Masters undertake various special functions, *e.g.* education, sports, games and concerts. As regards the latter, concert parties are generally brought from outside.

The steward and his staff are responsible for all the accounting and clerical work.

The Canteen System.—The canteen system is a system of payment to the boys by the institution's own "money." "Canteen" is an old army word denoting a tin vessel used by soldiers for holding liquids, and is also commonly applied to the camp or barrack shop or bar. The canteen system was introduced at Feltham six months back. It is a privilege of the Blues only, after twelve months' stay in the institution. Under this system only pence are paid to the boys. The system of payment is as follows :—

4 pence in Special Grade I (three months).

7 pence in the next grade (after another three months).

8 pence in the next grade (after another three months).

8 pence in the next grade (after another three months).

The lads can save out of these payments and these savings may be kept with the House-Master. They can purchase with this money things like cigarettes, chocolates, etc., which are stocked in the store-room. The following are usually kept in the store-room : 1. Cigarettes, 2. Tobacco, 3. Pipes, 4. Cigarette papers, 5. Cigarette-holders, 6. Sweets, 7. Chocolates, 8. Soap, 9. Hair-oil, 10. Tooth-paste, 11. Shaving-sticks, 12. Tie-pins, 13. Combs, 14. Lemonade powders, 15 Treacle and jams.

The Assistant House-Master of the North House was in charge of the store. The store is initially financed by

the Government, but after trading some time, becomes self-supporting.

The canteen system is improving satisfactorily. It tends to encourage self-reliance and honesty. It must be noted in this connection that the boys can be fined for misconduct and the fines are paid out of this " Canteen " money.

Apart from the privilege of the canteen system, the Blues have the further privilege of separate rooms for games and study. They can play billiards in the rooms set apart for them.

The Library.—" The proper use of a well-chosen library is an integral part of any educational programme." At Feltham one finds books with some definite educational value. The books are brought from the Central Library at Wakefield, which is called the Prisoners' Educational Committee Library. A catalogue of the library is kept at Feltham, thus enabling any books required to be sent for.

Educational Aspect—The Trade Parties.—Nothing is more interesting than the elaborate system of instruction in various trades. Carpentry, bakery, shoe-making, painting, iron-work are the most important of these trades. The lads are engaged in making various things for use in Government Departments. The instructors train the boys in particular trades. Some boys can pick up the work in a much shorter time than others. It all depends upon the capacity of the individual. A boy is transferred to some other work if he proves himself to be unfit for any particular trade work after sufficient trial. Some of the lads at the carpentry can pick up woodwork quite satisfactorily in a week's time; they can, for instance, turn out window-frames polished and well finished. It is therefore hoped that trade instruction will be a great help for the lads towards finding employment after they finish the period of training at the institution.

That special attention is devoted by the authorities to trade education at the institution is evident from

the following extract from the Governor's Report in the H.M. Commissioners of Prisons Annual Report for the year 1929 :—

> " The development of the educational side of the institution's activities during the last twelve months deserves special attention. The growth in the number of classes has been steady and thus we have been able to cater for the varied tastes of the increased number of lads. There are now 22 different classes meeting at least once weekly and in many cases twice. It would be a lad very difficult to please who could not find some hobby in a list which includes leatherwork and rug-making, wireless and seamanship, sign-writing and accountancy, rushwork and toy-making, photography and engineering. These are only half the subjects taught. For the last two months of his life in the institution each lad attends special classes designed to help him in his domestic life outside. These include instruction in boot-repairing, tailoring, and simple household repairs; talks are also given by the Governor and Medical Officer on personal problems.
>
> " The majority of classes are taken by officers in their spare time and two by visitors from Kingston Rotary Club. It is difficult to get outside assistance, as Feltham is so inconveniently placed for easy access. All lads not attending hobby classes come under a scheme of organised individual reading, whereby the lad chooses his subject with the aid of the House-Master, is then supplied with appropriate text-books and notebooks, and carries on a course of study under supervision."

Food, Clothes and Cleanliness.—The food that the boys get is very plain, nourishing and plentiful. They cook their own food. The bread that they make is quite good and palatable. The cost of food for each boy is 3s. 5d. per week at Feltham.

As regards clothes, the boys have warm shirts, coats and short trousers. They are also provided with thick blankets. The cells they live in are quite tidy and healthy. There is good ventilation in each of the cells.

The Leaders' Court.—There are the Leaders' Courts composed of the Leaders and the House-Master to try any boy for any minor offence he has committed. This Court can award a punishment up to three nights'

extra nightwork. That award must be passed by the House-Master. The Leaders take a note of the evidence and the award is entered in the book, which is taken to the House-Master for sanction.

Dealing with the usefulness of these small courts, Mr. Alexander Paterson says :—

> "The institution of small Courts among the lads themselves is of such recent origin and the practice is so experimental, that it cannot yet be reduced to rule. It is good that lads should learn the difference between right and wrong from the bench as well as from the dock. The Governor will be sure that they are not learning this valuable lesson at the risk of injustice to their fellows. Such minor tribunals can become an agency for bullying and terrorism, unless their powers are clearly defined, and their operations closely watched by the Governor and staff."
>
> (*The Principles*, page 67.)

The institution authorities are therefore very careful about the proceedings in these Leaders' Courts so that the Leaders may not abuse their powers.

Emergency Parole.—Formerly there were two kinds of parole, A and B. Now there is only what is called the emergency parole. Parole means a promise on a word of honour, on which permission is given to a boy to leave the institution and go home on certain conditions. "In recommending a lad for emergency parole, the Governor bears in mind that the principle is that the parole is given not as a privilege to the lad that he shall enjoy himself, but in order that innocent relatives shall not be unduly penalised by the fact of his detention in the institution." More difficult still is the decision to be taken when a lad wishes to marry while he is still at the institution. Save in the most exceptional cases, such marriages were formerly solemnised in the church nearest the institution. But since the Legitimacy Act 1925 such marriages are very rare, for by this Act a child can be legitimatised by a subsequent marriage.

Letters and Visits from Friends and Relations.—The privilege of having visits from friends and relations may be had oftener as the boy progresses in grades. When a boy gets his Blue, he can receive letters or visits at will. A "Brown" boy is allowed one visit for the first three months and two visits later on. Letters are not regarded as substitutes for visits. A boy can write home, subject, however, to inspection by the House-Masters.

When a lad writes his first letter home the following notice is enclosed :—

"Regulations as to Letters and Visits

Letters to relatives are allowed at the following intervals :—

Whilst in Grade No. 1 (usually 3 months) Whilst in Grade No. 2 (usually 3 months) Whilst in Grade No. 3 (usually 3 months)	A letter once a fortnight and one visit a month.
Whilst in the Probationary Grade Whilst in the Special Grade	A letter once a week and one visit a month."

"He may receive a letter once a week. If a letter is not due, but there is anything of importance, you may write to the Governor and ask to have it passed on. Letters from friends should be enclosed in letters from relations until the lad has reached the Probationary grade. Letters should be carefully written and not crossed, as they have to be read by an officer before they are handed to a lad. Do not forget to stamp your letters or they may not be received. Nothing must be enclosed in a letter except : (1) Photographs of relatives, friends or home views ; (2) Birthday, Easter and Christmas cards ; (3) Books, but only after permission has been obtained from the Governor. The right to receive visits depends on the progress of the lad. When a visit is due you will be told.

"Beware of sending anything to anyone who pretends that he can use it for this lad's benefit. If anyone says that he can do so, he is fraudulent and you should inform the Governor at once. Do not try to communicate with this lad secretly or to send anything which is not allowed ; to do so will render you liable to imprisonment and may get him into trouble too."

Transfer and Changes.—If a boy behaves badly, or is continually insubordinate, he is sent to Wandsworth. Such cases are very rare at Feltham.

Sometimes changes have to be made in the allocation of the boys to particular working-parties. Reasons for such change may be :—

(*a*) that the boy cannot settle down in the particular occupation ;
(*b*) that the boy wants to be nearer to friends ;
(*c*) that the boy attempts to abscond.

Routine Work.—At the institution, a boy has to pass an active day of long hours, beginning with physical training, continuing with work in the workshop or outdoor party and ending with a few hours of school and study.

At the week-end the boys have more games and sports than on week days. Saturday afternoon is devoted to games only. A routine dated the 17th September 1932, which was supplied by the Governor, shows how the lads are employed at the week-end. The routine runs as follows :—

"WEEK-END ROUTINE. 17th *September* 1932

Saturday—

12.30. R.C.'s Confessions.

2.15.	Football	N. *v.* S.	1st	Teams	Pitch 1	Mr. Miller.
		E. *v.* W.	„	„	„ 2	„ Roughan.
		N. *v.* S.	2nd	„	„ 7	„ Broadley.
		E. *v.* W.	„	„	„ 9	„ Luckham.
2.30.	„	N. *v.* S.	3rd	„	„ 4	„ Crowle.
		E. *v.* W.	„	„	„ 5	„ Main.
		N. *v.* S.	4th	„	„ 6	„ Hatfield.
		E. *v.* W.	„	„	„ 8	„ Winter.
		New practice			„ 3	„ Sage.
		„	„		„ 10	„ Kent.

4. Bathing, 1st and 2nd teams.
4.15. „ 3rd and 4th teams.
4.30. Tea.
6. Outdoor games.
7. Silent hour in Houses.
8.30. Supper and usual routine.

Sunday—

a.m.
7. Rise.
7.30. R.C. Service.
8. Holy Communion. Breakfast.
8.45. R.C. Service. Exercise in yards.

N.B.—Usually at 9.15 a.m. there is voluntary Church of England Service, but on this particular Sunday the Chaplain was absent, so there was no Church of England Service on that day.

---

a.m.
10. Cleaning and Hygiene.
11. House-Master's Inspection.
11.45. Dinner.

p.m.
1.30. R.C. Service.
2.30. House Walks.
4.30. Tea.
6. Church of England Parade Service.
7. House-Master's arrangements.
8. Supper and usual Sunday routine.

(*Sd.*) J. HOLT,
Governor."

The routine as given above indicates clearly that the purpose of Borstal training is to take these boys out of the prison system altogether and to make them subject to special "institutional treatment on reformatory lines. The governing principle underlying the system is to arrest or check the evil habit by the 'individualisation' of the prisoner mentally, morally and physically."

The Visiting Committee.—A large proportion of the members of the Visiting Committee are Magistrates and

local people of standing who are interested in social work. They come once a month. Their duties are :—

(i) To try any cases which may be too serious for the Governor to deal with.

(ii) General supervision is exercised by the Committee.

(iii) It is a sort of general advisory board.

(iv) The Committee considers the case of every lad after six and twelve months and hears the opinion of the House-Masters as to whether they should be kept here or not.

Mr. Alexander Paterson sums up the duties of the members of the Visiting Committee as follows :—

> " They are invited to give special attention to lads in hospital or under punishment, to the general health and appearance of the lads, the sanitation and cleanliness of the institution, the source of food, the condition of clothes and bedding, and the equipment and conduct of the workshops, schoolrooms, gymnasia, playing-fields and other methods of training, and to report their impressions in writing to the next meeting of the Visiting Committee in a book provided for that purpose."

Chapter VIII

BORSTAL INSTITUTION, ROCHESTER

> " He determined to save the young and careless from wasted life of crime. Through his vision and persistence, a system of repression has been gradually replaced by one of leading and training. We shall remember him as one who believed in his fellowmen."
>
> (Inscription on the gateway of " Borstal," in honour of the Founder.)

The Borstal system took its name from the village of Borstal, Kent, near Rochester, where the early experiments on lads between the ages of sixteen and twenty-one were carried out in an old convict prison, prior to the passing of the Act of 1908.

The first experiment for the complete separation of young offenders from adults in order to give them specialised treatment and training was made in 1902 in the premises of the Borstal Prison near Rochester.

It was in 1906, when an experience of four or five years had established the principles, that Sir Evelyn Ruggles-Brise, K.C.B., the then Chairman of the Prison Commission for England and Wales, addressed a strong recommendation to the Secretary of State, asking for an alteration of the law on these lines ; and in 1908 these principles became law. The Prevention of Crime Act 1908 authorised the establishment of Borstal Institutions for the training of offenders between sixteen and twenty-one who appear in need of such discipline. The Borstal Institution therefore represents the latest extension of the reformatory system. As Sir Evelyn Ruggles-Brise says :—

> " The system in vogue today is a legal system : it has passed beyond the experimental stage, and has become a part, an

important part, of the Criminal Law of this country, and not of this country only, but is a prototype of analogous institutions which have been established in many parts throughout the civilised world. The system, as it operates today, is the same in its leading features as the experimental system prior to the Act. The principles are the same, but we now have the element of time. We have now no case of less than two years and a considerable number with the maximum of 3 years."

"Borstal" was once a convict prison, but the prison cell blocks and nearly all the other prison buildings have disappeared and their place has been taken by new blocks of rooms for the inmates which, though still designed on institutional lines, are decidedly more cheerful, lighter and more spacious. The buildings were changed and "borstalised." The hospital and the storehouse are the relics of the old prison buildings which have been adapted to their present use for a Borstal Institution. Some of the blocks are designed on the dormitory plan; the remainder provide a separate room for each inmate. New industrial shops have also been built, well equipped with power machinery. Outside the walls there are 272 acres of land comprising farm (arable and pasture), market garden and football and cricket grounds. The institution is situated on a fine breezy site above the town of Chatham, and is surrounded by beautiful natural scenery.

The types of boys at Rochester are of fairly high intelligence. Those who fail on probation and those with very few convictions are sent to Rochester. They are, however, more advanced in crime than the Feltham boys, though less so than those at Portland. They are of an intermediate type.

The stages of the training are broadly divided into two classes, the Brown and the Blue.

Brown Dress

Grade I.—From conviction (three months).
Grade II.—Three months.
Grade III.—Three months.
Probation.—Three months.

The minimum period which a boy has to pass in Brown dress is twelve months. Promotions to the various grades are subject to good behaviour, industry and the creation of a general good impression. By such a progressive stage system, an inmate will be able, by industry and good conduct, in each stage to earn increasing privileges until he becomes eligible for the higher grades, probationary and special.

After this, boys are promoted to special grades or Blue dress. Then the lad gives his word of honour to do his best, to help his House-Master, his House, his party officers and the institution generally and himself.

The reliability of the various grades is discussed by the Governor in his Report appearing in H.M. Commissioners of Prisons Annual Report for the year 1928, from which the following interesting extract is quoted :—

"A very marked change has been noted during the last few years in the reliability of the various grades. During the first six months of their time at Borstal we find the lads unsettled and unstable. Conduct accordingly is poor. I am convinced this is the critical time when lads can be made or marred. They require constant study from their House-Masters and the staff generally. Wild, erratic, undisciplined and indolent, as many of them are, they find the regulations irksome, their privileges few; at the same time the whole atmosphere of the place is different from anything they have dreamed of or seen before. Accustomed as most of them are to work spasmodically, to idle when the mood takes them, they learn the lesson of team work hardly, and they plot and plan to escape as lightly as possible from what appears to them a year or two of drudgery.

"Gradually this resistance is broken down and they begin to take an interest in their surroundings. They feel fitter than they ever did in their lives. They get confidence in their officers and the work of sublimating their crooked ideas and substituting healthy ones can be said to commence. . . . On the concentration of individual effort, the patience and moral example of the staff as a whole, depends the success or failure of the system. . . . Punishment pure and simple will not suffice. Punishment will not help a lad who errs in ignorance or one whose training has not included an appreciation of correct

standards of conduct. I am convinced that when I have found it necessary to administer a punishment the good that has accrued has not come so much from the punishment itself as from personal attention I have been able to give in the quiet monotonous atmosphere of the punishment block."

In matters of awards, the Governor and the staff keep in view the fundamental principles of what M. Saleilles calls " administrative individualisation."

" In place of punishment administered by rule and with an invariable uniformity, we ask for a system of individual superintendence through which the individual initiative may be appealed to, and the most suitable measures of assistance provided for each case. There are many offenders and equally many of the unfortunate poor, whose contact with crime is but a phase of their existence, who pass through it without belonging to it body and soul. They experience a crisis and must be helped through it. In this service punishment should be one of the most effective measures. It must be wisely utilised but to be thus utilised, there should be no concealment of the need of repentance and expiation, for that alone can effect a revival of conscience. If the interests of social protection were alone considered, convicts might be treated like hounded animals and not like men, but that is not the way to bring about reformation.

" Accordingly the individualisation is made in the course of punishment, not by larger or smaller groups and classes, as would be done by the Court, but for each individual in particular, according to the personal experience resulting from the first application of the punishment."

The Blue at Rochester gets special privileges. He may work without supervision. He may be trusted to carry messages outside the Institution and, if he shows signs of aptitude for study, he may later on, if he is proved trustworthy, be allowed to attend evening classes at the local technical school at Rochester for three or four nights a week. For this purpose he puts on ordinary civilian dress, or what is called the discharge suit, leaves the Institution at about 6 p.m. and returns at about 10 p.m. The average number of boys attending from the Institution is fifteen.

The Headmaster expresses himself well satisfied with their conduct and industry.

" The ultimate benefit of this extra instruction is impossible to gauge but occasional enthusiastic letters or visits from discharged lads who have attended the technical school encourage us to continue to send lads down."—(Extract from the Annual Report of the Governor.)

Apart from this, the Blues have the following privileges :—

(*a*) Smoking.
(*b*) Working without supervision.
(*c*) Staying up later at night.
(*d*) More House amenities.
(*e*) More trust.
(*f*) The Clubs.

Sir Evelyn Ruggles-Brise emphasises strongly the importance of the rewards and privileges of the successive grades in his chapter on " Borstal " in *The English Prison System*, where he says :—

" Though it will be seen that the rewards and privileges of each grade are of a simple nature, yet they are a sufficient stimulus to the majority of these lads ' to gain their blue ' as it is called. They are simple devices for cultivating self-respect in a field where that tender plant has never hitherto been sown. But it is in the simplicity of these things that their value lies. Many of these lads are total strangers to the most elementary refinements of civilised life ; and so we inculcate the principle that by working hard and behaving well, a reward which brings comfort and pleasure follows upon the effort made. Here then we lay the first brick in building up character. The Borstal lad is regarded as a piece of ' human masonry,' and everyone works with a will to turn out a creditable piece of work while the lad is in their hands."

The Society.—The privileges of being a member of the " Society " are peculiar to Blake House boys. The idea of Society privileges originated with Mr. Armstrong,

the House-Master of the Blake House. The Society room is well furnished with tables and chairs. There are books in the shelves. Qualification for membership of the Society is secured through recommendations from the House officers, party officers, or any officer with whom the boys come in contact. The officers have to fill in a form of recommendation for this purpose.

Emergency Parole.—The authorities only allow a lad to go out on emergency parole when the doctor attending the mother or the father is of opinion that she or he is dangerously ill. The lad then gets forty-eight hours' parole. In such a case a local Associate of the Borstal Association is asked to inquire and advise whether the circumstances warrant the granting of such leave. Leave is not given to enable a lad to attend a funeral.

Organisation.—There are five Houses, four of which are named after previous Governors. The fifth House is called the New House. There is a special sort of training in the New House for about three months before getting passed on to the main Houses, a sort of recruit training. The organisation of the Houses is as follows :—

Blake	Rich	Eccles	Winder	New
90 boys House-Master	85 boys House-Master Assistant House-Master	88 boys House-Master Assistant House-Master	88 boys House-Master	60 boys Assistant House-Master in charge

The colours of the respective Houses are as below :—

Blake	Yellow
Rich	Green
Winder	Blue
New	White
Eccles	Red

The lads in Houses are divided into groups under senior lads called group leaders. Furthermore, there are inter-group competitions for cleanliness, good conduct marks, etc.

"The Monitors have been increasingly helpful in all Houses. The quality of these lads naturally varies considerably, but to become a Monitor is a splendid training and particularly for those lads whose temper is not under adequate control. Most of the lads aim at becoming a Monitor sometime during their career at Borstal. Competition for the post is keen and once the prize has been gained, the desire to succeed is ever present."

(Annual Report of H.M. Commissioners of Prisons for the year 1928, page 38.)

It may be mentioned here that there are no Leaders' Courts at Rochester.

The number of boys at the Institution was 420.

Staff.—

Governor,
Deputy-Governor,
Chaplain.[1]

The full establishment consists of five House-Masters, five Assistant House-Masters, part-time Medical Officer, steward and six clerks, two engineers, five matrons, one chief officer, five principal officers, sixty officers, about twenty-five unestablished temporary men, night patrols, farm hands, instructors, stokers, etc.

The part-time Medical Officer comes for about a couple of hours a day to attend to bodily defects as well as psychological. There is a hospital housed in an old prison building in the Institution. Changes have been made to adapt it to its present use. It has good ventilation and can accommodate twenty boys. Unless there is an epidemic, the accommodation at the hospital is ample.

The House-Masters are important members of the Borstal staff. They receive advice from the Medical Officer regarding the health and mental condition of the boys. A House-Master who understands the boys and has practical worldly experience is generally more successful than one with purely academic or technical qualifications.

[1] The Chaplain does not have charge of a House in the Borstal Institution at Rochester.

The Chaplain looks after the religious side of the institutional training. The provision of a beautiful chapel is conducive to "reverential worship." It also plays "a great part in the reclamation of these unfortunate lads and is therefore not to be placed in the category of things æsthetic and non-essential, but that it is rather a vital and indispensable element in the redemptive work of the institution."

The Canteen System.—The "Canteen System" has been explained in the review of the Feltham Borstal Institution in the previous chapter.

At Rochester the rate of payment of the "Canteen" money runs as follows :—

2d.	(a week) .	For the first three months.
4½d.	„ .	For the next three months.
7d.	„ .	For the next three months.
9d.	„ .	For the next three months.

The things available for purchase by the boys with their "badge money" are cigarettes, sweets, matches, razor blades, hair-oil, etc. The Steward buys for the whole institution. Each House-Master then stocks £5 worth of goods, and opens his "shop" at convenient times. The boys spend their badge money in buying goods within the limit of their credit.

Twopence will purchase five cigarettes, but the boys may not buy more than ten cigarettes a week.

The profits from the canteen go to the canteen fund, which helps to buy various games for the Houses, and to pay for billiard table repairing, etc.

First-aid Classes.—The hospital officers teach the boys bandaging, stretcher work and other elementary parts of the first-aid course. A medical officer gives lectures. They are later on examined by a doctor appointed by the Medical Association. If they pass, they get certificates from St. John's Ambulance Association. They can wait for a period of one year and then can try for a more

advanced certificate, but usually, if this certificate is obtained at all, it is after they have been discharged.

The Institution awakens the interest of boys and gives them some knowledge of first-aid. If they are keen, they can take several more examinations after discharge.

The Library.—The Rochester Library contains an impressively large number of books. It is added to every year by means of a capitation grant from the Home Office. The Governor and the House-Masters together choose books every year to be added. There is a central library at the Institution for both fiction and technical books. Technical books are as a rule kept in the central library and a book can be obtained at any time on almost any subject. Fiction books are changed once or twice a week by each House, one batch of books being returned and a similar number being taken in their place, so that the fiction books are kept circulating round the Institution.

> "The Library improves every year. Many lads who have read cheaply and spasmodically before, learn at Borstal to enjoy steady reading."

The Phœnix.—One feature that particularly strikes a visitor to Rochester is the existence of a quarterly review. From July 1923 to October 1924, this appeared as the *Borstalian* and from January 1925 onward as the *Phœnix*. One can read the copies of the *Phœnix* with considerable interest. It deals with various up-to-date modern topics, and gives the impression that the lads at Rochester keep up a fairly high intellectual standard.

One of the House-Masters is the editor. He appoints a lad in each House (not necessarily a Blue) as sub-editor. These sub-editors are responsible to the editor for collecting material for publication. Matters of institutional interest only are accepted. The usual topics in the *Phœnix* are: The Editorial, House Notes, short poems, fables, Notes on Inter-house Reading and Reciting Competitions, Rugby Cup, Association Cup, the Chapel, Letters to the Editor, etc.

The *Phœnix* is published four times per annum. The

Special Grade lads purchase a copy for 2d., which is paid out of their badge money. Ninety per cent. of the lads send their copies home or to relatives when they have read it. The *Phœnix* serves many useful purposes, an important one being that it informs parents that the institution is more like a school than a prison.

Daily Routine.—The following shows how a boy spends his day at the Institution :—

5.45	Rise and wash.
6.15–6.45	Drill.
6.50	Breakfast.
7.40	Prayers.
8–12	Work.
12–1	Dinner.
1–5	Work.
5	Tea.
6–7.45	Private study, reading, hobby classes, school, etc.
7.45–8.30	Recreation, games, etc.
8.30	Supper.
9–9.30	Bed.

There are three day shifts in the course of the hours from 8 to 5 for work—early, late and main.

Evening Education.—All education, except for the illiterate, comes in the evening between 6 and 8 p.m. The subjects on which lectures are given are : map-reading, seamanship, English, mathematics, geography, history, hobbies like rug-making, stool-making and various similar hobbies. Officers and House-Masters lecture on these subjects, and receive pay for their overtime work. There are classrooms for the purpose of this evening education.

The authorities of the Institution are very hopeful about the educational aspect of the training at Borstal. The following quotation from the Governor's report in the H.M. Commissioners of Prisons Annual Report for 1929 is very instructive in this connection :—

> "We have experimented this year on what might be called House versus Central Education and the conclusion is a combination of the two. The Central classrooms buzz with activity every night—almost every lad in the Institution gets out of his house to a class at least twice a week. In addition to this there are house classes, house general knowledge papers, house dramatic societies, etc. Handicrafts are developing rapidly. The staff is keen. Some 20 officers come in and take classes together with 4 volunteers from outside. Over two dozen activities, mental or manual (or both) are available for a lad's bewildered choice, and approximately 70 classes are held every week."

The report adds furthermore :—

> "The best comment on the progress in education generally in the last few years is in the attitude of the lads themselves, which has passed from undisguised antagonism through guarded indifference to its present state of genuine enthusiasm."

Employment.—On arrival a lad automatically goes to the cleaners' or scrubbers' parties, where he must remain until he leaves them at about the end of three months, when fresh arrivals come. From there he may either go to the laundry or the institution cleaners or the market gardeners, which are all employed inside the walls. From there after a few months he goes to a labouring party (farm, road-work, general labouring) outside. By this time he has been interrogated by his House-Master as to whether he desires to take up any of the trades taught in the Institution. If he decides with the House-Master's approval to take up a trade he is put on the waiting list, but remains in a labouring party until seniority entitles him to fill a vacancy in the trade party. Thus ample chance is given to the boys for learning a trade which may help them in finding employment after discharge from the Institution.

There are various employments to which the boys are put. Some of the trade parties are described below :—

Cooking.—The food of the boys is cooked mainly by steam. There is a separate arrangement for instructing

them in cooking inside the kitchen. The central kitchen is equidistant from the Houses so that boys from each House may conveniently take their ration from the central kitchen.

Shops.—(*a*) Fitting and Turning. There is a fitter's shop, with two instructors.

(*b*) Blacksmith. The boys are first of all put on to hammering. Then they are put on more skilled work. Most of the boys are sharp and very promising, and the quality of the work done shows that, if they get employment after discharge, they will do well as improvers.

(*c*) Boot-making and repairing is another important branch of the institutional employment. There is one instructor for this trade. There were eighteen lads working in the shop.

(*d*) Carpentry. Stool-making is very skilfully done by the boys.

(*e*) Farming. There are 250 acres of land which is the property of the Institution. Boys are employed in farming in various parties. The greater portion of the land is outside the walls, and the boys are given perfect freedom in their movements in the fields. There are some cases of runaways, but the number is insignificant.

The cowshed is conveniently situated just outside the walls. Rich harvests are gathered. There were seven ricks consisting of wheat, barley and oats.

Games and Recreation.—All established officers, attached to Houses, sit on House Boards and instruct in House games, etc. There are cups for Association and Rugby football, and for various other games. The sporting activities include: cricket, boxing, athletics, gym., indoor games, camps for the Blues. There are Inter-House Leagues, which foster a sporting spirit among the boys. The winning of individual prizes is discouraged. "The emphasis is thrown everywhere on the achievement of the Group."

There is a stage in the gymnasium. The Houses occasionally produce plays on the stage in the evening.

The boys are exceedingly proud of the results. Sometimes the boys have a most enjoyable sing-song.

A keen study of the Institution in its cultural, educational and recreational aspects, shows that the Borstal system "aims at an intellectual, physical and moral improvement and development of each inmate." The first is secured by a carefully arranged educational system adapted to the needs of each. The second by a methodical system of labour, which is of an interesting and instructive kind analogous to the day of a free workman in full employment. Drill and gymnastics for the bodily development of inmates are a leading feature of the system. Education and labour well organised, largely contribute to the "disciplinary and moral influences" referred to in Section 4 of the Act. There is in addition, the moral precept and example of the staff, superior and subordinate. Each and all have a great trust confided to them, which is to raise the young criminal, by personal influence and wise exhortation, to a due sense of his duties and responsibilities as a law-abiding citizen.

The Borstal system rests primarily on good discipline, firmly and kindly administered.

> "In the obedience which follows from this is the beginning of moral improvement. This being secured, the system admits a wide latitude for trust and confidence in the later stages, whence will spring the sense of honour and self-respect. When this sentiment has been inculcated, the purpose of the Act may be said to be fulfilled, namely, the reformation of the offender, and, incidentally, the repression of crime, for if the criminal habit be arrested at the beginning, the supply of criminals in the later stages of their career is effectively stopped."

As Lombroso says :—

> "Success in our reform schools is due to the fact that there the young man becomes used to regular and continuous work, something that the born criminal commonly refuses. This latter fact makes it easier to recognise such criminals and separate them from the others, and thus it is made easier to develop the physiological honesty of habit in the youth whose defect is only the physiological sub-criminality of the child."

What Don Bosco suggested years ago as an excellent and ideal system for the education of young delinquents who are capable of reformation applies in large measure to the educational methods of the Borstal system in England today. Don Bosco said :—

"The greater part have an ordinary temperament and character but they are inconstant and inclined to indifference. They should be advised and warned briefly but frequently and encouraged to work by small rewards and a great deal of confidence, though without any relaxation of surveillance. Effort and care must be especially directed toward the class of unruly pupils, of whom there is about one in fifteen. But the vice most to be dreaded is lubricity. Any one of the inmates who persists in this must be expelled. The young prisoners must not be allowed to keep any money or article of value ; in this way we may prevent theft and the bargaining to which the children are inclined, being natural traders. The repressive system is plainly capable of keeping down disorder, but it is powerless to make the soul better ; for although children easily forget punishments inflicted by their parents, they always remember those of their teachers. Repression may be useful in the army and in general with persons who are mature and prudent, but what is needed with children is the preventive system. This system, based entirely upon reason, religion and love, excludes any violent punishment. To understand the advantages of this system it is necessary to remember the instability of the child, which makes him forget disciplinary rules and the punishments that he incurs, often transgressing a rule and making himself liable to a punishment of which, at the moment of acting, he never thought at all. He would certainly have acted quite differently if a friendly voice had warned him. It is necessary to see that the pupils are never alone and to give them ample opportunity to run, jump, and shout as much as they like. Gymnastics, vocal and instrumental music, declamation, amateur theatricals, walks—all these are effective means of procuring good discipline, at the same time being useful for morals and health. The subjects for presentation in the improvised theatre must be carefully chosen and only respectable characters depicted."

With similar emphasis Lombroso speaks of the utility of the educational side of reform schools :—

"Living in an atmosphere of kindness, sympathy and industry, stimulated at the same time by a new self-respect and the hope of a better position and, on the other hand, having no bad companions nor any temptation to steal, they abandon with their rags many of their vices and find in the various activities of farm life an outlet for their energy."

Chapter IX

BORSTAL INSTITUTION, LOWDHAM GRANGE

For many years there was felt a need for a new type of institution, *i.e.* one in which training could be given under camp conditions, with greater liberty and a large sense of self-responsibility. For this purpose a site was eventually chosen upon a hill in the heart of the wooded country a few miles north-east of Nottingham.

In December 1929, a nucleus of the staff with sixty lads specially picked from institutions at Feltham and Rochester were collected together at Feltham. By process of selective training it was possible in May 1930 for a group of forty-three of these lads and the staff to set out and march to Lowdham Grange, which was the name of the estate. On arriving safely without a single casualty at their destination, the entire party took up quarters in tents, using the Grange for administrative, cooking and store purposes. The work on the construction of roads and new buildings proceeded apace, until by August 1932 it was possible to accommodate one hundred and twenty lads in the first completed buildings. At the same time quarters had also been erected for the staff.

Since then, no lad has ever been under lock and key. Escapes have naturally taken place, but never in such proportions as to cause any alarm or to make one doubt the efficacy of these methods.

It should be noted that every lad before going to Lowdham Grange gives his word of honour not to attempt to escape; and should he break his pledge the lad does not on recapture (which is inevitable) return to Lowdham Grange, but is transferred to some other institution.

Organisation of the Staff

The organisation of each House is in the hands of the House-Master, subject to the approval of the Governor. The House-Master has the help of an assistant, and a House staff usually composed of the principal officer, a matron, and four or five officers. A House Board Meeting is held regularly once a week under the Chairmanship of the House-Master, or in his absence his Assistant, to discuss all matters pertaining to House organisation and more especially the needs and treatment of each lad in the House. The medical officer gives his advice and makes his recommendations as required.

The staff organisation of the Houses at Lowdham is as follows :—

Stansfeld House .	Contains 54 boys, under one House-Master.
Warner House .	53 boys, under one House-Master and one Assistant House-Master.
Camp House .	48 boys, under one House-Master and one Assistant House-Master.

House-Master's Duties.—The nucleus of the whole system is the House-Master. His duties can roughly be enumerated as follows :—

(*a*) To censor the letters to and from boys.

(*b*) Correspondence with parents about progress of their sons.

(*c*) Keeping in touch with workmen who are training the lads in trade-work, so as to know how they are progressing.

(*d*) Keeping an eye upon the stages of promotion of the lads from the day of admission to the day of discharge.

(*e*) Inspection of the House.

(*f*) Awards for minor offences—for instance, being late in rising in the morning, wearing boots in a quiet room instead of slippers, breaking crockery, evading drill, losing articles of clothing, playing football against Governor's orders. For all these offences the House-Masters fine the lads and they pay their fines from their earnings.

(*g*) Running of the payment scheme under canteen.
(*h*) Organisation of evening classes.
(*i*) Studying the records of the lads. It should be noted in this connection that each House-Master has got an institution job apart from his House job.

Methods of Individualisation

It will be clear from the above how much depends on the House-Master who

(1) Studies the records, the lad's offence, his home and personal previous history, all of which it is essential should be available in detail;

(2) Studies the individual lad himself, his habits, manners, idiosyncracies, work and reactions to various stimuli. He should be able to diagnose each case and formulate a treatment for each individual. In such matters he may receive guidance from the Governor, whose previous experience by reason of his position is usually more complete than that of the House-Master.

Naturally the Governor is brought most into contact with lads who are reported to him for some offence or other, and since these lads are usually the most difficult cases, his award is likely to be of more value when it is the individual and the individual alone with whom he deals. He would usually confer with the House-Master concerned.

Constant personal contact between lads and members of the staff is absolutely essential. Purely official contact is of no use.

The whole essence of the system is to get down to the troubles of each individual lad, *i.e.* to find out

(*a*) If the failures of the lad are physical, intellectual, or emotional.
(*b*) If his crimes are due to environment.
(*c*) Whether he is inclined to particular crimes.

Then, having gathered all this information, you have got to work out some definite line of treatment, to redirect the good in the lad and develop it so as to suppress the

bad. Lines of treatment are very largely the results of experience. Experience is extremely important, and the Assistant House-Masters can contribute a great deal in this respect. The successful working of the Borstal system is vitally dependent on the training of the staff. The essential pre-requisite is an aptitude for social work. Given that, the rest of the training is purely practical, derived from experience and observation in the actual working of the institution.

Stages of Promotion after the Boys' Arrival, i.e. *the Grades*

There are no "Browns" at Lowdham. All are "Blues." A new scheme is to be introduced under which there will be three divisions—Junior, Middle and Senior.

On reception a lad will naturally be a Junior, and will remain in that division for three months minimum. He may then be promoted to the Middle Division in which the minimum time is six months. From this, promotion is to the Senior Division, where after a minimum of six months he may be considered fit for discharge.

Work, and a consensus of opinion among the officers that he has corrected or overcome the weakness which was the cause of his downfall, are the criteria according to which it is considered whether a lad is fit for discharge.

The type of boys who are sent to Lowdham are those who show greater promise and who the Commissioners consider will benefit more by camp training than by institutional methods.

The most usual offences of which the Lowdham boys have been convicted are some form of larceny.

Evening Classes

Evening classes may be of the following kinds :—

(*a*) Commercial and vocational—such as building construction, advanced carpentry, motor engineering, bookkeeping, shorthand, etc.

(*b*) Hobbies and handicrafts—such as rug-making. These are to train the lad in a correct, proper and useful occupation of his leisure hours, or even of a period of unemployment.

(*c*) Elementary education—for lads who have either forgotten, or are backward in, reading and writing. So far as possible, no lad leaves the institution illiterate.

The instructors of the institution can be classified under five heads as below :—

(*a*) Voluntary teachers from outside, such as Toc H, Rovers, Scouts, or private individuals.

(*b*) Members of the technical staff.

(*c*) Discipline staff, *i.e.* officers.

(*d*) Clerical staff, who may teach shorthand, etc.

(*e*) House-Masters, for elementary education in their own houses.

The class (*a*) can be broadly described as assistants from outside organisations who may be

(i) *Members of Toc H.*—They can do work of great value either by teaching in classes as above or by making personal contact with the lads, taking an interest in them and keeping them in touch with conditions outside. (Toc H. means Talbot House. It was a Society started during the Great War to further brotherliness among the people. Its keynote is Service.)

(ii) *Rovers.*—A Rover Crew exists in the institution. It is attached to the County Organisation and by visits and camps is in close touch with other Rover Crews and individual Rovers. They have a camp site of their own within the institution grounds but also pay visits to Rovers' camps elsewhere in the county.

Employment—The Payment Scheme

There are two classes of employment—(*a*) the trades class and (*b*) the labouring class. The trades class embraces

carpenters, bricklayers, plumbers, heating engineers, painters, cooks and farmers. The labouring class embraces those engaged in road-making and excavating work.

The trades class receive payment at the following rates :—

8d. . . . as a *Trades Labourer.*

If a lad is satisfactory and makes sufficient progress, then after three months, he receives :—

10d. . . . as a *Junior Apprentice*

for three months. Then he gets

1s. . . . as a *Senior Apprentice*

for three months. Then if he still progresses in his trade and has reached the required standard, he gets 1s. 2d. and is called an *Improver.* Very few reach the Improver's standard.

As regards the labouring parties, the boys are classified under five categories. On reception they work in Category V for a fortnight. After that promotion can be made to a higher category. Category I is composed of the best labourers. Capacity for work in comparison with other fellows is the criterion of promotion.

They are paid on the amount of work they do. The work is measured out at the end of the week and payment is worked out on the basis of what a workman does outside. The rate of payment in labouring parties varies from 6d. in Category V to a maximum of 1s. 8d. in the Category I. There is no flat rate. It all depends on the nature of work done during the week.

When a lad comes to Lowdham his name is put on the waiting list, and when a vacancy occurs he may be transferred from the labouring party. The lads work in gangs. The number of lads in Categories I, II, III, averages ten per gang. In the others (Categories IV, V) the average is twenty. A lad is expected to dig half a cubic yard of clay per hour to earn from 1s. to 1s. 3d. a week. The maximum hours of labour are 44½ hours per week.

The pay scheme can broadly be described as below :—

Receiving his pay weekly, each lad signs a receipt for it. He then pays a halfpenny as income tax to what is known as the General Fund, which is used for the benefit of the lads in the whole institution for the purchase of such articles as gramophone records or any use suggested by the lads' own Finance Committee, subject to the approval of the Governor. He then pays a halfpenny a week as subscription to any of the games clubs of which he may be a member, entrance to which is voluntary and is secured by application subject to the vote of the Committee.

Award for minor offences is made in the nature of fines which vary from a penny to a shilling, according to the nature of the offence. Loss of clothing or the destruction of institution property is also dealt with by fines. What is left may be either

(*a*) Saved in the institution savings bank.
(*b*) Spent in the canteens or tuck-shops on cigarettes, sweets, soap, jam, sugar, or any other "luxury" that is stocked.
(*c*) Sent home to the parents or the wife, if any.

The aim of the pay scheme is to train the lad to the essential fact that the luxuries of life as well as the necessities can be obtained, honestly, only according to the earning capacity of the individual. It has also been found that the payment scheme promotes in the lad an intelligent, natural and positive attitude towards his work.

Allotments

The provision of allotments is a valuable part of the training at Lowdham. These allotments are voluntary and work on them is allowed only in the lad's own leisure time or during the hobby hour period. Successful applicants for a plot of ground are allowed free use of garden tools and implements, also a limited amount of fertiliser, but each must purchase from his own earnings

seeds which may be either for vegetables or flowers. The produce may be either

(*a*) Eaten by himself.
(*b*) Sold to other lads.
(*c*) Sold to the members of the staff.

All sales are without exception carried out through the Gardening Officer. The idea is to prevent stealing and illicit sales.

Daily Routine at Lowdham

a.m.	
5.55	Rise and washing.
6.30	Physical training. Drill.
6.50	Breakfast.
7.20	Proceed to work to various parties.
9.55–10	Break for smoking.
12	Dinner.
p.m.	
12.50	Proceed to work.
4.30	Cease labour.
5	Tea.
5.45–6.15	Quiet period for reading and writing.
6.15–7.20	Recreation.

During the recreation period, in winter the lads have indoor occupations such as billiards, table tennis, wireless, newspapers, draughts and dominoes. In summer they have cricket and football. Many have allotments, as described above.

p.m.	
7.20–8.30	Schools. (See the specimen "School Programme" below.)
8.30	Supper.
8.50	House prayers and
	Lights out at 9.45 p.m.

Lowdham Grange—School Programme

Monday—

House Arrangements.

[*N.B.*—A House-Master makes his own arrangements for instruction in Elementary Education.]

Plumbing . .	Taken by Mr. Cox in Camp House Common Room.
Book-keeping . .	Taken by Mr. Scott in Warner House Quiet Room.

Tuesday—

House Arrangements.

Carpentry . .	Taken by Mr. Wells in Stansfeld House Recreation Room.
Painting . . .	Taken by Mr. Plumb in Warner House Quiet Room.
Building Construction	Taken by Mr. Young in Camp House Common Room.

Wednesday—

House Arrangements.

Study Circle . .	Taken by the Chaplain in Stansfeld House Quiet Room, on religious subjects.
English . . .	Taken by Mr. Golding in Warner House Quiet Room.

Commercial Geography.

Thursday—

House Arrangements.

Wireless . . .	Taken by Mr. Beeston in Warner House Quiet Room.
Boot-repairing . .	Taken by Mr. Fox in Stansfeld House Recreation Room.
First-Aid . .	Taken by Mrs. Best in Stansfeld House Quiet Room.
Arts and Crafts .	Taken by Mrs. Cannock in Stansfeld House Recreation Room.

Handyman . .	Taken by Mr. Whittle in Warner House Recreation Room.
Joinery . . .	Taken by Mr. Barlow in Warner House Recreation Room.
Woodwork . .	Taken by Mr. Palmer in matron's stores.
Seamanship . .	Taken by Mr. Holmes in Camp House Common Room.
Motor Engineering .	Taken by Mr. Chase.
Discussion Class .	Taken by Mr. Boden in Stansfeld House Dining-room.

Friday—

No School.

The instructors in wireless, boot-repairing, first-aid, arts and crafts, handyman, and joinery are members from Toc H who come in from Nottingham and give their services in an honorary capacity. "Handyman" is teaching the lads such things as are likely to be of use in home life, *e.g.* repairing broken windows, wall-papering, repairing leaking pipes and taps, repairing broken furniture. Joinery, woodwork and carpentry are different branches of the same subject, one being theory, another cabinet-making and the third rough building. Instructors in seamanship teach the lads how to read the compass, how to splice ropes, and navigation.

In discussion classes, the boys discuss matters of every-day interest. They take their subjects from newspapers, such as the problem of unemployment, etc.

Games and Physical Training

Physical training is compulsory, ordinary Swedish drill being given every day, while apparatus work is done twice weekly in the gymnasium, the boys being graded according to skill and muscular development.

Field and ball games are played on Saturday afternoons and Sundays. The organised League football matches (inter-house) are played on Saturdays as are also fixtures

made with elevens from the City of Nottingham or local amateur clubs. This also applies to cricket in the summer. Athletic sports are held annually and also a swimming contest.

Cultural Aspect

An excellent library is maintained out of an adequate public grant, supplemented occasionally by gifts from private sources.

Lectures and concerts by approved individuals or societies are given in winter months usually on Sunday evenings. They cover almost every conceivable subject of cultural interest.

The institution also has a dramatic and opera society, the chief production each year being usually one of the "Gilbert and Sullivan" operas, thus combining both drama and music. The production is organised by the combined activity of members of the staff and interested friends from among the public.

Cinematograph and lantern shows of an educational nature are also given from time to time.

Public Opinion

Special care has been taken to influence public opinion favourably towards the institution and its work. To promote this, the Governor and certain members of the staff have spoken and lectured to various societies and organisations in the countryside and towns round about on the nature of the work of the Borstal Institution. Visits from persons interested in public affairs and administration have been encouraged. The Press has, under Home Office instructions, been accorded suitable facilities. and has been most helpful and encouraging in its reports, The Governor and the staff take an active part in the religious, social and recreational life of the county and the city. The lads themselves are encouraged to dispel, by their good manners and attitude on all occasions, any false and inaccurate rumours that may arise occasionally.

Chapter X

BORSTAL INSTITUTION, PORTLAND

In 1922 the prison premises at Portland were emptied as a convict prison and opened as a Borstal Institution. At first the proposal to house a Borstal Institution in an old convict prison was received with misgivings. The buildings in which the lads are housed are necessarily old prison blocks, because no other place "with any possibilities of industrial training was available when the new institution was required, but the bracing climate, the views of sea and cliff, the excellent industrial shops, and above all the work of a keen and able staff have produced a spirit in Portland which makes it, in spite of its original disadvantages, the equal of other institutions."

Type of Lads.—The lads at Portland are older than those in the other institutions. The average age of the lads is nineteen. The lads here are tougher and have more experience of crime, and in many cases they are failures of other forms of training—industrial schools, reformatories, probation. They are physically bigger and stronger and more sophisticated than those at Feltham. Fifty of them are married, and in some cases with children. In view of these circumstances one is inclined to think that the Portland Borstal Institution should be called a young men's "Borstal" rather than a boys' "Borstal." The following extract from the report of the Governor of Portland Borstal Institution in H.M. Commissioners of Prisons Annual Report for 1928, is very instructive in this connection :—

> "Most of these lads were material ripe for Borstal training long before they reached us, and it is a matter beyond mere regret that they should be forced from ripeness to rottenness by prison experience before a sensible attempt at training is

made. It is significant that many of these prefer prison and apply to be transferred there when they find that the Borstal system demands something more positive and vital from them than mere attention to a list of prohibitions. They are all, in any case, material spoilt in small or large degree for training."

Organisation of the Houses.—There are six Houses in the institution. Each House is divided into six groups of about twelve lads each. There is a Leader in charge of each group. There is also a House-Captain chosen from the Leaders. The average number of lads in each House is between seventy and eighty. The names of the different houses with their respective colours are as below :—

Name of House	*Colour*
Rodney . . .	Blue.
Nelson . . .	Green.
Grenville . . .	Yellow.
Drake . . .	Red.
Benbow . . .	Black-and-white.
Raleigh . . .	Grey.

Taking Raleigh House as an example, there are three landings in the House and each landing has two groups. The names of these groups are—Haig, Robertson, Roberts, Allenby, French, Wellington. Raleigh House is in one of the old convict prison barracks. The lower floors of the high-cell blocks have been converted into dining-halls and class-rooms. Though the outside of the building looks grim, it is now quite bright inside.

The number of lads in the institution is now 450. The lads live in rooms at Portland. There have been varying opinions about the comparative advantages and disadvantages of the " cellular " and dormitory systems of house organisation. The authorities at Portland prefer rooms to dormitories. In favour of the cellular or room system, it is urged

(*a*) that a lad can get away from everybody for some amount of time. During the intervals for recreation, " then each to his room, which he has not seen since he left it early that morning, and after that the Angelus, the silence of a few moments, when a lad must be alone " ;

(*b*) that a House-Master can always see him in his room so that the lad may speak to him of his needs and difficulties more openly than in a dormitory ;

(*c*) that it is a good training for lads to live in rooms because most lads on discharge will go to rooms ;

(*d*) while it is sometimes alleged against the cellular system that the lads may indulge in masturbation, the reply to this is that worse practices than masturbation may take place in dormitories.

The Grade System

Instead of the eight grades system it is proposed to start a three-grade system.

Grade I.—For the first six months a lad will remain in this grade in Brown suit. After six months, and if he is recommended for promotion, he will be in

Grade II.—(as a Probationer). He will remain a Probationer for six months. If recommended, he will be promoted to

Grade III.—(which is Blue Grade). He will be there for twelve months or until recommended for discharge.

This system has been approved by the Prison Commissioners as an experiment.

Organisation of the Staff

In each House there are one House-Master, one Assistant House-Master, one Matron, one Principal officer, and two House officers. The Governor is the head of the institution, assisted by a Deputy-Governor. There is a Chaplain in charge of religious instruction.

Apart from House duties, the officers of the institution have certain institution activities to perform. The following is a copy of the programme showing the allotment of some of the principal activities to the various officers in the institution :—

Institution Activities—

Parties	Deputy-Governor and C.O.
Stores	Deputy-Governor.
Education	Mr. Smith and Mr. Shore.
Gym and Sports	Mr. Harris and Mr. Worthen.
Library	Chaplain and Mr. Shore.
Canteen	Mr. Malone.
Fire	Mr. Holland.
Concerts and Lectures	Mr. Coles.
Officers' Mess and Visiting Committee Account	Mr. Malone.

The Governor is of course responsible for general supervision of the institution activities.

Employment

There are two kinds of parties—the trade party and the labouring party.

The different trade parties with the number of lads against their names are as shown below :—

Name of the Trade Party	*Number of Lads*
1. Cooks and Bakers	16
2. Shoemakers	9
3. Laundry	5
4. Tailors	25
5. Concrete Moulding	25
6. Lime Kiln (Labourer's job)	6
7. Cleaners	80
8. Gardeners	25
9. Carpenters	30
10. Painting	20

Name of the Trade Party	*Number of Lads*
11. Blacksmiths	12
12. Market Gardeners (crops, etc.)	20
13. Farm	15
14. Fitters' shop (Engineers)	25
15. Builders	20
16. Stoking	6
17. Electrical Party	8

The number of lads in the four labouring parties is in all approximately 100.

Library.—There is a central library containing 4000 books, one quarter being fiction and three quarters instruction. This library is a branch of the county library, which supplies each month about 250 books which are issued to the Houses and circulated exhaustively.

In each House there is at least one silent room—more than one if possible.

One example of the cultural activities is play-reading. The authors are invariably modern—such as Bernard Shaw, Ibsen, Galsworthy and others. Shakespeare has been tried but proved too difficult for the lads owing to the archaic phraseology.

Methods of Individualisation

The adoption of the principle of individualisation as a fundamental basis of the Borstal system is nowhere better illustrated than in the methods of division existing in the institutions. There is (i) the House division, *i.e.* the division of the whole institution into Houses, and (ii) the Group division, *i.e.* the division of the Houses into groups, in accordance with the " Group system." These methods of division, however, constitute only the first step in individualising a lad. This first step being taken, the House staff has to be so organised that the individuals in the groups can receive due attention and appropriate training. The Leaders are in a position to know the troubles of the lads under them, and can bring to the

notice of the authorities the needs of each particular lad. The officers should be in contact with the lads as continuously as possible, including the recreation hours as well as work hours. The more intensively the process of individualisation is carried on, the greater the prospect of success of the Borstal treatment.

Mr. Alexander Paterson, in his *Principles*, has shown that neither the method of use of force nor the method of pressure can succeed in reforming a lad. As he says: "the third and most difficult way of training a lad is to regard him as a living organism, having its secret of life and motive power within, adapting itself in external conduct to the surroundings of the moment but undergoing no permanent organic change merely as a result of outside pressure. So does "Borstal" look at him, as a lad of many mixtures, with a life and character of his own. The task is not to break or knead him into shape, but to stimulate some power within to regulate conduct aright, to insinuate a preference for the good and the clean, to make him want to use his life well, so that he himself and not others will save him from waste. It becomes necessary to study the individual lad, to discover his trend and his possibility and to infect him with some idea of life which will germinate and produce a character, controlling and shaping conduct to some more glorious end than mere satisfaction or acquisition." This is the method of individualisation. "This is indeed the more difficult way, for it passes from the external things that can be seen, which are dealt with so much more easily, to the inner things unseen. Further, it requires that each lad shall be dealt with as an individual and shall not be regarded as being the same as any other lad, requiring the same universal prescription."

The actual application of the principles of individualisation has of necessity, for the most part, to be delegated to the various officers. The most difficult cases are reported to the Governor, who will naturally make it his business to be fully informed as to the history and circumstances of the case. If punishment is necessary, he

decides what punishment fits the case. The Governor will also confer with the House-Masters and Assistant House-Masters some time every day, since they, being in more direct touch with the lads, are likely to know them better individually. These conferences give them an opportunity to report to the Governor and ask for advice in any difficult cases which they themselves cannot tackle successfully. At Portland the House-Masters and Assistant House-Masters meet the Governor at 9 o'clock each morning and discuss anything necessary.

The Matrons

Each House has a matron, who has various duties to perform. Her specific duties include care of clothing and cleanliness of the rooms and contents; but primarily she is the mother of the House, and being a woman she can exert an influence for good on the boys in ways that are not always open to a man. The Governor gives her a free hand within the sphere committed to her.

In the Annual Report of H.M. Commissioners of Prisons for the year 1929, the Governor of Portland Borstal Institution reports that "the influence of the matrons continues to be good in general ways, and particularly in its especial direction of promoting refinement and chivalry. Public opinion is intensely hostile to any indecorous reference or loose allusion, and the matron's room is besieged at all hours by lads who in the main quite unconsciously seek a respite from the crudities of purely male intercourse in the atmosphere which a motherly woman diffuses around her. Letters from 'discharges' refer to the matrons in most grateful and affectionate terms."

Diet

Mr. Alexander Paterson has explained in his *Principles* what sort of food is appropriate for Borstal lads. He says: "Hunger serves no purpose in dealing with lads

save as punishment and even here its influence is not always for the good. A plentiful supply of wholesome food is then a necessary adjunct to the training, but it must be as plain as it is plentiful." Furthermore, he adds, that "habits of daintiness should be discouraged and the lad should know always that hunger is the only alternative to a dish he does not fancy."

Particular attention is paid to the diet. It is as plentiful as wholesome. The quantity of each particular item is determined under instructions from the Prison Commissioners, who consider the nutritive value of the food before they prescribe it. The Medical Officer deals with individual cases. In H.M. Commissioners of Prisons Annual Report for the year 1930, the Medical Officer of Portland Borstal Institution reports as follows: "The general health and physical development of the lads continue to be as satisfactory as in previous years. A remarkable feature of the life at the institution is the manner in which lads of poor physique acquire increased health and vigour after only a few months' residence. Those who have completed sentences of two or more years show an average gain in weight of between ten and eleven pounds and an average gain in height of 1¼ to 1½ inches."

An extract from the Borstal Institution dietary, as supplied by the Governor, is given below to show what meticulous attention is given to the quantity, quality and variety of the food supplied to the Borstal lads.

Breakfasts

1. *Bacon*

8 oz. Bread.
2⅜ oz. Bacon.
¾ oz. Margarine.
1½ oz. Tea.
⅜ oz. Sugar.
1 oz. Milk.

2. *Egg*

8 oz. Bread.
1 oz. Egg.
¾ oz. Margarine.
1½ oz. Tea.
⅜ oz. Sugar.
1 oz. Milk.

Bread is actually issued *ad lib*—average is just over 2lb. daily.

Dinners

1. *Cold Beef and Pickles*

6 oz. Bread.
12 oz. Potatoes.
8 oz. Cabbage.
8 oz. Fresh Beef.
1½ oz. Pickles.

2. *Roast Beef*

6 oz. Bread.
12 oz. Potatoes.
8 oz. Cabbage.
9 oz. Fresh Beef.
⅙ oz. Flour.
½ oz. Carrots.
½ oz. Onions.

3. *Irish Stew*

6 oz. Bread.
12 oz. Potatoes.
8 oz. Cabbage.
9 oz. Fresh Mutton (Neck, Breast and Ribs).
2 oz. Onions.
2 oz. Turnips.

4. *Sea Pie*

6 oz. Bread.
12 oz. Potatoes.
3 oz. Flour.
2 oz. Clods.
2 oz. Shins.
¾ oz. Suet.
3 oz. Carrots.
½ oz. Onions.

Early Suppers (Teas)

1. *Jam*

8 oz. Bread.
¾ oz. Cocoa (or ⅛ oz. tea in lieu).
2 oz. Milk.
¾ oz. Sugar.
2 oz. Jam.

2. *Margarine and Cake*

8 oz. Bread.
⅚ oz. Margarine.
¾ oz. Cocoa (or ⅛ oz. tea in lieu).
3½ oz. Milk.
2 oz. Flour.
1¼ oz. Sugar.
½ oz. Currants.
⅙ oz. Baking Powder.

Late Supper (Daily)

2 oz. Bread.
⅜ oz. Cocoa.
1 oz. Milk.
⅜ oz. Sugar.

Apart from the general diets, of which those listed above are selected specimens, there are special diets, namely: Punishment diet, penal class daily, ordinary hospital, pudding diet (when a lad is ill), and discharge dinner:—

Punishment Diets

No. I. 1 lb. Bread.
No. II. 1 lb. 8 oz. Bread.
3 oz. Oatmeal.
8 oz. Potatoes.

Penal Class (Daily)

1 lb. 8 oz. Bread.
1 oz. Cocoa.
3 oz. Oatmeal.
9 oz. Fresh Meat.
1½ oz. Margarine.
3 oz. Milk.
1⅓ oz. Sugar.

Ordinary Hospital

1 lb. 2 oz. Bread.
9 oz. Fresh Beef.
4 oz. Milk.
1½ oz. Sugar.
⅓ oz. Tea.
4 oz. Vegetable.
8 oz. Potatoes.

Pudding Diet (when the lad is ill)

12 oz. Bread.
¼ oz. Egg.
50 oz. Milk.
½ oz. Sugar.
1½ oz. Rice.

Discharge Dinner (Sandwiches)

12 oz. Bread.
9 oz. Mutton or Beef.
1 oz. Margarine.

The above is just a rough outline of the dietary in the institution. It illustrates the close attention to detail which characterises the Borstal treatment of lads in this country.

Educational Methods of Borstal Training

Evening education is a very important part of Borstal treatment. "Borstal Institutions do not claim that they teach a lad a trade, but they should be able to claim that they teach him to work." With this in view, various evening classes have been organised and instruction is given in subjects like gardening, fitters' work, picture-framing, woodwork, bookbinding, etc.

The following is a copy of the list of classes for the Easter Term 1932, which is an illustration of how these classes are organised at Portland:—

Monday—	p.m.
Garden Class (Benbow)	6–6.45
Fitters "13" Shop	6–7.45
Junior Discharge "E" Hall	6–7.45
Senior Discharge Shoe Shop	6–7.45
Raffia (Grenville)	6–7.45
Picture-framing (Grenville)	6–7.45
Gardens	6
Woodwork (Drake)	6–7.45
R.S.A. English Library	6–7.45
Elementary School Library	6–6.45
Elementary School Library	7–7.45
Gym (Nelson)	6–6.45
Gym (Rodney)	7–7.45
Gym "A" Class	7.45–8.20

N.B.—R.S.A. stands for Royal Society of Arts (English History, Book-keeping, French, etc.).

Tuesday—	p.m.
Canework and Basketry	6–7.45
Carpenters "E" Hall	6–7.45
Junior Discharge "E" Hall	6–7.45
Senior Discharge Shoe Shop	6–7.45
Bookbinding "E" Hall	6–6.45
Cooks, "A" Kitchen	6–7.45
Gardens	6
R.S.A. French Library	6–7.45
Chaplain's Class	6–6.45
Gym (Grenville, Nelson, Rodney)	6–6.45
Gym (Drake)	7–7.45
Gym, "A" Class	7.45–8.20

Wednesday—

Governor's Lecture	6–6.45
Mag. and Elec. " E " Hall	6–6.45
Signals	6–6.45
Farm " A " (Benbow)	6–6.45
Seamanship " E "	6.45–7.45
Rushwork (Raleigh)	6–7.45
Gardens	6
R.S.A. Arithmetic Library	6–7.45
Picture-framing (Grenville)	6–7.45
Gym (Drake, Grenville)	6–6.45
Gym (Nelson, Rodney)	7–7.45
Gym, " A " Class	7.45–8.20

Thursday—

First-aid (Drake)	6–7.45
Seamanship, " E " Hall	6–7.45
Farm " B " (Drake)	6–6.45
Canework, Basketry	6–7.45
Cookery, " B " Kitchen "	6–7.45
Picture-framing (Grenville)	6–7.45
Gardens	6
Gym (Raleigh, Nelson)	6–6.45
Gym (Grenville, Benbow)	7–7.45
Gym, " A " Class	7.45–8.20

Friday—

Gardens	6
Gym (Raleigh, Benbow)	6–6.45
Gym (Benbow)	7–7.45
Gym, " A " Class	7.45–8.20

In addition to the above, Houses have their own organisations, handwork classes (carpentry, rug-making, etc.) and lecture courses being under the direct control of House-Masters.

Chapter XI

THE BORSTAL ASSOCIATION

The fact that Borstal Institutions cannot be expected to achieve success unless their work is supplemented by suitable provision for the supervision and after-care of inmates after release from the institutions has been recognised in Section 8 of the Prevention of Crime Act 1908. The Act allows payment to be made out of public funds towards the expenses of a society undertaking the duty of assisting or supervising persons discharged from a Borstal Institution. Such a society exists in England under the name of the Borstal Association, a quasi-official body of which the Home Secretary is *ex-officio* President.

The Borstal Association grew out of an earlier association called the London Prison Visitors Association, which looked after lads who had been collected for treatment and segregation from among the older offenders in the prison of Bedford. When these lads were moved from Bedford to Borstal on 16th October 1902, the Borstal scheme came formally into existence.

The Borstal Association, as such, was founded in 1903–4 by Sir Evelyn Ruggles-Brise, Chairman of the Prison Commission " in the belief that the best results could be obtained in the field of after-care by a voluntary association working in close co-operation with the department responsible for Borstal Instutions " (Borstal Association's Report 1916). Sir Evelyn based his great experiment on his experiences in America, where he went to study, at Elmira, the working of what is known as the American " State Reformatory System." Sir Evelyn's own account of how the Borstal Association came into being is very interesting, and is quoted below :—

" In was on my return (from America) that, with the authority of the Secretary of State, the first experiments were begun of

the special treatment with a view to rehabilitation of the young prisoners 16 to 21, in London Prisons. A small society was formed, known as the London Prison Visitors Association, to visit these lads in the London Prisons (they were removed later, as stated, to the old convict 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 and it is interesting now, looking back to that time, to recall the circumstances under which this Association was founded. . . . Our object was to deal with . . . the young hooligan, advanced in crime, perhaps with many previous convictions and who appeared to be inevitably doomed to a life of habitual crime. . . ."

Two members of the Bar made a great contribution towards forming the now well-known Borstal Association by placing their time and their rooms at the disposal of the authorities. They were Mr. (now Sir William) Haldane Porter and Mr. (now Sir Wemyss) Grant-Wilson, the Director of the Association. Sir Evelyn Ruggles-Brise refers to them with gratitude in his *The English Prison System* where he says :—

" We had in the Association of Visitors in London Prisons, a nucleus in forming the now well-known Borstal Association. Among them were two young barristers, living in chambers, who placed their time and their rooms at our disposal."

Accordingly the new society was furnished not only with a number of distinguished patrons, but also with an influential non-official Executive Committee. The practical work is directed by Sir Wemyss Grant-Wilson, the Director, and Mr. J. T. Cunliffe, the Assistant Director of the Association.

The Association had at the outset little or no money. It had to pass through a period of intense financial straits. Sir Evelyn Ruggles-Brise's account of how the initial financial difficulties were overcome is given below :—

" The Treasury gave us £100 a year. An appeal addressed to the public, through the columns of *The Times*, met with only a disappointing result, but later an appeal to personal friends for

a small annual subscription, rather than a donation, was successful to this extent, at least, that we were able to rely on a small income with which to conduct our operations. By this means, we obtained an income of some £400 or £500 a year and to those kind and generous friends who helped us at that critical moment the success of the movement is principally due."

This is, in short, the history of the origin of a great institution which, among many others, so largely depends upon the charity and generosity of the English public.

One important instance of such generosity is the Morris Compassionate Fund, which was given by Sir William Morris (now Lord Nuffield) of motor fame. This fund is used for purposes of visits by parents to their lads in the institution. These visits can be subsidised by the Borstal Association in necessitous cases out of the Morris Compassionate Fund, and are sanctioned only on the proposal of the officers of the institution concerned.

The Association's Relationship with the Home Office

The relationship of the Association with the Home Office is a very close one. As has been stated above, the Association itself was founded by Sir Evelyn Ruggles-Brise, then Chairman of the Prison Commission. Apart from this, the relationship between the Association and the Home Office may be described mainly under two heads:—

(a) *Administration.*—The Home Secretary is always the President of the Association, so that he and the Prison Commissioners have a wide range of control in matters of administration. The Association is in fact " the body entrusted by the Secretary of State with the after-care and control of all lads on their discharge from Borstal Institutions." Furthermore, " it consists of a Committee sitting in London with offices and staffs in London and Liverpool and a large number of Associates in every part of England, who receive these lads, assist them to get work, encourage them to keep the terms of licence and report to the Home Office on their progress." The above

quotation from *The Borstal Associates' Handbook* clearly shows that the Association is ultimately responsible to the Home Office in matters of administration, though it has been given a great amount of liberty in matters of detail.

(b) *Finance.*—Financial arrangements have developed from time to time and at present the Home Office pays out of a Treasury vote the whole of the expenses of the Borstal Association except what is incurred in actual gifts to the lads. In order to provide a fund for the latter purpose, public subscriptions are invited, and the Home Office adds a grant of £2 for every £1 so collected. As we have mentioned above in connection with the history of the origin of the Association, the institution was initially financed out of the Exchequer, and now the finances are derived partly from private subscriptions and partly from Government grants. It must be noted, however, that though the Home Office helps the Association in the proportion of two to one, the Association is still to a large extent dependent on voluntary subscriptions. In H.M. Commissioners of Prisons Annual Report for 1930, it is stated :—

> "The increase in Borstal committals is throwing a largely increased responsibility on the Borstal Association. The administrative expenses of this Association are provided from public funds, but for the expenditure incurred in helping boys on discharge and providing them with some maintenance during the interval between discharge and the date at which employment can be found, the Association is dependent on voluntary subscriptions."

It is important to note in this connection, that the average cost of training a lad under the Borstal system is little more than that of a prisoner being dealt with in an ordinary prison.

Organisation

There are about a thousand Associates distributed over England and Wales. If a lad goes to a remote place, the Association has to make arrangements through the nearest Associate.

Associates are drawn from every walk of life. They include probation officers, temperance missionaries, members of Toc H, officials of other societies for the aid of discharged prisoners, police court missionaries, clergymen, volunteers engaged in social work, and in fact any qualified person ready to befriend and look after a lad entrusted to his care. The quality required is keenness to help others—a high standard of education is not necessary. The Borstal Association has, however, to be satisfied that they are respectable and responsible.

Thus the Association has gradually collected a number of helpers throughout the country. In addition to the individuals assisting in this way, the "Associates" also include certain public bodies, for instance, the Probation Department in Birmingham.

As regards remuneration, a system of sliding scale is adopted. The Associates are paid according to the amount of work done. Paid workers are remunerated sometimes by fixed salary, sometimes by fees per case.

The Association is managed by a Committee to which appointment is by co-option. The officers of the Association consist of President, Vice-Presidents, Patrons, Hon. Treasurer, Director, Deputy-Director, Assistant Director and Secretary, and Assistant Secretaries. According to the report of the Association for 1932, their work has been carried out with vigour by their staffs in London and Liverpool, and by hundreds of Associates throughout the country, in the face of very difficult conditions. The Report adds: "it is with gratitude to them and to employers who have sympathised that we can record that only 25 of the 595 lads discharged in 1931 have not yet been in work, and of those nearly all returned to homes in the hardest hit industrial districts in the north of England."

Duties of the Associates

Under the provisions of the Prevention of Crime Act 1908, the Prison Commissioners may by licence release an inmate from a Borstal Institution, on condition that

he is placed under the supervision or authority of an Associate. This Associate maintains fairly close supervision over the lad, seeing that he is regular at work and of good conduct generally, and if possible getting him admitted to a boys' club or otherwise providing him with means of healthy recreation. Periodical reports are submitted to the Borstal Association's office, and if a lad is found to be going wrong it is open to the authorities to cancel the licence and return him to a Borstal Institution.

The duties of an Associate vary according to the circumstances of each particular lad discharged from the institutions. These lads may be divided broadly under three classes as follows :—

(i) *The Homeless.*—There is a large number of lads who are homeless. With regard to them, the Associate's first duty is to find lodgings for them. The Borstal Association makes itself responsible at the outset for the maintenance of such homeless lads. In addition to this, the Association charges itself with the duty of getting them work so that they can become self-supporting, for obviously it cannot support them indefinitely.

(ii) *Lads returning Home.*—The lads who return home are expected to search for work themselves. They can rely on their parents and relatives for guidance to some extent, but it is the duty of the Associate to visit these lads in their homes and assist them to get work where necessary.

(iii) *Lads with Bad Homes.*—If the home circumstances are so bad as to make it obvious that the lad will have no chance if he returns, arrangements are made to transplant him to a new district. Removal from bad old surroundings is frequently an effective remedy against lads reverting to crime. As Dr. Cyril Burt says : " where habits are long standing and deep rooted . . . where intelligent co-operation is forthcoming neither from the home nor from outside there, one measure alone can be devised—immediate removal, away from old associations, into an

atmosphere of better watchfulness and discipline, where no chance for the recurrent offence can possibly arise."

With regard to lads staying in London, the duties of the Associates are discharged by members of the staff of the Borstal Association office in London. During the period of detention on licence, the lad " must keep in close touch with the Associate to whom he is attached, changing neither work nor lodging without his consent." As Mr. Alexander Paterson says : " the lad looks to his Associate for help in finding employment and for a wise means of spending leisure ; he receives encouragement from him on the lonely days and a bracing word when good resolutions begin to wane."

The duties of an Associate are mainly four :—

(a) *Supervision.*—It is the duty of the Associate to keep in close touch with the lad and satisfy himself by personal observation and frequent visits to his home that he is fulfilling the terms[1] of his licence. Thus the Associate assists the lad in shaping his future by constant supervision and wise guidance.

(b) *Work-finding.*—The first thing that a discharged lad needs is a job. If he does his best to find one, the Associate helps him and, if he considers it necessary, provides the lad with working clothes and tools. It may be hard to find a good job at first, especially at present when there are still some two millions out of work. The lad is therefore well advised to take what he can get, and to earn a good character ready for the time when a better job is found. An appeal is made to the employers as occasion demands by the Director of the Borstal Association, Sir Wemyss Grant-Wilson, telling them that at "Borstal" the lads "have learned to work regularly, they are released on condition that they lead an industrious life ; given a chance of doing so, the great majority of them have made good and become useful and steady workers," and asking for a chance to be given to these unfortunate lads. Much depends upon the amount of response to this appeal.

[1] See p. 232 below.

(c) *General Assistance.*—When the lads meet with difficulties, they can rely upon receiving sympathy, and if possible help, from the Associates. They are advised to tell the Associates when they " feel like crashing " and not after they have crashed.

An Associate is authorised to expend such sum for pocket-money, board and lodging and working clothes as he may consider necessary up to £3, after which the Association authorities desire to be consulted as to further expenditure. If a lad is provided with tools, he is told that they remain the property of the Association during the duration of his licence, so that the Association may claim their return if he leaves the work for which they are provided. The Association also provides him with a complete outfit of clothes and a change of underclothing. Each lad is advised after discharge to apply for a National Health Insurance Card at the Post Office, and for an Unemployment Book at the Employment Exchange at which he is registered.

When a lad is settled at work, the Associate finds a friend willing to visit him, to link him up with a social or games club and evening classes, and generally to keep in close touch with him. In the case of Roman Catholic boys the local representative of the Society of St. Vincent de Paul is invited by his society to get in touch with the Associate and assist in this direction. According to the latest Report of the Borstal Association, the " Associates have often been able to introduce their lads into decent society through the medium of clubs or evening classes."

There is an Associate of the Borstal Association in practically every town in England. If, therefore, a Borstal boy finds himself in a strange place (for instance, when he comes off a ship) and needs help, he is advised to go at once to the nearest police station, where he will be given the name and address of the local Associate or a telegram will be sent to the Association authorities.

(d) *Regular Reports to Head Office.*—The Borstal Association requires the submission of regular reports by

the Associates to the Head Office on all matters regarding the lads under their care. In particular, a complete report has to be furnished at the end of the first month as to what work the lad is doing, by whom it was obtained, whether it is permanent and if not for how long, his wages, his conduct and progress, his address, whether he is with relations, when he was last seen, and any other general remarks. The authorities desire the Associates to submit along with this report a bill of out-of-pocket expenditure incurred for the benefit of the lad. In this bill they state the amount of cash paid to the lad (it is desirable that he should handle as little cash as possible), expenses for board and lodging (with dates), clothing, tools, stock, etc. (with dates) and fares, etc. (with dates and places), and also the amount (if any) advanced by the Borstal Associates. The balance due is refunded immediately on request and, if an Associate desires it, an honorarium is paid later. If the report regarding the conduct, work and wages, etc., the form of which is described in detail above, is satisfactory, the period of interval between the successive reports is lengthened. Even if the report be favourable, the Associate is required to maintain supervision. If, on the other hand, the report is unsatisfactory, the Associate must report immediately.

Apart from this, the Associate is requested by the authorities to submit reports on the lad :—

(i) On his arrival, on a card which is sent to the Borstal Association, to the effect that the lad has reached his destination safely.
(ii) As soon as he is settled at work.
(iii) Once a month during his licence, as long as his conduct and progress are satisfactory.
(iv) Immediately, if he falls out of work or behaves unsatisfactorily or is lost sight of.

Thus we see that the work of the Associates in all parts of the country is arduous and continuous. They have to be in constant touch with their charges, be ready to

sympathise and to help, but alert to correct tendencies to slackness. "Reports made by lads have to be verified by personal research and the difference between lack of opportunity and absence of endeavour has to be nicely weighed."

Many years ago Sir Evelyn Ruggles-Brise, then Chairman of the Prison Commission, pointed out to an International Penal Congress that this task was one which "must tax the courage of the boldest, the confidence in the possibilities of human nature of the most courageous, and the skill and patience of those most competent to influence and reform the young." The confidence which is felt in the results of this great experiment in "Borstal" is indicated in one of the Association Reports, where it is remarked that the Association is "happy in the response which has been made to its appeal for such courage, skill and endurance." Acknowledgment is also gratefully made to the devoted work of the many Associates under circumstances of exceptional discouragement and difficulty, owing to the depressed condition of many industries.

Mr. Alexander Paterson has pointed out that "the Borstal Association represents one-half of the Borstal system. Its method of after-care starts to discover the lad and plan his future from the date of his conviction, following him through the institution, finding him employment and guiding him for some years after his discharge." The world hears nothing of the manifold successes of the Borstal system, because such lads, as Mr. Paterson says, "pass into the merciful obscurity of the average honest citizen and are wisely loth to speak overmuch of the fire through which they have passed. Those who fail, however, are vociferous at whatever court they may appear for reconviction, attributing their trouble, as is the way of all sick men who do not recover, to the measures taken for their proper treatment. But we shall judge the Borstal system by its hosts of silent successes rather than by its scores of noisy failures. By this judgment it ranks as a work well done."

Licence

Procedure of Issuing Licence.—Prior to a lad's discharge from "Borstal," the Associate in the district to which he is going is written to, and arrangements are made for his reception. The lad has already been seen at the institution by a member of the Association staff, who has had before him the opinions of the Governor, Medical Officer and House-Master, and the visitor has filled up the form on p. 7 of the lad's Record. The House-Master has to give his opinion on the lad's general conduct, any special defects of character, general progress, education, certificates gained, trustworthiness; relations with family or girl, as shown in correspondence; hobbies or clubs; what he wants to do on discharge, what he ought to do, any promise of work or of a home; and besides these the House-Master can also make suggestions to the Borstal Association, together with any general remarks on the lad. Then the Borstal Association reviews all the circumstances as shown in the reports and, one month before discharge, makes to the Visiting Committee a recommendation, which recites

(i) the lad's home circumstances;
(ii) the opinion of the officers at the institution;
(iii) the Borstal Association's proposals for his future, *e.g.*, employment, etc.

If the Visiting Committee approve the recommendation, they send it to Prison Commissioners, who in turn issue a licence.

The Meaning of Borstal Licence.—The ordinary licence is a licence under which a convict is discharged before the termination of his full sentence on condition that he does not consort with persons of bad character, that he reports once a month to his nearest police station, reports there also before changing his address, and on arrival in a new district reports at the new police station. The Borstal licence, which is sometimes misunderstood, is quite

different. It is entirely unlike the licence granted to a convict, which brings him into monthly contact with the police. The Borstal licence involves no contact with the police, who are not notified even of the presence of Borstal lads in their districts—the licence concerns only themselves and the Associates, whom it links together. "It is often a valuable substitute for a strong backbone. The licence is directed towards helping the lad and compelling him to keep in touch with the Borstal Association. Borstal lads are not under a duty to report to the police. The police are, however, always ready to co-operate with the Associates when necessary.

Terms of the Licence.—A lad is licensed by the Secretary of State to the Borstal Association, and the licence continues in force for the unexpired part of his sentence and for an additional twelve months. The licence is signed by the lad at the institution after its terms have been explained to him and provides that

(*a*) he shall obey such instructions as he may receive with regard to punctual and regular attendance at employment or otherwise ;
(*b*) he shall not change his address without permission ;
(*c*) he shall abstain from any violation of the law ;
(*d*) he shall not associate with persons of bad character ;
(*e*) he shall lead a sober and industrious life to the satisfaction of the Borstal Association.

It is important to note here, that whilst the terms of the licence are very clear on certain points, it leaves a wide area of conduct uncontrolled ; it is not intended to enable the Associates to insist on more than is necessary for the lad's observance of its rules.

The Associate is to be in touch with the lad until the expiration of the licence, and this involves visits which gradually diminish in frequency as reformation proceeds. There is, however, no hard and fast rule as to when the period of supervision ceases. Each case is judged on its merits.

Revocation of Licence.—The ground of revocation of a licence may be either (*a*) some form of misconduct, or (*b*) violation of any of the terms of the licence. The question of revocation is not in the hands of the Borstal Association. The Association reports to the Prison Commissioners, who are then charged with the duty of examining the whole circumstances of the case. If a lad breaks the terms of the licence, he is brought before a Committee called the Investigations Committee at Wandsworth. This Committee consists of members of the public and the Prison Commissioners. The Committee reviews the circumstances of each particular case. Then the lad is questioned and is allowed to put forward any excuse or make any statement in answer to the charges alleged against him. After investigation, the Committee is empowered to decide either

(*a*) that he is to be kept under punitive conditions for a period specified ; or
(*b*) that he should be sent back to one or other of the Borstal Institutions ; or
(*c*) that he should be discharged forthwith.

When a lad breaks the terms of his licence, the circumstances may call for a warning letter being sent to him by the Association authorities. If the breach is a serious one or he falls into the hands of the police or is lost sight of, a report is sent by the Association to the Prison Commissioners, who may revoke his licence. In that event the local police are instructed to effect his arrest and he is taken back *via* the local prison. When a lad has been lost sight of, the police are instructed not to arrest him if he is found at work.

If a lad appears at a police court on a fresh charge, the magistrates can deal with the case and award such a sentence as they think fit. If they prefer to leave the matter to the Prison Commissioners to deal with by revocation of licence, the procedure is for the Court to award a sentence of a few days to allow time for the Commissioners to take the necessary action.

Necessity of After-Care

After-care is a matter which is really complementary to the reformative work undertaken in the Borstal Institutions. The efforts made for the reformation of a lad in the institutions would be ineffective if they were not followed up by an adequate after-care organisation such as the Borstal Association. As Mr. Paterson says: "From a life whose every detail is regulated for him with meticulous care, he is suddenly plunged on his discharge into an England which is crowded with unemployment and sated with bitter fruits of victory. This leap from control to liberty would overbalance him, were not the training continued after he left the institution. He passes through the gates for the last time and is placed in the hands of the Borstal Association, who steady and direct his feet during the first year or two after his return. This second part of the training is in some respects even more difficult than the first part, for it is not always easy to control a lad who is tasting again the wine of a free life."

The success of the Borstal system largely depends upon the efficiency of the after-care organisation. The hardest time of all in the experience of the lad comes when the authorities decide to discharge him from the institutions on licence. He has, no doubt, improved in physique and character while in the institution, but if he returns to a life of comparative idleness in his old environment, spending most of his time with former accomplices, the work of years may be undone in as many months. Hence the attention given by the authorities to the after-care part of Borstal treatment.

It is encouraging to find that the results of the last few years' work of the Association are very hopeful. The Borstal Association reports that, during 1928, 821 lads were discharged and placed in their care on licence from the various institutions. Of these, 609 were discharged for the first time and 212 after a further term of training. The Report continues: "It is difficult to fix a date at which it can be said with confidence that any lad has become securely settled in an honest way of life; it is, however, suggested that those may be counted as successes who have been at least two years at liberty since their release from a Borstal Institution and have not again come into conflict with the law." "Submitted to that test, 65 in every 100 are successes, a satisfactory result having regard to their past history and the difficulties of temptations to which many of them have been exposed since their release, owing to continuous unemployment."

It has been well said that difficulty arises not in imprisoning anyone but in releasing him, and unless some provision is made for his after-care on his release even a short sentence may involve a life's sentence of banishment from decent society. After-care has always been held to be an essential part of the Borstal system; and the Borstal Association, founded as it was for this purpose, has already received and cared for thousands of lads, scattered throughout the cities and countryside of England and Wales.

Furthermore, the efficiency of the Association exemplifies the benevolent spirit of the English public. Consisting as it does of hundreds of social workers who have dedicated their lives to the cause of mankind, the Association is a great human institution, working for the purpose of permanent rehabilitation of the young offenders, "leading them into paths of honesty, industry and employment." This spirit of social service animates the system and is manifested in the work of the Borstal Association; and to it can be ascribed the marvellous reduction of juvenile crime during recent years. A large proportion of the remarkable decline in recidivism is credited to the extraordinary growth of "aid on discharge" given by the Borstal Association.

Insisting greatly on the importance and efficiency of the Borstal Association, Sir Evelyn Ruggles-Brise says: "It is commonplace to assert that a good system of 'patronage' or aid-on-discharge is a necessary complement to the Prison System; but generally speaking, Aid Societies, either from the number of persons with whom

they have to deal or from insufficient resources, fail to deal except with a small proportion of cases; but the Borstal Association takes all cases and spends time and money equally on each, despairing of no one, and maintains a long and continuous record and subsequent history of each case. Behind this highly organised method of care and supervision lies a great and a sincere humanity which prevents the work degenerating, as is too often the case, into a hard and mechanical routine. The Borstal System by itself would not work wonders, nor by itself eradicate the vicious or anti-social elements from the young criminal heart; but a system of strict control and discipline while under detention, followed up and supported by a real and effective system of 'patronage' on discharge, furnishes the secret of the considerable success that has been obtained."

Chapter XII

BORSTAL FOR GIRLS, AYLESBURY

I. The Institution

The Borstal Institution for adolescent girl offenders is at Aylesbury. Early in 1909 it was decided by the Commissioners of Prisons to establish an institution at Aylesbury for the treatment of "Female Juvenile Adults" under the Borstal system. For this purpose an unused wing was completely partitioned off from the prison; and a bathroom, clothes store and office were constructed. The institution has now been in existence for twenty-four years, the first inmates having been received in August 1909. Since then many improvements and alterations have been carried out to make the premises suitable for the purpose.

The buildings of the old Inebriate Reformatory for women were taken over for the institution.[1] These buildings provided facilities for the housing of the Borstal inmates in larger and more airy rooms. The ventilation of the rooms is good. The hall is light and cheerful and well suited for the purpose for which it is used. The old prison for women also stands within the same wall as the institution. The girls, however, are not housed in the prison building but occupy the light and airy rooms in the old Inebriate Reformatory building, which is quite separate from the prison.

The area of the estate in which the institution is situated is 33 acres, of which 20 acres of farm land are outside the walls. In 1911–12, the Commissioners purchased some fields at the back of the Aylesbury prison,

[1] Before its use for Borstal Institution, the Inebriate Reformatory building was used for keeping the interned women prisoners.

and during the year under report a high barbed-wire fence was constructed to surround a garden of about 2 acres in extent, for cultivation by the female Borstal inmates.

A Visiting Committee, of which Her Grace, Adeline, Duchess of Bedford became the chairman, was appointed by the Secretary of State in 1909.

Miss Lilian C. Barker, C.B.E., J.P., was appointed as the Governor of the institution in 1922, on the resignation of Miss Arbuthnot. The success that the institution has achieved is largely due to the personality of Miss Barker, the Governor. With her lifelong experience of the various aspects of the problem, Miss Barker has brought a new point of view to bear. She has dedicated all her life to the service of humanity. At Aylesbury she loves the girl offenders as a good mother loves her children. Her watchword is " Love triumphant," and that is the secret of her success. She always seeks the good in the individual to get rid of the evil. Miss Barker has organised the institution on lines of self-government, giving the girls responsibility as it is given in a public school. We shall examine the various aspects of Miss Barker's methods later in this chapter, with a view to showing what a great contribution she has made to what may be called the modern school of criminology.

Types of Girls in the Institution

There are various types of girls in the institution. The problem of the girl offender is more difficult because of the great variety of the " anomalies " found both in her mental and physical constitution. She is a more complex subject than her male prototype. These complex abnormalities can be classified from four different aspects, namely :—

(i) Mental;
(ii) Physical;
(iii) Social;
(iv) Criminal.

(i) *Mental.*—There is first of all a considerable number of girls of a low mental type. They are quite good while under discipline but are unable to manage their own lives, very easily led for good or bad. They are weak characters, often impelled to crime owing to their susceptibility to influence and suggestion on the part of persons who can exploit their weakness. These are cases of mental deficiencies, of perversions of the finer instincts of life, of a dissolute tendency to enter into amatory attachments of an ephemeral kind. In such cases crime is resorted to with difficulty, and followed by that intense remorse which is the natural consequence of the impulsive acts of weak characters. It should be noted that these weak characters are not sufficiently defective to be certifiable. About 15 per cent. of the girl offenders in the institution belong to this border-line type.

Secondly, there is a small percentage of girls of neurotic type. They are self-centred girls who do anything to attract attention. These mental disorders are caused by psychic tension due to repression. The desire to attract attention is a mere reflex action of the internal mental morbidity. To secure attention, they may either misbehave or even injure themselves in some mild way. Such an unnatural desire for sympathy from others is due to a gross aberration of the natural instincts. Five per cent. of the young girl offenders in the institution are of such neurotic type.

Thirdly, there is the hysterical type. Seventy-five per cent. of the girls in the institution belong to this type. They are undisciplined, uncontrollable, always intent on having their own way. The great difficulty with such girls is that they resent control, of whatever nature it may be. " It is noticeable . . . that the girls at present in custody are very uncontrollable and this condition is probably due to the fact that they were either born or spent the first years of their childhood during early years of the war." [1]

[1] Extract from the Annual Report of the Governor of Aylesbury Borstal Institution published in Appendix No. I of the *Annual Report of H.M. Commissioners of Prisons* for the year 1930.

The disposition of a girl suffering from hysteria is profoundly egotistical. Her will force is completely paralysed. She changes her mood very rapidly—uncontrollable weeping, laughing and other abnormal behaviour showing intense mental disorder. These signs of restlessness make their first appearance at the time of first menstruation. It is owing to this hysterical characteristic of rapid changeability that we find, among the girl offenders, cases who suffer from morbid inertia with hopeful intervals of activity and perseverance.

(ii) *Physical.*—Most of the girls are amazingly healthy people. Ninety-eight per cent. are fit for all forms of labour, though many of them have defective teeth and a fair percentage need eye-glasses. These defects are remedied in the institution.[1] Cases of illness are rare. The average population in the hospital in 1932 was eight out of a total of one hundred and twenty, of whom four were maternity cases. This shows that the general health of the inmates is usually good.

There are some cases of venereal disease. Every girl is examined on reception and, if necessary, is given treatment. If there is a suspicious case, a blood test is taken. During 1932, 22 cases of syphilis and 20 cases of gonorrhea were treated. No girl is discharged until she is physically fit.

The number of girls received who are pregnant is very small. Such girls are given special attention. They are " difficult cases, as naturally it is impossible for them to follow the usual routine of the institution before, and for some months after, the birth of their babies, and they are inclined to take advantage of this. Usually, however, they settle down later on and are able to follow the regular training and routine." [2] Thus these girls confront the authorities with a further problem which makes their task more difficult. Particular care is taken

[1] In the year 1932, 9 girls were provided with glasses, and 211 extractions were made of teeth.

[2] Extract from the Annual Report of the Governor of the Aylesbury Borstal Institution published in Appendix No. I of the *Annual Report of H.M. Commissioners of Prisons* for the year 1930.

during the confinement. A specially qualified nurse has been appointed for this purpose. Sometimes the girl's parents take the baby. Sometimes it remains with the girl (in a cot in her room), but not long enough to be influenced by surroundings.

A very small percentage suffers from heart troubles. This may be reckoned as only 2 per cent. of the inmates in the institution. There is only one girl who is a suspected case of tuberculosis, but it is not yet definitely diagnosed whether she is really a victim of the disease. Particular care is being taken of her. The authorities give special facilities for her proper treatment and cure.

(iii) *Social.*—One of the principal causes of the downfall of the girls is the failure of parents. We cannot separate the question of juvenile crime from that of matrimonial discord—a fact which shows the immense responsibility that rests on the authorities who have to handle these cases of matrimonial unhappiness. Twelve per cent. of the girls are illegitimate ; 20 per cent. have step-parents ; 4 per cent. have parents who have been divorced ; 16 per cent. come from definitely criminal homes. Furthermore, many parents are of drunken habits.

It is very rarely that the institution gets a girl who is a skilled worker. Most of them belong to " blind alley " occupations. Furthermore, there is a lack of proper recreational facilities for these girls at their home. In many cases, there are no girls' clubs to which they can go. The social instinct being inhibited, the girls may find an outlet for their repressed instincts in rowdiness and immorality. Nevertheless, these girls have immense potentiality for good. They are full of vitality, and love dancing, pictures, everything that is lively.

A comparison of the numbers of girls who come from different localities suggests the connection between crime and the existence of intense local unemployment and trade depression. A large number come from Wales ; Manchester provides the next largest number ; and next in order come the northern mining districts. It is an

interesting fact that the percentage of girl offenders from London is very small relatively to the population.

(iv) *Criminal.*—From the criminal point of view, we find that 90 per cent. have been convicted of stealing (including false pretences), and about 5 per cent. of wandering without any visible means of subsistence. One case only of infanticide, two cases of attempted suicide, and one for neglect of child have occurred during the last few years.

Fifteen per cent. are cases sentenced for escape from reformatory schools. Practically all of them have been on probation. "These girls are always difficult to control and during their earlier months are full of the idea of absconding, having succeeded in escaping from the reformatories with little difficulty. Also, when so many cases are received during the year, it is inevitable that the girls know each other and form alliances which are difficult to break up."[1] In fact, a girl received from reformatory schools "is always a disturbing influence when she first arrives and she does much to unsettle the other girls."

Organisation of the Staff

The organisation of the staff is as shown below :—

Governor ;
Deputy-Governor ;
Discipline Staff, consisting of 31 officers.

The discipline staff consists of 3 senior officers, 6 instructors and 22 officers for ordinary duties.

The 3 senior officers are the chief officer, the Class I Matron and the Principal Matron. Apart from her general duties, the chief officer has to keep what is called the Chief Officer's Journal.

The instructors, in addition to their instructional duties, perform certain other functions, *e.g.* week-end duty. They also act as orderly officers when required.

[1] Extract from the Annual Report of the Governor of Aylesbury Borstal Instution published in Appendix No. I of the *Annual Report of H.M. Commissioners of Prisons* for the year 1930.

Of the 22 officers, two are certified nurses. One holds the diploma of C.M.B., a fully qualified nurse for midwifery cases in the institution. There are three temporary night patrols.

The Chaplain and the Medical Officer are part-time members of the staff.

The medical arrangements are in the hands of the Medical Officer. The Governor inspects every morning the night reports, Medical Officer's recommendation and the list of the sick for the day.

The Grade System

There are five grades, namely :—

(i) Ordinary Grade ;
(ii) Intermediate Grade ;
(iii) Probation Grade ;
(iv) Special Grade ;
(v) Star Special Grade.

(i) *Ordinary Grade.*—The girls in ordinary grade wear striped dress with collar to match. They remain in this grade for three months, under supervision, and work in association with others, being employed in scrubbing and laundry work. They are allowed one letter and one visit every six weeks ; or a letter in lieu of a visit, in case their relations live too far away. They have recreations and occasionally week-end diversions provided by benefactors.

(ii) *Intermediate Grade.*—The girls in the intermediate grade wear the same dress but a distinctive white chevron on their arm. Their privileges are the same as of those in the ordinary grade except that they are entitled to an extra letter and attend more evening classes.

(iii) *Probation Grade.*—The girls in the probation grade wear the same colour dress as those in the intermediate grade, but wear a distinctive blue collar and cuffs. They are allowed more letters and visits. They have an hour's recreation every evening, such as playing net ball, cricket

and rounders. In the winter they play games in the recreation room and can have dancing. In the summer they have facilities for swimming. They are under less supervision and are allowed to go to their work without escort.

(iv) *Special Grade.*—The girls in the special grade wear a distinctive dress—a striped Oxford shirting for work and a blue Sunday dress. They are given a piece of material with which they make themselves a private dress, to be worn in the evening and week-ends. They always wear red collars.

Girls in the special grade are entitled to earn pocket money. When a girl has been in the special grade for three months with good conduct, she earns pocket money in instalments as shown below :—

First instalment .	5s. (after 3 months).
Second instalment	7s. 6d. (after 3 months).
Third instalment .	10s. (after 3 months).
Fourth instalment	10s. (after 3 months).
Fifth instalment .	7s. 6d. (after 3 months).

Thus in the course of fifteen months a girl can earn up to £2. Half of that is spent by the inmate as she likes, upon any of the permissible articles, *e.g.*, sweets, or trimmings for her serge dress. The other half (£1, if she earns the full amount) is given to her on her discharge.

(v) *Star Special Grade.*—The girls in the star special grade wear white collars and cuffs. They are given any special privilege that can be allowed, and are expected to help by setting a good example to the other grades. When a girl gets into the star special grade, she is considered for discharge. The girls in this grade dine alone, appoint their own captain, and are to a certain extent self-governed.

There is a penal class which is not a grade. Girls are put in that class only in extreme cases, as when they set a bad example in the institution or make no progress after a long period of training. A licence-revoked girl is always put into that class for one month when she returns to the institution.

Daily Routine and Employment

The general tone of the institution is one of orderliness, with every moment of the day occupied. The various employments, schools, drill, exercise and chapels are very closely dovetailed ; and it is found that the behaviour of the inmates tends to be good, their demeanour cheerful and contented, and their habits systematised. The daily routine for girls is as follows :—

Inmates rise	6 a.m.
Unlock	6.30 a.m.
Breakfast and Cleaning Rooms	7.25 a.m.–7.55 a.m.
Chapel	8 a.m.–8.15 a.m.
Work	8.15 a.m.–11.50 a.m.
Exercise and Dinner	12 a.m.–1.25 p.m.
Work	1.25 p.m.–4.50 p.m.
Tea	5 p.m.–5.25 p.m.
Bible Class, Singing, Bathing, School	5.30 p.m.–6 p.m.
Silent Hour	6 p.m.–7 p.m.
Evening Work	7 p.m.–8 p.m.
Recreation	8 p.m.–9 p.m.
Lights Out	9.30 p.m.

Before lights out, there is the Angelus Bell, which is rung to invite the inmates to make their silent prayers. At the first note of the bell, the inmates enter their rooms and there, by their bedsides, they kneel down and make their silent prayers. This silence is always observed by the girls with reverence. Thus each day ends with the solemn ringing of the Angelus Bell.

The routine shows that the girls pass a very busy day with intervals for recreation. The routine is so planned that the girls may find scope for both mental, physical and cultural development.

The authorities concentrate on the domestic side of the institutional training, as that will be of value to practically every woman, both before and after marriage.

Ninety per cent. of the girls want to go into domestic service. Each girl has a small room to herself. It is a great satisfaction to them to have a room of their own, and they arrange and furnish it according to their individual choice and taste. The rooms are kept with scrupulous neatness and are very quiet. Each room shows the inmate's individual taste, and the prevailing note is one of simplicity, convenience, refinement and elegance without luxury. Looking after her room is a very important part of each girl's daily routine. This teaches them self-reliance, and at the same time inclines them, after their release, to take an interest and pride in the care of their homes.

The girls attend evening classes in reading, writing and arithmetic. These lessons help the general education of a girl whose mental capacity is low. Instruction is also given in gymnastics, drill, singing, domestic science, handwork, dressmaking, sewing and cookery. Outside teachers are employed for giving lessons in sewing, singing and handwork. The cookery class is taken by one of the officers in the institution. These educational and handwork classes are held throughout the year. Classes are also taken in country dancing, gardening and literature, by voluntary workers. The girls are chiefly employed in some sort of domestic work, such as cooking, housework, laundry, needlework and dressmaking, and others are taught farm work.

There are six cows, many pigs, and chickens on the farm. These supply milk and eggs for the inmates. The butter is used in the hospital and, if there is any surplus, it is sold to the staff. Farm work is optional, as some girls are afraid of animals. But gardening is compulsory. The green and root vegetables, flowers and some fruit grown by the inmates are used in the institution. Good potatoes are grown in large quantity. The inmates are found to take a keen interest in gardening. There is a large kitchen garden with a flower border and a greenhouse worked entirely by them. In garden work "the open-air life produces a very marked improvement in

health and physique in those engaged in it. Educationally too, the work is of the very greatest value. Contact with Nature and the observation of great natural forces at work, must widen the girls' outlook on life and act as a healthy tonic." . . . Gardening pursuits, in fact, produce a more equable temper. Garden work is therefore considered indispensable as an educational and reforming force.

Handicraft work (*e.g.* designs in handkerchiefs, artistic needlework, etc.) in various forms is an important part of the educational programme of Borstal training at Aylesbury. These artistic designs done by the girls are of very good quality and can compete with any of their kind in the open market. The progress made by the girls in handicraft work is largely due to Miss Barker's encouragement and the personal interest that she takes in their work. Some really beautiful articles are produced; and at the same time the girls are provided with a hobby which they can take away from the institution and profitably and usefully carry on in their homes.

From a cultural point of view, the authorities lay special stress on the habit of reading. The institution library has a good collection of books. Every inmate is allowed four books per week of her own choice—two fiction and two educational—such as travel, biography, etc. The Deputy-Governor is in charge of the library.

Religious Instruction

There is a Church of England and a Roman Catholic church.

The attendance in church is not compulsory but very few remain away from the services. The inmates join very heartily in these; the singing is excellent and the conduct in chapel very reverent.

In the Church of England, sermons are preached twice on Sunday. Holy Communion is on Monday morning at 7.30 a.m. Morning prayer is held on Wednesdays and Fridays, lasting for twenty minutes. The chapel has

been beautifully decorated. There reigns a quiet, serene, devotional atmosphere inside it. The Roman Catholics have one service every Sunday and one service during the week. Both Roman Catholics and Church of England inmates can be visited by the chaplain and the priest. The Nonconformist girls are visited by their own minister and have one service a week.

Confirmation is held for the Church of England inmates once a year, by the Bishop of Buckingham. The Roman Catholic girls have also a confirmation from time to time.

There is a Church Army sister who visits the Church of England inmates weekly. She is appointed by the Prison Commissioners. She holds a quiet talk with the girls and gives them sound advice. It is given in an intelligent and interesting manner, and the girls are very keen to take advantage of the facilities offered.

Very often Miss Barker takes a Sunday afternoon service, a feature of which is talks to the girls. All denominations attend her service, which is in no way formal. It consists of talk, singing and one silent prayer. There is always a lofty note of strong optimism in Miss Barker's religious talks—an optimism that is reassuring even to the most unhappy soul. This spirit is exemplified in the following verse :[1]

> " O, do not pray for easy lives,
> Pray to be stronger men and women.
> Do not pray for tasks equal to your powers
> Pray for powers equal to your tasks."

During the service the girls sing hymns, which they all sing kneeling. There reigns then a sublime quietness in the atmosphere of the chapel. Never once has this silence been broken. This silence is for them to pray and realise their innermost soul. It is the silence of an Armistice Day—a silence absolutely complete.

[1] I found these lines on the wall of Miss Barker's office at Aylesbury.

Physical Culture

Physical exercise finds a prominent place in the curriculum of the institutional programme. The girls take a keen interest in sports, out-of-door walks, cricket, rounders, net ball, swimming, drill, dancing, etc. The methods of physical training for girls have been adjusted to the sex, free play and games being given precedence over indoor or uniform " commando " exercises.

Country dancing is a very important indoor exercise. " The dance cadences the soul ; the stately minuet gives poise ; the figure dances train the mind ; . . . no girl is educated who cannot dance, although she need not know the ball-room in its modern form."[1] Furthermore, as Stanley Hall says : " Dancing is one of the best expressions of pure play and of the motor needs of youth. . . . Right dancing can bring harmony between the basal and finer muscles and also between feeling and intellect, body and mind. It can serve both as an awakener and a test of intelligence, predispose the heart against vice and turn the springs of character toward virtue."

The girls at the Aylesbury Borstal Institution are amazingly healthy people. A fully qualified instructress in physical culture was appointed in October 1931. The improvement in physique and deportment of the girls as a result of the physical training they are receiving is very marked. " Active and regular physical exercises have had an appreciable effect on the conduct of the girls and have helped the more troublesome and restless to settle down and to take advantage of the training offered." There has been recently a marked difference in the carriage and appearance of the girls and, apart from this, they are becoming more controlled, more alert and less difficult. As the Governor says in her Annual Report for the year 1931 : " Many of the girls have an abundance of high spirits and energy, and if this can be directed into the

[1] Stanley Hall, *Youth : Its Education, Régimen and Hygiene.*

right channels and their energy used up for physical culture and exercises, we find they go to their rooms at night tired but less excitable and ready for rest with healthy exhaustion."

Diet

The authorities take particular care about the dietary. Good foods favour complete digestion, so that metabolism may be on the highest plane. The dietary in the institution is abundant, plain, varied and well cooked. There is an absence of rich foods and stimulating drinks, but a wholesome proximity to dairy and farm. As Stanley Hall says: "Nutrition is the first law of health and happiness, the prime condition and creator of Euphoria." There is considerable variety in the girls' meals. Thus :—

(a) *For Dinner*, they have one of the following: meat pie, pressed beef and pickles, roast beef, beef and treacle pudding, soup, beans and bacon, cold beef and pickles, roast mutton, shepherd's pie, salt beef and dumplings, Irish stew, sea pie, hot pot, cold roast beef, meat pudding.

(b) *For Breakfast*, they have one of the following: pressed beef, bacon, porridge, eggs.

(c) *For Tea*, they have one of the following: margarine, cheese, jam, currant loaf, margarine and cake.

The girls cook their own food and they do it well. They make jam and bread, which are of very good quality. The training in cookery which they receive is very useful to the girls after discharge.

Punishments

Punishments generally take the form of a loss of privileges in case of ordinary offences, but for graver offences the authorities can give punishment diet, etc.

Various ingenious methods of punishment have been

adopted, so as to appeal to the girls' finer sentiments, for example :—

(i) Employment in work of an uncongenial character.

(ii) "Bone Tub." The apparatus for this consists of "a deep bucket arrangement of iron, with a stationary semi-circular handle, and through a hole in the centre of the latter is fitted a huge iron pestle. The pestle is so shaped at both ends that it is impossible to disconnect it from the handle." This is an effective method of dealing with "smashing up" cases. "Smashing up" is a "recognised method at Aylesbury for inmates to get their own back for real or fancied grievances ; it is also the outward and visible expression of general boredom. It is quite a common thing for an inmate who has been punished, and rightly punished, to turn round and say: 'All right ; I'll show you to-night' ; and if the smashing does not materialise that night it will in due course. The destruction to property in the inmates' room is very complete and the noise during one of these escapades is worse than anything I have ever heard in a mental hospital. The only way to counter this phase of life at Aylesbury is to provide more outlet for the pent-up emotions of these girls. Punishment alone will not suffice."[1]

In cases of grave offence when the girl is absolutely uncontrollable, she is removed to a special room and is given bread and water diet. But this is very seldom used.

The girls take their punishments bravely. There is no resentment ever shown. They know that they are only getting their deserts, for punishment is always made to fit both the crime and the criminal.

The Visiting Committee

Members of the Visiting Committee are appointed by the Secretary of State. Each member has so many girls allocated to her. She visits these girls specially and takes

[1] Extract from the Annual Report of the Governor of the Aylesbury Borstal Institution published in Appendix II of the *Report of H.M. Commissioners of Prisons* for the year ended 31st March 1923.

a personal interest in them. The Committee meets once a month in the institution, approves all cases recommended for discharge, and examines the punishment sheets for that month. If a girl has been reported for misbehaviour, a statement of the case with the punishment awarded is sent to the Home Office each week.

It is interesting to note that the members of the Visiting Committee are the same as those of the Executive Committee of the Aylesbury After-Care Association. They meet first as the After-Care Committee, and later on the same day as the Visiting Committee.

II. After-Care

The after-care for girls was carried out by the Borstal Association under Sir Wemyss Grant-Wilson until April 1928, when it was decided to have separate organisations for the boys and the girls. Miss Barker was appointed Director. The Visiting Committee became the Executive Committee and the Association was called the Aylesbury After-Care Association. The Rt. Hon. the Home Secretary became the President of the Association.

It was decided to do the work from the Aylesbury Borstal Institution. In association correspondence with discharged girls, care is taken—by the use of a plain notepaper—to avoid attracting undue attention to the origin of the letters. No member of the staff at Aylesbury, except Miss Barker and her Secretary, is concerned with after-care.

The Institution and the After-Care Association being under one head, continuity is secured, and it is possible to follow a girl right from the time of her reception in the institution until she has completed her period of licence.

The staff expenses of the Association are met by a Government grant, so that all subscriptions go directly to help the girls cared for by the Association, and every pound so given earns a Government grant of two pounds. The work of the Association depends largely upon sub-

scriptions and donations from the public. The bulk of the funds administered have indeed been those raised by a wireless appeal made by the Chairman.

The Associates

(i) *Appointment of Associates.*—The Associates are appointed by the Director of the Association. They are largely social workers, teachers, occasionally probation officers, church workers, sometimes clergymen's wives. The index kept by the Association shows that Associates are to be found in all parts of England and Wales.

(ii) *Duties of Associates.*—The duties of the Associates under the Aylesbury After-Care Association are similar to those of the Associates under the Borstal Association, and include the finding of employment, general supervision, and reports.

In most cases the girls are discharged direct to a situation, but in those cases where no definite situation is found before discharge, the girl is sent to a hostel, where the Association pays for her board and lodging while she tries to find work. This help is rendered to her for two weeks. Usually the girl finds work within that time, thanks to the almost unlimited demand for domestic servants in England—a type of work for which the girls are fitted by their training and, in most cases, also by their own inclinations.

The Associate into whose care the girl comes on her discharge from the institution is also asked to help her to find work. It is well established that "any training, however admirable and whatever moral courage it may have instilled, cannot withstand the demoralising influence of unemployment, an influence disastrous enough in a normal person, but trebly so with someone who readily imagines that the world is against her. Therefore to complete the work of training, adequate after-care is essential, and no girl must be allowed to feel that she is friendless and entirely dependent on her own resources." Thus the most important duty of the Associate is to help

the girl to find work. As regards wages and conditions of service, the Associate has also to see that the girl is not employed cheaply and that she is given a really fair chance after the training in the institution.

As regards general supervision, the Associate is required to see that the girl does not change her address without the permission of the Association; that she obeys the directions as to punctual attendance at work; that she writes to the Association at least once a month and is at liberty to write at any other time,[1] and that she leads a sober and industrious life to the satisfaction of the Association. If the girl breaks any of these terms she will, on the Associate's reporting the fact to the Association, be liable to be rearrested and taken back to the Borstal Institution. If an unsatisfactory report is given by the Associate, the girl may, in the first instance, be warned that owing to her breach of licence she has rendered herself liable to be taken back to a Borstal Institution for a further term, and that if she continues her offence or offends again, she will be reported to the Prison Commissioners for revocation of her licence.

Apart from the Report which we have mentioned above, an Associate is also required to make the following reports—

(*a*) Report on arrival of the girl.

(*b*) Report as soon as the girl is settled at work. This report indicates what work the girl is doing; by whom it was obtained; whether it is permanent or for how long; wages; conduct and progress; where the girl is living; when last seen; together with any general remarks. It also contains the Associate's diary of work done in connection with the case (number of visits made, etc.), and is accompanied by an expenses account.

(*c*) Report when a girl is first received. When a girl is sentenced to detention in a Borstal Institution, the authorities desire information about the girl to assist them in dealing with her during the period of detention

[1] These letters should not be overlooked or read by anyone.

in a Borstal Institution. The Associate is requested to report confidentially on the girl in a prescribed form, after making necessary inquiries. In this report, the Associate has to give information about the following matters: character of home and district; occupation and character of the father, the mother, other members of the household; prospect of regular work with former employer or elsewhere if she returns home; in cases where she ought not to return home, whether she has relations elsewhere who would receive her; whether any of her relations suffered from insanity, mental deficiency, alcoholism, blindness, epilepsy, or tuberculosis; how she got on with her family; whether she mixed with other girls or was of solitary habits; what is said as to her health and temper; if she was honest at home; what money she contributed at home; how she spent her spare time, if she had any hobbies or any special bent or ability; whether she attended school regularly, or if not, why not; standard on leaving; the address of any special (mental or other) school which she may have attended; whether she was connected with any church or club; the wages she earned and for how long; whether she was irregular at her work, and if so, why; what reasons her parents give for her going wrong; if she has been on probation, to whom and with what result; whether there is any responsible person outside her home who has taken any interest in her; and any other observations that may appear relevant.

Girl's Outfit for Discharge

Prior to discharge, each girl makes for herself a complete outfit and is allowed to choose the colour and style of the garments. Other necessary items, *e.g.* coat, corsets, hat, shoes, hair-brush and comb, gloves, toothbrush, handkerchiefs, and trunk or basket are supplied to her.

The Girl after Discharge

There is a large variety of circumstances in which a Borstal girl may find herself on discharge. To illustrate the complex variety of the problem, some of the possible eventualities are described below.

(i) *The Girl with a Baby to Support.*—The most difficult cases are the girls who have a baby to support, usually an illegitimate child. Even if they have a paternity order, this only amounts to about 7s. 6d. a week. If the mother is in domestic service, she usually earns 10s. to 12s. a week. A foster-mother generally charges 12s. 6d. to keep the baby. So it becomes a real struggle for the mother to support the baby. Sometimes a girl asks the Association for the baby to be adopted. On the other hand, the institution has had about four girls who kept their babies and finally married. Furthermore, where there is no paternity order, Dr. Barnardo's homes have what is called a Boarding-Out Scheme, under which they place the baby with a foster-parent and contribute what they think is necessary according to the girl's wages up to a maximum of 7s. 6d. a week.

(ii) *The Girl with a Bad Environment.*—Where a girl's home circumstances are bad, she is removed from her home and placed in a better environment. Supposing the father of the girl is a burglar and her mother a convicted thief, the only hope in such a case is to place the girl right away from her family without her parents' knowledge of her whereabouts. In such cases, the Associate is specially asked to see that the girl joins some club, so that she can make friends, and has somewhere to go when she is not working.

(iii) *The Girl from an Industrial City.*—As regards girl offenders from industrial cities, a small percentage return to factory work; but the great majority enter domestic service, for which they have been trained in the institution. Some become waitresses, wardmaids in hospitals, or chambermaids in hotels.

(iv) *The Girl who settles down.*—Most of the girls

discharged from the institution settle down fairly soon. Several have been in the same situation for varying periods of five, four, three and two years, and are spoken of with real affection by their mistresses.

(v) *The Girl who Marries.*—The girls who marry invariably settle down and never offend again. Once a girl is married, she feels she is safe.

(vi) *Exceptional Cases.*—There are, of course, occasional exceptional cases when, for special reasons, a girl's career is quite different from those outlined above. Take, for instance, the case of one girl, a half-caste, the daughter of a miner. She had taken up dancing before she came to Aylesbury, but became ill and got into financial difficulties. She was allowed to practise dancing and learn in the institution gymnasium in her free time, and before her discharge a contract was signed for her to appear in a dancing troupe. She steadily improved, and has since travelled all over Europe, earning a very large salary. The last time she came to visit the Association, she flew from Paris for the week-end. While she was in the institution, she was confirmed and still regularly attends church. She has also helped through the Association, but unknown to the recipient, a girl who was in the institution at the same time as herself.

The Borstal Record for Girls

The Borstal Record is the document that is kept in the custody of the After-Care Association with all information regarding each inmate's past history, career at home, conduct and progress in the institution, etc. It covers the whole period until she has completed her period of licence. The following summary indicates its scope and contents.

(i) *Introductory.*—In its introductory part, the girl's name, offence, place and date of committal, conviction, sentence, full particulars about her previous convictions; date and place of birth; whether she is married or single; her religion; the address of her parents or other relations;

date of reception at the institution and date of expiration of licence, are recorded.

(ii) *Previous Occupations.*—Previous occupations are recorded in order of date with particulars about her employers, nature of work, duration, wage and the reason why she left the work.

(iii) *Notes from Reports from Various Sources.*—These notes include those from record of reports by parents, employers, police and press cuttings. Under this head are recorded: excuse for offence; name of reformatory or industrial school, if the girl had been in any; name of the probation officer and date; whether she appealed against her sentence; and particulars of any misconduct.

(iv) *Instructors' Reports.*—These reports are very important because, if they are favourable, they help the girl in securing suitable employment after discharge. In them are recorded the party to which a girl belonged, how long she was in it, her conduct, trustworthiness, what she can do, and what the instructors consider the girl is worth in wages.

(v) *Governor's Opinion.*—The Governor takes a keen personal individual interest in each inmate in the institution. She knows each girl individually—a fact which is important, since the future of the girl depends on the Governor's report on her general conduct and progress in the institution. The report is expressed under a number of heads, viz.: the girl's general conduct, any special defects of character, standard of work: (*a*) at labour—industry, ability; (*b*) at school—industry, ability; (*c*) certificates gained while in the institution; trustworthiness; relations with family, as shown in correspondence; relations with others, *e.g.*, a girl, or previous associates; hobbies or clubs; what she wants to do on discharge; what she ought to do; any promise of work or of a home; any suggestion to the After-Care Association, or other general remarks. In giving her opinion, the Governor is, of course, assisted by her subordinate officers who are in direct touch with the girls.

(vi) *Medical Officer's Opinion.*—As mentioned above, the medical arrangements are in the hands of the Medical Officer. The latter's opinion about the health of the inmate is recorded, with particulars about her vision, mental age, mental condition, physical condition, and her progress, together with any other remarks considered necessary.

The Executive Committee

The Executive Committee of the Aylesbury After-Care Association is composed of nine members, with Lady Ampthill, C.I., G.B.E., J.P., as Chairman. The success of the Association is largely due to the keen interest taken by the members of the Executive Committee, who under the presidency of Lady Ampthill render active assistance to the authorities in their after-care work.

The Executive Committee meets once each month at the institution, interviews all the girls for discharge during the next month, and also sees any girl whom it has been necessary to recall upon revocation of licence.

When it is considered that a girl is sufficiently stable to take her place in the world, she is recommended for release, and at that stage comes before the Executive Committee of the Association. "The Committee discuss with her her future plans, and arrange that as far as possible she shall be allowed to follow the occupation of her choice." For this purpose, the Committee is always glad to hear of mistresses "willing to assist them and to give a girl an opportunity to prove her worth by taking one into the house as a maid."

Results of After-Care

Since the inception of the Aylesbury After-Care Association in 1928, many girls have been discharged to its care every year. In 1932, 72 per cent. were entirely satisfactory and many who were discharged three years ago are still in the same situation. Most of the girls whose licences were revoked were ultimately satisfactory on second discharge. The fact that a considerable

number have been able to retain their situations for such a long time is in itself conclusive proof of the success of the Association. But perhaps the most hopeful aspect of the work is "the surprisingly small number of reconvictions, for it is only a very small percentage of cases which come again within the law."

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[1] Referred to in this work as the *Principles.*

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PRINTED IN GREAT BRITAIN BY
THE EDINBURGH PRESS, EDINBURGH