

## Institutional power and the Irish borstal boy, 1906–21

This article will examine the unique power structure that governed the lives of inmates of Ireland's borstal institution from its foundation in 1906 until the end of British rule in 1921. The borstal system was developed at the close of the nineteenth century at a time when penal administrators were searching for new and more enlightened modes of detention. Reform became something of a catchphrase and the borstal was one of two approaches, the other being the inebriate reformatory system that captured the imagination of Home Office officials. During this time there was a transition of leadership in the British penal system as those who subscribed to the more outdated idea of imprisonment without reform were replaced with more enlightened idealists. Borstal offenders in Ireland and Britain were subjected to an authoritarian structure unlike that experienced by prisoners within mainstream institutions of the penal systems in both countries. The division of power involved a three-way process in Clonmel borstal between 1906 and 1921. Three different but inextricably linked bodies, the General Prisons Board (G.P.B.), the institutional management, and the aftercare body, the Borstal Association of Ireland (B.A.I.), cooperated in a type of alliance with the aim of bringing about the reform of the juvenile-adult offender. Ultimate power rested in the hands of G.P.B. administrators but it is clear that governors, warders and aftercare officials had considerable influence in the decision-making process. This article will demonstrate how the inmates served their time within a type of triple-lock arrangement whereby they were answerable to these three different authorities at separate stages of their period of detention.<sup>1</sup> It will open with a short account of the origins of the modern Irish prison from the arrival of the prison reformer John Howard in the 1770s. This leads to an examination of the need for a new type of penal institution to cope with the problem of habitual juvenile male offenders. The article will examine the origins of the General Prisons Board which became the central authority for the Irish penal system in 1877. It will show how power was transmitted downwards towards those who operated the borstal institution on a daily basis. The structural hierarchy of the borstal institution saw the inmates live within a grading system that governed their lives from their first day of detention and in many ways this was at the core of the treatment process that sought to empower them towards self-improvement. Finally, the article will discuss the role of the B.A.I. and its status as a prison aftercare body with unprecedented power in the post-discharge lives of inmates.

<sup>1</sup> Borstal offenders were always referred to as 'inmates' or 'offenders' and never prisoners. They served a 'period of detention' rather than a sentence. This form of words was laid down by the founders of the system in Britain and was strictly adhered to both there and in Ireland.

## I

The penal history of nineteenth-century Britain and Ireland is marked by many attempts at improving the prison system both from the point-of-view of reforming the prisoner and in deterring future crime.<sup>2</sup> The arrival of the prison reformer John Howard in Ireland in 1775 and again in 1779 had the effect of planting the seeds of a reform movement that would eventually result in a more coherent albeit imperfect penal system. The Irish House of Commons was not ready to hear Howard's ideas until 1782 when it established a Committee to Inquire into Prison Conditions. The first improvements came in the form of a number of prison acts during the 1780s. In May 1786, the first inspector-general of prisons, Sir Jeremiah Fitzpatrick, was appointed in Ireland, a half-century before a similar office was established in Britain.<sup>3</sup> By 1788, a first wave of penal reform was underway with thirty-three separate prison-building projects in progress. This would not solve the crucial problem of the necessity to separate prisoners, but it did lay the foundation for future progress by later generations of reformers and administrators. Further innovations saw, for example, the establishment of a short-lived penitentiary at Grangegorman Lane in Dublin in 1819, leading inevitably to a second wave of prison-building during the 1820s.<sup>4</sup> In direct response to the abolition of transportation, a Convict Prisons Board was established in Ireland in 1854 under the chairmanship of Captain Walter Crofton. The Penal Servitude Act of that year gave Crofton and his fellow directors the power to manage Ireland's prisons. Among the problems that still faced the directors was the lack of separation between adult and juvenile prisoners, poorly-designed buildings and the lack of properly qualified staff.<sup>5</sup>

The next and most significant move toward centralisation came in 1877 with the establishment of the G.P.B. Once again under Crofton's direction, the board became the umbrella organisation for the local and convict prisons of Ireland and remained the principal agency for the management of the penal system until 1928. In Britain, the final significant move towards addressing the many flaws in the penal system during the nineteenth century was the establishment of an investigative Departmental Committee on Prisons in 1894. The committee, headed by Herbert Gladstone, son of the prime minister, examined six areas of the prison system: (i) the nature of prisoner accommodation, particularly in local

<sup>2</sup> For further reading on the eighteenth- and nineteenth-century Irish prison system see Tim Carey, *Mountjoy: the story of a prison* (Dublin, 2000); Ian O'Donnell and Finbarr McAuley (eds), *Criminal justice history* (Dublin, 2003); Patrick Carroll-Burke, *Colonial discipline: the making of the Irish convict system* (Dublin, 2000). For further reading on the Irish borstal system see Nial Osborough, *Borstal in Ireland: custodial provision for the young adult offender, 1906–1974* (Dublin, 1975); Conor Reidy, *Ireland's 'moral hospital': the Irish borstal system, 1906–1956* (Dublin, 2009). The most significant historical work on the British borstal system is Roger Hood, *Borstal reassessed* (London, 1965), and for a useful and technical account of British penal history and theory see Leon Radzinowicz and Roger Hood, *A history of English criminal law: the emergence of penal policy* (London, 1986). See also Michel Foucault, *Discipline and punish: the birth of the prison* (London, 1991).

<sup>3</sup> Carey, *Mountjoy*, p. 12.

<sup>4</sup> *Ibid.*, pp 24–31.

<sup>5</sup> Elizabeth Dooley, 'Sir Walter Crofton' in O'Donnell and McAuley (eds), *Criminal justice history*, pp 197–220.

prisons; (ii) juvenile offenders; (iii) prison labour and recreation; (iv) prison visits and external communications; (v) regulations governing offences; (vi) appointment of deputy governors and warders.<sup>6</sup> The final report included recommendations across all of these areas but for the purposes of this article we are concerned with that of juvenile offenders. The Gladstone committee reached three findings relating to juvenile offenders. Firstly, it reported that 16,000 prison sentences had been imposed upon those below the age of twenty-one years in England and Wales during the preceding twelve months. Secondly, it found that the average boy was worse in character and disposition after serving such a sentence. The third finding was that the habitual criminal career developed between the ages of sixteen and twenty-one years.

Following a recommendation from the Gladstone committee, the Prison Commissioners for England and Wales set about devising a penal reformatory that would punish and reform recalcitrant male offenders. They commenced a small-scale experiment at Bedford prison in England in early 1900. Within three months the prison governor reported that the experiment was exceeding expectations. In 1901 the prison commissioners began a longer-term experiment when a small group of convicted criminal boys aged between sixteen and twenty-one years were transferred from London area gaols to a minor convict prison at Borstal in Kent where they were held in complete separation from the adult prisoners. As the criminologist Sir Roger Hood wrote in 1965, 'it is significant that the first party arrived in chains'.<sup>7</sup> This is indeed significant because the founders and future administrators of the borstal actively sought to sell the institution as a place without the trappings of a regular prison. Officially, borstal offenders were neither shackled nor subjected to corporal punishment. The right of Irish borstal officers to impose physical punishments was occasionally queried by governors in Clonmel to their counterparts in Britain. The responses always reluctantly stated that this form of control or punishment was not permitted.

In simple terms, a borstal was a penal reformatory for males between the ages of sixteen and twenty-one years. Four basic tenets governed the new penal reformatory. First, inmates were subjected to strict classification. Second, the institution was regulated by a rigid code of discipline. Third, the inmates engaged in hard work and training. The final and arguably most significant principle dictated that inmates were to be subjected to a strict period of regulated supervision upon their discharge.<sup>8</sup> One of the first significant discussions that took place among the English prison commissioners was on the subject of degeneracy as contributing to criminality. The chairman of the prison commissioners, Evelyn John Ruggles-Brise, stated that the human body was not fully developed until it reached the age of twenty-one and, therefore, the brain would not gain full maturity until that time. As a consequence, he claimed that character was intrinsically linked with physical development, meaning that the personality and mentality of an average man would not be developed before that

<sup>6</sup> Cited in *Report of the departmental committee on prisons in England and Wales*, iv, [Cd-1278], H.L. 1895. The publication of the report was followed a day later by the resignation of the unpopular chairman of the Prison Commissioners for England and Wales, Sir Edmund DuCane. He was replaced by a career civil servant and noted humanitarian, Evelyn John Ruggles-Brise.

<sup>7</sup> Hood, *Borstal reassessed*, p. 14.

<sup>8</sup> *Ibid.*, p. 15.

age. Children of the poorer classes developed much later, some as late as twenty-five or twenty-six years of age.<sup>9</sup> Ruggles-Brise went on to cite evidence from a study of young men discharged from Pentonville prison in 1888. This class of offender was two-and-a-half inches smaller in height and weighed approximately fourteen pounds less than their non-criminal peers in the general population. Of the same group of prisoners, twenty-six per cent had some form of disease or deformity. It was clear, in his view, that physical neglect and malnourishment were among the key problems that needed to be addressed in the new penal reformatory.<sup>10</sup> As the experiment gained a more solid footing, the British penal authorities were faced with the problem of defining this newly-constructed class of convict. With the lower age set at sixteen years it was feasible to refer to them as ‘juveniles’ but not when the upper limit was twenty-one. Ruggles-Brise visited the Elmira State Reformatory for young offenders in New York where he discovered the age category was sixteen to thirty years. Knowing this was not likely to be well received by public opinion he returned to Britain where an animated three-year debate within the administrative and political classes on the age range followed.<sup>11</sup> Eventually it was decided the inmates should be known as ‘juvenile-adult’ offenders. The borstal was essentially an experiment of the prison system. Foucault points out that the prison has long been the setting for experimentation, enhancement and enquiry.<sup>12</sup> The experiment that the Prison Commissioners for England and Wales commenced at the beginning of the twentieth century was in line with the Foucauldian equation of the prison to a ‘disciplined barracks’.<sup>13</sup>

## II

Following on from the early years of the institution at Borstal, where the reform programme was widely proclaimed as a success, discussion began within the Irish penal system on the possibility of copying the experiment. Not much is known about the process of deciding that Ireland needed a borstal system. The annual Judicial Statistics between 1900 and 1905 suggest, however, that Ireland was experiencing similar high numbers of offenders in the juvenile-adult male category. Ireland’s first and only borstal institution began in May 1906 as a separate wing of the county gaol in the town of Clonmel in south Tipperary. The reason behind the selection of Clonmel was not made clear; a vague explanation was offered by the G.P.B. in 1907 when it stated that ‘following a tour of local prisons, Clonmel was deemed the most suitable’.<sup>14</sup> Twenty years previously the ‘number two’ prison, as it was known, had been occupied as a women’s prison within the same site. Contemporary newspaper reporting and even some general penal histories tend to infer that Ireland benefited from a network of these institutions by incorrectly referring to them as *borstals*, in the plural. However, between 1906 and 1956 the area now known as the Republic of Ireland had only

<sup>9</sup> *Proceedings of the International Penitentiary Congress*, p.12, H.L. 1910 (5286) xxxix, 6.

<sup>10</sup> *Ibid.*

<sup>11</sup> Evelyn Ruggles-Brise, *The English prison system* (London, 1921), p. 91.

<sup>12</sup> Foucault, *Discipline and punish*, p. 235.

<sup>13</sup> *Ibid.*, p. 233.

<sup>14</sup> *Twenty-ninth report of the General Prisons Board for Ireland*, p. 55, H.L.1906 (3698), x.

one borstal institution, which at first served the entire island. Following partition, Northern Ireland's borstal offenders, who had consistently made up around twenty-five per cent of the population in Clonmel, were sent to institutions in Britain. A borstal institution was eventually opened at the Malone Reformatory in Belfast in 1926. The southern Irish borstal was temporarily moved from Clonmel on two occasions, firstly to Clogheen and Kilkenny workhouses during the Irish Civil War and secondly to Cork prison during the Emergency.

With an initial capacity for fifty-four boys, Clonmel borstal remained on an experimental basis with the juvenile-adults held in complete separation from the adult convicts for the next four years. This separation was real rather than theoretical and in keeping with the ideas of the founders of the system, neither group were permitted to even catch sight of each other. In late 1909, after the Irish borstal experiment was deemed to be succeeding, the remaining adults were removed to gaols in surrounding counties and the complex was converted into a full-scale borstal institution. The capacity increased to in excess of 100 following conversion and this was adjusted upwards from time to time. Clonmel borstal remained operational until 1956 when the system was transferred to another facility at the North Circular Road in Dublin.<sup>15</sup>

It is important to give some sense at this point as to the identity of the Irish borstal offender. Between 1910 and 1921, a quarter of the inmates originated from Dublin, a quarter from Belfast and the remainder from the rest of Ireland. In 1912 the *Freeman's Journal* newspaper described juvenile-adult offenders as the 'victims of the neglect of parents'. Many of these individuals emerged from domestic situations that were plagued by 'drunkenness', 'idleness' and 'other forms of vice'. According to the *Freeman's Journal*, the only inevitable outcome for these boys was a life of criminality.<sup>16</sup>

In 1910 the chairman of the G.P.B., J. S. Gibbons, detailed the activities of some of the borstal inmates in greater detail than that recorded in the prison register. He described one boy as nineteen years old, of 'a roving disposition, going about to fairs, untruthful, illiterate' and of a 'weak intellect'. Another boy was twenty years old and had previous convictions for drunkenness and larceny. Since his return from America over two years previously his personal conduct had deteriorated. He resided with parents who kept 'a low lodging-house' and were described as being 'degraded people' who had been victims of their son's violence.<sup>17</sup> Gibbons's description of another inmate is supported by wider research that concludes that parents themselves were often powerless in the face of the aggressive or unwieldy behaviour of their sons. He described an unnamed twenty-year-old who had nine previous convictions of assaulting police officers and larceny. Prior to his detention in Clonmel borstal he had served three terms in gaol and had been discharged from the army for poor conduct. His parents are described as having lived in 'constant fear and terror' of their son when he was at home.<sup>18</sup> While this alleged threat to those occupying the domestic sphere does not appear to have been a widespread phenomenon among the family structure of borstal offenders it was, nonetheless, a recurring feature.<sup>19</sup>

<sup>15</sup> Osborough, *Borstal in Ireland*, p. 80.

<sup>16</sup> *Freeman's Journal*, 30 May 1912.

<sup>17</sup> *Proceedings of the International Penitentiary Congress*, p.12.

<sup>18</sup> *Ibid.*

<sup>19</sup> See Reidy, *Ireland's 'moral hospital'*, chapter four.

## III

The first significant shift in power affecting juvenile-adult offenders in Ireland came with the passage of the Prevention of Crime Act in 1908. When its terms came into effect in 1909 the borstal systems in both Britain and Ireland were placed on a statutory footing. Prior to this time offenders were sent to borstal not by the courts but by the G.P.B. Boys who were sentenced to no less than nine months in prison were sent to the borstal from prison if they were deemed suitable candidates for reform, based on the recommendation of their various governors, chaplains and other officials.<sup>20</sup> When the 1908 act passed into law the borstal became an officially designated institution of the prison system and the power of sentencing was handed over to the judiciary. From 1909 onwards a borstal sentence was set at between one and three years with the possibility of discharge on licence after six months. Clonmel prison was formally redesignated as a borstal institution on 27 November 1909, thereby ending the experimental phase.

The Prevention of Crime Act 1908 did not bring any significant alteration to the role of the borstal staff in Clonmel. Their functions remained in line with those of the administrators of the local and convict prisons in Ireland. The day-to-day business of the institution was managed by a hierarchy led by a governor, a chief warder and officers at various grades. A medical officer was highly active in the institution with considerable influence over several aspects of the daily lives of inmates. The duties of the borstal medical officer were in line with those of the regular prison system. He was obliged to visit and inspect the prison on a daily basis, if not more frequently. He was also required to approve the diet of inmates and regularly inspect implements used in food preparation. As well as preparing medicines himself, the medical officer also inspected the premises occupied by institutional staff and their families, to whom he was also required to provide medical treatment.<sup>21</sup> The borstal was subject to regular examination by inspectors of the G.P.B. as well as a local visiting committee consisting of members of the B.A.I. and the judiciary, among others. To a large extent, Clonmel borstal retained much of the administrative apparatus of a regular prison, despite the fact that the authorities both in Ireland and Britain went to some lengths to stress that it was *not* a prison. There are a number of examples prior to 1921 of the British authorities allowing journalists to tour a borstal institution, the most notable being for an article on Feltham in *The Treasury* in 1910. Accounts of tours of Clonmel borstal were published in 1940, 1941 (both in *The Bell*) and on a number of occasions in the late 1940s and early 1950s in the *Irish Times* and elsewhere. Indeed there is evidence to suggest that many common features of the local prisons were abandoned for the purposes of borstal. This included the use of shackles.<sup>22</sup> This method of restraint was almost certainly

<sup>20</sup> Correspondence records within the archive of the G.P.B. located at the N.A.I. show evidence of the contacts between the various parties in this process. Blank forms were designed on which governors, warders and chaplains, among others, were directed to fill in specific details on the prisoner and his potential suitability for borstal treatment. Inmates could be excluded from borstal on the basis of their health, behaviour or potential for reform, as deemed by prison authorities.

<sup>21</sup> Listed in *Second report of the Royal Commission on Prisons in Ireland*, xxxviii [C-4145], H.L. 1883–4, v. 16.

<sup>22</sup> Hood, *Borstal reassessed*, p. 15.

never widely used in the system again, either in Britain or Ireland. It appears that chains were viewed as an artificial method of exercising power over the offender. Under the borstal philosophy he must be self-empowered; restraint should come from within the boy himself.

One of the long-noted drawbacks of the nineteenth-century prison was the extent of idleness among convicts, inevitably leading to the possibility of corruption among the inmate population, resulting from boredom. There were of course many other problems that blighted the lives of those unlucky enough to be incarcerated in either a British or Irish prison. These included poor diet, unsanitary conditions and close proximity between hardened criminals and less violent or corrupt individuals. Indeed, since the late eighteenth century there were a series of legislative responses to the demands for more healthful institutions. The idleness problem was foremost in the minds of the borstal founders from the beginning of the experiment. To circumvent the problem, the governors and staff of each institution subjected their inmates to a strict and repetitive timetable that left almost no free time during daylight hours. The purpose was to occupy the mind and body of each boy to such an extent that there was little time for indolence or misbehaviour. The rigid timetable also served to condition the inmate into a routine, an ordered life to which he should aspire when the institutional phase of his borstal sentence was complete. According to Foucault, the use of a timetable was a legacy of the monastic era. Participants in schools, the army or prisons were forced to spend their time usefully with 'precision and application'.<sup>23</sup> Despite the fact that they were subjected to a strict routine, the borstal inmates did have certain privileges that were not available to those in the local prison system. Included in their daily activity was special attention in trades training, group work, physical drill as well as walking exercises, access to a library of specially selected books, education and spiritual instruction.<sup>24</sup> It should be noted that the system was aimed at unruly young men who had offended more than once. The system was not suitable for first offenders or those without good physical strength.<sup>25</sup> Indeed, wider research on the admission process for Clonmel borstal showed a number of cases where offenders did not pass the vetting stages because they did not possess the requisite physical health that was necessary for a period of detention.<sup>26</sup>

The inmates of Clonmel borstal had an early start to their day, rising at 5.30 a.m. At 6.10 a.m., prior to breakfast, they were subjected to fifty minutes of gymnastics and drill. Breakfast was served at 7.00 a.m. At 7.40 a.m. the various work or educational activities started and continued until 11.45 a.m. At that time, the boys went on parade until lunch at midday. At 1.00 p.m. they were again on parade before returning to work from 2.00 p.m. to 4.30 p.m. At 6.00 p.m. they were marched to the Roman Catholic chapel where prayers commenced at 6.10 p.m. They were marched back to their cells at 6.30 p.m. and, depending on the day, they went to some further classes, recreation or had a bath.<sup>27</sup> The daily

<sup>23</sup> Foucault, *Discipline and punish*, pp 149–51.

<sup>24</sup> *Address by J. S. Gibbons, Chairman of G.P.B. to the International Penitentiary Congress*, p. 53, H.L. 1910 (5286) xxxix, 6.

<sup>25</sup> Memorandum on the Prevention of Crime Act 1908 (N.A.I, General Prisons Board (hereafter G.P.B.), Clonmel Borstal Memoranda, 1908–30, GPB/XB5).

<sup>26</sup> See Reidy, *Ireland's moral hospital*, pp 73–4.

<sup>27</sup> Borstal Institution bell scale (N.A.I, G.P.B. Correspondence register (hereafter C.R.), GPB/2132/1911).

routine was almost identical for all the boys but the evening brought some relief for those in the special grade as they were granted an hour-long recreation period.<sup>28</sup> Those in the special grade enjoyed an hour of recreation before being locked in their cells at 7.30 p.m.<sup>29</sup> The lights were switched out at 8.30 p.m. for all inmates.<sup>30</sup> There was some variation to this routine at weekends but even this did not affect the reality of the borstal day. Though this pattern of life was often severe and always repetitive, it did contain most of the essential elements of the new penal reformatory that was envisaged by Ruggles-Brise and the 1894–5 Gladstone Committee inquiry. The mundane, sometimes harsh and always repetitive, routine was purposely designed to instil a sense of order and habit into the lives of inmates in the hope that they would, in some ways, develop a need for routine and order when they left the institution. At the core of the theory that constructed the borstal day was an element that Foucault describes as ‘essentially negative’, that idle time was prohibited and the schedule was devised in such a way as to avoid the ‘moral offence and economic dishonesty’ of wasted time.<sup>31</sup>

By comparison with Ireland, the British borstals were lavished with gymnasia, ample playing fields, land for agricultural training and well-equipped workshops. In Clonmel, the institution possessed an approximately half-acre patch of land on which to train boys in agricultural and horticultural practices, with little or no facilities for sports. The workshops were sparse and trained boys in basic trades such as shoe-making and mat-making, neither of which were likely to be in high demand in the one sector of the labour market in which they might find employment, namely agriculture. Even this was not assured. This was a particular concern of the B.A.I. and was highlighted on an annual basis in the influential local newspaper, *The Nationalist*, between 1910 and 1920. The ultimate destination of produce generated by the inmates in the workshops is not clear.

The day-to-day control of the institution’s population rested firmly in the hands of the governor and his warders. Each inmate lived within one of three grades: ordinary, penal or special. The penal grade was the most severe, set aside for badly-behaved or under-performing inmates within the institution, and involved a basic diet and no privileges. An inmate found himself placed in this grade for ‘idleness or misconduct’ or indeed for exercising a bad influence over others. The regulations dictated that an inmate in this grade would be ‘employed in separation at work of a hard and laborious nature, receiving no gratuity’.<sup>32</sup> Ordinary grade was the entry-level for all inmates, where they could expect a better diet and some limited privileges. Essentially this was the point at which boys were confronted with the challenge of reforming themselves. It was a place that provided borstal staff with the opportunity to familiarise themselves with their inmates as part of the process of individualisation that was seen as one of the hallmarks of the system. Over time the ordinary grade became a place for those who showed no great inclination to change, one way or another, and

<sup>28</sup> Osborough, *Borstal in Ireland*, p. 64. The special grade was part of the classification system and was reserved for inmates who were well-behaved and showed promise in education and training.

<sup>29</sup> Osborough, *Borstal in Ireland*, p. 64.

<sup>30</sup> Borstal Institute bell scale.

<sup>31</sup> Foucault, *Discipline and punish*, p. 154.

<sup>32</sup> Regulations with respect to borstal institutions for males in Ireland, 29 July 1909 (N.A.I., G.P.B.).



though more favourable than the penal grade, it nonetheless continued to represent a state of stagnation. Promotion to the special grade was the ultimate reward for good behaviour and self-reformation became the principal concern for most new inmates. Those in the special grade enjoyed many so-called 'luxuries' in their diet and privileges including letters and parcels from home, access to the recreation room and meals in association. Certain comforts were allowed in the cell of the special grade inmate including furniture and small pictures or a photograph. Each boy was also permitted to have an 'iron bedstead', a 'looking-glass' and a 'strip of carpet'.<sup>33</sup> These could certainly have been deemed to be luxury items but, more importantly for the inmates, they were symbols of their achievement, their progress and their efforts at self-improvement. Merit marks were awarded by the governor, instructor warders or even the chaplains. An accumulation of these marks would lead to an inmate's promotion to a higher grade and an ultimately more tolerable existence in detention. This was the incentive towards reform and each boy's success was contingent upon his ability to demonstrate to the officers of the institution that he possessed the capacity for self-improvement. In an address to the International Penitentiary Congress in Washington D.C. in 1910, the founder of the borstal system, Sir Evelyn Ruggles-Brise, described this as a process of 'individualisation' of each boy, 'morally and physically'. The rewards and inducements to good behaviour and industry, although insignificant in material terms, were 'calculated to encourage a spirit of healthy emulation, and inspire self-respect'.<sup>34</sup>

Demoting an inmate from the special to ordinary grade was highly unusual in Clonmel borstal. A boy would typically be sent directly to the penal grade. During his time in charge at Clonmel, Governor John Connor never sent an inmate from the special to the ordinary grade. He felt that it was more appropriate that if a boy had abused his privileges he should be subjected to the harsher conditions of the penal grade. In consequence, a demotion of just one grade would have little effect but the sudden loss of privileges coupled with the many sanctions of the newly punitive regime was likely to have a far greater impact.<sup>35</sup> The mobility of inmates between grades was a source of ongoing discussion between the management of Clonmel borstal and the G.P.B. as both sides sought to arrive at a consensus as to how decisions should be made on the issue. In 1913 the board pointed out to the new governor, Major William Dobbin, that although good conduct should be taken into account when punishing a special grade inmate, only boys who maintained the highest standards of discipline were to be retained at that level. Misdemeanours such as disobedience, not following orders, or threatening an officer were grounds for automatic removal from the special grade.<sup>36</sup> In general, removal from this grade was wholly undesirable for staff and there is no evidence that officers and the governors were enthusiastic about demoting inmates. For an inmate, demotion represented not merely a theoretical

<sup>33</sup> Correspondence relating to Borstal institution for males in Ireland: instructions for carrying out regulations under the Prevention of Crime Act, 1908, 19 Nov. 1909 (N.A.I., G.P.B.).

<sup>34</sup> Ruggles-Brise address to the International Penitentiary Congress, *Proceedings of the International Penitentiary Congress*, p.12.

<sup>35</sup> John Connor to Major Dobbin, 24 Apr. 1913 (N.A.I., G.P.B., C.R., GPB/1911/1835).

<sup>36</sup> G.P.B. to Major Dobbin, 26 July 1913 (N.A.I., G.P.B., C.R., GPB/1911/1835).

device used by their superiors to exact change, but a radical and swift deterioration in their lifestyle, designed to shock them back into submission and self-control.

In terms of power, another significant and often overlooked figure in the Irish prison, but particularly the borstal system, was the medical officer. The first individual to hold this position in Clonmel borstal was a local practitioner, Dr Richard O'Brien.<sup>37</sup> A key function of the borstal medical officer was to ascertain the fitness of each inmate for the regime he would face during detention. Prior to the sentencing phase of his trial each boy was medically assessed and would only be sent to Clonmel if he was deemed fit.<sup>38</sup> An inmate needed to be strong enough to endure the early mornings and long hours of work and relatively poor dietary provisions. Upon his arrival at Clonmel, a boy would again be assessed as part of the regular procedure of Irish prisons. On rare occasions an inmate with a minor physical defect was approved for borstal detention. An undated letter shows an enquiry from Dr O'Brien to his superiors in the G.P.B. regarding the procedure for an inmate who was admitted with heart disease. The medical officer was concerned about the boy's ability to participate in a number of aspects of the daily routine. The reply stated that Dr O'Brien should take personal responsibility for the boy including the regulation of his daily activity.<sup>39</sup> In essence though, Dr O'Brien did have the power to recommend an inmate as unfit for the physicality of borstal treatment, thereby excluding him from the institution.

The inspection aspect of Dr O'Brien's work occupied just a small portion of his time. A typical report made reference to the general cleanliness and sanitary condition of the complex. It also referred to the state of the bedclothes and food, before making a conclusion on the health of the inmates and staff. The evidence suggests that he was particularly vigilant in his inspection of the building complex. The medical officer could be summoned to the borstal at very short notice in the event of injury to an inmate or a warder. His report on these specific incidents was always taken into account in the event of an investigation by the visiting justice and was sometimes crucial in making a determination on the culpability of an inmate. It was inevitable of course that accidents were a frequent occurrence in a busy and highly physical institution such as the borstal. Some of these incidents were quite serious though the majority were not of huge significance.<sup>40</sup>

#### IV

Perhaps the most significant aspect of borstal treatment was not the inmate experience in the institution but what happened directly after he was discharged. As pointed out earlier, aftercare was conceivably the most critical element of the borstal process. Under the terms of the Prevention of Crime Act 1908, the role of

<sup>37</sup> Medical reports (N.A.I., G.P.B., C.R., GPB/1835/1911).

<sup>38</sup> *Report from the Departmental Committee on Prisons*, vi, 1 [C 7702-1], H.L. 1895, x, 32.

<sup>39</sup> M.O. inquiry on fitness of inmate for work and physical drill (N.A.I., C.B.M., 1908–30, GPB/XB5).

<sup>40</sup> Disciplinary reports (N.A.I., G.P.B., C.R., GPB/1291/1918).

borstal aftercare was placed on a statutory footing. With this, the Clonmel Discharged Prisoners Aid Society, later to become the Borstal Association of Ireland, was given unprecedented powers in the brief history of prison aftercare in Ireland.<sup>41</sup> An English borstal association, the London Prison Visitors' Association, was formed in 1901, following a dinner party given by Ruggles-Brise, where he addressed the carefully-selected guests on the merits of his new reformatory for juvenile-adult male offenders. What the guests did not realise was that they were actually attending the first unofficial meeting of what would become the English Borstal Association.<sup>42</sup> In fundraising terms, this body proved far more influential than its Irish counterpart although over time the latter did prove to have considerable sway over decision-making at Dublin Castle.

The Borstal Association of Ireland (B.A.I.) began life as the Clonmel Discharged Prisoners' Aid Society (C.D.P.A.S.) at a meeting in the town on 18 May 1906. This was four days before the arrival of the first juvenile-adult offender. The first chairman of the society was Richard Bagwell, an ardent unionist, barrister, historian and former mayor of the town.<sup>43</sup> The records of the G.P.B. show that Bagwell played an active daily role in the operation of the borstal institution and the B.A.I. Members of the local Roman Catholic and Church of Ireland clergy were also on the committee of the society, which styled itself as non-denominational. The clergy did not have the same day-to-day influence in borstal management as they did in other juvenile institutions of punishment and care in Ireland. The borstal was, after all, part of the prison system and subject to the same bureaucratic structure and authority. The influence of clerics within the borstal was akin to that of a local prison, namely in a chaplaincy capacity. They were somewhat more influential, however, in the aftercare process. The first honorary secretary of the society was Clonmel's town clerk, William Casey, who went on to become a dominant and active figure in the organisation. The basic overall function of the B.A.I. was to help the inmate following his discharge from custody but it was somewhat more complex than this in the case of borstal. Borstal aftercare worked effectively as a type of parole system. Inmates could be released from the institution having served a minimum period of time, provided they earned a sufficient number of merit marks. Under the 1908 act, the B.A.I. had the power of supervision over an inmate for the

<sup>41</sup> One of the earliest known examples in Ireland was a refuge for discharged women at Harcourt Road in Dublin in 1821, founded by two female members of the Society of Friends. By 1896, three societies existed in Dublin, two in Belfast and one in Limerick. The societies in Dublin were associated with one or other of the main churches while the Limerick Prisoners' Aid Society was non-denominational. It was on this organisation that the Borstal Association of Ireland would style itself.

<sup>42</sup> Hood, *Borstal reassessed*, pp 162–3. See also Shane Leslie, *Sir Evelyn Ruggles-Brise: a memoir of the founder of Borstal* (London, 1938). The patrons of the English Borstal Association would include the home secretary, the lord chief justice and the archbishop of Canterbury. This was in contrast to the B.A.I. whose patrons were the Roman Catholic parish priest of Clonmel and the mayor of the town.

<sup>43</sup> Born in Marlfield House, Clonmel in 1840, Bagwell was educated at Christ Church, Oxford, being called to the bar in 1866, though he never practised law. Upon his return to Marlfield in 1883 he commenced work on his most noted historical work, *Ireland under the Tudors*. See Mary O'Dowd, 'Richard Bagwell', *Oxford Dictionary of National Biography*. He died at Marlfield in December 1918 and a party of twenty borstal inmates and eight warders accompanied his remains to their final resting place.

period of his discharge licence and if he escaped from their guardianship during that time they were obliged to report this to the authorities and recommend his return to the borstal.<sup>44</sup> This was one of the key factors that gave the B.A.I. such a strong hand over those in its care, by comparison with other prison aftercare bodies who had no such authority. Officers of the B.A.I. were placed in positions of clear authority over discharged inmates. This ensured that for those boys who wished to remain free from detention during the period of their licence, they must exercise self-control, stay clear of any prior negative influences and work hard. This was effectively an extension of the principles of self-discipline that were imposed upon the inmate while he was in detention but now he was expected to take control himself, under the distant supervision of the B.A.I. Essentially, this was in keeping with the notion of self-empowerment.

In the context of prison aftercare this effectively meant that the borstal associations of both Britain and Ireland held unprecedented power and although both were supported by a combination of philanthropy and small government grants, it is difficult to conceive how the borstal system would have survived without their participation. Essentially the prison commissioners in Britain and later their counterparts in Ireland subscribed to the idea that existed since the nineteenth century in the United States penal system, namely that prison should be rehabilitative. Rothman underlines what he terms a 'shared assumption' between prison authorities in Pennsylvania and Auburn which claimed that a convict was not necessarily wicked but had simply failed the obedience training that was provided to him by his family, church, school or community. Essentially, the authorities would stand a better chance of achieving this by submitting him to the well-ordered routine of a prison.<sup>45</sup>

The C.D.P.A.S. progressed largely along the same lines as the borstal institution itself. Between 1906 and 1910, when the borstal institution formed only a part of Clonmel prison, the society did not adopt the term borstal as part of its name. But in late 1909 the county gaol became a borstal institution and the society evolved accordingly, reconstituting itself as the B.A.I. the following year. Certain members of the association did have additional roles within, or contacts with, Clonmel borstal in other capacities; as visiting justices, chaplains and medical officers they held key positions that informed their work in the aftercare process. If a visiting justice was called in to adjudicate on a matter of alleged indiscipline, his contact with the inmates gave him a good sense of the character of the individual and the class of offender he would later assist in his work with the B.A.I. As members of the association, their day-to-day contact with the institution and the inmates was often on such matters as providing recreational facilities or lectures. Funding remained a controversial issue for the B.A.I. during the first fifteen years of its existence. The Prevention of Crime Act 1908 paved the way for limited government assistance but for its day-to-day activities the association was dependent on charitable donations. At a time when the institution served a national purpose, the B.A.I. was almost exclusively dependent on philanthropy from the Clonmel area.

<sup>44</sup> Regulations with respect to borstal institutions for males, 29 July 1909 (N.A.I., G.P.B.).

<sup>45</sup> David J. Rothman, 'Perfecting the prison' in N. Morris and D. Rothman (eds), *The Oxford history of the prison: the practice of punishment in western society* (Oxford, 1998), p. 106.

The 1909 *Regulations with respect to Borstal institutions for males in Ireland* identified the criteria that were used to select inmates suitable for discharge. Eligibility was based on the perceived progress and conduct of a boy during his borstal detention. If it was felt that he would lead a worthwhile and diligent life, free of his old criminal ways and capable of gaining employment, he was considered for discharge on licence. Additionally, he must have earned six months' worth of 'merit marks', awarded for industry, good conduct and academic achievement. If these conditions were fulfilled, the institutional board comprising officers of the borstal selected by the G.P.B., could initiate the procedure that might lead to discharge.<sup>46</sup> At this juncture the B.A.I. entered the process and the extent to which that body became a powerful force in a boy's life should not be understated.

The domestic setting of each inmate also came under scrutiny during the immediate pre-release period. If his parents or guardians were deemed to be of a criminal nature themselves, then the B.A.I. had the power to prevent his return to the family household for the period of his discharge licence. Prior to the release of an inmate, members of the association would work to ascertain the facts of his family background. Typically they made contact with the local police and sought a report on the parents or siblings; if necessary a B.A.I. representative or agent would travel to interview the family in person. In the many cases where the inmate was not returned to the family home it was necessary for the institutional authorities and the B.A.I. to locate a suitable employer. In 1914 the institution's governor, William Dobbin, described how he would often ask the potential employer to come to the borstal and interview the boy in his presence. He pointed out that this was a task that did not always have a satisfactory conclusion when carried out by correspondence alone.<sup>47</sup> Neither the institutional authorities nor the B.A.I. had the legal power to completely separate a discharged inmate from his family, in the event that the latter was deemed unsavoury. The most they could hope to achieve was that placing him at a considerable geographical remove during the discharge licence period, his contact with family would be minimised, particularly in the context of early twentieth-century Irish infrastructure and transportation.

One of the strongest examples of the B.A.I. acting as a lobby group for the institution and its inmates comes in the form of a prolonged controversy over the training of inmates between 1906 and 1921. The campaigning nature of the association was fully exposed during a decade-long crusade to force the government to acquire land for the purpose of providing agricultural training for inmates. Clonmel borstal was located in the centre of a town with just a half-acre garden in which to train its inmates. The inmates were not the only group disadvantaged by the lack of land. When the committee of the B.A.I. began its enquiries to try and secure employment for a soon-to-be-discharged inmate the first question they were confronted with was the extent of his agricultural abilities. This typically dictated the level of his salary. Consequently, the boys often became discontented and unsettled in their workplace and some eventually made their way back to 'their original undesirable haunts'.<sup>48</sup> The majority of

<sup>46</sup> *Regulations with respect to borstal institutions for males in Ireland*, 29 July 1909 (N.A.I., G.P.B.)

<sup>47</sup> Dobbin to G.P.B., 3 Aug. 1914 (N.A.I., G.P.B., GPB/5044/1914).

<sup>48</sup> Casey to Birrell, Mar. 1913 (N.A.I., C.S.O.R.P., 11/81/1913).

inmates originated from an urban rather than rural environment. This scenario raised the stakes for the B.A.I. because first, it not only caused them the inconvenience of having to deal with inmates who may have transgressed, but second, any boy who fell back into criminality was deemed a failure and was one less reason to justify the joint appeals of the B.A.I. and the G.P.B. for greater funding from the public and philanthropic organisations. Generally though, the association was more concerned with influencing borstal policy than interfering to a large extent in the daily running of the institution. Its reports contain critiques on a number of issues including sentencing policy, training of inmates and family life. It is likely that because of its unique position as an independent body with a strong connection to the borstal inmates, the Association felt qualified to speak on such matters. In this respect it acted almost as an advisory body, both to the government and the judiciary.

It can be argued that despite the process of incentives and coercion that was part of daily life in borstal, the true test of an inmate did not begin until the day he was discharged from the institution. It was at this point that the B.A.I. stepped into his life in a real sense. Having already identified a suitable place for him to live, found employment for him and provided him with a suit of clothes, the association now had a duty of care and supervision for the entire period of his discharge licence. This entailed regular contact between the association and those who had daily charge of the discharged boy, such as an employer, landlord or even local police sergeant.<sup>49</sup> If a situation arose whereby a boy did not attend work on a regular basis, where he resumed associations with unsavoury characters or where he re-offended, officers of the B.A.I. would visit the area, compile a report and typically recommend his return to the institution to serve out the remainder of his sentence. There was, however, another often overlooked aspect to borstal aftercare.

The B.A.I. not only served as the moral steward of discharged inmates but also as their legal guardian. Boys emerging on a discharge licence from the borstal institution were in considerable danger of exploitation from unscrupulous employers and there is evidence to suggest that this did take place. The true extent of patterns of exploitation is difficult to accurately gauge but in the documented cases that have survived, it is clear that the Association did exercise its power to rescue discharged boys from such situations. The inmate was not the only party subjected to a vetting process by the B.A.I. prior to his discharge from the borstal.

As the profile of the borstal discharge scheme was raised amongst the agricultural communities of county Tipperary and beyond, the institution received an increasing number of requests for boys to be sent to work with farmers. One such request received by Governor Dobbin in March 1919, was from Michael O'Connor, a farmer from a rural district close to Thurles who enquired whether it would be possible to hire a 'man or boy' to work on his farm.<sup>50</sup> Following the usual procedure, Dobbin wrote to O'Connor's local Royal Irish Constabulary (R.I.C.) branch to make enquiries as to whether the farmer

<sup>49</sup> In situations where it was unrealistic for the B.A.I. to maintain direct contact with a discharged inmate because of distance, the supervision functions were, in a way, sub-contracted to a suitable agency closer at hand. This often included another discharged prisoners' aid society or indeed the Society of the St Vincent de Paul.

<sup>50</sup> O'Connor to Dobbin, 11 Mar. 1919 (N.A.I., G.P.B., C.R., GPB/2939/1919).

was a suitable 'person to exercise good influence over the young man in the event of his being released on licence'. O'Connor promised Governor Dobbin that he would keep the boy in constant full-time employment, give him good advice and 'keep him under friendly supervision'.<sup>51</sup> This example illustrates why this process was not only useful but essential. The local R.I.C. sergeant advised the borstal authorities that O'Connor was 'a man very much addicted to drink' and wholly unsuited to the task of employing and supervising a discharged inmate.<sup>52</sup>

## V

This article has shown how the Irish borstal offender was subjected to a number of different influences from the moment of committal to the day of the expiration of his discharge licence. This was possible because the borstal system vested power in different ways in the hands of a number of interest groups that could, it was believed, exact some manner of reform over juvenile-adult offenders. While none of the components of the borstal model were necessarily new – education, labour, exercise, religious instruction and aftercare were all existing features of the prison system – this was the first time that all of these strands were drawn together and imposed upon a particular criminal class for the purpose of improving the body and mind of an offender. Neither was the presence of the scientist or the so-called medical men a new phenomenon in penal science. Such individuals had been consulted since the late eighteenth century. It was during the closing decades of the nineteenth century, however, when the prison system was on a path towards reform that administrators increased their dialogue with the medical profession. Ruggles-Brise went further than any of his predecessors by basing the borstal system almost completely around the theories of those medical and psychiatric practitioners whose advice he had sought and accepted. In fact, many elements of the borstal system drew upon the most relevant aspects of other institutions such as lunatic asylums or workhouses in order to exact order and control and influence over the inmates. What sets these elements apart in the borstal system is their application for reformatory purposes rather than merely to control or restrain those in detention.

The triple power structure that guided the lives of juvenile-adults detained in Clonmel borstal was unique among penal institutions in Ireland at the beginning of the twentieth century. With the quality of his day-to-day institutional existence dictated by his position within the grading structure it was necessary that each inmate performed to a high standard at work, training and in recreation. While specific data is not available on the numbers held in each of the grades, the penal stage was always the least populated. This can be viewed as the successful outcome of a well-considered and highly-rigorous system. On the other hand, it could be argued that a highly-populated penal grade would be a sign of a failing institution where the staff members were unable to raise the behavioural standards of inmates. In the B.A.I., the boys were faced with an organisation that possessed the ultimate weapon, the legal power to return them to the institution

<sup>51</sup> Dobbin to Ballinamore Sub-district R.I.C., 14 Mar. 1919 (N.A.I., G.P.B., C.R., GPB/2939/1919).

<sup>52</sup> Ballinamore Sub-district R.I.C. to Dobbin, 20 Mar. 1919 (N.A.I., G.P.B., C.R., GPB/2939/1919).

prior to the expiry of their licence. This was a power that was exercised on several occasions. Wider research on this area found no examples of serious disagreement between the partners in this power structure during the first fifteen years of borstal in Ireland.<sup>53</sup> It is true of course that there was a certain degree of overlap in membership of the power structures of the borstal system. For instance, the governor of the institution, himself part of the management committee, was also automatically a member of the B.A.I. This was a relationship built on mutual dependence and was reflected time and again across a range of joint decisions and public statements. It was essential for the success of the borstal project that this three-way partnership would succeed because if one or more of the players were to default on their duty the entire system was put at risk. Without a solid ideological investment in the borstal idea from all three partners who were, after all, mutually dependent on each other, the power structure that governed the lives of the incarcerated juvenile-adult offender would not have survived.

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<sup>53</sup> See Reidy, *Ireland's 'moral hospital'*.