

Part II.—Reviews.

The English Prison System. By Sir EVELYN RUGGLES-BRISE, K.C.B.
London: Macmillan & Co. Pp. 275. Price 7s. 6d.

Sir Evelyn Ruggles-Brise, who has just retired from the position of Chairman of the Prison Commission after twenty-five years of service, has in this book published an account of the English prison system which is of wide interest.

In the preface and early chapters he traces the steps by which throughout the civilised world the severity of the old penal laws have been mitigated, and modern ideas of the uses of punishment have been generally adopted. In the light of modern opinion a system has been evolved which, while upholding the coercive, deterrent, and retributory attributes of punishment, recognises the principle that it must also be as far as possible reformatory, the problem being how far the rights of the State must be asserted without involving unnecessary and irretrievable damage to the individual. The days of treating criminals in the mass have gone, and it is now universally recognised that each case must be dealt with on its merits and after study of the individual delinquent. This question has been well dealt with in America by Dr. Healy in his valuable book on *The Individual Delinquent*. Modern criminologists also thoroughly realise the futility of short sentences of imprisonment for minor offences.

Much valuable work in educating public opinion has been accomplished by the International Prison Commission at their quinquennial congresses, one of which was to have been held in London in 1915 under the chairmanship of Sir Evelyn Ruggles-Brise, had not the Great War intervened.

The story of the gradual development of the English prison system is admirably told in the chapters relating to penal servitude and imprisonment. At the present time both convict and local prisons are under the control of the Prison Commissioners, who act subject to the direction of the Secretary of State, who is himself responsible to Parliament for their administration. As the result of the report of an Inquiry in 1895 the Prison Act of 1898 was passed. Under this Act, with the subsequent improvements embodied in the Criminal Justice Administration Act, 1914, the whole prison system has been placed on a humane and progressive basis. This country can no longer be accused of callousness or inhumanity to the criminal. During his incarceration he is under close observation physically, mentally, and morally, and every effort is made to reform him from his evil ways. The important position held by the Medical Officer of the prison is now fully recognised.

The legislation of 1908 deserves more than a passing mention. In this year the Children's Act was passed, which practically forbids imprisonment before 16 years of age, and thus withdraws all persons under 16 almost entirely from the control of the prison authorities. The Prevention of Crime Act, with which the name of Sir Evelyn Ruggles-Brise will always be closely associated, also became law. This

very important statute deals with two categories of evil-doers who represent the opposite poles of criminality, namely, the juvenile offender and the habitual criminal. Under what is now familiar as the Borstal system, juvenile offenders between the ages of 16 and 21 who, by reason of their criminal habits, tendencies, or evil associations, require detention under such instruction and discipline as may be most conducive to their reform and the repression of crime, can receive a sentence of detention in a Borstal Institution for a term of not less than two nor more than three years. During this period they receive training and instruction with every encouragement to reform, and on discharge are assisted to keep on the straight path by the aid-on-discharge societies. When an offender is found to be an habitual criminal, the court has power to pass a special sentence ordering that on the determination of the sentence of penal servitude, he may be detained for a period not exceeding ten nor less than five years under "preventive detention." Whilst undergoing this sentence special endeavours are made towards the reformation of the individual, and to convince the most professional of criminals that crime does not pay. Borstal Institutions have been started for males at Borstal and Feltham and for females at Aylesbury. For habitual criminals of the male sex a new prison has been constructed at Camp Hill, in the Isle of Wight. The institution appears to be making good progress.

The salient features of the prison system under modern legislation may be summarised under the following heads :

- (a) The concentration of attention on the juvenile offender under the Borstal system.
- (b) The organisation of a system of aid-on-discharge both for convicts and short-sentence prisoners.
- (c) The provision of "preventive detention" for the habitual criminal, with various incentives to reform.

To readers of this journal the most interesting chapter in the book will probably be that which relates to the criminological inquiry conducted by the late Dr. Goring, and his report entitled "The English Convict—A Statistical Study." Sir Evelyn Ruggles-Brise gives a careful analysis of this work, with the conclusions to which Dr. Goring arrives. Without accepting Dr. Goring's views of "the criminal diathesis" in their entirety, everyone agrees that a very large number of the inmates of our prisons are mental defectives, and that consequently their mentality is the important factor in deciding whether they ought to be dealt with as criminals or as defectives. The Mental Deficiency Act, 1913, contains provisions which enable certain classes of defectives to be taken charge of and dealt with more appropriately than in prison, orders made under the Act authorising their detention for such period as may be necessary. The operation of this Act has been sadly hampered by the War and the resulting financial stringency, but there can be little doubt that when every local authority has its special school, under the Elementary Education (Defective and Epileptic Children) Acts, 1899 and 1914, as well as its certified institutions, under the Mental Deficiency Act, and when the Education and Mental Deficiency Committees are properly functioning, the numbers of defectives who find their way to prison will be very considerably diminished. Sir Evelyn

Ruggles-Brise fully recognises the importance of the Mental Deficiency Act in promoting the rational and scientific treatment of the criminal problem. He notes with approval the growing appreciation on the part of magistrates and the public generally of the close and often undiscovered association between crime and mental deficiency. It remains largely for the medical profession to foster and encourage this appreciation. The problems presented by the "moral imbecile," as defined in the Act, are often full of difficulty, and their solution calls for the closest co-operation between the medical officers who in their various capacities have to deal with them. It is only by intimate personal knowledge of the complex mentality of many of these social misfits that accurate diagnosis can be arrived at.

The chapter on vagrancy and inebriety merits careful attention, especially in view of the inadequacy of short sentences of imprisonment. Persons committed to prison for offences under the Vagrancy Act, or as the result of drunkenness, are the cause of much anxiety to the prison authorities; in neither case can short terms of imprisonment, followed by unrestricted discharge, effect permanent improvement. These offenders only go to swell the ranks of recidivists and habitual criminals. Sir Evelyn Ruggles-Brise states that of the women sent to prison annually nearly two-thirds are committed for drunkenness and prostitution. The figures relating to female committals for drunkenness given on p. 115 are especially appalling. The difficulties are immense, but it is quite time that fresh legislative effort was made to deal with these offenders on a more satisfactory basis.

The statistical table of committals to prison on conviction in the year 1918-19, as compared with 1913-14, shows a reduction in the numbers of such committals amounting to 81 per cent. This reduction is attributable to a great extent to conditions arising out of a state of war—such as the general call upon the manhood of the nation for service under the forces, the endless opportunities for employment for those who in ordinary times would not be eligible for want of the necessary qualifications, and the drastic restrictions on the sale of intoxicating liquor. But the decrease in grave as well as in the less serious forms of crime had been proceeding for some years before the war. Further, the Criminal Justice Administration Act, 1914, which gave new facilities for the payment of fines, came into operation in 1915, and it is interesting to note that whereas before the operation of this Act between 75,000 and 100,000 persons had been committed annually in default, the numbers so committed in 1918-1919 had fallen to about 5,300 only. This low number is probably to be accounted for by the high wages prevalent, thus affording means to pay the fines imposed. It is devoutly to be hoped that these improvements will not prove to be transient.

As regards the population in convict prisons, the great bulk of whom are classed as recidivist, only about 700 are so classified at the present time, as compared with 2,000 at the beginning of the present century; while the supply of the juvenile adults sentenced to penal servitude has almost ceased. These results of modern legislation are very encouraging and satisfactory.

For the future Sir Evelyn Ruggles-Brise seems to suggest the possi-

bility of further development of "the indeterminate sentence" as a punishment for grave crime *in lieu* of penal servitude. A resolution in favour of this principle was, at the last International Congress in Washington, carried unanimously by delegates representing most of the countries of Europe and the civilised world. He also considers that there is further scope for the organisation of probation on large and well-considered national lines, and for the co-ordination of all organised efforts, collective and individual, now existing in the country, with a view to the prevention of crime.

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The Manner of Man that Kills. By L. VERNON BRIGGS, M.D.
Boston, U.S.A. : Richard G. Badger, 1921. 8vo. Pp. 440.

In this volume Dr. Briggs details the life-histories along with the mental and physical abnormalities of three men—Spencer, Czolgosz and Richeson—the perpetrators of the three most sensational murders of recent years in America. The only one of the three likely to be familiar to British readers is Czolgosz, who shot President McKinley. Dr. Briggs' knowledge of the cases is first hand for he was employed as mental expert at the trials. He was, however, satisfied in his own mind, notwithstanding that they were all three condemned and executed—that they were mentally irresponsible for their actions. He accordingly set himself the long task of a thorough investigation into their life-histories and the elucidation of facts pointing clearly to the morbidity of their mental constitutions. He has succeeded in proving, on apparently indisputable grounds, that Spencer was a defective from birth whose conduct should have demonstrated that he was not a safe individual to live unguided in society. Czolgosz was, from the evidence adduced, a case of simple dementia præcox (hebephrenia), who was not medically—probably not legally—responsible for the death of the President. Richeson, a clergyman, was a hysteric who suffered from hallucinations, delusions, amnesic phases, and occasional delirium. He had been nervously affected for years and had been treated by numerous physicians.

The book, which is of great interest to medical jurists, is popularly written with the avowed intention of enlisting public opinion in favour of a change in the laws affecting the supervision of the insane and mentally defective living uncared for and unrecognised in the community, as well as the methods of procedure in criminal trials. The author considers that the medical profession, as a whole, requires a more thorough training in psychiatry than it at present receives. He also believes that, in chronic cases at any rate, the distinction between medical and legal insanity should be abolished. He further urges that in all criminal trials where there exists a *prima facie* suspicion of mental unsoundness the accused should be placed by the court under competent observation and examination for such time as may be necessary, in order to ascertain the true state of his mind.

JOHN MACPHERSON.