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AN ENGLISH VIEW OF THE AMERICAN PENAL SYSTEM.

SIR EVELYN RUGGLES-BRISE.¹

A comparison, strictly so-called, of British and American penal systems is, of course, from the nature of things, impossible. There are as many systems in America as there are states, and even in the same state we find many different systems. All that a foreign visitor can do is to deduce from observation and study what are the leading tendencies and developments in the treatment of crime. The whole continent abounds in new ideas and experiments having for their purpose the improvement of the preventive and punitive system. In some states, where public opinion is strongly organized and articulate, these ideas and experiments receive legislative sanction. In America laws are repealed as easily as they are made, and if an experiment is not satisfactory it is abandoned. Out of this multitude of ideas and of experiments, scattered broadcast by innumerable pamphlets and conferences, there evolves gradually a settled opinion which is common to all states and universally endorsed by the general sentiment. The history of the evolution of American ideas on punishment is, to a large extent, the history of the views and opinions of a few eminent individuals, who, by their writings and addresses to various congresses (which are a distinctive feature of American life), gradually win public adherence to certain views and principles which, if they had to wait, as in most European countries, for the formal adoption by the government and translation into acts of Parliament, would not be so quickly realized in practice. These men, of whom there is a notable list in the annals of American prison reform, have usually made a close study, not only of European law and practice, but of European thought and philosophy, as expressed by such societies as the "Société Générale des Prisons" and "L'Union du droit international." The views and writings of learned jurists, such as Prof. Liszt of Germany and Prof. Prins of Belgium, are well known in the United States, and their influence upon a small *élite* of professors and publicists who contribute to form public opinion on prison questions in America is discernible. The "Kriminal-politic" of Prof. Liszt has much in common with the American idea and tendency, viz., that the struggle with crime must be with

¹President of the English Prison Commission and of the International Prison Commission. This paper embodies part of a report to the Secretary of State for the Home Department, on the proceedings of the Eighth International Prison Congress, held at Washington, October, 1910.

the social, and not with the individual, factor. The punishment of the individual, however elaborately and humanely organized, is of little importance relatively to the removal of the social conditions which impel to crime. Prof. Liszt has deduced from the study of criminal statistics in Europe his three famous probabilities: (1) the probability that anyone will commit a crime is greater if he has already been punished than if he had never been punished; (2) the probability that anyone will commit a crime increases with the number of punishments he has already undergone; (3) the probability that a man who is released from punishment will commit a new crime in the shortest possible time increases with the length of sentence he has undergone. The object of these startling propositions is, of course, to point the old moral that "prevention is better than cure," and that the science of penology ought to be concerned with the examination, and, if possible, with the removal of the *causes* of crime. "Prevention" was the keynote of the American Congress, and our learned President, Dr. Henderson, lost no opportunity of impressing upon us, with much force and eloquence, that in this work of "prevention" we must call in all the resources of modern statesmanship and modern science. The application of scientific experiment to criminal problems is a notable feature of the most recent American developments in the treatment of crime. The most glaring example of this is the law of Indiana as to the treatment by sterilization of confirmed criminals and "defectives." It is seen also in the elaborate systems followed in some states for the clinical and psychological study of defective and neglected children, which is stated to be producing important results in Boston, Philadelphia, Cleveland, Pittsburg and Rochester. In experimental psychology one hears of such instruments as the chronoscope, the sphygmoscope, and the ergograph, for examining the thoughts, emotions, and capacities of persons whose mental state seems to be abnormal, and which would, unless discovered and removed, conduce to criminal habits.

A conservative adherence to old methods and principles of punishment is hardly to be expected in a people so equipped with the latest scientific ideas and by temperament so impatient of traditional doctrine. To what conception of punishment the many bold theories advocated in most of the states of the Union will lead it is impossible to say, but, for the present, the distinguishing feature in the treatment of crime in America is the adoption in nearly all the states of the principle of the "indeterminate sentence."

I will deal shortly with this, with the probation and suspension system, with the "jail" system, and with two interesting institutions in the

state of New York—the George Junior Republic and the Bedford Reformatory for Women.

Where the subject is so vast, where the matters of study and investigation are almost unlimited, having regard to the size of the continent and the varying laws and institutions of each individual state, I cannot pretend to do more than call attention to what struck me as the most interesting features in the treatment of crime revealed during our excursion of ten days through different states, and by the papers and addresses delivered during the week's congress at Washington.

(1) *The Indeterminate Sentence.*—I have in reports on former congresses adverted to the meaning and purpose of the indeterminate sentence. There is no such thing as an "*indeterminate sentence*," in the strict meaning of the word, *i. e.*, a sentence without a limit. In all states the maximum is fixed by law for each kind of crime, and in many the minimum, also. The term "*indeterminate sentence*" only designates the tendency towards which public opinion in America is moving. In its present stage the phrase is rather used colloquially as the watchword of the movement of reform. Its meaning is to deprecate what is known as the "retributory" element in the punishment of crime, *i. e.*, to take away from the judge the power to inflict a definite sentence for a definite offense; to make, not the guilt of the offender, but his potentiality of reform, the index of the duration of punishment; to confer on executive officers, *i. e.*, boards of parole, who become cognizant *after conviction* of the character of the criminal, the power to say at what moment he can be released without danger to the community. This rejection of the "time" or "definite" sentence as the penalty for anti-social conduct has a much more than juristic interest. It is a great deal more than a change of criminal procedure. It is a new mental attitude towards the conception of punishment on the part of a large section of the English-speaking race. We may account for it partly by a distrust of the judiciary, which has not the strength, or character, or tradition, which belongs to it in Europe, partly by a reaction against the startling want of uniformity in the criminal codes of the different states of the Union, whence arises an inequality of punishment which cannot fail to strike the imagination of a race which, in its quick-march toward progressive ideas, takes an almost childish pleasure in defying tradition, and this especially in the domain of criminal law. To the national conscience, thus anxious and perplexed, and still imbued with a deep religious spirit, as in the old days of the Pennsylvania Quakers, the eloquence and zeal of a few notable men, who, during the last fifty years, have led the crusade against the principle of retribution in assessing penalty for crime, appeals with

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remarkable force. It may be a bold generalization to say that the civic spirit has become the religion of America, but the idea of recreating criminal man to honest citizenship—this, rather than his conversion into a religious man—lies at the root of the modern doctrine of reformation as the primary object of punishment. The early Quaker sought the latter end, and expected to achieve it by the cellular plan, *i. e.*, by solitary detention for long periods of time. The cellular system is seldom mentioned in America to-day. Its principles are not even observed in the most up-to-date state reformatory, though a nominal homage is given to it in virtue of its history and tradition. Its negative value as a protest against promiscuous association has yielded to what is conceived to be a greater and higher purpose of punishment, *viz.*, the formation or reformation of character, which shall fit a criminal man to become an asset in the civic and industrial life of the community. No one can quarrel with this lofty concept of punishment, but the cautious and the thoughtful man will ask himself whether principles which are of more importance for the well-being of the community are not being sacrificed for an ideal which must be in many cases unattainable and, in all, extremely difficult. You cannot expel human nature with a fork, and moral indignation against the perpetrator of an anti-social act is in human nature, and will demand certainty and fixity of punishment where there is full responsibility for the deed. It is a misnomer and a fallacy to refer to this healthy moral sentiment as a desire for vengeance or as the old classical idea of expiation. In its modern shape it merely expresses the determination of the human consciousness that the system of rights should be maintained and that the person who violates it should be punished. The character and degree of that punishment will be the result of experience in each country, according to racial characteristics, the standard of civilization, and the degree of intimidation necessary to deter from breaches of the law. It will be asked then whether, in America, anti-social conduct does not give rise to moral indignation and a desire for a certainty and a fixity of punishment? Not, I think, to the same extent as in Europe. Firstly, the easy-going tolerance and kindness of the race is proverbial, and there is not the same degree of moral indignation when rights are violated as in the older and more settled countries of Europe. Secondly, the idea of good citizenship, and of a high sense of civic duty, has a great hold on a very practical race, who regard so much time spent in prison under fixed sentences as so much value lost to the state as a going industrial concern. The criminal man is an unfortunate—the victim of circumstances. The prison authority and the parole board must rehabilitate him; the function of the judge is finished when guilt or innocence

is declared. He has nothing to do with the moral reformation of the individual, which can only be undertaken after conviction, and only those who become cognizant of the man after conviction can decide how long it is necessary to keep him in prison, the only object of prison being not to punish, but merely to reform. What is new and startling in the system to English ideas is that the judge should not fix the sentence, and that the parole board should liberate without reference to superior authority.

The "indeterminate" principle is not in itself a new thing. We are familiar with it in England. It is the principle of the reformatory school acts, of the Borstal system, and of preventive detention. In all these cases it is assumed that the time limit imposed is subject to the exercise of reforming influences, and to conditional liberty, if there be a reasonable prospect of reform. We do not, like the Americans, apply it to ordinary grave adult crime. This constitutes the special feature of the principle as operative in the United States. It is applied *passim* to inmates of state reformatories, *i. e.*, persons under 30 or 35 guilty of grave crime, subject to the condition that they are not known to have been previously convicted of felony. In some states it is applied to the ordinary state prisoners, *i. e.*, persons guilty of grave crime, of all ages, whatever their previous record may be. Certainty and fixity of punishment, with a guarantee that the punishment shall not be modified except by authority of the government, seems so obvious, and to result so naturally from the necessity of maintaining the system of social rights, that one is puzzled to account for what appears to be the indifference on the part of the American public as to any proportion between the crime and penalty. Perhaps it can be explained by the absence of that collectivity of sentiment which exists in the old and thickly peopled countries, and also by the vast size of the continent, its mixed population, and varying characteristics—climatic, political, and geographical.

Yet from a comparison of views and systems, even from the somewhat extravagant features of the "indeterminate" sentence, we can extract one lesson of the greatest value and importance, *viz.*, that in the administration of the criminal law there should be a close and intimate relation between the judicial authority that passes the sentence and the prison authority that executes it. In a country where the judiciary are fully aware of the effect of their sentences, and where they are in close touch and sympathy with the constant changes that are proceeding in prison *régime* and administration, where any suggestion from the prison authorities is welcomed and encouraged, in that country it will be possible, without detracting from the high dignity and discretion of the court, to arrive at the same result which is aimed at by the "indeter-

minate" sentence, viz., the individualization of punishment, *i. e.*, the reform of the individual man by the application to his case of the penalty and the treatment which are best calculated, at the same time, to maintain the law and to rehabilitate the offender as a useful asset of the community.

The endorsement of the principle of the "indeterminate" sentence in the general assembly of the congress was loudly acclaimed, and described in the American press as a triumph of American over European ideas. The resolution affirming the principle was carefully framed, and was, in fact, a compromise between conflicting opinions. It did not do more than affirm the value of the principle for reformatory purposes, and restricted its application to "moral and mental defectives." It is possible to gauge from this limitation to what extent the affirmation of the principle was a triumph for American ideas. What is a "moral defective"? The "moral defective" is a species of the *genus* "mental defective," but the difference is this, that his mental deficiency is expressed in the sphere of impulse and feeling, and only slightly in that of thought. This so-called "moral defective" constitutes only a small fraction of the inmates of our convict prisons, but the type is well known to all those who have the opportunity of practical observation. While their mental machinery seems to work normally, the absence or the defectiveness of moral sense is most striking. The release of such men from prison by automatic process, either ticket-of-leave or expiration of sentence, furnishes no security that he will not immediately recommence his depredations on society. He is generally a well-behaved man in prison, and thus earns a full remission of his sentence. It is this man who, to the American penologists, represents a satire upon, and a condemnation of, the old-fashioned system of "definite" sentences. They talk and write wildly and loosely about the absurdity of releasing a patient from hospital before he was fully cured. This analogy, supported by examples such as I have referred to, has caught hold of the public imagination, with the result that it is almost impossible to take up a journal in America which, in writing on prison reform, does not adopt dogmatically the analogy between crime and disease, without thinking or knowing that the relation between the two is one of the most subtle and the most difficult, and almost undiscoverable, of all relations. All practical men conversant with the prison problem admit that there is such a relation. It is recognized *passim* by the law and standing orders for the government of prisons, but the difficulty arises, not where the relation can be easily and clearly diagnosed, but in what are known as "borderland" cases, where "mental" or "moral" defectiveness cannot be proved, and can only be

assumed on evidence which is not a sufficient justification for declaring that the state of any particular individual is abnormal, and that he should be made subject to special treatment. For such a "moral" defective, as I have said, the Americans have invented the "indeterminate" sentence, and the congress have approved the proposal. Logically, this means that where a prisoner is declared by competent authority to be a "moral" defective, he shall not be released from prison. This is the "indeterminate" sentence in its strict and logical sense. In England, and in other European countries, we do not go as far as this. Parliament has lately recognized that it is futile to go on passing repeated sentences of penal servitude. In the case of a man who not only cynically declares his intention to revert to crime the moment he is released, but actually does so, the court now has power, in the general interests of society, to declare him to be a habitual criminal, and to order him to be detained "preventively," or, in other words, placed at the disposition of the state for a certain period of years. During that time the state shall closely observe and examine this man under conditions of existence which, consistently with safe custody and security, will be as little onerous as possible. The state will inquire into the man's circumstances and environment, and, if it is humanly possible to correct and divert such a man from criminal courses, I have no doubt that the Prevention of Crime Act, 1908, furnishes the best chance that we have ever hitherto had in this country of effecting this object.

The foreign delegates in America, impressed, as they were, with the multitude of experiments proceeding around them, asked in vain for some statistical tests by which the influence on crime of these various experiments could be made known. It is a curious and a remarkable fact that, for America as a nation, there are no criminal statistics. The only statistics regarding crime that embrace the whole country are those taken by the federal authority and appearing in the decennial census of the United States. No census prior to 1904 went farther than to enumerate and classify the prisoners actually serving a sentence in all the prisons of the United States on a given day of the census year. In 1904 the commitments and sentences were also given. All that we can learn from the census is that in 1880, 1890, and 1904 there were, in round numbers, 58,000, 82,000, and 81,000 prisoners in prison on a given day, representing, respectively, 1,160, 1,300, and 1,000 persons per million of population. If the figures for serious crime only are taken, *i. e.*, prisoners confined in state prisons and state reformatories, the figures for these three periods are 30,000, 45,000, and 60,000, respectively. During this time the population increased by 62 per cent, while, according to these figures,

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serious crime increased 95 per cent. The commitment of juvenile delinquents rose from 15,000 in 1890 to 23,000 in 1904. The general conclusion at which statisticians, with the meager materials at their command, have arrived, is that serious crime increased out of proportion to the population between 1880 and 1904, but mainly between 1880 and 1895. Since 1895 the influence of the increased use of probation, and of the "indeterminate" sentence, has, both by finding alternatives to imprisonment and lessening the duration of the sentence, so greatly affected the figures of prison population that it is not possible to state definitely whether or not crime is increasing in the United States. The general belief is that crime is increasing. Some new figures will, I understand, shortly be published in connection with the census of 1910, and before long it is anticipated that public opinion, which is beginning to realize that the United States stands almost alone among the civilized countries of the world in having no formal and official index of the movement of crime (that is, of the moral state or standard of the community), will bring such pressure to bear upon the federal government that criminal statistics analogous in form and comprehension to those issued yearly by European governments will before long be instituted. Until that time it is impossible to judge the "indeterminate" sentence by the only valid test to which it is possible to apply changes in criminal law and procedure, viz., their effect on the volume of crime over a given period of years.

(2) *Suspension of Sentence and Probation.*—It is a natural corollary of the disbelief in fixed sentences that special attention should be given to the substitutes of imprisonment. There is a remarkable movement in America in the direction of extending the use, both of suspended sentence and of probation, in dealing with adult offenses. Probation was started with small beginnings in Massachusetts in 1875, and then, chiefly, in connection with juvenile crimes. It has since been extended to thirty-seven states of America, to Great Britain, Germany, Hungary, Canada, Australia, and New Zealand. In this country it has been largely identified with children's courts, and generally with juvenile offenders, but in America it has a much wider scope, and is rapidly becoming an essential adjunct of the judicial system for all offenses where, in the opinion of the court, the interests of social defense do not demand commitment to prison. In Massachusetts, where offenses for drunkenness dominate criminal statistics, in 1909, out of 90,550 arrests, no less than 33,795 were dealt with by probation. Fifty thousand dollars were collected by probation officers in repayment of fines for restitution for injury done and in the shape of wages for support of families. In New

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York, over 8,000 adults, of whom a thousand were guilty of felony, were so dealt with. The percentage discharged with improvement was 78 per cent in 1908, 81 per cent in 1909. Fifteen thousand dollars were collected from persons under probation in support of families. Under the law of 1910, probation officers are selected from among members of any benevolent institution, from reputable citizens, male and female, and there is provision for placing the services of police officers at the disposal of the court.

Hand in hand with the adult probation system goes the law of suspended sentence, but it is necessary to distinguish between the two forms of suspension, viz., suspension of the imposition of, and the execution of, a sentence. The former is probation, strictly so-called, with which we are familiar in this country, as generally applied under our probation law, for merciful and compassionate considerations, when the circumstances of the case are such that institutional treatment, or kindly supervision, is more suitable than the rigor of the law. The latter is the alternative to imprisonment, and is applied chiefly where the fine is imposed, and even for offenses involving moral turpitude. It saves the offender from the stigma of imprisonment, his family from loss of wages, the public from the expense of the prisoner's support, and obviates the common reproach that the offender goes to prison, not on account of his crime, but on account of his poverty. I came across many practical examples in different states of America where suspension in this latter sense was being effectively used as a substitute for imprisonment. In order to be effective, it must be accompanied by probation, but by probation in its sterner aspect—in the shape of officers duly appointed by the state to keep under strict and organized supervision offenders guilty of even serious breaches of the law, but where commitment to prison may not be considered essential to the public safety. Suspension of the execution of penalty is, of course, well known in many European countries, notably France, Belgium, and Italy; but, so far as I am able to gather, in these countries it does not work in connection with a probation system, and at the present time complaints are loud that "sursis de l'exécution de la peine" means only immunity for the malefactor, and that the arm of the law is being weakened by its operation. If the public sentiment is not satisfied that means exist for the prompt discovery that the leniency of the court is being abused, and that the conditions under which the offender escapes imprisonment are not being observed, there is little hope of a general approval of the principle of suspension to such a degree as shall constitute a real alternative to commitment to prison under short sentences. This is recognized in two of the leading states of America—

Massachusetts and New York—and a movement is now in progress, and has, I think, obtained legislative authority, for the establishment of state probation commissions, whose function will be to generally superintend the organization and execution of the system by a corps of salaried officers. The salaries in some cases amount to as much as from three to four thousand dollars a year. If the distinction between the two forms of probation is clearly maintained, perhaps the prejudice that exists against the appointment of police authority in the work of probation may disappear. It exists to some extent in America, but there the police have neither the organization nor the public confidence which belongs to it in England; yet, in spite of this, there is a noticeable tendency to use the police more largely in what may be called “preventive,” as distinctive from detective and arresting, work. The “golden rule” in the state of Ohio is an example of this, and in more than one or two quarters the possibility was hinted at that the enormous resources of the police authority might be used to a greater extent than hitherto in probationary work. I do not see how a system of suspension can be made really effective as a substitute for imprisonment without an auxiliary system of strictly organized and methodical supervision, but suspension, allied to state or police probation, is, I believe, a good and workable plan, especially in England, where the admirable *personnel* of the police force furnishes a sufficient guarantee that delicate and difficult duties will be wisely and tactfully discharged. Of all the tendencies and developments in the treatment of crime in America at the present day, this seems to me the most hopeful for the future, for the American is as deeply impressed as we are with the civic, moral, and industrial injury which results from automatic commitment to prison for short-recurring periods as the one and only remedy for the less serious breaches of the law.

(3) *The “Jail” Question.*—What is known as the “jail” question is at the present time greatly troubling the American conscience. Out of a daily average of some hundred thousand prisoners, only a small percentage, namely, those confined in state prisons and state reformatories, come under the direct control of the state. The gaols and workhouses (or, as we should call them, local prisons) still remain under the control of the local authority. In America, under the federal law, there is a simple and broad classification of crime. Prisoners are divided into misdemeanants and felons. The new code of 1909 declares that all offenses which may be punished by imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors. Generally speaking, all misdemeanants, if sent to prison, would go to the city or county gaol, and in these gaols

it is hardly too much to say that many of the features linger which called forth the wrath and indignation of the great Howard at the end of the eighteenth century. Promiscuity, insanitary conditions, absence of supervision, idleness, and corruption—these remain the features in many places. Even the “fee” system is still in vogue. The gaolers are still paid by fees for the support of prisoners, and commitments to gaol are common when some other disposition of the case would have been imposed had not the commitment yielded a fee to the sheriff, who is usually in charge of the gaol. In many gaols there are no facilities for medical examination on reception, for ventilation, for exercise, or for bathing. In one gaol I conversed with a man who had been twelve months awaiting trial, all that time in association with ordinary convicted prisoners. In another I came across a man held on the charge of murder who was obviously insane and subject to violent recurring fits. He was kept in the corridor of the gaol, in the sight of all the prisoners, and as the fits recurred was strapped down to a bed in the corridor until he recovered. The foreign delegates were amazed at this startling inconsistency between the management of the common gaols and that of the state prisons and state reformatories. The evils to which I refer are well known and deplored by that body of earnest and devoted men and women in all sections of American society with whose lofty ideals on the subject of prison reform and generous aspirations for the humane treatment of the prisoner the Washington congress made us every day familiar, but they seem helpless and almost hopeless. The political forces and interests which favor the retention of the system cannot for the present be overcome. I was appealed to by leading men in more than one state, as British representative, to publicly condemn the system, and this I did, at a risk of giving considerable offense. Until the abuses of the gaol system are removed it is impossible for America to have assigned to her by general consent a place in the vanguard of progress in the domain of “la science pénitentiaire.”

(4) *The George Junior Republic*.—Though time only admitted of a superficial inspection, the principle which it expresses of the development of character by self-government, by boys and girls between the ages of fourteen and eighteen, has attracted much attention in Europe and America. Nine states have already adopted the plan. The republic is a miniature state, comprising 350 acres, of which the “citizens” are 150 boys and girls, who make their own laws at monthly town meetings. There is a cabinet of ministers, on which both sexes are represented. There is no separation of sexes, boys and girls living, in families of ten or twelve, in cottages, with a lady, or a lady and her husband, at its

head. Offenses against law and order are dealt with at a weekly sessional court by a "citizen" judge and jury, and there is a miniature prison, over which a "citizen" keeper presides. The motto of the republic is "Nothing without labor." The duty of labor and of good conduct is not imposed from without by force or institutional authority, but evolved from within. There is absolute liberty for any citizen to be idle or mischievous, but, in the former case, he will starve, and, in the latter, if he is not dealt with as an offender and placed in prison, he incurs the disapproval of the community, who are extremely jealous of the honor of the republic. Thus, at an early age the citizen learns, by practice and daily experience of the real conditions of life, that law and order must be obeyed, and that his comfort and welfare can only be secured by personal effort. Many people say that the George Junior Republic is Mr. George, the founder; that he, by his zeal, courage, and enthusiasm, has created a child-saving apparatus which is not only interesting, but successful in many cases, so long as his influence and personality direct it. This would be denied by others, who, on principle, are opposed to institutional training, strictly so called, and hold strongly that character is built by expression rather than repression. If expression leads to lawlessness and vice, it can be gradually checked and restrained by the expedients of the republic, its law, its custom, and its atmosphere of good citizenship. The character that evolves from this process is a real character, formed by experience, and not artificially fostered by mechanical compliance with institutional rule and discipline.

The experiment is novel and bold. It must not be supposed that the republic has escaped the defects of its qualities. Where there is so much liberty, it is likely that there should be occasional license. Where the checks and restraints and influences of adult authority are absent, it is likely that self-reliance and self-government at that age should result in priggishness and conceit; but, in spite of criticism, the George Junior Republic is a notable example of what the initiative and devotion of an individual and the force of an idea can achieve in helping to solve the problem of juvenile delinquency.

(5) *The Bedford Reformatory for Women.*—I have before referred to the part played by the initiative of private individuals in coöperating with the state in manifold preventive and reformatory agencies for the treatment of crime. The admirable work done by women in America in connection with refuge and reformatory work for boys and girls is another example. It is owing to the initiative of women that the state reformatory system for female offenders owes its origin in Indiana, Massachusetts, and New York. The problem of criminal woman is as acute

and as difficult in the United States as here at home, but perhaps there public opinion is more sensitive to the question and more determined that a more effective system than the present shall be devised for dealing with the thousands of disorderly young women who return to prison again and again under short sentences for breaches of law and regulations against social order, and who refuse to yield to such influences as can be brought to bear on their reckless and wayward natures. Human pity, while it refuses to condemn as incorrigible up to a certain age, continues to expend itself upon material where the inability to rescue must almost be confessed. It is recognized in the United States that it is not enough to have a good reformatory system for young girls up to sixteen. The difficulty in the problem is after that age, say, from sixteen to thirty, *e. g.*, at Geneva, in the state of Illinois, there is an admirable school for young girls, with 500 inmates, but, none the less, the local prison in Chicago is always full. The last report shows that one woman there had been convicted 210 times, about 20 over 100 times. This would almost beat the record of an English local prison! In the state of New York, in spite of all that has been done in the way of preventive work, over 26,000 went to jail during the year. The state commissioners of prisons are fully alive to the evil, and report that steps have been taken to break this endless chain of commitment and recommitment by the establishment of a state farm for delinquent women, where they can be segregated for long periods in the hope that they may be reformed. Women who have been convicted five times within two years are to be sent there. Three years must be the maximum period of detention, subject to conditional release at earlier periods of hopeful cases.

New York has already introduced an adult reformatory for women at Bedford—an admirable institution for dealing with adult female offenders up to thirty, guilty of grave as of petty offenses. Of the first thousand commitments, 221 were for misdemeanors and 264 for felonies, the rest for breaches of ordinary police ordinances; the average age was 20 years 9 months, the sentences indeterminate, with a maximum of three years. The institution is under the direction of Dr. Katherine Davis, a lady of great ability and distinction, who was chosen to preside over the fourth section of the congress. Her work at Bedford is widely known and praised. It is the only serious experiment with which I am acquainted for dealing with petty repeated offenses in the case of young girls of disorderly life by long sentences on the indeterminate principle. The Borstal system for girls is now in operation in this country, and a successful beginning has been made, but the age limit and the condition that the conviction must be on indictment preclude its extension to such

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cases as are dealt with at Bedford. The work of rehabilitation in these cases must be difficult and costly. It cannot be undertaken under a system of short sentences of imprisonment, which are now the ordinary penalty for offenses against social order. Nearly 40,000 women passed through English prisons last year, of whom over 5,000 had been convicted more than twenty times, and about 10,000 were under thirty years of age. Most of these women began their criminal career at an early age and graduated, through a succession of short sentences, imposed for prostitution, disorderly conduct, petty theft, etc., into a confirmed habit of depravity and a total loss of self-respect. This is a social problem the magnitude of which deserves, I think, more consideration than it receives. I believe that the Bedford plan is on the right lines, *i. e.*, the indeterminate sentence, where, as under the Borstal system, the criminal habit or tendency is declared up to the age of twenty-five. If such a system were introduced for a repetition of petty and non-indictable offenses, an impression might be made, though at great cost and trouble, on what is the saddest and most pathetic feature of our national life, as well as of our prison system. It is painful to be obliged to admit the existence in our midst of this abandoned class of young women, who, having lost all honor and self-respect, use prison only as a resting-place before they renew the disorder and debauchery for which they use their freedom only as an opportunity; and this in spite of all that is being done by a well-organized body of lady visitors throughout the country, by lady members of the Borstal Association, by Sisters of Mercy, and other devoted women, working in connection with the prison authority.

This first visit of official Europe to examine the penal system of America has, I think, an almost historic interest. It was so regarded by the Americans themselves, and it is certain that no delegate can have returned to his country without feeling that he had been furnished with plentiful material for reflection. The object of the international movement is to furnish comparison. The American congress certainly fulfilled its object in this respect, and, I hope, with profit to all concerned.