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THE TREATMENT OF JUVENILE DELINQUENCY IN ENGLAND DURING THE EARLY NINETEENTH CENTURY¹

Yale Levin²

During the fourth and fifth decades of the nineteenth century, the group of English philanthropists who guided public opinion in establishing better methods of dealing with the problems of juvenile delinquency, derived their theories of the causes and treatment of juvenile delinquency from the observations of those who had a practical interest in this problem. These observations by magistrates, police and prison officials, managers of reformatory institutions, chaplains and social workers, appear crude and unsystematic in comparison with the studies made in the twentieth century, yet their conclusions reached the roots of this problem. Despite the vast accumulation of psychological and psychiatric literature in the past three decades, ranging from devices that test intelligence and personality to devices that explore the subconscious, it is doubtful whether there has been an increase in our understanding of the causes of juvenile delinquency. On the whole, the studies made since the turn of the present century have amply confirmed the observations and the simple statistical studies of the pioneer students of the nineteenth century who emphasized social and economic factors as the primary "causes" of delinquent behavior. The

emphasis on psychological and psychiatric interpretations of the behavior of juvenile delinquents which followed the introduction of the Binet-Simon tests in this country, and also from the publications of Goddard and Healy, has been of some value despite the exaggerated claims made by its adherents. It is unfortunate, however, that students of juvenile delinquency, with few exceptions, became pre-occupied with these newer interpretations to the neglect of the earlier emphasis of such factors as the family, the neighborhood, and the gang. A systematic examination of the total literature of juvenile delinquency will reveal the significant changes that have occurred in the past century. Scientific interest in juvenile delinquency began in an age in which mental testing was unknown, and psychiatry was undeveloped, passed through a stage in which psychological and psychiatric interpretations became fashionable, and is now slowly revolving towards the original starting point. In a recent comprehensive and masterly survey of the background and careers of one thousand juvenile offenders, one of the conclusions reached is that

even passing reflection indicates that in the long run a fundamental attack upon

¹ A Contribution to the Seminar in Sociology, University of Chicago.

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the problem of anti-sociality depends in large measure on the raising of the status of the underprivileged and on the better prevention and control of the handicapped in our society; that in fact we are dealing with one aspect of the general problem of social hygiene, of preventive social medicine as applied to the body politic as a whole.³

In the hey-day of post-war developments of the mental sciences, such conclusions, stated in but rare instances, were generally ignored as either "unscientific" or as "humanitarian." Today, even among students who have persistently emphasized the importance of psychological and psychiatric factors, the validity of such statements is readily accepted. For example, Dr. William Healy writes that

if the roots of crime lie far back in the foundations of the social order it may be that only a radical change can bring back a large measure of cure . . . until a better social order exists, crime will continue to flourish.⁴

Social workers who, as a group, have been the most concerned with the realities of the problem of juvenile delinquency, are now in the position of observing how in the general despair of finding a solution, the importance of social factors which were emphasized by the philanthropists in the early nineteenth century is again being brought into prominence. Curiously enough, when serious attention was first directed to the problem of juvenile delinquency in England and on the continent in the early decades of the nineteenth century, students and social workers correctly evaluated the preponderant role of social factors in the caus-

ation of delinquent behavior. For example, C. F. Cornwallis, the author of a prize essay on the subject, wrote that

It is scarcely possible that any question whether of science or politics can be so entirely divested of connection with other questions of an important nature, as to allow of treating it as an isolated fact, to be dealt with without reference to any other matter; and in no case is this more true than in regard to that now proposed. Juvenile crime is but the blossom of a plant deeply rooted in our social institutions; and to deal with it as a matter of separate growth would be much the same as if a gardener, wishing to make his garden productive, were to cut off some of the buds from the bad fruit trees, and imagine that thereby he would find the rest produce a good crop of superior description. Juvenile crime only tells that a large number of children are without that care for their well-being, morally and physically, which social arrangements are intended to provide; and we shall have to look deep and inquire long, perhaps, ere we shall discover where the first fault lies.⁵

In a charge to the grand jury, the following observation was made with reference to the abolition of transportation of criminals to penal colonies, thereby placing in the mother country the responsibility of dealing with its criminals, and confronting it anew with the problem of reforming the criminal before he was again discharged upon Society:

There is but one way which appears to me, and to humane and intelligent men who have taken up the subject, to meet this difficulty, and that is the establishment of Juvenile Reformatories, where young criminals will be set apart, not for punishment, but for reformation, and from which they will not be discharged until they have given a guarantee to society that they have been

³ Sheldon and Eleanor Glueck, *One Thousand Juvenile Delinquents* (Boston, 1939) p. 281.

⁴ William Healy, Augusta Bronner and Myra Shimberg, "The Close of Another Chapter in

Criminology," *Mental Hygiene*, v. 19 (1935) p. 221.

⁵ Micajah Hill and C. F. Cornwallis, *Two Prize Essays on Juvenile Delinquency* (London, 1853) p. 324.

reformed, and that they will, for the future, be honest and industrious citizens. That principle appears to be one which, on the commonest view of the case, is the only remedy for the evil which we have now to anticipate—for two reasons particularly; the first is—**THAT FROM THE JUVENILE CRIMINAL POPULATION OF THIS COUNTRY THE WHOLE ADULT CRIMINAL POPULATION IS DERIVED.** It is the seed from which springs up the crop of unfortunate hardened beings who distract Society. I have myself, from a very large experience of Criminal Courts, arrived at that conclusion, not from abstract speculation, but from actual experience—I may say daily experience. I have followed the track of the child from the first month of his confinement in gaol, for that which can hardly be called a crime, if it be so at all, but which the law designates as such, for vagrancy, or in plain English, for begging—I have followed the career of that child for that month's imprisonment for begging, and from the training received in gaol, I have seen him become a pickpocket, a thief, and a burglar, and at last so hardened and depraved that he was placed beyond the power of human salvation. The second reason is one to which I can also appeal to my experience, namely, imprisonment in gaol never has the effect of correcting or reforming offenders.⁶

Benjamin Rotch, a Justice of the Peace for the County of Middlesex, writing in 1846, stated that

It must be an obvious and admitted fact that old offenders for the most part rise from the ranks of juvenile deprecators and to cut off the supply to the former from the latter class will undoubtedly be striking at the roots of the evil, and which might be done at home, where we can get at it, instead of dealing with the branches, many miles off, and at every possible disadvantage in Van Diemens Land and Norfolk Island.

Surely then all our efforts should be directed to stay the plague of Juvenile Depravity at home.⁷

The Rev. J. P. O'Leary, chaplain to the Manchester Gaol, writes as follows in his report for 1851:

Juvenile offenders form a large proportion of prison inmates and are the very *seed* of the adult and old offender class. These children and young persons are, in the fullest sense, children of misfortune, their parents either dead or careless, vicious and abandoned; their homes, if they have any, comfortless and wretched; their dress ragged and insufficient; and driven to procure their daily bread by whatever means they can devise, it is found, in many cases, that the first offense is some petty theft, committed under circumstances of extreme distress and indeed by some tempting opportunity. . . If a child has no parents or guardians to nurture it, if he has such as are incapable from poverty, ignorance or demoralization, to make the necessary provision for its well-being in the ways of honesty and true religion, *it becomes the duty of the State to take such under its care.*⁸

It is apparent from the above observations, selected at random, that the pioneer students of juvenile delinquency were thoroughly familiar with the ramifications of this problem. Throughout the nineteenth century, in various studies of juvenile delinquency ranging from Parliamentary Reports to ephemereal pamphlets, similar emphasis on the importance of social factors will be noted. Such students of the subject as M. D. Hill, Frederick Hill, Sydney Turner, Mary Carpenter, T. B. L. Baker, all leaders in the movement

⁶ *Irish Quarterly Review*, vol. 7 (1853) Appendix p. 8.

⁷ B. Rotch, *Suggestions for the Prevention of*

Juvenile Delinquency (London, 1846) p. 7.

⁸ *Irish Quarterly Review*, vol. 7 (1857) p. 1100-1101.

to establish reformatories, held it as axiomatic that

There is no doubt that a large proportion of juvenile crime is the result of the offenders' circumstances rather than their dispositions. Their relations, their homes, their early associations, the haunts and connexions they have been made familiar with, produce the greater part of the depravity and vice which the reformatory has to cure or eradicate.⁹

It remained for students of this century, following the lead of Lombroso to introduce a new fashion, that of bio-physical and neuro-psychic interpretations of juvenile delinquency. These interpretations, beginning timidly enough, in the first decade of this century, ascended rapidly and eventually succeeded in causing a partial, if not total, eclipse of the previous emphasis on social factors. Indeed, the publications on juvenile delinquency in the past two decades have become so permeated with this new-fashioned emphasis, that presently many students began to doubt the existence of any other interpretation. It was during this period that the myth was originated and spread by those, who, believing that the only scientific method is that which is synonymous with the study of the

personality of the juvenile offender, asserted that the scientific study of juvenile delinquency began about 1910. Although from a historical viewpoint no statement could be more ludicrous, like most catch-phrases or slogans, it was thoughtlessly repeated in various publications, at last reaching a safe haven in an eminent encyclopedia.¹⁰ This popular legend (as valid as the myth in America that the working classes in England prefer the dole to honest wages) merely indicates the total absence of even the most elementary historical approach to the study of juvenile delinquency. Apparently few students are aware of the valuable research in various phases of crime and juvenile delinquency, accumulated in England and on the Continent, during the nineteenth century. For example, in the recent wide-spread discussion concerning the role of the juvenile court, it did not appear to be recognized by either the adherents or opponents of the juvenile court, that, prior to its inception, serious efforts were made through other agencies to reduce the volume of juvenile delinquency. Social workers are justly proud that every American state has juvenile court laws,

⁹ *First Report of the Inspectors Appointed to Visit the Reformatory Schools of Gt. Britain* (1858) p. 13.

¹⁰ Concerning the gradual evolution of law pertaining to the methods of treatment of delinquent children, Miriam Van Waters writes in the article "Juvenile Delinquency and Juvenile Courts" in the *Encyclopedia of the Social Sciences* that "it is by no means demonstrated that the concept of child delinquency was ever present. To attribute to the early lawmakers the concept of juvenile delinquency is pure guesswork, based on the desire to produce an ancient genealogy for a modern development. The first comprehensive formulation in legal terms of the concept of juvenile delinquency, was made by a committee of the Chicago Bar Association concerned with the preparation of the first juvenile

court law (1898). It is evident that the intention of the sponsors of this law was to create an entirely fresh legal philosophy in the matter of crime committed by children." Similarly, H. Lou writes, "We know that in some places there was juvenile probation, there were separate hearings for children, and there was institutional care for children. What was lacking was the conception that a child that broke the law was to be dealt with by the state not as a criminal but as a child needing care, education and protection." *Juvenile Courts in the United States*, (New York, 1927) p. 18. Evidence that throws serious doubt upon the validity of these and similar statements that either attribute a 'late' origin to the 'concept of juvenile delinquency' or imply that the juvenile court legislation in the 1890's was like a great burst of light in a dark world, will be presented in this article.

but is there any factual evidence to indicate that since their development there has been a serious reduction in the volume of juvenile delinquency? Can it be said with any certainty that juvenile courts are accomplishing their purpose? The present day tendency to regard the juvenile court as a panacea for the problems of juvenile delinquency is a dangerous one; pioneer students of criminology, who were keenly aware of the wider responsibility of the community for the solution of this problem realized that no panacea could possibly reach the deeply-rooted social institutions that result in juvenile delinquency.

II

A preliminary examination of the background from which arose serious concern over the problems of juvenile delinquency indicates that the intense interest of nineteenth century students of criminology in both the theoretical and practical aspects of criminal behavior could hardly have failed to carry over into the field of juvenile delinquency. In the galaxy of penological authorities, M. D. Hill, F. Hill, John Clay, Sir Joshua Jebb, Alexander Macnochie, George Holford, (excluding Continental authorities) several, paid special attention to juvenile delinquency. In addition to these men, another group of students and administrators, such as Mary Carpenter, Sidney Turner, T. B. L. Baker, Serjeant Adams, centered their interest entirely in the latter field. A long series of important law reforms in the early decades of the nineteenth century had

preceded this interest in juvenile delinquency and, in a sense, prepared the way for specific legislation relating to juvenile offenders. To mention but a few, the agitation for the reform of the criminal code, preached by Sir Samuel Rommily in Parliament from 1808 to 1818, and after his tragic death in 1818, by Sir James Mackintosh, resulted in the repeal of the death penalty for a hundred different offenses. Our modern police system dates from 1829 when Sir Robert Peel abolished the old London Watchmen and established the Metropolitan Police Force. In another sphere, the controversy concerning the treatment of persons awaiting trial, who, during the eighteenth century were subjected to the same intolerable conditions as those who were actually convicted, was finally settled by an Act of Parliament in 1824 which enacted that in the case of unconvicted persons the consent to work "shall be freely given and shall not be extorted or obtained by deprivation or threat of deprivation of any prison or other allowance." By 1835, also, a general revolt had been established against the belief that all prisoners should maintain themselves through productive employment in prison. In brief, the half century from 1777, the date of Howard's *State of the Prisons*, to 1832, when the Reformed Parliament inaugurated its momentous reform of the governmental administrative machinery, witnessed unusual experiments in penological science. The aims of such 18th century reformers as Montesquieu, Voltaire

Eden, Paley, found expression in these reforms of the early 19th century.¹¹

Coinciding with these experiments and wide-scale developments by government officials, the early nineteenth century witnessed unusual developments in the domain of private philanthropy, the most important of which was the system of district visiting. This faith in district visiting, of which Dr. Chalmers was the leading exponent, dominated the philanthropic agencies of this period. Although not everyone agreed with Dr. Chalmers' views that by substituting Voluntary Provision, with its corner-stone of district visiting, the Poor Laws could be abolished, it was believed by the wealthier classes, that with the development of private agencies, the scope of Public Provision would be necessarily limited. Accordingly, early Victorian England turned with enthusiasm to the development of every variety of private beneficence. In 1860 there existed in London, thirty-

eight organizations and institutions for the care of delinquents, twenty-two of which were designated as Hospitals and Penitentiary Institutions for Females, and sixteen of which were designated as Relief to Prisoners, Reformatory, and Refuge Institutions. Of the aggregate organizations and institutions, sixteen were founded during the period 1800 to 1850, and eighteen during the decade 1850 to 1860. The remaining four were founded during the eighteenth century.¹²

The scattered efforts of the philanthropists during the forties to cope with the problems of juvenile delinquency were united through a conference held in Birmingham in December 1851 on the subject of Preventive and Reformatory Schools. The object of this Conference, the first held in Great Britain, is thus stated in the Circular:

A Consideration of the Condition and Treatment of the Perishing and Dangerous Classes of Children and Juvenile

¹¹ Some of these Parliamentary Reports were the *Royal Commission on Police*, (1838); *Report on The Expediency of Consolidating and Amending the Criminal Law of England*, (1824); *Report from the Select Committee Appointed to Inquire into the Best Mode of Giving Efficiency to Secondary Punishments*, (1831); *Report on the System of Transportation and its Efficiency as a Punishment*, (1837); *Report of the Committee on so much of the Criminal Law as Relates to Capital Punishment in Felonies*, (1819); *Eight Reports of the Commissioners on the State of the Criminal Law*, (1834-45); *Five Reports of the Commissioners for Revising and Consolidating the Criminal Law*, (1845-49); Parliamentary investigations and other official reports concerning Juvenile Delinquency were *Two Reports of the Lord's Committee on the Execution of the Criminal Law, especially respecting Juvenile Offenders and Transportation* (1847); *Report to the Secretary of State for the Home Department Relating to Plans for a Prison for Juvenile Offenders*, (1837); *Middlesex, July Quarter Session, Report of the Committee Appointed to Report their Suggestions for Checking the Growth of Juvenile Crime and Promoting the Reformation of Juvenile Offenders*, (1846); *Report of the Committee Appointed to Examine into the State of Juvenile*

Crime in Newcastle and Gateshead, (1852); *Committee on Juvenile Delinquency: Report to the Prison Board for the County of Abersen*, (1847). See Sidney and Beatrice Webb, *English Prisons under Local Government*, (1922) pp. 76-94.

¹² In his summary of London's charities in 1860 Sampson Low collected information from 640 privately endowed Agencies, Organizations, Hospitals, and Institutions. Their annual income amounted to two and one-half million pounds. Of the 640 institutions 279 were founded between 1800 and 1850, and 144 between 1850 and 1860. *The Charities of London* (edition of 1862). "Among the motives which brought about the remarkable increase in charities during the first half of the nineteenth century, fear of the rising discontent and genuine desire to improve the condition of the poor were prominent. Of the two the second probably was the stronger, for private benevolence persisted long after the fear of revolution was removed, and continued to find its scope when many of the services formerly undertaken by charity had become the care of the State." *Early Victorian England*, edited by G. M. Young (London, 1934) v. 2, p. 319.

Although this Conference was but thinly attended, the actual results did not ultimately fall short of the expectations of its leaders. A second conference held in Birmingham in December, 1853, in order to quicken public interest in the Reformatory Act being considered in Parliament, was described in the *Times* in a report of three columns. Upwards of 3,000 persons were present at an evening public meeting.¹⁴

It is within the orbit of these and other developments in the wider fields of criminology and penology and social welfare that it is necessary to evaluate the origin and development of reformatories. In recent decades, no one has advocated the establishment of reformatories as a method of solving the problem of juvenile delinquency. Indeed, all our efforts since the turn of the century have been directed towards plans that will keep the juvenile offender out of an institution. Our ideas concerning the wisdom of committing juvenile offenders to institutions have changed so radically in this century

that it is difficult to realize the extent of the emphasis formerly placed upon institutional care.¹⁵ The students and philanthropists of the nineteenth century who were appalled by the legal provisions whereby juvenile offenders over the age of ten years were committed to jails and prisons, believed that reformatory institutions, supported by the Government, would result in the reformation of young offenders. Commitment to such an institution, it was strongly held, would be a mode of treatment leading invariably to excellent results, namely, to a substantial reduction in the amount of criminal offences committed by juvenile offenders.¹⁶ Nowadays it would be difficult to recapture the faith in reformatory institutions held by these early reformers. Within a half century after the establishment of Reformatories in England the faith in their efficiency had largely disappeared. Juvenile crime did not diminish to the extent the adherents of Reformatories hoped for. It should be remembered, however, that the establishment of reformatory in-

¹⁴ *Times* (Dec. 21-22, 1853). It has been said by various writers that the publication of *Oliver Twist* in 1838 influenced the course of reformatory legislation. It is true that this volume reached a wide public unacquainted with Blue-books and with the publications of philanthropists, but in itself it did not lead to the enactment of any legislation. The very active committee composed of philanthropists who organized the Birmingham conferences of 1851 and 1853 were directly responsible for the reformatory legislation enacted in 1854.

¹⁵ Indicative of the interest in Reformatory Schools is the following statement: "There is hardly, perhaps, a subject, the war excepted, which occupies a larger share of attention at the present time than Reformatory Schools. To use a familiar expression, they are becoming quite the rage." *Quarterly Review*, vol. 98 (1855) p. 32.

¹⁶ A representative statement of this faith in institutions is the following: "Difficult as our penal problem has now become, since the progress of public feeling has almost put an end to capital punishment, and the remonstrances of our

colonies have made transportation to any considerable extent impossible, the only method which gives any reasonable hope of getting us out of our embarrassment is one which proposes to cut off the supply of criminals at its source. . . . Reformatory schools, then, if they can be made effective for their purpose, afford the best means of diminishing the amount of crime in a country." *Ibid*, p. 35. See also, "Correction of Juvenile offenders," *Edinburgh Review*, vol. 101 (1855) pp. 333-416; "Mettray and Red-Hill" *North British Review*, vol. 24 (1856) pp. 417-447; "Reformatory Institutions At Home and Abroad" *North American Review*, vol. 86 (1858) pp. 60-84; "Reformatory and Industrial Schools" *Dublin University Magazine*, vol. 48 (1856) pp. 127-139. It was noted that "The time of life to which the greatest amount of crime falls, is between 15 and 20 years of age. The juveniles aged fifteen and under twenty form not quite one-tenth of the population and yet they are guilty of almost one-fourth of its crime." S. P. Day, *Juvenile Crime, Its Causes, Character and Cure* (London, 1858) p. 312.

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stitutions represented a long step in advance of the prevailing practice of committing juvenile offenders to prisons. The humanitarian efforts on which rested the establishment of Reformatories do not differ in any degree from those efforts on which rested the development of juvenile courts. In both developments the same consideration was uppermost in the thoughts of those deeply interested in the problem, namely, the improvement of the prevailing standards in the treatment of the juvenile offender. If, in retrospect, the extravagant claims that were made for these institutions as a method of solving the problem of juvenile delinquency bear a striking resemblance to the extravagant claims that were made by those who pioneered in the Juvenile Court movement, the adherents of both underestimated the difficulties in eradicating the roots of juvenile delinquency.

As early as 1836 the evil effects of imprisonment of juvenile offenders were graphically described in an official report as follows:

There is, however, another cause of the offences of youth, which most powerfully contributes to strengthen the vicious propensities which they derive from every other source. We refer to the corruption produced by imprisonment. It is painful to reflect that the remedy provided by law for the correction of the offender, should only tend to render him more criminal. Of many children, whom we have seen in prison, we hesitate not to affirm, that absolute immunity would have been far less mischievous than the effects of their confinement. It is notorious with what delight experienced thieves endeavor to

corrupt those who are but just entering upon a criminal career. The detail of exploits, the most successful modes of committing depredations, the disposal of plunder, the narrations of escapes, the phraseology of thieves; these subjects are in the highest degree alluring to the young offender, and are eagerly discussed, in order to enliven and dispel the weariness of imprisonment. The first entrance of a boy into prison is almost invariably accompanied by the feelings of alarm. No advantage, however, is taken of this favorable state of mind to inculcate good impressions. The boy is thrown among veterans in guilt, by whom his fears are derided, his rising penitence subdued and his vicious propensities cherished and inflamed. Here he finds able and willing instructors in the perpetration of crime, and the foundation of every virtuous feeling becomes gradually destroyed. He enters the prison a child in years, and not infrequently also in crime; but he leaves it with a knowledge in the ways of wickedness which it is scarcely possible that he could acquire in any other place."¹⁷

A decade later, the eminent Recorder Hill submitted the following testimony to Lord Broughan's Committee, appointed in 1847 to consider the administration of criminal justice with special attention to juvenile offenders, which reveals both the reluctance of humane magistrates to commit juvenile offenders to prisons and their efforts to meet the problem in an enlightened manner within the then existing laws.

"What punishment do you generally give those children?"

"I am rather fortunately situated in that respect, because many of the children at Birmingham have either friends, or relatives, or masters, who are kindly disposed, and a considerable number of them I am enabled to return to their masters or friends, and I do that under

¹⁷ *Report of the Inspectors appointed under the Provisions of the Acts 5 and 6 Will. 4th c. 38 to*

visit the Different Prisons of Gt. Britain (1836) p. 86.

this guarantee—the master enters into an obligation to take care of the child; his name is inscribed in a register, and at certain frequent but undetermined periods he is visited by an officer of the police without notice, for the purpose of ascertaining what has been the conduct of the boy, *and how he has been treated.*”

“Generally speaking, have the results been favorable?”

“It has been favorable—not so much as your Lordships may perhaps expect; but what I consider favorable, under all the circumstances. The last time I saw the account, there has been 113 persons so disposed of. Of those, 44 maintained their positions without a single relapse; and of the conduct of 29 we were from one cause or other ignorant; the remaining 40 had relapsed.”¹⁸

It was clear enough to the reformers of that period that juvenile offenders should be kept out of prison. The substitute for imprisonment, was, by unanimous agreement, the establishment of Reformatories under voluntary auspices but supported by the Government.

III

Although the origin of the ‘reformatory movement’ can be traced to the 18th century it reached its zenith on the Continent and in the United States in the first half of the 19th century.¹⁹ In Great Britain, the reformatory system was not created by the Parliamentary legislation of the 1850 decade, but ‘was itself the occasion and source of those laws’. In common with other 19th century reform movements, voluntary and private efforts had preceded governmental action and legal recognition. When under voluntary auspices it was proved that reformatory schools could be established and operated successfully, Parliament was induced to pass legislation for their establishment and support by the Government. Previously, in 1838, the government had established a separate prison for youthful offenders, conducted on such lines as should appear most conducive to

¹⁸ Quoted in J. Kingsmill, *Chapters on Prisons and Prisoners*, (London, 1852) p. 436. The origin of this rudimentary form of Probation may be found, if not in the 18th century, in the early 19th century. “It was perhaps not unnatural that the public whose only knowledge of the young criminal was derived from the newspaper reports of his trial should remain indifferent to his downward course, but among his judges were those who, meeting him face to face, were moved to compassion by his inevitable fate. They recognized the futility of expecting any benefit to the child or to society, from immuring him, often so small that his little head was hardly visible above the top of the dock, within the gloomy walls of a gaol. Thus were they led to seek wiser and more humane means of dealing with him. For instance, the magistrates of Warwickshire were in the habit, whenever feasible, of returning the young offender, if not hardened in crime, to his employer, who was seldom unwilling to give him another trial. The practice made a deep impression on Mr. Hill, when he attended sessions of that county, and on becoming Recorder of Birmingham, he adopted it himself.” *A Memoir of M. D. Hill by his Daughters* (London, 1878) p. 155.

¹⁹ “It is impossible to trace the rise of reformatory schools to a single source. We may say that Red-Hill is the offspring of Mettray, and that Mettray is the offspring of the Rauhe Haus, but the Philanthropic Society, though it has borrowed the idea of its agricultural establishment and family system from these continental institutions, was in existence many years before either of them had been projected. Stretton-on-Dunsmore too, may lay claim to precedence as a reformatory school in the present acceptation of the word, having been founded by the magistrates of Warwickshire in 1818, fifteen years before the opening of the Rauhe Haus, and twenty-one years before that of Mettray. But in truth the friends of neglected children have been at work for many years in many countries, sometimes labouring in solitude and in ignorance of what was doing elsewhere, sometimes communicating with those who were of a kindred spirit, and deriving consolation and assistance from the labours of one another.” “Reformatory Schools” *Quarterly Review* v. 98 (Dec. 1855) p. 36. For a detailed account of the early history of reformatory schools see *Report of the Departmental Committee on Reformatory and Industrial Schools*, 2 v. (1896-97) First Appendix.

their reformation and to the repression of juvenile crime. To this institution, located at Parkhurst, in the Isle of Wight, offenders under the age of eighteen were committed. Land was attached to this institution for cultivation by the inmates, and the discipline was intended to be of a specially educational and reformatory character. The establishment of Parkhurst marked the first legislative recognition in England of separate treatment for young offenders.²⁰

Whatever merits this institution possessed, it did not meet the problem which confronted the early reformers, namely, how to overcome the vast mass of child neglect and juvenile crime in the larger cities of England. It was estimated that there were in England 150,000 children either criminal already or training to become so. These children comprised (1) "orphans, or children wholly abandoned by their parents, who, being driven by necessity to small acts of dishonesty in order to obtain food, meat, either in prison or in the usual haunts of these houseless wanderers, others more advanced in crime, and are led by them in further

offences. (2) Children of very destitute parents, who being frequently without food, or wandering in the streets, fall in with bad companions, and are led into the same courses. (3) Children of thieves and other depraved characters, who undergo a regular training in the arts of picking pockets, etc. and are punished by their parents if they do not bring home a sufficient booty each day."²¹ The model prison at Parkhurst provided for at most 650 inmates. Furthermore, only those offenders who were punishable by a sentence of transportation were eligible for commitment to Parkhurst. The limited usefulness of this institution was clear to those magistrates, students, and philanthropists deeply concerned with the wider aspects involved in the problems of juvenile delinquency.²²

Just as the establishment of Parkhurst was preceded by a Select Committee that gathered evidence from magistrates and others concerned with juvenile offenders, so the establishment of reformatories in England was preceded by a committee of inquiry into the condition of criminal and destitute juvenile offenders. The report of this

²⁰ Mary Carpenter had formed an unfavorable, if not hostile, opinion of this institution and expressed her criticisms in her volumes *Reformatory Schools for the Children of the Perishing and Dangerous Classes and for Juvenile Offenders*, (1851) and in her *Juvenile Delinquents, Their Condition and Treatment*, (1853). See also her testimony before the *Select Committee on Criminal and Destitute Children*, (1852). However, upon her visit to Parkhurst in the summer of 1854, several alterations in its management had occurred, which induced her to take a much more favorable viewpoint. She wrote to Lady Byron, "I think that this place is as good as any government (not working with individual love of the child and knowledge of his nature) and well-disposed officers can make it. The arrangements are admirable and Captain Hall is a man with soul, but in chains." See J. E. Carpenter,

The Life and Work of Mary Carpenter, (London, 1881) p. 160-161.

²¹ M. Hill and C. F. Cornwallis, *Two Prize Essays on Juvenile Delinquency*, (London, 1853) p. 350.

²² "It is therefore an object of primary importance to apply a remedy for the correction of juvenile thieves in populous districts . . . if such be the circumstances under which the children of even the industrious poor occasionally become the inmates of a prison, much more frequent and fatal in their effects are the causes which tend to demoralize the offspring of the criminal and depraved. The poverty and ignorance, the misery and degradation, which mark the condition of many thousands of the lowest orders in this vast metropolis affects the character not more of the parent than of the child." *Report of the Inspectors to Visit the Different Prisons of Great Britain*, (1836) p. 85.

committee, a landmark in the history of child-saving, is in effect a resume of the efforts made by the reformers of the period 1830 to 1850 to grapple with the solution of juvenile delinquency. It is also a summary of the practical observations of magistrates, police officials, prison officials, chaplains, and others concerned with this problem. Without denying that since the publication of this Report many important theoretical studies of juvenile delinquency have been made, it may be equally affirmed that this Report, in its theoretical aspects, anticipates the conclusions of later generations of students. A comparison of some of the conclusions reached by these early reformers in their publications prior to 1850 with the conclusions of the adherents of the so-called 'sociological approach' made familiar in the past decade, reveals much that is instructive,—and damaging to any claims of originality made by the followers of the 'sociological approach'. For example, in his report in 1835, John Clay made the following observation:

When a boy is *recommitted* for a felony, he is frequently accompanied by one or more delinquents about his own age, whom he has seduced into crime; but this is seldom the case, indeed I cannot record one instance with prisoners of mature age. In illustration of this may be mentioned the following circumstance, viz: that of 141 persons under 22 committed during the year upon charges of felony there were 67 who

appear to have perpetrated their offences unconnected with any accomplice and 74 who were associated in parties of two or more, while among 162 prisoners of all ages above 22, there were 136 who committed their offences singly and only 26 who were connected with others.²³

A century later Shaw and McKay made a similar study of this characteristic in their analysis of the Cook County Juvenile Court statistics of 1928. They conclude that

the distribution of the 4,663 stealing offenders according to the number of participants indicates that the groups which have the highest frequency are those involving two and three participants. The group involving two participants constituted 33 per cent, and the group involving three participants 30.9 per cent of the total number of stealing offenders. . . . The findings of this study indicate quite conclusively that most juvenile offences are committed by groups of boys, few by individuals singly.²⁴

The role of recreational facilities in the prevention of juvenile delinquency was also emphasized prior to 1860. Thomas Paynter, a metropolitan Police Magistrate for eleven years, testified that:

I think in the first place that the great increase of town population has materially increased juvenile crime; boys who are brought up in a town are exposed to many unfavorable influences which do not exist in the country, and are deprived of many favourable ones. A boy who is brought up in the country has abundant space for exercise for the development of his physical constitution, opportunities for which do not

²³ *Journal of the Statistical Society*, v. 2 (1839) p. 95. In his report for 1846 Clay wrote that "so far back as 1831, when the population from which they were derived was only 286,400, of sixty-four boys under twenty years of age indicted at these sessions for felony, thirty-seven were associated in gangs. In 1837, forty-four boys so connected; in 1838, forty-two; and each group of young crim-

inals comprised a leader duly qualified for his post by a previous training in Gaol." Walter L. Clay, *The Prison Chaplain. A Memoir of the Rev. John Clay*, (London, 1861) p. 273.

²⁴ *National Commission on Law Observance and Law Enforcement, Report on the Causes of Crime*. (Washington, D. C., 1931) v. 2, p. 196-199.

exists in towns. There is a great want of playgrounds.²⁵

Efforts to meet this want were not lacking. As might be expected of an age in which municipal functions did not include the provision of public playgrounds, private philanthropy pointed the way, as revealed in the following advertisement in the *London Times*.

THE PLAYGROUND SOCIETY for Providing Playgrounds for Poor Children in Populous Places. The streets of London, and other large towns throughout the kingdom, are said to furnish victims for every variety of temptations; and the experience of daily life will evidence how great are the bodily evils which arise to the children of our poor, from the necessity which now exists for their playing in crowded thoroughfares, and play they must, somewhere.

The want of public playgrounds has long been felt; this movement arose with a London clergyman, whose dense parish induced him to seek in June, 1857, for the formation of an Association to effect so desirable an object. The Committee feel assured, that for the sake of Society at large, as well as for that of thousands of children whose interests, both bodily and spiritual are concerned, the public will come forward to aid them liberally in their effort to achieve a great public good. Even in the most dense neighborhoods, it is possible to make arrangements for the present, with the hope that changes of site and transfers of property may afford better opportunities in the future. One school in St. Martin's-in-the-fields recently afforded an example of a method of meeting the want, by forming the playground in an upper story; and although the experiment did not succeed there, the idea may be applied usefully elsewhere.

Refuges and reformatories are the Christian care of our time. This Society designs prevention, and trusts to obviate, in many cases, the necessity for reform.

Contributions for local objects will be gladly accepted, under strict limitations to the neighbourhood in their expenditure, and promises of support from the nobility and gentry with reference to the cities and towns contiguous to their estates will be gratefully acknowledged by the Committee, who will be prepared to assist and guide local efforts, and who earnestly invite grants of land, which can be legally conveyed for the purpose.

Patrons, the Earl of Shaftesbury, the Lord Bishop of London, the Marquis of Westminster.²⁶

An ever increasing emphasis on the role of recreational agencies, boys' clubs, settlement activities, and leisure-time activities has been a normal development in the past century, but because we live in an imperfect world, the problem of providing playgrounds and other recreational facilities for children living in the poorer sections of cities, remains a constant one, despite the present provisions by municipalities of these facilities on a scale undreamed of by reformers of past generations. The point of view expressed in recent sociological writings concerning the role of 'area projects' and other crime-prevention programs can scarcely be called novel or enlightening. For example, Thrasher writes:

While it is necessary to deal with the individual problem child, from the standpoint of crime prevention, it is probably more important to go out and redeem the so-called "bad companions" who are so often held responsible for the downfall of the individual. The individual product of the gang, the pool-room, or the streets, is but a symptom of the processes of demoralization which are producing delinquents in wholesale lots. Sociologically, therefore, the individual delinquent is far less important than the community influences which

²⁵ *Select Committee on Criminal and Destitute Juveniles*, (London, 1852) p. 78.

²⁶ Jan. 9, 1858, p. 8.

create him. If the poolroom, or similar hangout, for example, is the "cradle of crime" it is far more economical to regulate it rigidly, or to wipe it out entirely by providing more effective substitutes, than it is to maintain an elaborate and expensive social machinery to correct the individual maladjustments which it produces or to protect society from the constant stream of delinquents which emerge from it.²⁷

This 'sociological' point of view is precisely that of the reformers of the mid-nineteenth century who persistently called to the attention of the public the effects of bad housing and the lack of adequate educational opportunities and recreational facilities. More specific evils connected with the problem of juvenile delinquency were found in "fences" where criminals disposed of

their plunder,²⁸ in gaming houses,²⁹ in "penny gaffs" or the penny theatres, and the "twopenny hops" or the dancing rooms and other immoral places of amusement frequented by the children of the 'lower orders'.³⁰ Street-selling by juveniles, both boys and girls, specifically called forth the denunciation of all concerned with the problem of eradicating juvenile delinquency.³¹ Then as now, it was also believed that cheap literature or 'thrillers' had an adverse effect on the characters of juvenile readers. The list of 'causes' of juvenile delinquency compiled in the mid-nineteenth century differs only from a present-day compilation in the omission of psychiatric and psychological explanations of delinquent behaviour.³²

²⁷ *Preventing Crime. A Symposium* edited by Sheldon and Eleanor Glueck, (New York, 1936) p. 66. Almost a century ago, T. B. L. Baker wrote that the "first and principal point was the necessity of paying attention, not merely to the individual boys who chanced to be committed to the reformatory school, and endeavoring to reform them, but the paying attention also to the statistics of juvenile crime in the district, with the view of finding out all those who are extending the evil by corrupting and teaching others. The apprehension of one or two leaders of a gang will frequently restore the others to at least comparative habits of honesty; but what is far more important, the apprehension of one or two instructors in crime will prevent the temptation and fall of perhaps eight or ten others whom they would have corrupted." "Statistics and Suggestions Connected with the Reformation of Juvenile Offenders" in *Report of the British Association for the Advancement of Science, Transactions of the Sections* (1856) p. 128.

²⁸ See the anonymous pamphlet, *Observations on the Buyers or Receivers of Stolen Goods, Particularly of Lead, Iron, etc., taken from Buildings: with an Attempt to Remedy Such Practice*, (1751); T. C. Kynnersley, "The Incentives to Crime Presented by Marine Store Dealers and How to Repress Them," *Reports of the National Association for the Promotion of the Social Sciences*, (1858) p. 361-64; *Ibid.*, "On a Marine Store Dealers Bill" (1860) p. 461-65.

²⁹ *Report from the Select Committee Appointed to Inquire into the Existing Statutes against Gaming of Every Kind, and to what Extent These Statutes are Evaded*, (1844); "The Gambling Hells in London" *Fraser's Magazine*, v. 8. (1833); *Return Showing the Number of Boys taken into*

Custody by Metropolitan Police, charged with Gambling, (1844); T. Starkie, *Substance of the Common and Statute Law Relating to Gaming*, (1844).

³⁰ M. Hill and C. Cornwallis, *Two Prize Essays on Juvenile Delinquency*, (1853) p. 60-63.

³¹ Henry Mayhew, *London Labour and the London Poor*, 4 vols. (1864). Originally, these studies of the London street-folk appeared in the *Morning Chronicle*. Mayhew's findings were extensively quoted by many writers on juvenile delinquency.

³² The Index of the *New York Times* for the period 1934 carried the following reports concerning juvenile delinquency: "Wants greater activity in boy's work"; "Says baseball as a factor in solving juvenile crime problem"; "Lack of proper recreational facilities named as causes of increase"; "Lays rise of juvenile delinquency to poverty and ill-health"; "Urges personal training"; "Says home training and environment are needed"; "Wholesome activities is a solution"; "60% of all cases show emotional conflicts caused by home conditions"; "faulty metabolism blamed"; "Excessive mother love called one of the chief causes"; "Finds it not affected by religious training"; "Says religious education reduces crime." In 1849 Thomas Beggs wrote, "It would require much more acute powers of observation than any which have hitherto been employed in this direction to discriminate the influences of each of the acknowledged causes operating in the production of delinquency and crime. Much valuable labour is wasted very often by ascribing to one that which really belongs to a number of concurrent causes. Most men have their remedies for our social evils, and

Most writers concerned with the problems of juvenile delinquency believed that "virtue and vice are as dependent upon physical conditions as health and disease. There is a fixed relation between comfort and morality, and there is a terrible positive connection between physical and spiritual degradation." Occasionally a more accurate student protested against the wide-spread tendency of attributing crime and juvenile delinquency to adverse social conditions such as bad housing, meager educational opportunities, the employment of females in factories, and intemperance. Thomas Plint found that

Neither does the criminal class originate in the want of proper sanitary regulations or the crowded or promiscuous condition of the bye-lanes and courts of the great towns. The action of these conditions on the morals of the unhappy class who are subjected to them is unquestionably most deteriorating, but the conditions themselves are concomitants, not causes of the moral debasement of that class.³³

As early as 1845, the Governor of the Liverpool Borough Gaol instituted an inquiry into the state of the families of the juvenile prisoners. Of the sixty-six boys incarcerated, the families of fifty-three were visited and the following tabulation made:

- 3—No parental care.
- 7—Homes plentiful and sufficient, but parents, one or both, more or less given to drink.
- 4—Fatherless; had decent but barely sufficient homes.

4—Homes barely sufficient, owing to drunkenness of parents.

7—Each parent of bad character. Two girls lived with their mothers, who kept a brothel.

8—Parents following occupations unfavorable to morality.

15—Parents decent; homes comfortable.

5—Homes plentiful; and sufficient.³⁴

The Chaplain of the General Prison at Perth gave the following testimony:

At this date (May 27, 1852) we have in custody 93 juveniles, of whom, according to their statements, 65 were not driven to crime by actual destitution. As regards the character of their parents, 60 are said to be honest and industrious, while 16 are of an opposite description. As to their circumstances, 57 are reported to be good and 19 bad, 17 of the boys are orphans.³⁵

From these and similar investigations, and from her observations in her work with delinquent children over a period of many years, Mary Carpenter concluded that the common idea that the parents of juvenile delinquents were extremely poor and therefore found it difficult to maintain their children honestly was an erroneous one. She believed that although actual poverty is in comparatively few instances the *direct* cause, the great mass of juvenile delinquency is to be attributed "directly and mainly to the low moral conditions of the parents, and their culpable neglect of the early training of their children, or their incapacity to direct it."³⁶

each, perhaps, has looked at the moral condition from one point of view." *An Inquiry into the Extent and Causes of Juvenile Depravity* (London, 1849) p. 54.

³³ Quoted in M. Hill and C. Cornwallis, *Two*

Prize Essays on Juvenile Delinquency (London, 1853) p. 31.

³⁴ Mary Carpenter, *Juvenile Delinquents, Their Condition and Treatment*, (London, 1853) p. 153.

³⁵ *Ibid*, p. 149.

³⁶ *Ibid*, p. 155.

IV

When in 1854 the leaders in the reformatory movement secured legal recognition and financial support from Parliament, the plan of substituting "schools" instead of prisons in the treatment of juvenile offenders was a novelty. In the ranks of opponents of reformatory schools were many strong believers in the *status quo*, in birching and in other repressive measures. To convince these skeptics that reformatory schools could diminish juvenile crime, statistics were gathered to prove that from 50 to 75 per cent of the children who entered a reformatory school were reclaimed. Of the institution at Stretton - on - Dunsmore, established under private auspices by the magistrates of the County of Warwick, it was claimed that

careful investigation into the results of the first nine years ending with 1827, proved that the reformations were 48 per cent. Under the second master who took charge of the institution in 1843, they rose to 58 per cent. Under the third and present master, the reformations have risen to 65 per cent.³⁷

Even more impressive results were found by English philanthropists in the statistics of the reformatory schools and colonies established on the Continent in the two previous decades. Of the Rauhe Haus in Hamburg, established in 1833 it was claimed that

Since the foundation of the Institution, 207 children, 157 boys and 50 girls, have been received into it. 117 have left us; the condition of these is as follows:

Now under the exclusive care of their parents	21
Emigrated	6

Sailors	9
Day labourers	8
Agricultural labourers, gardeners, etc.	5
At various trades.....	48
Student	1
Female servants	13
Dead	6

117

Of all of these only five can be deemed failures, three males and one female having been imprisoned, one female having become a vagrant.³⁸

These extravagant claims did not escape criticism. Within a few years after reformatories were established in England, Jelinger Symons, one of the pioneers in the movement, wrote:

I place little reliance on the statistics of reformation. So far from taking 70, 75, or 80 per cent as the real proportion of reclaimed criminal children, and unfairly measuring the efficiency of less boasting schools thereby, I hope there is reasonable ground for believing that one-half the whole number of inmates are, not only contrite and permanently reclaimed, but so far practically convinced that honesty is their best policy, that they really will strive to be honest and earn their own livelihood. If any school managers can conscientiously say that they are effecting this, they may take great joy and credit to themselves for as much success as any one really acquainted with the nature of juvenile crime can or will expect from them. And even this cannot be often done under three or four years' careful training, with at least the principal appliances I have named. The present means managers have of testing the accounts they get of the good conduct of those children who have left them are extremely defective even when the accounts they receive are conscientiously made. Many of such accounts come from the children themselves and cannot be implicitly relied on.³⁹

³⁷ M. Hill and C. Cornwallis, *Two Prize Essays on Juvenile Delinquency*, (London, 1853) p. 247.

³⁸ Mary Carpenter, *Juvenile Delinquents, Their Condition and Treatment*, (London, 1853) p. 275.

³⁹ Quoted in S. P. Day, *Juvenile Crime, Its Causes, Character and Cure*, (London, 1853) p. 432. In 1876, Sidney Turner, Inspector of Reformatories since their establishment in 1854,

Although the adherents of reformatory schools freely cited statistics to prove that through commitment to reformatories children could be reclaimed from criminal careers, greater emphasis was placed by the philanthropists of that age on the duty of Society to child offenders. In the blunt words of Mary Carpenter, "Society owed retribution to them." In asking support of the community for reformatory institutions, the leaders carried into practice the tenets of their faith, which was Evangelicalism, with its equal emphasis on the solemn responsibility of those who have been converted to this creed, and on the moral dangers and destiny of those children in whose behalf they were exerting themselves.⁴⁰ If, in the thirties and forties, the leaders asked for State aid in the establishment of reformatory

institutions, it was financial assistance only that was wanted. The Home Office was regarded as "a very unlikely place from whence to obtain foster-fathers and mothers for the children of crime and neglect."⁴¹ The doctrine of the "combination of State assistance and volunteer benevolence" which was a cardinal principle in the philosophy of mid-nineteenth century philanthropy, did not, however, flourish long. As the Reformatories became more and more dependent upon public funds they increasingly became more subject to Government Inspection and eventually accepted as a Government function. Unwittingly the advocates of Voluntaryism furnished the impetus which widened the sphere of State responsibility.

wrote that "the remarkably successful results of the Schools in the reclamation and recovery from 70 to 80 and in some cases to 90 per cent of those admitted into them are essentially owing to the voluntary agency enlisted in their management." *Report of the Reformatory and Industrial School Committee* (1896) vol. 1, p. 177. The supervision of discharged children was not a duty prescribed by statute, but by the rules of the Home Office each School was under the obligation to follow the children for three years after their discharge and to make annual reports to the Home Office. During the years 1891 to 1893 inclusive, 4,162 boys were discharged from Reformatories. Of this number 73 per cent were reported as "doing well" in the returns for 1894. The Committee analyzed the difficulties encountered by the Superintendent of a Reformatory institution in securing accurate information concerning the conduct of a boy after his discharge. Members of the Committee were not agreed as to the value to be attached to the official form but, "whilst holding different views, we are satisfied that a large number of those who have left the Schools are leading a respectable and fairly prosperous life." *Ibid.*, p. 80.

⁴⁰ "the actual number of convictions, or even the commitments of each individual, affords but a very inaccurate indication of the amount of crime which he has committed against Society; the enumeration of crimes legally proved against children, points but faintly to the multitudes who are beginning their life, and are likely to continue it, in a state of utter ignorance of the laws of God and man, and consequent disregard of

them. It has been shown that the mere fact of a child's having been branded as a felon by a legal sentence, does not prove that he is guilty of such an amount of moral criminality as would render him necessarily injurious to society, if subjected to wise treatment; that while the children of one class may require for their reformation only temporary corrective treatment, or even simple removal from their evil associations, into a condition of active and morally healthful occupation, others would need long years of careful training before they could be restored to society with any hope of their becoming useful members of it. We have thus seen that the simple fact of a conviction of dishonesty by no means indicates the degree in which a child is morally diseased.

. . . . But beyond these Juvenile Delinquents pointed out to us by the "Law of the Land" innumerable multitudes of children have been discovered to us by the Christian philanthropist, and by the disclosure of their associates; some swarming in our large cities and haunting all its byways; others wandering over the country; all growing up in the thickest Egyptian darkness, in utter ignorance of everything that might profit their immortal souls. No statistics have been needed to force upon us the dreadful conviction that this amount of moral evil must go on increasing, if comprehensive and effectual measures are not taken to arrest its course." Mary Carpenter, *Juvenile Delinquents, Their Condition and Treatment* (London, 1853) p. 326-327.

⁴¹W. L. Clay, *Memoir of John Clay* (London, 1861) p. 379.