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*Florence Hill*

**GENERAL VIEWS**

**REGARDING**

**THE SOCIAL SYSTEM**

**OF**

**CONVICT MANAGEMENT,**

**SUGGESTED BY**

**CAPTAIN MACONOCHE, R.N., K.H.**

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"Man is a Social being;—his duties are Social;—and only in Society, as I think, can he be adequately treated for it."

AUSTRALIANA, pp. 60—68.

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**HOBART TOWN:**

**PRINTED BY J. C. MACDOUGALL,**

**COLLINS STREET.**

**1839.**

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*From the Author*

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*Lately Published,*

**AUSTRALIANA ; or, THOUGHTS on CONVICT  
MANAGEMENT, and other subjects connected with the Australian  
Penal Colonies.**

**By CAPTAIN MACONOCHE, R.N., K.H.**

“ Quant à la manière de juger, elle diffère dans chaque individu. Mais si on rapporte tout au bonheur du Genre Humain, on est sûr de juger comme Dieu agit. C'est sur cette raison générale de l'Univers que nous devons régler nos raisons particulières, comme nous réglons nos montres sur le soleil.”—**SAINTE PIERRE.**

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THE Volume which I lately published on Convict Management was necessarily desultory, having been merely a collection of detached Papers, written at long intervals, and with different immediate objects. I have deemed it desirable, therefore, to print, as it were, a Synopsis of the conclusions arrived at in it, exhibiting them also in their general aspects, apart from non-essential detail ;—and the annexed Pamphlet is meant to serve these purposes. There is little in it that may not easily be deduced from detached passages in that work ; but much may appear new because consecutive ;—and still more has acquired a new aspect in the process of generalization. A few ideas, altogether new, have also been introduced.

A. M

*Hobart Town,* }  
*22nd May, 1839.* }

" But it may require more particularly to be considered, *that power, in a society, by being under the direction of virtue, naturally increases, and has a necessary tendency to prevail over opposite power, not under the direction of it ; in like manner as power by being under the direction of reason increases, and has a tendency to prevail over brute force.*"—BUFLER.

" Men, it is justly said, can do jointly, what they cannot do singly. The union of minds and hands works wonders. Men grow efficient by concentrating their powers. Joint effort conquers nature, hews through mountains, rears pyramids, dikes out the ocean. Man, left to himself, living without a fellow, if he could indeed so live, would be one of the weakest of creatures. Associated with his kind, he gains dominion over the strongest animals, over the earth and the sea, and by his growing knowledge may be said to obtain a kind of property in the universe.

" Nor is this all. Men not only accumulate power by union, but gain warmth and earnestness. The heart is kindled. An electric communication is established between those who are brought nigh, and bound to each other in common labours. Man droops in solitude. No sound excites him like the voice of his fellow-creature. The mere sight of a human countenance, brightened with strong and generous emotion, gives new strength to act or suffer. Union not only brings to a point forces which before existed, and which were ineffectual through separation, but by the feeling and interest which it arouses, it becomes a creative principle, calls forth new forces, and gives the mind a consciousness of powers which would otherwise have been unknown.

" We have here given the common arguments by which the disposition to association is justified and recommended. They may be summed up in a few words ; namely, THAT OUR SOCIAL PRINCIPLES AND RELATIONS ARE THE GREAT SPRINGS OF IMPROVEMENT, AND OF VIGOROUS AND EFFICIENT EXERTION."—CHANNING.

## GENERAL VIEWS,

&c.

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THE elementary principles on which the suggestions in Convict Management are founded, to which, in antithesis to what are called the *Silent* and *Separate* Systems, I have proposed to give the name of *Social*, may be thus summed up:—

I.—The example of *severe suffering*, consequent on conviction of crime, has not hitherto been found very effective in preventing its recurrence; and it seems probable that the example of *necessary Reform*,—or, at least, *sustained submission and self-command through a fixed period of probation*, before obtaining release from the restrictions imposed in consequence of such conviction, would be practically more so. The idea that would be thus presented would be more definite, more comprehensible, and more humbling to the false pride which usually attends the early practice of crime, and derives gratification at once from its successful perpetration, and from the bravado of thereby defying menaced *vindictive* punishment. And with Reform, as the object of criminal administration, the better feelings of even the most abandoned criminals would from the beginning sympathize;—whereas, when merely suffering and degradation are threatened and imposed,

it is precisely these better feelings that, both first and last, are most revolted and injured by them.

II.—The sole *direct* object of Secondary Punishments should therefore, it is conceived, be the *Reform*, if possible, but, at all events, the adequate *subjugation*, and *training to self-command*, of the individuals subjected to them ;—so that, before they can regain their full privileges in society, after once forfeiting them, they must give satisfactory proof that they again deserve, and are not likely to abuse them. This principle does not proscribe *punishment as such*, which, on the contrary, it is believed will be always found indispensable in order to induce *penitence* and *submission* ; nor, as may be already inferred, does it lose sight of the object of setting a deterring example. But it raises the character of both these elements in treatment,—placing the first in the light of a *benevolent means*, whereas it is at present too often regarded as a *vindictive end*,—and obtaining the second by the exhibition of the law *constantly and necessarily victorious over individual obstinacy*, instead of frequently defeated by it. It cannot be doubted that very much of the hardness and obduracy of old offenders arises at present from the gratified pride of having braved the worst that the law can inflict, and maintained an unconquerable will amidst all its severities ;—and for this pride there would be no place if *endurance* alone could serve no useful end, and only *submission* could restore to freedom.

III.—The end *Reform*,—or its substitutes, *sustained submission* and *self-command*,—being thus made the *first* objects of secondary punishments, it is next contended that they can only be adequately pursued, and *tested*,—first, by dividing the processes employed into

specific *punishment for the past* and specific *training for the future*,—and next, *by grouping prisoners together, in the latter stage, in associations made to resemble ordinary life as closely as possible*—(in particular, subdivided into smaller parties, or families, *as may be agreed on among the men themselves*—with common interests—and receiving wages in the form of marks of commendation, exchangeable *at will* for immediate gratifications, but of which a fixed accumulation should be required before the recovery of freedom);—thus preparing for *Society in Society*, and providing a field for the exercise and cultivation of active *social virtues*, as well as for the habitual *voluntary* restraint of active social vices. The objects of *punishing for the past* and *training for the future* are so essentially different, that as well, it is conceived, might we seek to combine in medicine the processes of reducing fever and repairing its waste on the constitution, as seek to blend them in one operation. And to prepare for *society in society* seems just as requisite as to send men to sea to prepare them to command ships, or in any other way to accommodate the preliminary education of individuals to their ultimate destination. Penitence, good resolution, and moral and religious principle, are excellent foundations;—they are indeed, the only sure foundations;—and if once really instinct with life, they will ascend and pervade whatever superstructure is reared on them. But where their dictates have been originally weak, or, it may be, systematically disregarded altogether,—as is the case with but too many, especially of the early criminal,—it seems as idle to expect that their mere theoretical inculcation, late in life, however enforced by brief, though severe, suffering, will be suf-

ficient to make them the dominant guides of future conduct, as it would be to hope so to teach a trade, or any other practical application of abstract rules. Moral lessons, to be taught profitably, require a field of progressive experimental application just as engineering does,—in the one case, as in the other, the important element of friction being omitted, both in the pupils' studies and in their training, if they are only inculcated from books, and if their respective truths are not enforced by experience,—*non vi, sed sæpe cadendo*.

On these elementary principles, then, are founded nearly all the recommendations in Convict Management, to which the somewhat ambitious perhaps, but yet, as it appears, strictly appropriate title of the Social System has been sought to be attached ;—and I have elsewhere shewn in detail the practical apparatus by which I think that they may be easily and simply brought into action.\* At present I wish rather to place them in certain general points of view which appear calculated to increase their interest, and at the same time contribute to their elucidation.

1.—The magnitude of the change from existing practice, involved in them, should be early and distinctly considered. Without this its probable effects cannot be adequately appreciated. Its field of action is immense,—it is our whole criminal administration, our whole conflict with the tendency to crime in our empire ;—and the change of tactic proposed is not less striking,—being complete, and as though a General, after long operating without success on one flank of his enemy's line, were suddenly to throw his entire

\* See Appendix.

force on the other, and thus shift at once the scene and base of his operations. Hitherto the reform of individual culprits has not been thought a principal object in regulating their treatment;—it has even been expressly disclaimed as such by high penal authorities;—and the object of setting a deterring example, *at any sacrifice*, whether of the soul or body of the individual culprit, has been specifically advanced as the duty of law, on this point, to society. In like manner the association of prisoners together has been hitherto deemed morally hurtful to them,—an evil, necessary it might be in certain circumstances, and amid the prevailing indifference about their moral welfare not very carefully avoided in any,—yet always to be regretted when it did occur. And a complete change in both these views is at least a great change, and calculated to produce important consequences. It may, or may not, be right;—that is not the present question. But it is going east, where hitherto we have gone west; and as a principle its results must be of a like opposite complexion. Let us endeavour, then, next to determine of what character these results are likely to be; and let us follow the investigation unflinchingly, wherever it may seem to lead. It will at least indicate tendencies even if the precise results specified prove unattainable.

2.—That which first forces itself on attention is the benevolent consideration for a criminal's own best interests, which these principles would permit in all cases to be associated with the conscientious discharge of public duties, hitherto considered diametrically opposed to them. In criminal administration society is at present placed in one scale, and an unhappy

convict in the other ; and it is but natural, were it not even deemed also abstractly right, that the latter should kick the beam. But were the respective interests avowedly made, and considered, *identical*, the conflict which thus often occurs between a sense of public duty and pity for a trembling individual whose fate is in our hands, would no longer exist. We may well pause,—we ought, indeed, to shudder far more than we usually do,—when the question is whether we shall set another ineffective example, and thereby consign a sorrowing, perhaps a truly penitent, culprit to evil associations, corrupting influences, and ruin perhaps both in time and in eternity. But we could not hesitate if, on the contrary, the attainment of an effective example and his removal to a well-contrived school of moral reform were synonymous results. Our milder, as well as sterner, sentiments would in this case point the same way ; and in feeling that we best served society by serving, not sacrificing, an individual member of it, we would be reconciled to duties on which the feeling and reflecting mind cannot, or rather ought not, to look at present but with extreme aversion. Use and thoughtlessness may excuse, but nothing can justify, our now regarding them with complacency.

3.—And this consequence of the adoption of these principles may be also placed in another point of view. At present individual culprits are sacrificed to the supposed interests of society,—their own are unthought of ;—and yet it is precisely the greater importance that is attached to *individual* interests, and their greater sacredness, whatever the need of them felt by the general community, which marks the advance of true

freedom and civilization. In the infancy of society, and under every form of pure despotism, the individual is nothing, and the commonwealth, or its chief, everything; but just as intelligence and true knowledge of State policy extend, does this state of things become reversed; and in England already the maxim is become almost universal, that private rights are never to be invaded without compensation. In two departments only is there still a systematic deviation from this rule in practice,—Impressment, in which the compensation made, though it has increased much of late years, must still be considered inadequate, for otherwise the act itself would be unnecessary,—and the punishment of offenders with a view to *example* only, in which they have no concern, and to which their individual interests are yet unhesitatingly sacrificed. In both cases the same plea of State necessity is offered in justification;—but it will not do. As society advances, and individuals become more sensible of their own worth, their claims to regard above such abstractions become more and more evident;—and it is well if we are able to find out that, rightly understood, most interests are identical. In the present case, this fact seems to me even strikingly demonstrable.

4.—The next great change, then, which the recognition of these Social principles seems to me calculated to produce, is in the whole moral aspect, and *consequent working*, of our criminal administration. At present, however dispassionate, or even benevolent, its ultimate purposes may be set forth to be by writers on it in the abstract, its processes in detail all *look* vindictive, and call up vindictive feelings, at once in the agents carrying them into effect, and the criminals sub-

jected to them. The situation of a gaoler, or other minister of Penal Law, is considered at present searing to the feelings; and the interior of a prison is believed to exhibit little but the severe infliction of restraint and suffering on the one hand, and their patient endurance on the other. It is not so with the practice of Surgery, or the interior of an hospital. In these extreme suffering is often inflicted and endured,—yet it neither sears, nor irritates the feelings of either party concerned, but on the contrary frequently refines and elevates them. And the nearer we can make the *benevolent intention* of the one set of acts as obvious, both to actor and sufferer, as that of the other, the nearer shall we bring the results to resemble also. It may not be possible to make this in all cases quite as apparent in moral, as in physical, treatment; yet a great approach would undoubtedly be made to it by a change in the avowed object of punishment;—and the gratitude frequently evinced by even very hardened criminals to the clergymen who attend them is a precedent entirely in point, and on which sanguine hopes of further success may be founded.

5.—The change that would be thus produced in the religious aspect of our criminal administration may accordingly be also noticed. At present, whatever its purposes, its acts, being vindictive, cannot in many cases be reconciled with Christian charity, or even justice. In hunting after example, and sacrificing to it individual interests, punishment has in too many cases become excessive, and altogether disproportioned to the abstract quality of the offences for which it is inflicted. This is especially true with regard to offences against property; and the necessity of more and more

effectually guarding this, as its objects multiply and become distributed, is familiarly quoted as the principle on which such severity,—such direct, and even, from the nature of the plea *admitted*, injustice,—is based. Yet, when its frequent consequences to even very innocent individuals are weighed, at present when the reform of criminals is little regarded, and their deterioration, under the sentence of the law, is almost certain, no truly religious mind can, I think, be satisfied with the conclusion,—all must wish, if possible, to escape from it,—and this escape would be completely effected by adopting the new principles in question. A very small theft may justly, and even humanely, condemn to a course of moral training, while the very greatest may not equitably sentence to moral destruction. Even the words of our Saviour, and much more the whole spirit of His instructions, may be adduced on this head. “Seek ye first the Kingdom of God, and His righteousness; and all (these) things will be added to you.”—Matt. vi. v. 33. Seek *first* the reform of the individual culprit *in all cases*;—this is a Christian, an indispensable duty;—and beginning thus at the right end, laying your foundations right, the other objects of punishment will fall into their places, and be readily attained. By reversing this process, and omitting altogether this important element from our calculations, we only proceed from difficulty to difficulty; and we almost systematically exclude Religion from our Science, by excluding from its purview that object, individual reform, on which she peculiarly expatiates. The discipline that is merely exemplary is too remote and undefined in its purposes to excite her sensibilities;—but the discipline that would be first of

all reformatory would be, in truth, her most appropriate sphere.

6.—And the political aspect and operation of our criminal administration would thus also change. At present there is a combat *à l'outrance* between crime and law in our whole empire. Each sets the other at defiance; and no kindly feeling, no friendly act, is exhibited on either side. The criminal seeks to be as evil himself, and to make others as evil, as each respectively can without incurring direct punishment; and the law is for the most part content with vindicating itself, as it is called, but in plainer terms revenging itself, with indiscriminate severity on as many as it can detect. Nor is it possible to estimate the number of criminals who are thus incessantly, as it were, forced into crime by a two-fold operation, the allurements of evil counsellors on the one hand, and on the other the spirit of gambling which habitually excites youth and enterprise, even with good principles, to play with danger when exhibited in a hostile guise. Thousands, I am convinced, are thus currently sacrificed, whom a spirit of true philanthropy in the administration of the law would save,—some from even a first commission of crime,—and the remainder from its present sad results. The hearts most proof against denunciations of vengeance, and in many cases even excited to defiance by them, are precisely those most accessible to demonstrations of real interest;—and the kindness thus displayed would be “twice blessed,”—blessed to those who shew, and to those who receive, and would soon appreciate, it. It would be a bond of union between both.

7.—And perhaps even a general improvement might

be thus affected in the relations and feelings of high and low towards each other in England, to which, in any times, but especially, perhaps, the present, too much importance could not be attached. This is no far fetched idea :—no one who attentively considers the elements in question, and their vast bearing on social feeling, but must be struck with its probability. It is the low who chiefly commit crime ;—it is for the supposed interests of the high that criminals are at present sacrificed ;—and the result undoubtedly contributes to alienate the two classes, and is well fitted to do so. It would be quite otherwise if criminals, instead of being cast off, were rather made objects, on conviction, of peculiar parental care,—trained to virtue, and not merely sentenced to suffering. There would be a benevolence in this which every one would feel ; and which, by calling out sentiments of approbation, would attract and improve even those who merely looked on, and had no peculiar interest in the transaction. But much more would it attach those, a numerous class, who would be directly benefited by it,—the relations of criminals, those who may be interested in them, who have contributed to convict them, and themselves also. There can be no doubt that the recollection of treatment conducive to reform,—nay, even its endurance when its object cannot be misunderstood,—may be made grateful to the feelings of those subjected to it, though attended with considerable physical hardship ;—and much more may the contemplation of such treatment excite sympathy in bystanders, to whom the end would be distinctly in view, while the harsher details were comparatively in the shade. And what a soil would be the complacency,

the moral approval, the gratitude, as in many cases it might be even called, which would be thus excited, on which to sow the seed, not only of future good conduct, but of warm attachment, both to the agents who have been employed, and the interests which they have served!

8.—In the preceding observations, however, I have alluded chiefly to the two first of my elementary principles;—I now turn to the last. And in regard to it I observe first, that, although it does not necessarily flow from the others, I think that *they must necessarily precede it*;—I mean, that although conceding the point that reform should be the *first* object of Penal treatment, does not infer that that treatment should be *Social*,—yet I am convinced that it ought *not* to be *Social unless reform be made the first object*, for associations for punishment *only* are always injurious. Thus I consider the existing Penal Road-parties to be excessively injurious; and the *Silent System* of managing convicts is also, I am persuaded, most cruelly demoralizing, for not only does it group men together solely with a view to their punishment, but the necessary tendency of its minute and unreasonable regulations is to provoke their breach, and thus morally injure their victims by familiarizing their minds with thoughts and acts of disobedience. To the elementary principle, therefore, that men ought only to be associated together with a purpose beneficial to themselves, or in which they can take a personal interest, and where it is possible thus to give their *esprit-de-corps* a tendency, through their interests or feelings, to obedience, not disobedience,—I attach extreme importance.

9.—On it, accordingly, I primarily rest the expediency of my first succeeding suggestion, viz.—that *punishment for the past* should be distinctly separated from *training for the future*. I consider both these processes, *where their object is Reform*, almost equally *benevolent*, because equally indispensable for the object in view. There can as little be true reform without true penitence, as there can be the growth of the man without the birth of the child. But the necessity of both is not equally evident,—and many would ardently desire the reform, and give their whole soul to the object of giving such a demonstration of it as may again entitle them to their release, and think nothing a hardship which tended to such an issue,—who would yet object to any restriction imposed as mere punishment, and evade it if possible, and thus injure themselves, and impair the efficiency of whatever moral system they were otherwise subjected to. Only the separation of the two objects and processes can overcome this difficulty;—but it does it effectually;—and the means employed are at the same time in strict conformity with the ordinary analogies of nature,—(whom to follow in such a case is to obey the finger of her and our Creator). As already observed a fever must be reduced before its ravages are sought to be repaired,—a wound must be probed and cleansed before it can be properly healed up. To do one thing at a time, and each thing well, is the familiar rule in all nice operations; and the recovery of a fellow-being from habits of crime to virtue, in many considered even a hopeless undertaking, is at least worthy of an equally careful and methodical procedure, and is not likely to be promoted by a more slovenly one.

10.—This proposed separation may be placed also in another light. Subjection to *direct* punishment is essentially an *unnatural* position. It interferes especially with the free agency, a sense of which is a portion of man's instinct, (whence, in great measure, I am persuaded, its deteriorating and disappointing effect when long protracted);—while, on the contrary, a state of probation, of difficulty, or even hardship, supported under the influence of hope, and with its objects to be attained by means of *voluntary* exertion and self-denial, is a highly *natural* and improving state,—the very state to which we are all sent in this world, and to which, accordingly, our faculties are especially accommodated. Can the two, then, be combined to advantage?—or, rather, can they be combined at all? We may resolve to try, or even say that it is so:—but nature is too strong for us. Either the restrictions involved in the idea of punishment destroy the free agency which is the essence of probation, or the concessions made to the latter destroy the former;—and, accordingly, between these two horns of a dilemma the arrangements of our existing Penal Institutions are constantly fluctuating. For a small offence an unhappy wretch is made permanently miserable;—or a penal sentence, without inflicting any punishment, or creating consequently any penitence, or moral improvement, becomes a direct physical advantage to a hardened sinner.

11.—And a subordinate proposition may thus be here brought in to advantage, regarding the *nature* of punishment. It should be severe,—but short,—and melt into probation, as that again into entire freedom, as gradually as possible. It should thus resemble the

acute pain with which we familiarly meet any severe loss or misfortune,—which is first overwhelming, and causes only retrospective grief,—but afterwards slowly gives way to visions of renewed hope and encouragement.—(The analogy of nature is thus ever to be studied on this subject,—for only in exact conformity to it can any system of moral influence be reared). Separate imprisonment, with moral and religious exhortation *anxiously* and *affectionately* inculcated during the leisure and sequestration from external influences afforded by it, and with permission to work, and instruction in it, but at first without the power of exchanging the proceeds for indulgences,—Separate imprisonment as above, but with the power of expending the marks gained,—thereby, however, prolonging the period of detention in this stage, which should terminate only on a fixed accumulation over and above all exchange,—Social labour through the day, with permission as above, but under separate confinement at night,—and at length complete Training as to be afterwards considered,—appear to me to constitute the best possible gradation ;—but if its principles are seized, I would not be solicitous, in any of the stages, about the perfection of the apparatus by which they are worked out. I think, on the contrary, that the error of modern Penal Science is the importance attached by it to mere physical arrangements, as admirably constructed and divided prisons, &c. In operating on the human mind the less store that is set on such appliances, *provided its own structure be rightly apprehended*, I am persuaded the better. It is the will that is to be gained, not the body only ;—and just in proportion to the importance attached to fettering

the latter is, I fear, in all cases the carelessness about winning over the former. Bad workmen never have good instruments ;—good ones, on the contrary, rise above petty inconveniences. Men are most easily *compelled* by a powerful and minutely arranged external apparatus ; but they are best *led* without it ;—and no one was ever *compelled* to turn from crime with good effect, if not also *led* from it,—if not persuaded, rather than coerced.

12.—My next suggestion, then, regards the Training. It should be “ in associations made to resemble ordinary life as closely as possible,—(in particular, subdivided into smaller parties, or families, *as may be agreed on among the men themselves*,—with common interests,—and receiving wages in the form of marks of commendation, exchangeable *at will* for immediate gratifications, but of which a fixed accumulation should be required before the recovery of freedom) ; thus preparing for *Society in Society*, and providing a field for the exercise and cultivation of active *social virtues*, as well as for the habitual *voluntary* restraint of active social vices.”—(p. 3.) This is the portion of the system from which its name of *Social* is taken ;—and the superiority of such a description of training, over any ascetic or individual treatment, may be set in various lights.

13.—It would be more *natural*. Man is born social ; his habits, impulses, and even virtues, are social ; and thus only in society can they be suitably exercised, and the happiness, and consequent encouragement, be communicated which a properly regulated indulgence in them all is calculated to bestow. Moreover, only in society is hope usually vigorous, and exertion sustained. Solitary beings are uncertain in temper ;—

very few have thus ever proved eminently useful, virtuous, or successful ;—and solitariness of feeling,—in other words selfishness, is the known and admitted source of every description of vice. Hence at present, among other examples, proceed in great measure, I am persuaded, the vicious tendencies which prevail in prisons. On the demoralizing principle, when thus applied, *divide et impera*, criminals under all existing systems of management are set against each other, as against all the world besides. No one sympathises with them. Society avowedly sacrifices them. They have no common interest with any. The mark of Cain is on their foreheads : their treacheries are often rewarded as good service : their indulgencies are generally stolen : and thus, from a thousand concurring causes they become reckless, depraved, and misanthropical,—“ their hand against every man, and every man’s hand against them.” But with a social existence the result would be quite opposite. With common interests their hearts would open which are now shut. They would be made half virtuous by the very act. They would become alive to others’ feelings, instead of brooding over their own ;—they would recognize their affinity to society at large ;—and efforts, whether of exertion or self-denial, which had they been dictated by merely selfish motives would have been no virtues, and consequently yielded no gratification, when sanctified by regard for others also would prove almost their own reward. Thus beautifully, even in its ruins, is human nature found to be constituted when closely examined, and *respected*, not unnecessarily interfered with ;—when its *natural* tendencies are sought to be trained to good in *natural*

circumstances, not transplanted to a foreign soil,—a species of Procrustes bed, by artificial combinations. Reformers are generally far too anxious to crush and re-create. Instead of following nature, they reprobate and seek to alter it. They impute their failures to *its* perversity, when it is *their own* that is in fault. More ambitious than Salmoëus himself, they do not seek to *imitate* natural agencies, but to improve on them. Instead of training and guiding, they try to re-model. Can we wonder that they are for the most part so little successful?

14.—Being more natural, this mode of discipline would be also much more easily organized and maintained. Since the idea of it was first suggested, indeed, I have heard the converse of this frequently maintained ;—and the difficulty of finding agents, especially in the existing Penal Colonies, by whom to work it, has been much insisted on. But I deny this difficulty altogether ;—it is a misconception founded on only a superficial examination of the premises. The difficulty in other systems of discipline arises from the importance attached in them to minute regulation, and to mere physical restraints, without any adequate effort being made to gain the prisoners themselves,—to subdue their wills,—and thus *change the character* of their impulses, not merely restrain their manifestations. But the Social System directly reverses this process ;—and the difference of effort that would be required to overcome the obstacles in its way, as compared to what is requisite in others, would thus be like that between the strength required to confine steam in a highly expansive state, and when it is chemically altered by condensation. In both cases

the right topical application being made, the right physical result is easily and certainly obtained ;—and *natural* agencies assert an immediate mastery where artificial restraints can only operate with difficulty, hazard, and too often a melancholy destruction of material. Aspiring after marks of commendation, which they may in turn exchange for indulgences (immediate or prospective, present gratifications or ulterior release), prisoners under the Social System would be exactly as free men labouring for wages, and be just as easily managed—or rather, they would be more so, for both their dependance and stake would be greater ;—and as every description of good conduct would have a marketable value, as well as labour performed, the corresponding habits of order, submission, self-command, &c. would be more generally formed, and their effects exhibited.

15.—There are also other principles on which the greater facility of working a Social System to any other would be based. It is much easier to create an *esprit de corps* in a body of men, than to regulate the impulses of any single individual ;—the character of this *esprit de corps* can be much more confidently predicted in connection with the circumstances calculated to produce it ;—when produced it is much more uniform in its action ;—and its tendency is to gain strength, rather than lose it, by indulgence. These are all axioms in the science of human nature ; and their simplicity, as well as certainty, renders illustration of them almost unnecessary. Individuals are often found without the moral qualities corresponding to the circumstances in which they are placed ;—they rise above, or sink below them, partly in virtue of different shades

of original character, and partly in virtue of the free agency with which we are all endowed. But the aspect of societies is always modelled on the circumstances in which they are placed ;—or, in other words, the greater number obey the external impulse, and the exceptions are few, and do not affect the rule. Even they also are fettered, though not to the same extent. Their nature may not be brought into conformity, but its exhibitions will. Man is gregarious, as well as social ; nor can he altogether resist any given social tendency, however opposed to it his individual inclinations. The cowardly soldier yet maintains his place in the ranks ;—the unprincipled individual yet pays the homage of hypocrisy to the virtues of his age. The facility of working a social system of managing criminals would be in nothing more remarkable than in the fetters which it would thus throw over even the most hardened,—fetters which would be only the more effectual because they would be unseen,—because they would proceed from the individual's own class, unconsciously to himself, and consequently unresisted.

16.—The next interesting point of view, accordingly, in which this system may be placed is this uniformity in its action. All would be impressed by it, more or less ;—and the greater number even very much. Good prisoners are at present the exception ;—but they would thus become the rule ;—and the circumstances being made favourable to virtue, as now to vice, the exhibitions would as punctually correspond in the one case as in the other. And this uniformity seems to me especially to recommend this as a NATIONAL SYSTEM. The object being to reform, and a measure of reform being indispensable to procure release, not only would the indi-

viduals discharged be thus benefited, but their improved characters would tell on the classes of society to which they returned even more, if possible, *by their mutual resemblance* than by any great height of virtue to which individuals among them might attain. The efficiency of an army is in proportion to the discipline, intelligence, and consequently uniform action of *all* its members,—not the individual superiority of a few only;—and virtue is maintained in a community, not by high rare examples, but by an elevated standard of it in common estimation. It may appear wire-drawn to many thus to speculate on released criminals as agents for good in a community;—yet is it not proposed at present to shorten their periods of punishment, and even discontinue sentences for life altogether?—and can it be a matter of indifference how they shall thus return to society, with what mind, and in what manner likely to operate on it? At present there can be no doubt that the majority of released criminals are active agents for evil;—but to what is this so much owing as to the deteriorating effect of vindictive and purely exemplary punishment on their individual characters? They are made worse men by their penal treatment than they were before; and they go forth, accordingly, like a moral blight on society on their return. But let us reverse this most disgraceful consequence of existing management, and there seems no reason whatever for their not becoming a moral remedy. It is even proverbial that the most effective persuaders from vice are those who have been themselves reclaimed from it, whose wills have been gained, not merely their bodies restrained. They can speak experimentally of the delusion of its promises, and the

far higher rewards of a return to virtue. And at least the superinduced habits of order, economy, and self-denial, which would be thus extensively diffused, would not be thrown away.\*

17.—But the superior efficiency of a Social School of Reform, even for obtaining a *high measure* of individual virtue, is another recommendation which I would press of it. It may aim far higher than any system of individual treatment,—and much more confidently hope to compass even the highest. Men are excitable in society. Where one goes another will follow, emulatively,—seeking, not merely to follow, but to precede; and thus armies familiarly rush, where the bravest individuals in them would hesitate to advance alone,—and boys at school exhibit currently a patience, perseverance, and self-denial, foreign to their age, and which none of them, probably, could singly command. Is

\* In very many respects, I think that a training process would do well to borrow details from the discipline of the Army and Navy;—in particular, the order, cleanliness, and punctual action required in this would be well transferred. But, on the other hand, I am persuaded that much would be gained also by introducing *social* principles into Military discipline, and exercising self-command, and improving individual character in its ranks, by similar means. And a subsidiary argument for this may be drawn from the above reasoning. We would thus best of all repay the individual soldier and sailor for his risks and hardships in our public service. We would thus make that service most popular in an intelligent community. Our discharged defenders abroad, would become our newly enlisted defenders at home, by propagating in the society to which they returned the virtues of the enlightened school in which they had received their own education. And by adopting the one principle of identifying the improvement of *individual* character with public service, in all departments, we would take the field as it were in close column against slovenly, selfish, irregular, and consequently demoralizing indulgencies in our lower classes. Much more might be made of this topic. Enlistment for a limited period of service is in its favor, &c.

there any reason why this excitability may not be enlisted in the service of moral reform, as well as of military, or mental excellence? I can conceive none; and on the contrary, were Moral Reform distinctly proposed as the first object of Penal management, in associations properly combined to create it, and with those encouragements held out for its exercise, which in dealing with ignorant men are often as necessary to define virtue to their comprehension, as to stimulate them to its practice, I think it may be calculated on with certainty. It is probable, indeed, that it may even require curbing, rather than exciting. It may produce a tendency to unreasonable severity,—which, like everything else that is unreasonable, would do harm rather than good. We see symptoms of this in the frequent severity of professional judgments on the small offences of their members,—and still more appositely, in the tendency to harshness exhibited by non-commissioned officers in the Army and Navy, which though exercised by them over men nearly their equals, and from among whom they have themselves but just risen, is always much greater than in the higher ranks. Once actuated by a given impulse, uneducated minds are always more entire in their subjection to it than those whose views are more extended; and when acting in a mass their movement becomes accelerated every step. In the face of the greatest dangers or inconveniences, and in contradiction even to the strongest individual impulses, all who have ever been charged with the conduct of men in masses are aware that after a certain point it is far more difficult to restrain, than to lead them;—and that the impulse becomes much more to make self-sacrifices, than

when alone, and in other circumstances, to shrink from them.

18.—A Social System thus organized would be, next, much more accommodated to varieties of temper and character, than any which depends for such accommodation, either on the administration of a discretionary authority, or the flexibility of mere physical apparatus. Every man's lot in it would be in his own hands,—his companions would be of his own choice,—and on his and their combined conduct would depend both his comfort and detention in it. No system could be thus at once so benevolent and so just. Its object being reform, it would seek the highest good of those subjected to it, by the most agreeable of all means,—the mutual action of chosen companions on each other;—and rising above the justice which seeks to accommodate penal treatment to mere past offence,—at best an erring, and most certainly often a false criterion of existing character,—it would put every one, at least in his training stage, on a trial of *character* merely, and deal with him on this only,—which is what society has chief interest in. For much more important is it to a community to ascertain, before a prisoner is released, whether he is likely again to commit offence, than whether his suffering has been made adequate, in a vindictive sense, to that which is past; and much more would even abstract justice be satisfied by making penal treatment bear a relation to habitual disposition, than by accommodating it to that which may have been only an accidental extreme evidence of it. To this quality in the System, accordingly, I am inclined to attach extreme value. It not only renders it benevolent and just;—but it rests its claims

to these qualities on higher grounds than are usually taken in recommending them. The benevolence is not that of inflicting the least possible unnecessary hardship, but the conferring the greatest possible necessary benefit. And the justice, humbly copying after that ascribed to Omniscience, looks beyond one occasional action, and seeks to grapple rather with the impulses which may excuse, or in many cases constitute its demerit. Its language to a criminal would thus not be "I will keep you till you have paid a certain forfeit for a past offence, to which a thousand circumstances may have prompted you which I cannot appreciate, and in relation to which, accordingly, my judgment must always be a partial, and even capricious one;"—but, "having exacted a certain moderate penalty for that, I now retain you till I have qualified you to meet the requisitions of Society on your return to it, that you may not again fall as you have done." The balance would not be, as now, the uncertain, and to all practical purposes *useless*, one between crime and suffering, —but the highly practical and useful one between the demands of Society and the ability to comply with them. There would be benevolence, as well as justice, and the highest political expediency, in critically adjusting the accuracy of the one ;—in the other the very terms are dissimilar, no minute approach to exactness can be made in it, and the effort to attain it is in itself injurious,—searing to the heart of the one party, and often most cruelly injurious and unequal to the other.

19.—Another recommendation of this System would be that it would be self-working. Scarcely any discretion is lodged in any part of it ;—and its close resemblance to real life would ensure the action of the same prin-

ciples in maintaining it. The only difference is in the circulating medium by which its accounts are proposed to be balanced. By making this to consist of marks of commendation, exchangeable in the right hands for any thing, but in the wrong utterly without value, a great many good effects would be produced. An occasion of dishonesty would be removed ;—attention would be fixed exclusively on proper methods of obtaining indulgencies ;—these methods would rise proportionally in estimation ;—and the connection between them and their rewards would be continually obvious to the meanest capacity, and be thus imprinted on the habits, as well as understanding, of those concerned. But in no other respect is innovation on the habits of ordinary life sought to be made ;—and under its arrangements injustice even in this would be scarcely practicable, and almost without motive. A fixed allowance would be assigned to each party (family) for average conduct ;—remarkable merit in certain given departments would enlarge this ;—demerit would abridge it ;—but when one is sought to be served, or disserved, his companions must equally share with him ;—the transaction would be public ;—and the expenditure of each sub-division being entirely in its own hands, a little economy on its own part would force it through any prevention, even if such in these circumstances could prevail. I can conceive nothing more easy than to work such arrangements ;—or rather, few things would, I think, be more difficult than materially to interfere with their beneficial operation.

20.—But such a system would be also self-checking. Its object, individual reform, being a tangible one, its attainment, or non-attainment, would exhibit wisdom,

or abuse, in its administration, without either delay or uncertainty. Loitering in probation, whether through listlessness or extravagance, would exhibit one set of errors; and renewed convictions after discharge others. At present there is no similar check on any faults, however grave;—and this is the main cause of the prevailing difference of opinion as to the comparative efficacy of existing Systems. It is impossible to estimate the value of vindictive examples,—(perhaps because they have none):—and the sad result of universal deterioration, with its concomitants, repeated convictions, is overlooked as unimportant. It would be quite otherwise were a fixed object in view which could not be mistaken;—the very pursuit of this would shut the avenues to carelessness or malversation, even were the fear of detection, from missing it, to be less cogent than in such circumstances I am persuaded it would be.

21.—And thus variously characterized, can it be doubted that under a system like this criminal administration would be greatly more *satisfactory* than it is now? Of all objects of political consideration, none is at present so deplorable as the condition of our criminal population. Forced almost inevitably into crime, trained to it many of them, starved into it many more, they are yet, young and old, weak and wicked, the casually offending as well as the practised sinner,—all, all, indiscriminately cast down the same fatal precipice, at the foot of which they lie, for the most part crushed and mangled under a weight of circumstances, from amidst which hardened profligacy may struggle without injury, or stupid indifference, or an occasional example of most favorable coincidences,—but which sincere repentance, or elevated feeling, can only aggra-

vate, not relieve. It is fearful ;—a disgrace at once to the intelligence of our age, and the spirit of our religion. How great would be the change were penal discipline to be made reformatory, and its processes calculated to nourish the Social feelings, instead of crushing them ! It would be easy to be declamatory on such a topic ; but its simplicity is more effective.

22.—The principles thus reviewed are, then, directly opposed to the existing system of Convict management in the Penal Colonies. I have elsewhere spoken so much at length of this that it seems unnecessary here to resume the subject ;—it may be sufficient to observe that seeking its ends, whatever they may be, by means of domestic slavery, this feature alone, (even had it no others of similar deformity, which is far from being the case) at once sets it aside as a medium of individual reform. Such a plant never grew in such a soil. I repeat also that these principles are opposed to the *Silent* system, which not only groups men for punishment only, and by its minute regulations demoralizes, by familiarizing them with resistance and evasion,—but acts thus precisely with a view to crush those social feelings, which, on the contrary, it is the object of *Social* treatment to encourage and train. Such rough-riding over human nature seems to me irreconcilable with every principle legitimately founded on its study. Gardening with a pack of hounds, defacing what we seek to cultivate, seems the nearest approach to it. With the philosophy of the *Separate* system, on the other hand, Social management concurs, *so far as it goes*,—yet with this reservation also that it cannot enter into the importance attached in that to the mere structure of prisons. Where the period of sequestered

endurance is short, and the cell of the prisoner is early visited with hope, a sphere of exertion, free agency, and self-command, I do not think that inter-communication will be frequent,—or even that such of it as can exist will be injurious. On the contrary, desirous of training the social feelings to healthful exercise, I would rather see them strong, while compressed, than not. I doubt if any phase of the human mind is so hopeless as that of a stupid dreaming acquiescence in a solitary existence, enforced by physical restraint. One Trenck is worth a host so characterized.

23.—Without very much regard, then, to the mere physical apparatus employed, *provided moral appliances were sufficiently at command*,\* two forms of Social Management offer, in connection with the Penal Colonies, from either of which I would anticipate extraordinary advantage. One is that explained in my book on the subject, viz.—Punishment in seclusion,—with Social Training in the Colonies,—and progressive discharge in them through the intermediate step of a double ticket-of-leave; and the other is that proposed by Lord Howick, in a Minute addressed to the Transportation Committee, requiring both Punishment and

\* By *physical apparatus* I mean whatever is meant merely to coerce, regardless whether it persuades or not;—by *moral appliances* I understand whatever offers a choice, and thus strengthens the mind even when guiding it. An invincible necessity, however produced, I thus call *physical*;—it may be caused by *moral* means, as intimidation, without affecting its real character; and on the other hand a *moral* appliance has very frequently a tangible *physical* form without losing *its* character. The essential distinction, and it is a very important one, is that between *force* and *persuasion*, the fettering of the body and gaining the will. Whatever conduces to the latter may thus have a place in a system of *moral influence*; but that place will be more or less high according to its more or less directly *persuasive* or *coercive* character.

Training to be inflicted in Insular Penitentiaries, from which the ultimate release may be either *complete*, or through the medium of a ticket-of-leave in the Colonies, according to circumstances. For the sake of these Colonies I prefer the first of these forms ;—as regards the prisoners their respective advantages and disadvantages seem to me so equally balanced that I am unable to form a very positive opinion on the subject: The one is less, the other more, dependent on the abstract quality of the management ;—this is the chief ground on which I also rather prefer the first.

24.—The first would be a less violent change from the existing practice. If preceded, as proposed by me, by a distribution of tickets-of-leave to all the existing convicts who could procure engagements on wages, it would very little reduce the immediate supply of labour ;—while by making it free, instead of compulsory, it would greatly increase its productive power. At the same time by relieving domestic service of Slave incidents it would make it more agreeable.—and free labouring immigrants would more willingly continue in it. The heaviest operations would be performed, both for individuals and the public, by the Training Parties, whose powers of productive labour would be equally increased with those of the present assigned servants by their being subjected to similar impulses with free men ;—a stream of improved and discharged labourers would also speedily flow from them, with first, or only labouring, tickets till they had proved their steadiness ;—and thus, so far from hurting the labour-market of these Colonies, I am confident that in a very short time this system would greatly relieve, and have a tendency rather to glut, it. If it

is moderately supplied even now when above half the labour is lost by resistance, and the value of the remainder is impaired, by ignorance, misapplication, and habits of vice and intemperance, how much more would its demands be met when all were made willing, and systematically trained also to be skilful, steady, sober, and *voluntarily* industrious! The economical improvement would be felt almost as soon as the moral. It is a mistake to believe that they can be ever dissociated.

25.—The second form would equally require to be prefaced by a liberal distribution of tickets to the existing prisoners;—and in addition I think that, if adopted, it should be accompanied by a liberal gratuitous exportation, during at least the first two years, of free labourers from Home. The interests of the Penal Colonies have risen under arrangements primarily made for the benefit of the Mother Country, and with her express sanction;—and the moral aspect of any change would be tarnished, *and its beneficial operation by so much impaired*, were any indifference shewn in it to these interests. But under this system more *immediate* results would flow from the training to which men would be subjected, and they would be, by so much probably, more early discharged into the general labour-market. Sequestered from external impulses, they would give themselves more up to the object of their training;—they would pass through it more speedily;—they would sooner reach the Colonies;—but herein appears to me the danger arising from this plan. Will the training be as perfect under it?—will its effects be as permanent? I think that they *may be made so*. I think that in Insular Penitentiaries, in the neighbourhood of the existing Penal Colonies, such a system of social manage-

ment *might* be organized as would make them great work-shops for every species of concentrated labour, and at the same time so like real life, so identical with it, as fully to prepare for it. But it would require great care, and still more discretion, in the first instance, so to organize them. The art employed must be of that highest character which conceals itself,—which is artful by being artless,—which is content to sow good seed, and wait, without forcing, the corresponding return. In such a situation it will always be easy to produce *immediate* results ;—the real difficulty will be to be early persuaded that they are likely to prove worthless nearly in proportion as they rise to the surface with a slight compression. I doubt if in any hands this wisdom will be attained until taught by experience. The unerring test of renewed convictions after discharge will at length teach it ;—and when the lesson is sufficiently impressed by them not to press forward too fast,—to give free agency a large scope,—to suffer temptation to assume all its usual forms,—to regulate little,—but to encourage much,—then this form of the system will have this great advantage over the other, that men under it will never be seen as *prisoners* at all in the communities likely to absorb them,—a benefit, I am persuaded, both to free and bond.\*

\* A Petition on the subject of Transportation, lately sent home from Van Diemen's Land, denies this, and argues that, on the contrary, the moral state of the Free is there *improved* by *witnessing* the degradation of a large criminal population. But this is merely carrying to an extravagant extent, the popular doctrine of moral benefit arising from exemplary punishment,—and as a *reductio ad absurdum* may thus be even useful. It was an approved principle 2000 years ago in Sparta ; but its race is run, and deserves to be so. It drops the substance when grasping at the shadow ; and altogether loses sight of the injury done to both parties by searing and alienating their feelings.

But its apprenticeship will be longer. Men trained in the Colonies would be trained really in society;—in seclusion, they would merely be in its copy, more or less close.

26.—Under either, however, the Colonies would be much benefited. *Morally* they would be rescued from a festering evil, which, however disguised, as they may think it, by individual virtues and general decencies, is yet obvious, even to the most superficial observation, on the whole face of their society;—and *economically*, their profit would be scarcely less. They have not done justice on this head to an argument in the Report of the Transportation Committee, which their Press has also failed to notice. While their capital and enterprises were on a moderate scale they could afford to lose (by resistance, &c.) half the physical power placed at their disposal, and yet be extraordinarily benefited by the remainder;—but now that they press on their labour-market, every hour in which slavery exists in it is a direct and important loss to them. It neutralizes half the supply, and otherwise directly diminishes it, both by excluding free men and machinery from it. Compulsory labour is always rude, reckless, and unskilful;—it is free, and still more emulative, exertion that is ingenious, economical, skilful; and the advantage would be incalculable in the Colonial labour-market, whether of Training parties in them, or Training work-shops in their neighbourhood, in which the benefit of these qualities would be systematically carried to the utmost extent. They would execute orders in the first place in the best manner, and constitute a nursery at the same time for the rearing and distributing the best workmen, and the best appliances for their

most advantageous employment. It is ludicrous to compare the maintenance of domestic slavery for a little longer time, certain as it is at length to be put down even by their own acclamation, with such results. It is a mere clinging to rude manual labour, in preference to machinery, such as characterizes the lowest state of intellectual advance. The intelligence of the Penal Colonies should revolt at it, even if their moral sympathies were otherwise dormant.

27.—Yet even these must be excited when they have leisure to consider dispassionately the subject thus only slightly sketched for them. How glorious a career is opened by it to England, to humanity, to the human race! The (so deemed) outcasts of society brought within the pale, not of our sympathies only, but of our interests, would no longer be abandoned to the protection of mere humanity, often morbid, and almost always injudicious,—nor yet to the discretion of a necessarily imperfectly informed, even when a conscientious judgment,—nor, still less, to the ruthless barbarity which too often characterizes arbitrary power when called into vindictive action. Their claims on us would assume a higher and more definite character when their advantage was recognized as identical with our own. In every other civilized country the principle would speedily be adopted; and in every one be attended with the same beneficial result. The bonds of society would everywhere be knit by it; and their action would improve by their real nature being better understood. Those social affections which, when neglected and uncultivated, run to waste, and like the efforts of an untrained colt often do harm rather than good,—when trained to labour would be strengthened,

not less than directed, by it. Use makes perfect, as disuse enfeebles. If we train to selfishness, we reap its blighted fruit;—and if we train to social duty and disinterestedness, are we not entitled to expect their harvest also?

28.—Nor ought these views to be considered ambitious, and therefore necessarily visionary, by any who attentively consider either the premises, or the reasoning founded on them. On the one hand I am well aware of the friction in the way,—the obstacles to complete success in all attempts founded on human agencies;—and I repeat that I do not consequently attempt here to predict precise results,—I only indicate tendencies. But because the cannon range is not strictly according to theory do we therefore refuse to use projectiles?—because we cannot attain perfection, shall we therefore reject improvement? On the other hand my hopes would be less sanguine if the principle I recommend stood alone in modern administration,—or if it did not even directly harmonize with it. But it is in fact merely a part of it,—no new discovery,—but simply the application to another department of principles already fully recognized and acted on. The enlightened benevolence which looks to others' interests and feelings as well as our own, has in all cases speedily discovered their identity. It is in virtue of this identity that it has marched from triumph to triumph in our day, and its career is not yet closed. It has abolished Black Slavery, and will it turn back from White? It has reformed the discipline of Schools, of Lunatic Asylums, of the Army and Navy, and will it be arrested by the cold and narrow calculations of those who think they are benefited, but who are in

fact deeply injured, by the existing System of Convict Management? It has responded to other calls of suffering, and raised other individuals from hardships injuriously imposed on them for the sake of other (supposed) public interests;—and shall it be deaf,—or rather, is it even now deaf,—to the representations made in behalf of those who are sunk in the last degree of calamity, the loss of virtue and character, as well as worldly fortune? Shall those who most want rescue least find it? Shall the hands which have saved others from scorching, be powerless to “snatch these brands even from the burning?”

29.—And a new motive impulse being given in almost any department we may not in theory limit its operation. We may hope too much from it,—but we may also just as probably hope too little. Scarcely twelve years before the wonders of Steam were universally known and acknowledged, its application to a purpose which he had deeply at heart, and which it would have prodigiously aided, was rejected as wild and visionary by Napoleon Bonaparte, and all the men of science in France; and in like manner, each successive improvement in its application has been since received with doubt, and hesitation, and a belief that perfection was already attained, until sanctioned by experience. Nor is this less true of moral impulses,—for, on the contrary, the smallest of them, as men judge, often prove eventually the most efficacious. “The Kingdom of Heaven is like to a grain of mustard seed which a man took and sowed in his field: which, indeed, is the least of all seeds, but when it is grown it is the greatest among herbs, and becometh a tree, so that the birds of the air come and lodge in the

branches thereof.”—(Matthew, xiii, 31-2.)—And so of other kindred influences. It may be a small (apparent) thing to turn in purpose from vice to virtue, or from the vindictive punishment of the one to the enlightened and benevolent encouragement of the other ;—but who that regards means at all will fix the distance between the several results?—or doubt the side to which the preference should be shewn ?

30.—And there is yet another light in which this system may be advantageously placed, in order to illustrate its power of operation. It is a SYSTEM OF EDUCATION. It proposes that the Government should take annually from five to six thousand of the lowest, and morally, and often industrially, the most destitute, of our national population, and having given them the best moral, religious, intellectual, and industrial education, to discharge them at the same rate,—“ a measure of leaven wherewith to leaven the whole mass of the community.” The expence of this ought not to be objected to, for already £500,000 are expended annually to sacrifice as many, to manure the fields of the Penal Colonies with them, to cast them off for every moral, and employ them only for certain economical purposes ;—and the difference of object would justify any difference of expense, even supposing it were not *certain* that the greater productiveness of voluntary, than of compulsory, labour would make a right system economical, even more than a wrong one is wasteful and extravagant. What a prospect, then, is here opened to the lover of his country and kind !—what a prospect even if the System were only to be applied to our criminal population. But if extended to the Army and Navy, as also

suggested,\*—if, in a word, *the improvement of individual character were made a first object in every department of public service*, it becomes almost too dazzling, and disturbs the sobriety with which it is desirable that political promises, so often delusive, should always be regarded. “*Many would run to and fro, and knowledge (virtue) would be increased.*” †—(Daniel, xii, 4.)

\* Almost while the above paragraph was printing, my eye caught the following, among other encouragements held out at present in England to seamen, to enter for Her Majesty's ships,—“a liberal allowance of provisions of the best quality, with *grog, cocoa, tea, and tobacco, at cost prices!*”—What would the officers of the last generation have said to a public-house thus, as it were, opened in their ships?—yet it is thus, with inducements held out at the same time to moderation, that men are to be *taught* sobriety. It is the abuse of spirituous liquors, not their use, that society is interested to prevent;—and though this object may be promoted by their *voluntary* disuse, it is directly impeded by that which is compulsory. This step taken by the Admiralty is therefore on the soundest Social principles;—and great in itself, it is altogether invaluable when considered as an indication of a tendency to govern men generally, not by compulsion, but by deference to the inherent and indestructible feelings of the human mind. *O si sic omnes!*

† Something of this kind has been already exemplified in Prussia, where thirty years ago, for another purpose, the periods of military service were made very short, and the whole community subjected to them. As a merely military organization, by far its least interesting aspect, a recent traveller (the Reverend Mr. Gleig) speaks unfavourably of this system;—but all modern observers have praised its moral effect. Mr. Alison, in his History of Europe, thus speaks of it. “By this simple, but admirable system, which is the true secret of the political strength and military renown of Prussia, so much beyond the physical resources of the monarchy, a military spirit (spirit of improvement) was diffused through the whole population; service in the army came to be considered, instead of a degradation, as an agreeable recreation after the severe labours of pacific life; the *manner, carriage, and intelligence of those who returned from their standards were so superior to those of the rustics who had remained at home*, that no Prussian damsel would look at a youth who had not served his country; the spirit thus became universal, &c.”—Vol. vi, p. 451. The analogy is the closest possible; and the long attachment of the French peasantry to Buonaparte after his

fall is another striking example of the influence of dismissed soldiers on the feelings of the population which absorbs them.

It would be easy also to adduce historical evidence of the truth of the main position in this Paper,—the facility, namely, with which masses of men can be guided, by *natural* impulses, even against their individual tendencies. The ease with which conquered armies can be enlisted in the ranks of their conquerors, is one striking example of it.\* But it seems of more importance to adduce the following striking testimony to the fact, that convicts are not beyond the influence of the same principles, and would equally be gained, *to a man*, by a system which would *study their natural feelings, and seek their own improvement* (advantage), together with that of their country, in their treatment. It is extracted from an eloquent and impressive Sermon by the Rev. Dr. Chalmers, of Edinburgh, "On gratitude not a sordid affection :"—

"On this subject, we think that the venerable HOWARD has bequeathed to us a most striking and valuable observation. You know the history of this man's enterprises ; how his doings, and observations were among the veriest outcasts of humanity,—how he descended into prison houses, and there made himself familiar with all that could most revolt, or terrify, in the exhibition of our fallen nature ;—how, for this purpose, he made the tour of Europe ; but instead of walking in the footsteps of other travellers, he toiled his painful and persevering way through these receptacles of worthlessness ;—and, *sound experimentalist as he was*, did he treasure up the phenomena of our nature, throughout all the stages of misfortune, or depravity. We may well conceive the scenes of moral desolation that would often meet his eye ; and that, as he looked to the hard, and dauntless, and defying aspect of criminality before him, he would sicken in despair of ever finding one remnant of a purer and better principle, by which he might lay hold of these unhappy men, *and convert them into the willing and the consenting agents of their own amelioration*. And yet such a principle he found, and found it, as he tells us after years of intercourse, as the fruit of his greater experience, and his longer observation ; and gives, as the result of it, that convicts,—and that among the most desperate of them all,—are not ungovernable, and that there is a way of managing even them, and that the way is, *without relaxing, in one iota, from the steadiness of a calm and resolute discipline*, to treat them with tenderness, and to show them that you have humanity ; and thus a principle, of itself so beautiful, that to expatiate upon it, gives in the eyes of some an air of fantastic declamation to our argument, is actually deposed to by an aged and most sagacious observer. It is the very principle of our text ; and it would appear that it keeps a lingering hold of our nature, even in the last and lowest degree of human wickedness ; and that, when abandoned by every other principle, this may still be detected,—that even among the most hackneyed and most hardened of malefactors there is still about them a softer part which will give way to the demonstrations of tenderness,—that this one ingredient of a better character is still found to survive the dissipation of *all* the

\* The Portuguese Legion in the service of Buonaparte behaved admirably at Wagram and Smolensko, and their respective campaigns, though they scarcely concealed their disaffection, and bore on their colours the significant device—*Vadimus immixti Danais, haud numine nostro*. The Prussians were also staunch in their ranks till the passage of the Beresina, the Bavarians till the battle of Leipsig, the Saxons till the passage of the Rhine, &c.

others,—that, fallen as a brother may be, from the moralities which at one time adorned him, the manifested good will of his fellow men still carries a charm and an influence along with it; and that, therefore, there lies in this an operation which, as no poverty can vitiate, so no depravity can extinguish.

Now, this is the very principle which is brought into action in the dealings of God with a whole world of malefactors. It looks as if he confided the whole cause of our recovery to the influence of a demonstration of good will. It is truly interesting to mark what, in the devisings of his unsearchable wisdom, is the character which he has made to stand most visibly out in the great scheme and history of our redemption; and surely if there be one feature of prominence more visible than another, it is the love of kindness. There appears to be no other possible way by which a responding affection can be deposited in the heart of man. Certain it is that the law of love cannot be carried to its ascendancy over us by storm. Authority cannot command it. Strength cannot command it. Terror cannot charm it into existence. The threatenings of vengeance may stifle, or they may repel, but they never can woo this delicate principle of our nature into a warm and confiding attachment. The human heart remains shut, in all its receptacles, against the force of these various applications; and God, who knew what was in man, seems to have known that in his dark and guilty bosom there was but one solitary hold that he had over him; and that to reach it, he must just put on a look of graciousness, and tell us that he has no pleasure in our death, and manifest towards us the longings of a bereaved parent, and even humble himself to a suppliant in the cause of our return, and send a gospel of peace into the world, and bid his messengers to bear throughout all its habitations the tidings of his good-will to the children of men. This is the topic of his most anxious and repeated demonstration. This manifested good-will of God to his creatures, is the band of love, and the cord of a man, by which he draws them."

## A P P E N D I X.

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NOTE TO p. 8. l. 18.

THE reference in the text, as above, being to a Book (AUSTRALIANA) now nearly out of print, and to papers not contained in it, and only published in the form of Parliamentary proceedings, it appears desirable to add here a summary of the apparatus proposed. Premising, then, that the utmost importance is attached to giving moral, religious, and other intellectual, stimulus and instruction in all the stages, but especially the earlier ones, in which a foundation of true penitence for the past, and aspiring for the future, is, if possible, to be laid for the support of ulterior improvement,—the subsidiary arrangements to this important one may be classed as follows:—

1. Reform being the object, the duration of sentences to be measured, no longer by time, but by *conduct under them*; or, if by time as recorded in Court, that time to be commutable, at a fixed value, into conduct in Prison. The object of this is to make good conduct a steady object of pursuit to all Prisoners, if only in the beginning as an indispensable means to recover their freedom; and the habit of thus considering it as a valuable means will gradually give it value, in their estimation, as in itself a desirable end. This is the ordinary course of intellectual impressions, besides the assistance which it may be hoped that many will obtain from successful religious instruction and exhortation.

2. The required conduct to be measured by *accumulation* made of marks of approbation, of which a fixed number to be allowed, daily or weekly, as *wages*, for average good conduct,—with addition for extraordinary exertion

or other adequate merit, and diminution (fine or forfeiture) for idleness or other demerit. Besides the precision that will be thus attained in appreciating good conduct, the introduction of a form of wages into the management of Prisoners will really convert their labour from coerced into free labour, *with all corresponding moral advantages*. At present a very bad man is often a good prisoner. The Governor of the American Penitentiary at Sing Sing has even stated in evidence (3rd Report of Inspectors of Metropolitan Prisons, p. 10.) "that according to his experience, the Prisoner who conducts himself well in prison will *probably* return to his former habits when set free, for he has always observed that the worst subjects make excellent prisoners." Or, in other words, this experienced Officer testifies to his belief that a man who can easily accommodate himself to a severe coercive discipline is also likely to yield with equal facility to other external impulses when presented to him ;—or, in other words still, which I have employed elsewhere myself as the result of observations on this head made in the Penal Colonies, "the virtues of a slave are generally allied to a large measure of his vices also." But the introduction of a form of wages, stimulating men by the hope of gain, and deterring them by the fear of loss, yet leaving to a great extent the choice in their own hands, *as in ordinary life*, will take them out of the position of slavery altogether.

3. To increase the resemblance of these marks of approbation to wages, they should, I think, be apportioned to each Prisoner according to the nature and value of the labour or other service obtained from him ; and their amount should, in all cases without exception, rise and fall with these quantities. This may at first appear to bear hard on the stupid, or helpless, yet well-meaning Prisoner ; but being also the ordinary course of Providence in society, we may be quite sure that we cannot improve on it. It will stimulate exertion ; and, with instruction combined, may in many cases amply reward even the most apparently stupid, by calling out faculties previously unsuspected in them.

4. As a further approach to the precise character of wages, these marks to be also exchangeable, to any extent, by the men themselves, for present indulgencies, thereby, however, prolonging their period of bondage, which should in no case terminate without a fixed accumulation, over and above all exchanged. By this means to a great extent every man's fortune will be in his own hands ; self-command and resistance to petty temptation (the most dangerous of any) will be trained and exercised ; and those advantages will be gained which have constantly been found in humble life to attend accumulations in Saving's Banks.

5. Sentences being divided, as proposed, into specific *punishment for the*

*past*, and *specific training for the future*, the first must, of course, be a variable quantity proportioned to the original offence ; but the second should, I think, be a fixed ordeal, through which all alike, who have once shown weakness in society, may be justly required to pass before returning to it. It seems to me even important that in the concluding stage there should be this equality among all ; and that a point should be thus distinctly marked, when the past may lay claim to be forgotten, and the future be only thought of. There will be practical convenience in this, as facilitating the treatment of many men together ; hope will be revived by it, exertion stimulated, and good humour, cordiality, and amicable competition, productive of the best effects, will be promoted by it.

6. I am of opinion, moreover, that the entire course of *punishment* and *probation*, should not, under this system, be made nearly so long, or so severe, as is usually allotted at present to punishment alone. The end proposed, *individual reform*, should be distinctly and exclusively kept in view throughout ; and nothing can operate worse, in my opinion, for such a purpose than a necessarily long punishment. It appears to me even worse than a corporal one ; for men accommodate themselves to a system which is unavoidably destined long to embrace them, and study rather to endure than to rise above it. I would not, accordingly, sentence any man, for a secondary offence, to a course of purification through which good conduct and economy may not carry him within from two to three years ; and for minor offences the indispensable time should be even considerably less. Continued misconduct may, indeed, prolong these periods to five or even ten years ; but without the moral injury and torpor produced at present by the four, six, and eight years of necessary assignment before any indulgence can be obtained. The strongest spirits are unable to bear up against a "hope so long deferred ;" and too often seek to forget, in present dissipation, even its existence.

7. In the earlier stages of treatment, devoted peculiarly to *punishment*, the men should not be combined in "social parties ;" and the first stage of all should be, as mentioned in the text (p. 19.) *separate imprisonment*,—for men will repent best alone. But the object is a very important one at an early period to call forth social virtues by creating social ties. This is, indeed, the key-stone of the whole system,—the essential principle without which its other parts would, I am persuaded, be but of little value. It must study to make good members of *society*, or its labours will be vain because *directed too low*, because leaving the selfishness untouched, which gives its worst character of malignity to vice, and deprives even good conduct itself of pretension to virtue.

entertain no doubt; and the more confident he is on this head the better, he will be the more inventive in order to justify his expectations. Minute study on this subject has, however, many peculiar advantages in the existing Penal Colonies; for the treatment is there so unequal that examples of almost every variety, and of the corresponding results, may be found in them. I now know several instances of masters in them, whom tact, or judgment, or a favourable reception of my published opinions in regard to it, has led to the principle of *mutual responsibility*; and whom good nature has otherwise induced to assimilate the condition of their assigned servants in great degree to that of hired labourers. And in the absence of just principle, which characterizes the existing system in these Colonies, this has been often considered abuse, and is repudiated as such in part of the evidence before the Transportation Committee. Yet it *has never failed of moral success* even where tried in very unfavourable circumstances; and it is even proverbial in the Penal Colonies that thus, and otherwise, some masters never have bad servants while others never have good. It is impossible to set the omnipotence of management in a stronger light.

The only very plausible (apparent) objection to the system appears to be, "that it is too favourable to individual criminals, and may thus be considered calculated to encourage crime rather than deter from it." But on this head I become more and more confident daily of the truth of an argument which I have elsewhere maintained at length,—viz., that examples of severe suffering, inflicted as punishment, uniformly do harm rather than good. "Crime thrives on severe penalties;" these have existed to excess in the Penal Colonies, and it may be confidently said that three fourths of all the demoralization peculiar to them is due to their operation. They sear and alienate all hearts.

Appeals to the mere caution of thoughtless and reckless men, such as criminals too often are, while their better feelings are untouched, and their excitability is rather challenged by vindictive menaces, are the least likely to be attended to by them of any. We must adopt a higher tactic in contending against the progress of vice and crime in our Empire than by merely sacrificing our captives to make their companions *cautious*. We thus only envenom their hostility.

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