

NEW METHODS FOR OFFENDERS.

By SIR THOMAS MOLONY, BT.

(*With Discussion.*)

[*Read on Tuesday, 12th March, 1940.*]

When the Society did me the honour of electing me President 20 years ago I chose as the subject of my address "The Prevention and Punishment of Crime." I pointed out that the four great methods of preventing crime were (a) to provide the worker with a decent and comfortable home, (b) to encourage temperance, (c) to adopt means for securing regular work, and (d) to provide reasonable opportunities for recreation. I also suggested certain amendments in the law of criminal procedure which I hoped might lead to happy results.

In the tense and difficult period which followed the creation of the Irish Free State there was little time for social legislation and the law remained very much the same as it was on 6th December, 1922, when. I swore in my friend, Timothy Michael Healy, as first Governor-General. Three reforms of much importance were, however, adopted, viz., the creation of a Court of Criminal Appeal; the appointment of District Justices to replace the unpaid magistracy, and the extension of the law of evidence so as to enable every accused person and the wife or husband of such person to be a competent witness for the defence.

In 1925, after the office of Lord Chief Justice of Ireland had ceased to exist, I was invited by the Home Secretary (Sir Wm. Joynson Hicks) to become Chairman of a Committee to consider the treatment of young offenders in England and Wales. I accepted the invitation, and for two years, in conjunction with excellent colleagues (9 men and 3 women), considered all the problems of delinquency so far as they affected children and young persons. We came to a Report which was unanimous except on one point (Cmd. 2831, 1927), and in a Paper which I read before the Society on 7th December, 1932, I was able to point out that nearly all our recommendations had been carried out either by administrative action or by the Children and Young Persons Act, 1932. Still, as has been well said there is no limit to the march of progress, the end of the journey lies ever beyond; the spirit of enquiry was abroad and different problems were considered by three Departmental Committees, viz., Committee on Persistent Offenders (Cmd. 4090 of 1932), Committee on Social Services in Courts of Summary Jurisdiction (Cmd. 5122 of 1936) and Committee on Corporal Punishment (Cmd. 5684 of 1938).

After considering the evidence brought before the Committees and the various recommendations, Sir Samuel Hoare, then Home Secretary, reviewed the whole subject, and as the great-great-nephew of Elizabeth Fry he brought to his task an acute mind and a sympathetic understanding of the problems he had to face.

In his New Year's message to his constituents in 1938, Sir Samuel

said that in considering the measure he intended to introduce into Parliament he had three great objectives :

First : To keep the young out of prison.

Secondly : To develop the reforming side of prison life.

Thirdly : To have a better system of protecting the persistent offender from himself, and for protecting society from the hardened offender.

He brought in his Bill on 10th November, 1938 (Criminal Justice Bill), and it passed the second reading without a division and the general approval of all parties. In Committee certain differences appeared not affecting the general structure, but before the report stage had been reached hostilities had commenced and the further consideration was postponed until Britain once more enjoyed the blessings of peace.

I will now proceed to give you a summary of the provisions which Sir Samuel Hoare stated would carry out his chief objectives.

First, as regards keeping the young out of prison, he divided the young offenders into three classes, according to age (Sec. 27)—

(a) *Under 16 :*

No Court shall impose imprisonment on any person under 16.

(b) *Between 16 and 17 :*

No imprisonment unless Court certifies that the person is of so unruly a character that he cannot safely be detained in a remand home or of so depraved a character that he is not fit to be so detained.

(c) *Over 17 and under 21 :*

No imprisonment by a Court of Summary Jurisdiction unless the Court after enquiry is of opinion that no other method is appropriate and shall state the reasons for their opinion in the Warrant of Commitment.

Some people think that, looking at the turbulent elements in our great cities, the immunity given to youthful offenders is too great, and that Sir Samuel was carrying his ideals too far in this matter-of-fact age. But Sir Samuel thought otherwise, and hoping that he would be able in the near future to abolish imprisonment for all persons under 21, he provided that His Majesty (Sec. 27(a)) might by Order in Council abolish imprisonment altogether for persons *under 21* ; but before doing so the Secretary of State must be satisfied that the methods other than imprisonment available for the treatment *were sufficient*.

Even then the Order must be laid before Parliament and might be disallowed.

Let us now turn to his second objective : to develop the reforming side of prison life. Before providing for this he cuts away what he considered obsolete or unnecessary provisions and distinctions :

(a) Corporal Punishment (Sec. 32).

(b) Penal Servitude (Sec. 33 (i)).

(c) Imprisonment with hard labour (Sec. 33 (2)).

(d) Classification—1st, 2nd or 3rd Division (Sec. 33 (3)).

We are now reduced to a simple *sentence* of imprisonment *by a judge* and the classification of the prisoner, the nature of his work, and what one may call the terms of his employment are *all left to the prison authorities*.

Having reduced imprisonment to a simple sentence, the next thing is to see how far that sentence may be *avoided* by reforming methods, and this leads us to *Probation* as the first line of reform.

I have already in a Paper read before the Society, dealt with the principles of Probation, but the importance of the subject has grown in each succeeding year.

Sir Samuel Hoare says in his introduction to the Home Office pamphlet on the Probation Service (published 1938) :

“The experience of 30 years has shown the growing importance of the Probation Officers to the Courts,” but he adds, “I am however convinced that much remains to be done before the system can be expected to yield its best results. We need in every Court of Summary Jurisdiction magistrates who will take pains to understand the comparatively simple principles which underlie the organisation of an efficient Probation Service and who will give the necessary time and trouble which membership of a Probation Committee or Care Committee involves. Secondly, every Court needs Probation Officers of the right kind of personality, experience and training.

“I have been in touch with the Service since 1907, and I agree with Lord Hewart in his Clarke Hall lecture, published in 1935 : ‘The Probation system derives its value from the Probation Service. If the officer has the genius of guide, philosopher and friend, the system succeeds. *Rightly used* Probation can save thousands of offenders every year from a repetition of their crime.’ ”

“*Rightly used*” is the keynote. Some think that all the benefits of Probation can be attained by the insistence on certain *ethical standards* of life which are *independent of spiritual values*, and the Report of the Committee on Social Services in Courts of summary procedure, notwithstanding one or two isolated passages, accept this view, and Sir Samuel Hoare has carried it into his measure. The Catholic, and indeed in this country, all Churches believe that religion must be the basis of reformation—that it is practically impossible to overcome the temptation of the weak without the influence of religion and reliance on the providence and goodness of God. The Westminster and Southwark Catholic Probation Committee, of which Cardinal Hinsley is Chairman, and I am Deputy-Chairman, put forward the view that Probation, if “*rightly used*,” should provide a Catholic Probation Officer for every Catholic probationer, or if there was none available that the probationer should be put in touch with Catholic visitors and brought under Catholic influences. If the Probation Officer once recalls the probationer to a *sense of religion*, we contend that he will find his task much easier, and the *progress of reformation more secure*. The discussion of our amendments led to a considerable difference of opinion, but we were resolved to have the matter fully discussed in all its bearings on the Report stage.

In the Standing Committee to which the Bill was referred, there was not a single Catholic member, but at the instance of our Committee, Sir Archibald Southby, the Conservative member for the Epsom Division of Surrey, stated the Catholic view with force and conviction and earned our gratitude by his strenuous exertions. I will at a later stage return to this subject of Probation.

Some people think that Probation is only suitable for the young.

Well, the Home Office has examined the reports of 2,311 *probationers*. The results have been satisfactory in 70 per cent. of the cases, and the percentage of success *rises* with age :

Children under 14	65.3
Young persons	68.2
Age 17 and under 21	73.3
Age 21 and upwards	81.8

Probation is not however a universal panacea and it is necessary to provide alternatives.

Sir Samuel has provided several—perhaps too many :

- (a) REMAND CENTRES—14 to 21. Persons remanded or committed for trial.
- (b) STATE REMAND HOMES—with facilities for observation in mental cases under 17.

“ Observation Centres ” were recommended in the Report of the Committee over which I presided in 1927 (Cmd. 2831, 1927) but were rejected by the Treasury on the ground of expense.

Sir William Joynson Hicks, then Home Secretary, thought so highly of our recommendation that he wrote a letter to *The Times* suggesting that private members might supply the want, but unfortunately such help was not forthcoming, and it remained for Sir Samuel Hoare to endeavour to give practical effect to a proposal which has already been adopted with much success in other countries, notably the great Institution at Moll in Belgium which the Committee visited and were much impressed.

Next there come three types of institutions which Sir Samuel Hoare frankly describes as experiments, but which he suggests are well worth trying in big centres of population—

- (a) Compulsory Attendance Courses for persons between 17 and 21 at which they may be required to attend on such occasions and at such times as will avoid interference, so far as practicable, with their working hours and be given appropriate occupation and instruction. This really means compulsory attendance at a night school but returning to their own homes after it.
- (b) County Boroughs can provide similar centres for persons between 12 and 17 “ called juvenile compulsory attendance centres ” at which such persons shall be required to attend, but so arranged as to *avoid interference with their school hours and working hours* and be given supervision, approximate occupation and instruction.
- (c) HOWARD HOMES—to be provided by the Secretary of State for persons between 16 and 21 where they will be required to reside under disciplinary conditions, but able to leave for purposes of employment and certain other purposes to be prescribed by rules. This means that a person may continue in his employment, but instead of returning to his own home must go back to his Howard House and remain there for the night.

If none of these methods is considered appropriate there are still more courses which may be adopted.

- (a) “ Approved Schools ” for persons under 17. These comprise the same classes as are in Ireland sent to Industrial or

Reformatory Schools, with the addition of young people requiring "care and protection" as recommended by the Committee of 1927. We thought there was no fundamental distinction between the types of children committed to the schools, and that the classification of the schools and the types of children sent to each had better be left in the hands of the Home Office.

- (b) Borstal training for persons between 16 and 23. The only change made in the Bill was recommended by the Committee of 1927. It is contained in Section 31 and gives power to Courts of Summary Jurisdiction to pass sentences of Borstal training instead of only recommending such a sentence to be passed by the Court of Quarter Sessions to which they were bound to send the accused person even when he pleaded guilty.

What led to this recommendation may be worth mentioning. In the course of my investigations I visited all or nearly all the prisons in England in which young offenders were confined. I found in some of them, notably Wandsworth and Liverpool, a number of young persons who ought not to be in prison, but were detained because they were, in prison language, "waiting for the Sessions." It seemed to me rather absurd that as Borstal training was intended as a substitute for imprisonment, it should be preceded by an indefinite period of imprisonment which it was the object of Borstal training to avoid. It was, however, strongly contended by some well-intentioned persons that to give power to magistrates to commit to Borstal for three years was a power which might be unjustly or capriciously used by lay magistrates and should be exercised only by the Higher Courts. The answer to this was that there was always an appeal from the Order, and this would be an effective check on alleged harshness or injustice.

Well, Sir Samuel Hoare, in his efforts to keep young persons out of jail, had not yet exhausted the resources of civilisation, and this brings me to his last great effort, (c) "Corrective Training" for persons between 21 and 30 years of age (Sec. 34). This may be applied when a person is convicted on indictment for which he might have been sentenced to two years' imprisonment or more and the Court is satisfied that "by reason of his character and habits it is expedient with a view to his reformation and the prevention of crime" to pass in lieu of any other sentence a sentence of corrective training for such term not less than two or more than four years. This is entirely new, but the idea came from Wakefield Prison which I visited. Persons were sent there between the ages of 25 and 35 who were in good health and had not been previously convicted but were undergoing sentences of not less than six months. They were of all types and classes as you might imagine, and were divided into four houses, "St. Patrick," "St. George," "St. David" and "St. Andrew." the most difficult cases being allotted to "St. Patrick." They were sub-divided into crews of eight with a stroke, and a committee of "strokes" had some power in the maintenance of order. They had good physical training, a fine library of 6,000 volumes, and the educational facilities were of a high order, provided in some cases by University Professors, who gave their services voluntarily. A prisoner could choose his own classes for instruction within limits, and a high sense of honour was inculcated which met with gratifying results.

For instance, I was told that some 17 prisoners were sent off to the

Cathedral without any escort to be confirmed by the Bishop and all returned in perfect order and safety. If "corrective training" is carried out in the spirit I observed in Wakefield some thirteen years ago it will act as a powerful stimulus to good conduct and a resolve to look forward with hope and confidence to a new life in the future.

But it must be confessed that there are still some persons who have not responded to prison or any other treatment and who must be protected from themselves and society from their depredations. For such persons "preventive detention" was desired, but under the existing law can only be awarded as an addition to a sentence of penal servitude, and must be for not less than five or more than ten years. The result is that the minimum sentence was eight years (three years penal servitude and five years' detention), but this was only imposed in England, and there does not appear to be any person undergoing such a sentence in Ireland for some years past. Sir Samuel proposes to substitute a sentence of not less than two and not more than four years if by reason of the offender's criminal antecedents and mode of life such a sentence is expedient for the protection of the public (Sec. 34). He must, however, be not less than 30 years of age, and have been previously convicted, but need not have endured a previous sentence of penal servitude. If, however, the prisoner has been convicted of an offence specified in the First Schedule, which includes most serious offences, and has been previously convicted at least three times or has previously been convicted of an offence for which he was sentenced to corrective training or preventive detention the sentence of preventive detention may exceed four but shall not exceed ten years. This follows the recommendation of the Departmental Committee on Persistent Offenders par. 40, which states the difference between "corrective training" and "preventive detention" in very clear terms :

"For some types of offenders—particularly those between 21 and 30—the object of detention will be reformatory training ; for others—particularly those whose criminality appears to be mainly determined by mental inertia or other innate negative qualities—little in the way of positive training may be practicable, and the main object may be to provide for the control of the offender, and for the protection of the public, but in all cases the object of detention should be remedial and custodial rather than penal, and it should be made the duty of the Court in deciding such a sentence to pay regard, not merely to the facts of the specific offence, but to the history, character and circumstances of the offender."

When the Bill was in Committee the two subjects which provoked controversy were (1) the influences which made Probation a success, and (2) the abolition of Corporal punishment.

In order to understand why Probation should be a subject of controversy, it is necessary for a moment to refer to its history. Probation, as we now understand it, came into operation in 1907 and has been developed since in various directions, but for many years its success depended on the efforts of the voluntary societies (mainly the Police Court Mission, the Catholic Prisoners' Aid Society and the St. Vincent de Paul Society), who provided the Probation Officers and bore the expenses which were incurred. In course of time it was felt unjust that voluntary societies should bear the extra cost and a new arrangement was made whereby the full-time Probation Officers appointed by the voluntary societies were paid two-thirds of their salaries out of public

funds and one-third provided by the society which had appointed them. The system worked fairly well, but the increased use of Probation caused an expense which strained the resources of the voluntary societies and, coupled with certain difficulties incident to joint control, created a demand for a National Probation Service wholly paid for by the State. The Report of the Committee on Social Services recommended this course, and Sir Samuel Hoare has given permanent effect to the principle in the Bill. When the Report appeared, the Archbishops and Bishops of England and Wales appointed a small Committee with me as Chairman to consider its Report, and we reported that the recommendations contained in it, if carried into effect, would entail the disappearance of the officers of the voluntary society as such, and though no doubt many, if not all, the existing officers would be re-appointed by the Probation Committees there would be no obligation to appoint a Probation Officer who is a Catholic to supervise a Catholic probationer such as had been the practice in London, Glasgow, Liverpool and other large centres, and that under the new system the appointment of Probation Officers would, except in the Metropolitan Police Court Area, rest with the Probation Committees who might and indeed were supposed to appoint without reference to religious belief. In the Metropolitan Police Court District the Home Secretary has complete power over the Probation Service, and it was not necessary to wait for the passing of the Criminal Procedure Bill. He took over the control of the Probation Officers, paid their salaries, but he has made satisfactory arrangements under which a Catholic Probation Officer (if available) shall supervise a Catholic probationer, and if one is not available, notice will be given to the Westminster and Southwark Probation Committee, who will appoint an authorised visitor to co-operate with the Probation Officer in looking after the moral and material welfare of the probationer, and give him a new start in life. While the recognition of the importance of religious influences by the Home Office was very gratifying, it must be remembered that it was the result of a prolonged controversy, and that the importance of the subject must be impressed, not indeed on the authorities of the Home Office, who were sympathetic and understanding, but on the Probation Committees outside London who will if the Bill passes in its present form have it in their power to appoint Probation Officers without any regard to the religious interests of the probationer and by their action may make or mar the Probation Service.

The question as to whether a whipping ordered by a Court serves any useful purpose has always led to differences of opinion and acute controversy, and formed a great obstacle to the smooth passage of the Criminal Justice Bill through the Committee Stage, and although the Report of the Departmental Committee on Corporal Punishment favoured the abolition except for prison offences, it remarked that the weight of the evidence of English and Welsh witnesses was definitely against the use of birching as a method of dealing with young offenders, while the balance of opinion of the witnesses from Scotland was in favour of it.

My Committee in 1927, while deprecating strongly any indiscriminate use of whipping, was prepared (by a majority of 9 to 3) to sanction it, after full inquiry, in appropriate cases, and a Scotch Committee sitting the following year came to the same conclusion. In 1932 abolition was proposed in the Bill brought in by the Home Secretary (Children and Young Persons Bill), but in the House of Lords an amendment designed to retain the existing power of whipping was carried, and rather than drop the Bill the Home Secretary accepted the amendment, and so the

law will remain unchanged until the Home Secretary of the day after the War re-introduces the Bill and gets both Houses to accept it.

The Lord Chief Justice of England, at the request of the Committee, consulted the judges of the King's Bench Division, and they furnished a Memorandum that corporal punishment operates as a useful deterrent, and were of opinion that it is desirable to retain the existing powers to impose sentences of corporal punishment for garrotting, robbery with violence, procuring, living on immoral earnings and importuning by male persons, and also for offences committed by boys under sixteen years of age under Section 4 of the Criminal Law Amendment Act, 1885. While corporal punishment has never been popular in Ireland, a return obtained at the request of the Committee shows that in the five years 1932-36 inclusive it was availed of in 25 cases, but the accused were young and the sentence was limited to six strokes with a birch. It is contended that as the existence of the power may be in itself a useful deterrent, and the power itself is so seldom used, it does not seem that any amendment of the law is called for.

I have now given you in broad outline the provisions of this great measure and have endeavoured to explain some of the principles underlying it. I do not presume to suggest how far the provisions are applicable to Eire, but I look forward to an interesting discussion and will be glad to answer any questions or deal with any further point that may arise. Although I am no longer living in your midst I have never failed to take a deep interest in the Society which has done so much in the ninety years of its existence for the moral and material progress of Ireland and the happiness of the people.

DISCUSSION ON SIR THOMAS MOLONY'S PAPER.

COMMANDER COOTE, proposing a vote of thanks to Sir Thomas Molony, said he would confine his remarks to that portion of the paper which applied more specifically to preventive measures for offenders. Those responsible for administering the law would doubtless discuss their views on curative measures.

In the printed Synopsis, which members of the Society had received, there were 13 sections and 30 sub-sections of points to which reference might be made, he would speak quite briefly on section (2) "Four great methods of preventing crime."

The first was to "provide the worker with a decent and comfortable home." Commander Coote maintained that that was not sufficient in itself, the social aspect of housing must be considered, not merely the provision of a house. When families were moved from their slum homes, the children had no idea how to get any benefit from their new surroundings; they looked for a place to play as they did in their old homes, they found only the streets as before. Provision would have to be made to teach the tenants of new houses how to appreciate their position; they would have to be attracted from the apathetic mental attitude of the slum-dweller to the proud and active life of the good householder, to say nothing of the good citizen. People who had given evidence before the Housing Inquiry Commission had emphasised these points, and he thought that when the Report was produced there will be some startling evidence to show that it is not sufficient to provide decent houses. The social aspect must be considered.

The second point was to "encourage temperance." He had been led to believe that intemperance was a disease, that it seldom decreases, and that it was highly contagious. Therefore, why not make it notifiable in law? Under the heading of intemperance they should also include the increasing habit amongst boys and girls of smoking, and the use they make of the cinema. In his work for the Civics Institute he had come across children of school age smoking, and they told him they had bought these cigarettes. These boys had started to smoke too young, and where did they get the money?

The third point was to "adopt means of securing regular work." All would agree that this was quite the most vital problem of the moment, and it seemed that the present system would have to be entirely scrapped. They could not learn anything about the unemployment problem from England, because England seemed to be suffering badly from it and to have no cure. They were told there was no unemployment in Germany, Italy and Russia; perhaps they could learn something from them. It was a sign of gross incompetence on the part of any Government to have all this unemployment in a land of plenty. Commander Coote said the unemployed could be used to construct swimming pools, gymnasias and sports stadiums in every large town, and to this end he quoted some extracts from the Press to emphasise the need for leisure leadership.

With regard to the fourth point, to "provide reasonable opportunities for recreation." They had at present seven play-grounds in the city accommodating approximately 2,500 children; there should be one for every thousand of the 142,000 children under the age of 14 years in the city. Though the Churches and teachers were doing their best, the children were left to work out their own ideas of play. What could

an overburdened mother do but turn all except the youngest into the streets ?

The Civics Institute was at the present time carrying out an experiment in Cabra with giving talks to parents on Civics, and they hoped even in this small way to help the children through their parents. He had great pleasure in proposing a vote of thanks to Sir Thomas Molony for his very interesting paper.

MR. E. J. LITTLE, Senior District Justice, seconding the vote of thanks, congratulated the Society upon the choice of its lecturer, and the lecturer upon the choice of his subject. In the District Court, the Court of the poor, the Judicial function, without the aid of the probation officer, could be used only to punish crime, too late to prevent it.

He had been for three years now the Senior Justice, and as such, presiding weekly in the Juvenile Courts in the city; and, in common with the other Justice, he also spent three days in each week in the Custody and Summons Courts. The Senior Justice in that way becomes the major ganglion or nerve centre between the poor—both adult and juvenile—and the probation system, the prison system, the school attendance system, and the industrial and reformatory schools' system. In the year 1913 the probation staff had for its expression solely one lady probation officer. It was a halting and uncertain recognition of the system. With the increase of her work that lady paid, out of her own salary, an unestablished lady helper. In 1926, this lady probation officer, harassed with work—comprising as it did the experiences of 1916 to 1921—retired, broken in morale and physique, a nervous wreck. On the appointment of her successor State recognition was for the first time given to the lady assistant referred to, and these two ladies together then constituted the Probation Staff. Like their predecessor these in turn, overcome by work, broke down; they died of cancer, each at her post. To these three ladies must surely be awarded the martyrs' crown. Meanwhile the system having been tested and approved, in October, 1926, Mr. MacDonnell, the first male Probation Officer, was appointed. The existing system in the City of Dublin, the population of which is now close upon half a million souls, is carried on by two male and three lady probation officers. Outside of Dublin there was not to be found a single whole-time probation officer.

The probation officer must be present in the Custody and Juvenile Courts to note the names, addresses and occupations of the persons charged; later visit the home of each party, and prepare a report for the Justices. In Court he must also produce at a moment's notice the record, if one exists, of each case, and advise the Justice as to the best course to be taken. His afternoon visits to the homes of parties under probation supervision must be followed up with visits to clergymen, school attendance officers, relieving officers, employment exchanges, employers, Garda stations, and to the offices of charitable societies to check up on his information. All this meant persistent work and fatigue of both body and mind. At the end of each day's work he must be ready at his own home for visitors, parents, young people, one or other, sometimes both, of married couples, and informants come to lay complaints. He must find time also to run to the Circuit Court for the hearing of Appeals with particulars of which he is familiar.

In 1937 the number of cases under probation supervision was 287. In 1938 that number had increased to 481, and in 1939 the number had again increased, this time to 940. Of these 757 were males and 138

females. During that year 142 probationers completed their period satisfactorily; 48 failed; two evaded jurisdiction; 8 were otherwise dealt with, and 741 still at the close of the year remained under supervision. Of the 48 probationers who failed, for 21 imprisonment was found the only course; 9 were transferred to Borstal training; 16 sent to Industrial Schools; one returned on bail for trial died in a street accident, and 2 were by medical direction committed to a mental home.

To the question, how explain the rapidly increasing numbers under supervision, the answer was that the Justices in 1937 were faced by a dilemma, either suspend the use of the system or kill the Probation Officers. Who could blame the Justices for the course followed?

If the number 741 still at the close of 1939 under probation supervision had suffered no increase during the two months and a fortnight of this year, there would at this date be 148 such cases under the supervision of each of the five Officers. In England the Home Office will not permit any Probation Officer to have under supervision at any one time more than 70. Unfortunately the present times were tragic and with unemployment and social and civic disorganisation, the number was increasing at an alarming rate. The status of the Probation Officers was that of non-established Officers, without pension rights, whose services may be dispensed with at a week's notice; but these circumstances did not affect their devotion to their work. It was a life of sacrifice.

To the Directors of the Dublin United Tramways Company, the Right Hon. James McMahan and his colleagues of that Board, thanks were due for the generous aid given by the annual grant to each Officer of a free pass on the trams and bus service over the city system, to aid them in their visitation services. Probation properly used would save thousands who might otherwise drift into one or other of the currents or backwaters of the twin rivers of Unemployment and Crime.

DISTRICT JUSTICE KENNETH REDDIN, associating himself with the vote of thanks, spoke first in Irish and said he did so to remind the members that they were living in Ireland, and that Sir Thomas Molony's paper was prepared for an English audience. This was a different country. It was a Catholic country. He was not adopting this attitude narrowly, but the whole approach to the prevention of crime, and the treatment of those who suffered from that disease, were helped immensely by a religious consciousness. There was very little of it in England. There was a religious and moral consciousness to which you could appeal in Ireland which obviated some of the difficulties treated by Sir Thomas, and which encouraged him to say: "Lift up your hearts. Things are not as bad as you think. Ireland is still a Christian country." In fairness to himself and his brother D.J. Little he protested against Sir Thomas's statement that the District Courts merely replaced the unpaid Magistracy. As well as that work the District Court did 70 per cent. of the work that was done in the old County Courts—what the Recorder used to do in Dublin. The most litigious part of the work done in the old County Courts was now done by the District Courts. He thought Sir Thomas, living in England, did not quite realise all the changes that had taken place in his own country.

With regard to the recommendations (a), (b) and (c) on page 52 of the paper, he had no hesitation in accepting them, but he would object to the classification of prisoners being left to the prison authorities. It did not seem wise to take away from the committing Judge the classifying of a certain type of prisoner, and it would not be fair to put

that duty on the prison Governor and his staff. The most important recommendation made by Sir Thomas was what he called Remand Centres, and he wished they had these here. In Ireland they had no means of dealing with the pathological, which was the *causa causans* of most crime. In cases of sexual offences the advice of a psychologist should be available. For the idea of a Remand Centre, where persons could be examined, and with facilities for observation, he was quite enthusiastic. His second enthusiasm was to give to the District Court power to commit to Borstal. At present owing to an oversight by some Civil Servant amateur draughtsman that power had not been transferred to the District Court. His third enthusiasm would be in the matter of probation. In his Courts in the Counties of Dublin, Kildare and Meath there were no Probation Officers at all. There should be Probation Officers attached to the headquarters Court of every District Justice in Éire.

DR. O'REILLY said that he came to listen, to be instructed, and not to contribute to the debate. Certainly he had learned a lot, and he was exceedingly grateful to Sir Thomas Molony and to those who had taken part in the discussion. He was glad to find District Justice Reddin stressing the difference between the people of this country and those of England; but he thought Mr. Reddin was rather hard on Sir Thomas, who had been giving yeoman service to the cause of Catholic Social Action in England since he went to reside there.

Further, it was particularly useful to have Sir Thomas's account of what is being done in England, seeing that we in Ireland were so inclined to follow England's example step by step, for the fact was that while we had complete liberty, we had not taken advantage of it in many ways.

After listening to the Paper setting forth the new methods of preventing crime, it struck him that we might do worse than revert to the older methods. We were inclined nowadays to discuss housing schemes, Corporation houses or flats, but we had lost very largely the sense of the difference between a house and a home; and it took much more than a house or a flat to make a home.

In olden times, each one of us had a very effective Probation Officer in our own lives—our mothers—and more was learned at her knee than anywhere else; and the instruction was given, as Lord Howard suggests, with all the genius of guide, philosopher, and friend.

He agreed with all that had been said about the heroic work that is being done by the Probation Officers; but they could not reproduce the training that one would get from a loving mother or father. But all that parental training had come to be regarded as Victorian! Those who were now old and grey recalled their family life as a home University, where the eldest very often smacked the younger; but all the time the parents were in the back-ground and the system worked out fairly well.

Side by side with the home training went the character formation in the Primary School. It was only when we older people grew up that we began to realise how much we owed to the fine characters of the grand old teachers in the National Schools, and to realise what a big influence these teachers had been in the formation of our own characters.

At that time the schools were not overcrowded, but nowadays classes of 60 or 70 were not unusual, and dealing with such numbers, a teacher had not opportunity of developing the character of the children. Further, nowadays in the "Infant" Schools—those for children up to 9 or 10 years—the main thing was not the development of character, but the

teaching of Irish. As one who had brought up his own children through the medium of Irish, and who was therefore a friendly critic, he deplored the fact that the training of character was neglected in order that emphasis should be placed on the learning of Irish. Presently, too much was expected of the teachers, and it was a great pity that now that there was a great number of teachers unemployed, the Government did not get back to the old idea of small classes, with character training the main consideration, particularly in the Infant Schools.

The early years were those that counted, when ideas of decency and of civic spirit could readily be imparted. It was during these years that habits of truthfulness, honesty, cleanliness, punctuality could be formed. In the old National School books the lessons often taught these virtues, and nowadays, when things had "progressed," it was a pity that hygiene was not taught as a subject in all classes.

MR. C. E. REDDIN said he wondered if Commander Coote was really serious when he suggested that intemperance should be regarded as a notifiable disease. It would take a paper in itself to deal with the various sub-divisions of the forms of intemperance. There was luxury drinking and disease drinking and several different kinds. From his observations as a person who stood behind a public house counter for 12 years, he was satisfied that if the recommendations (a), (c) and (d) were effectively carried out, there would be no necessity to draw attention to (b). Most of the drinking he had seen was the effect of something else, and very rarely did he find drink a cause. Take a dweller in the slums, whose landlord has refused to do anything, who has been idle for weeks, lack of food might be the cause of that man's drunkenness. He had seen men drink for no other reason than to get away from the hole that constituted their home. Then the premier organisation that professes to deal with intemperance was a body that had its roots and origin in conditions which have no bearing on the present time. There is a body in England called the True Temperance Society, conducted by two Jesuits, and that body approaches the subject from a different angle altogether. The assumption on which this particular body proceeds is, that drinking is something human, and they accept the public house as a necessary institution, and they say: "Let us get in and reform it from within." They see the proprietor and even test his beer, and congratulate him if it is good. The public house should not be a place where the emphasis is on drinking alone. It was a place where a man should be able to bring his wife or even his child. He would like to get away from that impression that drinking is a disease that should be notifiable like the measles.

REV. FATHER COYNE, S.J. said he was glad Mr. Reddin drew attention to the fact that two Jesuits were conducting a temperance Society in England. What made him particularly glad was to see the extraordinary interest and care the two District Justices they had here took in their work. Both of these men had made it a vocation. This problem of crime and offences was very frequently approached from the point of view of humanitarianism and emotion rather than reason. He thought District Justice Reddin had in his mind that the Catholic Church would approach it from the point of view of philosophy. The old philosophers recognised that a great deal of crime arose from pathological causes, but they never said there wasn't weakness and malice, and they realised that weakness and malice could not be dealt with except in a penal

way, that human nature was such that it could not be restrained merely by medicinal treatment. The old philosophers said that Society had a right to impose punishment on a man who had committed a crime. There was such a thing as vindictive punishment. If a man knowingly and willingly committed a crime against the community, the community had the right to inflict vindictive punishment. Where crime could be prevented, then, of course, the Probation Officers came in, and he hoped that Mr. Little's words would be reported and receive the attention they deserve. He knew of the great work the Catholic Nuns were doing in the slum houses, and they did a great deal in preventing crime. There was a great amount of voluntary work, but if that line of thought came through the family it would be better than through an outside organism. The Civics Institute was also doing great work. Father Coyne added that as a priest and confessor, he would stress this, that the modern world was living at such a rate and under such tension that the nerves of people were breaking down under it. Perversions will grow more in their modern times, and people's nerves were driving them to do things that in their lucid moments they would shudder from doing. The Government should set up an Institute of people who understand that matter, and religion would have a great deal to say in such an Institute. Father Coyne joined in the vote of thanks to Sir Thomas Molony and the other speakers.

THE PRESIDENT said the discussion was excellent and to enable Sir Thomas Molony to reply to any of the points raised by the speakers he would arrange to have a transcript of the discussion sent to him. While some parts of the discussion were perhaps not exactly relevant to the subject-matter of the paper they indirectly pointed to how crime could be prevented. He, in particular, congratulated District Justice Little on what he had said on the subject of probation and the fearless attack he made on the inadequacy of the numbers of Probation Officers in the country. The paper referred to three classes of offenders. Firstly, there were the young people with no criminal record; secondly, the intermediate class with a few convictions, and the third class consisting of persistent offenders. The idea behind the legislation referred to in the paper was to prevent the first of these groups from becoming criminals, and it was in this direction that Probation Officers and the Civics Institute were doing useful work. The only way to keep the inveterate offenders out of mischief was by detention or imprisonment. Reference was made to the Howard Homes and it is interesting to recall that the John Howard who gave his name to this type of home spent a fortune in travelling through Europe investigating the conditions of prison life. Years ago crime was punished by death or by mutilation and confiscation; after that the punishment was usually inflicted by imposing terms of imprisonment, and now they had in this paper by Sir Thomas Molony a case for less severe penalties. He had pointed out that in dealing with offenders one should always put in the forefront the possibility of their reformation and take steps of a remedial rather than of a punitive nature. On behalf of the Society he would convey to Sir Thomas the thanks which had been so ably proposed, seconded and supported by the other speakers.