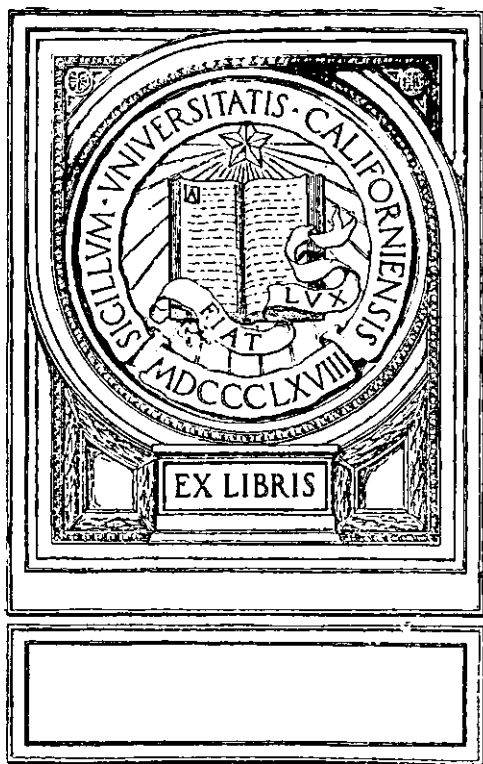




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BY  
W. CLARKE HALL

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## GENERAL PREFACE

**T**HE events of the present time have started much serious enquiry into the validity of our accepted institutions and our traditional habits of thought. Our conceptions of the State, of the Church, of the organisation of Industry, of the status of Woman in the commonwealth, and of many other things have been directly challenged; and it is commonly acknowledged that a frank and thorough-going examination of our current postulates, political, religious, economic and social, is urgently called for. This series is intended to be a tentative contribution to the discussion of the problems thus raised.

The writers of these volumes do not profess to have a complete philosophy of reconstruction; nor have they endeavoured to co-ordinate their thoughts into a coherent polity. They treat of matters upon which they are not all agreed; but they agree that Society should be organised with a view to the free development of all the finer interests and activities of men, and that such organisation must take account of local and spiritual differences. Apart from this general agreement, they have worked out their several theses independently and are severally alone responsible for the opinions expressed in the volumes published under their names.

The volumes in the series will cover the main subjects relative to the function of the State. Those already planned will treat of the State in its relation to other states, to religion, to industry, to society, to woman, to the individual, to art, education and crime.

C. DELISLE BURNS  
RICHARD ROBERTS

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## AUTHOR'S PREFACE

**W**HEN it became part of my duty to sit as magistrate in a Children's Court I early realized that the various orders which it was my duty to make were being made with insufficient knowledge of the effect upon the children before me.

Even a fairly long experience of the problems of child life, viewed from other aspects, did not, I felt, throw adequate light upon juvenile delinquency or the best means of dealing with individual cases.

Since for the future lives of these children the State had made me so largely responsible, I felt bound to attempt to obtain answers to the questions which were constantly occurring to me. Such questions were, for example: *What will the life of this child be like in an Industrial School? Is the physical, mental, and moral training which he will receive there that which is best suited to his particular needs? Or, again, Upon what conditions does the success of Probation depend? Is it the best and most helpful course to take in the interests of the child now before me? Or, again, How far is birching reformative to the boy birched or deterrent to others committing similar offences? What type of boy, if any, is benefited by it?* In setting out to find answers to these questions I had no intention of procuring material for a book, but only of gaining experience and knowledge for myself. When, however, it was suggested to me that I should write on the subject of "The State and the Child," I hoped that the voyage of enquiry upon which I had embarked might furnish me with some

results that would possibly be of interest and assistance to others concerned with these problems and seeking, like myself, for more light upon them. Limited as are my own experience and means of knowledge, they must of necessity be far greater than those of hundreds of tribunals throughout the country charged comparatively rarely with the duty of dealing with delinquent children.

In consenting to undertake this work I am conscious of the fact that many of my brother magistrates have a far longer and wider experience of juvenile delinquents than I, while I feel also that as regards the other subjects upon which I have touched there are experts with much greater knowledge than mine. I am, however, not without hope that the views and experiences set down may be of some use even to them, and not without general interest to others.

In writing, I have kept three different ends in view—

(a) That of trying to increase public concern in the relations of the State towards the child;

(b) That of helping to determine the best methods of dealing with juvenile delinquents; and

(c) That of putting forward suggestions which would, in my judgment, prove beneficial.

All that I have written has been written in the light of personal experience, and since this is its principal claim to usefulness I trust that this personal attitude will not be deemed egotistic.

I have been compelled to make large use of the

*statistics of the Old Street Police Court, because, for many purposes, these were the only ones I could obtain. For them I am indebted to the kind assistance of the Chief Clerk, the Police Court Missionary, the Lady Probation Officers, and the County Council Industrial School Officials.*

*I have purposely refrained in the text from any mention of my colleague, Mr. Wilberforce, because I have no right to involve him in any of the views expressed in this book, but I desire to tender him my gratitude for the loyal co-operation which he has always given me.*

*To avoid the frequent repetition of the cumbersome phrase "children and young persons," I have used the word "children" (except where the contrary appears) in its popular sense as applying to all boys and girls under sixteen years of age.*

W. CLARKE HALL.

September, 1917.

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## INTRODUCTION

**T**HE proposition that one of the most important functions of the State is the careful preservation and right use of its assets, may seem to be a truism, but it is one which needs to be continually emphasized. Of all the assets of which the State stands possessed, none are more valuable than the children, but of all its assets, the State has in the past been of none so wasteful and so heedless. At the beginning of the nineteenth century the almost incredibly foolish belief was prevalent that the value of the nation's children was insignificant in comparison with immediate money wealth and trade prosperity. The inevitable consequence of that belief has been a terrible legacy of criminals, lunatics, feeble-minded and degenerates, the burden of whose support has fallen upon the State.

When Lord Shaftesbury (then Lord Ashley) rose in the House of Commons to denounce the cruelty towards children carried out in factories, mines, and agricultural gangs, he did so, not on the ground that the nation was wasting and destroying the most valuable of its assets, but on the ground that such cruelty was repugnant to Christianity and to the national conscience. He was met by a storm of protest from those who cried that a foolish and sentimental attack was being made upon the nation's wealth and prosperity. To neither side did it seem to occur that the exploitation of the labour of children of eight years of age and upwards was in reality, not only bad in itself, but the worst possible business. Whilst all who care for righteousness, mercy, justice, and

Christianity must for ever feel indebted to Lord Shaftesbury and feel the deepest sympathy for his aims and work, even those who regard none of these things, to whom the material prosperity of the nation is above all else of vital moment, now realize that the system which he denounced was a national evil which, pursued, would have led ultimately to national ruin. The "pseudo-philanthropy" which his opponents denounced is now at last being recognized as the highest duty of all sane statesmanship.

Not only did the State permit this reckless waste by the employer; it permitted it also by the parent. Before the year 1889, the child might suffer continuously and its health be injured by neglect and illtreatment, but the State looked on unmoved and the law gave no redress.

For five years continuously, Benjamin Waugh, with the courage of conviction, traversed the country, speaking in every county and almost in every town, until public feeling was sufficiently aroused to justify the introduction of the Prevention of Cruelty to Children Bill in 1889. Thanks to the untiring effort and perseverance of the late Lord Alverstone (then Sir Richard Webster), that Act was passed through Parliament, and for the first time it became an offence to neglect or illtreat a child "in a manner likely to cause unnecessary suffering."

Lord Alverstone's interest in the question never flagged, and in 1894 and 1904 he piloted through

Parliament two amending Bills, the latter of which was finally incorporated in the Children Act of 1908, a splendid piece of legislation, the credit for which is mainly due to Mr. Herbert Samuel, who spared no pains to make it as comprehensive as possible.

Before the year 1870, again, the child might grow up ignorant and uneducated; the human intelligence undeveloped; knowledge kept only for the few; the national capacities wasted. Only the superior education of commercial rivals and the consequent danger to trade awakened the country at last and, to a large extent, too late, to the folly of its reckless disregard of the child. But the State has sinned not only by acts of omission but also by acts of commission. While the law denied to the child almost all the rights of citizenship it enforced upon him its direst penalties. The wrong-doing of the child was even as the wrong-doing of the adult. The punishment of the one differed in no respect from the punishment of the other; with the inevitable result that the child offender grew into the adult criminal.

It is fundamentally and eternally true, apart from all creeds and from all religious sanctions, and regarded as a mere business proposition, that the nation that does righteousness is the nation that prospers. In as far as England has done righteousness she has prospered; in as far as she has been unrighteous towards her children she has laid upon her own shoulders the terrible burden of a wholly

unnecessary number of paupers, degenerates, weaklings, and criminals. Though religion should prove a myth and mercy and pity be of no account, though death should be "nothing and naught after death," the question would still remain—Does this neglect of the children pay? It is submitted that to this question there can be but one answer—It does not pay.

These are not questions of right and justice alone, still less of sentiment only; they are matters of policy and national self-interest. It cannot be too often or too strongly insisted upon that every healthy child is, not only indirectly, but directly, a valuable asset to the State; that every unhealthy, degenerate, and criminal child is both directly and indirectly a cause of loss to the State. The child that through neglect drifts finally into the hospital, the workhouse, or the lunatic asylum, costs the nation at least £40 or £50 a year for his support in these institutions. The child who, through similar neglect, becomes an habitual criminal or drunkard, by the time he is arrested, tried, and imprisoned, probably costs considerably more than that amount.

Assuming that this proposition is true (and I venture to think there are few people who would to-day be found to deny it), does it not become incumbent, at the present time above all times, both upon the State and all individual members of it, to see that this waste shall, as far as possible, cease? The war has not only vastly increased the



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need for the economy by the nation of its assets, but it has given a stimulus to social endeavour greater than has ever before been felt. Much has been done for the child, much is now being done, but the best is not being done. It is towards the best that all social endeavour should aim, and short of the best neither the State nor the individual should rest satisfied.