

FRENCH PRISONS AND CONVICT ESTABLISHMENTS.

I.

Ten years ago a Commission was appointed to study the French penal system, with a view to remedying a number of abuses which had sprung up in the management of prisons and of convict establishments. The labors of the Commission were related in a very lengthy and exhaustive report, admirably written, as such works always are in France. The author was an Academician, Count d'Haussonville, who, having skilfully grouped his facts to demonstrate, in the most readable way possible, the evils of the old system, submitted a long series of suggestions which he confidently hoped would result in making France's prisons and convict establishments superior to those of all other nations. The National Assembly lost no time in adopting the suggestions of the report, and passing them into law; but the consequences by no means fulfilled the expectations of the Commissioners. The French penal system seemed all at once to have got into a tangle; and now that the new system has been in operation nearly ten years, one may say that the tangle is worse than ever.

By "tangle" we mean this, that the penalties for the most heinous kinds of offences were found to be so much more lenient than those for crimes of the second category that prisoners sentenced to *reclusion*, which was the second-class punishment, and involved solitary confinement, began to make murderous assaults on their gaolers in order to incur transportation to New Caledonia. Transportation is supposed to be the heavier punishment; but in truth it is incomparably lighter. Parliament grew alarmed at length by the epidemic of crime in the home penitentiaries; and in 1880 an act was passed decreeing that transportation should no longer be inflicted for crimes committed within prison walls. This, however, was only an acknowledgment of the fact that transportation had altogether failed as a deterrent; and now this anomaly remains, that a burglar convicted of a first offence may get a sentence of eight years' solitary confinement, which will almost kill him, whereas a thrice-convicted burglar will be treated to a sentence of ten years' transportation, which will be no hardship to him at all. If he behaves tolerably

well he will in three or four years get a ticket-of-leave enabling him to establish himself as a free colonist in New Caledonia, and to marry. If he be already married, Government will send out his wife and children to him free of expense. So humanitarian a spirit presided over the framing of rules for the penal colony of New Caledonia that many a villanous murderer sent out there under a life sentence found his punishment practically reduced to one of comfortable banishment. The Governor was allowed absolute discretion as to the award of tickets-of-leave; and human nature being what it is, one may well suppose that well-connected criminals found it easy to bring such influences to bear upon him as considerably lightened their punishment. At this moment several murderers whose crimes appalled the public—but who escaped the guillotine owing to the squeamishness of juries and of M. Grévy about capital punishment—are pleasantly settled at New Caledonia as free farmers, tradesmen, or artisans. One of them keeps a café; another—a poisoner—has set up as a school master. One must not presume to say that the Governors of New Caledonia—for there have been several during ten years—were wrong to treat these men kindly if they showed themselves penitent; but it is quite certain that the prospect of living with one's wife and family on a free grant of land in a healthy climate is not likely to strike terror into the minds of the criminal classes as being an excessive punishment. The guillotine and solitary confinement have much more effectual terrors; and it is an undeniable fact that since transportation has been rendered so mild, crimes of the worst kind, both against person and property, have alarmingly increased.

They have increased so much that M. Gambetta, and a large section of the Republican party, wish to get a law passed by which all criminals convicted for the second time, and no matter what the length their sentence may be, shall, after the expiration of those sentences, spend the remainder of their lives in New Caledonia. This drastic measure would, no doubt, relieve Paris of the greater portion of its very large horde of habitual criminals; but it would not affect the question as to the leniency of transportation under the present system as compared with *reclusion*. So long as men are more lightly punished for serious crimes than