

FACTS ABOUT FLOGGING

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Facts about Flogging by Joseph Collinson

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JOSEPH COLLINSON

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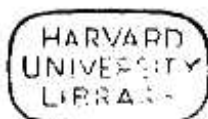
By **JOSEPH
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**HON. SECRETARY, CRIMINAL LAW
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"All corporal punishments whatsoever, and upon whomsoever inflicted, are hateful, and an indignity to our common nature, which (with or without our consent) is enshrined in the person of the sufferer. Degrading *him* they degrade *us*. . . . Thanks be to God, in this point at least, for the dignity of human nature, that amongst the many, many cases of reform destined eventually to turn out chimerical, this one, at least, never can be defeated, injured, or eclipsed. As man grows more intellectual, the power of managing him by his intellect and his moral nature, in utter contempt of all appeals to his mere animal instincts of pain, must go on *pari passu*."—DE QUINCEY.

FACTS ABOUT FLOGGING.

CHAPTER I.

A SURVIVAL OF BARBARISM.

THERE is no greater, no deeper injustice, than that which is committed in the name of law and order. It is a melancholy reflection for the people of this country that, in this respect, our history teems with records of some of the most terrible legal atrocities that it is possible for the human mind to conceive. How were members of the so-called criminal classes treated in the past? They were, for the most part, first tortured and then got rid of. Under Henry VIII, 263 crimes were punishable by death. It is estimated that in the reign of this monarch over 72,000 men and women were executed as a legal penalty. To-day there is but one crime for which a person can be hanged—it is murder. But even down to 100 years ago there were 223 capital offences! If a man injured a public building, or appeared in disguise in a public place, he was sentenced to be hanged. Many criminals were put to death for stealing property to the value of five shillings.

In 1816, there were at one time over 50 persons waiting to be hanged—one of them a child of tender years.

The inefficacy and brutality of all this torture and bloodshed became obvious to the people, through the propaganda of a few daring and enlightened reformers, and it was swept away; but a remnant of barbarism still remained, a revival of which, thanks to the late Mr. Justice Stephen, is quite possible. I refer to the torture of the lash. When Sir Samuel Romilly began his great work, he had to contend against a callous Government and a brutalised public of morbid desires, which rejoiced in its loathsome and cruel punishments. The "robustness" of the peasantry of those days permitted of the public flogging of men and women equally, at the cart's-tail and the whipping-post, with lash and birch, for almost every offence at common law (a fact which the modern flagellomaniac would do well to ponder). These people were vastly ignorant, and criminology was an unknown science. Crime stood high, and was increasing by leaps and bounds—crime more brutal and much worse than any known in our day, and, in despite of the difficulties of detection which then existed, about ten times greater than it is now with double the population.

The *Times* of November 24th, 1801, records

"the public sale into adultery of a man's wife at Smithfield, and the barbarous mutilation of a bull at a baiting, when his cowardly tormentors cut off the hoofs of the animal. In God's name have we any Police at

all, or any Magistrates? Surely the hundred ought to be prosecuted when these monstrous enormities are committed! Shall they indemnify the traveller who is robbed before sunset, and make no reparation for the portentous crimes they permit to be openly practised in the noon-day? Crimes, too, not perpetrated in a minute, nor in a bye-lane, but the horrible pastime of hours and of multitudes."

Retaliation was then an exciting "sport," the majority of the crowd regarding the infliction of cruel punishments in public simply in the light of a free entertainment; public decency was offended at every turn; loathsome vice and barbarous treatment of both human and non-human beings were rampant. A return ordered to be printed by the House of Commons shows that from 1816 to 1821 over 6,000 men and women were actually flogged! A member of the House, Mr. J. Smith, made the following statement:—

"He had made enquiries with respect to the effect which the practice of whipping had on the individuals who were thus punished at the close of each session at the Old Bailey; he had learned from the keeper of Newgate that the people so punished were, for the greater part, in his custody again before the expiration of twelve months. This was not surprising, for after a wretched individual had received so public and indelible a disgrace as that of flogging, it was quite clear that no decent individual would associate with him, and that no respectable person would employ him."

In this manner the state of things continued to go from bad to worse, until discontinued, not so much