

# **WHY PRISONS?**

*By*

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*Why Prisons?* was written by the Chairman of Governor Horner's Commission for the Study of Prison Problems. It is not issued under the authority of anyone nor at the cost of anyone. With this in mind, the writer trusts this pamphlet may prove acceptable; he even dares to hope it may be helpful to understand the weirdly complex problem of crime, its causes, cure, and punishment, and is, therefore, bold enough to ask you to read it with the attention the problem deserves.

(Introductory comment inserted by the pamphlet's author)

*I am desirous that every possible means be employed that the public may know the truth about any and all charges against prison administration in our State. To that end I have determined upon a thorough and impartial investigation of all policies and methods in vogue in the administration of our penal institutions and their practical application. It is my hope that the investigation will be so conducted by men so impartial and understanding in their judgment that the people of Illinois can have faith in their conclusions and recommendations.*

(From the Governor's Letter of Appointment)

This 2014 reprinting of *Why Prisons?* was scanned from the original 1937 pamphlet provided by the Most Rev. Stanley G. Schlarman—great-nephew of the writer, retired Bishop of Dodge City KS, and a dedicated prison minister in southern Illinois—who treasures it as a "family heirloom". It is remarkable how closely his great-uncle's suggestions on prison reform anticipated the 2000 Statement of the Catholic Bishops of the United States—***Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice***. Moreover, as the bishops of Illinois and elsewhere continue to speak out, the prophetic wisdom of Bishop Joseph Schlarman must be recognized.

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## FOREWORD

Let me state at the very beginning that I know that I know very little about prisons and prison administration. So far I have never lived in one, either as inmate or as Chaplain.

February 3, 1936, His Excellency the Hon. Henry Horner, Governor of Illinois, appointed a Commission for the Study of Prison Problems and superadded my name to a number of others representing men who thoroughly understand crime and the problems of penology; who know the law and legal procedure, public life, the newspaper business and a lot of other things relevant to violation of law and its punishment.

The Commission honored me by making me its Chairman. At all times I found it a genuine intellectual pleasure to advise and discuss with these honorable gentlemen; they deeply impressed me with their ability, broad experience, and unquestionable honesty and sincerity. For myself, the only qualification I might lay claim to was the earnest desire to be helpful to the Governor in an attempt to solve some of the knotty problems that so profoundly affect the lives of individuals caught in the meshes of the law, as well as an intense interest in the safety, soundness, and well-being of society in general. When the Governor called me I could not but think of the quickening words of the Master: "I was a prisoner and you visited Me."

As Chairman of the Governor's Commission, I presided at every meeting of the Commission, at the interviews with wardens, subordinate prison personnel, inmates of the most varied types, two or three days of almost every week, from early February to June, 1936; and there have been several meetings since then. During July and August of the same year I visited, without any cost to the State, a number of prisons in Italy, Austria and England. In addition, I read as many volumes dealing with prison matters as I could get hold of and find time to study more or less carefully. I realized I had taken on a great responsibility. These books are listed in the appended Bibliography.

But, again, I admit I know very little about penology—the subject is so vast and appears increasingly broader and deeper and more complex.

I do not wish to trespass on the ground of penologists and write a treatise on this fascinating subject, for the simple reason that I know too little about it. If I mention "criminal pedagogy" and "therapeutic pedagogy" and "characterology" and may seem to elaborate unduly on them, I am only repeating what I heard in my conversations with European prison officials or students of prison problems. The chief reason for the publication of this report is to bring home to the man in the street the importance of the crime problem. If it is ever to be solved, it will be done not by a few experts or specialists, but by coöperation between safe leaders and the masses of our people. Wise administrators and trained, understanding and sympathetic officers are required, but with an indifferent, apathetic, or even hostile public work will be largely nullified.

The Governor's Commission asked me to write a report on my findings, limited as they may be, in European prisons and prison administration as compared with ours,—I presume those in Illinois. I do not mean to make odious comparisons or imply that all is well in European prisons and that all is wrong in our penal institutions. Such a statement would be wholly unwarranted. I can only record my impressions, colored as they may be by my own views and unconscious prejudices.

It will be readily understood that such a comparison is not easy. Conditions here and abroad are so radically different. In each of the three countries mentioned above, Italy, Austria and England, the population is largely of one race, and to a great proportion of one religion, Catholic in Italy and Austria, Church of England and Nonconformist in England. I mean in predominating proportions. Horse thieves are rare in this country, because we haven't many horses. Motor thefts are rare in Europe for a similar reason.

Another radical difference. In England the Prison Act of 1877 placed all prison administration under *one uniform control*. In the United States we have 48 independent State Units of prison administration, and in addition to that the Federal system; 49 in all. Besides that, at least in Illinois, each of the 102 counties is an independent unit. Add to that the city jails and you get some idea of the complexity of penal administration. It will be easily recognized, comparison between our systems and, say, the English system, is not easy. The use of a gun by criminals in England is so rare that the fact that a criminal is found possessing a gun has *news value*. Holdup with a gun just means a sentence of fifteen years. A citizen must have a government license even to purchase a gun. With us guns are sold almost as promiscuously and indiscriminately as lolly-pops.

The American phase of the ghastly crime problem is graphically sketched by J. Edgar Hoover, Director of the Federal Bureau of Investigation. "We are constantly confronted with the realization that crime is costing America a minimum of fifteen billions of dollars each year. We cannot forget that 3,500,000 persons annually roll up a total of 1,500,000 major crimes. We know that the crime army of America includes more than 700,000 boys and girls of less than voting age."

Such figures challenge most serious and conscientious study and investigation. The American public is very apathetic to prison administration, but highly sensitive to escapes and crimes committed by parolees or discharged prisoners.

I am greatly indebted to Dr. Giovanni Novelli, Director General of Institutions of Prevention and Punishment in Italy, Dr. Simperich, Director General of Prisons in Austria, and Mr. Alexander Paterson, M.C., H.M. Commissioner of Prisons for England and Wales, for their extreme courtesy and unconditional *laissez passer*. I must not forget Mrs. Sheed (Maisie Ward) and Mr. and Mrs. Herbert Ward, whose warm hospitality in their home on the Isle of Wight I profoundly appreciate. I am also indebted to good old Bishop W. F. Brown, Auxiliary of Southwark (South London), who searched the bookshops of London for me and sent many valuable volumes dealing with prison life and prison administration. My grateful thanks are likewise due to the Rt. Rev. Msgr. John O'Grady of the Catholic University, Washington, D. C., and to Mr. Aug. F. Brockland of the Central Bureau, St. Louis, Mo., who have been good enough to read my manuscript and make valuable suggestions.

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February 23, 1937

✠ Joseph H. Schlarman,

*Bishop of Peoria*

# ***Why Prisons?***

## **PRISON ADMINISTRATION**

In England the general superintendence, control and inspection of prisons is vested in the Prison Commissioners (three Commissioners and four Assistant Commissioners). Matters of policy are determined by the Home Secretary. The Prison Commissioners are chosen by the Home Secretary and then appointed by the Crown. Prison officials are not changed with change of Home Secretary or Administration. Besides, there are Visiting Committees (Visiting Justices or Magistrates), appointed by the Bench committing to the prison. These Visiting Committees have disciplinary powers in regard to prisoners, but not in regard to staff.[1]

The Prison Commission is housed in the Home Office, Whitehall, London. The Commissioners and Assistant Commissioners are full-time pensionable Civil Servants.

The staff of a prison consists of *superior* and *subordinate* officers. The superior officers (Governor, Chaplain, and Medical Officer) are appointed by the Secretary of State. The subordinate officers are appointed by the Prison Commission. All full-time officers, with minor exceptions, are pensionable Civil Servants.

The responsible head of each prison, whom we designate as Warden or Superintendent, is the *Governor*. He is assisted by one or more *Deputy Governors*, according to the size of the prison. The *Chief Officer* is the head of the subordinate staff. The officers in charge of floors, the grounds and other responsible posts are known as *Principal Officers*. Only officers in charge of parties working outside the prison walls carry firearms. In England no police officer or detective is armed with a gun. If he feels he needs a gun he must make written application to obtain one.

Right here there is a characteristic difference between England and the United States. The reason for their police officers not being armed with revolvers is given by Calvert: "There is a vicious circle about the carrying of firearms. The criminal who knows he is in danger of being shot is much more likely to go armed and shoot the police at sight than to go quietly away. [!] The present crime situation demands not the distribution of more revolvers, but a tightening up of the present regulations concerning their issue and disposal." [2]

The Board of Visiting Magistrates call at the prison once a month. Their function is threefold: 1. They are a link between the prison personnel and the public; 2. They can deal with bad offenders, like those guilty of assault on officers; 3. They are the Board of Appeal for the "lag" (prisoner) who thinks he is "getting a tough break."

On August 26, 1936, I interviewed Mr. Alexander Paterson, M.C., [3] Chairman of the English Prison Commission, in the office of the Home Secretary, Whitehall, London. Mr. Herbert Ward, member of the Visiting Magistrates, living on the Isle of Wight, and a brother of Mrs. Sheed, of the Publishing House of Sheed and Ward, made the appointment and accompanied me. Mr. Alexander Paterson had considerable experience in social and educational

work in many fields and was appointed to his present position in 1922. He is one of the three Prison Commissioners in charge of all penal institutions in England. As I understand it, the Chairman is also the Permanent Officer in the Home Office; one member is a physician and has full charge of the medical work, and the third member is in charge of administration. In 1931 Mr. Paterson visited the United States and personally inspected 90 prisons and interviewed the officials of these institutions. I have reconstructed the interview as correctly as possible from my notes. As a rule I shall not attempt direct quotation.

The English prison officer is a very good type of average Englishman. His job does not make him hard-hearted or wooden. He is a good husband and father, and is just as human as any other civil servant. There are about 2,000 prison officers in English prisons. The profession is one with its own professional technique.

## SELECTING PRISON OFFICERS IN ENGLAND

Announcement is made each year that applications for these positions will be received. About 10,000 applications come in.

Each applicant is told to give his life history. All applications are read, and Mr. Paterson or one of the Commissioners weeds out the list and brings it down to about 1,000. These applicants are then summoned for personal interview and examination. They are interviewed at the Borstal Institution or prison nearest their home. Each applicant must submit to three tests:

1. Personality Test. If at all possible, Mr. Paterson personally interviews each applicant, otherwise it is done by one of the Prison Commissioners.
2. A stiff medical examination by a prison Medical Officer.
3. Education and intelligence test. This test is shaped specifically for prison officers. The general requirement is secondary or High School education.

Out of the 1,000 applicants personally interviewed and examined about 200 are selected. They are then sent to the Training School for Prison Officers at Wakefield, Yorkshire. There are four courses of nine weeks each, in each year. They are sent in batches of 30 or 40 at a time. The men, who are between 24 and 40 on admission, learn prison rules and regulations, are taught details of prison life by specially selected senior officers, and attend lectures on the principles of punishment and other subjects. They also have Swedish drills and learn *judo*, a form of self-defense. One of the first things taught is how to talk to prisoners. The men are told that the voice must be firm, but not provocative. The officer, of course, expects immediate obedience. The way in which he speaks to the prisoner goes to the heart of the whole thing.

Mr. Paterson was quite naturally full of praise for the English prison officer—a new type of man that has been brought into the service in the last 10 or 15 years. He insists that the prison officer is carefully chosen and trained. I am inclined to agree with him. Recommendations presented by the applicant mean little; political influence means nothing. The applicants are judged on their examinations and their showing during a year of probation.

Men are accepted between 24 and 40. They serve till they are 55. Between 55 and 60 retirement is optional, that is, the officer may request retirement or the State may retire him, on pension, of course. At 60 retirement is obligatory, and the retired officer is pensioned for life. Commissioners retire at 65.

At the end of the course they are examined. The Visiting Commissioner receives reports from all the instructors, and if at all possible, Mr. Paterson sees the applicants again and has a half hour conference with each. About 75% are accepted, sometimes only 10 out of 40. The rest are told to run along and look for another job.

Those who are accepted are allocated to various prisons and go on probation for 10 months; and only after they have successfully completed their period of probation is their appointment confirmed and are they sure of a job. However, they must still go on studying because they can be promoted only if they pass promotion examinations.[4]

In England practically all public service has been administered on a merit basis for more than 50 years. It is held out as a *career* for able young men and offers them opportunities for advancement based on their achievements. In the United States we have been slow in extending the merit system to the various fields of public service.

## FUNCTION OF A PRISON

Alexander Paterson writes in *Prison Problems of America*:<sup>[5]</sup> "A prison is like a prisoner—never entirely good and never entirely bad. It is natural in a free country that a man should be free within the limits of his economic position. When the decision of the Court is announced, in a moment of time, the position of this citizen has been radically altered. His movements are restricted to a few hundred square yards within high walls, his daily programme must conform strictly to a time-table of overpowering punctuality, his means of communication with friend or relative reduced to a bare minimum, he may be forced into association with a heterogeneous crowd of men whom he would never have chosen for companions.... So serious—indeed so catastrophic—is this upheaval of a freeman's life that his fellows will naturally demand first that it is absolutely necessary, and if so, it shall occur as infrequently as possible, and thirdly that the fullest examination shall be made of the conditions under which he lives in so limited and unnatural an environment.... The duty of a prison as an institution of the State is to perform the function assigned to it by the law, and its administration must therefore ensure that sentence of imprisonment is a form of punishment. It must, however, be clear from the outset to all concerned that it is the *sentence* of imprisonment, and not the *treatment* accorded in prison, that constitutes the punishment. Men come to prison *as* a punishment, not *for* punishment. Common sense suggests that if the prison administration is designed to protect society against its dangerous and mischievous elements, its first duty, after securing the safe custody of the offender, is to ensure that a man emerging from prison is not more depraved than when he entered it. Within his cell he may degrade himself, within the wall he may be degraded by others."

The legal approach to the criminal is that it is primarily concerned with the establishment of the *fact* of the crime or offense. The moral, and even the psychological, approach, granted the

fact of the crime, seeks to know the causes and the degree of subjective responsibility in a concrete case, and in the method of dealing with the criminal, once the crime has been established, will endeavor to rehabilitate the offender without, however, excluding punishment in some form.

Dr. E. B. Strauss, [6] discussing Borderline Cases and Crime, writes: "A crime is an action which acts as a social noxus to the State as a whole, or to the individuals which the State incorporates. The State has both the right and duty to protect both itself and the individuals comprising it against such social noxus. Crime, then, in *corporesociali*, is exactly analogous to disease or dysfunction in *corporehumano*. Penal measures, therefore, must, whilst respecting human rights and ideosyncrasies to the uttermost possible limits, be regarded as fulfilling prophylactic, curative and eliminative functions only....I admit that the State, in its exercise of penal authority from the prophylactic standpoint, may impose punishment as a deterrent measure. But, in every case, it must take care that the deterrence is effective and humane. I need really only have said *effective*, because the whole history of penology has shown that inhumane punishments are ineffectively deterrent."

And I might quote Macartney[7]: "Suicides, riots, assaults on jailors are a valid measure of a prison's discipline. When there is an absence of these regrettable occurrences, it is pretty sure that the treatment of the prisoners is as reasonable as it can be in the gaols of England...."

## **PRISON AN OPPORTUNITY SCHOOL**

### **REHABILITATION A PEDAGOGICAL PROBLEM**

The mere mention of the word "Pedagogy" in connection with Administration of Penal Institutions may seem out of place to some wardens, certainly to many guards, and more certainly still to most people outside the prison walls.

Our word "Pedagogy" was made up out of a combination of two Greek words "pais, paidos," a boy, and "agogos," leading. It means leading a boy, a child, of course, to learning. It means the science or art of teaching.

The methods used to teach and lead normal persons may be called *Normal Pedagogy*. Who is normal? Most persons have certain anomalies, but these anomalies are still within the broadplane of health. He is considered to be normal who manifests, at least in general, a healthy mental life, who is not soul-sick.

*Therapeutic Pedagogy*[8] has primarily a curative and healing purpose. It deals with abnormal human beings and its first objective is to lead these abnormals to reasonable normality. Abnormal circumstances and surroundings produce abnormal results.

The abnormality may be a disorder of the *mind*, a brain sickness of some sort ranging from mere intellectual deficiency to the extreme forms of madness. These abnormals are generally cared for in public or private Institutions for Feebleminded.

There is another class of abnormals whose abnormality does not affect the mind but the *will*. They perhaps have no strength of *will*; at any rate they lack will power. They may have come into conflict with the law and have no longer the will power to check their criminal will, or they may even have set their minds to force through their criminal will.

Mental wrecks are cared for in our Institutions for Feeble-minded. The derailed and wrecked whose condition is caused by weakness of will or criminal will are among the inmates of our penal institutions.

The law has four [9] things in mind when it sends a law-violator to prison: (1) *Retaliation or retribution*, which means to punish the law-violator, to inflict pain of some sort upon him; (2) *expiation*, atonement, to readjust the public order that was disturbed and violated; (3) *deterrence*, to frighten others by punishing the guilty; (4) *training*, re-training, re-schooling, refitting the law-breaker so he may at some future date return to human society better fitted to live in it than when he was taken out of it.

"Punishment," [10] writes Albert Crew, "endeavors to prevent offences by making all wrongdoing, which is injurious to others, also injurious to the doer of them, by making every offense an ill bargain to the offender, and by making the way of the transgressor very hard and unpleasant; in other words, to put the fear of God and also of his fellowmen in the hearts of those who fall foul of their country's laws. The modern view of prison is, that it should be regarded as a place of reformation rather than of punishment. The punishment consists of the deprivation of liberty, the deadly monotony of life and food, the unpleasant association with other prisoners, and the loss of reputation which a sentence of imprisonment invariably takes away. Reformation should be the aim and object of prisons, especially in the case of first offenders. A prison in a way, should be a sort of hospital rather than a place of punishment. . . . A prison prior to the nineteenth century was merely a place of detention; in the nineteenth century a place of punishment, and today, in the twentieth century, a place of reformation."

Crew points out that there are roughly six classes of persons who are now sent to prison in England.

"1. The mental prisoner, *i. e.*, one who is mentally affected, but is not properly certifiable as a lunatic. This person may probably be sent in the future to some suitable institution other than a prison, where medical treatment may have a chance of saving him from a criminal career.

"2. The first offender who will continue to be sent to prisons like Wakefield and Wormwood Scrubs. . . . These prisons may be regarded in a way as hospitals for social misfits for cure and reformation rather than as places of punishment.

"3. The casual criminal, which class comprises those who commit crime now and again when force of circumstances, *e. g.*, unemployment, are against them but are not strictly recidivists. When the difficult problem of finding work for discharged prisoners is solved, casual criminals will probably greatly diminish in numbers.

"4. The professional criminal, a small but dangerous section of the community, who appears to regard crime as his occupation and prison as a risk on which he gambles. A long term of real penal servitude appears to be the only method of dealing with this type of prisoner; he is helpless for reformation or cure. In South Africa a habitual criminal is given an indeterminate

sentence of preventive detention[11] which is never less than seven years. His case is reviewed every seven years, and if his conduct and industry are not satisfactory he is given another seven years, which imprisonment continues until his death in prison. If, after seven years, he is released and relapses into crime again, he is taken back to prison for a further period of seven years, subject to review as previously stated." (Italy, too, has preventive detention.)

"5. The recidivist, who is not necessarily a professional criminal, but whose life and work (mostly spent in prison) have been such that it is almost impossible for him to maintain himself without committing crime. Many of these are mental cases, *e. g.*, the man who has been stealing boots all his life and nothing else. In future he may very well be placed in institutions other than prisons, or in a preventive detention institution, where ordinary prison conditions are not severe, without first undergoing a sentence of penal servitude as is the law at present.

"6. The Borstal cases of boys and girls." (Borstal Institutions are Reformatories receiving Boys and Girls from 16 to 23 years and six months.)

If the State in its present-day exercise of penal authority has in mind chiefly to re-train, re-school, and re-fit the law-breaker to go back into the free world a better citizen than when he was taken out of it, then that means that the new inmate, at least the juvenile and first offender, should be immediately placed under therapeutic pedagogy. It also means that every officer charged with the execution of a sentence becomes an educator, a therapeutic or curative or sanative educator, an officer of reclamation. From the viewpoint of penal pedagogy, therefore, a prison officer has value only insofar as he is an exemplar and a qualified educator.

It may be objected that Pedagogy is concerned with the methods of training and educating *a child* during the formative years of his life, that, in general, the inmates of penal institutions are no longer children or even juveniles, but are a finished product—in many cases finished and hardened. The question now is: can the character of men of this type be changed? If your answer to this question is negative, then you have solved the difficult prison problem. All that need be done then is build more and bigger prisons, with higher walls, with more men and better marksmen on the walls: in brief, make sure that no prisoner can escape.

The inmate of a penal institution is quite in the dependent position of a child: the food is handed to him; the tasks are assigned to him; he must follow directions as a child and he may even be punished like a child. In a way, you have the classroom and the pupils; the establishment for education and instruction. How about the principals, supervisors and teachers of this Opportunity School of delinquent and retarded children? Have we the teachers? If not, are we training them?

The men on the walls need not be pedagogues. The system requires them to be good shots. But all the rest should, in a reasonable degree, have the essential qualifications of Opportunity School Teachers in the Prison Opportunity School.

That statement brings up the whole question of selecting and training prison officers. I would suggest that the prison personnel be known as *Prison Officers*. The appellation "guard" connotes something negative. It creates the impression upon the person who carries this protective or sheltering title as well as upon the prison inmate that this man's function is to see that there are no escapes, and when there are no escapes—that is a model prison. Anyone can be

a "prison guard" and do a good job at "guarding," provided he be a good shot and the walls be high enough. "Officer" connotes something positive, something constructive and progressive, something that leads to order and discipline. There is no need of a Training School for "Guards." Guards need target practice!

## TEACHERS OF THE PRISON OPPORTUNITY SCHOOL

### THE PRISON PERSONNEL

Crew[12] very correctly remarks: "There appears to be little enlightened and intelligent public opinion on prisons and prisoners; the attitude of the law-abiding to the criminal seems to be that of callous indifference or active hostility. The great majority of all classes of society appear to regard the criminal as a social nuisance who should be sent to prison solely as a punishment to himself and as a deterrent to others who may be like criminally minded.... The public are deeply and keenly interested in the problems of hospitals for the sick and suffering, but they are supremely indifferent to the lot of the prisoner, forgetting that the community to which they belong may very well be responsible economically, socially or commercially for the existence of the criminal himself.... It follows that just as a sick person in a hospital ordinarily costs more than a sound person outside, so does a prisoner cost more than a law-abiding person outside."

The American Prison Association held its Sixty-sixth Annual Congress in Chicago, September 13 to 18, 1936. Many interesting and important questions were discussed and discussed intelligently and fruitfully.

I take the liberty to call attention to the ads in that *Prison Association Congress Program*. Men and women who have made crime, the cure of criminals and the prevention of crime the study of a lifetime attended that convention. Many no doubt have studied volumes and volumes to get at the best that has ever been written. Many others have gone from bookstore to bookstore to find literature dealing with the many intricate questions of penology. My own experience is very limited, but it took me months to get a line on half a dozen books on penology. My trip to the continent and to England finally helped me to build up a pretty good library on this subject.

I must frankly admit I was keenly disappointed when I noticed not a single book dealing with penology was advertised in the *American Prison Association Congress Program*. Here are some of the ads that did appear:

"Jail and Prison Builders."

"Fifty Years of Progress and Accomplishment."

"A Tool Resisting Prison Steel of Superior Efficiency Reduces the Hazards of Mechanical Breaks to a Minimum."

"Builders of Quality Jail and Prison Equipment for 65 Years."

"Largest Modern Jail Buildings in the United States."

"Prison Cell Constructors—Penal Engineering."

"Stop Riots, Insurrections and Attempted Prison Breaks with ... 'Built-in' Electrically-controlled Tear Gas Systems."

"For Business or Pleasure

Travelers gather at ... assured of gracious hospitalities and superlative service."

This latter advertises a hotel and not a prison.

Truly, the main objective of a prison seems to be to keep the men securely locked in: no riots, no breaks, and no escapes.

I am quite sure that at a convention of dog-fanciers there would be a lot of literature around concerning training of dogs, dog's food, distemper of dogs, dog-kennels and dog's life and care and training. Likewise, at a convention of apiarists there would be pamphlets and books by apologists telling about bee-culture, bee-keeping, and rearing of bees. But at a convention of prison directors and officials, trainers and re-educators of men and women who suffer from a distemper of some sort, call it what you will, of tamers of dangerous men we find ads only of penal engineers and prison cell constructors and no products of penologists. It just does not seem to have the right balance.

Let us honestly and frankly admit that the problem of prison administration and prisoners is an extremely complex and difficult problem. All life is complex, but disease is more complex than healthy life and is measured by its norms. The rearing of normal children is absorbingly interesting, but difficult children may present apparently hopeless and truly heart-breaking problems. Still, the understanding and trained Opportunity School teacher does not necessarily become unsympathetic, hide-bound and tyrannical. "The prison officer of the future," writes Sanford Bates, until recently the Director of the Federal Prisons, "must be resourceful, courageous, confident of his ability to meet any emergency. He must know something of the purpose of the modern prison. He must be able to see the problem in its larger implications. He must be a *teacher*, a monitor, disciplinarian, and exemplar. Some of the requisite qualities can be acquired, but the necessary attributes of patience, tolerance, and a humanitarian outlook on life must be more or less inborn in the individual." [13]

It is admitted, of course, not everybody has the aptitude and acquired training to become an Opportunity School teacher in civil life or in prison. Such a teacher "requires a wide knowledge of human nature, a scientific understanding and appreciation of the mental and physical weakness of the human being and the insistence of firm, kindly and intelligent discipline and treatment." The exacting duties of prison officers require infinite tact, patience, and withal sympathy.

To give that sort of service the officer must have peace of mind and a feeling of economic security. The not unreal degree of hazard naturally connected with prison life, the uncertainty of the job, the low salary which makes it prohibitive for many of them to transfer their families, the worry in case of sickness in the family far away—all these factors tend to make the officer restless and less fit to do his best work. In fairness to the men we should look at their status and employment from their standpoint.

Training schools for prison officers are long overdue. No person lacking the proper training should be allowed to work as a prison officer. It is at all times unfair to assign to anyone a job for which that person is not qualified, and it is just as unfair to inflict incompetent teachers upon the inmates of our penal institutions as upon the pupils of any school. Commissioner Mulrooney has recently established a Training School for prison officers in the prison at Wallkill, N.Y.

The demands on the prison officer are many, difficult, onerous and responsible. He must at all times, have complete control of himself. That is admittedly a very difficult matter. Every prison officer as penal educationalist should bear in mind a dictum of Galsworthy, "only one man in a hundred can qualify not to abuse his power." A revised and practical rendering of that dictum would be: out of a hundred men there is scarcely one who would not be *tempted* as prison officer to abuse his power even in an apparently lawful manner. The conception of a prison officer's duty must be very sublime and noble: the future of many a man is entrusted to him. Mrs. Lilian Mesurier, leader of the Women-Workers at the Boys' Prison, London, keenly observes: "When a lad feels a dawning admiration and respect for someone he sees before him in his daily life doing his duty simply and without fear, a dim desire is born in him to be and do likewise." And conversely, a prison officer, not understanding, or forgetting, his sublime obligations towards his charges and the reformatory objective of prison administration can do untold harm, by his own evil example, or by conversations touching his sordid escapades, with inmates deprived of the normal amenities of life. Such an officer outrages the trust placed in him and should, not be tolerated.

Evidence would appear to hint that the type of intimate talk given to Macartney by his warder the first day in prison may be rather common: "There are two ways of doing a lagging (prison sentence, stretch) —rough or smooth.... I mean that you can either behave yourself, preserve good order and discipline, earn all your remission marks, and go out on license when you have still a quarter of your sentence to do, or you can kick up a fuss and give us trouble. I don't care what you do. I get my salary just the same, rough or smooth. If you want trouble, you can have trouble." That is all true and in "tough cases" it may be the proper approach, but criminal and therapeutic pedagogy could not approve that method as a policy.

## PROCESSES OF REHABILITATION

If it is in the interest of progressive prison administration that their wards be usefully occupied during their incarceration it is equally in the interest of criminal pedagogy not to allow the inmate to come to the "stir-bug" stage. Listen to Macartney who passed through the ordeal: "When things get very bad, one can hold on to sanity—all that is left—by remaining still and silent, and trying to let pain pass over you in an unbroken wave. If the wave breaks as it goes over, then you're done, and when this occurs the reaction is smash-up. 'Smashing-up' is a prison phenomenon, and peculiar to prison. I have not heard of lonely men elsewhere reacting in the same way." [14]

The prison officers must give their inmates an opportunity to unload, to unbosom themselves of what is on their mind. Psychologists call this unloading *catharsis*, that is, purification. Now there may be various means of unloading, of coming to a reasonable

understanding with some one, of unbosoming themselves: visit of prison officer to cell; visit of inmate to office of prison officer; visit to Chaplain; visit of the sick by the Chaplain; confession; informal talks between pupils and teacher in connection with class work, etc.

The Rev. Francis J. Lane, Catholic Chaplain at the New York Reformatory, Elmira, N.Y., has for the past several years arranged an annual retreat or mission for the Catholic inmates. Catholic officers volunteer their services for overtime duty. Every lad has a chance to hear several spiritual and stimulating talks on each of the three days, to devote a certain amount of time each day to reflection on the state of his soul, unload all that burdens his conscience under the seal of confession to a priest who is a total stranger, and then come out refreshed with the thought that, no matter what the State-imposed sentence may be, as far as God is concerned, his offense has been liquidated, and he can make a fresh start in spiritual life. There is no better *Catharsis*.

It would seem that the funeral of an inmate has been in the past and in most prisons a cold and heartless affair. Even in death the stigma was upon him. And yet Christ said to the penitent thief on the Cross: "This day shalt thou be with Me in Paradise."

It is refreshing, therefore, to read in *The Summary*, the Elmira Reformatory inmate-weekly, under date of February 13, 1937, that "a Requiem Mass and funeral service were held in the Catholic Chapel of the Elmira Reformatory for N. N., member of the inmate population, who had died after an illness lasting four weeks." *The Summary* further states: "This was the first time in penal history that such a service was held at an institution affording the population the privilege of attending. The Mass was conducted in every way just as a Requiem Mass would be conducted in any Catholic church of our country.... Many tears came to their eyes as they were so much impressed." And no doubt those tears blotted out much, and they, too, were an effective catharsis. One can only congratulate Dr. Christian, the Superintendent, for thinking such long thoughts and taking such long views and then endorse the comment of the inmate writer, "too much commendation cannot be given to the officials who make such occasions possible."

An opportunity for this unbosoming,[15] for this catharsis might be offered by correspondence or by writing all their grievances and all that is on their mind on paper. England has an institution known as Prison Visitors. Their regular contacts with the inmate keep up the prisoner's legitimate interests in the outside world and thus indirectly furnish an outlet for much pent-up pressure. The prison correspondence both incoming and outgoing in our institutions is subject to censorship. Until the spring of 1936 these censors in the Illinois prisons were inmates. Upon the recommendation of the Governor's Commission civilian censors replaced inmate censors. From the standpoint of penal pedagogy and psychology, what asplendid opportunity to study the characters of the inmates. Both outgoing and incoming letters would offer broad opportunities for sympathetic study of the prisoner's character, his problems and his family background. And such character-understanding censor should be present at the staff meetings and should be consulted by the Parole Board.

The bulk of the population in the State of Illinois is located in large urban centers. It is but natural that the greater percentage of the law-violators should come from these congested, industrial, urban areas, particularly the younger crop. Quite a large number are sons of immigrants. All factors producing a series of problems for the prison administration.

A "guard" coming from strictly rural territory will find it very difficult, particularly if he lacks the proper education and training, to understand the character of a city lad. It would seem that prison officers who must deal with this type of juvenile criminals should be chosen from urban areas.

Another problem: it often happens that foreign-born parents of such youthful delinquents cannot correspond with their sons except in their own language. Correct penal pedagogy would suggest that a certain number of officers and censors should be employed who can read these languages.

## **SOME TYPES OF PUPILS IN PRISON OPPORTUNITY SCHOOL**

What about the pupils of this Prison Opportunity School? That suggests a number of questions:

Are there incorrigible, irreclaimable criminals? The distressing truth is that there are criminals who are asocial, even decidedly anti-social, and who by all human calculations will not fit into the living blood stream of society. As a Christian, believing in the immortality of the soul, in original sin and in the redemption through the Blood of Christ, I should not use the word "incorrigible" or even "irreclaimable" in an absolute sense. I should prefer to say there are people who are not fit for freedom;[16] they are not fit to live in free society. They are not fit to be at liberty and at large as other human beings are. They are predisposed or preformed (not predestined) to criminal ways. From certain causes not yet fully understood their free-will power is reduced to a minimum, and this minimum is too weak to overcome the temptation. From the standpoint of criminal pedagogy it must be admitted that there are criminals (permanently) unfit for liberty—criminals of fate, though in many of these cases they are themselves responsible for this fateful condition. It is probably correct to state that there is no such person as an absolutely incorrigible criminal, but there is quite definitely a certain percentage of criminals unfit for freedom. These, it seems, should be detained in places or institutions of minimum but sufficient security for their own protection and for the protection of society. Such places of permanent detention should not be known as prisons.

What about those inmates doing time who are too dull to profit by the educative influences or who refuse the benefits of such educative attempts? The smaller prison of, say, 500 or fewer would be a step to a solution. There are legal means regulating the handling of trouble-makers, agitators and those who are out to be nasty. With regard to this kind of hardened and dangerous criminals, Colonel C. E. F. Rich,[17] may have been right, but only in a limited way, when he wrote some years ago: "When men behave like wild beasts they have to be treated like wild beasts, and there is no use denying it either." There should be special and smaller prisons for this type. But it should also be remembered that in the past the theory of curing violence with violence has not proved successful. Even in the "hard-boiled" prisoner there is an inextinguishable spark of the soul which God has placed in every human heart. Some of this type may be permanently unfit for liberty. However, most prisoners have a certain amount of good to their credit; they are "never entirely good and never entirely bad." An experienced woman prison

visitor writes: "It depends largely upon their treatment, wise or foolish, whether they are brought safely into law-abiding ranks of society, or on the other hand become habitual criminals, a misery to themselves, a menace to others, and a costly burden to the community."

Is it advisable to promote an inmate to a higher stage or class, even to recommend him for parole, simply because his *external* conduct is in accordance with the prison régime, even though he show no signs of an *interior* will to do better? There is nothing gained by such procedure. It would seem the proper thing to demand from the inmate that he be accessible, approachable, open, amenable to the warning, even minatory, and encouraging influence of the warden or prison officer, Chaplain, physician, teacher.

The prisoner must show an honest will to moral transformation. That should be the minimum requirement. If the inmate adds positive indications of his will to conversion to this aforementioned minimum, for instance, if he comes to a reasonable and amicable understanding with his prison officer, if he voluntarily attends religious service, if he shows signs of real repentance, all that would seem to indicate a real and determined will to conversion.[18] He must show that he "had got a grip on himself."

## **PRISON LABOR AND VOCATIONAL EDUCATION**

### **IDLENESS THE CURSE OF PRISONS**

The effect of prison atmosphere upon the inmate is hysterogenic chiefly in the sense of increased reaction to his new and restricted prison surroundings. Macartney graphically describes his first day in Parkhurst prison: "The sun shone over Parkhurst Forest green with spring. A wonderful day on which to be free. I could not grasp the future. This was 1928—April. In August, 1935, I might hope to be free. It was so far away. It was like a black curtain hung in front of one in a dark room." He who is excitable becomes more excitable; the irritable becomes more irritable; the maggotish becomes maggotish still; the depressed becomes more depressed; the defiant (insolent) leans to greater stubbornness, unruliness, rebelliousness; the simple and aggressive to quite an explosive reaction; the dormant hysterical will come to outbursts of hysteria.... "Until it starts, you never know in which direction it will go."

It is in the interest of the common good that inmates of penal institutions be usefully occupied during the period of incarceration. It would also seem to be to the interest of every taxpaying citizen, including the manufacturer and the union craftsman, that the prisoners be so occupied. The taxpayer after all foots the bill.

In general, it may be correct to assume that it is a desirable goal that our penal institutions should be self-supporting as nearly as possible, at least in the sense that nearly all of what is used or consumed in prisons should be produced in prisons. While it may be true that the most that can be done for many is to inculcate habits of industry and ordered work, it is also true that as many as possible, particularly of the young, should be taught a useful trade that will enable them to step into gainful occupation and earn an honest living upon release. Working at knitting and weaving machines, for instance, is, indeed, better than being idle, nevertheless the fact is that such jobs in the industrial world are mostly taken by women. A thorough survey of market needs

in the various State institutions would have to be made to provide a market for prison-made goods. The products of convict labor may not be sold in the open market, yet by some quirk of ill logic certain products of *Russian slave labor* are permitted to enter the United States.

One of the many difficulties in prison administration is to make or persuade the prisoner to do his best, whether in school or at work. In some prisons a small sum (a few cents a day) is credited to inmates for certain types of work. There does not seem to be question of the advisability or inadvisability of paying public money to the prisoner for his work in prison, but rather of stimulating habits of industry. If one-half of this money were set aside to be paid to him on the day of his release, perhaps that would go a long way to bridge him over until he finds normal employment. Such a system might cost the State less money in the long run.

After his visit to American prisons, Mr. Paterson made a few valuable suggestions based upon his observations. "All work done in institutions," he writes, "should be for State authorities, who should be *compelled* to give priority to these institutions in their purchases of manufactured goods. Every offender should have a daily programme of *continuous activity*: his waking day should be filled with work, and physical, and educational moral training. There should be little or no time for idleness or gossip."

Every prison officer admits that idleness is the curse of prison life, as of all life. Physical flabbiness, mental stagnation, and mental and moral deterioration result from inactivity. European prison Managers do not permit inmates to loaf about the grounds or the cells merely waiting for the next meal. That means a weakening of vital instincts and vital energies and of all sense of responsibility. It is a case where the State directly contributes to the development of misgrowths and misfits and depreciation of values.

The wardens will say, that's fine theory but how will you find the work? Some years ago I was a patient at St. Mary's Hospital, Rochester, Minnesota, getting over or getting ready for one of many operations, I do not remember which, and it does not matter. Like any other patient who is just emerging from a long dark night of severe illness, I asked a lot of foolish questions of the nurse, whether she thought the operation would now be successful, whether the fistulæ would really dose and stay closed and such like queries. The nurse was a Kentuckian. She was short and so was her reply: "I don't know; if I did I'd be the doctor." I am not a prison Governor.

The inmates of English prisons are busy all day long. Everyone seemed to be sewing or repairing mail bags for the whole British Empire. In addition to the work the inmate does in the workshop he must also do his cell task. Supper is finished about 6 o'clock and then he has some 18 feet of canvas mail bags to sew. When he has finished his task he may read books taken from the library. Nine p. m. lights out. T. Whyte Mountain,[19] who knows English Prison Life from the inside writes: "Classes are held between 7 p. m. and 8:15 p. m., and all are well attended; most men take three per week, while not a few attend four and even five.... The writer feels it his duty to mention that those who put their names down for three classes per week and attend them are excused from all evening cell tasks whatsoever. To declare that that fact has any weight with these studious ones would be a grave disparagement of their zeal hardly less than that the writer would do to his faculties of observation if he said it had not."

Wormwood Scrubs is a prison that receives only men who have never been in prison before and who have been sentenced to a maximum of two years. It may be of interest to give the

"Daily Round" and the various "Stages and Privileges" gradually granted to the English prisoners.

## THE DAILY ROUND<sup>[20]</sup> IN AN ENGLISH PRISON

"There are *four stages in this prison* in a man's imprisonment; each stage except the first having certain privileges. The first stage covers a period of two months in all cases, and it is in this first stage that a prisoner may remain during the whole time, if he does not conform to prison regulations.

"The daily life of a prisoner in this stage is as follows:

6:00 a. m. Rises, attends to his personal ablutions and cleans his cell.

7:00 a. m. Drill, if under 40 and fit, for half an hour, an allowance of 2 oz. of bread and cocoa is made to those only who drill. If over 40, or unfit, he either has open-air exercise or remains in his cell.

7:45 a. m. Breakfast is served.

8:35 a. m. Labour commences, until 12 noon.

12-1 p. m. Dinner is served.

1-5 p. m. Labour.

Ten minutes' break from labour morning and afternoon to make up one hour's exercise per day.

5:30 p. m. The last meal, commonly called tea. In some cases, if on special labour, cheese may also be served.

9:30 p. m. Lights out.

"In the *first stage all meals are consumed in the cell* and from 5:30 onwards the prisoner remains in his cell until the following morning. During the evening he has *18 feet of canvas mail bags* to sew, and if time permits, as it usually does, he may read books taken from the library."

The individual cells in European prisons are much larger than those in the Illinois prisons. I measured a cell in an English prison and it was approximately 14 feet long, 7 feet wide, and 10 feet high. The cells in the Old Prison at Joliet, occupied by *two inmates*, are 6 feet 11 inches long, 4 feet wide, and 7 feet high! The average winter temperature in the English prison cell is, I understand, 60 degrees—not warm enough for our inmates and probably not for theirs either.

My impression of the European prison diet was that the quality and quantity of food were neither as good nor as generous as in the Illinois penal institutions. In the Regina Cœli prison in Rome, in the Austrian prison at Stein, at Parkhurst and in the Holloway prison, and probably in many other prisons, either all inmates eat their food in their cells, or only certain classes eat in

association. Large trays with food are carried by inmates, preceded and followed by a prison officer, through the cell corridors. Each prisoner steps to the door of the cell and receives his share. The food was served in tin or metal double deck containers. The soup or liquid food was in the lower compartment, and the solid food in the upper. In England inmates are entitled to a certain quantity of food by weight. If an inmate makes complaint that he has not received full weight then it is immediately weighed by an officer. A scale is available on each landing. The day I visited the Regina Cœli prison in Rome the noonday meal consisted of soup with macaroni. I found the dish quite tasty, but during my student days in Rome I developed a sound taste for spaghetti. Special diets are served for diabetics and vegetarians.

## THE STAGES

"Every prisoner undergoes imprisonment for the first two months of his sentence in Stage 1; he works in association with other men, he eats his meals alone in his cell and has two hours' labour in his cell every night. He may attend one lecture each week and the Saturday afternoon concert when a sentence of six weeks or more is imposed.

" After having served two months in the first stage, if on good behaviour, a well-conducted prisoner is promoted to Stage 2. The privileges of this stage are:

"1. Meals in association. This is usually a valued privilege. During the greater part of the year, the tables are adorned with choice flowers, all provided by the prisoners' friends.

"2. Use of the library once a week during dinner-hour to change books.

"3. Attendance at all concerts and lectures.

"4. Attendance at classes in the evening.

"5. Freedom from cell task, if attending three classes per week.

"6. Recreation in the Hall in association on alternate Saturdays and Sundays from 5 p. m. to 7 p. m.

"7. A letter and a visit every 21 days.

"These privileges are granted by the Governor, and in case of abuse or bad conduct they may be taken away and the prisoner degraded to the first stage.

"After being in the second stage for a minimum period of six weeks, a prisoner may be promoted to Stage 3, the privileges of which are:

"1. An unlimited number of library books (within reasonable limits).

"2. To remain at the dining-tables in association until 7 p. m. (Sundays 8 p. m.).

"3. Exercise in a separate yard in association (but under supervision), instead of 'on the ring' at week-ends and when there is no drill."

Some English prisons have three paths, more or less of ring-form, in the yard or garden. The healthy and physically fit must take their constitutional walk in the outer ring; those less fit walk on the intermediate path; the old and physically weak inmates use the inner or smallest ring. Thus each group can make the ring in the same space of time according to its physical capacity.

"The minimum period for promotion from the third to the fourth and final stages is six weeks, and the privileges are as follows:

- "1. Exercise in association without supervision.
- "2. Occupation of front seats at concerts and lectures.
- "3. Excused sweeping up (after tea only) provided substitute can be found from second or third stage men.
- "4. Bed down any time after tea.
- "5. Handball on summer evenings between 6 p. m. and 7 p. m.
- "6. Use of recreation room with issue of daily newspapers and use of games.
- "7. Visit and letter allowed every 14 days (the visit is open, men being allowed to sit with their friends).

"There is a committee of table leaders which meets every Sunday and which can deal with all matters affecting stage privileges. If a prisoner wishes to bring anything to the notice of the committee he should consult a table leader. Prison amenities are exclusively reserved for prisoners of 'the second, third and fourth stages.'"

## **CRYING NEED OF SMALLER PRISONS DELAY COSTLY AND DANGEROUS**

The *de facto* Illinois prison policy of massing thousands of inmates into one prison, of the consequent mass-management, mass-operation, mass-everything is extremely costly because it produces such gaunt results. Personal and individual contacts and conferences are impossible with our large prison population.

"Ideally, no penal institution should contain more than 500 men," writes Alexander Paterson. "Certainly it should not be allowed to grow beyond a thousand. The mammoth prison is almost bound to do a prisoner more harm than good. If a simpler and less expensive type of building could be accepted, it should be possible to have smaller prisons without adding greatly to the cost of construction. A prison should be secure and durable: it need not be splendid or imposing."

Smaller prisons may be more expensive in the initial cost. But an insurance policy that does not properly insure is an expensive policy, no matter how little you pay for it. And the

mammoth prison that fails to re-educate and re-habilitate the lawbreaker entrusted to its care and even contaminates and corrupts the young offender by throwing him into contact with vicious and degenerate men "whose very speech is mud" is an expensive prison, no matter how low the per capita cost. Mrs. Le Mesurier opportunely observes: "Classification is the keynote to modern reform in many matters. Break up a knotty tangle of difficulties into its component parts, sort out the separate strands, and deal with them in the different ways they are seen to require when dealt with separately on their merits, and a great many puzzles disappear." It may be possible to carry out proper classification in large prisons; it can certainly be done more effectively in smaller institutions as is shown by the English Borstal System. In a mammoth prison there is a dangerous mob spirit in the air. That statement needs no proof, but the frequent and bloody prison riots are the proof.

Penal servitude (serving a prison sentence) is so full of tragedy for the inmate and his family that it should produce purifying and chastening results. That at least is the theory of infliction of punishment—of execution of a sentence. It looks as though we had penitentiaries where the inmate is not led to repentance. To furnish a species of this catharsis, this unloading of pent-up feeling, the prison band plays as the men march in and out of the dining room, or even during the full time of the meals. This indicates the prison authorities realize there is a real hazard of an explosion or "smash-up."

But to achieve this presupposes the spontaneous and very personal coöperation of the inmate. And here comes the winnowing of the wheat from the chaff. Some will be purified and chastened and others will remain such as they are, and some will even deteriorate.

Every inmate must be led up to that crisis, to that turning point, to that final *personal* decision whether he wishes to amend, or whether he decides to continue living in the morass of crime. The decision (crisis) cannot be forced, but like new (fermenting) wine it must mature with time and influence, or like grain it must ripen for harvest time.

The penal pedagogical system must lead up to bringing every inmate at some time face to face with this realization: in this penal institution I can exchange my sad lot for something better, if I make a determined personal effort.[21] This result can be achieved only in smaller prisons.

Aids to maturing this resolution: all the aids of religion, which he is free to accept or reject, and the wholesome influence of the character of the trained prison officers. The inmate must be able to see in every one of the prison officers unquestioning, implicit, uninfluenced, unbiased, unprejudiced justice, that even, ever-ready good-will mixed with the accessory tone of seriousness but not haughtiness. Inmates have a highly and delicately developed sense of justice. They are very sensitive to anything that looks like injustice to them. A prisoner once said: "I am here in the name of justice, and in the name of justice I demand that no act of injustice and no unfairness be committed."

In prison men are thrown together, who despite all rivalries and contrasts feel an inner bond and common interest to a certain degree. The struggle for life and existence that divides free citizens outside the prison walls does not exist for the inmates. The hickory shirt covers all social distinctions. Whether they left good homes or poor and disorderly homes to walk the way to crime, in prison they occupy the same kind of cell, sleep on the same kind of cot and eat the same food. Whatever separates them is far beyond the big wall in a land from which they may

have been deported years ago. It is not easy to uncover what goes on in their souls. T. M. Osborne, famous former warden of Sing Sing, once said: "If the warden were a veritable Solomon he could not know 1400 men intimately, not even 40."

The great need of smaller institutions where intimate acquaintance can be had with the inmates and a close watch kept over them seems imperative. In such an institution the warden with previous prison training and experience could intimately know his prisoners. If inmates are merely numbers then it is purely a matter of chance if he gets to know an inmate thoroughly.

There is only one way to make classification and segregation of criminals and individualization of treatment possible and effective and that is to build smaller prisons. A few types of inmates for such smaller prisons may here be indicated.

1. Young offenders, who will certainly not be improved by contact with hardened criminals. It seems stupid and criminal to throw adolescents, mere children in some cases, into the pit of contamination, the general prison, whether on remand and awaiting trial or to serve a sentence. Penal institutions of the Borstal type are long overdue.

2. Borderline cases—mental cases not certifiable as lunatics.

3. Casual criminals.

4. Recidivists and habitual criminals.

5. Professional criminals.

6. Those unfit for freedom.

7. Habitual drunkards—semi-security.

8. Sexual degenerates.

9. The "hard-boiled criminals," etc.

Concerning this latter group, John P. McCaffrey[22] writes: "If these men will not obey the officials in the prison, punish *them* and not the thousands who have been punished for the revolt of the few. Build the wall forty feet high if necessary; man the prison heavily; put in every agency possible to enforce the will of the State and the law."

It may be objected that we have the mammoth prison buildings; what can be done about the theory of smaller prisons under the circumstances? John P. McCaffrey points to a solution: "The State Prison at Attica, New York, is the best example of the crowd control. There are three groups of 500 apiece housed in separate cell blocks, fed in separate Mess Halls, recreating in separate yards, but all within the same walls. Perhaps this points to the solution for the big prison populations. If the State will not launch the ideal policy of small prisons, then it should try the group control plan in the big prisons." I might add, this method is today followed in some Italian prisons and is also part of the plan of the Italian Government's proposed Penal Colony.

When Oscar Wilde, who today is considered one of England's most elegant writers, but who in his day had fallen foul of the law, was being transferred with two other prisoners,

handcuffed and dressed in felon clothes, from a London prison to Reading Jail and had been kept standing in a drenching rain for nearly an hour, his fellow prisoners cursed beneath their breath.

Wilde turned to the warder and said: "Sir, if this is the way Most Gracious Majesty treats her convicts, she doesn't deserve to have any."

I quote a few stanzas from Wilde's *The Ballad of Read Gaol*:

"I know not whether Laws be right,  
Or whether Laws be wrong;  
All that we know who lie in gaol  
Is that the wall is strong;  
And that each day is like a year,  
A year whose days are long.

But this I know, that every Law  
That men have made for Man,  
Since first Man took his brother's life,  
And the sad world began,  
But straws the wheat and saves the chaff,  
With a most evil fan.

This too I know—and wise it were  
If each could know the same—  
That every prison that men build  
Is built with bricks of shame,  
And bound with bars lest Christ should see  
How men their brothers maim.

The vilest deeds like poison weeds  
Bloom well in prison-air:  
It is only what is good in Man  
That wastes and withers there:  
Pale Anguish keeps the heavy gate,  
And the warder is Despair.

And thus we rust life's iron chain  
Degraded and alone:  
And some men curse, and some men weep,  
And some men make no moan:  
But God's eternal Laws are kind  
And break the heart of stone.

And every human heart that breaks,  
In prison-cell or yard,  
Is as that broken box that gave  
Its treasure to the Lord,  
And filled the unclean leper's house  
With the scent of costliest nard."

## PSYCHOLOGY, PSYCHIATRY, PSYCHO-ANALYSIS

The prison officer must study the behavior and attitude of the inmate to his fellow prisoners. In Austria I noticed that work groups, particularly among the young, are made up in accordance with pedagogical requirements and dictates—men of the same mental capacity and requiring the same treatment are placed into working groups separate from the others. In England the medical officer classifies prisoners according to their physical fitness and carefully notes the effect of imprisonment on the mental and physical state of the prisoner.

But how are prison officers to study the character of the inmates? Should one demand that they all be trained psychologists or even psychiatrists? No, but a prison officer should have the fundamental qualifications of an Opportunity School teacher. Paterson[23] even warns that "we should accept with caution the findings of psychologists and statisticians. The former science is still in its infancy and cannot speak with certainty in every case. For some time it will be more competent to observe than to treat. Statistics have their value as a guiding rather than a determining factor. They cannot as a rule prove scientifically that one system is more successful than another. For such decisions we must rely on deduction from the fundamental principles we accept, rather than on induction from such figures as are presented to us."

On my way to Europe last summer I spent a day at the New York State Reformatory for Boys at Elmira, where Dr. Christian has been the clear-sighted warden since 1909. This medically trained and criminologically experienced warden gave the following as his opinion. Psychiatry mixed 50-50 with common sense is a good thing. After all, a psychiatrist's opinion is merely an opinion. If he is right 50 per cent of the time he is lucky. Psychiatry is only one factor in the study of cases. If a surgeon who has at his disposal all sorts of chemical tests, X-rays and what not, is absolutely correct in his preoperative diagnosis in 50 per cent of the cases he is lucky; then how can a psychiatrist, who is trying to uncover the unconscious and dig into a man's soul, claim that he is right in more than 50 per cent of the cases? A penal institution run exclusively by psychiatry will hit the rocks. My advice is: bear his opinion in mind, but test it out yourself. From autopsies carried out in the famous clinics of Vienna it was found that the doctors had been wrong in 40 per cent of their diagnoses. If a psychiatrist can hit anywhere near that average he is doing well. Of course, Dr. Christian has a psychopathic division at Elmira.

To verify the above statements made by Dr. Christian I discussed the matter of all-round correctness of preoperative diagnoses with Dr. George Eusterman and Dr. Andrew Rivers at the Mayo Clinic, Rochester, Minnesota. In a study made of 700 cases of duodenal ulcers it was found that "in 38 per cent, duodenal ulcer was the sole abnormality found at operation. In 62 per cent, some pathological entity not specified preoperatively was found to be associated with peptic ulcer." In other words, a negative error in 62 per cent of the diagnoses. Similarly, in a study made of 375 cases of gastric ulcer, "in 50.8 per cent, a lesion other than gastric ulcer was *not* discovered." [24] The percentage of negative error was only 49.2 per cent. By analogy one may conclude that the findings of psychiatrists must be accepted with great caution.

Dr. Matheson, Governor of London's well-known Women's Prison, Holloway, expressed a similar opinion: Psychiatry is still in its infancy and psychiatrists claim entirely too much.

Mr. A. E. Scott, Governor of Parkhurst, gave this warning. Very often responses from inmates are not straight and not honest. If a patient out in the world goes to see a doctor he gives

him honest answers because he wants to get well and he pays for the examination. Inmates of a penal institution will not act that way. That clearly shows you must be wary and not give too much credence to the opinion of the psychologist or psychiatrist.

In a sure and trenchant manner Archbishop Downey[25] of Liverpool points out the moral dangers and castigates the *abuses* of psycho-analysis—the unfolding of the soul.

"Of late years," he writes, "psycho-analysis, or, the new psychology, as it is sometimes called, has acquired a somewhat unenviable notoriety. It has been exploited by quacks and charlatans, just as hypnosis was when first it came to the knowledge of the general public.... Psycho-analysis has acquired a position of undeniable importance. It is no longer a matter that interests only the professional psychologist. For good or for evil, it is used by the pathologist, the neurologist, the educationalist, the criminologist, and a host of other -ists, with the result that it calls for careful examination from the moralist.

"Psycho-analysis may be described as the Science of the unconscious.... Man has been likened by the psycho-analyst to an iceberg, only one-eighth of which is visible; seven-eighths of it remains submerged, altogether hidden from view, and constituting the real danger of the iceberg. The one-eighth of the iceberg that is visible corresponds with the consciousness of man, the invisible seven-eighths with his unconsciousness.... Psycho-analysis is concerned with the exploration of the unconscious.... Now, it is a bold thing to criticise psycho-analysis, because, at once, the psycho-analysts take to analysing the critic and invariably discover in him repressed complexes of a very disreputable character, which have led him to react against the new science.

"However, I venture to say that *so far as practical ethics are concerned, what is true in psycho-analysis is not new, and what is new is not true.* The earliest Christian teachers understood very well that there is a constant warfare between the 'law of the mind' and 'the law of the members.' It is no discovery of psycho-analysis that we are prone to evil from our very childhood, and that our evil inclinations must be checked, sublimated, if you prefer the word. Psycho-analysis can claim many dramatic cures, but none quite so dramatic as the way in which the vices of the pagans who were converted to Christianity were sublimated into virtues. The censor is merely a new name for the voice of the conscience (the sum total of inhibiting forces). As for transference, is not the whole scheme of Christian ethics directed to transferring our affections from the temporal to the eternal, till we attain to that blessed state in which there are no material wants or appetites at all? The analyst, I am afraid, not infrequently takes upon himself the office of confessor or spiritual director, and that without the aid of grace.

"Now Psycho-analysts insist that during the treatment, in no case is the patient ever to withhold from the analyst any thought, however intimate or delicate. Bearing in mind the great part that is assigned to sex-impulses by Freud and his school generally, the moral danger of this sort of self-manifestation is obvious. This danger, I think, cannot be stressed too much.... A sane psychology must necessarily join issue with psycho-analysis as to the everlasting parading of sex-matters.... The policy of unveiled speech in regard to sex-matters, adopted by psycho-analysts, was denounced by Professor Muensterberg, as 'the greatest psychological crime of the day.'"

This sort of bold and shameless prying into sex-matters is freely indulged in by certain psychologists in our penal institutions, as though every theft and every violation of the law were

motivated by sex-impulses. I know of one prison where the psychologist prepared a questionnaire for the inmates so unblushing that it outraged every canon of decency. The level-headed superintendent forbade its circulation and got rid of the charlatan.

Let this be clearly understood, the writer considers the work of well-trained, experienced, well-balanced and sane psychologists and psychiatrists extremely valuable and would not want the penal institutions to do without them, but with every normal-minded citizen he does object to the employment of sex-crazy charlatans, even in penal institutions. Psychiatry is a branch of medicine, and the psychiatrist is usually a qualified medical man who concerns himself with the problems of mental diseases. The psychologist is commonly *not* a medical man; quite often he is a blind follower of Freud's extreme and senseless exaggeration of the sex theory. Only competent physicians of good moral character should be permitted to practice psychiatry and psychology in our penal institutions. Not even every physician, but only the specialist, can practice psycho-analysis with any prospect of success. Paterson quotes a superintendent as saying: "A psychologist will often give an estimate of a lad on reception, and a few months later will reexamine him and give a different estimate. A *good officer*, however, has often reached that second estimate before the psychologist."

Ruland-Rattler correctly observes: "If psycho-analysis expects success in healing, it must not stop with its retrospective explanation, but must do constructive work for the future. A true psycho-analytic therapy must bring about a *change in the conduct of life*." A physician does not cure a patient by giving his ailment a Latin or Greek name, for instance, Freud's "polymorphous perversity."

At the Diagnostic Depot in the O. P. at Joliet psychologists and psychiatrists classify the "fish"—the new inmates. An undermanned staff faces a monumental task. And after they have classified the men with indications where they might be best employed—then what? Are their findings merely "locked up in filing cabinets and the men tossed back into the maelstrom of the prison yard"?

## **PRISON OFFICERS MUST STUDY CHARACTER OF EACH INMATE**

All the preceding chapter may have seemed very odd as an introduction to quotations from a psychiatrist. Nevertheless, I am going to quote from Allers' *Psychology of Character*.<sup>[26]</sup> Dr. Rudolf Allers is a foremost savant of Europe, Reader in Psychiatry at the University of Vienna, and seems to mix psychology and common sense on the 50-50 basis.

The following is important for the Parole Board as well as for prison officers:

"Character in ordinary speech denotes something in a person that is individual and peculiar to himself....

"In order to appreciate the character of a man, it is necessary first of all to concentrate on what he *does*. Admittedly we all more or less assume that the words in which he expresses his views, aims, and sentiments will conform with his actions. But experience teaches that many

men consciously—and probably a much larger number unconsciously—fail to act up to their declared principles. That fair words can cover an ugly disposition is a common enough experience. The ugly disposition will eventually express itself in *deeds*. Hence one has always stressed the deeds of a man as an index of his disposition, his real thoughts in fact what is ordinarily called his 'character.' The concept of an act or deed must be made to include not only deeds in the special sense of the term, but also all movements, gestures, expressions, looks, postures, and lineaments, his behavior in various situations. In short, all the factors that go to make up the general term 'conduct,' form the basis of the estimation of character.

"There are certainly some traits of character (using the term in its ordinary sense) that leap to the eye without the necessity of lengthy observation. Such are sternness or mildness, determination or weakness, and the like, which often enough can be read in men's faces. Often, however, one may be mistaken, for appearances are sometimes more ambiguous than separate actions; many an act that seems to spring from good nature may actually be coldly calculated. A deed that may strike the observer as harsh or even cruel may be dictated by love; a cold and aloof manner may conceal over-sensitiveness and weakness; a wolf in sheep's clothing may have the most attractive manners. Long experience, acuteness of observation, regard for apparently trivial details, may to a large extent obviate such errors, but they will constantly recur.... *Character is a unity and a whole, not a mere aggregate.*

"We must regard a man's life as a whole, so far as is possible, if we are to gauge his character. Often enough the understanding of the 'new,' *i. e.*, the later-manifested, character depends on a knowledge of the original character, from which circumstances have evolved it. This is the case, for example, when the new character can be described at least in certain respects as the antithesis of the old.

"The most impressive evidence of the possibility of such a fundamental change is furnished by the phenomenon of *conversion*."

I am writing this chapter on the 25th day of January, on which day the Church commemorates the Conversion of St. Paul the Apostle. Paul, at Jerusalem, was the fiercest adversary of the infant Church. On his way to Damascus to take Christians captive and drag them in chains to Jerusalem he is suddenly changed and begins a new course of life. The bitter adversary of yesterday becomes the most courageous and enthusiastic apostle of tomorrow. The Church considers this sudden and complete change of his character a wonderful triumph of grace.

"The complete transmutation of character," Allers continues, "can occur as the result of religious conversion. It is not only *conversion* in the special sense that can bring about such a change of character, but every similar disturbance of the psychological equilibrium; there are instances of conversion to evil, if the phrase is permissible.... The principle of psychotherapy is conversion. In these cases, too, the change is sometimes radical, as when a man in response to psychotherapy, in a strikingly short time turns the rudder of his life and reorientates himself completely. Such cases are rare, but in any case, here we find a change of character which is a direct contradiction of the thesis that character is unchangeable—a thesis which is commonly accepted as self-evident."

Referring to the attitude of the English people to prisons, Albert Crew writes: "Public opinion in regard to life in prison is usually ill-informed as to the facts and exaggerated as to conditions.... Any place where men or women are kept without liberty of action must necessarily be unpleasant, and prison certainly is not a comfortable place." I think that quite correctly describes the American public, too. In what concerns prison matters and the much overstated "coddling of prisoners," the American public is spoon-fed by the press. There is consequently real danger that prison managers will think their job was well done (and the public, including the press, will think so, too) if they can report: no friction, no riots, no escapes and all that at less cost than under the previous management. Officially betterment of the inmate may be proclaimed, but the system belies the announced theory. Our prisons are not too humane, but too unconstructive.

Reform is a conversion, an about-face in the soul of the inmate. When you begin to regard an individual character in all its personal diversity behind the collective name "inmate," then you realize that the shortest and most effective means of improving an individual is to treat that individual in a manner best suited to his personal make-up. That is the work of an Opportunity School teacher. Certain means of reform may be applied in mass production in a general fashion as a sort of prophylactic without intimate and personal knowledge of the character of the individual: military drill, general education, vocational training, athletics, music, religious service, etc. All of these have a curative effect on the average inmate, but they will also become more effective as they are suited to the needs of the individual inmate. If the inmate is to be truly reformed, then we must have recourse to individualization of treatment, for, once we set as the chief goal of a prison sentence the re-fitting of the inmate, then we must come down to individualization. Mass-production of any kind tends to uniform standardization, and mass-treatment is the direct opposite of individualization.

Here is where the Progressive Merit System and the Indeterminate Sentence should set in. But if the inmate is pushed along in the P. M. S. not according to actual reform (conversion — beginning a new course) but mechanically, after the expiration of so many months, etc., then you rob the whole system of its very essence. In the Indeterminate Sentence the discharge (absolute or on parole) should take place at that moment when in the individual case the improvement (betterment) has set in, in as far as the minimum duration of punishment has expired, or discharge does not follow automatically. Discharge at any other time seems arbitrary. It would be like absolution without repentance—worthless.

Failures of Parole Boards are largely due to failure on the part of these Boards to understand the real character of the inmate. The basis of parole is really not solid enough—too much guesswork. The Board settles a matter tremendously important to the inmate—when he will be released conditionally. The members should be adequate in numbers and highly qualified in training. Mrs. Le Mesurier writes: "It cannot be stressed too clearly that the whole probation system depends for its glorious success or pitiable failure upon the character and quality of its personnel." The same is true of parole. The personal interview of inmate with Parole Board is shockingly brief—sometimes 3-5 minutes. The inmate is rather the dumb partner. The large number of cases does not permit penetration and careful study. The prerequisite for the application of the Indeterminate Sentence is, therefore, the possibility to determine reasonably the moment when real improvement has set in in the individual case—when he has "got a grip of himself."

Take a thousand colostomies, and who would dare say they are all to be treated in exactly the same manner, or that each one of this thousand will dose up in exactly the same length of time? Individualization in this sense can be had only where prison officers have the ability to understand the individual character of each inmate and observe his development or conversion. Individualization of treatment and release is a corollary, a consequence that naturally follows studying and understanding the character of the individual inmate. This cannot be done in our mammoth prisons.

## INDIVIDUALIZATION OF TREATMENT

When a new inmate enters the prison he becomes a number among numbers. The numerical relation of prison officer to inmates is such a strain that the vigor and strength of the officer are exhausted in constant "guarding." He has done his duty as "guard or keeper." The task of studying his man by personal contact is impossible. It is just not done. Most prison guards are incapable of studying the character of an inmate except in relation to the crime he committed. But a man's offense is not necessarily a conclusive index to his character. The warden is generally too much occupied filling in administrative reports to devote much time to studying the character of the inmates. As Osborne said, "even Solomon could not know 1400," and much less 3000 and more.

Individualization—studying individual character of inmate—individualization of treatment is not possible as a rule because the officer lacks training and ability to do so and because of the mass-population of our prisons. The deepest and profoundest understanding of the inmate's *character* is the basis of re-educating and re-fitting the inmate and of parole. As long as the officers of our institutions lack understanding and grasp of problems, all rules for individualization mean little. Few "guards" realize that discipline can be maintained without bullying. Cursing and vile language may snap inmates into line, may cause them to fear and dread and hate the "guard," but it will not give the guard a pedagogical standing. Here is how a former offender feels about it: "Although society has a right to protect itself from those who violate its rules, it has no right to demoralize them to the extent of shattering their nervous system in this way.... The attitude of officers to the men is such that it preys on the minds of weak-minded prisoners to the extent that the sight of an officer reduces them to shuddering and fear." [27]

Model conduct of an inmate is not always proof of reform. There is such a thing as a "model prisoner with all the typical prison virtues and vices, who so rarely makes a good citizen in free life." "Guards" are chiefly interested in the good conduct of the prisoners. They are little interested whether the apparently good conduct really means reform or not, or whether it is merely a clever deception. The guard is not interested whether the inmate *reforms* as long as he *conforms*.

It really does not depend on what arithmetic textbook is used; but it does depend on the teacher. It seems to me that if a dead thing like arithmetic depends on the teacher, certainly character moulding, dealing with flesh and human will, demands qualified teachers.

## ABOLISH THE SYSTEM

I believe it would be eminently unfair to blame any particular State Administration, or our prison officers, for the obvious defects evident in the handling of penal problems. The *system* is wrong, and the *system* should be blamed. It is the *system* that makes penology start at the front bars, end at the rear wall, and reach its highest perfection in the good shots concealed in the towers on the walls. Problems of penology? Therapeutic pedagogy? Campaign problems! But the system permits and *demand*s it. No riots, no escapes—why it must be a well-managed prison.—And then the public and the editors sit back in smug satisfaction. There seems to be only one solution: *abolish the system; establish an enlightened and sympathetic nonpartisan Prison Commission, say, after the manner of England, aided by intelligent wardens and staffs.*

"On the door that leads to the Prison  
is written in chalk this verse:  
"Tis here the good man turns bad man,  
And the bad man changes to worse." [28]

Lest I be misunderstood, listen to Compton Mackenzie: [29] "We must beware of being too ready to lay the blame for what is wrong about our prisons on the prison officials. The real culprit is an unimaginative and unsympathetic public too ready to listen to talk about coddling prisoners. There is a curious superstition, difficult to eradicate, which declares that, if prison be made too comfortable, men will commit crimes in order to enjoy the luxury of living at the expense of the taxpayer. How many people who glibly prate about that possibility would accept unlimited luxury in return for the surrender of their freedom? How many would prefer ten years behind walls with caviar and oysters to liberty and dry bread."

Alexander Paterson, M.C., H.M. Commissioner of Prisons for England and Wales, has served under ten Home Secretaries. Prison officers swear allegiance to the king and his heirs. That means that the officer cannot be discharged for any political reasons nor as long as he observes his oath and does his duty and his conduct is good.

The New York State Reformatory for Boys at Elmira has had only four Superintendents in 60 years, and Dr. Christian has held the position since 1909.

Since 1900 Joliet has had 9 wardens, Pontiac 8, and Menard 8 or 9.

In practice it means that nearly every change of State Administration ushers in a new régime of prison managers, and they cannot be overburdened with professional knowledge and technique, at least not at the start. And the turnover of the greater percentage of the subordinate officers is even more frequent.

After his visit of inspection and study of 90 prisons in the United States, Mr. Paterson gave the following as one of several constructive suggestions for the betterment of our prison administration: "The occupation of men and women in dealing with offenders against the law should be recognized as an *expert profession* requiring the very best human material, and thorough training in every phase of the problem. A larger number of university men should be attracted to this profession. There should be training schools for all subordinate officers before they are allowed to start upon this work.... All ranks should be assured that if they acquit

themselves worthily they have security of tenure in their post, the prospect of promotion, and an adequate pension when they retire." [30]

With the establishment of security of tenure, prospect of promotion and adequate pension there would seem to be no reason why High School graduates and College men would not be attracted to prison work *as a career*. This is the case at the New York State Reformatory at Elmira, New York.

## **THE ENGLISH BORSTAL SYSTEM INDIVIDUALIZATION IN ACTION**

*"For the idle lad in his later teens the corner of a street is even more dangerous than the middle of a street for the aged and preoccupied."*

England has three sections of its penal and reformatory system dealing with juvenile delinquency:

1. The Industrial School, receiving boys between the age of 9 and 16.
2. The Reformatory, receiving boys between 14 and 17. The boy may not be retained there after he reaches the age of 19.

These two sections form the Children's Division of the Home Office.

3. The *Borstal Institution*, receiving boys between 16 and 23 years and 6 months. By the time a young man reaches the age of 26 he must be dismissed from a Borstal Institution. Borstal Institutions are penal institutions.

Let me quote L. W. Fox, [31] Secretary of the Prison Commission:

"Where a person is convicted on indictment of an offense for which he is liable to be sentenced to penal servitude or imprisonment, and it appears to the court—

"(a) that the person is not less than sixteen nor more than twenty-one years of age (now 23 and 6 months); and

"(b) that, by reason of his criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime; it shall be lawful for the court, in lieu of passing a sentence of penal servitude or imprisonment, to pass a sentence of *detention under penal discipline* in a Borstal Institution for a term of not less than two years nor more than three years;

"Provided ... that the offender is likely to profit by such instruction and discipline as aforesaid."

Italy has an institution very similar to the English Borstal—Istituto di Rieducazione. Austria, too, has adopted a similar system. I rather like that designation. It indicates that something was wrong with the first education of the delinquent boy and that he must be re-educated. The boys in the Istituto di Rieducazione do not receive the same schooling. There are three types of education: 1. Regular school course, that is, if the boy would have gone on to advanced schooling had he not come to the Istituto, he is given this advanced course. 2. Crafts and trades, if that is what he would have taken up outside. 3. If the boy comes from a rural section where his future life will be agriculture, he is taught agriculture.

## PAROLE IN THE BORSTAL SYSTEM

"The minimum Borstal sentence is two years, the maximum three years, and the Prison Commissioners have power to release on licence at any time after six months (three months for girls) 'if satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life.' On the expiration of his original sentence the offender remains for a further year under supervision of the Prison Commissioners."

The licensed (paroled) boy is under the care of the Borstal Association. "Its aim is to make the lads stand on their own feet, and as soon as it becomes evident that there is a decided preference for standing on other peoples', then friendly advice must change to stern warning: if this is ineffective a report must be made to the Prison Commissioners, and revocation of license will probably follow."

## TRAINING IN THE BORSTAL SYSTEM

"A Borstal Institution is in fact many steps removed from a prison—the gates stand open all day, and neither at work nor at play are the lads confined within the walls.

"The object of a Borstal Detention is *training* rather than punishment. The aim is to give young offenders, whose minds are still plastic, a new outlook and a new bent, and, by the *personal influence and example of the staff* to create a corporate spirit and a standard of social behaviour which may persist after release: and to this should be added, the task is not to break or knead him into shape, but to stimulate some power within to regulate conduct aright.... It requires that each lad shall be dealt with as an individual and shall not be regarded as being the same as any other lad, requiring the same universal prescription. To sum up these pronouncements, the Borstal system aims to provide a positive training, mental, moral, physical, and industrial, based on sympathetic study of the needs of *each individual*, and aiming at the development, through trust, increasing with the individual's progress, of personal responsibility and self-control. Work of this sort is, above all, personal work. The Borstal system has no merit apart from the Borstal staff. It is *men* and not *buildings* who will change the hearts and ways of misguided lads.... The foundations of the Borstal system are first the *recruitment of the right men*. The greatest care is therefore taken to select men of the right type with a *definite vocation tor work of this sort*.... A fascinating task, but only to be attempted by the optimist.

On August 26, 1936, I visited Parkhurst Prison and the Camp Hill Borstal Institution, I.W., again through the kind services of Mr. Herbert Ward. I interviewed Mr. John Weldon, the Deputy Governor. His preparation and advancement may be taken as a typical illustration of an official ascending the gamut of promotion. Mr. Weldon is 33 years of age and unmarried. He became interested in juvenile work while still at school and was secretary of a school club that did work in a London slum. Later he went to Oxford and obtained a degree in psychology. He joined the staff of a Reformatory in 1924 and was transferred to the Camp Hill Borstal in 1925, first as Assistant Housemaster; later he became Housemaster.

In 1930 and 1931 he visited a number of prisons in the United States. A riot that was being staged at Joliet at the time prevented him from visiting this prison. It will be noticed, the English prison administration, unlike our own, does not suffer from *inbreeding*. Prison officers study and travel and visit many prisons to gather new ideas. Mr. Weldon was appointed Deputy Governor at Camp Hill in 1934.

As soon as possible after sentence boy-offenders are sent to the "collecting center" at Wormwood Scrubs, London. Girls go direct to the Borstal Institution for Girls at Aylesbury. In the Boys' Prison at Wormwood Scrubs the boy offenders are classified, and not along psychological lines only.

England has seven Borstal Institutions for Boys, and each of the seven institutions has its own type of boys. Rochester, the original Borstal, established in 1908, receives a better grade of boys, the "intermediates"; the more hardened boys with the worst records are sent to Nottingham and Portland, the older lads of this type going to Nottingham; Camp Hill gets those approximating the Portland type; the mentally subnormal and those presenting sex problems, go to Feitham; the most hopeful cases, for whom the full period will probably not prove necessary, are sent to Lowdham Grange.

The population at Camp Hill at the time of my visit was 250; the capacity is 300. Each Borstal Institution has a number of houses (sections) and a Housemaster for each. There were 50 boys in each house. Upon the arrival of a new lad the Governor assigns him to that Housemaster whom he considers best fitted to handle that type of boy. Again individualization. There is also one matron for each house. The purpose of a matron is to have a woman's intuition study the character of the boy. A good matron is worth her weight in gold. The matron may not be the wife of the Housemaster. Neither matron nor Housemaster lives in the house. Most matrons are middle-aged and they must be well educated.

It may be interesting to learn the names of the five houses at Camp Hill: St. George; St. David; St. Michael; St. Andrew; and St. Patrick. The Church of England Chapel is located in one corner of the enclosing wall and serves the town people as well as the Borstal boys. The Roman Catholic Chapel is almost in the center of the grounds. Then there is a Non-conformist Chapel and a Jewish Synagogue. A similar favorable chapel arrangement may be found in most English prisons. But in Illinois the unfortunate defectives in mind and delinquents in will must still be content to attend religious services in Recreation Hall, if they are lucky, and even see funeral services conducted in a morgue, if the Recreation Hall happens to be occupied!

The Governor of Parkhurst Prison is a very keen-witted gentleman, Mr. A. E. Scott, M.C., at one time a member of the Prison Commission in the Home Office. I will mention just a

few items from my notes. The Parkhurst Prison population was 416. Dartmoor is the prison for felons who can do a hard day's work. The other misfits, mental and otherwise, are sent to Parkhurst. Parkhurst has the brains of the offenders, Dartmoor the brawn. One cannot fail to notice the ever-present attempt to classify prisoners and house them in separate institutions of manageable size.

Mr. Scott remarked: "Some of our inmates have no idea of religion. I asked one inmate what religion he professed. The man replied: 'Religion, sir, don't know what you mean.' Then I asked him: 'To what religion do you belong?' Imagine this reply: 'Why, sir, I am a potter in a mine.' He did not even have an idea what religion is."

## **RELIGION AN IMPORTANT FACTOR IN CHARACTER TRAINING—"A GOOD CHAPLAIN"**

Mr. Paterson at the Home Office was kind enough to give me a copy of *The Principles of the Borstal System*. I quote from Chapter VIII:

"It is of vital importance that the lad should come to regard his religion not as an uncomfortable garment to be assumed at certain moments, and hung on a nail when it is not required. All teaching must relate the great truths to the little details of life, so that faith becomes pivotal, the unconscious basis of every act, the colour of life itself.... Religion touches the deepest springs of human conduct, for it can furnish to the weak and unstable the highest ideals and the sternest inhibitions. It should therefore *be awarded the first place among all forms of character training*. The Chaplains and the visiting Priests, Ministers and Rabbis will be colleagues not merely welcome, but *indispensable*. Allowances will be made to meet their requirements in the matter of service, class or interview. Their contribution towards the common task is not a make-weight, and men extra demanded by law or convention, *but a vital service striking deep at the heart of the problem of each individual*."

Sanford Bates remarks that traditionally a chaplain was considered a "man of all work": he preached and prayed; he secured free movie films; he was expected to intercede with the Governor for pardon, etc. "With the separation of duties it appeared to us that the ministry of the chaplain in a penal institution had entirely changed. The prison school had been taken over by trained educationalists. Family contacts were handled by the social workers, and the libraries staffed by trained librarians. Apparently there was nothing but religion left for the chaplain to busy himself about, and that could be done on Sunday in an hour or two. *But just there we make a mistake*. We have now realized that the chaplain's job, rightly construed, is an extremely important job in any institution.... He must know something about the social sciences. He must be a man of strong and attractive personality.... He must know something about psychiatry, and he must be able to talk the language of the man he would befriend. Unless we are to neglect *one of the most important elements in the individual reformation of the prisoner*, some man, not too closely identified with the organization, who yet understands the pitfalls and the dangers of being attached to a prison, must secure and maintain the confidence and friendship of the individual and thus exert upon him a truly religious influence.... Again, I say, we have supplied the paraphernalia of reform. *The chaplain of the new order will have to be relied upon to stimulate the will to reform.*"[32]

The last question I asked of Mr. Alexander Paterson of the Home Office was this: "What, to your mind, is the most potent factor in the betterment of an inmate?" In typical British officer fashion he snapped out: "*A good chaplain.*"

And while I am on this subject, let me quote Albert Crew[33] once again:

"Religion often plays an important part in the spiritual and moral regeneration of the prisoner. Attendance at religious services should be and is entirely voluntary subject to the proper regulation that a prisoner is expected to attend a religious service unless he has any reasonable ground, of conscience or otherwise, for staying away.... The *Chapels too often are ugly and uninspiring*; philanthropists who help to beautify churches outside might well consider the desirability of providing for the decoration and adornment of prison chapels. A prison chapel should be beautiful and should appeal to the prisoner as something not belonging to or a part of the prison buildings. It should be a joy whilst he is in prison, and more or less a thing of beauty and a stimulus for spiritual devotion, not as it invariably is at present, an ugly reminder that he is a sinner of a deeper dye than those outside. The occasional practice of *using the same chapel for holding services of different faiths or using a chapel for the delivery of a secular lecture does not seem a fit and proper use of an edifice specialty set apart for divine worship.*"

Considering the important function of religion in the betterment of law violators it would seem that the State of Illinois could well afford to follow the example of England and erect special chapels at a cost of, say, \$25,000.00 to \$50,000.00. The several religious groups would gladly furnish the chapel assigned to their use.

## **A GOOD LIBRARY A POWERFUL AID TO REHABILITATION OF INMATES**

Mr. Paterson said: "Imprisonment leaves no visible scar to shock the eye, but it may well have done damage to a human character that nothing can repair. There are cases where it is kinder to break a man's neck in a second than to spend twenty years breaking his heart."

Macartney writes: "In Parkhurst prison the library is the most incompletely run part of the prison—that is, if the function of a library is to supply people with the books they desire to read." I do not know whether that statement is correct. Macartney is embittered against all prison officers. But I do believe it is a criticism that can be launched against most prison libraries, including those in Illinois. Where I visited Portsmouth prison, accompanied by Mr. Ward, a Visiting Magistrate, an inmate came up to him to complain about the books in the library: that there was a lamentable dearth of new books, that the old ones had been read so often they did not even care to see the covers of them, etc. A chaplain in an Austrian prison (Garsten) told me the library in that particular prison consisted of some 7,000 to 8,000 books, mostly junk, and that the prison administration purchases books by the hundredweight.

Now, the inmate spends a minimum of 13 hours a day in his cell and on Saturdays and Sundays vastly longer hours. It is evident, therefore, that much of the inmate's physical, mental and spiritual status or progress depends on the condition of that cell and the life in it. Reading matter, light, air and ventilation, companions, etc., all have a tremendous influence and may leave their scars not visible to the eye. The cell thus becomes a substitute home and it would seem that to supply wholesome and abundant reading matter, to grant permission to give that

cella certain home touch by hanging up pictures of relatives or other decent pictures, to have canaries, if he wishes, to amuse and distract him, would be a great factor in restoring mental equilibrium and peace of soul.

## NATURE OF OFFENSES AND PUNISHMENTS

The nature of the offenses varies, of course, according to countries, temperament of people, economic conditions, etc. Most offenses in Italy are emotional in origin, proceeding from love or hate, or from indifference to violent antagonism. In Austria sneak-thieves furnish the largest number of offenders. L. W. Fox[34] provides the latest available figures (1931) for England (Indictable offenses): "Crimes of violence against the person, 395; sexual crimes (including bigamy), 809; crimes against property with violence, 2,304; crimes against property without violence, 10,626; forgery and coining, 148; other offenses, 270. Total, 14,552." The general proportion of male offenders to women offenders in England is this: 20 men to every woman and 20 boys to every girl. I understand that this is the general average in Europe.

In England disciplinary measures or punishments "may be ordered only by the Governor or by his Deputy or other officer appointed to act for him, following a formal written report which must be made forthwith by the officer witnessing the offense." It is admitted that in rare cases unauthorized punishments occur. I follow L. W. Fox:[35] "The Governor adjudicates on reports every morning, except on Sundays and public holidays: he has before him both the prisoner and the officer making the report, and the prisoner is entitled to know the precise offense for which he is reported, to hear what the officer has to say, and to speak in his own defense, before the Governor comes to a decision." Extremely serious cases are referred back to the Visiting Committee.

The following are the types of punishment dealt out by the Governor or the Visiting Committee:

1. Restriction of diet; diet No. 1 is more restricted than diet No. 2.
2. Forfeiture of associated work. This means that the prisoner works in his cell. The Governor may inflict 14 days of the punishment, and the Visiting Committee 28 days.  
(In Austria a prisoner's whole term may consist of cellular labor, but in that case one day counts for two and the sentence is thereby reduced one-half.)
3. Deprivation of mattress, for men only, and for a period not exceeding 15 days.
4. Cellular confinement in his own cell or in a separate cell. The prisoner works in the cell and forfeits his library books, letters and other privileges. Refractory or violent cases are removed to a "silent" cell, known among prisoners as "chokey," and equivalent to our solitary. A prisoner may be kept there only till he has calmed down, because it is considered a precautionary measure and not a punishment.

Absolute cellular separation and confinement by night and by day was originally prompted by the thought that the criminal would thus have ample time and opportunity to reflect

on his crime and repent. It was practiced in the Pennsylvania System and also in Coldbath Fields prison, England. The underlying principle of Punishment in Solitary today is to make the consequences of wrongdoing in prison so disagreeable that the offender will be deterred from a repetition and that others be likewise deterred. The prisoner so punished is generally alone with the night-slop bucket as his only companion.

In the following lines Coleridge[36] burlesqued Solitary as far back as 1799:

"As he went through Cold-Bath Fields he saw  
A solitary cell;  
And the Devil was pleased, for it gave him a hint  
For, improving his prisons in Hell."

Corporal punishment may be inflicted for the offense of mutiny or incitement of mutiny or for gross personal violence to an officer. "If corporal punishment is ordered, the order must be submitted to the Secretary of State for confirmation, with the evidence." Only prisoners convicted of felony may be thus punished. The "cat" is applied on the back and is the more painful; the birch is applied to the posterior, is less painful but more humiliating. A prisoner under 18 may be given 18 strokes with the birch; a prisoner over 18 may receive a maximum sentence of 36 strokes with cat or birch. Public opinion seems sharply divided as to flogging. It seems, however, that it is but rarely applied: during 1931 there were 13 cases of corporal punishment. In England I heard there are those who advocate that flogging be inflicted upon motor bandits. I have it on the authority of Mr. A. E. Scott, Governor of Parkhurst, that there was only one major prison not in the history of English prisons, the one at Dartmoor, in January, 1932. It was quelled without even one prisoner being flogged. Fox maintains that "an outstanding feature of the English Prison Service is the absence of brutality, or of the manhandling of prisoners by warders." Many will agree with Compton Mackenzie:[37] "For the infliction of the cat in prison no argument is sustainable under realistic criticism. Discipline is not preserved by it, and most assaults on warders are more likely to be the fault of the warders than of the convict."

## **DISCHARGED PRISONERS' AID**

It may safely be stated that every inmate of every prison longs for the day when he can return to the world outside. To many it is a competitive world utterly devoid of anchorage. The discharged prisoner goes out with a suit of new clothes, a ticket to his home town, if he has any, and a \$10.00 bill in his pocket to bridge him over. His farewell consists of a few words of banter, perhaps encouragement and wholesome advice—and then out into the world where he was a nuisance and a law-breaker and then what?

The stigma of prison is upon him. A world where thousands of good men wear out the soles of their shoes in discouraging endeavors to find employment will not come rushing up to offer a job to an "ex-convict." But one might ask: Is it fair to "lay to the charge of the delinquent so much of the moral responsibility which should more properly be borne by the community as a whole"? Besides, "with so many avenues of employment which are open to the honest man irrevocably closed to him, what possible further hope or aim could the discharged prisoner have

in life if, in addition to the penalty imposed by the law, he is to be condemned to a further indeterminate and perhaps lifelong sentence of social ostracism?"[38]

If we consider that approximately 90 per cent of the prisoners will sooner or later return to society, then the problem looms up in its fullbulk. In addition, we must consider the attitude of police departments towards the discharged prisoners. While a change for the better may have taken place here and there, it seems that in general the attitude is still quite unenlightened and far from being intelligent and social.

The after-care of the discharged prisoners is admittedly an extremely difficult problem. England has attempted a solution through the "Unofficial Prison Visitors," whose purpose is to maintain even the slender links between the inmate and the world outside during the period of incarceration, and through the "Discharged Prisoners' Aid Society." This Society functions on the principle that "it is indispensable to any scheme for the reclamation of criminals that there should be effective means of Super-Vision and rehabilitation in honest life after discharge from the Institution."

I believe some religious denominations have found it difficult to raise the funds required for aid to discharged prisoners. Several years ago they joined the general Prisoners' Aid Society (non-sectarian) and now receive reasonable assistance and aid. My impression was that the aid extended is still quite insufficient. The method of raising the necessary funds seems to be akin to our Community Fund Drives. I think the government makes a contribution in some cases.

It would seem advisable that such "Discharged Prisoners' Aid Societies" should concentrate their efforts on "delinquency areas" in our urban centers. Crew gives it as his opinion that Jews usually make excellent unofficial visitors and states that "it is not uncommon for a Jew who has retired from a lucrative business career to take up this difficult work. He is usually eminently practical and is most assiduous and successful in finding work for Jewish discharged prisoners."[39] It should be noted, however, that the Jewish case-load in proportion to capacity to extend aid is comparatively small. It would also seem that here is a very complex and difficult and involved problem challenging the profoundest talent of social-minded optimists.

The *Book of Daniel* records that Daniel was in prison at Babylon (in the den of lions), forgotten, at least temporarily, and unfed. Habacuc was told to bring him food, but gave the excuse, "I never saw Babylon, nor do I know the den." The public is somewhat that way. Then something happened: "The angel took him by the top of his head and carried him by the hair of his head and set him in Babylon, over the den," to deliver the food. At any rate, some one took him by the *head* and *made* him *do something* for the inmate of the Babylonian prison. Private social agencies should consider very seriously the possibility of fostering special programmes for the care of discharged prisoners.

To *ransom the captives* is one of the *seven corporal works of mercy*. Who but the mother, or wife, or sister, or father (perhaps the brother) of an inmate does anything, or ever says a prayer for those in captivity, whether they be prisoners justly or unjustly. And there are some who are innocent in whole or in part; there are others whose sentence is relatively severe inasmuch as they got a "bum rap"; there are many more who have no friends at court and must languish in prison, whereas those with influential friends outside have their terms shortened. This is not even imputing malicious intent to anyone. No one has ever claimed that law enforcement from the

police officer making the arrest, through the court-trial, prison administration, parole board, and down to the least prison officer is infallible. If the public would only remember that *to do something* to help re-educate, re-fit the unfortunate inmate for life in free society; to do something to help the prisoner "get a grip of himself"; to do something to aid the prisoner on release *is one of the seven corporal works of mercy*, it is probable that the attitude of the outside world would change, from one which is now a very unenlightened lack of sympathy, one of apathy and even hostility, to one of sympathetic understanding, of helpful good-will, and even of constructive mercy, for "blessed are the merciful, for they shall obtain mercy.... I was in prison, and you visited Me.... Amen, I say to you, as long as you did it to one of these My least brethren, you did it to Me."

## CAUSES OF CRIME AND THE CURE

There is no single cause of crime. To state that would be to oversimplify the problem.

Poverty is often given as a chief cause of crime. Poverty is not always an unmixed evil. "Blessed are the poor in spirit." Some even seek voluntary poverty to be better able to serve God and their neighbor by works of charity. But they are not the ordinary run of men. It might be questioned what has done more harm in the world, poverty or the extreme forms of wealth. Great wealth has generally been the cause of the extreme forms of poverty. No doubt, poverty is a generative cause of crime. This is probably true of every country. Judge Atherly Jones<sup>[40]</sup> of England writes: "The great mass of crime in this country is based upon poverty, and it is certainly true that the large majority of those who come before the criminal courts are poor people. But it is equally true that the large majority of people who do not come before them are poor people." Some poor people have become saints; but many more have become lawbreakers.

On July 1, 1936, I happened to be in Boston. About noon of that day I was in a taxicab on my way to the South Station. There was a big traffic jam at the corner of about 200 Boylston. Two ragamuffins, about 10 or 12 years old, and poorly clad, stood on the curb watching for a chance to get across the street. All at once I heard something so edifying I shall never forget it as long as I live. One of the little fellows had stepped off the curb and was ready to dive through the jam of cars. He shouted to his pal: "Come on, Jimmie, make the Sign of the Cross." And the two of them crossed themselves and slipped through the traffic jam. Those boys were poor lads, and to all appearances lived in poor homes, but they must have a good mother, and that means a good home. A poor home and a bad home are by no means synonymous. It is not likely that those lads will ever become juvenile delinquents or adult criminals.

Overcrowding goes with poverty. Usually associated with overcrowding is the absence of the most primitive necessities of home life and nearly always of those facilities for recreation which should be a part of normal life, and which are particularly needed in an urban civilization.

It is but natural that where living quarters, if they may be called such, are so cramped that whole families are born, live and grow up in one or two miserable rooms; where persons of all ages and both sexes are huddled together, with perhaps a boarder taken in to help pay the rent—it is but natural that under such housing conditions there would be frequent cases of friction, quarrels, sex offenses, thieveries and above all a desire on the part of the growing boys and girls

to escape from the wretched discomforts of such "homes" and fall in with undesirables and criminals.

In *The Catholic World*[41] of May, 1936, Lawrence Lucey draws a heart-rending picture of the warped and twisted young lives—the product of unwholesome hovels and neighborhoods. Dr. Sheldon Glueck of the Harvard Law School, in a study covering housing and neighborhood conditions in Massachusetts, investigated homes that had produced law-breakers. For the sake of clearness and simplicity he divided the homes into three classes: "wholesome," "unwholesome," and "fair." A "wholesome" home was clean, well-lighted, not more than two adults to a bedroom, while the furniture supplied the minimum needs. The "unwholesome" home was poorly lighted and ventilated; it was also filthy, and had rickety furniture. A "fair" home was partly good and partly bad. Of course, it should be remembered that poverty and filth are not necessarily synonymous. But it is also true that the really poor often find no incentive to cleanliness.

The Glueck study, which covered 743 juvenile criminals who appeared before the Boston Juvenile Court, showed that 97 came from "wholesome" homes; 184 from "fair" homes, and 462 from "unwholesome" homes. Total 743.

A similar study of 1,000 juvenile delinquents revealed the following relation to neighborhoods: good neighborhood ... 25 delinquents; fair ... 104; poor ... 782; unknown ... 89. Total 1,000.

Such figures certainly furnish a powerful argument for slum clearance to be undertaken by somebody—by private groups, by City, State, or Federal Government, or by all or several. The Howard Journal remarks: "As citizens we are all accessories before the fact in every crime begotten of slums and squalor and poverty." And Calvert[42] correctly observes: "In some instances true justice would place not the offender but Society in the dock for denying him decent conditions of life. To realize these facts is not to deny the existence of free will, but to recognize that the individual's degree of responsibility varies in relation to his past inheritance and experience." In other words, there is a difference between absolute morality and concrete morality; the latter is determined by the degree of understanding, temptation and free will, and these in turn, determine the degree of moral responsibility in the particular person and case.

Defective family relationships of various kinds, and especially "the broken home," may be responsible for much crime. "Shidler has estimated that 25 per cent of all the children in the United States live in homes broken by death, divorce, or separation, while studies of groups of delinquents show that from 40 per cent to 70 per cent of them come from such homes."[43]

There may be physical and psychological causes of crime. "The ordinary normal man is not easily provoked into crime by adverse circumstances. Neither does the subnormal person, in favorable circumstances, as a rule become a criminal. It is only when he is faced with adverse environmental conditions that he finds himself unable to compete with his normal neighbors and lapses into various types of crime."[44]

And Lilian Le Mesurier, a highly experienced social worker and prison visitor, remarks: "It must be steadily borne in mind that though the number of defectives among young criminals is a very serious matter, needing constant and vigilant attention, and deeply significant when we try to analyse all the different factors which produce crime, *yet it is a very small proportion of*

*the whole....*" A careful analysis of the boy-offenders received at the Boys' Prison, Wandsworth, shows "that when all the *insane*, mental *deficients*, and *inefficients* were added together, they amounted to slightly under 15 per cent of the whole group of boys received that year (1925-1926) in prison. No one will undervalue such a figure, but it brings into striking prominence that important fact that *85 per cent* of these delinquent boys were found to be *normal in body and mind*." From the wealth of her experience she warns: "It is possible to overestimate the importance of the exact 'mental age'.... The relation of mentality to environment must be constantly borne in mind.... The mental age is a very useful *guide* and *indication* of what we may expect to find in certain respects. But what may be called the boy's general make-up depends on many factors, *of which the mental age is only one*.... The fact is that the *enormous majority of young offenders* are not defectives in any normal sense of the word, but just ordinary boys who have taken a wrong turning." [45]

No doubt there is some correlation between unemployment and crime. Still, the sharp increase, particularly in juvenile crime, observed in Illinois, took place before a depression was even considered possible. The beneficent influence of employment on the decrease of crime may perhaps be reflected from the following figures given by Col. Henry Barrett Chamberlin, [46] Operating Director of the Chicago Crime Commission: "During 1936 the records show only 195 verdicts of murder returned by coroner's juries in Cook County as against 230 during 1935; 337 in 1934; 388 in 1933; and *399 in 1928*, which year had the largest number of murders during the past eighteen years. In 1936 there were 5,524 robberies reported by the police as against 9,531 in 1935; 13,436 in 1934; 15,157 in 1933; and *15,943 in 1932*, which year led in records for robbery. In 1936 there were 12,789 burglaries reported by the police as against 17,331 in 1935; 20,691 in 1934; 21,976 in 1933; and *22,791 in 1932*, the record year in that class of crime." The influence of unemployment would seem to be indirect. Idleness saps the morale. Yet, "the ordinary unemployed man does not drift into crime; he has generations of moral principles behind him, and stands with his back to the wall fighting the demoralizing influences of enforced idleness year after year without resorting to crime." [47]

Every now and then, in relation to crime, we hear voices that cry "foreigner." They would have us believe that the greater percentage of crime in this country is committed by foreigners. In this connection it is interesting to note that in England the *decline in emigration* is considered one of the causes for the increase in crime in that country. The number of our criminals has not noticeably decreased since the almost complete stoppage of immigration. The Commission's Report shows that the percentage of foreign-born criminals is very low.

It is safe to assume that during the 13 years of the Volstead Act, a *federal law* was violated in approximately 85 per cent of the homes in the United States. In the vastly larger percentage of cases it was not a malicious violation. But it was an objective violation just the same. When drinks were served in the home, mother or father would issue the warning: "Now Harold (or Jane), don't you dare tell anybody where we got this," or something like that. The implication in the child's mind was that it was perfectly all right to violate a federal law, provided you weren't caught. Now, if it is true, as psychologists tell us it is, that character is formed mainly between the years of one and six, then the juvenile delinquents of today got their first incentive to disrespect for law in those tender, formative years and in the years immediately following. It would seem that it cannot be denied that disregarding a *federal law* begot a disrespect for all law. Today we have the opposite extreme of the loose tavern, which, too, had

its origin in prohibition days. Sheriff Toman of Cook County may be largely right when he blames the widespread disrespect for all law, characteristic of so many present-day young people, on the era of popular-law-disregarding prohibition.

Kalmer and Weir quote figures to prove that Prohibition was responsible for trebling the number of prisoners at the Joliet penitentiary, "while the *Government Census of Prisoners* (1923, p. 4) says: 'The ratio of the commitments per 100,000 population for 1923 as compared with 1910 increased 326.2 *per cent* for violating liquor laws, and 2,066.7 *per cent* for violating drug laws.' The general rule, however, is not affected by this anomaly. The axiom still stands: hard times increase crime, prosperity reduces crime." [48]

The late G. K. Chesterton wittily remarked, "at the beginning (of Prohibition) even those who *disliked* it *believed* in it; at the end even those who *liked* it *disbelieved* in it."

We live in the motor-car age. Nearly every boy knows something about automobiles. Stolen pleasure is tempting, and even boys whose parents own an automobile will steal a car for the thrill of a ride. There is an incredible and perplexing lack of respect for law. The spiritual and moral inheritance of previous generations seems to have been largely squandered, and it is not replenished with religious and moral teaching. Millions of the youth of our country have never even heard of the Ten Commandments. "Thou shalt not steal" means nothing to them as a moral precept, nor even as a social precept or criminal law, but only as an officer of the law who can drive faster and shoot more accurately than they can.

There are many other morally deleterious factors leading youth astray; such as movies depicting gangster life (the criminally-minded youth will usually figure out where the gangster made his mistake); the shocking details of crime appearing in the daily press; the unspeakably bad "literature" in drug stores and on newsstands; the cheap tavern and the high-priced night clubs that have degenerated into dens of infamy, and so forth. All these have infected the air the youth of our land breathe with crime-breeding germs.

Our boast of the American standard of living, of the American home, of the American educational system, which, in a negative sense, excludes religious and moral training, "seems almost a mockery when in the background we hear and see the ceaseless tramp of this multitude of men, women, and children, finding no rest but behind prison walls, and only issuing thence to re-enter again." [49]

Crime springs from a complexity of causes and many factors may contribute to the cure of crime. But the analysis of our failure shows that the most potent single preventive of crime is sound religious and moral training in the schools combined with intelligent character training in the homes, and that is also the most effective cure. Calvert writes: "The first line of defense against crime is religion, education and moral training. When that falls, Society next relies upon a well organized police system." [50]

## RELIGION, EDUCATION, MORAL TRAINING

I am going to quote Alexander Paterson for the last time: "The problem of crime and its causes is inevitably associated with the greater problem of education.... Deeper indeed, and more cogent, lies the question of *religious education* in schools. Experience alone can reveal how much is lost when this is missing." Nowhere have I found this "greater problem of education" set forth on a sounder basis than in *Practical Psychology in Character Development*.<sup>[51]</sup> To quote:

"The very earliest years *preceding school age* are the most decisive for a man's development, his behavior in after-life, and the moulding of his character. On persons concerned with the upbringing of children during their *first six years* devolves the greatest ... responsibility for their spiritual and moral development. School, later life, and the efforts of the doctors and the clergy, can do much by way of improvement; but that which has to be 'improved' comes from the hands of those who had the fashioning of it up to school age. The foundations for later development are laid in the early years of childhood, which as a rule are spent in the home circle...."

## THE FOUR REALMS OF BEING

"In order to understand man's relation to all that is outside himself, that is, the environment which will have such a far-reaching effect on the child's character for good or ill, it is necessary to grasp the fact that man exists in four different realms of being.

"As a physical organism he belongs to the realm of organic and inorganic nature.

"As a human being he belongs to the realm of persons, to the community—family, social class, nations, and so on.

"As an intelligent being he has his part in the realm of mind (ideas, ideals).

"As an immortal soul he belongs to the spiritual realm.

"He belongs to these various realms not as a divided but as a complete being. That is, he is not a member of the realm of organic nature simply by reason of his body, nor a member of the spiritual realm only in virtue of his soul. He belongs to each as an *undivided* whole.

"Though it is objectively impossible for an individual to make himself absolute, subjectively, however, his self-assertion is unconsciously aiming at this. The tendency of self-assertion and self-preservation is the beginning of the *will to power*.

"This *will to power* is unquestionably a fundamental trait of human beings. We constantly encounter its presence in the lives of individuals and of groups of peoples in history, although, admittedly, it may be strangely disguised as to be apparent only to the most wary observer.... The *will to power* is a primitive tendency of human nature which, left to itself and in the absence of restricting forces, would overstep its bounds.

"In point of fact this will encounter a *two-fold limitation*. On the one hand it comes up against obstacles arising from its environment—the competition of the will to power of other men, the resistance of inanimate nature, the law of value laid down by custom, tradition, law and economies." There are also bounds set to the will to power by natural law and by the commands of supernatural origin, for instance, the *Ten Commandments*. The second obstacle to the will to power lies in man himself, that is, his second primitive tendency, *the will to community*.

"Obviously we must aim, not at the *destruction* of the individual's will and his tendency to self-assertion, but at its *guidance*.... If one forbids too much one gains nothing at all, for children have a very delicate sense of the reasonableness or unreasonableness of the orders given by adults.... The upbringing of children is not like the training of a dog, to sit motionless with a piece of sugar on his nose without snapping at it."

## WILL TO COMMUNITY

"Socialization, or the tendency to it, is not only a fundamental feature of human nature, but peculiar to it; man not only exhibits a *will to community*, but is *distinguished* by that will. Aristotle thought he could not describe man better than as a 'political animal,' a term taken over by scholastic philosophy and rendered as *sociable*, that is, 'capable of forming a community, and regulating existence in accordance with it...'

*"We do certainly maintain that these two primal tendencies and their equilibrium play a decisive rôle in the formation of character."*

## WILL TO COMMUNITY AND THE UPBRINGING OF CHILDREN

"It is not the business of education to enroll a man as a member of the community; he is already a life-member from the moment of his birth. It *is* its task to help him to become *aware* of this membership through his own experience and to make his personal acceptance of this fact possible....

*"The essential and primal communal formation is the family.* No other educational environment, however skillfully constructed, can equal a rightly directed family upbringing. Unfortunately it is only too often directed along the wrong lines. Consequently it is sometimes desirable to remove children from their home environment; but it must always be borne in mind *that all institutional upbringing is in itself only makeshift....*

*"On persons concerned with the upbringing of children during their first six years devolves the greatest responsibility....* There, in his own family, the little child must acquire his communal experience. The bond of community is *love*; only where that prevails can community exist; it is only in an atmosphere of love that the child can experience community.

"Community is the living relationship of the self to others. The 'self' is represented in four forms, and there are four variants of this relation: parents and children, husband and wife, the individual and his fellow man, myself and God.... *Mutual* confidence must govern the relations between children and parents.... The relationship of husband and wife should by its very nature take the form of mutual devotion.... The form taken by the relation of myself to God is humility, and it is the root and source of everything else. It is pride that dissolves the relationship, pride which is the original source of disturbance in the other relations of life.... The correct formation of the will to community is hampered if the type of community which is experienced by the child appears in an unfavorable light. Inconsistency on the part of elders, tyranny, oppression, hate and enmity [broken homes]—where such prevail a genuine will to community cannot develop."

## A MISTAKEN THEORY

"An easy way out of the difficulty of upbringing may occur to people and attention may be redirected to an idea that was greatly in vogue in the recent past and regarded as an educational panacea. In view of our inevitable ignorance of a man's potentialities, it seemed logical to bring him up in such a way that the 'development of his own personality' was set before him as *his own business*.... *Plausible as this may sound to many ears it is wrong from beginning to end*....

"If all restrictions that might be supposed to check the 'free development of the personality' were removed, the *primitive urge of the will to power* would obtain the upper hand.... The idea of a free, unrestrained education with the object of developing an all-round, complete personality is thus shown to be self-contradictory and to nullify its object by its own procedure. Experience teaches us that the regulation of his life in accordance with such, an ideal sooner or later brings the person into conflict with the laws of reality and ultimately renders him more or less incapable of facing life."

In technical language it is often stated that anti-social desires even in children need to be, not repressed, but changed or *sublimated*. Many a parent has done a good job of *sublimating* with an early and reasonable use of the rod.

## RE-ESTABLISH THE HOME

Ella Frances Lynch,[52] a teacher of very broad experience, reminds us that discipline in the home means *control* with the definite purpose of establishing a reasoning *self-control*; that among the physically and mentally able there is no such thing as a born criminal; that criminals are not born but made; that neither morals nor manners are hereditary, and that right and wrong have both to be learned. If every child were taught *at home* to be orderly, punctual, honest, truthful, were taught to reverence God, would learn to work and how to work, and to know the difference between "mine" and "thine," between Mary's toys and Jimmie's playthings; "if each home were the center of law and order, we would have a happy, orderly state. There would be neither prisons nor poorhouses. In the olden days when religion was placed first instead of

second, third, or nowhere, in education, the responsibility was placed on the parents." And they did a pretty good job of rearing their children.

One hears thousands of mothers, well-intentioned mothers, mothers who had perfectly reasonable parents, yet mothers who are deluded by the radically false philosophy of education, repeat the silly cant: "I want my children to have things easier than I had them. My parents were too strict." And what is the deplorable result of this frightful breakdown of parental authority and of the character-building and restraining influence of religious and moral training? Read on a few lines. A veritable Frankenstein!

The comparatively small number of felons in English prisons I mentioned in the Foreword. There are approximately 50,000 prisoners incarcerated in *all* the various types of Italian penal institutions and about 20,000 of them serve prison sentences. Italy has a population of 42,000,000. Illinois has a population of 7,200,000, and last spring there were 10,500 men and 229 women in the prisons of Illinois, not counting those in county and city jails and other penal institutions.

Truly, "*the ill-guided home is mainly responsible for the lowering of moral standards and the decay of national conscience....* Nothing will carry boys and girls safely through moral perils except faith in God, who punishes the breakers of His law and rewards the observers."

Mr. John Edgar Hoover, Director, Federal Bureau of Investigation, United States Department of Justice, is certainly in position to evaluate the spuriousness of this "development of his own personality" educational theory:

"It is all very well to say *that youth should have its fling*, but statistics show that the way of youth is tending too swiftly toward the path of crime. There is no excuse for the fact that 700,000 American boys and girls were enlisted in the army of crime prior to reaching voting age. There is no suitable explanation which the fathers and mothers of America can make for this outrageous situation. *They have allowed the reins to slip from their hands*; they have allowed their own personal pleasures to become uppermost; they have allowed the spirit of family discipline to become weakened and they have allowed youth to malingering along roads of life which lead all too often to the disillusionment. Parents have become too concerned in enjoying the fleshpots of the age to give proper attention to their offspring.

"This *parental indifference* in America tends to create a weakening even of our political structure. Instigators of subversive activities against our form of Government recruit their *army of revolt from the ranks of youth*. And they win these tragic, misguided young zealots because parents have been too lazy or too ignorant of existing conditions, or too enamored of false philosophies to attack teachings foreign to our ideals and repugnant to the solid American wisdom and common sense which should exist in every home. No boy or girl will be a recruit to subversive activities against our traditions if he or she has been *correctly reared* and taught by responsible parents that America can exist only as a community of *God-fearing, sober-minded, and liberty loving* free men and women.

"*Discipline must be re-established in the American home*. The father who thinks too much about golf to care what his son is doing; the mother who is so eager for bridge that she pretends to believe that her daughter in a parked car beside the roadway is merely indulging in a bit of harmless petting, must recast their ideas, or realize that they are unable to govern the human beings for whose existence they are responsible."[53]

And I might add: you cannot rear God-fearing and law-abiding children by dragging them around from one movie to another, from tavern to tavern, nor can you rear your children properly on cocktail parties.

Experience has sadly shown that the problems of character development cannot be satisfactorily solved by the mistaken "development of his own personality" theory; that *natural means are limited* and that they "*must eventually break down unless coordinated with religious knowledge and principles.*"

"*Let the wicked forsake his way, and the unrighteous man his thoughts, and let him return unto the Lord, and He will have mercy upon him.*"—Isaiahs lv. 7.

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## FOOTNOTES

1 L. W. Fox, *The Modern English Prison*, p. 46.

2 E. Roy Calvert and Theodora Calvert, *The Lawbreakers*, p. 69.

3 M. C., *i. e.*, Military Cross.

4 In most communities in the U. S. A. the increase in salary of teachers is conditioned upon their taking extra courses. Their salary increases with years of service and with additional credits acquired by extra courses. The same inducement might be offered to prison officers.

5 Alexander Paterson, *The Prison Problem of America*, pp. 9, 10.

6 E. B. Strauss, M.A., M.D.Oxon., M.R.C.P., A Lecture delivered before a Joint Meeting of the National Council for Mental Hygiene and The Howard League for Penal Reform on February 24, 1932.

7 W. F. R. Macartney, *Walls Have Mouths*, p. 34.

8 Many points that were brought out in discussion with the prison managers on the continent were confirmed and corroborated by reading Dr. I. Klug's *Kriminalpaedagogik* and *Tiefen der*

*Seele*—Studies in Moral Psychology made in the Bavarian State Prison at Straubing. Klug clearly recognizes that though crimes are designated by a common name, they are conditioned by an infinite variety of concomitant factors, physical and mental.

9 According to the mind of the Italian law-giver, a man is sent to prison: 1. to punish the law-violator; 2. to rehabilitate him for society; 3. to protect society. The good of society stands out very prominently, and Defense of Society is the common denominator of the three reasons why a man is sent to prison. See *Rivista di Diritto Penitenziario*, May-July, 1931, and July-August, 1934.

10 Albert Crew, *London Prisons of Today and Yesterday*, pp. 5-15.

11 Portsmouth, I understand, is a prison for habitual criminals. If my notes are correct, the following are the provisions of the law. When a man has already had three penal servitude sentences and is convicted a fourth time, then he may be given from 5 to 10 years of preventive detention. This is an indeterminate sentence. If this preventive detention sentence is to be imposed then the State must prove, in addition to the fact that he is guilty of a crime the fourth time, that the defendant did nothing to improve his character in the meantime.

12 Albert Crew, *op. cit.*, pp. 193, 205.

13 Bates, Sanford, *Prisons and Beyond*, pp. 168, 169.

14 W. R. F. Macartney, *Walls Have Mouths*, p. 94.

15 Dr. Edgar M. Foltin, *Amerikanisches Gefaengniswesen*. In 1927 and 1928 Dr. Foltin, formerly of the University of Innsbruck, now at the University of Prague, visited 85 prisons and jails in the United States. His book is a critical survey of our prison systems.

16 Klug, *op. cit.*

17 Quoted by Calvert, *op. cit.*, p. 124.

18 Klug, *op. cit.*

19 T. Whyte Mountain, *Life in London's Great Prisons*, 124.

20 Albert Crew, *London Prisons of Today and Yesterday*, pp. 120, 123.

21 Klug, *op. cit.*, p. 130.

22 John P. McCaffrey, *The Commonweal*, March 13, 1937.

23 Alexander Paterson, *op. cit.*, p. 15.

24 Pamphlet reprinted from the Archives of Internal Medicine, September, 1929, vol. 44, pp. 314-338. Howard R. Hartman, M.D., and Andrew B. Rivers, M.D.

25 Archbishop Downey, *Critical and Constructive Essays*, pp. 165-188.

26 Rudolf Allers, M.D., Reader in Psychiatry at the University of Vienna, *The Psychology of Character*, translated by E. B. Strauss, M.A., M.D., p. 6 ff. The original title is: *Das Werden der sittlichen Person*.

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29 W. R. F. Macartney, *Walls Have Mouths*, p. 139.

30 Alexander Paterson, *The Prison Problem of America*, p. 146.

31 L. W. Fox, *The Modern English Prison*, p. 176 ff.

32 Bates, Sanford, *Prison and Beyond*, pp. 163, 164.

33 Albert Crew, *op. cit.*, pp. 202, 203.

34 L. W. Fox, *op. cit.*, p. 201.

35 L. W. Fox *op. cit.*, p. 81 ff

36 Quoted in Calvert, *op. cit.*, p. 98.

37 W. F. R. Macartney, *Walls Have Mouths*, p. 170.

38 Albert Crew, *op. cit.*, p. 254.

39 Albert Crew, *op. cit.*, p. 188.

40 E. Roy Calvert and Theodora Calvert, *The Lawbreaker*, p. 38.

41 *The Catholic World*, May, 1936.

42 Calvert, *op. cit.*, p. 9.

43 Calvert, *op. cit.*, p. 41.

44 *Ibid.*, p. 48.

45 Lilian Le Mesurier, *Boys in Trouble*, pp. 39-50.

46 Henry Barrett Chamberlin in *Criminal Justice*, February, 1987. See also Kalmer and Weir, *Crime and Religion*, p. 150.

47 *Ibid.*, p. 52.

48 Kalmer and Weir, *op. cit.*, p. 155.

49 Sir Evelyn Ruggles-Brise, *The English Prison System*, Introduction, p. XIX.

50 Calvert, *op. cit.*, p. 62.

51 Rudolf Allers, *Practical Psychology in Character Development*, Abridged and re-arranged Vera Barclay, pp. 4-16, 181-189.

52 Ella Frances Lynch, *Bookless Lessons for the Teacher-Mother*.

53J. Edgar Hoover, *Address*, September 19, 1986.