

Winter 1931

## Prison Tendencies in Europe

Thorsten Sellin

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Thorsten Sellin, Prison Tendencies in Europe, 21 *Am. Inst. Crim. L. & Criminology* 485 (1930-1931)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

# PRISON TENDENCIES IN EUROPE<sup>1</sup>

THORSTEN SELLIN<sup>2</sup>

America has, for a long period of time, held the distinction of conspicuous leadership in penal reform. Her Pennsylvania system conquered the world, her reformatories were imitated, her experiments with self-government received an attention which in late years has been translated into concrete performance in Europe. Her eagerness to experiment, based on a disregard for tradition, led to the origination, or the progressive adaptation, of such institutions as the indeterminate sentence, parole, probation and the juvenile court.

Today, leadership in penal reform in general is no longer confined to this country, and if we think in terms of prison reform in a more restricted sense, the rapid theoretical and practical progress of Europe in this field in late years, bids fair to make the pupil master.

Of the numerous trends in prison reform which are discernible abroad only two will be considered here. The first is the development of clinical study of the adult offender as basis for his prison treatment. The second is the organization of this treatment in the light of such study. In connection with the latter, special emphasis will be placed on the efforts being made to secure a well selected and trained prison staff.

## THE STUDY OF THE CRIMINAL

The idea that in order to prevent crime it is necessary to study the criminal himself is not of recent date. The phrenologists of a hundred years ago stoutly advocated the individualization of penal treatment based on such study. In the seventies, Lombroso definitely placed the problem before the scientific world. The furious controversy which, for a quarter of a century, raged around his theories resulted in the development of a vast literature and a considerable amount of clinical work. For almost the first time, psychiatrists, psychologists, anthropologists, and here and there a sociologist, entered prisons and jails to get first-hand knowledge of the lawbreaker. In some places regular laboratories were established to give continuity to this study

<sup>1</sup>Paper read before the Section on Delinquents and Correction, of the National Conference of Social Work, Boston, Mass., June 14, 1930.

<sup>2</sup>Professor of Sociology, University of Pennsylvania, Philadelphia, Pennsylvania.

The establishment of these laboratories had been urged in resolutions passed at the International Congresses of Criminal Anthropology, from the Rome Congress in 1885, to that in Cologne in 1912. In 1907, therefore, Dr. Louis Vervaeck opened what appears to have been the first European laboratory or clinic of its kind, in Brussels.

The war and the demobilization period, which in many European countries became a period of revolution, caused a tremendous increase in criminality, particularly in the adolescent group. This alarming fact focused public attention on the whole crime problem, especially since in some of the central European countries the inflation period caused a complete breakdown in law observance and law enforcement. The political realignments brought into power radical groups with a traditional interest in criminology, and, finally, a great impetus was lent by the spreading belief that in science and its methods of approach lay the hope for the future. These are some of the factors which created a demand for prison reform.

It is interesting to note that the postwar development in the clinical study of the criminal has had a strong biological bias. In Germany, Ernst Kretschmer<sup>3</sup> began to study biological types in order to throw light on the physical basis of mental disorders. In 1924, a criminobiological laboratory or clinic was opened by the Bavarian government in the central prison of Straubing, near Munich, with Dr. Theodor Viernstein in charge.<sup>4</sup> The same year Professor Ferdinand von Neureiter, of the Criminological Institute of the University of Riga, opened a laboratory at the prison of that city.<sup>5</sup> In 1923, Dr. R. Fetscher was permitted by the Ministry of Justice of Saxony to begin the biological study of criminals in the prisons of that state, and in 1925 he was placed in charge of a small laboratory instituted by the government.<sup>6</sup>

<sup>3</sup>Das Konstitutionsproblem in der Psychiatrie. Klin. Wochens. 1:609-11, 1922; Körperbau und Charakter. v + 214 pp. Springer, Berlin, 1921. English translation, *Physique and Character*. xiv + 266 pp. Kegan Paul. London, 1925.

<sup>4</sup>The history and the work of this clinic are described in numerous articles written by Dr. Viernstein, among them *Der kriminalbiologische Dienst in den bayerischen Strafanstalten*. Monats. f. Kriminalpsychol. 17:1-21, 1926; and *Archiv. f. Rassen- und Gesellschaftsbiol.* 19:34-53, Feb. 1927. The three volumes (Munich 1926, 1928, 1930), published by the Bavarian Ministry of Justice, and entitled *Der Stufenstrafvollzug und die kriminalbiologische Untersuchungen der Gefangenen in den bayerischen Strafanstalten*, form a rich source of documentation. Recently an excellent analysis of the work in Bavaria has been presented by Dr. Werner Petzilkka in his *Persönlichkeitsforschung und Differenzierung im Strafvollzug*. 179 pp. Friedrichsen, de Gruyter & Co., Hamburg, 1930.

<sup>5</sup>Neureiter, Ferdinand von, *Der kriminalbiologische Dienst in Belgien und Lettland*. Pp. 19-25 of *Mitteilungen der Kriminalbiologischen Gesellschaft—Tagung in Wien zu Pfingsten 1927*. 84 pp. U. Mozer, Graz, 1928. In later footnotes this volume will be referred to as *Mitteil. der Kriminalbiol. Gesells.* 1, 1927.

<sup>6</sup>Fetscher, R., *Die Organisation der erbbiologischen Erforschung der Strafgefangenen in Sachsen*. Bl. f. Gefängniskunde 57:69-75, 1926; *Aufgaben und*

In Graz, Professor Lenz developed a scheme for the examination of the criminal, based largely on Kretschmer's work, and on ideas later expounded in his own *Grundriss der Kriminalbiologie* (1927).<sup>7</sup> Due to his efforts, in the main, the *Kriminalbiologische Gesellschaft* was founded in 1927. The three international congresses which this society has so far held are evidence of its vitality.

The demand for clinical knowledge of the prisoner led the police department of Vienna to establish, in 1928, a "Crimino-biological Research Station" where competent scientists secure information which will be of value to the court in imposing sentence, and to the institution in prescribing treatment.<sup>8</sup> Mention should also be made of the work of Di Tullio at the Regina Coeli prison, in Rome.<sup>9</sup>

Dr. Vervaeck, of Brussels, has continued to play a leading role in this field. In 1920, when the Belgian prison system was reorganized to permit greater individualization of treatment, he was made chief of the Penitentiary Anthropological Service, which in addition to the central laboratory at the Forest Prison near Brussels, includes nine others located in the principal penal institutions of the country. In these laboratories all recidivists, together with first offenders sentenced to more than three months imprisonment, are studied from medical, psychiatric, psychological and sociological points of view. The results are entered in detailed and uniform case reports for deposit in the archives of the Service, and are furthermore summarized for the director of the prison, to whom the Service recommends the treatment to be followed in the individual case. Weekly staff conferences are held, and if the prisoner is recommended for conditional release, the Service presents a new report on his chances of social readjustment. About 18,000 of these case reports have so far been deposited in the archives at the Forest Prison.<sup>10</sup>

*organisation einer Kartei der Minderwertigen.* Mitteil. der Kriminalbiol. Gesells. 1:55-62, 1927, and *Aus der Praxis einer Kartei.* Ibid 2:161-174, 1929.

<sup>7</sup>See also his *Probleme der Kriminalbiologie.* Mitteil. der Kriminalbiol. Gesells. 1:11-18, 1927; and *Der kriminalbiologische Untersuchungsbogen des Grazer Institutes und der Wiener Polizeidirektion.* Ibid. 2:125-142, 1929.

<sup>8</sup>Brandl, Franz, *Die kriminalbiologische Untersuchungsstelle der Wiener Polizeidirektion.* Mitteil. der Kriminalbiol. Gesells. 2:143-148, 1929.

<sup>9</sup>See in particular his *La costituzione delinquenziale nella etiologia e terapia del delitto.* 204 pp. Anon. Romane Edit., Rome 1929; and *Anlage und Kriminalität.* Zeits. f. die. Ges. Strafrechtswiss. 50:492-498, 1929.

<sup>10</sup>See *Service anthropologique.* Pp. 1052-1053 of *Notice sur l'organisation des prisons en Belgique.* Rev. de droit pénal et de crimin. 9:1041-71, Nov. 1929; also Sellin, Thorsten, *Prison Reform in Belgium.* Jour. of Am. Inst. of Crim. Law and Criminology. 17:264-277, Aug. 1926; Belym, L., *Strafvollzugs-reformen in Belgien.* Monats. f. Kriminalpsychol. 18:225-230, May 1927; and pp. 277-290 of Ruiz-Funes, M., *Endocrinologia y Criminalidad.* 352 pp. J. Morata, Madrid, 1929. The book by Petrzilka analyzes in some detail the work of

A reference has already been made to the relationship between universities and prison clinics. In 1927, for instance, the Austrian government gave official sanction to a plan whereby a crimino-biological clinic, under the supervision of the Criminological Institute of the University of Graz, was opened at the Karlauprison.<sup>11</sup>

Some of the most interesting work in this field seems to be going on in Soviet Russia. There are a dozen or more criminological institutes in various parts of the Union. Most important are the two institutes of Moscow, the State Institute for the Study of Criminality and Criminals, founded in 1925, and the Moscow Bureau for the Investigation of the Personality of the Criminal and of Crime, founded in 1923. The former, well supplied with facilities and personnel, is organized into several divisions. A small prison has been assigned to the institute for clinical and experimental purposes. At the head of this "clinic" is a board consisting of the director, who is vice-director of the Russian prison system, a sociologist, a psychologist, a psychiatrist, and a penologist. Instead of the typical guards, internes are employed. Most of these internes are women who have finished their university training and have specialized in the mental and the social sciences. They are under the general direction of a woman psychologist. Every prisoner is under the direct observation of an interne who prepares daily reports, which, together with data secured in special studies, are presented at staff meetings and used for purposes of treatment. The internes are also the teachers and the leaders of study circles among the prisoners. A couple of years ago, there were about 180 prisoners housed in this clinic, half of them sentenced for murder.<sup>12</sup>

the Belgian clinics, comparing them with those of Bavaria. In an appendix he gives a copy of the questionnaires used in the examination. The most extensive recent study of prison reform in Belgium is *La Lutte Moderne Contre le Crime*, by Léon Rabinowicz. 285 p. F. Larcier, Brussels, 1930.

<sup>11</sup>Lenz, Adolf, *Der kriminalbiologische Untersuchungsbogen des Grazer Institutes und der Wiener Polizeidirektion*, already cited.

<sup>12</sup>Hernett, M., *Das Staatsinstitut zur Erforschung der Kriminalität und des Verbrechens in Moskau*. Monats. f. Kriminalpsychol. 19:112-117, Feb. 1928. This institute is the largest in Russia and has branches in Leningrad, Rostow and Saratow. The main institute is organized into four divisions: the socio-economic, the bio-psychological, the crimino-political and the criminalistic. The statutes governing its work give its aims as the study of crime causation and penal methods, the formulation of practical preventive programs and the development of research methods in studying and treating prisoners. It is directed by a committee of five, four of whom represent the people's commissariats of health, justice, education and the interior. In addition to the experimental prison, the institute has a fully equipped psychological laboratory, a criminological museum, a library, and a statistical bureau. The four volumes in *Problemi Prestupnosti* (Problems of Crime) published so far by the institute contain not only research papers of its staff members, but extensive reports of the work of the branch institutes.

The Bureau mentioned grew out of a coöperative study of two thousand inmates of detention houses in Moscow, carried on by lawyers, psychiatrists, and anthropologists. A laboratory was opened in connection with the police department and a psychologist and a biochemist were added to the staff. The results were so encouraging that a criminological clinic, with a capacity of thirty "patients" was organized in a reconditioned old jail. The clinical material, so to speak, was received from the police. Lately, the Bureau has been transferred from the municipality to the state, and the research work has been extended to all the Moscow prisons where the Bureau at present has eleven staff psychiatrists at work.<sup>13</sup>

#### PRISON REFORM

About a dozen of the European states have, since the war, reformed, or are now in process of reforming, their penal codes. In general, we may say that these reforms stress the protection of society against crime by a scientific study of the criminal, which makes it possible to render him harmless by cure or by a more or less permanent removal from society. In order to secure these ends, several countries have, in late years, proceeded to a reorganization of their prison systems. Among them, Belgium, Germany and Russia have made conspicuous progress.

Before the war European prisons were in no great degree different from those in the majority of American states with the exception that the Pennsylvania, and not the Auburn, system was used. Prisoners were committed for definite terms, the indeterminate sentence being unknown. The sentence was usually begun in strict solitary confinement, which in some countries, such as Holland and Belgium, was but slightly modified as the years passed; while in others privileges were more generously granted as the result of good behavior, sometimes leading to conditional release, usually under the supervision of private aid associations, which frequently worked on government subsidies. Beyond the separation of felons and misdemeanants, and segregation on the basis of sex, age and sanity, little or no classification was used. The prisons were usually in charge of legally trained

<sup>13</sup>The work of the Bureau is described in the following papers: Orchan'sky, Leo, *Die kriminalbiologische Forschung in Russland*. Mitteil. der Kriminalbiol. Gesells. 1:63-66, 1927; Krassnuschkin, Eugene, *Das Moskauer Kabinet für die Erforschung der Persönlichkeit des Verbrechers und der Kriminalität und einige Ergebnisse seiner 5-jährigen Existenz und Forschungsarbeit*. Mitteil. der Kriminalbiol. Gesells. 2:186-211, 1929; and Kamenetzki, P., *Über die Tätigkeit des Psychiaters im Moskauer Gefängniswesen*. Monats. f. Kriminalpsychol. 21:183-197, April 1930.

directors and a staff more or less governed by the ideals of military discipline.

In Germany these conditions varied from state to state, due to the fact that the individual states of the union were in complete control of their respective prison systems. The need for uniformity and centralized inspection was felt after the war, and in 1923 a set of "Principles of Prison Treatment"<sup>14</sup> was accepted by the states and made the basis for a draft correctional code now before the German Parliament, having been introduced there in 1927.<sup>15</sup>

By a decree of June 7, 1929, Prussia has anticipated the passage of this code, and has begun a reorganization of its prison service in accordance with its main provisions. Two fundamental principles are expressed in this reorganization plan, the study of the prisoners and their classification into fairly uniform groups; and specialized treatment for these groups in order that as many prisoners as possible may be returned to society cured of their criminal tendencies. The watchword of the new plan is education, a dynamic and socializing education.

The first step necessary to carry out this plan will be the segregation of the educable from the noneducable prisoners. Since this can be done only after a scientific study of the offender, crimino-biological research clinics are to be established. The confirmed criminals, so-called, "who by their whole life have shown that they lack either inclination or a desire to conform to group standards," and the professional criminals, who, because they frequently possess intelligence, great energy, and qualities of leadership, are especially dangerous to society, are to be placed in a separate institution. As a safety measure, the Draft Code of 1927 proposes life internment for these groups.<sup>16</sup> A special institution is also planned for the psychopathic criminal, and

<sup>14</sup>*Grundsätze für den Vollzug von Freiheitsstrafen vom 7. Juni 1923.* Reprinted in Bumke, Erwin, ed., *Deutsches Gefängniswesen: Ein Handbuch.* (x + 537 pp. Franz Vahlen, Berlin, 1928.) pp. 511-529.

<sup>15</sup>*Amtlicher Entwurf eines Strafvollzugsgesetzes (Nr 3628 der Drucksachen des Reichstags, III. Wahlperiode 1924/1927.)* The most important discussions on the provisions of this Draft Code are found in Bumke's manual already referred to, and in Frede, Lothar, and Grünhut, Max, editors, *Reform des Strafvollzuges.* viii + 264 pp. W. de Gruyter & Co., Berlin, 1927.

<sup>16</sup>The European penological literature of late years has been filled with discussions concerning the method of dealing with the habitual criminals. The indeterminate sentence has not found sufficient support, and the tendency now observable in the United States of lengthening the sentences for recidivists has not been consistently employed abroad. In many European countries preventive detention has, on the other hand, been used to take care of the dangerous classes, and similar "measures of safety" are being proposed in the various draft criminal codes now in preparation, or recently passed into law, in Italy, Greece, Czechoslovakia, Poland, Switzerland, Germany, Sweden, Denmark, Austria, etc.

the decree specifies that since these prisoners are more in need of psychiatric than of penal treatment, trained psychiatrists shall be placed in charge.<sup>17</sup> Young offenders are to be grouped by themselves and short-termers, sentenced to less than nine months in prison, will be given treatment in a special institution.<sup>18</sup>

There remain the adult prisoners sentenced to more than nine months' confinement, and possessed of normal mentality. They are to be subjected to an intensive program of reformatory training based on modern psychological and pedagogical knowledge. To this group the decree and the Draft Code propose to apply a progressive system which will permit the gradual introduction of the prisoner to a life in complete liberty. Experiments have already been made with this system in Germany, inspired by the success of similar methods used in the United States, Great Britain and Switzerland. Just before the war, it was introduced at the Wittlich Reformatory, and in 1921-22 in Bavaria, Thuringia and Hamburg.

In Prussia, three distinct institutions are planned through which the prisoner of the educable group must pass before he is finally discharged: the receiving prison, the intermediate or advanced prison, and the discharge prison. All three of these institutions, as well as the one for confirmed criminals, will be completely separated, and two sets of such institutions are planned, one for those sentenced to hard labor—our state prison group—and one for those sentenced without hard labor—our house of correction group.

### *The Receiving Prison*

"The task of the receiving prison is a double one. It is to provide opportunity for the personnel to learn to know the prisoners intimately. The decree specifically enjoins the institutional authorities to gather at the beginning of the prisoner's term all available data concerning his past life, and to study his character with the aid of the psychological and psychiatric data secured by the crimino-biological research laboratory. Furthermore this prison is to serve as a sieve which retains in it those who do not prove amenable to educational treatment, permitting the others to pass through to the intermediate prison. The responsibility of the receiving prison is thus very great,

<sup>17</sup>The most recent legislation of this type is reported from Belgium. See *Projet de loi de défense sociale à l'égard des anormaux et des délinquants d'habitude*. Rev. de droit pénal et de crimin. 10:408-414, Apr. 1930. This bill was signed by the King Apr. 9, 1930, and was published in the *Moniteur Belge*, May 11, 1930.

<sup>18</sup>Lüdicke, J., *Gedanken zum Strafvollzug an Jugendlichen im Sinne der Verordnung über den Strafvollzug in Stufen vom 7.6.29*. Der Strafvollzug 20:5-12, Jan.-Feb. 1930.

and there is no doubt but that the success or the failure of the whole plan will rest on the effectiveness of its work."<sup>19</sup>

In the receiving prison<sup>20</sup> the first offenders are, for obvious reasons, to be kept separated from the recidivists, in this case persons who have previously served a sentence of at least six months. The prison regime is the same for the two groups. To begin with no privileges are to be permitted, but it is definitely stated that educational measures are not to be considered as mitigations of imprisonment. From the very start, therefore, physical exercises, religious services, lectures, school instruction, etc., are permitted, and after a few months of good behavior and industry, the prisoner is given the right to purchase extra food, books, tobacco, a daily paper, and so on.

### *The Advanced Prison*

When a given minimum period has passed and the staff conference has decided that the prisoner realizes the nature of his anti-social conduct and is receptive to educational influences, he is transferred to the advanced prison. Here the recidivists and the first offenders are not to be segregated, for it is assumed that the rigorous selective process in the receiving prison will have removed the dangers of contagion. Certain additional privileges are granted the prisoners in this stage, such as more letters and visits. More important still is the fact that self-government<sup>21</sup> is now introduced to a limited extent.

The prisoners may elect representatives who maintain order during the periods when the prisoners are left to their own devices. These representatives are then commissioned by the director, and may also be removed by him for cause. Common rooms are also to be established where the prisoners may spend their time together outside working hours. Here radios will be installed, papers and magazines made available, and even meals served to groups of prisoners. The staff is urged to visit these rooms, but it is expressly stated that these visits

<sup>19</sup>Gentz, Werner, *Der Ausbau des Strafvollzuges in Stufen in Preussen*. Monatsbl. des Deuts. Reichszusammenschlusses für Gerichtshilfe, etc. 5:12-13, Jan.-Feb. 1930.

<sup>20</sup>In the description of the progressive system in Prussia I have drawn heavily on an article by Dr. Preuss in the *Deutsche Richterzeitung*, vol. 21, pp. 376-8, Nov. 15, 1929, entitled, *Die Neuordnung des Strafvollzuges in Stufen in Preussen*. For description in English see Lane, Winthrop D., *Science in Pursuit of Crime*. Nation 129:770-2, Dec. 25, 1929; Kampmann, E., *Prison Reform in Prussia*. The Island Lantern 6:4-6, 37-39, 83-98, March 1930; and Schmidt, *Prison Administration in Prussia*. Ibid. 7:23-60, May, 1930.

<sup>21</sup>The best treatment of self-government abroad will be found in Liepmann, Clara Maria, *Die Selbstverwaltung der Gefangenen*. Bensheimer, Mannheim 1928. The self-government plan at the Merxplas Reformatory in Belgium is discussed in Sellin, *op. cit.*

shall not be for the purpose of control, but to give guards and officials the opportunity to learn to know the prisoners more intimately.

When six months at least have been spent in this institution, and the prisoner has served at least one-half of his full sentence, he may be given a furlough if there is no danger that he will abuse the privilege, and if it is assumed that his rehabilitation will be aided thereby. The cost must be borne by the prisoner, and his leave cannot exceed one week a year, although it may be taken in parts.

### *The Discharge Prison*

When a certain minimum period has elapsed and the staff conference is convinced that the prisoner is ready for his final step, the last transfer is effected. In the discharge prison greater opportunities are given him for the exercise of self-control. For in this institution the final test will be made of his ability to use his liberty properly. His leisure time becomes his own. He may pay visits to other prisoners in their cells, and can receive visits from them, or from relatives or friends, without supervision. His correspondence is unlimited. He may use his own clothes and bed linen, and can furnish his own room more elaborately than the prisoners of the advanced prison. No barred windows will be necessary, and there will be no wall around the yard. The cells are not to be locked. The direct supervision of prisoners by the staff shall be avoided as much as possible. Order will be maintained by representatives of the prisoners. These representatives sit in on staff meetings as advisors when questions which affect the prisoners singly or as a group are discussed. Those not sentenced to hard labor may even be permitted, after a certain period in the institution, to accept employment outside the institution. In such cases the employer must pay to the prison the standard wage for such labor, and the fourth of this amount is given to the prisoner for his own use. During holidays or Sundays he must remain in the institution. But when certain residence requirements have been fulfilled he may receive a two weeks' furlough a year, and may make Sunday excursions with other prisoners so long as these excursion groups do not include more than fifteen prisoners. On these walks one member of the prison staff is to accompany the group.

It is an accepted fact that for many a prisoner the real punishment begins when he is discharged from the prison and must return to his community with the brand of the ex-convict. Friendly aid during the transition period is absolutely necessary. The realization of this fact led to the development of the parole systems in this country.

In Europe, however, the parole and indeterminate sentence have not taken root. It has been assumed that when the prisoner walks out of the prison into liberty his debt to the state has been paid and no state supervision is justified. Aid to discharged prisoners has therefore been a matter for private enterprise in the form of prisoner's aid societies, *Comités de patronage*, etc. In late years the conclusion has come to be regarded as inescapable that as the German Draft Code, paragraph 232, puts it: "Prisoner's aid is of common interest to both state and society." It is, therefore, to be expected that in the future the state, through its public welfare agencies, will take this problem in hand. A beginning has already been made in this direction. In Hamburg, state "Transition Homes" (*Übergangsheime*) have been created. In Bavaria, a state Prisoner's Aid Bureau has already been instituted, and it is planned to erect in connection with it a temporary home for discharged prisoners. In 1925, Saxony decreed that aid to discharged prisoners was the duty of the state welfare organizations, and both the Czechoslovak and the Swiss penal code projects include provisions of a similar nature.<sup>22</sup>

These are far reaching innovations. They do not only rest on the conviction that a sense of responsibility, self-control and initiative can be developed only through the active participation of the prisoner and by means of a pedagogically sound system of training, but they require the establishment of functional, not regional, institutions in charge of highly specialized staffs. Finally, they envisage the development of state aid for discharged prisoners.

Prussia's experiment is by no means the only one of interest in Europe. Did space permit it would be instructive to examine the Russian reforms in detail. For while they do not, on the whole, greatly depart from the plans just outlined, they possess features which are distinctly novel. The life sentence, for instance, is unknown, the longest prison term prescribed by the Soviet Penal Code being ten years. For the normal prisoners, at least, a distinct trend is observable away from the prison to agricultural labor colonies where the punitive element has practically disappeared.<sup>23</sup>

<sup>22</sup>A convenient summary of the conditions under which the prisoner is set at liberty and the provisions which exist for his care is found in Roux, J. A., *La crise de la libération*. Rev. int. de droit pénal. 7:15-27, 1930, immediately followed by specific reports from thirteen European countries, pp. 28-116.

<sup>23</sup>Non-Russian literature on Soviet prison systems is very scarce. A recent informative article by K. Beringer appeared in the *Monatsschrift für Kriminalpsychologie und Strafrechtsreform*, vol. 20; pp. 137-151, March 1929, entitled *Strafgesetz und Strafvollzugsgesetz in der Sowjetunion*. The author points to the great improvement in prison labor conditions and the tendency to develop agricultural labor colonies instead of prisons. The progressive system is found

## THE PERSONNEL PROBLEM

Emerson says somewhere that an institution is but the lengthened shadow of a man; in other words, it is not systems that count so much as the men who run them. This is as true of the prison as it is of the hospital or the school.

The transformation of the prison from a place of detention into a training school requires the development of a new type of prison personnel. This must be a gradual process. For the present, at least, it requires training of the present staff. Promotion examinations are being more and more required, while here and there entrance examinations are necessary. To supply the training needed to pass these tests universities, schools of municipal administration, and most frequently the prison administration itself, have instituted courses. As an example, the training school of the Ministry of Justice at Warsaw, Poland, may be mentioned. According to Mr. Stanislaw Car, Minister of Justice, the administration of the prison system on modern lines "has necessitated the provision of a special staff instructed in humanitarian methods of treating the prisoners, and for this purpose a central school for prison officials and warders has been established by the Ministry of Justice. At this school are taught the theory and practice of penitentiary science, criminal etiology, criminal psychology, law and penal procedure, state and administrative law, law relating to state employees, knowledge of fuels and foods, principles of political economy, financial and budgetary law, principles of economic administration, and lastly the study of Poland. The general tendency of the instruction is to lay stress on the humanitarian treatment of prisoners in considering them as future citizens. Since 1924, two hundred and ten governors and higher prison officials, and two hundred and eighty head warders and warders have passed through this school. The more able pupils in the latter classes are selected for appointment as assistants to prison governors in the smaller prisons. In addition to these general courses there are also special local courses for the subordinate members of the staff."<sup>24</sup>

in certain institutions. The rules governing the furlough are similar to the Prussian rules except that imprisoned farmers may be given two months' furlough during the summer to attend to the harvest. This labor is considered as a substitute for a period of imprisonment of equal length. A more detailed account of Russian criminal law and penal procedure may be found in Pasche-Oserski, N., *Strafe und Strafvollzug in der Sowjet-Union*, Berlin, 1929. 107 pp.

<sup>24</sup>P. 70 of *Ten Years of the Polish Prison System*. Rev. pénitentiaire de Pologne, 4:59-73, Jan.-Apr. 1929. A similar school was organized in Athens in 1923 by the Ministry of Justice, under the supervision of the prison service. The course lasts from three to six months and is designed for the candidates for guard positions. See Scouriotis, P., *L'organisation pénitentiaire en Grèce*. Ibid. 4:199-208, 1929.

The nature of these local courses may be inferred from an examination of the training course held in Frankfurt am Main last winter, under the auspices of the Ministry of Justice. It was composed of ten lectures on the following topics: the "progressive system" in Prussia, according to the decree of June 7, 1929; pedagogical practice; the study of the personality of the prisoner in the receiving prison; introduction to child welfare; juvenile court work; the "progressive system" in Switzerland; introduction to public welfare; the psychology of evidence in sex crimes, especially in regard to juveniles; social diagnosis; clinical psychiatric demonstrations and visits to the local asylum.<sup>25</sup>

Great stress is being laid in Germany today on the need for professional social service in the prisons. These social workers are to be the friends and counsellors of the prisoners, who with their knowledge of social resources and social work methods can help the prisoner in his rehabilitation process, not only in the institution but afterwards. Saxony has pioneered in this respect. In 1923 that state began to employ university trained persons for this task, and in a decree of February 29, 1928, the selection, the training, and the examination of these social workers were carefully defined. In order to secure the right type of person for this work, it has been felt that applicants should not be too young nor too old. The age limits of twenty-six and forty-two have been set. The decree requires of these applicants university studies four years in length, finished by a doctorate or an

<sup>25</sup>See Der Strafvollzug 20:31-2, Jan.-Feb. 1930. Also Stumpf, *Stand der Ausbildungsfrage in Hessen*. Bl. f. Gefängniskunde 60:38-45, 1929. Brucks, in an article in the same volume entitled *Fortbildungslehrgänge für Strafanstaltsbeamte in Preussen*, refers to two courses, four weeks each, held in Berlin in 1929 for prison guards chosen for their special abilities. About ninety took part, all told, and the curriculum included the history of penal institutions, penal procedure, causes of crime and preventive measures, prison law, the execution of the penalty according to the progressive system, the education of prisoners, criminal biology, relations with prisoners, the guard as a teacher, rights and duties of prison staff, public health, pedagogical technique, administrative practice, etc.

Excellent work for the training of police personnel is also being done by the so-called *Verwaltungsakademien*, or schools of public administration, in Berlin, Bochum, Breslau, Hanover and Munich.

In 1925 a special course in criminology for prison physicians was given at the University of Munich, sponsored by the Bavarian Ministry of Justice, and in July, 1927, higher officials of the Bavarian prisons were given a series of lectures of a similar nature. See *Der Stufenstrafvollzug*, 1926, pp. 127-141, and 1928, pp. 78-182.

In Belgium Dr. Vervaeck gives a regular course in criminal anthropology to the prison personnel. See *Syllabus du cours d'anthropologie criminelle donné à la prison de Forest*. 96 p., Brussels, 1926.

Bumke's manual already cited and the interesting little volume *Strafvollzug in Preussen*, published by the Prussian Ministry of Justice in 1928 (xii + 293, Bensheimer, Mannheim) contain special articles on prison personnel.

equivalent civil service examination. The decree does not specifically state what type of university study is most valuable, but it explains that preference will be given to those who have had good sociological and pedagogical training, and have been practically engaged in social work. These social workers will replace the resident chaplains. If accepted, the applicant is given a two year period of practical training in some prison under the supervision of a professional social worker, and during this period the theoretical preparation for the examination leading to a permanent appointment must take place. No special provision is made to give the recruit this training. It is evidently assumed that it will have to be gained largely by self study. The decree outlines for the applicant, however, the type of knowledge he should acquire. It should cover "all fields of knowledge necessary for prison social work, particularly criminal law, criminal procedure; penology and its auxiliary sciences, such as criminal politics, criminalistics, criminal psychology, criminal psychiatry, criminal pedagogy and criminal therapy; as well as principles of social work; adult education; and essential parts of economics, such as labor and housing questions; and of law, such as family and guardianship legislation."<sup>26</sup>

Throughout the recruit period the social worker in charge of the supervised training shall pay special attention to the suitability of the candidate for his work from the point of view of character, ability to deal with men, etc. The successful completion of the recruit period admits the candidate to a final examination before a special committee appointed by the Ministry of Justice. This examination is both written and oral.

Since the higher officials are drawn so largely from the law school graduates, it is fortunate that in many countries there is a tendency to give in law schools courses in criminology, which frequently include visits to penal institutions.<sup>27</sup> In Thuringia a decree of 1929

<sup>26</sup>Weissenrieder, O., *Ausbildung und Prüfung der sächsischen Gefängnisfürsorger*. Bl. f. Gefängniskunde 59:96-102, 1928. The whole question of *Fürsorge* is well treated in Seyfarth, Heinrich, *Probleme des Strafwesens* xvi + 188, Heymann, Berlin, 1928.

<sup>27</sup>The European law schools have in late years become increasingly conscious of the need for criminological training for their students. Courses in criminology have frequently grown into more or less complete "institutes of criminal law and criminology" with, in some instances, special certificates of graduation. These institutes are occasionally research institutes or teaching institutes, but usually both functions are combined in varying proportions. Many of them have clinical facilities provided for them by local prisons. A mere list of the most important—not all—of these institutes, will give an idea of the extent to which this tendency has been expressed:

*Austria*: The Institute for Penal Science and Criminalistics of the University of Vienna, Prof. W. Gleispach, director; the Criminological Institute of the

even requires that all those who are preparing for the bench examinations shall spend two weeks in training in a penal institution, where every phase of the prison's work is carefully studied and actual service in various capacities required.<sup>28</sup>

### *General Conclusions*

An effort has been made to show by this exposition, brief and incomplete as it is, that the prison problem is being intelligently met in Europe. Certain obvious differences between the European and the American methods of approach are noticeable, however. In spite of the powerful influence of the United States on penological theory and practice abroad, the indeterminate sentence has not been adopted. This fact has strongly conditioned the development of prison reform, for Europe has been forced to make place *within* the institution for the most important of the elements of our parole idea. The whole progressive system, and particularly the discharge prison, testify to this development.

Another effect of this policy is a tendency to place the responsibility for work with discharged prisoners squarely on the state. Finally, it is evident that in the professionalization of prison work, particularly social service, Europe is outdistancing us. More evidence than has been given for this claim is easy to secure by a study of the professional organizations among prison guards and officials, and a reading of their journals and the proceedings of their meetings.<sup>29</sup>

University of Graz, Prof. A. Lenz.

*Czechoslovakia:* Criminological Institute, University of Prague, Prof. A. Mirička; Criminological Institute, University of Bratislava, Prof. A. Miloti; Criminological Institute, University of Brno, Prof. J. Kallab.

*France:* Institute of Criminology, University of Paris, Prof. Donedieu de Vabres.

*Germany:* Criminalistic Institute, University of Berlin, Prof. J. Goldschmidt;

Criminal Science Institute, University of Cologne, Prof. G. Aschaffenburg.

*Italy:* School of Juridical-Criminal Practice, University of Rome, Prof. Silvio Longhi; Seminar in Criminal Anthropology and Criminal Law, University of Turin, Prof. M. Carrara.

Besides, there are medico-legal institutes and institutes of police science, which frequently offer facilities for law students.

<sup>28</sup>P. 14 of Becker, *Thüringen*. *Juris. Wochens.* 59:11-14, Jan. 4, 1930.

<sup>29</sup>Such as the *Verband der Deutschen Gefängnis- und Strafanstalts-Oberbeamten und -beamtinnen e. V.*, which publishes a monthly, *Der Strafvollzug*, each issue of which runs to about thirty pages, and contains articles, abstracts, official decrees, book reviews, personal notes, etc.; the *Verein der Deutschen Strafanstaltsbeamten e. V.*, publisher of *Blätter für Gefängniskunde*, issued a couple of times a year in pamphlets of one hundred or more pages, which contain proceedings of the association's meetings, numerous articles, book reviews, notes, etc. These are undoubtedly the two best journals in the world today published by professional associations of prison personnel. They have only one close competitor outside of Germany, *L'Écrou*, a bimonthly published by the *Fédération des Fonctionnaires et Employés des Prisons* of Belgium.