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TENTH INTERNATIONAL PRISON CONGRESS

F. EMORY LYON¹

The mere provincial solution of any human problem is unsatisfactory in these modern days. The wider reaches of thought and communication make the interstate and international consideration of all questions inevitable. Hence, as would be expected, Delegates from some fifty different nations gathered at Prague, Czecho-Slovakia in August, 1930, for the discussion of Penal Reform and the treatment of offenders.

The International Prison Commission was organized in 1870, at the instigation of a famous American reformer, Dr. E. C. Wines. Provision was made for a public Congress to be held every five years. This has been done, with some exceptions, due to the war and other such circumstances, the Congress at Prague being the tenth.

The International Prison Commission itself is a continuing body, composed of official delegates from each nation. The present United States Commissioner, appointed by the President, is Mrs. Caroline P. Wittpenn of Hoboken, New Jersey. The program of each Congress is carefully organized and prepared for the meetings by these Commissioners, together with the Secretary, Dr. VanderAa, at Bern, Switzerland.

The Agenda contained four sections, viz.: Legislation, Administration, Prevention and Youth. Under each of these sections, three specific questions were proposed for the discussions of the Congress.

General sessions were held in the morning, at which addresses were given by leading Jurists and Professors of Law and Criminology. In the afternoon, section meetings were held for discussion of the proposed topics, and resolutions were framed for the consideration of the following general sessions.

Before the meeting convened, however, various qualified delegates were asked to prepare a brief paper on some one of the questions, and forward them, in French, to the Secretariat.

A brief summary only of these proposals may be given here. Under prevention, the question was asked as to whether "suspension of sentence is a suitable measure of prevention?" The second question raised the query as to whether the "fundamental principles of penal law should be unified in different countries." The third question asked whether the different forms of punishment should be replaced by one form, and if so, what should be that form?

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Under the section of Administration, the delegates were asked to discuss how the principles of reform and reclamation of the prisoner, previously agreed upon, could be carried out by; the co-operation of private individuals; by the compensation of prisoners; and by recreational and educational means.

Also in this section was asked what scientific training and what qualifications should be required for the supervision of offenders, and to what extent should the cellular system be applied in the modern penitentiary system.

In section Three, on Prevention, the program presented a need for reconciliation between the necessity for knowing more about the antecedents of prisoners, and the effort to help discharged prisoners in gaining an honest living. This section also desired specific information as to the actual results of conditional liberation of prisoners, either on probation by suspension of sentence, or on parole after serving a minimum sentence, and how may their supervision be better organized?

And thirdly; "Is an international co-operation for the study of the changes in the movement of crime and of their causes possible? and under what conditions?"

Under the Fourth section, on Youth, or Juvenile Delinquency, these questions were asked: (1) "How should children's courts be composed? How should their auxiliary service be organized?" (2) "Would it be desirable that ordinary Courts be given power to send Juvenile delinquents to special Institutions or to special quarters in an Institution?" "If so, what would be the best form of discipline for such institutions, educational or punitive?" (3) "How should the control, the management and the use of sums allowed to young offenders, whether as wages or as gratuity, be organized while they are undergoing a sentence? Can such sums be used to cover the costs of trial?"

It will be seen by American readers that many of the above questions, especially in the last section, have to do with elementary subjects, which we in America have long taken for granted, and have put into practice. A study of the history of the International Prison Congress will show a distinct advance in each session of the Congress. The European delegates are proverbially thorough and equally slow in their final conclusions. Therefore, what they accepted "in principle" five years ago, they are now ready to consider putting into practice.

As a result of attending the Congress, and after visiting some penal institutions, it did not seem to the writer that European countries had much to teach us, either in prison construction, or in their

programs for dealing with the offender. While it was to be expected that old prison buildings would be lacking in modern sanitary facilities, as many of our own are, yet it was found that some new institutions under construction, with many modern arrangements, were nevertheless lacking in this prime essential.

In the matter of administrative personnel, it may be admitted that we have something to learn from England, especially. While their buildings are old, and inadequate in the matter of sanitation and the employment of inmates; these institutions are generally manned by trained civil service employees, largely college trained men, with a correspondingly intelligent program being carried out.

In the field of Prisoner's Aid work, the voluntary agencies in all European countries play a more important part than in the United States. The "Patronage Societies" so called, are required to do practically all of the after-care and welfare work for prisoners. They receive a small per capita subsidy from the states for their work, as well as voluntary support. No organization is provided by the states for the supervision of probationers or paroled prisoners.

While conceding "in principle" the "individualization of treatment" for prisoners, many European delegates apparently place a widely different interpretation on this phrase. They appeared to refer to solitary confinement, rather than to a deeper study of the individual, and treatment accordingly.

The strongest contention made by the American delegation was against solitary confinement for all prisoners, still widely practiced on the Continent. We favored dormitories and other associate life, including recreation for certain types of prisoners. Our American spokesman, Hon. Sanford Bates, doubtless struck the high note of the Congress by declaring; "you cannot make men normal by treating them abnormally." Our resolution, recognizing this fact, was hopelessly voted down, because we had only thirty-five delegates, while there were about five hundred and fifty in all.

Finally, however, a compromise resolution on this subject was passed, reading as follows:

"As a general rule, the system of separate confinement by night must be regarded as an essential part of modern prison treatment. But there may be exceptional circumstances in different countries which require a system of dormitories or rooms in common."

The following resolution on this subject was also voted:

1. The cellular system should be considered an organic part of any progressive system. At night, it is essential to modern administration.

2. As for prisoners on trial, the cellular system should be applied absolutely.

3. The cellular system by day for penalties of short duration has certain advantages and certain disadvantages. One can realize the advantages and avoid the disadvantages by adequate medical service and classification of the prisoners.

4. For long penalties the system of common cells by day can be used, provided the prisoners are never placed together while not working or being guarded. Surveillance can be relaxed in proportion to separation of prisoners in homogeneous groups."

In Section One the following resolution was unanimously adopted :

"1. It is desirable to unify the fundamental principles of penal law. This unification is desirable to facilitate the common struggle of nations against crime, and to give a unified basis to the science of penal law throughout the world.

2. The effort of unification must be limited at that point where there is danger of raising against penal law indispensable strength which accrues from the historical development of each country and from the ideas deeply rooted in the minds of people.

3. In the vast domains of penal law credit must be given to the international societies of jurists and workers for the bringing together of thought. The common effort gives hope for success in the future and merits the most serious support. The common solution of fundamental questions of penal law will be equally advanced if the states make progress on the road toward unifying themselves in order to struggle against certain delinquencies. Every occasion should be taken to examine, if there is a way, outside of the limits of incriminating facts, to find a common solution to the general problems which arise from these facts."

Section Two, in acknowledgement of its acceptance of the principle that the purpose of a prison should be educational and regenerative, resolved that these objects should be brought about by :

1. "Collaboration of officials, chosen for their personal qualities of spirit and heart."

2. "Work which should correspond to the aptitude of the prisoner, and which should be rewarded according to his conduct and the amount of his activity."

3. "Means of intellectual and physical recreation, adapted to the customs of the various nations—a field which merits greater attention than at present it receives."

With reference to the conditional release of prisoners, and their successful rehabilitation, it was recognized that certain definite steps are necessary.

1. "Act upon public opinion, to enlist the public interest in the released prisoner."

2. "Separate the corrigible from the incorrigible, recommending only those who are corrigible."

3. "Discriminate in choosing the occupation of the released prisoner, according to his character and social qualifications."

4. "Suspended punishment and conditional liberty ought to be accorded to delinquents really suited to this system. Parole is indispensable for the success of conditional liberty, and as a general rule for the success of suspended punishment. States without an established system of Probation should subsidize private bodies. Scientific education of persons concerned in this work should be systematically organized either by Parole boards subsidized by the State, or by the State itself. It is not desirable to guarantee release for good behavior in the minimum time fixed by law. The prisoner should be given the guarantee that the question of his liberation will be gone into by an impartial authority in the minimum time fixed by law."

In the Section on "Youth" or Juvenile Delinquency, the following resolution was voted:

"If juvenile courts are desirable with all that pertains to them, it is ultimately desirable that ordinary courts be given the opportunity of placing delinquents of say 18-29 in a special institution or at least in special quarters with educative discipline in the widest sense. Such institutions should not be called prisons."

A final expression of this Tenth International Prison Congress, made provision for the continuous effectiveness of its deliberations:

"It is possible and even desirable to create a permanent International Commission with the duty of realizing international co-operation in order to organize the scientific study by uniform methods of the causes of fluctuations of criminality. This Commission, whose members shall be designated by the International Penal and Penitentiary Commission, shall be attached to the latter; it will include at least one delegate from each country. It is also desirable to create under the same conditions a Commission charged with the elaboration of a uniform method of scientific examination of delinquents."

Altogether, the findings of this Prison Congress brings the nations together in many forward looking steps that are bound to bear fruit in the field of crime prevention. All countries are becoming world conscious in a great race problem. Each one, realizing that it is engaged with all others in the solution of a gigantic problem, will know that the possibilities for continued progress are well-nigh unlimited.

Prague did its best to make the five days spent in the deliberations of the Congress pleasant ones for the delegates. A reception at the old Palace, a visit to the nation's chief Prison, a reception at the American Embassy, a cordial letter of welcome from Dr. Masaryk, President of the Republic, various special dinners, including one for the combined English and American delegates, all made the occasion memorable, at least until the discussions shall be continued and advanced another step at Berlin, Germany, where the next Congress will be held in 1935.