

Winter 1933

Councils of Patronage, The

Nathaniel Cantor

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

Nathaniel Cantor, Councils of Patronage, The, 24 *Am. Inst. Crim. L. & Criminology* 768 (1933-1934)

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.

THE COUNCILS OF PATRONAGE

NATHANIEL CANTOR¹

For many years the Italian government had been studying the needs for penal reform. The preliminary projects of the several commissions finally assumed definite form and on July 1, 1931, the new penal law and code of criminal procedure took effect. In addition to these two codes the new "Regulations Governing Penal and Preventive Institutions" were drafted.

Many interesting changes are contained in these laws which have been worked out by the Fascist government. Of outstanding importance is the introduction of the dual system of treating offenders. Certain criminals are punished because of their guilt while others are placed under measures of public safety because of their social dangerousness. Another innovation has been the creation of the Surveillance Judge (*giudice di sorveglianza*) who is the central figure in the execution and administration of punishments and measures of safety. A further bold experiment was entered upon with the creation of the Councils of Patronage (*consigli di patronato e cassa delle ammende*). Leaving for another time the discussion of the two former innovations I should like to confine the present comments to a brief description of the organization and functions of the Councils of Patronage.²

Most countries have recognized in theory the need for and many have established in practice some kind of organization to supervise the activities of the released or discharged prisoner. The American Parole Boards, the German Entlassenen Fürsorger associations and the English Visitor System and Prison Aid Societies are examples of the various efforts made to reduce recidivism by aiding the prisoner who is about to be discharged or who has been released. Most of the workers in these organizations are well-meaning, unpaid and non-professional volunteers. In many instances such work is financed by religious bodies. Italy has also tried private initiative and has finally confessed the failure of such efforts in that country. The new regulations, instead, provide that each judicial district shall have a Council

¹Professor of Criminology in the University of Buffalo; Fellow Social Science Research Council 1932-1933.

²The more important articles regulating the organization and function of the Councils of Patronage are to be found in the *Regolamento per gli istituti di prevenzione e di pena*, arts. 8-20, 185, 193-195, and in the new *Codice Penale*, art. 149.

of Patronage and that such Council shall have "judicial personality."

The Council is made up of representatives from the court, prosecutor's office, the district health officer, the directors (wardens) of the penal institutions within that district, representatives from the National Association for the Protection of Maternity and Infancy, the provincial industrial, agricultural and commercial labor federations, the Church and two outstanding lay figures, one of whom must be a woman.

The members of the Council are appointed by the Minister of Justice for a period of three years and receive no compensation.

The Council's work is financed by both public and private funds. As a matter of fact a special finance committee (*La Cassa delle Ammende*) has been created to guarantee the financial security of the Councils. It is headed by the Director-General of Penal and Preventive Institutions. The committee also includes a representative of the Court of Appeals in Rome, of the Ministry of Interior and of the National Association for the Protection of Maternity and Infancy. The funds of the finance committee are derived chiefly through fines assessed by the criminal courts although in some instances (as we shall see below), private contributions may be solicited. The National Association for the Protection of Maternity and Infancy also makes a contribution. Legacies are also accepted.

The Councils, as a rule, meet bi-weekly to discuss the reports brought by the several members.

The two most important functions of the Council of Patronage are to provide permanent work for the released inmate and to lend whatever assistance may be necessary for his family. In certain cases a direct money subsidy is granted the family.

The emphasis placed upon these two major functions is evidenced by the fact that both the Penal Code and the Regulations contain parallel sections describing the scope of the Council's work.

The Council inquires into the moral as well as economic needs of the prisoner's family. If his wife or infant children require special attention the assistance of the National Association for the Protection of Maternity and Infancy is assured. The Council, through repeated visits, attempts to rebuild the loose ties or untangle the knots which exist between family and inmate. The presence of a medical officer in the Council of Patronage seems to assure the necessary medical attention.

Before describing the Council's efforts to find work it may be well to say a word about the general situation in which the released

inmate finds himself. The Surveillance Judge, as was indicated, is the executive and administrative center of the penal system. This judge makes the final recommendation to the Ministry of Justice as to who shall be conditionally released and under what conditions. When the Ministry accepts the recommendation of the Judge, as is almost always the case, the latter notifies the Council of Patronage of the district in which the prisoner has declared his intention to establish permanent residence. The inmate must report periodically to the Council of Patronage during this period of "parole" (*la libertà vigilata*) concerning his work, his needs and his "tenor of life." The Council, in turn, reports periodically to the Surveillance Judge concerning their charge's progress or failure. Such reports determine whether the conditional release is to be revoked or the restrictions modified or total release granted.³

It seems that the outstanding usefulness of the new system of the Council of Patronage lies in its ability to find steady employment for the discharged prisoner. One can hardly make a fair judgment of the results achieved upon the basis of the first two years of its activity. Yet I should like briefly to describe an institution set up by one of the Councils which gives splendid promise and creates the hope that Italy has made a distinct contribution to the treatment of discharged prisoners. I refer to the Institute for the Aid of Discharged Prisoners (*Assistenzario Per I Liberati Dal Carcere*) located at Palermo, Sicily.⁴

The Palermo Council of Patronage recognizes, as do most students of penology, that permanent employment after release is probably one of the more important factors in preventing or, at least, lessening the danger of recidivism. It also appreciates that the employers' knowledge of the prisoners' previous history is the chief obstacle in the

³It should be noted that in Italy the released inmate is supervised by the Authorities of Public Security, that is, the police, as well as by the Council of Patronage. Italy has deemed it wise to entrust the function of security to the police and the role of advisor to the Council of Patronage. The latter institution, established July 1, 1931, is too recent an experiment, it is thought, and its results too uncertain to entrust it with police supervision of conditionally released prisoners. On the other hand, appreciating the experience common to many countries that the police are by training and function unfriendly if not openly hostile to ex-convicts the Italian Code of Criminal Procedure (art. 649) provides that "the supervision must be exercised in every case in a manner which does not render it difficult for one placed under vigilance to attend to his work with the necessary tranquility." The article also reserves for the inmate who has been released the right of appeal in case of any act he considers unjustified.

⁴I should like to express my thanks to Dr. Franco Palmegiano, the director, for his courtesies in conducting me through the Institution, which I visited April 8, 1933.

inmates' chances of acquiring work. The Council, therefore, determined to create an institution which would meet this problem. Many obstacles had to be overcome. While a limited amount of funds was available for its routine work no lump sum could be granted for special buildings or equipment. The Council had to solve the further problem of finding a market for the goods it intended to manufacture.

On Dec. 1, 1931, the Palermo Council of Patronage issued an appeal to the entire community. As a result 230,000 lira were contributed. The city authorities also granted the Council the use of a former school building for a period of ten years. With the aid of prison labor the building was remodelled. Within less than four months from the time of the first appeal approximately 100 released men and women had found permanent employment in the five industrial sections of the new Institution.⁵

About a month before the release of the inmate the prison administration officially notifies the Council of this fact. The secretary of the Council of Patronage subsequently writes to the inmate in question inviting him to discuss his future plans with them. The inmate is free to accept or reject this offer of assistance. It may be that he has found employment through other channels or is able to obtain aid in some other manner. If he chooses to avail himself of the opportunity he presents himself to the Council authorities. After a discussion of the entire situation he is placed, so far as facilities permit, at work which he understands or, as is most often the case, he is set to learn some one of the limited number of trades.

All the workers sleep at home. They arrive at the Institution after breakfast and return to their homes for dinner. The midday meal is supplied by the Institution. The worker is free at any time to declare that he is through and wishes to leave.

The employees receive a wage which is a trifle less than that received by other workers in the same trade. The lower wage is justified, according to the director, since the articles produced are inferior in quality, sell less readily and must be sold to the contractor at a price under the market. Competition with the general labor market is avoided since the articles marketed by the Institution are definitely inferior in quality.

Through the personal efforts of the Council members many private contracts have been placed. The contractors thus cooperating

⁵The building was officially opened April 3, 1933, in the presence of many of the delegates to the International Congress of Penal Law, which met in Palermo at that time.

receive a premium in the form of a cancellation of the usual government tax imposed upon manufacturers or retail stores. The Institution, naturally, is not primarily run on a profit basis.

The needs of the worker's family are also looked after during his employment. In the case of women employees their infant children who are without supervision at home may be placed in government homes.

During the term of employment the Council of Patronage concerns itself with the moral and social as well as economic rehabilitation of the released inmate. The religious services held once a week are only a formal indication of this attitude. The members of the Council are ready at any time to discuss the worker's problems and lend whatever assistance may be desirable. The Surveillance Judge and the authorities of public security are in constant touch with the Council concerning the worker's progress.

As I observed the men working in the furniture, shoe, bookbinding and printing shops and the women in the dressmaking division I was struck by the contrast between the general spirit shown by these workers and the atmosphere I felt in the transitional homes (Übergangsheim) set up in several of the German states. The institutions are not quite analogous in organization although both the German transitional homes and the Palermo institution are intended to prevent the released inmate from returning to criminal activity.

In the Province of Hanover, for example, the discharged prisoners living in the transitional home spend their entire time in the place. While not subjected to the severe regimentation of prison life they are nevertheless bound by house rules. Constraint and supervision cannot be escaped. The entire environment is much less free than that of the Palermo institution. If for no other reason, the Italian scheme seems to merit support in that the social and home environments of the released inmates are "normal."

There is nothing to indicate that the institution employs ex-prisoners unless it be the unfortunate use of the name appearing over the entrance to the building, "Assistenzario Per I Liberati Dal Carcere."

The problem of recidivism is one of the most baffling of the many difficult penal questions. We simply do not possess the knowledge of the etiology of crime which alone makes possible the rational means to combat recidivism. In the absence of this information we must rely either upon hit and miss methods or direct experimentation with different types of treatment and carefully estimate the results.

Italy, I believe, has deliberately set up an experiment through the creation of the *Assistenzionario* in Palermo. This is the first institution of its kind. Similar institutions are to be opened in the very near future in Naples, Rome and Venice. Much of the credit for this movement is due to Dr. Giovanni Novelli, Director-General of Penal and Preventive Institutions.

The results of this new departure in the post-treatment of prisoners cannot be predicted. But the effort on the part of the Fascist government to learn through experience is to be highly commended.⁶

⁶Since the above was written ten new Institutes for the aid of discharged prisoners have been opened among which may be mentioned those dedicated (October, 1933) in Rome, Milan, Florence and Naples.