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UNTERMASFELD—AN EXPERIMENT IN PRISON EDUCATION

NATHANIEL CANTOR¹

I. PROBLEMS

Generally one of three attitudes is shared with reference to contemporary penal administration. The academicians with their dogma and theory construct neat and logical schemes which they think or hope will be realized. The weary administrator dulled by a long service of monotonous routine or calloused by an unbroken chain of disappointments looks with scorn or indifference upon the unschooled theoretician. Either position, shaped by habit and being extreme, is easy to maintain. To combine theory and practice, vision and experience, requires revived courage despite repeated defeat.

To face conditions as they *are* in German penal administration (or in any country's penal system) and to work hopefully under existing limitations, inconsistencies and complexities requires so extraordinary a leader that it is not surprising to find only a few in all of Germany.

It seems to me one can critically judge what is being done only by recognizing the actual conditions under which penal administration must be carried on. Bearing this in mind I believe that the work in the Convict-Prison of Untermassfeld, in the State of Thuringia, under the leadership of Dr. Albert Krebs represented one of the foremost prison experiments on the European Continent.²

We must first ask ourselves what are the conditions which hamper "effective" prison administration. The institution at Untermassfeld is a *Zuchthaus*, a convict-prison, to which the most serious "cases" are sent. Most of the 260 inmates are recidivists. The average term of imprisonment is five years. Fifty-five per cent of the prisoners were convicted for offenses against property, 11 per cent for offenses

¹Professor of Criminology, University of Buffalo; Fellow, Social Science Research Council, 1933.

²The writer spent January, 1933, at the prison closely studying as many aspects of prison life as was possible. I wish to thank Dr. Lothar Frede, the former head of the Thuringian penal system, for permission to enter the prison. Director Krebs was ready to assist me in every way. It may be of interest to note that the writer is the last student to describe the experiment at Untermassfeld as it was carried on before Dr. Krebs was asked to leave. The writer alone is responsible for all observations.

against the person, 10 per cent for specific sexual crimes, 6 per cent for arson and 5 per cent for perjury. Twelve per cent of the men are serving life-imprisonment sentences. The average age is 34. Most of the prisoners have not completed elementary school. Few have a definite trade, many are "feble-minded" and some are "pathological."

The task, as officially stated in the orders of the Thuringian Ministry of Justice, under the leadership of Dr. Frede, is so to shape the lives of these people that upon release from prison they will be able to lead orderly and socially useful lives. Well, I should like to mention briefly a few of the many records I gathered at the prison.

"A. S." committed his first offense in 1894 at the age of 19. He was sentenced to 2 years. From the time of his discharge until 1932 he had committed an uninterrupted series of robberies and assaults. On August 17, 1932, he was sentenced for the 52nd time.

"M. G.," born in 1901, was sentenced for embezzlement in 1919. By 1928 he had completed his 20th sentence for robbery and larceny. He is now serving a 5 year term for robbery.

"J. K.," born in 1902, had been previously convicted 16 times for forgery and extortion.

So run the majority of the cases. Such a group of adults, caloused and embittered men, upon whom the home, school, church and other social institutions have had no beneficent influence and upon whom previous prison experience has probably exerted a maleficent influence furnishes the human material which must be readjusted to an orderly and socially useful life. No one knows in how far this is possible. The facts sustaining such faith have as yet not been found. What little we think we know does not support the belief that adult emotional habits are easily altered. The specific determinants of the individual crime careers are not clearly understood. To alter character without clearly perceiving what is to be altered is not likely to effect the desired change. Luck, the modern version of black magic, may be bad as well as good but in no sense is it a substitute for science. In the absence of fairly-well established principles of human nature and conduct one must necessarily rely upon common sense refined by the experience of the prison personnel. It is desirable, however, that we do not confuse common sense, although presented in a rather complicated terminology, with a science of penology.

Not understanding the causes of criminal behavior it is difficult to persuade or convince legislators to alter the present codes of criminal procedure making the individual and not the criminal act central

in the disposition of the offender. A criminal code or a code of criminal procedure shaped by present day psychologists and sociologists would lead to as many, if not more, difficulties as those which exist in the current codes of Western Europe and America. Nevertheless, such changes must be made, perhaps, slowly.

Certainly, many provisions of the present German criminal law are administered directly against the interests of sound penal administration. One need but read the records of the recidivists to recognize the sheer stupidity of the short-term sentence, the curse of Germany's attempts at prisoners' reform. The case of "A.S." cited above is typical. The average sentence for his first 20 offenses was under 4 months. The lack of understanding in prison education revealed by most of the German judges may be gathered from the court's judgment in sentencing "A.S." for his 52nd offense.

"The robberies committed were trivial in value and economic need was present. The door was not forced open but pushed and, hence, simple and not more serious robbery (our distinction between degrees of an offense) was committed. Since the several robberies were committed on the same day they may be considered as one act. Ameliorating circumstances may be pleaded since no property was damaged and the value of the stolen articles was small. Nevertheless the 3 months prison sentence (the usual sentence for simple robbery) cannot be applied since the defendant has such bad record. Hence, 8 months prison is the sentence of the court."

Here is presented the typical "paragraph" judge of the German criminal courts. He is applying the penal law which provides a specific term for a specific crime. The only facts, outside the charge and the circumstances of its commission, which are considered are those bearing upon the previous prison record of the defendant.³ To modify personality traits of recidivists in 3, 6 or 9 months in a prison environment which, at best, is highly artificial, is simply impossible.⁴

³In fairness one should add that some courts avail themselves of the aid given by the *Sozialgerichtshilfe*, a court auxiliary analogous to our probation service, which presents the social and family history of the defendant. Such aid is asked for, however, in most unusual cases, chiefly, in juvenile delinquency hearings.

⁴The legislators have recognized the need for a different point of view in penal administration. For thirty years agitation has been carried on for a Federal Law governing *penal* practice. But no radical changes have been incorporated in the proposed drafts for a new *criminal* code despite the obvious fact that the criminal law will determine to whom the penal law shall be applied. The writer has discussed this point in detail in "Strafzweck und Strafvollzug," *Monatsschrift für Kriminalpsychologie und Strafrechtsreform*, Feb., 1933, pp. 65-74.

Psychological as well as procedural difficulties confront the prison administrator. Cut off from family, friends, and freedom, the individual is thrust under the full force of the state's power. The task of "strengthening the *prisoner's* will" so that he will not return to crime after release is carried on in an atmosphere where rules and regulations *must* be obeyed at every turn. Food, shelter, clothing, and entertainment are provided the inmate. He is freed from the major responsibilities which the civil population must assume. Even the disagreeable task of finding work is removed. Not much room for the exercise of the prisoner's "will" is left.

Theoretically the prisoner is to be given work for which he shows aptitude or skill. In practice the relatively few who are skilled have little opportunity to apply their talent and the majority of the untrained are set to work making mats, learning shoemaking, carpentry or printing. Just how, psychologically, prison labor of this sort alters the emotional instability and "weak wills" of the inmates is not clear to me.

Assuming that an encouraging remnant of the inmates is favorably influenced by prison treatment and wants to change what happens after release? Many of the prisoners at Untermassfeld who are to be released in the near future have complained that they are now living through the worst period of their five, ten or twelve year sentence. Time and again an inmate pleaded with me, "What shall I do after I'm out?" "Where shall I go?" "To whom shall I turn?" They are all poignantly aware of the hopelessness of finding work or aid after their discharge. Their few marks will last a few days or a week or two. And then, what?

The physical plant at Untermassfeld was not a favorable place in which to introduce the "progressive grade system." The building is an old castle built 1,000 years ago. One can appreciate the difficulties involved in introducing electric light, heat, machinery, in altering the rooms, in building the necessary social and recreational rooms for the various grades.⁵

It is in light of these scientific, administrative, legal and physical obstacles and not only in terms of theoretical considerations that the experiment at Untermassfeld, to which we now turn, should be evaluated.

II. METHODS

"Individualization of treatment" requires classification and guid-

⁵Even to this day it has been impossible to install running water anywhere within the prison.

ance. Classification is made possible through the "grade system" and guidance is provided for by the *Fürsorger* or social worker. The prisoners are divided into three classes or grades. Grade I is known as the "Observation Group," grade II as the "Treatment Group," and grade III as the "Protection Group." Each prisoner, upon entrance, is placed in the first grade where, as a rule, he remains at least 6 months or if the sentence is not more than one year (the minimum term for the convict-prison) 3 months. If the prisoner has conducted himself "properly" for such period, i. e., shown by his conduct that he is amenable to educative influence, the Director upon recommendation of the prison staff may promote him to the second grade where he remains for at least one-half of the period of the remaining term. Promotion to the third grade is conditional upon the prisoner's "successful" participation in grade two. Here, too, promotion is recommended by the staff conference as well as by the prisoner-officers of grade III. Members of grades two and three may be demoted if cause is shown.

Without going into detail it may be said that each group carries certain privileges and responsibilities. The time allotted for sport, exercise, music, discussion, instruction; the number of books allowed to be drawn, the number of letters which may be received and sent, the number of visits, participation in orchestra and choir, the reading of newspapers or private subscription to them, the use of the social rooms and the decoration of cells—all these privileges depend upon group membership and individual conduct. They are in no sense conferred primarily to lighten the lot of the inmate. These privileges must be won. Each privilege is intended to develop the inmate either morally, socially, intellectually or aesthetically.

The Grade System in itself cannot guarantee success. It is a mechanism which facilitates educational effort. Its operation depends upon the success with which the directing spirits can, through understanding and tact, enlist the cooperation of the inmates. The system was deliberately made broad enough, and wide discretion given the Director and *Fürsorger*, to permit individualization of treatment, i. e., to permit of many exceptions.

Each grade has its own *Fürsorger*. His activities are coextensive with those of his group. His functions are investigatory, administrative and advisory. This can be illustrated by describing several of his duties. A recent arrival is called to his office by one of the guards. The social worker invites the inmate to a seat. An informal discussion is started. Any topic is seized upon which is likely to place the

inmate at ease and establish a spirit of friendliness. Soon the discussion turns to the prisoner's family or home. There may be some matter left undone by the prisoner which requires someones immediate attention. The social worker unobtrusively jots down a few notes. The discussion may last 10 minutes or an hour or more. Later, at a second meeting, the prisoner will be asked to write out answers to a series of questions centering about his family, social, economic, and educational backgrounds, his interests, health and his own interpretation of the recent offense. The questionnaire is not of the "yes or no" type but is framed so as to obtain narrative replies. Finally, the prisoner is asked to write an autobiographical sketch. The prisoner's statements, of course, are not accepted upon their face value. They are later checked by reference to the official legal records as well as by communicating with social agencies located in the home town of the prisoner. School teachers, former employers, the minister or any official or friend who may throw light on the previous record of the inmate is asked to furnish the requested information. The questionnaire, the autobiographical sketch, the legal record, the supplementary reports and the social worker's initial impressions are not altogether relied upon to furnish a picture of the inmate's personality—and perhaps—at once conclude that he is intractable and should be excluded from the Grade System.⁶ All this data is supplemented by the subsequent observations of all prison officials.

The newcomer remains in isolation until a provisional judgment of his personality is obtained. He is then assigned work "which, so far as possible" fits in with his aptitudes. Following the close of the day's work at 3:45 he returns to his cell to occupy himself with his own interests such as reading, language study, stenography, drawing or writing. Apart from group work and the religion assembly on Sunday the members of group I are usually isolated.

The period of instruction for all groups is also placed after working hours. The members of grade I whose isolation has been somewhat modified are obliged to attend instruction at least once a week. Four afternoons a week are reserved for this purpose for the various members of the first grade. The groups are classified according to their intelligence and interests. The content of instruction is not fixed. It depends upon the interests of each group. Since the membership of these groups fluctuates, every hour of instruction

⁶This is the practice in some of the German states. At Untermassfeld apart from those prisoners definitely pronounced mentally unwell the assumption is made that every prisoner is educable "in some measure," if even only temporarily; that no one should be denied the opportunity to change for the better.

is complete in itself. The social worker, who is the instructor, discusses weekly events with these groups every Sunday morning. For those members of grade I who are in isolation a prison paper containing outstanding events of the week is available.

The social worker censors the incoming and outgoing mail. He also supervises the visits to the prisoner. The primary purpose is not to safeguard the security of the institution (in which case the prison guards could well serve) but to learn the problems of the inmate.

The *Fürsorger* occupies a unique position in the Thuringian penal institutions and especially in Untermassfeld. Nowhere in Europe, so far as I know, has this idea been so well developed. Through his participation in all activities of prison life both from the official side and the prisoner's point of view he—if anyone—is in a position to exert influence. The social worker attends all conferences relating to promotion, assignment of work, granting or restricting privileges, the issuing of books; he instructs the inmate, participates in their sports, spends much of his time in the social room, or visits the individual isolated in his cell, assists the inmate in meeting his family problems and in making contacts before and after his release. The social worker's office situated on the same floor where the cells of his group are to be found is open to the inmates at stated times. Here, upon simple request, they may report to make complaints, put in requests or ask for advice. No day passed but that I witnessed dozens of prisoners making some kind of request of the several social workers.⁷ Every denial of a request is accompanied by an explanation of the decision. The prisoner may appeal from the social worker's decision to the deputy warden who holds hearings once a week. An appeal from the deputy warden to the Director may also be taken. If the matter is urgent the prisoner may forthwith be led to the Director (warden).⁸

Grade I usually contains about 35-40 per cent of the prison

⁷Religious services play a minor role in Untermassfeld. The average attendance at religious service is between 40-45. Most of the inmates who attend come from the isolated members of the first grade. There are no resident chaplains.

⁸The prisoners in Thuringian institutions as in all of Germany's prisons have the right at all times to put in writing any complaint they have to make against officials or the violations of their rights. A copy of the prisoners' rights is to be found in every cell. These complaints *must* be sent by the prison administration to the higher officers in the several penal systems of the Reich. They may finally reach the Ministry of Justice which has, in most instances, final say in the matter.

population, grade II about 50 per cent and grade III from 10-12 per cent.

An inmate of grade II has, for the first time, the opportunity of wide group activity. This grade is not homogeneous as might be expected. Some of the members are depressed, others feeble-minded, still others hypersensitive and some chronic complainers. One group is composed of first offenders (perjury, manslaughter, sex offenders). Another distinct group of grade II members is made up of the recidivists, the "prison guests." The largest group contains those who fluctuate between indifference and interest. They are easily influenced by suggestion, easily led or misled. (Director Krebs had made plans to subdivide grade II into two or three divisions providing a separate social room for each one of the groups. Unfortunately he was unable to carry through this plan.)

Opportunity is granted small groups of grade II to discuss their problems, work or interests with the social worker of that grade. The questions are sometimes formulated by the social worker. These discussions are carried to the larger group in the social room of grade II and it often happens that other members are attracted to the smaller group discussions.

Members of grade II are permitted, if competent, to join the choir, orchestra or band. Hours are set aside for practice both in ensemble and individually. On Sundays the members of grades II and III attend a musical concert, address, or lecture in the large and cheerful assembly room. I recall hearing a group of players from the Cologne Conservatory play the Mendelssohn Trio for violin, cello and piano and works of Schumann. Another Sunday one of the Thuringian State Ministers presented an illustrated lecture on the "Effects of the Versailles Treaty on Central European Boundaries."

Grade III is the self-governing group of the prison. It is a highly selective group. Only those prisoners who have convincingly proven that they intend to lead orderly lives after release or, at least, give evidence that after a period in the third grade that end may be expected are recommended for promotion. The official conference, composed of the director, his assistant, the three social workers, the inspector, the chief administrative officer, captain of the guards, the prison physician and a representative of the Ministry of Justice as well as representatives of the prisoners' self-governing group, makes the recommendation. The prisoners' representatives are in a position to know many facts about the candidate which may have escaped the attention of the prison officials.

Promotions occur the first of every month and also on important holidays. Membership in the self-government group is not compulsory. (Only two inmates have refused to enter this group since its inception over 10 years ago.) The candidate signs the Constitution of the group. This act, celebrated by a special assembly of the group, automatically confers the much sought-for membership. The occasion is stressed to impress upon all the significance of this step forward. The leader of the group, the director and *Fürsorger*, are called upon for brief comments. Music and group singing bring the occasion to a close.

Membership in grade III brings the greatest number of privileges and responsibilities. The idea of self-government in this prison developed in 1922-1923 when the social worker permitted members of the third grade to choose their own representatives to take charge of their handball tournaments. Gradually this idea of prisoner representation extended to other activities. In 1923 the living quarters of this group were separated from those of the other inmates. They were given the third floor, a separate wing overlooking the river, which flows past the institution, and the rich foothills of the Thuringian Forest. On Nov. 14, 1923, the group elected its chairman and executive committee of 3 by secret ballot. The Constitution went into effect Dec. 1, 1923. The executive committee is responsible to the group. The chairman is the intermediary between grade III and the prison administration. He is responsible for the order of the entire group.

The inmates had decorated and repainted their living quarters and the large social room. One enters a cell upon the door of which is written the name of the occupant. The folding bed is covered by a neat curtain. A wardrobe, mirror, an electric light over a good sized table upon which are books and writing materials, a chair, pictures and plants complete the simple but neat and spotless furnishings of the room. (Toilet facilities are found outside of the cells.) Meals are had in the social room, four at a table. The inmates have at their disposal a kitchenette where they may prepare food bought in the canteen.

I spent many evenings in the social room listening to music, describing American life to the men or playing chess and checkers. Especially interesting was the discussion comparing penal administration in the various countries. Often the director could be seen with a group of men around him either playing chess or discussing matters of general interest. No guard is present anywhere in the living quar-

ters of this group. In fact the cells as well as the principal entrance to their quarters remain unlocked the entire day. No inmate, however, is permitted to enter any room but his own.

The canteen, run on a non-profit basis, is in charge of two representatives of the third group and one of grade II. Only money earned from prison work may be used in buying the various articles.

The regular Sunday trips of grade III afford another extraordinary educational feature of Untermassfeld. The prisoners met outside of the prison gate awaiting the Director. They had on their oxford grey suits made in the prison's shop and for which they had paid with money earned through their work. The Director, unarmed, was the only official present. As soon as we left the limits of the village the group broke up into smaller parties. For three hours we walked through the unforgetably beautiful woods. My partner, the leader of group III (serving a 15 year sentence for murder), and I, having become detached from the main group had to trot for about five minutes to catch up with them.

On another Sunday the Director inquired of the men where they wished to go. The men suggested a "hike" to Grimmental, a farm colony, 4 miles from the prison. (This farm belongs to the prison. A small group of third grade prisoners who are soon to be released live there in an open farm house. A farm foreman is in charge but the men have free access to all parts of the farm. One could leave at any time by merely walking away.) It happened to be the birthday of one of the prisoners and the group thought it a splendid idea to go over and offer their congratulations.

Another opportunity for inmate participation is granted through the Prison Court which meets weekly. It is composed of the prison staff and representatives of grades II and III. The charge is read to the prisoner-defendant. He has the right to put in his defense and may call witnesses. After he is heard he is excused and the matter thrown open for discussion. The representatives of the inmates are heard first. They are able, often, to interpret the defendant's conduct from the point of view of the inmates. They are also able, later, to contradict, if necessary, the defendant's complaints against the arbitrary disposition of his affair. I was impressed by the fact that in certain cases the inspector and captain of the guards were less severe in their judgment than the prisoners' representatives while in others the opposite was true. I remember, distinctly, the case of a notorious prison-breaker who had escaped the week previously and was to be tried by the Prison Court. He was asked by the director

if he had anything to say. He quietly replied that he had not. He was excused for a few minutes. In the discussion that followed the captain of the guards thought that three instead of the four weeks of isolation, the penalty provided for this attempt, was sufficient since the defendant had injured his knee in the drop from the prison wall. One prisoner-representative agreed. The other two recommended the full punishment maintaining that the personal injury was irrelevant to the violation by the defendant and, secondly, such a breach of confidence should be severely punished. The director, whose judgment controls, called for the defendant. He asked him whether he knew of the penalty for attempting to escape. The defendant nodded his head. "That is all," said the director.⁹

The chief purpose of prison labor at Untermassfeld is to train the inmate in some form of productive labor. In 1924 the Thuringian Labor Society was incorporated. Its sole owner is the State of Thuringia which furnishes the capital. The object of the company is not to make money for the State but to obtain contracts from private individuals or companies for work in the prison. It obtains contracts for mat making, carton manufacturing, tailoring, printing, book-binding, cabinet-making and also markets the products of the large farm lying outside of the prison. The hours of work from 6:30-3:45 are continuous except for the pause from 11:10-12. On Saturday work ends at 12:30 until Monday morning. The inmates are paid approximately 10 cents per day and may earn more (piece-work). Part of this money may be spent by the prisoner and part is retained as a fund for him when he is released.

III. THE DIRECTOR

Unfortunately space does not permit a description of the details of the prison organization and the varied activities of the inmates. These brief comments of the major organization, it is hoped, give the American student an idea of the experiment that has been carried on at Untermassfeld. In the words of Dr. Krebs, "*Through our work in the past years the foremost thought has been to learn through the individual case without losing sight of the general task. The chief task is to discover a method in penal administration which brings us nearer to an educational goal.*" With this purpose in mind the *Fürsorger* type of official, self-government, Sunday walks, prisoner

⁹The reader should compare a type of administrator such as Dr. Krebs and the type of prison guard such as is found in Untermassfeld with the types described by Sinclair Lewis in *Ann Vickers*, pp. 285 ff.

representation in the Prison Court, social rooms, and the Grade System have been developed at Untermassfeld.

The experiment at this institution, as I have witnessed it, is a reflection of its director. It is no accident that the work at Untermassfeld is recognized throughout Germany and other European countries.¹⁰ It seemed to me that no detail was unknown to Dr. Krebs. At one moment he would be examining the repairs of a steam cooker in the kitchen, at another, the dyes used in coloring the mats. One evening he excused himself from the dinner-table. I learned subsequently he had hastened to spend a few minutes with an inmate whose birthday it was. Dr. Krebs is a frequent contributor to the German penal and criminological journals. He has a manuscript ready for publication on the 18th and 19th century development of penal administration in Germany. He is completing a statistical study of the effects of climate on the activities of the inmates. Most of his vacations are spent in visiting the penal institutions of other European countries. His own spirit has been taken over by many of the other prison officials. The threadbare comment that the problems of prison administration are problems in personnel may be truly appreciated at Untermassfeld. . . .

In Jan., 1933, the Thuringian Ministry of Justice for reasons which need not now be discussed removed Dr. Krebs from the leadership of *his* institution. Nothing worse, in my opinion, could have happened to check the progress of prison reform in Germany.¹¹

¹⁰In the *Archivio Di Anthropologia Criminale E Medicina Legale*, Numero 5, 1930 (Torino), in an article, "Trattamento Individualizzato di Criminali in un Penitenziario," pp. 1-28, Dr. Mario Carrara describes his impressions of and pays a glowing and eloquent tribute to Dr. Krebs.

¹¹Since the above was written the progressive grade system of Germany has been all but destroyed. For a brief description of the changes see the writer's article, "Prison Reform in Germany—1933," *Journal of Criminal Law and Criminology*, May-June, 1934, p. 84.