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THE PENNSYLVANIA PRISON SOCIETY — A CENTURY AND A HALF OF PENAL REFORM

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In May of this year an organization located in Philadelphia quietly celebrated its one hundred fiftieth birthday. Known for the first hundred years of its distinguished existence by a long ponderous title, THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS, it is better known to contemporaries as the PENNSYLVANIA PRISON SOCIETY. Its purpose today is substantially that for which it was originally founded: to assist the prisoner, especially the friendless prisoner.

Taking for its motto, "I was in prison and ye came unto me," the organization was founded by thirty-seven leading citizens of Philadelphia who met at the home of one of its members, Isaac Parrish, on May 8, 1787, and dedicated themselves to the arduous task of cleaning up the local gaols. Today this same organization is distinguished by the fact that it is the oldest prison society in the world and probably the oldest private philanthropic organization in this country. The preamble of the constitution adopted at the first meeting reads as follows:

"When we consider the obligations of benevolence, which are founded on the precepts and examples of the author of Christianity, are not cancelled by the follies or crimes of our fellow creatures; and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt (the usual attendants of prisons) involve with them, it becomes us to extend our compassion to that part of mankind, who are the subjects of these miseries. By the aids of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the subscribers have associated themselves under the title of 'The Philadelphia Society for Alleviating the Miseries of Public Prisons,' for effecting these purposes they have adopted the following constitution."

The Rt. Rev. William White, Bishop of the Episcopal Church

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in America, the rector of Christ Church in Philadelphia, was elected president. He remained in this capacity for forty-nine years, until his death in 1836. Other members who gained a national reputation in various fields were Dr. Benjamin Rush, a signer of the Declaration of Independence, Francis Baily, who was commissioned to print the Federal Constitution as well as the Declaration of Independence, Dr. William Shippen, distinguished professor of anatomy and Director-General of the Hospitals during the American Revolution, Tench Coxe, Assistant Treasurer of the United States during Washington's administration, Caleb Lownes, writer on penal affairs,² Dr. John Jones, personal physician to President Washington, Charles Marshall, druggist and son of the noted diarist, Christopher Marshall, Zachariah Poulson, publisher of *The American Daily Advertiser*, the first daily paper to be printed in America, and Thomas Wistar, one of the famous Philadelphia Wistars.³

It is altogether likely that the Society owed its inception primarily to Dr. Rush who, two months earlier, March 9, read a paper at the home of Benjamin Franklin, denouncing public punishment of convicts which was then the practice in Philadelphia.⁴ The law of September 15, 1786, advocated by Chief Justice Thomas McKean, of the Commonwealth of Pennsylvania, called for convicts to be put to work on the public streets and highways, weighted down by manacles, clothed in vari-colored garments, and watched over by guards armed with blunderbuses. It is reported that many street brawls occurred between these degraded and unfortunate beings and the general public. Those familiar with the narrow Philadelphia streets can well visualize the bedlam that such encounters would create.⁵

At this time in Philadelphia, there were two gaols, one located at the southwest corner of Third and High (Market) Streets, known as the Old Stone Prison, and the later one, at the corner of Sixth

² Collaborator with William Bradford, "An Inquiry how far the punishment of death is necessary in Pennsylvania with an account of the Gaol in Philadelphia," Philadelphia, 1783.

³ Thomas Wistar was the son of Richard Wistar, glass manufacturer, who also was a penal reformer. The latter had soup prepared in his home and distributed to the prisoners incarcerated in the Old Stone Prison, located at the corner of Third and High Streets. Thomas was a brother of Dr. Casper Wistar, who was also a later member of the Philadelphia Society. Thomas was the last charter member to die. This was in 1851.

⁴ "An Inquiry into the Effects of public punishment upon criminals and upon society," Philadelphia, 1787.

⁵ For a description of these occurrences, see Scharf & Westcott, "A History of Philadelphia, 1609-1884," Vol. 1, p. 444; also Oberholtzer, Ellis Paxson, "Philadelphia, A History of the City and Its People," Vol. 1, p. 323.

and Walnut Streets, and called the Walnut Street Jail. Gradually prisoners from the former gaol were transferred to the more modern institution (it had been partially completed by 1776 and served as a prison for soldiers of both sides during the Revolution) so that by 1787, when the Society was founded, few felons remained. The management of the Walnut Street establishment was no different from that of the older gaol so that many abuses existed. The keepers in those days were swaggering, uncouth fellows, who held their positions through political influence and who were motivated entirely by selfish interests in exploiting the unfortunate victims who came within their clutches.

It is amazing today to think that in 1787, in the City of Brotherly Love, when Washington and Franklin walked its streets, prisoners were incarcerated in an institution which was situated directly across from Independence Square, where knavery of the worst type was perpetrated by the officers in charge. For instance, the charges made in 1788 by the Philadelphia Society include such astonishing irregularities as the sale of spirituous liquors within the institution by the gaolers, the indiscriminate mixing of the sexes, children mingled with depraved adults, a state of complete idleness, the debasing practice of garnish in which the prisoner was stripped of his clothing by his fellow prisoners to be used to purchase liquor, obscene language and ribald carousing. As a protest against such insufferable conditions, the Society sent a strong Memorial to the Legislature begging that the institution be thoroughly renovated.⁶

A complete reformation of the Walnut Street institution was effected as a result of the Memorials, in addition to remedial legislation which paved the way for a more thorough study of penal conditions then existing in the Commonwealth. The next ten years saw reforms which made of the Walnut Street Jail a show place of the world. Visitors from other states as well as from European countries came to Philadelphia and were amazed at the humanitarian and efficient régime.⁷ In 1792 the gaoler of the debtor's apartment of the gaol was put on a salary basis instead of receiving his pay through the nefarious fee system; the law of April 22, 1794 abolished

⁶ This Memorial, dated January 29, 1788, was followed by one more in detail, and directed to the Supreme Executive Council, December 15, 1788.

⁷ See, "A Description of the Walnut Street Jail," *Universal Magazine*, London, 1789; LaRochefoucauld, Liancourt, "On the Prisons of Philadelphia," 1796; Turnbull, Robert J., "A Visit to the Philadelphia Prison," 1796; Lowmes, Caleb, "An Account of the Alteration and Present State of the Penal Laws of Pennsylvania, Containing Also an Account of the Gaol and Penitentiary House of Philadelphia and the Interior Management Thereof," 1799.

the death penalty for all crimes except for murder in the first degree; in 1795 the dungeons in the gaol were abolished for punishment purposes.

The famous law of April 5, 1790, under which the new era was ushered in, made history in one other respect. It made possible for the inspectors, a number of whom were members of the Philadelphia Society, to erect a separate building in the gaol yard, equipped with solitary cells for the purpose of housing hardened criminals. Such a building was erected and, according to one authority, the famous system of separate confinement, was born. This authority is Wines, who states:

"Notwithstanding these various premonitions of the coming revolution in prison construction and management (for instance, in the jail built at Horsham, England, in 1779, and at Gloucester, in 1785, where prisoners were housed at night in separate cells), the real foundation of the separate system can hardly be said to have been laid until, in April, 1790, the Legislature of Pennsylvania directed the County Commissioners of the county of Philadelphia to erect in the yard of the Walnut Street Jail, 'a suitable number of cells . . . which without unnecessary exclusion of air and light, will prevent all external communication, for the purpose of confining there the more hardened and atrocious offenders, who have been sentenced thereto by virtue of this act.'"^s

Whether or not students of historical penology will agree without qualification with this view held by Wines is immaterial to this article. Certainly, this act gave impetus to the germ of a new idea which was being developed both here and abroad, and to Pennsylvania certainly belongs the credit for definitely establishing a penal institution that was distinctly created on the philosophy of separate confinement. For it was in 1829 that the revolutionary idea was translated into a material reality in the erection of the Eastern State Penitentiary at Philadelphia. Critics of the philosophy called it solitary confinement. But this was not strictly true. The overcrowding of Walnut Street Jail from 1800 on had definitely demonstrated to the Philadelphia Society that reformation was impossible in a congregate prison. Separation of prisoners, one from another, was the only answer. In this way, contamination was impossible. The first offender would have no contact with the hardened criminal even though housed in the adjoining cell. Here was the secret of prison discipline.

The long, bitter, and futile struggle between the advocates of

^s Wines, Frederick H., "Punishment and Reformation," p. 146, New York, 1895.

separation and the silent or congregate systems, as exemplified by the Pennsylvania System on the one hand, and the Auburn System, on the other, belongs to the historic past and need not be more than mentioned here. The members of the Philadelphia Society believed passionately in the concept of separation. Their case has never been charitably recognized by anyone but protagonists of the system. Separate confinement without prison visiting would have been inhuman. Visiting prisoners in their cells was the keystone of the system. And the thirteen volumes of Minutes now in the possession of the Pennsylvania Prison Society bear mute testimony to the concern these patient Philadelphians felt for their unfortunate charges. The lone prisoner in his cell, working at a trade, took time from his employment to converse with the kindly visitor who was probably the only person in the world who was interested in his welfare. These visitors represented the best citizenship of the Quaker city. They were busy men. They came from the rank of the professions as well as merchants, ministers, and even scientists. Such names as James J. Barclay, Townsend Sharpless, George Washington Smith, William Parker Foulke, William Perot, made up the membership of the Society during these years. Earlier, Roberts Vaux and Caleb Cresson had carried on a lively correspondence with British penologists concerning the new idea which eventually was adopted not only in England but many other foreign countries as well. Only in America did the idea find serious opponents. And even Pennsylvania finally was obliged to abandon it. Strangely enough, it was not until 1913 that the system was definitely and legally abandoned, although it was in practice on the wane only a short time after it was initiated. Of course, the system could not work when overcrowding forced the management to place two men in a cell. Appropriations from the Legislature for expansion could not keep pace with increased population and its concomitant, increased crime. The introduction of the reformatory idea is given as the reason for the abandonment of the senseless quarrel between the two schools of penal discipline, but nowhere in the Minutes of the Philadelphia Society is that mentioned. True, the Elmira System was discussed in their meetings and it is probable that in the face of obvious defeat, the new plan was considered next best. But separation of prisoners one from the other seemed the only hopeful solution to the problem of the reformation of prisoners until the early part of the twentieth century when more vital problems such

as probation, parole, indeterminate sentence, prison labor, and classification challenged the membership of the Society.

Today the Pennsylvania Prison Society is a case-working agency. Trained personnel work with the prisoner not only within the institution (the same prison visiting of 1787 but with a more refined technique) but after his discharge. Problems of every kind come to their attention. Quoting from the 150th annual report of the secretary of the Society, the following interprets the modern approach to the problem:

No one believes yet that we should discard the prison, so it becomes necessary to find techniques by which the new process, which is called individualized treatment, can be incorporated in the prison system. We social workers believe that case work in the prison is the answer. We believe case work study of the personality assets and liabilities of each prisoner, and a continuous case work effort during his stay in prison, may make it possible to place the services of the prison—educational, vocational, spiritual, cultural, social, etc.,—at the disposal of each individual inmate, in such a way that he may use it constructively.

The Pennsylvania Prison Society is a vital force in the Commonwealth of Pennsylvania and is carrying on, in a more professional way, the traditions of those thirty-seven charter members of the old Society founded one hundred fifty years ago. A birthday party is being planned for the Society which will take place during the Fall meetings of the American Prison Association which, appropriately enough, will be held in Philadelphia.