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Questions and Answers

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QUESTIONS AND ANSWERS

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Dr. Teeters is Professor of Penology in Temple University in Philadelphia and co-author with Elmer E. Barnes of *New Horizons in Criminology*. He has recently returned from a tour of Latin America where he has spent some time observing penal procedures in the South American nations. It is expected that he will soon contribute an article to the JOURNAL.—Editor.

Question 1: The public has been advised that progressive penology is more interested in reformation of the prisoner than punishing him. In your judgment does the prison reform criminals?

Answer:

It would be absurd to say that no prisoner has ever been reformed in a prison. Even physical punishment has probably reformed many prisoners. Of course, *reformation* and *rehabilitation* are catch words and we would start a lively debate in attempting to define them. For sake of argument we merely mean changing the prisoner's thought processes and attitudes so he will become a law-abiding citizen upon release.

But what we have learned from our knowledge of human beings from the fields of psychology and psychiatry, leads us to the belief that any type of treatment that is based on negative controls, as the prison certainly is, cannot be very effective. The ordering-forbidding technique has long been regarded as fallacious. This, together with other repressive methods, long associated with the prison, may produce good convicts but rarely good citizens. However, in spite of the prison and not because of it, some men return to society and refrain from criminal behavior.

Progressive penology is an attempt to introduce into the prison program more realistic and effectual methods of training so, it is hoped, the man leaving prison will have absorbed more socially approved motivations than he had otherwise. If this laudable objective could be attained, the prison might be a reforming institution. But, as I shall point out below, it is highly dubious that such a worthy program can be successful in a prison. There can be no such thing as a "good" prison or a "good" program. Heroic as the new penology is, it cannot help but prove a costly failure. This will be demonstrated twenty-five or fifty years from now when, as in the past, an evaluation is made of its reformatory value.

Question 2: Is it possible for a society to reduce the amount of crime and the number of criminals?

Answer:

Of course the easiest answer, but obviously not the most helpful one, is the suggestion that we repeal all laws. Society creates crime when it enacts a law. There can be no doubt that we can reduce many crimes and criminals by repealing many laws dealing with morals. A more realistic solution to such problems as the illegal manufacture of liquor or "moon-shining," might dry up the source of hundreds of federal offenders each year; of handling the narcotic problem, the "white slave" traffic and others equally pressing, in a more intelligent manner would conceivably reduce the number of criminals. It is really the *behavior* of people that disturbs society; laws only reflect our displeasure at certain kinds of behavior. One judge may dismiss a person who has violated a law whereas another may sentence him to a prison term. If we merely think of criminals as those who are caught, convicted and sentenced, it is altogether

possible, through probation for example, to reduce the number of persons sent to prison. Respect for the law is also of tremendous importance. But that can be realized only by a consistent, honest and patient process of education in home, school, business and other institutions.

Question 3: Many penologists have condemned the prison, saying it makes more criminals than it reforms. If we had no prisons what should we do with our criminals?

Answer:

Only a few years after the prison was accepted as a place of punishment (or reformation) of criminals, it was denounced by some. The Philadelphia Quakers, who are given credit for organizing the first real penitentiary in the Walnut Street Jail, were discouraged by its results thirty years afterwards in 1820 when they reported that "[we] have not been able to perceive any reformation among the prisoners [and for certain causes] it is vain to expect reform." And it must be remembered that these pioneers had ample chance to see the prison in action day by day and also actually to assist in making policies for the institution. The above-mentioned words are historic indeed. But these same charges have been made against the prison program periodically ever since. The prison as we know it is a total failure. It must eventually be scrapped because it is based on the futile philosophy of trying to reform in an institution that is designed to punish. Every phase of its treatment, however worthy, is enmeshed in an abnormal situation. A man goes to prison to "learn" to live in a normal society yet his every hour and his every act, are within the framework of a perverted milieu.

If the prison is to be discarded, and it will be eventually, society will be obliged to use its wits to substitute some agency that can and will have meaning, for the prisoner. Call it what you will—"sympathetic discipline," "understanding assistance" or some other expression which obviously envisages supervision. It will take courage and honesty on the part of our judges, especially. Just as Beccaria denounced the arbitrary powers of the judges of his day, it is necessary that the arbitrary prerogatives of our modern judges be curtailed. How many judges, for example, are trained in any of the sciences of human behavior? What are the attitudes of the average judge toward psychiatry, psychology, sociology, or social work? Pre-sentence clinics or diagnostic courts must be set up to analyze convicted criminals and recommend specific treatment on the basis of the individual and not the crime committed. For some, it may well mean a prison or some type of segregating institution where they will remain perhaps for life, but obviously they should not be punished with a regimented and abnormal routine. Other convicted criminals will be required to make restitution, to be fined, placed on strict and well-supervised probation. One need only watch a judge in action. Day after day he pounds the gavel, booming out the words: "one year," "five years," "ten years." Almost blithely he sends them off to prison knowing full well that it can be of little or no service to society. These actions merely represent retributive justice, punishment, vengeance. But if we honestly want reformation, intelligence must seep into our court procedure and more hopeful techniques be adopted. And our judges can be of tremendous help in ushering in such reforms. Dr. William A. White once proposed the elimination of the padded cell in the treatment of the violent insane. His suggestion was received with a crescendo of protest which reflectēd the

fear and actual sterility of resourcefulness in dealing with this problem. When the padded cell was abolished, physicians and attendants had to use their intellects in substituting methods of treatment and they began to make progress from that moment. So long as we cling to the prison as a crutch and insist that we cannot control criminals without it, we will never evolve more rational and sensible techniques of treatment.

Question 4: We are told that prisoners have done a magnificent job in war production. What will happen to prison labor after the war?

Answer:

It is true that prisoners have gone all out in the production of commodities to assist in the winning of the war and they deserve society's eternal gratitude. But I am afraid that shortly after the war the status of prison labor will revert to what it was prior to 1940. There are sound reasons for such a pessimistic forecast much as we all deplore it. First, there will be no more lush contracts although for a short time there may be a period of large-scale production for peacetime living and prisons may get a share of this prosperity; second, manufacturers and labor unions are going to see to it that the many restrictive laws against prison labor now on the statute books are not repealed; so if this is true, there can be no prison labor except perhaps a little in agriculture and precious little in state-use; and third, the prediction of those who claim that the industrial prison is outmoded in so far as it represents the *sine qua non* of penal treatment, and who advocate that each person entering prison be presented with a program peculiar to his own individual needs which, in many cases, will not include trade training, a job in a prison factory, or even an occupation designed to help defray his maintenance cost. I shall discuss this last point in my next answer.

The future of prison labor, therefore, will depend on: (a) the disposition of the restrictive legislation which hamstringing it at every turn; (b) the development of agriculture and allied occupations—other than industrial; (c) the passage of compulsory state-use laws with real teeth in them which can insure plenty of production for any prison; (d) the reappraisal of labor in the light of the individual needs of the prisoner in readapting himself to the community; and (e) the development of a fair system of remuneration for prisoners who actually produce and thus motivate good-work habits.

Question 5: What system of education should be adopted in prison?

Answer:

First and foremost, illiteracy must be banished. While many illiterates manage to get along in life, it is not only a severe handicap to a person, but is inimical to a democracy and should be stamped out. Beyond that, prison education presents a knotty problem. This is simply because we find all types of persons in prison. Some suggestions worthy of experiment, some of which have already been tried, are: correspondence courses for those who can profit by them and who have a desire to capitalize on an education upon release; the development of hobbies that have *meaning* to the individual—not merely for killing time—such as painting, sculpturing, ceramics, etching, cartooning, and the like; academic instruction on the higher levels for those who can assimilate it and who can be counted on to use it upon release; and last, and perhaps most important, the correlation

or integration of school training with the industrial program. This last point should envisage combining classroom theory with actual practice in such lowly tasks as cleaning, window washing, table waiting, preparation of foods, and the like. This would eliminate the drudgery of maintenance work as it is now performed in all prisons and give real meaning to such occupations. On a higher level, the prison school should have courses in blueprint reading, cost accounting, and the like to be correlated with the industrial plant where such individuals are employed. As the situation is today and has been in the past, the prison school is the stepchild of the prison and is shunted to the background when production is the all-important goal of the prison. The director of such a school as is described above should have as much standing as the industrial manager.

Question 6: How effective is the classification clinic in the modern prison?

Answer:

No realistic prison administrator will deny that the prison clinic as it has been developed throughout the last quarter century is one of the most effective and hopeful devices ever conceived for diagnosis and treatment. Yet it is surprising how many prisons have no such clinic and how many permit it to deteriorate into a jargon of words and time-consuming occupation. The poison that permeates the prison, no matter how progressive it seems to be, gradually undermines the professional staff the same as it does the warden and the guards. When this happens the clinic begins to lose its effectiveness. The signs are these: lots of paper work filed carefully away; resistance on the part of the personnel to the recommendations of the clinic; domination of the clinic by the warden; institutionalization sapping the dynamics of the psychiatrist, psychologist, social worker and others; the tendency to forget that the clinic must serve the prisoner, that it must have meaning for him and that he must be willing to accept the plan of treatment rather than have it superimposed upon him; the development of professional jealousies by the clinic's members, and the emasculation of certain services when it seems necessary to cut overhead. All of these are potential dangers and one or more are present in almost every prison clinic. A clinic can be effective only if it has an understanding warden who respects its work and gives it a reasonable amount of autonomy; where it can be encouraged by permitting its recommendations to be scrupulously carried out; where it respects the client's personality and right to *choose* a meaningful program rather than to hand him what it thinks is good for him; and when the personnel has security and tenure.

Question 7: Why do we not adopt the Borstal System in this country for the treatment of young offenders?

Answer:

The main reason is because we are traditionally shackled to the old-style reformatory which, in essence, is not a reformatory but a junior prison. The prison administrators and other idealists of 1870 envisaged a radically different institution from a penitentiary, designed for *all* criminals, when they asked for the reformatory. They were forced to compromise, as they did with Elmira, in an institution for young offenders only. History shows that this establishment soon became a junior prison

and it was copied all over the country with cellblocks exactly like the older prisons. Even my own state, Pennsylvania, erected a brand new reformatory on the cellblock principle in 1941 at White Hill.

The Borstal System is sound penologically but so far it has not caught on because practically every state is stymied with a wornout expensive cellblock institution. Many penal administrators resist the idea of small penal units which the Borstals really are. Aside from this resistance to change, there is no practical reason why our states cannot, after the war, create systems of small units, of a variety of types and some inexpensively constructed, with differing programs, for young offenders. More penal administrators and Commissioners of Correction should read Healy & Alper's book on the English Borstal System.

Question 8: Should confirmed criminals be paroled?

Answer:

Until we have established a realistic indeterminate sentence which will segregate such types for life if necessary, every man going to prison should sometime be released on parole. What is more, he should be granted that parole reasonably early during his maximum sentence. It seems absurd to permit a confirmed criminal to leave the prison only after he has served out his full sentence. There is, then, no supervision whatsoever. Parole should mean trained, continuous, meaningful, sympathetic but firm, supervision for every man regardless of his background, crime or sentence. So long as we employ only a modification of the fixed sentence, and that is what the limited indeterminate sentence is, parole is absolutely necessary. We must face that fact even if we don't like it.

Question 9: To what degree can we practice self-government in prison?

Answer:

Ever since the days of Osborne, in adult prisons, and the early Houses of Refuge in children's institutions, we have toyed with the idea of self-government. So far as the adult prisons are concerned, we must not lose sight of the stark fact that no group confined is homogeneous. There are all kinds of people in a prison. Many can assume responsibility; many others cannot accept the slightest degree of self-government. The prison cannot escape its authoritarian nature; neither can it escape the fact that it is an abnormal place for human beings to attempt to thrive.

In a free society we accept the dangers of self-government such as demagogues, stuffing of ballot boxes, gang politics and the like by confronting them with the leavening action of decent citizenship, public forums, etc. There are none of these latter in a prison. Thus, we can do nothing except wield the big stick when self-government goes off on a tangent. No system of self-government ever tried in a prison has ever worked. Perhaps the closest to it was in Norfolk, Massachusetts, in Howard Gill's "Shared Responsibility" program in which officers and men mutually shared the onus of a breakdown in the day by day responsibilities. There is a place in prison for training in democratic living in such activities as discussion groups, public forums, prison newspapers, and other such activities. These can be of real service in interpreting the problems of living together. The administrator of the future who can hit on a realistic, honest and workable system of self-government will go down in penal history as a genius.