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CONTRADICTORY PURPOSES IN PRISONS

Louis N. Robinson

Dr. Robinson is an experienced penologist. He served for two years as Chief Probation Officer of the Municipal Court of Philadelphia; was on the Board of the Eastern Penitentiary for eight years; and was Chairman for one year of the Pennsylvania State Board of Parole during which time he organized the work and placed it on a solid footing of civil service requirements. He is the author of several books in penology the latest of which appearing in 1944 was entitled "Jails—Care and Treatment of Misdemeanant Prisoners."

Dr. Robinson believes, as his article indicates, that American prisons fail because they are attempting to accomplish too many purposes some of which are mutually contradictory. He believes that in the choice of the warden these contradictory purposes find their expression and that so long as this is true progress in prison reform will be slow, halting and confused.—EDITOR.

There have been many changes for the better in prison life during the last three-quarters of a century but recidivism is still of alarming proportions and it would seem that something more radical yet will have to be done. The new prisons represent a great advance in architectural design and construction. Sunlight and air have eliminated the gloom and the smell, noticeable in the old prisons, without lessening the degree of security. Location outside city limits on farm land has made possible the employment of some of the prisoners in occupations that make for health and peace of mind. The use of tile, glazed brick and cement promote cleanliness. Dietetics has entered the prisons, and an inmate of one of these better prisons need not now fear starving to death or having his stomach ruined by improper foods. The prisoner's health is better looked after than ever before. All large prisons now have paid physicians on their staff in regular attendance; some employ psychiatrists and psychologists. State prisons and penitentiaries have adopted many features of the adult reformatory system first brought into being at Elmira, New York, by Zebulon Brockway. As a result, opportunities to add to one's education either through joining classes or by signing up for a correspondence course or by pursuing a specified course of reading in the library are open to many prisoners. There are, of course, many dark spots in the picture of prison life in the United States. Our local jails are for the most part quite disgraceful institutions, and the state prisons of some states are nothing to brag about. But the trend is decidedly upward, so much so in fact that those newspapers which hope to curry favor with the multitude are continually speaking of the prisons as country clubs where men who have wronged society take their ease. These newspapers have in a way hit the nail on the head but they have placed the blame on the wrong shoulders.

What have these changes done to make the prison a more effective agent for the reduction of crime? Statistically, we can not answer this question for our criminal statistics are still embryonic, and the many factors that are involved in criminality will always make it difficult to determine the effect of modifying a few. The best that can be done under the circumstances is to attempt an evaluation of the various changes by relying on our knowledge of how the human animal reacts to stimuli of one sort or another.

Nowadays, the prison attempts to do four things. First, it still tries to exact an equivalent in pain and trouble from the perpetrator of the crime. This is the old idea of an eye for an eye and a tooth for a tooth. Secondly, it is hoped that confinement in a prison will offset any advantage that might possibly be derived from the crime. This is an appeal to the intellect of the prisoner, an effort to prove to him that, as the popular saying goes, crime does not pay. Thirdly, the prison provides a place for the secure confinement of dangerous men who for one reason or another can neither be scared into good behavior nor reformed by what might be called Christian methods. Lastly, the prison has as one of its purposes the reformation of the criminal. It would be untrue to say that the prison attempts to carry out all these four avowed or implied goals in dealing with each individual that is forced to abide within its walls. On the other hand, it cannot be said that the prison applies only one of these four aims to a given individual. There is much confusion and it is generally quite impossible to decide whether a prisoner is feeling the effect of all four treatments or of only one.

Before evaluating the changes that have occurred in prison life during this seventy-five year period, it is necessary to have in mind not only the four purposes of a prison but also the persistent factors which have made prison life what it has been in the past and which, I am afraid, will continue for many years to exert a great influence on prisoners. A prison is, it must be recognized, an unnatural place for a man to live. No animal that was not bred in captivity likes to be shut up. A prison is a cage for men and very, very few would stay in it voluntarily. Women as well as children have been taken out of the prisons for men. What sex life there is in either a prison for men or one for women is unnatural, a vice which if not actually tolerated is never entirely eliminated. The necessity of preventing or reducing homo-sexuality, of making the prison escape-proof, and of seeing to it that the weaker types of prisoners are not used by strong cunning ones for their own evil purposes makes it almost impossible for prisoners to live in an atmosphere of normal social relationship. The advice which

a prisoner gets from a warden is "pull your own time." In other words, keep your natural human sympathy to yourself. One must remember, of course, that each prisoner is surrounded entirely by other prisoners all of whom are where they are on account of acts which society deems injurious to itself — men whom one would not normally pick out to be companions for a friend in trouble. There are few adult first offenders in prison, fewer now than in the past, for the gradual extension of probation means inevitably that first offenders unless convicted of some revolting crime will ordinarily be placed on probation. Thus, there are perhaps good reasons for warning a new prisoner not to get mixed up in the lives and doings of other prisoners. There is much idleness in most prisons due to the difficulty of providing full employment under the State-Use System — about the only method of employing prisoners now permissible. Satan, it has been well said, finds work for idle hands to do. The intellectual type may possibly find ways of using the time fruitfully, but games and sports of various kinds for other types are about the only possible escape routes from complete boredom. Thus does the appearance of a country club atmosphere arise out of the actions of the general public who make it the necessary human answer to their refusal to provide employment. The good prisoner in the eyes of the prison staff is the man who cheerfully obeys all the rules. Outward conformity is essential to a peaceful life in prison. The man who is "prison-wise" gets along the best. The prison reward for the man who has experienced an inward change is not apparent. Only the Federal Government and a few of the individual states have loosened the grip of the spoilsman on prison jobs. There are good men, no one will deny, among those appointed by political favor but the number of inexperienced and incapable prison officials is distressingly large, for which the spoils system is unquestionably to blame. These are, roughly, the most important of the persistent factors of prison life in the United States forming an ever present social miasma in which all prisoners live.

The changes in prison life, mentioned in the first paragraph of this article, have certainly not been without influence on the prisoner. They all seem right and proper and good for the prisoner, but there is still the unanswered question of whether or not they make the prison a more effective weapon in combatting crime.

It should be fully recognized that many of these changes are but a reflection of our growing humanity. There are certain methods, though few we must admit, of making war which are considered to be below decent standards of associating in war. The prizefighter, likewise, may not do certain things even when

hard pressed. So, too, it is now agreed by most people that prisoners should be reasonably well housed and fed and that they should receive such medical attention as their condition demands. Do these improvements make for the reform of the criminal? In a negative way, they do, for the prisoner will go out with less accumulated bitterness over his treatment in prison. It is doubtful, however, if they exert any positive influence toward reformation, unless the prisoner's crime can be definitely traced, a rare situation in my opinion, to some physical defect or weakness. If there is anything useful to society in making a prison a disagreeable place to which a man would not like to return (a statement which I doubt very much), then improvements in living conditions actually lessen the effectiveness of a prison. It would seem, therefore, that these improvements in housing, feeding and medical attention do not strengthen the first, second, and third purposes of a prison, that is, they do not strengthen the ideas of punishment, of removing gain, nor of security and only perhaps in a negative sort of way the fourth idea, namely, reformation.

Classification, to which so much attention is now directed, has a little but not much to do with any of the aforesaid purposes of a prison. It relates directly to the cost of housing and guarding prisoners. Minimum, medium and maximum security could be also expressed as low, medium and high cost of building accommodations. To be sure, a man kept under minimum security conditions would have greater freedom of movement and less oversight than if he were quartered with some who might take the first chance they got to run off. But those classified as minimum security risks are not necessarily the best types of men. Some may even be weak-minded or petty but persistent offenders who haven't the energy or courage to make a break.

Classification also simplifies somewhat the warden's difficulty of guarding prisoners. Fitting regimes can be devised for the three classes of prisoners with the result that the man who has no notion of trying to escape does not have to endure the restrictions necessarily imposed on those who will try it when opportunity presents. Classification is therefore a useful prison administrative device but the reformatory element in it is small. I would not deny that the reformatory element is present but I feel that its importance in classification has been greatly exaggerated by loose talk of its importance in prison management. It does definitely, however, strengthen the third purpose, namely, providing a secure place in which men addicted to serious crimes may be held. It can be considered the necessary first step in group treatment.

The work of the psychologist and the psychiatrist falls rough-

ly into two categories — (1) assistance to the warden and guards, and (2) personal help to the prisoner. These two professions aid in the work of classification. To give but one example of their assistance in this work, the psychologist helps to determine the intellectual capacity of the prisoner and the psychiatrist the mental normality or abnormality of those referred to him. They are also of great assistance in explaining to the staff the behavior of certain inmates and thus prevent the ignorant and often brutal handling of those who are only partly accountable for their actions. Their greatest contribution, however, to the prison is what they do or could do, if given the opportunity, for the individual prisoner. The psychologist and the psychiatrist can help a man to understand himself, the first step, it seems to me, in the task of reformation. Behavior of a man on leaving prison, we must always keep in mind, will not depend as it does in prison on close and constant oversight by those who have the power to secure immediate compliance by physical force if necessary but largely on inner controls which if not further developed and strengthened in prison will leave the released prisoner at the mercy of the same evil influences which brought him to the prison. Crime is a form of behavior, and the psychologist and the psychiatrist have more to contribute in arriving at an understanding of behavior than all other trained men. I believe, too, that they could do much, if there was the opportunity, to influence the course of future behavior of prisoners. The organization of prison administration which I shall discuss later is at the present time the stumbling block to their endeavors. Briefly, their presence on the staff of prisons adds nothing to the idea of exacting an equivalent in pain nor of taking the gain out of crime but it does assist in determining which are the bad actors among the prisoners and is, or could be, of great value to the fourth aim of detention in prison by giving clear, or at least clearer, ideas of the direction that reformation must take, in place of the vague commonplaces usually uttered by those who think reformation to be a compound of salvation, sweetness and light.

The features of present day prison administration copied from the adult reformatory system are formal education, trade training and parole. Neither education nor trade instruction make punishment more effective; they do nothing to make crime less lucrative; and actually may make the task of guarding prisoners more difficult since greater freedom of movement of prisoners is required successfully to conduct educational or training classes. I believe, however, that all three may be valuable aids in effecting reformation but are not to be relied on as certain. An educated man is not necessarily a good man.

Only if the additional education or trade training enables the man better to fit himself into the economic system so that he will be less tempted to employ illegal ways of getting a living or if through the educational or training process he has felt the influence of spiritual or artistic forces, may we assume that something of value toward his reformation has been accomplished.

Parole is an incentive primarily to good behavior both within the prison and outside the prison until the maximum sentence expires. It is therefore of great assistance to the warden and parole officer in ensuring obedience to rules of conduct and living. Like education and trade training, it is not to be considered as an out and out reformatory measure guaranteed to insure a change of heart. Much depends on the attitude of the authority charged with the granting of parole. If good behavior in prison is the only criterion for release on parole, then this will become the object of the prisoner's endeavor. But this goal is not identical with reformation. The outward observance of rules may make the work of the warden and his staff easier during the period when the man is under their control but may have no bearing on his conduct once he is on his own and free to carry on his own life in accord with his own standards.

To sum up, the changes which have been made in prison life have had two main effects: they have made the prisoner's sojourn in the institution pleasanter and they have, I believe, brought the prisoner under far more intelligent control. I do not feel, however, that they are as effective as they could be because they are not aimed squarely at the reformation of the prisoner. The failure to see the difference between treating a prisoner kindly and starting him on the road to reform or to distinguish between the substitution of subtle means of control and the creation of self-control, both coupled with more or less confusion as to what a prison is for, leaves us with far less of accomplishment than would have been the case had we been more single-minded as to the goal and more willing to defy the ignorance and selfishness of those who determine what the life in prison shall be.

It is not necessary, in my opinion, to wait for the development of new knowledge before attempting to remedy what I consider to be a bad situation. The task is to marshal and to rearrange the forces that already exist and fight hard for their adoption in every state in the Union.

The first and most important change to advocate has to do with the qualifications of the warden. As prisons are now organized, the warden is the chief executive of the institution and on his shoulders fall a multitude of tasks. His most im-

portant task now is to hold within the confines of his institution those whom the courts have committed to it. In comparison, this job dwarfs all others. He must also see to it that the prisoners are fed and clothed, kept in reasonable health, made to do some work, and given, perhaps, some little education. How well these tasks are performed vary with the institution. So, too, the emphasis placed on the importance of this or that phase of the warden's work is a varying one depending sometimes on the warden's own inclination and sometimes on state or board direction. The one thing, however, which he cannot now avoid doing is holding the prisoners on the spot. The result is that this ability to hold men becomes generally the paramount qualification sought for in selecting a warden. He must be able to keep men in prison. The choice of a warden, therefore, generally falls on one who has worked his way up through the ranks from the position of a guard or other minor administrative post. If an outside person is sought, ex-police officers, ex-army men or ex-constabulary officers may be selected with the definite thought in mind that someone able to control convicts and keep them in their place must be found. Executive ability is also an essential qualification and can usually be found in some degree among the types mentioned.

These criteria for selecting a warden are perfectly natural to those lacking dedication to the idea that a prison should be a place primarily for the purpose of making over human beings. If only they were so dedicated, they too would be interested in selecting for warden a man who had had some success in remaking human beings or at least who had some training along that line.

The point that I want to make is that all educators, social workers, psychologists and psychiatrists, men who really know something about human behavior, have an uphill job when subordinated to the ideas of a warden trained along the lines of coercive control. To him, their work is a new frill now necessary to attach to prison discipline, mainly for the purpose of satisfying a public opinion recently created by fool reformers. Their reports are pigeon-holed, their ideas misunderstood and thrown overboard, and their efforts to develop character in prisons often regarded with suspicion.

A college president is almost always a man who has first been a teacher. He must also have executive ability, it is true, but unless he is equipped with the qualities that make a good teacher, he will not turn out to be a good president. If a college board selected as president a business man, let us say, who had previously had no experience in the educational field, ten chances to one he would not get on well with his teachers. His

patience would soon be exhausted at what would seem to him their dilatory ways. The truth is, of course, that the making or selling of a given product is quite a different process from getting young men and young women to understand life and inspire them to play a worthy part when they leave the institution.

I do not believe that any man is fit to be a warden who lacks deep down in his heart the conviction that a man can be born again, as the saying goes, and who does not have a thorough grounding in all that the various sciences can contribute to an understanding of human behavior and how it can be molded. Personally, I think this calls for a trained educational expert who will be even more dedicated to the re-education of prisoners than is the college president to the education of the boys and girls who are under his tutelage. The job of warden calls for a greater degree of dedication for the reason that he has a tougher job, will meet with more failures, and be in greater danger of losing his faith in the power of righteous education to influence after prison conduct.

But what of the all-important job of holding men in prison? After all, a prison does imply a segregation of convicted individuals from the rest of mankind. The college president does not have to keep his students on the campus, and anyhow few of them want to go away. Convicts, on the other hand, will leave if there is no restraint.

I think the solution lies in transferring this task of holding men in prison to the state constabulary in those states where such a force exists. In doing this, the break with tradition would not be so great as some imagine. In Pennsylvania, certain important functions, once the sole prerogative of board and warden, have been taken over by the state. For example, the state now buys through the central purchasing department most of the current supplies used by the state penitentiaries. The granting of parole is done by the state parole board; and the employment of the state convicts is in the hands of a bureau in the Department of Welfare. I can see nothing sacred in the present situation under which the warden's chief function is holding men in a certain spot. It ties him to a task exacting in detail and diverts his attention from what should be the real object of his endeavors, namely, the education and re-education of his charges.

My suggestion would make the educator the head of the institution, not the subordinate assistant which he is now. Would not conflict arise between him and what might be called the military head of the forces in his institution? I have no doubt that a difference of opinion on how to handle a certain man would arise on many occasions, but it should be remem-

bered that conflict exists now between the educational forces and the military forces. I assert that it would be far better for the military forces to bring their case to the educational head than as now for the educational forces to lay their problems before a man of the military type whose training and experience, no matter how good a man he is, has been in the direction of the use of force in compelling obedience. The position of the two groups should be completely reversed if prisons are ever to become agencies for putting a stop to criminal careers. A real attack on recidivism has yet to be made in the prisons. It can come only after we have thoroughly accepted the idea that the warden's first and foremost task is the re-education of the prisoners. By placing in the hands of the state constabulary the task of guarding all state prisoners, the warden would be free to go about the business of remaking men. His staff would be hired with that in mind, the prison would be planned with that as its purpose, and such restraint as in the warden's opinion was necessary would be exercised by others. It seems to me that we the citizens who determine what is to be done with those who break our laws have placed the cart before the horse. Coercive control should come last and re-education first.
