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THE PRISON SYSTEMS OF ENGLAND

Negley K. Teeters

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In 1894 when Sir Evelyn Ruggles-Brise was appointed Commissioner of British prisons to supplant the veteran and hard-bitten Sir Edmund Du Cane, that country's prisons were described as "efficient, methodical and totally unimaginative." The watch-word of Du Cane's regime was "uniformity." Great things were expected of Ruggles-Brise. Yet in 1922, thirty years after this man had assumed charge of the prisons, Hobhouse and Brockway, in their *ENGLISH PRISONS TODAY*, were compelled to show throughout their 700 page authoritative report that uniformity, in addition to the old concepts of retribution and deterrence, was the prevailing philosophy. Lest this statement be challenged, let me quote a classic remark made by Ruggles-Brise in 1911 to the Secretary of the New York Prison Association: "It is now 4:30 in the afternoon, and I know that just now, at every local and convict prison in England, the same things in general are being done, and that in general they are being done in the same way."¹ Lip service, of course, was given to the reformatory objective in those days, just as it has always been given in every prison system.

Uniformity, monotony, drabness—these are relative terms. But the natural reaction of an American penologist, familiar as he is with the routine and regimentation of the prisons of the United States is, that right now, in 1950, the British prisons, with only a few bright exceptions, are still dominated by uniformity, monotony and drabness, far in excess of what we find in most of our institutions.

After a six week tour of some twenty-five prisons and Borstals in England during the summer of 1949, I am forced to the conclusion that Britain lags far behind the United States in envisaging the so-called New Penology, so far as adult treatment is concerned. Before I left the country I had an interview with Mr. Lionel Fox, chairman of the Prison Commission, and I pledged him that anything I would write on his system would be evaluated against the backdrop of the serious

1. Quoted by STEPHEN HOBHOUSE and A. FENNER BROCKWAY, *ENGLISH PRISONS TODAY: BEING THE REPORT OF THE PRISON SYSTEM ENQUIRY COMMITTEE*. Longmans, Green, London, 1922, p. 77.

problems confronting him and his colleagues upon whose shoulders falls the responsibility of operating a vast centralized system of penal institutions.

Some years ago Alexander Paterson, at the time a member of the Prison Commission, visited the United States. Upon his return he wrote a book entitled *The Prison Problem in America*. On the dedicatory page he quoted the following words from Charles Dickens: "In all the public establishments of America the greatest courtesy prevails." I wish to return that compliment. My visits to all the prisons were courteously received. Mr. Paterson was penetrating in his analysis of the prisons of this country. He was a keen observer and a cogent critic. It will be difficult for me even to approach his graciousness and objectivity; all I can do is my best. Certainly I shall treat the British no worse than I would deal with American institutions. Only by being honest can we see ourselves as others see us.

Allowing for the difficulties under which the Prison Commission labors, it can truthfully be asserted that there is an almost complete lack of imagination, resourcefulness and dynamics reflected in the traditional aspects of prison life throughout the realm. Let us state their difficulties. First, a serious lack of funds to build new institutions or even renovate those already in operation; second, the difficulty in employing trained personnel or of keeping the better men already in the service due, in part, to lack of money; third, the almost pathological fear of the commission members of the general public, some of which is undoubtedly justified; and, fourth, the strait-jacket system under which this centralized bureaucracy operates. In disposing of the last limitation, we may again quote Hobhouse and Brockway:

The Prison Commission is both autocratic and irresponsible. It is theoretically under the control of the Home Secretary, but in practice is largely independent of him. Parliament exerts little influence upon it, and there is almost an entire absence of influence from the local areas, which are represented by committees of visiting magistrates.²

It is difficult for an American to appraise conditions that may be considered peculiar to a foreign culture; just how much difference actually prevails in the two sets of mores and how much may be attributed to rationalization would be a nice academic question to debate. There is no doubt of it; the British people *are* different from Americans. Certainly they are much more conservative than we, despite their social outlook. And it must be admitted that public opinion is closer to governmental machinery than that in our country. But we, too, have our prob-

2. *Ibid.*, p. 72.

lems with public opinion, bureaucracy, and with restricted funds. However, despite these handicaps, we manage to make some progress in prison administration and penal philosophy. The British prisons may show some signs of progress since the days of Du Cane and Ruggles-Brise, but there are vast areas for improvement even to reach the threshold of understanding toward human beings held in duress. I make this statement despite the backwardness of many of our states in penology, of the brutality of our chain-gangs, and our prisons where apathy, indifference and even cruelty abound.

It must be remembered that Britain adopted the Pennsylvania system of separate confinement and, despite its gradual abandonment through the years in piecemeal fashion, certain vestigial elements, both in practice and philosophy, are still evident. Much of an outsider's criticism of the system stems from the fact that the British administration cannot break cleanly and definitely with the vague and nebulous postulates of this outmoded system of penal treatment. There can be little doubt that the prisoner's lot is hard primarily because of the thesis of retribution and penance. This is demonstrated in that the first stage of treatment is of a cellular nature although all prisoners work in congregate shops under a modified rule of silence. The amount of conversation permitted seems to vary at the pleasure of the warden in charge. But those in this first stage eat alone in their cells; in fact, most inmates eat alone. Only a small section of each prison eats in association. There are no dining-rooms in most institutions. Aside from a few places rigged up for eating purposes by tearing out a wall between two cells, those participating in association at meals eat in the well of the cell block.

Pictures of convicts in England exercising during the early days of the separate system show them milling about in a circle with hoods drawn over their faces. Today the only exercise or active recreation known in most British prisons is this same senseless walking around in a circle but now, after over a hundred years, they may walk two by two and restrict their conversation to their partner. They are still under the strictest surveillance of the warders and under no circumstance, except to heed the call of nature, may they step out of the circle or stop walking. This stupid practice is defended by the chief medical officer of the commission on the grounds that men in sedentary occupations must have an hour's exercise each day for the sake of their health. Thus there is nothing compared to our baseball, volley ball or hand ball activity in the bulk of the British prisons.

In fact, there is no recreation of any kind during the day (except for playing darts). For example, I was in the Birmingham prison during the long lunch period (an hour and a half). Those men who were permitted to eat in association were seated at tables in the dark cell block well and, after finishing their meal, were obliged to sit at the table where it was possible for them to read if they so desired. The light was very poor and I asked the governor why the men could not walk about in the yard or sit outdoors in the warm sunlight while reading. The answer was that it just was not permitted. Yet, there is in that institution a very substantial prison yard where various forms of recreation could be installed. One reason given for this utter lack of imagination and human decency is that the staff officers must eat at the same time and therefore can not supervise recreation. British administrators have an answer for everything. Routine and regimentation come first; the prisoner always last.

Practically every inmate has his own cell although there are cases where three men occupy the same cell. A quaint survival from the old days is the low plank bed which is the lot of most British prison inmates. Three wide boards are nailed together and supported by six inch legs. The mattress is a thin sheaf of material which can easily be rolled up inside the blanket and tucked away during the daytime. The plank bed is propped against the cell wall.

Before making further criticism let it be said to the credit of the British system that there are no idle men—not even in punishment cells. The work, however, is monotonous and most of it has no meaning at all for the convict. It is all operated on government contract—and is sheer drudgery. Most of it consists in sewing mail bags or repairing old ones, by hand, and it is thoroughly despised by the prisoners. Even the governors deplore it. In almost every prison I saw dozens of men in poorly lighted shops, each sitting on a little stool or decrepit chair, sewing or mending mail bags. One is reminded of pictures of the old oakum sheds of Du Cane's day. Other inmates make cocoa mats by hand which operation is vicious on the fingers. Even in progressive Maidstone prison where government reports and books are printed, the entire process of setting type is done by hand. There is not a linotype machine in the plant. The printing-presses are of old design. No man could possibly leave prison and find work in a print shop outside unless, of course, such shops were fifty years behind modern advances in the printing industry. And how can repairing mail bags or making cocoa mats by hand have any training value?

There is no treatment in most prisons in Britain if we mean by that,

diagnosis and treatment by a professionally trained staff. There are no clinics. This needs clarification. In all prisons, the governor, perhaps also a psychologist and/or the chaplain, go over the record of each man sent to the prison by the court. On snap judgment, or through superficial examination, some men are singled out for transfer to Parkhurst or Dartmoor because of their recidivism, or to "corrective training" prisons. That is all. (See below for corrective training classification.) There is a medical officer in each prison and in a few establishments there is a psychologist. There are no psychiatrists except in one or two institutions and, of course, no social workers or sociologists. In fact, I found nothing that parallels our classification clinic, our treatment, or our parole planning.

PRISON BUILDINGS AND THEIR USES

The prison buildings of Britain are quite old. There has been no construction for many years. Most of them are built on the radiating principle modeled after Pentonville which was built in 1842 and which served as the model prison. William Crawford came to America to study the Auburn and Pennsylvania systems and returned an enthusiastic disciple of both the architecture and the philosophy of the Eastern Penitentiary at Philadelphia. There are exceptions to the Pentonville architecture; the two convict prisons for recidivists, Parkhurst and Dartmoor, both erected prior to Pentonville; Maidstone prison in Kent, and Wormwood Scrubs in London. But the vast majority of the so-called local prisons, twenty-four in number, follow the radiating pattern, four cell blocks all with outside cells. There is not one inside cell in England and for repudiating this vicious type of architecture the British deserve credit. They deserve further credit for never permitting two men in a cell.

The British abhor the use of firearms. Thus there are no guards on the walls of the prison and the guards, or warders, are unarmed. Cells are unlocked by hand, individually. In fact the lot of the warder is drudgery with his many housekeeping duties. He must be constantly on the alert to see that the inmates are carefully regimented. There is, accordingly, a wide social distance between guards and convicts. The warder represents authority and cannot possibly fraternize with the prisoners in the slightest degree. He maintains a haughty air so characteristic of British "class consciousness." There is a guard training school located at Wakefield prison and so far as I could ascertain it is a creditable establishment.

The cells of most prisons are poorly lighted, either by day or night. In fact, gas lights still remain in the Oxford prison which I visited. It seemed fantastic to see guards lighting the little gas mantles set outside each cell in a specially constructed niche, the light from which gleams through an eight square inch frosted glass inside the cell. Even where electric lights are installed, they are set immediately inside the door of the cell, in the high ceiling, and are only of twenty-five or forty wattage. The wonder is that prisoners do not ruin their eyes by reading. One governor told me he has frequently seen older men standing on chairs near the cell door so they could get more light on their books.

We are accustomed to prison monotony in America. But, aside from that found in some of our backward states, there is nothing like the deadening day by day monotony of British local prisons. To and from their cells, to and from the work shops where they have a daily stint at pitifully small wages; that is the lot of three-fourths of the men and women who have been convicted of crimes in England. I met a prisoner in the Exeter prison—a native Britisher who had served time in McNeil Island, San Quentin and Leavenworth—a recidivist with a long record. He told me to tell American prisoners to stay out of England, that they were “in clover” in an American prison. That may be taken any way the reader cares to assess it.

During the first several months a man may make six pence a week (seven cents) which will buy about three cigarettes. The inmates usually buy tobacco and roll their own. Cigarettes for the free man in England cost about seventy cents per pack of twenty. For a man who is addicted to smoking, prison life is extremely hard in Britain.

I shall forego a discussion of the food served the British prisoners since the drab fare is shared by the free man as well as the convict. But the free man can supplement his fare if he wishes to spend extra money. The prison diet is starchy and extremely monotonous. Fish make up the bulk of the weekly fare. Large amounts of bread are consumed. This must be up to a certain standard. A hangover rule from the dead past demands that the governor and the medical officer of the prison taste the food every day. The steward sets out the daily fare on a table near the kitchen for the convenience of these officers. The governor has other onerous duties; he must hear “applications” or requests each morning. These are very petty as a rule and in this country most of them would be handled by the chaplain, deputy warden or some officer other than the warden. The governor must take down each request in a book in long-hand as well as the disposition of the request. Many are assigned eventually to the chaplain. If there are complaints

by the guards concerning the inmate's behavior, again the governor must take them down in long-hand as the guard unfolds his story.

There are prison visitors. This has long been an interesting British practice. They call on the men but their activities are so circumscribed that they can be of little use in understanding the intimate problems of the men. They are a diverse lot, some with considerable insight but many somewhat pedestrian in their approach. A good feature is that the inmate may ask for a second visitor if he is not impressed by his first one. This system of lay visiting is one of the most hopeful aspects of British penal treatment.

Attendance at the weekly church service is compulsory; at least after the prisoner makes his initial choice. By that I mean he *must* attend church service or remain in his cell every Sunday. Later he may petition the governor for a change but he is likely to be probed very deeply as to his motives for changing. This compulsory church attendance is absurd if religion is to have any meaning at all in the process of rehabilitation. How powerful the chaplains are in determining policy is a moot question, one that I could not resolve in talking with officials.

There are visiting magistrates or a board of prison visitors who have official status. The governor discusses certain flagrant disciplinary cases with these visitors and they decide whether the penalty is just. The prisoner may, at any time, elect to be tried by the magistrates. Punishments include loss of privileges, loss of status, remission, dietary restriction, and flogging. According to the Commission's report for the year 1947 (published in 1947) there were seven cases of flogging in the adult prisons (two in Borstals). The Charge is recorded as: "gross personal violence to an officer." The penalty is listed as "10 birch" "12 birch" or as much as "24 birch." The Visiting Committee makes a variation of the following in each case as justification for the flogging: "The offence was entirely unprovoked and deserved exceptional punishment." Not one case, apparently, was mitigated. Each flogging sentence was also confirmed by the Secretary of State. One gets the impression that the Visiting Committee is merely a rubber stamp for the governor.

Such is life in the local prisons of Britain as well as in the two institutions set apart for the confirmed criminal—Dartmoor and Parkhurst. The Dartmoor institution is a bleak place and historically it is supposed to strike terror in the heart of anyone sent to its grim confines. Yet it is interesting that over a hundred prisoners work outside the walls each day, policed by a guard with a shotgun. Escapes are rare since it is difficult to get away over the endless tracts of moorland. Parkhurst

prison, located on the Isle of Wight, is also grim but long term prisoners generally prefer a "stretch" there than at a local prison. There are, in fact, more recreational privileges at Parkhurst than at most local prisons.

There are two old prisons and two newer open prisons that depart from the stereotyped local or convict prisons of Britain. The old ones are Maidstone, near London, and the prison at Wakefield, not far from York in the north. The open prisons are Sudbury Park, in Derbyshire, not far from Birmingham, and Leyhill, near Bristol. There is another prison on the Portland promontory known as The Verne, long used formerly as an army barracks. This is known as a semi-open prison.

I was especially impressed with the administration and program at Maidstone. The governor, J. L. S. Vidler, understands modern penology. His prison is a bee-hive of activity and there is a human relationship between staff and inmates found nowhere else in England. One interesting feature of Maidstone is the educational system in which sixty-three different courses are operated. Inmates are in charge of the administration but classes are conducted by teachers from the vicinity of the city of Maidstone. I did not see one inmate teacher in any of the British prisons. This policy of bringing in outside teachers is most commendable. Aside from job training, productive work, and academic classes, Maidstone maintains a number of hobby classes. There is a camp annex to Maidstone, maintained at Aldingham.

Another prison in which considerable activity may be seen is Wakefield under the direction of its governor, Major Guise-Moore. It is also in a wing of this prison that some thirty-five young men are incarcerated, who have been guilty of murder and sentenced to what is known as "His Majesty's Pleasure." This means that those thus sentenced may be released only after they have demonstrated their ability to live lawfully in a free society. Intensive training is given these young men and the attitudes toward them is far from being repressive or vindictive.

The open prisons at Sudbury and Leyhill are set up in American hospital buildings, turned over to the Prison Commission for the purpose. The atmosphere of these open prisons is somewhat more restrained than one would expect to find in an open institution. Many of the inmates leave each day, on bicycles, to work in the neighborhood on farms. This departure from the conventional is courageous and well worth continuing. Contrary to the practice found in most British prisons, the inmates of these two establishments are permitted to participate in wholesome games. There is a cricket field and, in addition, many of the men grow gardens of either flowers or vegetables. In honesty, there is considerable relaxation found in these two institutions;

yet the ubiquitous practice of counting and recounting is present to a nauseating degree.

THE CRIMINAL JUSTICE ACT OF 1948 AND "CORRECTIVE TRAINING"

The long awaited passage of the Criminal Justice Act of 1948, debated in Parliament as early as 1938, makes some very definite breaks with the dead hand of the past—in theory at least. It is a complicated document dealing not only with adult convicts but with the treatment of children as well. Even well informed penologists and prison administrators are not altogether familiar with the many provisions and interpretations of this voluminous act. The provisions that deal with adults may well be paraphrased here:

Corporal Punishment: Corporal punishment, both whipping and birching, may not now be ordered as a judicial sentence. It may, however, still be imposed as a punishment for certain offenses in the prison, particularly for striking an officer.

Preventive Detention: The act of 1908 under which Preventive Detention was imposed is repealed. (Preventive Detention is a sort of detainer on those "professional" criminals who, after serving their court sentence, are compelled to serve another term from five to ten years—at the time, in Parkhurst Prison.) The recent new act keeps the same title for this sentence applicable to the same habitual criminals over 30 years of age, but alters its legal form (there seems to be little enough difference in the sentence as it is finally served: for example, the single-track system replaces the dual-track on the face of the act, but by regulation the Prison Commissioners have ordered that the preventive detainee shall serve two years in an ordinary prison before being given the alleged ameliorated conditions of preventive detention). The sentence is from five to fourteen years, fixed by the courts, and its object is stated to be exclusively "the protection of the public." The Prison Commission advises the court on the offender's suitability for this sentence.

Corrective Training: This is a new type of sentence for those over twenty-one years of age who have considerable penal and criminal experience and who seem to be beginning on the production line of habitual criminality. It must be imposed only on a criminal "with a view to his reformation and the prevention of crime." It is a sentence fixed by the court and must be for a period of not less than two years nor more than four years. Powers of earlier release are given to the Home Secretary. It is assumed that the training will be a sort of adult Borstal type but the Commission is being flooded by men sentenced to corrective training and what will develop is difficult to predict. The Commission advises the court on the "suitability" of a particular convicted person for this type of training.

There are at present some 1,300 people serving the sentence of "corrective training" in certain of the country's penal establishments. As stated above, this type of sentence is given to men over twenty-one who have a considerable prison record but who seem to justify some degree of hope by the court or Prison Commission. The sentence is from two to four years.

The Prison Commission certifies the person to this type of training.

But often the courts will ignore the recommendation since in most cases the candidate's record has been given only a cursory examination by representatives of the Commission. After being certified the prisoner is sent to the Allocation Center housed in the Reading local prison which is staffed with two psychologists. After a three week examination the prisoner is sent to one of the following centers: (1) An open prison such as Sudbury; (2) A semi-open institution such as The Verne at Portland; (3) A training center such as Maidstone or Wakefield; or (4) A security prison such as Chelmsford prison or Wormwood Scrubs, near London.

There is vast confusion among prison administrators as to just what corrective training means. Corrective trainees are beginning to clutter up the populations of the specific prisons and little constructive training has thus far emerged. It consists merely in a few vocational courses or a few additional night classes in the school. What it really amounts to is ordinary imprisonment with a little emphasis on reformation. It is possible, however, as time goes by, that this type of training will develop into something worthy of the name.

TREATMENT OF WOMEN

Women offenders are sent either to the antique Holloway prison in London, to a wing in a few of the local prisons, or to a new women's reformatory known as Askham Grange, not far from York. There is nothing unusual to report about the treatment program assigned to females. It is sterile, drab and monotonous, especially at Holloway. Females, as a rule are a forgotten group, just as they are in many of our own states. The British have made much of the new Askham Grange reformatory and it is indeed an attractive place. The institution is a made-over manor house with lovely grounds and romantic old buildings. Yet the atmosphere is far from relaxed. Rather it strikes one as mid-Victorian. The women are housed in the large rooms of the big house, in small dormitories of from four to six beds. The staff officers are efficient, mannish-looking women, dressed in strictly tailored uniforms.

Girls are sent to the Borstal at Aylesbury aside from those kept in the Holloway prison and in the wings of Durham and Exeter local prisons. There is a new Borstal near Maidstone, known as East Sutton Park which, again, is in an old manor house. In this one establishment there seems to be a wide degree of relaxed atmosphere and the staff seems to understand its business. The institution is not far from the city

of Maidstone in a rich farming area; thus many girls are sent out to work in the fields.

BOYS' BORSTALS

This paper is already too long to make more than a few statements about the boys' Borstals. Our own writers, Dr. Healy and Benedict Alper, have written an accurate work on these excellent institutions.³ Since they presented their findings, the British have opened several more establishments. One, in particular, is worthy of mention. This is known as Hewell Grange, an open Borstal housed in an old manor house, not far from Birmingham. It is directed by the veteran, W. W. Llewelin, who has been in Borstal service for many years. This is a pleasant and relaxed institution, perhaps the most progressive institution of its kind. All boys are sent by the court to the allocation center, near London, known as Latchmere House where they are studied and sent to the Borstal suited to their needs.

While this writer is in complete accord with Borstals, as a philosophy, and believes that the British have accomplished more for older youth than have we in this country, he feels there are some criticisms worthy of record. The program designed for these boys is almost exclusively trade training. We in this country are tending to supplant this questionable philosophy with vocational guidance and professional treatment. Most of the boys sent to our reformatories or to British Borstals will never take advantage of trade training; thus some different kinds of training must be found and worked into the program.

Another criticism is the paternalism found in the Borstal system. While the relaxed atmosphere is commendable, there is too much benevolent despotism present. This may be indigenous to the British and thus understandable. But an American soon tires of it and feels that less moralizing and more individual therapy on a different level would be desirable. There are few, if any, objective follow-up studies of Borstal boys so it is merely assumed that they are rehabilitated.

CONCLUSION

The British prison system has made progress, slow though it has been, in developing open prisons; in encouraging a few governors to develop a prison administration based on a degree of relaxation and meaningful treatment; on opening up a few new institutions for boys, girls and women. But, in general, it is not far removed from what we

3. CRIMINAL YOUTH AND THE BORSTAL SYSTEM, Commonwealth Fund, 1941.

have read about it in the days of Ruggles-Brise or even Du Cane. Part of this lag is undoubtedly due to the temperament of the British people but much of it can be laid at the door of timidity and reaction on the part of some, if not all, of the members of the Prison Commission.

I have submitted this article to two Britishers familiar with their country's prisons. Both admit its accuracy and fair appraisal. But both insisted on making allowances for honesty of purpose on the part of the officials. One went further and asked that the British system be compared with our own (with which he is familiar). He reviews our progressive institutions—the pride of some states—and indicts them for their failure to implement their paper programs of treatment, their tendency to “forget” the inmate, their voluminous files and *dossiers* and, above all, the outrageously long court sentences with subsequent detainers. With these criticisms we are all familiar. It is up to the reader to make his own appraisal of the two systems as they appear in their resulting product—the released prisoner. The writer of this article is no apologist of American prisons.