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A REPLY TO DR. TEETERS' ARTICLE ON THE PRISON SYSTEMS OF ENGLAND

T. C. N. Gibbens

Dr. Gibbens is an English psychiatrist who is studying forensic psychiatry in the United States under the auspices of the Nuffield Foundation. He has worked in several American prisons and during a recent tour visited a representative sample of our best institutions. He is attached to the Institute of Psychiatry of London University and is not connected in any way with the English prison service.—EDITOR.

I am very much indebted to Dr. Teeters for the opportunity to comment on his description of the English penal system. Some comment is needed; although I entirely agree with nearly all his criticisms on points of detail, his sweeping condemnation of the administration and of its policy and philosophy does us very far from justice. He found apparently very little to praise, let alone any lessons to learn. There would be little value in reciting a list of the worst features which can be found in American prisons, the chain gangs and the like, although I was invited to do so. The American Prison Association does this far more effectively. Indeed, I suspect that affairs are not as bad as they are painted and are often viewed with a certain gruesome affection as official scapegoats. In face of the endless problems of penology, there is no place for sterile accusations but only for an attempt to learn from the successes of others. In what follows, therefore, I shall try to assess the virtues of our two systems and the lessons which may be drawn from visiting a dozen or so of the best or most famous American institutions.

I have not read Sir Alexander Paterson's description of American prisons, and perhaps that is as well; but during my visits I have certainly received not only the greatest courtesy but the warmest hospitality.

Without in any way sheltering behind the practical problems which have confronted the Prison Commission since the war, it is necessary to emphasize that they have been very serious. The male prison population has nearly doubled in ten years from about 11,000 in 1939 to 20,000 in 1949 without any compensatory building program. Contrary to the general belief in America, the shortage of food in England has caused no difficulty compared with the shortage of materials. Even if funds were available, it would have been impossible to provide toilet facilities in cells while large numbers of veterans are waiting for homes. An independent committee appointed to advise on the pay of guards made recommendations which have not solved the problem of recruiting. It is so difficult to find houses for guards that in the Oxford Prison in

which Dr. Teeters so deplored the gaslight, six guards were recently sleeping in the gymnasium and two in the condemned cell. Nearly all the guards are reported to be working overtime in addition to a twelve hour shift.

Whatever the explanations, however, it remains true that conditions are often bad and Dr. Teeters will have done a great service if his protests help to impress the authorities with the need for an adequate budget. The Prison Commission may be largely independent of the Home Secretary in many respects, but surely not when it is a question of paying the bill. In America the cost of maintaining a prisoner varies from \$2,000 (£600) a year to \$4,500 (£1,500) in special institutions; in England \$500 to \$600 (£160 to £200), excluding cost of building. What concerns us here, however, is whether the resources have been wisely used and by this test I believe the English system can confidently withstand criticism.

AMERICAN AND ENGLISH PENAL SYSTEMS

Although there is substantial agreement in England and America on the objectives of penal reform, our approaches to the problem differ considerably. The English *are* conservative, the Americans ready to change and experiment. One result of this difference is that the English talent is expressed especially in the most conservative of human functions—the ability to frame and administer the criminal law; and my impression is that the means by which a man gets in and out of prison are applied with a more humane justice and with more concern for the rights of the individual and of society than is usually the case in America. Unfortunately this blessed “uniformity, monotony and drabness” of the legal process is apt to accompany the prisoner during his sentence. The higher professionalism of judges and many magistrates, moreover, exercises a considerable influence on penal methods. They claim the right and also the duty to know what their punishments amount to. Recently a judge complained publicly of what he considered the over-lenient methods of treatment given to the young: on the other hand, an appeal was allowed in 1949 against a sentence to corrective training because the judge, like Dr. Teeters, was not sure that the four year sentence differed significantly from simple imprisonment. In April, 1950, the appeal was dismissed when a body of judges were satisfied by the Prison Commission that there was a real difference.

American progressiveness, on the other hand, obtains its greatest successes in the reform and rehabilitation of the offender. There is

indeed a New Penology, but there are also constant and less happy attempts to find a New Law. One need only point to the recent wave of "sex-psychopath" legislation. Some of this may prove useful, but much of it was unworkable and obsolete from the moment of its enactment. Meanwhile, rape and escape from prison can still be punished by life imprisonment and advising a minor that masturbation does no harm is still an offense.

This contrast—very crudely expressed—explains and emphasizes the cardinal virtue of the English penal system, surprisingly passed over by Dr. Teeters, that terms of imprisonment are very short by American standards. The reader should decide whether he would prefer one year in Oxford Prison, gaslight and all, or four years in any American institution he likes to choose. We have learnt the first lesson in "understanding the needs of human beings held in duress"—that they want to get out. In other respects too, time is of curiously little account. The prisoner in America may easily spend nine to twelve months in jail before conviction; one to two years under sentence of death while reprieve is considered; even three and one half minutes to be executed (as against the English 20 to 25 seconds.)¹

Before turning to the details of prison life, we should mention the second great virtue of the English method—the Borstal system. It is widely acknowledged that this is superior to any existing methods of treatment of the young adult, in spite of its various weaknesses; but it is hardly enough to pass this by as an established fact without noticing that it is one of the factors in the relative neglect of the older prisoner. Where resources are limited it is doubtless a good policy to improve the already good conditions for the young even at the expense of the old.

DAILY LIFE IN PRISON

Dr. Teeters' criticisms are chiefly leveled, and rightly, against the drab daily life in our adult prisons. Some of these practices, the long hours in cells, lack of association, regimented exercise, restrictive library rules, compulsory church attendance, and flogging seem to many in England to be without explanation or excuse. In others, there are cultural differences; the "haughty" guard who keeps his distance seems no worse than the friendly guard who twirls a night stick or frisks a prisoner for concealed weapons; and eating in the well of a cell block in messes of 20 has a distinct advantage over eating with hundreds or

1. However, this time from cell to death represents the prisoner's free choice, since apparently he often likes to say good-bye to his companions at some length.

even thousands of others on steel benches for 40 inmates in a room which resembles an aircraft hangar. But in general American institutions offer an excellent standard of living, with good clothes and food, reasonable wages and canteen facilities, opportunities for association and sport.

It can not be repeated too often that these standards do little to compensate a man for the great length of his sentence, but for the many offenders who serve reasonable terms they represent a very great advance in penal methods; the cafeteria at Seagoville with tables for four and the dining room at Terre Haute, which would do credit to any college, can hardly be improved. Continuous progress is made in increasing these facilities; the homemade swimming pool at Chino or the garden in which prisoners may picnic for several hours with their wives and children; the evening hobbies and variety of sports at Seagoville. There seems only one minor respect in which any unnecessary regimentation dogs the American prisoner—the excessive cleanliness and orderliness of some of the best prisons. No doubt the American prisoner is used to a higher standard of cleanliness than any other but I doubt if even he prefers to live in a room resembling a surgical ward or a well-kept bathroom, with no property except a book or some canteen goods. The reason for this provided a new word in the vocabulary of excuses, that it is not “hygienic” to have more property. In England we are a little easier with some prisoners in this respect, but anyone who doubts that long-term prisoners can be persuaded to furnish a quite individual home for themselves with perfect cleanliness and propriety, should visit the fine Swedish prison at Hall. Neither of our countries has attempted to introduce the Swedish system of periodic home visits. The explanation in each case is that this reform would require new legislation, although in England we seem to be able to admit prisoners to civil hospitals without an alteration of the law. It will be interesting to see which country adopts this innovation first.

BUILDINGS

America has seen some remarkable fluctuations of fashion in prison design. The most influential, the Eastern Penitentiary of Pennsylvania, with its graceful proportions, fine wrought iron doors, and spacious cells, has a dignity which was completely lost in its monstrous so-called copies at Pentonville and Copenhagen. Architecturally it has not been surpassed until very recent times. The intervening types, the mammoth internal cell blocks with five tiers of steel cages, grouped to hold up to

5,000 men, fortunately followed the main wave of European building and so have had little influence outside America. The recent minimal security prisons of Norfolk Colony, Seagoville and Chino, however, built on the cottage plan around a central quadrangle, and the fine general purpose penitentiary at Terre Haute, with their more modest populations of 500 to 1,500, are fine examples of modern design. These buildings with their individual rooms, small cell blocks and dormitories, libraries, dining rooms and recreation rooms, resemble university colleges rather than prisons. Each has a large farm.

In these and many of the older institutions, the workshops and training shops are equipped with a lavishness which must leave any European visitor amazed. With such examples in mind, it is not surprising that Dr. Teeters should be startled by the antiquated physical conditions in English prisons.

One feature of American institutions which surprises all European visitors is the great strength of the security measures; the armed wall patrols; the extremely secure cell blocks, with no cell touching an outside wall; the detector devices and searches between parts of the institutions. No doubt the greater freedom of the prisoner demands a greater peripheral control. In all institutions, even for juveniles, there is an extraordinary sensitiveness to escapes. For some time I assumed that this was because of the ease with which a prisoner might make good his escape in such a large country; but the open prisons of Seagoville and Chino, which have their quota of escapees, seem to recover them successfully and one wonders if this attitude is not merely habitual. Seagoville's population seems to be much less selected than that of other prisons and includes a number of habitual offenders. So long as few risks are taken, classification committees may be operating on quite false premises, in deciding what constitutes an escape risk.

The war forced the English Prison Commission, and gave them an excuse, to experiment more freely with open institutions, with excellent results. There are now three open prisons and two prison farms far removed from their parent institutions, and an increase is planned. California, probably due to a similar crisis, but in this case owing to the rapid expansion of its population, seems now to have a higher percentage of its prisoners in open prisons than any other state. It is only in Sweden, however, in so many ways in the forefront of prison reform, that official policy has boldly declared that all prisoners shall be kept in open prisons unless for a few good reasons which apply only to the minority of the population.

Current attitudes in our countries on the question of open prisons

seems to be very similar but there are differences with regard to size. The day of the vast American prison for 3,000 to 5,000 is past, though the buildings stand and have to be used. The more recent size of 1,000 to 2,000, however, is still large in comparison with the smaller, simpler, and more open prisons toward which English and European prison reform seems to be moving.

TREATMENT

The industrial and vocational facilities available in most American prisons far surpass those in the average English prison, although the equipment in Borstals and in the training prisons of Maidstone and Wakefield approach these standards. Nevertheless, it is in his sweeping condemnation of the practice and philosophy of our treatment programs that Dr. Teeters seems to be most in error. Several factors tend to reduce the significance of the great outward and visible difference between the systems. Their effect is that in England more attention is paid to the individual prisoner and that in this country some good planning fails to carry through to the individual. Much of this difference derives from the size of the institutions. It seems to me excellent that our governors hear complaints and impose penalties, though they should certainly have more secretarial help. The governor of the open prison of Aldingham, who complained bitterly that he now had 85 inmates, when it was impossible to know thoroughly more than 60 men, appeals to me more than the average American warden who has to control a budget of several million dollars, dispose of the products of a large farm, and to contract for a large industry. Inevitably the disciplinary, vocational, industrial, teaching, and recreational programs are delegated to heads of departments, with the result that a prisoner may be viewed from six aspects but never treated as an individual. The Borstal system has been widely praised in this country but never copied, except on a large scale, and its small scale is an essential factor. There are now about 16 Borstals, each of between 120 to 350, with house masters in charge of 50 to 75 boys, and the Commission has declared its intention to build better and *smaller* ones.

In our adult prisons it is only the training prisons which are carrying out a similar program, but the theory underlying this "vertical" subdivision of offenders is sounder than the horizontal division by departments. Nowadays there is less emphasis on the value of trade training than of "treatment." Treatment means essentially individual contact and however far practice may lag behind theory, the organization

of the Borstals and the training prisons is better designed to secure this contact.

Many American prisons have excellent classification committees with a full staff of psychiatrists, psychologists, social workers and clerical workers. One of the best results of their work is that detailed and valuable records are kept and circulated to all branches of the administration. Yet they often have curiously little influence on the prisoners' progress, at least in the institution. The Elmira Allocation Center, for example, has a fine and well-deserved reputation, yet the authorities have made little attempt to provide institutions which will fulfill its recommendations. In practice the offender will nearly always go to one of three or four large institutions which can not offer sufficient differentiation of regime or treatment. In other states adults are very excellently classified but go to one of four almost identical old-fashioned prisons. The Borstal Allocation Center at Latchmere House is much more modest but does more effective work because it can allocate to any of 15 small institutions with different programs and above all, different governors.

One of the main uses of classification material, of course, is in helping later to decide the date of the prisoner's release. Although the parole system as a whole seems to raise as many problems as it solves, by generating confusion and resentment, a great deal of the parole programs after release could well be adopted in England.

There are far too few psychiatrists in our prisons. In 1939 as a result of careful research a report was published on the psychological treatment of crime (East and Hubert), which is too little known in this country. As a result a psychiatrist has been employed for some years at Wormwood Scrubs Prison, and recently another in a northern prison, to undertake formal psychotherapy. About a dozen inmates are treated at a time, referred from other prisons, partly by individual and partly by group methods. This, of course, does no more than scratch the surface of the problem of psychological treatment in prison, for although the percentage of inmates who can really profit from such treatment is usually regarded as small, the absolute number of such cases is very large. However, I have not seen or heard of any prison in America which employs a psychiatrist to practice psychotherapy except on a temporary research basis. There are, of course, many psychiatrists in American prisons who do diagnostic or classification work and these sometimes have time for valuable general psychiatric treatment. There are also interesting experiments in group therapy in New

Jersey and New York, and with criminals admitted to mental hospitals in California.

In the English prisons of Wakefield and Maidstone, psychiatrists, with the assistant governor, chaplain and disciplinary officer, select cases for the open prisons. This is not on the basis of any snap judgment, although investigation is not as thorough as that of the classification committee; but since it seems that in all penal systems there is far less accommodation in open prisons than there are prisoners who would benefit from this regime, the problem may not be too complex. We can not afford to use expensive steam-hammers to crack nuts.

Apart from the training prisons, there are three psychiatrists in Brixton Prison for those awaiting trial. Their practice of examining all offenders who commit certain classes of crime, *e. g.*, sex offenses, "grievous bodily harm," arson, etc., whether the magistrate requests examination or not, could well be used more widely in the United States. It seems a mistake to concentrate psychiatrists in prisons before there are optimal facilities for giving psychiatric advice to courts before sentence. This principle is best exemplified in this country by the excellent New Jersey Diagnostic Center at Menlo Park where juveniles, and adult sex offenders, are examined with exemplary thoroughness before conviction or before sentence.

FUTURE DEVELOPMENTS

The Criminal Justice Act of 1948 has made important innovations, among which the new sentence of corrective training raises the most problems. Its intention of reforming the offender has been less quickly realized than that of preventing crime; since its introduction there has been a definite decrease in some types of crime. The Commissioner of the London Police reported in 1949:

When habitual criminals are found on arrest to be in possession of copies of an Act of Parliament, it is a safe assumption that the study of the new criminal law is dictated by something other than academic interest. . . . It is reported that in some cases housebreakers have disposed of the tools of their trade and have decided that the possibility of a long period of detention raises the risks of their calling beyond the point where it is remunerative.

In a fight against crime it is easy to win the first round by increasing the severity of punishment; the responsibility on the prison authorities for preventing the second round from showing an increase in hostility and violence is very heavy. I am not qualified to speak on the methods of reform of corrective trainees, but there can be little doubt that it represents an attempt to extend the Borsal idea to an older group.

The old type of short and just prison sentences very jealously guarded the human rights of the individual. In the Borstal system a program was evolved which could be said to justify the longer sentence, although of only three years. During this time a generation of Borstal house-masters became experienced in applying methods of reform to the offender and these pass out steadily to be assistant governors and governors of our adult institutions.

It is reasonable to hope that some compensation will be offered for the large corrective training sentence of up to four years by providing greater facilities for rehabilitation. An important feature of this sentence is that it carries with it provision for after-care. The various official after-care authorities are now amalgamated into a central after-care association which will improve the Borstal service and take care of ex-corrective trainees. Unless the sentence is accompanied by a rehabilitation program which is as good if not better than the Borstal system, these men will have been unjustly sentenced, as the judges were themselves the first to notice.

Any discussion of treatment involves one of the current issues in the correctional field—that of professionalism. Great attempts are made in America to attain professional standards in the guards and other officers and to employ trained psychologists, social workers, educational and vocational officers.² With the exception of the new training of probation officers, we need to make much progress in England in this field. In conformity with the policy of the "personal approach," however, greater emphasis is placed on the interest, character and personality of the personnel than any previous training and I have often heard its high quality praised by Americans. Guards in training receive a psychiatric examination and in spite of the great shortage of personnel a large proportion are rejected as temperamentally unsuitable. The ideal, as in so many of the problems discussed here, seems to lie in combining the virtues of both systems. The work of Clifford Shaw's Area Project and Edwin Powers in the Cambridge-Somerville Study should be a warning that courses of lectures or a university education do not *ipso facto* make a good worker in this field and actually increase the difficulty of maintaining personal contact with the offender.

CONCLUSION

In spite of the accuracy of Dr. Teeters' sincere criticisms, there are some lessons which he could have brought home—the better treatment

2. The only sociologists whom I have seen employed in their profession as I understood it, are the personnel of the interesting Illinois Parole Prediction Service.

of the young adult, the greater attempt to obtain contact with the individual prisoner, the more clearly realized need for more open, smaller and more diverse types of institution, the more realistic use of methods of diagnosis and treatment, the greater care for the rights of the individual and the more humane and efficient use of the means of getting him in and out of prison. These are largely invisible assets, and it is easy to be hypocritical about their extent, but I have no doubt that they are real assets.

Of more interest to us are the lessons which America has to teach. These are the need for a better general standard of living in the prisons, for a better occupational program, especially for the new class of preventive detainee, for more vocational and educational training, and training of personnel. We need to adopt, not the parole system, but the pre-release education and investigation and the parole type of supervision. This is indeed a formidable list. The question before the reader, however, is, which group of lessons is most easily learnt.

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