

1957

## Are Prisons Outdated

Maurice Floch

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Maurice Floch, Are Prisons Outdated, 47 J. Crim. L. Criminology & Police Sci. 444 (1956-1957)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

## ARE PRISONS OUTDATED?

MAURICE FLOCH

The author has just begun his twenty-fourth year in prison work in his capacity of sociologist and psychologist at the Detroit House of Correction, Plymouth Michigan. He has also taught courses in Criminology, Probation and Parole at Wayne University in Detroit.

He has published articles in this and other journals on such varied subjects as alcoholism, drug addiction, sex delinquency, traffic law enforcement, bibliotherapy, group therapy, and temporary insanity.—EDITOR.

Every so often the contention is put forward that prisons are outdated institutions, that they do not perform the functions at present expected, and that, if any rehabilitation is accomplished at all, it is effected not because of imprisonment but in spite of it. With this the present writer would on the whole agree reserving one important qualification. He would insist that prisons are outdated only because of the nature of their present organization. He would maintain that with considerable change and improvement prisons could be turned into the kind of institutions which would actually carry out the purposes at present intended: namely rehabilitation. In order to explain why today's prison is a failure and what changes would have to be brought about to make it more of a success, one would have to begin by a very careful examination of the operational functioning of the prison as an institution.

### THE PRISON SOCIETY AND ITS SOCIAL PSYCHOLOGICAL ORIGINS

The very first thing to remember is that the prison is a community, a society, which though a part of the larger society, and an instrument of it, is in reality apart from it and reflects it only to a very limited degree. It is a society whose cohesiveness is based on an altogether different principle than that of the larger society. It is held together by a different centripetal force, and, as a consequence, it has values almost diametrically opposed to the prevailing outside social values. What holds the prisoner community together? Its chief cohesive force is a measure of resentment and hostility for the larger society which is powerful enough to unify a most heterogeneous mass of people composed of individuals widely varying in intelligence, temperament, education, socio-economic background, and, above all, moral conditioning.

This force derives from their common destiny, namely the fact that each member of the prisoner community goes through a process of social exclusion and status reduction as a result of imprisonment. Imprisonment, after all, means ejection from the social whole. It means being told that one cannot remain part of regular society and must leave for a place of segregation where contact with the larger society is held down to the minimum. It also means, as stated before, a status reduction, that is, the individual is by the act of imprisonment suddenly reduced from whatever status he might have had to the status of a subordinate, slave-like character who enjoys a minimum of legal rights and is limited by a large number of rules and regulations. These, in turn, are arbitrarily prescribed by the warden and his representatives exer-

cising the powers of an oriental despot over his fate, except for the imposition of the death penalty or outright physical punishment and mutilation. To be deprived of status is a frightful experience. It signifies being suspended in the air, so to speak. For, status as is well known to most social psychologists, is one of the major requisites for human happiness. It is now appreciated that most strivings are not so much for the satisfaction of elemental human needs as for that of status. Few houses or automobiles are bought chiefly because of the shelter or transportation they afford since most modern houses or automobiles give quite adequate service. What motivates the buyer, above all, is the prestige he might gain through them. A suit of clothes isn't only important for the warmth and the comfort it can give but also for the social standing it might suggest. The question of status enters into almost any purchase of commodities and pervades every department of human activity.

Hence, reduction in status, and such a radical reduction as implied by imprisonment, is a tremendous shock. Reduction in status is impressed upon a prisoner at every turn beginning with his arrival in the penal institution. As a very first act, he is divested of his civilian clothing which is an important indicator of his previous status. Instead, he is given the uniform prison garb, the first significant symbol of his slave status. As he glances into the book of regulations handed to him, he discovers to his great consternation that he is deprived at one stroke of other elementary trappings attached even to the humblest status in the larger society. He learns that he has no choice in his housing. He has to take the cell assigned to him next to individuals with whom he may have nothing in common and whom he may actually dislike for friend or neighbors. He discovers that he has no choice whatever in his food. He has to eat that which is given him in the institutional dining room where again he may have to consume his food with individuals he may not otherwise choose for companions. He learns that he has little choice in his daily activities whether it be a work assignment or recreational activity. He can read only the books and magazines available in the prison library. He may visit with a limited number of individuals mostly close family members and only at stated periods for a relatively short time. He finds that he is limited in his correspondence and may write and receive only a few letters of stated length. Should he violate any of the given regulations governing institutional procedure, he finds himself not before a court of record where the proceedings are carefully circumscribed by statutes safeguarding individual rights, but before an arbitrary tribunal which may disregard the most elementary civil rights.

What is still more terrifying is his discovery that his new community, being an authoritarian structure and headed by a director of despotic powers, is possessed of a climate of fear and suspicion. He doesn't know the limits and ends of his relationship with other inmates nor does he have any real idea of his position over against the ruling officials. He becomes aware of a fluidity of relationships ungoverned by law and based entirely on and limited only by precedent. He becomes afraid of the officials who have the power of little less than life over his head and he becomes afraid of the kangaroo court of fellow inmates who may get him in wrong with the all powerful officials.

What is his reaction to this most uncomfortable feeling of having lost his former status of a member of the larger society and of having become reduced to the new

status of an uncertain, unprotected slave? It is resentment and hostility. He becomes enraged at the larger society for having placed him into this anomalous situation and seeks after a way of paying back for his humiliation. He is ready to sever all emotional ties with this larger society which has so grievously hurt him and is willing to join up with any group feeling likewise. He finds that group in the prisoner community made up of individuals who passed through the same emotion of resentment and hostility he has felt. The prisoner community, in turn, is ready to receive him. Why not? There is strength in numbers. The more people enter the new fraternity, the more it can accomplish in its battle against the larger society. The prisoner community, as every community, is chiefly interested in promoting the welfare of its members. The welfare of the members, in this instance, consists chiefly of re-establishing those appurtenances which make up basic human needs to a degree enjoyed in the larger society. To state it in another way, the prisoner community is engaged in a continuous warfare with prison officials in wresting out privilege after privilege, officially or unofficially, permitting the wiping out of the slave status to which all prisoners had been reduced. The basic struggle, then, aims at moving back towards whatever higher status is possible to recapture. One finds therefore an alignment, on the one side of which are the prison officials who represent the larger community, and on the other side the prisoner community whose members have been reduced to the slave status and who are continually fighting to move upward. As indicated before the cohesive force in the prisoner community is the common resentment felt by its members towards the larger society which brought on the status reduction.

#### DIFFERING VALUES OF THE PRISONER SOCIETY HANDICAPS REHABILITATION

However, resentment is, after all, a negative force which, at best, would have only an impermanent quality. It is, therefore, quickly transformed into the more positive force of loyalty to the prisoner community through the particular services the prisoner community can render the individual prisoner in helping him to elevate his status. This loyalty, in turn, is continually strengthened by emphasizing the separateness of the prisoner community from the larger society. How is this accomplished? By establishing a differential set of values from those of the larger society. Thus, the values of the larger society are opposed at every turn and are constantly undermined. Here, incidentally, is the major handicap in the way of any rehabilitative efforts attempted by prison officials. In an atmosphere of this sort it is most difficult to erase any criminal patterns. On the contrary, they are reinforced if anything. To reiterate, the individual prisoner, upon finding himself reduced to a slave status in entering the institution, quickly transfers his loyalty from the larger community to the prisoner community chiefly because he recognizes that in the prisoner community he will find immediate acceptance. There, he can acquire some sort of status higher than that of his present slave status through recognizing the authority of those who represent the highest status in the prisoner community. Should he submit to the hierarchy of the old-timers, of those who have spent the longest period in the institution, usually the more serious offenders, he ceases to be a social isolate and again belongs in a group. He is more than willing to pay for his acceptance by devotion to the values of the prisoner community. Unfortunately, as

indicated before, these values are diametrically opposed to those of the larger society. Having been born out of resentment they are mostly rationalizations of the resentment and hostility felt towards society. They constitute a whole code of justifications for not doing things as society prescribed them. For example, if society believes that robbery is a heinous crime the prisoner community counters by stating that politicians engage in all sorts of corruption, worse than robbery, and in that light robbery is a relatively minor crime of an individual who is in serious need. Similarly, various forms of theft and swindles are excused by putting the blame on the victims, who are alleged to have had larceny in their hearts which not only facilitated but actually invited the crime in question. There is hardly a crime which is not rationalized away except, perhaps, the most revolting sex crimes which are rejected even by the prisoner community. Thus, the prisoner community assuages the individual guilt feelings of the inmates, if they should have any, and gains their gratitude for helping them maintain a measure of emotional equilibrium.

#### A PHILOSOPHY OF REHABILITATION IS REQUIRED

In the light of what was said, it would almost be naive to expect the prison as presently constituted to bring about a job of rehabilitation, particularly since it offers, in most instances, little more than repressive discipline, and here and there a dash of social and vocational education. It cannot be expected to do a job of re-education simply because no integrated philosophy of rehabilitation has really been formulated. It has not clearly been stated what first objectives it was to accomplish, and certainly the mechanics have also not been defined. Yet if rehabilitation isn't to remain an empty word it must be recognized that its first objective should be the prevention of the transfer of loyalties from the larger community to the prisoner community. The second major objective would be to assist the inmate in acquiring some sort of substitute status for that enjoyed in the larger society. Third, it must hold out a hope before him that he can eventually regain what ever status he had held in the larger society or even surpass it. Only by recognizing these three major objectives can a rehabilitation program have any real meaning. Otherwise, it will be a hit or miss affair, a mere patchwork of activities with no centralized aim or purpose what so ever.

Rehabilitation by now has become a catchword and far too many activities often having no connection whatever with it have been classified under it. Here is the reason why so little real success has been achieved, and also why so many earnest people are ready to throw up their hands and declare that the prison is a useless institution in which nothing of consequence can be accomplished. The actual fact is that the theory and objectives of rehabilitation have rarely been defined and for this reason there has been little genuine movement in the right direction.

It would be worth while to examine at this point the means whereby the transfer of loyalties from the larger society to the prisoner community could be prevented. This, as might be suspected, is not an easy task. In fact, it is an exceptionally difficult assignment to alleviate the shock following from the reduction of the individual's status to that of a prisoner slave. It is obvious from our knowledge of social psychology and psychiatry that a severe emotional shock can be best attenuated by a ration-

alization of its emotional content. How can this be accomplished? It would appear that the prisoner would have to be helped fairly soon after his arrival to gain an understanding of the reasons why society dealt with him as it had, why society took the course of action leading to his imprisonment. Such understanding can be acquired only in relatively small discussion groups. There he might learn to appreciate how the laws which disposed of his case came into being. He must find out for himself through the mentioned discussions that the law wasn't directed against him personally, that it did not represent a diabolical plot to persecute him, nor a deliberate attempt on the part of sadistic individuals to inflict revenge. He must learn to accept the fact that law was at best a slow accretion, a sort of rule of the thumb approach to the solution of difficult social problems. He must be led to comprehend the real nature of law in a democracy, meaning, that it is a product of all citizens who actively or passively take a share in its formulations. In brief, he must accept the law as being partially of his own making.

The second phase of the prevention of transfer of loyalties from society to the prisoner community must consist of teaching him to accept responsibility for his offense which brought him into the prison. Thus, he must be helped to unlearn the well worn technique of the projection of guilt. This, too, is not an easy matter and requires hard work. Every individual finds it easier to project his guilt upon others than to accept realistically his own share. Does this mean that the individual is to be left in the uncomfortable position of having to shoulder a considerable amount of guilt feeling with no thought of release in sight? Not at all. His guilt feelings can be considerably assuaged by teaching him a scientific attitude towards his own behavior. If he can be weaned away from the purely moralistic approach to conduct and can be brought to view his behavior in an evolutionary manner, that is, to appreciate the fact that it arose from a series of circumstances in many instances beyond his control, he will feel considerably relieved. For, no individual can successfully live with a contemptible idea of his self. He must have an acceptable ego concept, if he is to feel comfortable. An evolutionary view of his conduct places responsibility where it belongs, namely on life itself. Does this assume then that he is completely relieved of all responsibility? By no means. He can still be taught to accept the fact that society from the practical view has to place responsibility for his conduct upon him in order to motivate a change. Otherwise it would have no means of coping with his non-conforming and anti-social behavior. In brief, while he is helped philosophically to overcome guilt, he is persuaded to shoulder a practical responsibility.

#### PROPOSED TECHNIQUES FOR REHABILITATION

The foregoing constitutes a big order. It cannot be accomplished by superficial means, by an occasional one or two hour discussion. It must be systematically approached in well organized discussion groups whose programs must be carefully planned from the point of view of interest value and workability. It must be an experimental program utilizing the best of educational theory and practice. It must be a far cry from the conventional, didactic class room procedure. Such approach would imply an almost revolutionary change in penal practice. It would mean completely changing the emphasis from custody to correction. It would necessitate the

transformation of the prison basically into an educational institution. It would require redesigning of the whole prison program. As long as custody remains the major consideration, rehabilitation is a meaningless word almost empty of content. As long as the emphasis is on keeping men safely put away for a certain number of years, it is impossible to think in terms of counteracting transfer of loyalties to the prisoner community. Yet without such efforts, rehabilitation remains a pious hope rather than a practical possibility. After all, no amount of hard work can be productive of change if the men or women to be changed are part of another community whose value system and basic philosophy is at variance with those of the officials attempting to bring about rehabilitation.

The next question to explore is how to go about giving the prison inmate a status which is above that of the slave status assigned to him upon entry into the institution. This obviously means giving him some form of recognition from the moment of his arrival in the institution, a recognition implying somehow that he is still a human being who despite his previous criminal behavior possesses some valuable qualities with which he may significantly contribute to society. Thus, serious attempts would have to be made to discover his special abilities, and having made such discovery, opportunity would have to be extended to him for self expression along these lines. Only in this manner can he be endowed with the sense of personal worth and significance necessary to rebuild his ego shocked into rebellion by incarceration. To translate these objectives into practical terms, the prisons would have to establish creditable departments of personal and vocational analysis and training, much more extensive and adequate than prevailing at the present. It is well known to most workers in the field that personal and vocational analysis and training are still in a primitive stage in most institutions owing to the rather deficient appropriations allowed for this purpose by legislators. It must also be remembered that the general attitude of prison workers towards prisoners will have to undergo a definite change if something is to be accomplished in this direction. They must learn to approach their tasks with a scientific attitude on human nature and conduct, recognizing the fact that, no matter how anti-social an inmate's behavior had been, it was chiefly a product of social and psychological factors and not merely of personal malevolence and deviltry. Adequate personal and vocational analysis and training in endowing the prisoner with a sense of personal worth can fill the vacuum created by imprisonment. It can inform him to the effect that society is still interested, that it is willing to grant status and even higher status than enjoyed before incarceration.

Many improvements could be made in the general treatment of offenders against the laws. No article could briefly encompass all the desirable objectives and the methods of obtaining them. All that was intended here was to point to the chief reasons why rehabilitation under present circumstances has proved to be an accidental, hit or miss affair. What was emphasized here was that prison treatment must be based on an integrated philosophy and on an understanding of the underlying social and psychological processes which a prison inmate inevitably experiences as he begins his career in the prison system. Thus far, most efforts have neglected the medium in which the prison inmate existed. It has been assumed that he lived in a social vacuum while in the prison. While it was vaguely recognized that there was some form of

informal organization called the prisoner community, little recognition has been given to the fact that this prisoner community had a decided, and decisive influence on the personality strivings of the prison inmates. There was a sort of pious expectation that, if an inmate were exposed to some of the formal educational influences which prevail in the outside communities, somehow and in some manner he would benefit by them and would tend to acquire a more social and sobered point of view. Education was to be the panacea and attempts were made to set up educational departments in institutions.

All this came about from the same belief in the magic powers of formal education which motivated school building in the larger community. It had not occurred to its proponents that, while education was desirable, its basic objectives, particularly in regard to prisoners, first had to be very carefully defined, or else it could not be focussed in the direction intended. An intelligent and scientific conception must always think of the individual in the social medium in which he happens to reside. The individual must be conceived as being continually in a dynamic state, that is, as one who is reacted upon and is reacting. In brief the principle of social interaction must never be left out. Rehabilitation if it is to be a meaningful concept must be founded on the recognition of the great significance of status in human life. It must, above all, result in an improvement in the status of the prison inmate to the point where it will endow him with enduring satisfaction. Only by bestowing on him some status higher than that of a slave and holding out a promise of increasingly higher status can an individual be brought back to become a cooperative member of the greater society.