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MARITAL RELATIONSHIPS OF PRISONERS

EUGENE ZEMANS AND RUTH SHONLE CAVAN

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The philosophy and practices of penology are rapidly shifting from harsh and punitive to humane and rehabilitative. To what extent are marital relationships of prisoners utilized as a means to better adjustment?

This paper reports on a 1951 questionnaire survey made by the John Howard Association and a similar 1956 survey made by the two authors, covering administrative practices in the United States with reference to contacts permitted between the prisoner and his spouse. Another paper is in preparation covering prisoner-family contacts in a number of other countries.

POINT OF VIEW

The philosophy of the authors (social worker and sociologist) is that marital and family contacts are a vital part of the life of any human being. Marriage gives structure to one’s personal life and fulfills human needs for affection, emotional security, encouragement and approval, sexual expression, and so forth. Other satisfactions come with parenthood. The same needs are present among prison inmates as among free people, but their fulfillment is neglected.

Moreover, when a prisoner is released he is usually in need of immediate personal and social acceptance by a small friendly group. The family is the ideal group to help him make the transition from confinement to freedom. It may fail, however, if the personal relationship has faded away during the term of imprisonment.

Of course not all families are equally able to help the prisoner in rehabilitation, although they may meet personal needs to the satisfaction of the criminal. The parental family may have contributed to the development of criminal behavior, and the criminal’s spouse may be directly or indirectly involved. However, in many other cases, especially among non-professional criminals, the family has potential rehabilitative values.

MARITAL STATUS OF PRISONERS

Approximately half of both men and women prisoners are married, as Table I shows. For this large number of prisoners, visits from the spouse are usually a possibility. The percentages of prisoners who are divorced (4 to 7 times as high as in the general population) indicate that crime and marriage have not mixed well prior to imprisonment. It is probable that marriages still formally intact need strengthening if they are to remain in force.

We do not know what the marital status is by age groups. However, half of all prisoners are in an age period when sexual impulses are strong and when marriages usually take place and basic adjustments are made. For males in federal prisons, the median age is 28.7 years, in state prisons, 27.0 years. For females, the two medians are 28.2 and 28.5 respectively. From other studies we know that the early years of marriage (when husband and wife usually are in their twenties) are the critical years for adjustment. The peak period for divorces is between the third and the sixth years of marriage. For the young married criminal, the imprisonment adds an extra hazard. The critical

2 RUTH SHONLE CAVAN. THE AMERICAN FAMILY (Crowell, 1953), pp. 470, 474.
adjustment period for many married criminals must lie within the years of imprisonment.

We may ask: Is it practical to try to preserve a marriage when one partner is imprisoned? Most prisoners are released within a short period of time. The median length of time served in federal prisons is 11 months, and 96.1 per cent of federal prisoners are released by the time the fifth year of imprisonment is reached.3 The median time served in state prisons is 21 months, and 89.9 percent of prisoners are released by the fifth year. The median period of separation, therefore, is comparable to that often imposed by military service.

An unknown number of marriages disintegrate during the period of imprisonment. At present the laws of all except six states (Florida, Maine, New Jersey, New York, North Carolina, and South Carolina) list conviction of a felony or imprisonment as a cause for divorce on the part of the spouse of the criminal.4

One further point about the marital situation: one of the obligations of marriage that contributes to the husband's self-respect is the support of his wife and children. Prisoners almost inevitably lose this sense of obligation. Prisoners usually pay only a token wage to prisoners, whatever else they earn being absorbed by the overpowering cost of prison operation. In addition, many reasons beyond the prison's control make it impossible to give full employment to prisoners. To provide security for children, the public welfare program of Aid to Dependent Children covers children whose fathers are in prison. The inability of the prisoner-husband to aid wife and children undermines family unity.

We may draw the following tentative conclusions: approximately half of male and more than half of female prisoners are married when they enter prison; a considerable proportion of those married prisoners are in the early stages of married life when, even without the strain of imprisonment, adjustment is most difficult. Some of the marriages end through divorce; others are weakened by loss of normal marital obligations. Nevertheless, many of the marriages remain legally intact. The period of separation for many married prisoners—especially non-professionals—is less than two years. In the unknown number of marriages that remain intact, what means are used to preserve the marriages against the day of release, and to make it possible for husband and wife to secure normal satisfactions from the marriage during imprisonment?

THE SURVEYS

The 1951 survey covered 74 state and local institutions, among them 47 men's prisons, which are the only ones referred to in this paper. The 1956 survey consists of replies from 74 state and individual prison administrators and the Federal Bureau of Prisons. The state replies cover 115 individual prisons of different levels of security and a few unified state systems where it was not possible to individualize practices in different prisons. In all, the returns came from 46 states, the District of Columbia, and Hawaii, and account for 99.3 percent of all men prisoners and 94.3 percent of all women prisoners. The wholehearted response indicates the widespread interest in the subject of the survey.

VISITS TO PRISONERS

All prisons permit spouses (and other categories of relatives and friends) to visit prisoners in the prison. Almost without exception these visits are infrequent and brief. Since no clear distinction appeared between the practices of men's and women's prisons or among institutions of different levels of security, the practices of all are given in Table II.

Visits of not over two hours twice a month form the most frequent pattern. Twenty-three prisons allow only one visit per month (one prison one visit in two months). On the other hand, 41 prisons

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3 National Prisoner Statistics, Prisoners Released from State and Federal Institutions, 1951 (Washington, D. C., Federal Bureau of Prisons, 1953), p. 23. (The figures are for first release on a given sentence; some of the prisoners may be returned for parole violation.)

TABLE II

NUMBER OF STATE PRISONS AND REFORMATORIES WITH SPECIFIED FREQUENCY AND LENGTH OF VISITS PERMITTED HUSBANDS AND WIVES, 1956

<table>
<thead>
<tr>
<th>Length of visit</th>
<th>Number of visits per month</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One visit every two months</td>
<td></td>
</tr>
<tr>
<td>Under 1 hour</td>
<td>—</td>
<td>8</td>
</tr>
<tr>
<td>1 up to 2 hours</td>
<td>—</td>
<td>20</td>
</tr>
<tr>
<td>2 hours</td>
<td>—</td>
<td>5</td>
</tr>
<tr>
<td>3 hours</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>4 hours</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>5 hours or more</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>23</td>
</tr>
</tbody>
</table>

provide for four or more visits per month, sometimes lasting for a half or even a full day. The longer visits, however, are exceptional.

The table gives the basic practices. Trusties and prisoners assigned to farms often are permitted longer visits than those under close custody. The husband or wife who lives at a distance is allowed to stay longer on infrequent visits.

Some administrators gave reasons for the short and infrequent visits. Old overcrowded prisons do not have enough space for frequent visits; prisoners are rotated through the visiting room as often as possible. Another handicap was limited supervisory prison staff. It seems probable also that in many prisons customary practices are followed year after year without a definite policy or review of the situation.

HOME LEAVES

Home visits of the prisoner are almost unknown, except when there is illness or a death in the immediate family. All but six states permit short furloughs under these circumstances.6

In response to a direct question in 1956 regarding visits home, only one prison gave an affirmative response. The questionnaire from Mississippi included the following interesting statement of a practice in operation since 1944, called the Holiday Suspension Program. The administration feels that the program has been successful.

"Each year, from December 1 until March 1, we have allowed about 300 prisoners to go home for a period of ten days. This privilege is limited to prisoners who have been in the penitentiary at least three years with a good behavior record. They are carefully screened and in our judgment they must be trustworthy. During the 12 years that this program has been in operation, we have released a total of 3,204. Of this number, 15 failed to return—of whom 12 have been accounted for and three are still at large. We believe the program is a success; in fact, it is a great morale builder and goes a long way in preserving family ties."

THE FIRST VISIT

In a number of prisons the first visit may be received "immediately" after admission, in a few not until after a lapse of 30 days—in one, 60 days. Among the 47 prisons of the 1951 survey, 19 permitted the first visits within the first 7 days, 11 between 8 and 15 days, 7 between 16 and 30 days, and one at 60 days. Nine answers were indefinite, but indicated only a brief waiting period. In some cases, a quarantine period determined the interval until the first visit.

THE VISITING ROOM

Many varieties of visiting rooms were cited in 1951, most of which undoubtedly still remain the same. In 17 prisons, the prisoners and their visitors sat at opposite sides of a long table, with a partial barrier separating them. Another handicap was limited supervisory prison staff. It seems probable also that in many prisons customary practices are followed year after year without a definite policy or review of the situation.

their visitors entered by separate doors. In another prison, a table 120 feet long provided seats for 47 visitors on one side and an equal number of prisoners on the other. In a third prison, a room 40 feet by 20 feet contained two 30 foot tables.

The 1951 survey also inquired whether prisoner and visitor were allowed to embrace or shake hands. Twenty-one prisons allowed no physical contact; 24 permitted a simple embrace or handshake. In a few prisons, this privilege was permitted only to trusties or minimum security prisoners.

Both surveys showed that all visiting is closely supervised, not so much to overhear the conversations as to prevent the passage of forbidden articles back and forth.

Although from the point of view of good marital relationships the conditions of visiting may seem very severe and formal, the movement in general is toward more freedom and less close supervision, especially for minimum custody prisoners. As prisons improve their classification methods and are able to provide better physical facilities, it seems probable that visiting will become more informal for many prisoners. A few examples from the 1956 survey will illustrate the trend.

A maximum security institution in which visiting is carried on over a glass partition permits the 200 men on the prison farm to entertain visitors out of doors under the trees in the summer time with less rigid supervision. In another maximum security prison where the usual mode of visiting is through a heavy screen, trusted prisoners may sit with their guests in the waiting room in which handcraft articles made by prisoners are sold.

From California comes a statement on variations in visiting privileges:

"Visiting privileges in the California institutions are generally uniform so far as the governing rules and regulations are concerned. Actually, differences exist by reason of the architectural differences in the facilities available. In general, for marital visiting, every effort is made to preserve the relationships upon which the strain of separation and confinement of one spouse is imposed. Picnic lunches under quite relaxed conditions are available at one institution, the California Institution for Men, while at our prisons of higher security, restrictions are necessarily much more severe."7

Women's reformatories, usually built on the cottage plan, often allow for more informal visiting than is customary in men's prisons. The superintendent of a woman's reformatory writes:

"We feel that the visiting period, time, and place are all pretty well worked out. The inmate is allowed two visits a month, although the same person may not visit both times. Members of the immediate family are allowed to visit, and also friends who are carefully investigated. We encourage visiting, trying in every way to make it a pleasant home family affair. There is a play room for visiting children, where we serve them cookies, fruit, and milk. The entire family is allowed one visit per year. This privilege is also extended to friends who are on the inmate's writing list. This special family visit is for the entire day. They bring their own lunch, and our Commissary serves them lemonade, ice cream, watermelon, and so on. In this way, the inmate feels that she is furnishing her part of the lunch."

PRIVACY OF VISITING

From time to time newspapers carry stories of private conjugal visiting in prisons in other countries. Although the 1956 questionnaire did not ask specifically about conjugal visiting, several respondents commented on it.

One point of view was that conjugal visiting (that is, the spouse spends some time with the prisoner in privacy within the prison) would give support to the marriage during the period of separation. However, no administrator openly advocated it, several stating that the mores and public opinion of the country were opposed,7 but that such visits, if well planned and supported by qualified public opinion, might be a possibility for the future.

Another point of view expressed in a few replies was that conjugal visiting might reduce sexual tensions and homosexuality within the prison. At this point it is necessary to remember that some men are in prison for crimes related to sex deviation and maladjustment. They create some of the most severe problems of homosexuality in prison. Some of them may be married, but it scarcely seems probable that conjugal visiting would clear

7Reference may be made to the 1956 attempt of a wife to live part time with her husband in prison, in the District of Columbia. Through an attorney, she contented that although the District had the right to imprison her husband for housebreaking and grand larceny, it had no right to punish her by depriving her of her marital rights. Her petition was not granted.

For a further description of visiting arrangements under the first superintendent of the California Institution for Men, see Kenyon J. Scudder, Prisoners Are People (Doubleday, 1952), pp. 157–166.
up their problems. The situation may be different for men normally adjusted sexually outside of prison who feel tensions when deprived of sex relations. A thoughtful statement expressing one point of view comes from a professional worker in a maximum security prison.

"Some people seem to believe that if a more intimate relationship was available it would greatly eliminate such things as homosexuality and tension within the institution. It has been our experience that when the man has good family relationships, a good stable home where both he and his wife are emotionally mature, there is no problem along these lines, even though this intimate relationship is not available. The true problem in regard to homosexuality and tension brought about by an unsatisfied sex drive, lies with the unstable, immature individual who has been married numerous times and who has had a long period of incarceration, in all probability starting as a juvenile, and with the person who possesses definite psychopathic personality traits. To offer a more intimate relationship to this type of individual would be ridiculous. We do not feel that a more intimate relationship between a man and his wife would eliminate many of our problems within our institution."

Apparently any serious consideration of conjugal visiting awaits further analysis as to the purpose that it would serve and as to its relative value in comparison with other types of marital relationships.

Restriction of Visits as Discipline

A common method of prison discipline is to restrict or forbid privileges. Here and there in discussions of rehabilitation the question is now raised whether denial of visiting privileges may not further delay rehabilitation when it is applied as a punishment; prisoners may become still more resentful, and they also are deprived of the steadying influence that might come from the visits. In the 1951 survey, only three of the 47 prison administrators specified that visits were not restricted or denied for disciplinary purposes. Conditions of denial could not be tabulated precisely because of the variety of answers. However, in 18 prisons inmates in solitary confinement could not have visitors. In 12 prisons, loss of the visiting privilege was used as punishment for general infraction of prison rules. Several respondents specified from one to six months as the period for loss of the privilege. In some prisons, reduction in rank to third grade carried with it loss of visiting privileges. Violations of visiting rules or attempts to pass forbidden articles or generally harmful results to the prisoner were reasons for terminating the privilege.

Marrying While in Prison

Marriage of prisoners is forbidden in 44 percent of men's maximum security prisons, 56 percent of women's prisons operated in connection with men's prisons, 29 percent of men's medium and minimum security institutions, and 26 percent of women's reformatories. It can be surmised that the difference among men's institutions is because the medium and minimum security institutions house many young men with short terms. Since the two types of women's institutions house essentially the same types of offenders, there seems to be no logical reason for the difference in policy.

Marriage is not a right of the prisoner. It is hedged about by investigations and formal approvals. A prison marriage rarely occurs to create a bond between a man and a woman; its usual purpose is a moral one to legitimize a child. After the marriage there is no opportunity for the couple to live together.

Purpose of Visits

The question on purpose of visits was followed by three possible answers: reduce tensions, stabilize family life, and "other". Many respondents checked both "reduce tensions" (40 percent of all replies) and "stabilize family" (53 percent). Other purposes given by 13 respondents were to boost the prisoner's morale, help in adjustment of the family after release, assist in parole planning, and for business purposes.

Attitude Toward Present Practices

The 75 men and women who answered the 1956 questionnaire were asked whether they were satisfied with present practices; 48 said they were satisfied, 16 were dissatisfied, and 11 did not reply. The stated dissatisfactions show the trend of thought. Some administrators are aware of the limitations imposed by old prison structures or by the fact that prisoners actually requiring only minimum security are housed in maximum security prisons under the same restrictions felt necessary for maximum security prisoners.

Other administrators were concerned with ways
of making family contacts more constructive to both the prisoner and his family. They recognized the need in many instances of rehabilitating the family itself prior to release of the prisoner and regretted the lack of a social case work program. The clearest statement was made by the superintendent of a women's reformatory:

"It is sincerely felt that the relationship between inmate and her family has been fundamental in her getting into difficulty in the first place. It is, therefore, felt that a program should be devised which would facilitate the inmate's re-establishment in the family group. Perhaps this re-establishment, if properly handled, could be a new beginning for both inmate and the family as a whole."

When asked whether changes in marital visits were planned for the near future, 70 of the 75 respondents replied, "no".

HELP FOR THE PRISONER'S FAMILY

Almost no financial help comes from prisoners. Half of all men's institutions said that prisoners may help support their families from earnings in prison. It must be recalled, however, that earnings are very small and usually are used to cover incidental needs of the prisoner; the amounts diverted to families are necessarily negligible.

Many prison administrators provide some counseling. One third of men's prisons, two thirds of men's reformatories, but only one ninth (3 out of 27) of women's reformatories provide help from a prison social worker or other staff member. Chaplains also often assume duties in this area. In more than half of the prisons with some counseling of families, both social worker and chaplain function and in only one prison was there social work service without counseling from the chaplain also. When all institutions and types of counseling are considered together, about 40 percent of the prisons had no counseling services for families.

A third of the institutions specified that outside agencies, especially public welfare services, aided the families.

THE FEDERAL BUREAU OF PRISONS

The policies and practices of the Federal Bureau of Prisons, a leader in modernization of prisons, are outlined here as an example of newer trends. The Bureau has recently (1949) stated an explicit policy on visiting and adapted its practices to support the policy. Emphasis is on maintenance of family ties and readjustment after the prisoner leaves prison. Therefore visiting is made as nearly normal as possible and additional help is provided by appropriate prison staff both in giving an understanding of the prison program and in smoothing out family difficulties.

The purpose of visiting is stated in a well formulated "Statement of Policy and Principles":

"In order to achieve the major objective of correctional administration—to return the inmate to the community fitted for a law-abiding, economically productive and social existence—it is essential that he maintain and develop healthy family and community relationships. At best, it is difficult to foster relationships in a penal or correctional institution which is usually distant from family and friends and where conditions are not especially conducive to the maintenance of normal associations and community interests. In the development and administration of visiting regulations, it is important that as much visiting by approved visitors be allowed as personnel and facilities will permit. The setting in which visits take place should also be as informal and attractive as facilities will permit with due regard to necessary controls. Visits should be conducted and supervised in such a manner that an atmosphere of friendliness and lack of tension is achieved."

More explicitly, visits serve the following purposes: to maintain family ties and wholesome personal relationships with relatives and friends; to contribute individual and group morale and future adjustment; to develop closer relationships between prison staff and family or friends in order to promote more effective planning for treatment and release of the prisoner; and to lead to a better understanding on the part of visitors of the institution's and the Bureau of Prison's policies.

The minimum time allowed for visits—two hours per month—falls within the generally accepted pattern for visiting. However, the time and frequency may be increased measurably under appropriate conditions. Manual Bulletin No. 276 issued to all federal institutions on July 1, 1949 by the Bureau of Prisons states that the "only reasons upon which restrictions on visiting should be based" are practical ones such as "limited visiting facilities, the time and administrative expense incident to arranging and supervising visits, and the need for maintaining other important institutional activities without unnecessary or extended interference."

The regulations emphasize the minimum of
supervision possible under given physical conditions and with each class of prisoner; courtesy and understanding on the part of the supervising officers; and pleasant surroundings for the visits. The visiting room officer is made responsible for seeing that all visits are conducted in quiet, orderly, and dignified manner. "Handshaking, embracing, and kissing by immediate members of the family may be permitted within bounds of good taste." One might say that the visiting circumstances are increasingly permissive as one moves from Alcatraz to the open institutions. The way in which the general policy is applied is evident in the following quotation from a letter from Mr. James V. Bennett, Director of the Federal Bureau of Prisons:

"In the years since the war there have been marked changes in our practices with respect to the conduct of visits at our institutions. At all of our institutions (except Alcatraz and Leavenworth) the more formal visiting rooms, with the long tables providing a barrier between the visitor and the inmates, have been eliminated. In their places have been developed attractive, comfortably furnished and decorated visiting rooms where an inmate may meet with his family in pleasant surroundings and with unobtrusive supervision. In the close custody institutions it is still necessary to conduct some visits under direct and immediate supervision but these are usually handled in smaller visiting rooms in the presence of a visiting room officer.

"At our open institutions, like the camps and the correctional institution at Seagoville, Texas, and in our institutions for juveniles, still less formality in visiting exists. Open air visiting parks have been constructed where families may bring picnic lunches and enjoy visits in the out-of-doors. In a few of our institutions arrangements have been made for visitors to take their meals with the inmates in officers' dining rooms. Throughout, we have emphasized the importance of maintaining family ties wherever possible and offering the visitor a place in which he may meet with the inmate in relaxed, comfortable surroundings. . . . Incidentally, in a few of our institutions, families attend religious services with the men in the institution chapels and this has proven to be quite satisfactory."

Prisoners may help support their families from earnings in prison; and prison social workers, chaplains, and probation officers assist in family counseling.

INTERPRETATION

Marriage and family life have very different connotations within prison than in the free community. Our present attitude toward marriage is that it is an individual right to be contracted at will, within very wide legal boundaries. Once contracted, husband and wife have the obligation of living together and the privilege of establishing marital and family practices of their own choosing. In prison these rights and privileges do not exist.

In part the present situation is no doubt simply a carry over of earlier practices when a prisoner was kept under close supervision and socially (sometimes physically) isolated from other prisoners, prison staff, and outsiders. Gradually, restrictive practices have broken down in such areas as conditions of work, recreation, education, and so forth. Within the prison, freedom of contact has increased. Contacts of prisoners with the outside world are still very restricted. Visits tend to be placed in the latter category, even when they take place within the prison walls.

A second reason for restrictions may be the continuance of a punitive attitude on the part of non-professional prison administrators and a segment of the public. The penalty set by law for the crime may be five years in prison. Public opinion condones and prison practice may add a further and perhaps more severe penalty in the isolation from spouse and family. Such isolation can be justified when the contacts are harmful; there is no reason to assume, however, that all or even a majority are harmful.

In general the purpose of visiting does not seem to be part of a clear cut policy. In all except a few prison systems, visiting seems to be regarded as a technique to reduce tensions or as a disciplinary device to be manipulated as the warden sees fit. Sometimes it may simply be continued as a customary practice, whose pattern was established in the past.

A newer point of view that is gaining ground is that marital contacts may be used as a rehabilitative technique in a treatment program. There are some definite hindrances to the development of such a program: the difficulty of finding appropriate space in the older bastille type prisons to be remodeled into comfortable visiting rooms; the customary brevity and infrequency of visits, partly related to the limited space; and inadequacy of counseling services to which the prisoner and his family could turn for help.
The consideration of experience in prison systems in the United States and abroad lead the authors to make the following suggestions.

1. Marital contacts should be regarded both as a right of the prisoner and his spouse and as a means of rehabilitation. They should not be granted as a privilege for good behavior nor denied as punishment. They should be as extensive as prison conditions and rehabilitative processes permit.

2. Visiting without barriers should be extended to all prisoners who can be trusted. Such extension would require careful classification of prisoners, and necessitate provision of semiprivate visiting space in new prisons, and of remodeling where possible in old prisons.

3. Careful experimentation should be made with furloughs home. These home leaves might be granted at first near the end of a prisoner's term, when they would serve the double purpose of bringing the prisoner home for a preliminary visit and of helping him to locate work.

4. Home leaves for selected prisoners at regular intervals of time throughout the prison term would be the next step.

5. At each step, careful study should be made of the results.

6. Conjugal visits in prison are not suggested. Little favorable attitude toward conjugal visits has been found. Moreover, in the United States sexual relationships, viewed as a constructive experience, are usually thought of in a context of marital companionship rather than as a limited physical relationship. Home leaves would preserve the marriage as a personal and social relationship; conjugal visits might relieve physical tensions but offer little else.