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# OUTLINES

OF

# PENOLOGY.

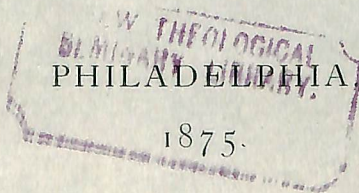
BY

JOSEPH R. CHANDLER.

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PHILADELPHIA.

1875.



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AT A MEETING of the Acting Committee of the  
PENNSYLVANIA SOCIETY FOR ALLEVIATING THE  
MISERIES OF PUBLIC PRISONS, it was resolved that one  
thousand copies of the paper on PENOLOGY, in the  
PENN MONTHLY for December, 1874, be reprinted for  
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PHILADELPHIA:  
PRINTED BY JAMES B. CHANDLER.  
1875.

## OUTLINES OF PENOLOGY.

It was my intention in undertaking to write the accompanying essay to present some branch of the subject of penology with an argument sustaining my views, but I remembered that in almost all the congresses and conventions that have been held on the subject of penitentiaries, jails, reformatories, etc., there has been a want of agreement of opinion upon any one branch of the question, because every branch must receive some modification to suit it to the general principle upon which the whole system is founded.

Certainly the construction and the administration of prisons in which the congregate system prevails must vary greatly from those in which the Crofton system has been adopted. And both of those must be almost entirely different from what are requisite in prisons where the individual or separate system is carried out, as in the Eastern Penitentiary of Pennsylvania.

A general prison system must be under the direction of the State, and series of houses or farms must be connected in the administration. Italy and Belgium present something like a perfection in the concatenation of prison administration and prison authority.

When the system of government is fully established, then its parts may be discussed. If the great object is to make or save money for the State, then that object must be pursued without regard to its influence on the characters of prisoners. If improvement of the morals of the convict is the great end, then consideration of profits from his labors must be subordinate to the benefit to him and through him to society from his improvement. And association or separation must be adopted—the former for pecuniary saving, the latter for moral improvement.

Those who discuss "Crime Cause" in its proper connection with prisons will understand how much danger is incurred by associating criminals, or by placing the yet undebauched man in contact with crime-loving, crime-planning, and crime-committing felons.

"Evil communications corrupt good manners."

The societies that cultivate social science have already distinguished themselves by writings that present many subjects which make for the interest of communities. Laws of trade, the nature of usury and the preservation of health have occupied their ideas and been submitted to their discussion.

Economy in prison administration is no less worthy of their thoughts, for if it is of use to society that money be saved and health secured, it can scarcely be less useful to society to secure moral soundness and save man for man's highest usefulness.

I have in the accompanying essay on penology expressed my views on systems of prison government, but I must say here that whatever may be the system adopted, its success must depend more upon the administration than upon the system, and success is certain if the prisoner receive that kind of treatment which,



while it shows him a convict, never allows him to forget that he is a man and is regarded as a man. It is not my intention now to illustrate that idea by facts, but I could point to the good influences of kindness upon convicts, and from my own extensive experience show that the first thought of improvement has been suggested by kindness, and that the progress from a sense of felony to the realization of honest resolve was *pari passu* with the sense of self-respect recalled by kindness.

The species of gentleness of judicious personal kindness is possible in almost every system of prison management: it is more or less operative as the system is more or less individual or separate.

The best system must fail of great success without a careful personal administration. The poorest system may be made productive of some personal good if there be a proper spirit in its administration.

So that the language of Pope may, with some allowance, be adopted to convey an idea of the importance of administration in a prison system.

"That which is best administered is best."

Philadelphia, November 18, 1874.

JOSEPH R. CHANDLER.

There must be a comprehension of the whole before there can be an adjustment of the parts.

THE Roman who declared that nothing was foreign to his feelings that concerned humanity only proclaimed what was a general condition of his race; and philosophy and religion make it a duty to utilize this condition and render it subservient to social happiness.

The new zeal, "a zeal according to knowledge," of late displayed in the interest of humanity, has become so active—and proves of so much importance—that it has received special direction and particular designation.

Social science is a branch of general economy which has arrested so much attention and commanded so much talent, developing divers means of improving social life that minute subdivisions are admitted, and men are called upon to acquire and present experience on points that some time ago were regarded as too minute for investigation, too unimportant for substantive consideration. The investigation has established their importance, and consideration has elevated them into the rank of science.

The essayist has acquired credit by presenting and discussing

some of those branches of social science which seem to touch the interest of the most active and most intelligent of our citizens.

While the sufferings of the prisoner have ever since the existence of a prison excited commiseration, and the relief of the incarcerated was commended to the charitable interference of the humane, it is only of late that interference for the prisoner's rights, or a redress of the prisoner's wrongs, has become a subject of united consideration, and the construction and administration of prison houses have been regarded with any other object than that of detention and punishment. The terrors of their cruel possibilities have been presented, enriched with the fancy of the historian, the novelist or the poet, and the prisoner has been the exponent of social, civil and spiritual bondage. Few have thought of the possibilities of benefits from incarceration, resulting from mental experience and the discipline of thought.

Certainly to an educated man, the man of books or worldly experience, the man of fixed plans and with absorbing objects, the prison may be a beneficial school from which the thinking man may graduate with honors or for distinction. Certainly the occupant of the Egyptian prison came out to be the ruler of the subjects of Pharaoh, and the prisoner in the fortress of Ham was called from his school of thought to be ruler of France. Joseph kept on thinking—Louis Napoleon yielded to dreams—St. Peter and St. Paul taught the world by their prison experience, and the Duke of Bedford has just erected a monument to Bunyan, who thought and wrote his *Pilgrim's Progress* in the cell of the Bedford prison.

These instances show the capabilities of the human mind under what are called adverse circumstances, and illustrate the influence of solitude. None of the prisoners alluded to were felons, and only the Egyptian minister was charged with acts which are not considered virtuous under some circumstances. The effect of separation upon the felon will be considered when the systems of imprisonment are discussed.

The subject of prisons and prison discipline has occupied so much attention of late that there have been formed parties in the school, and the zeal which seemed to be for general ends has



almost naturally been directed to a consideration of the means, and as there can now be little difference of opinion upon the propriety, not to say duty, of making the imprisonment of the offender a means of benefit to the community by the improvement of the individual, it is best to consider first what system is most conducive to that improvement.

It is evident that states and communities, which are occupied with the subject of penitentiaries, prisons, and reformatories, are considering the subject of fiscal economy, a matter of much importance to taxpayers and always to be kept in view, as the cost of building and maintaining a prison may be made a means of considerably augmenting public expenses without providing any corresponding good.

Some who have had experience in the administration of public affairs, have gravely considered how prisons may be made a source of profit to the community by the sale or use of the production of the prisoner's labor, subordinating the idea of the improvement of the felon to that of the public revenue.

In some places the old plan of building prisons, and maintaining them, simply for the purpose of detaining persons suspected of felony, or of punishing them when that felony is proved, is yet the limit of efforts with regard to prison discipline, and of course the object of the law naturally influences in its administration; and cruelty in insuring detention and punishment, almost invariably attends this system of imprisonment. This mode of punishing persons charged with unlawful acts and declared guilty of the offense, though generally condemned, is much more practiced than is supposed by persons who dwell on theories of penology; but its general condemnation, notwithstanding its prevalence, renders it unnecessary to argue for its abolition.

Within a few years, congresses, "national and international," have been held on the subject of prisons and protectories of all grades, and much information, as regards prisons and prison discipline and prison economy, has been gathered, to the general benefit of the science, and few who have attended these assemblies have failed to acknowledge that they have acquired valuable information from the detailed experience of members from

various parts of the world; and knowledge of the operation of systems, or of practice without system, is of vast importance in any attempt to form a new system, or to recommend one that has been tried.

To a person experimentally acquainted with the management of prisons, it was evident that the discussions in these congresses (take for example that held in London in the summer of 1872) did not lead to any definite embodiment of a plan. The time of the congress was profitably employed in the explanation of the operation of prison laws, as they are administered in the United States, in Great Britain, on the continent of Europe, and in parts of Asia, especially in British India. The earnest eloquence of some of the expounders of systems and practices insured a sort of conviction at the time, which further examination, or opposing explanation, considerably disturbed.

Systems, too, were applauded for the favor which they had secured from committees, the popularity they had achieved; when a closer investigation led at last to the inquiry whether that popularity was founded on the positive beneficial character of the system, or whether the system was not applauded because it was an improvement on a long-continued practice, which in reality had no comparative benefits of a system of prison discipline must commend it to approval and adoption.

There are several divisions of the subject of penology which demand attention in their proper order. For example, the government of prisons as a part of the administration of the internal affairs of a State; such as is found in Belgium, and especially in Italy. In the latter named kingdom the government of prisons, the appointment of officers, the regulation of rank, and the designation of duties among those officers, seem to be as much a departmental matter as is that of the army or the navy. It is a branch of "justice," and it would seem that this national or State organization of penitentiary and reformatory affairs could be made without, or previous to, any plan of prison houses, or any general system of prison management.

In the usual order of arrangement it is customary to consider



the plan and construction of prison houses. But as the arrangement of space for the size and situation of cells and for their proper furnishing must depend greatly on the system of government and discipline to be adopted, it is better to postpone the consideration of the form and divisions of the building, till it be known which of the many systems of treating prisoners is to be adopted.

There are prisons, undoubtedly a large majority of those occupied, in which no system is thought of, excepting, perhaps, that of keeping the inmates close till the sentence time of the prisoner shall have expired. The treatment in these "jails" usually corresponds with the character of the jailer. In some prisons in Pennsylvania the convict is treated with a rigor that shocks humanity. In others the jailer, being also the sheriff of the county, finds it convenient to intrust the care of the prison to the only convict it contains, while the sheriff is out in his bailiwick looking after more tenants. In these cases there is no system to discuss—all that can be done is to condemn the practice.

There are three plans, called systems, of prison discipline. First, the congregate system, that of keeping the convicts together in their labor and in their rest, causing them to work all together and sleeping in a common dormitory at night.

Another system—or rather a branch of the former system, is that of employing the prisoners in gangs at labor during the day, and to lock them up in separate cells, only one in each cell, at night. These and their modifications are what are called the "congregate" system. They allow intercourse among the prisoners—the second all day, and the first day and night. That intercourse is more or less free, according to the discipline of the place. It always exists.

There is another plan, known generally as the "Irish system," but which ought to be called the "Crofton system," as it was the invention of the Rt. Honorable Sir Walter Crofton, who applied it to the convicts in Ireland, where the most unsystem-like treatment of condemned prisoners had prevailed, and where, by the operation of the Crofton system, immense good was secured to the felon and through him to society. This Crofton system consists

in a severe treatment of the convict, who, for a certain time, is kept in solitary confinement and on hard fare, and is then admitted to privileges, which are gradually enlarged, and liberation from the prison house usually precedes the completion of the time of the sentence. This system commences with separate confinement and concludes with a sort of social enlargement and police surveillance. We shall hereafter compare it with other systems; meantime let the high praises which it receives, and which it in some measure deserves, be considered in connection with the circumstances of Irish prisons before the Crofton system was put into practice. We must distinguish between positive and comparative excellence.

The third plan is that of separate confinement, by which no prisoner sees another prisoner from the time he enters the prison till he leaves it.

The modification of the separate system is not in permitting occasional intercourse among the convicts, but in enlarging the liberty of visitation by friends, relations, or moral and religious visitors, an augmentation depending entirely on the merits of the prisoner, and serving to keep alive domestic affection and strengthen moral resolve.

I hesitate not to say that the system of separate confinement of convicts is the only plan by which all the advantage of penal imprisonment can be secured to the safety of the community by the withdrawal of an offending member and the consequent absence of a bad example, and the improvement introduced to society by a member who from thinking and doing wrong has been induced to make resolves of reformation—while, at the same time, means and inducements are provided to give efficacy to those resolves. Evil associations are poor means of making men better; very few, indeed, make any advance in a career of vice without the instruction, encouragement, and applause of others.

When a violator of the law is sentenced to imprisonment, the natural remark of the community that has suffered by his violence or his depredation is "We are free from his villainies for the 'time of his sentence';" but it is rarely considered that a penitentiary can be a school of crime in which the pupils may be advanced in the art by which they obtained entrance, and admitted to higher grades of professional employment.



But how can we admit, as nearly all do admit, that it was evil associates that sent the convict to the penitentiary, and not believe that the same or worse evil associates will augment his criminal skill and increase his desire for its exercise?

But it is urged against this separate confinement that it is cruel to the prisoner, and that, shut out from intercourse with his fellow-men of every kind, he loses all sympathy with society and cherishes a hatred in prison that suggests plans of vengeance when he shall be released.

Such an idea is not unfounded; it is almost the natural result of a deprivation of liberty, and bad passions are not likely to be repressed in men who have lived in open violation of the laws of God and man and upon the spoils of their fellow-beings.

But this idea, so well sustained by the experience of those who have witnessed protracted solitary confinement, or have noticed the influence of the congregate system upon almost any class of offenders, is unjust toward the separate system, which is, indeed, anything but "solitary."

The separate system in Pennsylvania, as practised in the Eastern Penitentiary of that State, consists, in the first place, in the entire isolation of the convict from the time he reaches the prison until he is discharged—that is, a complete isolation with regard to any and every other convict in that prison, not to be seen by or to see any one of his fellow-prisoners in sickness or in health, in labor or in rest, in communion or in worship. And from this system of isolation the humanitarian, who knows no more of the separate system of prison discipline, derives his most positive argument against the separate confinement of the convict.

But I have stated one point in that system, that of perfect separation from other convicts. The separation, however, is perfect only with regard to separation from convicts. The prisoner in the Eastern penitentiary, and in every other prison where the separate system prevails, has three visits a day from the persons who supply him with food, and though little conversation can be allowed at such a season, yet the prisoner has at least a vision of "the human face divine" as often as he takes his meal. Some of the officers of the prison see and converse with him frequently in the course

of the day, and men who have a direction and supervision of his work talk with him about the manner of increasing his skill in the particular branch devolved upon him.

The stated "moral teacher" is regular in his visits to the cell, and ready to propose or to answer questions, and that officer is followed by the schoolmaster with his lessons of common school education, and all are willing to add to the means of special knowledge.

It is well known that men of high education have been tenants of the penitentiary cell, and have passed much of their time in a review of, or advance in, classical and mathematical studies, and such persons have been supplied with means of pursuing their favorite branches of science; and benefits, at least to the prisoner, have resulted from these renewed studies.

In addition to the visits of the officers and employees of the institution, there should be mentioned the regular, permitted visits of the relatives and friends of the convict, and the frequent official calls of the Inspectors of the prison. That certainly does not look like solitary confinement, the separation of the felon from all intercourse with human beings, nor the fulfillment of the idea that in all that time he has no knowledge of the world, "nor had the voice of a friend or kinsman breathed through his lattice."

But still further, there are visitors to the cells of the penitentiary who have nothing to do with the government of the place—and have no connection by blood or former friendship with the prisoner. Some of these persons are seen every day within the cell or at the door, there dealing gently, kindly, and in the spirit of purest philanthropy, with the inmates, seeking to alleviate the misery of the prison, and to elevate the aspirations and purify the motives of the prisoner.

One point, very essential to the completeness of this system, still remains for notice. The religious views of the convict are respected. He may be called on to hear certain general speaking, or preaching by persons who are employed to improve the Sabbath hours of the prisoner, and who, to prevent any evil from positive doctrines, cuts off most of the chances of good by a general negativity; but the convict has and improves the right of frequent



visitation from clergymen and pious laymen of his own religious denomination, or of some of the different divisions of Christians, and his entire separation from all other prisoners gives to these frequent religious communions a freedom of confession and instruction, of proposition and advice, that could not be enjoyed in the prisons of the congregate system.

And while all these are in operation, the convict is learning some trade or pursuing his former legitimate mode of earning a living, in his own cell. Of course, the kind of trade taught or practised there must have some relations with the available space. Ship building, house building, engine building, and some other important branches of mechanic art, could not be carried on in the twelve by twenty feet workshop of the prison. But even there vast acquisitions of theoretical knowledge in those and other branches could be and have been made. Surely, this is not the realization of the terrible bugbear with which certain sensationists have tried to alarm the philanthropist. This is not the confinement that ruins the health and weakens the mind of the prisoners. Those who have attempted to represent separate confinement as a great cruelty have dealt entirely with fancy or willful misrepresentation. The explanation which I have given above of separate confinement is founded on fact—nay, it is fact; and is the exposition of an existing institution and its administrative operations.

I have called this system "separate"—some denominate it the "solitary system." The Hon. Richard Vaux, who understands, from more than thirty years experience as an Inspector, and from careful observation on the administration of almost all systems, the subject now under discussion, gives to this mode of dealing with prisoners the name of "individual" system; a name most correctly expressive. The prisoner is removed from all evils of bad associations, and he is brought into immediate accountability with one person. A general dehortation may touch a part of the error of almost all who are addressed, but in "individual dealing," not only the crime of the offender may be considered, but that part of it which under circumstances made it particularly criminal, will be exposed, and the proclivity of the prisoner's taste and appetites and his evil tendencies will be considered. There are no two men, though

committing the same act, and from the same general motive, equally guilty—or who may be best dealt with exactly by the same mode. The person who enters the cells of convicts goes thither to minister to a mind diseased—a conscience diseased, certainly a conscience that lacks the vitality necessary to true moral action. The visitor may learn something of crime—its cause and its operation—in his visits to other cells; but in that his business is with the one man, and he must as carefully study that man's cause as does the regular physician of a hospital the condition and peculiarities of any one patient whom he may visit. And it is confidently asserted that the diagnoses of the mental disease of a convicted felon are to be as closely studied and are as attainable as are those of the hospital patient, who is suffering from small-pox, cholera, or typhus, and the skilled moral visitor administers his instruction, his caution, and his hopeful directions to the convict with as much judgment and as much regard to the characteristics of the prison cases, and as much discrimination, as the physician of the hospital exercises when he presents the ingredients of his prescriptions.

This is personal, individual dealing, the result of separate confinement, one of the great benefits of that admirable system.

The subject of solitude and its effects thus disposed of, two objections, however, are supposed to lie against separate confinement. One is its injurious effects upon the body and mind of the convict. No argument will serve in this view of the question. It is one of facts.

Do the inmates of the Eastern Penitentiary of Pennsylvania present a greater proportionate number of sick than do prisons conducted on the congregate plan? And is the number of insane whose misfortune is due to confinement greater in the prison houses of the separate system than in those where the social or congregate system is administered?

A comparison instituted a few years since, taking actual returns of prisons of both systems, show that more insanity has begun and increased under the congregate than under the separate system. One fact with regard to insanity in prisons should be noticed, as it may be depended on. Much less of insanity is caused by imprisonment of any kind than is generally supposed. Returns from



Belgium, and particularly from Germany, where the separate system is used, show that not many cases of insanity are referable to confinement, and fewer of them in separate than in congregate prisons.

The truth is, insanity in prisoners is often the result of some sudden emotion in earlier years or the development of hereditary mental disease. Sometimes it is the discontinuance of intemperate habits, sometimes it is the adoption of a vice; rarely the result of simple seclusion. In referring cases of the insanity of prisoners to any system, a great error is committed. The insanity of prisoners who have held desirable social positions in life, when that insanity commences in common prisons, may frequently be referred to the sudden exposure of a criminal course, and to a deep sense of degradation consequent upon imprisonment. In such cases the morbid sensibility of the insane convict must receive additional wounds from the exposure which the congregate system renders unavoidable, with such prisoners. When the crime can be no longer hidden, it is best to hide the criminal.

It is easily established that insanity is not imputed to the entire separation of convicts from convicts in prison. That solitary confinement, the entire separation of the prisoners from all human association, may augment a morbid tendency of the mind and perhaps induce it, is not denied. No argument is made upon that point, because, as has been stated above, the Pennsylvania and Belgium system of separate or individual dealing with prisoners admits of no solitary confinement, unless it is a punishment for gross offences against prison rules, and then the solitude is usually limited to twenty-four hours.

One advantage, and one great, and to the prisoner an almost incalculable, benefit, results from separate dealing. In the congregate system, where the influence of the free and quiet ministrations of moral visitors has been experienced, the prisoner, though he has tried what repentance can do (and begins to ask triumphantly "what can it not do?"), is suddenly met by a recollection that prisons are usually regarded as at best only places for the punishment of crime, and the time spent there is considered only a sort of temporary reprieve of society from the evil visitations of the

offender. And he knows that in general, though the released convict may try to escape from the contagion of the vices of his released prison companion, yet they are likely to follow him up—and invite his aid, if he has no better pursuit, and discourage him—tax his small means to purchase silence, which must be purchased, till those means are gone—and he is driven by poverty and despair to return to the crimes he hoped he had in repentance and improvement provided means to avoid. The graduate of a prison where separate confinement and individual dealing are invariably practised may leave the prison poor and may find difficulty in establishing himself for want of some little capital; but he has in his separate prison confinement seen no fellow-prisoner, made no new acquaintance among felons, nor recognized any of his former associates.

When he has taken a position in which to carry out his resolution of good, he is in no apprehension of the visitation of those who levy black mail; he has lost so much time in prison, but the fulfillment of the sentence of the court has enabled him to understand his own weakness, and to guard against former assaults. Such has been the extent of this recognition of prison-companions that prison legends abound in anecdotes of the discharged convict being driven from desirable positions back to prison by the visitation of some prison companion. Novels, poems, and dramas are founded on this result of congregate confinement or felon association.

From this monstrous evil the separate system almost entirely relieves the convict.

One other objection is made to the separate system. It is declared that it does not admit of certain employments that would make the prisoner profitable to the community. It does not allow felons, by working together, not only to pay the cost of the keeping, but really by the profits of their product to add to the income of the State or county treasury. And it is said that the congregate system insures that result in some cases, and generally more nearly approximates it than does the separate system.

It is not proposed to take issue on that question. It is probable that owing to some favorable circumstances in their location, large



prisons (usually State prisons) have been made to produce more than the cost of maintaining the prisoner. In some places limestone abounds, and granite is procurable in large quantities and good qualities; prisons built in these localities have employment for their convicts in getting out blocks of granite, or supplying kilns with limestone, and by the interference of contractors (a sort of middle men), regular employment out of the prison is given to a large number of convicts.

In other prisons various kinds of manufactures are carried on by the inmates, and the personal power of the prisoners is placed at the mercy of men who care no more for the improvement of the convicted offender than they do for the mules that take away the work.

In the cells of the separated prisoners many kinds of work may be carried on to a profit, as boot and shoe making (weaving, once the principal employment of the convicts, is rather out of date), lathe-turning, jewel manufacture, and other modes of earning a living; but the heavier work—stone quarries, etc., cannot be done.

The moneyed results of the congregate labor may be more than that of separate work. But in return the moral improvement of the convict is almost certain in separate confinement, while any improvement is almost impossible in congregate labor.

The great ends of imprisonment, it has been asserted, are the safety of society by the incarceration of felons and the moral improvement of the man who is to resume a place in society.

The first object is nearly, though not quite, as well attained by the congregate as by the separate system; most of the escapes from prison are, indeed, effected by the coöperation of the convicts, and such a coöperation would scarcely be possible when separation is strictly enforced. But that point need not be pressed.

It is not likely that the improvement of the prisoner can be extensively insured in a congregate prison house. Even closely watched as the prisoners may be, it is known that compacts are made and frequently fulfilled for mutual aid in effecting escapes. The intercourse of a few who feel the unprofitableness of a life of crime with the many who have no intention, no wish to adopt any legitimate mode of earning a living, is sure to increase the number

of bad by diminishing the number of those who, under better circumstances, would become good. All, or nearly all, might become better if ridicule and the bad atmosphere of felony were not operating against reformation. It is an error, discoverable by those who visit prisons, to suppose that the man called a "hardened convict" has not some remains of passive virtue that need only the electric touch, or rather the application, of affectionate interest. "None are all evil;" and of the thousands who seem to be regarded, and to regard themselves as utterly reprobate, a very large proportion could be, as many of their kind have been, recalled to thought, to good resolves and to a blameless course of life; but they grow worse, and become a fixed figure for the scorn and detestation of the good, and the envy of the bad; and because men will not make an opportunity to give them the chance of reflection and benefit of separate individual dealing, they perish, they die to social life, and their moral carcass infects the atmosphere with a terrible poison.

Among the many arguments, and perhaps the most effective, used against capital punishment, is that founded on the fallibility of all courts of justice, and the possibility that the jury which brought in a verdict "guilty" against the man tried for murder may have been misled by prejudice or influenced by a knowledge of only a part of the circumstances, and by public clamor, or the erroneous testimony of witnesses, and thus have given a verdict against the prisoner which would lead the judge to pronounce a sentence of death. And "after-discovered testimony" might show that in execution of the sentence an innocent man might be put to death. Of those who are tried, pronounced guilty, and sentenced to the penitentiary or county jail, it may justly be supposed that some are innocent. It is worse than capital punishment, worse than the gallows or guillotine, to place such innocent convicts in the company of scoundrels of the worst kind. Nay, supposing even that some or all of these convicts were guilty of all that was charged upon them in the indictment, is it just to act as if every fibre of their hearts was twisted into crime, and that there was no hope of alluring them to repentance, and no desire to make that repentance available to the benefit of their future life and to the advantage of society?



Every just sentence of a criminal court should be executed. No affectation of excessive philanthropy should be allowed to stand between the criminal and just and legal punishment; but righteousness, true philosophy, a regard to the interest of society, should see that the punishment of the felon, short of death, should be for his benefit—at least should not be the means of advancing the convict in crime and multiplying criminals.

In enumerating some of the best-known systems of prison discipline, particular reference is made in the early part of the essay to the "Crofton system;" and while the separate system is under consideration, it is pertinent to notice that in the first-named branch a year or more in time of the "Crofton plan" includes the separate system. The convict when received is placed alone, and kept alone, with very hard fare and severe treatment, and in most cases this preliminary proceeding is sufficient to force from the prisoner a promise of good conduct while he is in the hands of justice. It is scarcely possible that he could, by bad conduct, have earned a continuance of the first stage; he is said then to have so much improved in his solitary confinement that he is prepared for the enlargement contemplated in the second stage, which admits of congregating labor by day—and holds out the hope of a third stage, which allows the advanced convict to work abroad under the surveillance of the police, and the liability of being sent back to the prison to commence at the first or second stages of the system.

The particulars of this system are well set forth by its friends, and only generally referred to here that a comparison may be drawn between the "Crofton system" and the separate system. Without doubt, much benefit has resulted from the "Crofton system" in Ireland, and many convicts have been returned to society by being passed through the several grades. But it will be noticed that the first stage is that upon which hopes of success are founded; and if those hopes are even only partially realized, the success is due to the enforcement of the separate condition of that stage whose consequences seem to be felt in the succeeding portions of the system. Every stage beyond the first brings together the convicts; they are employed together, they work and talk together, and their experience in the second stage is chiefly that of a prisoner's life

of crime. The last stage, which is really that of "the ticket of leave," is a mortifying surveillance.

But it is said that convicts have been benefited by this system, and the argument for improvement is sustained by the fact that many who have passed through the grades have never returned to the prison. Such a result may well be regarded as an argument strongly favorable to the system, and it must be confessed that it would be conclusive, if there was not ample proof that these graduates of the Irish penal institutions enter an advanced degree in the penitentiaries of the United States. Fifty of these are known to have been in the Eastern Penitentiary of Pennsylvania, bearing with them certificates of good conduct. Twenty dollars will take one of these graduates of the "Crofton prison" from Ireland to the United States, where, beyond the watchfulness of a police informed of his name and aliases, his pursuits, his branch of crime, and his place of resort, he is comparatively safe.

The congregate system, whether wholly or partially carried out, is a school of crime, with ushers, teachers and professors for every class, and with an improvement in the pupils corresponding with the experience of their teachers and the opportunity of imparting lessons. Scholars willing to learn usually make rapid advance even under adverse circumstances.

It cannot be denied that the separate system does not, so far, promise to be as near self-sustaining as it is said and as it is admitted the congregate system is made in some of the penitentiaries. and that admission may be used, as the fact often is, as an argument for the advantage of the congregate over the separate system.

It would scarcely be worth time and space to demonstrate that to improve a man is better than to punish him. And though a prison be self-supporting, and thereby lessen taxation, still there are many who will admit that though money paid into the public treasury is convenient to the government, yet society should not suffer such a consideration to outweigh the value of the restoration to usefulness and respectability of an offending man.

While speaking of the danger from evil association of prisoners in the congregate system, we can scarcely forbear copying a part of a paragraph from a small volume by Miss Mary Carpenter,



illustrating and commending to approval and adoption the "Crofton system." Miss Carpenter is known for her zealous devotion to the work of preventing vice among the unprotected of her sex. In applauding the Crofton system, she takes occasion to show what are the dangers that must beset the path of the young, and, singularly enough, while advocating a system that in the second and third stage permits intercourse among convicts, she quoted from the confession of a youthful offender who had suffered imprisonment for crime and is willing to tell how he felt.

After mentioning that his mind was injured by the perusal of such books as the "Newgate Calendar," Jack Sheppard, Dick Turpin, etc., etc., the culprit says:

"I was arrested and got one month imprisonment at Salford House of Correction, which made me worse than ever through having so much liberty for talking, by being three or four in a cell and forty or fifty in a yard. There, hearing them talk about the robberies they had committed without being apprehended, I thought I would try myself. So when I got my liberty, I started with a fresh gang for stealing." Could there be a stronger argument against the congregate system, and consequently in favor of separate confinement, than the statement of the unhappy man from which the above extract is made? And yet, any person who has spent much time in prisons and held free conversation with the inmates, must have many such anecdotes with which to strengthen his arguments against congregate imprisonment.

While the superiority of the separate system is unhesitatingly proclaimed—a superiority that extends to every point of consideration excepting immediate fiscal profits—it is not to be denied that other systems are productive of much good. Every system, indeed, may be praised for the positive benefits which it has wrought. But an examination of the means and results will satisfy an experienced person that the good obtained is greatly due to the immediate administration. Indeed, the best system (the separate) would fail without that personal, individual application—which *immediate* application gives the only proper consequences which any other system has acquired.

The writer of this article has had many years experience in the

direction of a prison and in the training of prisoners, not as a salaried officer, but in the discharge of the duties of an honorable appointment, and he has applied, as far as circumstances would permit, the theory of a separate or individual dealing with prisoners, especially with female convicts, and the success has been so marked, so gratifying, that no doubt is entertained that greater completeness in the construction of prison houses, and more ample means to direct and aid the discharged convict, would result in very greatly extended benefits.

The aid of discharged prisoners is an essential element in the work of prison science. Without that most of the labors of the moral teachers in prison must prove unproductive. The circumstances of prisoners in county jails differ in some particulars from those of the convicts in a penitentiary. Both have convicts, and these of course require nearly the same treatment and the same consideration. There is necessary an agent or officer, whose duty it should be to have some plan provided for the discharged convict, to see that he is not driven to a renewal of crime, and that his efforts for obtaining a living by honorable means are not made fruitless by a want of some continued watchfulness and advice, and some pecuniary aid.

But in the county prison are found, besides convicts, all who are receiving light punishment or awaiting trial. Many of these are quite innocent of the offence charged. The offences of some are really almost imaginary, and in most cases the family suffers more by the absence of the father or mother than society would by the release of a dozen evil-disposed persons. An agent to interfere in such cases, to settle the difference of litigant parties, to provide a home for those who are homeless, and to be the friend of the friendless in court, to answer the pressing calls of the oppressed, and the cause that he knows not to seek out, is almost an indispensable officer of the county prison.

Penology, then, seems to include not only the pains of imprisonment, but all that relates to crime, from the law which defines the offence and prescribes the penalty, to the court which declares the character of the particular offence and prescribes the punishment, to the plan by which the State shall direct the administration of



the penal laws—to the system by which prisons are to be conducted, and to the plan and construction of prison houses to suit that system.

When, then, a State has established a given system of prisons, has passed penal laws, established courts of justice, has selected a system of prison discipline, has constructed prison houses adapted to that system, and provided money and means to secure and reward the services of faithful agents and servants, it may be said to have a penitentiary system. Of course, as partly penitentiary and partly preventive, there must be a house of refuge—place of early reformation, etc.

With regard to modes or plans of prison discipline, that of the separate system practised in the Eastern Penitentiary of Pennsylvania, in the United States, and in the kingdom of Belgium and other parts of Europe, is regarded by the writer of this essay as, beyond all question, the best ever invented and applied. But the effect of that system must in a great measure depend upon its special application.

The officers of the prison—from the chief, the warden, the superintendent, the governor, or however otherwise he may be designated, and all from him down to the lowest servant of the prison—have one great duty paramount and special, that of enforcing the discipline of the place, and making the convict understand that he is amenable to every rule of the prison, as he was to every law of the State. But the convict must see and feel that the enforcement of the rules proceeds from no spirit of unkindness, and no desire for the gratification of a personal pique.

The enforcement of the laws of the prison is in no way incompatible with the fulfilment of the law of love. Driving the convict to the tread-wheel, one of the most cruel of all prison employments, may be done in a way to insure both obedience to rule and feeling for the ruled, and even the passing and throwing of cannon-balls, the most ridiculous of prison exercises, may be so enforced that the offender may escape the ridicule which the employment suggests.

The execution of every prison law, the infliction even of punishment for some violation of that law, may be conducted in a tone

and temper that shall create in the sufferer respect for the law and almost love for the administrator thereof.

The best disciplined institution in the United States furnishes the example of a chief who never suffers even a nice offence to pass without "comment," and never suffers offence or comment to move him from the quiet dignity that magnifies his office, and is sure to prevent a repetition of the offence that required visitation.

He who would present entirely the subject of penology must not begin with the penitentiary. The subject is not limited to the infliction of the sentence of the court upon one found guilty of the violation of the laws of the country. The law itself, and its enactments, the motive of the bill, and the bearing of the law, must be considered.

In these times of easy access to legislative halls, and of frequent changes of occupants, a legislator may manage to procure the passage of a bill which owes its existence to some desire to promote individual interest, or to gratify personal revenge, and enable the author to escape public accountability by withdrawing into former privacy, or insuring immunity to himself by a boldness that shows him capable of sustaining himself against popular outcry, and of doing more wrong by self-defence. There is another consideration which precedes the penitentiary, and that is the administration of the law. Few circumstances have contributed more to the increase of crime than the uncertainty and inequality of the decisions and instructions of courts and the verdict of juries.

The observer of events, especially of acts and their consequences, which bring men within the operation of the penal law of the State, cannot close his eyes to the most obvious fact that the actions of the criminal courts are often spasmodic. There have been times when murderer after murderer was allowed to escape the prescribed penalties of his offence upon some plea of morbid philanthropy, some loose decision of the bench, or generally some most unaccountable verdict of a jury, and when this practical insult to justice has aroused some public feeling, and the impunity of crime tells upon many individuals, there is an outcry against the particular offence which negligent administration of the laws has encouraged, and forthwith the other scale of the balance of justice rises, and



suspicion and arrest are sufficient to insure a verdict of "guilty," and a season of Draconian sacrifice follows—a cycle of unprecedented crime—and Justice is fed with victims as if to appease an appetite sharpened by long abstinence.

The history of proceedings of criminal courts, scarcely a generation past, shows how arbitrary may be the verdict of juries, and how opposite the testimony and the declared law. The escape of a criminal upon some morbid feeling with the jury, some qualm of conscience upon the verdict, is a powerful auxiliary to crime, an encouragement to the felon, by alluring him to count upon many chances of escaping the vengeance of the law when he shall have exhausted his ingenuity in trying to escape the vigilance of the officer.

The danger of neglect or bias of the bench needs not be considered.

*Judex damnatur cum absolvitur nocens,*

All that has been written has reference to the punishment and reformation of the violator of the law, and volumes might be written to illustrate and enforce the ideas set forth. But is there no preventive? Must crime go on increasing with an increase of population, and be aggravated by pride that refuses labor, and augmented by the fluctuation of business, that destroys the hope of success? Must society be always moved to associations, to national and international congresses, to treat of the construction of prison-houses and the best mode of punishing felony, and of reforming the criminal, and no one ask whether something may not be done to lessen the necessity of prisons as well as to alleviate their miseries?

At the present time, more than ever before, we hear good school learning recommended as the great preventive of crime! "Where the school-house rises, there the prison loses its tenants." The schoolmaster and the prison warden are said to live in antagonism, and the success of the former is the defeat of the latter. Yet careful inquiry at the cell-door of the prisoner, in fourteen years of that painful but instructive employment of time, has shown the facts that learning has little or nothing to do with preventing or promoting crime, however it may influence the character of the act.

Send your children to what school you may, accompany their

studies with the closest watchfulness, and hasten their progress with all the stimulants of pride or of avarice, and you neither induce nor promote subsequent virtue. The more learning the more danger, unless that learning be influenced and sanctified by religion, by a sense of moral responsibilities, or accountability for moral deeds, and for their consequences. I am not speaking of denominational distinctions, but of a cultivated conscience, whether that conscience be "the demon" of Socrates, or the inspired intelligence of St. Paul, which was to be void of offence, and I repeat, that while of the lower order of crimes I may have found more unlettered than lettered criminals, I have found the former more amenable to gentle moral dealing than were the latter. Though I have found all more tractable than is generally supposed, and they have manifested more willingness to submit to some privation for the sake of virtue than it is usual to credit them with, I suppose three-quarters of all convicts who are discharged from prisons might be saved from future crimes.

The true preventive of crime—that which shall keep the young from the contemplation of unrighteous acts, and withhold them from the desire of pleasure, or profit from unlawful pursuits—is a religious foundation of learning, and a constant recognition of moral duties in every lesson that is imparted. And while we hear on all sides parents making sacrifices of means and comforts to give to their offspring a good school education, and see the objects of this solicitude and sacrifice make use of this learning to facilitate and augment crime, we recognize the applicability of the direction of the English poet:

"Train up your children in the way of righteousness,  
And feed them with the bread of wholesome doctrine."



