

REFORMATORIES
FOR WOMEN IN THE
UNITED STATES

BY

EUGENIA C. LEKKERKERKER, L. L. D.

J. B. WOLTERS

GRONINGEN — THE HAGUE — BATAVIA

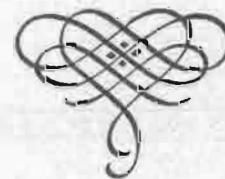
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PREFACE

To this book many have contributed. First my gratitude goes to my *Alma Mater*, the University of Leyden, where I received my legal training. Special circumstances led me to compete for the *summos honores* at the Municipal University of Amsterdam but Leyden and its Juridical Faculty, particularly Professor A. J. Blok who introduced me into the study of penal law, I have not forgotten, and the feeling of a certain unfaithfulness towards my old University I have not quite been able to overcome.

America opened a new world to me. I thank it for the inspiring visions it gave me, for the cordial hospitality and friendship which I found there, for the stimulating opportunities it offered for intellectual growth and discovery. To the European student of social phenomena the United States is an intensely interesting country, and few, we believe, who go there for study will fail to become fascinated, and to grow to like both the country and its people. Studying in a country other than one's own, particularly in the New World, is also such an enriching experience and it opens up so many new perspectives that one can never appreciate enough the privilege of having had this opportunity. To me personally this experience has given me more than I could express, as it made me discover many valuable things which I would never have obtained in any other way, and which have made my professional life much broader and richer than it would probably have been otherwise. I feel deeply indebted, therefore, to the Netherland-America Foundation which arranged for my coming to the United States, to Radcliffe College to which I owe my first year of study in America, to the Laura Spelman Rockefeller Memorial Fund which offered me the generous opportunities for study and travel during the second year, to the New York School of Social Work where I was given a chance to follow some courses, and from which I received much inspiration and help otherwise. Of my contacts with the Faculty and staff of Radcliffe College and Harvard University and the New York School of Social Work, and with the representatives of the Spelman and the Netherland-America Foundation I have the most pleasant recollections.

I remember with gratitude Mrs. Jessie D. Hodder, superintendent

of the reformatory for women in Massachusetts, to which the first inspiration to this study is due, and whose cordial offer to stay in her institution started me on the road to accomplish it. I feel very thankful also towards the other superintendents of reformatories and training schools for girls who so cordially extended to me the hospitality of their institutions or gave me information about them, such as Miss Helen Hazard, then superintendent of the State Farm for Women in Connecticut, now of the State Farm for Women in Illinois, Miss Elisabeth Munger, now superintendent of the Connecticut State Farm for Women, Miss Franklin R. Wilson, superintendent of the State Industrial Home for Women in Pennsylvania, Miss Florence Monahan, the chief executive of the State Reformatory for Women in Minnesota, Dr. Mary B. Harris, superintendent of the Federal Industrial Institution, Miss Edna Mahan, superintendent of Clinton Farms, Miss Anne H. Morrisson, superintendent of Sleighton Farms in Pennsylvania, Miss Caroline de F. Penniman, superintendent of Long Lane Farm in Connecticut, and the Board members and staff of Inwood House in New York.

To many others who furnished me material or assisted me in various other ways I feel greatly indebted. I could not name them all, as they are many; but an exception may be made with respect to Dr. Richard Cabot and his secretary, Miss Lucy Wright, whose interest in me and my work has been more than professional; to Miss Ada Comstock, president of Radcliffe College; Dr. George W. Kirchwey of the New York School of Social Work; Mrs. Martha P. Falconer; and Dr. Miriam Van Waters. With particularly warm feelings I remember some friends who, though perhaps not directly contributing to my study, have been a great deal to me in other respects and have thus helped to make my stay in the New World much richer and more valuable than it would have been otherwise.

The fact that I owe the material for the book practically entirely to America has been one of the main reasons why it has been written in English — though I apologize for the quality of the English. I have not hesitated to be frank in my statements, even where they were critical. For I have learnt to know my American friends to be very open-minded and rather appreciate this. The hope and desire that these statements may be put to the test of those who are much older in experience than I am, have not been my least motives for submitting this report to them. To those in my own country who are professionally interested in the subject, the use of the English language will, I expect, not be an insurmountable difficulty.

To the Faculty of Law of the University of Amsterdam I acknowledge my gratitude for the help which it has given me. I respectfully remember Professor Dr. J. V. van Dijk who, until sickness and death put an untimely end to his extensive activities, guided this study in which he was much interested. To you, Professor Bonger, who continued this guidance, I feel great gratitude for the trouble you took in reading the manuscript and for your critical but helpful suggestions which have much improved the book.

I feel much indebted also to Dr. N. Muller and some others who placed at my disposition much of the material I needed for the book.

Last but certainly not least I thank you, my dear parents, for all you have done for me, for the unstinted opportunities for study you gave me, for the fact that you allowed me to go to America, and afterwards permitted me to give up my position in order to write this study, and that you have made its publication possible. I have put your patience and love to a hard test, and I feel that this all has placed me under an obligation which I can never repay.

This book has been more to me than merely a doctor's thesis. It is the giving of an account which I feel I owe to all those who made this study possible and contributed to it, a repayment of at least a small part of the debt of gratitude, and the expression of my hope that it may contribute something, be it ever so little, to a cause which has my whole heart.

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CHAPTER I

INTRODUCTION

§ 1. *Presentation of the Subject.*

No country, probably, presents such a rich variety of criminological problems and policies as the United States of America. The great differences in climate and in geographical and economical conditions which exist within their vast territory; their heterogeneous population in which nearly all races and nationalities of the world are represented; the unequal economical and political development of the different states and cities; the widely varying cultural traditions, ideals, conventions, legal provisions and social institutions existing among the different population groups; the rapidly growing big cities contrasting with thousands of square miles of desert, prairie and plantations, sparsely settled and culturally primitive; all creates a perplexing multitude and variety of social problems, and consequently of crime phenomena and crime causes, of which Europeans who have never lived in America, can hardly form any idea. The criminological aspect of Chicago, for instance, which has developed in a few decades from a country town to a city of nearly six millions, varies widely from that presented by the rural South with its immense plantations and its large negro population, where but little has changed since the Civil War; "old" New England with its industrial conditions and its puritan background has other criminological experiences and penal concepts than the poor Mountain States of the still somewhat "wild" West; criminality in the farmers' towns of Kansas is a different problem from that existing in New York City or in the oil-fields in California along the Mexican border. Indeed, unenviable though the reputation of America in regard to crime may be, to the sociologist this rapidly developing country is like a vast and absorbingly interesting sociological laboratory offering an inexhaustible field for the study of the most diversified social conditions.

Few countries, too, have attracted so much attention from the penal point of view as North America. Since, now more than a

century ago, European visitors brought home from the New World their enthusiastic reports regarding the penitentiaries in Pennsylvania, America has been known as the country of penal experiments, where the solitary prison system which still prevails on the European continent was born, where Elmira and the indeterminate sentence were developed, where probation, juvenile courts and family courts had their birth-place. In no other country than the United States, indeed, do we find such a varied exhibition of the most divergent penal methods ranging from very archaic ones which were abolished in our country centuries ago to the most daring modern experiments, from crude and sometimes cruel provisions to the latest applications of science. In penology, as in other domains, America is the land of contrasts and of new experiments, and as such it is exceedingly interesting and instructive to the European student in this field.

Especially the American reformatory system has been the object of many writings and discussions in Europe and at international congresses. For this reason it might well require some explanation why we took up just this subject for our study, particularly as in America the reformatory system no longer occupies the foreground to the extent as we in Holland who are just organizing our first reformatory prisons for young men and women, should expect.

This is, of course, in the first place due to the simple fact that the American reformatory system has been established more than a half century ago. For an institution which has already existed so long, the first enthusiasm has worn off, its defects and limitations have become apparent, and newer experiments have developed which now occupy the attention of penologists. There is, however, also a deeper cause for this. In America the newer criminological theories, and, consequently, the scepticism in regard to the effectiveness of prisons in combating crime, have gained a stronger hold, at least upon penologists. This tendency is due, in the first place, to the fact that Americans are much more inclined than we are to view crime and punishment purely on a rationalistic basis with the exclusion of juridical or theological dogmatism, or historical considerations, but this inclination has undoubtedly been re-enforced by the facts. For in no country has the crime situation been so serious and pressing as in the United States, nowhere does it seem so difficult to establish and maintain social order, nor has the inadequacy of the usual repressive methods in coping with crime and criminals been so apparent as there. Numerous sociological and psychological surveys of the causes of crime and the results of penal policies (so typical of the United States) have not failed to create a wide-spread impression among

penologists of the small proportion of crime that is really reached by the usual repressive methods, and of the utter ineffectiveness of these in combating the causes of crime and stopping the sources which are continually feeding the large stream of criminality. It has become a commonplace to say that the prevailing prison systems do little to combat — if indeed they do not increase — crime; and this criticism is not only directed against the antiquated jails and penitentiaries (which unfortunately still make up the majority of American penal institutions), but even modern reformatories do not entirely escape this scepticism regarding prison treatment. There is a growing inclination to consider prison treatment more or less as "patchwork", far less important in the combat of crime than measures of a preventive nature. Many have small faith in the deterrent effect of prison punishment in view of the facts which experience and research have brought to light; and as a correctional agency, too, the prison is more and more becoming to be considered of doubtful value. For even the best reformatory treatment remains of necessity to a certain extent mass treatment which is little in accord with what modern psychology and sociology are teaching about the infinite variety and complicated nature of crime causation, and it cannot possibly undo all that makes the criminal. It is not surprising, therefore, that some of the most progressive penologists to-day see the reformatory as a "passing institution" which will soon give way to more individualized and refined methods of treating delinquents and to more fundamental policies of combating crime. In the light of this the question would not seem entirely unjustified whether the fifty years old reformatory for women constitutes at present the most important subject that American criminology and penology offer, whether it would not have been more worth-while to treat one of the newer methods of dealing with delinquents, such as probation, or one of the more fundamental and therefore more hopeful and fruitful *preventive* approaches to the crime problem, such as modern ways of dealing with problem children.

The answer to this is not difficult to give: However broad perspectives modern criminological science has opened to us for a better understanding and more rational control and prevention of crime, we have not yet progressed so far that we could do without penal institutions, and of these the reformatory undoubtedly represents one of the best and most progressive types. Even though a deeper-going study must lead us to the conclusion that reformatory treatment, however well conducted, will always contain some injurious elements for those subjected to it which in many cases may outweigh the beneficial ones, and that generally the reformatory has

limited value in the repression of crime, yet in a large proportion of criminal cases there is practically no better solution available than the sentencing of the offender to a correctional institution. And as such the reformatory is, in America at least, generally the least injurious, and the richest in possibilities for constructive treatment and in suggestions for further development of a system of correctional treatment of offenders.

Besides, the reformatory system has not remained at a standstill during the fifty years of its existence: its history reflects the development of many of the newer criminological and psychological concepts, and the modern reformatory has become very different in many aspects from Elmira in Brockway's time. Modern concepts regarding prison labor, psychological and psychiatric guidance, prison discipline, and the adjustment of the offender to the life in free society, entered the reformatory; and newer methods of specialized treatment, like probation, institutions for mentally defective delinquents, etc. developed, leaving for the reformatory a more restricted but better defined field. Though these newer ideas by no means affected the reformatories alone, yet as a group they reflect more than any other category of penal institutions the development of penal science in the last fifty years. In this sense the study of the reformatory — if one does not conceive of it as a hard and fast system, in a static sense, but as a growing, ever changing penal concept reflecting the development of general penal principles — forms one of the most instructive and stimulating topics of American penology.

This is particularly true of the reformatories for women which, though at first they developed more slowly than the men's reformatories and though they are usually much smaller than the latter, yet to-day bid fair to surpass them in progressiveness of methods. The most important point is, however, that the reformatories for women which from the beginning have existed quite independently of those for men, being governed by separate laws, and conducted practically exclusively by women, have developed a character of their own, adapted to the special psychological and social needs of female delinquents. To the European student of penology who is used to the fact that prisons for men and for women are essentially designed on the same plan and are practically governed by the same regime — that is the plan and the regime devised for men by men — this seems a striking achievement, the significance of which, it seems to us, is comparatively little realized in America itself. Volumes have been written about the American reformatory system both by American and European authors, but rarely is any systematic separate consideration given to the women's reformatories, though, as we shall see, they have grown so far away from the

standard reformatory system for men that they may truly be considered as an entirely new type of institution. Some articles, descriptions of individual reformatories, and conference papers are about all that has been written about the women's reformatory; a complete up-to-date monography of the women's reformatory does not exist¹⁾.

For us especially who in our country have known thus far the reformatory for men (if the so-called open-air prison at Veenhuizen may be considered as such) only as a post-war emergency expedient of limited bearing, and who have never had anything like a women's reformatory, a study of the American women's reformatory is most interesting and instructive. We have just passed the law providing for the establishment of reformatories for young men and women, and plans are under way to carry the law into effect. For men the successful experiment at Veenhuizen already points the way; for women we have not yet any precedent in our country, except the institutions for delinquent girls. Perhaps, then, we may profit from the many years of experience of the American women's reformatory, of its mistakes and its successes, of all that women on the other side of the Ocean have wrought and thought for the delinquents of their sex during half a century of effort. If so, may this study contribute a little to a better understanding and a clearer vision of the problems and possibilities of reformatory treatment for women!

¹⁾ Mrs. Isabel Barrows twice gave a rather extensive description of women's reformatories, namely in the Reports of the International Prison Commission on "The Reformatory System in the United States", prepared for the International Prison Congress of 1900 at Brussels, under the direction of Samuel June Barrows; and in the reports edited on the occasion of the International Prison Congress of 1910 at Washington by C. R. Henderson under the title "Correction and Prevention" (vol. II). But these articles bore a more narrative character and did not constitute complete descriptions of the then existing reformatories for women in all their aspects; particularly in regard to legal details they were incomplete. This gap was ably filled by the excellent article of Mrs. Helen Worthington Rogers on "A Digest of Laws Establishing Reformatories for Women" in the Journal of the American Institute of Criminal Law and Criminology of November 1917 (rewritten and brought up-to-date in an article in the same Journal of November 1922) as a result of a survey made by a Committee of the Prison Association of Connecticut; but this article treated of nothing else but the legal aspects of women's reformatories. Of the general penal works, the book by J. B. Gillin on "Criminology and Penology", 1926, is the only one, so far as we know, which devotes a separate chapter to women's reformatories, the other authors dealing with them under the general heading of reformatories. The "Handbook of American Prisons and Reformatories", published in 1929 by the National Society of Penal Information gives much valuable information concerning individual women's reformatories, but not all of them.

§ 2. Plan of the Study.

It would hardly be possible to gain a full understanding of the function and significance of the American women's reformatory if nothing were said first about the kind of problems with which it has to deal, on the one hand, and all the social measures directed to control these problems, of which the women's reformatory is a part, on the other hand. For how difficult it is on this side of the Atlantic Ocean to imagine the very different social conditions on the other side; how easily and how frequently one-sided generalizations are made from what we happen to know about the New World! It is very natural that it is just the spectacular, the unusual, the anecdotal occurrences, so to speak, in America, which attract the attention of non-Americans, and which in far away foreign countries, where the real situation is not known, are generalized for the entire United States and so establish its reputation. Thus the United States have become to many the country of high and fantastic criminality on the one hand, and of Elmira-institutions, prisoners' Mutual Welfare Leagues, Judge Lindsey's and George Junior Republics on the other hand, and it is not always realized, that, though these exist, they by no means characterize the general or even the prevailing practices of America in dealing with juvenile and adult offenders.

One of the most common misconceptions concerning America is, that its high criminality is the result of too much consideration for delinquents, which is supposed to be inherent in modern conceptions regarding punishment and prison discipline. For those who have any knowledge of criminology and of American criminology especially, it needs little explanation that the causal relation between punishment and crime is far from being so simple, and that the aim of "modern" penal policies is not the protection of the criminal but the protection of society. We should not have gone into this contention, therefore, were it not that this offers us a good illustration of our point. The reality, then, is that the punishments applied in America are on the whole much more severe than in our country; that the majority of American penal institutions are of an antiquated type in which the prisoners are often treated with less consideration than in our prisons; that the modern penal institutions of the "reformatory" type constitute scarcely one per cent of the total number of penal institutions, and that only 2,9 % of delinquents who receive a prison sentence are committed to a reformatory¹⁾. If, then, one reads in

¹⁾ Prisoners 1923 (Official prison statistics of the year 1923, published in 1926 by the U. S. Department of Commerce, Bureau of the Census) pp. 3 and 22.

a recent report of a crime survey made in the city of Saint Louis (which, from the point of view of criminal justice, is neither worse nor better off than many other big cities), that only 3,4 % of the cases of murder, homicide, larceny, robbery, forgery, and fraud *known to the police* (that is a smaller part of the offenses really committed) resulted in conviction and punishment, and of these only 3,21 % in commitment to a reformatory¹⁾, then it becomes clear that less than one tenth of one per cent of these offenses were punished in a reformatory. Although, of course, the percentage of *offenders* who come in contact with the reformatory is much higher, since the larger part of the offenses are committed by a comparatively small number of habitual delinquents who violate the law repeatedly, these figures suggest sufficiently that the "modern" penal methods, in so far as they are a factor at all in the causation of lawlessness surely cannot be an important one. Yet such conclusions are repeatedly made, in America as well as outside the United States, and if we were going to write only about women's reformatories with the exclusion of everything else, a similar faulty impression would be sure to be created.

In order to avoid this, then, the description of the women's reformatory proper will be preceded by three general chapters, namely on crime, law enforcement and penal methods in America in general, with special reference to women, which will together constitute part I. Part II will deal with the history, theoretical and legal foundations of the women's reformatory, and part III with the reformatory population and classification. The following chapters will describe separate aspects of the reformatory system, while the last chapter will give a summary and conclusions.

§ 3. Definition.

To this introductory chapter belongs also a definition of the term "reformatory for women". This is the more necessary as there exist in America different types of institutions for the correction and treatment of women which have many resemblances with the reformatory proper and which are sometimes also called reformatories.

Mrs. Helen Worthington Rogers gives in her article "A Digest of Laws Establishing Reformatories for Women in the United States"²⁾ the following definition of a reformatory for women: "*an institution established, maintained and controlled by the state, to which delinquent women, over the age of commitment to the industrial schools for girls, may be sentenced by the courts having jurisdiction*

¹⁾ Missouri Association for Criminal Justice, Survey Report 1926, p. 287.

²⁾ See page 5, note.

over their offenses, for the purposes of care, treatment, training and reformation". In the first place this defines the women's reformatory as a *state* institution, in which are excluded, on the one side, the private institutions for delinquent women, even though they may be subsidized and supervised by the state; and, on the other side, the institutions maintained and controlled by counties or municipalities. The definition does not mention institutions under Federal control, because at the time the study was written, no Federal reformatory for women existed yet. Afterwards such a one was established so that now the words "or by the Federal government" would have to be inserted. In the second place this definition aims to *eliminate the institutions for young girls, and those to which, besides young girls, also may be committed young women over the usual age of commitment to a juvenile institution* as, for instance, the institutions in Alabama or Oregon which take girls and young women of 9—25 and 12—25 years of age respectively. This definition further specifies that *the women must have been sentenced by the courts having jurisdiction over their offenses*, by which are excluded institutions to which the inmates commit themselves, and also those to which they are committed under other conditions than by a judicial sentence, based upon a conviction for an offense, e. g. for observation or medical treatment. The bearing of this can only be fully understood if one knows that under the influence of the social hygiene movement to combat venereal disease, particularly during and after the world war, provisions have frequently been made for the arrest and the forcible detention of prostitutes to be treated for such diseases. Since, as we shall later see, a great part of the reformatory population also consists of sex offenders, and, on the other hand, the hospitals and detention homes for the medical treatment of prostitutes show some features of the reformatory, in that, for example, its inmates are forcibly detained, in that they are usually committed by order and after appearance in a court, and in that the medical treatment is sometimes accompanied by measures for the social reclamation of the patients which much resemble those of the reformatories, it is small wonder that both types of institutions have sometimes been confused, particularly as the penal and the medical provisions were not always sharply differentiated in practice (e. g. women detained under the penal, and those held under the medical provisions have often been kept in the same institution). Finally the definition speaks of the purposes of "*care*", "*treatment*", "*training*" and "*reformation*" which terms have all a more or less technical meaning about which we shall say more later. By this the reformatories are differentiated from the common prisons, where "punishment" stands in the foreground,

from the institutions for mentally defective delinquents, which are characterized by the purpose of "custody", and from the institutions for venereally diseased women of which "quarantine" is the distinguishing aim.

This is the only definition we could find which takes account of the situation peculiar to the treatment of female delinquents in the United States in regard to whom penal, reformatory, protective and social hygiene measures blend in such a high degree, and in which there is so little essential difference between the rescuework for neglected girls and women by private organizations and the penal treatment of delinquents by the State, and between the treatment of minor and adult delinquents, because all is dominated by the ideas of protection of women and "social hygiene". This is the more so, because sexual misconduct constitutes such a large part of women's criminality in America: there is no province in which the lines drawn between law and morals, between what is to be considered as a public offense or as private sin, are so vague and vacillating as in the domain of sexual morality, and it is not surprising that this vagueness also blurs the distinction between the measures to be applied.

Clearly this definition characterizes the differences with the reformatories for men. The best women's reformatories actually are not any more "prisons" than our private institutions for neglected girls are; we might almost say that women's crime is scarcely taken seriously as "crime" in America; and so nearly do penal and non-penal private institutions approach each other that sometimes women convicted of an offense may be committed to private institutions, just as in a few states voluntary admissions are possible to state penal institutions. The men's reformatories, on the contrary, are prisons, often differing little, in spite of the difference in name, from the best common state prisons and penitentiaries; their inmates are regarded as criminals, frequently dangerous, and certainly not suggesting a need for protection; private protective institutions for men, of course, do not exist, nor are there any detention hospitals for compulsory medical treatment of men such as exist for prostitutes; and a hard and fast line is drawn between the industrial schools for delinquent boys and the reformatories for men. It should be remembered here that the majority of the men's reformatories are for *felons* (i. e. those who have committed the more serious crimes), and of these usually a selected group, e. g. those under a certain age, first offenders, etc., whereas in the women's reformatories the *misdeameanants* (those who have committed petty offenses, mainly breaches of the peace, prostitution, etc.) form the most conspicuous

group, also because felons are relatively rare among women.

In the definitions of reformatories for men some other criteria are sometimes included, such as that they are destined for a selected class of offenders (e. g. younger or first offenders, etc.). But such criteria could not be applied to women's reformatories because in regard to the treatment of women offenders who are everywhere far fewer in number than male delinquents such specialization is not possible. We shall, therefore, not attempt to indicate any further criteria, but take over the above-mentioned definition of Mrs. Rogers, with the amendment that the words "or the Federal government" be inserted after the word "state".

§ 4. *Sources of Information.*

Finally we shall have to give some account of the sources which we have used for this study.

In the first place, of course, we drew from the common American criminological literature, and from some non-American sources in so far as they treated of our subject. The amount of literature which exists concerning the American reformatory system, and on other topics relating to our subject, such as the social hygiene movement, is rather overwhelming to the European student, though much of it has no original value. It often proved very difficult to obtain the necessary American books or periodicals, as relatively but little modern American penal literature is to be found in our libraries, whereas it was, of course, not feasible to purchase all works containing references to our study. Perfect completeness, therefore, could not be obtained, and we have more than once been compelled to rely upon second-hand quotations or book reviews.

In the second place we made grateful use of official reports, statistics, and other legislative and administrative documents which we received through the courtesy of many different departments, reformatory superintendents and other officials. We cannot but highly appreciate the very generous and pleasant way in which they helped us to this material which contained so many data, particularly regarding the practice of the women's reformatories, which could not have been obtained in any other way. It was not possible, however, to obtain all information we should have liked to have. It was particularly difficult, for instance, to gather up-to-date material on all the laws and judicial decisions relative to our subject, as it would have been obviously impossible to obtain all of the statute books and compilations of judicial cases of all the twenty states which have or have had women's reformatories, however much a jurist may regret not having complete accuracy

on such points. It was fortunate that the compilation of laws establishing reformatories for women published by Mrs. H. W. Rogers in the *Journal of the American Institute for Criminal Law and Criminology* in November 1922 supplied us with very complete information on this subject up to that date; but we could not verify all changes and new additions which have occurred since that year. For the rest we have, as far as possible, indicated the dated sources of our information in order to render an account of in how far it could be considered complete or up-to-date.

Further we had an important source of information in our own observations and experiences, and in the reports of other eye-witnesses. Thanks to the fine opportunities of traveling and study which were offered to us, and the very gracious hospitality and courtesy extended to us by the officials concerned, we have had the good fortune to visit several reformatories in different states. Almost four months we spent in the State Reformatory for Women at Framingham, Massachusetts, where, by observation as well as by taking part in the practical work of the institution, we tried to lay a foundation for a more critical study of other reformatories than would have been possible had we only limited ourselves to short visits. Thereupon we stayed two months in Inwood House in New York City, a private institution for delinquent young women, where we could approach the subject from an entirely different side. Following this, shorter visits were made to the State Reformatory for Women at Bedford Hills, New York; the State Reformatory for Women at Shakopee, Minnesota; the State Industrial Home for Women at Muncy, Pennsylvania, the State Farm for Women at East Lyme, Connecticut and Clinton Farms in New Jersey. The Federal Industrial Institution for Women at Alderson, West Virginia, was unfortunately not yet open at the time of our stay in America, but this was partly compensated by the fact that its present superintendent, then charged with the organization of the institution in the United States Department of Justice, kindly allowed us an inspection of the plans. The other reformatories we were for several reasons not able to visit, but with a few exceptions they sent us their annual reports and, in some cases, a great deal of photographic and other material besides, which gave us a vivid impression of them.

Visits to many institutions for delinquent girls which have in so many ways influenced women's reformatories formed a great source of inspiration and information, whereas trips to several state prisons, county jails and city penitentiaries furnished us with data for comparison between the different kinds of institutions. Observations in women's and municipal courts, women's probation and police

departments and protective agencies, of which many an impression has contributed to this study, helped to complete the picture of the treatment of female delinquency.

A special source of material was formed by the photographs, for which we cannot be too grateful to the different reformatory superintendents and other authorities concerned, who gave them to us and permitted us to use them for publication. Nothing, indeed, brings so strikingly home to us here in Europe the character and daily life of these reformatories, which in many aspects are still so unusual to us. Not everywhere, however, it was possible to obtain or take photos. We regret, for instance, that we cannot give any of the women's reformatory of Massachusetts, which for its historical importance and for some unique features it has, such as its well-developed industrial department, certainly would have deserved a place in our photo-series. To print all the interesting pictures we received would have been far too much for a book like this; we have, therefore, tried to make a selection in such a way that the series may be representative of the different aspects of the women's reformatory.

PART I

CRIMINALITY, LAW ENFORCEMENT AND PENAL METHODS IN THE UNITED STATES, WITH SPECIAL REFERENCE TO WOMEN

CHAPTER II

WOMAN'S CRIMINALITY IN THE UNITED STATES

§ 5. *Preliminary Note.*

To give a complete survey of woman's criminality in North America, of the forms in which it expresses itself, and the factors which cause or influence it, would require a separate volume. Of this, of course, there can be no question here. We must limit ourselves to indicating, in a rough comparison between our country and the United States, the most important points in regard to which great differences exist, so that, at least, we can give some idea of the composition of the female criminal population in America, and particularly the problems with which the American women's reformatories have to deal.

§ 6. *Criminal Law in the United States.*

General Remarks. Like in England we find in the United States common law and statute law. The common law was introduced in all states but one (Louisiana¹⁾) and consists of a mixture of English common law, old English statutes introduced together with the common law in the American colonies, rules adopted in the American colonies by common consent, and rules developed later in the usual way from judicial decisions. In a number of states common law has now been repealed and replaced by statute law, but in the majority it is still in force, and even there where it has been abolished, common law concepts and definitions are still frequently used in the provisions and the interpretation of the law.

As to statute law the constitution of the United States provides that each state has absolute power to enact and enforce laws,

¹⁾ This statement is not quite exact, because common law has not left Louisiana entirely unaffected, but it would take us too long to explain this.

except in so far as it is limited by the Federal constitution or the constitution of the state. Federal congress has the power to make penal provisions in so far as this power has expressly or impliedly been given by the constitution of the United States, and such provisions are enforced by the Federal courts. As long, then, as a subject has not been declared by the Federal constitution to be of Federal concern, the states have full power to make provisions in regard to it. If a subject has been made of Federal concern, the states may be allowed to make subsidiary or concurring provisions concerning such a subject, but these provisions cannot be in conflict with the Federal provisions.

The Federal criminal law contains in the first place provisions regarding offenses directed against the existence and safety of the United States, the Federal government and its several functions, and the Law of Nations, as treason, piracy, military and naval offenses, offenses pertaining to revenues and customs, naturalization, postal service, passports, breaches of neutrality, etc., which are obviously of national concern. In the course of time other subjects have also been made the object of Federal legislation, though the United States Congress has on the whole made a sparing use of this power to broaden its legislative field. The well-known Eighteenth Amendment relative to the manufacture, sale and transportation of intoxicating liquors is an example of this.

The Federal constitution also contains some general restrictions upon the legislative power of the states, e. g. that no state shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. But these restrictions are so general that they have not hampered the legislative power of the states to a very great extent.

The national constitution further provides that Congress shall exercise exclusive and full legislation over the District of Columbia¹⁾, and all places and premises purchased by the Federal government, for the erection of forts, magazines, dock-yards, etc.; and also over ships on the high seas.

Save these exceptions the states are entirely free to make and enforce their penal laws, which practically means that one finds in the United States forty-nine different penal law systems (namely those of the forty-eight states and the Federal code) which, owing to the unequal historical development of the states and the divergent social conditions and cultural traditions which exist therein, show a very great variety. To mention only a few

¹⁾ The seat of the national Government: Washington.

examples of the great differences and contrasts existing in the laws of the different states: Whereas in Massachusetts and some other states even a single act of fornication (cohabitation of unmarried persons) is an offense, South Carolina does not even punish keeping a disorderly house or forcing someone to commit prostitution. The maximum punishment for arson in fraud of insurance is in Alabama imprisonment for one year and a fine of two thousand dollars, in North Carolina forty years imprisonment. The maximum punishment for perjury is five years imprisonment in Connecticut, twenty years in New York, life imprisonment in Maine, death in Missouri, and ten years imprisonment, a fine of five hundred to two thousand dollars and forty lashes in Delaware. Whereas in West Virginia the maximum punishment for bigamy is sixteen times as high as that of incest, in Wyoming and Colorado incest is punished ten times as severely as bigamy¹⁾. In California minors are under the Chancery jurisdiction of the juvenile court until they are twenty-one years old, whereas in some other states even very young children of seven or eight years old may be subjected to the same law and jurisdiction as adults. And so examples could be cited ad infinitum²⁾.

A few words may also be said about the classification of offenses as *felonies* or *misdemeanors*, which terms will repeatedly occur in this matter. English common law knew a three-fold classification of crimes, namely (1) Treason; (2) Felony; (3) Misdemeanor. The felonies were originally the offenses which were unamendable, that is to say, which could not be compounded because of their heinousness. There were seven felonies distinctly recognized by the common law, namely murder, manslaughter, rape, arson, burglary, theft or larceny, and robbery, whereas three others, namely wounding, mayhem and false imprisonment, have at one time or another been called felonies. To these so-called common law felonies, however, have, in the course of time, been added numerous other felonies by express enactment of statutes. All other offenses were originally

¹⁾ Most of these data are taken from an article by E. Smith in vol. I of the symposium "Correction and Prevention", edited by C. R. Henderson on the occasion of the International Prison Congress at Washington in 1910.

²⁾ Data like these are often quoted by American penologists to prove the absurdity of the classical theory of punishment which tries to adjust the punishment to the seriousness of the crime, taking our conscience or feelings of justice as guides. Indeed, both the theory and the practice of the criminal law in the different states leave few illusions that any such apportioning of punishment to the guilt involved in crimes is possible with even a fair degree of equality of result in equal cases.

known as „transgressions” or “trespasses”, and later called misdemeanors. The American states (except Louisiana) took over most of the English common law and statutory qualifications of acts as felonies or misdemeanors; in addition, many states give a general criterion, such as that felonies are crimes punishable by death or imprisonment in a state prison (New York State, for instance) or by imprisonment for more than one year (e. g. the Federal code), and that all other offenses are misdemeanors. Frequently, too, the law states expressly of an offense whether it is a felony or misdemeanor. Sometimes a third group of very petty offenses, such as violations of city ordinances, tried summarily by police and magistrates courts, is distinguished from the others. The practical differences lie in the kinds of judicial procedure used and the kinds and degrees of punishment inflicted. The distinction between felonies and misdemeanors is very arbitrary, and the line between them is drawn very differently in the different states, so that the same acts may be classified as felonies in one state, and as misdemeanors in another. The only generalization, then, that can be made is, that on the whole the felonies constitute the more serious, and the misdemeanors the less serious offenses.¹⁾

A detailed analysis and comparison of all the forty-nine criminal law systems existing in the United States would, of course, be out of the question. However, a rough comparison of these law systems with our penal code brings out some conspicuous differences which we shall briefly describe here.

Laws regarding Sex Morality. In the field of women's criminality one is, first of all, struck by the different attitude of American states concerning sex morality. Very varied factors have contributed to the legislation in this field: English common law forms the oldest substrate of it; the severe Puritan philosophy of the New

¹⁾ Some authors make a distinction between “delinquency” and “criminality”, applying the terms “crime”, “criminality” and “criminals” only to serious offenders (approximately those of the felon class) and using the terms “delinquency” and „delinquents” either for those guilty of lighter offenses (misdemeanors) or for all offenders in general. Accordingly, female lawbreakers whose offenses are predominantly of the misdemeanor kind, are usually referred to as “delinquents”, and their offenses as “delinquency”. Because of the vagueness and uncertainty of this distinction we have mostly preferred to use the technical term “criminality”, although we have sometimes used the word “delinquency”, either for stylistic reasons or where we wanted to emphasize the “delinquency” character of woman's criminality, for example, in contrast with male criminality. We have, at any rate, avoided applying the term “criminals” to women, using the word “offenders” or “delinquents” instead.

England colonists added new rules; the deportation of convicts and vagabonds from England to the American colonies, and later slavery, necessitated further provisions to control the moral evils to which these conditions gave rise; later again migration problems stimulated legislation; and finally the so-called social hygiene movement for the suppression of prostitution and venereal diseases, developed since the end of the last century, led to a substantial extension of penal legislation in this field. This last point deserves some further consideration.

Partly under English influences, and partly as a result of American experiences, a strong current developed some decades ago against the regulation of vice and in favor of direct repression of prostitution in its different forms and the acts contributing to it. This led to a number of startling surveys made in different big cities¹⁾ which attracted widespread interest and stimulated an increasing activity in the application of repressive and preventive measures of different kinds, culminating in 1917 in the action undertaken under the leadership of the Federal government when the United States entered the World War. The motive for this action was to prevent the soldiers, especially during their stay in the training camps, from becoming infected with venereal diseases. For this purpose Section 13 of the Selective Service Act of May 18, 1917 “To authorize the President to increase temporarily the military establishment of the United States” prescribed the creation of zones around military and naval establishments, within which the perpetration and abetting of prostitution was forbidden and made punishable by a fine of not more than one thousand dollars or imprisonment for not more than twelve months or both. Soon afterwards the Commissions on Training Camp Activities of the War and Navy Departments were established and these in turn created a joint Law Enforcement Division which was instructed, among other things, to enforce the laws and regulations regarding prostitution in connection with the military and naval centers. This Division had at once to confront the problem of large numbers of girls and women swarming about the training centers, who were for a part professional prostitutes, for another part women and girls who had been attracted to the camps by the romantic wave

¹⁾ Well known are, for instance, the survey made by the Vice Commission in Chicago in 1911, and the Special Grand Jury investigation in New York in 1910 under the chairmanship of John D. Rockefeller Jr., one of the indirect results of which was the establishment of the Laboratory of Social Hygiene in connection with the women's reformatory at Bedford Hills, New York, to which we shall repeatedly refer in this study.

of admiration for the man in uniform. In order to meet this problem and to enlist the special interest and support of women in this work, a Committee on Protective Work for Girls was created (later reorganized as the Section on Women and Girls of the Law Enforcement Division) which was charged with the task of developing a program of protective, preventive and correctional measures for girls. The Law Enforcement Division, which closely cooperated with the United States Public Health Service, took a broad view of its work: it was realized from the beginning that it would be of little avail to enforce the law within the established zones as long as nothing was done to protect the civilian population, as by far the greatest danger of infection came from sources outside the zones. Hence an extensive plan was initiated to stimulate in each state the development of comprehensive methods for the control and prevention of vice and venereal diseases in the broadest sense of the word, including the passing of laws for the suppression of prostitution, protective work for girls, providing proper recreational facilities as a preventive measure, etc.¹⁾ In a short time some two hundred field workers, for the greater part paid by private contributions raised by the Section on Women and Girls²⁾, worked in different parts of the country to develop and stimulate provisions along the lines indicated.

Meanwhile the need of further provisions for the detention and treatment of women and girls arrested in the forbidden zones had become acute³⁾ and as a result the Law Enforcement Division of

¹⁾ The plan followed was the so-called American plan involving a fourfold attack of the problem, namely: 1. law enforcement, it is the repression of prostitution and all acts contributing to it; 2. medical treatment of those who are found diseased; 3. providing proper recreational facilities in order to prevent young people from using their leisure time in wrong ways; and 4. education, including the enlightenment of the public as to the dangers of vice and venereal diseases and the need of repression, and the propagating among young people of higher ideals regarding sexual life.

²⁾ Large voluntary associations like the Y. M. C. A., the Y. W. C. A., the American Red Cross, the Y. M. H. A., Rotary Clubs, etc. did a great deal in support of the work. Most conspicuous was the part played by the American Social Hygiene Association which provided much of the initiative, and a great deal of help in many other ways.

³⁾ The incident which was the immediate cause of the creation of the Section on Reformatories and Houses of Detention was the sentencing, in February 1918, of nineteen girls in South Carolina, convicted under the provisions of the law of May 18, 1917, to the National Training School for Girls in the District of Columbia who, on arrival in Washington, found this School filled to capacity, and who, after considerable difficulty, were finally placed in the Reformatory for Women at Framingham, Massachusetts.

the Commissions on Training Camp Activities created a Section on Reformatories and Houses of Detention which was to devise means to extend the opportunities for the detention of women and girls. This Section soon found that it would be the wisest course not to propose the building of reformatories and detention homes by the Federal government itself, but to stimulate and assist the states to establish institutions of this kind in such a way that they would become permanent features of the social policies of such states instead of merely temporary provisions for the warperiod only.

On July 9, 1918 the Chamberlain-Kahn Act created the Inter-departmental Social Hygiene Board which took over the work of the Section on Women and Girls. Supported by a governmental appropriation, and assisted by the Division of Venereal Diseases of the United States Public Health Service which was created by the same act, it undertook to stimulate the state governments by subsidies and other means to develop provisions for the control and prevention of vice and venereal diseases, which policy was continued until 1922¹⁾. The result of this action was a large increase in legal and other provisions relative to social hygiene in a great many states, so that it can truly be said that legislation in this field had acquired a very different aspect in 1922 from what it was five years before. And the agitation, once thus aroused, did not stop in 1922, but is still influencing the legislative and administrative activities of the different states.

¹⁾ See for further details regarding the activities of the Federal government: U. S. Public Health Service, Annual reports 1917—1922; C. C. Pierce, Public Health Service Program for Nation-wide Control of Venereal Diseases, Reprint no. 524 from the Public Health Reports, 1919; Mary Macey Dietzler: Detention Houses and Reformatories as Protective Social Agencies in the Campaign of the United States Government Against Venereal Diseases, 1922; Social Hygiene Legislation Manual 1921, published by the American Social Hygiene Association; Timothy Newell Pfeiffer, Social Hygiene and the War, Social Hygiene, July 1918; Jane Deeter Rippin, Outline of Organization and Methods. Section on Women and Girls, Law Enforcement Division, War and Navy Department Commission on Training Camp Activities; Publication no. 193, 65th Congress, Ch. XV, July 9, 1918; Chloe Owings, Women Police, 1925, Ch. VII.

How broadly the work was conceived may be shown by the fact that even the establishment of courses in sex hygiene in a great number of colleges and normal schools for the benefit of prospective teachers, and the financing of research projects regarding the nature, treatment and prevention of venereal diseases, were not considered outside the province of the Social Hygiene Board and the U. S. Public Health Service.

The situation as it existed in 1925 may be summarized as follows ¹⁾:

Adultery, which was not punishable at common law but constituted an offense in English ecclesiastical law, is now punishable in all states but one. The definitions of adultery differ, however, in the different states, some following the common law definition and others the definition of ecclesiastical law. Also in other aspects the adultery laws vary widely in the different states, but it would be impossible to go more deeply into it here ²⁾.

Fornication, i. e. sexual intercourse between unmarried persons, or of a married man with a single woman (the definitions differ), was not punishable at English or American common law, unless it was committed under notorious circumstances corrupting public morals. Under Puritan influence, however, it was made a statutory offense in Massachusetts in 1692, and at present the single act of fornication is a statutory offense in 23 states and in the District of Columbia. ³⁾

Prostitution in its different forms comes under numerous widely varying penal provisions which to a great extent overlap each other. Though before 1917 many states already had penal provisions on this subject, particularly regarding the so-called commercialized aspects of prostitution (the activities of third parties to exploit or protect prostitution for profit, like white slavery, procuring, keeping bawdy house, etc.), legislation under this head has greatly increased since 1917.

To find one's way in the bewildering array of penal provisions on prostitution and allied offenses, it should first of all be known that under old English and American common law any act which directly tends to corrupt public morals, or which shocks the public sense of morality and decency, was considered a *nuisance* and punishable as a misdemeanor. This conception of nuisance plays a very important part in English-American common law, as a

¹⁾ The data which follow are partly taken from the book of Howard B. Woolston, *Prostitution in the United States*, 1921, partly from the article by George E. Worthington: "Developments in Social Hygiene Legislation from 1917 to September 1, 1920", in "Social Hygiene" of October 1920, which was supplemented in a 1925 revision of the *Social Hygiene Legislation Manual* by a sheet containing some additional information (although not very complete) regarding changes in the law since the article was written. As the definitions of the offenses differ so much in the different states it was not surprising that the information furnished by the one author was often at variance with that given by the other. Where this was the case, we have followed Worthington, whose information regarding the legal aspects of social hygiene is most complete. For the definitions of the offenses we followed W. L. Clark and W. L. Marshall, *Law of Crimes*, 1927.

²⁾ In Holland adultery is a crime, but it is practically never punished.

³⁾ Fornication does not constitute an offense in any of the states on the European continent.

very broad range of acts could be brought under its terms and thus made punishable. In the course of time, however, many of these acts were brought under specific statutes which either defined such acts completely, or merely mentioned them, leaving the definition to be made according to the common law. The most common offenses which were thus made statutory are: *nightwalking*, which was defined in an early case as the act of "a woman who walks the street at night for the purpose of picking up men for lewd practices"; *soliciting* (i. e. of men on the streets, for the purpose of prostitution); *loitering* (to attract the attention of men); *being an inmate of a house of prostitution*; *frequenting a house of prostitution*; *open and gross lewdness*, *illicit or lascivious cohabitation*, which are qualified forms of fornication or adultery, indicating that it was committed habitually (concubinage) or openly and notoriously, corrupting public morals and arousing a scandal; *keeping bawdy house*, etc. The most comprehensive provisions under which in practice the great majority of acts relative to prostitution are tried are those regarding *vagrancy* and [*idle and*] *disorderly conduct* which, through their broad formulations, can truly be considered as a kind of penal masterkeys for all sorts of petty transgressions against public order and decency. Frequently these statutes include such provisions as we mentioned above, like those relative to nightwalking, frequenting a house of ill-fame, etc. Though these laws do not relate solely to offenses of a sexual nature, yet, in regard to women, they are in practice applied nearly always in connection with some form of sexual misconduct. To illustrate these kinds of laws, so unfamiliar to us, we shall give here the text of the Vagrancy Law of Illinois (section 270 of the Criminal Code):

All persons who are idle and dissolute, and who go begging; all persons who use any juggling or other unlawful games or place; runaways; pilferers; confidence men; common drunkards; common nightwalkers; lewd, wanton and lascivious persons, in speech or behavior; common railers and brawlers; persons who are habitually neglectful of their employment or other calling, and do not lawfully provide for themselves, or for the support of their families; and all persons who are idle, dissolute, and who neglect all lawful business, and who habitually misspend their time frequenting houses of ill-fame, gaming houses or tippling shops; all persons lodging in or about in the night time in out-houses, sheds, barns, or in unoccupied buildings, or lodging in the open air, and not giving a good account of themselves, and all persons who are known to be thieves, burglars or pickpockets, either by their own confession or otherwise, or by having been convicted of larceny, burglary, or other crime against the laws of the state, punishable by imprisonment in the state prison, or in the house of correction of any city, and having no lawful means of support, who are habitually found prowling around any steamboat landing, railroad depart, banking institution, broker's office, place of public amusement, auction room, store, shop, or court, thoroughfare, car or omnibus, or at any public gathering or assembly or lounging about any court room, private dwelling

houses, or out-houses, or are found in any house of ill-fame, gambling house, or tippling shop, shall be deemed to be and declared to be vagabonds.

Yet, broad though these laws may be, they by no means cover all aspects of prostitution, and particularly could not be applied to many modern forms of prostitution.

Prior to 1917 only three states had penal laws directly relating to the activities of the prostitute. More numerous were the states which had provisions against the commercialized aspects of prostitution, particularly white slavery, procuring, pandering, keeping bawdy house and living upon the earnings of prostitutes. In addition to these criminal laws there had come into use since 1909 a civil action to abate houses of prostitution, which originated in common law but which has now been regulated in many states by statutory provisions, called Injunction and Abatement Laws. These laws authorize the district or county attorneys or any citizens of the county to bring a civil action against disorderly houses, to have them declared as public nuisances, to enjoin the owners, agents, keepers and inmates of such houses from permitting or continuing them to be used for lewd practices, and to close such premises under abatement orders.

In 1918 the Law Enforcement Division of the Commissions on Training Camp Activities drafted a standard law for the repression of prostitution, called the Vice Repressive Law, which is now adopted wholly in 13 states, and as to some of its provisions, in 3 states. The main provisions of this very comprehensive and well-drafted law are that prostitution is to be construed to include "the giving or receiving of the body for sexual intercourse for hire, and the giving or receiving of the body for indiscriminate intercourse without hire", and that penalized are not only all such who engage in "prostitution, lewdness or assignation", but also those who "aid or abet therein by any means whatsoever", e. g. by permitting his premises to be occupied for the purpose of prostitution, by soliciting or procuring or offering to solicit or procure for such purpose, by transporting any person when there is reasonable cause to know that the purpose of such transportation is to commit prostitution, etc.¹⁾ The significance of this law is that not only the prostitute is penalized, but also her male customer; that it is not necessary to prove that the act was committed for pay (which formed one of the main stumbling-blocks in the prosecution under other laws),

¹⁾ See for the full text of this law the Social Hygiene Legislation Manual or the article of George E. Worthington, mentioned above. The American Social Hygiene Association also distributes separate prints of this law.

and that it strikes at many of the new forms which prostitution has assumed and particularly at the varied activities of the go-between like taxicab-drivers, "look-outs", operators of assignation hotels and call houses, etc.¹⁾.

At present prostitution in the sense of "giving or receiving the body for indiscriminate intercourse with or without hire" is punishable as a specific offense in 14 states, whereas in 40 states and the District of Columbia "engaging in prostitution" (a more general term implying a common repute and an open, habitual practice of prostitution) is penalized either as vagrancy or disorderly conduct or by a separate provision. "Soliciting", "nightwalking", etc. is punishable in 30 states and the District of Columbia, and "frequenting a bawdy house" is made an offense in 36 states, both either under Vagrancy or Disorderly Conduct Laws or under some other provision. "Keeping a bawdy (disorderly) house" is now punishable in all states but one; "permitting the use of a place or conveyance for purposes of prostitution" in 26 states, "receiving or offering to receive another into any place or conveyance for prostitution" in 16 states, "compulsory prostitution" in all states except four, whereas in half the number of the states various provisions are made against the activities of go-betweens.

In addition to these state laws there are numerous city ordinances regarding idle and disorderly conduct, vagrancy and prostitution which, of course, it would be impossible to enumerate. Though offenses against such ordinances are usually punished by fine, probation or a short term in a county jail or workhouse, in some cases they may lead to a commitment to a reformatory²⁾.

Another source of provisions of some importance in this connection is formed by the state health laws. Almost all states have granted broad quasi-legislative powers to state and municipal health departments to make rules and regulations on designated subjects, among the more important of which are the examination and quarantining of persons suspected of having a communicable disease, and the abatement of disorderly houses, which can be enforced by the health departments (or) and the courts. Though their en-

¹⁾ Call houses are employment offices for prostitutes which are frequently operated by women; men apply by telephone or letter to such an office, which arranges that a girl is sent to the designated address.

²⁾ In Holland only the commercialized aspects of prostitution are well provided for by legal provisions. The activities of the prostitute herself are largely a matter of municipal ordinances and police measures, which do not often lead to commitment to a penal institution, although it is possible under municipal ordinances.

forcement is not usually effected by express penal measures, yet they may lead in some cases to commitment to penal institutions either for punishment or for medical treatment. Moreover, disrespect in regard to the performance of quarantine regulations is an offense at common law. Many state health laws, too, penalize persons who, knowing that they are venereally diseased, infect others through sexual relations. Such laws could, of course, be invoked in many cases against prostitutes, though, owing to the difficulty of proof in these cases, few prosecutions have been made under these provisions.

Penal and medical elements in this matter are often fused in practice, and sometimes also in law, in a way which seems unusual according to our notions. For not only may persons suffering from venereal disease be committed to, and forcibly detained in, institutions under conditions which closely resemble those attending penal commitments, but sometimes such persons may be sent to common penal institutions for treatment. Some courts have the practice to examine all women defendants involved in sex offenses for venereal disease, and to make the sentence, at least in part, dependent upon the outcome of this examination: for instance, in case they are found diseased, they may be committed to a reformatory or workhouse, whereas in the other case they may be placed on probation. Frequently, too, the regular reporting to a venereal disease clinic, or "voluntary" commitment to a hospital or other institution for treatment, is imposed as a condition of probation, or the termination of probation made dependent, in part, if not predominantly, upon the cure of the probationer, so that one may ask whether in such cases court procedure, probation and commitment are not rather part of a system of medical regulation than penal processes¹). As, in practice, such medical examinations in court, and the other measures mentioned here, are almost exclusively applied to women, and not to the men involved in sex offenses, and as, moreover, many feel that these one-sided methods, affecting only a negligible percentage of all persons affected with venereal diseases, are not effective means for venereal disease control, a strong opposition to these provisions and practices felt to be unfair to women, has come from certain quarters, with which we are inclined to agree.

Another category of provisions to which attention should be

¹) Compare the book of George E. Worthington and Ruth Topping: "Specialized Courts Dealing with Sex Delinquency", particularly on the courts in Chicago and Philadelphia.

called is that regarding *wayward and delinquent minors* under which, in some cases, offenders may be committed to the women's reformatory. We may distinguish here between the laws, relating to young persons between sixteen and twenty-one years old, the so-called Wayward Minors Acts, and statutes relating to "delinquent", "stubborn", "incorrigible" or "wayward" children under sixteen or eighteen years old who are still under the jurisdiction of the juvenile court. To characterize provisions of the first category we quote the Code of Criminal Procedure of New York, § 913a as amended in 1925 (Ch. 389), which says:

Any person between the ages of sixteen and twenty-one who either (1) is habitually addicted to the use of drugs or the intemperate use of intoxicating liquors, or (2) habitually associates with dissolute persons, or (3) is found of his or her own free will and knowledge in a house of prostitution or assignation or ill fame, or (4) habitually associates with thieves, prostitutes, pimps or procurers or disorderly persons, or (5) is wilfully disobedient to the reasonable and lawful commands of parent, guardian or other custodian and is in danger of becoming morally depraved, may be deemed a wayward minor.

§ 913 c says that the person adjudged a wayward minor shall, so far as practicable, be placed on probation for a period not to exceed two years, or, if he is not a fit subject for probation, "be committed to any religious, charitable or other reformatory institution authorized by law to receive commitments of persons over the age of sixteen years" for an indeterminate period not to exceed three years.

As regards the second category of provisions the following definition of "delinquent child" may be considered as typical (taken from the Laws of Ohio, section 1644):

For the purpose of this chapter, the words "delinquent child" includes any child under eighteen years of age who violates a law of this state, or a city or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits a policy shop or place where any gambling device or gambling scheme is, or shall be operated or conducted; or who patronizes or visits a saloon or dram shop where intoxicating liquors are sold; or who wanders about the streets in the night time; or who wanders about railroad yards or tracks, or jumps or catches on to a moving train, traction or street car, or enters a car or engine without lawful authority, or who uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct; or who uses cigarettes, cigarette wrapper or substitute for either, or cigars, or tobacco; or visits or frequents any theater, gallery, penny arcade or moving picture show where lewd, vulgar or indecent pictures, exhibitions or performances are displayed, exhibited or given, or who is an habitual truant; or who uses any injurious or narcotic drug. A child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person.

Under these provisions regarding wayward, delinquent, stubborn or incorrigible minors or children, the measure applied is usually probation or commitment to a juvenile institution, but under certain conditions they may be committed or transferred to a reformatory for adults.

With the exception of the Vice Repressive Laws, provisions relative to "engaging in prostitution", "frequenting or being an inmate of a house of ill fame", etc. have almost always been deemed to be applicable to women only, not to their male customers or other men found in the same house. Even where no logical or legal reasons existed to exclude men from the application of the laws described here, courts and police have in practice been loath to prosecute and punish the male partners in sex offenses to the same extent as the women are. There is also the widespread, although erroneous, belief above referred to that immoral women more than men are the real sources of venereal infection, so that committing them to a penal or other institution to be treated for their ailments will do much to stop the spread of venereal diseases, whereas this is not necessary in regard to the men. As, finally, it is a well-known fact that, as regards minors, girls are more prone than boys to commit sex offenses, it is easily understood why women are affected by these provisions far more frequently than men. And the practical conclusion is that an important part of the female criminal population consists of women who, in our country, would either not be punishable at all or rarely come inside a prison. To what an extent this is true, we shall see later.

Legislation regarding the Use of Alcohol and Drugs. Some influence upon the composition of the female criminal population in the United States may also be expected from its laws regarding prohibition. The famous Eighteenth Amendment to the Constitution of the United States provides in its sections 1 and 2:

Section 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Nearly all states have passed concurrent laws for the enforcement of prohibition, so that offenders may in most cases be prose-

cuted either under the Federal law (namely the Volstead Act) in Federal courts or under the law and by the courts of their state. The division between State and Federal activity in the enforcement of these laws differs much in the different communities; but a large part of the offenses in this field, at any rate, fall to the Federal authorities and, therefore, swell the amount of Federal crime.

Unlike what is the situation in our country, addiction to narcotic drugs has for a long time constituted a serious problem in the United States. There has been a great deal of uncertainty and difference of opinion regarding the relation between drugs and crime, which has led to much confusion relative to the part of criminal law in the suppression of the drug problem. In the beginning addiction to narcotic drugs was by many looked upon much like addiction to alcohol: a socially undesirable habit, deteriorating in its effects upon the addict and often also economically harmful for his dependents. The first legal reaction to it was to obtain control of the drug supply so that the making of new addicts would be rendered difficult, and those already addicted to them would be forced to obtain their supply of drugs in certain designated ways, which would bring them under the supervision of the officials charged with the administration of these provisions, who could thus take their measures to limit the evil as much as possible. Along with it went provisions for the treatment of drug addicts, into which several penal or quasi-penal elements soon entered. For in the first place the drug habit was considered by many to be, at least in a great many cases, a *wilful* habit, engaged in for the pleasure of it, and therefore morally condemnable, in view of which punishment might also be desirable to deter others from starting the habit. In the second place, it is certain that narcotic addiction may lead directly to crime, as some addicts who cannot obtain the drug in a legal way, will not shrink from committing crimes — notably unlawful sale of drugs, swindling, petty thieving, etc. — to obtain the money for getting it illegally, in order to escape the intense suffering which the deprivation of the regular supply of the drug causes him. This danger increased, of course, when the restrictive laws on the sale of narcotic drugs made them hard to obtain and, therefore, very expensive. It seems also to be true that addiction to drugs in the long run often dulls the moral feeling and the sense of truth and responsibility of the addict so that he may yield more easily to irresponsible and anti-social acts. Moreover, the necessity of obtaining drugs in illegal ways often brings the drug addict in contact with anti-social personalities, and practice has shown that many drug addicts themselves become illegal peddlers of drugs, in order to obtain money

for their own needs, thus becoming law-breakers, and a pernicious influence in inducing others to start the habit. Finally, it is a well-known fact that the treatment of the drug addict often necessitates a great deal of compulsion: for so intensely do the patients suffer during the first days after the drug is withdrawn, that even those who have applied for treatment voluntarily will often go to any length in order to obtain drugs. This has frequently made it difficult to obtain treatment for them in ordinary hospitals, as these are usually not equipped to give them the close supervision they need, and has sometimes led, for lack of better, to the commitment of drug addicts, even those who had applied for treatment voluntarily, to penal institutions, where they could be forcibly detained and strictly supervised. All this, it is true, relates only to a small percentage of drug addicts, for probably the majority of them manage to conceal their addiction and to remain to all appearances decent and useful citizens, but the number that do come to public attention is nevertheless significant ¹⁾.

The most important law in this field is the Harrison Act, a Federal law, passed in 1914 under the power of Congress to levy taxes and duties, which became effective March 1, 1915. This law provides for the registration of all persons manufacturing, importing or distributing in any way cocaine, morphine, opium, or chloral hydrate or any of their derivatives. None of these drugs can be sold, furnished or given away except upon a prescription of a recognized physician, dentist or veterinarian who are permitted to dispense the drugs in the course of their professional practice, provided the prescriptions contain the date, the name of the patient for whom the drug is prescribed and the signature of the one by whom it is prescribed, and be kept on file during two years by the persons who prescribe and who dispense the article. All who act contrarily to these provisions are punishable by a fine or imprison-

¹⁾ There have been frequent attempts to determine the number of drug addicts in the United States, and the extent to which they contribute to the criminal population. But the estimates vary so widely that they give us little hold. The estimates for the general population vary from 104,000 to over one million; reports from different (non-Federal) penal institutions give figures from 1 to nearly 10%, about 5% being most frequently found, but, of course, not in all these cases was drug addiction a causative factor in the offense which led to the imprisonment. Compare the report of L. Kolb and A. G. Du Mez, on "The Prevalence and Trend of Drug Addiction in the United States and Factors Influencing It", and the papers of Dr. Abraham Kosseff and Dr. Amos O. Squire before the Conference of the American Prison Association in 1924 on "Observations and Treatment of the Criminal Drug Addict in the State Prisons of New York" and "The Influence of Narcotic Drugs on Crime".

ment of from one month to sixty days. The Jones Miller Act, another Federal law, passed in 1922 under the power of Congress to regulate commerce, penalizes the importation, transportation or exportation of narcotic drugs contrary to law with a fine or imprisonment not exceeding ten years, or both. Possession of drugs, if not satisfactorily explained, also constitutes an offense.

In addition to this, most states have also passed laws regulating the dispensing or use of drugs, so that offenders in this field may be tried both in state and in Federal courts. A comparatively great number of these offenses, however, are handled by the Federal courts, and this has consequently had a great influence upon the Federal criminal population: no fewer than 47% of the commitments to penal institutions of Federal offenders in 1923 were on account of violations of narcotic drug laws.

Here, too, as in the matter of venereal diseases, State and communal Boards of Health have frequently made provisions which may or may not have a penal sanction. They may refer either to the dispensing of the drugs or the treatment of the drug addict. Treatment of drug addiction is often made compulsory, either under a penal or some other provision, and the drug addicts, including those who have voluntarily applied for treatment, may be committed to a hospital or a penal institution, for a specified term, to be cured of their addiction.

§ 7. *Woman's Crime As Reflected in Prison Statistics.*

American criminal statistics are very imperfect as compared with those in European countries. This is due, in part, to the youthfulness of most American communities, partly to the extreme decentralization which characterizes public administration in the United States and the wide variations in social conditions and judicial practices which exist in the different localities. It should be remembered that there are forty-nine independent criminal law systems in the United States, each using its own definitions of crimes, which differ widely in the various states; that there is no central power which can compel the states to conform to certain uniform standards or rules in this matter, or to co-operate in any other way in the making of national crime statistics; that within each state, every court, police department and county institution can to a large extent follow its own system of recording, and that, in turn, it is difficult to compel them to submit to a state-wide standardization of their statistical methods and terminology necessary for

the making of reliable state crime statistics¹⁾. To this should be added the fact that in about 15 % of the territory of the United States there is as yet not even a registration of births and deaths which, of course, makes statistics pertaining to crimes and offenders from that area less reliable. It is not surprising, therefore, that only two or three states have succeeded in developing a system of criminal statistics of about equal comprehensiveness and reliability to those existing in European countries, and that the national government has not been able thus far to do more than compile statistics regarding the prison population, namely a complete census every ten years, and (since 1927) a limited census every year; there are no nation-wide statistics regarding probation or fines, nor regarding complaints, arrests, or convictions. There is no measure, therefore, to gauge the amount of crime in the American Union, except in so far as it results in commitments to penal institutions. As we shall see in the next chapter, only a small percentage of the offenses committed result in commitment to a penal institution, and there is no reason to assume that this percentage is even fairly representative of the crime actually committed, considering such facts as, for instance, that in some states probation is imposed three or four times as often as commitment to a penal institution, whereas in other states adult probation does not exist at all; that for some kinds of offenses probation is imposed frequently, and for others rarely, or never; that some classes of offenses, such as prostitution and alcohol offenses, are dealt with severely in some communities by long-time commitment of the offenders to penal or correctional institutions, whereas in other communities they are either punished with fines or not prosecuted at all.

The fact is, then, that the Federal prison census (the latest com-

¹⁾ An instructive illustration of the difficulties which may be encountered in the collection of criminal statistics is an experience related by Mr. William R. Rutledge, chairman of the Committee on Statistics of the International Association of Chiefs of Police at the National Conference on the Reduction of Crime, held at Washington in 1927. He had sent out questionnaires to some 300 cities requesting data regarding the commission of certain crimes in 1925 whereby he took the precaution to give definitions of those major crimes on which he wanted information, in order to avoid the confusion of divergent legal definitions in the different states. The returns received varied so widely, however, as to be almost useless for comparative purposes. The rate of "homicide", exclusive of justifiable killings and killings by automobile, for example, ranged from over 25 to 0 per 100,000 of population in different communities. It is apparent that very divergent conceptions of what constituted this crime, or different methods of recording or counting these offenses, must have led to these discrepancies.



New York State Reformatory for Women,
Bedford Hills.

Partial View of the Institutional Complex: Upper Campus.

From right to left: three cottages, staff house, school building (the building covered with ivy, in the middle of the background), cottage, hospital. Between the two last mentioned buildings, in the distance: the Rockefeller group.

Courtesy of Dr. Raymond F. C. Kiehl,
formerly Commissioner of Correction.

plete one being of 1923¹⁾) practically forms the only source of nation-wide crime statistics. These statistics are rather detailed, comprising a great deal of information, not only about the offenses for which the prisoners are committed, but also about their sex, age, color, nativity, state or country of birth, time in the United States, citizenship, marital status, length of sentence, prior commitments, etc., and this extensive amount of information is indeed elaborated with painstaking effort. Nevertheless they cannot be made to tell more than they pretend to do, viz. a survey of the prison population, not of all crime actually committed; and even then they have to be used with great care. For, even if we neglect the fact that about 250 jails and workhouses which did not report were not included in the Prison Census (which probably did not vitiate the statistics to any great extent, as the great majority of these were very unimportant institutions that, in all likelihood, had very few, if any, prisoners during the census period), there is first of all the fact that the definitions of the different offenses vary widely in the different states: "Homicide" or "disorderly conduct", for instance, may comprise a much wider range of acts in one state than in another, yet the Federal Census must accept to a large extent the qualifications of the offenses as they are reported by the penal institutions. Moreover, records regarding the age, country or state of birth, marital status, etc. of the prisoners, are in many cases solely based upon the information furnished by them and not verified; the presence or absence, too, of former court records cannot always be ascertained, as few states possess a centralized and complete system of criminal records, while it is still more difficult, of course, to obtain such records in other states. Many reasons, such as hope of clemency, unwillingness to furnish the prosecuting officials with a clue to his relatives or further associations, fear to be deported, etc., may lead a defendant in court to lie about his identity, age or nativity, to deny the existence of former criminal records, or to give other untrue information. Although in a great many cases the courts attempt and succeed in verifying such information, yet, there remains a good deal which has not thus

¹⁾ Published in 1926 by the Department of Commerce, Bureau of the Census, under the title: "Prisoners 1923. Crime Conditions in the United States as Reflected in Census Statistics of Imprisoned Offenders"; and supplemented by a report on: "The Prisoner's Antecedents. Statistics Concerning the Previous Life of Offenders Committed to State and Federal Prisons and Reformatories", published in 1929. In 1926 a census was taken of the prisoners in state and Federal penal institutions only, the findings of which were published in 1929 in a report entitled: Prisoners in State and Federal Prisons and Reformatories 1929.

been checked, and on these points the statistics are, therefore, not absolutely reliable.

While taking all this into account, the national prison statistics nevertheless bring out some interesting points regarding American criminal policies in regard to women, and the composition and character of the female prison population.

In the first place the Prison Census of 1923 tells that women constituted 4.8 %, or not quite one twentieth, of the total number of prisoners present in penal institutions on January 1, 1923 ¹⁾. This is a surprisingly low figure when compared with Holland and some other European countries where the female offenders constitute a larger part of the criminal population, in spite of the fact that many of those provisions relative to sexual behavior which we quoted above, and which, as we shall see below, bring a significant number of women into American prisons, do not exist over here. One of the reasons of this discrepancy may be found in the fact that the number of women in the general population of the United States is relatively much smaller than in ours: whereas in all West-European countries women are in excess of men in the total population, the reverse is true in the United States. ²⁾ This is the more significant as the proportionately greatest excess of males in the United States, owing to the influence of immigration, is in the group of those between fifteen and thirty years old - i. e. the age of highest criminality among men. This, of course, increases the crime rate for the male population and makes that of the female population appear comparatively lower. Furthermore, it is a fact that the offenses committed by women are on the whole less serious than those committed by men, and, therefore, result in fewer and shorter prison sentences, which fact lowers the number of women present in prison. In Holland, for instance, this fact has brought down the percentage of women to 2.37 % of the total prison population on December 31, 1928 (if the population of the tramp colony at Veenhuizen is included, otherwise it is 3.72 %) ³⁾ although the percentage of women convicted during 1927 was 10.2 % of the total number of convictions ⁴⁾. Perhaps greater leniency of the courts towards women offenders in granting them more frequently a conditional sentence or sending them to a private institution, instead of

¹⁾ Prisoners 1923, p. 43.

²⁾ The population of the United States consisted, according to the Census of 1920 of 53,900,431 males and 51,810,189 females, whereas in the Netherlands the population numbered 3,840,258 males and 3,890,319 females on December 31, 1928.

³⁾ Gevangenis-statistiek 1928, p. 10 table 1.

⁴⁾ Crimineele statistiek 1928, p. 9.

committing them unconditionally to a penal institution, particularly if they have small children to be cared for, may also play a part in this, but this factor is in the United States compensated, to a certain extent at least, by the tendency to commit women sex offenders more frequently to a penal institution than men for corresponding offenses.

The comparative delinquency of women can be best measured by the "coefficient of difference" between the commitment ratio's for males and for females, respectively, i. e. by obtaining first the number of commitments of men per 100,000 of the general population of the same sex, then the corresponding number for women, and to divide the former number by the latter, by which we find how many times as often men are committed to prisons as women. This figure was for the United States in 1923 11.0 ¹⁾, for Holland it was in 1928 25.6 ²⁾. In other words, in Holland the women were committed $\frac{1}{26}$ times as often as men, in the United States $\frac{1}{11}$ or about twice as frequently as in Holland. This shows that the low figure quoted above is entirely misleading, and that in reality comparatively far more women are committed to prison in the United States than in Holland.

It is interesting to see the percentages of women in the total prison population for the different offenses. We then find that the percentage for women is considerably above the average of 4.8 in regard to the following offenses ³⁾:

<i>Offense.</i>	<i>Percentage.</i>	<i>Offense.</i>	<i>Percentage.</i>
Prostitution	100.0	Drug addiction	21.9
Delinquency ⁴⁾	68.1	Vagrancy	20.5
Keeping house of ill fame	42.4	Disorderly conduct	14.7
Adultery	40.4	Obscenity	13.6
Fornication	35.3	Violating parole	12.0
Contributing to delinquency	25.7	Violating drug laws	9.4

On the other hand the percentage for women remains below 4.8 in regard to grave homicide (3.2), assault (2.9), threat to do bodily harm (less than 0.1), and all gainful offenses against property, such as burglary, counterfeiting, forgery, embezzlement, fraud, having stolen property, larceny, robbery and violating revenue laws. This clearly shows the large part which sex delinquency and violating

¹⁾ Prisoners 1923, p. 46, table 18.

²⁾ Computed on the basis of figures given in "Jaarcijfers voor Nederland", 1929, p. 184.

³⁾ Prisoners 1923, p. 50 and 51.

⁴⁾ The term "delinquency" is applied to those who have been committed as a "wayward minor" or a "delinquent child".

drug laws, and the comparatively small part which offenses against property, play in the composition of the female prison population as compared with the male group.

If we do not take the number of prisoners present on January 1, 1923, but the number of commitments during the period from January 1 to June 30, 1923, we find that female commitments constitute 8 % of the total number of commitments¹⁾. The fact that this percentage is higher than the percentage of women present in penal institutions on January 1, 1923, indicates that the women are sentenced for shorter periods than the men, so that there is a more rapid mutation among female prisoners than among the males. The number of commitments during a certain period is, of course, a much better index of the frequency with which crimes are committed, or, rather, punished with imprisonment, than is the number of prisoners present in penal institutions on a certain day. The following list shows the percentage of females for all important offense groups in which more than 10 per cent. of the prisoners committed were females²⁾:

Offense.	Percentage.	Offense.	Percentage.
Prostitution	100.0	Drug addition	13.7
Keeping house of ill fame	52.9	Disorderly conduct	12.9
Fornication	42.6	Violating fish and game laws	12.8
Adultery	41.0	Contempt of court	11.9
Delinquency ³⁾	41.0	Vagrancy	11.2
Violating education laws	24.0	Nuisance	11.1
Contributing to delinquency ⁴⁾	19.2	Violating drug laws	10.4
Threat to do bodily harm	18.5	Bigamy and polygamy	10.4
Obscenity	16.5		

Here again the prevalence of sex and drug offenses may be noted.

It is very instructive to note the distribution of the most important offenses among the female prison population. We shall give here side by side the percentage distribution of the different offenses among the total number of female prisoners on January 1, 1923⁵⁾ and among the commitments of females during the first six months of 1923⁶⁾:

¹⁾ Prisoners 1923, p. 43.

²⁾ Prisoners 1923, p. 51.

³⁾ The term "delinquency" is applied to those who have been committed as a "wayward minor" a "delinquent child".

⁴⁾ That is: contributing to the delinquency of children, for example, by inciting them to beg, admitting them to questionable places, etc.

⁵⁾ Computed on the basis of the figures given in table 33 of "Prisoners 1923", p. 50. The category of offenses "unclassified or unknown" is excluded.

⁶⁾ Based on table 24 p. 52 of "Prisoners 1923". Here, too, the category of offenses "unclassified or unknown" is excluded.

TABLE 1.
Distribution of offenses among women prisoners in 1923.

Offense	Percentage distribution in total female prison population on Jan. 1, 1923	Percentage distribution among total number of female commitments Jan. 1—June 30, 1923
All offenses	100	100
Disorderly conduct	7.5	24.8
Drunkenness	4.6	16.3
Fornication and prostitution	11.3	12.6
Vagrancy	10.7	11.2
Larceny	14.6	7.8
Violating liquor laws	3.4	7.3
Assault	3.5	3.0
Violating drug laws	7.0	2.7
Keeping house of ill-fame	1.0	1.8
Adultery	2.7	1.7
Violating city ordinances	0.1	1.4
Homicide	15.3	1.0
Forgery	2.2	0.6
Carrying concealed weapons	0.4	0.5
Non support or neglect of family	1.1	0.4
Fraud	0.7	0.4
Gambling	— ¹⁾	0.3
Burglary	1.9	0.3
Robbery	2.5	0.2
Violating traffic laws	— ¹⁾	0.2
Malicious mischief and trespassing	0.1	0.2
All other classified offenses	9.4	5.4

Thus about 50 % of the women committed to penal institutions during the first six months of 1923 had been convicted of prostitution, fornication, adultery, disorderly conduct or vagrancy, i. e. sex offenses which in Holland would either not be punishable at all, or would rarely be punished with imprisonment²⁾; and these classes constituted 32.7 %, or nearly one third, of the prison population on January 1.,

¹⁾ Less than 0.1 %.

²⁾ We assume here that "disorderly conduct" and "vagrancy" cover offenses of a sexual nature which, as we pointed out, is nearly always the case if women are concerned. Possible errors are compensated by the fact that the group "all other classified offenses" and those "unclassified and unknown" probably also contain some offenses of this character which we did not include in the above quoted figures.

1923. These figures surpass those for the five typical offenses against property: larceny, forgery, fraud, burglary and robbery, for these are represented in total in 20 % of the female prison population on January 1, 1923, and in 9.3 % of the number of female commitments during the first six months of 1923.

It is impossible to compare these figures with corresponding figures in Holland because of differences in statistical methods. We may only note that there is one offense, which is of some significance in Holland, that is conspicuous by its absence in the Federal prison statistics, namely procuring abortion. This is not due to the fact that this is not an offense in the United States, for most states have laws penalizing it with imprisonment, and in some states which have a good system of crime statistics, such as Massachusetts, we do find the crime occasionally mentioned; but, on the whole, these laws seem to be rarely enforced in the United States, unless the abortive treatment results in death, in which case it may be classified under "homicide". It is for this reason, perhaps, that this offense has no place of its own in the Federal statistics.

CHAPTER III

LAW ENFORCEMENT IN THE UNITED STATES

§ 8. In no civilized country seem theory and practice of criminal law so far removed from each other as in the United States. No less a personage than the late President Taft, declared some twenty years ago that "American criminal justice was a disgrace to our civilization", and this has been, ever since the beginning of this century, the theme of numerous studies, reports and conferences, of many crime surveys and other investigations, to find out the causes of this unfortunate situation and the best ways to remedy the evils. All this activity has brought out highly important facts that throw an interesting light upon the factors which play a part in law enforcement and the problems which a nation-in-the-making as the United States still are, has to struggle through before it reaches a more settled social order. We can only briefly touch here on some factors which seem to stand out most and which have again and again been pointed out in American literature on this point ¹).

¹) It would be impossible, within the scope of this chapter, to give full account of the sources for the information given in the text, since the amount of literature that has appeared on the subject is so overwhelming that even a bare enumeration would have far surpassed the limits of this chapter. We may only refer here to some general handbooks, such as that of E. H. Sutherland: *Criminology*, 1924 or J. B. Gillin: *Criminology and Penology*, 1926, and further to the reports of the numerous criminal justice surveys that have been made during the last ten years, of which we may mention here the report of the Cleveland Foundation Survey of Criminal Justice (published in 1922), that of the Missouri Crime Survey (1926), the various reports of the Crime Commission of New York State, among others: *A Statistical Analysis of the Criminal Cases in the Courts of New York for the Year 1925* (published in 1927), and the report of the Chicago Crime Commission (published in 1930, some parts of it earlier). These criminal surveys, undertaken, usually by private bodies, to study the practical workings of the criminal law and the causes of failure in this field in order to come to intelligent plans of reorganization, are a typically American feature and exceedingly interesting and valuable. We must pay tribute here to the great thoroughness and broadness of these studies (some of which have been conducted by a large staff of investigators, including the best

In the first place criminal law in the American states is far more voluminous and more difficult to enforce than criminal law with us. The heterogeneous and very mobile population, the complicated economical conditions of the predominantly urban, industrial and rapidly growing American community, the lack of strong common traditions, and the general social unrest existing in America, call, on the one hand, for numerous and drastic regulations, but, on the other hand, make it hard to enforce them. There is also the fact that American democracy — in which popular opinion exerts such a strong influence upon the legislature and which, through the rapid changes in political administration and the absence of such permanent expert bodies as our Ministerial Departments, offers comparatively little opportunity for the accumulation and utilization of legislative experience and expert knowledge — fosters a tendency, so characteristic of lay minds, to resort to penal provisions as a cure for all sorts of social evils with too little thought of the possibilities and consequences of their enforcement. Thus many ill-considered laws are passed which are never or imperfectly enforced, or which are only enforced at the expense of causing greater harm than they are supposed to cure, or which are quickly repealed by a succeeding political administration. Popular sentiment is also inclined to be capricious, to act under the influence of immediate impressions and to go to extremes, and nowhere is this more strongly demonstrated than in regard to penal laws which have so much the interest of the layman, as is shown, for instance, in the drastic laws which often follow the commission of a spectacular crime or a supposed "crime wave". All this is tending to make the American criminal codes all too voluminous, complicated, and in many places inconsistent, impractical and unenforceable bodies of law which in practice give rise to much uncertainty and arbitrariness in the administration of justice, offer many possibilities for evasion of the law and lower the popular respect for it.

The American police, too, do not enjoy a reputation of the best. It is only fair to state, however, that, as Raymond B. Fosdick

talents of America, and working over a period of one or more years), the fearless self-criticism which they evidence, and the liberal attitude of the authorities concerned who usually seem to give the investigators full sway to obtain whatever information they desire and cordially cooperate in the study, in spite of the knowledge that much that will be published in the survey report will be far from flattering. Indeed, we do not know of any instance of a similar investigation in Europe of the same breadth and courageous frankness as, for instance, the Cleveland Foundation Survey of Criminal Justice or the Missouri Crime Survey.

points out in his book "American Police Systems"¹⁾, policing American communities is, for several reasons, on the whole far more difficult than similar work in European communities. There is, for instance, the great difficulty of the heterogeneousness of the population, the presence in each city of many different foreign national groups, frequently hostile to each other, each one having its own customs and ideas, of which the average American police man is often as ignorant as these groups are of the many complicated rules and practices of American society. Also the fact that an offender can, without any formalities, cross the border of his state to another one where it is practically hard for the police of the former state to follow him, constitutes a great difficulty. Historical reasons into which we cannot go more deeply here²⁾, have, however, led to some other serious problems, the worst being the fact that the police departments are often too much subjected to local politics, with the result that there are frequent changes in police personnel, inefficient and inexperienced leadership³⁾, lack of continuity of

¹⁾ See also his careful study of police administration in Cleveland in the report of the Cleveland Survey of Criminal Justice, and Roscoe Pound's summary of Fosdick's study in the same report. The following statement of Fosdick characterizes well one of the chief difficulties which confront the American police (American Police Systems, p. 8—9).

It is this complex problem of nationality that the police are called upon to grapple with. They must enforce the same laws among a score of races and maintain a standard of conduct in a population coming from radically different environments. They must be prepared to understand the criminal propensities of Sicilians and Poles, of Chinese and Russians. They must become expert in detecting crime characteristics as shown by twenty races. They must deal with people who have no knowledge of public health regulations or safety ordinances or of those sanitary laws which distinguish the modern city from the mediaeval town. They must have a ready knowledge of national customs and habits so as to be forearmed against an Italian festival, a Polish wedding or a Russian holiday. They must constantly realize that the juxtaposition of separate racial groups is a factor of potential disorder.

To see the London "Bobby" at work, dealing with people of his own race who understand him and whom he understands, is to learn a larger sympathy for his brother officer who walks the beat in New York, Chicago or San Francisco.

Compare also: The Police and the Crime Problem. Annals of the American Academy of Political and Social Science, vol. CXLVI, no. 235 (1929).

²⁾ See Fosdick, American Police Systems, and the Cleveland Survey Report.

³⁾ Fosdick states that in a number of cities investigated by him the average length of service of chiefs of police during some fifty years was little more than two years, and that many of them had had no police experience whatsoever before political favor bestowed this position upon them. Among them were, for instance, newspaper reporters, salesman, industrial managers, bankers, etc. Similar statements are found in abundance in the report of the Missouri Crime Survey. There the average length of service of policemen was found to be about four years; few had had special experience fitting them for police work, and some were known to have records of intoxication, neglect of duty or other kinds of misbehavior, in spite of which they were reinstated over and over again by political influence.

policies, poor standards of work, and in some cases abuse of power, or corrupt practices and alliances with politicians, liquor and gambling interests and vice circles. There are, of course, also good police departments and efficient police officials in the United States, but on the whole the American police are not considered adequate to the very difficult task they have in the American communities. This has particular significance in regard to our subject, for the combat of prostitution and the problems with which the reformatory has ultimately to deal are likely to be much affected by the fact whether the police in the same community make honest efforts to suppress vice, or whether their work in this direction has been perfunctory and superficial, or, worse still — as has happened in some communities — whether they have actually colluded with prostitutes and their exploiters. The employment of police women — usually of a far better calibre than the male members of the police force — in the bigger cities, has done much to improve conditions in regard to women offenders and has particularly contributed to the development of constructive, non-judicial methods of treatment of delinquent girls and women, with the result that, where efficient women's police work exists, more and more young female offenders are kept out of court and dealt with in other ways, e.g. by informal supervision, by referring the girls to private protective organizations, etc.

Criminal procedure in the United States is also the object of much criticism. As Dean Pound points out in his brilliant historical analyses of this matter¹⁾, the most fundamental cause of the difficulties is the fact that the system of criminal procedure, devised more than hundred years ago by and for a simple, rural pioneer community has not been sufficiently reorganized to meet the conditions existing in present-day, predominantly industrial, society. American criminal procedure was grafted upon the English system of the seventeenth and eighteenth centuries, which, in the struggle against the power of the Crown, had developed into an extensive system of rights and safeguards for the accused against possible abuse of power on the part of the magistracy. The distrust of the American colonist of the English executives charged with the colonial jurisdiction, pioneer jealousy of administration, the Puritan concept that "no man shall be over man", and democratic ideas had still further stressed these rights of the accused and curtailed the power of the magistrate, until

¹⁾ Compare, among others, the volume "Criminal Justice in an American City", published by the Cleveland Survey Foundation as part VII of the Cleveland Foundation Survey of Criminal Justice.

now the part of the judge in the conduct of a trial has become a purely passive one, and the rights of the accused have become stressed almost to the point of absurdity. It has led to a very cumbersome system of criminal procedure involving numerous technical rules and formalities for the safeguarding of the rights of the accused which tie the hands of the judge, which afford numerous possibilities to the defendant of taking exceptions, asking adjournments and using all kinds of other means to obstruct the proceedings, and generally hamper the progress of the trial in such a way that it may often take many weeks or months, and sometimes even years, before it is brought to a close — a system, which, of course, is entirely out of place in an industrial age that requires above all swift and efficient administration of justice. Moreover, the fact that such a large amount of time and energy is wasted upon unnecessary moves, senseless formalities and the consideration of unessential exceptions and appeals, prevents sufficient attention being given by the usually already overburdened courts to the essential facts, to a thorough preparation of the cases by the prosecutor or to a quiet study of the evidence and weighing of the decisions by the bench¹⁾. These remarks concerning the exaggerated rights of the accused and the over-emphasis of technical formalities, however, are only true of trials of the more serious offenses in the higher courts, and even then practically only if the defendant chooses not to "plead guilty", and has an active lawyer who takes advantage of all the possibilities which the law and the procedure offer him to escape the ultimate conviction. In the lower courts, such as the Magistrates' courts, where the lighter offenses are tried in summary proceedings, and in other courts where a simplified system of procedure is used, as is frequently the case in regard to misdemeanors²⁾, matters are different, especially if there is no very active or very efficient lawyer to assist the accused. This pertains particularly to the Magistrates' Courts, which originally had to deal with few and simple matters and which were, therefore, simply equipped (in several states, for instance, the magistrates need not be jurists) and many Magistrates' Courts have still rather primitive business methods. In modern society, however, their work has increased enormously, both in

¹⁾ Compare the survey reports mentioned above which give abundant evidence on these points.

²⁾ We must express ourselves here very vaguely and somewhat inaccurately, as it is impossible to explain in a few words the very complicated and widely divergent court systems in the different American states. See for further information on this subject: Clarence N. Callender, *American Courts, Their Organization and Procedure*, 1927.

volume and in qualitative importance, but their facilities have not been developed accordingly. The result is that a great many of the misdemeanors and petty offenses which make up the greater part of present-day criminality are handled in under-equipped and overworked courts, in an often all too summary and hurried fashion, with too scant regard for the individual rights and social problems involved ¹⁾. For the speed with which the trials are sometimes conducted does not mean that these trials always follow quickly upon the arrests: in fact, it often happens, owing to the congestion of the court calendars, infrequent sessions or imperfect organization of the court business, that the accused must spend several weeks or months in jail before their cases are brought up for trial. It is

¹⁾ See the survey reports of Cleveland and Missouri. Indeed, considering the whole field of law enforcement and not merely the formal trials of serious offenders, one receives the impression, that, on the whole, the accused are treated with less consideration in America than in Holland. The roughness, for instance, with which the police sometimes deal with suspected persons (third degree methods), the carelessness with which such persons may sometimes be arrested and thrown into jail for weeks before their cases are tried, the treatment in the jails where often they are not even kept separated from the convicted prisoners, the inadequate attention given to the defence of the accused if he has no money to secure a good attorney at his own expense, the insufficient provisions which frequently exist in regard to interpreters, the ferocity with which at times a prosecution may be conducted, if the public prosecutor wants to keep in the eye of the public, and the rapidity with which the lighter offenses are often tried, do not impress the European lawyer with the idea that the rights of the accused are, on the whole, very much over-protected in America. And it is almost humorous to reflect that some of the rights of the accused now so vigorously denounced in America as absurd and as sources of judicial miscarriages (such as the rule that the defendant is not obliged to answer to interrogations) were hailed as reforms in Holland only a few years ago — and that thus far we have not yet had occasion to regret their introduction into our procedure. The truth is, it seems to us, that, as Dean Pound points out in his paper on "The Future of the Criminal Law" (Columbia Law Review, January 1921), there is a swinging back and forth in legal history from the one extreme of over-anxiety for the interests of the accused to the other of an extreme solicitude for the general security and absolute disregard of the interests of the individual defendant, the movement for criminal law reform in America now moving in the direction of the latter goal; and that the fault does not lie so much with the overemphasis of the rights of the accused in the comparatively small class of felony trials in which none too scrupulous lawyers, determined to exploit every reasonable and unreasonable means which law and procedure offer to get the defendant free, play the main part, but rather with the fact that the whole system of criminal procedure has become out of accord with present day conditions, placing safeguards where they are not needed and leaving unprotected conditions which, in modern American society, are fraught with many possibilities of real injustice and unnecessary suffering to the accused.

in these lower courts and in this fashion that the bulk of women's criminality — prostitution, vagrancy, disorderly conduct and drunkenness — is disposed of, and it is for this reason that they seem more important to us than the higher courts where the comparatively few women felons are tried.

Besides the defects inherent in the complicated and cumbersome procedure, the delays, the excess of technicalities and the over-emphasis of the rights of the accused in the formal trials, and the insufficient attention to these in the simple proceedings, there are many other factors which hamper criminal justice in America. Among them are the fact that the public prosecutors are elected by popular vote, with all that this entails, such as short terms of office, lack of experience and inefficiency in many of its incumbents, and too great dependency upon the favor of the voters, which is the more serious as, through historical causes, he has nearly unlimited discretion as to the prosecution or the discontinuation of cases in almost every stage of procedure, in the exercise of which he is practically not accountable to any one but the electorate ¹⁾; the fact that in most states the judges and magistrates, too, are elected, which subjects them to the same difficulties as the public prosecutors; a jury-system which is ill adapted to present-day conditions and the heterogeneity of the American population; the abuses to which the bail system have given rise, because the large, crowded courts cannot give careful attention to it; the evils of the antiquated jails in which the accused are detained, often without being sufficiently separated from the convicted prisoners and sometimes under very bad material and moral conditions; and, generally, the insufficient co-ordination of the work of the different courts or the different divisions of the same court which, in the rush of the rapid growth of the communities, have developed as the needs arose, frequently with too little regard for the whole system. It is also an unfortunate fact that, through economical causes, the best jurists have more and more lost interest for criminal justice and turned to the civil side of law, the result of which has been, first, that criminal law and procedure have been neglected and have remained far more backward than civil law, and, secondly, that the defence of criminal cases has largely come into the hands of a poor type of law practitioners of low professional standards and ethics,

¹⁾ Compare: R. Moley: *Politics and Criminal Prosecution*, 1929, and an article by the same author in the *Political Science Quarterly* of December 1927, entitled: *Some Tendencies in Criminal Law Administration*. Mr. Moley is a recognized expert on criminal procedure who was connected with some of the surveys.

who (because under the American system the lawyer has often actually more influence upon the conduct of the trial than the judge) have contributed much to the degradation of criminal proceedings to an unworthy play of tricks and "bargaining" with the prosecutor, cheap rhetorical effects to impress the jury, and other less dignified means which, in turn, have had their effect in the serious distrust and disrespect of the general public for law, justice and criminal lawyers now so evident in America ¹⁾).

To illustrate to what an extent all this has vitiated the administration of criminal justice we may quote here some figures taken from recent criminal surveys:

During the year 1925 only 20.57 % of the nearly 20,000 felony cases in New York City in which arrests were made, were followed by a sentence, and only 15.42 % resulted in immediate and unconditional punishment; almost 80 % of the cases, therefore, had been eliminated during the proceedings ²⁾. In Cleveland only one third of the persons arrested on felony charges in 1919 were finally convicted ³⁾. It is also interesting to see what the percentage is of the offenses which are followed by the punishment of the offender. In regard to this the Missouri Crime Survey of 1926 discloses that in a total of 13,444 cases of murder and manslaughter, burglary, robbery, larceny, embezzlement and fraud, forgery and automobile offenses, reported to the police in Saint Louis during the year from October 1, 1923 to October 1, 1924 only 420 or 3.12 % of the offenders were sentenced, and only 374 or 2.79 % were actually punished; of the 2701 burglaries only 3.99 % were punished, of the 2075 robberies only 4.07 %, of the 4297 cases of larceny only 2.19 % ⁴⁾. For Kansas City the figures for the same year are similar ⁴⁾. This practically means that these serious offenses go almost unpunished,

¹⁾ It is a pity that we cannot give here more attention to the historical essays of Roscoe Pound on criminal justice (such as the volume "Criminal Justice in an American City", quoted above), not only because they are very worth-while, but also because we feel it as a kind of scientific unfairness to heap together all defects of American criminal justice without telling its historical origins, showing that many of the rules now so pitilessly condemned were once established to serve lofty principles and high ideals — and that there is still something good in many of them, too. It would also have contributed to the fairness of our judgement if we could have related many of the things said here to criminal justice in European countries, for some of the problems and defects mentioned are not peculiar to the United States alone. But space forbids making such digressions.

²⁾ Report of the Crime Commission of New York State, pp. 54—61.

³⁾ Cleveland Survey of Criminal Justice. Part I, The Criminal Courts, by R. H. Smith and H. B. Ehrmann, p. 8.

⁴⁾ Missouri Crime Survey, Appendix III, p. 543.

as the chances of the offenders undergoing punishment for them are no more than one in twenty-five.

Unfortunately we have no such figures for misdemeanors, including the typical women's offenses of prostitution and disorderly conduct. But the nature of these offenses leads us to believe that in regard to these law enforcement is still weaker. For they belong to those which no one of the parties immediately concerned has interest to report to the police, so that law enforcement depends entirely upon the activity and the attitude of the police and the courts. Moreover, law enforcement in regard to prostitution and allied offenses forms a much debated field, and to suppress these evils effectively costs a great amount of time and trouble to those charged with the enforcement of the law, and often a good deal of their popularity too — two things for which ill-equipped police departments and overworked prosecutors, dependent upon public favor, do not particularly care. Unless, therefore, public opinion expresses itself strongly in favor of law enforcement in this field, for instance by the creation of active agencies for this purpose, and unless the police departments and courts are fairly well equipped, enforcement of these laws is likely to be perfunctory and spasmodic ¹⁾.

On the whole, then, American criminal justice does not present an ideal picture. Yet, one cannot fail to see some bright spots also.

In the first place men have repeatedly shown themselves better than the system: in spite of all defects of the system, really bad and corrupt judges and prosecutors have been rare, and there have been many of high ability and distinction who conducted their trials with dignity and wisdom. Then, too, there has been since the beginning of this century a strong movement, supported by Bar Associations, Crime Commissions, etc., to reform criminal procedure, which has in several cases already achieved tangible results in simplifying procedure, developing higher professional standards and discipline among the members of the bar, checking wrong practices in procedure, etc., and a model code of criminal procedure is being drawn up. The task of reorganizing criminal procedure in the United States, owing to the heterogeneous social conditions and the extreme decentralization of public administration, is, however, exceedingly difficult, far more so, indeed, than it would be in any European country, and

¹⁾ Compare for the practice of law enforcement H. B. Woolston, Prostitution in the United States; George J. Kneeland, Commercialized Prostitution in New York City; and Maude E. Miner, Slavery of Prostitution, which furnish striking evidence on the points made here.

it is not surprising, therefore, that it cannot but go on slowly.

Moreover, those surprising contrasts of good and bad which one meets with so often in America, are not lacking in the field of criminal procedure: grafted upon the antiquated, defective system progressive ideas have developed again and again, which have often attracted the attention of other countries. We need only remember that it was the American juvenile court, first established thirty years ago, which has served as a model for the juvenile courts in many European and non-European countries, ours among them; that it is the American domestic relations and family courts which are now attracting the attention of Europeans¹⁾ more and more; that the system of probation which, in some form or other, has spread over all civilized countries, found one of its main origins in a Boston court; that the psychiatric court clinic, one of the cherished ideals of the progressive penologist, has already been realized in several American courts; and that the obligatory psychiatric examination of certain classes of offenders in court which still lays ahead of us in Europe, was introduced in Massachusetts in 1921²⁾. Thus, in spite of its deplorable weaknesses and anachronisms, the American judicial system has been and still is a source of interest to many students of criminal law in other countries.

It is interesting to note that the successful American experiments are all along the line of what is termed "socialization of the court". This has some connection with the fact which we shall find repeatedly evidenced in this study, that, in the domain of public control, the United States are stronger on the *social* than on the *juridical* side³⁾. In other words, whereas, on the whole, legal science and practice in the United States are rather poorly developed as compared with West-European countries, at least in the criminal field, America is in several respects ahead of us as regards the development of the social element in justice. This, it seems to us, results from the fact that Americans are less concerned than we are about questions relative to abstract rights and abstract justice, but more about questions of efficiency: how to check crime and vice, how to

¹⁾ See, for instance, the article by H. W. W. Andreae on "De rechtspraak der gezinsrechtbanken" in the „Maandblad voor Berechting en Reclassering van Volwassenen en Kinderen“, vol. VI (1927), p. 211 ff, 239 ff and 293 ff.

²⁾ Curiously enough it was a certain evil, common in the United States but unknown with us, namely the partiality of psychiatric experts as witnesses in criminal cases, and the abuse of their testimony in pleas of insanity to get the accused free, which formed the direct cause of the introduction of this progressive provision.

make law enforcement most effective¹). This has some bearing on the tendency to transfer functions more and more from the judiciary to non-judicial agencies — such as probation departments, boards of parole, special executive boards with quasi-judicial powers, etc., — which is stronger in the United States than with us, undoubtedly, for a part at least, because Americans have on the whole less confidence in courts and lawyers, and more confidence in executives and social workers, than we have. Thus the social worker, in the broadest sense of the word, is taking more and more the lead over the legal expert, and it is easily understood how this all has contributed to the development of the social element in criminal justice.

There are some developments to which we want to call attention as they are of special importance for our subject.

In the first place we refer to the increasing application of *non-criminal methods of dealing with women offenders*. As we already pointed out, women's delinquency in America means for a large part sex delinquency, which is not seriously considered as crime, and in regard to which protective and medical aspects of treatment are not always sharply differentiated from the punitive ones. This same attitude we find also reflected in the prosecution and trial of women offenders. In the more advanced communities where social work is well organized, many women sex offenders never come before the court but are dealt with by private protective organizations, women police, etc. which often only turn them over to the court if the offenders appear too difficult for such treatment. On the other hand some of the most progressive courts are themselves developing protective or preventive work for women offenders, namely through their *probation departments*. We shall say more about probation in the following chapter; be it sufficient to say here that in the United States the probation officers are usually officials of the court, and charged both with making the social investigations of criminal cases before disposition is made, and with the supervision of persons placed on probation. The official position of the probation department, together with the fact that judges and prosecutors are usually too overburdened with work to give intensive attention to their cases, led to the situation that the probation departments — at least in the greater and more progressive courts — developed more and more influence and independency. For it is clear that, where the probation

¹) At least, at present; for, as Roscoe Pound pointed out in his paper read at the Annual Congress of the American Prison Association in 1920 (also published in the *Columbia Law Review* of January 1921, vol. XXI no. 1) the United States have also known a period of overgreat solicitude for the abstract rights of the accused, to which the present attitude is a strong reaction.



State Industrial Farm for Women,
Lansing, Kansas.

Courtesy of Mrs. Julia B. Perry,
Superintendent.

Old Administration Building.

According to the right is the former house of the Prison Farm "boss", later converted into a hospital. Originally there

department was comparatively well equipped and active, the busy judges depended more and more upon the information, advice and further services given by the probation department which had investigated the case. Now what we see happen is that in some courts — first in regard to juvenile offenders, from which it spread to young adult women, and then to the others — the probation departments are developing the tendency of using their own discretion independently of the bench, and assuming functions which strictly belong to the prosecutor or the judge. Thus we see that sometimes complaints are first made known to the probation department which, without awaiting an order from the prosecutor or judge, may, on its own initiative, investigate the case and take action, and even go so far as to deal with the cases as if they had been placed on probation officially. Sometimes cases are only referred to the court if the probation department does not succeed in adjusting the case without court interference, if, for instance, the offender does not respond to this “unofficial probation” and commitment to a penal institution seems necessary. Thus cases may be handled without the interference and even without the knowledge of the judge, the motive being that children and young women should as long as possible be spared the stigma and further evil consequences of a trial in court¹). In this way the probation department has, in some communities, become something very different from the corresponding agency in Holland, namely a real part of the court machinery, clothed with official authority, which investigates all or certain categories of offenses as a matter of routine, i. e. independently of requests from the judge or the prosecutor. Sometimes it is the best equipped and busiest division of the court, with a large staff of probation officers, clerks and other workers, headed by a chief of its own, the influence of which department, although it is theoretically subjected to the supervision and the orders of the bench, may sometimes practically surpass that of the judges, who come and go in rotation, with brief terms of service, while the probation staff stays on²). How far this tendency goes is impossible to say; in adult courts, as regards women, it is at any rate more recent and far less developed than

¹) This opinion is by no means generally agreed to, for several juvenile judges insist upon personally seeing all children brought to the court and making all dispositions for them; and in regard to adult women offenders the practice described in the text is still a rare exception. Yet, there is enough to be seen of this to justify calling attention to it.

²) Again we must warn against generalizations; this is the situation only in a few courts.

in some juvenile courts. In fact, thus far only a very few adults' courts have good probation departments which participate to some extent in so-called “preventive” work, i. e. handling of cases without resorting to the judge. The probation department of the Women's Misdemeanants' Division of the Municipal Court in Philadelphia reported that in 1924 it had disposed of 287 out of 1249 cases informally¹), but this is rather exceptional. The great majority of the courts still have either a probation department that is woefully inadequate or have no probation officers at all, so that all which we have written here is not applicable to them.

Other ways of informal dealing with women offenders in court are, for instance, the practice of some judges of placing the offender under the supervision of the probation department or some private organization, without pronouncing a formal conviction, or dismissing the case upon certain conditions (e. g. that the offender agree to undergo treatment in a certain hospital, or to leave town), whereas undoubtedly a significant number of these cases are terminated by informal arrangement of the prosecutor with the defendant or her counsel. Frequently not even complete records are kept of these informal dispositions. Thus a large number of the women who are technically offenders never receive a court sentence, but, if caught at all, are dealt with by women police, private protective organizations, probation departments, and judges, magistrates and prosecutors acting in an informal capacity.

Finally we will mention the *specialized courts for dealing with sex delinquency*, which have developed in some of the larger cities as a result of the need felt of greater specialization in this type of work and a more socialized procedure, not only in the interest of the woman sex offender but also to enable the court to become better acquainted with vice conditions existing in the community and to deal more effectively with the problem as a whole. We can only briefly enumerate here some of the most important features of these courts: The offenders tried by these courts are usually only women accused of some sex irregularity, mostly prostitutes, and men connected in some way or other with such cases; a very informal procedure is followed, conducted by a single judge or magistrate without a jury, which resembles much the usual procedure in juvenile courts; much stress is laid upon a medical examination of the women in order to ascertain the presence of any venereal disease,

¹) Eleventh Annual Report of the Municipal Court of Philadelphia (1924), p. 106—107, table 3.

and upon the treatment of such diseases, for which the court makes provisions and upon which the judicial decisions depend to a certain extent; often social investigations are made of the cases by the probation department, in order to enable the judge to make more constructive decisions with a fuller knowledge of the circumstances of the accused; and probation, official or unofficial, is usually applied in a comparatively large number of cases ¹⁾.

¹⁾ See for further information the excellent work of George E. Worthington and Ruth Topping already quoted, comprising studies of the morals' courts of Chicago, Philadelphia, Boston and New York, which again, like the survey reports mentioned above, strikes us by its scientific soberness and frankness. For the conditions as described in this study are sometimes far from ideal; but it gives us an extremely interesting view of the practice of this work, and contains much that is of importance to both the sociologist and the lawyer.

CHAPTER IV

PENAL METHODS IN THE UNITED STATES

§ 9. *General Remarks.*

To get an impression of the part played by women's reformatories and their relative importance in American penology, one may ask in the first place what their number is as compared with the total number of penal institutions in the United States.

The United States prison census for 1923 ¹⁾ tells us that in that year there existed 3 Federal prisons, 61 state prisons, 38 state reformatories (of which 16 exclusively for women) and 3469 county and municipal jails, workhouses, farms, stockades and chain gangs. As to their number, then, the state reformatories constitute little more than 1 % of the total number of penal institutions in the United States.

These figures, however, are entirely misleading as to the importance of the reformatories, for the majority of the jails, workhouses, stockades, etc. are small and unimportant institutions, especially the county jails, which are used primarily for the detention of accused persons before their trial, and many of which have at times no sentenced prisoners at all. A better impression of the importance of the reformatories, therefore, may be gained from the figures relative to the reformatory commitments and population in 1923. From these it appears that the commitments to reformatories formed 2.9 % of the total number of commitments to penal institutions during that period while the reformatory population on January 1st, 1923 formed 13.2 % of the total prison population ²⁾. In regard to female convicts the percentages for reformatories are higher: 5.4 % of the commitments of women to a penal institution were reformatory commitments, whereas 35.4 %, i. e. more than one third, of the total female prison population on January 1st, 1923 were detained in reformatories. It should be remembered that only 16, i. e. one third, of the states at that date had a

¹⁾ Prisoners 1923, p. 3.

²⁾ Ibidem, p. 13, table 4.

reformatory for women. Whereas, therefore, in 32 states and in the District of Columbia, the number of female reformatory prisoners was 0; the percentages in the 16 states which did have women's reformatories were very much higher than the average for the entire nation, as the following table shows:¹⁾

TABLE 2.

Number and Percentage of Women Committed to and Present in Reformatories by States.

State	Women committed Jan. 1—June 30, 1923			Inmates present on Jan. 1, 1923		
	To all in- stitutions	To reformato- ries	Percent- age of total	In all in- stitutions	In reformato- ries	Percent- age of total
Arkansas . . .	173	19	11.0	68	47	69.1
California . . .	407	30	7.4	134	51	38.1
Connecticut . . .	155	28	18.1	102	77	75.5
Iowa	131	17	13.0	95	98	95.8
Indiana	274	135	49.3	111	107	96.4
Kansas	171	101	58.0	134	133	99.3
Maine	53	29	54.7	74	72	97.3
Massachusetts . . .	365	67	18.4	318	205	63.8
Minnesota	144	18	12.5	87	56	64.4
Nebraska	131	18	13.7	43	25	58.1
New Jersey	403	29	7.2	241	140	58.1
New York	1514	168	11.1	951	509	53.5
Ohio	924	109	11.8	333	213	64.0
Pennsylvania	837	26	3.1	403	80	19.8
Vermont	16	15	93.8	25	25	100.—
Wisconsin	105	19	18.8	90	47	5.22

From the above it may be seen that from 3.1 % to nearly 100 % of the women committed to a penal institution during the first half of 1923 were committed to a reformatory, and that the reformatory populations comprised from 38.1 % to 100 % of the total number of females imprisoned on Jan. 1st, 1923. The table also shows that in all but two of the states half of the women prisoners were confined in a women's reformatory and that in five states the reformatories held all or all but a very few (from one to six) of the women prisoners. This clearly shows the important place which the women's reformatories occupy in the states where they exist.

¹⁾ Based on the figures given in tables 127 and 128, pp. 190—197 of the same report.

The proportion of women committed to reformatories is steadily increasing: At the time of the Prison Census of 1910 only 1.2 % of the commitments of women were reformatory commitments, and the women's reformatory population then constituted only 12.8 % of the total female prison population, whereas, as we saw above, in 1923 the percentage of commitments was more than four times as high and the percentage for the population nearly three times as high¹⁾.

Besides imprisonment there are, of course, other penal measures for women delinquents, such as capital punishment, fines, probation and commitment to a private institution, of which, however, we cannot give any, even approximate, estimates, as uniform statistics for the entire nation relating to these, do not exist.

In the following paragraphs we shall give a brief description of the different penal measures.

§ 10. County and City Jails.

The American county and city jails are direct descendants of the English "gaols" or "jayles", county institutions the origin of which can be traced back to the twelfth century at least, and which, originally serving as places for the detention of suspected persons awaiting trial or convicts awaiting punishment, gradually — when imprisonment became a mode of punishment — were also used as penal institutions for convicts. The jail was imported by the English colonists into the American colonies where, in addition to being used as a place of detention for persons awaiting trial, it early served all kinds of other purposes such as the detention of debtors, of vagabonds, "unruly servants", neglected and disobedient children, insane persons, and of convicts punished with imprisonment. When, under the influence of the Quakers, especially after the American revolution, the sanguinary punishments of the English penal law were replaced by a penal system of which imprisonment formed the most general form of punishment, the county jails were, for lack of better, at first employed for the custody of convicts who were sentenced to imprisonment. Eventually state prisons were built, but these were designated for the felons, the more serious offenders, who were sentenced to long terms and for whom, of course, the need of better and safer detention facilities was most strongly felt. Those guilty of lighter offenses, the misdemeanants, continued to

¹⁾ Computed on the basis of figures given in table 19, p. 47 of the same report.

be detained in county jails until the present day. Thus it has come about that to-day the jail is the common place both for the detention of persons awaiting trial and for the punishment of offenders convicted of misdemeanors.

The most fundamental defects of the jails is undoubtedly that, as in old English times, they are still owned, controlled and supported by counties or municipalities¹⁾ ²⁾. Owing to the smallness of the areas served by these jails, the prisoners they contain are usually too few in number and the means upon which they have to depend too slender for anything good to be made of these institutions³⁾. Besides, this system has made the jail the spoil of local interests and petty politics, the influence of which has been the more pernicious as the state has practically very little power of supervision and control over the county institutions. It is not hard to understand, therefore, how neglect and abuses might easily find their way into the management of the jails. The jail, in fact, has become the worst the United States possess in the way of prisons.

Architecturally most of the jails are of an antiquated type, and some of them are unbelievably primitive. Typical for the jails is the inside cell-block system, according to which a block of two rows of cells, placed back to back, several tiers high, is built in the middle of an enclosed room. This enclosure contains windows through which the light and the air come, which enter each cell through its grated door; no cells, therefore, have any direct communication with the outer air, and often they are dark and ill-ventilated. Theoretically each cell may not contain more than one prisoner; in practice, however, it frequently happens that two or even more prisoners are locked in one cell (which as a rule is very small, often less than 300 cubic feet). Frequently the cells have no artificial light; toilet facilities are often primitive; the bucket system prevails almost everywhere, which, in these small, ill-ventilated rooms, may vitiate the air to a sometimes intolerable degree. Yet, in these cells the prisoners are forced to stay twelve hours or more of every day, very often in absolute idleness.

¹⁾ The American "county" is often translated in Dutch by "provincie" whereas the municipalities are compared to our "gemeenten". Yet, in many respects, such as size, number of inhabitants, organization (notably the broad powers of local autonomy), the counties can be much better compared to our "gemeenten".

²⁾ The municipal jails constitute about one fifth of the total number of jails.

³⁾ The number of prisoners in the 2719 county and municipal jails and workhouses on January 1st, 1923 was 28,140, which is a little over 10 prisoners per institution; at least 480 jails had no prisoners at all on that date.

In most jails reasonable attempts are made to keep the institution clean, in so far as the structure permits; there are many, however, where even the plainest standards of cleanliness and hygiene are neglected, where filth and vermin are abundant, where there are no, or not sufficient, facilities for bathing or disinfection, where clothing is far too infrequently changed, and where the same bedding may have to serve, unwashed, a long succession of occupants¹⁾.

The feeding of the prisoners in the smaller jails is often contracted out to some private contractor by the keeper of the jail on a per capita basis. As, in some cases, the keeper, too, is paid so much per day per prisoner for his support, it is evident that both the keeper and the contractor are interested in keeping the cost as low as possible, which frequently results in poor food. Medical provisions are also often very inadequate. In some jails there is no opportunity for outdoor exercise, so that prisoners do not get any fresh air from the time they are admitted until they are discharged.

The worst feature, perhaps, is the idleness which very generally prevails in the jails, due, among other things, to the difficulty of establishing useful industries for a small and shifting prison population. It is a common sight to see the prisoners herded together in the corridors doing absolutely nothing during the greater part of the day but loitering around, playing cards and holding undesirable conversations with each other.

This situation is the more serious in view of the fact that in many jails a proper classification of the prisoners is not made (which indeed, would often be impossible). Thus young and relatively innocent prisoners may be in daily contact with older and depraved ones, first offenders with those versed in crime, diseased and mentally deranged prisoners with the healthy ones, etc. Frequently not even those who are awaiting trial are kept separate from those serving sentences, but share the same treatment, in spite of the law's assumption that one is innocent until he is proven guilty. Even witnesses, entirely innocent, may sometimes be kept in jail for weeks at a time, inadequately separated from the convict group. There is, therefore, usually ample opportunity for the prisoners to corrupt each other, and to enter into all kinds of evil alliances and contrivances which make the jails veritable "schools of crime".

¹⁾ See for jail conditions the inspection reports of the Prison Association of New York, or the very passionate book of J. A. Fishman on: "Crucibles of Crime". We could verify some of the statements made by our own observations.

The women prisoners are often in an especially poor plight on account of their small number. Though everywhere provisions have been made for the separation of sexes, yet the arrangements are sometimes not such as to remove the women completely out of sight and hearing of the male prisoners, which gives rise to very undesirable annoyances. In the larger jails matrons are employed to supervise the female department, but in many of the smaller ones the women are still, day and night, or part of the time, under the supervision of men who do not always display the highest morale or refinement. On the other hand, one may often find that in the female departments, if matrons are in charge, conditions as to cleanliness are better than in the men's departments, and that there is sometimes less idleness, on account of the fact that the few women can be kept busy with household activities and needlework more easily than men.

In many cases the compensation paid to the officials in charge of the jail is too low to attract capable men. Frequently, too, the management of the jails rests in the hands of political appointees who have no particular ability for the work and who have to make room for others as soon as the political constellation changes. It is not surprising, then, that capable and trained penal administrators have rarely entered jail service.

Of course, there have always been a number of jails which were reasonably good, which were under honest and efficient management, where the material conditions left little to be desired, and where efforts were made to classify the prisoners, and to provide them with some occupation and outdoor exercise. But such jails are not numerous, the majority are far below present-day standards of prison management, and in some, conditions are outright scandalous. For many decades, one might almost say, for a century ¹⁾, the jail system has been the object of the bitter criticism of penologists who are most emphatic to-day in their opinion that the county jail must be abolished ²⁾. Unfortunately, however, county jealousy of state control, the pernicious influence of local politics manipulated by powerful circles which profit by the present situation, and the narrowness and conservatism on the part of many,

¹⁾ One of the motives for the establishment of the Prison Association of New York in 1844 was the wish to remedy the evils of the jail system.

²⁾ See, for instance, S. A. Queen: "The Passing of the County Jail"; or the book of J. A. Fishman quoted above. Abundant evidence is also to be found in the Proceedings of the American Prison Association, the reports of the Prison Association of New York, etc. An intensive campaign is now being waged for the abolishment of the jail system under the slogan "The County Jail Must Go".

have thus far prevented the radical step which is necessary to solve the question: to bring all prisons under state administration ¹⁾. The action did result, however, in improving conditions in some respects, in the establishment of state farm institutions for women, and in slowly reducing the number of delinquents committed to jails. Yet the commitments to county and city jails still constituted the majority (58.1 %) of the commitments to all penal institutions during the first six months of 1923, while the jail population numbered 9.5 % of the total prison population on January 1st, 1923 ²⁾. (See for further figures next paragraph.)

§ 11. *Workhouses and Houses of Correction.*

The workhouses and houses of correction also came from old England, where they served two distinct purposes: The workhouses were intended to provide employment for poor people who were willing to work, whereas the houses of correction were designed as correctional institutions for "sturdy vagabonds", "unruly servants", "children unapt to learning" and "idle and lewd persons", i. e. such persons who needed correction and compulsion because, for some reason or other, they were not willing or not able to work voluntarily. In practice, however, these two functions often became confused, partly because, for lack of provisions or other practical reasons, the two categories of dependents were sometimes housed together in one institution, partly because it appeared often to be difficult to distinguish between these two classes. This same confusion soon took place in the American colonies, where conditions were still more primitive than in the mother country, and differentiation of institutions for the asocial seemed, therefore, still more remote.

Besides the English workhouses and houses of correction the Dutch "spin- en rasphuizen" or workhouses of the seventeenth century served as an example. The Quaker William Penn, namely, who knew English prison life by his own bitter experience, had been much impressed, while travelling in Holland (before he went to America to found the colony of Pennsylvania), by the industry, order and discipline which seemingly prevailed in the Dutch workhouses and which were in such strong contrast to the conditions

¹⁾ Compare L. N. Robinson: The Relation of Jails to County and State. Journal of the American Institute of Criminal Law and Criminology, Nov. 1929, vol. XX no. 3.

²⁾ Prisoners 1923, p. 22 and 13, tables 7 and 4.

existing in English prisons in those days. He became firmly convinced that prisons should be organized as (Dutch) workhouses, so that the prisoners might learn industry and discipline through regular, useful work. It was probably with this in mind that he wrote in his "Great Law" for the later colony of Pennsylvania in 1682: "All prisons shall be workhouses for felons, thieves, vagrants, and loose, abusive and idle persons, whereof one shall be in every county", with which he sealed the fusion of the penal and workhouse ideas. Pending the erection of such workhouses the county prisons (jails) were to be used as such. Other colonies also made provision for the erection of workhouses or houses of correction in which they rather closely followed English examples¹). The erection of such workhouses or houses of correction progressed very slowly, however, also because the jails were, however badly, supplying the immediate needs, and until the present day this is still the situation in the great majority of counties. The total number of workhouses and houses of correction was in the year 1923 only 104 (as against at least 3000 jails) of which 72 were under county administration, 30 municipal institutions and 2 state houses of correction. Only a small percentage of the counties, therefore, have a workhouse or house of correction. Both terms are used now interchangeably, without indicating the slightest difference, some counties or municipalities preferring the one term, and others using the other name. The original workhouse features have been entirely lost: all workhouses and houses of correction to-day are purely penal institutions.

From the foregoing it becomes clear that the functions and population of the workhouses are practically the same as those of the jails, only with this exception that the former do not house persons awaiting trial or witnesses. Where in the same city or county both a jail and a workhouse exist, there may be a certain division of functions among them, the jail, for instance, being in that case reserved for persons awaiting trial, or the workhouse being used for certain classes of misdemeanants for which it is especially equipped, such as those needing medical treatment.

Also as to character and methods the workhouses differ little from the usual jails, for, as we saw, workhouses are with but a few exceptions also under county or municipal control, from which the same evils result as indicated above for the jails. In the workhouses, too, idleness prevails, in spite of their name and historical origin.

¹) See for further information Louis N. Robinson: *Penology in the United States*, pp. 53—61; also Harry E. Barnes: *The Repression of Crime*, 1926, p. 159 and the Report of the Prison Inquiry Commission of New Jersey, vol. II, 1917, p. 356.

Only, the situation is on the whole perhaps a little more favorable in regard to the workhouses, in the first place because workhouses were erected only by the larger and more prosperous counties or cities, which could make something better of their penal institutions than the smaller ones; and secondly, because the workhouses have always been considered as correctional institutions, and not, like the jails, as institutions primarily for the detention of the accused, and they have, therefore, received on the whole somewhat more attention than the jails, which, as penal institutions, have been condemned almost from the beginning. Thus the present movement for the abolition of the jail is not so inimical to the workhouse, in spite of the fact that in many workhouses conditions are little less distressing than in the jails.

Since the end of the last century, when the importance of adequate provisions for vagrants and other misdemeanants had become more and more realized, a growing interest developed in the workhouses and other institutions for petty offenders. Opinions have been divided as to whether workhouses should be reorganized as farm prisons where prisoners could be more effectively set to work, or whether it would be better to abandon the county or city workhouses and to build state institutions instead. The result of this increased interest is, at any rate, that — partly also at the inspiration of some European farm colonies for vagrants, notably those at Witzwill, Merxplas and Veenhuizen — some workhouses have been replaced by modern penal farms, which do not remind in the least of the old city institutions, whereas, on the other hand, the states are also slowly beginning to establish institutions of the penal farm type for misdemeanants. In regard to female offenders state women's reformatories are more and more absorbing the classes of women which otherwise form the usual population of jails and workhouses. Gradually it is becoming to be realized that the state, not the county or city, should be responsible for the penal treatment of misdemeanants.

On January 1st, 1923 the workhouses inmates constituted 10.1 % of the total prison population¹), whereas the commitments to workhouses during the first six months of that year numbered 20.9 % of the total number of commitments²). Taking jails and workhouses together, we find that no fewer than 89.5 % of the total number of commitments during 1923 were commitments to these institutions²), and that on January 1st, 1923 they contained 25.8 % of the total prison population on that date¹). This clearly

¹) Prisoners 1923, p. 13, table 4.

²) Ibidem, p. 22, table 7.

shows the great importance which these city and county institutions have. However, in 1910 the corresponding figures were 94.3 % and 39.1 %, indicating a decrease in 1923 over 1910 of 5.1 % and 34.0 % respectively. The absolute decrease during this period is still more significant, namely 29.2 % for the commitments and 35.5 % for the jail and workhouse population ¹⁾).

As might be expected, the women constitute a larger part of the jail and workhouse population than the men, because women commit more frequently the smaller offenses. In 1923 not less than 91.7 % of the women who were committed to penal institutions went to jails or workhouses which contained 33.7 % of the total female prison population ²⁾). However, in 1910 the corresponding figures were about 96.7 % and 61.4 % ²⁾). This shows that the proportion of jail and workhouses decreased more rapidly among female prisoners than among the general prison population, and, of course, still more than among the male prisoners alone, which finds its explanation mainly in the rise of the women's reformatory and of probation.

§ 12. *State Prisons and Penitentiaries.*

The common institutions for felons are the state prisons and state penitentiaries which were erected towards the end of the eighteenth and in the beginning of the nineteenth century, when everywhere the new states replaced the numerous capital and bodily punishments of the English penal law by prison penalties ⁴⁾). This change of penal policy thrust upon the states the problem of caring for a new group of long-term prisoners who formerly would have been put to death. The primitive county prisons could not serve the purpose: they provided neither room nor security enough for this class of prisoners, nor did they offer opportunity for labor and other measures which were felt to be necessary for them.

It was the Quakers in Pennsylvania who first took the lead in developing the new prison. In faithful adherence to their traditions they made serious efforts to create a prison system of which the moral improvement of the offender would be the main object. Of their several experiments the Walnut Street jail, established in Philadelphia in 1790, was one which attracted wide interest and

¹⁾ Prisoners and Juvenile Delinquents in the United States 1910, p. 23, table 8.

²⁾ Prisoners 1923, p. 24, table 9.

³⁾ Computed on the base of table 19, p. 47 of "Prisoners 1923".

⁴⁾ One of those early state prisons, however, namely the prison at Newgate, Connecticut, had been established shortly before the Revolution.

served as a model for other states. A notable feature of this prison was that a classification of the prisoners was attempted, the "hardened and atrocious offenders" being segregated in solitary confinement, whereas the less hardened were kept in association at regular labor. When, for several reasons, the Walnut Street jail became unsatisfactory, Pennsylvania undertook to build two state prisons in which, after many deliberations, it was decided that the system of solitary confinement should be applied to all prisoners. These prisons were to be called "penitentiaries", with which the Quakers expressed what they regarded as the most essential element of a prison: that it should bring the prisoner to repentance through reflection and quiet communion with God. These prisons, namely the Eastern and the Western Penitentiaries, were built in 1818 and 1820 respectively.

Meanwhile the State of New York, which for many years had had a prison, inspired by the Walnut Street jail, felt the need of a new state prison also, and this was built at Auburn in 1824. After a brief experiment with solitary confinement, which ended tragically, this prison adopted the system of solitary confinement during the night, and association of the prisoners during working and meal hours, but under absolute silence at all times when the prisoners were together. Between this so-called Auburn or silent system and the Pennsylvania or solitary system a sharp controversy arose which lasted for several decades and attracted much attention, even outside America. In contrast with Europe, the Auburn system gained the victory in America: long before the close of the nineteenth century the solitary system had been abolished everywhere, except that it existed in name in the Eastern Penitentiary of Pennsylvania where it was definitely abolished in 1913 ¹⁾). The Auburn system, however, has also been abolished in this respect that hardly any prison enforces the rule of silence in all its rigour, but that instead talking of the prisoners is usually allowed during recreation periods and often also at meals.

To-day the names "state prison" and "state penitentiary" are used interchangeably, without indicating any difference. On the whole the state prisons are much larger and much better equipped than the jails or workhouses; they receive only felons who, as a

¹⁾ So completely is this true, that the solitary system has not even been retained for accused persons detained for trial, or for those convicted prisoners who wish to conceal their identity from their fellow prisoners, or for short term prisoners, in which cases even the strongest opponents of the cell system in Europe must concede that the privacy of a solitary cell might be a blessing and an act of humanity.

rule, are sentenced to much longer periods than the misdemeanants. For the rest little could be said that would apply to all state prisons and penitentiaries, as they differ widely in the different states.

In the first place the different systems of employment of the prisoners gave rise to a great variety of prison types: alongside the big, self-supporting industrial prisons which resemble ordinary busy factories more than anything else, one may find farm prisons which have a purely agricultural character; next to state prisons where demoralizing idleness and loafing of the prisoners dominate the picture there are others which hire their prisoners out to private contractors, and still others which have established excellent systems of trade instruction.

Though politics play an unfortunate part in many state prisons, and have generated every now and then serious evils and spectacular scandals, yet the situation is not as bad in this respect as in the county jails, and the state prison personnel, at least the leading officers, are usually of a higher type than those of the county institutions, owing also to the fact that the former positions are generally more important and better salaried than the latter. In fact, there have been several distinguished personalities among the prison wardens whose names have become famous in penal history. The state prisons with their larger numbers of long-time prisoners and ampler means, have, of course, offered a far better field for prison experiments than county institutions, and it is not surprising that the most important experiments developed in the state prisons.

As for their material aspects, the inside cell block system still prevails in the state prisons. The cells are everywhere very much smaller than in Dutch prisons (because they are only used as sleeping quarters and not, like the cells in a Dutch prison, as day and workrooms also); in addition to this one finds in the American state prisons large common workshops, mess-rooms, schoolrooms, etc. Frequently high walls, provided with watch towers, and guarded by armed officers, surround the whole or part of the institutional complex, though the modern tendency is to go away from such a system.

One of the bad features of many state prisons is their being much overcrowded. There are prisons with three or four thousand convicts which were intended for a much smaller number and they are compelled to crowd the prisoners two or three together in the very small and often poorly appointed cells, thus making life nearly intolerable for the prisoners and good discipline almost impossible. Whereto this may lead, particularly in connection with the fact that in many of these prisons there is not sufficient work to keep

the prisoners occupied, is evidenced by the dramatic riots which have recently occurred in some large prisons and which in some cases had long before been predicted by penologists¹⁾.

Nearly all state prisons have some arrangement according to which the prisoners can shorten their sentence by their good behavior, either in the way of "good time commutation" (i. e. deduction from the sentence of a certain number of days for each specified period of continued good behavior, e. g. 3 days for each month with a clean record), or in the form of conditional release, or, in some cases, on the basis of an indeterminate sentence. Thereby the state prisons approach more and more the reformatories; in fact, there are several state prisons which do not differ materially from reformatories except that, at least as regards male offenders, the reformatories usually receive a selected group of prisoners, such as young or first offenders.

During the last decades there has been a growing tendency to allow the prisoners or at least those who seem fit for it, a greater amount of freedom and responsibility than is usually the case in prisons, and in some cases this has been done to an extent which is truly amazing to Europeans. The so-called honor system, by which certain prisoners whom the management considers reliable are charged with responsibilities involving a more than ordinary trust and enjoy special privileges, is in use in many prisons: it is not unusual to find such trustees as assistants to the guards, or teachers of inmate classes, acting as chauffeurs for the prison, or doing clerical work in the prison office; or to see them working outside the walls under very little supervision, sometimes miles away, making roads or clearing grounds, and living in primitive camps. Something different from this is self-government, according to which the body of prisoners as a whole enjoy certain rights and participate in the management of the institution by electing their own inmate officers, fixing rules and handling breaches of discipline. Such self-government has, in some form or other, with more or less success, been introduced in a few prisons, but thus far it has not been applied to any great extent.

Standards of efficiency vary widely among the state prisons: among them there are some of the very best, and some of the worst of the civilized world. The majority do not present anything remarkable, and are, on the whole, probably rather below than

¹⁾ Compare the emphatic warnings of the Prison Association of New York in regard to the dangerous overcrowding in the New York State prisons in its annual reports for 1927 and 1928, which unfortunately were not heeded early enough to prevent the serious riots in two of them in the summer of 1929.

above the standards prevailing in West-European countries, though comparisons between such heterogeneous prison systems are, of course, difficult to make.

As regards women the situation is that there are only three or four separate state prisons for women; for the rest women are detained in separate divisions of the usual state prisons under the supervision of matrons who are subordinated to the male chief executives of the prison. As the women prisoners everywhere constitute a very small number (in 1923 the women totalled not more than 2.2 % of the entire state prison population) and as the matrons have usually little influence in the management of the prison, it is clear that the interests of the women inmates are often likely to be subordinated to those of the men, which has been one of the reasons for the establishment of women's reformatories.

On the first of January of 1923 inmates of state prisons constituted 61 % of the total prison population ¹⁾; commitments to state prisons during the first six months of 1923 formed 8.6 % of the total number of commitments to penal institutions ²⁾. As regards women, however, these formed only 26.4 % of the total female prison population on January 1st, 1923 ³⁾, and commitments of women to state prisons during the first six months of 1923 amounted to only 3.5 % of the total number of commitments of women to penal institutions. ³⁾

§ 13. *Other Prison Systems.*

There are still some other prison systems which we shall mention only briefly as they are not very important for women offenders.

In the first place we may mention the large prison farms in the South, particularly in the state of Mississippi, which developed after the Civil War, chiefly in consequence of the sudden increase in the criminal ranks by the freed slaves who thus far had been governed by the discipline of slavery. The poor and socially backward Southern states were ill prepared to build the necessary prisons, and the first device they embarked upon was the so-called lease system, whereby, for a fixed per capita consideration to the state, prisoners were turned over to private employers, called lessees, who could work them at will, but who, on the other hand, had to house, feed, clothe, and often also to guard and to medicate them. This solution was an easy and profitable one for the state,

¹⁾ Prisoners 1923, p. 13, table 4.

²⁾ Prisoners 1923, p. 22, table 7.

³⁾ Calculated from the figures of table 19, p. 47 of "Prisoners 1923".

but the brutalities and neglect in the treatment of the prisoners to which this system often led, gradually caused it to be abolished everywhere. Meanwhile the state of Mississippi had established a large farm on which it worked many hundreds of its convicts with apparent success. This system was gradually taken over by other states, so that now the extensive convicts' farms, often covering several thousands of acres, on which cotton, corn, potatoes and other staple products are grown, form the dominant prison system in the South. The products of the farms are sold by the state and often yield significant profits. From the penal point of view these "prisons" are primitive: the hot climate does not necessitate expensive buildings, and in some cases these consist only of a sort of central "distribution-station" where the prisoners are first received, and where also those sick or otherwise unfit for the labor in the fields are kept, and further of some large dormitories of the simplest kind for the prisoners. The farm work is the main consideration, the reformation of the convict hardly forms a conscious moment in the scheme, and such modern penal refinements as individualization of treatment, trade instruction, or psychiatric service have no room in it at all. It should be remembered, however, that social conditions in the rural Southern states with their large contingent of poor, uneducated, culturally primitive negroes, are very different from those in the Northern states: the large majority of the prisoners are negroes, used to outdoor work, for whom the living conditions on the farms are, at least in their material aspects, not very different from those they have in free life — whatever one may think of these living conditions in themselves. Women are — so far as we could ascertain — not put to work in the fields, but confined in a central building and kept busy with sewing or other millwork (for the profit of the state), maintenance duties, and sometimes lighter agricultural work, such as vegetable growing.

There are also some counties in the South which have similar farms. Besides, the South knows the so-called "chain-gangs", groups of prisoners who are put to work on the roads, and often housed in very primitive barracks or camps, but this form of treatment is, of course, not applied to women.

The prison farms mentioned here should not be confused with the State penal farms for misdemeanants which have been established in some of the Northern states after the example of European institutions like Witzwill in Switzerland or Merxplas in Belgium. For these belong penologically to an entirely different group: they are the expression of progressive ideas regarding the treatment of the vagrant problem, and at the same time marking the new tendency of the state taking over the care of mis-

demeanants. For women the corresponding institutions are either the reformatories — which receive for the greater part misdemeanants — or special farm institutions for older drunkards, prostitutes and vagabonds. Of the latter kind the State Farm for Women at Valatie, New York, for those who had been five or more times convicted of drunkenness, was an example, but this was used only a few years for this purpose; we also find a few women of this type in the State Farm for Women at Bridgewater, Massachusetts.

We should also distinguish from the Southern state or county prison farms the county or municipal farms in the Northern states which came in the place of workhouses. For, although they may outwardly and administratively resemble each other very much, they are of different historical origin and the expression of different motives: the Southern farms were not preceded by workhouses, and were born out of the wish to find an economical solution for the prison problem, the Northern ones were the expression of the modern movement to replace the old-fashioned workhouse by the more reformatory method of farm treatment. Economy also played a part here, but it was not the leading motive for their establishment.

It should also be remembered that some of the finest reformatories for women have also adopted the name "State Farm", although they are, from the penal point of view, about the opposite of the prison farms in the South. The similarity of name should, therefore, not lead us to confuse them.

In the Prisons Census the State prison farms of the South are classified as "State prisons". Outside these the Census report mentions only five state farms (including the Detroit House of Correction, a city farm to which also state prisoners are sent). The number of women committed to these institutions in the first half of 1923 constituted 2.4 % of the total number of women committed; those committed to county and municipal farms formed 3.9 % and 5.2 % of the total number of commitments of women ¹⁾.

It might finally be asked whether there are any special institutions in the United States for habitual offenders. It is surprising that nothing of this kind can be found in the New World, except the institutions for vagrants and drunkards mentioned above. There are in some states laws relative to "habitual offenders", and we can often even distinguish more than one set of these laws, the last being those passed during the last four years under the influence of the alleged "crime wave" and the activity of Crime Commissions, of

¹⁾ Computed on the basis of figures given in table 19, p. 47 of „Prisoners 1923.“

which the so-called Baumes' laws in New York are a well-known example. But all these laws do is to impose longer terms of imprisonment for certain recidivists, or, as the Baumes' laws did, to make imprisonment for life mandatory if the offender has had three or more previous convictions for felonies — which are still rather crude ways of solving the problem as compared, for instance, with the system of "preventive detention" in England. For these laws do not provide for separate institutions or a separate regime for this class of offenders, while sometimes they remove any possibility of modifying the sentence, be it ever so unreasonable in particular cases.

§ 14. *Private Institutions for Women Delinquents.*

Just as in other civilized countries there have existed in America for many decades private institutions for "erring", "abandoned", "sinful" or "fallen" women and girls, and, as elsewhere, these institutions have played a useful part in regard to delinquent girls. What concerns us, however, is the question whether there are private institutions to which *adult* delinquent women (over the age of commitment to juvenile institutions) can be committed by regular court procedure in consequence of a conviction for an offense. Relative to this question very little information exists; perhaps the provision which occurs in some state constitutions forbidding the state to extend financial aid to private denominational organizations, and the difficulty, under American conditions, of centralized state supervision over such private institutions, furnish some explanation why the part of private institutions in the care of juvenile or adult offenders has nowhere been clearly defined or regulated by law. ¹⁾

Perhaps the state of New York has comparatively best developed this system of caring for women offenders. Paragraphs 88 and 89 of the Inferior Criminal Courts Act of New York provide that any person over sixteen years of age who has been convicted in New York City of vagrancy, public intoxication or disorderly conduct, and any woman convicted in New York City of being a common prostitute, frequenting disorderly houses, and some other allied offenses, may be committed to one of the private institutions specified in that law. The New York State Board of Charities, which had been entrusted with the supervision of private correc-

¹⁾ Our information on this point is so incomplete, however, that we express this opinion with a great deal of reserve.

tional institutions, adopted a number of rules for private reformatories receiving public funds, of which the most important were that each inmate of 16—30 years of age must have at least three hours of physical exercise and recreation a day, that all had to receive at least three hours a day educational, industrial and manual training, that records must be kept of certain facts regarding the inmates, of methods of discipline, of illnesses requiring the attention of the physician, and of receipts and expenditures. But the enforcement of these rules was very lax, and the organization and methods of the different institutions actually differed so widely that practically little could be said that would be applicable to all.¹⁾ Among these institutions, most of which are denominational, are some of the finest and most progressive, which apply the most modern educational devices, institutions on the cottage plan, providing an abundance of healthful outdoor life, stimulating opportunities, and highly individualized, scientific methods of treatment. And there are others which are like real prisons, hidden behind high, forbidding walls and bars, where the regime is severe, joyless, uninspiring, hopelessly unintelligent and antiquated, and sometimes actually cruel.²⁾

Scarcely any figures are available to show to what extent direct court commitments of women to these institutions are made. The Magistrates' Courts of New York City (including the Women's Court) made 152 of such commitments (out of a total of 1604 dispositions, of which 629 commitments were to the Workhouse and 322 to public reformatory institutions) in 1923,³⁾ but this does not tell anything about the entire state, for in this field, New York City is largely ruled by special legislation and has the benefit of special facilities, not existing for the rest of the state. The Misdemeanants' Division of the Philadelphia Municipal Court committed 240 women to private institutions in 1924 (out of a total of 1232 dispositions of which 181 were commitments to the House of Correction and County Prison and 249 to reformatory institutions⁴⁾), but, again, one cannot infer anything from this figure for the entire state.

¹⁾ Compare E. Carson, *Private Reformatories of New York State*. M. S., New York School of Social work.

²⁾ Compare E. Carson, *op. cit.* and Miriam Van Waters, *Where Girls Go Right*, Survey, May 27, 1922, vol. XLVIII no. 9.

³⁾ Annual Report of the City Magistrates' Courts of the City of New York, 1923, p. 137 table 4.

⁴⁾ Municipal Court of Philadelphia, Report of 1924, p. 104 and 105 *jo.* p. 111, tables 2 and 7.

At least one of the Pennsylvania institutions is for minors only, and this brings us to another point: namely that no sharp line can be drawn between institutions dealing with juvenile court cases and those dealing with older offenders. This makes it still more difficult to differentiate between "juvenile" and "adult" commitments. Both in New York City and in Philadelphia a great many of the commitments to private institutions are on account of "wayward minors" provisions, and apply, therefore, to minors between 16 and 21 years old, occupying the broad border-zone between juveniles and adults.

At any rate, the only generalizations to which we feel justified, is that certain courts in certain states do commit women convicted of an offense to private correctional institutions, that these are for a large part young women, mostly under 21 years of age, that the offenses for which they are convicted are nearly always disorderly conduct of some kind, and that the institutions to which these women are sent mostly consider and treat them as they would younger delinquent girls.

Commitments in other than the regular way after conviction of an offense — such as commitments by court order (e. g. for medical treatment), or as one of the conditions of probation,¹⁾ or by informal agreement between the bench or the probation department and the offender — occur very often. But figures regarding these practices are still less available, so that we cannot do more than state that such practices exist.

§ 15. *Fines.*

Fines form the punishment which is imposed most frequently of all. During the year ending September 30th, 1924 fines were imposed in Massachusetts in 40.3 % of all cases in which a disposition was made (including the cases filed); they constituted 57.2 % of all penal measures imposed (including probation) and 81.8 % of all cases in which penal measures exclusive of probation was imposed.²⁾ Statistics for the entire United States are lacking, but local statistics and surveys in different communities or courts bring out similar figures.

Usually the law allows the court discretion between a minimum and a maximum; sometimes only a maximum, sometimes only a

¹⁾ Compare, for instance, the practice of "inside probation" in the Boston Municipal Court, as related by G. E. Worthington and R. Topping in: *Specialized Courts Dealing with Sex Delinquency*, p. 230.

²⁾ Commonwealth of Massachusetts, *Annual Report of the Commission on Probation for the Year ending September 30th, 1924*. See also the Cleveland Foundation Survey, the Missouri Crime Survey, etc.

minimum is fixed by the law. If a fine is not paid, confinement in a jail or workhouse is substituted, usually at a specified rate, such as a day for each half dollar.

This is the dark side of the fine system; for according to the United States Prison Census, no fewer than 77.926 or 52.9 % of all commitments to jails and workhouses during the first half-year of 1923 were on account of non-payment of fines.¹⁾ This means that the alternative of imprisonment, which was intended to be used as a last resort only, has come to be applied in a large number of cases; that many thousands of persons — many of whom are decent citizens who have only committed a technical offense which does not involve any criminal or immoral intent — are subjected to the disgrace, economic loss and moral suffering of a confinement in jail, merely because they have no money to pay this fine.

This situation has called forth a strong movement to restrict the imposition of fines, or, at any rate, to use more discrimination as to the cases in which fines may be imposed, and, among other things, not to impose fines in regard to prostitutes, as practice has shown that fines do not exert any restraining influence upon them, and that the fines are usually paid by their exploiters out of the earnings of the prostitutes, thus tending to encourage rather than to suppress prostitution, and to bring the state into the position of sharing in the profits of money earned by immorality.²⁾ This and other evils resulting from it led to the abolishing of fines in the case of prostitutes in some of the most progressive courts, either by law (such as in New York City) or in practice, and to substitute for them either probation or commitment to a private or public reformatory institution.

The mode of payment of the fine has also received attention. Interesting in this connection is the development of the system of allowing the offender to pay his fine in instalments while he is placed on probation, so that a probation officer not only controls the payments but also sees to it that the offender keeps at work steadily and saves sufficiently to discharge his obligation. The number of commitments for non-payment of fine decreases slowly in spite of the large increase of finable offenses (through the new laws and regulations regarding traffic, sanitation, etc.): in 1910 the commitments for non-payment of fines formed 61.7 %, in 1923 52.9 % of all commitments to jails and workhouses.³⁾

¹⁾ Prisoners 1923, p. 112, table 71.

²⁾ Compare H. E. Woolston, *Prostitution in the United States*, and G. Kneeland, *Commercialized Prostitution in New York City*.

³⁾ Prisoners and Juvenile Delinquents in the United States 1910, p. 43, table 24.

§ 16. *Suspended Sentence and Probation.*

According to some, the common law already gave the courts the power to suspend sentence under certain circumstances.¹⁾ At any rate, instances are known from the beginning of the last century of courts suspending sentence for an indefinite time on the condition of good behavior on the part of the offender, who was often required to furnish a financial guarantee that he would observe the condition. About 1850 some philanthropic individuals in Boston began the practice of acting as a surety for offenders to secure their release. Thus the practice gradually developed in the Boston court, whereby, when circumstances seemed to warrant it, the case was adjourned and the offender placed under the supervision of someone who was willing to assume responsibility for him. In 1878 this practice was sanctioned by a law providing for the appointment of a probation officer, paid by the state, for the Municipal Court of Suffolk County (the county in which Boston lies). Gradually the law was extended to other counties, until in 1891 it covered the entire state. Other states followed suit in rapid succession; in 1927 adult probation had been adopted in 33 states and the District of Columbia, and juvenile probation in the whole country and its insular possessions, with the single exception of Wyoming. (All those states, however, which did not have an adult probation system, had provided for some form of suspended sentence).

The usual form of probation is that connected with the suspension either of the *imposition* of the penalty or the *execution* of the penalty, the former type being by far the most common in the American states. In both of these cases probation is imposed *after* conviction of the offender. Sometimes, however, the term probation is applied to other measures, *before* formal conviction has taken place: some courts, for example, have the practice of "continuing" or "filing" a case before a formal conviction has been reached, while the defendant is placed under the supervision of a probation officer, and directed to return to the court at a certain date for another hearing; if during the interval his behavior has been satisfactory, the case may be dismissed or *nolle prossed*.²⁾ In short, the term "probation" is often rather loosely applied to all such cases wherein judgement or the execution of a judgement is deferred on the con-

¹⁾ According to a decision of the Supreme Court of the United States a judge could under the common law only stay the execution of a sentence temporarily, pending an appeal on behalf of the convicted person.

²⁾ "Nolle prosequi" (nolle prosequi) in the act by which a public prosecutor declines to continue the prosecution; this he may do in almost any stage of the procedure before conviction.

dition of good behavior of the defendant, in whatever stage his case legally may be. Frequently different systems of probation exist in the same state, either legally or as a matter of practice.

The main difference between the American probation system and systems of suspended sentence on the European continent is that in America the emphasis is placed entirely upon the element of supervision and assistance by the probation officer, whereas with us it is upon the suspended sentence with which probationary supervision may or may not be connected, but which, at any rate, is not essential. In America, however, the positive help given to the offender to readjust his life, is considered the main thing.

Another difference from the system in our country is that in America the probation service is usually considered a part of the court, and that the probation officers are nearly always public officials who are usually appointed by and responsible to the court or some other public agency in which the court has mostly some influence, and who have their offices in the court building. Professional probation officers paid by private organizations are employed in some counties or cities, usually in addition to public probation officers, but they are not very numerous. Volunteers may be employed according to the laws of a few states, but in practice there are few courts which use them to any great extent. Even then, however, they are frequently used only in a supplementary capacity and under the direction of regular probation officers, and the use of such volunteer service is rather generally regarded as a makeshift until an adequate professional probation service can be provided. For it is the fairly general opinion in America that probation service should be lodged with specially trained court officials, both because the work has proved too difficult for volunteers, and because it involves too much public responsibility which ought to be borne by the state, and more especially, according to American notions, by officials of the court.¹⁾

¹⁾ The Dutch system of using to a very large extent volunteers whose powers and responsibilities are regulated by the law and safeguarded — as regards the "gezinsvoogden" — by rather far-reaching legal sanctions, is a matter of astonishment to Americans, who find it difficult to understand how it could be introduced with much enthusiasm in our country, at a time when it had almost everywhere been condemned in America. The American volunteers, the "big brothers" and "big sisters", in so far as they have not become professionalized, now usually perform either supplementary services to professional probation officers, or preventive work in regard to the less serious cases of maladjustment of children which have not yet become a matter of public record. They have done, of course, and still do useful work in paving the way for official probation wherever this does not yet exist. In many communities, however, there never was any volunteer system before an official system was established.

The laws of a few states, such as Massachusetts, and also the Federal probation law, have given full power to the courts to impose probation for all offenses. Most of the states, however, have placed limitations on it which differ from state to state but which include the limitation to particular courts, such as police courts or circuit courts; to cities or counties of specified size; to offenders who have not been convicted previously or who are below a certain age; to specified kinds of offenses, the more serious felonies, for instance, sometimes being excluded. Often, too, the establishment of a probation service is made optional with the courts, so that some may and others may not have probation service in the same state. Even where the establishment of a probation service has been made mandatory, one may frequently find courts which do not have such service, either because no sufficient appropriations have been made available or because the court has neglected to appoint a probation officer, without which, as we saw, probation is hardly considered possible in America.

The greatest differences also exist between the different states, or between different counties within each state, as to the mode of appointment, qualifications, and remuneration of probation officers, their responsibilities and the organization of the probation department. There are a few splendidly equipped probation departments having a sufficient number of highly trained workers and excellent facilities for medical, psychological and psychiatric service, which do the work with a thoroughness and a refinement of technique that deserve unqualified praise.¹⁾ But there are also courts where the probation service is a mere farce, where poorly qualified probation officers, sometimes political appointees, are entrusted each with the supervision of hundreds of offenders at a time, which, of course, they could not possibly perform in any more than the most perfunctory fashion.

¹⁾ A very fine specimen of probation work was that carried on, experimentally, by the Catholic Charities Probation Bureau in New York City (a private agency employing professional workers) during a certain period in 1926, to demonstrate what good probation work should be. The work was done exclusively by selected, college-trained men and women, who had had practical experience before, and who seemed to have the right personality for this work; medical and mental examinations were made in all cases in addition to careful social investigations, and the best known case work methods applied. A full account of this experiment has been given by Edwin J. Cooley in his work: "Probation and Delinquency". It certainly shows what a difficult profession probation work has become to be, how much is needed in the way of scientific training, skill, and personal fitness for the work to do it well. Nowhere in Europe, so far as we know, has the technique of probation work developed to the same degree as was demonstrated by this experiment in New York.

The terms of probation are generally fixed partly by the law, partly by the court and the probation department. Those most generally imposed are: keeping the peace; observing good habits such as steady employment, supporting dependents, refraining from drinking, from frequenting houses of ill fame, gambling houses and bad company, etc.; regular reporting to the probation officer; frequently also payment of fines or reparation of damages caused by the offense. The probationary period is probably on the whole shorter than in Holland: in 1928 the average probationary period in case of felonies in New York State was twenty-one months, in case of misdemeanors fourteen months, but in many states the average for all offenders is less than one year, a periods of six months being very frequently applied. As to the number of probationers to one probation officer it is generally conceded in America that this should be not more than fifty at a time, provided these are not spread over a too large area and the probation officer can give his entire time to supervision, so that he does not need, for example, to make investigations for the court. In practice, however, most probation officers have to do far more than that, and, of course, cannot do it well.

Besides inadequate equipment of the probation departments and resulting overburdening with work, some of the most common complaints are: lack of trained, capable workers on account of the newness of the work and the, for the most part, still very low salaries; lack of understanding and indiscriminate use of probation on the part of the courts, which only too often place on probation persons who are not fit subjects for such treatment, such as old repeaters, feeble-minded persons, etc., which in turn is often the result of an inadequate investigation of the cases before such dispositions are made; and the absence in nearly all states of any centralized state system of control and supervision. Politics, too, play an unfortunate part in some cases, although not as bad as in regard to prisons. Generally it can be said that perhaps too much is expected from probation, and that the facilities for probation work have not grown as fast as the demands made upon them. There is much ground for improvement in all states, but, on the whole, probation may be considered a hopeful development.

Significant is the development of "informal" or "unofficial" probation to which we called attention in a former chapter (pp. 49-51). In the "socialized" courts — notably juvenile courts, domestic relations and family courts, and women's courts — where the emphasis is placed upon a constructive adjustment of the cases brought to court rather than upon formal justice, the probation departments are growing more and more in power. As we already pointed out, probation departments may sometimes take all kinds

of measures, such as exercising informal supervision, causing the defendant to be examined by physician or psychologist, and even placing him or her in an institution, without resorting to the judge. Thus far, however, there are only few courts where these practices have developed to any great extent in regard to women over the juvenile court age: Massachusetts has a law authorizing probation officers to release persons arrested for drunkenness without any court hearing, provided such persons have not four times before been arrested for drunkenness within the preceding twelve months, and this, statistics show, happened in some counties in as many as 50 of 60 % of the cases in which an arrest for drunkenness was made. ¹⁾ The Misdemeanants' Division of the Philadelphia Municipal Court disposed informally of 287 cases in 1924 (as against 962 cases dealt with formally in the court), but in 104 of these cases the complaint was "incurability", in 48 "run away from home" and 44 were "protection" cases (i. e. cases of problem girls referred by parent, guardians on social agencies). ²⁾ It is very likely, therefore, that nearly all these cases are of girls under 21 years of age, whose delinquencies, although they may technically constitute offenses, are not of a "criminal" character. Similar practices may undoubtedly be found in some other courts, but we do not have sufficient data and figures on this point. ³⁾

It is difficult to say to what extent probation is imposed in America, as only a few states publish any statistics on probation. There are, as we saw, fifteen states which do not have any probation system for adults at all, and some others use it in a very restricted way. Some states, however, apply it far more extensively. In Massachusetts, during the year ending September 1924, probation was applied in 33544, out of a total of 142.188 dispositions. ⁴⁾ In that year out of every 1000 persons convicted of offenses of whatever sort 236 were placed on probation, 65 sentenced to institutions, 403 fined, and 296 cases were filed. Thus, the ratio of persons placed on probation to those sentenced to institutions was 3.5 to 1. At the end of the year the number of persons on probation was 19,562, and the number of persons in penal institutions 4,523; thus the "probation population" was more than four times as large as the prison population, an enormous number as compared with

¹⁾ Compare the Annual Reports of the Massachusetts Commission on Probation.

²⁾ Municipal Court of Philadelphia, report of 1924, p. 106—107.

³⁾ Compare G. E. Worthington and R. Topping, *Specialized Courts Dealing with Sex Delinquency*.

⁴⁾ Annual report of the Commission on Probation for the year ending September 30st, 1924.

Holland, where in the year 1927 1778 adult persons received a conditional sentence, while 8775 adults were directly committed to a penal institution (exclusive the 929 commitments to the tramp colony at Veenhuizen). The offenses for which probation was imposed most generally were drunkenness, larceny, violations of the motor vehicle law, liquor law violations, neglect to support, assault and battery. However, the list includes all kinds of other offenses also, from manslaughter and setting fire down to keeping an unlicensed dog and gaming on the Lord's day.

The secretary of the National Probation Association who undoubtedly is in the best position to know, estimates that more than 200,000 were placed on probation in the entire country during 1927, and that the number of salaried probation officers at that time was 3191.¹⁾

§ 17. *Provisions for Mentally Abnormal Delinquents.*

In nearly all states provisions exist relative to the commitment or transfer of insane delinquents either to special institutions for criminally insane which a few states have, or to the common hospitals for the mentally diseased. Commitments can be made either directly by the courts, when during a trial the presence of a condition of insanity is established, or, if the insanity becomes apparent after commitment to a penal institution, by way of transfer from such institution to an insane asylum.

Some states also have special provisions for feeble-minded delinquents, but so far as we know, there are only two states, namely New York and Massachusetts, which have special farm institutions for them, so far as women are concerned. In New York these are housed in some cottages adjoining to and under the same management as the State Reformatory for Women at Bedford Hills, while in Massachusetts they occupy a building connected administratively with the farm for male defective delinquents at Bridgewater. Commitments to these institutions are made by the courts, after a psychiatric examination has been made by two physicians, and usually also an investigation of the personal and social history of the offender has taken place; but offenders may also be transferred (after an examination as described above) to these establishments from penal institutions to which they had previously been committed. The com-

¹⁾ Probation, The Official Bulletin of the National Probation Association, vol. VII no. 4.

mitments are mostly for an indeterminate period (within limits) and, if made by the court directly are not accompanied by any kind of punishment, as the American law does not know the doctrine of "partial responsibility" in these cases. The persons thus committed are kept employed with farm work and simple trades, and trained in useful habits as far as possible. Whenever their character, training and social circumstances seem to warrant a trial in free society, they may be paroled, but they remain under the supervision either of the institution or of some other agency or person, and may be returned to the institution when they fail to make a satisfactory adjustment. There are also some other provisions tending to prevent the inmates of such an institution being detained longer than is necessary. Women are frequently detained until after the child-bearing period, both for their own protection and for eugenic reasons, as her feeble-mindedness often makes them particularly easy victims of sexual abuse and a eugenic danger.

In states other than New York and Massachusetts feeble-minded delinquents may sometimes be committed to the common colonies for the feeble-minded. In many states, however, facilities for the care of the feeble-minded are very inadequate, so that often little or nothing can be done for the delinquent feeble-minded.

As for the psychopaths, it may be stated that in America many of them are included among the "mentally defective" delinquents, for, in the determination of the question whether or not an offender should be segregated in an institution for the feeble-minded, his intellectual inferiority is not the only factor considered, but also his emotional make-up, social adaptability, physical status, family situation and economic efficiency are taken into account. In other words, it is often particularly the "difficult" mentally defectives who are sent to an institution and there may be many among them who are not very abnormal intellectually, but who are otherwise difficult to manage, which, of course, is often due to a psychopathic condition. For the rest, psychopathic offenders may, under certain circumstances, be sent to a psychopathic hospital for observation and treatment, or to an insane asylum, but a special provision for the treatment and care of psychopathic delinquents does not exist. Only once an experiment in the hospital treatment of psychopathic women offenders was tried, namely in the years 1916—1918, when a splendidly equipped hospital for this purpose was operated in connection with the State Reformatory for Women at Bedford Hills, New York; unfortunately this work was discontinued for financial reasons. Good psychiatric work can also be done in the modern penal institutions which have a psychiatric service, such as exists

notably in the new Sing Sing prison in New York which is being organized as a central classification prison for the entire state of New York (for male prisoners only). Perhaps some special work with psychopathic delinquents may develop here in the course of time.

A few words may also be said about the treatment of drug addicts although it is difficult to obtain a clear impression of penal provisions in regard to them, as these are often so much mixed up with medical measures. In the first place many drug addicts may be found in the common prisons to which they have been sentenced on account of an offense which may or may not bear any relation to their drug addiction. The better equipped prisons, therefore, give special attention to this class of offenders and have adopted some method or other for their treatment. Furthermore, some states or municipalities may concentrate their drug addicts in some special hospital or penal or eleemosynary institution or a part thereof. Thus Massachusetts has a division for drug addicts at the State Farm at Bridgewater (which has also divisions for mentally defective delinquents and paupers); and New York City has sent many of its addicts to Bellevue Hospital (a general hospital largely for the poor), to the workhouse at Blackwell Island and the State Reformatory for Women at Bedford Hills. Nearly always these addicts are poor, and there are many anti-social elements among them, such as prostitutes and offenders of different kinds, for the better situated either escape detention or seek a cure in a private asylum. For those who are without means, but comparatively decent, however, it must be a hardship to be committed to an eleemosynary or penal institution in forced association with delinquents; this has been recognized and in some cases this has been remedied by separating the respectable patients from the less respectable ones. The commitments may be either compulsory, usually under a rule of the Board of Health, or voluntary. As a rule the addicts thus committed are obliged to stay a certain period which is considered sufficient for the cure, for example 30 or 90 days. The medical treatment administered to the drug addicts in some of these institutions is excellent, but it is more and more being realized that the physical treatment alone is frequently of little avail, if the patients are not given proper after-care to re-establish them in common life and to tide them over the many temptations to return to the old habit, without which the great majority sooner or later relapse. Occasionally such after-care might be exercised by social workers of the institution concerned, but as far as we know, it has up till now nowhere been organized in a systematic fashion.



Albion State Training School,
Albion, New York.

Receiving Building.

Courtesy of Dr. Raymond F. C. Kiehl,
formerly Commissioner of Correction.

§ 18. *Provisions for Federal Offenders.*

To offenders, convicted in the Federal courts of a violation of a Federal law, generally the same penal measures are applied as described with respect to those convicted under state laws: probation, fine or commitment to a penal institution. As for the latter, formerly all Federal prisoners were committed to state, county or municipal prisons with which the Federal government had contracted to pay a fixed amount a day for each Federal prisoner thus boarded in such a prison. The Federal prisoners were subjected to the routine and discipline which prevailed in the institution in which they were confined and they mingled with the other prisoners, but the Federal provisions relating to the form of the sentence, parole, commutation and discharge remained applicable to them. This arrangement was felt to be unsatisfactory, as many of the prisons do not measure up to the standards which the Federal government would like to see applied to its prisoners, while it was often nevertheless compelled to use such prisons, inasmuch as the Federal government has no power to compel state or local penal institutions to take Federal prisoners, nor to enforce better standards of care. Many of the better institutions refused to accept Federal prisoners, because they were already overcrowded or because they found the consideration paid by the Federal government too low, or feared the complications arising from placing this class of offenders with the state prisoners, so that the Federal authorities had to be content with what they could get. Later the Federal government built three large penitentiaries and one reformatory for men, and in 1927 a reformatory was opened for women, to which all offenders sentenced for more than one year were committed. The problem remained, however, with respect to short-term offenders and those awaiting trial, who, for obvious reasons, cannot be transported to prisons at a great distance. Only in New York City, where the number of Federal prisoners is comparatively large, there has recently been established a Federal jail for men. Recent legislation has also provided for the establishment of a Federal hospital for defective delinquents and two farms for drug addicts, in addition to extending and improving the prison facilities for men.

PART II

HISTORY, THEORETICAL AND
LEGAL FOUNDATIONS OF THE
WOMEN'S REFORMATORY

CHAPTER V.

THE HISTORY OF THE WOMEN'S REFORMATORY.

§ 19. *Introductory Note.*

The first reformatory for men at Elmira and the first separate prisons for women in Indiana and Massachusetts which are pretty generally considered as the first reformatories for women,¹⁾ were all opened within the space of four years during the seventies of the nineteenth century. Though constituted practically at the same time, and to a great extent governed by the same principles, yet the motives which led to the establishment of the women's reformatories were very different from those which underlaid the development of the Elmira-system. The application of the name "reformatory" to both the institutions for men and for women, and the coincidence in time of their establishment, should not lead us, therefore, to believe that the first women's reformatories were simply Elmira-institutions for women. In fact, both in their origin and their character the reformatories for women were very different from those for men.

Yet the reformatories for men and those for women both reflected the same penal principles which reigned in the time they were established and have much influenced each other's development. It seems advisable, therefore, not to leave out the history of the reformatory for men, especially as this would furnish us with many points of reference for concepts and practices existing in the women's reformatories.

§ 20. *The History of the Men's Reformatory.*

The dominant motive leading to the establishment of the reformatory at Elmira was to create a prison which would be of more reformative character than the then existing Auburn and Penn-

¹⁾ Not by L. N. Robinson, Penology in the United States. He uses a very different definition of "reformatory", however, from that which we adopted for our study.

sylvania systems, particularly in view of the class of young adult offenders too old to be sent to children's institutions, but still young enough to offer hope of their being reclaimed. The need which was felt most was to have the possibility of adjusting the punishment to the personality and conduct of the prisoners, so that those who behaved well and who showed promise of reformation could be released earlier, while those who were refractory could be kept to the limit of their sentence. In practice several means had been employed to meet this need, particularly pardons and conditional pardons which were promised to the prisoners who would behave well and who seemed to have been reformed, and the widely used system of "commutation for good behavior", according to which for each period of good behavior a specified number of days would be struck off the sentence.

About 1864 the penal experiments of Alexander Maconochie in New Zealand and of Sir Walter Crofton in Ireland became known in America, where they made a deep impression. The system which Maconochie applied to the English convicts deported to Norfolk Island consisted in setting a certain number of marks against each sentence, which the convicts had to earn by their good behavior and industry before they could obtain release. This feature was taken over by Sir Walter Crofton, the Director of Irish Convict Prisons, who added some other ideas. According to his system the newly admitted prisoners had first to undergo a period of six to nine months of hard, unpleasant labor, which was called the period of probation; after this they were admitted to the second part of the sentence, consisting of four successive grades, each higher one allowing a larger degree of freedom and responsibility than the one below it. The prisoners had to work through these stages, climbing up from the lowest to the highest, and earning their promotion by their good behavior and industry. Upon the successful completion of this second stage the convicts were permitted to live outside the prison in a state of almost complete freedom, after which they were finally released upon a ticket-of-leave which could be revoked in case of bad behavior.

Much attention was also aroused by the ideas of Matthew Davenport Hill and Frederick Hill, two English penologists, who pleaded for what would later be called the indeterminate sentence: the sentencing of the convict for an indefinite period on the condition that he should be kept in prison until he gave sufficient evidence that he was reformed and would not break the law again.

The combination of these ideas (the indeterminate sentence of the brothers Hill, the progressive classification system of Sir Crofton, and the mark system of Maconochie) struck American penologists

as furnishing the long sought for solution of the new reformatory system. In the years 1865—1870 a number of publications appeared in which attention was called to these ideas, which quickly crystallized into a set of principles that were later to form the Elmira system.

Dr. E. C. Wines, the well-known secretary of the Prison Association of New York, was probably the first to be acquainted with these ideas. In 1864 he wrote a treatise on "Progress of Prison Reform in England" (published in 1865 as a part of the annual report of the New York Prison Association), in which he described the mark system of Maconochie. In this same year (1865) F. B. Sanborn, secretary of the Board of State Charities in Massachusetts, published a report of an investigation he had made of the prisons in his State in 1864¹) in which he warmly recommended the Irish system.

Meanwhile there had been much agitation in New York for a new prison which had become necessary, and for a general revision of the penal system, which led to the appointment of a Committee, of which Dr. Wines and Mr. Theodore W. Dwight, president of the New York Prison Association, were members. In order to profit by the experience of other states, Dr. Wines and Mr. Dwight made a tour through the United States in 1866, a report of which was published in 1867. In this important report both authors emphatically advocated the indeterminate sentence and the Irish system in the following words:

"Whatever differences of opinions may exist among penologists on other questions embraced in general science of prison discipline, there is one point on which there may be said to be an almost if not quite perfect unanimity, namely, that the moral cure of criminals, adult as well as juvenile, their restoration to virtue and the "spirit of a sound mind" is the best means of attaining the end in view — the repression and extirpation of crime; and hence that reformation is the primary object to be aimed at in the administration of penal justice

The whole question of prison sentences is in our judgement one which requires careful revision. Not a few of the best minds in Europe and America have, by their investigations and reflections, reached the conclusion that time sentences are wrong in principle, that they should be abandoned, and that reformation sentences should be substituted in their place. Among the advocates of this view abroad we may mention Mr. Commissioner Matthew Davenport Hill, for nearly thirty years recorder of Birmingham, and one of the ablest criminal judges of Great Britain; and his brother Frederick Hill, for many years inspector of prisons in England and Scotland

After having described and warmly recommended the Irish system, the report proceeds:

¹) Special Report on Prisons and Prison Discipline made under the authorities of the Board of State charities.

Our own convictions are well and forcibly expressed by the several writers from whom we have taken the foregoing extracts. When a man has been convicted of a crime . . . we would have the judge address him somewhat after this manner: "John Doe . . . until you show, to our satisfaction, that you can be restored to freedom with safety to the community, your imprisonment must continue; and if you never give us such satisfaction, then you can never be discharged; your imprisonment will be for life . . . : we put your fate in your own hands; and it is for you to determine the period, within certain necessary limits, during which the restraint upon your liberty shall continue. You may either prolong it to the close of your life, or restrict it to a duration which you yourself will allow to be reasonable and just".

The idea of the Irish system was also strongly propagated, by Mr. Hubbell, warden of Sing Sing, who in 1866 made a trip to Ireland to study the system on the spot, and who returned with enthusiastic reports. But the man who became the most forceful supporter of the new ideas was Mr. Zebulon R. Brockway, superintendent of the House of Correction in Detroit who was to be later the famous first superintendent of Elmira. In an article which he contributed to the annual report of the New York Prison Association of 1868, and in which he pleaded for a new kind of prison, the "municipal or intermediate prison" (instead of the jail), he already formulated the principles of the later reformatory system. In the same year he urged the adoption of an indeterminate sentence law for prostitutes, the so-called "three-years-law", in Michigan, which, however, was never carried out.

The great event, however, which contributed most to the formulation and propagation of the new ideas, was the famous first National Prison Congress, which was held in Cincinnati in 1870 through the initiative of Dr. Wines. It was at this Congress that the National Prison Association (later changed to: American Prison Association) was constituted, and the "Declaration of Principles", which has become a classical document, was adopted.

At this Congress papers were read by Dr. Wines, Brockway, Sanborn, Sir Crofton and others who were prominent in the field of prison reform. Most attention was perhaps attracted by the paper of Brockway on "The Ideal of a True Prison System for a State" in which he described the principles which would later be developed at Elmira: the indeterminate sentence, progressive classification of the prisoners and the marking system.

It was no wonder, then, that the Prison Association of New York, appealing, in 1868, to the Legislature to erect a new prison, mentioned as one of its arguments that it "would afford an opportunity to test, on a small scale and under the most favorable circumstances, what is now generally known as the Irish system of prison discipline". In response to this a State commission was constituted in 1868 to

frame a plan for the proposed new prison. This commission brought out its report in 1869, in which it recommended the indeterminate sentence with a maximum of five years and the Irish system of prison discipline. In the same year a law was passed for the establishment of a prison of reformatory character for those convicted for the first time of a felony and not under sixteen or over thirty years old. This institution was ready for occupancy in 1876 and Mr. Brockway was appointed superintendent. He and Mr. Dwight together drafted a bill proposing the introduction of the indeterminate sentence for commitments to the reformatory which became law in 1877, with this modification, however, that the term to be served by the prisoner should under no circumstances exceed the maximum provided by law for the crime for which he was sentenced.

Twenty-three years Mr. Brockway served the reformatory at Elmira with great talent, and during that time he developed the system which has become known all over the world. Several other states followed the example set by New York and established reformatories for men based on more or less similar principles. At present there are 21 reformatories for men in 21 states.

§ 21. *The Reformatory Prison for Women in Massachusetts.*¹⁾²⁾

The reformatory for women in Massachusetts was opened in 1877, one year after the reformatory at Elmira. Though it is not the oldest separate prison for women — as Indiana had anticipated that honor by four years — yet it was better equipped and better known than the Indiana women's prison, and penal literature yields

¹⁾ The following facts are mainly taken from the article by Susan D. Nickerson: *A Five Year Fight for Humanity*, *Charities Review*, October 1899, from the articles by Mrs. Isabel Barrows in the *Report of the International Prison Commission*, composed in 1900 under the direction of Samuel J. Barrows, and in Vol. II of the series "Correction and Prevention", edited by C. R. Henderson, at the occasion of the International Prison Congress at Washington in 1910; from the annual reports of the Board of Prison Commissioners of Massachusetts (until 1916), of the Bureau of Prisons (1916—1919), of the Commissioner of Correction (1919 to date) and from personal notes. See also: Jeanne Robert: *The Care of Women in State Prisons*, *Review of Reviews*, July 1911 (44 : 76—84).

²⁾ The *Handbook of American Prisons and Reformatories 1929*, referred to on page 5, contains information regarding the present-day situation in all women's reformatories except those of Arkansas, California, Illinois, Vermont and Wisconsin and the State Training School at Albion, New York. For the sake of brevity we shall not repeat the mentioning of this book among the references given for the other reformatories in this chapter.

a richer documentation regarding the establishment of the former institution than it does of the latter. The story of the establishment of the reformatory in Massachusetts also seems to have been more eventful and instructive than that of the Indiana institution. For these reasons we shall consider the establishment of the Massachusetts reformatory before that of the Indiana women's prison, and treat the former more extensively.

The main motive which led to the establishment of the reformatory for women in Massachusetts was to have a separate prison for women. For the prison situation for women offenders at that time was a very bad one. Women delinquents were scattered over numerous jails and workhouses, and as their number constituted only a small portion of the prison population, they were very much neglected. When we recall what we have said about the conditions which exist even in the jails of the present time we can imagine how the situation must have been sixty years ago: an indiscriminate mingling of women of all ages, from mere children to old rounders, of tried and untried, convicts and witnesses, of morally depraved and innocent persons. Though the separation of sexes was prescribed in all prisons, yet this was, in those primitive institutions, frequently not effected in such a way that women were completely removed out of sight or hearing of the men or even from other contacts with them, which led to much profanity, if not to worse. Only very few jails employed a matron to take care of the women's department, so that in most cases they were day and night under the supervision of men guards, who were as a rule not of a very high type and who frequently displayed the usual contempt of unrefined persons for women who have violated the laws of morality. It was obvious that under such conditions it was hard to enforce even the most elementary standards of decency, not to speak of doing any reformatory work. With the exception of a few larger jails where women worked under the contract labor system, demoralizing idleness characterized the life of the female prisoners during the whole time of their incarceration. No attempts were made anywhere for the physical treatment, education or moral improvement of the women.

Such conditions must of necessity deeply shock socially-minded women as soon as they learnt about them. Two of them have been conspicuous in Massachusetts in trying to reform this situation: Miss Hannah B. Chickering and Mrs. Ellen Cheney Johnson. Miss Chickering had become interested in prison visiting through a Quaker friend in Philadelphia; Mrs. Johnson, the wife of a well-to-do merchant in Boston, received her first knowledge of actual prison conditions through her service on a Sanitary Commission during

the Civil War, which brought her in contact with soldiers' widows and children some of whom she found in jail. Soon Mrs. Johnson's hospitable home became the centre for gatherings of leading citizens to discuss the situation regarding women delinquents. The first result of the activity of both women was the inauguration in 1864 of a Temporary Asylum for Discharged Female Prisoners in Dedham, on the Board of which both Miss Chickering and Mrs. Johnson served as members. At their instigation a survey was made by this Board of prison conditions relative to women offenders in the state, and the facts thus found were presented at a great public meeting which was held in 1869 in Boston. The governor of the state, Hon. William Claflin, occupied the chair, Dr. E. C. Wines, Mr. F. B. Sanborn and other leaders in the penal field were among the speakers. The object of the conference was stated by Miss Chickering, the secretary of the Asylum, as follows: "to call attention to the necessity of a separate prison for women, of a separate reformatory or workhouse for confined inebriates, and of the state taking charge of young girls who have no legal guardians. Reformation is the prime object, and to this end instruction, secular and religious, is essential".

The resolution which the meeting adopted was "to urge the establishment of separate prisons for women and an asylum or reformatory for girls too old to be sent to Lancaster".¹⁾

These formulations show that it were the young women, still girls, but too old for Lancaster, and the confirmed inebriates for whom prison reform was considered to be most needed. Sex delinquency and drunkenness have always loomed large as factors in women's delinquency in the Massachusetts prisons, and it was the futility of dealing with cases of this kind by short sentences in jails which had most impressed these reformers. Thus the classes of offenders they had in view were very different from the Elmira-category of young, first-offending *felons*.

As to the methods of the new prison, the references made to a "workhouse", an "asylum", a "reformatory" and "the training school at Lancaster" bring out some ideas which have all played some part in the ultimate organization of the women's reformatory.

Afterwards a memorial was presented to Legislature in which the petitioners prayed:

"for the establishment of separate prisons for women, under female supervision, with boards of control consisting of men and women of known qualifications for such duty, and that such provision be made by law as will secure

¹⁾ Lancaster is the State institution for delinquent girls.

a careful classification of prisoners according to degrees of vice, with full opportunity to each class, by good behavior, to cut short materially the length of their sentence; and also that the boards of control may be empowered to hold for each prisoner a percentage of the wages of her labor, to be expended for the personal comfort of the prisoner or reserved for her future support, or for the use of those dependent on her, so that voluntary industry, frugality and self reliance may be encouraged and promoted by a direct appeal to the self-interest of the prisoner".

As we see, the ideas of the indeterminate sentence and classification were clearly alluded to in this petition.

This petition influenced the drafting of a bill providing for the appointment of a board of three commissioners of prisons to inspect the prisons of the State, these commissioners to be assisted by an advisory board consisting of three women who would also have full powers of inspection. This bill became law in 1870, and Miss Chickering and two others were appointed members of the advisory board. The board was instructed to report on the conditions of women prisoners before the close of 1870 and to present its recommendations as to the possibility of setting apart a jail or workhouse, exclusively for the use of women prisoners.

The law met with considerable opposition even outside the state, at the Prison Congress at Cincinnati, where the Massachusetts commission of prisons was represented by its secretary. It was contended by prison officials that they needed their women prisoners to do the household chores in the prisons, for which they would otherwise be obliged to hire outside help. Private contractors who had women prisoners working for them, opposed the new propositions because they feared that a change of system would deprive them of the profits which the work of the female convicts secured them. Conservatism, parsimony, lack of vision, and lack of confidence in the ability of women to manage prisons and control criminals, were other motives of this opposition.

Yet the Prison Commissioners went ahead and selected the jail at Greenfield to be used for the exclusive imprisonment of women convicts under female supervision. In December 1870 it received the first women prisoners, who soon numbered twenty-two, and who were supervised by a matron. The work provided for these prisoners was the braiding of whip lashes, and the one matron was supposed to teach them also reading and writing, to hold a religious service daily, and to preach on Sunday. In spite of these primitive arrangements the matron did not have any difficulty in controlling the women, but the strong opposition of county authorities, who objected to the expense of transferring their female prisoners to Greenfield, and of the courts, which finally

sentenced seven men and boys to that jail, forced the authorities to abandon the experiment. The Prison Commission then attempted to concentrate the women prisoners in five selected jails which seemed best fitted for the care of female convicts and which provided work for them.

In 1874 another action was started under the lead of the Governor, the Hon. Richard Washburn, to establish a separate prison for women, and a bill was introduced in that year which, after a fierce fight, finally met with success. A site for the new prison was selected in the county of Sherborn, where in 1877 the new institution was opened under the name "Reformatory Prison for Women".

During the years of delay the ideas regarding the women's prison had gained much in maturity and clearness, and the prison which was opened in 1877 was more perfect than would probably have been conceived in 1869. The beautiful, castle-like building, surrounded by ample grounds within the enclosure of a high stone wall, represented about the best ideals of prison architecture of those days. Three hundred single prisoners' rooms were built along the outer walls of five three-story high wings, to facilitate classification according to behavior. This idea was even expressed in the structure of the rooms, those of the lowest or punishment division being bare, unattractive and cell-like, whereas those of the higher grades were quite comfortable rooms, with ordinary windows facing the inside garden, or the lawns in front of the prison. For reasons of economy, however, the original plan of building five hundred single rooms had not been carried out, but three dormitories had been constructed instead to house the prisoners who could not be accommodated in the single rooms. There were large, light work- and schoolrooms, a chapel, a hospital, a nursery and special rooms for mothers with babies, ample yards for recreation, and a small piece of land on which vegetables could be raised. The entire staff, with the exception of one utility man, consisted of women, and included a full-time physician, a teacher and a chaplain. The system of progressive classification, combined with a marking system as used in Elmira, was introduced here also. The industrial work consisted of cane seating, finishing socks, machine knitting, corset making, needlework, mending and laundering; no outdoor work was done by the women. During the evenings many of them attended the prison school where reading and writing were the chief subjects taught.

The matter which had not received enough attention, however, was the form of the sentence. The law of 1877 stated that all women "convicted of being vagrants, common drunkards, lewd and wanton and lascivious behavior, common nightwalkers, and other idle and

disorderly females" should be sent to the reformatory prison, but no thought was given to the fact that the sentences imposed for these offences were ordinarily for very short terms. The results were soon felt: already in one of the earliest reports the superintendent complained of the fact that the institution was flooded with inebriates, vagrants and prostitutes, many of whom, by reason of their low mentality and their habits, belonged rather in an almshouse, an asylum for inebriates or an institution for mentally defectives, as they could profit but little by the reformatory regime during their short stay in the institution. The continuous flowing in and out of these short termers, too, made it hard to establish a stable and effective discipline. The annual report for 1880 told that 456 of the 519 then in the reformatory were inebriates (of whom 235 were sentenced for drunkenness); only 40 women of this number were sentenced for larceny which means a longer term. One sees at once here how this institution presented an entirely different proposition from the reformatory at Elmira.

Early attempts were made to remedy the situation, though people seemed yet little prepared to apply indeterminate sentences in a general way for misdemeanors which were considered unimportant offenses, and it was only slowly that this principle was introduced in the prison at Sherborn. The first step in this direction was a law passed in 1879 which authorized the courts to sentence women convicted for drunkenness a second time to the reformatory prison for an indefinite period not exceeding two years, but in the beginning the courts only infrequently availed themselves of this opportunity. The inequality of treatment, too, resulting from the fact that some prisoners were and others were not sentenced according to this law, undoubtedly brought difficulties in maintaining contentment among the inmates committed for the longer term. In 1879 another law was passed reviving an old practice from colonial times, namely that of "indenture".¹⁾ According to this law the commissioners of prisons were authorized to bind out for domestic service to a private employer any inmate of the reformatory during her term of sentence, provided she consented to it. The employer was to keep diligent watch over the conduct of the prisoner and to have regard for her welfare and reformation, and to report to the board any of her acts which were improper or wrong. The commissioner could return her to the prison whenever they deemed it necessary for her welfare. This act was frequently applied during

¹⁾ Indenture was also a common practice in children's institutions during the last century.

the first twenty-five years of the reformatory and was virtually used as a kind of parole: a trial of the woman at liberty which could be revoked when she misbehaved. In 1881 the law created the "conditional permit to be at liberty", which was a conditional release to be granted by the commissioners of prisons, who could prescribe such conditions as they deemed best. The permit could be revoked at any time before the expiration of the prison term. A woman agent was appointed by the state to supervise the prisoners who were conditionally or definitely released, and to assist them in obtaining a proper home and work.

In 1886 the indeterminate sentence was established by law for the men's reformatory and in 1903 it was made applicable to the reformatory for women. According to this law all sentences to the reformatory were made indeterminate with a maximum of five years for felonies and of two years for misdemeanors unless the court imposing the sentence prescribed a longer term than five years. For the offense of drunkenness a maximum was prescribed of one year, which maximum was later also applied to the offense of neglecting to support dependents.

Gradually also a better realization was formed of what classes of offenders belonged in the reformatory. In 1907 a law prescribed that all women felons must be sent to the reformatory, and the female department of the State prison was consequently abolished. The widening application of probation kept many first offenders and other cases which seemed hopeful, out of the reformatory, while the indeterminate sentence with its maximum of two years for misdemeanors, restrained the judges from sending petty offenders too lightly to the reformatory. Prohibition and preventive measures further lessened the numbers of inebriates, and finally the opening of a female department at the State Farm at Bridgewater for mentally defectives, inebriates and drug addicts in 1927 took out of the reformatory population a few of the most troublesome inmates who could not profit by the usual reformatory treatment. It leaves for the reformatory all the felons and the more difficult cases of misdemeanants who were not all too feeble-minded or confirmed addicts to liquor or drugs.

Many other changes occurring in the history of this reformatory could be related, indicating the growth of ideas regarding reformatory treatment of women. As much will be told about this in other chapters we shall only briefly mention some of the most salient events.

Important for many improvements was in the first place the superintendency of Mrs. Ellen Cheney Johnson, whom we have repeatedly mentioned above. After some changes had occurred in

the superintendency, Mrs. Johnson somewhat reluctantly consented in 1884 to fill this position temporarily until another woman could be found to take the place. Fate had decided, however, that she was to remain superintendent of the institution until her death in 1899 and was to play a decisive part in the development of the institution.

The most important contribution of Mrs. Johnson to the reformatory was the large farm of some hundreds of acres which was bought, put in order, and worked under her personal supervision and partly out of her private means. Besides the well-cultivated fields which provided the greater part of the institutional wants of corn, hay, rye, potatoes and other vegetables, the institution owned, by the end of Mrs. Johnson's superintendency, a dairy, a hennery, a herd of pigs, a flock of sheep, an orchard, and even a mulberry grove used for the raising of silk worms. With the exception of a few farm hands, the entire work was done by the inmates, and far more even than the economical advantages of this farm, did Mrs. Johnson value the invigorating influence of outdoor work upon the physical and mental health of the prisoners.

Under Mrs. Johnson's successor the most important change, besides the introduction of the indeterminate sentence which we mentioned above, was that the word "prison" was struck out of the name, because it was felt to be no longer in accord with the reformatory character of the institution.

With the present superintendent, Mrs. Jessie D. Hodder, who entered upon her functions in 1911, a new period of development began. The annual report for the year ending September 30, 1911, in which she laid down her courageous program, strikes one at once by its modern, scientific spirit, quite different from what had thus far been the policy of the institution. The most important points of the program were:

1^o. that the present building be made a "clearing house", equipped with a laboratory, where medical, neurological, psychiatric and psychological studies could be made of each prisoner, together with investigations of her heredity, past life and environment, and of her reactions to the routine and activities of the institution, these data to be used as a basis for the decision as to what treatment each individual prisoner should receive;

2^o. that *outside the walls* cottages be built, allowing for a classification of the inmates according to their character, and providing plenty of household and garden training;

3^o. that a study be made of the women on parole, in order to work out that provision of the indeterminate sentence on the basis of the scientific information gained;

4^o. that the punishment division with its old cells should be pulled down and a gymnasium built instead, where regular physical training could be given the prisoners, as it was felt that this would serve the discipline better than punishment cells;

5^o. that the mentally defectives should be removed from the reformatory and placed in a custodial institution designed for this class of women, not only because they could be better treated there and because it would relieve the reformatory of a burden, but also as a matter of justice to these mentally defectives, who could not be held responsible and, therefore, should not be stigmatized as offenders;

Few years later Mrs. Hodder emphatically calls attention to the psychopathic delinquents in the reformatory who not only cannot receive there the special treatment which they need, but also often upset the discipline, particularly because the old-fashioned congregate building offers poor facilities to isolate them from the other inmates. She strongly recommends either the removal of psychopathic women to a special hospital, or the removal of the others to cottages outside the walls, turning the old building into a hospital for mentally defective and disturbed cases.

We shall only briefly narrate that a research department was soon afterwards established, which not only makes extensive medical, psychological, psychiatric and social studies of each individual inmate, but, as far as possible, general criminological researches as well; that the cottages outside the wall were never granted, but that a large degree of individualization of treatment has been reached nevertheless; that the punishment division was indeed pulled down, to make place for a beautiful gymnasium and that its abolition has thus far never been regretted; that the medical care has been made both more intensive and extensive; that since 1927 at least a few of the most feeble-minded or troublesome delinquents are cared for in the new female division of the State Farm for Mentally Defectives at Bridgewater; that the canning industry was established and the farm enlarged; and that an intensive educational system has been organized.

The reformatory has known great fluctuations in its population. During its earliest years its population was greatest, sometimes well over 400, the nominal capacity of the institution. As a result of the emphatic pleas of the superintendents not to send so many short-term offenders, and of other factors, the numbers gradually decreased, until in the beginning of this century it averaged about 300, which made it possible to put both the dormitories and the punishment division out of use. During the war years, however, the number increased rapidly, on account of the Federal prisoners

sent to the reformatory. Since that time the number has fallen off again. On November 30, 1928 the total number in custody was 284, the number of those newly committed during the year ending November 30, 1928 was 180. The Massachusetts women's reformatory (which, through an administrative change in the boundaries is now situated in the township of Framingham) has attracted a great deal of attention in the course of time, both from American and from foreign visitors. This is certainly not due to the architectural equipment of the institution which is now hopelessly antiquated, but to the remarkable resourcefulness and imagination with which modern scientific methods of treatment are carried out in seemingly unpromising circumstances.

§ 22. *The Indiana Woman's Prison at Indianapolis.*¹⁾

As we already said above, the reformatory prison in Massachusetts was not the oldest: In Indiana an action had been started about the year 1867, under the influence of a Quaker Congress which had been held that year in Indianapolis, to establish a separate prison for women. The result of this action was the passing of a law in 1869, providing for the establishment of an institution for women and girls, which was opened in 1873, thus four years before the reformatory prison in Massachusetts, under the name of "Indiana Reformatory Institution for Women and Girls".

The motive which led to the establishment of this institution in Indiana was the same as in Massachusetts, namely indignation about the shocking conditions under which women were detained in the prisons. But Indiana was younger than Massachusetts, and its penal situation was still more crude than in the latter state. Indiana did not even have a state institution for girls at that time, so that these girls, often mere children, could frequently be found in the company of older and more vicious women in the debasing environ-

¹⁾ The information regarding this institution is mainly taken from the articles by Mrs. Isabel Barrows, quoted above, from the article by Alexander Johnson: "A State Aged 100", in the Survey of April 22 and 29, 1916, from the pamphlet by Amos W. Butler "A Century of Progress", published by the Board of State Charities in 1916, and the Annual Reports of the Indiana Woman's Prison combined (since 1908) with the Annual Report of the Correctional Department, of the years 1923/1924 to 1926/27. It is very likely that the older annual reports bore different names, corresponding with the different names and destinations which the institution successively had. Compare also the article by Jeanne Robert, quoted above.

ment of the jail. This situation, therefore, cried out for reform still more than did the situation prevailing in Massachusetts, and this was undoubtedly one of the reasons why the action for an institution for delinquent women and girls met with less opposition and much quicker results than the movement for the women's prison in Massachusetts. Naturally the cause of protecting young girls against the vicious influences of the jails gained sympathy more easily than a similar proposition on behalf of adult women would; these latter, being few in number in Indiana, were so to speak, simply taken into the bargain.

The institution was a new congregate building, not very prison-like in appearance, built in the outskirts of Indianapolis. About eight acres of land, enclosed along the free sides by a wall, adjoined the building. So far as we can ascertain from the very scarce information available about the early history of this institution, each inmate had a separate room, while common living- and dining-rooms, a school, workrooms and a chapel were provided. The girls and the women were kept in two separate wings; they never mingled with each other except that they had the religious services in common. As regards the life in the institution we have little information beyond a description given of the women's prison in 1910 by Mrs. Isabel C. Barrows,¹⁾ in which she comments upon the homelike atmosphere existing in the institution, the desire of the superintendent not to suppress woman's instinctive love of adornment but to guide it, which was expressed for instance in the fact that the women wore simple, but tasteful, gingham dresses instead of the ugly traditional prison garb, that they were allowed to decorate their rooms with pictures and plants, and that a white table-cloth, flowers and attractive china dishes were not considered too good for their dining-tables.

Originally the law made commitment to the Woman's Prison mandatory only in the case of felons over 18 years of age; as regards the girls, a wide latitude was given the courts to send to it both those who had been delinquent and those who were neglected. The combination of young girls and adult women in one institution soon proved to have great disadvantages for the former. For the girls — many of whom were quite young or not delinquent — not only ran the risk of being corrupted by the older women, even though they were kept separate, but these girls also bore the stigma of the prison. In 1889, therefore, the name of the institution was changed to: Indiana Reform School for Girls and Woman's Prison,

¹⁾ Vol. II of the series "Correction and Prevention", quoted above.

so that, also in the name, the girls' division was clearly distinguished from that for the women. Ten years later a more strict administrative separation of the two divisions was established, and in 1907, finally, the girls were moved to a new institution in the country, leaving the old building entirely for the adult inmates. In 1908 a law was passed which made it mandatory to commit to the Woman's Prison both felons and misdemeanants who had been sentenced to more than thirty days imprisonment, while other misdemeanants might be committed to it at the discretion of the court. At present the Woman's Prison has two divisions, one called the "Penal Department", in which the felons are placed, and the "Correctional Department", in which the misdemeanants, are detained.

In 1899 the indeterminate sentence was prescribed for commitments of felons to the Woman's Prison, within the minimum and the maximum fixed in the law for each crime. The commitments to the Correctional Departments are for a determinate period, and are frequently of short duration (the majority being 60 days or less), so that little can be accomplished in this Department in the way of re-education. Yet, it offers an incomparably better environment for the misdemeanants than the usual jails or workhouses.

Another serious defect of this prison was its location in a city, which precluded the development of a farm, the need of which was much felt, and of other activities which would require additional room. However, as much as possible is made of the piece of land belonging to the reformatory: vegetables and fruits are intensively grown, and some hundreds of chickens are raised. For the rest, the women are kept busy with housework, cooking, canning the surplus vegetables and fruit, sewing, quilting and laundry work.

During the first year of its existence the Woman's Prison received 17 felons. The number increased slowly until in the year ending September 30th, 1927 it was 49. The commitments to the Correctional Department show very irregular figures, from 215 in the first full year, 1908/09, to 472 in 1914/15, 90 in 1919/20 and again 435 in the year ending September 1927, which is probably largely due to differences in the policies of the courts. On September 30th, 1927 the Penal Department had 80, and the Correctional Department 117 inmates.

§ 23. *The Women's Reformatories of New York State.*¹⁾

In 1881, i. e. four years after the opening of the reformatory prison in Massachusetts, the state of New York decided to establish a reformatory for women, which was opened in Hudson in 1887 under the name of "New York House of Refuge for Women". In 1890 a law provided for the establishment of a second "House of Refuge for Women" at Albion, which received its first inmate in 1893. In 1892 a law was passed to establish a third institution for women offenders, which was opened at Bedford Hills in 1901. In 1904, however, the House of Refuge at Hudson was reorganized as a state institution for girls, so that New York State has at present two reformatories for women left, namely the House of Refuge at Albion, which was rechristened in 1923 as the "Albion State Training School", and the State Reformatory for Women at Bedford Hills. The former serves the western part of the state, the latter, which is situated near New York City, the eastern part.

The establishment of the reformatories was for a large part due to the unceasing propaganda of Mrs. Josephine Shaw Lowell, a leading personality in social work at that time, who had been strongly impressed by the menace to society presented by the uncontrolled and irresponsible women whom she found again and again in the jails, who brought disaster over their families and made for a new generation of delinquents and dependents.

¹⁾ The facts regarding the two Houses of Refuge are mainly taken from Philip Klein, *Prison Methods in New York State*, 1920; from the Annual Reports of the Prison Association of New York, notably those for the years 1889, 1893, 1895 (Prison Laws, p. 763-820), 1899 (Part I), 1902, 1903, 1913 (Part I and II), 1914 (Part II), 1915 (Part II), 1916 (Part II) and 1917; and the Annual Report of the Western House of Refuge (later Albion State Training School) of the years 1919/20, 1920/21, 1922/23, 1923/24 and 1925/26. For the New York State Reformatory for Women at Bedford Hills we used the following references: Philip Klein, *op. cit.*; Mrs. Isabel Barrows, Vol. II of the Series "Correction and Prevention" quoted above; the Annual Reports of the Prison Association of New York for the years 1902, 1903, 1904, 1910, 1913 (Part II), 1914 (Part II), 1915 (Part II), 1916 (Part II), 1917, 1920, 1921; nearly all the annual reports of the institution published since its beginning; the pamphlet: *Salient Facts about the New York State Reformatory for Women*; the article by Ida M. Tarbell in *The American Magazine*, vol. LXXV, no. 2 (Christmas 1912); entitled: *Good Will to Women*, Katherine Bement Davis, *Reformatory Treatment of Women*, *Annals of the American Academy of Political and Social Science*, vol. 36 (July 1910); Amos T. Baker, *The Work of the New York State Reformatory for Women at Bedford Hills*, *Proc. of the Eighteenth Annual Conference of the New York State Association of Magistrates* (1927), published by the New York State Department of Correction; and several brief articles and editorials in "The Survey", such as: *Bedford Reformatory Now Facing a Crisis* (April 19, 1913); *The Trouble at Bedford* (March 27, 1920).

The *Houses of Refuge* were designed for women between the ages of fifteen (originally twelve) and thirty years who had been convicted by any court or magistrate of "petit larceny, habitual drunkenness, or being a common prostitute, of frequenting disorderly houses or houses of prostitution or of any misdemeanor", and who were "not insane or mentally or physically incapable of being substantially benefited by the discipline of said institution".¹⁾ In 1900 it was provided that also felons between the ages of fifteen and thirty, who had not previously been convicted of a crime punishable by imprisonment in a state prison, might at the discretion of the court, be sentenced to a house of refuge or reformatory for women, except in the case of murder in the first or second degree. The minimum age was in 1913 raised to sixteen years. Commitments were for an indeterminate period, with a general maximum of five years, which was reduced to three years in 1900.

The institutions were built on the cottage plan, though it was not consistently carried out. For in both institutions the newly admitted women were first placed in a "prison building" in which they had to stay three or more months, depending upon their behavior, before they could be promoted to one of the cottages. The prison building had a very prison-like appearance: the cell-block system prevailed; the cells were not very different from those in common prisons, and the doors and windows were barred. In the institution at Hudson the prison building with its 150 inmates entirely overshadowed the cottages which afforded room for only 96 women. In the prison building the women were kept in solitary confinement, except during work and school hours. They ate their meals in their cells, no recreation was provided. Even the first cottages in Hudson did not offer much of the family life which the cottage system is supposed to provide; they did not even have living-rooms for the inmates. This defect, however, was corrected in the cottages that were later built in Hudson, and in the institution at Albion. In the course of time the number of cottages was extended, whereby the relative importance of the prison building, of course, decreased; this building itself has also been remodeled, so that to-day the "prison"-features have largely disappeared at Albion, which has now become a modern cottage institution.

As regards the life in the Houses of Refuge, one comes across some strikingly modern ideas in the early days of Albion, such as a rather extensive system of school instruction, training courses

¹⁾ This formulation has changed several times. However, for practical purposes it is sufficient to use this formulation, which has been the leading one, and which in substance is still valid to-day.

in typewriting and stenography, and a teacher of physical education, as early as 1899. Both institutions had small farms, and garden work was soon developed. To-day, classes in the common school branches, music, civics, physiology, hygiene, gymnastics, sewing, cooking, laundering, weaving of rag carpets, basket making and various kinds of needlework, form the chief activities in this institution.

Altogether, the Houses of Refuge showed a decided advance over the women's prisons in Massachusetts and Indiana: they were the first state institutions for delinquent women based upon the indeterminate sentence and with a parole system, the first ones on the cottage plan, and they were ahead of other institutions as regards systematic school and physical training and in developing the "school"-idea in the institution. It is not without reason, therefore, that some authors¹⁾ hold these institutions to be the first real women's reformatories. And it seems the more surprising that the establishment of the Houses of Refuge attracted comparatively little attention at that time. The Prison Association of New York which, in those years, devotes page after page of its annual reports to the reformatory system, only rarely refers to the Houses of Refuge in an occasional inspection report and even then only in a purely matter of fact way without any particular enthusiasm or interest. In 1894, when the Association celebrated its fiftieth anniversary in the presence of a large number of American and foreign guests, and the most important penal reforms are reviewed in brief speeches, not one word is said about the Houses of Refuge in its own state, though representatives from the Massachusetts and Indiana women's reformatories speak about their respective institutions. In a rather bulky report on the American reformatory system which is prepared in 1900 for the International Prison Congress at Brussels, under the direction of Samuel J. Barrows, there is a lengthy description of the Massachusetts Reformatory Prison for Women, while the Indiana Woman's Prison is also touched upon, but, again, the Houses of Refuge in Barrows' own state are completely forgotten. It seems as if New York itself had no idea of the contribution it had made to the development of the reformatory system for women.

This may be due, in part, to casual factors: somehow, the Houses of Refuge and their superintendents had not caught the imagination of penal publicists to the same extent as the institution at Sherborn and Mrs. Johnson had done. Moreover, though the *com-*

¹⁾ Compare L. N. Robinson, *Penology in the United States*, p. 126.

bination of indeterminate sentence, parole system, cottage system and female management in their application to adult women delinquents was new, each one of these elements was not new: the Massachusetts and Indiana reformatory prisons had already earned the distinction of being the first under the direction of women; the indeterminate sentence and parole had been heralded with much clamor by Elmira; and the cottage system had already been in use for some time in children's institutions. Elmira and Sherborn were so much in the foreground when the Houses of Refuge were established, that the latter remained in the shadow. Perhaps, too, the Houses of Refuge were not seriously considered as reformatories: it should be remembered that until 1900 they received only those convicted of misdemeanors which, according to the general opinion, are not really crimes; moreover, as the lower age-limit was twelve years, many of the inmates were mere children. Elmira, which had set the standard for the reformatory system, had only felons as inmates, and the woman's prisons in Massachusetts and Indiana, too, received felons, i. e. "real" criminals, whereas the Houses of Refuge had more resemblance to the merely protective, private institutions for wayward girls, by which, in fact, they had been to some extent inspired, as is evidenced, for instance, by their names.

Whatever the case may be, it fell to the lot of *the reformatory at Bedford Hills*, opened in 1900, to make New York conspicuous in the matter of reformatory treatment of women. This was undoubtedly largely due to its first superintendent, Dr. Katherine Bement Davis, whose experiments soon attracted wide attention.

Dr. Davis began her work under rather trying circumstances. Like the Houses of Refuge, Bedford consisted of a prison building, which served as the reception department, and some cottages. There were only a few buildings ready when the institution was opened, so that it was already overcrowded within two years. Though from time to time new cottages were added, yet, these enlargements never kept pace with the rapid increase in the commitments, so that serious overcrowding, necessitating such measures as putting two girls in one room, keeping inmates in the disciplinary division for lack of room elsewhere, using living-, dining- and recreation rooms and corridors for sleeping quarters, etc., was an almost permanent condition for twenty years. On a certain date in 1913 no fewer than 515 inmates were in the institution, though there was only room for 320.¹⁾ The prison building, too, which had to be used extensively as a result of this overcrowding,

¹⁾ Annual Report 1913 of the Prison Association of New York.

proved to be the cause of much dissatisfaction among the inmates and a serious handicap to the work,

Parsimony of the state, combined with the unfavorable living conditions in Bedford Hills, was also largely responsible for a continuous shortage and frequent changes of the personnel, which made it the more difficult to maintain good discipline.

Equally serious was the matter of providing employment for such a large group of prisoners with such inadequate facilities. The land originally belonging to the reformatory was rather poor, hilly, and only to a small extent suited for agricultural purposes. The laws and other circumstances in the state of New York made it practically impossible to establish remunerative industries. The superintendent did first of all what the New York Houses of Refuge had done: she organized a rather extensive system of school instruction, systematic training in homemaking, sewing, laundering, cooking and canning, and regular classes in gymnastics; she also established classes in hat and basket making of reed and raffia, weaving, paper box making, gardening, mechanical knitting, singing and dancing, paying the instructors (in so far as she herself or the regular matrons could not give the instruction) and the materials largely out of gifts which she received from private donors. When all this did not prove sufficient to keep the inmates actively busy, in stead of "killing" their time with superfluous household activities or fancy work, as so many institutions do, she decided that the inmates should do all the work about the institution that they were physically capable of, no matter whether it was traditional woman's work or not. The continual enlargements of the institution, together with the parsimony of the state in granting funds for the construction work, offered ample opportunity for inmate labor. The superintendent herself learnt how to make concrete, and under her personal direction or that of the other regular officers of the institution, the inmates laid thousands of square feet of cement walks and stairways leading to the different cottages, built the concrete manholes and the cement floors of the new buildings, constructed an artificial ice-pond and canal, from which in the winter the inmates themselves cut all the ice necessary for the institution, graded the very unequal grounds, repaired washouts on embankments and roadways, put up fences, planted trees, painted the cottages, caned chair bottoms, and did numerous other like jobs. By and by the institution also enlarged its farm grounds by the acquisition of adjoining properties: the inmates, of course, did most of the work of clearing, grading, digging and further preparation of the grounds, and within a few years a very creditable farm with a dairy, piggery, hennery, etc. provided all of the

milk, eggs, porc and potatoes for the institution, and a large part of the vegetables and beef, while offering ample employment to a certain group of inmates who, under the direction of a woman farmer, did nearly all the work of planting, weeding, hay-making, hoeing, corn-cutting, packing the silo, pasteurizing the milk, and caring for the cows, pigs and chickens. Thus a great deal of vigorous outdoor work was provided for the inmates, which contributed greatly towards the improvement of their health and towards better discipline in the institution.

In spite of the law's provision that only such women be sent to the reformatory as are "not mentally or physically incapable of being substantially benefited by the discipline of said institution", Bedford received the usual share of feeble-minded and psychopathic delinquents to be found in all penal institutions. The population at Bedford seemed even more difficult than that at Albion, due to the fact that by far the greater part of Bedford's inmates were drawn from New York City with its large foreign population, whereas the women at Albion came largely from more homogeneous, rural counties. The crowded condition of the institution and the resultant difficulty in properly classifying the inmates and in keeping separate the most difficult elements, did not, of course, make the situation any easier. Yet, this very problem, too, like the employment problem, led to interesting experiments.

In 1909 a member of the staff of the New York Public Education Association spent the summer months at Bedford to make psychological studies of a number of inmates. This led the superintendent to think that it would be a great help to the institution and to the inmates if systematic psychological studies could be made of them, as this would save a great deal of time and effort in finding out the character and capacities of each girl and the best plan of treatment to be made for her, so that the time of her stay in the institution could be made more effective. One of the results of this reflection was that in 1910 Dr. Davis invited a woman psychologist to spend the summer in the institution to make a study of a selected group of girls. In the fall of that year Dr. Davis applied to the New York Foundation for a grant, sufficient to employ a trained psychologist on the reformatory staff. The appropriation was made, and a woman psychologist appointed; later this appropriation was continued for another year. In addition, the Eugenics Record Office at Cold Spring Harbor, New York, furnished a field worker to make studies and charts relative to the heredity of the women studied, while the New York School of Philanthropy assigned one of its scholarship students to assist in the making of social investigations. Meanwhile, a pamphlet written by Dr. Davis in which she

had expressed the idea that all women convicted in the courts should be studied by experts before sentence was passed,¹⁾ had reached Mr. John D. Rockefeller, who had just completed an investigation of vice conditions in New York City by a Grand Jury of which he had been the chairman. As a result of this Mr. Rockefeller conceived the idea of establishing a Bureau of Social Hygiene to study the question of prostitution in all its aspects, its causes, and its possible remedies. This Bureau was organized in 1910, and Dr. Davis was made its director. As a large percentage of the inmates of Bedford belonged to the class of sex offenders, it was decided that the Bureau should, as one of its first undertakings, establish a Laboratory of Social Hygiene in connection with Bedford, to make studies of its inmates. A plan was worked out with the state authorities, according to which the Bureau of Social Hygiene should buy a tract of land adjoining the reformatory, erect upon it a building capable of accommodating fifty inmates, a laboratory building and a residence for the use of the scientific staff, and lease all this to the state at a nominal rental, so that the women detained upon that property would be at all times under the complete control of the state. Every woman committed to the reformatory was first to be received in the first mentioned building, which was to serve as the reception building of the institution, and where she would stay during some months to be studied by the Laboratory staff. The state was to pay for the maintenance of the inmates in the reception building and for the matron, while the Bureau of Social Hygiene would bear all other expenses, including the salaries of the Laboratory staff, which consisted of a psychologist, acting as director of the Laboratory, a sociologist versed in eugenics, two field workers and a statistician, all women, to which a psychiatrist and another psychologist were later added. This agreement was to cover five years, beginning September 1st, 1912; it was expected that during that time the Laboratory would have sufficiently proved its usefulness to be taken over by the state at the end of the period.

The plan was that the Laboratory should make its information available to the reformatory in weekly conferences between the Reformatory and the Laboratory staff, by which the reformatory staff could profit in making its decisions regarding the treatment

¹⁾ K. B. Davis, *A Rational Treatment of Women Convicted in the Courts of New York City*. It was printed for private circulation only for the Committee on Criminal Courts of the Charity Organization Society, and later reprinted in the book of B. G. Lewis, *The Offender and His Relations to Law and Society*, p. 358.

of the inmates. On the other hand, the Laboratory of Social Hygiene would have the opportunity to make intensive studies regarding women's delinquency. It was hoped that the state would grasp the opportunity of making the Laboratory a clearing house for women delinquents, to which they would be sent after conviction, but before sentence, to be studied and observed in order to determine the wisest decision to be taken in regard to them.

In September 1916 the Bureau of Social Hygiene opened a splendidly equipped Psychopathic Hospital accommodating twenty patients, for the intensive study, observation and treatment of psychopathic inmates, the need of which institution had become apparent in the course of the work. A woman psychiatrist was appointed director of the Hospital; she was assisted by a second psychiatrist, an occupational teacher, a physical training teacher, a head nurse, and three assistant nurses, all of whom had had special training in the care of the mentally diseased, an outdoor matron, a disciplinarian, a housekeeper and a night attendant, all women. The Hospital was equipped with installations for hydrotherapy, surgical rooms, occupational rooms, etc.

Unfortunately for the institution, Dr. Davis was called to a higher position in January 1914, although she remained Director of the Bureau of Social Hygiene. It was hard to find a successor possessing the same ability to cope with the trying problems of the institution and at the same time having the same scientific vision of the work which Dr. Davis had. In the years that followed, several changes were made in the superintendents and assistant superintendents, and the morale of the institution went gradually down. The Laboratory of Social Hygiene did efficient work, but there was no real co-operation between the Laboratory and reformatory staffs. The recommendations of the Laboratory were disregarded by the reformatory staff, and the experience of the reformatory was not utilized by the Laboratory. The successive superintendents failed to grasp the opportunity to demonstrate the value of the Laboratory, and although the experiment was extended until August 1918, the interest of the state had not been enlisted and the splendid Laboratory and Hospital had to be closed.

The situation was also much aggravated by the presence, during the years 1912 until 1916, of a great number of workmen who had been brought to the reformatory to construct new cottages which proved to be very disturbing to the discipline of the institution. On top of this all came a public investigation into the reformatory in 1916 as a result of charges made by one of the Prison Commissioners of New York (who did not stand in any official relation to the reformatory), such as unfortunately seem to befall

nearly all new prison experiments in America.¹⁾ Although the investigation proved the most serious charges to be without sufficient foundation, yet, they had been exploited in a sensational fashion by the newspapers, which, of course, had become quickly known to the inmates, thus engendering a rebellious spirit among them and causing some of them, after discharge, to seek publicity with exaggerated stories regarding the reformatory. This was more than the reformatory could bear in its difficult circumstances: it became increasingly hard to obtain and keep good personnel, the spirit of the institution grew worse, and more and more severe punishments were resorted to to enforce discipline. In the summer of 1920 the inevitable happened: a serious riot broke out which brought the leading officers into court on charges of mismanagement. It took some years before Bedford entirely recovered from the blow, before the institution ran smoothly again and the courts and the public at large had completely regained the confidence it had had before in the reformatory.

In the reaction to the events of 1920 some changes were made which were not altogether for the better. In the first place the personnel and the budget of the institution were severely curtailed which led to neglect, it was further stipulated that the superintendent need not be a woman, but must be a physician (so that he may have a better understanding of psychiatric problems in the institution, which were held largely responsible for the last uprising). To please the committing magistrates who, looking upon the reformatory sentence as punishment, and for sentimental reasons, were of the opinion that the women had formerly been kept too long in the reformatory, the rule was adopted that the misdemeanants could be paroled after six months (several magistrates had wished three months), although this was generally considered by penal experts to be too short a time in which

¹⁾ Such investigations, for instance, occurred in Elmira during the regime of Brockway, in the George Junior Republic, and in Sing Sing after Thomas Mott Osborne had established his well-known self-government system. In all these cases the charges were found unjustified. It is unfortunate, however, that in America such charges, instead of being handled in a quiet fashion by responsible administrative authorities only, are always accompanied by a great deal of newspaper publicity of a very sensational and undesirable sort, often with disastrous results. Many a promising penal experiment, many good laws, much honest idealism have been completely wrecked by the publicity given to an investigation of charges which had no foundation at all or referred to defects which could have been easily and quietly remedied. Even if the institutions or persons that have been under fire survive the attack, they may still suffer for years under its after-effects.

to re-educate the women. For felons the minimum time before parole could be considered was fixed at one year.

In 1920 a law was passed (which took effect in 1921) creating a new Division for Mentally Defective Delinquent Women at the reformatory at Bedford, to which feeble-minded women delinquents under thirty years of age of the entire state, might, under certain restrictions, be committed. Later this law was amended so as to comprise all mentally defective women delinquents in the State of New York. The women of this division were housed in a group of cottages which was about one half mile away from the rest of the institution, and kept away from the inmates of the reformatory proper as far as possible. They were kept employed chiefly with the farm work of the reformatory. The combination of the Mentally Defective Division with the reformatory proper under the same management soon gave rise to difficulties, the chief of which was the inequality of treatment of the two groups as regards parole: for the inmates of the reformatory proper were practically all paroled after some months, whereas the mentally defectives were rarely released before the expiration of their maximum term, and could even be kept longer. This led to much discontent among the mentally defectives who, of course, could never understand why they were being treated differently from the others, and very frequent attempts to escape were the natural result.

In 1921 the Public Health Law (section 438) provided for the commitment to Bedford of narcotic drug addicts, both those who had voluntarily applied for treatment and those who had been involuntarily committed, to be treated for their addiction. These commitments, too, were for an undeterminate period, namely until the patient was cured; usually women of this class remained 90 or 100 days in the reformatory. They were housed in separate cottages, but as soon as their condition permitted they participated in the usual activities of the institution. The coming and going of these drug addicts, sometimes difficult patients, who stayed only a short time in the institution, and, generally, the mixing of penal and medical cases, did not, of course, contribute to greater stability of the population; in the last few years, however, the commitments of drug addicts to Bedford have become more and more rare.

In 1923 the state finally took over the former buildings of the Bureau of Social Hygiene, which made it possible to close definitely the old prison building and to accommodate the difficult cases in the former Psychopathic Hospital, although the hospital regime was not restored. In 1926, with the help of the National Committee on Prisons and Prison Labor and of a private donor,

an electrical sewing industry and a candy-making industry were established in the reformatory, which greatly relieved the employment problem. The instalment in 1927 of a wage payment system for the workers in the industries, which had been made possible by a law of 1926, made the situation still brighter. Thanks to these and other reforms ¹⁾, Bedford is now recovering its reputation of a progressive institution.

In the year ending June 30th, 1926 there were 232 new commitments made to the reformatory at Bedford Hills, of which 186 were to the reformatory proper, 25 for drug addiction, and 21 to the Division for Mentally Defective Delinquents. At the end of this year there were 277 women in the institution, 75 of these in the Mentally Defective Division.

The new commitments to the Albion State Training School during the year ending June 30, 1926, numbered 117; the total number of inmates in the institution at the end of that year was 184.

§ 24. *Other Reformatories.*

It took twelve years after the opening of the reformatory at Bedford Hills before the next one was organized, namely the New Jersey State Reformatory for Women at Clinton. From that time on the reformatories for women develop at a rapid rate, whereby the social hygiene movement and the war measures regarding the repression of prostitution and the prevention of venereal diseases stimulate somewhat the activity during the years 1917—1922; not one reformatory for women, however, owes its existence directly to financial aid by the Federal government, although one of them, namely the reformatory in Kansas, received Federal appropriations after it had been established. After 1922 the development of reformatories slows down: apparently the war-time interest in the repression of prostitution lessens; the Federal Government terminates its active propaganda in 1922, and the American Social Hygiene Association and a large part of the public transfer their greatest interest to preventive activities. Moreover, by that time most of the more important and progressive states had a reformatory for women, while the others are for the most part not so far yet that they can establish such an institution. In all, twenty-four women's reformatories have been established in twenty-one states,

¹⁾ It may be noted that since 1921 Bedford has been under two male superintendents successively; in this respect it is quite unique among the American women's reformatories.

besides a Federal reformatory; of these, two are not yet opened, two have been closed (of which one will be reopened), and one has changed its destination, so that at present there are one Federal reformatory and nineteen state reformatories for women in eighteen states in actual operation.

We shall not attempt to describe the history of all these institutions as fully as we did in respect to the reformatories of Massachusetts, Indiana and New York, not only because it would take up too much space and require more information than we possess about all these institutions, but also because most of them are still very young so that their history offers few new points of interest which have not already been met with in the history of the older reformatories which we described above. Some will feel, perhaps, that this lends a false prominence to the four institutions just described, but it is not possible to give all reformatories the same amount of attention.

There are certain general factors and tendencies which are common to all these institutions: All of them have been established as the result of an action of socially-minded women in the community, in reaction to bad conditions existing where women were confined in the same penal institutions with men; they usually have a more vaguely defined population than the reformatories for men, nearly all of them comprising both misdemeanants and felons, and very few placing any age-limits upon admission; almost all of them which were newly built (and not, for reasons of economy housed in a remodeled old institution) are on the cottage-plan; nearly all are equipped with farms; everywhere women were placed at the head of the institution; all make sincere attempts to establish a truly reformatory regime, and they usually belong to the better and more progressive penal institutions; in several states, indeed, they are more advanced than the corresponding institutions for men. This is undoubtedly in no small measure due to the fact that politics have thus far had little influence upon the management of the women's reformatories, partly because of the improved systems of public control and of appointing the personnel which were adopted for these newer institutions, partly, perhaps, because political activity and competition for jobs is not so keen among women as among men. One does not find in the women's reformatories the same abuses, therefore, which exist in many other penal institutions, of inefficient personnel appointed for purely political reasons, and of frequent changes of management. The natural inclination of women for social service and economical reasons also make for a comparatively higher type of women being attracted to reformatory work than is the case with men. It is small



New York State Reformatory for Women,
Bedford Hills.

Courtesy of Dr. Raymond F. C. Kieb,
formerly Commissioner of Correction.

Laboratory of Social Hygiene, Rockefeller Group.



New York State Reformatory for Women,
Bedford Hills.

Courtesy of Dr. Raymond F. C. Kieb,
formerly Commissioner of Correction.

**Frances Bement Cottage (Psychopathic Hospital),
Rockefeller Group.**

wonder, then, that the highest and most scientific standards of prison management are often found in the reformatories for women.

We shall briefly enumerate the different reformatories and some of the most important facts in regard to them. In order to avoid endless repetitions we shall only give the distinguishing features of each institution, and leave out many facts which, however important in themselves, are more or less general to all, or which can better be treated in a separate chapter, such as the form of the sentence.

In Iowa ¹⁾ agitation for a women's reformatory had already begun in the seventies of last century, when Lovina B. Benedict, a minister of the Society of Friends, succeeded in interesting the Women's Christian Temperance Union in an action for better laws regarding prostitution and for a reformatory institution for women delinquents. In 1900 a law was passed establishing the "Iowa Industrial Reformatory for Females", to occupy the building in which at that time was housed the Female Department of the State Penitentiary at Anamosa. To this Reformatory were to be committed such girls under sixteen years of age as the court might deem fit, besides such girls as had proved to be unmanageable in the State Industrial School for Girls. This law, owing to its unpractical provisions and the failure to appropriate funds, was never carried out, and a new action was started by the women of the State, which finally resulted in a law in 1915, establishing a separate institution, to be known as "Iowa Industrial Reformatory for Females", which name was later changed into Women's Reformatory. To this institution are to be committed all women over sixteen years of age, convicted of a felony or a misdemeanor; females between twelve and sixteen convicted of an offense punishable by life imprisonment may also be committed to the reformatory in the discretion of the court, but in practice this is never done. The institution is located two miles east of Rockwell City; it is built on the cottage plan and owns nearly 220 acres of land, which is used for the greater part for farming purposes. Its board gave it the name of "Lanedale", in honor of Mrs. Carrie Chapman Catt whose maiden name was Lane. Besides farm work, the chief industry of the institution is a newly created power sewing industry which manufactures garments for other state institutions. In addition

¹⁾ Some references consulted are: L. A. Beach. The Women's Reformatory, Bulletin of State Institutions of the State of Iowa, Vol. XXV no. 1 (January 1923); and all annual reports from the beginning until June 30, 1928.

to this there is an art class which makes rugs, lamp shades, baskets, embroidery work, etc. which are sold at an annual Christmas bazaar and on other occasions. There are also classes in domestic science and canning, millinery, the common school subjects, typewriting and stenography. The girls engage in healthful outdoor sports and other kinds of recreation; they are even sometimes taken to picture shows in town. The people of Rockwell City apparently take a great interest in the institution, which is shown by many gifts and entertainments provided by them. The number of inmates on June 30, 1928 was 105.

The *New Jersey State Reformatory for Women at Clinton* (usually called Clinton Farms)¹⁾ was established by law in 1910 and opened in 1913. It was the first institution on the pure cottage plan, without any "prison building", although some cottages still have small dormitories in addition to individual rooms. The institution has a farm of 350 acres, worked almost entirely by the inmates. The classes of women committed to this reformatory are those over sixteen years of age convicted of a crime punishable by imprisonment in the State Prison (felons) and those between sixteen and twenty-five years of age convicted of any offense punishable by imprisonment in any county penitentiary or workhouse (misdemeanants). The institution has a good classification system based upon a psychological, psychiatric and social study of each case about which we shall tell more in Chapter XV. The institution is thoroughly modern and a remarkably free spirit prevails; an interesting feature is its self-government system, which had been inspired by a well-known private institution for girls in Pennsylvania, Sleighton Farm, and which had been developed by the first superintendent to an amazing extent. The number of inmates on December 1st, 1928 was 176, but this has probably increased since then, as, beginning in 1930, all women committed to the State Prison are transferred to this institution.

The *Ohio Reformatory for Women at Marysville*²⁾ was established by a law of 1911, and opened in 1916. It is also on the cottage plan,

¹⁾ The information used here is taken chiefly from: *New View of Life at Clinton Farms*, Newark Evening News (reprint); *Clinton Farms, An English Woman's Impressions of an American Experiment in Prison Reform*, in: *The Outlook*, January 19, 1921; the *Handbook of State Institutions and Agencies*, published by the Department of Institutions and Agencies; the annual reports for the years 1915—1921 (later reports do not seem to have been published); the reports of some visitors, and personal notes.

²⁾ The references used are: *The Annual Report of the Department of Public Welfare of the State of Ohio* (for the year ended June 30, 1927); the *Law Bulletin*, published by the Department of Public Welfare (publication no. 25, October, 1923).

but some cottages are so large that they cannot really be considered as such. The institution owns 259 acres, of which 135 acres are under cultivation. The classes of offenders received in the reformatory are women over sixteen years of age, convicted of a felony; until 1929 also misdemeanants were committed to this institution, as a result of which it was badly overcrowded, having on a certain day in 1927 444 inmates, with a total capacity of 226, but this will now probably be overcome. The chief forms of employment consist of the farm work and a sewing industry which has recently been established.

*The State Industrial Home for Women at Muncy, Pennsylvania*¹⁾, was established by an act of 1913 and opened in 1920. It was originally designed for offenders under thirty years of age, but since an amendment to the law made in 1925, all women guilty of an offense punishable by more than one year of imprisonment, regardless their age, are to be committed to the institution, as soon as the institution is prepared to receive them, whereas other offenders may be committed thereto, in the discretion of the court.

The State Industrial Home for Women at Muncy, commonly called "Muncy Farms" or, with the original Indian name, "Monsey Farms", is a beautiful cottage institution, built of natural stone found in the vicinity, and located amidst a very attractive scenery of high hills, wood and pasture. It owns 535 acres of land, 200 of which are under cultivation. The internal equipment of the new buildings is in no way inferior to that of a good boarding school; most of the interior painting and decoration, however, has been done by the inmates. The pride of the institution in the industrial field is its canning industry, established on a modern factory basis; the farm, including a dairy, piggery, hennery, orchard, etc., offers, of course, a good deal of employment to many in the summer. In addition to this there is systematic training in domestic science and school instruction during the winter months, during four hours daily. Much is also made of general cultural education in the way of literature, dramatics and music, and generally the program and

¹⁾ The sources of information used are: Reports of the Board of Trustees and the Superintendent of the State Industrial Home for Women, for the four year period ending May 31, 1924 and the four year period ending May 31, 1928; *Directory of Correctional and Penal Resources of the State of Pennsylvania*, published by the Pennsylvania Committee on Penal Affairs, May 1927; *Penal Affairs* (issued by the Pennsylvania Committee on Penal Affairs), Vol. I, no. 3 (June, 1924), vol. I no. 7 (May, 1925), vol. I, no. 8 (June, 1925), no. 15 (June, 1927).

life of the institution are suggestive of a fine boarding school more than of a penal institution. The number of commitments to the Farm during the first eight years of its existence averaged 57 per annum. The capacity of the institution on May 31st, 1928 was 112. This is not sufficient, however, for the fulfilment of the law of 1925 providing that all women, sentenced to imprisonment of more than one year, should be committed to the reformatory. The institution is gradually being enlarged so that it is hoped that within a few years this law can be carried out to its full extent.

The *Wisconsin Industrial Home for Women at Taycheedah*¹⁾ was established by law in 1913 and opened in 1921. Women between eighteen and thirty years of age who are convicted for the first time of a felony, except murder in the first, second or third degree, and those convicted of a misdemeanor, may be sent to this institution. The average number of inmates in 1928 was 98, although the rated bed capacity was less than 70.

The *Minnesota State Reformatory for Women at Shakopee*²⁾ was established by a law of 1915 and received its first inmates in 1921. It is a modern cottage institution with an excellent farm of some 160 acres. The classes of offenders received in the reformatory are women convicted of a felony or a gross misdemeanor, and women who have been convicted for the third time within five years, of vagrancy, of unlawfully selling, giving or using narcotics, or of unlawful, lewd or lascivious behavior and certain other misdemeanors. The chief industries of the institution are farm work and sewing for other institutions. Besides, very attractive work is done in the way of doing up old furniture, upholstery of cheap materials, making rugs of rags, etc. The inmates also do a great deal in the way of painting and decorating the cottages, making the cement driveways and walks, planting trees and shrubs, etc. There are regular classes in gymnastics, and during the summer most of the evenings and other recreational periods are spent outdoors where the women engage in sports, the cultivation of their small garden patches (which every one who cares for it may have) and occasional picnics in the country. Women's

1) We have no information regarding this institution beyond what is contained in the legal provisions and the brief biennial report for the period ending June 30, 1928.

2) The chief references used are the biennial reports of the reformatory since its beginning; two papers by its superintendent, Florence Monahan, at the Quarterly Conference of the Executive Officers of the State Institutions with the State Board of Control, namely one held on February 7, 1922, entitled "Minnesota Reformatory for Women", and one held on November 18, 1924, entitled "Parole Preparation for Women Offenders", and personal notes.

associations of the state take an active interest in the institution and have rendered much material assistance in the form of gifts of furniture or other commodities, the sale of needlework of the inmates, etc. The institution is a small one, the number of inmates on June 30, 1930 being only 66.

The *Reformatory for Women at Skowhegan, Maine*¹⁾ was established by a law of 1915 and opened in 1916. To it may be committed all women over sixteen years of age convicted of offenses punishable by imprisonment in a state or county penal institution. The first women received were housed in a farm-house located on the property when it was purchased by the state. To this were later added a brick building now containing rooms for 47 women, and two small cottages for 14 women each. The institution has been much overcrowded during the last few years, so that the buildings are used far beyond their capacity. The chief activities of the institution are farm work, canning, cooking and the other household duties, and sewing, both the sewing and mending necessary for the institution, and the making of shirts for use at the State Prison. The women do also a great deal of embroidery and fancy work outside the regular work hours, which they are allowed to sell for their own profit. Daily recreation is provided, part of which is spent out of doors if the weather permits. A Honor Roll and special privileges and parties to reward the women for their efforts to do well in work and behavior, have proved to be quite an incentive to all round good conduct.

The *State Industrial Farm for Women at Lansing, Kansas*,²⁾ has had a very interesting history. The shocking conditions resulting from the serious overcrowding in the State Penitentiary at Lansing led to a movement, fostered by the Kansas Federation of Women's Clubs to remove the female prisoners from the Penitentiary. As a first step, the women prisoners detained in the Penitentiary were moved with a matron to a more than seventy year old farm-house, one mile away, which belonged to the penitentiary; they remained

1) For most of the information which follows we are indebted to its superintendent, Mrs. Mary Libby, who sent us a description of the institution, dated October 2, 1929.

2) The information regarding this institution is chiefly taken from: Mary Macey Dietzler: "Detention Houses and Reformatories as Protective Social Agencies in the Campaign of the United States Government Against Venereal Diseases"; "A Women's Industrial Farm which Replaced a Prison", *Literary Digest*, September 25, 1920; Miriam Van Waters: "Where Girls Go Right", *Survey*, May 27, 1922; the annual reports of the institution published since its beginning, except the fifth; and a letter which the superintendent was kind enough to send regarding the institution.

under the management of the Penitentiary, however, and were administered by the Penitentiary physician and chaplain. The legislature of 1917 provided for the establishment of a State Industrial Farm for Women, to which "every female above the age of eighteen years who shall be convicted of any offense against the criminal laws of this state punishable by imprisonment shall be sentenced", which abolished entirely both the jail and the penitentiary for women offenders. The State Board of Administration in August of that year resolved that the above mentioned farm-house should be designated as the temporary State Industrial Farm for Women for the duration of the war; and on June 30, 1918 the Farm officially severed all ties with the State Penitentiary and became an independent institution. Meanwhile, in February 1918, the State Board of Health had declared that this temporary State Farm for Women should also be the place of detention for women afflicted with venereal diseases, both those committed by the State Courts and by the Federal authorities. No appropriations were made available for the establishment and maintenance of the State Industrial Farm for Women, however, until July 1, 1918. When, therefore, the women committed under the law of 1917 and those committed for treatment for social disease came pouring in, in great numbers, they found nothing but the old farm-house. The management of the Farm had to resort to tents of all sorts and description in which to house the women and girls, and even had to bring up a barn, which had formerly been used for cattle, to house women in it. Many women had to sleep on the floor, cooking was done in the yard in an old iron kettle, the fuel being trees and lumber that had been picked up around the place; water had to be carried in pails from a distance; chapel was held for some time in a former chicken house, and medical treatment was given in the former house of one of the employees of the Penitentiary, while surgical operations were performed at a neighboring hospital. As soon as appropriations became available, two simple frame cottages were built by the men prisoners of the Penitentiary in three weeks time, which were filled to overflowing even before the windows or doors were put in, and it is told that the snow blew in through the cracks in winter and settled on the beds. Gradually some more simple cottages and barracks were added, and out of an appropriation made from Federal funds in 1918 a hospital was finally erected which was opened in 1920. The remarkable thing was that under these crude conditions and with very little personnel to care for a swiftly changing, heterogeneous, for the greater part diseased, population of some two hundred or more girls, coming from nearly all the states of the Union,

the spirit was excellent; there were hardly any attempts to escape, although there were neither locks nor keys on the farm-house nor fences around the institution, and the women participated with great enthusiasm in the busy work and life of the Farm.

In 1921 the site of the Farm was definitely determined and the building of modern brick cottages was started. At present the Farm comprises some buildings in addition to the hospital and has taken on a more civilized aspect. Yet, it still has retained some of its pioneer crudeness: sewing is still taught in a barrack building, and home making in a primitive one-room shanty; the plainest utensils are used for cooking and serving the food, and all the laundering is still done by hand in old-fashioned wash-tubs. The Farm, however, is rather proud of this; in fact, the superintendent considers it a great asset to develop resourcefulness and practical ability in the inmates, who nearly all are, or will be, the heads of a household. It should be remembered that Kansas is a rural state where the homes which the majority of the Farm girls will later have to conduct offer few of the modern conveniences. The girls of the Farm have to learn, therefore, to work with the simplest of utensils and materials, and to use their ingenuity to make the best of it. Training in home making, including diet preparation and home nursing, is made much of at the institution. The farm is not very large — a good fifty acres are under cultivation — but it provides a good amount of work and nearly all the green supplies for the institution, while a poultry farm and hog pen give also good returns. Also basketry and other decorative arts are carried on and stenography is taught; owing to a lack of teachers, however, there is no school instruction given. The population of the Farm still consists of the two classes mentioned above, namely those committed for offenses against the law, who are called "State's charges", and those committed to be cured of venereal diseases, who are known as "internes". The latter class has, however, diminished since the war and post-war conditions came to an end. Both classes of women are carefully kept apart as to housing, bathing and meals, but they mingle in the activities and recreation of the institution, except, of course, when their physical condition makes it undesirable. Among the "internes" are several girls under eighteen years of age, even small children. These very young girls are kept in separate wards. On June 30, 1928 the number of "State charges" and "internes" on the Farm was 149.

Many visitors have commented upon the vigorous, stimulating, pioneering spirit reigning both among the small staff and the inmates of the Farm, which is undoubtedly largely due to the personality of its superintendent. It is striking evidence of how

with the simplest of means an inspiring, upbuilding regime can be founded.

Michigan passed a law in 1917 to establish a State Training School for Women. To it were to be committed women convicted of violation of any penal statute for which they may be sentenced to any correctional institution of the state. The building of the institution was started, but interrupted by the war. In 1928 the Governor appointed a commission to study the situation anew, which reported favorably to the erection of a reformatory for women in connection with, but separate from, the men's prison at Jackson. Because of lack of funds, however, no action was taken on this recommendation. All women prisoners of the state are now concentrated in two institutions maintained by the City of Detroit, one of which, the New House of Correction at Northville, is a very modern and well-equipped institution in no way inferior to a reformatory¹⁾.

*Connecticut*²⁾ began an action for the establishment of a separate institution for women offenders even before Massachusetts and Indiana. For in 1864 already an act instructed a State committee to consider, among other things, the desirability and feasibility of an institution "for the punishment and reform of abandoned women". At that time, however, there was also a strong action for an institution for girls, which did not yet exist in Connecticut, and this project finally crowded out the project of a women's institution. Following the establishment of a State Board of Charities in 1873 of which also women were members, came another movement for the establishment of a women's reformatory; this time it was tied up with an action for a reformatory for men, and after a long struggle with many incidents the men's reformatory was established in 1909, and the women's reformatory project again laid aside. The Connecticut Prison Association and the Connecticut Social Hygiene Association, both organized in 1910, assisted by many women's organizations, then began a vigorous third offensive to obtain a women's reformatory, which — favored by the growing social hygiene movement — finally resulted in the passing of a law in 1917 establishing the "Connecticut State Farm for Women".

¹⁾ We are indebted for this information to Miss Jessie Phelps, State Chairman, Social Hygiene Committee.

²⁾ The sources of information used were: Helen Worthington Rogers, A History of the Movement to Establish a State Reformatory for Women in Connecticut, *Journal of the American Institute of Criminal Law and Criminology*, vol. XIX no. 4, part I, p. 519 (February 1929); the biennial reports of the institution published since its beginning, except for the period ending June 30, 1926; and personal notes.

A tract of land three miles from Niantic and East Lyme, composed of four farms embracing seven hundred and fifty acres and including a beautiful lake, woodland and some hundreds of acres of tillable land, was purchased in April 1918, and — under the pressure of the war — the reformatory was opened in July of that same year, the old farm buildings standing on the property being turned to the use of the inmates and officers. The classes which could be committed to the reformatory were women over sixteen years of age convicted of any felony or misdemeanor and "unmarried girls between the ages of sixteen and twenty-one years who are in manifest danger of falling into habits of vice or who are leading vicious lives"; besides, the reformatory was offered as a place of detention for those who, under the war-regulations relative to the control of venereal diseases, were to be committed for medical treatment. As might have been expected the commitments soon far exceeded the facilities of the Farm, which during its first years were rather primitive: the rooms of the farm-houses and a barn were used as dormitories, no provision being made to partition them into single inmates' rooms; another barn was used as the hospital, whereas for surgical operations, confinements and medical treatment of an involved nature, the inmates were taken to neighboring hospitals; school and sewing classes, chapel services and other assemblies had to be held in the living-rooms of the overcrowded buildings. Although gradually some new buildings were added, the Board of Managers had repeatedly to resort to the measure of closing the institution for further commitments during months at a time. In 1926 the Board was compelled to rent an ordinary house in the vicinity, and to transfer to it most of the mother inmates with their babies, of which, at that time, there were no fewer than sixty-six at the Farm. In 1929 a law established at the reformatory the State Prison for Women and in 1930 the first State prisoners arrived at the Farm. Through the addition of four new buildings, however, the problem of overcrowding had meanwhile been met.

The Farm certainly has charms: the buildings, scattered wide apart, form an attractive whole with the romantic lake, the wood and thicket, the rolling hills and green pasture, which offer the women abundant opportunity for healthy outdoor sports, such as hiking, swimming, fishing, sleighing and skating in winter, picking berries, chopping wood, etc. which, in fact, is often done by them. Noteworthy is the classification system which has been in use at the Farm since 1926. This consists of a thorough-going medical, psychological, psychiatric, social, scholastic and industrial study of each inmate upon admission — checked from time to time, if

necessary, by further investigations — on the basis of which an individual plan of treatment is worked out for her. (We shall say more about this in chapter XV.) Interesting is also a kind of self-government existing in the institution in the form of boards of health, made up of girls from each cottage, which function under the doctor's direction. For the rest, the usual activities of farming, cooking, canning, sewing, rug-making, laundry work and instruction in the common school branches are carried on, while also a Red Cross course in Home Nursing and instruction in hygiene is being given.

The number of inmates at the Farm on June 30, 1928 was 143, but will probably be near to 200 to-day.

The state of *Washington* established in 1919 the *Women's Industrial Home and Clinic* which was opened the following year at Medical Lake. It was designed for women over sixteen years of age guilty of felonies, except murder in the first and second degree, arson in the first degree and robbery, who had not twice before been convicted of felonies, for women guilty of a misdemeanor, and for delinquent or dependent girls, between sixteen and eighteen years of age. In 1921, however, the governor vetoed the maintenance appropriation for this reformatory which was thereupon discontinued.¹⁾

*Arkansas*²⁾ established a *State Farm for Women* in 1919 which was opened in 1920 at Jacksonville. To this institution can be committed, at the discretion of the court, women over eighteen years of age, guilty of a felony, or of prostitution, habitual intoxication, drug using, contributory dependency or conducting a disorderly house. According to a description of the institution given by Miss Dewees in 1922³⁾ the reformatories still had dormitories, but otherwise the educational methods employed were very modern. There was a self-government system which reminds strongly of that existing in Clinton Farm in New Jersey, whereby the "honor girls" were given a great deal of freedom and responsibility. There was also the system of half day school and half day work which we find in some of the best reformatories. The subjects taught were the usual subjects of home-making, sewing, laundering, and simple art work, such as the making of baskets, trays, rag carpets and fancy needle-work. These articles were sold, and the women

¹⁾ We have no other than legal information regarding this institution.

²⁾ The only source of information we had about this institution (beyond the article of Mrs. Rogers) was a paper read by Mary Dewees at the American Prison Congress of 1922 on: The Training of the Delinquent Woman.

³⁾ The institution now has an other superintendent, so that it is not certain whether the description given here still holds true.

were allowed to keep one third of the proceeds of the things they had made for themselves; one third was used for buying material, and one third for things of common good such as a moving picture machine. There was also some agricultural work done by the inmates, and outdoor sports were engaged in for recreation.

In *Nebraska* a *State Reformatory for Women* was established in 1919 and opened at York in 1920.¹⁾ It may receive women of fifteen years and older convicted of petit larceny, vagrancy, habitual drunkenness, of being common prostitutes or frequenting houses of prostitution, or of other misdemeanors, not mentally or physically incapable of being benefited by the discipline of the institution. Also women infected with venereal disease may be committed to this institution for treatment (the only other reformatory in which the same arrangement exists is that of Kansas, described above). It is a small institution consisting of a few buildings two of which are new and two remodeled farm-houses. The institution owns 119 acres of land of which 109 are under cultivation. The number of inmates on June 30, 1927 was 52, the number of employees 11. The chief industries of the institution are farming, stock raising and sewing (not only for the reformatory, but also for other state institutions). One hour each day is devoted to school work, covering the common English subjects and hygiene. The major emphasis seems to be placed upon the medical treatment of the women nearly all of whom are venereally diseased.

The *California Industrial Farm for Women at Sonoma* was established in 1919, and opened in 1922. The classes to be committed to this institution were women over eighteen years of age guilty of prostitution, soliciting and other sexual offenses, and vagrancy due to prostitution or drunkenness. Besides, women believed to be prostitutes, drunkards or criminals, or in danger of becoming such, could be voluntarily committed upon their own request. Unfortunately a change in the political administration of the state abolished the reformatory in 1924. Immediately the action for a women's reformatory was renewed by the women of the state which resulted in the passage of a new law in 1929 providing for the establishment of the "California Institution for Women". To this institution are to be committed those convicted of a misdemeanor under the provisions of two acts relative to "the sale of poisons" and "the sale, purchase, distribution and use of habit forming and other dangerous drugs and substances", and those convicted of a felony

¹⁾ The information given here is chiefly based upon the biennial reports of the institution for the period 1920 to June 30, 1927.

the punishment for which shall be less than death. The institution will probably be opened in 1931 ¹⁾.

Vermont ²⁾ passed a law in 1921 for the establishment of a separate institution for women offenders in the building formerly used for the Vermont State Prison and House of Correction for men and women. The men prisoners were moved to Windsor, and the State Prison was entirely reconstructed for the use of the women. At present the building contains sixty-one single inmate's rooms, two recreation rooms, chapel, dining-room, hospital, laundry, etc. It has no land, except a large garden. The name of the institution has remained the same as it was before, namely Vermont State Prison and House of Correction for Women. As far as we could ascertain the same classes of offenders are also committed to this new institution as formerly to the female department of the old State Prison and House of Correction, namely women over sixteen years of age convicted of any offense. The institution really consists of two distinct divisions, namely the State Prison to which the more serious offenders are committed, and the House of Correction for women of the misdemeanants' class, the matron of the State Prison acting as ex-officio superintendent of the House of Correction. As the State prison population is very small, this institution also accepts Federal prisoners, who are boarded out by the Federal government for a fixed consideration. The number of Federal prisoners committed to this institution during the biennial period of June 30, 1926 to June 30, 1928 was 46, that of the State prisoners 64. How many prisoners were present at the beginning or the end of this period is not stated in the last biennial report of this institution, but, inasmuch as many sentences are for a short period, this probably will not be much above 50, if not fewer than that number (on January 1, 1923 the number present was 25, according to the United States Prison Census). Since the opening of the Federal reformatory for women in 1927, the commitments of Federal prisoners to the Vermont State Prison for Women have ceased.

The chief industry of this institution is formed by the laundry, which also does work for private customers and brings in about one fourth of the institutional income or more than half the appropriation it receives from the state. The inmates receive bonuses for their work. In spite of the apparently very limited

¹⁾ Assembly Bill no. 124 (Chapter 248) approved by the Governor May 9, 1929. We are indebted for this information to Mrs. Ernest Wallace, chairman of the State commission to plan an institution for women offenders.

²⁾ The source of information used is the biennial reports of the institution for the years July 1st, 1924 to June 30, 1928.

facilities of the institution in the way of industrial and scholastic training, particularly the absence of any farm or farm work, it has a good reputation. Much assistance is lent to the institution by private organizations and individuals, especially in the way of assistance to paroled or discharged prisoners.

The reformatory of the little state of *Rhode Island* ¹⁾ has a history much similar to that of the Vermont institution. In 1922 a law was passed providing for the establishment of a reformatory for women, and in 1924 it was provided that the House of Correction at Howard, a building more than half a century old, which was formerly used for both men and women, should be made the Reformatory for Women. The men prisoners were moved to another building, and the men's quarters remodeled for the use of the women. An attractive living-room, chapel, hospital, etc. have been established, but a part of the inmates still sleep in dormitories. The institution has no land except a fairly large garden inside the wall, in which a goodly amount of vegetables are grown by the women and which forms a decided asset — materially and spiritually — for the reformatory. The institution receives all the women over seventeen years of age who had hitherto been committed to the State Prison, the Providence County Jail and the State Workhouse and House of Correction. Also girls from the State School for Girls who do not seem to fit into that institution may be transferred to the reformatory to remain there during their minority. In addition to this, women accused of crime and awaiting trial and witnesses are also detained in this institution. Practically, therefore, it serves all the purposes of detention and punishment for all the women of the state. Just as in Vermont, however, Federal prisoners were also received until 1929, when the Federal reformatory began to receive the Federal prisoners. Formerly a power sewing industry and a laundry were operated by the reformatory, but these were abolished when the Federal commitments ceased. School sessions at which the common school subjects are taught are held three evenings a week. Doing reformatory work with so limited facilities and such a heterogeneous population must be very hard. Yet, one gains the impression that every effort is being made to make the best of it. The number of prisoners on November 30, 1928 was 71, but this has probably dropped since then to some 30 or less.

¹⁾ The information regarding this institution is based mainly upon the annual reports for the two fiscal years ending November 30, 1927, and a pamphlet entitled: House of Correction and State Workhouse to be Known as the State Reformatory for Women, 1869—1924.

The *Federal Industrial Institution for Women*¹⁾ was established by law in 1924 and opened in 1927 at Alderson, West-Virginia. Up to that time Federal prisoners had been boarded out in different state and county institutions wherever the authorities could be induced to take them. This system was fraught with many difficulties: the conditions and cost of maintenance varied widely in the different institutions so that it was not possible to make a uniform arrangement; the per capita cost of the best institutions was also usually higher than the per capita allowance by the Federal government; several of the best state institutions for women were full to capacity and therefore could not receive Federal prisoners, so that these often had to be sent to institutions of poor standards; the terms of commitment, of parole, etc. were frequently very different from those of the states in which the prisoners were confined, thus causing great administrative difficulties, jealousies between the state and Federal prisoners, etc.; and, finally, among the Federal prisoners are a great many offenders against the Federal narcotic drug laws who often are drug addicts themselves and to whom the state and county institutions in which they were placed frequently could not give the treatment they required. On the other hand a central Federal institution has also some disadvantages: many prisoners coming from another part of the United States than where the institution was located would have to travel long distances, perhaps thousands of miles, to reach the institution; the distance would in many cases preclude any contact between the prisoners and her own milieu, such as visits by her relatives, etc.; it would frequently make it very difficult, if not impossible, to get any information regarding her social history; it might often seriously impair the important work of social adjustment of the woman after her parole or release to the free life of her home community; the population representing all states of the Union would be very heterogeneous, and would be used to widely divergent standards of life, which would make the management of the institution and the providing of a training suitable to all difficult. However, the advantages were felt to be much greater as the existing conditions

¹⁾ We received a great deal of information from the present superintendent in 1926, then charged with the organization of the institution. Extensive accounts are also given in the Annual Reports of Federal Penal and Correctional Institutions, published by the United States Department of Justice. We also used an article by Miss Julia K. Jaffray in the *General Federation News* (from the General Federation of Women's Clubs) on: *Reformation Versus Punishment*; an article by Dr. Mary B. Harris in *The Survey* of November 13, 1928, entitled: "I Supposed I Was Stupid", and an article in *The Christian Science Monitor* of November 6, 1928, headed: *Women's Prison Like A College; Gloom Banned*.

had become intolerable. After a vigorous campaign by women's associations, the National Committee on Prisons and Prison Labor, and other organizations, an Act was passed on June 7, 1924, authorizing the selection of a site "for an industrial institution for the confinement of female persons above the age of eighteen years, convicted of an offense against the United States, including women convicted by consular courts, sentenced to imprisonment for more than one year". It was considered desirable that the institution be located in the vicinity of Washington, in the first place because the geographical center of the criminal population of the United States lies a little south-west of Washington; secondly, because a large number of the offenders would come from the District of Columbia, in which Federal law is applied exclusively; and thirdly, because it would then be easily accessible to the United States Department of Justice in Washington, and also to the American and foreign visitors to the Capital. A petition was received from the citizens of Alderson, West-Virginia, that the institution be located there, with an offer to donate a farm of 202 acres. This proposal was accepted, an additional 300 acres was purchased, and in 1926 the first buildings were erected, which received the first inmates in April 1927.

Congress did not stint its funds for this institution, which is undoubtedly the largest and best equipped reformatory that exists. The institution now consists of fourteen cottages for thirty inmates each, a reception building, accommodating fifty, equipped with the most modern facilities for medical examination and treatment, a hospital, an industrial building, a school and assembly building, etc. The total capacity of the institution is 500. A chapel has been donated by the General Federation of Women's Clubs. The scenery of the place is very beautiful with high hills and groves, and the Greenbriar river skirting the reservation for a distance of two miles.

As we have already said, the management of this Federal institution presents special problems: the heterogeneousness of the population, comprising women from the rural South and from the big industrial or commercial cities of the north-east, white and colored, Indian and Mexican, Chinese and Japanese women; the special character of Federal offenses, which are to a very large extent offenses against the Narcotic Drug Act, which brings a large number of drug addicts into the reformatory; the difficulty of contact with the communities from which the women come, with their families and other social relations, etc. The superintendent, Dr. Mary B. Harris, a woman both of broad scientific training and much practical experience, has, however, started upon an ambitious

program of strongly individualized treatment for each inmate and has established a classification system much similar to that which we described above in regard to the Connecticut reformatory. Farming, dairying, power-sewing and mechanical knitting are the chief industries; training in the different homemaking activities is, of course, given; besides there are courses in the common school subjects, stenography, typewriting, and business English and in "general science", the latter to be related as much as possible to the practical work. Dr. Harris has also set up in each cottage a kind of self-government, which works well. Noteworthy in this institution is also the strictly individualized system of treatment of the drug addicts, whereby not only medical, but also social and psychological factors are given full consideration, and whereby it is attempted to safeguard the breaking of the drug habit by outdoor activities, occupational therapy, intensive specialized educational treatment and prolonged after-care.

The number of inmates present in the institution in September 1929 was over 450, so that it is now fairly well running to its full capacity. Nearly two thirds of the women are committed for violating narcotic drug acts.

In 1927 *North Carolina* established the *Farm Colony for Women*,¹⁾ which was opened at *Kinston* early in 1929. The classes that may be committed to this institution are women sixteen years of age and older who are convicted of misdemeanors, including prostitution, habitual drunkenness, drug-using and disorderly conduct. The Board of Directors of the institution may further receive at their discretion any woman or girl, not otherwise provided for, sentenced by a Federal court within the state. The law specifies that the farm should cover not less than 400 acres and include woodland and arable land to the end that, as far as practicable, the food for the inmates may be produced on it. It further provides for the building of two cottages to house thirty women each, a receiving building to house ten women, combined with a hospital with twenty beds, an industrial building, a laundry, a cannery, and farm and dairy equipment. In September 1930 there were 35 inmates in the institution. House- and farmwork forms at present the principal occupations; industrial arts and trades will be established later.

¹⁾ The information which follows is based upon material we received through the courtesy of the North Carolina State Board of Charities and Public Welfare, notably a copy of the law establishing the institution, the biennial report of the Board for the period ending June 30, 1928, and the issues of Public Welfare Progress (published by the North Carolina State Board of Charities and Public Welfare) of November 1926, March—April 1927 and December 1928.



State Industrial Farm for Women, Lansing, Kansas.

The "Main Street" of the Farm.

Courtesy of Mrs. Julia B. Perry, Superintendent.

The frame buildings on the left were built within a few weeks during the stormy period of 1917, 1918, and never finished at the inside; yet they served many years for living purposes.

In *Illinois*, finally, after many years of agitation, a law establishing a State Reformatory for Women was passed in 1927, but it was not until 1929 that an appropriation was made and the building of the institution at *Dwight* was begun. To this reformatory are to be committed all women of eighteen years or over, whose sentences are for six months or longer, while women between sixteen and eighteen years with similar sentences may be committed to it in the discretion of the court. The complete institution will have twelve small cottages, each housing fourteen inmates, a fine industrial building, hospital and reception building, etc. There are 160 acres of land part of which will be used for farming purposes. The first inmates were received in the end of 1930, although the institution was at that time not yet completed.¹⁾

For the sake of convenience a list of all reformatories for women, with the years of establishment and opening, and the names of the present superintendents, will follow here:²⁾

Date of Establishment	Name of Institution	Date of Opening	Name of Superintendent
1869	Indiana Woman's Prison, Indianapolis	1873	Miss Margaret M. Elliot.
1874	(Massachusetts) Reformatory for Women, Framingham (formerly Sherborn)	1877	Mrs. Jessie D. Hodder.
1881	New York House of Refuge for Women, Hudson (since 1904 the New York State Training School for Girls)	1887	
1890	Western House of Refuge for Women, Albion, New York, (since 1923 Albion State Training School)	1893	Mrs. Flora B. Daniels.
1892	New York State Reformatory for Women, Bedford Hills	1901	Dr. Leo J. Palmer.
1900	(Iowa) Women's Reformatory, Rockwell City	1918	Miss Pauline E. Johnston.
1910	(New Jersey) State Reformatory for Women, Clinton (called Clinton Farms)	1913	Miss Edna Mahan.

¹⁾ Information furnished by the Department of Public Welfare, the superintendent of the institution, and through a clipping from the *Chicago Daily News* of October 6, 1930.

²⁾ As far as possible we put the name of the state to which the institution belongs first. Wherever the name of the state does not constitute a part of the official name of the institution, it is placed between brackets.

- 1911 (Ohio) Reformatory for Women, Marysville 1916 Mrs. Louise M. Mittendorf.
- 1913 (Pennsylvania) State Industrial Home for Women, Muncy 1920 Miss Franklin R. Wilson.
- 1913 (Wisconsin) Industrial Home for Women, Taycheedah . . . 1921 Mrs. Anna B. Anderson.
- 1915 (Minnesota) State Reformatory for Women, Shakopee . . . 1916 Miss Florence Monahan.
- 1915 (Maine) State Reformatory for Women, Skowhegan. . . . 1917 Mrs. Mary Woodbury Libby.
- 1917 (Kansas) State Industrial Farm for Women, Lansing . . . 1917 Mrs. Julia B. Perry.
- 1917 Michigan State Training School for Women (never organized).
- 1917 (Connecticut) State Farm for Women, Niantic 1918 Miss Elisabeth Munger.
- 1919 (Washington) Women's Industrial Home and Clinic, Medical Lake (vetoed) 1921
- 1919 (Arkansas) State Farm for Women, Jacksonville 1920 Miss Mary E. Graham.
- 1919 (Nebraska) State Reformatory for Women, York 1920 Dr. Alma J. Chapman.
- 1919 (California) Industrial Farm for Women, Sonoma (discontinued) 1922
- 1921 (Vermont) State Prison and House of Correction for Women, Rutland 1921 Miss Lena C. Ross.
- 1922 (Rhode Island) State Reformatory for Women, Cranston . . . 1923 Miss K. B. Kobelsperger.
- 1924 Federal Industrial Institution for Women, Alderson, West-Virginia 1927 Dr. Mary B. Harris.
- 1927 (North Carolina) Farm Colony for Women, Kinston 1929 Miss Altona F. Gales.
- 1927 (Illinois) State Reformatory for Women 1930 Miss Helen H. Hazard.
- 1929 California Institution for Women (not yet opened).

CHAPTER VI.

THEORETICAL CONCEPTS UNDERLYING THE REFORMATORY SYSTEM ¹⁾.

§ 25. *General Remarks.*

In Holland we are used to the idea that all our penal regulations should form a systematic whole, governed by the same consistent body of legal principles, and based fairly consequently upon the same philosophy of punishment. It is natural, therefore, that we seek the explanation of the theoretical foundations of any one penal institution in the general works on criminal law, and that it has been almost exclusively jurists who have formulated the principles underlying our penal system.

This is not so in the United States: there the penal systems usually do not form a juridically and philosophically consistent, comprehensive whole, and particular penal policies are created by special pieces of legislation, or just develop out of experience, without much regard to other already existing penal methods and principles. Every penal institution may be said to have to a great extent a philosophy of its own, and it is penal executives, not theoretical jurists, who have shaped the theoretical foundations of the different penal institutions.

This is undoubtedly due in part to the fact that the common law system existing in America has not been very conducive to philosophical studies. American states do not really know penal codes like some countries on the European Continent have: systematically

¹⁾ Critical readers will probably have some comment to make upon the division of the subject matter over this and the previous chapter. The fact is that the subject matter of the previous chapter cannot well be separated from that of this one, because the history of the reformatory is largely an expression of the development of its underlying concepts, and it was not possible to treat the subject of the former chapter without already telling a good deal about the principles involved. For practical reasons it seemed advisable, however, to give first a general historical survey of the reformatory movement before going into a deeper analysis of the principles involved. A certain duplication and seeming arbitrariness in the division of the subject matter over the two chapters could not, however, be entirely avoided.

arranged bodies of law, originally built up as comprehensive wholes, according to a more or less consistent philosophical scheme which forever compels the legislator to give serious dogmatical account of every later change or new addition in order to verify whether or not it would be in strict harmony with the principles governing the whole, even though in the course of time compromises with other principles do creep in.¹⁾ The common law, on the contrary, evolving in a rather unsystematic fashion from judicial precedents, did not offer much opportunity for free philosophical thinking; neither was this the case with statutory law, which was for a great part a re-enactment of common law and has almost nowhere been conceived as one systematic whole. New patches of legislation can, therefore, be easily added without regard to the general philosophical foundations of the whole.²⁾

We should also remember that, as we pointed out above, criminal law has not, generally speaking, the interest of the best legal minds. Until recently there have been very few jurists indeed who concerned themselves seriously with theoretical studies of criminal law; the great movements in the penal field of the last century passed by the legal profession without touching it, and it did not call forth that long series of juridical theories of punishment which were the creation and the pride of the best legal minds in Germany or Holland. Under these circumstances *lego-philosophical* theories of punishment could not develop a strong directive influence upon

¹⁾ It is true that American states have codes of criminal law and criminal procedure, but these are usually little more than orderly arranged compilations of legal provisions which have been enacted in the course of time. There is no penal code in the United States of the same systematic consistency and thoroughness of preparation as, for instance, the several German drafts for a new penal code since 1909.

²⁾ It is very striking to one coming from the West European continent and used to the heavy drag of dogmatical considerations which with us accompany every move in penal reform (and often hamper it), to note how comparatively easily even very radical changes can be effected in America. Such an important principle as the indeterminate sentence, for instance, which in Holland has never yet overcome dogmatical opposition, could be introduced in the United States in a rather incidental fashion (namely on the occasion of the organization of Elmira), through the efforts of practical penologists, not jurists. It is true that sometimes *legal* objections have been raised (based upon a supposed conflict with constitutional provisions), but *philosophical* objections (based, for instance, upon a retributive conception of punishment) offered little resistance. Compare with that the conscientiousness with which the Dutch law distinguishes between *punishment* and *measures of security*, and the careful specification in Dutch laws regarding psychopathic and habitual offenders that they must first undergo punishment to the degree of their responsibility before they are subjected to the measures especially designed for them. In America such dogmatical refinement would be considered perfectly superfluous.

the shaping of actual penal policies. Indeed, in so far as jurists have concerned themselves with penal theories, they have very often shown themselves conservatives, opposed to penal progress.

Then, too, under the American form of government, the opinions of private citizens or organizations can find expression in legislative enactments more directly and easily than is the case with us. The American states have no such bodies as the Department of Justice in Holland, which, as a permanent body of legislative and administrative expertise, is to a great extent the real designer of most of our penal laws and other provisions, and warrants that high degree of consistency and continuity that characterizes our penal policies; in America penal legislation and administration is marked by a much greater diversity and versatility.

It is also important to note that the executive authorities in America are given a greater independency and discretionary power than our scrupulously elaborated laws and centralized administrative control usually leave them in the Netherlands. The result is that prison executives in America can use their own initiative and follow their own ideas to a degree that would be inconceivable with us, even, as in the case of the Auburn system (Elam Lynds) and Elmira (Brockway cum sociis), to the extent of developing an essentially new type of prison, representing principles radically different from those followed before. This creates splendid opportunities for able penologists to develop new methods and to experiment with new ideas, which our executives, ever tied down by the stringent provisions of law and the minute regulations of an only too often bureaucratic central authority, would heartily envy; but, on the other hand, under the management of inefficient or corrupt executives, the American system may, and often does, lead to abuses as would not so easily occur in our country. This is one of the reasons why, on the one side, we find in the United States such brilliant samples of progressive penal policies and such a fresh and daring spirit of experimentation, which have made that country the fascinating "penological laboratory" that for more than a century has attracted the attention of visitors from all parts of the world; but, on the other side, a lack of systematic coordination and precision, a philosophical confusion, and an inequality and arbitrariness of standards that would seem well-nigh intolerable to the systematic Dutch mind.

Those who have moulded penal practice and theory in America, then, are mainly the practical penologists. Who are they? We have already mentioned the executives in the penal field, such as prison directors; another very influential category are the prison associations which form a distinct feature of the American penal reform

movement. These private organizations, free from political influences and bureaucratic tendencies, working through paid secretaries who have the opportunity to accumulate experience and expert knowledge in their field, have usually taken a more progressive stand and have been more impetuous to bring about reforms than most public officials would. By inspecting prisons, conducting surveys and other investigations, supporting experiments, planning new methods and policies, framing and lobbying new bills, and, above all, influencing public opinion, legislators and executive authorities, these associations, or rather their secretaries, have played a very important part in American penal history. The influence which, for instance, societies like the Philadelphia Society for Alleviating the Miseries of Prisons, the Prison Association of New York, the Boston Prison Discipline Society, the American Prison Association, the National Probation Association, and the National Committee on Prisons and Prison Labor — to mention only a few of the many which exist or have existed — have had, can hardly be underestimated.

Summarizing, then, we might say that, while on the West European continent it has been jurists trained in criminology, like Van Hamel, Von Liszt, Prins, etc., who have been the great leaders in penal reform and created the foundations of penal philosophy, these have, with few exceptions, played but a small part in America. There it is persons like Brockway and Wines — prison executives and secretaries of penal reform societies — who have led the cause and formulated its philosophy. Though most of them were of scientific standing, yet their primary object was practical: to make a success of their systems, and to carry through certain reforms. Their publications are above all propagandistic, or, to put it in American terminology, educational, and their theories bear the marks of it. It is typical for America that ideas are not so much spread by solid books as by numerous conferences, meetings, luncheons and other gatherings, at which many brief speeches are held to large audiences. (For in the form of society which American democracy presents it is more necessary to reach large audiences). In numerous conference proceedings, articles and pamphlets, not in monumental studies¹⁾, are to be found the carriers of the ideas which finally gain expression in law and practice. That this propagandistic tendency should react upon the formulation of ideas, and

¹⁾ See for instance that impressive monument of German penal science, the "Vergleichende Darstellung des Deutschen und Ausländischen Strafrechts" with its 16 volumes, written in preparation for a revision of the German criminal code! There is nothing in American penal literature comparable to this.

through this again upon their formation, is inevitable, and it cannot be denied that the purely philosophical element has often suffered by the necessity of putting ideas in a concise, pithy, simple way to appeal to large and not philosophically trained audiences.¹⁾

Above all, American penologists are not dogmatical. They are entirely utilitarian in their point of view. Their primary interest is in combating crime and reforming offenders, and they have little patience with "metaphysical" theories of punishment. Perhaps this is also due to the fact that the American people have always been too much occupied by the pressing practical problems involved in the building up of a rapidly developing nation to have much leisure for or patience with purely philosophical contemplations.²⁾ At any rate, it is like an American thinker³⁾ puts it, Europeans are inclined to start out with a doctrine and fit their methods to that; Americans start from the facts and find out the theory for them afterwards. Hence they are immediately ready to abandon the theory if it no longer fits the facts and are always eager to experiment with new ideas and methods, whereas Europeans, at least those from the Continent, are more apt to cling to their doctrines and find it more difficult to leave them for something else.

¹⁾ This should not be taken as any depreciation of American science or culture or whatever one may think it to be. We would not think of contending that America has not made great scientific contributions in many fields — in some fields more than Europe — for we ourselves have profited by it and learned to appreciate it. Nor would we say — what many Europeans are inclined to believe — that Americans have not so much interest in science, for one can almost say that they have more faith in science for the attainment of human happiness than we have — especially in the penal field this is evident. What we want to say is that penal *philosophy* is more poorly developed in America, which, it seems to us, is due, among other reasons, to the "propagandistic" tendency which we have described here. And this, we believe, is one of the concomitants of American democracy (in its broader meaning as cultural orientation). To Americans "education of the public" represents an ideal which they value more than the European "aristocratic" tendency of keeping the treasures of human wisdom and the control of society in the hands of relatively few priests of thought, a factor which European intellectuals frequently fail to understand. Back of all this is a deep-going difference in cultural orientation and appreciation of values, into which we shall not attempt to go more deeply thorough-goingly here.

²⁾ Compare what Dr. J. Huizinga in his book: "Amerika lewend en denkend", writes about the part of the University in American life, which is, more than our University, called to solve imminent practical problems. Dr. Huizinga neatly qualifies the study of the ancient languages in the American Universities as "intellectual heroism"; the study of our systems of penal philosophy, too, would be more or less "intellectual heroism" in the American Universities, in face of the alarming crime situation which confronts the United States.

³⁾ I. L. Kandel. Het doel van het Amerikaansche onderwijs. Paedagogische Studiën, March 1929.

From this it can easily be understood why one finds so little of that bitter contest which has waged in our and other European countries between the different schools of penal philosophy, and the many theories of punishment which have been the objects of it. Metaphysical theories of punishment particularly have, of course, found little appreciation in America: the theories of retribution and of expiation (the only ones of those classified as "absolute theories of punishment" by German and Dutch penal philosophy of which any mention is made in American literature) are universally condemned by penal reformers, although it should be said that often scant justice is done these doctrines, as many authors treat the concepts of retribution or expiation exclusively from the historical or psychological point of view, and not philosophically, contending that they are really rooted in historical traditions, or in instincts or sentiments of anger, revenge, hatred or pugnacity, which should not have a place in a rational scheme of crime control.

Even religious circles which in the Netherlands have so strongly influenced penal policies by their dogmatical insistence upon retributive theories, have never played a similar part in the United States. Religious influences have been very active in American penal reform, and they have usually been among the most progressive. In fact, the majority of the great leaders in American penal reform have been of outspoken religious principles, either ministers or faithful adherents of a religious sect. The sect which has most conspicuously contributed to penal progress was undoubtedly that of the Quakers. The Quakers were never dogmatical: guided by the words of Matthew 25: 36 and 40¹⁾ they have simply sought

¹⁾ Compare the preamble of the Charter of the Philadelphia Society for Alleviating the Miseries of Public Prisons: "I was in prison and ye came unto me . . . and the King shall answer and say unto them, verily I say unto you, inasmuch as ye have done it unto one of the least of my brethren, ye have done it unto me" (Matthew XXV: 36 and 40), after which follows the statement of the purposes of the society: "When we consider that the obligations of benevolence which are founded on the precepts and example of the author of Christianity are not cancelled by the follies or crimes of our fellow creatures; and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments and guilt (the usual attendants of prisons) involve with them, it becomes us to extend our compassion to that part of mankind who are subject to these miseries. By the aids of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the Subscribers have associated themselves under the title of the Philadelphia Society for Alleviating the Miseries of Public Prisons".

to uplift and reform the offender, and for the rest they have taken it for granted that penalties were necessary to maintain social order. They have always placed much value upon the religious conversion of the offender if this could be effected, and in the beginning they undoubtedly believed that the suffering of a severe punishment would be salutary to bring about penitence in the offender, and his resolution to reconcile himself with God, but they did not insist upon punishment as an end in itself — for atonement or expiation of sin. The same motive of preventing by all means everything that would harm the offender in body or soul which in former times had led the Quakers to oppose capital and mutilating penalties, and to substitute penitentiary punishment, to-day moves them to strive for the greatest possible reduction of the severities of imprisonment, the evil effects of which upon the character of the prisoners they have learnt to recognize.¹⁾ Besides the Quakers, theologians and missionaries of other denominations have played a leading part, such as — to mention only a few — Louis Dwight, Dr. E. C. Wines, S. J. Barrows, Mrs. I. Barrows and C. R. Henderson. But their general opinion was that it was not the task of man and of human justice to impose punishment for the expiation of sin, not only because this task was superhuman, as only the Omniscient could know the hearts of man and measure the amount of their guilt, but also because it was not up to man to judge man and to avenge the infractions upon the commandments of the Great Ruler. This must be left to divine justice; human justice could not make any further pretence than to protect social order, and in its reaction to offenders against the social order it should be led by the Christian precept of charity. In short, the text of Rom. XIII: 4 upon which our Calvinists base their attitude in regard to punishment, has no dogmatical authority for these penologists, and if there were any text of the Scriptures to which they would attach dogmatical significance, it would be the word of Paul: "Recompense to no man evil for evil . . . Avenge not yourselves . . . for it is written, Vengeance is mine: I will repay, saith the Lord".²⁾ Although the problem of personal responsibility is not ignored by them, and although as a rule they hold the offender morally responsible, yet it rarely leads them to the extreme dogmatical conclusion that

¹⁾ Probation thus receives the most eager and unqualified support of the Quakers to-day.

²⁾ Compare the writings of Dr. Wines and Barrows passim; Thomas Mott Osborne, *Prisons and Common Sense*, p. 18—20; Eugene Smith in his reports to the International Prison Congress of 1910; the proceedings of the Chaplains' Sections of the American Prison Congress; the works of Quaker penologists like L. N. Robinson, H. E. Barnes, J. Byers.

the offender must be punished as an absolute demand of religion.

From the foregoing it will be easily understood that the theory of social defence has been practically universally adopted, and this usually in its most consequential form. As Dr. Sheldon Glueck puts it,¹⁾ the question of free will has since long been made "short thrift of" in the penal field. The only question is that the state take the appropriate measures in regard to offenders in such a way that they will no more offend against the social order, and it matters little whether in a metaphysical sense they are to be held responsible or not. This question is outside the field of criminal law; it is the conception of social accountability which should form the basis of social measures against the offender. It is notable that American penal law does not know the dogmatical distinction between punishment and measures of security or education²⁾; this makes it easy to make the transition from punishment in the old sense of the word to measures not based upon personal responsibility, as is shown, for instance, in the indeterminate sentence now adopted in most states in some form or other, where, in theory at least, social security is the sole determining factor. It is quite consequential, therefore, that penologists in America without difficulty accepted the opinion that "punishment" should be dropped as a juridical concept (although it may remain in a psychological, moral or metaphysical sense), as all reactions of the state towards the offender should be considered as "measures of social defence" when looked at from the state's view-point, and "treatment" when viewed from the side of the offender.

There is little quarreling, then, in the United States in regard to the philosophical standpoint of social defence; opinions only differ in regard to the means by which this end should be secured, that is in regard to *criminological* questions. Whereas the group of penal reformers insists upon the scientific study of causes of crime and rational methods of treatment and prevention, upon reformation as long as the offender seems reformable, and otherwise his segregation or extinction — they find opposed to them (as is the case everywhere else in the world) the great conservative mass which believes in the age-old methods of intimidation and deter-

¹⁾ S. S. Glueck, *Mental Disorder and the Criminal Law*, 1927.

²⁾ Europeans often find it hard to detach themselves from these notions when judging American penal concepts. Abundant evidence of this can be found in the Proceedings of the International Congresses of 1900 and 1910, at which the question of the indeterminate sentence was discussed, and, to a smaller extent, of the Congress of 1925. Several of the European speakers, such as Ugo Conti, were continually beside the point, i. e. when viewed from the American side, although they were logical enough from the European point of view.

ment as the most effective methods of control of crime. This latter group actually exerts even greater influence than in our country and seems rather strongly represented among judges and public prosecutors, as may be concluded from the greater severity of punishments actually imposed, probably because the lay public has more to say in the administration of justice than is the case with us. But we can hardly credit this group with presenting a well-defined school of penal theory, for its opinions are usually merely the ordinary lay mind's reactions towards an alarming crime situation, according to which the mere application of "good, stiff punishments" is supposed to solve the problem.

In the criminological field the United States have been influenced to some extent by European theories, particularly of the "new" or positive school; but very little have they taken over from Europe in the field of penal philosophy.¹⁾ Generally, however, American penal philosophy can be best compared to our theories of special prevention.

This, however, does not tell the whole story, for there are some other factors which are more or less peculiar to the New World, and which have colored its social ideals and policies.

In the first place we may call attention to the influence of technique upon American civilization, or, to put it differently, the rationalizing tendencies in American civilization which have repeatedly been pointed out by European and American thinkers; the tendency, namely, to view and approach human problems in a purely rational and utilitarian, or, as Americans express it, scientific way (in contrast with an historical or dogmatical approach), just as the engineer handles the technical problems presented to him, or the industrial leader will tackle the problems which the management of his concern offers. Of course, this is not confined to the United States; we see the same tendency in all Western

¹⁾ It is interesting to note which European authors have become known in the United States: The works of Lombroso, Ferri, Garofalo have been widely read though most of these are now considered antiquated; through the similarity of language relatively much English literature has, of course, crossed the Ocean, notably works of Howard, Bentham, Maudsley, Mercier, Havelock Ellis, and of the more recent authors Goring, Sir Ruggles-Brise and Cyril Burt; of the French authors Tarde and Saleilles have become known in America, the entire German school of legal writers have remained practically unknown, except a little of Von Liszt, while some other German penal jurists, such as Liepmann, Mittermaier, Freudenthal, Herr, gained some notoriety by their visits to the United States. Of Dutch literature, Bonger's book "Criminality and Economic Conditions", reached the Union, but the name of Van Hamel, like that of Prins of Belgium, is practically never heard of in America. Finally the Spanish penologist De Quiros saw his main work appear in an American edition. This clearly shows America's predilection for criminological literature as contrasted with penal literature of a philosophical nature.

countries, and it is also true that it represents only one side of American civilization; yet it is a common observation that nowhere is this tendency expressed more strongly than in the United States, where the preponderant influence of big industry, the pioneer necessity of seeking practical, rational, direct solutions for social problems, the comparative dearth of age-old, strong, common traditions, may have contributed much to it. At any rate, the European student of American penal philosophy cannot fail to be impressed by the fact to what an extent in American literature, at conferences, etc. the appeal is to rational considerations, how comparatively little Americans are bothered by historical or dogmatical views, how great their faith is in applied science and scientific technique for the solution of human problems. One needs only to compare an American and an European conference on points involving historical or dogmatical issues, such as the indeterminate sentence or the sterilization of eugenically unfit persons, to realize that.

In the realm of legal philosophy this has found expression in the "social engineering" theory, coined by Dean Roscoe Pound, according to which the state is conceived "functionally as the chiefest of human agencies by which human society achieves its task of social engineering" which is to be understood as the task to eliminate, as far as possible, friction and waste in the realization of individual, public and social interests.¹⁾ In the province of penal philosophy this logically leads to the social defence theory, but then of the "social engineering" variety. It is not colored, for instance, by the historical fear of state absolutism or executive arbitrariness, nor is any metaphysical element present in the concepts of state, law or justice, as is frequently the case with social defense theories of the European continent. Criminal justice is rather considered purely as a matter of engineering: how to eliminate the waste and friction which crime represents.

In the second place we will mention the influence which *immigration* has had upon American views regarding the treatment of offenders. Europeans can hardly form an idea how great the effect is which this stupendous historical process has upon social ideals and policies of the New World. For it thrusts upon the American commonwealth the enormous task of assimilating hundreds of thousands of foreigners to a new environment, the making of a nation out of the most heterogeneous elements, the building of

¹⁾ R. Pound: *Society and the Individual*, Proceedings of the National Conference of Social Work, 1919, p. 103—107. We regret that we cannot do more justice to the theories of Professor Pound, but space forbids. Compare also his: *Criminal Justice and the American City* (vol. VII of *Criminal Justice in Cleveland*).

national ideals, simple and broad enough to appeal to all, whatever their cultural background has been, the awakening in millions of people of a loyal love to a country which was not theirs by birth or tradition. One must have witnessed the difficulties which the very mixed population and the lack of knowledge of the English language and American customs present in many communities,¹⁾ and have observed the strong Americanizing tendencies present in all cultural strivings, in schools, churches, settlements, and all kinds of social and educational agencies, to understand how deeply this influences American spiritual life. We trace this influence in the deliberate cultivation of national ideals,²⁾ the marked patriotic tendencies in American public life and education,³⁾ the fostering and training

¹⁾ In some of the big cities like Chicago nearly one half of the foreign population is foreign born, to which must be added the so-called "second generation", namely the American-born children of foreign parentage, who, as crime and other statistics show, present even more problems than the first generation of immigrants.

²⁾ This is to be noted, for instance, in the hero-worship of great Americans like Washington and Lincoln; and in the systematic teaching of American ideals, like democracy, in schools, on national memorial days, etc. That, for instance, a class of children or a group of prisoners should on such occasions loudly recite that they "believe in the government of the people, by the people, for the people" — as we witnessed it — seems strange to us, but is not at all unusual in America. It is a mistake to suppose — as many Europeans do — that the people of the United States have no national ideals, because they are a conglomerate of individuals from very diverse countries without old, common traditions. No one country, perhaps, could feel more strongly than the United States do, that loyalty to common ideals forms "the cement of which nations are built" and they cultivate a national idealism which is no less pronounced than that of the German or the Englishman to their countries. Only, it is not so much based upon the century-old community of history as upon the ideals and hopes with which those who made America their new home looked towards the New World: the idea of America as "the country of freedom", "the land of opportunity", the "birthplace of democracy", the "home of all nations of the world," which, by the very fact that all nationalities and civilizations have contributed to its cultural development, is called to bring new ideals to the rest of the world of brotherhood, political freedom and international goodwill. It is these ideals which are early impressed upon the new generations of Americans (children and immigrants), and which the older generation cherishes with genuine love and enthusiasm. Compare, for instance, that fine and stirring national hymn "America, ye beautiful".

³⁾ It is most striking for a foreigner to observe, for example, the cultus made in America of the flag, which even surpasses the nationalism of the most nationalistic countries of Europe: the "star spangled banner" is constantly displayed in many public buildings, churches, court rooms, schools, chapels of prisons and other institutions, and other assembly places, and in many educational establishments, such as schools or children's camps, a little ceremony known as "the salute to the flag", is held frequently, sometimes daily. This same tendency may also be observed in the great number of national holidays, and the seriousness with which they are observed.

of the civic spirit,¹⁾ and in the general nature of the objectives of cultural strivings in America, which must be simple and clear enough to appeal to all, but to which, on the other hand, is attributed a universal validity which seems somewhat astonishing in the "land of freedom", but which can be understood in the light of the necessity to establish at least a minimum of common standards and ideals.²⁾

The influence of this upon penal concepts and methods can be noted in different respects. In the first place it contributed much to the concept of "social adjustment" and the development of the "case work" point of view which we shall explain more fully below. In the second place we may note this influence in many details of penal discipline, such as the emphasis placed upon civic education through self-government and classes in civics, etc. We shall say more about this, however, in the respective chapters.

Another very influential factor to which we want to call attention, is the American ideal of *democracy*, which undoubtedly represents one of the most beloved and most powerful social ideals. "Democracy" in this connection does not relate merely to a form of government, but to the general cultural orientation which forms the basis of it: the belief in the infinite value of the human personality and the conviction that upon this depends the fullest possible realization of the ends of society and humanity. Inseparably connected with the idea of democracy is that of *education*: the idea that every one is entitled to a full chance to develop his personality to its best possibilities. Education plays a very great part in American idealism: in fact, if anything strikes the foreigner in America it is this great passion for education and the faith in its possibilities which the American people has,³⁾ and which often reminds the

¹⁾ Note, for instance, the self-government idea and the teaching of civics in schools and other educational establishments.

²⁾ See for further discussion of this point Dr. H. Scherpner in his article on "Formen persönlicher Fürsorge in den Vereinigten Staaten", in "Freie Wohlfahrtspflege" (vol. 1 p. 509-522).

³⁾ Numerous illustrations could be cited of this, because American life is full of it. It is evident, for instance, in the American University system with its extension divisions which is almost entirely directed towards the end of providing as many people as possible with the education (= "ontwikkeling") they crave for (See the interesting description of this in the book of Dr. J. Huizinga "Amerika levend en denkend", 1927). Striking is also the frequent use of the word "education" for concepts to which we would not think of applying the term "opvoeding", which indicates how broad a meaning the term "education" has and how popular it is. On the one side, for instance, the word "education" may be applied where we would speak of "propaganda" (compare: educational campaign), whereas on the other side a well-known thinker

European of the enthusiasm that existed in France and in other countries in the time preceding the French Revolution¹⁾.

In the penal field these concepts have much strengthened the reformatory idea. For out of the faith in education and the idea that the right opportunity of education would lead to right living sprung the feeling that the offender who had failed had not had this right opportunity, which should yet be given him. In other words: society, instead of having a right to punish the offender rather *owes* him a better education, and reformation is, in the light of this, not merely a means of social defence or a matter of favor to the convict but something which he is entitled to have. (We should remember that education has here the broad meaning of providing the opportunity of developing one's personality to its best possibilities: even placing a mentally defective offender in a colony for feeble-minded is "education" in this sense, for that would provide the best development of which such a feeble-minded offender would be capable of). These ideas have not shaped themselves into any definite philosophical concept; yet one meets with these thoughts so frequently in penal literature, especially in regard to women's reformatories, that we could not evade this point. We find it clearly expressed, for instance, in an article by Mrs. Ellen C. Johnson, the Superintendent of the Massachusetts reformatory for women, when she says:

"Those who come under the care of the State as sentenced prisoners come there because they have not yet learned self-discipline; they have not learned the lesson of citizenship; because in some way or degree they are still undeveloped or wrongly developed. It is the first duty of the State to teach them those unlearned lessons of citizenship, to correct the neglected or perverted training which has brought them where they are²⁾."

Of course there are many more factors which have played a part in making American penal concepts different from ours, but it seems wise not to go further on this road lest we should lose ourselves in subtle speculations on American life and idealism, which could only be founded upon more or less subjective impressions.

like Dr. Richard Cabot, the head of the Social Ethics Department of Harvard University, insists that all social work is education. Few Europeans would be willing to concede that all social work is "opvoeding", yet the conclusion is not strange when we take education in the American sense of "developing one's personality to its best possibilities".

¹⁾ As is well known, the ideas of the French "Aufklärung" and Revolution have had much influence upon the American Revolution, and through this they have influenced the American cultural and political idealism.

²⁾ The Reformatory System in the United States. Reports to the International Prison Commission, edited by S. J. Barrows, 1900, p. 129.

§ 26. *Development of the Reformatory Idea.*

To trace the beginnings of the reformatory principle in America one may well go back to the first days of the American republic, when the Quakers set to work to replace the sanguinary penal system of the English government by more humane methods of treating offenders, which would above all give them the opportunity to amend their lives. As we already pointed out, the Quakers did not start out with set doctrines regarding punishment or reformation; they simply followed the Christian precept of charity, while trying to correct the flagrant evils of the prisons of those days and to develop methods for the uplift of the prisoner, so that he might be spared further corruption by his imprisonment, and be brought back, if possible, to a God-fearing and upright life. Their early experiments were followed with much interest by other states. It was a time very favorable for the introduction of progressive penal ideas: the humanitarian movement which swept Europe in the last part of the eighteenth century did not leave the American republic unaffected; the writings of John Howard and Beccaria, of Rousseau, Voltaire and Montesquieu, found their way to the New World and met with the eager response of young states just engaged in making their first free constitutions and laws. The State of Indiana boldly wrote in its constitution of 1816 (it is still part of the constitution to-day):

"It shall be the duty of the General Assembly as soon as circumstances will permit to form a penal code, founded on the principles of reformation and not of vindictive justice . . ."

And the Constitution of New Hampshire declared:

"A multitude of sanguinary punishments is impolitic and unjust, the true design of all punishment being to reform, and not to exterminate, mankind".

During the twenties of the nineteenth century the Auburn system developed in New York and the Philadelphia system in Pennsylvania, which, as we know, would during a quarter of a century bitterly oppose each other, and of which the Auburn system would gain the victory in the United States. We need not dwell upon the pro or con of either system, we are only concerned here with the underlying concepts, particularly the reformatory principle. In regard to this we find the most diversified views: On both sides we find idealistic adherents claiming the reformation of convicts, the Quakers championing the Pennsylvania system on that ground, whereas the Auburn system had the passionate support of Louis

Dwight, a very religious New Englander of great missionary zeal, this in spite of the fact that Elam Lynds, who was commonly reputed to be the originator of the Auburn system, openly confessed that he had little confidence in reforming convicts, that making the prison pay and maintaining strict discipline at all cost was his main concern, and that his system could only be enforced by frequent and cruel whippings for the least infractions of the rules. The views as to what reformation consisted of were also very confused: according to some, reformation was effected when the offender was deterred by a severe punishment from further misdoing, whereas to others reformation meant the moral or religious conversion of the convict. Accordingly the methods used were justified or explained by widely divergent motives: whereas some, for instance, praised the Pennsylvania system because absolute seclusion of the prisoner from outside influences, other than those of the prison chaplain or other religious people interested in the reclamation of convicts, would best bring about reflection and repentance, others would find the chief merit of the system in the fact that no punishment was harder and more deterrent than the absolute isolation of the prisoner, cutting him off from all human contact, even with his nearest kin. Often, too, these divergent views were naïvely mixed in the same defence, and it is hard to understand for us to-day how, for instance, such a cruel and destructive measure of depriving the isolated prisoner in his cell of any opportunity of employment could ardently be defended by some prison reformers, both because it would aggravate the deterrent effect of the punishment and, at the same time, because work would distract the reflections of the prisoner, and so stand in the way of repentance and conversion. On the whole, prison discipline was very severe and repressive in the first half of the nineteenth century, and it was generally considered a sound principle that "the way of the transgressor should be made hard".

More and more, however, a better understanding of the reformatory principle becomes apparent.

In the first place we will mention the establishment of the institutions for juvenile delinquents, of which the first one — the New York House of Refuge — was opened in 1825. These institutions were mostly called houses of reformation or reformatory schools, and foreshadowed in the name and in many other features the later reformatories for adult delinquents.

In the second place several changes in the internal management of the prisons are to be noted towards the close of the first half of the nineteenth century which show a more intelligent understanding of the reformation of prisoners. Above all the need was felt of individualization of the punishment according to the character and

behavior of the prisoner, which, as we have already seen, found expression in the practice of granting pardons or conditional pardons to prisoners who had behaved well in prison and who showed promise of reformation, and in the laws regarding commutation of sentence for good behavior. Yet, these measures did not meet the need which was increasingly felt of a special system of treatment for those who seemed particularly hopeful subjects for reclamation.

About 1840 George Combe, an English phrenologist who had travelled extensively through the United States in 1838 and visited its prisons, advocated a form of sentence for all convicts, which was virtually an indeterminate sentence: offenders were regarded by him as morally diseased persons who, like the physically diseased, should be detained until they were cured and no longer dangerous for society, regardless what their offenses had been. Mrs. Farnham, the matron of the female department of the prison at Sing Sing, a very progressive prison official in her days, introduced his ideas in America through a book published by her in 1846. This conception of the criminal as a morally diseased person, which found much support in the theories of English psychiatrists in the middle of the nineteenth century, has undoubtedly furnished the basis for what would become later the most favored argument for the indeterminate sentence, namely that it is just as foolish to send a criminal to prison for a definite term to be cured of his criminal propensities, as it would be to send a sick person to a hospital specifying ahead that after thirty days or six months he must be discharged, regardless as to whether he were cured of his condition or not.

In the same year 1846 a penologist of Boston, Samuel G. Howe, expressed the principles of the indeterminate sentence and parole in the following words which sound surprisingly modern:¹⁾

"The doctrine of retributive justice is rapidly passing away, and with it will pass away, I hope, every kind of punishment that has not the reformation of the criminal in view. One of the first effects will be, I am sure, the decrease of the length of sentences, and the adoption of some means by which the duration and severity of imprisonment may in all cases be modified by the conduct and character of the prisoner. What we want is the means for training the prisoner's moral sentiment and his power of self-government by actual exercise It will be difficult to contrive any system by which any considerable amount of self-government can be left to prisoners, without running the risk of escape. Nevertheless, I do not think that it is impossible to do so; and I believe that there are many who might be so trained as to be left upon their parole during the last period of their imprisonment with safety and with great advantage to themselves".

¹⁾ These words were written in a personal letter, quoted by F. H. Wines in the "Historical Introduction" in the first volume of the series "Correction and Prevention", edited in 1910, by C. R. Henderson.

Even more interesting perhaps is an article by S. J. May in the report of the Prison Association of New York, for the years 1846—1849, quoted by Philip Klein¹⁾, which could have been written to-day. In this Mr. May says:

You ask me for how long a time he should be sentenced to such confinement? Obviously, it seems to me, until the evil disposition is removed from his heart; until his disqualification to go at large no longer exists; that is, until he is a reformed man. How long this may be, no human sagacity certainly can pre-terminate. I have therefore for many years been of the opinion that no discretion should be conferred on our judges in regard to the length of a convict's confinement; that no term of time should be affixed to any sentence of the court. The offender should be adjudged to undergo the duress and the discipline of the prison-house, not for weeks, months or years, but until that end for which alone he should be put there is accomplished; that is, until reformation has evidently been effected. All attempts by our legislators and ministers of criminal jurisprudence to decide upon the degree of criminality in different offenders must be abortive, because only Omniscience is competent to do this. Even if human wisdom can ascertain the different quantities of evil flowing through society from the commission of different crimes, surely no legislators or judges can be wise enough to determine the comparative wickedness of those who have committed these crimes. The man who has been convicted only of a petty larceny may be found, when subjected to prison discipline, a much more incorrigible offender than another who committed highway robbery, burglary or arson One of the greatest improvements in the administration of our penal code would be to withhold from the judges all discretion as to the *time*, for which convicts shall be confined

The fifties and sixties of the nineteenth century formed a period of transition and restlessness in American penology: With the death of Louis Dwight, the militant champion of the Auburn system, in 1854, the contest between the two rival prison systems died down; many years of experience had brought out the serious defects of both systems and cooled the faith in either of them. There was a groping on all sides for a new system which would make possible a greater degree of individualization in the treatment of offenders, particularly in regard to the adolescent and young adult delinquents. Just at this psychological moment the ideas of the brothers Hill, Maconochie and Crofton became known in America. How these ideas, introduced by Wines, Sanborn and Hubbell, rapidly spread in a succession of publications, and soon blended into what became later known as the reformatory system, we have already told in a former chapter. In the following paragraphs we shall give first an exposition of the theory of punishment, underlying the reformatory system, next of the main principles governing the reformatory system for men and for women.

¹⁾ Philip Klein: Prison Methods in New York State, p. 410.

§ 27. *The Theory of Punishment Underlying the Reformatory System.*

The theory of punishment underlying the reformatory system can be best expressed in the own words of American penologists. Following is an extract of an article written by Z. R. Brockway which expresses clearly the leading thoughts on this subject¹⁾:

The older penitentiary system in America is but the product of the present century (the 19th century). It was established to supersede the sanguinary penalties of earlier times and is itself a protest against them, yet it is based upon the same principle of punishment, is inspired by the same sentiment of retribution for wrong that characterized the methods of punishment which preceded it. Its principle and spirit are quite inseparable from any system under which offenders are sentenced to definite though varying periods of imprisonment for their crimes, for it takes note of wickedness, and by its measuring of penalties is an attempt to mete out to them their due equivalent of pain. . . . According to this School (namely the classical school) the purpose of punishment is to expiate the crime rather than to expurgate the criminal. Their motto is: "Punishment the principle, prevention the incident".

The pursuit of this principle in actual practice is fraught with serious difficulties. To impose upon a criminal a just punishment for the purpose of expiation the sentencing court must foreknow and accurately predetermine what length of time to be spent in prison shall exactly compensate the crime, and the prison governor must be able to measure out neither too much nor too little of the actual pains of imprisonment. Such a sentence is always an expression of human judgement as to the moral responsibility of another, the offender — a judgement not only as to the fact of responsibility, but also the degree of responsibility at the moment of the criminal act. It assumes that the finite mind of the court and the prison governor can know what amount of suffering by the prisoner shall satisfy, for atonement, the infinite God, and at the same time repair the injured State; and can know also the inward feelings of each individual prisoner at the time of sentencing and throughout the whole period of imprisonment. . . . It cannot be denied that there is in the economy of moral government of the Supreme Ruler that which is retributive — the equitable balancing of painful consequences to sinful acts — a beneficent and truly remedial agency; but the function is superhuman. No sanctions of human laws, no court or prison system, no man or association of men ever can properly attempt to administer retribution to criminals for their crimes. It is impossible to justly administer it, and it is also abundantly in evidence that the futile attempts to minister just punishments for crimes, under the laws and practice, constitutes a serious obstruction to the only sure public protection from the criminal, namely, his reformation. . . .

The reformatory prison system belongs to the school of utilitarians and experimentalists. It is ranged under a motto which reverses that of the classical school of penologists, its motto being "Prevention the principle; punishment the incident". It seeks the public protection through the reformation of criminals, and counts it of small moment whether the prisoner undergoing the reformatory process is pleased or displeased thereat. It is held by the advocates of this system that all the ends sought by punishment for crimes, by all the schools, are best attained when protection by reformation constitutes the

¹⁾ The Reformatory System in the United States. Reports prepared for the International Prison Commission, S. J. Barrows editor, 1900, p. 17—27.

whole purpose and method of prison treatment; and that by this means there is incidentally reached the nearest possible realization of justice, the equitable adjustment of pain to sin. The real reformation demanded by this reformatory system is necessarily a rigorous experience for prisoners, so irksome that they would scarcely choose it; yet because the purpose of it is to accomplish a remedial result, it can scarcely be considered, either by the subject of such experiences or by the observer, as an unjust penalty. The just retribution for crime or sin is always the necessary cost, to the criminal or the sinner, of recovery.

The principles of treatment thus adopted are applicable to all grades of criminals, misdemeanants and felons, whether they are estimated, at conviction, as corrigible or incorrigible. It is a self-evident proposition that the criminal shut up for the public protection should remain restrained of liberty until he is so changed of character as to be reasonably safe for release. The prisoners are taken into the custody of the State because they were adjudged to be dangerous if at large. During their imprisonment they are to be transformed into safe citizens of the State. This is reformation in the State sense of the term. What more can the State desire or require than that criminals, when released from prison, shall obtain legitimately the means of their subsistence and satisfactions and in all respects obey the laws? What less should the State demand? Let the comparative value of prison systems be judged by this standard and their method by their result. If such reformations are best wrought out by retributive punishments, that method should be pursued. If by penitence, the product of presenting the religious motive and the influence of personal persuasion, then make the most of moral and religious ministrations; and if such an actual change of life and social relations can be promoted by wise training of prisoners in their behavior, their moods and moral tendencies not only, but also a worldly training in industry, economy, in intelligence and self-regulation, then despise not and neglect not such an agency. . . .

It is not claimed that criminals are insane, nor is it here affirmed or denied that they are morally responsible for their crimes. It is of no more importance to consider the question of the moral accountability of criminals, for the purpose of their reformation, according to the plan here outlined, than it is to study the question of the moral responsibility of the insane for the purpose of their restoration to reason. . . .

The prisoners are seen to be defective fellow-beings, . . . unable or unwilling (it matters not which) to properly provide for themselves within the laws and the moral standards that pervade our civilization. They are not to be killed or painfully punished to satisfy a revengeful public sentiment nor yet coddled for the comfort of the pitiful and to their own hurt. They are imprisoned to be cured or restrained.

Finally we shall give here some paragraphs of the famous Declaration of Principles of 1870:

I. Crime is an intentional violation of duties imposed by law, which inflicts an injury upon others. Criminals are persons convicted of crime by competent courts. Punishment is suffering inflicted on the criminal for the wrongdoing done by him, with a special view to secure his reformation.

(In the original draft of Dr. Wines is added: Crime is thus a sort of moral disease, of which punishment is the remedy. The efficacy of the remedy is a question of social therapeutics, a question of the fitness and measure of the dose).

II. The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime

its great object should be his moral regeneration. Hence the supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering.

III. The progressive classification of prisoners, based on character and worked on some well-adjusted mark system, should be established in all prisons above the common jail.

V. The prisoner's destiny should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his own condition. A regulated self-interest must be brought into play, and made constantly operative.

VIII. Peremptory sentences ought to be replaced by those of indeterminate length. Sentences limited only by satisfactory proof of reformation should be substituted for those measured by mere lapse of time.

IX. Of all reformatory agencies, religion is first in importance, because most potent in its action upon the human heart and life.

X. Education is a vital force in the reformation of fallen men and women. Its tendency is to quicken the intellect, inspire self-respect, excite to higher aims, and afford a healthful substitute for low and vicious amusements. Education is, therefore, a matter of primary importance in prisons, and should be carried to the utmost extent consistent with the other purposes of such institutions.

XII. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended; but how is this possible with his mind in a state of hostility? No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But to this end, the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation.

XIII. The interest of society and the interest of the convicted criminal are really identical, and they should be made practically so. At present there is a combat between crime and laws. Each sets the other at defiance, and, as a rule, there is little kindly feeling, and few friendly acts, on either side. It would be otherwise if criminals, on conviction, instead of being cast off were rather made the objects of a generous parental care; that is, if they were trained to virtue and not merely sentenced to suffering.

XIV. The prisoner's self-respect should be cultivated to the utmost, and every effort made to give back to him his manhood. There is no greater mistake in the whole compass of penal discipline than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is therefore as unchristian in principle as it is unwise in policy.

XVIII. The most valuable parts of the Irish prison system — the more strictly penal state of separate imprisonment, the reformatory stage of progressive classification, and the probationary stage of natural training — are believed to be applicable to one country as another, to the United States as to Ireland.

XIX. Prisons, as well as prisoners, should be classified or graded so that there shall be prisons for the untried, for the incorrigible and for other degrees of depraved character, as well as separate establishments for women and for the younger class.

XX. It is the judgement of the congress that repeated short sentences for minor criminal are worse than useless; that in fact, they rather stimulate

than repress transgression. Reformation is a work of time; and a benevolent regard to the good of the criminal himself, as well to the protection of society, requires, that his sentence be long enough for reformatory processes to take effect.

XXII. More systematic and comprehensive methods should be adopted to save discharged prisoners, by providing them with work and encouraging them to redeem their character and regain their lost position in society. The state has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has the further duty to aid in holding him up. And to this end it is desirable that state societies be formed which shall cooperate with each other in this work.

XXVI. While this congress would not shield the convicted criminal from the just responsibility of his misdeed, it arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests, practiced by the criminal classes. Does society take all the steps which it easily might to change, or, at least, to improve the circumstances in our social state that lead to crime; or, when crime has been committed, to cure the proclivity to it generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to mend in both particulars. Offenses, we are told by a high authority, must come; but a special woe is pronounced against those through whom they come. Let us take heed that that woe fall not upon our head.

We need not cite the writings of other authors as these quotations are typical of the ideas of those who promoted the reformatory movement. As these theories of punishment are inseparably connected with the views relative to the indeterminate sentence and the reformatory system we shall reserve our criticisms until the end of the following paragraph.

§ 28. *The Theory of the Elmira-system*¹⁾.

The theory of social defence being the theory of punishment underlying the reformatory system, what, then, are its main principles?

The central idea is that of the *indeterminate sentence*, which is based upon the fundamental assumption that the defence of the social order is the sole aim of punishment. Any offender, then, who, by his act, has proved himself to be a danger to the social order, should be deprived of liberty as long as he continues to be dangerous. As both the interest of the offender and of society demand that the offender should as soon as possible be returned to society as a useful citizen, every reasonable attempt must be made to reform the imprisoned delinquent. Hence the supreme aim of

¹⁾ We purposely use here the term "Elmira-system" to indicate the system of the reformatories for young male delinquents in the last quarter of the nineteenth century, like that developed by Brockway at Elmira, as distinguished from the women's reformatories of that and later periods, which show significant differences.

prison discipline must be the reformation of the offender. If, then, on the one hand, the indeterminate sentence is necessary for the protection of social order, it is, on the other hand, considered indispensable for the reformation of the convict. For only when the prisoner knows that release will not come of itself on a day fixed in advance — irrespective of what his state of mind has been —, but that it will depend upon his determination to change his evil inclinations, will he co-operate in the efforts for his reformation. Thus his self-interest (his wish for freedom) is brought into play to secure his co-operation in the reformatory process.

The indeterminate sentence and the reformatory system are, therefore, intimately connected with each other in America, in contrast with some European countries where the principle of the indeterminate sentence is most frequently applied to habitual or incorrigible criminals, the chief emphasis being placed upon keeping in security offenders who seem beyond all hope of reclamation. In other words, the indeterminate sentence in America is reformatory, whereas in Europe it is largely (though not exclusively) conceived as *custodial*. Here one recognizes the optimistic faith of Americans in education and the reformability of offenders which is so strong indeed that until to-day it is almost impossible for American penologists to conceive of the indeterminate sentence apart from reformatory purposes¹). Another observation that may be made is that American penal law does not have the distinction between punishments and measures of security; American penologists do know the distinction between penal and custodial measures or treatment, but the latter term is applied only to the treatment of mentally abnormal persons, whereas the indeterminate

¹) Striking evidence of this is, for instance, the reports of the American delegates on the third question of the first section (application of the principle of the indeterminate sentence in the struggle against recidivism) at the International Prison Congress at London in 1925. In the discussion on this question Mr. Cass, one of the American delegates, observed: "The Lord Chancellor has asked whether the indeterminate sentence should be reserved for recidivists and grave offenders or also in the case of recurrence of less serious offenders. It seems that in this question the term "recidivist" is only used for hardened criminals for those to whom in England "preventive detention" is applied. Now we do not know this measure, and so the indeterminate sentence has no relation to it nor has it anything to do with the distinction on which the application of that measure depends. It has a purely reformatory character, and from that character it derives its great importance and usefulness". The concentration upon the reformatory character of the indeterminate sentence results in surprisingly little attention being given in America to the question what should be done with those who, on the ground of their criminal record or after trial in a reformatory, appear to be incorrigible. Many instances could be cited in evidence of this: At the London Congress, for example, when the

sentence is classified for all practical purposes under the penal measures, although theoretically it may also include the custodial provisions. At the most one might make a distinction between punishments (taken in its proper sense) and penalties or penal measures (the general term for reactions of the state towards lawbreakers who are held normal mentally); but this distinction is merely descriptive, not legal.

As in Europe so in the United States, a very great deal has been said and written about the indeterminate sentence. On the whole, however, there are comparatively few arguments that are advanced time and again in these discussions which show less variation of opinions than European literature on this subject presents. It is not difficult, therefore, to cover the whole ground in a brief review.

The standing argument for the indeterminate sentence is that it is just as foolish to commit an offender to prison for so many days or years, and to release him on the day fixed in advance, no matter whether he is reformed or still dangerous, as it is to send a sick or insane person to a hospital and to specify ahead the day he must be discharged whether he be cured or not.

A second argument is that elaborated by Brockway in the article quoted above, namely, that it is humanly impossible to measure accurately the guilt of the offender and to find the just equivalent of pain, so that the administration of justice, if based upon this assumption, is bound to be arbitrary.

Thirdly it is advanced that it is not up to human justice to judge and punish moral guilt, that this is the prerogative of divine justice and that human justice cannot aspire more than to protect social order by taking the necessary measures against those who are to be held *socially accountable* for an infraction of the social order,

two questions on the program relative to measures concerning recidivists were discussed, one of the American rapporteurs and most of the American debaters talked about the reformatory indeterminate sentence exclusively, without even mentioning the term recidivism, whereby they seemed to some European delegates to be outside the province of the question. According to American notions, however, this was not beside the point, as American penologists do not see why the reformatory indeterminate sentence should not be applied to recidivists also, and as they are loath to admit that any offender should be dubbed as incorrigible and treated as such. At the International Prison Congresses of 1900 and 1910, too, both of which discussed the indeterminate sentence, not any attention was paid by any of the American delegates to the custodial type of indeterminate sentence in its application to recidivists, although the reports and discussions of the European delegates were full of it. The American Prison Congresses also have given very little systematic attention to special provisions regarding habitual offenders, in contrast with European congresses, at which the question of "preventive detention" has always occupied a prominent place.

regardless whether they are also *morally* responsible or not. From this follows that the measure for the "penalties" to be imposed should not be the moral guilt of the offender but the exigencies of public welfare and security.

In the fourth place it is often pointed out how the inequality and arbitrariness of sentences which is to be seen in practice under the classical theory of punishment is bound to bring the administration of justice into discredit with the people — an argument, indeed, which carries much weight, particularly in America, where the differences in penal administration in the different states are such as to deprive even the most confirmed partisan of retribution of his last illusion as to the possibility of finding a universally valid and reliable measure for the just compensation of guilt with pain. It is also often stressed how this inequality of sentences especially leads to feelings of injustice and bitterness among prisoners, and to a cynical attitude towards justice which does not tend to make them any better citizens; and it is argued how different it would be if all prisoners received equal chances, if the punishment were made dependent upon their own attitude and efforts. For then they would not have to blame society or the courts but themselves if they had to stay long in prison.

In reply to those who rely upon intimidation as one of the main purposes of punishment the argument is often advanced that the deterring influence of the indeterminate sentence is greater than of the determinate sentence, because of its very indeterminateness and because of the fact that the day of release will never come of itself as under the determinate sentence, but only if the convict makes serious efforts to amend his life. If he does not, he must stay in prison for life. It is also frequently pointed out that, wherever the indeterminate sentence has been applied, the average length of stay in prison is longer than it was under the system of determinate sentences, which statistics seem to corroborate.

That the indeterminate sentence is also a strong spur to the prisoner to amend his life, and in this way aids much in his reformation, is an argument which we have already mentioned before.

One of the most familiar arguments is also that it is far more just and reasonable and much less arbitrary, to determine the moment of release *a posteriori* when, through the long time of observation in prison, the character of the prisoner and his intentions to amend his life, can be much better judged, than to fix that moment *a priori*, in court, when much less is known yet about his real motives and the influence which the prison sentence will have upon him.

Another argument, less familiar in Europe, is that under the

indeterminate sentence the state does not appear to the convict as an avenger, seeking to inflict pain upon the offender, thus arousing in him an attitude of hatred and antagonism, but as a benevolent agency which gives the offender a chance to regain soon his place in free society if he just cares to use it.

Very frequently it is also argued, that the retributive theories are really the expression of feelings of hatred, revenge or fear, which are of lower order morally than the attitude expressed in the indeterminate sentence (combined with a reformatory system), and that the latter are, therefore, more in accord with the Christian precepts on which our civilization is based. It will lower the moral feelings of a people, if these feelings of revenge are publicly exercised, and thus indirectly contribute to disrespect for the law.

These feelings are also considered unreasonable and unintelligent, because they are the expression of blind emotions and instincts and not of rational considerations. For this reason they are much less effective in the suppression of crime than the dispassionate, scientific attitude of seeking in each case the causes of the crime and keeping the offender in confinement to be treated until he is cured, irrespective of how long that would be and what he has done.

So much about the principle of the indeterminate sentence. As regards the different questions relative to the scope and methods of its application, such as the questions to which classes of offenders the indeterminate sentence might be applied, whether it should be a judicial or an executive authority that determines when the offender should be released, what safeguards should be given to the prisoner against possible errors of judgement or prejudices of those who determine the actual length of his stay in prison, etc. — these have received on the whole very little attention in America. This, it seems to us, is largely due to the fact that one must be a lawyer to feel keenly the problems that are involved in these questions regarding individual liberties versus the executive power of the state — and, as we know, lawyers have had little voice in this matter in the United States.

The indeterminate sentence, then, being a basic principle of the reformatory system, invariably connected with it is the concept of *conditional release* or *parole*. As soon as the attitude of the prisoner is such as to warrant a trial in freedom under supervision, he can be released by an executive body, usually a Board of Parole or the Board of Managers of the reformatory, on certain conditions, upon the violation of which he can immediately be returned to prison to serve the remainder of his term. During the time of parole — frequently six to twelve months — not exceeding the maximum of the time which the prisoner would have to serve —

he is supervised and assisted either by private organizations for the reclamation of offenders, or by state parole agents. This concept of parole, again, is so intimately connected with the reformatory system and the American notion of the indeterminate sentence, that one can hardly conceive of the one without the other, in spite of the fact that in the report of the commission of 1869 regarding the establishment of Elmira, which we quoted above, the "ticket-of-leave system" was not recommended, for fear that under American conditions strict supervision of the paroled prisoners would not be possible. Yet, the parole system was embodied in the act establishing the reformatory at Elmira, and has been a steadfast element in all constitutions of new reformatories ever since.

In the third place we may pose the principle that *the sole aim of the reformatory discipline is education*, not punishment. Incidentally, of course, the reformatory sentence might mean hard punishment to the reformatory inmate, and an effective means to deter him and others from further wrong-doing, but these do not constitute the primary ends of the reformatory discipline. This seems so evident after what we have said above, that perhaps we need not go further into it, except that we may stress again what we pointed out before, that the concept of education or reformation has another meaning for the American than for the European penologist; that, to the American penologist, reformation somehow means more than merely a means directed at the negative purpose that the state may have no more trouble with the delinquent; that, according to American concepts of democracy, the offender has more or less a *right* to education and to have a fair chance of developing an honorable and useful existence, which, by his very delinquency, he shows not to have had. It is true that American penologists place the protection of the social order first of all, and that they often seem to disregard the rights and interests of the individual offender to an extent many European penologists would not like to be responsible for, but at the base of this all is the opinion that the welfare of a democratic commonwealth is really identical with the fullest possible personality development of its members, and that all that is done in a *positive* way to enhance personality development, even of its delinquent citizens, and not merely in the *negative* sense of repression of criminal tendencies, serves the best interests of the state ¹⁾.

¹⁾ It was not accidental that the remarks of one of the American delegates at one of the International Prison Congresses gave one of the European delegates occasion to exclaim: "For one thing, the state does not *owe* the offender reformation!" The American delegate did not reply to this exclamation, yet we feel that he probably would not have been so sure of that.

It is this which gives the Americans their zeal in the reformation of offenders and which explains their liberal attitude towards offenders, which is evident in many details of the reformatory discipline. The old rule that the prisoner should receive "the coarsest of food and the plainest of clothing that was compatible with his health" — i. e. the minimum of comfort that was compatible with humanity — has made way for a constructive, forward-looking program of treatment, to build the prisoner up physically and mentally to his best possibilities. And, instead of the feeling that the prisoner must be made to suffer for punishment, that his "vicious will" should be "subdued", that he should be humiliated, has come the conviction that his self-respect should be developed and his self-reliance stimulated as a first requisite for his re-education to an honorable life. In other words, what is done above the "minimum" of care that humanity requires, is not considered as a favor, an exception to the system, but as part and parcel of a constructive program of upbuilding. This point of view, it seems to us, has contributed more than anything else to the development of the reformatory system. For as long as everything done above the minimum is considered merely as an indulgence, a deviation from the system, as long as the governing principle is that the prisoners must be made to suffer, educational work cannot take such a flight as has been the case in the best reformatories ¹⁾. Of course, in practice, these lofty ideas are far from being applied as ideally as they are described here, and in some cases even very little of them is left; yet one cannot help being impressed by seeing how much more freely a broad and effective educational system can be developed wherever the executives are not kept down by ideas of punishment and retribution, but can concentrate themselves upon a constructive program for the reclamation of their charges. We may also observe, that, as we shall see later, these ideas have found much more expression in the women's reformatories than in the reformatories for men; yet, to some extent their influence may be recognized even in the very strict military and paternalistic regime of Brockway, and this is why we mention them here.

¹⁾ One should not forget that social opportunities are on the whole better in the United States than they are in Europe: the saying that every American newsboy has a chance to become a millionaire has not yet lost all foundation; and this is very stimulating to the optimistic belief that even delinquents, if given the right opportunities, may be made successful citizens, to the willingness of penal executives to go far in providing such opportunities, and to the force of the appeal to the prisoners that they, too, may come far in the world if they only care to use the opportunities offered.

A principle invariably connected with the reformatory system was also that of *progressive classification* of the prisoners according to their character and conduct. Usually there are three classes: each prisoner enters in the second class, by good conduct he can be promoted to the first class, whereas bad conduct may reduce him to the third. With each higher class are connected more privileges, and certain distinctions, for instance, better food, another uniform, more liberal opportunities of receiving visits and letters; the higher classes are also allowed more freedom and given more trust, and, above all, parole is only possible from the first class, and often not before the prisoner has been in that class during a specified time of uninterrupted good behavior.

Almost inseparable from this progressive classification system in Brockway's time, though no more so in our days, was the *mark or merit system*, according to which marks were given for good conduct, industry and diligence in learning, whereas bad conduct and lack of diligence caused a loss of marks. Promotion to a higher class depended upon a certain number of marks earned, while also no conditional release could be granted unless the prisoner had a specified number of marks to his credit. At stated intervals the prisoner received an account of the marks he had earned and those he had lost, and the balance to his credit, so that he was regularly reminded how matters stood for him.

Brockway and his followers assumed that this marking-system in combination with the progressive classification did not merely measure the good conduct of the prisoner and his adaptability to prison rules, but his real character and his fitness to live an honorable life in free society as well, because the demands which were made upon the prisoners by the reformatory are so rigorous and intensive, and dealt with such varied sides of the prisoner's personality (promptness, attention, diligence, adaptability, intellectual and industrial efficiency, social feeling, etc.), that it would not be easy to fulfil the demands without serious effort on the part of the prisoner, involving an entire change of his character and inclinations. Experience and the teachings of modern psychology have since largely dissipated this belief, and demonstrated that often those who adapt themselves best to the requirements of the reformatory are the first to fail in free society. Since then the significance of the progressive classification- and marking-system has been largely reduced to that of convenient measures to secure better discipline.

This progressive classification system based on conduct is not the only form of classification in a reformatory. In an admirable report presented to the International Prison Congress at Budapest in 1905 Brockway points out that several classifications are made,

based on the needs of the prisoners. Thus they are classified into several groups according to the physical training they need; again they are classified according to their intellectual status in view of the school instruction they are to receive; then they are grouped in different classes for the industrial training they should have, etc. Of course, the criteria according to which these classifications are made in different institutions vary greatly, but we should at least make mention here of the *plurality of classifications* as one of the fundamental principles of the reformatory system.

We may summarize, then, the complex of principles governing the older Elmira system as follows: Social defence being the sole end of punishment, the principle is posed that all offenders should be kept in a reformatory to be treated until they are cured, i. e. reformed and safe for society. When, as testified by a system of marks and progressive classification, they seem to be reformed, they are tried in the free community on parole, but whenever they misbehave they can be returned to the reformatory to undergo additional reformatory treatment.

What strikes us in these argumentations is their optimistic plausibility and simplicity, the sure faith that the reformatory, the key-tool for the administration of the indeterminate sentence, does reform and provides, by its system of marks and grades, a measure to test the prisoner's ability to live in free society, of sufficient reliability to base upon that the decision whether or not he should have his liberty; the absence of many doubts and questions which often harass European minds, such as, whether or not the indeterminate sentence would be consistent with the concepts of punishment prevailing in law and legal practice, which in some European countries gave rise to the distinction between punishments and measures of security or education; whether it would ever be reconcilable with the popular ideas of justice, which are wont to demand a certain proportionality between the seriousness of the offense and the severeness of the measure imposed, and to rebel both at a very long deprivation of liberty for a frivolous offense, or the quick release of a man who has committed a very serious crime; whether, indeed, the modern state, itself a product of law, has the right to exercise such far-reaching encroachments upon the liberty of its citizens or whether its power of self-defence is not limited by principles to which the state, too, is subjected; whether the reformatory discipline would be effective enough, and the judgement of executives as to the prisoner's fitness to live in freedom, based upon the observation of his behavior in prison, reliable enough to stake upon it the precious good of liberty, etc. It is always argued, of course, that the decision regarding the

moment a prisoner is to be released if made *a posteriori* upon the basis of the knowledge of the prisoner's character gained during the time of his incarceration, is much less arbitrary than if it is made *a priori* when little yet is known about the prisoner's character and the way the reformatory treatment will affect him. But the principal point is not so much this as rather that the radical concept of the indeterminate sentence, as defended by Brockway and his partisans, gives far greater power to dispose of individual liberty to executive authorities than judicial authorities have under the system of determinate sentences, namely to determine — without any minimum or maximum limit and without any of the legal directives which exist for the decisions of the court — how long an individual should be kept in confinement; and this upon the sole criterion of his dangerousness to society, a criterion which — granted that it is at least no less tangible and arbitrary than the criterion of the moral guilt of the offender — still contains enough elements of uncertainty to elicit serious consideration of the question whether such a great power of the state might be based on this, whether it should not be limited by certain restrictions and safeguards of the freedom of the individual ¹).

These radical concepts are to be explained, it seems to us, partly by the fact that in America the indeterminate sentence and the reformatory system were conceived not by lawyers but by executives who naturally had in view the efficiency of the penal system more than individual rights or principles of abstract justice; partly by the reaction which followed a period of exaggerated concern for individual liberty in America, as Dean Pound repeatedly pointed out; for still another part, by the alarming crime situation which emphasized the self-defence of the community at the expense, if need be, of individual rights and liberties; perhaps also by the fact that American penologists have less historical consciousness and, therefore, do not remember so strongly the age-long struggle for individual rights against the arbitrary power of the state executives or the Crown, which makes the French, for instance, such irreconcilable adversaries

¹) We cannot go too deeply into the arguments pro and con the indeterminate sentence about which many volumes have been written and many conferences have been held. To understand the differences between American and European ways of explaining the indeterminate sentence it is particularly instructive to study the Proceedings of the International Prison Congresses. Compare, for example, the excellent reports of Vambéry at the International Prison Congress of 1910, and of Luis-Jiménez de Asua at the Prison Congress of 1925, both warm partisans of the indeterminate sentence, and thoroughly versed both in European and in American theories.



Albion State Training School,
Albion, New York.

Courtesy of Dr. Raymond F. C. Kieb,
formerly Commissioner of Correction.

Chapel.



Connecticut State Farm for Women,
Niantic.

Courtesy of Miss Elisabeth Munger,
Superintendent.

Superintendent's Residence.

(Old farm house. Bride Lake in the background).

of the indeterminate sentence¹⁾; and, finally, by the preference of American penologists (connected with their "propagandistic" tendencies) for broad, simple, rational principles and formulations, leaving the problems to be worked out in practice, where — things often turn out very different in many respects. Thus, as we shall see later, we find nowhere in American practice the indeterminate sentence in its absolute form as propagated, nor the absolute reliance upon the reformatory system as the touch-stone of reformation and the right to live in freedom.

Personally we are in favor of the principle of the indeterminate sentence as understood by American penologists; we agree essentially with the opinions of Van Hamel, Liepmann, Count Gleispach, and many other European advocates of the indeterminate sentence (leaving aside here differences of opinion on minor points); and we feel, too, that many criticisms that have been made by European adversaries have been either unreal or not applicable at all to American conditions. The criticism that may be made of American theories is, however, that the argumentation and elaboration of the principle of the indeterminate sentence is usually too sketchy, and that the principle itself appears, therefore, in a too simplistic and radical form. No account is also taken of the differences between the various classes of offenders, among whom there are very many who have violated the law and who must be punished lest the laws would lose their force, but who do not need to be placed under reformatory treatment or under an indeterminate sentence, such as those who failed to comply with health regulations or compulsory education laws, who killed a person through negligence, etc. In all these cases which are very numerous and by no means always unimportant, a plain, straight punishment, either a fine or imprisonment, is all that is necessary as a sanction of the law. An indeterminate sentence is applicable only to those who are socially maladjusted to such an extent that prolonged re-education or treatment or custodial confinement is necessary; and even then its radical application would only be justified if we knew much more about the causes and treatment of criminality than we do now, if all penal institutions were really hospitals where every inmate received the treatment he needed to be cured of his criminal propensities, and if the paroling authorities were wise doctors who could with a high degree of probability determine when an offender is fit to go out in freedom; but this, one must soberly admit, is far from true. In a great many

¹⁾ It is most interesting to note in the Proceedings of the International Prison Congresses the differences of opinion between the American delegates, above all penologists, but not good jurists, and the French delegates, above all jurists, but not good penologists.

cases the treatment given by penal institutions, and even by reformatories, contributes very little to the cure of the offender; the experiences with the paroling boards, sometimes politically controlled and frequently inexpert, have not always been reassuring, and the consideration of the cases for parole is only too often utterly superficial. As long as things are so, it will be advisable not to trust prison executives and paroling authorities with the administration of an absolutely indeterminate sentence, but to work out carefully in how far and in which cases we are justified to apply the principle of the indeterminate sentence, and in how far and in which form safeguards of individual liberty are necessary. These problems are far from having been solved in the United States, either in theory or in practice.

§ 29. *Early Concepts Governing the Women's Reformatories.*

The provisions in the statutes establishing women's reformatories which describe the purposes of the institution reveal something about the underlying ideas. It is interesting to note that in none of these provisions punishment is mentioned as a purpose. The usual phrases occurring in these statutes are somewhat as follows: "to reform the character (of the inmates), preserve the health, secure fixed habits of industry and morality, to the end that the inmates shall be rendered intelligent, industrious and useful citizens" (Indiana) or "for the purpose of preparing the inmates to lead orderly and virtuous lives and to become self-supporting and useful members of society" (Iowa). This indicates that the ideas as to the general purposes of the women's reformatories are similar to those just described for the Elmira-system.

In other respects, too, the first women's reformatories in Indiana and Massachusetts resembled the Elmira-system. Neither of the women's institutions, it is true, was originally based upon the indeterminate sentence, but since an early date a system of conditional release and parole existed in both; besides, the Massachusetts prison had, as we have already seen, the indenture system, which represented essentially the same idea. From the beginning, too, this prison had the progressive classification system, which was even expressed in the architecture of the building; along with it went a merit system which was essentially the same as in Elmira and which had been established in one of the earliest years of the prison. In Mrs. Johnson's reports we find the same insistence upon individualization of treatment, which she understood in the same sense as Brockway; there was the same feeling that appeal should be made to the prisoners' self-interest by the prospect of progressive classi-

fication and earlier release; there existed the same understanding that intensive physical upbuilding and intellectual training had to go along with moral and religious education. As at Elmira the reformation of the offender was considered the sole purpose of the prison discipline.

Yet, when comparing these early woman's prisons with Elmira, one feels that from the beginning they were widely different, though it is hard to state exactly just what these differences were, as they were rather differences in the attitude towards the prisoners and in the general atmosphere of the institution than in definitely expressed doctrines or principles.

The fact is, that from the beginning women delinquents were much more regarded as erring and misguided human beings needing protection and help than as dangerous criminals against whom the social order should be protected. As we have noted before, the majority of the women delinquents, especially in the Massachusetts prison, had been guilty either of drunkenness or of sex delinquency, both offenses with which, as the common saying goes, "they had harmed no one but themselves". The more serious and violent offenses, which, according to popular notions, form the real crimes, like murder or burglary, are not often committed by women, and even in those cases the public is frequently more inclined to find condoning explanations than if it concerns men. There has always been something pathetic about the disgraced and dishonored woman delinquent in the eyes of the public, whereas male delinquents are usually feared as dangerous criminals who wilfully prey upon society, and who therefore generally inspire defensive feelings of hostility and revenge.

We should also remember that the first women's prisons were born out of indignation at the scandalous conditions existing in the common prisons in those days, and at a time when the women's emancipation had become a conscious and general project; the time, also, in which over England (Josephine Butler) and other civilized countries, swept a movement for the elevation of woman's morality and dignity, and the saving of women from leading lives of shame.

It is important to note that, as is usual in the United States, there have nowhere been very stringent legal or administrative provisions to guide the first administrators of the oldest women's reformatories. In fact, those in charge of the institutions were pretty well free to build up the system as they saw fit. It was natural that they did not turn for suggestions to the much criticized jails and state prisons as a protest against which the women's reformatories had been established, but looked to other institutions most

nearly resembling the women's reformatories, namely the private houses of refuge or asylums for "fallen" women and the institutions for delinquent girls. Fortunately, also, the first superintendents had had no experience in the usual prison service, and, therefore, did not set out with established patterns or traditions regarding penitentiary treatment of women; the only pattern they knew were those learned in private institutions for women and institutions for delinquent girls, of which particularly the latter had in some states reached unusually high standards.

In connection with this it is also significant that the women's reformatories were from the beginning managed by women who — being left so free to follow their own ideas as American prison executives are — naturally developed a very different discipline and atmosphere than that which reigned in men's institutions. Being women they could not help making their prisons homelike, mothering the "girls" (as the inmates of women's reformatories, of whatever age they are, are everywhere called) and giving that personal touch to the whole discipline which so strikingly distinguishes the present-day women's reformatory. Of course, this was easier to accomplish with female inmates than with men: women are on the whole more docile, less aggressive and less prone to violence than men, and they generally show less initiative in openly defying authority or planning organized escapes or assaults. It has never been necessary for a women's institution — as is still deemed indispensable in some men's prisons — to surround the institutional complex with formidable walls and well-guarded watch-towers, and to arm the officers with clubs or revolvers¹⁾. Instead, it was soon found that women offenders could be safely lodged in cottages, without walled enclosures, and mostly even without bars. On the other hand women are more in need of emotional satisfaction and are more sensitive to their outward environment than men are; they are more interested, too, in attending to household details, and more co-operative, therefore, in attempts to give the institution a homelike appearance and atmosphere.

Another fact to be noted is that "reformation" means something different in regard to women than with reference to men, and that, therefore, the *orientation* of the treatment applied by a reformatory for women is very different from that of a reformatory for men. In respect to women it means in the first place instilling certain standards of sexual morality and of sobriety, and secondly fitting

¹⁾ It should be stated, however, that for a large part of the male prison population such precautions have also been found not to be necessary.

them for their duties as homemakers and mothers, as the great majority of them are or will be. All this can only be done under conditions which as nearly approach home life as possible.

Of course these concepts did not find application all at once, nor were they often consciously realized or clearly formulated. In general we might say that we find expressed in the early reformatories — besides some reminiscences of the old time prison and principles borrowed from the Elmira-system — both concepts taken from the asylums for fallen women and ideas suggested by the training schools for delinquent children, and that the "house of refuge" concept was strongest in the beginning and most clearly perceivable in the reformatory prison of the puritan state of Massachusetts, whereas we find more elements of the girls' institutions in the later established New York Houses of Refuge¹⁾. This was also partly due to the fact that the latter institutions were intended for younger women (fifteen or thirty years of age) and were, therefore, more clearly considered as an extension of girl's training schools than the Massachusetts reformatory prison, which, as we have seen, had many older inmates, particularly drunkards. However, there is a very definite tendency away from the "asylum for fallen women"-attitude, according to which the inmates are conceived primarily as sinful and erring women who need repentance and salvation, and in the direction of the "training school"-concept, according to which the inmates are rather considered as neglected and endangered girls who need education and protection. We also see that the prison features, which were still very evident in the early years of the Massachusetts reformatory prison, gradually disappear to make way for a more consequent understanding of the reformatory as a purely reformatory agency aiming not at the punishment and restraint, but at the education and personality development of the inmates. By the time the twentieth century was reached, the "training school"-concept had conquered the others, and to-day it may be said that most reformatories do not differ in any essential respect from modern training schools for delinquent girls.

The concepts described here may be found reflected in many details of the early reformatories:

To begin with the architecture and arrangement of the buildings, we note, for instance, that from the beginning all the older women's reformatories did not lodge their inmates in cells, but in small rooms, with ordinary windows and transparent glass window-panes through which the women had an unobstructed view of the outside, which was quite a novelty in prison architecture of that time and is still unusual in European women's prisons to-day. Further it may be observed that every reformatory had before

the end of the nineteenth century some sort of a common living-room for the inmates, made homelike with rugs, pictures, growing plants and sometimes a piano. All this was considered such a natural matter in these institutions that one finds it only casually mentioned in the descriptions of visitors, whereas the absence of a proper living-room in the earliest cottages of the House of Refuge at Hudson was criticized¹⁾. Yet one only needs to imagine such a living-room in a men's prison or in a European women's prison to realize what a widely different point of view this one detail betrays! It should further be remembered that the New York Houses of Refuge, following the example of some children's institutions, were built on the cottage system, each cottage group of inmates being called a "family". On the other hand, the "prison buildings" of these institutions, in which the newly admitted prisoners were kept, the wall surrounding the reformatories in Massachusetts and Indiana, the block of inside cells in the Massachusetts reformatory used for the lowest division of inmates, still reminded of the old prison-idea.

The "asylum for erring women"-concept we find reflected in the speech made at the opening of the Massachusetts reformatory, which was recorded in the first annual report as follows:

"It was hoped that this would be a new starting-point in their existence for all eternity, a pause in this earthly life, a time for reflection, an opportunity for new principles to be formed, holy resolutions to be made, in the strength that God alone can give...."

And this report says further:

"They (the inmates) were asked to pray constantly, not alone for forgiveness which we all need, but for divine guidance".

The same spirit, too, was clearly symbolized in two large paintings representing "Christ and the erring women" and "Repentance", which, during many years, hung in the chapel of the Massachusetts reformatory; the often recurring expressions of "sinfulness", "repentance" and "salvation" in the annual reports; the frequent religious services and Bible readings, held at least twice daily; the opinion of Mrs. Johnson, the superintendent, that she should not inspect the mittimus of new prisoners too closely, on the ground, that she "may be able to deal with the prisoner unbiased by any previous knowledge of the past", which shows that she attached little importance to a study of the causes of the prisoner's delinquency but relied mainly upon moral suasion. On the other hand Mrs.

¹⁾ Compare the inspection reports of the Prison Association of New York before 1904.

Johnson was very modern in her strong belief in the great value of outdoor work for the prisoners, for, as she expressed it in some of her annual reports¹⁾, many of the prisoners are young women, full of animal life and vigor, and outdoor work would not only be exceedingly beneficial to their physical health but it would also teach them love of nature and reverence towards its Maker, and reconcile them with country life, which was very much better for them to go to after release than the city environment which had corrupted them. Indeed, few, if any, women's prisons in Europe to-day have yet realized this point, which was reached by the Massachusetts reformatory prison in the early eighties of the nineteenth century.

An interesting mixture of the different concepts we find in the New York Houses of Refuge. The name, of course, suggests the private asylums for women or girls; the indeterminate sentence, the parole system, the systems of progressive classification and marking, and the age-limit for the offenders to be committed were features copied from Elmira; the cottage system, the family life within the cottages, the extensive scholastic and vocational training (in the Hudson House of Refuge every inmate attended school during four and a half hours a day), the classes in gymnastics given at the Albion reformatory by a trained physical training director, the more liberal granting of recreation, were all features borrowed from the training schools for girls; and the old prison concept was still preserved in the practice of keeping the newly admitted inmates during some months in a "prison building".

When comparing the women's reformatories as they were at the end of the last century, with the men's reformatories and other prisons at that time, one cannot help being surprised that comparatively so little attention was paid by penologists to the women's reformatory. Intuitively, one might say, the women's reformatory had been developed into an essentially new type of penal institution, but it all seemed so natural and self-evident that no one appeared to have stopped to wonder at it, or to realize that something had been achieved of great penal importance, namely a reformatory institution especially adapted to women. No comment was made in the reports of the Prison Association of New York when the first House of Refuge was organized, and, for the first time in penal history, the cottage system and training school methods were applied to adult delinquents. In the wealth of literature which appeared in that period concerning the reformatory system hardly any systematic attention was given to the women's reformatories,

¹⁾ See among others the reports for the years 1883 and 1887.

which, if mentioned at all, were (as they still are) often loosely classed with the men's reformatories, in spite of their great differences. Yet, one needs only to read the discussions at the International Prison Congress of 1895 regarding prison treatment of women — at which practically the only conclusion reached was that, though the women prisoners like the men should be subjected to absolute solitary confinement (a maximum of ten years was not considered too high for them!), minor exceptions might be made for them by the prison regulations (not by law!) regarding dietary and employment — to understand how remarkable it was that at that same time there existed on the other side of the Ocean penal institutions for women on the cottage plan, providing healthy outdoor life and stimulating employment and instruction which were far beyond the vision of the Paris Congress. Here again we must pay tribute to the practical sense and the refreshing imagination of the American mind which, with little theorizing and with no preconceived doctrines, hit upon a solution that systematic European thinking would still be long in reaching.

§ 30. *Newer Concepts.*

Yet, the women's reformatory was then only in its beginning and the next thirty years were to bring important changes in some fundamental concepts regarding reformation and reformatory methods.

Different factors played a part in this development:

In the first place we mention the influence of the Italian school of criminal anthropology, which in America, as in Europe, aroused a great deal of interest and agitation. In the second place may be mentioned the development, about this same time, of eugenic research in America which, too, attracted much attention. Both had little *direct* influence upon the reformatories, but they helped to focus attention upon the scientific study of the delinquent and the causes of his delinquency.

Meanwhile psychiatry and psychology were more and more gaining influence in the penal field. We shall not attempt to analyse the different "European" and "American" schools which played a part in this movement. Be it sufficient to say that practically all schools of psychology and psychiatry known in Europe found their eager adherents in America, who, in this field, showed that same practical, experimental attitude they expressed in other provinces, and exhibited the same impetuous readiness to try out different new theories at the same time to see what they are worth, not-

withstanding possible conflicts of the underlying principles. It may be noted, that particularly the experiments of Simon and Binet in measuring intelligence created a lively interest in America — perhaps greater than in Europe itself — and gave rise to the wide-spread opinion (now recognized as exaggerated and incorrect) that a large part of criminality was due to feeble-mindedness. It was the well-known large-scale experiment conducted during the war of testing the army draft, which greatly contributed to exploding this theory, as it appeared that the percentage of feeble-mindedness in the average population, as represented by the draft, differed little from that in the criminal population.

But, as already stated, several other currents of psychological and psychiatric thought played an important part, particularly the different psycho-analytic theories. Generally one might say — to make a much used distinction — that at first prevailed the *static* conception in criminal psychology according to which the emphasis was placed upon the question what a criminal *was*, what his hereditary constitution, his intelligence, etc. were, and in which psychological or psychiatric category he should be classified, whereas later more and more ground was gained by the *dynamic* approach, according to which more attention was given to emotional and social factors in the broadest sense of the word, in consequence of which it became less important to know what he *was* than to find out *how he had become so*, to investigate the motives and mental mechanisms which had led him to the crime, in order to know what should be done to correct the factors which had caused his delinquency. Gradually it came to be perceived that there is an unceasing interaction between constitutional, emotional and social factors, so that the study of a delinquent must involve a study not only of his heredity and his physical and mental equipment, but also of his social environment and his experiences. As for the penologists, the "dynamic" approach appealed much more to their active, optimistic temperament and their great faith in education than the "static" theories, and this explains why the former ideas became very popular among them, whereas the fatalistic theories of the Italian school of anthropology and psychiatric theories emphasizing the influence of the inalterable constitutional factors made no strong impression upon them and really never disturbed their enthusiasm for the reformatory movement, although it did lead them to recognize certain categories of delinquents who, by reason of their mental defect, could not be benefited by reformatory treatment.

Nothing probably has contributed more to develop these newer concepts in their application to penology than the work done by

mental clinics¹⁾ for delinquent children, first of all the Juvenile Psychopathic Institute at Chicago, opened in 1909 under the direction of Dr. William Healy. The basic object of these clinics — which usually consist of some variation of the combination: psychiatrist-psychologist-psychiatric social worker²⁾ — is to study the genesis of a child's behavior difficulties from the psychological, psychiatric, social and medical points of view, in order to determine the factors which have led to the problem, and the ways to correct them³⁾. This movement spread with an astonishing rapidity, and did much to awaken a deeper interest in the causes of criminality. For it was in the study of *children* that the genesis of criminality could be laid bare more easily than in adult delinquents. No book perhaps in this period made such a deep impression as Dr. Healy's work "The Individual Delinquent", first published in 1917, in which he gave a comprehensive account of his first five years of work with problem children. To many penologists and other social workers this book was nothing less than a revelation: it brought strongly home to them a realization of the infinite variety of causes leading to criminality, and the endless differentiation of means by which, therefore, cures had to be effected. This must of necessity affect the belief in the reformatory as an educational "tonic", beneficial for all its inmates, as had been more or less the dream of Brockway or Mrs. Johnson. For if — as was the extreme conclusion of works

1) "Clinic" does not mean here the same as the German "Klinik", as it does not give bed-treatment but out-patient or ambulatory service. It can be best translated by the German word "(Erziehungs)beratungsstelle" or the Dutch word "consultatiebureau".

2) "Psychiatrist" has another meaning here than is attributed to it by us; it could be best translated by "psychiater-psycholoog", as he is chiefly interested in modern dynamic psychology. On the other hand "psychologist" has a much narrower meaning than "psycholoog" with us, as it refers to a person whose only work consists in applying mental, educational and vocational tests; we could best call him the psychometric expert. The "psychiatric social worker" is a person, who, in addition to a training in social work, has had some special training in psychiatry and psychology, and who is charged with investigating the social history (anamnese) in each case and carrying out the social part of the plan of treatment.

3) We gave a description of these clinics, of their history and methods, in a booklet, published in 1927 by the "Nederlandsch Genootschap tot Zedelijke Verbetering der Gevangenen", under the title "Consultatiebureaux voor moeilijke kinderen in Amerika"; part of it appeared in three articles in the "Maandblad voor Berechting en Reclasseering van Volwassenen en Kinderen", in the issues of November and December 1926 and January 1927, under the title "Psychiatrische klinieken voor kinderen in Amerika". The most essential characteristic of these clinics is the *co-operation* of different specialists (psychiatrist, psychologist, social workers, and sometimes still others) to make an all-round study of "the whole child in the total situation".

like that of Dr. Healy — no two delinquents are alike nor require the same treatment to be cured, was it then not perfectly arbitrary to apply essentially the same reformatory treatment to all inmates and to expect that somehow they would all be cured by it? Or, to put the matter concretely, was it not absurd to assume that even the majority of reformatory inmates would be corrected by the reformatory discipline alike, no matter whether their delinquency was due to a bad social environment or emotional maladjustment, to economic stress or a minority complex resulting from physical disabilities, to a weak moral resistance under tempting circumstances or a definite mental disorder? Was it not likely that in a great many cases the institutional treatment would simply leave untouched the real causes of the delinquency, which would subsist and often even be strengthened by the effect of the confinement in prison, and exert their influence again as soon as the offender would be released to freedom and have his chances? Obviously the conclusion was that the reformatory discipline alone did not mean much, that the most important thing for the reformatory to do was to study the individual offender and the causes of his crime, and to develop on the basis of that an individual plan of treatment, which would include other factors besides the training provided by the reformatory, such as psychiatric treatment and social adjustments, whereby not only the assets and opportunities the reformatory offered were to be taken into account, but not in the last place the possibilities which were available in free society for the rehabilitation of the offender. In other words, the training and treatment provided by the reformatory would constitute only one item in the plan of adjustment; often the most important part of the work would come after the offender had left the institution!

This is, of course, putting the matter of individualization in an ideal and extreme fashion, but this brings out well the contrast with older concepts. Brockway, Scott and Mrs. Johnson, the pioneers in the reformatory movement, had also stressed individualization, but this individualization chiefly consisted of the consequences which the reformatory attached to the response of the prisoner to the reformatory discipline, namely the granting of merits or demerits, the promotion or degradation to another grade, earlier or later release. The reformatory discipline itself was essentially the same for all, except for some individualization in regard to work, physical treatment and school instruction. At the basis of all was the firm belief that this discipline itself was "character building", a good educational tonic for all, the assumption being that the cause of the delinquency was the same for all, namely lack of education.

In other words, the individualization in the older reformatories was quantitative, not qualitative; each offender was to be kept until he was fit for society; the more anti-social he was, the greater the dose of reformatory treatment that was to be meted out to them. Mrs. Johnson, as we have noted, did not even find it necessary to inspect too closely the antecedents of the newly admitted prisoners. Thus the pith of reformation was laid in the course of training within the reformatory; the parole period afterwards was merely considered as a test of the offender's fitness to live in freedom, not as a part of the treatment plan, nor was there any special psychotherapeutic treatment within the institution (a technique for which, of course, could scarcely be said to exist before 1900).

The one caption under which many of the newer socio-psychological ideas are brought, is the term "Mental Hygiene", which in America has gained an enormous popularity. The term has come to be used in a very broad sense: it now comprises practically all application of psychology or psychiatry to behavior problems in whatever field this may be, not only in the cure or prevention of mental disorders, but also in the treatment of delinquency, industrial inefficiency, educational difficulties, etc. Nor is mental hygiene confined to any one psychological theory or philosophical orientation in particular. The organic centre of the mental hygiene movement is the "National Committee for Mental Hygiene", which was constituted in 1910 and has now become a powerful organization which has done much to stimulate and popularize mental hygiene. It would be hard to overestimate the influence of this movement: there are few publications or conferences dealing with human maladjustments which do not refer expressly or implicitly to mental hygiene concepts, and it has contributed more than anything else in America to bringing modern psychological and psychiatric viewpoints to social workers, including penologists, and to develop that modern conception of individualized treatment which will be described below.

The influence of the new theories expressed itself in different ways:

In the first place it created a desire on the part of the more progressive penologists for *psycho-social research*, first of all, of course, for the practical purpose of expediting the making of individual plans of treatment for the offenders; but also, on the part of the more critical and thoughtful of the profession, for the wider purpose of knowing more about causes of crime in general. With that eagerness to explore new fields, on the one hand, and that optimistic faith in the possibilities of science, on the other hand, which is so typical of the American people, a wealth of investigations, researches, surveys and experiments has been produced since the beginning

of this century, and on all sides research projects and research bodies have sprung into existence. In fact, so much has "research" become the cry of the time, that it almost seems as if no social agency should be entitled to the qualification of progressiveness and efficiency which does not in some way or other pay tribute to research¹). Of course, a great part of these investigations serve purely practical objects, and cannot, therefore, be considered original research; there is undoubtedly also much so-called "research" that is done more for propagandistic than for scientific purposes; but, on the whole, this tendency seems very significant in developing and popularizing the application of science to practical social work, and in furthering wholesome self-criticism and progress. The sure confidence in the reformatory of Brockway's time is passing away; instead there are reformatory superintendents to-day who humbly confess that one of the best justifications of the reformatory lays in using it as a laboratory for criminological research, which should help in developing better methods of correction and prevention of crime. This characterizes the difference between the older and the modern time.

It is interesting to note that women's reformatories were among the first to undertake important steps in this direction. As we have stated before, the reformatory at Bedford Hills engaged a psychologist in 1910 already, and in 1912 it obtained its Laboratory of Social Hygiene. And in 1911 the superintendent of the Massachusetts reformatory for women pleaded for a research department which was established shortly afterwards.

In the second place the influence of the newer criminological theories expressed itself, like everywhere else in the civilized world, in a greater *specialization* of penal methods, which called forth the need of a "classification prison" or "clearing house", where offenders could be sent after conviction, to be studied in order to determine what would be the treatment best suited to their needs. Again it was the two reformatories at Bedford Hills and Sherborn which were among the first to express the idea of establishing such a classification prison in connection with the reformatory²), but they did not see this realized.

¹) It seems fitting to draw a parallel here with industrial enterprises: just as large industrial concerns have their research laboratories, where the problems coming up in the course of the business are studied, the more important social agencies should also have a portion of their time and equipment set apart for research.

²) Annual report of the Massachusetts reformatory for women for the year 1911/12 and annual reports of the reformatory at Bedford Hills for the years 1912 and 1916.

The newer criminological and psychological theories contributed much to a deeper understanding of the problems of treating offenders and a gradual change of methods and concepts within the reformatories. We could not well treat this point without mentioning the influence of *case work concepts*, in which the newer psychological, sociological and philosophical thoughts have gradually become integrated¹⁾. This needs fuller explanation, particularly for Europeans.

"Case work" originally means nothing but social aid to individuals or individual families in distress, the most common form of this being the help to a poor person or family. In connection with this, however, there is developing in the United States a well-defined technique and theory which are attracting more and more the attention of European students in the social field²⁾. Though "case work" relates particularly to the work in regard to individuals in free society, there is no doubt that the case work principles are also influencing methods of institutional treatment more and more and will gradually, we feel sure, overthrow some of the most fundamental concepts of the older reformatory system.

Of central importance in modern case work theory is the conception of constant interaction between the individual and his "social environment". "Social environment" means something different from what is indicated by our term "milieu", for it signifies the total of all external influences which act upon the individual: not merely the physical surroundings and social conditions in which he lives, but everything which, coming from the outside, has affected and is affecting his life (even in the prenatal stage), such as home life, recreation, relationships with friends, school, employment, etc. On the other hand "social environment" only includes those factors of the "milieu" which actually affect the individual and only in so far and in such a way as they affect him.

1) One will consequently recognize in the case work theories some thoughts familiar to certain modern schools of psychology and philosophy. We are, however, at present only concerned with the reflection of these ideas in actual work with delinquents, not in these psychological or philosophical theories themselves. It is for this reason that we prefer to describe the case work concepts rather than the theories which have contributed to their formation.

2) Mary Richmond's "What is social case work", one of the standard books on social case work, has been translated into Dutch by Miss A. M. F. Onnen, under the title "Maatschappelijk Hulpbetoon", which unfortunately does not express what is most characteristic in the work. Of Mary Richmond's "Social Diagnosis" has appeared a German adaptation by A. Salomons (Soziale Diagnose, Berlin 1926). A good statement of the principles of social case work interpreted in the light of American conditions is given by Dr. Hans Scherpner in an article in "Freie Wohlfahrtspflege" (Bd. I. S. 509—522) on "Formen persönlicher Fürsorge in den Vereinigten Staaten".

Thus to every individual the social environment is different, even if such individuals live in the same milieu, as different individuals are sensitive to different elements in the milieu. Given the same prison-milieu, for example, it will appear that one prisoner will be open to the influence of certain fellow-prisoners or officers whereas others are indifferent to these influences but highly responsive to others. In other words, it is not so important to study the milieu in itself as it is to study the milieu in its bearings upon the individual in question. It is possible that a milieu, seemingly bad in itself, has nothing to do with the causation of his misbehavior, and, on the other hand, a milieu seemingly good in itself, may have played an important part in causing the problems. Every individual has a "social environment" of his own partly determined by his constitution: it is clear, for instance, that a feeble-minded person will see and "create" a very different social environment around him than a highly gifted individual, for he will have other friends, other interests, other work, etc. "Individual" and "social environment" are dynamic not static concepts: the social environment and the individual are ever changing, the social environment is continually moulding the individual just as the individual is continually moulding, "creating" his social environment. The individual and his social environment, therefore, cannot be separated from each other in reality: the individual is a "creation" of his environment quite as much as the environment is a "creation" of the individual. Upon this is based the concept of personality which "does not only signify all that is native and individual to a man but all that comes to him by way of education, experience and human intercourse"¹⁾, or, to put it otherwise, "the individual in continuous interaction with his social environment". Social case work, then, as defined by Mary Richmond, is in its broadest generalization the development of personality, and, put more precisely, "consists of those processes which develop personality through adjustments consciously effected, individual by individual, between men and their social environment"²⁾. It should be carefully noted that "adjustment" in this definition does not correspond with the Dutch term "aanpassing" = adaptation (of men to their environment), but signifies influencing both the individual and his social environment in such a way that the "interplay of forces between the individual and his social environment" can take place to better advantage in the development of personality.

These thoughts can only be fully appreciated in the light of those two factors in American life to which we called attention

1) Mary Richmond, What is social case work? p. 92.

2) Ibidem, page 98.

in the first paragraph of this chapter: immigration and democracy. At the basis of this all is the democratic ideal that every man should have an equal right to opportunity, i. e. to the opportunity of developing his personality to its best possibilities¹⁾. At the same time it presupposes a profound recognition of and respect for individual differences between men, and the point of view that the life of every man, however poorly endowed he may be by nature or handicapped by unavoidable and unchangeable environmental factors, has its own goal and meaning, and that every life is of infinite value to humanity and should be realized to its fullest extent (limited, of course, to the extent to which it is compatible with the rights of others). Social case work which aims at the development of personality is essentially nothing but the practical application of this ideal to "disadvantaged" persons²⁾.

The part which immigration played was that it strongly impressed social workers with just those individual differences and sharpened their imagination in understanding and respecting

¹⁾ The relation between case work and democracy has been frequently treated by American authors; see for example Mary Richmond "What Is Social Case Work", Chapters VI and XI, the paper by Gertrude Vaile on "The Contribution of Social Case Work to Democracy", read before the National Conference of Charities and Correction of 1915, or the paper by Kenneth L. M. Pray on "Where in Social Work Can the Concept of Democracy be Applied?", read before the National Conference of Social Work in 1926.

²⁾ "Success in the particular form of endeavor known as social case work demands a high degree of sensitiveness to the unique quality in each human being. An instinctive reverence for personality, more especially for the personality least like his own, must be part of a case worker's endowment. To set up any one pattern of excellence and require conformity to it is not his aim. It is his privilege, rather, to discover and release the unduplicated excellence in each individual — to care profoundly for the infinitely varied pattern of humanity and to strive, with an artist's striving, to develop the depth and richness of its color tones". Mary Richmond, *What is Social Case Work?* p. 158. One can really understand the case work point of view only by reading some cases. Compare, for example, the cases described by Mary Richmond in the volume quoted above, or the cases told with such fine artistry by Lucy Wright in the volume "The Goal of Social Work" (edited by Dr. Richard Cabot, 1927) of the imbecile man and boy in the farm colony at Templeton, and of the deaf-blind woman with her deaf-mute husband. Good specimens are also to be found in the "Case Studies", edited by the Judge Baker Foundation, in "Three Problem Children", "The Problem Child in School" and other publications, edited by the Joint Committee on Methods of Preventing Delinquency", in the periodical "The Family", etc. What strikes us in many of these descriptions is the fine understanding and the profound reverence for the beauty and value of the simple lives and achievements of even the most handicapped human beings and the extent to which every individual "case" is considered as a unique proposition and treated individually — in spite of the high degree of rationalization which we find in American social work for the sake of efficiency.



New York State Reformatory for Women,
Bedford Hills.

Courtesy of Dr. Raymond F. C. Kiehl,
formerly Commissioner of Correction.

Griffin Cottage (Nursery).

them. It is hard for Europeans to imagine what it means to work with the great diversity of national and racial groups which American society presents — to have to go one day, for instance, into the beliefs, traditions, superstitions, ideals, fears and social possibilities of a bewildered Polish peasant girl, to have to adjust the next day the disordered family life of an Italian who married a Mexican woman and who lives now in a crowded tenement of an American city, and to contemplate at another moment what would be the highest realization of life for a feeble-minded Armenian boy coming from a home where no English is spoken and which cannot possibly give him the intelligent guidance he needs to get along well in an American environment. The undogmatic attitude of American social workers, too, of which we made mention before, makes possible a greater flexibility in their attitude towards their clients, and makes it easier for them to interpret and treat these cases in the light of the ideas and ideals of the persons helped.

Another consequence of the "democratic" point of view is that the personality of each individual is also respected in the sense that his independency and initiative are stimulated as much as possible. It is made a point in good social case treatment that, as far as possible, every person should be led to meet his own problems and make his own adjustments, that plans of treatment should not be made for him but with him, and that always his co-operation is sought in whatever steps are undertaken.

What, then, are the influences of these concepts upon the reformatory?

Theoretically this means first of all that the offender is considered as a "maladjusted person" who should yet have his opportunity to develop a more satisfactory relation to life. This does not hold less true in the case of offenders who, for instance, through mental defect, are not considered fit to live in free society, for in such a case custodial detention, if necessary for life, represents the best that their personalities — having regard to the rights of other citizens — are capable of. Reformation becomes in the light of these concepts not something which is incidental to punishment, nor a mere act of mercy or charity, but something that should be granted the offender, both in his interest and in the interest of society. The process of reformation becomes a process of "adjustment", in which the interplay of forces between the individual and his "social environment" is fully recognized. The practical consequences of this are: a thorough case study of the offender upon his entering the penal institution or before, directed above all to find out this interaction of personal and environmental forces; the making of an individual plan of treatment in regard to each

individual prisoner, as much as possible, in co-operation with him; an intimate co-ordination of the different elements of the treatment in regard to the person of the offender (e. g. physical treatment) and to his social environment (e. g. influencing his relatives, parole work).

The importance of these points can perhaps be best brought out by a comparison with the concepts of Brockway and Mrs. Johnson. They, like the modern case worker, pleaded for individualization, but the object of their individualization was the person of the offender, whereas in the newer concepts, it is the *case*: the individual in continuous interaction with his social environment. They saw the prisoners as isolated individuals, apart from their social environment, and concentrated their efforts upon training and educating these individuals: intellectually, industrially, morally, religiously; but they had little idea of the net-work of social relationships which were influencing their lives, invisibly, yet actively and effectively. They conceived of the reformatory process as something *intellectual*, a matter of teaching good habits, ethical precepts and a trade; they failed to realize the powerful influence of *emotional* factors in the offender, his attitudes and mental habits generated in and through his family relationships and childhood experiences, his loyalty to the opinion of the group to which he belonged outside, all his passions, his feelings of hatred, of inferiority, of fear, his ambitions and prejudices, which followed him into prison and would often prove far stronger than all the lessons the reformatory taught him.

It is true that Brockway and Mrs. Johnson did not overlook social factors, that, for instance, Brockway had a talk with each newly admitted prisoner, but this inquiry was rather of a "static" nature, namely to find out what the character of the prisoner *was* (with a view to classification in regard to work, school training, etc.), not how it had become so in the interplay of individual and social forces. It is also true that both Elmira and the women's reformatory at Sherborn had some provision for assistance to the conditionally released prisoners in order to adjust them to life in free society, but there was no systematic co-ordination between this parole work and the work within the reformatory. The reformatory was bent upon "character-building", and character was considered as an isolated thing, apart from environment. In short, though these older penologists did not ignore the influence of social factors, yet they conceived of them as something entirely outside the "prisoner himself": here was the prisoner, there were the social conditions, and all the reformatory had to do was to educate the prisoner, that is, to teach him a trade and a few other things; it was not at all concerned about establishing the proper social relationships

between the offender and his normal environment. According to older concepts the reformatory was supposed to effect the entire reformation, according to the newer more and more emphasis is placed upon parole.

In practice the case work concepts have been realized only to a very limited extent in reformatory work. Possibilities for applying case work treatment are, of course, very much restricted in a penal institution, which moreover contains many elements that are positively destructive from the case work point of view: the abrupt severing of social ties, the humiliation and discouragement which the trial and the commitment to a prison usually entail, the strongly defensive, spiteful and apologetic attitude which it calls forth in the prisoner, the abnormal social life and depressive atmosphere which exists to a certain extent in even the best reformatories, the loss of social status which follows a prison sentence, and many other factors greatly destroy whatever possibilities there might have been of constructive case treatment, and are so contrary to case work principles and methods that it would almost seem ridiculous to associate these principles with reformatory treatment. There are many reformatory inmates, indeed, who, from the case work point of view, should never have been sent to the reformatory, to whom the stay in the reformatory does more harm than good, and for whom constructive treatment really begins with the moment of their release on parole and largely consists in undoing the evil effects of the reformatory sentence. But unfortunately case work is only in its first beginnings and cannot cure all evils; and possibilities for really good, intensive case work for offenders, by trained and efficient workers, are still very scarce indeed. Moreover, there will probably always be a group of delinquents, who will need restraint in an institution. Thus many offenders will continue to be sent to the reformatory, which, in this way, becomes — as some have put it — the catch-basin for the failures of everything: of the home, the school, the church, the community, the protective agency, the probation department — and the reformatory has to put up with them as well as it may.

§ 31. *Conclusion.*

The ideas underlying the reformatory system for women have changed a great deal, since, now sixty years ago, they were first formulated.

Then, as now, social defence was confessed to be the sole purpose of penal action, which was thought to be best secured by the reformation of the offender under an indeterminate sentence. Always,

too, the reformatory has been a protest against the concept of punishment as "malum passionis quod malum actionis", as suffering intended for retribution, not merely incidental to the reformation of the offender. But the purport of the concept of reformation and the attitude toward the woman delinquent in the reformatory have changed a great deal. Beginning with the conception of women offenders as fallen and sinful women to whom the reformatory was a place of penitence and amendment, the reformatory soon came to view women delinquents predominantly as poorly educated girls who should receive extra training to fit them better for life; then, after having passed through a brief period of uneasiness in which the majority of the women delinquents were considered mentally defective and consequently hopeless objects for reformatory treatment, the reformatories are gradually arriving at the stage at which its inmates are considered no longer as a class, but as individual personalities, maladjusted to life, for each one of whom an individual plan of treatment should be made. Reformation, in short, which was at first characterized by the two words "saving" and "discipline", then by "training" and "education", becomes now more and more an agency for "adjustment" and "development of personality", in which a finer understanding is reached of the numerous social relationships which connect the individual with her social environment, but, above all, deeper thought is given to the value and destination of every one's "Schicksal"¹⁾. Of course, the different concepts overlap each other: "training" and "education" had a place in the reformatory from its earliest days, and have remained important functions of the present-day reformatory, and rightly so; what is changing is the emphasis placed upon each one of these concepts.

It is interesting to note the reflection of this development in the names of the reformatories, which bear testimony to the trend away from a stigma-bearing title and to the approximation of the reformatories to the institutions for delinquent girls. The first two women's reformatories had the word "prison" in their names, but one of them eliminated this word later; the next two reformatories, founded by New York State, were named "houses of refuge" which, we remember, was the name given to the first institution for juveniles in that state, and it is an interesting parallel that later the House of Refuge at Albion was rebaptized "State Training School", which

¹⁾ The word "Schicksal" for "case" was used by Käthe Mende in an article on: Die Amerikanische Methode des Social Case Study (Zentralblatt für Jugendrecht und Jugendwohlfahrt, XVII, 3), and we think that this very neatly characterizes what modern case work understands by "case".

is now the generic name for institutions for juveniles. The third reformatory founded in 1900 was called "reformatory", indicating that by this time the institution for women delinquents had outgrown the states of "prison" and "house of refuge" and had come to be seriously considered as a reformatory. In the next few years the name "reformatory" is adopted by several states, and the word "prison", with but one exception (Vermont), no more recurred. Gradually, however, it was felt that the name reformatory, too, was becoming more and more associated in popular opinion with prison, and, therefore, was going to bear the same stigma. And (exactly as had happened in regard to juvenile institutions some twenty years before) we see the tendency to use other names as little suggestive as possible of a penal institution: the words "Home" and "Farm" are more and more used, sometimes with the apposition "industrial" or "State" — a custom which, again, had been suggested by the institutions for juveniles (which are frequently called industrial or State schools), sometimes only with a proper name added to it (Clinton Farms, Lanedale Farm, etc.). One reformatory (of the state of Washington) used the word "clinic" in its name, a reflection of the war campaign against venereal diseases to which it owed its origin. At present only two of the twenty-two reformatories now existing or planned still have the word "prison" in their names (Indiana and Vermont), nine (Massachusetts, Bedford in New York State, Iowa, Ohio, Minnesota, Maine, Nebraska, Rhode Island and Illinois) use "reformatory", the others have some other name.

The same tendency may also be noted in the fact that in Mrs. Johnson's time the reformatory inmates were called "prisoners" or "women", whereas at present they are generally spoken of as "inmates" in official language and as "girls" in practice, no matter of what age they may be, as the term "girls", taken over from the juvenile institutions and connoting the motherly attitude of the modern cottage institution, has a softer sound than "women" or "inmates". This last word also savors too much of "locking away behind high walls" and for this reason, too, becomes less popular.

CHAPTER VII

THE LEGAL FOUNDATIONS OF THE WOMEN'S REFORMATORY SYSTEM

§ 32. Although we shall give the contents of the legal provisions relating to women's reformatories in the special chapters which follow, it may be helpful to consider here the legal framework of the women's reformatory system in general.

In the first place it may be stated that, legally, commitment to a reformatory is to be classified as a common „penalty” or „punishment”. The general provisions relating to „punishment”, like those which occur in the Federal and State Constitutions, are, therefore, applicable also to the reformatories for women. In our definition of the reformatory for women (compare § 3) we did not include „punishment” among the *purposes* of the reformatory, because, as we have tried to explain in the foregoing chapters, this purpose was not intended by those who developed the reformatory system; in fact, the reformatory was rather a sharp reaction to the idea of punishment (in the sense of retribution). However, as to its *legal character* the reformatory commitment must be classified as a penalty or punishment, since the laws nowhere differentiate between reformatory commitments and other penal measures.

In all cases, however, the state reformatories for women have been established by a separate act, apart from the laws governing other penal institutions. Such an act mostly regulates, specifically for the women's reformatory, practically all important points relating to it, such as the commitment thereto, the form and length of the sentence, the terms for conditional or unconditional release, the control and management of the institution, the treatment of the inmates, etc. which often differ widely from the provisions relating to other penal institutions. Only, wherever a centralized system of control or of parole administration exists, one may have to look for provisions on these points outside the law governing the women's reformatory. The great significance of this system of regulating the matters pertaining to the women's reformatory apart from other penal institutions is that better attention can be given to

the specific character and needs of the institution than would be possible under a system like ours according to which the same legal provisions govern both institutions for men and women.

A survey of legal provisions governing women's reformatories reveals a striking conformity of the provisions on this subject in many states. This is to be explained by the fact that nearly all the women's reformatories were established within the span of twenty-five years under very similar conditions in every state, so that several states have found it convenient to copy the provisions of other states that already had women's reformatories, which was the more easy, of course, as these laws were specific laws, detached from the rest of the penal provisions in the same state. This tendency has also been furthered by the fact that the American Social Hygiene Association drew up a standard law which was largely based upon the Connecticut act, which, in turn, had profited by the laws of some other states. Thus we see, for example, that most of the provisions in the states of Arkansas, North Carolina and Washington, are literally the same as those in Connecticut, that Pennsylvania copied some provisions of the law in Maine, etc. For a sample of such a law establishing a women's reformatory we may refer to the Standard Law printed as Appendix I. It will be noted how simple and little detailed such laws are.

So far as we could ascertain, there has been very little jurisprudence with respect to women's reformatories. It seems that such decisions as have been rendered have not related to the statute establishing the women's reformatory as such, but merely to specific provisions of such statute or to points only indirectly affecting the reformatory, as, for example, the question whether or not a commitment made by a certain court or in a specific case was legal. Mrs. Worthington Rogers in her oft quoted article, mentions only one case in which the constitutionality of the statute establishing the reformatory was challenged, namely that decided by the District Court of Appeals of California in re Betty Carey in April 10, 1922 (37 Cal. App. Dec. 818). In this case the main ground adduced by the petitioner against the judgment which had committed her to the reformatory on an indeterminate sentence for the offense of prostitution was that, in violation of the Federal and State Constitutions, the act was discriminatory in that it applied only to women. The court rejected this argument, however, on the ground that, since prostitution could only be committed by women, the provision could not be applied to men. The indeterminate sentence has been attacked many times in the early years of the reformatory in cases involving male offenders, but its constitutionality is since long established jurisprudence.

Alongside these laws there are rules made by executive powers, such as the Boards or Departments under the administration of which the reformatories are, the Boards of Parole, etc. These rules are simple administrative arrangements which may be made or repealed by a simple decision of the executive powers concerned, and which are usually not published.

It may generally be said that the American system is much less stringent and centralized than ours: the law specifies only the most general principles and does not enter into details, frequently leaving even such important matters as the minimum time which an inmate has to serve before she can be considered for parole, to be regulated by simple administrative rules. The administrative rules that are made, are also usually few and much less detailed than executive provisions in our country. Practically a great deal of discretion is left to the board or department governing each institution.

Of course, it should not be forgotten that the annual or biennial appropriation laws practically affect the reformatory and its policies to a very great extent. Although, for example, the law establishing the institution theoretically leaves it to the superintendent and Board of Managers of a reformatory to determine the number and qualifications of the institutional personnel, it actually is the law-maker who, by the grant or refusal of funds, determines how many and what kinds of officers are to be appointed, whether, for instance, a psychiatrist can be employed or not. It is the vision of the community, not the institutional board, which, in the last instance, governs the destiny and policies of the reformatory.

PART III

POPULATION AND CLASSIFICATION

CHAPTER VIII

THE REFORMATORY POPULATION

§ 33. *Introductory Note.*

Before entering upon a description of the different methods of treatment used by the women's reformatories, we might first go more deeply into the question what types of women these institutions have to deal with and what kinds of problems and possibilities these present. For only then can we judge critically in how far the methods used are appropriate, and in how far they might be adaptable to institutions for female offenders in countries other than the United States. Fortunately a great deal of information regarding the characteristics of reformatory inmates already exists, in addition to what the laws tell about the classes of offenders to be committed to such an institution. For in the first place nearly all reformatories publish periodical reports, some of which contain extensive statistics regarding their populations; in the second place some special studies have been made of reformatory inmates, which yield valuable additional information¹⁾. All this gives us a fairly good impression of the kind of women and problems with which the reformatories have to deal.

§ 34. *Size of the Reformatory Populations.*

In the first place it might be asked how large the reformatory populations are. Thereby it should be noted that the populations of most reformatories do not consist only of the offenders committed, but include also their infant children who, in many states, may be kept with them, usually until they are two years old (See Chapter XXVI). In the following table we have listed those reformatories from which we have information regarding the number of their inmates, with the number in the institution on the last day about which we have a report.

¹⁾ Above all we recommend the excellent study made for the Bureau of Social Hygiene by Mabel Ruth Fernald, Mary Holmes Stevens Hayes and Almena Dawley of women offenders in New York State (published by the Bureau of Social Hygiene in 1920 under the title: *A Study of Women Delinquents in New York State*). Indeed, we do not know of any other statistical study of women delinquents of the same thoroughness and comprehensiveness, even though it has its great limitations on account of the statistical method used, so that one sorely misses information on such points as, for example, the emotional life of the women, or psychiatric aspects.

TABLE 3.

Size of the populations of reformatories for women.

Reformatory	Date of Census	Number of Inmates	Number of Infants
Federal	Sept. '29	Over 450 ¹⁾	Unknown
Ohio ²⁾	3. 14. '28	475 ³⁾	"
New York (Bedford) ²⁾	4. 24. '28	317	32
Massachusetts	9. 30. '29	294	38
New York (Albion)	6. 30. '26	223	20
Indiana ²⁾	9. 30. '28	197	Unknown
(Penal Dept.)		80	
(Correctional Dep.)		117	
New Jersey ²⁾	4. 20. '28	162 ⁴⁾	
Kansas	6. 30. '28	149	"
(Penal and quaran- tine cases combined)			
Connecticut	6. 30. '28	143 ⁴⁾	63
Pennsylvania	6. 1. '28	117 ⁵⁾	Unknown
Iowa	7. 23. '28	105	"
Rhode Island ⁶⁾	12. 12. '28	110	"
(Reformatory divi- sion)		81	
(State Prison division)		6	
(Jail division)		23	
Wisconsin	(average over 1928)	98	
Maine	(average over 1928)	96 ¹⁾	23 ¹⁾
Minnesota	6. 30. '30	61	Probably none
Nebraska	7. 21. '28	55	Unknown
North Carolina ⁷⁾ . . .	Sept. '30	35	"

¹⁾ Personal communication of superintendent.

²⁾ Figures taken from the Handbook of American Prisons and Reformatories 1929.

³⁾ Probably much fewer to-day, since misdemeanants are no longer sentenced to this institution.

⁴⁾ The population is probably larger to-day, since State prisoners are now also committed to this institution.

⁵⁾ The population is probably larger to-day, owing to a change in the provision relative to the commitments to this institution.

⁶⁾ The population is now probably less than 50, since Federal prisoners are no longer committed to this institution.

⁷⁾ The institution is new and not yet working at its full capacity.

Thus we see that the largest institution is the Federal reformatory which has over 450 inmates. Five reformatories have 100 or fewer inmates, namely those of Maine, Minnesota, Nebraska, North Carolina and Wisconsin. Of some, namely those in Arkansas and Vermont we do not know any figures, but these have probably also small populations. These figures are in striking contrast with those of most men's reformatories, some of which have over thousand inmates. Nevertheless these figures represent, as we have seen in table 2, in most cases the great majority, and in some cases even 100 % of all women offenders in the state.

In passing we note the large number of babies in some of the reformatories, owing to the fact that many of the inmates are sex offenders and young. (Compare the following paragraphs). This constitutes a problem apart, not only as regards the care of the babies, but also as regards their mothers. We shall return to this subject later.

§ 35. Offenses and Other Conditions Leading to Commitment.

In Chapter II we gave the percentages for the different offenses in the total female prison population, and in Chapter V we indicated briefly for each reformatory what classes might be committed. From this it may be seen that the classes of delinquent women to be committed to the various reformatories are described in three ways: by the kind of their offense; by the duration of the sentences provided by law for the offense or actually imposed upon the offender; or by the penal or correctional institutions to which they would have been sentenced if there had been no reformatory. The women committed to women's reformatories may, therefore, be divided into three classes: Class A, made up of those convicted of felonies or of crimes punishable by imprisonment in a state prison or such for which more than one year imprisonment is prescribed by law or actually imposed by the court, in other words *the more serious offenders*; Class B, made up of those convicted of misdemeanors or those punishable by commitment to jails or workhouses or those for which less than one year imprisonment is prescribed or imposed, i. e. *the less serious offenders*; and Class C, made up of special groups of offenders not included in either Class A or B.

All reformatories, then, receive women both of Class A and Class B, except four, namely those of Nebraska and North Carolina, which receive only women of Class B, and the Federal and Ohio reformatories which receive only women of Class A. Three of the statutes relative to the establishment of women's reformatories, however, make certain limitations as to Class A: New York

limits the admission of members of this group to those never previously sentenced to a state prison, and excepts murderers in the first or second degree; Ohio excepts those convicted of murder in the first degree without the benefit of recommendation of mercy; and Wisconsin sends only felons convicted for the first time as such, except murder in the first, second or third degree, to the women's reformatory. Seventeen reformatories¹⁾ may receive all women offenders of the felon class, without any limitations, such as these guilty of murder and homicide in the various degrees, assault, robbery, forgery, fraud, grand larceny, embezzlement, the more serious infractions of narcotic drug and liquor laws, adultery, white slavery, etc.²⁾

All of the statutes relative to women's reformatories, except the Federal and Ohio statutes, provide for the commitment to the reformatory of Class B, which includes those convicted of prostitution and various other sex offenses, except adultery, vagrancy and disorderly conduct, drunkenness, various less serious offenses relative to the use, possession or sale of alcohol and narcotic drugs, petit larceny, contributing to dependency, failing to support children, etc.³⁾ Most states, however, use some qualification: they either specify certain misdemeanors, for which commitment to a reformatory may be made, notably sex and drug offenses and drunkenness, or make a certain reservation in regard to such offenses for which a brief period of imprisonment is imposed: thus in Iowa women sentenced for less than 30 days may not be committed to the reformatory, whereas in Indiana such women may or may not be sent to the Woman's Prison, in the discretion of the court, and in Illinois the limit is six months. Sometimes the statutes speak of "women convicted of misdemeanors, including . . ." (follows specification of certain offenses, such as prostitution). This is to make certain that these offenses are to be included among the misdemeanors (for sometimes this is not certain, as they may not be so indicated in the law), and at the same time this may serve as a suggestion to the courts as to which classes are especially to be considered. It should further be observed that Minnesota admits misdemeanants to the reformatory only to a very limited degree, namely only

¹⁾ Those of Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania, Rhode Island and Vermont, and the Federal reformatory.

²⁾ This enumeration should be taken as merely suggestive, not as conclusive. The line between felonies and misdemeanors is very differently drawn in the various states, and some offenses which we enumerated here among the felonies, are in some states misdemeanors, and conversely.

those convicted of "gross misdemeanors" and "habitual offenders", who have been convicted two or more times before within 5 years, of "vagrancy, unlawfully selling, giving or using narcotics, or of unlawful, lewd or lascivious behavior, public indecency or misdemeanors involving moral turpitude". Practically speaking, therefore, there are three reformatories which receive only the more serious offenders, namely the Federal reformatory and the institutions of Minnesota and Ohio; two, namely those of Nebraska and North Carolina, receive only women of the misdemeanants' class, and all the others receive offenders of both classes.

It is interesting to note that, in contrast again with many men's reformatories, little weight is given, on the whole, to the previous criminal record of the offender. Only two states limit the commitment of felons to the reformatory to those convicted for the first time, namely New York and Wisconsin. Indeed, in regard to offenders of the misdemeanor class, we see rather the opposite tendency, namely to prefer the repeaters and habitual offenders among them, as is evidenced by the kinds of offenses enumerated, such as "habitual intoxication", "being a common prostitute", etc. For it is generally felt that only the repetition of these petty offenses makes it serious enough to justify commitment to a reformatory. Yet, one needs only to reflect a moment upon the difficulty of reclaiming seasoned prostitutes or habitual drunkards to understand how far the reformatories are removed from the idea of being institutions for first or beginning offenders.

A few statutes add the provision that the women to be committed to the reformatory must be adjudged "capable of receiving physical, mental and moral benefit from the institution", but in practice this has an idle meaning, as there is no concrete criterion, and usually very inadequate information, in the courts, by which it may be determined whether this is the case. As we shall see later, this provision has no demonstrable effect upon the quality of the reformatory populations.

In addition to the offenders classified under A and B, special groups may be admitted to some reformatories. Thus in Connecticut the courts may commit to the reformatory unmarried girls between sixteen and twenty-one leading vicious lives or in danger of falling into habits of vice; North Carolina specifies that the institution may also receive Federal offenders (although this is also true of several other institutions without such provision); the institutions of Kansas and Nebraska also receive women sent by the Board of Health to be treated for venereal disease; and the New York reformatory at Bedford Hills has a special division for mentally defectives. The institution in Rhode Island, finally,

also serves as a jail and, therefore, also receives unconvicted women awaiting trial and civil prisoners.

The power of the courts to commit offenders to the women's reformatory is either permissive, or obligatory, or partly permissive and partly obligatory. In two states, namely Kansas and Ohio, and under the Federal statute, the powers of the courts are obligatory, i. e. that the courts must send the women of the specified classes to the reformatory (in so far as imprisonment is imposed). This is of particular importance in the state of Kansas, where all women convicted of any offense against the criminal laws of the state punishable by imprisonment must be sent to the reformatory, which means that the State Industrial Farm for Women in Kansas is the sole penal institution for all female offenders of the state. This is also true of the women's institutions of the little states of Vermont and Rhode Island, although their laws establishing these reformatories do not specify the powers of the courts. The reformatory of Iowa comes very near to the status of being the sole penal institution for all women offenders of the state, for the commitment of felons and misdemeanants to this institution is obligatory, if they are over eighteen years old, and only permissive in the rare cases of offenders of ten to eighteen years old who are convicted of offenses punishable by life imprisonment. The same may be said of Indiana, where since 1908 all felons and misdemeanants must be committed to the Woman's Prison, except those sentenced for less than 30 days. In eight states ¹⁾ the powers of the courts are permissive, but in some of these they have practically no choice in regard to felons, because no other institution for felons exists outside the reformatory. In five other states ²⁾ the powers of the courts are obligatory in regard to felons and permissive in regard to misdemeanants, and in Illinois as well as in Iowa commitment to the reformatory is facultative if the offender is under eighteen, but obligatory if she is over that age.

The reformatory populations are also affected by the provisions regarding the transfer of women from other institutions to the reformatory and from the reformatory to other institutions. The most important transfer provisions are those providing for the transfer of incorrigible inmates of the state schools for delinquent girls (five states ³⁾) and of inmates of other penal or correctional institutions, usually because they are deemed to be benefited by

¹⁾ Arkansas, Maine, Michigan, Nebraska, New Jersey, New York, North Carolina, Wisconsin.

²⁾ Connecticut, Indiana, Massachusetts, Minnesota, Pennsylvania.

³⁾ Indiana, Iowa, Massachusetts, Ohio, Wisconsin.

the reformatory discipline (nine states ¹⁾). As regards the transfer of inmates from the reformatory to other institutions, one half of the statutes establishing women's reformatories ²⁾ specifically provide for the transfer of insane inmates to hospitals for the insane, but it is certain that in states which do not have such specific provisions, the same measure is possible. Five statutes ³⁾ provide for the transfer of mentally defective inmates and, in addition to these, three ⁴⁾ specify that women "in need of special care" may be transferred to "any other appropriate state institution". In seven states ⁵⁾ one finds the provision that inmates who appear to be incorrigible or whose presence is detrimental to the well-being of the institution, may be transferred to the state prison or the jail of the county from which the inmate has been sentenced or some other penal or correctional institution; Massachusetts, on the other hand, specifies that reformatory inmates may be transferred to the state industrial school for girls. The New York and Federal statutes carry the provision that inmates may be transferred to other penal or correctional institutions in case of overcrowding of the reformatory; and six statutes ⁶⁾ empower the director of the state welfare department, the Board of Pardons or Paroles, or other executive or administrative body to transfer inmates from one state institution to the other under their administration.

What, then, are the actual proportions in which the different offense groups are represented in the reformatory populations? Some idea of this may be gained from the following table, in which we have compiled the reasons of commitment of women to the various reformatories regarding which we have information on this point. For practical reasons it seemed best to classify the reasons of commitment in the following groups: 1. Offenses against the person; 2. Offenses against property rights; 3. Offenses against chastity, in which we included fornication, adultery, prostitution, obscenity, keeping house of ill fame, white slavery, and also vagrancy, disorderly conduct, incorrigibility and Class C of the Connecticut reformatory (unmarried girls between sixteen and twenty-one years

¹⁾ California, Illinois, Indiana, Maine, Massachusetts, Michigan, New Jersey, Pennsylvania, Wisconsin.

²⁾ Federal statute, and those of Arkansas, Connecticut, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, North Carolina.

³⁾ Federal statute, and those of Maine, Massachusetts, Michigan, New York.

⁴⁾ Those of Arkansas, Connecticut and North Carolina.

⁵⁾ Federal statute, and the statutes of Arkansas, Connecticut, Illinois, Maine, North Carolina.

⁶⁾ Federal statute, and those of Indiana, Minnesota, Nebraska, New Jersey, North Carolina.

of age, in danger of falling into habits of vice) because nearly all of the women belonging to these classes are offenders against chastity; 4. Offenders against family and children, including abandoning children and contributing to the delinquency or dependency of children and relatives; 5. Drunkenness; 6. Violating liquor laws; 7. Violating drug laws; 8. Special classes; and 9. All other reasons. Because the numbers are so small, and because most institutional reports are biennial reports, we have compiled the figures over two years for all reformatories, except the Federal reformatory, for which we had only the figures from its beginning until June 30, 1928, which is little more than a year; the reformatory in Ohio, for which we had figures over one year only, and the one in Pennsylvania, which publishes reports only over four-year periods. To facilitate comparison, we have printed conspicuously for each reformatory the two leading offense groups.

It may be seen at a glance that in 6 or nearly one half of the reformatories mentioned more than 50 % of the causes for which commitment was made were those grouped under the heading "Offenses against chastity". The percentage for this group was even 85.6 % in Albion, 77.2 % in the reformatory of Nebraska and 67.5 in Bedford. These figures may be somewhat lower in reality on account of the fact that those committed as "vagrants", "disorderly persons" or "incorrigible girls" need not all be sex delinquents, but this factor probably has not influenced the number of commitments to any large extent.

In striking contrast to the populations of these institutions are those of the reformatory in Minnesota and the Penal Department of the Indiana Woman's Prison, which receive only the more serious offenders. The offenders against chastity form here a negligible percentage; the offenders against property rights, on the other hand, are represented by a high percentage, namely 63.6 % in the Minnesota reformatory and 32.4 % in the other institution. Drunkenness and violating liquor laws form very unequal percentages, the highest being in the Correctional Department of the Indiana Woman's Prison. Also Ohio ¹⁾ had a very high percentage for violating liquor laws (30.7 %), although a very low one for drunkenness (0.7 %). It is probable, however, that these figures are not entirely reliable, because, though everywhere drunkenness and violating liquor laws were distinguished as separate offenses, some cases of drunkenness might have been classified as "violating liquor laws".

A unique situation exists in the Federal reformatory, where

¹⁾ Compare note 2 on foregoing page.

T A B L E 4.
Distribution of Offenses in the Reformatory Populations.

Reformatory	Total		Off. against the person		Off. against property		Off. against chastity		Off. against family and children		Drunkenness		Violating liquor laws		Violating drug laws		Special classes		All other	
	Nr.	%	Nr.	%	Nr.	%	Nr.	%	Nr.	%	Nr.	%	Nr.	%	Nr.	%	Nr.	%	Nr.	%
Connecticut	244		—		8	3.3	137	61.2	—		26	10.7	18	8.2	146	66.4	—		73	19.5
Federal	220		11	5.0	17	7.7	2	1.9	6	5.7	—	—	7	6.6	2	1.9	—		28	12.7
Indiana (Penal Dep.)	105		45	5.9	79	10.4	125	16.5	76	10.1	156	20.6	249	32.9	—	—	—		37	35.3
Indiana (Corr. Dep.)	736		5	4.5	38	34.2	54	48.6	1	0.9	1	0.9	9	8.1	—	—	—		26	3.6
Iowa	111		12	1.6	26	3.4	58	7.6	1	0.1	7	0.9	56	7.3	5	0.7	77.0	quant.	3	2.8
Kansas	762		9	2.6	39	11.4	186	54.2	22	6.5	30	9.0	4	1.1	1	0.3	—		10	1.4
Massachusetts	341		5	8.8	33	58.0	12	21.5	—	—	—	—	3	5.3	—	—	—		50	14.7
Minnesota	57		—	—	10	12.7	61	77.2	—	—	1	1.3	—	—	4	5.1	1)	quar. incl.	3	5.2
Nebraska ¹⁾	79		2	1.0	17	8.8	166	85.6	—	—	1	0.5	—	—	—	—	—		3	3.7
New York (Albion)	194		3	0.7	59	13.1	303	67.5	4	0.8	2	0.4	—	—	4	0.8	—		6	3.1
New York (Bedford)	449		33	5.9	73	13.1	150	26.9	85	15.5	4	0.7	171	30.7	28	5.0	59	13.1	18	3.6
Ohio	557		16	7.0	55	24.2	138	60.8	—	—	—	—	2	0.9	—	—	—		13	2.2
Pennsylvania	227		9	4.1	12	5.3	33	15.2	1	0.5	2	0.9	15	7.0	133	61.3	—		16	7.1
Rhode Island	217		2	1.8	10	9.1	21	19.1	—	—	2	1.8	20	18.2	32	29.1	—		23	16.0
Vermont	110		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		23	20.9

The periods over which these figures are taken, are:

from July 1st, 1926 to June 30, 1928 for the reformatories of Connecticut, Iowa, Kansas, Nebraska and Vermont.
 from April 30, 1927 to June 30, 1928 for the Federal reformatory.
 from July 1st, 1926 to June 30, 1927 for the reformatory of Ohio.
 from July 1st, 1924 to June 30, 1926 for the two reformatories of New York.
 from July 1st, 1925 to June 30, 1927 for the reformatory of Nebraska.
 from October 1st, 1925 to September 30, 1927 for the reformatory of Indiana.
 from June 1st, 1924 to May 31st, 1928 for the reformatory of Pennsylvania.
 from December 1st, 1925 to November 30, 1927 for the reformatory of Rhode Island.
 from December 1st, 1927 to November 30, 1929 for the reformatory of Massachusetts.
 from July 1st, 1928 to June 30, 1930 for the reformatory of Minnesota.

¹⁾ In Nebraska the quarantine cases cannot well be separated from penal cases, since many diseased women are committed on a charge of "vagrancy", "delinquency", "cohabit", etc. who would not have been committed had they not been diseased.

66.4 % of the women committed to it had been convicted of violating drug laws, whereas the offenders against chastity were not represented in this institution at all. It is interesting to note that those reformatories which harbored a large number of Federal offenders, namely those in Rhode Island and Vermont, followed with the next highest percentages for violating narcotic drug laws, namely 61.3 % and 29.1 %.¹⁾

The Kansas institution, too, presents an unusual situation, for 77 % of its inmates had been committed by the State Board of Health for medical treatment.

It should be kept in mind, of course, that these percentages only represent the proportions among the commitments, not in the population *on a given date*. In the latter case those with long sentences will appear to be represented by a higher percentage, and those with short sentences with a smaller one. How the proportions might be in the population on a given date, is impossible to say. It may generally be stated, however, that, inasmuch on the whole, the length of the sentences does not vary so much under the indeterminate sentence as with us under the system of the determinate sentence (paradoxical though it may seem to be), the proportions of the different offense groups in the population on a given day, will, in most institutions, not be so different from the proportions given here as one might anticipate.

§ 36. *Criminal Record.*

As stated above, the statutes relative to the reformatories seem to view rather recidivists than first offenders. This tendency is fostered by the fact that, with the development of probation, more and more beginning offenders are kept out of the reformatory. In Massachusetts, for example, it has practically become a rule that no first offenders who have been convicted of a misdemeanor are sent to the reformatory.

Several reformatories publish figures regarding the criminal records of their inmates, but these do not lend themselves to reliable comparisons. For, in the first place, the first conviction does not mean that it was the first offense of the woman convicted. Particularly as regards such offenses as sex offenses, bootlegging, violating drug acts, etc., it is very likely that in most cases the offender has been engaged in it a long time, before the police and

¹⁾ To-day these institutions no longer receive Federal offenders sentenced for more than one year.

²⁾ Fernald, *op cit.* p. 108.

the court have sufficient evidence to convict her. In the second place, the criminal records are at many places very incomplete, so that a woman may have been repeatedly arrested, and even convicted and sentenced, without this becoming known at a later trial. As several states, too, have no finger-print system for the identification of offenders, particularly not of misdemeanants, it is often comparatively easy for a clever woman to use aliases and thus to escape the disclosure of a former record.

For this reason, and also because the various reformatories use different criteria in determining the criminal records of their inmates, some counting the number of arrests, others the number of convictions, and still others the number of commitments either to the same institution or to penal institutions in general, it seems of little value to quote here in detail the figures of the different reformatories on this point. It may only be observed that those which count the number of arrests find that less than 50 % of the women committed had never been arrested before; and that Miss Fernald, who, in her above mentioned study of women delinquents in New York State, had taken great pains to check up the criminal careers of the women comprised in the investigation, found that only 38,6 % of the Bedford women had never been convicted before (which, by the way, is about one half of the percentage given by the reformatories, which also use the number of convictions as a criterion). As the situation in Bedford, considering the age of the inmates¹⁾, was probably rather more than less favorable in this respect than in most reformatories, it may be assumed that, official figures notwithstanding, the percentage of those who have never been convicted before, is more likely to be below rather than above 50 per cent., that is, in reformatories the inmates of which are for the most part misdemeanants. Those having chiefly inmates of the felon class probably have a somewhat higher percentage of "first offenders" because felonies seem to be more often isolated offenses (Miss Fernald found also a slightly higher percentage for the felon classes comprised in her study²⁾).

§ 37. *Age.*

The minimum age for commitment to the womens reformatory is 15 years in Nebraska and in New York for the felons³⁾, 16 years.

¹⁾ For nearly all classes of offenders committed to Bedford the maximum age limit was thirty years, so that the population of this institution is on the average younger than that of other reformatories.

²⁾ Fernald, *op. cit.* p. 108.

³⁾ In practice, however, no women are received under sixteen years of age.

in ten other states ¹⁾, 17 years in Massachusetts and Rhode Island, and 18 years in all other cases ²⁾. In Illinois and Iowa, however, girls over 10 years of age may be committed to the women's reformatory if convicted of an offense punishable by life imprisonment, and in Kansas females of all ages may be committed to the state Industrial Farm by the Board of Health for medical treatment. In Illinois commitment to the reformatory is obligatory if she is over 18 years of age, but optional with the court if she is 16 or 17 years of age. Only one state (Wisconsin) specifies a maximum age of 30 years for all classes of women to be sent to the reformatory. New York has the same upper age limit for all classes, excepting, in regard to the reformatory of Bedford, a few categories of women convicted under provisions prevailing in the City of New York for specified offenses (vagrancy and prostitution) who may also be committed if over 30 years of age, while New Jersey has a maximum age of 25 years for the women of Class B. Otherwise women of all ages, from 16, 17 or 18 years up, may be committed to the various reformatories.

As for the actual distribution of ages, this depends to a great extent upon the classes of offenders which dominate in the reformatory. Sex offenders are on the whole younger than offenders against property rights, the drunkards are frequently older women, and so are the violators of narcotic drug laws. Accordingly we find that in all reformatories which have a high percentage of sex offenders commitments are most numerous at the age of 16 (17 or 18) to 20 (21) years, that in the reformatory in Minnesota (with its high percentage of offenders against property) the class of women between 25 and 29 years old is best represented, and in the Federal reformatory and the reformatory in Rhode Island (not including the State prison and jail divisions), with their large number of violators of narcotic drug laws, the class of women between 30 and 40 years of age.

It is not surprising that the lowest median age, namely 19 years, is found in the reformatory at Albion, New York, which, in addition to having the highest percentage of sex offenders, has also no women over 30 years; next comes the reformatory at Bedford Hills, New York, which has the upper age limit of 30 years for nearly all classes of offenders, with a median age of 21 (except the mentally defectives and the "self-committed drug addicts"); then follows the reformatory in Nebraska with a median age of 22.

¹⁾ Connecticut, Illinois, Maine, Michigan, New Jersey, New York (for all except felons), North Carolina, Ohio, Pennsylvania, Vermont.

²⁾ In the case of the Federal reformatory, and in the states of Arkansas, California, Indiana, Iowa, Kansas, Minnesota and Wisconsin.

In the institutions of Connecticut and Indiana (Correctional Department) the age factor is apparently much influenced by the presence of a comparatively high number of women committed for drunkenness, for there the median age falls in the group of 25 to 29 years. The same is true of the reformatories of Minnesota and Iowa and the Penal Department of the Woman's Prison in Indiana, on account of the high percentage of offenders against property and other classes of felons. The highest median age, namely over 30 years, is to be found in the Federal reformatory, as a result of the high number of violators of narcotic drug laws.

§ 38. *Color and Nativity of the Inmates.*

Negro women form a comparatively high percentage of the female criminal population: Although they constituted only 9.6 % of the general female population of eighteen years or over in 1920, they formed 39.1 % of the prison population on January 1, 1923, and the number of commitments of negro women during 1923 amounted to 48.0 % or nearly one half of the total number of commitments of women to penal institutions during the first six months of 1923 ¹⁾. Or, to put it differently, whereas commitments of native white women numbered 44.6 per 100,000 women of the same color and nativity in the general population, the commitments of negro women amounted to 428.6 per 100,000 women of the same race and nativity in the general population ²⁾, or about nine times as many, as compared with native white women. This high criminality rate among negroes is to be explained by a number of causes, such as inadequate cultural adjustment of the negro race to modern Western civilization, lack of educational and economical opportunities, poverty, the strong social (and sometimes also judicial) prejudice which exists in regard to negroes, and the dearth of provisions, other than imprisonment, such as probation or private protective work, for colored women offenders. The commitment rates for negroes, however, vary widely in different sections of the United States, for reasons which we cannot explain here.

As regards the offenses committed by negro women, the statistics show that they have disproportionally high rates for assault (in nearly 80 % of the cases of assault for which women were committed to a penal institution the offender was colored), violating city ordinances (71.7 %), homicide (64.4 %) and disorderly conduct (61.7 %) ³⁾.

¹⁾ Prisoners 1923, table 30, p. 60.

²⁾ Prisoners 1923, table 33, p. 64.

³⁾ Compare: Prisoners 1923, p. 67—69.

None of the statutes relating to women's reformatories exclude women of the negro or other races. However, the percentages of negro women in the reformatory population is, so far as we can ascertain, much lower than for the general prison population. This may be explained, in the first place, by the fact that in the Southern states, which have the largest colored populations, there are, with a single exception, no women's reformatories. Prejudice against negro women or practical reasons may also lead in some cases to the sending of negro women to jails and penitentiaries rather than to reformatories. For, as we shall see later, the presence of colored and white women in one institution often presents certain disciplinary difficulties, particularly if the institution is overcrowded and has inadequate facilities to separate women of different races, whenever necessary. At any rate, the percentages of colored women vary widely in the different institutions.

The foreign-born women, who constitute about 18 % of the general female population of eighteen years of age and over, formed 10.0 % of the female prison population on January 1st, 1923, and their commitments during the first six months of 1923 formed 11.5 % of the total number of commitments of women ¹⁾. That they seemingly contribute less than their proportion in the general population to the prison population must be explained by the high commitment rate of negro women. For, if we compare the foreign-born white women with the native white women only, it appears that the former contribute appreciably more to the prison population than the latter: the native white women, namely, were committed to penal institutions in a ratio of 44.6 per 100,000 of the same sex, color and nativity in the general population, whereas the foreign-born white women contributed to the prison population in a ratio of 57.1 commitments per 100,000 of the same sex, color and nativity in the general population ²⁾. This is mainly attributed to the fact that immigrants settle, to a much larger extent than the native population, in cities, which have a much higher criminality rate than rural communities, largely because opportunities to commit crime are more numerous in the former, and because many acts are punished in cities which lead to no penal consequences in the country (e. g. violations of traffic or health regulations). Indeed, it seems doubtful whether, if the distribution over urban and rural communities were the same for natives and foreign-born, the latter would show any excess of criminality ³⁾. In regard to immigrants,

¹⁾ Prisoners 1923, table 36, p. 68.

²⁾ Prisoners 1923, table 33, p. 64.

³⁾ Compare the studies made by Edith Abbott on this question.



Clinton Farms, New Jersey.

Courtesy of Miss Cornelia L. Lounsbury,
former Superintendent.

Sport and Health.



Clinton Farms, New Jersey.

Courtesy of Miss Cornelia L. Lounsbury,
former Superintendent.

Colored Inmates on the Athletic Field.

too, the criminality rates differ widely in different sections of the United States: in some of the geographical divisions they contribute far more, in others far less than their proportion in the general population to the prison population¹⁾. And here again various social factors, such as the density of the population, the distribution of the population over urban and rural communities, the character of the leading immigrants' groups, economical conditions, etc., account for these differences.

It is curious to note the differences between the various national groups as to the rate of criminality and the kind of offenses committed. Whereas, for example, the ratio of commitment for women of all foreign countries combined was 24.9 per 100,000 of the same sex in the general foreign-born population during the first half of 1923, the ratio for Czecho-Slovakian women was only 3.0 per 100,000 of the same sex and country of birth, but for the Irish women it was not less than 66.2²⁾. Very low figures had also the Swiss (5.9), the Rumanian (9.0), the German and the Danish (9.3) women; very high rates, on the other hand, had the Mexican (42.5) and Greek (40.2) women, although still much lower than the Irish women. As regards the kind of offenses committed, it appears that the Irish women led in drunkenness and disorderly conduct (respectively 31.1 and 20.6 commitments per 100,000 of the general population of the same sex and country of birth were on that account, although the rates for the same offenses for all countries combined were 6.5 and 2.3 respectively). The Polish women, on the other hand, stood high in the scale for violating liquor laws (7.9 per 100,000), and came second to the Irish women in drunkenness and disorderly conduct; the Canadian women were highest in fornication and prostitution (2.6), etc. Here again, local differences in the density of the population, economical factors, etc., along with genuine national differences in character and social tendencies, probably account for the differences in crime rates and kind of offenses committed.

As may be expected, the percentages of foreign women differ widely in the various reformatories. Below is a table presenting the different reformatories of which we have any figures on the color and country of birth of the inmates, and the numerical and percentage distribution of the different groups. The sources used are the same as those for the preceding table.

This table shows that the reformatory in Nebraska had the most homogeneous population, so far as color and nativity of the

¹⁾ Compare: Prisoners 1923, p. 65—67.

²⁾ Prisoners 1923, table 57, p. 96.

TABLE 5.
Color and Nativity of Women Committed to Reformatories.¹⁾

Reformatory	Number			Percentage			Leading foreign classes
	Total	Native white	Foreign-born ²⁾	Native white	Foreign-born		
					Colored ³⁾	Colored	
Connecticut	244	127	31	57.7	12.7	30.5	Mexicans (9), English (4).
Federal	220	61	26 (9)	70.1	11.8	27.6	
Indiana (Penal Dep.)	87	395	2 (2)	47.7	2.3	45.4	
Indiana (Corr. Dep.)	756	94	52	84.7	6.9	11.7	
Iowa	111	624	4 (4)	82.0	3.6	15.7	Germans (3), Austrians. Canadians (33), British (8), Irish (7). Germans (2).
Kansas	762		18 (10)		2.3		
Massachusetts	341		68 (11)		19.9		
Minnesota	57		3 (2)	100	5.3	0	Canadians (6), Polish (6). Russians (15), Italians (8), Porto Rico (7).
Nebraska	79	79	0		0		
New York (Albion)	194	271	25 (5 +)	60.3	12.9	24.3	
New York (Bedford)	449	291	69 (24)	53.3	13.4	35.9	
Ohio	557	108	66	49.8	11.8	10.1	Canadians (5), English (5). Italians (5).
Pennsylvania	227	83	22 (9)	75.5	10.1	40.1	
Rhode Island	217		23		21.8	2.7	
Vermont	110		87				

¹⁾ The same reports are used as in the former table.

²⁾ Including colored foreign-born. Between brackets the number of the different foreign nationalities represented is given.

³⁾ Including colored women of other than negro race, born in the United States.

inmates are concerned, for neither colored nor foreign-born inmates were committed to it during the biennial period under consideration. High percentages for commitments of colored woman, however, had the reformatories of Rhode Island (exclusive of the State prison and jail divisions, 40.1 %) and Ohio (35.9 %), and the Federal reformatory (33.2 %). The reformatories in Vermont (31.5 %) and Massachusetts (25.5 %) had the largest foreign populations; in the institutions of Kansas and Iowa, on the other hand, the foreign-born element was negligible, whereas no percentage was given of the State Industrial Home of Pennsylvania. In the other institutions the percentages for foreign-born women varied from 10.1 % to 15.4 %. These figures suggest institutional problems which are practically unknown to European prison administrators.

§ 39. Nativity of the Parents.

It is an interesting fact that statistical studies have repeatedly brought out the tendency of the children of immigrants to have higher crime rates than their parents¹⁾. In the study of Miss Fernald, for example, it was found that the native white women of foreign or mixed parentage constituted 27.6 % of the general female population of fifteen years or over in New York State, but they formed 29.8 % of the delinquent women comprised in the study, whereas foreign-born women constituted 36.5 % of the general female population and only 30.9 % of the delinquent group, and native white women of native parentage formed 34.1 % of the general female population and 20.4 % in the delinquent group. Thus we see that the percentages in the delinquent population of the two latter groups are markedly below that in the general population, but the percentage of the delinquent native white women of foreign or mixed parentage is above that in the general population. This finding is frequently explained as follows: The immigrants who come to the United States usually have already confirmed habits and will not easily become offenders if they did not have criminal tendencies before. Moreover, there is some probability that those who emigrate to another country are the more energetic and industrious individuals, while the American provisions regarding the admission and deportation of immigrants also serve to some extent to keep out criminal foreigners. It is also asserted that in most European countries the popular respect for law and

¹⁾ The Prison Census of 1910, which came to a different conclusion, may be disregarded here because of the heterogeneity of the groups compared.

government is greater, and that immigrants carry this attitude over to America. When in the United States, the great majority of them settle in the foreign districts of the big cities among people of their own nationality where they often simply carry on the life they were used to in the old country, and where they are guided and bound by the strong traditions and community concepts of their own national group. The children, however, learn in the schools American ideas and ways of living which often conflict with those of their parents. It is they, not their parents, who frequently experience most severely the conflict between old world and new world ideals and standards of life, and who have to carry the real burden of adjustment. Moreover, their parents often cannot give them the guidance and preparation for American life which they need; instead, the children become the interpreters of American life and language to their parents, which leads to exaggerated self-reliance on the part of the children, disrespect for their parents' "old-fashioned" foreign ideas, frequent conflicts in the home because the children do not want to submit to their parents' wishes, and frequently, to running away from home and a premature severance of the home ties by the children, before they are able to take care of themselves wisely¹). There is also more poverty among the immigrants than among the native population, which has a much stronger effect upon the children who grow up under these bad living conditions than upon the adults who have already settled habits and who were frequently used to a hard and frugal life in their old country, also because their children, who have early tasted American ways of living, become dissatisfied with their parents' standards of life.

This makes it of some interest to inquire into the nativity of the parents of reformatory inmates, even from the purely institutional point of view. For only if the foreign or partly foreign background and all that this entails, is known, can most cases be really understood and adequately treated, and in this are involved some subtle, yet important psychological and cultural factors. Several reformatories publish data on the parentage of their inmates in their periodical reports. Below is a table of these institutions about which

¹) This theory of disharmony in the home resulting from conflicting cultural backgrounds as a factor in crime causation would also explain the fact brought out by some statistical studies that there is a higher criminality rate among children of mixed foreign parentage (parents of different foreign nationalities) than among those of unmixed foreign or native parentage, and among those living in neighborhoods with mixed foreign populations or in the border-zone between different foreign quarters than in more homogeneous neighborhoods.

we have information on this point, showing by numbers and percentages the nativity of the parents of the inmates received during the same period as that used in our foregoing table. It will be noted that two different methods are used by the reformatories to present this information: they either class the inmates into groups of native parentage, foreign parentage, etc., or they group the parents according to the countries where they are born. In the latter case one may receive interesting glimpses of the ethnical composition of the classes from which the delinquents come, but one can not ascertain how many inmates are of native, of foreign or of mixed parentage, for the figures do not tell how the combinations of these parents with each other have been, how many American fathers (mothers) had cohabited with foreign women (men), thus establishing a mixed parentage. One can only compute in how many cases at the most there might have been native parentage. This is indicated in the table by a number with —, as the real number of cases is likely to be lower than that.

These figures show the interesting fact that a large percentage of inmates (in Massachusetts even at least two thirds of them) come from homes where one or both parents were of foreign origin. Of course, too much cannot be inferred from these figures, which are small and fluctuate from year to year. Moreover, "foreign parents" comprise both those who have come to the United States while a baby and those who have come at a mature age, although sociologically and psychologically they present very different situations. The figures as such also do not tell much about the actual problems involved, for these differ widely as to kind and extent for different national groups, and economical classes. Yet, one gains from the figures as they stand some impression of the extent to which reformatory work in the United States is "Americanization" work in the broad sense of the word, the adjustment of individuals who are still out of joint with the community they live in. Only if we understand this, can we appreciate some ideas and expressions in the reformatory sphere, the emphasis, for example, which is placed upon training for citizenship and self-government; and, above all, the spirit of the work in its deeper sense, whereby it is not only felt as the social reclamation of a few delinquent individuals, or as an act of humanity towards those who have broken the law and who should be punished, but more or less also as a cultural process, part of America's great historical task, so evident in every field of social endeavor, of building a new nation.

TABLE 6.
Percentage of Inmates. 1)

REFORMATORY	NUMBER					PERCENTAGE OF TOTAL					FOREIGN-BORN		
	Total	Un- known	Native percentage	Foreign percentage	Mixed percentage	Un- known	Native percentage	Foreign percentage	Mixed percentage	Number	Percentage	FOREIGN-BORN	
												Number	Percentage
Connecticut	244	0	125	87	32	0	51.2	35.7	13.1	31	12.7		
Indiana (Penal Dep.)	87	11	36	2	7	12.7	41.4	2.3	2.9				
Indiana (Correct. Dep.)	756	31	645	58	22	4.1	85.3	7.7					
Iowa	111	9	86	10	6	8.1	77.5	9.6	5.4	4	3.6		
Minnesota	57	0	33	15	9	0	57.9	26.3	15.8	3	5.3		
New York (Bedford)	449	29	189	189	42	6.4	42.1	42.1	9.4	69	15.4		
Rhode Island (Fed. pris.)	217	17	148	44	8	7.8	68.2	10.3	3.7	22	10.1		

TABLE 7.
Nativity of Parents of Inmates. 1)

REFORMATORY	NUMBER						PERCENTAGE OF TOTAL						PERCENTAGE OF INMATES			
	Total		Unclassified and unknown		United States		Foreign country		Unclassified and unknown		United States		Foreign country		Native percentage	Percentage
			f	m	f	m	f	m	f	m	f	m	Number	Percentage		
	f	m	f	m	f	m	f	m	f	m	f	m	f	m	Number	Percentage
Massachusetts	341	341	34	22	113	139	194	161	9.9	6.5	33.1	41.0	56.9	47.2	95	33.7
New York (Albion)	388	388	32	32	228	228	128	8.3	8.3	59.9	59.9	33.0	33.0	14	59.9	

1) The same reports are used as in the foregoing tables.

§ 40. *Economical Status.*

Several reformatories publish data on the occupations of their inmates. It is impossible, however, to make very definite comparisons between the different institutions or to draw clear conclusions from these figures. For, in the first place, the statistics are usually based upon the statements of the inmates themselves, which are frequently not verified and which, as experience shows, are not always reliable. Many offenders, for example, who in reality had no legitimate calling at the time of their arrest, mention arbitrarily some kind of occupation, often "housework" or "waitress". In the second place, it is frequently difficult to define one's occupation, because many offenders have changed jobs frequently. Then, too, there is much difference in the way these occupations are recorded and classified by different institutions.

We can refer best, therefore, to the above quoted report of Miss Fernald, which contains a very careful study of this question, and to an earlier study made by Miss Mary Conyngton of "Woman and Child Wage-earners in the United States". Both come to the conclusion that the class of "domestic service workers" is most numerous among female delinquents and is represented among them by a much higher percentage than in the general population (which is explained by the fact that a large part of domestic service represents unskilled work which is frequently engaged in by low class workers). Miss Fernald also found that vaudeville performers had a much larger percentage among the delinquents than in the general population, owing to the many temptations which this occupation offers, while the more skilled workers, such as those engaged in clerical work and professional service had a much smaller representation among the delinquent group than among the general population. Considering Bedford alone, the class of domestic service workers (who constituted 44.6 % of the Bedford population) was the largest; next followed the factory workers (29.7 %); then, with much smaller percentages, the workers in stores (7.9 %), the restaurant- and hotelworkers (5.0 %) and vaudeville performers (2.0 %); those engaged in professional or personal service and in other occupations were numerically insignificant. On the whole, the records showed, for the most part, poor working ability, great irregularity of employment, and low wages, and a high correlation between these factors and low mental ability and school attainments. Significant was also that more than half of the Bedford women (54.4 %) were without work at the time of their arrest, excluding those who took care of their homes, although the economical conditions were such that many could have obtained work.

A cursory examination of the different institutional reports shows that everywhere the group of domestic service workers takes the lead, although it sometimes barely exceeds the group of waitresses. In the State Industrial Farm in Kansas we find 81 of the 762 inmates classified as "students"¹⁾, but this must be explained by the fact that this institution gives figures for the penal and the quarantine cases combined. The "students" fall undoubtedly largely, if not entirely, in the group of "internes" quarantined for medical reasons, and in view of the fact that 72 of the inmates in this Farm were under sixteen years of age, which, in some states and perhaps also in Kansas, is the age at which children may leave school and go to work, it is not surprising that so many are still "students". In some institutions the numbers of saleswomen, office workers, theatrical performers, keepers or hostesses of boarding houses, telephone operators and nurses are somewhat significant, but it is impossible to enter into it more thoroughly here. On the whole it may be stated that those in the lower and unskilled occupations everywhere form the majority, and that those engaged in the highly skilled vocations are exceptional.

§ 41. *Mental Status.*

As we have seen in paragraph 35 of this chapter, it is possible for practically all reformatories to transfer insane inmates to a hospital for mentally diseased. In some states provisions are also made for the transfer of mentally defectives or those "in need of special care" to an appropriate institution. Nearly all institutional reports we have give the number of inmates transferred to other institutions, if any, but not all of them state the reasons for these transfers, so that it is difficult to ascertain how many are transferred on account of mental abnormality. Such information as we have, however, leads us to believe that transfers of mentally abnormal persons are made only in extreme cases in most states; for the possibility of removing mentally abnormal inmates depends largely upon the facilities available for the care of such persons, which in many states are inadequate, particularly in regard to the delinquent members of this class, whom hospitals for the insane or institutions for the feeble-minded are often especially reluctant to

¹⁾ The word "student" in the United States has a broader meaning than our word "student": It signifies pupils of all sorts of schools, including primary and secondary schools, not merely those enrolled in a university or college.

admit. A few states, where transfers of mentally defective, particularly feeble-minded, inmates take place to a larger extent are Pennsylvania, which in 1925 greatly enlarged the powers of the women's reformatory to transfer inmates to Laurelton State Village, a colony for mentally defective women, and New York, which established its Division for Mentally Defective Delinquent Women at Bedford Hills in 1921. The Pennsylvania institution, for example, which admitted 227 women during the four year period ending May 31st, 1928, sent 43 of them to Laurelton, and 5 to State hospitals for the insane, while the reformatory at Bedford Hills had at least 19 persons committed to the Division for Mentally Defectives (in addition to 11 commitments to hospitals for the insane) during a biennial period in which it received 449 inmates. In Massachusetts a Female Department for Defective Delinquents was opened in 1926 in Bridgewater, but the last report we have about the women's reformatory (for the year ending November 30, 1929) mentions only three women transferred to this Department.

Apart from these data on transfers, it is difficult to give any definite information regarding the mentality of reformatory inmates. Again it seems best to turn to some special studies that have been made of women of this class, trusting that at least they may give some general impression of the types of women present in many reformatories.

The side of mental life which thus far has probably received most attention in psychological researches, is the intelligence of offenders. Two studies are here especially important, namely the oft-quoted study of Miss Fernald and others of women delinquents in New York State, and another study of the Bureau of Social Hygiene which preceded hers, namely that made by Jean Weidensall in 1914, also of women delinquents in New York State. After very extensive and painstaking researches, based on a great number of different mental tests applied to 653 women of different delinquent groups, Miss Fernald (confirming and supplementing the findings of Miss Weidensall) found in the first place that the intelligence of the Bedford inmates was decidedly below that of some other groups which she used as comparison, notably a group of 653 army recruits who had been tested in 1917 and 1918, and two groups of girls of sixteen to eighteen years old, one of working girls and one of high school pupils, who had been tested by the Bureau of Vocational Guidance in Cincinnati.¹⁾ It was found that the mean mental age of the delinquent women was 11.8 years, whereas in

¹⁾ M. R. Fernald, op. cit. p. 413—529.

the Army group (the intelligence rating of which, for several reasons, is presumed to be somewhat below that of the general population) it was 13.4 years, as measured by the Stanford Binet Scale; and that the mean of the delinquent group, according to the Yerkes-Bridges Point Scale, was $71.80 \pm .608$, whereas the two groups of Cincinnati girls scored 78.83 ± 1.07 and $84.62 \pm .830$ respectively, which indicates a very valid difference in intelligence between the delinquent group and the group of more normal composition. The range of dispersion was fully as large in the delinquent group as in the Army group, the lowest mental age being between 6 and 7 years (imbecile) and the highest 19 years (superior adult intelligence); but the largest number of cases came, in Bedford at least, in the age-group of 10 to 11 years. The investigation also brought out that the offenders against chastity had a lower mental mean than those against property rights, that on all tests the colored women scored lower than the white group, and that the population of Bedford had about the lowest intelligence rating of all groups of women offenders tested, which was probably due to the prevalence, in Bedford, of the class of sex offenders.

A study made by Dr. J. L. Herrick of 194 inmates of the reformatory at Albion led to the finding of an intelligence curve similar in general outline to that of Bedford, save that there was a slight difference in the central tendency in favor of the Albion women, which, however, might have occurred by chance ¹⁾.

A great deal more information could be adduced, as several other special studies have been made of reformatories, and as some of the reformatories make routine psychometric examinations of all the inmates admitted, the results of which they summarize in their printed reports ²⁾. However, one has to be extremely careful in interpreting and comparing test results and drawing any conclusions from them, particularly if they form the basis of that very complicated and still rather indefinite diagnosis of "feeble-mindedness". We shall limit ourselves, therefore, to giving two psychological summaries, arbitrarily chosen from institutional reports, merely as samples and not to base any definite conclusions upon them.

¹⁾ J. L. Herrick, Mental Examinations, *Eugenics and Social Welfare Bulletin*, no. XI. (Publication of the Bureau of Analysis and Investigation 1917); and M. R. Fernald, *op. cit.* p. 447.

²⁾ Compare, for example, Walter L. Treadway, L. O. Weldon and Alice Hill, *Psychiatric Studies of Delinquents*, comprising a study of inmates, of the Kansas State Industrial Farm; Thomas H. Haines, *Notes on Mental Conditions of Adult Female Offenders in Ohio*, *Journal of Delinquency*, March 1917.

State Industrial Home for Women, Muncy, Pennsylvania.

Classification According to Intelligence of 227 Women Admitted During the Years 1924—1928.

(Stanford-Binet tests used; examiner: institution psychologist).

Above normal (Mental age above 17 yrs)	6	2½ %
Normal or average (14 yrs 6 mos to 17 yrs)	18	8½ %
Dull normal (M. A. 13 to 14 years 6 mos.)	34	15 %
Borderline (M. A. 11 to 13 years)	74	32 %
Definitely feeble-minded (M. A. 7 to 11 yrs)	95	42 %
Imbecile (M. A. below 8 years)	9	
Low grade moron (M. A. 8 to 9 years)	18	
Middle grade moron (M. A. 9 to 10 yrs)	29	
High grade moron (M. A. 10 to 11 yrs)	40	
Total	227	100 %

Disposition of the 96 Feeble-minded.

Paroled	10
Violated parole and returned	3
Violated parole and still at large	2
Transferred to Laurelton State Village ¹⁾	43
Transferred to Polk State School	1
Transferred to Pennhurst State School	1
Returned to County as unfit	6
Still in institution June 1st, 1928	34
Total	95

Reformatory for Women, Framingham, Massachusetts.

Mental Rating of 170 women admitted during the year ending November 30, 1929. (Based upon the Terman revision of the Binet-Simon tests, with additional tests on general knowledge; examiner: reformatory physician).

Superior adult	3.5 %
Average adult	23 %
Dull normal	20.0 %
Borderzone defective	24.7 %
Feeble-minded	28.8 %
Undiagnosed (because of gross language handicap)	1 case

¹⁾ Institution for feeble-minded women.

It is difficult to determine, how great the percentage is of those who are so mentally defective that they cannot profit sufficiently by the reformatory treatment and need special custodial care. For in this question several factors other than intelligence must be taken into account, such as emotional make-up, character, moral training, social environment, physical and economical efficiency, etc. A great deal has been said about this question and many estimates have been made. These have varied greatly and were undoubtedly higher in the early years of mental testing, when too much reliance was placed upon the intelligence factor, than to-day, since it has been recognized that poor intelligence alone need not prevent a person from making a satisfactory life adjustment. However, the most conservative estimates are that in the usual penal institutions (including the reformatories) some 15 to 25 % of the inmates should receive permanent special custodial care. In the last biennial report of the Connecticut State Farm for Women, for example, we find the following analysis of population on the basis of prospects for successful social adjustment:

<i>Psychological Rating:</i>	1926—27	1927—28
Average or dull average (parolable) . . .	33 (28 %)	36 (28 %)
<i>Borderline:</i>		
(Fairly hopeful for parole with close supervision)	28 (24 %)	31 (24 %)
<i>Borderline:</i>		
(Unstable, unfavorable for parole except after long period of training; need very close supervision in community)	21 (19 %)	28 (22 %)
<i>Custodial:</i>		
(Not parolable)	29 (25 %)	26 (21 %)
<i>Unknown</i>	5 (4 %)	7 (5 %)
Total committed	116	128

The general impression, then, which one receives is that, on the whole, reformatory inmates average a lower intelligence than women in the general population, and that there are a certain number among them who will probably never be able to take care of themselves in a satisfactory way, and are, therefore, not fit subjects for reformatory treatment. There is also some evidence that the women convicted of sexual offenses and disorderly conduct who form such a large part of most reformatory populations, are even more poorly endowed mentally than other classes of offenders. This may be explained by the passive nature of this form of delinquency which is largely the result of the lack of normal inhibitions,

of foresight and of ability in other directions, and is the easiest form of social parasitism for women who have not the capacity to get along in other, social or anti-social, ways. From this point of view most reformatory populations seem, therefore, even less hopeful than, for example, the female populations of state penitentiaries.

As for forms of mental abnormality other than feeble-mindedness, figures are difficult to give, since there is still so much uncertainty and difference of opinion regarding psychiatric qualifications, even among psychiatrists. We may, however, cite a classification made by Dr. Walter L. Treadway of 206 sex delinquents committed to the State Industrial Farm for Women in Kansas in 1918¹⁾ and the findings of Dr. Anne T. Bingham in an intensive study of 500 sex offenders who came to the New York Probation and Protective Association in the years 1917—1922²⁾. The classification made by Dr. Treadway was as follows:

Normal	92 or 44.7 %
Feeble-minded	58 or 28.2 %
Feeble-minded epileptic	5 or 2.4 %
Essential epilepsy	3 or 1.4 %
Indefinite epilepsy	5 or 2.4 %
Constitutional psychopathic inferiority	35 or 17.0 %
Organic psychoses (syphilitic)	1 or 0.5 %
Toxic psychoses (morphinism)	2 or 0.9 %
Unclassified	5 or 2.4 %

Dr. Treadway states that he considered in 109 cases the mental disorder to be directly responsible for the delinquency.

Dr. Bingham came to the following conclusions:

Normal (including 7.8 % of the adolescent instability type, 17.6 % having exaggerated traits or glandular imbalance and 2.2 % suffering from serious mental conflicts which had directly led to the delinquency)	28 %
Feeble-minded	24.2 %
Mentally subnormal	13 %
Constitutional psychopathic inferior	26.4 %
Mentally diseased (including 2 % dementia praecox, 2 % manic depressive, 0.8 alcoholic psychosis)	5.8 %
Epileptic, not feeble-minded	2.6 %

¹⁾ Walter L. Treadway, op cit., p. 17—19.

²⁾ Anne T. Bingham: Determinants of Sex Delinquency in Adolescent Girls. *Journal of Criminal Law and Criminology*, vol. XIII no. 4 (February 1923).

Finally it should be noted that narcotic drug addiction, which practically plays no part with us, constitutes a significant problem in some American reformatories. This is particularly true of the Federal reformatory and other institutions having Federal offenders, for the reason we explained above, namely that many offenders against the (Federal) Harrison Act are themselves drug addicts who have learnt the ways to obtain narcotic drugs and make use of this knowledge to earn money for their own needs. In the Federal reformatory, for example, 52.3 % of the inmates present on June 30, 1928 were under treatment for drug addiction. In the reformatory of Rhode Island 67 out of 120 Federal offenders received during the year 1925/26, and 19 out of 97 received during the year 1926/27, were found to be addicted to drugs. But also in institutions not receiving Federal offenders, the drug problem is sometimes significant: Miss Fernald, for example, found 14.9 % of the Bedford women habitually using drugs¹⁾ (this was before the voluntary commitment of drug addicts to Bedford was made possible). In other reformatories which give figures on this point, however, we found lower percentages (3—8 %). The drug addicts often present very difficult problems as to their management and adjustment, into which we cannot enter here.

§ 42. Educational Background.

That also the school attainments of reformatory inmates are not very brilliant in most cases, may be expected, particularly in view of the fact that many women of this class have been rather irregular in their school attendance. Additional difficulties in the United States are that many of the immigrants have never learnt to read or write English, or even to understand this language well, and that some states of the American Union have still no compulsory education laws, while, generally, the enforcement of these laws is more difficult in the United States than with us.

Various reformatories give data for the amount of school training or of illiteracy among their inmates, but these figures are not comparable with each other, particularly because much of such information is based upon unverified statements of the inmates themselves, and because the appreciation of what constitutes "illiteracy" may vary with different individuals. The general impression one receives from a perusal of the different reports is that the educational attainments of the women are, on the whole,

¹⁾ M. R. Fernald, *op. cit.* p. 158.

very low, and that the majority have not come beyond the fifth grade.

More accurate are the figures given by Miss Fernald who finds, after careful verification, that the mean number of years spent in school by the inmates of Bedford is 7.31, and that the mean grade *finished* in this time was 4.07, the mean grade *reached* being the fifth (which shows considerable retardation). 9.2 % of the Bedford inmates had never attended school or finished the first grade. Only 2 % had been in high school and none in the entire group of 447 delinquents had ever attended college. Very interesting are also Miss Fernald's figures on school attendance, showing that in only 3.1 % of the cases of the Bedford inmates had the attendance been very good, while in 44.3 % of the cases it had been poor or very poor¹⁾.

§ 43. Family and Home Conditions.

It is very difficult indeed to give in a few lines an estimate of the family background of the inmates of a reformatory, although it has generally been recognized as a very important factor in the causation of delinquency. Case studies have brought out abundant information on this subject, but it does not readily lend itself to statistical manipulation or to be summarized in general conclusions. The best perhaps we can do at this time is to present some of the general findings given in the study of Miss Fernald and others quoted above²⁾.

In this study, then, the early home conditions of the women delinquents were estimated from three points of view: *a.* the economic status of the home; *b.* the moral standards in the home; *c.* the parental supervision in the home during childhood and adolescence. In every case a division in five classes was adopted, ranging from "very poor" to "very good". As applied to the economical status of the home, "very poor" was applied to families which were dependents all or a large part of the time, "poor" to those able to get along with difficulty, but occasionally requiring financial aid, "mediocre" or "fair" to those which were normally self-supporting but without saving or surplus, "good" to those able to live comfortably, those having money saved in the bank or insurance, and "very good" to families of considerable means. The conclusion reached on this basis was that of the inmates of Bedford reformatory (92 cases) 9.8 % fell in the class of the "very poor", 50.1 % in that of the "poor", 31.6 % in the "fair" class,

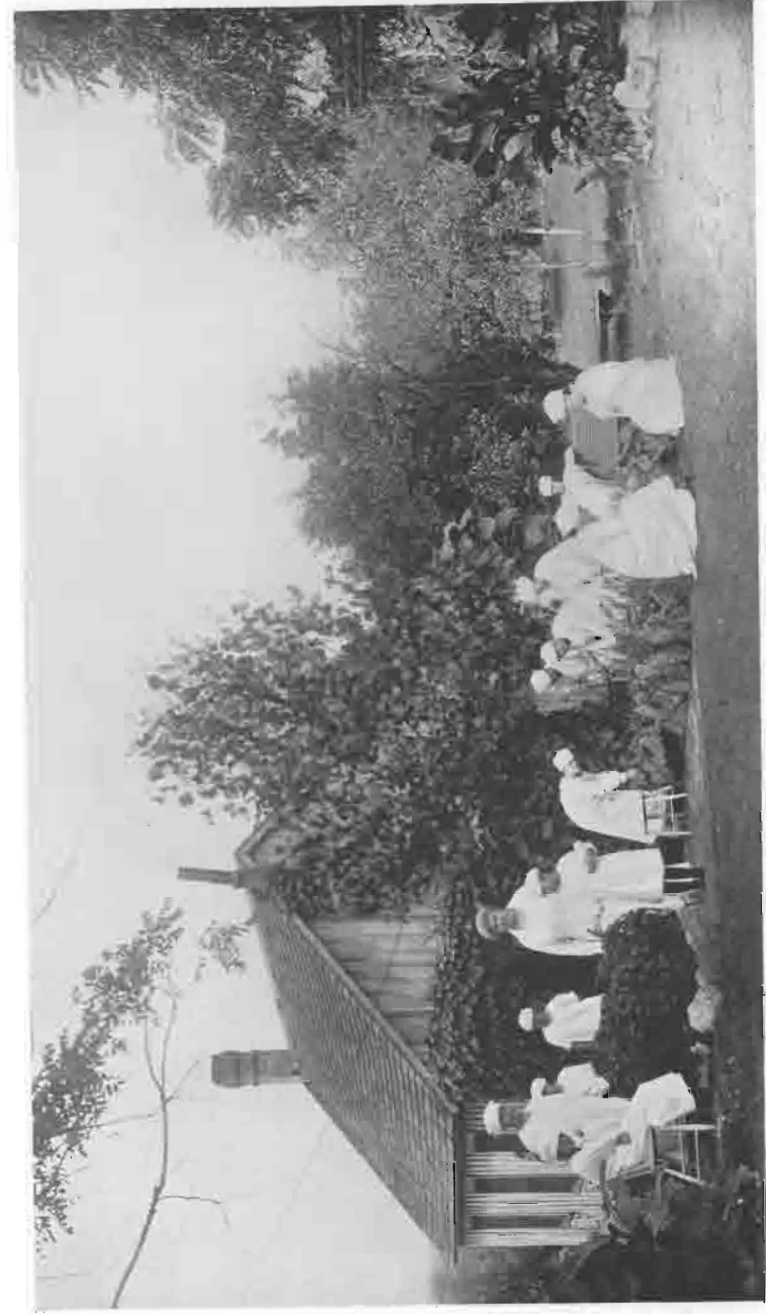
¹⁾ Fernald, *op. cit.* chapter X.

²⁾ Fernald *op. cit.*, chapter IX.

and 6.5 % and 2.2 % respectively in the "good" and "very good" classes. Of the total group of delinquents (including also inmates of the state prison, the county penitentiary, a private institution for women delinquents and women on probation, in total 420 cases) the percentages were better, namely 5.7 % for the "very poor" class, 35.7 % for the "poor", 45.0 % for the "fair" class, 13.1 % for the "good" and 5 % for the "very good". As for the moral standards in the home, the percentages for the Bedford women were (beginning with the "very poor") 14.2, 44.7, 31.6, 9.8 and 0 for the various classes, while for the group as a whole they were 10.5, 22.6, 46.7, 20.0 and 2. As regards the parental supervision, finally, the Bedford percentages (beginning with the "very poor") were 17.4, 56.7, 25.1, 1.1 and 0, while for the total group the percentages were 16.0, 46.0, 35.0, 2.9 and 2. It is interesting to note that from all three points of view Bedford had the highest percentage in the "very poor" and "poor" classes of all the groups of delinquents studied, which may suggest a tendency, also noted with respect to the mentality of the women, of the lowest and least promising classes to aggravate towards the reformatory.

§ 44. Conclusion.

A great deal more could be said about the characteristics of reformatory inmates, such as their marital status, home conditions, distribution over rural and urban communities, school education, intemperate habits, etc., about which the institutional and special survey reports contain information. But this would lead us much too far, and that which has been said above is sufficient to give us a general impression of the very complex and varied problems with which the reformatories have to deal. For what strikes us first of all is the fact that the population in most women's reformatories is more heterogeneous and less selected than in any of our prisons: We find in them women convicted of all kinds of offenses: drunkards, prostitutes, murderesses, keepers of bawdy houses, shop lifters, adulteresses, mothers who abandoned their children and troublesome girls who have been transferred from a training school of girls; women of all ages, from barely sixteen to over sixty; American-born and foreigners, English-speaking or not; white and colored women; women representing nearly all degrees of intelligence and mental health; drug addicts; women from all professions and with all kinds of educational backgrounds. Back of this all we see *a clear tendency of American states to concentrate all women offenders into one institution, drawing them from the penitentiaries, jails and workhouses over which they had heretofore been*



State Industrial Farm for Women,
Lansing, Kansas.

Courtesy of Mrs. Julia B. Perry,
Superintendent.

The Shack in Which Domestic Science is Taught.

The building is made of raw cottonwood. Girls dressed in white muslin, ready for their period in class.

scattered, and overthrowing to a large extent the classification lines according to kind of offense, age or recidivism which existed in regard to male offenders. This is interesting, because it is in contrast to what is done in European countries, where generally the same lines of classification are observed for women as for men. What the significance of this all is, we shall consider in the next chapter.

All the data given here about the characteristics of the reformatory populations tell us little, of course, about the causes of the delinquency of each inmate. Only intensive individual studies can disclose in each case the complex of factors which brought the woman to the reformatory, and the ways in which they should be corrected. Statistics may bring out suggestive correlations and trends, but they do not tell us in how far and in which cases the conditions with which the high correlation was found have been *causes*. Many very important causative factors defy statistical appreciation, such as the emotional relationships existing in the home, while on other points, such as the influence of hereditary factors, our knowledge is still very incomplete and uncertain. Yet, the few data given here may at least suggest the very varied and difficult problems presented by reformatory inmates.

CHAPTER IX

SPECIALIZATION AND CLASSIFICATION

§ 45. *Specialization of Institutions versus Classification of Inmates within an Institution.*

The classification of offenders may be carried out in two ways: the different classes of offenders may either be sentenced to different, specialized institutions (or other forms of treatment), or the offenders within an institution may be divided in different groups. To avoid confusion we shall speak in the former case of *specialization or differentiation of institutions or inter-institutional classification*, and in the latter case of *classification of inmates or intra-institutional classification*. The term "classification" is frequently applied in still another meaning, namely to indicate the process of determining the plan of treatment to be applied to individual inmates. Of classification in this sense of the word we shall deal in our chapter on "Case Study and Treatment"; here we shall confine ourselves to classification in the original sense of the word, namely that of dividing a mass in *classes or groups*.

When and along which lines, then, is distribution of offenders over different institutions or inter-institutional classification desirable, and in which cases is classification within the confines of an institution better? (For the sake of clearness we shall for the moment confine ourselves entirely to offenders sentenced or committed to an institution, leaving aside those placed on probation, fined, etc).

Considered purely from the institutional point of view, it may be noted in the first place that the *number* of offenders is an important factor in this. For the largeness or smallness of a group determines whether certain policies are practically possible with that group or not, whether, indeed, a separate institution for such a group is feasible at all. It is obvious, for example, that no elaborate institution can be established for less than ten inmates, and that an institution for thirty inmates cannot, for financial and other reasons, offer an extensive and diversified school program, a great variety of industries, expensive laboratories or highly paid spe-

cialists, as an institution for three hundred inmates might do. The smaller the institution, therefore, the less it may generally have to offer in the way of individualized treatment and training. That is, if the institution cannot make use of outside resources to any large extent, so that the inmates have to depend entirely upon the institution for the satisfaction of their wants in regard to work, training, treatment, religious care, recreation, etc. If the institution can send its inmates to outside employers, schools and churches, employ outside specialists and clinics for the medical and psychiatric care of the inmates, etc., it is a very different thing, for in that case the institution can be satisfied to be merely a home to its inmates. But, as we shall explain later, the use of outside facilities and resources is thus far possible only to a very limited extent for women's reformatories, so that one is practically justified to say that the larger the institution is, the better service it is able to give to its inmates. On the other hand, many consider it undesirable to make the population of an institution too large, as this might entail the danger of the individual being lost in the mass so that not sufficient specialized attention can be given to each inmate. However, this is very much a question of organization — of sufficient space, personnel, and possibility of classification and differentiation of the groups — and the danger does not seem particularly serious with respect to women's reformatories, since the number of women offenders is generally small and since even in the largest institution of this kind — the Federal reformatory — a large degree of individualization has been shown to be possible.

The much smaller number of women delinquents than of male offenders makes the classification of the former a very different proposition from the classification of the latter. Classifications that serve a useful purpose with respect to the male delinquent population may not be feasible or desirable with respect to female offenders, as it may split up the female delinquent group in units too small to justify the establishment of separate, well-equipped institutions.

Not only the number, however, but also the character of the offenders makes the question of classification for the female delinquent group a very different problem from that of the male delinquent population. Among men, for example, one may find a large number of professional criminals: burglars, robbers, swindlers, etc., whom it is desirable to segregate from the younger offenders not yet firmly established in criminal habits; among the women delinquents, however, there are very few representatives of this class, and very different types of offenders and different problems dominate.

Generally, then, it may be stated that the classification of women

offenders should be considered as an entirely separate problem, and that, on the whole, there is much less possibility of inter-institutional classification of women delinquents on account of their small number. All this seems very obvious; yet if one looks about in the different countries one may frequently note that the classifications found desirable for the male delinquents are thoughtlessly applied also to the women, at most modified by way of a compromise with practical necessities (not by an intelligent consideration of the special needs of the female delinquent population), with the result that the female prison population is often hopelessly split up in small units (usually, because of their smallness, attached to men's prisons and consequently neglected), and this according to criteria of classification which may not have much meaning for the female group.

If, then, we consider the female prison population in the American states separately, what would seem the most rational and economical form of classification? What part should particularly the reformatory play? Before answering these questions, we may first consider some points relative to the advantages and disadvantages of intra-institutional versus inter-institutional classification.

In the first place it may be observed that classifying the inmates within an institution is more economical than distributing them over different institutions, since the overhead expenses are much less for one large institution than for several smaller ones. Or, to put it in another way, a larger institution may, with the same outlay of funds, be much better equipped than several smaller institutions.

Another advantage of intra-institutional classification over distributing the offenders over different institutions is that the former classification is more flexible. For intra-institutional classification does not mean an absolute and permanent separation of the different classes, but a separation only so far as needed. This may amount to a separation of the classes at all times and for all purposes, or the separation may extend no further than for just one purpose, e.g. that of living, while the different classes may mingle in school, at chapel services, etc. This makes it possible to classify and re-classify the same inmates in multiple ways, according to different lines: thus there may be one grouping for the purposes of living, another for occupational purposes, etc. It is easy to shift an inmate from one class to another in the same institution, while it is not such a simple thing to transfer an inmate to another institution. This flexibility is a great advantage from the point of view of individualization of treatment.

In the third place it is easier to abolish or create classifications within an institution as the necessity arises than to change a classi-

fication system when the different classes are housed in different institutions. For the latter would involve an entire re-appointment of the institutions for other purposes than for which they were originally designed, and frequently also a change in the law, since the inter-institutional classification is mostly based upon legal provisions; the former however, may usually be effected by a simple administrative arrangement, if, at least, the arrangement of the buildings permits.

A fourth point in favor of intra-institutional classification is that it can frequently be based upon finer distinctions than inter-institutional classification. For the latter is usually regulated by legal or general administrative provisions, which, being general and abstract rules, must use outward criteria, such as age, kind of offense, previous criminal record, etc.; the classification within an institution, however, can be made according to the actual differences between individual inmates. If, for example, it is felt necessary to classify the inmates according to their supposed degree of depravity, an institution needs not to use the crude criteria of age or criminal record, but can base the classification upon the true character of the inmates as revealed by a study of their antecedents and behavior.

On the other hand, the placing of the different classes in different, specialized institutions often makes possible a greater specialization of methods of treatment of each class, since each institution can concentrate its efforts upon that class. Placing different classes in different institutions will, therefore, be indicated, whenever the methods of treatment for each class are so different that they can be better carried on in separate institutions. Separation in different institutions is also often advisable when the classes would have an unfavorable influence upon each other or when one class would be stigmatized by the association with the other. Thus, for example, it has been found inadvisable in practice to place juvenile and adult offenders in one institution, even if the two groups are kept in entirely separate divisions. Administrative reasons may also make a distribution over different institutions desirable.

In every case, therefore, the advantages and disadvantages of keeping the different classes in one institution or in different institutions, that is of concentration versus specialization, will have to be carefully weighed. It is thereby important to remember that possibilities for classification are much greater in an institution on the cottage plan, and that many of the advantages intended by inter-institutional classification may be accomplished by classification within an institution where the different classes may be placed in different buildings.

An intermediate form between inter- and intra-institutional classification is the institution complex: several institutions located near to but entirely separate from each other. Such a complex of institutions may be under the same management and have certain services and officials in common, for example, the psychological and medical services. Thus certain advantages of a larger institution, such as better equipment and greater economy, may be realized, while at the same time each institution forms an independent entity. Examples of such a complex of institutions are the group of penal and hospital institutions at Howard, Rhode Island, of which the reformatory forms a part, and the combination of the women's reformatory and the Division for Mentally Defective Women Delinquents at Bedford Hills, New York. Whether or not such a system is satisfactory depends upon the combination and the degree to which the separation of the different classes can be carried through, and the same considerations which apply to inter- and intra-institutional classification are also applicable here.

In the following paragraphs we shall first discuss the specialization of the women's reformatory, next the classification of the inmates within the institution.

§ 46. *The Specialization of the Women's Reformatory.*

As we have seen in a previous chapter, there is a tendency to concentrate more and more all women offenders (sentenced to imprisonment) in one reformatory, with disregard of the criteria of age, offense and criminal record which prevail with respect to men's reformatories. It is of interest to see in how far this is justified.

The chief motive for the adoption of an *age* limit is that younger offenders are less hardened and more hopeful subjects for reformatory treatment than the older ones. If one analyses the female delinquent population, however, one will note that it is not homogeneous but consists of different classes of offenders with different age curves, such as sex delinquents who are most numerous in the early twenties, and those convicted of offenses against property whom statistics show to be on the average several years older. Yet, if statistics could be made of successful adjustments among sex delinquents and offenders against property, it is quite possible that the latter would show a better percentage. For there is perhaps no class of offenders so difficult to reform as that of the prostitutes who, at the age of barely twenty, may have had several years of experience in prostitution behind them and have become firmly established in their mode of life, whereas among the offenders

against property rights there are many who had their first contact with justice when well over twenty-five years old¹⁾, and whose anti-social habits are not yet settled. Which age line, then, should be drawn to bring only the reformable type of offenders into the reformatory? We cannot think of anyone which would not either keep out many promising offenders or admit many hopeless ones. The only thing that might be desirable is to remove the typical "old rounders", the older women who have repeatedly been in penal institutions, from the reformatory, but this would not be a criterion of age alone, but of age plus penal record.

Another argument is that older offenders corrupt the younger ones. Of what, however, does this corruption among women consist of? The danger which exists among male offenders that, namely, the older criminals will teach the younger ones the tricks of professional crime, such as burglary or swindling, and plan new criminal projects with them, is, on the whole, not of great significance among women since they are not so often professional criminals of this type; their offenses are mostly of a simpler nature, requiring less "training" and conspiracy. The most important source of corruption among women is that of sexual immorality. However, it needs little reflection to know that, among adult women, a classification based upon age alone would not help very much to obviate moral contamination along this line. For, sad though it is, many of those who have the worst sexual records, are very young, while there are many among the older women who may have committed larceny or violated the liquor law, but who have not had such bad sexual experiences. Moreover, the danger of moral corruption is perhaps less serious in a women's reformatory than some suspect: In the first place it should be remembered that the inmates of a reformatory are adults who usually have already seen or heard much about the sordid sides of life, and, secondly, one should not suppose that the mere fact of being confined in the same institution leads to the women associating with each other and undergoing each other's influences promiscuously. Far from that! The invisible barriers which education, social position, prejudices, character and mode of life raise among men in free society, are not removed in prison: the woman, for example, who held to certain standards of sexual conduct while she was free — even though they might not have been very strict — and who despised the ordinary prostitute, will not suddenly befriend prostitutes while in prison; and those whom a good education has given strong feelings of decency will by this very fact keep aloof

¹⁾ Compare Fernald, Hayes and Dawley, *op. cit.*, tables 24 and 25, pp. 132—133

from vulgar company. Inmates may *hear* many things in the institution which they did not know before, but this does not mean that they will also *do* them. Knowledge of evil things alone is not sufficient to prompt evil-doing; there must also be an *inclination* to do so, but nearly all of those having such inclinations had this bad knowledge long before they reached the reformatory. Of course, it cannot be denied that some danger of moral corruption exists in every institution; but a mere physical separation on the basis of age will not prevent it. The reformatory can take care of this problem more effectively by internal arrangements, by giving evil suggestions little opportunity to thrive and segregating the few individuals who seem to exercise a particularly bad influence upon others¹).

The reasons for institutional specialization on the basis of the *distinction between felonies and misdemeanors* are chiefly historical. As we have seen, nearly all women's reformatories, although the distinction is usually still observed in the wording of the laws, admit both felons and misdemeanants, and we believe rightly so. Although, as studies have brought out²), differences between felons as a group and misdemeanants as a group in regard to intelligence, criminal record, sexual experience, etc. exist, this distinction does not seem to be a good basis for institutional differentiation, so far as women offenders are concerned. For, in the first place, the division line between misdemeanors and felonies is too arbitrary, many acts being classed as misdemeanors in one state or court and as felonies in another. In the second place the differences between the two groups are relative, not absolute: feeble-mindedness, immorality, venereal disease, etc. are not only found on the side of the misdemeanants; these problems are also, only to a somewhat lesser degree, on the side of the felons. It would help little therefore, to separate both groups: the same problems would be found in both, and would practically necessitate the same measures.

In some states provisions exist whereby *serious offenders*, such as murderers, are excluded from the reformatory. For this there may be the following reasons: 1^o. Such serious offenders need severe punishment from the point of view of retribution, the reformatory being too good for them. This is in conflict with the principle (which in a few states has even been embodied in the Constitution) that reformation, not vindictive punishment should be the aim of penal

¹) One reformatory superintendent to whom we put the question if she felt the need of classification to prevent moral contamination, answered: "Are they classified in free society, in the factory, the public dance-hall? We have to make them such that they do not want to follow evil suggestions".

²) Compare Fernald, Hayes and Dawley, *op. cit.*

measures. But even if retribution is to be exercised, this need not necessitate the sending of serious offenders to another institution, but may as well be expressed in a longer term in the reformatory, particularly as the number of women delinquents who committed serious offenses is everywhere so small that hardly any state could afford to make a good separate provision for them. 2^o. In the second place it may be asserted that such offenders are too bad to be reformable. It needs little acquaintance with women offenders of this class to realize that this generalization is certainly not true. There are not a few among the manslayers who have committed their act under the influence of a strong emotion, but who have never violated the law otherwise, and it is rather likely that, as a class, homicides are more hopeful from the point of view of reformation than, for example, prostitutes or shoplifters. 3^o. A third argument which may be adduced is that such serious offenders cannot be trusted under the free regime of the reformatory: they might be dangerous to others and abuse their privileges. This is another consequence of the popular belief that homicides must be very bad and dangerous persons, but this, too, has little foundation in fact. Indeed, the "lifers" are frequently found to be the most dependable prisoners and in the prisons and reformatories they are often placed in positions of trust.

The *criminal record* is also often used as a criterion of institutional specialization. Classification along this line may be effected in two ways: there may either be a selection of first offenders ("first offenders" indicating those convicted for the first time), or an elimination of habitual offenders (those having been convicted three, four or more times within a specified period). The reason for selecting "first offenders" only for reformatory treatment, as is done with respect to many men's reformatories, is the assumption that "first offenders" are more hopeful from the point of view of reformation than those who have been convicted before. One of the chief objections against the criterion of "first offendership" is, however, that it does not at all mean that the offense for which the inmate was committed was his first. It is often the most clever and experienced offender who manages to escape detection, or, if caught, to evade a conviction. Moreover, on account of defective criminal record systems it is often not found out whether an offender has had a court record before. One need not be surprised, then, to find that many of the so-called first offenders have been violating the law long before they are formally convicted, and the assumption that they are beginning offenders cannot be considered, therefore, to rest upon a sure foundation. Better founded seems to be the elimination of "habitual offenders" to be treated in a separate institution, on

the ground that, since they do not appear susceptible to reform, they should, for the protection of society, be confined for an indefinite term in a custodial institution and not be committed to a reformatory where they would merely clog the reformatory work. For the assumption that a person who has been convicted several times (which usually means that there have been many more actual offenses) is a non-reformable recidivist, has a firmer basis than the assumption that one who has no known record of a previous conviction is a beginning offender. The taking of special measures with respect to offenders who have repeatedly been convicted, is also more justified than to exclude all those who have once before been convicted, from the benefit of reformatory treatment. And, finally, habitual offenders cannot be dealt with in a reformatory as they should. Since it is not likely that they will change their course of life, they should be kept confined in an institution for an indefinite time (with the corrective of parole). But, as we shall explain more fully later, it is practically impossible to keep in the same institution offenders needing custodial detention for an indefinite period and others who will be released after a certain time, since this would arouse the jealousy and dissatisfaction of the former to such an extent that they would be hard to govern, and undermine the morale of the whole institution. In our opinion, then, it is better to abolish the criterion of first offendership, and instead to eliminate from the reformatory all those who, on account of many convictions, in connection with their age, mental status or other circumstances, offer small hope of reformation and who should, therefore, in the interest of society, be segregated for an indefinite time.

Another mode of institutional specialization is to be found in the provisions which make the *length of the term* (either as provided by law or as actually applied) a criterion for admission, by fixing a minimum below which commitment to the reformatory is not possible. The reasons for this are that it would not be worth-while to send offenders for very brief terms to the reformatory which might be many hours of travelling away from the court in which they are convicted, and that little could be done within such a brief period for the reformation of the offenders. Sometimes also the minimum length of the sentence is used as a criterion to insure that only serious offenders (felons) are committed to the reformatory. Little may be said about this criterion except that it is indeed practical, if possible, to eliminate those with very brief terms from the reformatory since this class cannot profit much by the reformatory treatment during the short period of confinement, and complicates the management of the institution, and that, on the other hand,

habitual offenders who are to be kept in custody for an indefinite time should also be removed as discussed above.

Specialization of penal institutions has also been advocated by the transfer of *mentally abnormal offenders*, namely the insane, the mentally defectives and the psychopaths, to an appropriate institution. A few words may first be said about the terms used here: The term "mentally defective" is in America usually applied to those who are defective in intelligence, although in legal provisions it is sometimes used in a broader sense. The terms "insanity" and "psychopathy" are also not to be taken in a strictly psychiatric sense; particularly the qualification of "psychopath" is in practice often applied rather loosely to many cases where some psychiatrists would not use the term. It practically includes all offenders who show more or less serious mental deviations or peculiarities which can neither be classed as frank psychoses leading to the legal qualification of insanity, nor as feeble-mindedness, and which may be the result of a great variety of causes, either unchangeable constitutional factors or factors in the life and environment of the offender which may or may not be modifiable, or a combination of both constitutional and social factors. The term has, therefore, a rather indefinite and also relative meaning, for the same individual who may be a "psychopath" under certain circumstances may not be considered as such in another situation. There is little doubt that the upsetting experiences of commitment to an institution and the strain of institutional life in many cases provoke or intensify "psychopathic" tendencies in persons who would not show them or not in the same degree under more normal circumstances. From the point of view of institutional management psychopaths are disciplinary problems, but in this connection, too, the word "psychopathic" has a relative meaning: The better equipped an institution is with facilities for individualized treatment and the more wholesome, unrepressed and varied its life is, the better it will be able to give each individual the care he needs and the less trouble it will have with "psychopathic" or other pathological conditions. Some institutional workers are also much quicker than others to recognize and qualify behavior difficulties as "psychopathic". These factors explain why some institutional executives can say that they know no psychopathic problem in their institution, while others qualify as "psychopaths" inmates who present serious behavior difficulties but who might do well in another, more normal, environment.

It needs no explanation that clearly insane persons do not belong in a reformatory; the statement that mentally defectives and psychopaths are to be removed from the penal institutions, however,

needs some qualification. There is general agreement that mentally defective delinquents whose condition is such that they cannot be expected ever to adjust to the requirements of free society or who need the special re-education provided by an institution for the feeble-minded, should be kept out of the penal institution and placed where they belong. The same may be said about the "incurable" psychopaths whose anti-social tendencies are largely of constitutional character or so inveterated that they are not likely to be benefited sufficiently by therapeutic or reformatory treatment to be ever trusted safely in full liberty.

As regards the "curable psychopaths" and those offenders who have temporary episodes of mental disturbance, the question is more difficult. The great difficulty is that "psychopathic" offenders are not only psychopathic but also anti-social, often with delinquent habits and attitudes already firmly established. This makes it frequently impossible to treat them by means of ordinary clinics or hospitals, as would be indicated if they were merely psychopathic, not delinquent (it is well known that many psychopathic hospitals refuse admission to delinquents); in many cases, too, the psychiatric treatment alone would not be sufficient since also their social habits and situation have to be changed which requires educational and social treatment. It is not surprising that the idea has developed to bring all psychopathic delinquents together in one institution where combined psychiatric, educational and social treatment, adapted to this class, could be given. Dr. Edith Spaulding, however, who was Director of the Psychopathic Hospital at Bedford Hills referred to above¹⁾, doubts the wisdom of bringing all sorts of psychopaths together in one institution, since they are too heterogeneous and difficult a group. She feels that a few psychopaths who have no strong anti-social tendencies may be best treated in the community, others may be sent to a psychopathic hospital, still others (who are also feeble-minded) to an institution for mentally defectives, while some may profit by reformatory treatment. We, too, believe that the reformatories cannot repudiate all psychopaths, as there are many who, because of their anti-social tendencies cannot be left at large, who neither belong in an ordinary psychopathic hospital or custodial institution, but who can be improved by the training a reformatory offers. In some cases a psychopathic offender might even do better in a good reformatory

¹⁾ Compare the interesting account of this experiment in Dr. Spaulding's book: *An Experimental Study of Psychopathic Delinquent Women* (1923) and her articles mentioned in the bibliography, which give a lively impression of the difficulties encountered with this class of offenders.

amidst more normal and stable women than in a special institution for psychopathic delinquents. We believe, therefore, that, whether there is a separate hospital for psychopathic delinquents or not, the reformatory, too, will have its share in the work with psychopaths and ought to be better equipped for this task than most reformatories are now.

So much, then, about the factors of age, offense, criminal record, length of sentence and mental condition as criteria of specialization. In order to understand fully the special task of the women's reformatory, it should be seen in connection with the whole system of penal measures. We have sufficiently explained the actual conditions in this respect; it is of interest now to draw up a system as it should be in the light of modern American penal concepts. Taking the social defense theory as the guiding principle of modern American penologists, we may sketch the following system which is to a large extent based upon suggestions made by various American criminologists¹⁾.

We assume for a moment that, as is being advocated by modern penologists, a medico-psychological study is made of all offenders whose offenses (or the offenses in connection with the criminal record of the offender) seem to indicate a serious social adjustment, before sentence is imposed or another disposition is taken, so that this may be based upon an adequate understanding of the mental, social and physical factors involved. The following categories of offenders may then be distinguished:

In the first place there will be a rather numerous class of offenders whose offenses are not the result of mental abnormality or a serious social maladjustment, but which must be repressed in the interest of social order, such as the failure to comply with legal requirements with respect to safety or health. In regard to these offenders a simple, straight punishment to remind them of their legal obligations and as a warning to others, is all that is necessary. A fine or imprisonment or a conditional sentence (probation) will usually be the appropriate measures for delinquents of this class, provided that imprisonment imposed in these cases will not be executed in a jail nor in a reformatory, but in a separate institution (or possibly in a separate section of the modernized detention homes

¹⁾ Compare Dr. Katherine B. Davis: *Plan for the Rational Treatment of Women Convicted in the Courts of the County of New York (or City)*, reprinted in B. G. Lewis, *The Offender*, p. 358—371, and: *A Plan of Rational Treatment for Women Offenders*, in the *Journal of the American Institute for Criminal Law and Criminology*, Vol. IV no. 3 (Sept. 1913); B. G. Lewis: *The Offender*, 1917; E. H. Sutherland: *Criminology*; J. L. Gillin: *Criminology and Penology*, 1926.

which should come in the place of the jails), with the possibility of solitary confinement, if so desired by the offender or whenever it seems advisable for other reasons¹⁾.

Next will come a group of offenders who do present some form of social maladjustment, but who have not yet established so strong anti-social habits that their removal from free society seems desirable and whose mental make-up is not such as to preclude a satisfactory adjustment. These can be best adjusted by some form of social treatment: a suspended sentence or probation, combined, if necessary, with treatment by a good psychiatric clinic. The better the facilities for "extramural" treatment become, the more offenders can be benefited by it, and the fewer will need to be committed to an institution.

There will further be a group of offenders who need more guidance and supervision than is possible with ordinary probation but who do not require placement in a reformatory, therapeutic or custodial institution. These may as a rule be best helped by means of placement in a home for working girls or similar measure which secures to them a normal or nearly normal social life, combined with intensive guidance and supervision²⁾.

In the fourth place there is a small number of mentally diseased offenders who need to be placed in a hospital for the insane, followed, if necessary, by a measure whereby they are kept under supervision after their discharge from the hospital, as is possible, for example, under the Dutch provisions regarding psychopathic delinquents.

A fifth group will be that of the mentally defectives and incurable psychopaths. Some will be found among them whose mentality is such that they can never be made fit for life in freedom; these will have to be confined in an institution for mentally defectives or psychopaths. Others among them might be able to get along in free society, if under appropriate supervision, or (in the case of mentally defectives) after a period of training in a school for feeble-minded or other institution. There should be a provision like the new Belgian and Dutch laws with respect to mentally abnormal delinquents, which make supervision possible, practically for an indefinite time, either within or outside an institution, as the case requires.

Then there will be a group of "curable psychopaths" or, more

¹⁾ See the note on page 63.

²⁾ Compare the Business Girls Club in Los Angeles, the "maisons de semi-liberté" in Belgium, or the "homes for working girls" in Holland. We believe that these forms of treatment in between institutional care and complete freedom will be developed to a much greater extent in the future.

correctly, of persons who are suffering from a mental disorder of some sort which may be sufficiently improved by adequate treatment. Such persons, as we explained before, might be placed either in an ordinary hospital, a special institution for psychopathic delinquents or a reformatory, as seems most advisable. Undoubtedly there are many among them who can be best helped by means of probation or a suspended sentence combined with treatment by a psychiatric clinic.

Special consideration should further be given to the habitual offenders whose anti-social habits are so inveterated that there is small hope of their being reformed according to known methods. They are to be committed to a colony for habitual offenders, or, since many of them are mentally defectives or psychopaths, to an institution for one of these groups, for an indefinite time. So far as female delinquents are concerned, the three groups of mentally defectives, "incurable psychopaths" and habitual offenders might be combined in one institution, since the number of women in each of these classes is small.

Inebriates form another special class of a very heterogeneous composition. Many inebriates may be helped by probation, combined, if necessary, with treatment by a clinic for inebriates, such as are found particularly in some European countries; others may be committed to a special home or farm for intemperates where they can be treated for their condition, while a few will benefit by a stay in a reformatory, supplemented, if it needs be, by any of the other forms of treatment. In many cases the inebriates will appear to be mentally defectives or psychopaths and should be treated accordingly. Those whose habit seems incurable and who cannot maintain themselves in free society may be committed to a custodial institution for an indefinite time. There is further need of some provision which would make it possible to place inebriates left in free society in the care of a guardian.

Drug addicts should be placed where they can have the best treatment for their condition. Some, who are socially neglected, might be benefited by a period of training in a reformatory in addition to receiving treatment for their habit. For the rest little can be said about them here since there is no unanimity yet as to the best ways of treating drug addicts.

All the other offenders should be committed to a reformatory. This group would then comprise all those who can be considered reformable, but who are socially or educationally neglected to such an extent that they cannot be helped by the ordinary methods of social treatment, but need a period of intensive re-education and treatment in a restricted environment. There may be many

among them who, as we have pointed out, are mentally more or less abnormal or disturbed, but they all have in common that they are reformable and in need of the training which the reformatory offers. We strongly believe that if more is learnt about the causes of delinquency, better facilities will be developed for specialized treatment of women offenders (for example, by means of community clinics), and fewer will be committed to the women's reformatory. For it cannot be denied that the women's reformatory is still to a large extent the catch-basin for all who have not yet been classified otherwise, the "unexplained rest". It hardly needs saying that a center for the study of offenders, and for scientific research and experimentation, and very flexible provisions regarding the distribution and transfer of delinquents so that each one may receive the treatment she needs, are essential in any ideal system of classification.¹⁾

It should be stated, however, that we do not believe that any scheme as sketched here will ever be applied in practice without significant modifications. For the chief criticism that may be made is that is one-sidedly penological, viewing exclusively the protection of general security and order, while it neglects entirely certain lego-philosophical (among other things, the protection of individual rights) and psychological (the "need of punishment", active and passive) factors, which will to some extent conflict with it and modify it²⁾. Moreover, the more insight we gain into the causes of delinquency and the ways of treating it, the more we shall probably discover other specialized forms of treatment. However, as a suggestion of what the leading penological principles might be in a near future, the scheme described above seems justified.

§ 47. *Classification of Inmates within the Institution.*

Legal Provisions. The majority of the statutes governing women's reformatories contain general provisions regarding the classification of inmates. Two states³⁾ merely provide that there shall be "proper classification" or "grading", without specifying along which lines this should be. The Massachusetts law stipulates that provisions for grading and classification may be made by the commissioner of

¹⁾ Compare the very valuable article by S. S. Glueck in *Mental Hygiene* (April, 1930) on: Significant Transformations in the Administration of Criminal Justice; also the paper by E. R. Johnstone on: Classification By Institutions, published in the *Training School Bulletin* of November, December, January 1926.

²⁾ Compare our remarks in connection with the indeterminate sentence on pages 160 and 161.

³⁾ Michigan and Ohio.

correction with the approval of the governor. Two other states¹⁾ prescribe "proper classification according to the character and needs of the inmates, and two²⁾ "proper classification according to the mental and moral condition of the inmates and the care, instruction and employment they should respectively receive", one of them (Pennsylvania) adding that the "more hardened offenders" are to be segregated in separate cottages. Kansas provides that there should be classification "according to physical and moral conditions, in order that groups of individuals may be mutually helpful in reformation", and Indiana specifies that the penal and correctional departments of the Woman's Prison are to be separated "with as little association as is consistent with the due working of the prison". New Jersey, finally, provides for the establishment, by the State Board of Institutions and Agencies, of a clearing house for the observation and classification of sentenced women which has recently been opened at the State Home for Girls. The remaining ten statutes³⁾ do not contain any provision relative to classification. Thus it may be seen that, on the whole, the laws go little beyond posing the principle of classification, leaving the practical elaboration of the principle to the authorities governing the reformatory.

Actual Situation. The purposes of intra-institutional classification may be grouped under two main headings: it is either to make possible a better and more individualized treatment of the inmates, or to facilitate institutional administration and the maintaining of discipline. This distinction may help us in discussing the different criteria of intra-institutional classification.

Perhaps the oldest criterion of classification in women's reformatories is that of *age*. A classification strictly based upon age was made in the Woman's Prison in Indiana and the New York House of Refuge at Hudson during the time when they still received both adult women and girls under sixteen years of age. The purpose of this classification was, of course, to protect the children against moral corruption by the adult offenders. To-day a few reformatories have separate cottages for younger and older women, but usually no hard and fast age line is drawn, and other factors are also taken into account, such as the previous record of the women. There is practically much to be said in favor of placing "old rounders" who are rather hopeless from the point of view of reformation in a separate cottage, so that more attention can be concentrated

¹⁾ Arkansas and North Carolina.

²⁾ Maine and Pennsylvania.

³⁾ The Federal statute, and those of California, Connecticut, Illinois, Iowa, Nebraska, New York, Rhode Island, Vermont, Wisconsin.

upon the younger and more hopeful group. Young girls and older women have also different needs so that they can be better brought under a separate regime: a buoyant, active, sportive life for the young girls, for example, and a quieter atmosphere for the older women.

In some institutions *race* forms a basis for classification. Several reasons are adduced for this: In the first place there is the strong prejudice which exists particularly in the Southern states against the negro race. In the Northern states the race antagonism is not so strong as to constitute in itself a sufficient reason for separating the white and the colored in different groups. Another reason, however, for separating the two races in a woman's institution is the fact that a peculiar attraction has been found to exist between colored and white women in confinement which intensifies much the danger, always present in an institution, of homosexual involvements. This factor was recognized to be one of the causes of the disciplinary troubles in the New York reformatory at Bedford Hills in the years 1915—1920, and led this institution, which had formerly deliberately chosen to disregard the color line in order to discourage race prejudices, to abandon this policy. Another point which is often put forth is that the cultural and psychological differences which exist between the whites and the negroes make it desirable to place the latter in a separate group under the supervision of officers of their own race who can better understand them and who can establish better contacts with them than white officers. There is indeed a great deal to this argument, particularly in the South, where the distance between the white and the colored is so much greater. On the other hand, we learnt of one case where colored girls had revolted against being placed in a separate cottage under colored officers, because they felt being discriminated against by this arrangement. In most reformatories, however, the question is settled by the fact that there are too few colored inmates to make up a separate group. In the few institutions where their number is significant enough, and where the available facilities permitted such an arrangement, they are placed in a separate class.

Health forms another basis for classification in some institutions in that, namely, those who are suffering from venereal disease are placed in a separate cottage, which makes it easier to carry through the necessary measures for treatment and quarantine. One might think that it is painful for venereally diseased women to be segregated in a separate group, since this betrays the disease they are suffering from. However, this fact can mostly not be kept concealed in an institution, anyway, and one finds also that frequently little

embarrassment exists about this fact among reformatory inmates, since so many share the same condition. Most reformatories, however, do not have the facilities for housing the venereally diseased women separately, and may only keep them in the hospital during the acute stage.

In institutions where there is a significant number of *inmates having babies* these are always placed in a separate maternity cottage. The practical advantages of this for both the mothers and the babies are evident and do not call for comment.

A form of classification found in nearly all reformatories is that based upon *conduct or behavior*. It is necessary to make ourselves clear just what is meant by these words. Psychologically speaking, "behavior" is the sum total of all reactions to stimuli, but in institutional parlance the terms "conduct" or "behavior" are usually applied only to the reactions of the inmate to the institutional discipline. They have, therefore, a *disciplinary* meaning: good conduct or behavior merely signifies that the inmate in question observes the rules and does not give disciplinary trouble. The classification according to conduct has received most attention from institutional administrators. This is not surprising: to obtain good discipline has always been the foremost consideration and daily concern of the administrator of a penal institution, and the classification according to conduct is one of the principal means to this end. The form in which it is found in most reformatories is, with slight variations, as follows:

All newly admitted inmates, after having passed a period of quarantine, come in the "second" or "probationary" grade. After a period of from three to six months of good behavior, or after having earned a specified number of marks, they may be admitted to the "first" or "honor" grade; from this grade they may be paroled. Often it is made one of the requirements for parole that the inmate concerned must have been in the first grade a specified time or have earned a certain number of marks. If the inmate's conduct in the second grade is not satisfactory, she may be kept there longer thus delaying the date of her release; bad conduct may also cause demotion from the first to the second grade. Some institutions have also a "third" or "demoted" division where those are placed whose conduct has been very bad. Probably the majority of the reformatories, however, do not have such a division: there an inmate who behaves badly is placed "in punishment", i. e. in solitary confinement, for a few days or weeks, either in her own room or in a special disciplinary room. But these are isolated cases which do not form a class.

The different classes are sometimes housed in different buildings.

The newly admitted inmates, and sometimes also those of the probationary class are often kept in the reception-building, whereas those of the first or honor grades live in so-called honor cottages. The inmates of the third or demoted division, sometimes combined with the women returned from parole or from an escape, may be housed either in a separate cottage or a part of the reception building. The separation is usually not very strict, however: frequently girls of the different classes mingle during work and school hours, during chapel services and part of the recreational periods. Other distinctions that may be made between the different classes relate to dress, amount of recreation or other privileges permitted, the maximum number of marks or the amount of wages that may be earned each day.

Much more important, however, are the classifications based upon *mental status* and *character*, aside from its disciplinary manifestations. As for the mental status, there are two classes which have become the concern of reformatory administrators: the mentally defectives and the "psychopaths". The higher the ideals of reformatory life came to be and the stronger the demands made upon the inmates, the more it became apparent that there were certain women to whom the prevailing system was felt to be not well adapted and who frequently disturbed the discipline and good spirit of a group by their inability to understand "the rules of the game" or to adjust themselves to them. It was also recognized that such inmates themselves frequently did not feel happy among the others, because their stupidity or inability to adjust gave them feelings of inferiority or put them repeatedly at odds with their fellow-inmates. Some institutional executives have felt that by placing such individuals in a separate group by themselves under a regime more adapted to their particular conditions, many difficulties might be warded off, and that this would also make it possible to bring the life in the other groups upon a higher plane since it would then be no longer necessary in these groups to take account of feeble-minded and psychopathic women. The most important attempts at classification on this basis have been the equipment, in 1912, of a farm, belonging to the reformatory for women at Bedford Hills, New York, but at some distance from the other buildings of the institution, as the residence for a group of mentally defective girls, which became in 1921 the Division for Mentally Defective Delinquent Women; the Psychopathic Hospital, operated in the years 1916—1918 in the same institution; and the attempt made in 1915 in the Massachusetts reformatory for women to confine all psychopathic inmates in one part of the building. It was found, however, that such an arrangement may

carry some problems. The chief difficulty is that the special character of the group of mentally defectives or psychopaths cannot be kept concealed long from the other inmates who are quick to note the differences in regime or the poorer record made in the special groups. Thus the special groups become stigmatized as the group of the "dumbbells", "nuts" or "troublemakers", which may engender in the members of the special group either feelings of inferiority or (in the case of psychopaths), the feeling of being different and interesting, and the inclination (often, of course, a compensatory reaction) to act conspicuously in order to draw the attention of the other inmates and to justify their reputation of being "crazy" or "troublemakers". In the Psychopathic Hospital at Bedford Hills there was also the difficulty that the inmates in this hospital developed the feeling that, since they were considered "crazy", they could not be held responsible for their acts and could do as they pleased, which had a bad effect upon the inmates of the other cottages many of whom felt incited to follow their example. In the Massachusetts reformatory, too, it was found that the inmates in the special division acted badly and were very disturbing to the other women as the separation of this class from the others could not be carried through completely enough so that the plan had to be given up. As for the Division for Mentally Defective Delinquent Women at Bedford Hills, the great difficulty is also that, although it was intended to keep the inmates of this division entirely apart from the inmates of the reformatory proper, the limitations of the plant make it impossible to carry it through completely, with the result that the defectives are reminded all too clearly of their inferiority by the other women, and that they are discontent about the fact that they are kept in the institution until the end of their maximum term or longer, while the others are permitted to go on parole after about a year. The prevailing opinion is, therefore, that placing the mentally defectives or psychopaths in a separate class within the institution is not advisable unless their separation is so complete that comparisons are not possible or unless the true reason of the separation can be camouflaged, for example, by placing the group on an outlying farm and justifying the separation by the exigencies of the farm work, or by putting some more intelligent and steady individuals in the special group who can take the lead and who will refute the impression that the group consists exclusively of abnormal persons. It should also be remembered that in an institution which offers a great variety of opportunities for occupation and treatment, it is much easier to find a place for those who are mentally abnormal where they can express their personality in harmless or even constructive

ways. Thus it is possible for many of the mentally defectives to be kept usefully busy and content with the simple kinds of routine work and thereby to maintain a satisfactory status among their more fortunately endowed fellow-inmates while even for some of those classified as "psychopaths" a place and mode of life may be found, which provide suitable outlets for their emotions and energies and where they can do little harm to the others. Only we do not believe that mentally abnormal persons who are in need of custodial detention for an indefinite time should ever be kept with others who, after a period of training and treatment, are permitted to go on parole, as this inevitably leads to grudges and trouble on the part of the former.

Closely connected with the classification based upon mental status is the classification based upon character or personality make-up which thus far has received little systematic attention. A mere beginning of such a classification may be seen in the practice of some reformatories of segregating the very difficult and troublesome girls (although this is mostly done for purely disciplinary reasons), while also in the best institutions the personality make-up of the inmates is to a certain extent taken into consideration in the assignment to the cottages. A systematic, well thought-out plan of character classification, however, exists nowhere, so far as we know. Although often such a classification would be impossible on account of the physical limitations of the institution or for other reasons, it seems to us that there is also still too little realization of the influence which the group has upon its individual members and the great importance which, therefore, proper classification has from the point of view of mental hygiene and therapy. The possibility of adjusting a girl may be easily wrecked, for example, by placing her in a group the composition of which intensifies her inferiority feelings or calls forth unfavorable tendencies in her. Similarly a quiet woman who likes and needs a calm life may unnecessarily suffer great mental strain when thrown in with a boisterous group; on the other hand, one or two lively, active girls who continually want to "start something", might upset an entire cottage of quiet women, while, when placed with women of their own kind, they might be given outlets in sports or other active occupations. We feel, therefore, that such a character classification is the most important from the treatment point of view and should be carried through as far as institutional conditions permit.

The classifications described here may be crossed by others which make less deep inroads upon the unity of the inmate body, such as the classification in workgroups, schoolclasses, etc. In women's reformatories these classifications rarely lead to housing

the different groups in different cottages; they merely mean separation of the different groups for part of the time or for one specific purpose only, except that in a few institutions inmates who are working on the farm may be housed in a special cottage, if the location of the farm makes this convenient.

The question how an institution should classify cannot be determined *in abstracto*: it depends upon the size and composition of the reformatory population, on the one hand, and the possibilities and limitations of the institutional plant and equipment, on the other hand, which forms of classification, in the light of given ideals of treatment, are most desirable and feasible. It is obvious, for example, that there is not much possibility of a rational classification in an institution which is so much overcrowded that the problem of finding a place for every new inmate to sleep dominates all other considerations. Likewise a very small population does not permit of much classification, while possibilities of classification are more limited in a congregate institution than in an institution of the cottage type. It is for this reason that we prefer much the flexible American system of leaving the matter of classification practically entirely to the discretion of institutional executives, to some European systems of specifying the method of classification rather minutely either by law or by the regulations of a central administrative power. Unexpected factors, such as the burning down of a cottage, a judicial decision affecting commitments to the reformatory, the closing of a private institution to which formerly many women delinquents were sent or the opening of such an institution, a change of policy of a Board of Health with respect to the repression of prostitution etc., may sometimes suddenly change the situation within the reformatory or the composition of the reformatory population and make a re-arrangement of the classification necessary. Frequently, too, there are factors of internal nature which make changes in the classification desirable. It often happens, for example, that an undesirable spirit is developing in a certain group, as a result of the bad influence of certain individuals in this group, or the development of sharp antagonisms or unwholesome attachments between members of the group, which makes it necessary to break up the group or to remove the individuals concerned before things reach a crisis. To all these changes and emergencies the institutional executives should be able to attend to promptly without being hampered by rigid rules or red tape.

There is still much room for scientific research with respect to classification within an institution. Thus far it has been very largely determined by the arrangement of the institution (which has usually been established without any clear notion as to the classification

to be followed), administrative convenience, chance, intuition or trial and error. It has scarcely ever been considered in the light of scientific psychology. We believe, however, that careful studies of the reactions of individual inmates to the group in which they are placed might bring out interesting factors which may greatly modify the conventional classification systems followed thus far ¹⁾.

¹⁾ Compare European studies on this question, such as the one of Dr. Erwin Lazar on the classification of juveniles, published in the *Zeitschrift für Kinderheilkunde*, Band XXVII, Heft 1—2, under the title: „Heilpädagogische Gruppierung in einer Anstalt für verwahrloste Kinder“, 1920.



State Industrial Home for Women,
Muncy, Pennsylvania.

The Administration Building.

Built of natural stone from the vicinity.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

PART IV
THE INSTITUTION, ITS MANAGEMENT
AND EQUIPMENT

CHAPTER X

CONTROL AND MANAGEMENT

§ 48. *The Chief Administrative Power.*

General Remarks. The oldest form of control of state reformatory and charitable institutions consists of a honorary board of managers, trustees or directors for each institution separately, charged with its direct administration, in addition to which there is a central state board (called : board of charities and corrections, or by a similar name), which exercises powers of inspection and general supervision over the state institutions. Gradually, however, there developed in many states a tendency to enlarge the powers of the central board or to give it full control over the institutions, while the separate institutional boards were either abolished or made advisory only. In other words there developed a definite trend towards centralization of control and away from the decentralized system of separate boards. With the increase in power on the part of the central state authority, this also underwent a change of character: while originally it usually was a board composed of members who received no compensation for their services, this was more and more replaced by a board or department consisting of or officered by salaried officials who were required to give their full time to the work.

The arguments that are advanced in favor of a centralized system of control center chiefly around questions of efficiency and economy:

In the first place it is pointed out that responsibility for the management of the institutions can be more definitely located in a central state board or department consisting of publicly appointed and responsible officials than under a system of many honorary boards supervised by one or more other boards which can inspect and criticize but have no or limited power to enforce their recommendations.

In the second place the point is made that members or officers of a central board or department who give their full time to their function and who are in a position to compare the methods of the different institutions, will be able to develop a much broader and

more expert knowledge of the work than the members of the honorary institutional boards who can devote but a very small portion of their time to the administration of the institution and usually have no opportunity to make an intensive study of other institutions or of the state institutional system as a whole. Moreover, since a central board has so many institutions to administer, it becomes worth-while to employ special experts for certain parts of the work, such as the purchasing of supplies, the institutional dietaries, the institutional industries and farms, etc., all of which leads to greater efficiency than in the case that these matters are attended to by a board which has no expert knowledge along these lines.

In the third place it is argued that centralized control makes possible a better co-ordination of the activities and functions of the different state institutions and agencies. It may, for example, bring about a more satisfactory classification and distribution of the state wards over the different institutions and facilitate the transfer of inmates from one institution to another; it may effect a more rational allocation of institutional industries and farms, so that not too many articles are produced of one kind and too few of another, and greater efficiency in the problem of institutional labor may be reached. A central authority which surveys the whole system of institutions and agencies receiving public support is also in a better position to discover the gaps and efficiencies existing in this field and to work out practical solutions for these problems than institutional boards which see only their own institutions and nothing else.

Closely akin is the argument that it is better to have one budget prepared and presented for all the state-supported or state-aided institutions and agencies by a central board than many separate budgets presented by the institutional boards. For a central board will know which needs are most urgent and how they can be met most economically. This would also save the time and energy otherwise spent by the institutional boards and executives in urging and lobbying legislatures for appropriations which always leads to those having the greatest "influence" or being the least modest in asking, rather than those whose institutions would need most, obtaining the largest grants.

A standing argument in favor of the centralized system is that the purchasing of supplies can be more economically handled by a central state board than by separate institutional boards, since the former has to buy on a much larger scale and can, therefore, afford to employ a purchasing expert who can buy better and more profitably than the members of the honorary boards who lack special experience along this line. Moreover, the purchasing in large

quantities makes possible competitive bidding and the enjoying of special discounts which would not be given on small quantities.

A great saving is also expected from the standardization of various technical matters in institutional management which a central agency may effect, such as uniformity in accounting and record keeping, in the specifications of the supplies, etc.

It is also asserted that the whole question of personnel can be much more effectively handled by a central agency which could set up proper and uniform qualifications, requirements and conditions of service, fix compensation schedules, work out a merit system, and regulate and adjust the many other matters pertaining to personnel management. For to-day personnel management has become a matter requiring expert guidance to be handled in the most efficient way.

Finally it is claimed that centralized control is simpler and less costly than decentralized control. For the latter frequently involves twenty or more boards, each consisting of from four to nine members (largely inexperienced in the work they have to do), each having its own treasurer, secretary, storekeeper, clerk and system of accounting and recording. Under a centralized system of control, however, the work can be greatly simplified by establishing uniform systems of recording and accounting, so that, with a systematic and rational division of labor, it can be performed by a few persons.

Against this argumentation, however, adversaries of central state control adduce the following points:

By substituting a central controlling agency for the system of separate institutional boards combined with a state agency with powers of inspection and supervision, the state deprives itself of the wholesome criticism otherwise exercised by the supervisory state board. For the controlling board or department cannot inspect and criticize its own work; this must be done by another agency. The lack of such inspection and criticism by an independent body may lead to a lowering of the efficiency of the work or to abuses entering into the management of the institutions. To this the advocates of the centralized system reply that the inspection exercised, under a decentralized system, by the supervisory board usually does not have much effect either, since in practice such inspections often tend to become perfunctory and stereotyped, and since the supervisory board has no power to enforce its recommendations or to effect any changes in the institutions, however desirable it may consider them to be. Moreover, other means can be devised to safeguard efficient management under a centralized system, such as the publication of regular reports or other forms of publicity, the inspection by independent efficiency experts or survey committees, etc.

Another argument advanced by those in favor of decentralized control is that the honorary boards offer opportunity for the community viewpoint to express itself, and that it brings the institutions and their problems and needs much closer to the public, upon which, in the last instance, the institutions are dependent for moral and financial support. The public is much more interested in institutions which it helps to administer than in those administered entirely by officials.

A third important argument is that the institutional boards know and appreciate much better the special needs of the institutions they administer than central boards or departments do. It is pointed out (and not entirely without ground) that the central authorities, in their striving towards efficiency and uniformity, are frequently apt to overlook the fundamental differences between the various institutions and thus to handicap them in their work.

It is also asserted that centralized control often leads to much red tape and inflexibility of administration which hampers much an expeditious handling of the institutional affairs.

Further it is doubted if centralized purchasing of supplies means indeed such a saving as it is alleged to be. For centralized purchasing for so many different institutions tends to become a cumbersome affair necessitating the sending in of the requisitions and the placing of the orders months ahead, which makes it difficult for the purchasing agency to provide quickly for unforeseen circumstances or to profit by temporary or local opportunities to obtain goods at low prices. Moreover, it is pointed out that, if centralized purchasing of certain articles is felt to be desirable, this might just as well be effected without a system of centralized control, for example, by setting up a special agency for this one purpose, or by a simple agreement among the institutions as has actually been done in some states. Similar arrangements might be made in respect to other matters in regard to which centralization or co-operation of the institutions is considered desirable, and the initiative to this might well be taken by a supervisory board.

An argument often made is also that, particularly in a large state, the control of all or a large category of more or less heterogeneous state institutions and agencies is much too heavy a task for one board or department which cannot be expected to give all phases of the work adequate attention.

Finally the point is made that there is much more danger under a centralized system of political corruption and other abuses entering into the management of the institutions, since the chief responsibility rests with one or a few persons who may easily abuse their power by appointing friends or partisans in the various positions. Practice

has shown that this danger is indeed not imaginary, although political influences have sometimes also played a part in decentralized systems.

Many feel that the solution should be sought in a combination or mixture of the two systems, and that the question is not whether there should be centralized or decentralized control, but rather what parts of the administration should be centralized and what should be decentralized, and in which form the centralized agency should be organized. Some advocate the establishment of a central state board or department with powers of supervision and partial control in addition to honorary institutional boards which would exercise such powers as were not reserved for the central authority. The principle according to which, under such a system, the division of power between the central and the institutional authorities should take place, is frequently formulated in this way that there should be "centralization of policy-making and decentralization of administrative details." Others, however, feel that the central authority should have the full controlling power and that the institutional board should have an advisory and inquisitorial character.

The central authority is found in two forms: it may either be organized as a *board* consisting of from three to nine or more members, or as a *department*. In the latter case the executive power of the state is usually divided in a number of departments, the heads of which, called "commissioners" or "directors", constitute, or are part of, the governor's cabinet. The board form of control is the most American of origin; the departmental system is more or less suggested by European governmental systems, the theory being that the chief executive power rests with the governor who delegates this power to the members of his cabinet, each of which heads a separate department. We cannot enter here into the controversies with respect to the merits and drawbacks of the board versus the governmental system; it may only be stated that the departmental system means a logical, systematic, hierarchical organization of the executive power of the state and the definite location of the responsibility for each department in one man: the commissioner or director of that department, whereas under the board system of government there are an — often confusing — number of state boards or commissions, each with a special task, which are not co-ordinated in the governor's cabinet, and the responsibility rests not with one man, but with a board. The advantage of the departmental system is that it is more systematic and simple; its greatest disadvantage is the danger it presents for political control, since the chief power in each department

rests with one man, who, being himself an appointee of the governor, may abuse his position by favoring his political party in the appointment of his subordinates and the management of the institutions under his control.

The state board or department may either have control of all state institutions or agencies, or of a certain category of them. The name "Board of Control" or "Board of Administration" usually indicates that the board has control of all the institutions and agencies of the state; if it controls only a special category, this is usually mentioned in the name, such as Commission of Corrections. As for the departmental system, the name "Department of (Public) Welfare" may indicate a department having complete control of all state institutions and agencies, as in Illinois, or it may be a department having control of charitable institutions and agencies only (with the exclusion of penal institutions and agencies, and sometimes also of other categories), as in Massachusetts, or a board of supervisory, or partly supervisory and partly administrative, character, as in North Carolina and Pennsylvania; a department having charge of penal institutions only is called Department of Correction.

There exists still a great deal of controversy about this matter into which we cannot enter here. The difficulty is that scarcely any data are available regarding the comparative effectiveness of the different systems, since "efficiency" in the field of public welfare is not a question merely of dollars and cents, and comparable standards of social service have not yet been worked out. To a large extent also the success of a system in a particular state is determined by local factors, such as the size of the state, the extent of the state's activities in the field of charities and corrections, and the influence of politics upon the state administration. In the absence of definite facts regarding the comparative effectiveness of the various systems, the arguments concerning this question are chiefly determined by the general political, social and economical doctrines held by those discussing this matter. Generally the ideas of efficiency and economy through consolidation, standardization and expert service, as suggested by business, have had a great lure, while there has often been too little realization of the difference which exists between business and social welfare with respect to efficiency. Thus the tendency towards centralization has been rather marked, and there is also a growing preference for the departmental system.

It is important to know, however, that both under the centralized or the decentralized form of control, the power of the institutional executive is usually very large in America as compared with most European countries, as we shall explain more fully below. Cen-

tralized control in the American states, therefore, does not at all mean the same thing as, for instance, in France. Indeed, very frequently the institutional executive has much more freedom under a centralized system than under a decentralized system, since institutional boards which have only one institution to administer, are often more inclined to enter into details than a central state board or department which frequently has a far too extensive task in proportion to its equipment to trouble itself with many details. American traditions are also rather averse of the idea of detailed central control; the concepts of American public welfare executives of centralization usually do not go beyond what they consider necessary from the point of view of efficiency; for the rest they are much in favor of "putting the right man into the right place", and then to leave him very much free to work out his own policies.

Present Situation with Respect to the Women's Reformatories. The situation with respect to the women's reformatories is as follows: In seven states¹⁾ the reformatories are controlled by a separate board of managers, trustees or directors. In one of these, however, namely California, the Board of Trustees governing the reformatory constitutes the Division of Women's Institutions within the State Department of Penology, and in another, namely Pennsylvania, the main control rests with the Board of Trustees, but the Department of Public Welfare also has certain supervisory and administrative powers. In all other cases a centralized or mixed system prevails: Five states²⁾ have a state board of control (called Board of Administration in Kansas, and Board of Control in the other states). In addition to these one finds in Rhode Island an unpaid State Public Welfare Commission controlling all the state institutions.³⁾ A Department of Correction is found in Massachusetts and New York, but in the latter state there is, in addition to the Department of Correction, a Board of Visitors for each reformatory which shares the power of control with it. In Illinois, Ohio and Vermont a Department of Public Welfare exercises the chief control over the reformatory, but in Illinois the Department is assisted by a Board of State Reformatory for Women Advisers, briefly called Board of Women Advisers. The state of New Jersey has a very interesting mixed system which has

¹⁾ Arkansas (which re-established the system in 1927 after two years of trial with a centralized department), California, Connecticut, Indiana, Maine, North Carolina and Pennsylvania.

²⁾ Iowa, Kansas, Minnesota, Nebraska, Wisconsin.

³⁾ In Michigan an honorary commission, the State Corrections Commission, controls the penal institutions.



drawn wide attention. Here the chief power rests with the Department of Institutions and Agencies which consists of a State Board of Control of Institutions and Agencies and a Commissioner of Institutions and Agencies, who is appointed by the Board and acts as its chief executive officer and the head of the Department. In addition to this there is a Board of Managers for each institution under the control of the department, appointed by the Board of Institutions and Agencies. The Federal reformatory, finally, is under the control of the Attorney General, assisted by a Board of Advisers.

From this it may be seen that the centralized and mixed systems (existing for thirteen reformatories) are in the majority over the decentralized systems (existing in seven states). In 1917 when Mrs. Rogers published her first digest of laws governing women's reformatories, the decentralized systems were still in the majority (six against four), which shows that the centralized system is extending rather rapidly.

As for the character and composition of these controlling agencies, the institutional boards are all honorary, except for the members being entitled to reimbursement of the necessary expenses incurred while engaged in the performance of their duties, while Indiana, Maine and New York grant them, in addition to this, a small compensation amounting to \$ 300 a year in Indiana, and 5 and 10 dollars respectively in Maine and New York for each day of actual service (not exceeding \$ 1000 a year in New York). Of the central state boards two are honorary, namely the State Board of Institutions and Agencies in New Jersey and the Public Welfare Commission in Rhode Island¹⁾; in all the other cases the members receive salaries ranging from \$ 3500 to \$ 6500 a year. The commissioners or directors heading the departments of welfare or correction are, of course, always salaried, their salaries ranging from \$ 6500 to \$ 12000 a year.

The number of the members of the boards (both institutional and state) is in most states three²⁾, in others it is four³⁾, five⁴⁾, seven⁵⁾, eight⁶⁾ or nine⁷⁾. As for their sex, in all but two cases

¹⁾ In New Jersey the bulk of the work is done by the (salaried) Commissioner of Institutions and Agencies and his department, while the state of Rhode Island is so small that the work does not necessitate a paid board.

²⁾ Illinois, Iowa, Minnesota, Nebraska, Rhode Island, Wisconsin.

³⁾ Indiana, Kansas.

⁴⁾ Arkansas, California, Maine, North Carolina.

⁵⁾ Connecticut, New Jersey (institutional board), and the Federal Board of Advisers (including the three ex-officio members).

⁶⁾ New York (including the Commissioner of Correction as ex-officio member).

⁷⁾ New Jersey (state board, including the governor as ex-officio member) and Pennsylvania.

where a special institutional board is provided for, it is specified by law that one or more members shall be women: In Illinois and Indiana all members must be women, in California and New Jersey the majority, and in the other states two¹⁾ or three²⁾ must be of the female sex; the Arkansas and Federal statutes fail to specify this point, but, as a matter of fact, in both cases women are on the board. As regards the central state boards, Minnesota, New Jersey, Wisconsin and probably also Rhode Island provide that at least one member shall be a woman; the remaining three states have no provisions on this point. Many states specify some qualifications for appointment which are mostly to the effect of preventing political corruption: Some³⁾ provide that the appointments must not be of a partisan character, others⁴⁾ that not more than two out of three or four shall belong to the same political party or that not more than one may come from the same district. In Nebraska, however, the majority of the board must belong to the same party as the governor. Indiana specifies that the members must possess fitness for the position and that they are rendered ineligible by any pecuniary affiliation with the institution, while New York requires one member to be a physician of at least ten years' practice.

The members of the boards, whether institutional or state, are in all cases appointed by the governor, often with the (advice and) consent of the council or senate, except the members of the Board of Managers in New Jersey who are appointed by the State Board of Institutions and Agencies, and those of the Federal Board of Advisers who are appointed by the president of the United States. The commissioners and directors of state departments are all appointed by the governor with the consent of the council or senate, except in New Jersey where the commissioner is an appointee of the Board of Institutions and Agencies. The members of the boards are always appointed for specified terms, ranging from three to eight years, which are arranged in such a way that not more than one, two or three expire in one year or legislative period. Thus there is never the necessity of appointing a whole new board which secures continuity of service and lessens the danger of the political party in power seizing control of the board.⁵⁾ Members may

¹⁾ Maine, New York.

²⁾ Connecticut, Pennsylvania.

³⁾ Connecticut, New Jersey, North Carolina.

⁴⁾ Indiana, Iowa, Kansas, Minnesota.

⁵⁾ In practice it has sometimes happened, however, that, by chicanery, all members of a board were forced to resign, whereupon the party in power appointed an entirely new board.

be removed before the end of their term, for cause, by the same authority which appointed them. Some states specify the cause: In Indiana "misconduct or neglect of duty" or "graft" constitute causes; in Iowa and Minnesota a member may be removed for "malfeasance or non-feasance in office, or any cause that renders him ineligible to appointment or incapable or unfit to discharge his duties of office", while he must be removed when he attempts to induce other officers or employers of the state to adopt his political views or to favor a particular candidate for a position or to contribute to any person for election purposes. Certain formalities are sometimes prescribed to prevent removals without sufficient reason, such as written charges or hearings.

As for the commissioners and directors of departments, these are usually appointed for a term equal in length to that of the governor, since they are considered as members of the governor's cabinet. An exception to this is the commissioner of New Jersey who holds his office at the pleasure of the board. In some states, like Massachusetts, it is an established practice that these officials are re-appointed or continued in office as long as they are satisfactory; in some other states, however, there is a tendency to have a new commissioner or director with each new governor, that is every two or three years, which, of course, is not conducive to the stability and efficiency of the work of the department.

The organization of the work of the institutional boards is usually very simple. The laws contain only a few provisions on this point, such as that the board shall elect a chairman and secretary or treasurer from among its own number. For the rest the boards are free to adopt the procedure as they consider fit. Mostly these boards meet once a month at the institution. The business organization of the state boards and departments is, of course, more elaborate since they have to deal with many institutions. These boards and departments usually have their offices in the state capitol and employ a staff of salaried workers. Frequently one finds that the department is subdivided in divisions, each headed by a deputy commissioner or assistant director. Thus there may be a division for the purchasing of supplies, for building and improvements, for prison labor, for parole, etc. The meetings of a state board are, as a rule, held in the office at the capital; the visits paid by the members or representatives of such a central board or department to the institution frequently bear more or less the character of an inspection and may not take place oftener than perhaps twice a year.

The legal provisions relative to the powers and duties of the

institutional and state boards and departments are usually rather elaborate. They may be classed under four heads:

In the first place there are the duties of a preliminary nature to be performed before or upon the entrance of duties, such as the furnishing of a bond or the taking of an oath. Most states require some such sort of security from board members or department heads.

In the second place there are the duties of the boards relating to the establishment of the institution which we shall discuss in the following chapter.

Thirdly are to be mentioned the powers and duties of the board or department relating to the daily conduct and management of the institution. Those most frequently specified in the laws are: the right and duty to possess, control and administer the property of the institution; to make contracts; to determine policies, to make rules and regulations relative to the care, training, treatment, employment and discipline of the inmates; to appoint the superintendent; often also to determine the number and salaries of the subordinate officers; to transfer inmates to other institutions; to inspect the institution; to prepare periodical reports and to present plans and recommendations. Wherever there is a separate institutional board in addition to a central state board, the former may have much the same responsibilities in regard to the daily conduct of the institution, except for the fact that in specified cases, such as the appointment or removal of a superintendent, their decisions are subject to approval by the central authority and that this authority also determines general policies and deals with some specified matters of broader concern than of the reformatory alone, such as the central purchasing of supplies, the allocation of industries to the different institutions, the transfer of inmates to other institutions, etc. This is about the system prevailing in New York and New Jersey. The Federal Board of Advisers seems to have a purely advisory character, while the Illinois Board of Women Advisers—in addition to its advisory function—seems to be chiefly concerned with housekeeping details and other matters that can be better dealt with by women than by a central department.

Finally, we may mention the powers which some boards or departments have in connection with parole. But this will be treated in the chapter on parole.

§ 49. *The Reformatory Staff in General.*

In order to gain a general impression of the personnel situation in the women's reformatories, the following table is presented, based upon information supplied by the Handbook of American

Prisons and Reformatories of 1929, supplemented, in some cases, with data which we found in some of the institutional reports or happened to know otherwise. We have included only those workers who are more or less regularly connected with the institution, not, for example, clergymen invited occasionally, but we did include medical specialists who are regularly called in all cases in which their services are needed. All officers and employees mentioned are in full-time service of the institution, unless we have added "p. t." (part-time), "vis." (visiting), "occ." (occasional). "Part-time" is used to indicate the fact that a regular amount of time is given to the institution; "visiting" indicates also a more or less regular relationship with the institution, but for a much smaller amount of the time of the person concerned; "occasionally" is used when the incumbent of the position comes only occasionally to the reformatory, when needed. As for the titles mentioned in the table, we may explain that the assistant or deputy superintendent is usually responsible for the internal daily management and discipline of the institution and that she relieves the superintendent in her absence. The term "matrons" is applied to the officers who supervise the general life of the inmates. In institutions which have two officers to each cottage, the woman having charge of the general household is usually called the matron, while the name "housekeeper" is applied to the officer who takes care of the commissary, and relieves the matron in her absence. In some reformatories, however, there is only one officer to each cottage who takes care both of the general household and the commissary. The other titles require no explanation.

It should be stated that the table could not be accurate in details for several reasons: In the first place we lack precise information in some cases, for example, with respect to the male personnel. Secondly, the composition of the personnel is frequently subject to changes: in summer, for example, some extra officers or employees may be engaged for the farm work, or officers from other departments, such as teachers or matrons, may be temporarily detailed to the outdoor activities. In the third place one frequently finds that one officer carries more than one function, such as that of dietitian and domestic science teacher. Finally, the name often does not clearly indicate in which class an officer belongs: It is difficult to say, for example, whether a sewing supervisor should be classed as a "sewing teacher" belonging to the school department, or as a "vocational supervisor". However, the table will at least give a general impression of the personnel in the women's reformatories.

It is interesting to note the great variations as regards the size of the different staffs: The most elaborately staffed institution appearing in the table is the reformatory at Bedford Hills N. Y., which has some 107 full-time officers to 317 inmates, or 1 officer to about 3 inmates. In striking contrast to this stands the Ohio reformatory which has nearly 130 inmates more but only 31 full-time employees, that is 1 to about 14 inmates.¹⁾ The Pennsylvania institution comes close to Bedford as regards the relative size of its staff, having one full-time officer to a little more than 3 inmates; but it has a much smaller population than Bedford and one may expect, therefore, a comparatively greater staff. Relatively small staffs are also found in the Woman's Prison of Indiana and the institutions of Iowa, Kansas and Rhode Island.

The proportion between the number of inmates and the number of officers and employees in itself, however, tells little as to the question whether an institution is over- or understaffed. For the size of a staff does not depend alone upon the number of inmates, but to a much greater extent upon the various functions to be fulfilled. A small institution always needs a comparatively larger staff than a large one, since certain officers, such as the superintendent, are needed, whether the institution is small or large, and since the administrative work does not increase in proportion with the population. In several other functions, too, such as those of the industrial supervisors, an increase in the population does not mean that a corresponding increase in the personnel is necessary. Again, a comparatively large staff may only mean that the institution has been so clumsily constructed that a larger number of persons is needed to attend to its upkeep and care or for supervisory duties. Then, too, a small staff may be due to the fact that the institution uses outside facilities, such as clinics, to a larger extent than an institution with a comparatively larger staff. Thus a reformatory with 60 inmates and 15 officers, that is one officer to 4 inmates, may be less adequately staffed than an institution with 360 inmates and 60 officers. In other words, the question whether an institution is understaffed or not cannot be answered by simply dividing the number of inmates by the number of officers, but by inspecting the various needs and lines of work of the institution and seeing how well these are attended to, in so far as the personnel are concerned. Thus it may be noted that Bedford reformatory is the sole institution to have two assistant superintendents and two resident physicians (in addition to the visiting

¹⁾ Since 1929 the population of this institution has greatly decreased owing to a change in the law governing commitments.

TABLE 8.
Composition of the Personnel of Reformatories for Women.

Institution	Number of inmates	Number of officers	Number of women officers	General management, administration and housekeeping	Medical service	Matrons and housekeepers	Vocational supervisors	School department	Religious care	Case study and parole	Male farmer, engineers and other male employees	All other
Connecticut	143	38 (4 p. t.)	± 32	Supt., ass. supt., secretary, clerk, record clerk, 2 office assistants, storekeeper (also relief matron)	Physician (also psychiatrist), dentist (p. t.), pediatricist (p. t.), 2 general consultants (occ.), 4 nurses (incl. nurse matron)	6 matrons, 4 housekeepers.	Sewing teacher, laundry sup., canning and sewing sup., dairy sup., 2 field sup.	Teacher.		Caseworker, parole off.	Farm foreman.	Woman bus driver.
Indiana	197	23 (3 p. t.)	17 (1 p. t.)	Supt., clerk, storekeeper.	Physician (p. t.), dentist (occ.), oculist (occ.) nurse.	11 matrons.				State agent.	Engineer, gardener, 2 firemen.	
Iowa	105	18	± 13 (1 p. t.)	Supt., clerk, steward, head matron.	Physician (p. t.), dentist (occ.), oculist (occ.), urologist (p. t.)	5 matrons.		Domestic science teacher, art teacher.			2 or 3 mechanics.	
Kansas	162	± 25	± 20	Supt., record clerk, storekeeper.	Physician (p. t.), dentist (occ.) nurse.	14 matrons.		Domestic science teacher.	2 chaplains (vis.).		?	
Massachusetts	254	± 58 to ± 65	± 44 to ± 49	Supt., ass. supt., clerk, 3 office assistants, chief housekeeper, storeroom officer.	Physician, dentist (p. t.), oculist (p. t.), surgeon, laryngologist, psychiatrist (p. t.)	8 matrons.	Laundry sup., kitchen sup., 4 industrial sup., 3-6 dairy and field sup.	Educational director (also chaplain), 3 academic teachers (2 p. t.), 2 dom. science teachers (1 p. t.), music teacher, gymnasium teacher.	Chaplain (also educational director), 2 clergymen (p. t.).	3 research workers.	Head farmer, 1-3 farm hands, industrial manager, 2 cutters, 1 shipping clerk, 1 carpenter, 3 watchmen.	Woman farm superintendent, woman night watch.
Minnesota	77	15 (2 p. t.)	13 (2 p. t.)	Supt., ass. supt. (also parole off.), secretary (also gymnasium teacher).	Physician (p. t.), dentist (vis.), psychiatrist (vis.)	6 matrons.	Kitchen supervisor, sewing supervisor.	Gymnasium teacher (also secretary).		Psychologist (vis.), parole off. (also ass. supt.).	Farm superintendent, shop foreman.	

TABLE 8 (continued).
Composition of the Personnel in Reformatories for Women.

Institution	Number of inmates	Number of officers	Number of women officers	General management, administration and housekeeping	Medical service	Matrons and housekeepers	Vocational supervisors	School department	Religious care	Case study and parole	Male farmer, engineers and other male employees	All other
Nebraska	55	11	9	Supt. (a physician), bookkeeper.	(Supt. being a physician), 2 urologists, dentist (occ.), nurse.	Some matrons.		sewing instructor.			?	
New Jersey	162	42 (= 4 p.t.)	37	Supt., ass. supt., chief clerk, 2 stewards.	Physician, psychiatrist (p. t.), dentist (p. t.), oculist (occ.), 2 surgeons (occ.), 2 nurses.	5 cottage officers.	Laundry supervisor, 2 sewing teachers, field officers.	Educational director, 2 teacher (1 also gymnasium teacher), music teacher (p. t.).		Psychologist.	Head farmer.	
New York	317	112 (= 5 p.t.)	105	Supt., 2 ass. supts., chief clerk, steward, marshal, office assistants.	2 physicians, dentist (p. t.), oculist (vis.), (supt. being a psychiatrist), 2 nurses.	36 matrons.	Supervisor of industries.	Educational director, supervisor of laundry.	3 chaplains (p. t.).	Psychologist, chief investigator, parole officer.	Chief engineer, some mechanics, etc.	Recreational director.
Ohio	444	36 (= 5 p.t.)	30	Supt.	Physician (p. t.), surgeon (occ.), oculist (occ.), laryngologist (occ.), nurse.	17 matrons.	Sewing instructor.			Field officer, psychologist (vis.).	Supt. of buildings and grounds.	
Pennsylvania	113	40 (2 p. t.)	29	Supt., ass. supt., steward.	Physician, dentist (p. t.), oculist (vis.), psychiatrist (vis.), nurse.	9 matrons, 5 housekeepers.	2 laundry supervisors, animal husbandry instructor, gardener.	Teacher, domestic science instructor, sewing instructor, music and gymnasium teacher, art teacher.		Psychologist (also parole officer).	Supt. of buildings and grounds, chauffeur, engineer, 3 teamsters, carpenter, watchman.	

specialists); the reformatory in Ohio, on the other hand, although it had many more inmates, had no assistant superintendent and only two part-time physicians who together gave less service than one full-time physician. The institutions of Minnesota, New Jersey and Massachusetts have a relatively much smaller number of matrons than those of Connecticut and New York; on the other hand, the reformatories of Massachusetts and New Jersey, like those of Connecticut and New York, have much better facilities for case study than the other institutions which, for the most part, have not one officer especially detailed to this work.

One point which deserves closer attention in this connection is the increasing differentiation or specialization of functions that may be noted in the women's reformatories. In institutions of the older type nearly the entire staff consisted of matrons whose chief duty was to supervise and to guard; in modern institutions the larger part of the personnel consists of specialized workers: teachers, physicians, nurses, industrial supervisors, research workers, etc. This change is, of course, in the first place due to the increasing differentiation of reformatory methods and the modern tendency toward specialization in order to increase efficiency of service. But also another factor plays a part in this, namely the tendency in modern reformatories to make the functions of the personnel as intensely educational as possible and to reduce the non-educational elements in it. In the older institutions mere supervision and maintaining order had mainly characterized the work of the personnel; added to this was the feeling that the influence of the officers upon the inmates was always good and educational, and the simple conclusion was, therefore, that the more officers there were and the smaller the group each had under her supervision, the better and more intense the educational effect. Modern reformatory executives, however, do no more see things in such a simplistic way and know that a great amount of supervision is not only educationally sterile, but often actually harmful. For there are few things so deadening to the initiative and self-confidence of the inmates, and so depressing for whatever creative impulses and capacities they may have as the fact that they are directed, ordered about and watched at every move. An over-amount of supervision also creates an unfortunate atmosphere of suspicion which almost inevitably engenders in the inmates an inclination to outwit the vigilance of their officers. To the officers the merely supervisory work is uninteresting and tedious, and does not attract the more intelligent workers whom the modern reformatory would like to have. Moreover, it means poor economy to occupy a great deal of the time of the workers with supervisory duties, if their capacities could be made use of

for more important and constructive work. In other words, an institution with fewer, but better qualified and more effectively employed officers may sometimes be better from the educational point of view than one with a large supervisory staff.

A reduction of the merely supervisory element in the work of the officers may be effected in different ways:

1^o. by giving the various kinds of work an educational or vocational content so that the supervising officer becomes a teacher, and supervision becomes incidental. The simple work of serving food, for example, has in some reformatories been made the project of a serving class where training in serving is given to those who will later take positions as domestics or waitresses.

2^o. by permitting the inmates to work under little or no supervision whenever possible. Some institutions have gone surprisingly far in this: in one reformatory, for example, the inmates working on the farm across a public road from the institution were under no supervision except that of the farmer who had his own work to do and consequently could pay but little attention to the women who were busy on different places of the farm. That inmates are sent on errands to the various buildings, do the outside cleaning, mow a lawn, etc. without supervision, are common occurrences in some reformatories.

3^o. by giving the inmates definite responsibilities to carry under a self-government or honor system. We shall later see how far some institutions have gone in this direction, sometimes even to the extent of leaving a whole department in charge of inmates alone. The saving in supervisory duties of the personnel which has resulted from this in some institutions is considerable, amounting in some cases to the time of several officers.

This tendency towards differentiation of institutional functions and of replacing supervisory positions by educational ones in which supervision is incidental, is interestingly demonstrated by the percentage which the matrons with predominantly supervisory duties form of the total staff. In the reformatory of Massachusetts, for example, the matrons constituted a good majority of the personnel during the early years of the institution; at the time we visited the institution only some twelve of the sixty odd subordinates were of the matron type, and of these there were three or four at least who did special work, such as teaching, during part of their time. It was the firm opinion of the superintendent that eventually all matrons should be replaced by "teachers".

There is, however, another side to this specialization of functions which deserves attention, namely that under such a system the personal influence of the officers upon the inmates is given less

prominence and more reliance is placed upon the objective influences of treatment, training, instruction, labor, sports, etc. For wherever there is a far-reaching specialization of functions, each inmate comes under a number of officers every day. For example, she may get up and clean her room in the morning under one officer (the regular cottage matron), go to work under a second (the vocational supervisor), have her first period in school under a third (one of the teachers) and her second under a fourth (another teacher), go for medical treatment to a fifth (the physician or nurse), enjoy her recreational period under a sixth (the recreational or physical director), be disciplined by a seventh (the assistant superintendent) and finish up her day with singing or dramatics, guided by an eighth, and this by no means exhausts the total number of officers she may come in contact with, for we have not yet contemplated the superintendent, the relief officers, the chaplain and visiting clergymen, the psychologist, the case and parole workers, the shifts to another occupation, the transfers to another cottage, etc. The result is that each officer has the inmates under her control only during the time she is in her "department", and that no one is really responsible for the whole treatment of the inmate.

In connection with this it is of interest to know that the instructions for the personnel frequently prescribe a strictly impersonal attitude on the part of the subordinate officers towards the inmates and forbid their taking any personal concern in their personal lives. In several reformatories, for example, the subordinate officers are not allowed to inspect the inmates' records nor are they given information concerning their histories; they are not permitted to enter into conversation with the inmates concerning their pasts and delinquencies, not even if the inmate takes the initiative, nor are they to have private talks with any of them; they do not take part in the case study and case conferences; often they are forbidden to write to inmates who have gone out; etc. In other words, they are to tend their business, that is the conducting of their department, and not to concern themselves with the individual inmates.

Various reasons are given for this: The officers do by no means all possess the tact and objectivity to deal wisely with the women, if they were allowed to enter into their personal affairs. Permitting the eight or ten different officers, with whom an inmate comes in daily contact, to take a personal interest in her, might have disastrous results. Moreover, under a group system the paying of special attention to individual inmates might make the impression of favoritism upon the others and arouse their jealousy. Thus to many executives the best thing to do is to prescribe an impersonal attitude on the part of the officers and to keep personal

data regarding the women carefully concealed from the matrons.

However, an impersonal attitude is not satisfactory for the inmates. As we shall explain more fully later, it is the emotional life of the inmates which suffers most in a reformatory. It is quite natural that they often long to talk over their personal affairs with someone else, and to receive or give affection; if they cannot find expression in a relationship with an officer, they will seek other outlets and usually less desirable ones. The custom existing in some institutions that any inmate who desires so may at a specified hour see the superintendent or assistant superintendent, does not solve the problem, for many times inmates fear a formal interview with the higher officers while they might more easily express themselves to a matron or teacher for whom they have a particular liking.

Nor is an impersonal system satisfactory from the point of view of case study and treatment. No one has better opportunity to learn to know the women and to influence them than the officers who are in daily contact with them. Yet, they cannot observe the women intelligently if they know nothing of their previous histories, nor can they give intelligent co-operation in the plans of treatment if they do not understand just what is to be done with them. One cannot expect officers to know all at once the women they get into their department, and many — often unamendable — mistakes are made, which could have been prevented if the officers had been told before about the personalities and backgrounds of their charges. Moreover, it is more and more recognized that personal relationships are a highly important factor in the adjustment of difficult individuals, since emotional factors play such a large part in personality difficulties. The Austrian psychologist August Aichhorn, whose training and long experience with problem children gives him the right to speak with authority, strongly emphasizes the value of the proper personal relationship between the educator and the person who is to be adjusted, and goes so far as to state that no truly reformatory work can be done unless such a relationship has been established.¹⁾ In the light of this reformatories which would ignore this point or repress any possibility for the women to establish such relationships would miss the most essential part of their work.

Another objection is that some of the officers may get into the habit of thinking that the adjustment of the women in their charge is not their business: they have to run their "department"; why the women became delinquent and what should be done with them

¹⁾ See his "Verwahrloste Jugend", 1925.

is the concern of the case study department or the superintendent, not theirs. Thus the danger exists that women may be passed along from one department to another without any one of the officers who are most in contact with her helping her to solve her deeper personal problems or feeling responsible for her emotional adjustment.

Finally the all too impersonal system is not satisfying to the officers, at least not to those more intelligent social workers who bring to the work a genuine interest in human lives, and a desire to understand and to help. They are not content with attending to the details of their department, they want to know what they are really doing for the adjustment of the women under their charge. This intangible factor is one of the reasons, we believe, why it is often so difficult to interest and to hold the more intelligent social workers in institutional service.

Of course, many institutional executives have realized these problems and have tried to meet them as well as they could. The superintendent of the Federal reformatory, for example, who had the good fortune of starting in with a new institution and a new staff of an unusually high grade, requires the "head warders" of the cottages to be present at the case conferences where the cases of the girls in their cottages are discussed. In other institutions which have to put up with the personnel they have, perhaps a policy of "give and take" would be best: the staff rules should not be too rigid or autocratic, and discretion should be used by the institutional executives as to what share should be given the other officers in the histories and plans of treatment with respect to the girls in their charge. It is not necessary, for example, that the nurse or relief officer or any other with whom the inmates have only a passing connection know their histories, nor would it be wise to tell everything to all matrons. But we believe that it should be made a point that no inmate should be thrust upon a matron without some introduction or comment, adapted to the matron's capacity and need to understand, as to the girl's personality, the plan of treatment, and what is expected of the matron in this, so that the matron would feel that she is taken into partnership in the adjustment of the girl. If it is felt that an officer has a good influence upon women in her charge, she should be permitted to use it to their best advantage and be placed in a position where she can do the best work ¹⁾.

¹⁾ Aichhorn, too, although he generally strived to draw his co-workers into his plans and viewpoints with respect to the children as far as possible, also seemed to have used discretion and to have given them only such information and at such a moment as he considered wise in each case.

We are not of the opinion that the influence of the officers as such has any magic power, and that the whole solution consists in limiting the number of inmates who may be under the charge of one officer. But we do believe in the constructive influence which *some* personalities among the officers have upon individual inmates, and the management should be flexible enough to give such influences free play. It seems to us that there is no objection against far-reaching specialization, if only one of the many "departments" an inmate has to go through is "home" to her where her personal life and her personality as a whole can receive due consideration. As this can most naturally be the cottage, it follows that the cottage mothers should be such persons as have the best influence upon the women and the most intelligent understanding of their problems. They should not be (as many unfortunately are) of the old-fashioned housekeeper's type, interested only in polished floors and immaculate beds; nor should they be all teachers. There is a real place in the reformatory for "matrons" in the good sense of the word, women of great refinement and intelligent social workers, who know not only to create a fine home atmosphere, but who above all have the confidence of their charges and know how to help them in re-adjusting their personalities. Viewed in this light, the work of the cottage matrons should be considered a "key-position" only to be trusted to the best. Unfortunately, rather the opposite meaning seems to prevail in many institutions, if one considers the low salaries of the matrons and the position these officers occupy.

Summarizing, then, we may state that the best composition of a staff is that whereby the least possible amount of time of officers is devoted to educationally unproductive work, such as that of mere supervision, and the best possible use is made of the talents available among the officers in the work of adjusting the offenders. It is largely a matter of the skill and tact of the reformatory administrators in how far they will be able, under a system of extensive differentiation and specialization, with avoidance of the pitfalls of unwholesome subjectivism and sentimentality, to give the human element the place in the work it rightly deserves.

Civil Service Administration. The appointment and status of the personnel in public service has been the object of much discussion and legislation about which a few words may be said here. Originally the chief motive for civil service legislation was to eliminate political influence and partisan spoils methods from the public service. The device adopted was to subject candidates for public service to an examination, and to place all those who passed the examination successfully on a list from which all appointments were to be made.

No appointments were to be made outside the list, and often even the order in which the persons were placed on the list had to be observed. Certain functions for which examinations were not feasible or practical were exempted. An elaborate system of civil service commissions and examinations was set up in a number of states, but after a period of enthusiasm several objections were raised against the system. In the first place it was found that even under a civil service system political influences were not entirely eliminated, since by various tricks the regulations could be evaded. Secondly the objection was made that the examinations in many cases did not determine the real fitness of the candidates for the work; nevertheless candidates who had passed the examination successfully had to be taken and could not be dismissed until their unfitness had become evident. Thus the civil service system often turned out to be a protection for the mediocre employees, while the administrators had lost the freedom to select their own personnel. It may easily be understood, then, that executives were not all in favor of the system. Finally it was found that much more was necessary to obtain a satisfactory civil service administration, that there was to be a classification of all functions, a precise defining of titles and duties, a fixing of uniform requirements, working conditions and compensation schedules, that there should be a merit system with accurate efficiency records and definite conditions for advancement, and that this work was closely tied up with many other personnel problems such as the investigation of complaints, questions of sick leave, vacations, retirement, pension, compensation for accidents, recruiting of candidates, vocational guidance, training, etc. In short, it was discovered that the obtaining of efficient civil service is not merely a question of keeping political appointees out, but a matter of modern personnel management in the fullest sense of the word which has to be handled by persons especially trained in this work. More and more the plea is being made for a central state agency conducted by experts in personnel management, which would handle all the affairs pertaining to the state personnel.

Thus far this ideal has nowhere yet been realized. A number of states have at present a civil service system, mostly still with the emphasis upon the negative purpose of keeping out unfit candidates, although a few governments have gone beyond that point. The civil service systems are conducted with varying degrees of success; the prevailing opinion seems to be that the civil service system should not be abolished but that practically everywhere it needs a great deal of improvement.

§ 50. *The Superintendent.*

In all states the superintendent is appointed by the board or department controlling the reformatory, and, in the case of the Federal reformatory, by the Attorney General ¹⁾. Of the states which have a combined system of control of an institutional board and a central authority, New Jersey gives the power to appoint the superintendent to the Board of Managers with the approval of the State Board of Institutions and Agencies, New York to the Commissioner of Correction with the approval of the Board of Visitors, Illinois to the Department of Public Welfare. We could not obtain any information as to whether the superintendents were appointed under civil service regulations, but probably this has been the case with only a few of them, since positions of institutional executives are very frequently in the exempt class. Only two states, Iowa and Vermont, specify a term for which the superintendent is appointed, namely four and two years respectively, but the superintendent may be re-appointed. Removal may usually be made by the same authority who made the appointment, four states ²⁾ providing that the removal shall be for cause. In addition to the power of removal by the appointing authority, the governor in New York may, and in Indiana he must, remove the superintendent for graft.

As regards the sex of the superintendent, fourteen of the statutes ³⁾ specify that the office must be filled by a woman, two ⁴⁾ that it may be a woman, and the others fail to specify. There is one reformatory which, since 1921, has a male superintendent, namely the New York State Reformatory at Bedford Hills; but this is the sole instance in the entire history of the women's reformatory. The strongly prevailing opinion is that the superintendent should be a woman, as she can appreciate and handle women's affairs better than a man, and has an easier approach to the inmates.

Ten of the statutes governing reformatories contain provisions relative to the qualifications of the superintendent. Two states ⁵⁾ provide that the qualifications shall be specified by the controlling board; the statutes of five other states ⁶⁾ specify qualifications in general terms, such as "skilled", "suitable" or "skilled and qualified

¹⁾ The Michigan statute gives the appointment to the governor.

²⁾ Indiana, Iowa, Minnesota, Rhode Island.

³⁾ Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Minnesota, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont.

⁴⁾ Massachusetts, Michigan.

⁵⁾ Minnesota, New Jersey.

⁶⁾ Arkansas, California, Illinois, Indiana, Ohio.

by education and practice to have charge of the institution". Kansas requires that the superintendent shall be an "experienced educator", New York that the Commissioner of Correction may prescribe qualifications, but that the superintendent of the reformatory at Bedford Hills shall be a physician in good standing, a graduate of an incorporated school, of at least "five years experience in actual practice", and North Carolina that she shall be a woman "of liberal education and special training, with experience in institutional management or social work". These provisions reflect some of the prevailing notions as to the qualifications for a superintendent, namely that she should be a physician, an educator, a woman with institutional experience, a social worker. It is difficult to say just what are the best qualifications for this office, for, as Dr. Miriam Van Waters expresses it: ¹⁾

The superintendent's problem often demands that she be an expert business administrator, capable of handling hundreds of thousands of dollars. She must be something of a farmer, builder, architect, mother, teacher, housekeeper, stockbreeder, engineer, landscape gardener, psychologist, psychiatrist and domestic economist. Above all, her temperament must be even, balanced, creative. She must be a "specialist in the difficult art of human relations". Every type of human problem is presented in the state institution. Even if the superintendent has a staff of experts, she must understand how to make them all sing in tune.

It seems to us that the superintendent need not necessarily be a physician, but it is undoubtedly important that she be a person of broad education along the lines of psychology and social work, and with much practical experience, preferably both in extra-mural social work and in institutional service. For women who have never known anything but institutional service are sometimes apt to become "institutionalized" in their point of view and to lack that vital understanding of the conditions in free society from which the inmates come that is necessary to a sensible handling of their problems. It is particularly important, it seems to us, that the superintendent should know the point of view and the techniques of modern case work, especially psychiatric social work, which are essential in the adjustment of delinquents. On the other hand, social workers in the free community do not always realize sufficiently the requirements, problems and limitations of an institutional environment.

Even more important than training and experience is the personality of the superintendent, but this can hardly be defined. Some of the qualities she should certainly possess are imagination, inspiring leadership, a feeling of humor, as well as that reverence

¹⁾ "Where Girls Go Right", Survey, June 1922.

for, and interest in, human personalities and relationships which are indispensable in the work with maladjusted individuals.

The superintendents of the women's reformatories have, on the whole, been of high educational standing, which is probably due, in part, to the fact that politics have exercised small influence in these institutions, and to the fact that social service has a particular appeal for many of the better educated women. Of the twenty present and former reformatory superintendents, for example, about whom we happen to have some information with respect to their education or previous experience, at least nine had had college training, two having the degree of doctor of philosophy and considerable experience in educational or correctional work, five being physicians (of whom three with several years of service in psychopathic hospitals), and one being a lawyer. In addition to these there were at least two teachers who had had some years of experience in teaching in correctional institutions. Of the others six had occupied positions in schools for delinquent girls, two had come up from the ranks in the same institution, and three had done probation or protective work.

The salary of the superintendent is fixed in two states ¹⁾ by law, and in at least ten states by the chief administrative power (Maine requiring approval of governor and council); probably the same is true in most of the other states, although it is not specified in the reformatory statute. According to figures given in the Handbook of Prisons and Reformatories the salaries actually given vary from \$ 1650 in Maine to \$ 5000 in Pennsylvania, in addition to maintenance. The superintendents of the Federal reformatory and of the New York reformatory at Bedford Hills receive \$ 4500 in addition to maintenance, all the others less than \$ 4000. Of the reformatories mentioned in the Handbook that of Maine is the only one the superintendent of which receives less than \$ 2000, although there are possibly one or two more institutions where this is the case.

The powers and duties of the superintendent are in most cases described by law in general terms which often resemble much the provisions relative to the powers and duties of the chief managing power, because the superintendent, as its legal agent, is responsible for carrying out these provisions. Special powers and duties which the superintendent may have relate to the appointment and removal of subordinate officers, the keeping of records and accounts, the making of reports, the classification of inmates, etc. which also are often worded in general terms. With the superintendent's power

¹⁾ Iowa, Ohio.

²⁾ Arkansas, Connecticut, Indiana, Kansas, Maine, Minnesota, Nebraska, North Carolina, Pennsylvania, Wisconsin.

to appoint and remove subordinate officers we shall deal in the following paragraph; for the rest we shall not enter into details, since this would lead us too far and since the legal provisions are too general to tell us much about the actual power a superintendent enjoys. It may only be stated that, on the whole, the superintendents enjoy a much greater independence and discretion than executives of penal or correctional institutions in most European countries. The superintendents may, for example, without requiring the consent of the chief managing authority, determine the classification of the inmates, fix and change time and work schedules of officers and inmates, assign the duties of the subordinates, purchase clothing for outgoing inmates and other special articles, admit visitors of both sexes, show them through the institution and offer them the hospitality of the institution for days at a time, invite lecturers or entertainers to give a talk or performance for the inmates, or guests to attend a play given by the inmates, send women outside the confines of the institution on a walk, etc., most of which would be inconceivable with us without the consent of the central authority. In some institutions the superintendent also has much influence in the decisions as to the parole of inmates, as we shall see later. The amount of freedom enjoyed by the superintendents varies, of course, in the different institutions, and depends to a large extent upon the ideas and temperament of the persons constituting the chief controlling power; but the general tendency is to leave the institutional executive a rather extensive power. On the whole we received a favorable impression of this American system, at least as applied to women's reformatories, because it permits the superintendent to move much more freely and to work out her own methods without being hampered and tied on all sides by red tape and by adverse decisions of authorities who frequently have much less understanding of the situation in the institution than the superintendent who is in the midst of it. However, three conditions should be fulfilled to obviate the dangers that are involved in this system: 1^o. that there be proper safeguards to assure the choice of the right person as superintendent and to keep out political influences; 2^o. that the chief managing power should, by regular inspections or meetings at the institution, be in sufficiently close touch with the institution to know what is going on and to intervene quickly when things threaten to go wrong; and 3^o. that the power of the superintendent should be restricted with respect to those matters which, by their nature, can be better regulated by other authorities. In practice all these questions are not so easy to solve, and historical and local factors everywhere play a great part.

§ 51. *Subordinate Officers and Employees.*

In all state reformatories except those of California, Illinois, Nebraska and Vermont, and possibly also Kansas, subordinate officers are appointed by the superintendent, but in five ¹⁾ of the states where the appointments are made by the superintendent, these must be approved by the chief controlling power; in New York the appointments made by the superintendent are subject to rules adopted or approved by the Commissioner of Correction, and in Ohio a monthly report of all appointments, resignations and discharges must be filed with the Department of Public Welfare. In California, Illinois, Nebraska and Vermont subordinates are appointed by the chief administrative authority, and in the case of the Federal reformatory they are made by the Attorney General. The removal of subordinate officers is usually effected by the same authority which makes the appointments, except that in some states the discharged officer may be given a hearing by the central authority. In Indiana employees must be removed by the governor for graft, in Ohio they may be removed by the Department of Public Welfare.

As regards the sex of the subordinate officers, three states provide that all shall be women ²⁾, six ³⁾ that they shall be women as far as practicable, and one ⁴⁾ that the officers coming in direct contact with the inmates shall be women. Three statutes ⁵⁾ specify that the physician, and one (that of Wisconsin) that the steward shall be a woman.

As a rule one finds that the officers who come in direct contact with the inmates are women, although a few reformatories have a male physician, dentist or psychologist, and in at least two the inmates work directly under the supervision of the man farmer. From what we learnt about this question we feel that generally all officers coming in more or less close contact with the inmates, such as the physician, supervisors and teachers, should be women, but that in the freer

¹⁾ Connecticut, Indiana, New Jersey, Pennsylvania, Wisconsin; the same provision is also to be found in the Michigan statute.

²⁾ Indiana, Massachusetts, Minnesota. The provision that all officers shall be women should not be taken too literally, for in all three of these institutions we found that men were employed for technical or farm operations. Apparently the term "officer" was applied only to those employees who directly participated in the reformatory work.

³⁾ Arkansas, California, Connecticut, Illinois, North Carolina, Ohio.

⁴⁾ New York.

⁵⁾ Those of Arkansas, North Carolina and Rhode Island.

life of a women's reformatory it is not necessary to carry through the rule of female officers as rigorously as would be desirable in a more repressed and unwholesome atmosphere. According to our opinion, there are no significant objections, for example, against a male steward or head farmer, if the matter is handled sensibly. Indeed, we feel, that for the general management and spirit of the institution it might rather be desirable to have not only the lower positions of mechanic or watchman, but also some of the more important functions, which do not entail close contacts with the inmates, filled by men.¹⁾

The number and titles of the subordinate officers and employees are partly specified by law in three states²⁾, determined by the chief controlling power in nine states³⁾, and, in the case of the Federal reformatory, by the Attorney General; in four states⁴⁾ the superintendent determines the number and functions of subordinate officers, subject to approval or under the direction of the controlling board or department. For the actual composition of the reformatory staff we may refer to table 8.

In some states, like Indiana, Kansas and Ohio, provisions are made by law purposing to rule out political influence or patronage of board members (for example, the provision that the officer may not be related to one of the board members to a specified degree). The personnel of some reformatories, such as the Federal, Illinois and New York institutions, are appointed under civil service regulations, but it was impossible for us to ascertain to what extent civil service regulations were applied in the other states. Probably it prevails in only a minority of the reformatories. As we pointed out above, some executives are not in favor of the system, since they prefer to select their own subordinates unhampered. In practice it is often difficult enough to obtain good personnel, and the question is frequently not so much of specifying qualifications as rather what the institutional executive can get. A preference for certain types of workers may, however, be noted in some institutions: The superintendent of the Massachusetts reformatory, for example,

¹⁾ On the whole women's reformatories are more liberal in regard to the admission of men than is the case with European prisons for women, which is partly a result of the free and open farm life. Farm laborers and mechanics of the reformatory sometimes move about freely and work within the sight of the women, although, of course, the latter are supervised by a woman officer and speaking with the men is prohibited.

²⁾ Massachusetts, Rhode Island and Vermont.

³⁾ Arkansas, Illinois, Indiana, Iowa, Minnesota, Nebraska, New Jersey, New York, Ohio, Wisconsin.

⁴⁾ Connecticut, Maine, North Carolina.



State Industrial Farm voor Women,
Lansing, Kansas.

Courtesy of Mrs. Julia B. Perry,
Superintendent.

View of a New Cottage Showing the Four Sleeping Porches.

prefers teachers as matrons and supervisors, as these can assist in the educational program, while some of the special functions in this institution are filled by college graduates. In a few other institutions, too, there was a certain preference for young college women or graduates from normal schools as matrons; the temporary positions during the summer for the farm work or for the relief of officers who have their vacations are frequently filled by students of colleges or other schools who thus use their vacations to earn money. For some positions involving housekeeping duties the trend is to take graduates from schools of domestic science if they can be had, as these can give systematic instruction in home-making, while there is a preference for nurses as heads of maternity and receiving cottages. The most prevailing type of matron or supervisor is, however, still that of the practical housekeeper without any particular qualifications.

It is difficult to give any statement as to what are the most desirable personal qualities in reformatory officers. Generally, reformatory officers should be physically and mentally healthy, well-balanced, even-tempered, socially mature women, with steady moral standards and a cheerful disposition. Work in an institution for delinquent women is no task for individuals who themselves have emotional difficulties, for even in the best institutions the life contains abnormal and depressive elements which only mentally steady, well-adjusted individuals can meet successfully. A "psychopathic" or otherwise maladjusted officer can cause far greater harm to the inmates and the general discipline, than a maladjusted inmate, because of the authoritative position which she occupies. The officers should undoubtedly be women who know life and the world at large, and who have what may be called a convincing personality: the woman who feels her own life as a failure or who is emotionally repressed usually has small success with delinquent women who instinctively sense her weaknesses and have only contempt for her. It is especially important that the officers have a wholesome and objective understanding of and attitude towards sex, for they will often have to deal with sexual problems, and it is almost entirely through the attitudes and reactions of the officers that the inmates have to gain a correct interpretation of sexual questions which many of them so badly need.

It is interesting to note that some superintendents are in favor of having a certain percentage of young officers, because they feel that too large a number of old officers often constitutes a handicap to progress, and that the buoyancy and the fresh enthusiasm of youth form a decided asset in making the spirit more lively and stimulating, particularly also because so many

of the inmates are young: women of their own age can often interpret better to them normal young womanhood than older officers. In some institutions, therefore, young women are definitely preferred for certain positions, such as that of recreational or physical training director, where youth forms an asset, but also in matron's positions one finds often officers who are still in their early or middle twenties. The objection against young workers is, however, that they are less settled and less likely to stay long than older officers, thus causing a larger turnover of personnel. For this reason some superintendents prefer much rather the older and more settled workers. On the whole we feel that an institution gains much by a combination of young workers with those of more mature years (although not old in their point of view), but that the institution, for other than the temporary or less important positions, can usually count more upon women who are twenty-five years of age or older, who have "found themselves", than upon those who are very young.

Salaries and Working Conditions. In all but four states ¹⁾ and in the case of the Federal reformatory the law establishing the institution specifies that the salaries are to be fixed by the controlling authority, although in some states this is subject to rules or the approval of a state board of finance or other department, or of the governor. Wherever the law establishing the women's reformatory does not specify, it is very likely that some state department fixes the salaries.

The salaries actually paid in ten reformatories about which the Handbook of Prisons and Reformatories, and, in one case (Indiana), the institutional report, contain figures, are presented in table 9. The functions are classed under the title that seems the prevailing name for that kind of work rather than under the official title. The figures given present the monetary compensation paid per annum in addition to full maintenance, unless indicated otherwise. We have also figured the average salary for each position, although it may be said at once that one should not place much value upon such averages on account of the small number of salaries on which they are based. In a few cases we find a position only once represented in this table, and in several more only three or four times; it is evident that an unusually high or a very low salary would in such cases affect very much the average. Thus, for example, one will note the curious fact that the average for the assistant matron is higher than that for the matron, which is to be explained by the fact that only four salaries of assistant matrons are

¹⁾ California, Illinois, Michigan, North Carolina.

given, and that these happen to be of institutions which pay high salaries.

It seems somewhat hazardous, therefore, to compare these averages with the salary averages found in another study, namely that by Miss Margaret Reeves concerning 48 institutions for delinquent girls ¹⁾. The differences between her figures dating from 1921 and ours are so striking, however, that it seems worth-while to place them alongside each other.

When comparing the various functions with each other, the most striking point is that the matrons who come most in contact with the inmates and whose position may, therefore, be such an important one, receive practically everywhere the lowest salaries (average \$ 900 a year). This still dates from the time that the work of a matron was considered nothing but supervising housework which almost any woman without any particular education or training could do. In two institutions, namely those of Indiana and Ohio, the salaries of the matrons are particularly low: \$ 40—\$ 50 a month, which is about what a good domestic may earn in the larger cities. Considering the fact that the working conditions are often less attractive than in a private position, one cannot expect to get for such salaries well-educated, capable women who can give intelligent co-operation in the difficult work of adjusting delinquent women. In a few institutions, however such as the Federal reformatory and the institution in Connecticut, better salaries are paid to the matrons which may attract women who are more than mere housekeepers.

In making comparisons between the different institutions, various factors have to be taken into account. There is in the first place the fact that for some positions, such as those of superintendent, assistant superintendent and clerk, the salaries are lower in the smaller institutions than in the larger ones, not only because in the former the responsibilities incumbent to these positions are less heavy, but also because otherwise the overhead expense becomes too large for a small institution. It should also be remembered that the positions having the same titles do not carry everywhere the same duties and responsibilities: in some institutions, for example, the clerk or steward may be the general business manager, in others he may have a much more limited job. In the third place the salaries in the institutions are likely to be affected by the living and salary standards in the state at large, and these differ appreciably even in the group of northern states represented in our table. Working

¹⁾ Training Schools for Delinquent Girls, 1929.

TABLE 9.
Salaries Paid to Officers and Employees of Reformatories for Women.

FUNCTION	Fed.	Conn.	Ind.	Iowa	Mass.	Minn.	N. J.	N. Y.	Ohio	Penn.	Average	Average Girls' Institutions 1921
<i>Administration:</i>												
Superintendent	4500	3600	2500	2000	3780	3000	3500	4500	2000	5000	3430	2063
Ass. superintendent	3000	2400			2040— 2400		1800	2700 ¹⁾ 1600 ²⁾		1800	2310 ¹⁾ 1600 ²⁾	1338
Chief clerk or secretary	1960		1080 ¹⁾	1080		1200	1560	2200 ²⁾	900 ³⁾	1308	1411	1124
Clerk or steward				720			1080	1020— 1320			990	789
Marshall								900— 1080			990	
<i>Housekeeping:</i>												
Chief housekeeper or head matron				900							900	941
Storekeeper	1960		540			1020					1173	
Dietitian	2060										2060	
<i>Caretakers:</i>												
Matron	1320	1200	480— 540	600— 840	840— 1080	900	720— 1028	900— 1080	480— 600	600— 1380	900	724
Ass. matron or housekeeper	1080	1080						720— 900		600— 780	915	631
<i>Medical Service:</i>												
Physician	3100	2400	1200 ⁴⁾	fee		20 a day	3000 ⁴⁾	2000	fee	fee	2540	720
Dentist	600 ¹⁾	fee		fee		3 a hour	40 a day	1200 ⁴⁾	fee	fee	900 ⁴⁾	493 ⁴⁾
Oculist	500 ¹⁾			fee				fee	fee	fee	500 ⁴⁾	
Nurse (trained)	2060	1500	660				1200— 1440	1020— 1320	1200	1620	1361	958
Nurse (practical)	1260										1260	
<i>Case Study and Social Service:</i>												
Psychologist								1600		1680	1640	810
Field or research worker								1200— 1500	1200		1275	
<i>Parolework:</i>												
Parole officer		1440				1800			1200		1480	976
<i>Industrial and vocational work:</i>												
Supervisor of industries					840— 1080			2400			2400	960
Industrial supervisor					840— 1080						960	695
Laundry supervisor					840— 1080	900					930	
Kitchen supervisor					840— 1080					1080	1080	693
Sewing instructor				720						1320	1020	866
Domestic science instructor												
<i>Farm:</i>												
Farm superintendent	2060	2100				1500	1040				1725	759
Field or dairy supervisor					840— 1080						960	
Veterinarian	1960										1960	
Animal husbandry instructor										1200	1200	
<i>School Department:</i>												
Principal or academ. teacher	1320	1500			1440— 1800		1680	1200— 1380		1500	1485	1034— 801
Art teacher				720							720	
<i>Recreat. and Physic. Training:</i>												
Recreational director								1800		1020	1410	787
<i>Religious Care</i>												
Chaplain	5 ⁵⁾			5 ⁵⁾		5 ⁵⁾		360 ⁴⁾		5 ⁵⁾	5 ⁵⁾ 360 ⁴⁾	
<i>Operation of Plant:</i>												
Engineer	1800		1320			900					1340	1380
Carpenter	1680— 1860										1740	1012
Watchman or fireman			780 ⁶⁾								780 ⁶⁾	633
Gardener			780 ⁴⁾								780 ⁴⁾	855

¹⁾ With board and laundry only, not full maintenance.
²⁾ With maintenance only, no quarters.
³⁾ Superintendent of buildings and grounds.
⁴⁾ Part time, no maintenance.
⁵⁾ Per service.
⁶⁾ Rent, light, fuel only, not full maintenance.

and living conditions, pension provisions, and possibility of advancement also have their effect upon the salaries.

Even taking these factors into consideration, however, the differences in salaries between the various institutions are very striking, particularly in view of the fact that all the women's reformatories are public institutions, for white or white and colored inmates, and that all are located in northeastern or north middlewestern states or controlled by the Federal government, which make them a much more homogeneous group than the group of institutions comprised in Miss Reeves' study. The institutions paying the highest salaries are the Federal reformatory and the reformatory at Bedford Hills, New York, those paying by far the lowest — in spite of the fact that they belong to the larger institutions of important states — are the institutions in Indiana and Ohio, where the salaries in nearly all positions are only one-half to one-third of the salaries in the former institutions. Taking this in connection with the fact that these institutions are also among those having the relatively smallest and least differentiated personnel (compare table 8), there can be little doubt that these institutions are under-equipped in this respect. Massachusetts and New Jersey pay well for their educational officers who, curiously enough, receive the lowest salaries in the Federal institution and in Bedford reformatory which are otherwise so generous.

It will be noted that there are striking differences between the salary averages given by Miss Reeves for training schools for white or white and colored girls in 1921 and our figures. Throughout the whole list of functions — with the exception of those of chief house-keeper, engineer and gardener (which may be accidental) — the salaries in the women's reformatories are significantly higher, in most cases more than 25 percent, in some even as much as 60, 100 or more percent. The differences are largest with respect to the superintendents, assistant superintendents, and the newer positions of psychologist and recreational director, and smallest in the groups of caretakers and of male operatives. Whether and in how far these differences are due to the fact that the group of Miss Reeves includes private institutions, institutions for colored girls, and institutions of the poorer and less important states, and in how far to a rise in salary scales since 1921, cannot be determined. That there has been a general rise of salaries, is, however, probable.

The resident women officers may have their rooms either in the cottages or in a staff or administration building. Higher officers, such as the assistant superintendent or physician, sometimes live with the superintendent or occupy a separate residence. Male

employees may be lodged in a separate house or part of the administration building, or find quarters in the neighborhood.

In some institutions the subordinate officers, or, at least, the cottage personnel, take their meals with the inmates in the same dining-room, in others either the administrative and teaching staff, or the entire women personnel eat in the staff or administration building. The latter arrangement is often favored by the officers, as it is more restful to them than to be in the atmosphere of their work all the time. In some reformatories the officers have a more carefully prepared fare than the inmates, in others they eat the same food.

Only in one state, namely Massachusetts, the law specifies that the superintendent of the reformatory shall prescribe a uniform for the officers, which at present consists of a simple white duck dress. In none of the other reformatories, so far as we know, is a uniform prescribed for the officers.

The working hours form always a difficult problem in an institution, particularly for the officers charged with general supervision. The institutional day usually begins early, and there must be supervision until the inmates retire. On Sundays, too, of course, there must be supervision during the whole day, unless the institution would prefer to lock the inmates in their rooms during part of the day, which is still done in some institutions, but which is not considered a desirable practice. In some institutions the cottage matrons are on practically continuous duty except on their days off, while in others, where there are two officers to each cottage, some hours may be given off alternately on the afternoon or the evening. Sometimes also one of the other officers, either a teacher, vocational supervisor or office assistant, is called upon to relieve the regular matron during one or two evenings a week or part of the Sunday. There is much difference also between the various institutions regarding off-day or vacation arrangements. The least favorable arrangements are perhaps those in the institution of Iowa where half a day off is given every third Sunday, and one to three weeks vacation a year depending on length of service; in the reformatory of Ohio where the matrons work in twelve-hour shifts and receive two days off a month and two weeks vacation after a full year of service; and in Nebraska which allows half a day off each week with ten days vacation. In Massachusetts a full week-day and half a Sunday is given off every week, with three weeks vacation, in Minnesota and New York one day a week with two or three weeks vacation. In some institutions it is felt that the officers get more out of their times off if they can have more than one day, for example a week-end, in succession so that they can

go away from the institution. Thus the Federal reformatory gives two days off every other week and thirty days vacation, and Clinton Farms in New Jersey (where the matrons have practically continuous duty) six days every month (which may be divided into two or three periods of absence) and two weeks vacation. Such an arrangement is particularly commendable wherever the institution has a very isolated location so that it takes much time to reach other places. On the whole, then, the number of hours on duty of this class of workers is high, twelve hours a day not being exceptional, and — what is also important — they are often distributed in a way which is not convenient to the worker. For the periods off during the day are frequently so short and at such hours, that it is difficult for a matron, in connection with the isolated location of most institutions, to enjoy social activities outside the institution. The office workers, vocational supervisors and a few other officers may not have longer hours than they would have in an outside position, but in some institutions they are required to relieve other officers on Sundays or evenings, or to fulfil certain other duties.

This confinement of the officers to the institution and the resulting isolation from opportunities for recreation and development, is the drawback of institutional life which has received most attention, and increasingly so since more young officers are employed who naturally feel these deprivations more keenly than older women. There are some other things, however, that make institutional service less attractive. One of the chief factors is the many limitations which the institutional environment places upon the freedom of action and expression of the officers, for the most part trivial, yet in the long run felt as a depressing factor, such as that the officer must take her meals in the common dining-room and often cannot prepare so much as a cup of tea for herself; that she cannot invite friends to stay overnight or for dinner; that sometimes she cannot receive male callers, or have any relatives live with her, and many other "cannot's" which do not exist for the outside worker who at least in her free hours can do as she pleases.

These difficulties have been realized by institutional executives and much is already being done in some institutions to meet them, not only because they were found to be very real obstacles in obtaining and retaining good personnel, but also because the importance of "mental hygiene" for the institutional worker is being more and more understood. If an institutional worker wants to remain fresh and alert, and fit to do the difficult work efficiently and cheerfully, and not to become "institutionalized", it is necessary that she have proper facilities for recreation and further development, particularly if she is young. In many ways some reformatories

have tried to secure this: by building separate staff houses where officers could live more comfortably and find more freedom and companionship than in the cottages; by establishing a rest house where particularly those officers who have to live in the cottages can stay during their times off, cook their meals or entertain friends if they want to; by permitting the officers to have their meals served in their rooms on their days off; by having an automobile or other means of transportation go to and from the neighboring city or railroad station at set times for the convenience of the officers; by organizing frequent entertainments and social gatherings, providing tennis-courts, inviting speakers or encouraging visitors, etc. In some cases shortening the hours of cottage matrons or other officers by a more intensive use of their time or by substituting the services of inmates at some of the quieter hours of the day may also help a great deal.

A separate staff-building where the officers can enjoy the freedom of a normal club- or boarding-home and which should also serve as a community center for the staff, always forms a great asset. It would also be an advantage if there were a possibility for some officers to rent extra rooms or apartments either on the institutional grounds or in the vicinity, in case relatives or friends might like to make their home with them or to visit them. In our time, since more and more women having families are obliged to earn, it has become of increasing importance that, like in the best boys' and men's institutions, there should be some provisions made for family units, such as widows with children. There might be excellent workers among these women who might otherwise be deterred from institutional service, or forced to cut off whatever family life they have, neither of which would contribute to obtaining a better and more content personnel, while normal family life might also form a great asset in counterbalancing the abnormal factors in the institutional environment.

One wonders also whether in some cases the reformatory might not establish more contacts with citizens of the community in which the reformatory is located, for example, by forming dramatic or glee clubs together with them, organizing lectures, etc. All this would tend to bring the officers out of their isolation and the narrow pettiness of daily details, and the reformatory itself might thus become an inspiring center of community activity.

§ 52. *Preparation for and Co-ordination of the Work of Officers.*

Nowhere yet a formal training for officers of women's reformatories exists, although there is a training school for institutional workers, more particularly for children's institutions, at the Children's Village

in New York, while courses for prison officers have been organized in Massachusetts and New York City¹). Of course, much of value in institutional service might be learnt in the general schools of social work, but thus far few graduates of schools of social work have entered institutional service permanently, as they usually prefer community social work which to many offers not only more attractive working conditions but better remuneration as well. Neither do the reformatories offer much opportunity for the systematic training of new officers. In many institutions all the preparation new officers get consists in their being provided with a copy of the staff rules and given some oral instructions, or, at the most, in their being made to serve under another officer for a few days. In one reformatory we found that the new officers were permitted to spend a few days in observing the different departments, in order that they might gain an impression of the various phases of the work. Some executives do not believe much in formal training, as they feel that the officers can be better trained on the job and fear that officers having formal certificates might be all too confident that they are fit for the work, while in reality the certificate might tell little as to the personal fitness of a candidate.

More and more, however, the desirability of special training of institutional officers is felt. Officers who have learnt something of the general ideas and policies underlying the institutional methods and of the psychology and social background of the inmates with whom they deal can give much more intelligent service than those who have only been taught a few details but who do not understand the meaning of it all. On the other hand, progressive policies are often much hampered and sometimes completely wrecked by lack of understanding on the part of the officers who have to carry them out. In which form such training should be organized, whether it should be — as in Belgium and in the case of the National Training School for Prison Officers in New York — in the form of a central training school or course, followed by a probation period in actual service, or whether it should rather be in the form of courses given in the various institutions by travelling lecturers, or in the form of a period of systematic, supervised study and observation for each new officer upon entering the service, we shall not attempt to discuss here. It may only be stated that even without a formal program of training much might already be accomplished by means of a professional library at the institution, lectures and courses given by visiting lecturers,

¹) For male officers of Federal prisons a training school (National Training School for Prison Officers) has recently been established.

conferences, educational trips of officers to other institutions, etc., and the giving of credit for definite educational attainments. Wherever a central department or board is in control, this might find a splendid task in organizing such work for the officers of the various institutions in the state, whereby it would do much to stimulate professional interest and feeling on the part of the personnel and to raise the quality of their work. Thus far, however, Massachusetts is the only state we know of which has made a beginning along this line by the organization of yearly conferences of prison officers which are considered very successful. In some states conferences are held of institutional executives, and in many these executives are financially enabled by the state to attend the yearly congresses of the American Prison Association, but these provisions do not benefit the subordinate personnel.

Equally important is the question how to co-ordinate the work of the different officers so that real teamwork may be obtained. We have already called attention before to the danger of each officer considering merely the details of her own department and losing sight of the purpose of the reformatory as a whole. An excellent means to obviate such dangers and to create effective co-operation and interest on the part of the officers are the staff conferences which are held in some institutions, sometimes at set times, sometimes irregularly. At such conferences practical questions and new policies and rules may be discussed, and difficult cases of inmates, such as those constituting serious disciplinary problems or presenting certain mental abnormalities, may be considered. If well conducted, such conferences may have great educational value, particularly if (as was done in at least one institution) a record is made of the proceedings and copies of it are distributed among the officers. Some room should be given at these conferences to the human element in the work: news from inmates who have gone out, happenings in the institution, etc. It is quite natural and quite desirable, too, that the officers are interested in "their" girls and what has become of them after they left the institution. It will also teach them a great deal about the women and the conditions they meet on the outside, serve as a check on their work, and strengthen their feeling that they are all together responsible for the adjustment of the women under their charge. It is just such personal things which maintain the human interest of the officers in their work and lend it color and perspective.

CHAPTER XI

BUILDINGS AND EQUIPMENT

§ 53. *Responsibility for the Organization of the Institution.*

The first question in organizing and building a new reformatory is who is to be responsible for the organization. Usually this point is regulated by the law establishing the reformatory. We may distinguish here three systems: The oldest system is to create a special building commission (sometimes more than one) the members of which are usually appointed by the governor, to make plans, select the site, direct the building operations, etc., and to turn the institution over, when completed, to the authorities who are to control it; this system was followed, so far as we could ascertain, with respect to the reformatories of Indiana, Massachusetts, New York, Ohio and Pennsylvania. The second form now most generally in favor is to appoint, immediately after the law establishing the reformatory has taken effect, the Board of Managers or Trustees that is later to manage the institution, and to make this board responsible for the building and organization of it; this procedure has been followed in Arkansas, California, Connecticut, Maine and North Carolina. The third system may be found in those states which have a centralized system of control: here the central authority is made responsible for the organization of the reformatory; this was the case with the Federal reformatory and the state reformatories of Iowa, Kansas, Minnesota, Nebraska and Wisconsin. The two latter systems are more satisfactory than the first one, because it is better that those who will have the responsibility for the management of the institution, should also have a hand in its organization so that they may have the opportunity to arrange it according to their views.

For the same reason it is more and more recognized that the superintendent should also be appointed before any plans are made so that she may help in determining the policies and in the practical organization of the institution. It is also very desirable that first visits be made to other similar institutions in order to

obtain first-hand information from insiders as to the things to do and to avoid. This is particularly important where the responsibility for the organization of the institution rests with an honorary board of managers which, of course, cannot be expected to have all at once expert knowledge of how a reformatory should be built and equipped. In this way it is possible to avoid many mistakes and the development of a system which would not at all be suited to the policies which the superintendent they would select would like to follow. This procedure has, however, been rarely followed; in fact, we know of only three instances in which a superintendent was appointed directly at the beginning of the organization of the institution, namely in the case of the Connecticut, Federal and Illinois reformatories.

Following the appointment of the superintendent, a study should be made of other institutions, and not until the general policies of the institution are determined upon should a site be selected, and building plans be made. But this, too, has not always been done. In the selection of the site and the planning of the building system the advice and co-operation of state departments or officials, or of Universities or other scientific establishments are frequently secured, although in many cases not to the extent as would seem desirable.

§ 54. *Location of Plant.*

In some cases the law gives some indication as to where the reformatory should be located. The location of the reformatories in Vermont and Rhode Island was determined by the fact that they were to be housed in existing prison buildings. The oldest reformatory, namely the Woman's Prison of Indiana, was, according to the law, to be established within five miles of Indianapolis, for at that time the value of outdoor work and life for reformatory inmates had not yet been realized. In the more recent statutes, however, one may nearly always read expressly or implicitly that the institution is to be located in the country; in addition to this some states provide that the institution is to be situated reasonably near a railroad and in a healthful section of the state.

Several other factors besides the provisions of the law enter into the consideration of the question of location.

In the first place account may be taken of the "criminological center" of the territory which the reformatory has to serve, in order that transportation expenses be saved.

In the second place it is of great interest that the reformatory

be located near a railroad or other means of transportation, so that the time and cost of the transportation of persons and goods to and from the institution may be reduced. It is also often pointed out (a typically American argument) that the institution should be conveniently accessible to visitors in order that the public might become better acquainted with the reformatory. For the personnel, too, nearness to a railroad station may mean a great convenience. In so far as we know the reformatories, they are for the most part fairly well located from this point of view; none seems to be further than five miles from the nearest railroad station, and the majority of them are not more than two or three miles away. It is not merely a question of distance, however, but also of the condition of the roads leading to and from the station, and these are not always ideal. And even a distance of two miles may be a decided handicap to the institutional personnel in a country where bicycles are no more used and not yet everybody has an automobile.

No less important is the point that the institution be located near not too small a town or city. This is, in the first place, convenient and economical for the institution in view of deliveries of supplies, the securing of the services of medical specialists, mechanics, etc., and the transaction of various other kinds of business. In the second place it is of great interest that the officers have the opportunity, during their time off, to reach conveniently and without much cost, a fairly large town or city where they can enjoy recreational, educational and shopping facilities, as this is such an important factor in obtaining and holding good personnel. In many other ways, too, a near-by population center may be helpful to the institution, particularly if the population takes a friendly interest in the institution. Here again the accessibility of a population center is quite as much a question of good roads and means of communication as of distance. Fairly well located in this respect are the reformatories of Connecticut, Massachusetts, Rhode Island and Vermont. The institution in Connecticut has contributed much to the convenience of the officers by providing a regular bus service to and from New London in the evenings.

The proximity of a public hospital or of a University or college may sometimes also be helpful to a reformatory as it is often possible for the institution to make use of the facilities and specialists which the former establishments offer. It may also have advantages to build the women's reformatory not far away from another penal, reformatory or educational institution, as in this way special facilities — for example, a psychiatric service —, which is too expensive for one institution, may be established for the two combined. The factor of social and professional contacts between the personnel of

the two institutions, and the possibility of co-operation in matters of common concern, might also prove stimulating to the interest of the officers in their work. Reformatories which are located close to penal institutions for men are the reformatories in Kansas and Rhode Island, which share the services of certain workers, like physician or clergymen, with the men's prison.

On the other hand the location should always be such as to permit the inmates sufficient freedom and privacy in outdoor work and recreation. The character of the neighborhood, of its inhabitants, and particularly of the immediate neighbors have, therefore, to be considered. An adjoining factory where many men work, for example, or a busy road immediately running along the buildings may be a source of much annoyance.

Sometimes a community or private corporation offers to donate a certain piece of land, if the contemplated institution will be located thereon. This has been the case with the Federal reformatory and the institution in Iowa, perhaps also with some others. If such a site is otherwise suitable, there is, of course, no objection against accepting such a gift, but the temptation is sometimes great to take it also if it is not altogether desirable.

§ 55. *Description of the Site.*

Acreage. In many cases the law establishing a women's reformatory contains some provision specifying the minimum amount of acreage, which varies from 50 acres in California (excluding the Indiana statute which, being passed sixty year ago, specified a minimum of only 3 acres) to 400 acres in North Carolina; a few statutes also specify a maximum which is 300 acres in Ohio and 800 acres in Pennsylvania. Frequently the amount of one acre to each inmate is considered the most desirable minimum for a women's institution, but, of course, various factors may modify this point. With the exception of the reformatories in Indiana, Rhode Island and Vermont, all women's reformatories possess ample grounds, as the following table shows ¹⁾:

¹⁾ Figures are taken from the Handbook of Prisons and Reformatories 1929, except where there was a more recent or complete statement in the annual or biennial report or other source.

<i>Institution</i>	<i>Number of Inmates</i>	<i>Acreage</i>	<i>Acreage per Inmate</i>
Federal	over 450 ¹⁾	500	1.1
Connecticut	143 ²⁾	850	6.0
Illinois	³⁾	160	
Indiana	197	15	0.08
Iowa	105	220	2.1
Kansas	162	169	1.0
Maine	96 ¹⁾	200	2.1
Massachusetts	299 ²⁾	333	1.1
Minnesota	66 ²⁾	167	2.5
Nebraska	55	120	2.2
New Jersey	162	370	2.3
New York (Bedford)	317	195	0.6
New York (Albion)	223	97	0.4
Ohio	444 ²⁾	259	0.6
Pennsylvania	113	535	4.7
Wisconsin	98	244	2.5

It will be noted that the majority of the institutions possess more than one acre to each inmate, some even considerably more.

Character of the Site. Several of the statutes governing women's reformatories contain some provision as to the character, uses and qualities of the site. Those of Arkansas, Connecticut, Illinois, North Carolina specify that the site shall include "woodland and tillable land"; those of California, Maine and Pennsylvania, too, provide that there shall be opportunity for agricultural work, the last two adding "to the end that, so far as practicable, food for the inmates may be produced on the land". Five statutes give attention to the water supply and drainage, three ⁴⁾ of them specifying that there shall be a natural water supply.

In the selection of a site different factors are to be taken into account:

In the first place, of course, the land must be suited for living purposes, which is a question of water supply, sewer disposal, elevation, quality of soil, and many other factors into which we shall not enter here ⁵⁾.

¹⁾ Statement given in a letter by the superintendent.

²⁾ Statement given in the last available annual or biennial report.

³⁾ Institution was recently opened; population figures are not yet available.

⁴⁾ Arkansas, Connecticut, North Carolina.

⁵⁾ For a good discussion of the points to be considered in the selection of a building site, see: M. Reeves, *Training Schools for Delinquent Girls*.



State Reformatory for Women,
Shakopee, Minnesota.

Courtesy of Miss Florence Monahan,
Superintendent.

Inmate's Room in Higbee Hall.



State Industrial Home for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

Sleeping-porch in One of the Cottages.

In the second place the agricultural qualities of the land have to be considered. Women cannot do heavy reclamation work like men, and the hiring of male laborers is an expensive matter for an institution. It is of great interest, therefore, that the land be such as not to require much heavy labor. Experience has shown that vegetables, corn, fruits and berries are most to be recommended for women's reformatories, both because nearly all the operations needed in the cultivation and harvesting of these crops can be done by women, and because they are immediately useful for the institution by supplying a large part of the daily food. As dairying is also found to be a desirable occupation in a women's reformatory, the land should also contain some pasture. In nearly all reformatories on the farm plan one finds these two types of land: pasture and vegetable ground, frequently also orchards and small fruit gardens. Excellent farms are, among others, those of the reformatories in Pennsylvania and Minnesota.

In several institutions, such as those of Arkansas, Connecticut, North Carolina, Pennsylvania and the Federal reformatory, woodland forms part of the property. The chief importance of this is that it provides fuel (in Connecticut some wood is even sold). In addition to this it makes the institution attractive and provides opportunities for recreation.

Some of the sites are quite attractive. Very fine is, for example, the site of the Connecticut reformatory which encloses a beautiful lake, covering seventy-three acres, bordered on one side by wood. The Federal reformatory set in an amphitheatre of hills, 1600 feet high, skirted by the Greenbriar river, and with a natural grove at the background, is also said to be very sightly. The reformatory in Kansas, too, is quite proud of its site on high ground commanding broad views, while Pennsylvania has set its attractive reformatory buildings in a pleasant scenery of hills and woods. Some superintendents feel that the beauty of nature has a beneficial influence both upon the inmates and the officers, and surely one cannot enjoy the calm, broad views over pasture, hills and woods without agreeing with them.

§ 56. *The Plant in General.*

Legal Provisions. On this point the laws contain only a few provisions: Arkansas, Connecticut, Kansas, Maine, Michigan, Minnesota, North Carolina, Ohio and Pennsylvania expressly or implicitly require a cottage system, some adding that the buildings should be arranged so as to make classification possible. North Carolina is the only state which gives a detailed statement regarding

the buildings to be included. Yet, few though the legal provisions are, they indicate a definite trend, namely towards the cottage system.

Form of Enclosure. Except for the three old institutions of Massachusetts, Rhode Island and Vermont, no reformatory is enclosed by walls. A few of the reformatories have a fence around the grounds, others have no enclosure whatever. It is the general opinion of institutional executives that a wall is not necessary for a women's reformatory and not desirable from the educational point of view.

It is of interest to study in this connection the statistics of escapes in the different institutions¹⁾: The Connecticut reformatory, an institution without either wall or fence, had 40 escapes during the first ten years of its existence during which 658 women had been committed to the Farm; only 21 of those who escaped, however, were never recaptured. In Indiana, where the Women's Prison is located in the midst of a city and surrounded by a fence, only 1 woman succeeded in getting away in the two years over which we have figures, while 843 were committed to that institution. The reformatory in Iowa which is enclosed by a fence had 8 escapes during the first seven years after its establishment out of a total of 518 commitments, all of which escapes were successful. Then an "escape spell" occurred: in one year (during which 40 had been committed) 18 ran away, 13 of whom were returned; the next three years, during which 169 women were committed, 8 ran away, of whom 3 with success. In Kansas where the institution had in the beginning been surrounded by a fence which, however, had soon been removed, 23 escaped in eight years out of 2960 committed, but the latter comprise also those committed for quarantine purposes, most of whom stay only a short time. An interesting record has the reformatory in Minnesota, an institution without any form of enclosure, which had 5 escapes during the first three years of its existence, of which one was successful, but there was only one successful escape in the six years which followed. The reformatory in Nebraska seems to have lost only one inmate during the two years over which we have figures, which is to be compared with 142 new commitments (including quarantine cases) during

¹⁾ The statistics as to the number of those who escaped but were returned are perhaps not entirely comparable, as some institutions do not record as escapes those cases in which the woman was returned within a few hours or without a formal warrant. With respect to those cases in which those who escaped were never returned, however, no discretion in recording is possible, so that the figures relating to these cases are probably comparable.

that time. In Clinton Farms, New Jersey, where a very free regime (self-government) prevailed since the beginning, and which has no enclosure of any kind, there were 33 women out of 584 committed during the first nine years who ran away, but all but 8 were recaptured. Quite surprising is the record of the New York reformatory at Bedford Hills: during the first seven years since its establishment over which we have annual reports (spread over a period from September 30, 1902 to September 30, 1912, all under Dr. Davis' administration) during which 1221 women had been newly committed to the institution, only 3 successful escapes were recorded; then comes a year with 470 commitments and 6 escapes, and from then on the number of escapes increases, while the number of commitments decreases; in the year ending June 30, 1925 there were no fewer than 54 escapes (5 of which successful) out of 256 commitments, and in the following year 43 (4 successful) out of 232 commitments. This institution has no fence, but neither did it have one in Dr. Davis' time. A striking contrast to this is presented by the other reformatory in New York, the Albion State Training School, an institution enclosed by a fence which in the five years over which we have reports, did not have a single escape, although 458 were committed to it during that period. In the Ohio reformatory, finally, a fenceless institution, 557 were committed and 5 ran away during the year ending 30, 1927 who had not been returned at the date the report closed, but some or all of whom may have been arrested afterwards¹⁾. If we compare these figures to those of the walled institutions, we find that in Massachusetts²⁾ in the last ten years time 15 women eloped of whom 12 were recaptured, and that the institution in Rhode Island had no runaways during the two years over which we have a report. Although, in view of the very small numbers of those who escaped successfully and the great variations from year to year, averages and percentages do not mean much, it might be convenient to present these figures in the form of a table, whereby we shall group the institutions according to the type of enclosure:

¹⁾ Most escapes occur during the spring and summer, so that it is quite possible that at the date the report closed (June 30) the women were gone only a few days and had not yet been recaptured.

²⁾ The Massachusetts reformatory can only partly be considered as a walled institution, as the farm and the cannery where many inmates work are outside the enclosure, and the whole front side of the building (where there are sixty inmates' rooms on three floors) borders immediately on the free outside.

Institution	Nr. of years over which figures are taken	Nr. of commitments	Average population	Nr. of successful escapes	Percentage of successful escapes of commitments	
wall	Massachusetts ¹⁾	10	1402	223	3	0.2
	Rhode Island	2	333	85	0	0
fence	Indiana	2	843	363	1	0.1
	Iowa	11	727	74	16	2.2
	New York (Albion)	5	458	184	0	0
neither wall nor fence	Connecticut	10	658	76	27	4.2 ²⁾
	Kansas	8	2960	145	23	0.8
wall	Minnesota	9	334	61	1	0.2
	New Jersey	9	584		8	1.4
fence	New York (Bedford)	16	2794	282	28	1.0
	Ohio	1	557	444	5	0.9
	Nebraska (type of enclosure unknown)	2	142	37	1	0.7

As far as these figures go, they undoubtedly show that the percentages of escapes in unwallied institutions are not so disquieting as to suggest the need of a wall enclosure, for in all but two of the institutions the number of escapes constitutes less than one and one half percent of the number of commitments, and in six out of ten institutions it is less than one percent. Surely one must agree with executives of women's reformatories that it is better to run the risk of losing one and one half percent of the women committed to the reformatory through escape than to deprive ninety-eight and one half percent of the great educational advantages which a freer system and farm life present. It is interesting to note also that under exactly identical conditions as regards enclosure, even in the same institution, there may be at one time practically no escapes while at another time there are many, which suggests

¹⁾ See note on page 291.

²⁾ The comparatively high figure for the Connecticut reformatory may perhaps be explained by the following facts: 1). that the institution has the largest grounds of any of the reformatories (850 acres) which are partly covered by wood and where the topographical situation is such that at no point a large part of the property can be surveyed, and which, moreover, are crossed by a public highway running close along some of the cottages, all of which make escape a relatively simple matter; 2). that the institution was at one time seriously overcrowded and some sixty women had for that reason been placed in an ordinary rented house some miles away which had none of the usual devices to prevent escape; and 3). that the report closed in the middle of the summer when those who escaped during the last year were probably gone too short a time to be re-arrested.

that the number of escapes is determined to a far greater extent by other factors than the type of enclosure. Considering the fact that the American women's reformatories house all classes of offenders, both very serious ones and misdemeanants, and that the unwallied reformatories have been in existence from one to nearly forty years, one may safely conclude that for women delinquents of all classes a wall enclosure is not necessary, unless one would insist upon the maximum of security in preventing escapes at the expense of all other considerations, particularly of educational nature, which, we hope, few will do to-day. It would not be safe to make any inference from our figures as to the desirability of a fence, as one would have to know much more to determine what effect a fence has. A practical consideration which probably also plays a part in this is that the grounds of most women's reformatories are so extensive that the construction and upkeep of a fence would cost a large amount, and since, without a fence, the number of escapes is usually very low also, legislatures making the appropriation may not consider the expense worth-while. Perhaps the most important reason for putting up a fence is not to keep the inmates in but to keep trespassers out, which may be particularly necessary if an institution is all too close to a public highway or in an undesirable neighborhood. But in most institutions not much trouble seems to have been experienced in this respect, although in some institutions, such as that of Minnesota, a public highway runs very close to the buildings.

General Arrangement of the Buildings. As we have stated before, the newer women's reformatories are all closely patterned after modern training schools for girls. All but four, namely those of Indiana, Massachusetts, Rhode Island and Vermont, which are housed in buildings dating from half a century ago, are on the cottage plan. This brings up the question just what is to be understood by a "cottage system". One might speak of a cottage system if the inmates are housed in more than one building, no matter how large these units are, with no other end than that of mere classification and physical separation of the different groups. The meaning in which it is most generally understood, however, is that of a complex of smaller units, each housing not more than twenty-five or thirty inmates, with the view to approximate as nearly as possible a home life and atmosphere. Not all reformatories, however, answer to this last definition, as a few institutions, such as those of Maine, Kansas and Ohio, have one or more buildings housing fifty, seventy or a hundred inmates.

One question which is to be considered in the arrangement

of the buildings is what functions should be centralized and what decentralized. This may particularly be asked with respect to the matters of living, preparation and service of food, laundering, heating, lighting, instruction and recreation. In all but one of the cottage institutions the preparation and serving of the meals are decentralized, these being done for each cottage separately in the cottage kitchens and dining-rooms. It would save the time of officers, of course, and therefore be more economical, to do the cooking in a central kitchen or to have all inmates eat in a central restaurant, but the general feeling is that this would disrupt the home character of each cottage and deprive the inmates of the opportunity to learn household cooking and serving which is part of their training. The opinions as to baking are divided: in some institutions the bread, cakes, etc. were baked in the cottage kitchens and taught to the women as part of their household training; in a few, a central bakery exists. The storing of supplies is in most institutions centralized (except that the cottages have small quantities for immediate consumption) as this facilitates the administration and is more economical.

As regards the laundering, almost all superintendents are in favor of a central steam laundry, because they feel that this work, if done in each cottage separately by hand, would take a large part of the time of the inmates which could have been better spent in work having more educational value. Moreover, in a larger steam laundry girls may receive the training that will fit them for positions in outside commercial laundries. Most institutions have a central steam laundry, a few do part of the work in a central laundry and a small part in the cottages, and one or two still have the old-fashioned system of doing all washing by hand.

The heating and power systems are nearly everywhere centralized, as these can be operated more economically than separate plants for different buildings.

Concerning living and recreation it may only be said here that along with the home life in the cottages, reformatory workers stress much the development of a community spirit. This necessitates the establishment of a community building or assembly hall where the community activities can be carried on. School and vocational activities are frequently centralized in special school or industrial buildings, as it is more and more realized that such activities can be more efficiently carried on in separate buildings especially adapted to the purpose than in cottage living-rooms.

The location of the buildings is determined by many factors, in the first place, of course, by practical needs and convenience. It is desirable, for example, that the buildings be not too close to

a public highway, in order to secure privacy for the inmates. Sometimes it may be found that the arrangement of the buildings has been determined to a certain extent by the ideal of the community life which the organizers of the institution had in mind: In a few of the more recent institutions, such as the Federal reformatory, for example, the buildings are, in imitation of ordinary colleges and progressive children's institutions, placed in one or more quadrangles or semi-circles, each enclosing a campus which thus becomes the natural community center for outdoor activities. In some institutions, like those of Connecticut, New Jersey and Bedford Hills, New York, the buildings are at a considerable distance from each other so that a round of all buildings requires a walk of some miles and the executive officers are obliged to use an automobile when going about their daily business, in order not to lose too much time. Some are rather in favor of placing the cottages far apart, as this secures greater privacy and individuality to each cottage unit and facilitates the separation of the groups whenever that is necessary. From the disciplinary point of view, too, it often seems preferable to place the cottages not too close to each other, so that disturbances or differences in treatment in one cottage do not affect the others. There appears, then, to be no common idea or tradition with respect to the arrangement of the buildings thus far, except that there is a strong tendency to get away as far as possible from any plan suggesting the massive, forbidding complexes of old-fashioned prisons. Modern women's reformatories with their simple, low buildings scattered in a wide sweep of corn and vegetable fields, meadows and orchards, lawns and trees, convey little of that repressive atmosphere which was formerly considered inherent in an institution for delinquents.

Architecture. Many years of experience have proven that for women offenders no elaborate devices for safe-keeping, such as thick walls, steel doors or heavily barred windows, are necessary. It has been found that women delinquents can be safely kept in buildings which do not require any different architecture from, for example, an ordinary college dormitory or a boarding-home for girls, and it is on this theory that all, except the very old, women's reformatories have been built.

There is a growing tendency to make the buildings simple. For it is feared that very expensive and solid buildings may become a hindrance to progress, as they may last long after the ideas and methods which they embodied have been abandoned and new concepts have developed. The sixty-year old reformatory building

in Massachusetts which has become entirely antiquated but which is still too good to be abandoned, is an example of this. It is also felt that the less money is put into buildings the more is left to be spent for educational and reformatory purposes. A reformatory, as one superintendent put it, should not be developed as a "monument to delinquency"; it should consist of simple, inconspicuous buildings that are as nearly as possible like the ordinary houses on the outside. In such buildings the normal life and atmosphere can be best approached, and "institutionalism" is less likely to develop than in institutions where imposing structures are put before the interests of the individual inmates. Then, too, elaborate buildings with large hall spaces, etc. frequently require for their upkeep much time of inmates and officers and much expense which could be spent more constructively. In the construction of the best institutions the tendency is to reduce all maintenance work without educational value to a minimum. On the other hand, of course, simple should not mean cheap or inadequate. Frequently, buildings that are expensive in construction are economical in their upkeep and use.

Mostly, then, the buildings in the women's reformatories are simple, although often quite substantial and very attractive. Sometimes remodeled old farm houses and barns which stood on the property when it was bought, are used, sometimes one finds plain frame structures closely resembling ordinary country homes. The styles most in vogue are modifications of various colonial styles, although some other specimens of architecture may also be found. As a rule the buildings are not higher than two stories (outside cellar and attic); the simple structure, the ordinary windows with curtains and flower-pots, the plain front entrance, sometimes decorated with the colonial knocker and lantern, or overgrown by ivy, the cheerful colors of the walls or the tiles, give the buildings in many institutions a strikingly home-like appearance which to the unwitting passer-by would suggest only in the last place a penal institution. Quite attractive, for example, are the buildings of the Iowa, Federal and Pennsylvania institutions.

§ 57. *The Cottages.*

The first question with respect to the cottages is how large they should be. Mostly the cottages are constructed to house from twenty-five to thirty inmates, although, as stated before, one finds occasionally cottages housing from fifty to a hundred inmates, while the new Illinois reformatory consists of small cottages, each housing about fourteen inmates.

Some superintendents are of the opinion that the usual cottages housing from twenty-five to thirty inmates are too large; they feel that small cottages for ten to twelve inmates would approach more nearly the family atmosphere. With smaller cottages a greater differentiation of the population is also possible which would lead to a greater homogeneity within each cottage. The factor that a small cottage would probably be administered by one officer while the larger cottages are mostly administered by two officers is also an item to be considered. The advantage of an one-officer system is that there is no danger of a clash of opinions concerning the management of the cottage or the methods of treating and disciplining the inmates as may occur under a two-officer system. On the other hand the employment of two officers in a cottage makes possible the delegation of some of the housekeeping duties, notably the care of the commissary, to the younger officer, so that the other has more time free to give attention to the inmates. Since the employment of two officers to a small cottage is usually practically impossible from the financial point of view, and since the household duties of the officers do not increase in proportion with the number of inmates, one may conclude that in some cases inmates may actually receive more individual attention in a larger cottage with two officers in charge than in a small one with one officer at its head. Another point to be considered is the psychological effect which the size of the cottage group has upon the inmates: some individuals may feel most at ease in a small, intimate group, while others rather crave for the excitement or the anonymity which the larger group entails. The size of the cottages also influences the type of the community life of the institution, as we shall explain more fully below: a small cottage, for example, cannot form a self-governing unit, and in certain other activities, too, the small cottage may not be able to participate as a separate unit to such an extent as the larger group. In other words, cottage life and the cottage spirit may play a somewhat less important part in the community life of the institution if the cottage groups are small than if they are large.

This shows that the question of the size of the cottages has many sides which, we feel, have not received sufficient systematic consideration. In practice it has become more or less a tradition that twenty-five to thirty inmates is the proper population for a cottage, while in other cases practical considerations, such as economy or the immediate needs to be met, rather than psychological considerations, have determined the size of the cottages. It seems to us that the size of the cottages should in the first place depend upon the classification and lines of treatment to be followed, and that

the rational thing to do in establishing a new reformatory would be first to study and analyse carefully the prospective population of the reformatory, then to determine, on that basis, the best lines of classification to be followed, and not until this has been done, should the size of each cottage unit be fixed (leaving, of course, sufficient latitude for fluctuations in the composition of the reformatory population). For fixing the size of the cottage without reference to the classification and treatment principles to be followed really means that it is determined beforehand that each group shall consist of twenty or thirty inmates or whatever the number may be, no matter what lines of classification or treatment one might like to follow—which is obviously more or less putting the horse behind the cart. It is not the size of the cottages which should determine the classification and treatment, but the classification and treatment which (among other things) should determine the size of the cottages. The difficulty in practice is that it is often not well possible to determine beforehand the probable composition of the prospective reformatory population, and that later important changes may occur. But even then it would seem desirable to give more systematic attention to the important psychological and administrative factors involved in the matter of the distribution of the population over the cottages than is usually done now. It is quite possible, for example, that one may reach the conclusion that cottages of different sizes are desirable for different groups.

Internal Arrangement. In the planning of a cottage the sleeping arrangement is first to be considered. In the beginning two or rather three systems existed: the cell system, the dormitory system, and the system of small individual rooms. The first system which was found to some extent in the first reformatories has since long been abolished everywhere. The old type dormitory system is not much in favor either in the women's reformatories, although American penologists are generally less averse of this system than Europeans. It still exists in some reformatories, but mostly only as an emergency arrangement or for lack of better facilities. In all but one of the reformatories built in the last fifteen years the single room has been adopted as the rule, although the dormitory has in some cases been retained for a part of the population. One of the advantages of the individual room system is that it secures the inmates at least one place where they can enjoy privacy and a bit of personal life, which is of great psychological importance. In a dormitory it is also more difficult for the women, many of whom are emotionally high-strung and excitable, to find rest, while the sleeping of so

many together may also easily give rise to vulgarities and other disciplinary difficulties unless close supervision is exercised. For the same reasons the system of rooms for two, three or four inmates seems also inadvisable, particularly as this has the additional disadvantages that adequate supervision is not possible in such rooms and that undesirable practices may more easily be indulged in than where there are many¹⁾. It is, therefore, rather surprising that one of the most recently established reformatories adopted this system, probably for reasons of economy. Some institutions, however, which theoretically have the single room system, are compelled, on account of overcrowding, to put two or more inmates in one room, or to turn corridors, dining-rooms, etc. into dormitories.

In recent years a new kind of dormitory system has developed, namely the sleeping porch, which is an open porch secluded from the outside air by a wire netting only. These sleeping porches are in use now in a few reformatories, among which are those of Pennsylvania, Kansas and New Jersey, and the Federal institution. In all of them, however, only a minor part of the population sleep on the porches, the majority have single rooms. Those sleeping on the porch often have a small dressing-room or locker where they can keep their belongings. The supervision in the reformatories of New Jersey and Pennsylvania consists of some trusted women, who sleep on the porch or in the hall before the entrance, being made responsible for the good order. From the point of view of health the effect of the sleeping on the porch is very beneficial. From the point of view of discipline it does not seem to present great difficulties, probably, in the first place, because only a minor part of the population may find a place on the porch so that selection becomes possible and undesirable individuals can at once be removed to single rooms; secondly, because sleeping on the porch is often considered as a privilege which constitutes a sufficient incentive for most women to behave well in order not to lose it; and, finally, because the fresh air and the active, outdoor life in general make that the girls usually fall asleep soon. The great disadvantage of the porch system is, however, that it deprives the women of the privacy of the individual

¹⁾ It is interesting to read in this connection the statement of Charles A. Ford, made in an article in *The Journal of Abnormal and Social Psychology* of January—March 1929 (*Homosexual Practices of Institutionalized Females*), which was based on his observations and talks with inmates and officers in an institution for women delinquents, that homosexual relations, rarely, if ever, exist between room partners, as the danger of being discovered is an essential element in the pleasure which the girls derive from such relationships, which element is lacking when two share the same room. This would mean, then, that the fears commonly entertained by institutional administrators with respect to putting two inmates into one room, are not founded.

room. We believe, therefore, that either the porch should be partitioned off in individual sleeping-rooms, or a sufficient number of individual rooms should remain available for those who need or wish them. A practical system may also be that which we found to exist in a girls' institution, namely that of having two girls share a single room where they may undress and keep their belongings, while either of them sleeps alternately on the porch and in the room.

Usually, then, a cottage consists of a number of inmates' rooms, one or more officers' rooms, a living-room, dining-room, kitchen, pantry, inmates' and officers' bathrooms, work- and supply closets, sometimes also an office or reception-room for visitors, sewing-room and laundry. Experience has shown that simple one or two-story buildings can be most easily administered, as it is possible for the matron in charge to supervise the whole without much running up and down of stairs. The arrangement of the rooms is essentially much alike in the different institutions, namely somewhat as follows: on the first floor are the rooms for general use, such as dining-room, living-room, kitchen, office, etc., the rooms of one or two officers, and often also a few inmates' rooms; on the second floor are the other inmates' rooms, frequently one or more other officers' rooms, the sleeping-porches with dressing-rooms, if there are any, and bathrooms. In the basement may be found a storage place for fuel and sometimes also a small laundry, while storage room may also be provided in the attic. The inmates' rooms are usually located on both sides of a straight corridor, running from one end of the cottage to the other, so that the whole is easy to overlook. Unnecessary halls, hidden corners and winding stair-cases are generally avoided in order to save maintenance work and to facilitate supervision. The walls are frequently painted in some light color, instead of papered, because it is more practical; the floors are often painted or varnished, thus saving linoleum covering.

The inmates' rooms measure mostly from 65 to 90 feet of floor space. In some institutions, such as those of Iowa and Vermont, they are equipped with toilets and fitted wash-basins, but in the majority of the women's reformatories this is not the case. For, as we shall see below, in nearly all women's reformatories the doors of the inmates' rooms are not locked even during the night, nor are the inmates much in their rooms outside sleeping hours, so that individual appliances are not so necessary as they usually are in men's institutions. The officers' rooms, if there are more than one, are often distributed over both floors, so that there is at least one officer on each. In some institutions each officer has a small bath- or toilet-room adjoining her bedroom, or a bath-room may be located between

two officers' rooms and be shared by the occupants of the two. In a few institutions the living- and dining-room are adjoining each other, and may be thrown into one when a larger space is needed, for example, for recreational purposes. Fine cottages are to be found in the Federal reformatory: here the buildings are in the shape of a widened H; on the one end is, on the first floor, a living-room with two doors opening into a recreation porch from which there are steps to the cottage lawn; on the other end is a dining-room also opening on to a porch; both rooms are equipped with an open fire-place. Back of the kitchen which is in the middle at the rear of the building is also a porch affording working-space for kitchen operations; adjoining it is a store-room and a small laundry. On the second floor are two sleeping-porches on both ends of the building over the porches on the first floor. Very good and comfortable cottages are also found, among others, in the reformatories of Minnesota and Pennsylvania.

The buildings are nearly all heated by a central heating system, radiators being placed either in the corridors and central rooms only, or also in each inmate's room. As practically always the inmates' rooms are located along the outer wall and have a window of ordinary size, the problem of ventilation as well as of daylight is usually not a difficult one. The fact that the rooms are as a rule placed opposite to each other, on both sides of a corridor, also makes cross-ventilation possible. Probably in all institutions there are electric lights in the inmates' rooms, which may be controlled either by the inmates themselves or by the matron outside the rooms.

Devices to Prevent Escape. The oldest system of locking was that whereby each room was locked separately by the officer. The obvious danger of this method in case of fire led to the devising of systems whereby a number of rooms can be opened and locked at the same time; such is the system now in use in the Massachusetts reformatory for women. In most institutions, however, such as those of Connecticut, Minnesota and New York, the doors of the inmates' rooms are no more locked during the night, but an annunciator system is used which signifies to the matron in her sleeping-room by an alarm signal if an inmate opens her door. This system was everywhere considered entirely satisfactory; it enables the inmate to get out easily in case of danger, and the, sometimes very unfavorable, psychological effect of locking an inmate in is thus avoided. Abuse does not seem to be made of it; frequent testings of the annunciator system secure its continuous effectiveness. As a rule the outside doors of the cottages are locked during the night (not during the day). In Clinton Farms, New Jersey,

only the rooms of the new inmates ("probation-girls") who do not yet belong to the self-governing body are locked; the "honor-girls" have the privilege of having their room-doors unlocked during the night, and no annunciator-system is used. In this institution even the outside doors of the cottages are sometimes left unlocked; the sole obstacle for the women to escape consists in the fact that "commissioners" (inmate officers) sleep in the halls before the doors of the rooms. This system has been in use in Clinton Farms since many years, almost since its beginning. As a rule, however, the outside doors of the cottages in the other reformatories are locked, although the Farm in Kansas has also known times when, through temporary conditions, there had been no lock between the girls and the free outdoors during the night. It is of interest to note that both in Clinton Farms and the Kansas institution the number of escapes have always been low.

The windows are as a rule of the ordinary size and type; the proverbial prison window high near the ceiling with thick iron bars is nowhere found, except sometimes in a punishment cell. In some reformatories, among which are the reformatory in Massachusetts and the Albion State Training School, the windows are secured by light iron gratings or grills in the shape of forged ornaments or masked by climbing plants (compare the illustration of the nursery building of the Albion State Training School). In several institutions no gratings or grills are used, but the windows are blocked so that they can be opened part way only; such is, for example, the system used in the Minnesota reformatory for women. Some reformatories, like Bedford, have protected windows only in some buildings, such as the reception-building and the disciplinary cottage, but unprotected windows in the other cottages. In some institutions the inmates' rooms are only on the second floors of the cottages; some of the others have the first floor windows somewhat better protected than those of the second floor.

In a number of institutions there are one or more watchmen guarding the grounds during the night. Within the buildings there is usually no nightwatch, except in one or two of the institutions on the congregate plan. Some cottage institutions have neither watchmen on the grounds nor within the buildings. Where the grounds are very extensive, such as those of the Connecticut reformatory, guarding of the grounds would also be difficult, and have little effect unless several watchmen are used.

Elsewhere we shall deal with the psychological means of preventing escapes (see paragraph 89). Here we may only briefly touch upon a few psychological factors which have a bearing upon the physical means to prevent escape. In the first place it has been found that

under ordinary conditions there are only a few women who seriously attempt to escape. The great majority of the inmates may think of it, but they never come so far as to do it: lack of initiative or perseverance, lack of courage and fear of the consequences, loyalty towards fellow-inmates or the institution, the knowledge that in nearly all cases the fugitive is recaptured, and many other reasons keep their wish for freedom in check. Instead, then, of subjecting the whole population to the restrictions necessary for a small minority, it is better to take special precautions for those who cannot be trusted, for example, by assigning them to such rooms and such work as offer the least favorable opportunities for escape. (This can be done comparatively easily because in most cases the women who contemplate an escape have already aroused suspicions before they are at the point where they may carry their plans out). For this reason some institutions have stronger window protection in the disciplinary cottage in which also returned runaways are placed, because it is assumed that women presenting disciplinary problems are more inclined to run away than the others. It is also a general experience that escapes are most likely to be attempted during the first few months of an inmate's stay in the institution, because the first reactions to imprisonment are most violent and because at that time she has not yet developed loyalties or attachments which reconcile her to the reformatory situation. There is some good reason, therefore, for making stricter arrangements as regards window protection and locking of doors in the reception-building and for the inmates not yet belonging to the first or honor-division; this, in fact, is done in most institutions.

Which devices, then, should be adopted for the guarding of reformatory inmates? The law has clearly imposed the duty upon the reformatory to keep the offenders committed to it in custody, and the matter of escapes may, therefore, not be taken lightly. On the other hand, the law has also made it a plain duty for the reformatories to reform and adjust the delinquents under their care. For the establishment of a wholesome atmosphere and for the adjustment of the delinquents to normal life it is of great importance to use as little outward restraint as possible. In view of the fact that the records of escapes of the women's reformatories as quoted above are by no means so alarming as to necessitate stricter devices for the guarding of inmates than are in use now, one may conclude that, under ordinary conditions, reformatory administrators will entirely be on the safe side if the institution has the usual combination of an annunciator system, slightly protected windows (somewhat more protected in the receiving and disciplinary buildings), and the locking of outside doors during

the night. If the situation is so favorable that one or more of these precautions can be dispensed with or if they can be dispensed with in respect to certain groups of particularly trusted women, so much the better. But it has, at any rate, been established beyond dispute that surrounding walls, guarded gates, double doors, heavily barred windows or the locking of doors of inmates' rooms at night in the ordinary cottages, are not necessary in the modern American reformatory for women.

Special cottages. As stated before, there are often special cottages designed for certain categories of inmates, such as those afflicted with venereal disease, mentally defectives, etc. Usually these are not different in their physical arrangement from the other cottages, except the reception building (with which we shall deal in the next paragraph), and the cottages used for mothers with babies.

Fine maternity cottages are to be found, among others, in Clinton Farms, New Jersey, and in the Connecticut and the Federal reformatories. The maternity building in Clinton Farms contains, in addition to the usual rooms, large playing- and sleeping-porches for the babies with adjoining babies' bath- and dressing-rooms, a babies' dining-room, a milk pasteurizer and refrigerator, a special laundry for the baby-linen, etc.

Equipment of the cottages. An effort is made everywhere to make the cottages look home-like in order to develop the girls' interest in home-making. In many reformatories the equipment of the cottages is quite attractive, in some cases even almost luxurious according to our notions. In the Federal reformatory, and the institutions in Minnesota, Pennsylvania and New Jersey, for example, one may find in the cottage living-rooms an open fire-place, piano, victrola, rocking-chairs, rugs, growing plants, and pictures, sometimes also book-cases and floor-lamps. The inmates' bedrooms contain, in several institutions, in addition to a bed and chair, an attractive dresser or table, a shelf for clothes, a rug, curtains, and a counterpane on the bed. Most superintendents believe that attractive furniture does not do any harm to the inmates even though it may be better than what they had in their own homes: the more they learn to care for their homes, the less they will be inclined to spend money and interest on less worthy things. Moreover, an effort is made everywhere to use simple and inexpensive means for the furnishing of the cottage that are within the limits of a workman's income, and a great deal of ingenuity and imagination has been used in some institutions to make the interiors attractive with little cost. In the Federal and Minnesota reformatories,

for example, the very tasteful furniture consisted largely of discard or very cheap pieces which had been made over by the inmates themselves, and in Pennsylvania the attractive dressers in the girls' rooms had once been soap-boxes. We believe that all this has a good effect. There can be little good sense in making the cottages purposely ugly and bare, instead of using them as practical object lessons to stimulate the interest of the women in home-making and to develop whatever imagination and capacities they have for making their physical surroundings beautiful with simple means.

§ 58. *Special Buildings.*

Little needs to be said about the administration-building which houses the offices of the institution. Frequently this building also serves as a residence and social center for part or the whole of the staff, and often it contains one or more rooms for guests. This would seem somewhat unusual to Europeans; in the American women's reformatories, however, guests are so much a matter of daily occurrence that most institutions have one or more rooms set aside for them, and sometimes very comfortable ones, too. Beautiful, as regards its outward appearance, is the administration- and staff-building of Monsey Farms in Pennsylvania, which is built of natural rock found in the vicinity (See the illustration). Very comfortable staff-houses with living-rooms, porches, etc. are also found in the Federal and Massachusetts reformatories.

The receiving-building and hospital are usually combined, and can, therefore, be considered together. Good hospitals (serving at the same time receiving purposes) are, among others, to be found in the reformatories of Connecticut and New Jersey. Very fine facilities in this respect has the Federal reformatory: This institution has one receiving building which contains also the dispensary and the clinics for ambulatory patients; and another building, the hospital proper, providing facilities for general medical cases (bed-treatment), gynaecological service, surgical operations and treatment of the psychopathic. The receiving building is a large structure, two stories high; it has a cupola surmounted by a weather vane and containing a beacon light, thus expressing its importance as the entrance building of the institution. In one wing on the main floor are the dispensary, physician's office, examining-room for the psychologist, nurse's office, patients waiting-room, treatment-room (equipped for minor surgery), a dental clinic and laboratory, and a laboratory for the physician. This division has a separate entrance. On the second floor five rooms with a separate toilet are set aside for infectious syphilitic patients; and another five rooms, made of reinforced concrete, together with a bath-room

and a hydrotherapeutic installation, form the division for disturbed or serious disciplinary cases, which can be entirely shut off from the rest of the building by sound-proof doors. The rest of the space is occupied by bedrooms for the inmates and the personnel, treatment rooms, a room for occupational therapy, etc. The hospital proper contains, among other things, a medical and surgical ward, a nursery, an operating room, a small hydrotherapy department with two seclusion rooms for disturbed cases, 15 single patients' rooms, a porch for the babies and a porch for convalescent and tubercular patients.

A fine receiving unit was also that established at the New York reformatory at Bedford Hills by the Bureau of Social Hygiene which we have described elsewhere (pp. 107—108). To-day it is partly used for the same purpose.

The school- and industrial rooms are frequently combined in one building, although in some institutions which carry on extensive industries requiring the use of machinery, it is found desirable to have them in a separate industrial building. Very commendable occupational buildings, in which domestic science classes as well as industrial activities are carried on, are, among others, those erected at the Connecticut and Federal reformatories.

A community center has now generally been recognized as an essential factor in the community life of the institution. Most institutions have only an assembly room in the administration building for community activities, others use the chapel for them, and in a few, school and assembly rooms have been combined in one separate building. A good specimen of the latter is that found in the Federal reformatory which has on the ground floor a large assembly hall seating about six hundred, with a platform and stage equipment, dressing-rooms and a hall; and on the second floor the school consisting of six class rooms (equipped for instruction in the common school branches, hygiene, natural science, commercial subjects and music), a library and reading-room and a teachers' room. In the basement of this building is a gymnasium equipped for corrective gymnastic work.

Special chapel buildings (and very attractive ones) are found in the Federal reformatory (where it was donated by the General Federation of Women's Clubs), in Clinton Farms, New Jersey (where it is a gift of Mrs. Otto Wittpenn, a former board member), and in the Albion State Training School in New York. In the other institutions the religious services are usually held in a room in the administration or school building.

PART V

THE COMMITMENT

CHAPTER XII

THE REFORMATORY SENTENCE

§ 59. *Legal Provisions.*

The form of sentence under which women offenders may be committed to the reformatory has nearly everywhere been specified in the act establishing the institution, and refers to that institution only. Both determinate and indeterminate sentences are found in connection with women's reformatories: In twelve states ¹⁾ all or nearly all commitments to the women's reformatory ²⁾ are based upon an indeterminate sentence; in two institutions, namely the Federal reformatory and the reformatory of Rhode Island, all sentences are determinate, although both have a parole system which, in the case of the Federal reformatory, has practically the same effect as though the sentences were indeterminate; in all other cases ³⁾ both forms of sentences are used. In these cases the determinate sentence is mostly provided for the serious offenders (in regard to whom the maxima of the indeterminate sentence are not considered high enough); in Indiana and Wisconsin, however, just the opposite method prevails, the determinate sentences being applied in the case of petty offenders only. Nowhere, however, do we find the true indeterminate sentence without minimum and maximum. Everywhere the indeterminate sentence means a sentence *indeterminate within limits*, either within a maximum, or both a maximum and a minimum limit ⁴⁾.

The *maximum* may be:

- a. equal to that fixed by law for the offense; or
- b. a general maximum specified by law for all or certain classes of offenses; or
- c. fixed by the court.

The first system is found in regard to all offenders in California,

¹⁾ Arkansas, California, Connecticut, Illinois, Iowa, Michigan, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania.

²⁾ Practically the only exception found in some of these laws is that the indeterminate sentence is not applicable in the case of certain very serious offenses, such as first degree murder.

³⁾ Indiana, Kansas, Maine, Massachusetts, Minnesota, Vermont, Wisconsin.

⁴⁾ The Nebraska statute provides that the court shall not make commitment for a definite term and that no minimum or maximum limit is to be fixed, but as a matter of fact such limits are provided in other laws.

Illinois and Ohio, and practically also in Nebraska, to all except those convicted of murder or committed for life in Kansas and Vermont respectively, and to offenders of the felon class in Indiana, Iowa Michigan (except if the court fixes a lower maximum), Minnesota, New Jersey, Ohio and Wisconsin (except for the authority of the court to fix a lower maximum, but never less than one year).

The second system exists in Maine, Massachusetts and New York with respect to all offenders, in Indiana with respect to minors, and in the case of offenders convicted of the less serious offenses ("Class B", see page 189) in Iowa, Minnesota and New Jersey. In four states a general maximum is fixed by the law, but if the maximum provided by law for the particular offense is higher, then the maximum is either fixed by the court (namely in Arkansas, Connecticut and North Carolina) or equal to that specified by law for the offense (Pennsylvania in the case of women under twenty-five years of age at the time of commitment).

The third system, finally, finds application in Wisconsin in regard to all offenders, in Connecticut with respect to offenders committed to the State Prison for Women established at the reformatory, and in Pennsylvania in regard to women over twenty-five years of age at the time of commitment. In Michigan and Minnesota the court may fix a maximum, if it deems fit, but this may not exceed the maximum provided by law.

Wherever a general maximum is provided by law, this is usually three or five years. It is three years in Arkansas, Connecticut (reformatory proper), New York and North Carolina for all offenders committed to the reformatory, in Maine, Minnesota and New Jersey for those of the misdemeanor class, and in Pennsylvania for women under twenty-five years of age at the time of commitment, except for the fact that a higher maximum may be fixed in Arkansas, Connecticut, North Carolina and Pennsylvania in case the maximum specified by law for the offense is higher. A maximum of five years is found in Iowa with respect to misdemeanants, and in Maine and Massachusetts with respect to felons, but in these last two states a higher maximum may be fixed by the court, if the punishment prescribed by law for the offense is for more than five years. Indiana, finally, has a maximum of ten years for minors committed to the Penal Department, whereas Massachusetts has a maximum of one year for those convicted of drunkenness and non-support, and two years for all other misdemeanants. Where the court fixes the maximum, its power is usually limited by the provision, that the maximum may not exceed the maximum specified by law for the offense, but in Wisconsin the maximum to be fixed in the court in the case of a misdemeanor may not exceed five years.

As regards the *minimum*, four kinds of provisions may be found:

- a. no minimum is specified by law or fixed by the court;
- b. the minimum is equal to that specified by law for the particular offense;
- c. a general minimum is provided by law;
- d. the minimum is fixed in each case by the court.

The first system is most general: it exists in Arkansas, Connecticut, Iowa, Maine, Massachusetts, New Jersey, New York and North Carolina with regard to all offenders, in Pennsylvania with respect to women under twenty-five years of age at the time of commitment, and in Minnesota and Wisconsin in the case of misdemeanants. Almost as common is the second system which prevails in California, Illinois, Indiana (Penal Department), Kansas, Michigan (in so far as the law specifies a minimum), Minnesota, Nebraska, Ohio and Vermont. A general minimum fixed by law is very rare: in fact, the only instances are those found in laws relative to armed and habitual offenders about which we shall say more below. In the few remaining cases the court fixes the minimum, but here, too, its power is restricted: the minimum may not be less than one year for felons in Minnesota and Wisconsin, for minors committed to the Penal Department in Indiana, and for women committed to the Prison Department in Connecticut, whereas in Pennsylvania the minimum may not be less than one-half the maximum specified by law in the case of women over twenty-five years of age; a similar provision prevails in Michigan.

Attention may finally be called to some recent laws relative to habitual and dangerous offenders, in so far as they apply to women's reformatories: In California a person convicted of a felony who has twice before been convicted of specified crimes, must be sentenced for life, and he is not eligible for parole until he has served twelve years; fourth offenders convicted of any felony shall also be sentenced for life, and are never eligible for parole. In Kansas persons convicted for the second time of a felony shall be confined for a term not less than double that which would be given at a first conviction, and those convicted for the third time shall be confined for life. In Connecticut the maximum term is fixed at twice the maximum specified by law, in case the offender has once before been imprisoned in a state prison, and in case he has twice before been so confined, it is thirty years. Persons who are sentenced for the third time for a term of more than one year, must be detained for twenty-five years after the expiration of their last term. In Minnesota the offender convicted for the second time is sentenced for an indeterminate term the minimum of which is not less than twice that prescribed by law and the

maximum not more than twice the maximum specified for the offense; in case of a fourth conviction for a felony the maximum is life. In New Jersey and Pennsylvania persons convicted for the fourth time of a felony may, and in Ohio and Vermont they shall be sentenced for life. Felons convicted for the third time must in Ohio be sentenced for the maximum term fixed by law for the offense, and in Pennsylvania they may be sentenced for a term not more than twice the maximum specified by law. Sharp increases of the punishment or of the maximum are also provided for in some states for offenders caught with arms, but it is not necessary to enter into this, as they seldom apply to women.

On the whole these provisions are not only very drastic and hard, but from the point of view of penal technique they must for the most part be considered as rather crude, particularly the provisions which make long terms or life sentences mandatory in the case of third or subsequent offense, thus depriving the court of any discretion in these cases and of the possibility of adjusting the sentences to the personality and circumstances of the offenders. They are the products of "crime wave" agitation rather than carefully considered plans of dealing with the problem of the habitual offender. Probably more careful provisions such as the preventive detention in England will soon have to be worked out: in some states the untoward results of this all too hasty legislation are already showing in dangerously overcrowded penal institutions, prison riots and a reaction of the public which had at first clamored for such provisions but which now begins to see what the indiscriminate application of fixed sentences leads to in particular cases, so that in a few states the most drastic provisions had already to be modified. As long as they exist, however, the women's reformatories will have their share, be it ever so small, of offenders sentenced under these provisions for life or for a very long term.

So much, then, about the types of sentences to be found with respect to the women's reformatories. It is interesting to note in them the concessions to public feeling. There is first of all the fact that nowhere does an absolutely indeterminate sentence without a maximum exist. Public feeling is averse to the idea that a person who has once transgressed the law may be kept in penal bounds for life, irrespective of the seriousness of the offense committed. Another concession to the public sentiment is that almost everywhere a certain proportionality between sentence and offense is still observed, as is to be noted in the different maxima for felonies and for misdemeanors.

§ 60. *The Reformatory Sentences in Practice.*

One of the first observations that may be made regarding the reformatory sentences is that in practice often little difference exist between the determinate and the indeterminate sentence. For in the case of determinate sentences parole is nearly always possible (except if the sentences are very short), and the requirements for parole, the authority administering parole, and the conditions and terms of parole, are often essentially the same in the case of determinate and as in that of indeterminate sentences. In other words, under the so-called determinate sentences the terms are in reality often maxima, entirely comparable to the maxima of the indeterminate sentences, differing from them only in this respect that they are always fixed by the court, whereas the maxima of the indeterminate sentences are sometimes fixed by the court and sometimes by the law.¹⁾

After this it can be better understood how limited the powers of the court under either form of sentence have come to be. In many states the courts have no discretion at all as to the determination of the terms which the offenders shall serve in the institution; they may only fix a maximum, sometimes also a minimum; and even the terms imposed under a determinate sentence system are very often in reality merely maxima. The courts have also, as we shall see later, practically no influence in the administration of parole, at least so far as women's reformatories are concerned. It is interesting to note that, in contrast with what would have been the case in Europe, the fear that executive arbitrariness would threaten individual liberties, has offered very little resistance to this development in America, because of the fact we noted above that, traditionally, there exists in the United States more confidence in executives and less in courts and lawyers than is the case in West-European countries.

In order to understand the full significance of the indeterminate sentence, and particularly to see in how far its avowed purpose of keeping the offender in confinement until he is ready to be released, has been realized, it is necessary to anticipate here some points relative to the administration of parole.

Everywhere the need of definite norms or guiding lines in the administration of parole has been strongly felt, both by prisoners and by parole administrators. Prisoners want to know just where

¹⁾ This could not be said with respect to the men's prisons, for there the granting of parole is not nearly so general as in the case of women's reformatories, and the differences in sentences and parole practices are usually far greater.

they are and when and how they might regain their freedom¹⁾; and parole administrators have always found it difficult to determine whether or when prisoners are ready for society, and have only been too glad to have some definite norms or rules to guide their decisions.

This need has in the first place led to the fixation, by administrative rule or practice (if it had not been done by law or by the court), of a minimum term which the inmates normally have to serve before being eligible for parole. There were also some other considerations which played a part in this: The reformatory treatment was conceived as an educational course; the inmates had to complete the course first before they could be released, which required a certain amount of time. Mixed with it was the feeling that parole was something which had to be *earned* and which consequently supposed a time of faithful observance of the rules before parole could be considered. On the other hand, there were various reasons why an inmate should not be kept too long in the institution. In the first place, if the difference between the minimum and the maximum term was not great, there would be little incentive for the prisoner to do his best in order to obtain an earlier release. A second reason was that, according to the American system of indeterminate sentence, the parole period ends as a rule at the moment when the maximum term expires. In other words, the longer inmates are kept in the reformatory, the shorter their time on parole. The period of re-establishment in free conditions being a difficult and critical period for the offender, it was felt desirable not to make the period of parole supervision too short. Moreover keeping an offender too long in an institution tends to "institutionalize" him and make him thereby increasingly unfit for normal conditions where he has to care for himself and to bear normal responsibilities. The retributive element also often played some part in the determination of the minimum period. The result of all these considerations *with respect to the women's reformatories*²⁾ was that in practice the length of the minimum term (wherever

¹⁾ A case in point is the experience which the New York City Department of Correction had during the commissionership of Dr. Katherine B. Davis with one of the New York workhouses. When a new parole system was introduced in that institution, it was at first decided that no minimum term or other rules should be fixed in order to leave the paroling authorities entirely free to release inmates whenever they considered them ready for it. The inmates became so restless, however, and so insistent in their demands to be informed what they could expect and when and under what conditions they could obtain parole, that the policy had to be abandoned and definite norms had to be given.

²⁾ See note on page 313.

it was not determined by the law or the court) became most frequently fixed at about one year to one year and a half, this being considered the minimum time necessary for the average inmates to absorb the reformatory training; at least, so it was for misdemeanants, for felons the minimum was sometimes higher. Of course, inmates can be — and often are — kept after the minimum term, but practically they cannot be kept very much longer in most cases lest their sentence should be up and the benefit of a parole period should be lost. Even very difficult girls are rarely kept until the last day of their sentence, on the ground that such girls particularly need a period of adjustment and supervision after their release, and, secondly, because they usually do not derive any more profit from institutional treatment after a certain period, say two years, so that they may just as well be given a trial on parole, since some day they have to be set free anyway.

It will be noted that in this way the paroling authorities are left comparatively little latitude, much less than the court had under the old system of determinate sentences. If, for example, the limits which the law has fixed for an offense are three months minimum and three years maximum, the chances of release may practically be within eighteen months and two years. The curious result of this is that the indeterminate sentence, which was originally intended to increase the possibility of differentiation of treatment, has actually led in many cases to a decrease of the degree of discretion that is exercised in regard to delinquents, and even, sometimes, practically to a return to the old system of fixed punishments. This is evident in those extreme cases where the practice is followed of paroling almost all offenders at the expiration of the minimum term: there the courts have no discretion in fixing the duration of the sentence; neither is it exercised by the parole authorities; what actually determines the length of stay is the minimum fixed by legal or administrative rules. This is, of course, a caricature of the indeterminate sentence which has developed in some instances where the facilities for the administration of parole are so meagre that the authorities are forced to apply wholesale, automatic methods of release. This practice probably does not exist to any great extent in the women's reformatories where, on account of the much smaller number of parole applications, more careful and discriminating consideration can usually be given to each case. Nevertheless one is forced to make the conclusion — paradoxical though it may seem to be — that *the indeterminate sentence tends in practice more to equalize than to differentiate prison terms.*

This in itself does not condemn the indeterminate sentence. For it may be asserted, in the first place, that even a smaller amount

of discretion in the hands of penal executives might be better than a larger amount of discretion in the hands of judicial authorities, that is, if the penal executives are really in a better position to know the offender than the courts (as, according to the theory, they should be). In the second place it may be pointed out that penal executives have usually at least the *possibility* of exercising the same amount of discretion as the courts, and in some instances where the penal authorities have not voluntarily limited their discretion by fixing definite rules they do use this, too, whenever it seems necessary. In the third place we believe that, as long as the facilities for the exercise of parole, that is for a really discriminative use of parole, are as imperfect as they frequently are, it is well to limit the discretion of paroling authorities. Fourthly, we would venture to say that, under a proper system of specialization of penal institutions, a great range of discretion as to the termination of the prison term would not be necessary in the general run of cases. If one eliminates from the reformatory those who should never have been committed to an institution and those who need more or less permanent custodial care, those left would practically all be persons who need a thorough course of training and treatment. This requires a certain time which will be different with different individuals; but as a rule inmates will have absorbed all that the institution has to offer them in about one or two years (depending upon what the institution has to offer), after which it becomes better to place them in free society, lest they become "institutionalized". It is not surprising that in the women's reformatories the great majority of the inmates are released between one and two years after admission, because in practice this has been found the period during which the reformatory may have useful effect. Those kept longer than two years are nearly always found to be subjects for permanent custodial care or inmates who could not be paroled earlier on account of legal obstacles. From the point of view of institutional management, too, the greater equality of sentences has an advantage. For how much the fact that practically no inmate stays shorter than, say, a year, contributes to simplifying and stabilizing institutional management, may be appreciated by any institutional administrator who has had experience with a group in which sentences range from a few days to many years.

The next point that may be considered is in how far release on parole is really determined on the ground of the probable fitness of the offender to live a honorable life in free society, and in how far other factors play a part in this decision. We shall not enter here into the various factors which, in the different reformatories, are taken into account in the granting of paroles. We shall limit

ourselves here to the discussion of one fundamental difficulty inherent in any attempt to base the release of an offender solely on his supposed social fitness, namely the question *how* it can be determined when the offender is fit to be released. Brockway and his contemporaries were optimistic enough to think that prisoners who made a good conduct record in prison were also fit for life in free society, as they believed that no one could continuously comply with the reformatory rules without a serious intention to reform, and that, even if the prisoner had not started out with such an intention, he would, by the influence of the rigorous discipline and through the force of habit, become accustomed to and desirous for a regular, industrious and decent life. Experience has shown that this is not true, that many of the most hopeless offenders make perfect conduct records in prison, and, on the other hand, that those who, on account of an independent character, a sensitive temperament or other causes, have repeatedly given trouble in prison, often turn out well after they have been released and placed in a more normal environment. However, in practice the conduct in the institution still tends to be considered an important, if not decisive, factor in the consideration of parole. For it is easily understood that institutional executives are always inclined to hold out earlier release as a reward for good conduct and thereby to promote good discipline. On the other hand, the inmates always expect that their conduct in the institution will be taken into consideration. To their minds one who has faithfully observed the rules is more or less entitled to an early release, and it would be against their feelings of justice and fairness if one who had repeatedly given trouble were given preference (unless, of course, the reasons are obvious to them, but this is very often not the case). The difficulty, then, is this: If the conditional release is to be based on social fitness, then the conduct record may or may not be taken as evidence of this fitness, but certainly not as conclusive evidence; if, on the other hand, conditional release is used as a reward for good behavior in prison, then the inmates must be reasonably sure that their conduct record will be given great weight when the question of parole is considered, lest it would lose its effectiveness as an incentive to good behavior. In practice one finds all shades between institutions where predominant consideration is given to the institutional conduct record, and others which more nearly approach the original purpose of the indeterminate sentence of releasing only those who seem fit for liberty, but, on the whole, the conduct record in the institution — apart from social fitness — is bound to play a rather large part in parole decisions.

A great obstacle to carrying out the original purpose of the in-

determinate sentence is the fact that many are committed to the reformatory who do not belong there, who either need permanent custodial care, because their mental defectiveness or inveterated anti-social habits make it improbable that they will ever make a satisfactory adjustment in the free community, or who should not have been committed to an institution at all because they need treatment of a very different kind, and who only become worse by their placement in a reformatory. In the last case the best thing the reformatory can do is often to release such inmate at the earliest possible moment, although this frequently does not at all solve the problem and cannot repair the harm already done. As regards the inmates who need permanent custodial care, of them the paroling authorities can never honestly say that there is "likelihood of their leading a law-abiding life" when released, as the usual legal phrase is. Yet, unless transfer of such offenders to a custodial institution is possible, the most the reformatory could do in such cases is to keep them in the institution until the expiration of their maximum term, but then they must be released, and without the possibility of parole supervision. Meanwhile the reformatory would have all the trouble of keeping these inmates many of whom the denial of parole will make dissatisfied, grudging, rebellious elements, until the end of their term, and then, what would have been gained, if they have to be set free anyway? Can one blame the penal authorities if in such cases they refuse to sacrifice the good spirit of the institution and the interests of the other inmates to such a policy, and prefer to parole such delinquents, even though it means violating the letter of the law and the spirit of the indeterminate sentence? The fault is not with the maximum term, for if such offenders could be kept in the reformatory permanently, they would be just as great problems to the institution. The fact is that the same institution cannot be run both as a reformatory and as a custodial institution, and it is quite natural that, where the reformatory and custodial functions conflict, reformatory administrators will give preference to the former.

In practice there are various other obstacles, such as the sentiment of the public or conditions prevailing in the institution, as we shall explain more fully in our chapter on "Parole". This will suffice, however, to show that in practice the idea that every offender should be kept in confinement until he has been made fit for freedom, is far from having been realized, and, we believe, could not be realized under present conditions.

In spite of the fact, however, that the indeterminate sentences is in practice not so "indeterminate" as its name suggests, and that its original purpose has not been fulfilled, it is of great advantage

to reformatory administrators. For it gives them the necessary power to adjust the terms according to the particular circumstances of each case and the situation in the institution; it makes it possible for them to influence to a much larger extent the behavior of the inmates, and lends the penal officials a greater authority than they would have under a system of determinate sentences, while the parole period has become an indispensable and highly important part of the reformatory system of treatment. It should not be supposed that these same advantages can be accomplished under a system of determinate sentences with conditional release, as some have said. For one difference between the indeterminate sentence and the determinate sentence with parole, is that the terms under a determinate sentence system are usually shorter than the maximum terms under an indeterminate sentence system (since the courts rarely impose the maximum punishment), which limits to that extent the discretion of the penal administrators. This is particularly evident in the case of comparatively light offenses where the courts will usually impose a short term, although years might be needed to bring about a proper adjustment of the offender. If one compares the indeterminate sentence system to the European systems of determinate sentences with conditional release, the difference is even greater. For there conditional release is considered as an exception, not as a normal and essential part of the sentence, and the discretion of the executive authorities is consequently much more limited.

A great advantage of the indeterminate sentence system is also that under this system the inequality of terms which exists under a system of determinate sentences is largely done away with. This inequality of terms must seem pure arbitrariness to the offenders who, of course, make comparisons while in prison, and who cannot understand (as, indeed, no one can) why one should receive three or five times as much punishment as another for what seem practically identical or perhaps even less serious offenses. They might be wrong in their comparisons and inclined to minimize their own guilt, but the point is that this inequality of terms always leads to bitter or cynical comment which is not conducive to their respect for justice or to establishing a better attitude on the part of the inmates. The general experience of institutional administrators is that usually offenders take the indeterminate sentence better: to them it is a sort of "unity sentence", the same for all or for all of the same category; they will stop the fruitless comparing of terms and rather look ahead, namely how to obtain an early release. Of course, the earlier or later release on parole may be another occasion for comparisons and discontent, but here the differences

are much smaller, in the first place, and, in the second place, the inmates frequently understand much better the reasons why one is held longer than another. For in some institutions they are frankly told of the reasons, and in others they usually learn enough about the requirements for parole from their fellow-inmates and the officers to know pretty well what their chances are to be released. In other words, the whole matter becomes less *arbitrary* to them, because they feel that all are treated on the same conditions which, to a certain extent, they may know beforehand.

One point, however, of which inmates are less pleased, is that the terms served under an indeterminate sentence system are, on the whole, much longer than under a determinate system, particularly so far as women's reformatories are concerned. For, as we have seen before, the reformatory sentence came in the majority of cases in the place of the commitments to jails and workhouses which are for the most part for brief terms of a few weeks or months. But also in the case of felonies the indeterminate sentence seems to have lengthened the terms actually served, if we may apply the evidence, produced on this point with respect to men's institutions or to prisons in general, also to women's reformatories¹).

For the rest the effect the indeterminate sentence has upon the inmates largely depends upon the way it is administered. If, for example, the practice is followed of releasing all inmates more or less automatically at the expiration of the minimum term, the practical effect is that the offenders look upon the minimum term as their real term. In institutions where dominant consideration is given to the conduct record, the inmates will soon draw the conclusion that all they have to do is to keep their conduct record clean; etc. One may be sure that the inmates soon find out how parole is administered in the institution where they are, and what factors are taken into account, and that they all more or less adjust their efforts and their hopes to these facts.

Compare: Prisoners 1923, pages 124 and 130; Robert H. Gault: The Parole System, a Means of Protection, *Journal of Criminal Law and Criminology*, March, 1915, pages 802—803; Amos W. Butler, The Indeterminate Sentence and Parole Law, *Indiana Bulletin of Charities and Correction*, January 1916, page 8; Department of Correction Quarterly (Massachusetts), page 2; *Institution Quarterly* (Illinois), vol. 16 no. 1, March, 1925, page 7; Julian H. Alco, *Indeterminate Sentence and Parole Law*, 1926, page 3; Report of the Section on Delinquency of the Commonwealth Club of California, pages 399 and 400.



Clinton Farms, New Jersey.

Courtesy of Miss Cornelia I. Lounsbury,
former Superintendent.

The Nursery.



State Industrial Farm for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

**The Nurse and Her Inmate Helper Receiving
a Newly Arrived Woman.**

CHAPTER XIII

COMMITMENT AND RECEIVING

§ 61. *Conveyance of Women to the Institution.*

When a woman has been sentenced to a reformatory, the first practical question to be answered is who shall convey her to the institution. Of the fifteen statutes in which such provisions occur, nine ¹⁾ specify that the attendants shall be court or police officers provided by the county or court from which the woman is committed, and four ²⁾ require that the institution shall send an officer to fetch the woman, while the Federal statute designates in cases of transfer the United States marshal of the district in which the institution from which the transfer is made is situated, to accompany the woman, which provision is probably also to be applied in the case of commitments.

In five states ³⁾ it is specified that the attendants shall be women, three ¹⁾ require or permit the appointment of a woman attendant in addition to the regular officer, one state (New York) specifies that the attendant must be a woman if the prisoner is pregnant or has a nursing child, and Maine provides that a woman attendant shall be appointed "where feasible". The desirability of employing female attendants for women prisoners will be readily understood.

It is a good practice in some states that the conveyance of women convicts to a penal institution takes place in as inconspicuous a way as possible: The women attendants are not uniformed, the transportation by train is often so arranged that the prisoner is not distinguished in any way from the other travellers, and the institutional automobile which meets her at the station frequently looks like an ordinary private car. Thus the humiliating attention which is otherwise often shown to a prisoner by the public is largely obviated.

¹⁾ Arkansas, California, Connecticut, Indiana, Iowa, Kansas, Maine, New Jersey, North Carolina.

²⁾ Michigan, New York, Pennsylvania, Wisconsin.

³⁾ California, Indiana, Iowa, Pennsylvania, Wisconsin.

⁴⁾ Arkansas, Connecticut, North Carolina.

§ 62. *Receiving of the Inmates.*

Receiving Formalities. Upon arrival in the reformatory a newly committed inmate is usually first conducted to the office where her commitment papers are examined and the registration formalities performed. She is then taken to the bath-room, where, under the supervision of an officer assisted by an inmate helper, she is required to take a bath, while her bodily condition and the condition of her clothing are noted, and an inventory of all her possessions is made which is signed by the inmate. After her bath the inmate dons the institutional garb and is led to the solitary room where she is to spend her quarantine period.

From the case work point of view the first impressions the inmate receives of the reformatory are of great importance. This point is much stressed by Mrs. Elisabeth Baker Prescott in a paper read at the Congress of the American Prison Association in 1927¹⁾ in which she urges that the record clerk who receives the girl should be a sympathetic person, a "friendly adviser instead of the stereotyped, rather inhuman automaton interested only in records, not helping to make the girl feel mentally comfortable and at home but apt to intensify her antagonism towards everyone". In some reformatories all newly admitted women are first met or soon after the admission seen by the superintendent or her assistant who sometimes also performs the registration formalities, and generally tries to bring her at ease and to impress her of the good intentions of the institution. Anyone who knows in what a mood newly admitted women often arrive at the institution, how bewildered, distrustful and afraid many are, will understand how much such a reception will do to her.

The Period of Solitary Confinement. In nearly all reformatories all newly admitted inmates are placed in seclusion during a period of from one to three weeks, most frequently two weeks²⁾. This seclusion has to-day no purpose other than that of quarantine. The punitive character which the initial period of solitary confinement had in Sir Crofton's system of progressive classification and also in the early days of the New York Houses of Refuge, has

1) Are we Allowing the "It Never Has Been Done" Complex of the Institution to Rob the Individual?" Proceedings of the American Prison Association 1927, p. 40.

2) One reformatory, namely that of Nebraska, has a quarantine period of six weeks, but this refers probably to the quarantine in cases of venereal disease, not the general quarantine applied to all newly admitted inmates. The reformatory of Iowa does not seem to have any general quarantine provision.

completely vanished in present-day reformatories, which have no faith in it. The general feeling is that punishment as a beginning of reformatory life would only arouse antagonism and bitterness which would hamper any reformative work with the woman afterwards. The aim is rather to do everything possible to build up in her an attitude and frame of mind which will favorably dispose her towards the plans of the reformatory management for her re-adjustment. Nowhere, therefore, do we find any special punitive measures applied during the quarantine period such as a bread-and-water diet. Instead every effort is usually made to restore the women, many of whom come to the institution exhausted, undernourished and overwrought from their recent experiences or dissipated mode of life, as soon as possible to a more normal physical and mental state.

Neither have American reformatory executives much belief in the purgatory influence of the solitary confinement through quiet self-reflection. They feel that women can derive little good from self-reflection as long as they have not developed constructive thoughts or interests to occupy their mind. Indeed, solitary thinking in a time, when the inmates are still dominated by the destructive memories and imageries of their old life, when they are filled with feelings of bewilderment, spitefulness and often rebelliousness, is likely to produce more harm than good. The fact that some women are very meek during this period, that they will sometimes cry and confess to be sorry and promise anything under the impression of their first prison experiences and their dreadful loneliness, will not deceive the experienced reformatory officer into believing that the solitude really changes their mind.

In some European institutions an initial period of seclusion is considered important for an observation of the delinquent's personality. In this, too, American reformatory executives have very little confidence. They contend that inasmuch as one's personality is a result of the continuous interaction between individual and environment, and inasmuch as particularly delinquency is always the expression of a social relationship, one can gain little in understanding the personality of an individual and the causes of his behavior by merely isolating him and observing him while in isolation. All that is reached by merely isolating a person is, that instead of a more normal social environment, a very abnormal and unnatural setting is substituted in which his behavior appears in a distorted and unusual way. Since all inmates are quarantined anyway, their reactions might, of course, be observed during that period, as these may tell something about their character *when compared with their reactions under more normal conditions*; but no reformatory

executive would ever think of isolating an individual or prolonging her period of seclusion merely for the purpose of studying her, far less to base her judgment about the inmate's personality predominantly upon such observations. Another point to be considered in this connection is that the study of a case should never be conducted in such a way that it becomes prejudicial to treatment and there is a real danger of this whenever inmates are subjected to long periods of isolation for purposes of study and observation, as prolonged solitary confinement has distinctly harmful effects upon many individuals, and, at any rate, shorten by so much the time left for reconstructive work.

A not too long period of isolation, however, also has certain advantages. In the first place it secures the new inmates a good physical rest which many of them, exhausted through a fast life or the nerve-wrecking experience of their trial, badly need before they are exposed to the exciting contacts with group life. In the second place the quarantine period presents a good opportunity for the officers to have quiet talks with the new inmate to learn her social history and her own ideas and plans for the future, to discuss with her the aims, possibilities and rules of the institution and to straighten out any worries and misconceptions she may have. During the quarantine period, when the inmates are not distracted by their contacts with other inmates, when they feel lonely and often worried about what they left behind or what the future may hold in store for them, they are frequently much more eager to talk with officers. This period is, therefore, frequently used for the various interviews which officers have with new inmates to learn their history and to initiate them in the life and rules of the institution.

As we stated before, first impressions count very much, and the way a woman is treated during those first days may be decisive for the success or failure in getting her co-operation in the plan of her treatment. In the best reformatories, therefore, every effort is made to gain the confidence of the new inmate, to give her hope for the future and generally to arouse her interest in the plans of the institution. The quarantine period (which is a dreadful experience to many of the women, not used to being alone) is in many institutions made as little irksome as possible: it is made not longer than is necessary for quarantine purposes, the women are frequently allowed out of their rooms after a few days to work about the building and to take recreation in the garden; they are given, as far as possible, some occupation or reading matter, etc.

PART VI

THE REFORMATORY TREATMENT

CHAPTER XIV

THE REFORMATORY METHOD IN GENERAL

§ 63. Before entering upon a discussion of the separate features of the reformatory system, it seems advisable to take a general view of the reformatory method in order to understand better the ideas underlying these features. As a point of departure we may quote the following lines of an article¹⁾ by Dr. Miriam Van Waters, formerly referee of the Juvenile Court in Los Angeles and for some time superintendent of a small school for delinquent girls in California, which in a succinct and telling way characterizes the problems and task of an educational institution for delinquents:

"After all, what is a delinquent girl, and what is necessary to correct her in a state institution? Let us take for example a young shop-lifter. She is sixteen, as tender-eyed as Leah, with an expression of innocent freshness. Physically she is normal, mentally she is up to grade. For four years she has stolen from neighbors and shops, her thefts amounting to hundreds of dollars. Once she accused a man of good reputation of taking advantage of her. Court and community were deceived by her tale. Finally she is committed to a state school. Careful study uncovers her history: her parents married young; they were mismatched and their religion and marital relations were subject of constant dispute. The girl slept in the same room with her parents. Finally they were divorced and the girl went with her mother who was so excellent a housekeeper that she made the girl remove her shoes on entering the parlor. At the age of twelve she commenced running away and stealing. Shy, secretive, full of fancies, what institutional program would restore this young girl's mental health, or unburden her mind of its load of hidden impulses? To teach her to cook, wash, sew and do gymnastic exercises would not be enough. No amount of training in useful habits would correct her stealing. Nor could the problem be solved in a reformatory. She must be reeducated to life. The whole matter of sex must be reinterpreted to her

If one were asked to sum up in a phrase the background idea of correctional institutions for girls in this country, it would be, not punishment, nor discipline, but "welfare, adjustment and education". The strictly modern institution is a composite of school, home, workshop, hospital and laboratory, and its plant and entire atmosphere express its goal as re-education and the adjustment to normal life of the girl whose parents and whose community have failed her".

We should like to vary Dr. Van Waters' conclusion in so far

¹⁾ "Where Girls Go Right", Survey, June 1922, vol. 1 no. 8.

that we would describe the "strictly modern institution" as a composite of school, home, workshop, hospital, psychiatric clinic, casework agency and laboratory, adding the psychiatric clinic and the casework agency. In the following we shall give some comment on each of these component elements.

The prevalent trend in women's reformatories — in imitation of children's institutions — is to compare them to *schools*. There is much reason for this: the problem of educational neglect looms large in a reformatory population, and there is much occasion, therefore, for training in many directions: training in personal habits and manners, in housekeeping and vocational subjects, and education along cultural and ethical lines. Yet, such training alone does not at all solve the whole problem of adjusting women delinquents: many come to the institution with distorted emotional attitudes — the result of unfortunate experiences in an unsatisfactory and unwholesome family environment —, or have a totally disordered social situation, and no amount of training and instruction in washing, sewing, cooking, arithmetic and ethical subjects will correct these factors which will very often sooner or later lead the women back to an anti-social life.

That there is a strong tendency to approach as nearly as possible *home* life in a reformatory, we have already noted before. Home life and atmosphere — in so far as it can be realized in an institution — are not only highly important in a women's reformatory from the point of view of mental hygiene because of the wholesome emotional satisfactions it offers, but it is also in such an atmosphere that educational and therapeutic measures will best thrive. Moreover, the home life is in itself an important educational means, because it offers the women some knowledge and suggestions as to what a good home may be, which many of them have never known in their own lives.

The statement that the reformatory should also be a *workshop*, a place where the inmates can be usefully and possibly creatively busy, where they can learn both the techniques and the joys of real work, needs little comment. A reformatory could, of course, accomplish little good without such a workshop.

The school, the home and the workshop all relate to the *general life and program* of the reformatory. It was the *psychiatric hospital* which suggested the ideas of *scientific diagnosis and individualized treatment*. The suggestion of the psychiatric hospital has had a strong hold upon penal administrators, as is evident, among other things, in the trite comparison of reformatory institutions to hospitals. There are many, particularly among the psychiatrists, who feel that reformatory institutions should apply essentially

similar methods as psychiatric hospitals. This concept is certainly not without some foundation, since there are many in the penal institutions who present the same forms of mental derangement as the patients of a psychopathic hospital, and since the ideas of making a mental diagnosis and of individualized treatment for each inmate have been found useful in a reformatory also. Yet, the methods of a psychopathic hospital are not wholly applicable in a reformatory. For, in the first place, the problems presented by the population of a reformatory are not the same as those found in a psychopathic hospital. In the latter institution the population consists of patients presenting on the whole rather serious mental deviations; in the reformatory the majority of the inmates consist of those who are, practically speaking, mentally normal but who have fallen to delinquency as a result of social and educational neglect. The task of the psychopathic hospital is, therefore, exclusively that of curing (if possible) or nursing the patients; it is not particularly concerned with training them to make them better fit to earn their living and to maintain themselves in a decent way. In a reformatory, however, such training must have a large place since — no matter what the causes of the delinquency are — the inmates have to be taught the proper ways to maintain themselves in free society, while only a very few need the treatment and nursing as provided by a psychopathic hospital. There are many other factors which would make the methods of a psychopathic hospital largely inapplicable to a reformatory population: There is in the first place the fact that most patients of a hospital are conscious of being sick and desirous to be cured, while delinquents are committed against their will and do not wish a cure. Treating them as patients, even in a remote way, would make them suspicious. They will be more willing to accept the reformatory as an *educational* proposition, a school, since this spares them the feeling of being treated as sick or abnormal; besides many are clearly conscious of their educational deficiencies. Another factor is that it is a very different thing whether a person's maladjustment expresses itself in a violation of the law or in another way, also to himself. In the former case such person feels that he has placed himself at odds with the social order; he knows that he has done something that is considered as wrong and *expects* punishment. Consequently he will always look upon the commitment more or less as punishment and interpret it accordingly. For example, he or his family will after a certain time feel that he has now been punished enough, that he has paid the penalty, and ought to be released. Such feelings do not occur in hospital patients and make for a very different attitude on the part of the

reformatory inmate and her environment ¹⁾). The anti-social habits and attitude and the feelings of distrust towards official authority which many inmates have as a result of their experiences, differentiate them also from the patients of a hospital. Then, too, a stronger herd spirit prevails among reformatory inmates than among the patients of a hospital which makes that much more attention is to be given in the former to the psychology of the group. Individualization of treatment is more easily accepted as a fact by hospital patients than by reformatory inmates who are more inclined to be jealous and suspicious if one is treated differently from the other ²⁾). All this makes that a different approach and methods have to be followed in a reformatory which resemble more ordinary educational methods.

Psychiatry has, however, grown far beyond the psychopathic hospital. In *consultative or clinical* ³⁾ practice modern psychiatrists and psychologists now take cognizance of many subtler mental adjustments which do not require hospitalization but which may seriously impair the social fitness and happiness of the individual. Dynamic psychology particularly has shed much light on the causes of maladjustment and taught new methods of treatment. For this kind of psychiatric guidance there is ample use in a women's reformatory. Very many delinquents have never known a wholesome childhood in a normal family environment or have suffered other unfortunate experiences which have caused disturbances in their personality development that incapacitate them to meet the ordinary exigencies of life. There are many others with constitutional defects not serious enough to justify commitment to a mental hospital or institution for mentally defectives, but who need expert guidance to accomplish a satisfactory standard of social adjustment. Very often constitutional and environmental factors are so closely inter-related that it is not possible to understand the causes of the delinquency nor to formulate a good plan of treatment without the help of a psychiatric expert. We should like to refer here again to Dr. Aichhorn's book mentioned above which strongly suggests how much room there is for the systematic application of the

¹⁾ One finds in the hospital many persons, of course, who feel that they are unjustly retained, but the great difference with delinquents is that they do not look upon their detention as a *punishment*.

²⁾ Some of these ideas are taken from Dr. Edith Spaulding's book: *An Experimental Study of Psychopathic Women Delinquents*, in which she gives an interesting description of the differences in attitude between psychopathic delinquents and the patients of an ordinary psychopathic hospital, which is, it seems to us, to some extent applicable also to non-psychopathic delinquents.

³⁾ The words "clinic" and "psychiatrist" are used here in the sense as indicated on page 170 note 1.

principles of modern dynamic psychology, and how, without expert guidance in this respect, the fundamental causes of the anti-social behavior are frequently overlooked or misunderstood, and much of the treatment applied is likely to be merely "symptomatic treatment", whereby the anti-social manifestations of the maladjustment are repressed (at least for some time), but the real causes of the trouble are not reached. A woman, for example, whose delinquency is due to an emotionally and socially immature personality as a result of wrong education, may, by a certain amount of training and by being placed in a protected and supervised environment after her release, be prevented from falling back into delinquent ways for some time, but unless, by appropriate treatment, she has been taught to "grow up" and to overcome her infantile tendencies, she is likely to fail later in her marital or parental responsibilities or to relapse at the first opportunity she encounters a difficulty. An institution which is satisfied to be only a school providing training in various subjects (however good and individualized that may be) to the inmates, but fails to correct the deeper causes of their behavior, will miss the most important part of the work. Indeed, in many cases the reformatory training and life would merely intensify the anti-social tendencies.

It is now generally recognized that the adjustment of socially maladapted persons cannot be effected by treating the individual alone as if he were an isolated entity, but that frequently much work has to be done to change his social situation and to establish better social relationships. In recent years there has been developed a special, greatly refined, technique for *social case work* which, in some *psychiatric clinics*, particularly child guidance clinics, has formed a happy combination with the methods of the modern psychiatrist. Since these clinics offer many suggestions for the work in a reformatory, and since, in fact, some reformatories are already taking over some of the ideas and terms of these clinics, it seems of interest to describe briefly their methods of work.

Characteristic, then, of child guidance clinics is that every case is investigated from the physical, psychiatric, psychological and social points of view and that the data thus obtained are closely correlated. The different parts of the case study: the physical, psychiatric and psychological examinations and the social investigation, are usually made separately by three or four specialists, namely a physician, a psychiatrist, a psychologist and a psychiatric social worker ¹⁾. After these examinations and investigations have

¹⁾ See for the functions of the "psychiatrist", "psychologist" and "psychiatric social worker" page 170 note 1.

been made, the different specialists exchange their findings at a "case-conference", whereby the various facts found are considered in their interrelationships, and a synthetic understanding is reached of the interplay of physical, mental and social factors out of which the personality and behavior of the person under consideration developed. On the basis of this a plan of treatment is worked out jointly by the participants in the case-conference, and carried out by those in whose field the measures fall, usually the psychiatrist and the social worker in co-ordinated effort. Generally, the psychiatrist does the work directly with the child, while the psychiatric social worker is concerned with the environmental factors. The latter talks over details with the parents, adjusts the school situation, establishes the proper recreational outlets for the child, etc. According to this system the psychiatrist is not considered merely as a consultant to give advice relative to the presence or absence of mental disorders, nor is the social worker merely a subordinate assistant to the psychiatrist; the work rather represents a close co-operation of the different specialists, all on the same plan, each studying the case from a different angle and by his particular skill, the synthesis being effected through the case-conference. The significance of this is that a *many-sided* and *specialistic* approach to the complex problems of personality is combined with a *high degree of integration* of the different parts of diagnosis and treatment. Another point to be noted about this work is the attention that is being given to the social relationships in each case, and the fine technique that has been developed of treating the child in and through its normal social setting.

It may be observed at once that there are many differences between the situation prevailing in a reformatory and that in which a psychiatric clinic works, which places obstacles to the application of psychiatric casework principles in a reformatory. There is in the first place the fact that a reformatory has no choice as to the persons committed to it, however unwise it may consider many of such commitments to be from the psychiatric casework point of view; the fact that the commitment itself, with the social degradation and disintegration which it entails, constitutes a great handicap to the social adjustment of the individual as psychiatric casework seeks to accomplish; the obligation of the reformatory of keeping the inmates in custody within the limits of time required by law or administrative rules or other necessities, however desirable it might seem to detain an inmate longer or shorter; the many limitations and complications arising from the congregation of very heterogeneous individuals in one institution; the very limited opportunities for individualized treatment which the institution offers as compared with the com-

munity at large; the abnormality of the institutional environment, and the insufficient opportunity to maintain contacts with the normal social environment of the inmates and to build up wholesome social relationships for them, all these are only too obvious impediments to carrying out principles of psychiatric social work.

On the other hand psychiatric casework holds many fruitful suggestions for the reformatory: the many-sided and co-ordinated approach in case study and treatment; the emphasis upon the social history and social treatment of the person concerned; its well-developed technique of handling social situations, and above all the concept of each case as a dynamic proposition, form most important contributions which had not or not sufficiently been realized by the "school" or "hospital" concepts. One of the practical consequences of the application of casework principles to reformatory inmates would be that the reformatory training would cease to be considered the whole treatment and that the emphasis would shift to socio-psychological diagnosis and social adjustment whereby the reformatory training would merely be one of the items in the whole plan and the parole work would become an equally important part.

Dr. Van Waters, in her above-quoted statement, included the opinion that the modern institution should also be a *laboratory*. This was to emphasize the need of scientific research, not only to make possible a more intelligent treatment of individual cases, but also to gain a deeper understanding of the causes of delinquency. This is an opinion in which all progressive penal administrators concur and which does not require any further explanation here.

In which combination, then, should the concepts of the school, home, workshop, psychiatric clinic and casework agency be applied in a modern reformatory? We may briefly express it in this way that, as to the general life and program, the reformatory is mainly to be organized according to the school-home-workshop concepts, but in the study and treatment of the individual cases the principles and techniques suggested by the child guidance clinic and casework agency will have to be followed as far as possible, whereas, with respect to the inmates who are so abnormal mentally that they need hospital treatment (in so far as such persons are still found in reformatories), the methods of the psychopathic hospital are to a certain extent applicable.

In practice, the school-home concepts dominate strongly in most women's reformatories, in many of them, in our opinion, too exclusively. There one receives the impression that the training program is considered the main thing and that little attention is given to the adjustment of personality difficulties or to the social relationships of the inmates with their normal social environment. The

best reformatories make a brave effort to study each inmate, and the larger number of them have parole or field workers who carry on the social work outside the institution; but so far as the individual *treatment* of personality difficulties is concerned, even the best institutions remain behind the child guidance clinics, since they have no psychiatrists or other properly qualified persons to carry on the finer work of psychotherapy in a scientific sense. In so far as the reformatories have the services of a psychiatrist, these are usually confined to diagnostic and classificatory work only, that is the work of examining inmates and making general recommendations (for example, whether an inmate is to be transferred or not); he has as a rule no time to undertake intensive therapeutic work with individual inmates. As for the social part of the treatment, there are some reformatories which have no officer at all to supervise the girls after release or to make field investigations, while in those that do have social workers, these have usually not the time to do their work with the same intensity and refinement as the social workers of a child guidance clinic. In other words, the chief emphasis, even in the best institutions, falls upon *training*, not upon treatment and "adjustment".

Details regarding the methods actually applied will be set forth in the chapters that follow. There is much in it which defies systematic description, as intangible factors, like the personality of the leading officers and the spirit which reigns in an institution, play such a large part in determining the methods applied and the success they have. However, we may attempt to give at least a few general statements regarding the ideas prevailing in the best reformatories, without pretending to give a systematic and exhaustive treatise on the subject.

In the process of reconstructing personality it is emphasized over and over again by the most progressive reformatory executives that the reformatory process should be directed towards the building up of positive ideals and a new outlook upon life rather than towards the negative end of punishing and repressing the bad tendencies. The aim should be, as some superintendents put it, to develop the good in the women so that no more room is left for the bad, to give them finer and richer visions of life and to teach them the means to realize them so that they will no longer desire to return to the lower planes. From this follows that the reformatory must not only be instructive but above all inspiring and stimulating new interests. If the new life presented to the women is to win out against the attractions and incentives of their former life, it must be made appealing to them. It was just the dullness of the "good" life (as they knew it), the terrific dearth of worth-while interests

and ideals, the poverty of mind and the ignorance of the better possibilities of life expression which led many of the women to the morally and socially undesirable adventures that landed them in the reformatory. It is not accidental that the women's reformatories, in imitation of the girls' institutions, have so much preference for the farm or camp type of life. Those who have experienced camp life know how it arouses enthusiasm, particularly among the younger people. For many of the women it is the first time in their lives that they taste the joys of outdoor living, of taking care of cows, chickens and horses, of planting and watching things grow and harvesting the fruits, of fine spring mornings and serene summer evenings spent outdoors, of nature walks and outdoor sports; to some of them, at least, the adventures of the new life are nothing short of a revelation. The same tendency is evident in the work and educational activities which, in the best reformatories, are planned in the first place to arouse new interests, and not merely to keep the inmates busy or to impart them formal knowledge and mechanical skills. We note this idea particularly also in the recreational program of progressive reformatories in which stimulating activities, like historical pageants, picnics, etc., take more and more the place of mere pastimes. There is no hesitation on the part of reformatory executives resulting from the idea that the women have not deserved such a good life, nor do they fear that making things so interesting in the institution would encourage the women in their anti-social ways. For, as stated before, the prevailing feeling is not that the women deserve punishment, but rather that — considering the homes from which the majority come and the experiences they have had — they have had too little of good education. Consequently, the task of the institution cannot be to punish the lack of education nor to frighten the women into goodness, but to correct, as far as possible, the educational deficiencies. Moreover, all these good things do not compensate for the fact of being deprived of one's freedom and for the many depressing and disagreeable factors incidental to a penal sentence and to life in an institution. The fear that a woman would purposely commit an offense in order to obtain access to the reformatory is not confirmed in practice: practically without exception the inmates long for the day they will be free, and hope that they will never be sentenced again (although they may sometimes come back voluntarily when in temporary difficulties).

One frequently encounters in the writings of executives of women's and girls' institutions the statement, that each inmate should be given every possible opportunity to "find herself", that is to discover and develop the best she is capable of. This "self-finding"

can be achieved in various ways: Some stress the value of *creative activity* and *accomplishment* in helping the woman overcome her sense of failure and learn the joy of doing something worth-while; giving a woman definite responsibilities to carry or helping her to discover an absorbing interest that will redeem her from her lower desires, are some other ways. To make this possible it is necessary that the reformatory program be varied, flexible and rich in opportunities for individualization and for self-activity on the part of the inmates. In some reformatories the imagination and resourcefulness of the officers have accomplished an astonishing variety of opportunities for self-expression and self-development for the inmates. There, inmates may "find themselves" as workers of the industrial department or by having charge of the hennery, through correspondence courses taken from a University Extension Department or the building of a concrete root cellar, through the care of the babies in the nursery, as typist in the office or as mayor of a self-governing division, through participation in musical or dramatic activities, as a leader of sports or as a teacher of inmate classes. From this point of view it is very fortunate indeed that in American reformatories the superintendents are, on the whole, left very much free to use their own initiative and that they are comparatively little hampered by red tape and interference from other departments or officials.

Another point that is repeatedly stressed is that the reformatory education should above all be directed to prepare the inmates for the life outside and to help them to establish a satisfactory place in the free community. The education must, therefore, be *practical*, immediately connected with the problems of daily life. It should also be such as to help the inmates to *discover the resources of the community* in making their lives better and richer. This is what Mrs. Hodder, the superintendent of the Massachusetts reformatory, meant when she said somewhere that the women often failed because they did not know the community's powers for good. These ideas are back of the attempts in progressive reformatories to make the institutional life as nearly as possible like normal life, to trust the inmates with responsibilities instead of forcing them to complete dependence and passive obedience, to encourage community contacts so that the inmates would not become estranged from normal life, and to make them acquainted with the resources of the community, such as University Extension courses, public libraries, housekeeping journals, etc.

These are only a few cursory remarks on some ideas as expressed by reformatory workers in the practice of their work or in literature, which we have rendered without comment. In the following chapters we shall tell more about them in detail.



State Industrial Home for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

Working in the Fields.



State Industrial Farm for Women,
Lansing, Kansas.

Courtesy of Mrs. Julia B. Perry,
Superintendent.

A Part of the Field "Gang".

CHAPTER XV

THE STUDY OF THE CASE

§ 64. *General Remarks.*

It is a maxim of justice that no offender should be sentenced until after his case has been examined by an impartial court. Unfortunately, this still relates only to the establishment of the legal guilt of the accused as to the offense specified in the complaint; it does not mean that the examination must include an investigation of the personal and social circumstances of the accused in order to determine what would be the best course of treatment in view of his interest and the interest of society. In the great majority of cases offenders are still committed to the penal institutions upon very little information as to their personality and social history, and the task of making a diagnosis of the causes of their delinquency thus devolves upon the institutions which, over and over again, have occasion to find that certain offenders should never have been sentenced to them at all, and that frequently, in the name of justice and the protection of society, great injustice and damage to social welfare is wrought. In recent years this has more and more stirred the conscience not only of the practical penologists and psychiatrists who had the opportunity of seeing these, often tragical, mistakes most closely, but also of legal experts who are beginning to feel that the courts are no longer justified to impose the drastic measure of depriving an individual of his liberty for a long time with all the social consequences this may have, without making first a full inquiry into his personal and social circumstances. In view of this it is significant that the American Bar Association passed a resolution in 1929 recommending a compulsory psychiatric examination of all persons accused of a felony, and that a similar vote was taken by the International Congress on Mental Hygiene in 1930. In practice, the same sentiment is expressed in the increasing use made by the courts of facilities for social investigation and psychiatric and psychological examination, and, in law, in a few isolated provisions, notably the well-known Briggs' Law in Massachusetts of 1921, which makes mandatory

the psychiatric examination by officially appointed examiners from the Department of Mental Diseases, of all persons accused of certain serious crimes and of those who have been convicted of a felony twice or oftener before.

Another method of studying offenders before making a final disposition of their cases is by means of the "clearing-house" or "classification prison" to which offenders are brought for examination after they have been convicted, but before sentence is imposed. The ideal of modern American penologists is to have the courts determine only the legal guilt of the offender, after which he would be turned over to a sentencing board composed of persons trained in sociology, psychology, psychiatry, and social case work, and utilizing the methods of the modern mental clinic, which would determine the treatment to be applied to him. Such a board should have at its disposition a laboratory and clearing-house where the offender could be studied at leisure, in order that the best possible diagnosis and treatment plan might be arrived at¹⁾. Undoubtedly such an arrangement would be highly commendable, although we feel that there are many cases where the drastic (and rather expensive) measure of commitment to a clearing-house would be undesirable or unnecessary and where an examination by a clinic²⁾, attached to the court, the "sentencing board" or the detention-home as the case may be, would be preferable, for example, whenever offenders are concerned who need social treatment, and upon whom the commitment to a clearing-house would have a destructive and disruptive effect. In other words, the clearing-house should not replace the examination by a court clinic or similar agency, but should be resorted to only in those cases where the clinical examination has not been conclusive, and continued study and observation is necessary. The clearing-house in this sense should be distinguished from the "classification- or distribution prison" which is an institution to which offenders may be sent *after* they have been sentenced to imprisonment, for the purpose of determining the institution to which they should be committed. In practice, however, such institutions are also frequently called "clearing-houses"; in fact, the only "clearing-houses" which have ever been in existence in the United States are of this type. For women the only "clearing-house" in this sense (really a classification institution) is that which has recently³⁾ been

¹⁾ Compare the article by S. S. Glueck on: Significant Transformations in the Administration of Criminal Justice, in *Mental Hygiene*, April 1930.

²⁾ "Clinic" used in the sense as indicated on page 170.

³⁾ January 1st, 1930.

established in New Jersey at the New Jersey State Home for Girls at Trenton (for both juvenile and adult offenders)¹⁾.

Except for the psychiatric examination of certain classes of offenders in Massachusetts, the "clearing-house" examination in New Jersey, and the occasional social, medical, psychological or psychiatric examinations made in some courts or probation departments, the prevailing practice is still that an intensive study of the women sentenced to a reformatory is not made, if ever, until after the offender has arrived at the institution to which she was sentenced. It is not surprising that institutions which were in the first place designed to provide reformatory training and not to make case studies, are, on the whole, still inadequately equipped for this task and suffer under the wrong division of labor which thrusts upon them duties that are only partly within their natural scope. No doubt penal institutions should always have facilities for the study of their inmates, even if intensive examinations were made before commitment, as it is not possible to determine ahead all the details of the treatment that should be applied. But the main decision whether the offender should go to an institution at all, and which, and under which conditions, should be made in court or in a clearing-house, so that the reformatory would only have to make such further investigations as are necessary to determine the particular measures which are to be applied. To-day penal institutions which take the matter seriously are often forced to make investigations which are strictly outside their scope (such as social investigations as to the previous life of the offender which could be better made by the local court or probation department) and the conclusions of which lead beyond the possibilities of treatment in the reformatory.

§ 65. *Legal Provisions.*

In eight²⁾ of the states having women's reformatories a provision exists for the physical or mental examination of the inmates, to which must be added the provision in New Jersey, referred to above, authorizing the Commissioner of Institutions and Agencies to establish clearing-houses. Most of these provisions simply state that a physical and mental examination is to be made, without specifying how this is to be done. The statutes of Massachusetts and Wisconsin, however, are more specific: both require that the state board of health

¹⁾ A classification prison for men has been established at Sing-Sing in New York.

²⁾ Those of Arkansas, California (old and new statute), Connecticut, Massachusetts, North Carolina, Rhode Island and Wisconsin.

shall make regulations for these examinations and that special attention is to be given to venereal diseases, and, in the case of Massachusetts, also to pulmonary tuberculosis. Connecticut and Rhode Island, too, have legal provisions emphasizing the ascertaining of infectious diseases (with which first of all are meant venereal diseases). As regards the mental examinations, the North Carolina statute is the only one to mention specifically a psychologist, whereas Wisconsin prescribes that "a psychological laboratory is to be equipped for the study and treatment of mental disorders to which women and girls addicted to immoral practices are subject," and that the examinations and tests shall be regulated by the Board of Control, as prescribed by the State Board of Health.

Rather elaborate provisions are found in nearly all states regarding the records and further papers that must be sent by the court to the reformatory with each inmate, and the records that are to be kept by the reformatory on its inmates. To avoid a repetition of statements, it seems better, however, to deal with this point under the heading "Court and Institutional Records" in the following paragraph.

§ 66. *Case Study in Practice.*

The Case Study in General. The study of each case may consist of the following parts:

1. the information derived from the court or former records in the institution;
2. the physical examination;
3. eugenical and anthropological research;
4. the psychiatric examination;
5. the psychometric examination;
6. educational and vocational tests;
7. interviews of the inmate by various officers of the institution;
8. a social investigation, including information gained by correspondence or by the interviewing of persons visiting the inmate;
9. observations and reports relative to the behavior and progress of the inmates within the institution;
10. discussion of the case at a case conference;
11. parole reports.

The extent and intensiveness of the case studies made in the different institutions varies widely: on the one end are institutions where practically nothing is done in the way of systematic case study and where reliance is placed chiefly upon such information as may be gleaned from the court papers and by daily observation; on the other end are reformations where the elaborate case studies

may comprise nearly all forms of investigation mentioned above.

Practically, of course, it is the facilities available which determine the extent of the case study. In connection with this the question may be considered in how far certain parts of the case study might be centralized in one agency serving several institutions or agencies. As stated above, we do not believe that the institutions should entirely be deprived of the possibility of making personality studies, but certain parts of the case study could, according to our opinion, be profitably centralized. This is particularly true of such types of research as require an expensive equipment or highly specialized experts or technicians, such as endocrinological, anthropological or eugenical studies, which few institutions could afford to establish separately. But also other types of investigations can often be made more economically and more efficiently by a centrally organized service than by separate investigators or examiners. From the point of view of general scientific research, central bureaus usually offer better opportunities than separate institutional services, as they can ordinarily be better equipped and have more extensive and varied "material" at their disposition. Moreover, they are able to standardize the methods in the various institutions so that comparisons between different groups can be better made.

Centralization may be effected by concentrating all prisoners in one institution for the purpose of study and observation — as is the idea of the clearing-house or classification prison system —, or so that the examiners or investigators from one central agency go to the various institutions in turn to lend there their services. The great advantage of the central classification institution is, that the conditions for observation and study are more favorable there than in the ordinary penal institutions. It is clear that ordinarily psychiatrists and psychologists can learn more about offenders whom they have under their daily observation for some time than they would about offenders in an institution which they visit only once in a while, particularly if the institution has no personnel which may give them intelligent information and assistance. However, there is also much to be said against this system: In the first place it is rather expensive, as it necessitates a great deal of travelling by the offenders who must first be sent to the classification prison, and then be transferred to the institution where they belong. A second objection which may be made is that the sharp distinction between study and treatment may tend to prejudice good work. For an institution which has no other task but the making of diagnoses, lacks the stimulating opportunity of verifying and correcting its findings and testing

its recommendations through the actual treatment of the cases. There is a great danger that it will lose sight of the purpose of treatment and of practical possibilities, and that the studies become too much an end in themselves, while they help little in the actual treatment. On the other hand, the institutions which have only the treatment to do, miss all the personal experience which the classification institution has gained during the time while it studies the offender; they might be inclined to look upon the reports of the classification prison as too academic or insufficient, and may either ignore them or attempt to make another study of the prisoner, thus duplicating the work ¹⁾. Moreover, the regime and spirit of the classification institution may be all too much directed at study and analysis and be too little constructive, on account of the fact that the prisoners stay in that institution only a short time, so that not much worth-while can be undertaken in the way of labor, training or instruction. To stay in such an institution for six weeks or longer, must have some effect upon the inmates in one way or other (for it would be naïve to think of this period as if it were an educational "vacuum"), which the "treatment" institution may feel to be prejudicial to their adjustment. From the point of view of modern psychiatric casework it is, indeed, an impossibility to separate study from treatment: from the very first moment the examiner comes in contact with the prisoner he is influencing his attitude for better or for worse, that is, treating him, and, on the other hand, new discoveries are made all the time while the prisoner is being "treated". In fact, often the best observations may be made and the most valuable information may be gained in the prisoner's ordinary life in the "treatment" prison, in his daily work and classes, sports and other community activities, etc., rather than in the clearing-house where every activity bears a temporary character and the offender knows that he is being studied. Then, too, as every psychiatrist knows, the most important information cannot be drawn out of the offender at any time. Sometimes the right moment has to be awaited and the proper situation and relationship between the examiner and the offender to be created, before he is willing to talk about certain personal experiences. The very knowledge that he is only temporarily in the classification institution to be studied may prevent an offender from giving his confidence to anyone while there. And if he does give his confidence to the examiner, it would

¹⁾ Dutch readers will recognize in this a familiar complaint made against the "double observation" of children, first in a classification institution and then in the training school where they are finally placed. The United States have had too little experience thus far with clearing-houses for offenders to furnish any evidence on these points yet.

often be unwise from the treatment point of view to break up that relationship by transferring him to another institution for treatment. ¹⁾ If the facilities and the responsibility for both study and treatment are concentrated in the same institution, a close correlation may be made between the two, so that the experiences gained during the treatment may supplement and correct the diagnosis, and, on the other hand, full advantage may be derived from the case study in the course of treatment. In such an institution it would also easily be possible to make later re-examinations of inmates should the need arise, while, under the other system, they would have to be sent back to the classification institution.

The solution of the question is to some extent dependent upon local factors, such as the size of the institutions, their location, etc. As regards women offenders, it seems to us that, inasmuch as the numbers of those who have been sentenced to imprisonment is comparatively small and the choice of institutions for them very limited, a special classification institution usually will not be warranted. If the women's reformatory cannot have its own resident physician-psychiatrist and psychologist (which is the ideal solution), a visiting psychiatrist and psychologist may also be satisfactory, provided they come to the institution frequently, and have the intelligent assistance of some worker at the institution (for example a psychiatric social worker). The social investigations may also be made by a non-resident worker from a central state agency, if only she keeps close contact with the institution. If the state has the ambition to make endocrinological, anthropological or eugenic researches, these, too, may be made by visiting experts, connected with a central state bureau or laboratory, if the necessary equipment is available at the institution. Such a central state agency, which should not only serve penal institutions, but institutions and agencies for the feeble-minded, psychopaths and other socially inadequate classes as well, should also have broad powers of transferring the wards of the state from one institution to another as the treatment requires, of paroling them, of supervising them while on parole and returning them to the institution whenever this seems desirable. Such a system, if administered in a flexible way, would be the nearest approach to the ideal of securing for every ward of the state the treatment he needs.

With the clearing-house system the United States have thus far had little experience, as the two institutions that may be classed

¹⁾ Compare particularly the book of August Aichhorn mentioned above about the value of the "transference" relationship between examiner and examinee in the treatment.

as such have been established too recently to have made a significant record. Of the other system of centralizing the study of offenders New Jersey gives a very interesting example: in this state the Division of Classification and Parole of the Department of Institutions and Agencies, which has seventeen penal, correctional, therapeutic and custodial institutions under its control, is responsible for the examination of each newly admitted inmate in any of them by a physician, educational director, psychologist, psychiatrist and social worker, so that a plan of training and treatment may be mapped out by these specialists and the superintendent of the institution concerned. The physical and educational examinations in the women's reformatory are made by officers of the institution, but the psychometric, psychiatric and social investigations are made by specialists from the Department, one of whom, the psychologist, is a resident of the institution. The Division of Classification and Parole is also responsible for the transfer of inmates to other institutions more suited to their needs, and the supervision of parolees in the community, so that a continuous service to all persons coming within its province, from the moment they are committed to their complete discharge from supervision, is secured.¹⁾ The states of Minnesota and Wisconsin have also centralized the psychiatric and psychological service to the various institutions by means of visiting specialists of the Board of Control. In Illinois and Ohio the psychological and psychiatric specialists of the Institute for Juvenile Research in the respective states, which is in both instances an institute under state control, are available to the state penal institutions, whereas in California the newly established Department of Penology may develop a similar service. In none of these latter states, however, the co-ordination of the centralized service with the work of the separate institutions seems to have been so well worked out as in New Jersey.

In whichever way the work of case study and classification is organized, it should always be made with the constructive purpose of treatment in mind and never so that it would prejudice treatment. There should be a proper balance and a close correlation between study and treatment, so that the study will be considered

¹⁾ We do not know how broadly the functions of the clearing-house at Trenton, New Jersey, will be conceived to be, but it is not very likely that it would entirely replace the system of visiting specialists described above. The co-operation of the specialists from the State Department — who would, of course, also have to make the examination at the clearing-house — with the different penal institutions, at least so far as Clinton Farms is concerned, is so well established and organized that the dangers pointed out above with respect to clearing-houses, will probably not assert themselves here.

as part of the treatment while the treatment should always be a study. For only this will prevent the case study from becoming academic and unconstructive (if not prejudicial to treatment), and the treatment from becoming routinized. This does not mean that certain types of research for general scientific purposes may not be carried on, but the ordinary case studies made on all inmates should never be permitted to become an end in themselves, without regard to the actual work of adjusting offenders which is the real purpose of the reformatory.

Court and Transfer Records. It is of interest to find out first what is known about the inmates when they come to the reformatory. Nearly all states provide that certain papers have to be sent with the inmates committed or transferred to the institution. Frequently, however, the papers specified in the laws are of little more than formal value. They include, of course, the warrant, mittimus or order of commitment or transfer, which tells the name, age, offense and the place and state of the offense and of the conviction. Some statutes¹⁾ copiously require that the indictment and plea, the names and addresses of the judge, jurors, prosecutor, etc. are to be reported to the institution, nearly all of which is rather irrelevant for an understanding of the offender. More important is the provision in a few states²⁾ that a stenographic copy or synopsis of the evidence given at the trial may or must be furnished by the court, although this, too, often tells little about the offender's motives, his previous life and social circumstances. Some statutes³⁾ contain the provision, apparently all being copied after the same model, that a record of the name, age, birthplace, occupation, previous commitments, if any, and the offenses for which such commitments were made, the last address of the offender and particulars of the offense committed, is to be transmitted by the court to the superintendent; and three statutes⁴⁾ specify that the courts must send in a record of the case on blanks furnished by the institution. Most elaborate are the provisions in Minnesota which require the courts to furnish a synopsis of the trial proceedings and testimony, the date and place of birth, names and addresses of relatives, employers and other persons who know the offender well, social and other affiliations and places of residence, prior arrests, and the impression of the trial judge as to the mental and physical condition, general character, capacity, disposition, habits and needs of the convict.

¹⁾ Kansas, Massachusetts.

²⁾ Iowa, Kansas, Minnesota, Wisconsin.

³⁾ Those of Maine, Nebraska, New York.

⁴⁾ Those of Arkansas, Connecticut, North Carolina.

Illinois provides that the judge and state's attorney shall transmit to the institution a statement of the facts and circumstances constituting the offense, together with all other information accessible to them in regard to the career of the prisoner, his habits, associates, disposition and reputation, and other facts which may throw light on the question whether the prisoner is capable of becoming again a law-abiding citizen. A few states ¹⁾ simply specify that the court shall provide the institution with the court record.

All the information, then, which the laws in most states require the courts to furnish to the reformatory, aside from the usual identifying data, consists chiefly of statements relative to the court proceedings. In practice some courts have the custom to send, either on their own accord or upon request, copies of investigation or probation reports or other data that might be available, but this is far from being the rule. In most cases the information supplied by the courts is very meagre indeed, as most courts do not have the facilities either to make special investigations or to keep good records of them. As we have pointed out before, the record systems of the American courts and police departments are still far from complete, and often, therefore, not even a full record of the offender's previous contacts with the law is available to the court trying the case, and consequently not transmitted to the reformatory. And it frequently happens that important reports relating to the case are slumbering in the files of some probation or police department, unknown to the trial court or to the reformatory, which may be laboriously trying to gather the same information all over again. One feels strongly the need here of some system according to which all information regarding delinquents is centrally collected and *automatically* made available to the law enforcement agencies, either in the form of a central bureau of criminal identification, as advocated in the United States, or — as has recently been established in Holland — in the form of an *accumulative* case record following the arrested offender wherever he goes, to the court where he is tried and the prison or the probation or parole agency which has him under its care, and resting at a designated place while he is free, to be mobilized again at his next conflict with the law.

The Physical Examination. According to the survey made by the National Society of Penal Information of health and medical conditions in penal institutions ²⁾, all but one of the reformatories comprised

¹⁾ California, New Jersey, Pennsylvania.

²⁾ Health and Medical Conditions in American Prisons and Reformatories. National Society of Penal Information, 1929.

in that study make a routine physical examination of the incoming inmates. The intensiveness of that examination varies, however, according to the facilities available. In some it may be an examination of a few minutes to ascertain the presence of gross defects and visible evidences of contagious skin disease; in others the examination is far more detailed, and includes also an examination of general health conditions and a careful health and developmental history.

In none of the women's reformatories, so far as we could ascertain, are endocrinological studies being made. The only instance of this kind of work in women's reformatories was that which was done in the Laboratory of Social Hygiene at Bedford Hills during the years it was in operation. On the whole, endocrinological examinations still seem to be too expensive and their immediate value not yet apparent enough to be introduced in the regular routine of women's reformatories, however important they are considered to be by some psychiatrists, particularly from the research point of view. Basal metabolism tests are, however, now being made in a few of the larger men's prisons, and it seems to us that this type of research might be an occasion for a centralized state service by means of travelling experts visiting different institutions in turn which would then only need to be equipped with the necessary instruments for these examinations.

Ideally the physical examinations should be such that they would not merely bring out disease conditions and gross defects, but also the general physical condition of the inmate, her physical limitations and possibilities, and *their psychological significance*. Physical factors play a large part in the development of personality and should be fully taken into account in determining the plan of treatment. It seems to us, therefore, that the physical examination should include a neurological examination, the ascertaining of sensory and motor defects, and a careful record of the health of the subject and her relatives, her development, habits and conditions of life, and her sexual history. It is also important to include in the record a description of her outward appearance, posture, gait, complexion, etc., and one or more photographs, as this will serve to focus attention on the psychological significance of the physical appearance, and may help much also in a later interpretation of the case record for research purposes. In some reformatories pictures are already being taken in fulfilment of the legal provisions relative to the identification of offenders.

Anthropological and Eugenic Research. Anthropological researches are not made in any of the reformatories. Aside from the great difficulties which beset anthropological research in a country with

such an inextricable mixture of races as the United States, there is also the scepticism generally prevailing in America, particularly in penal circles, towards anthropological studies of delinquents, to account for the lack of interest in this type of research. Eugenical research, too, meets with great difficulties on account of the large percentage of foreign born, the migratory tendencies of the American population, and the incomplete system of civil registration. It is not now carried on in any of the reformatories beyond the accumulation of such data relative to the parents and nearest relatives of the inmates as may be gathered in the general interviews with the inmate and the social investigation.

Psychometric Examination. In nine ¹⁾ out of the fourteen institutions about which we have any information on this point, routine psychometric examinations are made of all incoming inmates. In three reformatories, namely those of New Jersey, New York (Bedford Hills) and Pennsylvania, the examinations are made by a trained resident psychologist, although in New Jersey and Pennsylvania part of her time is taken up by other duties ²⁾; in Massachusetts it is the physician, and in the Federal and Connecticut reformatories it is the teacher and assistant superintendent respectively; who does the testing, while in the three remaining institutions ³⁾ outside examiners are in charge of the work.

The Stanford-Binet tests or some other variation of the Binet scale are most frequently applied, although some psychological examiners make considerable use of other tests also, like the Healy, Porteus Maze and Otis tests. A wide range of tests and very careful methods of testing were employed in the Laboratory of Social Hygiene at Bedford Hills, but such thoroughness is not ordinarily possible in the reformatories with the facilities they have, although some accomplish rather good work.

As regards the conditions under which the testing is done, some reformatories prefer to have it performed while the inmate is still in quarantine, as, in isolation, she will be better able to concentrate her attention upon it than when she is in the group, and as this eliminates

¹⁾ Those of Connecticut, Massachusetts, Minnesota, New Jersey, New York (Bedford Hills), Ohio, Pennsylvania, Wisconsin and the Federal reformatory. No psychological facilities exist in the institutions of Indiana, Iowa, Kansas, Nebraska and Rhode Island; we have no information on the reformatories of Arkansas, Illinois, Maine, North Carolina and Vermont.

²⁾ In New Jersey the psychologist, although residing at the institution and giving the major part of her time to it, is an appointee of the Department of Institutions and Agencies, and as such is also called upon to perform duties outside the reformatory; in Pennsylvania the psychologist is also parole officer.

³⁾ Those of Minnesota, Ohio and Wisconsin; compare page 343.

the possibility of her being coaxed by the others in the answers to the tests. In Clinton Farms, however, the women are ordinarily tested after the quarantine period as the psychologist feels that then they are better adjusted and more normal, and also because she likes to have the medical and social reports in first, as these often contain suggestions to guide her in the psychological examination. There is also the factor that some women have a fear of mental tests as they imagine that these may send them to an insane asylum; when they have learned from the others that the tests are a routine procedure which is applied to all, their prejudice is easily overcome.

It seems to us that, ideally, the psychometric work should be administered by the psychiatrist of the institution, if such person has some special training or experience along this line, as this would secure the closest correlation of the psychometric with the psychiatric findings. The system of having the mental testing done by a special psychologist seems also satisfactory, provided the psychologist is not merely a technician who considers the tests as something entirely separate from the rest of the mental life of the subject. The administration of tests by psychologically untrained persons, such as a teacher or physician without testing experience, is usually not very satisfactory, as such testing hardly leads to reliable and worthwhile results.

We need not enter into the question which tests should be used as this is a thing to be decided by the psychological experts according to the particular circumstances of each case. Generally we feel that there should be a larger variety of tests than the Binet tests alone, and that, in addition to various tests for general intelligence, there should also be tests for the measuring of special abilities and disabilities, and of mental interests and contents. As a rule all inmates should at least be given one of the standard tests for general intelligence, and, in addition to this, such special tests as seem indicated in the particular case.

Whoever does the testing and whatever tests are used, however, two points are absolutely essential in making them of real value: In the first place it is necessary that not merely the final scores are given in the report of the psychometric examination, but that the whole performance be analysed and interpreted as to its significance for an understanding of the whole personality of the individual. The statement that a person has an I. Q. of 92 or a score of 88 points on the Yerkes Bridge Scale really means little, if nothing is known about how such a final score was obtained, in which parts of the test the subject appeared to be particularly weak and in which she made a very good performance, what her answers were

to the questions, and what this all reveals about her trends of thought, her mental habits and interests, and generally her capacity to grasp and tackle problems of life. Secondly, it is essential that the psychometric examinations be thoroughly correlated with the other parts of the case study. Test findings cannot be interpreted unless something is known about the physical condition of the subject, or about emotional or social factors which are influencing her performance. A woman, for example, who is suffering from the after-effects of a disease, or who is worrying about conditions at home may make a much poorer showing on the tests than her intelligence would warrant. On the other hand, a shrewd examiner is often able to learn a great deal about the subject outside what the tests tell him, through her attitude and reactions during the examination, and this information should also be made available to the others participating in the case study.

Educational Examinations. The educational examinations are designed to find out the subject's ability in the various school subjects, like reading, writing, spelling, etc., quite apart from his mental ability. In most reformatories the educational standing of the inmate is ascertained simply by a talk of the teacher with the inmate; in a few others formal educational tests, either individual or group tests, are used. A wide range of educational tests is, for instance, applied in the Massachusetts reformatory for women.

Educational tests are usually applied by the educational director who is, as a rule, the best person to do it, as she can appreciate scholastic attainments better than one without teaching experience, and as she is also responsible for making the educational plan. It is very desirable, however, that this work, too, be closely correlated with the other parts of the case study, as, without a knowledge of the physical handicaps and the mental endowment of the subject and the social opportunities she has had, an intelligent interpretation of the findings is often not possible.

Psychiatric Examination. The prevailing custom is still to call in the services of a psychiatrist only when an inmate shows obvious symptoms of mental derangement. In such a procedure the psychiatrist is seen merely as the specialist in mental diseases as he originally was. More and more, however, a new type of psychiatrist is coming into prominence who is interested in the whole psyche and the dynamics of behavior, not merely in definite mental disorders, who, if we take the words in their original sense, is more psychologist than psychiatrist. This type of psychiatrist should have a part in every case study, because his understanding of the mind is quite

as important in the case of the so-called normal as in that of the so-called abnormal.

Only to a small extent, however, has this point of view been realized in the women's reformatories. The reformatory in Connecticut has a resident physician who is also a psychiatrist, and the same condition has prevailed in the Massachusetts reformatory for women, whenever it had the good fortune of finding such a person for the position of resident physician. The superintendent of the reformatory at Bedford Hills, New York, is required by law to be a psychiatrist, but we understand that his executive duties do not permit him to make regular psychiatric examinations of all inmates, although he does see all those who are referred to him by the psychologist and such women as present unusual or difficult behavior. Routine psychiatric examinations are made in the institutions of New Jersey and Wisconsin, and perhaps also by this time in the Federal reformatory, making a probable total of five institutions (out of the sixteen about which we have information) where psychiatric examinations are made of all inmates upon entrance. In all other reformatories only selected cases are referred to a psychiatrist, either on the recommendation of the psychologist or the physician or by the superintendent, when the behavior of an inmate suggests the need of psychiatric attention. In some institutions this is made very rarely, only in very overt cases of mental derangement; in others a larger use is made of psychiatric assistance.

Little can be said about the form and content of the examination. Essential is, however, that the examiner be the right type of person: He should, as Dr. Healy puts it, not be a person with a "special nose for the pathological", who starts out with the question "what psychosis is this person suffering from?", but a "Menschenkenner", with a fine understanding of the manifold influences of education, environment, emotional and social experiences, and with a personality that inspires confidence. Above all he should be one who is able to interpret the psychological significance of somatic, psychiatric and social findings to the institutional executive, and to make practical suggestions as to treatment. The mere statement that a person is a "neurotic" or shows "paranoïd tendencies" tells as little to the executive confronted with the complicated problem of unraveling and guiding human behavior, as the statement of the psychologist that the subject is a "borderline". Such classifications, if not supplemented with further explanation, frequently lead to a simplification of the subject matter which all too often obstructs a deeper understanding. A second essential for good work is that the psychiatrist have sufficient time for each inmate to talk quietly with her and to study the various reports already avail-

ble; and a third requisite is that, here again, there should be a thorough co-ordination of the work with other parts of the case study.

Wherever a psychologist is available with a broader knowledge of normal and abnormal psychology, such a person might largely take the place of the psychiatrist, in so far as not distinctly psychiatric (in the narrower sense of the word) problems are involved. It is largely a question of division of labor which practically depends to a great extent upon which persons and facilities are available to do the psychological work (in the broader sense of the word).

The Inmate's Story. In practically all reformatories the practice exists of interviewing the inmate shortly after her admission, either immediately upon her arrival or some days later. Sometimes it is the superintendent who leads this interview, sometimes the assistant-superintendent or the parole or case worker, sometimes there is more than one interview taken by different officers. The form and extent of the interview vary widely in the different institutions: in some it may be a perfunctory interrogation of a few minutes, in others the interview or interviews may take one or more hours. In institutions with good systems of case study it generally serves as a starting-point for the social investigation and as a basis for the psychiatric and psychological examinations. As such it is of great importance that the interview be skilfully conducted by one with much understanding of psychology: a good start is more than half the work. From the treatment point of view this first interview is particularly important: upon this depends to a large extent whether or not the confidence and co-operation of the inmate in the plans of the reformatory may be obtained. The mere fact of speaking out their heart and thinking about their lives, too, often has a beneficial influence upon the women, while a skilfully conducted interview may also arouse in their minds new viewpoints and questions which stimulate further constructive thinking. A few more details may, therefore, be said about this subject.¹⁾

First of all the woman is to be impressed with the fact that her real interest is the first consideration. The main point is not to get information at any cost, but to establish the right attitude on the part of the inmate. In many cases, therefore, the right moment will have to be awaited rather than that the woman be urged to tell. Of course, very often the women lie, consciously or uncon-

¹⁾ Compare for further details regarding the technique of the first interview the well-known book of Mary Richmond: *Social Diagnosis*, 1921.



State Reformatory for Women,
Shakopee, Minnesota.

Recreation Room in Central Building.

Courtesy of Miss Florence Monahan,
Superintendent.

sciously, as naturally they are not always willing to tell about certain facts in their personal lives. The good case worker, however, will be quite prepared to expect this and will not play the inquisiteur who cunningly tries to extort "the truth", but she will rather attempt to gain an understanding in another way, whereby the omissions and lies in the woman's story are quite as significant to her as truthful statements. In the best reformatories it is also made a point to ask the woman about her own ideas for the future, and to let her work out as far as possible her own plans, so that she may feel that these are not made *for* her but *with* her.

As for the person to take the interview, something may be said in favor of having the parole officer do this, as is the case in the institutions of Connecticut and New Jersey: The inmates are inclined to regard the parole officer, who forms the link with free society and with the folks and friends at home, more or less as their natural protector who may, and, in fact, often can, help them, even during the time that the women are still in the institution, for example, by adjusting difficulties with their relatives. The inmate will then perhaps also feel better that the institutional treatment and parole form one plan, and that not the reformatory is to punish her and the parole officer is to save her. Some superintendents and assistant-superintendents, however, feel strongly that they should take the main interview in order to get first-hand acquaintance with the woman, and to assure her of the real interest of the institution in her welfare. Others feel that the psychiatrist or psychologist is the best person to have the main interview. On the whole, perhaps, the personality and psychological insight of the interviewer are more important than the position she occupies.

The interview should have an informal character. Although the good interviewer will always have in mind a definite scheme of points she wants to know, she will not follow the scheme in an all too systematic order, but will permit the woman to talk freely about the points as they come up. Using a formal blank which is filled in during the interview may be a convenient procedure, but it is far less satisfactory from the point of view of getting information and a constructive contact: The woman will not tell nearly as much if she has to give answers to definite questions which she sees immediately recorded than when she is allowed to talk in a free sequence. Many characteristic expressions and reactions of the woman, too, cannot be recorded within the rigid scheme of a blank. Usually it is found the best way to take only brief notes during the interview, and to dictate a full report immediately afterwards, although a blank might be used during the examination for certain parts of the information which are not

of a very personal character, such as former addresses, or names of employers.

The following scheme for the "inmate's own story", used in the reformatory for women in Massachusetts, may serve as a sample of what such an interview may be. It contains about the same items (only differently grouped) as appear on the outline of the "statement of girl" which was made up by the Laboratory of the Bureau of Social Hygiene at Bedford Hills and which is used, in substance, among others by the reformatory for women in Minnesota. We regret that space forbids to reproduce the whole report of an actual interview (which would have covered some eight to twelve pages) as this would have given a more vivid picture of the information which is sought to be secured by the interview.

REFORMATORY FOR WOMEN.

INMATE'S OWN STORY.

Committed As:
Maiden Name:
Marriage Name:
Aliases:

- I. *Addresses:* Date and place of birth; residences in chronological order; recent stopping-places and with whom in detail. *Trips:* where, when, with whom, purpose.
- II. *Family History:*
 - A. *Father:* name, address: color, age, civil condition; race and birth-place; naturalized; religion, education, trade, usual occupation, wages; disposition, habits, court record; health (if deceased: date, place, age and cause of death); number of
 - B. *Mother:* times married.
 - C. *Siblings:* (in order of births, including subject of record). Data as above.
 - D. *Husband:* Data as above; adding place and date met, how long keeping company, place and date of marriage, by whom and in what church married, separations, when last together, any effort by either for divorce.
 - E. *Children:* In chronological order, including miscarriages and still-births; if illegitimate, name of man responsible; if this factor exists, give data re man as for members of family).
 - F. *Relatives:* Data concerning paternal grandparents, paternal uncles and aunts and their children, maternal grandparents, maternal uncles and aunts and their children (names, addresses, occupation, economic status, character, ever arrested or in institutions).
 - G. *Friends:* Names, addresses, age, occupation, reputation, circumstances of acquaintance.

- H. *R. W.*¹⁾ *Acquaintances:* Name, where known, under what circumstances.
- I. *Court Record:* Family and subject of record.
- J. *Habits:* Thefts, alcohol, tobacco, drugs, runaways, sex (family and subject).
- K. *Health:* Epilepsy, insanity, feeble-mindedness, chorea or other significant disease in family. Have any members of family been in public institutions? Name of family physician.

III. *Personal History:*

- A. *Infancy:*
 1. Place and date of birth; any unusual occurrences.
- B. *Childhood:*
 1. *Home:* How supported; number in family; boarders or lodgers; language spoken; sleeping arrangements; companionship of siblings; discipline; home duties and responsibilities; attitude of parents.
 2. *Personal Characteristics* of early years: Disposition, traits, attitude.
 3. *School:* Public or private; attendance; promotions; teachers; studies; attitude; special interests; reasons for any retardation; final grade reached; age and reasons for leaving dayschool; any subsequent schooling.
 4. *Religion:* Name of church and pastor, Sunday School; confirmed; member of any society; attendance; reaction to religious influences; family attitude.
- C. *Adolescence:*
 1. *Health:* Convulsions; usual children's diseases; menstruation; surgical operations; injuries (causes, results, age); venereal diseases; defects; deformities; present general health.
 2. *Ambition:*
 3. *Work:* Age at beginning to earn; kind and why undertaken; names of firms and overseers; comparative ability; degree of skill; interests; possibilities of advancement; wages: amount, how spent, regular or piecework, self-supporting; changes and reasons; date of last employment.
 4. *Recreation:* Clubs, dances, movies, music, reading, fancywork; interest in team-play and community undertakings.
 5. *Companions and Lovers:*
- D. *Adult Life:* Responsibilities; occupation: was work outside home necessary or for own satisfaction only?; date of marriage; character and disposition of husband; his attitude toward home responsibilities; housekeeping or boarding; competence as homemaker; social status compared with own family and girlhood friends; any savings in bank or insurance.
- E. *History of Delinquencies:*
 1. *First Offense:* Nature of; age; events leading to it, including habits; associates and haunts; remunerations: money or gifts, extent, whether shared; reactions: attitude of shame, indifference, satisfactions.

¹⁾ R. W. = Reformatory for Women.

2. *Subsequent Offenses and Reactions:*
3. *Arrests and Sentences:*
4. *History of Present Commitment:* Place and date of arrest, complaints and complainant, circumstances, arresting officer, plea, attorney (how paid), loss occasioned by acts; restitution made or intention as to restitution; jail, probation officer, bondsman; conduct during continuance of case.

F. *Woman's Statement* as to cause of delinquencies and general summing up:

G. *Attitude:*

1. *Toward Past:* (quote, if possible) summing own belief as to own misconduct and how others might be saved from such experiences.
2. *Toward Present;*
3. *Toward Family;*
4. *Toward Future:*

H. *Capacities:* Cooking, sewing, laundry, waitress, chamberwork, fancy-work, music, factory or mill. Present skill and earning ability. Desire for special training.

IV. *Social Worker's Summary* of Outstanding Factors in Case

Above statement taken — (date) by —.

As already stated, frequently several interviews are taken during the initial period by different persons, such as the chaplain, the educational director or the assistant superintendent. These visits are partly to obtain more information about the girl, particularly about her spiritual, educational and vocational needs, partly to initiate her in the objectives and rules of the institution, the opportunities it offers, the mark and self-government system, the privileges that may be earned, and many other details the inmate ought to know.

The Social Investigation. The social investigation may be carried on in three ways: by correspondence, by field investigations and by interviewing persons who come to visit the inmate. Most reformatories have to rely chiefly upon the first form on account of the lack of workers to make field investigations, particularly since the "field" covers a whole state (or — in the case of the Federal reformatory — the whole Union).

Only a few institutions have workers who may give at least part of their time to field investigations. Best equipped in this respect is the reformatory for women in Massachusetts which has a special "research-department", composed of three social workers and a clerical assistant, which is exclusively engaged in case studies and

general research. Even this department, however, can only to a limited extent make field investigations, as a large part of its time is taken up by interviews, correspondence, making reports, compiling statistics, etc. The reformatory at Bedford Hills, New York, employs a special investigating officer, whereas in the institutions of Connecticut, Minnesota and Pennsylvania the parole officers occasionally make field investigations so far as their parole work permits. A special form is to be found in New Jersey where a caseworker from the Division of Classification and Parole of the Department of Institutions and Agencies makes the field investigations (this worker also interviews each woman upon her admission to the institution, takes part in the case conferences and supervises the women or parole). Much is to be said in favor of having the field investigations made by the parole worker. In the first place this will make it possible for the parole worker to become better acquainted with her charges than if another had made the investigations. In the second place she will become better known to them and their relatives: these persons often resent seeing a new worker for parole supervision once they have become accustomed to the investigator and given her their confidence. But most important of all is that in reality social investigation and social treatment cannot well be separated: the visits to the parents, husband, etc. become inevitably a preparation of the parole work, because the investigator becomes immediately drawn in all kinds of practical problems the solution of which anticipates the parole work, such as adjusting the attitude of the family towards the inmate. An objection often made against the combination of investigating and parole duties is that the woman should not be reminded of the institution while on parole, and should have the opportunity, when released, to make a fresh start with a parole officer who supposedly does not know her previous record. In some cases this may be true, but it seems to us that this does not outweigh the advantages of the other system. In practice, however, it depends entirely upon what facilities are available for making social investigations.

Which sources of information should be consulted, to whom visits should be paid or letters written, is a question which we cannot discuss here. This depends upon the particular circumstances of the case and should be decided according to principles of case work for which we may refer again to Mary Richmond's standard work on "Social Diagnosis", the larger part of which book is devoted to the technique of social investigation. We may only briefly enumerate here the following main sources of information which may be consulted by the reformatory, either through correspondence or by personal interviews:

official sources: birth and death, marriage and divorce registration offices, immigration service records, etc.;

criminal identification bureaus, chiefs of police, court clerks or probation officers, for information regarding police and court records, including records in probate or other civil courts;

the Social Service Exchanges ¹⁾ in the cities in which the woman has lived, for information regarding the social organizations, hospitals, etc., that have been interested in her or her family;

the social agencies, county poor boards, hospitals etc. that have been in contact with the family;

principals of schools attended;

employers;

the family physician, dispensaries, etc. for information regarding the health of the family;

the church officials of the parish to which the subject or her family belongs;

relatives: husbands, parents, brothers and sisters, etc.;

friends, lawyers, or other persons who can give information about the subject.

Practically, of course, the resources of the institution determine how much might be done in the way of social investigation. In some reformatories almost nothing is done in this respect, others send out scores of letters of inquiry in every case.

It hardly needs saying that institutions interested in intensive case study, frequently seize upon the opportunity that relatives come to visit the inmate, to interview them and to discuss with them plans for the future of the woman. Occasionally, if the investigating officer has no opportunity to visit such persons and the matter is considered important enough, part or the whole of the travelling expenses might be advanced to them if the expense would have prevented them from coming to the reformatory.

Reports from Officers. Of the reports from officers there are two kinds: 1^o. the daily reports that are made by officers to the superintendent or assistant superintendent regarding their departments in general; and 2^o. reports made specifically about individual girls. The first-mentioned reports, which are required in several institutions, are made on blanks, of which the following is an example:

¹⁾ The Social Service Exchange is a central bureau of information for social agencies which exists in many American cities and where, often unusually complete, information may be had regarding the agencies, institutions, hospitals, clinics, etc. which have been interested in the case or family under consideration.

HOUSE MOTHER'S REPORT

Date

Matron	Regular or Relief				
Women employed	Efficiency	Conduct			
Special cleaning done	<table border="0"> <tr> <td rowspan="2">}</td> <td>Windows</td> </tr> <tr> <td>Paint</td> </tr> </table>		}	Windows	Paint
}	Windows				
	Paint				
Condition of inmates' rooms					
Condition of halls					
Condition of officers' rooms					
Deprivations and privileges					
Reports sent to office on					
Any unusual occurrences in this department					

(Detailed reports may be given on other side)

Similar reports are also required from all other officers having inmates under their supervision. In this way every such officer must daily report about the conduct and efficiency of every inmate in her department (specifically named), about disciplinary reports sent to the office on her, and any other unusual occurrences.

Although such reports are important from the point of view of the daily administration, their value for an understanding of the girls is limited. As they have to be made day after day, they tend to become stereotyped and colorless, and only the troublesome inmates emerge from them more conspicuously. However, for an understanding of those troublesome inmates or for inmates who are troublesome with one officer and not with another, these reports may have some value, provided they are regularly checked by some officer, so that those displaying unusual behavior are kept track of and given the necessary attention.

Of the special reports which are given about individual inmates we may mention that of the officer who receives the inmate, which gives particulars about the condition of her body, of her clothing and of further possessions; that of the nurse in the receiving building on the behavior of the women during the quarantine period; the hospital and dispensary reports; reports regarding visits made to the inmates by relatives or others; a record of in- and outgoing mail; disciplinary reports; and the reports sent in by supervising officers either periodically or on special occasions (the latter usually of a disciplinary nature). In the reformatory of Minnesota and a few other institutions a report is required from the supervising officers about every inmate who leaves her department to go to another. Following is a sample of a blank used for this:

SUPERVISOR'S RECORD.

Name:

Date of entering Dept.

Date of leaving Dept.

1. Personal Habits:
 - Cleanly
 - Indifferent
 - Slovenly
2. Attitude towards work:

Thorough	Careless
Quick	Slow
Energetic	Lazy

 - What kinds of work can she do best?
 - How much supervision does she need?
 - How long does it take her to learn a new task?
3. Attitude towards officers and authority:
 - Tractable, willing and tries
 - Respectful
 - Disrespectful
 - Helpful
 - Impudent
 - Stubborn and rebellious
4. Attitude towards the girls:

Friendly	Silent and reserved
Talkative and gossipy	Morose and sullen

 - Quarrelsome and excitable
 - Is she popular?
 - Does she form abnormal friendships with other girls?
5. Attitude towards promotion and parole.
6. Attitude towards other people's property:
7. Does she practise bad habits?
8. Does she show any improvement?
 - What has she learned?
 - Since when?
9. Do you think she will improve in Institution?

Stand still?	Go back?
--------------	----------
10. General characteristics;

Intelligent	Apathetic	Obliging
Interested	Forgetful	Untrustworthy
Reliable	Sly	Deceitful
Truthful	Profane	Vulgar
Modest	Quick-tempered	Industrious
Good-tempered	Bold	Mean
Timid	Generous	

11. Deprivations or punishments received:
 - Rewards received:
12. General conduct:
13. Peculiarities in disposition, behavior or speech:
14. What is her best or strongest characteristic?

 Supervisor

Undoubtedly the officer who has a girl under her daily supervision is in a good position to become acquainted with her. Nevertheless we believe that reports like the above are frequently of limited value. For it should be remembered that they are not more than a statement regarding the inmate's character and behavior *as it appears to the supervisor*. This means, in the first place, that the subjective views of the supervisor play a large part in these judgements about the girl; they must always be understood "à travers d'un temperament", and often they tell more about the officer than about the inmate. And, in the second place, such reports furnish few clues as to the *dynamic* factors in the girl's personality, the *motive forces* of her behavior. They tell chiefly *how* the girl appears to be in a particular situation, not *why* she behaves that way, which is really the essential thing to know. *Qualifications* do not tell much, particularly not if they are used by psychologically untrained persons who frequently apply them in a rather loose fashion; they may even be dangerous, for wrong reputations are only too easily established by such inaccurate qualifications and these may hinder the making of objective judgments afterwards. What is important is *facts* which may throw a light upon the dynamics of behavior: characteristic expressions, reactions, etc., but these can frequently be better told than written on a report blank.

All this has to be considered in view of the fact that, as we have explained above, officers are often not permitted to talk with the women about their past experiences and personal matters. Thus (if this is taken literally) they are deprived of the opportunity to learn the deeper motives of the inmates' behavior, the experiences conditioning their attitudes, their mental imageries, emotional complexes, etc., that is, practically the only knowledge which would have made an intelligent understanding of their character and behavior possible. We believe, therefore, that if such reports about individual inmates are used, they should as far as possible

refer to specific facts, such as mentioned sub 7 and 13 of the above mentioned report, rather than to character qualifications, and they should be supplemented by oral reports, in which the supervising officer could more freely tell about her observations. If such talks are skilfully conducted, they will not only bring out more extensive and more vital information about the inmates than the supervising officer would have put down on her report blanks, but she might also incidentally learn a great deal about how to observe and to interpret the girls' behavior more intelligently. It would also make the work more vivid, and stimulate the interest of the officers in studying their girls to a far greater extent than formal report blanks would do.

We have written above what we thought about the participation of the officers in the case study and treatment, and it is not necessary to enter into it here again. We may only repeat our general conclusion that, on the whole, the officers who come most intimately in contact with the inmates, should be given as great a part in the case study and treatment as they are capable of taking intelligently, and that the distribution of personnel should as far as possible be such as to bring the officers who are found to be the greatest help in this respect, in the strategic positions where they can do most. By means of informal oral discussions of the women's cases with the supervising officers, it would not be difficult to draw them into the plans just so far as seems wise to do.

Co-ordination of the Case Study. The most important point about case studies is, however, the co-ordination of the different parts of the study and the use that is made of the findings. It may frequently be observed in penal and correctional institutions that a great deal of the useful effect of the studies made is lost on account of a poor correlation of the data gathered. All too often one finds long sheets of learned medical information that do not convey any practical meaning to the institutional executives, psychological studies which, for the use that is made of them, might as well have remained unwritten, or psychiatric examination reports that are summed up in a mouthful of psychiatric terms which no lay understands. How frequently all such beautiful reports are filed away altogether, while the institutional management goes on applying exactly the same treatment which it would have applied without them!

The best method which has been devised in practice thus far to co-ordinate the different parts of the case study is the case conference method which we have briefly referred to above (page 332). This method prevails in the Federal reformatory and the reformatories of Connecticut, Massachusetts and New Jersey.

The following description of the case conference method followed in the Federal reformatory will give an idea of it:¹⁾

A Classification Committee, consisting of the Superintendent, the Director of Classification, the Psychologist, Resident Physician, Record Clerk, Parole Officer and Warders [matrons] of the cottages, meets as often as is necessary to consider the cases before it, seldom less than twice a week. To this committee are presented all incoming cases for diagnosis and assignment. At the end of three months, the same cases appear again for detailed consideration; and reassignment is made if deemed advisable. Disciplinary cases of a serious nature, involving loss of "time" [good time commutation, see p. 86] are brought before the committee. Cases that show personality difficulties are frequently stabilized by bringing them before the committee every week for an indefinite period. At all these meetings, the inmate herself appears, her program is explained to her, she is given an opportunity to share in the plans for her future, and told where she is succeeding or failing. At these meetings, a report is presented in writing from every one who has official relations with the case, either in industrial department or cottage or school. The Physician presents a new medical report every three months, often permitting change of assignment. Nothing is left to chance, or a haphazard guess, or to individual memory, too often based on the last contact, whether pleasant or unfavorable. Daily conduct reports come in from cottages and departments, and are checked by the Record Clerk. If the same individual has poor reports for several days, the case is investigated, and if not adjusted in the cottage, is brought before the committee.

When a case comes up for parole, the committee presents to the Parole Board a continuous history of the case from the time it was received, with complete medical, industrial and conduct reports. When a woman is going out on "expiration", she appears before the committee, and is helped with her plans for the future the same as a parole case.

The two main features of this method are, firstly, that the case is considered and discussed from different points of view so that the interaction of the factors from the different fields can be clearly seen, and, secondly, that a periodic reconsideration of each case is secured, so that the progress made is checked up from time to time and modifications of the treatment plan may be made whenever it seems desirable. The method prevailing in the Connecticut State Farm for Women is very similar, except that the cottage matrons do not seem to participate in the case conference; on the other hand, one of the members of the Board of Managers is nearly always present which makes for a more intelligent understanding and a more cordial support of the institutional policies on the part of the Board. An interesting point is also that the woman is always called into the case conference and asked to state her own ideas about her future, which offers her an occasion to "speak for herself".

¹⁾ Federal Penal and Correctional Institutions. Annual report for the year ending June 30, 1928, pages 195—196.

The method applied in Clinton Farms, New Jersey chiefly differs from that in the Federal reformatory in this respect that the persons participating in the case study are partly from the Department of Institutions and Agencies (namely the caseworker, the psychiatrist, and strictly also the psychologist), partly institutional officers (namely the superintendent, assistant superintendent, physician and educational director); the psychiatrist does not attend the case conferences, but, in addition to giving a written report, he discusses each case thoroughly with the psychologist who represents him at the classification meetings. Here, too, a member of the Board of Managers frequently attends the case conferences. This system presents an interesting example of how institutional researches and studies by a centralized department might be combined and co-ordinated. In Massachusetts each case is considered three weeks after the admission of the inmate (when she leaves quarantine and must be placed in one of the departments), next, more fully, after three months when the reports of the social investigation are in, then once more after about eight months, and finally when parole is considered. The last conference which is also attended by the parole officers, is the most complete and most important.

Determining the Treatment Plan. Where the case conference method exists, the plan of treatment is outlined at the classification meeting; otherwise it is usually determined by one officer who may or may not take into account such reports as may be available. The latter method is much less satisfactory, however, than the case conference method, for, as Miss Elisabeth Munger, the present superintendent of the Connecticut reformatory for women, puts it: ¹⁾

"Not only is this obviously too great a task for one officer, if she conscientiously tries to examine the cases from all angles and to perform the necessary follow-up work; but it is unsatisfactory and inadequate both from the point of view of the case and from that of the institution, because it tends to exclude the active participation of many whose judgment and observation of the case might be of great value and to lock up an accumulation of valuable information in one individual whose actual presence in the institution is required to carry on the work of classification."

Moreover, if one person determines the treatment plan, there is more likely to be a bias or oneness in some direction or other. Then, too, one needs only to have attended a good case conference to know how stimulating it is and how much more points it brings out about a case and the possibilities of treatment than could be

¹⁾ E. Munger. A System of Classification in the New Jersey State Home for Girls, Trenton, New Jersey. *Journal of Delinquency*, vol. VIII no. 2, March, 1923.

gained by a person from reading the (often brief or formal) written reports of others. There are many persons, too, who do not have the ability or the time to put their observations all down in writing, but who can contribute a great deal to an oral discussion of the case.

After a consideration of the case a tentative diagnosis should be made and the general plan of treatment determined upon. This might, among others, resolve itself in the following practical questions:

In which cottage should the girl be placed?

What medical and physical care should she receive?

What work should she do and what vocational training should she receive?

What academic instruction should she have?

Which disciplinary provisions should be made? What special difficulties are to be expected from this girl and how can they be best obviated?

Which special psychiatric measures (in the narrower sense of the word) should be taken? (For example, is transfer to an institution for mentally defectives necessary?)

What *direct* psychological and psychiatric treatment (in addition to what is implied in the above stated measures) should be applied? By whom should it be carried out and what should be the part of each person participating? (For example, the girl is suffering from a certain emotional conflict; the psychiatrist will undertake the main treatment, but one of the teachers to whom the girl seems especially attached, will support the treatment of the psychiatrist in a specified way, while the matron in her cottage will be directed to give special attention to certain points in the girl's behavior).

Which social measures are desirable? (Should, for example, special efforts be made to interest her home folks in her, or a social agency be asked to locate her deserted husband?)

Which points need further investigation?

Which other points need special attention?

When should be the next consideration of the case?

The provisory plan of treatment having been determined, a schedule card should be filled out, indicating the work the girl is to do, the classes she is to attend, etc. One copy of this card should be given to the matron of the cottage who is to see that the provisions are carried out, while another should be placed in the girl's folder. ¹⁾

The above scheme is merely suggestive. In reality it could not be followed in most reformatories, for the simple reason that they

¹⁾ See Elisabeth Munger op. cit. p. 96.

would not have the facilities to carry it out. For, as we pointed out before, possibilities for individualized treatment are still very limited in many reformatories. The cottage assignment, for example, may simply depend upon where there happens to be room or the fact that the woman is colored or has a baby. Similarly the work and school program which the institution offers may be little varied or more or less fixed so that as a rule each girl goes through the same routine. The emotional lives of the women or the psychological and psychiatric problems which they present do not receive any attention at all in many institutions, except disciplinary attention. Where the possibilities of individualized treatment are so limited, the classification of inmates can obviously not be extensive either. Nevertheless one must concede that, as compared with other penal institutions, both in America and in Europe, some of the women's reformatories, such as those of Connecticut, Massachusetts and New Jersey and the Federal reformatory, do not make an unfavorable showing with respect to the study and classification of their inmates. It is only when comparing them to child guidance clinics and similar modern agencies, that one becomes conscious of their deficiencies.

§ 67. *The Case Record.*

Careful case records are important for various causes:

In the first place records form a safeguard for both the institution and the inmate. Memory is inaccurate and deceptive, and there are many changes of personnel. Frequently a question may come up later to which the records alone can give a reliable answer. In the second place records secure continuity of treatment. If the findings and experiences in the case are properly recorded, it will be possible for workers with the case to look it up at any time to see what has been done before and what the results of this were so that duplication of effort or the application of measures which conflict with formerly adopted plans may be avoided. A third advantage is that the necessity to write down one's findings in a systematic way helps to define and clarify them and thus raises the standards of the work. Records undoubtedly also constitute a wholesome check on the thinking of the worker as they cause her to take stock of what she is doing and what she has accomplished, and stimulate her to think further. Full and systematic records are further indispensable for later reviews of the work: The best institutions and agencies feel, that, if they want to do intelligent work, and not to become stuck in a fixed routine, it is highly desirable to make such a critical analysis of their work from time to time, in order to determine in how far the methods employed

have been successful or not, and which changes are desirable. Finally, the more complete records are, the better basis they form for scientific research into the causes of delinquency and the best ways to correct and prevent it which should be of great concern to the modern penal institution.

In the women's reformatories the greatest variety of practices relative to case records exist: In some the case record is a rather meagre and unsystematic affair, others have a very complete and technically well worked-out record system. The best system perhaps is that existinh in the Massachusetts reformatory for women which has largely followed the technique developed by Dr. William Healy in his work with delinquent children ¹⁾. We shall give a description of some of the main points, based largely upon the record system in the Massachusetts reformatory, supplemented, wherever it seemed of interest, with data from other institutions.

To begin with the external features, the case record of the Massachusetts reformatory for women, consists of the following parts, all enclosed in one folder, and always in the same order:

1. Summary of the case prepared for the consideration of parole (which is, of course, not prepared until shortly before the case comes up for parole);
2. Statistical summary;
3. Mittimus and further court papers;
4. Inmate's own story;
5. Institution history;
6. Outside investigation report;
7. Interviews with visitors at the institution;
8. Staff conference notes;
9. Parole record;
10. Summary of the psychometric examination;
11. Correspondence (in- and outgoing).

In some institutions the case record is prefaced by a so-called "face sheet" on which the main data are recorded for ready reference. In the Federal and Connecticut reformatories one finds in the folder also an "admission classification record" which is a summary of the case for the first classification meeting.

The case records of the Massachusetts reformatory like those of several other institutions, do not include a medical and psychiatric report as these are filed separately to be readily accessible to the physician. For similar reasons the educational tests and school record, the work record, the record of merits earned or lost, financial

¹⁾ Compare W. Healy, *The Individual Delinquent*, §§ 47 and 48.

accounts of the inmate etc., are often kept in separate files, because they have to be frequently used. Generally it would seem desirable to transfer such records into the general folder, as soon as the inmate leaves the institution, so that they do not get lost, while, at the same time, the separate files are kept clear of "non-active cases".

The different reports are usually typed on separate, loose sheets; in the Massachusetts reformatory different colors are used for the different reports, for example, blue for the institution record, brown for the outside investigation report, etc. This, together with the fact that the different parts of the record are always placed in the same sequence, facilitates much a survey of the record, the usefulness of which will be evident if one knows that the records even of ordinary cases in this institution easily contain over twenty sheets (outside the correspondence), while in the more complicated cases they may run into fifty, sixty or more sheets. A detail which also helps in making the record easily surveyable is that all letters received and all copies of letters sent out are kept together in one envelope, in chronological order.

As regards the form of the reports, there is always a great temptation to use schedules or form blanks on which certain items are enumerated which have only to be checked or supplemented with a few words. However, it has been found by Dr. Healy and others that psychological and social information is mostly much too varied and subtle to be put down on a set form. Frequently questions cannot be answered by yes or no, and many facts cannot be scientifically recorded in a few words or lines. The set form has, therefore, been abandoned in many places for all reports except for "face sheet information" (that is the identifying data and further simple facts such as nationality, color, addresses, etc.) and the medical reports. The "inmate's own statement", the interviews of relatives, the summary of the case prepared for the parole meeting, are, in the Massachusetts reformatory for women, all in the form of a continuous account, although the subject matter is systematically arranged according to a definite scheme, under specified headings, which, if underlined or typed in red, make it easy to glance through the report rapidly. (Compare the scheme for the inmate's own story on pp. 353—355). This form is a much more natural, and really more scientific, statement of the facts than a set form, although, of course, it takes more time. A form may, however, be practical for the "classification record" as used in the Federal and Connecticut reformatories, because this is intended merely as a summary.

Concerning the contents of the reports, it may be stated in the first place that each should always mention the name of the inquirer

who made the report. In the second place it is desirable that the sources of the information be given with some evaluation of their probable reliability. The use of these precautions will be evident to any one who knows something about the psychology of testimony. Characteristic expressions should be set down verbally and other characteristic reactions recorded. Frequently it is also desirable to put down how and in answer to what the information was elicited, as this often explains much about the reply.

It is often found convenient, after all possible information has been gathered, to compare it to the original statement of the inmate and to make a final summary. In the Massachusetts reformatory for women the inmate's statement is typed with a wide margin on which later the findings of the social investigation are briefly recorded so that discrepancies between such findings and the inmate's statement may be seen at a glance. Moreover, a summary of all information is made at the time when parole is to be considered. Many institutions do not make a special report of the "girl's statement" or the social investigation, but prepare at once a summary in which all important data found are digested.

Several attempts have been made to work out a system of symbols by which certain types of information could be presented graphically.¹⁾ In none of the women's reformatories, however, did we find such procedures applied, and as none of these symbol systems (except the symbols used in heredity charts) have found general acceptance, it does not seem necessary to enter into this point here. None of the reformatories also, so far as we know, make use of special charts in its personality studies.²⁾

¹⁾ Compare, among others, W. Healy, *The Individual Delinquent*. § 48, and (to mention a prison expert) Jesse O. Stutsman, *Curing the Criminal*, Chapter XIII.

²⁾ A chart for personality traits was drawn up and used in the Psychopathic Hospital of the Bureau of Social Hygiene during the time it was in operation. Compare for this E. Spaulding, *An Experimental Study of Psychopathic Women Delinquents*, p. 80—81. We doubt, however, if this chart would be practical in ordinary reformatories.

CHAPTER XVI

PHYSICAL CARE

§ 68. *General Remarks.*

On the whole the standards of physical care are very high in the American reformatories for women, much above those of many prisons for men. Great importance is attached to physical factors in the readjustment of these delinquents, and accordingly good physical care is considered necessary to bring up the physical health of the inmates as much as possible. The educational value of maintaining high standards of physical care, too, is given great weight in women's reformatories: Many of the women have never learnt what good physical care is, and yet, the great majority of them will be responsible for a household at some time in their lives. To habituate them to good food, cleanliness, hygienic conditions, etc., and to arouse the desire in them to carry through the same standards of care in their own homes, is one of the most important lessons which the reformatory can give them. It is just this factor which makes the great difference between women's and men's institutions in this respect: As cooking, cleaning and other acts of housekeeping have no educational value for men, the tendency in men's prisons is always to do the minimum of this work that is compatible with accepted standards of hygiene. The women's reformatory, however, which attempts to be a school of domestic science for its inmates, cannot afford to give a minimum of physical care only; it will rather have to set an example.

§ 69. *Nutrition.*

The question of food is one of the most important problems of prison management, not only because the food represents such a large item on the institutional budget, but also because of its great influence upon the spirit and discipline among the prisoners and upon their general well-being. During the last decades increasing interest has been given to the prison diet which has come to be realized as a matter that cannot be left to hit-and-miss methods but requires scientific planning.

Acquisition and Administration of Food Supplies. Considering first the acquisition of food supplies, it may be noted that all but one reformatory has at least a vegetable garden, while all but four also have a dairy. Most of them also have a poultry and nearly all of them keep pigs. The majority of the institutions draw all of their vegetables, root products and fruit from the farm, and all or a large part of the milk, butter, eggs and pork. Many produce much more in season than they can readily consume, and can or store the surplus for use in the winter. We have nowhere found a precise estimate of the actual cost of the institutional farm products as compared with the cost of foodstuffs purchased in the open market; we do not know, therefore, whether and in how far the former are cheaper than the latter. It is rather probable, however, that many of these articles would not be bought in the same quantities and quality, if they had to be purchased for the regular prices in the open market, as then legislatures would probably mind the expense. One needs only to compare the rations of milk, butter, eggs, fresh vegetables and fruit in the reformatories which have farms to those in institutions which do not have them, to be convinced of this. For with institutional farms there is a certain tendency to disregard the cost of the outlay of the farm and some other items, and to consider the products more or less as pure profit, which, perhaps, is not entirely unjustified if one starts from the assumption, now generally accepted, that, for the educational and therapeutic ends of a reformatory, a farm is indispensable anyway.

All that is not produced on the farm must, of course, be purchased. In nearly all instances the purchasing of the supplies is done by a central state agency¹⁾.

In none of the reformatories the possibility exists for the inmates to have their food sent from the outside. In most institutions they may only, to a limited degree, order fruit and candy in outside stores, through the intermediary of the reformatory, and many institutions also permit relatives to send in fruit or other delicacies, or to bring it with them on their visits to the inmates.

As regards the general administration and supervision within the institution, some reformatories have found it valuable to employ a special dietitian whose duty it is to inspect and to supervise the storing and distribution of supplies, to plan or supervise the menus and the cooking, to examine the kitchens and storage places, to check conditions of waste, etc. In the larger institutions a well-

¹⁾ Compare table 16 in: *Health and Medical conditions in American Prisons and Reformatories*, by Frank L. Rector, published by the National Society of Penal Information.

trained dietitian may easily be worth much more than her salary in an improved diet, lower food costs and a reduction of waste. But also smaller institutions have found a dietitian valuable, particularly as she usually combines this function with that of domestic science teacher, a function which is indispensable in any good training program for women or girls.

Aside from this, it has often been advocated that there should be a state dietitian, connected with a State Department or Board, who should have general supervision of the dietary in the various institutions, the employees concerned in the food service, the preparation of food estimates, and possibly also of the purchase and distribution of the food supplies. The experiences of the New York City Department of Correction in 1914 and the studies made at various times by the Prison Association of New York show how much both quality and economy of the food service may be improved by expert supervision.¹⁾

An important factor in the food economy of an institution is the storing and distribution of the supplies. This is first of all a question of adequate storage facilities, which should be such that a minimum is spoiled or lost and the food is kept in as hygienic and palatable condition as possible. There should also be sufficient opportunity for putting up products acquired in the cheap season for later use, so that economical purchasing becomes possible. In the second place the system of distribution of the supplies is of great importance, as inefficient or careless methods soon lead to pilfering or loss of supplies in other ways. Finally, good administration requires frequent inspections of storage places, cottage pantries and iceboxes, so that unhygienic and wasteful methods of cottage housekeepers may at once be traced and checked.

The Dietary. The two chief pitfalls in institutional feeding have

¹⁾ The New York City Department of Correction re-organized the food service in the penal institutions under its control in 1914. Before the re-organization the diet in the institutions was very poor and extremely monotonous; nevertheless it was impossible for the institutional executives to remain within the legal allowance of 16 cents a day. A study of the food service in the institutions disclosed a large amount of waste as a result of poor cooking and wrong methods of service. It was found, for example, that in bread alone the table waste represented over fifty percent of the bread issue. After the food service had been re-organized, it was found that a far better and more varied menu could be provided entirely within the limits of the legal allowance. (Compare the Report of the Department of Correction of the City of New York for the year 1914, pp. 53—56; also the annual report of the Prison Association of New York for the year 1916, p. 93—116).

always been poorly balanced meals and monotony of diet, as it was usually considered economical and convenient to purchase large quantities of the cheaper foodstuffs, and to prepare the same menus over and over again. However, people soon tire of such a diet, and this does not only lead to underfeeding, but also to waste of food. It has been determined in several instances that a properly balanced, palatable and varied diet, well served, proved to be more economical after all, as much less was wasted by the inmates and the food benefited them to a greater extent, so that smaller quantities were needed. The women's reformatories in particular have rather generally realized that the institutional dietetics constitute an object in housekeeping to the women, and that even for that reason alone the institution could not afford to do it poorly. The tendency is rather to achieve the highest possible standards within the financial limits of the institution.

In a few institutions the dietitian or general housekeeper makes up the menu, in others this is the task of the cottage matrons or housekeeper so that there is a different menu in each cottage. Frequently, however, the cottage officers are required to make up the menus one week ahead and to leave them at the desk of the dietitian or some other officer for perusal, together with the weekly requisition of supplies. In institutions having a dietitian this officer can do a great deal in working out menus and recipes, and instructing the cottage officers. In the better institutions at least some fifteen to twenty different day menus exist, so that not the same menu always returns on the same day of the week or every two or three days, as is still the practice in old-fashioned prisons. Following are samples of menus such as we found in some reformatories:

1. ¹⁾ Breakfast: Boiled eggs, bread, butter, coffee.
Dinner: Roast pork, gravy, potatoes, carrots, cornstarch pudding, bread.
Supper: Potato salad, bread, butter, cocoa.
2. ²⁾ Breakfast: Rhubarb, cereal, griddle cakes with syrup, coffee.
Dinner: Baked mackerel, mashed potatoes, pickled beets, tapioca custard pudding, bread, butter, tea.
Supper: Macaroni and tomatoes with salt pork and lima beans, water cress salad, cookies, tea.

On Sundays and holidays the menu may have something special, such as ice-cream or chicken, for which the farm produces the materials. On the other hand supper is often very simple or cold

¹⁾ Reformatory for Women, Framingham, Massachusetts, September 1921.
²⁾ Clinton Farms, New Jersey, May 1930.

on Sundays, in order that the Sunday's rest may be observed.

Table 10, adapted from the above-mentioned report of the National Society of Penal Information on health and medical conditions in prisons, gives some information regarding the extent to which garden and dairy products constitute a part of the menus of eleven women's reformatories.¹⁾ All the institutions included have a garden and dairy, except if indicated otherwise. It will be noted how much the farms contribute to improving the dietary.

Preparation and Serving of Meals. It hardly needs to be said that the preparation of the meals is an important question both from the hygienic and the economical point of view. Particularly in an institution where large quantities of food have to be prepared the waste in supplies or fuel through the use of wrong methods or utensils may easily run to hundreds of dollars loss a year. Moreover, if the food is not prepared in an appetizing way, much less of it is likely to benefit the eaters, and more of it to be wasted.

In the reformatories on the cottage system the cooking is done in the cottage kitchens, with the exception sometimes of bakery products. This means the expenditure of a somewhat greater amount of fuel and personal oversight than if it were done in a central kitchen, but, on the other hand, the "home cooking" in the cottages makes possible the preparation of more palatable and more varied foods than if it were prepared in large quantities. The real motive for the decentralized cooking and eating, as we pointed out before, is, however, educational: namely to approach as far as possible the ideal of making each cottage a home-unit where the inmates can enjoy and learn the essentials of home-life.

The cooking in the cottages is sometimes done by an officer assisted by inmates, sometimes by an inmate under the general supervision of the matron or housekeeper. Mostly ordinary gas- or electric stoves or ranges are used and the further utensils also resemble much those used in home cooking. Modern fuel- or food-saving devices are frequently found in the institutions, and on the whole one gets the impression that the best standards and greatest economy prevails in the women's reformatories.

The manner of serving the food is important, in the first place, from the economical point of view: If food is served in an unappetizing way or so that it is cold before it can be consumed, or if portions are distributed carelessly without reference

¹⁾ Table 6 of the report, pp. 270—271.

TABLE 10.

Use of garden and dairy products, and food costs in women's reformatories.

Institution	Vegetables - other than potatoes - served	Fruit served	Gallons ¹⁾ milk used annually	Gallons milk per inmate per year	Milk served for drinking	Butter served	Daily per capita food costs (in cents) ²⁾
Federal	Daily	Daily	36.50	20	Each meal	3 times wkly	40
Indiana ³⁾	Daily	Daily	30.000	286	None	Twice daily	13
Iowa	Daily	Daily	36.500	146	1 qt ¹⁾ skimmed dly	Twice daily	30
Massachusetts	Daily	Daily	8.800	114	Each meal	4 times wkly	25
Minnesota	Daily	Daily	31.200	192.6	As supply permits	Each meal	25
Nebraska	Daily	Daily	17.910	56.6	Once daily	Each meal	28
New Jersey	Daily	Daily	35.000	74	Once daily	Each meal	27
New York	Daily	Daily	23.800	212.5	Once daily	Each meal	42
Ohio ³⁾	Daily	Semi-wkly	4.500	45.6	1 qt ¹⁾ daily	Daily	40
Pennsylvania	Daily	Semi-wkly			On physician's order		
Rhode Island ⁴⁾	Daily	Semi-wkly					

¹⁾ 1 Gallon = 4.5 liter; 1 quart = $\frac{1}{4}$ gallon = 1.136 liter.

²⁾ Compare for the interpretation of the food costs remarks given on p. 377.

³⁾ Has no dairy.

⁴⁾ Institution receives milk from a farm worked by another state institution.

to individual needs, a great deal of the food is likely to be wasted. Good food service is also considered important from the point of view of creating a better spirit in the institution and of teaching the women a greater refinement in attitude and manners. There are few details in the daily routine of institutional life which are so depressing and so conducive to slothful manners and indifference as the practice still followed in many old-fashioned institutions of having the inmates sit at long, bare tables covered with enamel or tin dishes and of serving them wholesale from large kettles or pans. Moreover, from the point of view of household training it is also of interest that the women nearly all of whom will either have the care of a home or take domestic or waitresses' positions after release, learn proper serving.

In many reformatories the food service is not in any way inferior to that in a well-managed household or boarding-home: The dining-rooms are plainly but attractively furnished; the women sit around small tables, each set for from four to seven persons, and neatly covered with a table-cloth or doilies, while the dishes used are of china or earthenware. The food is usually distributed in dishes which are placed on each table by the inmates who act as waitresses. According to the American custom one inmate at each table has the service: she fills the plates and passes them to the others at her table. Bread is as a rule provided without restriction, but every one has to eat what she has taken so that no bread is wasted. The one having the service is usually also responsible for the good order and manners at her table. Some institutions have established a kind of self-government system by means of dining-room committees the members of which are responsible for the care of the dining-room, the service of the food and the good order during meal times. On the whole the women are very sensitive to remarks and opinions of their fellow-inmates as to manners and behavior, and in the best institutions one may observe that they do not conduct themselves any less dignified than students of a boarding-school. In most reformatories the cottage officers eat with the inmates in the same room; in others the officers eat elsewhere while the women are left to themselves.

Disposal of Garbage. If the quantities needed for the meals have been carefully estimated and the food has been well prepared and served, there ought to be a minimum of leavings and refuse. Regular checkings of the quantities of supplies required by each cottage and frequent inspections of the garbage cans are recommended as the best means to control whether or not the cottage officers have been careful enough in this respect.



State Industrial Home for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

Dining-room in One of the Cottages.



State Industrial Home for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

"At Home" in the Evening.

It has come to be realized that also refuse has in part value. In most institutions the eatable garbage is fed to pigs.

Food Costs. As regards the per capita costs of the food, this varies in all but one reformatory mentioned in table 10 from 25 cents to 40 cents a day. In the one institution which has a much lower figure, namely 13 cents, the garden produce is not charged to the cost of the food supply. The food costs depend, of course, to a significant extent upon local conditions which make it difficult to compare them. In most states the food costs are higher than those of the men's prison in the same state which is probably due to the fact that a more liberal diet is provided in the women's reformatories and also that the decentralized cooking for a smaller number of inmates makes for a somewhat higher expense.

§ 70. *Clothing.*

Kind of Clothing Worn. The matter of clothing is, of course, governed, in the first place, by considerations of efficiency and economy. More and more, however, the clothing is also coming to be considered in the light of its psychological effect upon the individual. In this respect one may note a curious reversion of opinion since older days: whereas formerly the clothing of prisoners was often used to humiliate or punish them by making it purposely ugly or ridiculous, the tendency is now rather to spare and restore the self-respect of the prisoners as far as possible as one of the means of their re-adjustment.

In all reformatories the inmates wear institutional clothing, except that in a very few institutions they are permitted to wear their own shoes, stockings, sweaters or simple adornments, such as ties or belts, so that they may have at least something personal. Although to some sensitive natures it must be rather depressing to have to wear always "state clothes", this is practically hardly possible otherwise.

Not in all institutions, however, is all clothing uniform: some have more or less individualized upper-clothing, at least so far as the daily dresses are concerned. In the State Home for Women in Pennsylvania, for example, the matter is arranged as follows: Every newly admitted girl, while she is in quarantine, is shown some samples of materials and designs out of which she may choose three dresses. These dresses are made in the sewing-room and are ready for her when she comes out of quarantine. Although the same material is used for a number of dresses, so many combinations of pattern, color, design and trimmings are possible that seldom

two dresses are alike. In Clinton Farms, New Jersey, the same design is used for all everyday dresses, but they are of different colors.

Much has been said for and against uniform clothing. One of the arguments for uniform clothing is that it prevents escapes. But experience shows that uniform clothing is not a great hindrance, particularly if the uniform is so inconspicuous as it is in present-day women's reformatories. Another argument is that it is more convenient and takes less time to make all dresses according to a uniform design than to cut and sew each one individually. Whether or not this argument carries much weight depends upon the individual situation in each institution: some reformatories which lay much stress on home-sewing rather welcome individually cut dresses, because it gives them more opportunity for training along this line; others which emphasize industrial manufacturing or which have limited facilities for sewing are likely to standardize all designs, in order to save time. Still another objection made against individualized clothing is that uniform clothing is more economical, as large quantities of material can be bought for cheaper prices. However, so much clothing is needed in the women's reformatories, that, even if five or six varieties of cloth are used, the quantity needed of each will still be large enough to make buying at reduced prices possible, while variety of design is also quite as likely to result in a saving as in a loss of material. Of an entirely different nature is the objection of those who believe that permitting the women to follow their own taste would make them vain where they should be penitent. Finally, one, frequently unconscious, reason why many institutional administrators and board members are in favor of uniform clothing is that it looks so "nice" and orderly to see all inmates in the same attire. Those in favor of individualized clothing, however, argue that the modern tendency is away from mass treatment and repression and in the direction of individualization and expression; anything that tends to emphasize mass treatment, such as uniform clothing, should, therefore, be done away with. Institutional life offers so few opportunities for individual expression and normal emotional satisfaction, anyway, that any good opportunity which presents itself should be utilized. Clothing is a matter that means much to women, and from the mental hygiene point of view it is, therefore, desirable that they be left as much freedom in this respect as possible. In girls' institutions it is also claimed that individualization of clothing offers an opportunity to teach the girls how to choose their clothes, but this argument hardly applies to women's reformatories, since, for practical reasons, they cannot leave the inmates much latitude

in their choice, but must limit it to a few simple house dress designs which, in free life, the women would not ordinarily use in outdoor wear. It should also be understood, that this question of individualization relates merely to the everyday dresses. For the underwear and the upperclothing worn in outdoor and dairy work is, for practical reasons, everywhere uniform, and the same is true of the sport suits and church dresses.

Whether the clothing is uniform or not, the general tendency is to make it practical and simple, and as inconspicuous as possible. The everyday dresses are in most cases much like ordinary house or sport dresses, with short skirt and sleeves, low neck, and trimmings of differently colored material. The material used is as a rule a printed or plain colored cotton fabric. Often the dresses worn by the women in the first conduct grade are of a more cheerful color and more attractive style than those of the lower conduct grades. Aprons are only worn in house and kitchen work; they do not constitute a regular part of the institutional uniform. The same is true of caps which are only worn in the kitchen. In outdoor work khaki bloomers and blouses or union suits form the customary outfit; although sometimes far from attractive, they are more practical than skirts and not so unusual in the United States as they would be in some European countries. For sports the women have in many institutions a gymnastic suit consisting of bloomers and middies, as is common in outside schools or athletic clubs. In most reformatories each inmate has a "best dress" to be worn at church services, which universally seems to be made of white duck or similar material. It seems to be generally felt, even by the women themselves, that such white uniform dresses are most fitting for church services. Sometimes some other special costumes are provided: in the reformatory in Connecticut, for example, an entirely white suit consisting of trousers, jacket and cap, is used for the girls working in the dairy.

The material for underwear, nightwear and upperclothing is practically always cotton, even in winter. The underwear is frequently made of unbleached muslin, and the amount of underwear is often the same in winter as in summer, namely the simplest minimum possible. It should be remembered, however, that the buildings are everywhere centrally heated, and that different customs prevail in this respect in the United States than in some European countries. Only when the women go outdoors in cold weather, heavy woolen sweaters or coats and caps are worn, and, if necessary, also arctics and gloves.

On the whole, the clothing seems sensible and practical, often fairly attractive, and probably more economical than the clothing

worn in many European prisons and training schools, considering the inexpensive materials and simple, sportive styles used, and the absence of superfluous caps, aprons, full skirts and other antiquated pieces of clothing which still make the women's uniforms in some European institutions unnecessarily expensive.

Purchase and Distribution of Clothes. Almost all clothing is made in the institutions, and, in the majority of cases the cloth is purchased, like all other supplies, by the central state agency or official charged with this function. Only hats, coats and dresses for girls going on parole, in so far as they are not made in the institution, are frequently bought by the superintendent or parole officer for each girl specially, as these are articles which cannot be purchased in large quantities.

The supply or storeroom officer usually has the general supervision of the clothes distribution. The cottage officers send in requisitions at specified times, but are often required to hand in the discarded pieces of clothing before they can obtain new ones. Discarded clothing is most frequently sent to the sewing-rooms to be utilized for the making of rag carpets, mops, etc.

Underwear, nightclothing and work dresses are changed at least once a week, sometimes oftener, particularly work clothing. The prevailing system is to mark the garments with the name or number of the woman to whom they belong, so as to insure to every inmate the return of her own clothing from the laundry. This is done in the first place to spare the self-respect of the women, and secondly because they take much better care of their clothing if they can consider it as their own and have to bear themselves the consequences of carelessness.

§ 71. *Personal Hygiene.*

The standards of personal hygiene are, on the whole, very high in the various reformatories.

As regards bathing, the minimum required anywhere is one hot bath a week; several institutions require or permit two baths a week, in a few the inmates bathe or swim daily. Towels, soap, tooth powder, tooth brushes, and further toilet articles are everywhere provided freely. Usually, however, the women are permitted to buy their own soap and tooth paste, if they prefer to do so.

A point of considerable interest to the women is the question of hairwear, or practically speaking, whether or not they should be allowed to bob their hair. Perhaps one half of the reformatories

permit the women to cut their hair and to wear it as they please, the other half not. We were not able to find any serious reason why inmates should not be allowed to-day to cut their hair, which has become as common and is not any more vain than the fashion of men to shave their faces. Women and girls with bobbed hair who are not permitted to keep it short also look decidedly untidy and unattractive during the period their hair is to grow, which is a very depressing fact to women. Moreover, it always leads to many secret violations of the rule, and increases, therefore, the disciplinary problems of the institution.

CHAPTER XVII

MEDICAL CARE

§ 72. *Legal Provisions.*

Aside from the provisions relative to the physical examination to be made of the inmates, and a provision in Illinois that drug addicts are to receive treatment, the only provisions of interest on medical matters are those pertaining to venereal and other contagious diseases. In two states, namely Kansas and Nebraska, it is specified that women suffering from venereal disease may be committed to the women's reformatory; about this we have already given our opinion above. In some states it is expressly stipulated that treatment for venereal diseases must be provided; in Iowa and Nebraska parole is denied to those suffering from venereal disease, and in a few other states to those not in a good physical condition (see the chapter on parole); and in at least four states, namely Kansas, Massachusetts, Nebraska and Pennsylvania, it is provided that women may be detained even beyond the expiration of their sentence if afflicted with a contagious (Massachusetts) or venereal (the other states) disease in an infectious stage.

The last provision many do not consider altogether desirable. It is argued that if, at the expiration of the sentence, a prisoner should be found diseased in an infectious stage, he should be subjected to the same regulations prevailing for all other citizens in the same condition, not be kept in prison because he happened to be already there, whereas others similarly diseased who happen to be free are not detained. It is doubtful, too, if this procedure is always desirable from the medical point of view: In one of the annual reports of the Massachusetts reformatory for women,¹⁾ for example, it is pointed out by the physician that, as far as tubercular patients were concerned, the detention beyond the expiration of the sentence or the prospect of it had a depressing effect upon them which delayed their recovery. The arguments in favor of detaining contagiously diseased persons are largely opportunistic: It is pointed

¹⁾ Report for the year ending November 30, 1921.

out that many of them will not continue treatment as soon as they are free and will not restrain themselves so that they may soon infect others. It is also stressed that such a provision is a great incentive for the prisoner to submit to treatment while he is in prison, as he knows that he will not be released until he is cured. It is sometimes uncertain whether, if there is no express legal provision to that effect, penal authorities have the power to compel a prisoner to take treatment, but even if they do have that legal power, an unwilling prisoner may give them trouble enough. It is not surprising, therefore, that states have resorted to this means, even though the only logical conclusion would seem to be to make better provisions in free society for the cure of contagiously diseased persons and for preventing them from infecting others, and not to detain only those few who happen to be in a prison when their condition is discovered.

It is different, it seems to us, with the provision that inmates of penal institutions can be denied parole as long as they are still in an infectious stage. None of them has a *right* to be released at the expiration of their minimum term, and their physical condition undoubtedly affects the possibility of their adjustment to an orderly life which is the chief test for parole. A diseased woman, for example, cannot be placed in a domestic position, and not all can be trusted to take the proper precautions when permitted to go back to their husband and children, so that they cannot really be considered fit for parole.

§ 73. *Personnel and Material Equipment.*

Personnel. The following table presents the medical personnel in the reformatories about which the "Handbook of American Prisons and Reformatories" and the work on "Health and Medical Conditions in American Prisons and Reformatories", published by the National Society of Penal Information, give information¹⁾. A distinction has been made in the table between those persons, either resident or visiting, who perform their work at the institution and can, therefore, be considered to belong to the "staff" of the institution, and local practitioners and hospitals outside the institution to whom or to which inmates may be taken for treatment. In so far as we knew we have given the exact amount of time devoted by each member of the staff to the institution; in the other cases we used the word "part-time" to indicate practitioners coming to the institution regularly, and "as needed" in the cases of those who come only when called.

¹⁾ The Federal reformatory is not included because it was not yet functioning at its normal capacity when the figures were taken.

TABLE 11.
Medical Personnel of Women's Reformatories.

	Staff of institution									Outside facilities used for:	
	Popu- lation	Physician	Psychiatrist	Dentist	Oculist	Surgeon	Other specialists	Nur- ses	Inmate hel- pers	(Hospitals)	(Practitio- ners)
Conn.	165	Full-time	(physician being psy- chiatrist)	1 d. weekly	—		Pediatrist 1 d. weekly	3			Eyes when needed
Ind.	180	2 d. weekly	—	—	—	—	—	1		All surgical and venereal cases	Dental and eye when needed
Iowa	105	2 physicians for 1 d. wk- ly each	—	—	As needed	—	—	—		Surgical cases	Dental
Kan.	162	Part-time					—	1			—
Mass.	250	Full-time	Part-time	2 d. weekly	1½ h. weekly	—	Laryngolist when needed	3	12	Obstetrical cases	—
Minn.	77	1 d. weekly	As needed	1 d. monthly	As needed	—	—	—	—	Major sur- gery and ex- tended hos- pitalization	Emergency cases
Neb.	52	2 physicians giving 1 d. weekly in addition to super- intendent	—	—	—	1 of phy- sicians doing surgical work as needed	—	1	1		Dental and eye
N. J.	162	Full-time	Part-time	1 d. weekly	As needed	As needed (2 surgeons)		2	6		
N. Y.	317	2 full-time physicians	Part-time (super- intendent)	2 d. weekly	Part-time			2	3	Major sur- gery	
Ohio	475	Part-time	—	As needed	As needed	As needed	Laryngolist as needed	1	3		
Penn.	122	Full-time	1 d. monthly	1 d. weekly	As needed			1	1	Surgery	—
R. I.	101	2 d. weekly	Part-time	½ d. weekly	As needed	—	—	1	—	Surgery	—

The first thing to be noted is the great differences in the size of the personnel as compared with the size of the population. For if one relates the time given to the institution by the general physicians to the number of inmates, one will find (computing full-time service as five and a half day of service a week) that one day of medical service is given:

in Pennsylvania to	22.4 inmates,
in Nebraska to	26 " "
in New York to	29 " "
in Connecticut and New Jersey to	30 " "
in Massachusetts to	45.5 " "
in Rhode Island to	50.5 " "
in Iowa to	52.5 " "
in Minnesota to	77 " "
in Kansas and Ohio to more than	86 " "
in Indiana to	90 " "

Although there are sometimes local conditions to account to some extent for the differences (such as the fact that in Indiana all treatments for venereal disease are given in an outside hospital), they are still quite striking.

As regards the specialists, dentists are nearly everywhere much in evidence. The institutions of Indiana, Kansas and Nebraska seem to be the only ones where the dentist does not come to the institution more or less regularly, but in at least two of them inmates needing dental care may be taken to outside practitioners. The oculist also plays a rather large part, although the majority do not attend regularly but only on call. Psychiatrists pay regular or irregular visits in several institutions. Other specialists on the staffs of institutions are surgeons, laryngologists, and, in one case, a pediatricist (for the babies of the inmates).

To a rather large extent outside facilities are used by some institutions. One-half of the reformatories mentioned resort to an outside hospital for all types of surgical and obstetrical work, and in addition to these, a few reformatories use outside facilities for all major surgical and obstetrical work, and one for all its obstetrical cases. In at least four institutions inmates are taken to outside practitioners for dental care or treatment of the eyes; and one institution even has all anti-venereal treatments administered in an outside hospital.

All but two of the institutions have at least one nurse, some even two or three nurses. In several cases inmates also assist in the hospital work.

Equipment. As for the material facilities, the survey of the Society of Penal Information shows that two of the eleven reformatories about which information is given, namely those of Iowa and Nebraska, have no special wards or rooms for the sick, these being treated in their own rooms. The others usually have small wards with from two to five beds, and in addition to these, one or more single rooms.

Five of the eleven institutions have no operating facilities beyond a room where anti-venereal treatments are administered and emergency operations may take place, and even this is lacking in the Indiana Woman's Prison. These reformatories depend upon outside hospitals for surgical service; if emergency operations are to be made in the institution, the surgeon brings his instruments with him. The need of surgical service is probably larger in women's reformatories than in men's prisons on account of the gynaecological involvements resulting from venereal disease or pregnancy, and it would seem desirable, therefore, that reformatories, unless they have very favorable arrangements with nearby hospitals, be at least equipped for minor and emergency surgery.

The Massachusetts reformatory has a fine solarium in addition to its hospital, for the use of tubercular or convalescent patients, and a few other institutions also have sun porches which may be used for a similar purpose. X-rays facilities are found in two reformatories, and in a few more these are locally available.

§ 74. *General Medical Work.*

Physical Examinations. In all reformatories ¹⁾ physical examinations are made upon entrance, although the extent of it differs much in the various institutions. Everywhere, however, special attention is paid to venereal disease and the Wassermann test for syphilis and an examination of smears for gonorrhoea are made routinely. In eight of the eleven women's reformatories comprised in the report of National Society of Penal Information dental examinations form a routine part of the entrance examination, while in the others such examinations may be made on complaint. In one half of the reformatories the eyes are also examined routinely by an oculist (in five institutions) or by the physician, followed

¹⁾ The reformatory in Nebraska seems to make a physical examination only of those who are found (by a Wassermann test) or known to be venereally diseased, but since only a very few in this institution are not so diseased, this exception may be neglected.

by an oculist in indicated cases (in one institution), which secures not only the testing of vision, but also the discovery of eye diseases or defects. In two reformatories a routine examination of ear, nose and throat by a laryngologist is also made.

An important part of the entrance examination should be a careful medical history which should not only include an account of all diseases the subject has had (verified as far as possible by reports from the family physician, hospitals, health agencies, etc.), but also a history of her physical development, her general state of health and conditions of life, and a full health history of the family. In practice there is little uniformity in this respect: In some institutions very long and detailed medical histories are made, in others there is meagre information on that point. Sometimes the physician takes the medical history, but often at least parts of it (such as the developmental and family history) are taken by the nurse or the social worker conducting the initial interview.

Only a few institutions provide for the re-examination of the inmates at later dates: in the Federal reformatory re-examinations are made every three months, in New Jersey eight months after admission, and in Massachusetts and New York shortly before parole or discharge. Re-examinations are undoubtedly to be recommended, not only to discover any diseases which may have developed in the meantime or may have escaped detection at the entrance examination, but also to check the general health conditions of the inmates, their gain or loss in weight, etc., and of the general effects of the reformatory life upon them, so that, when necessary, changes may be made. Most institutions, however, do not have sufficient personnel to make such re-examinations beyond, in a few cases, the periodic weighing of the women, and re-testings for diphtheria or venereal disease.

Protective Measures. Of the protective measures, vaccination against smallpox and immunization for typhoid fever are the most general: five of the eleven institutions use them routinely. More and more also reformatories apply routinely the Schick test for diphtheria, and administer toxin anti-toxin to those giving positive reactions. One reformatory also immunizes all inmates against scarlet fever.

Venereal Disease. As stated before, the matter of venereal disease everywhere constitutes an important problem. The real extent of the venereal diseases has only become known since bacteriological and serological examinations were made in all cases. Although even then the conclusions as to the prevalence of these diseases vary according to the technique of the examination used and the

interpretation of the findings, it may be stated that the most conservative estimates in the institutional reports show more than 20 % of the cases to be positive for syphilis and more than 30 % for either one of the two venereal diseases or both, while in some other institutions the figures given for inmates affected with either one or both diseases run well over 50 % (not including the institutions of Kansas and Nebraska, where the figures are, of course, much higher). Considering the social and eugenic consequences of these diseases, this shows the terrific importance of this problem in the women's reformatories.

There is still no uniformity of practice regarding the diagnosis of syphilis and the criterion as to when the disease should be considered cured, some institutions considering one Wassermann report as final proof, while other institutions are more careful, and require three consecutive negative Wassermann reports before a patient is declared free from the disease.¹⁾ The point is not merely of medical importance, for on it hinges frequently the possibility of parole, while from a general social standpoint the question when a person should be declared as cured is, of course, also of great interest. A similar question exists with respect to the diagnosis of gonorrhea, in which some institutions are much more strict than others, some requiring several negative specimens of smears, while others are content with one. Authoritative institutional physicians²⁾ strongly emphasize the desirability of testing the spinal fluid for neuro-syphilis, either in all cases giving a positive Wassermann reaction or, at least, in those which do not clear up under intensive treatment or show other evidence of the possibility that the central nervous system has become affected. We could not ascertain, however, in how far this was done in the various women's reformatories, although it does not seem to be general.

As regards the treatment of syphilis, it may only be said that everywhere some arsenical drug (neo-salvarsan, neo-arsphenamine or sulpharsphenamin) is used, usually in connection with mercury or bismuth or both. As for gonorrhoea, this is given much more attention to-day than formerly when the fatalistic idea prevailed

¹⁾ Compare for a discussion of the diagnosis and treatment of venereal disease in institutions: E. B. Barringer, W. M. Brunet and L. I. Chargin: *Minimum Standards for the Prevention and Treatment of Venereal Diseases in Correctional Institutions*, published by the National Committee on Prisons and Prison Labor, 1929.

²⁾ Compare the report mentioned in the foregoing note and the report of the National Society of Penal Information.

that not much could be done about it in women, until the disease had progressed so far that an operation was necessary. More and more emphasis is being placed to-day upon conservative treatment rather than upon radical surgical measures, particularly also because of the depressing psychological effect which such operations often have upon the women.

As stated above, at least four reformatories have the right to detain inmates after the expiration of their sentence, if not free from disease, while at least three more ¹⁾ deny parole in such cases. The reformatories of Nebraska, New Jersey and New York and the Federal reformatory, and probably some others, refer the diseased women who are paroled or discharged to local clinics for further treatment or follow-up work, the reporting to such clinics for treatment or re-examination sometimes being made one of the conditions of parole, the violation of which may cause return to the institution.

Several institutions are obliged by law to report all venereal cases to the State Board of Health, which may then, through the local boards or officers, take the necessary measures for locating the source of infection, looking up the patient's relatives or others with whom she may have been in intimate contact, and doing such further protective work as may seem indicated.

Tuberculosis. Tuberculosis is numerically much less important than venereal disease, and this is undoubtedly the chief reason why, on the whole, so few special provisions have been made for it in the women's reformatories. It should also be remembered that the reformatories which are nearly all farm institutions where air and sunshine are enjoyed by the inmates in abundance, in themselves hold little that would be conducive to the development of tuberculosis as is the case with some old-fashioned, overcrowded cell-block prisons.

The Federal reformatory and the reformatory of Massachusetts seem to be the only institutions which have a part of the hospital especially adapted for the use of tubercular patients, where a maximum of sunlight and complete separation from the other inmates may be secured. Other institutions may either keep tubercular patients in the hospital or give them the sunniest rooms available, while the reformatories of Iowa and New Jersey, and perhaps also a few others, transfer tubercular patients to a state or local sanatorium. Parole may in some cases be the best solution,

¹⁾ Those of Indiana and New York and the Federal reformatory.

provided arrangements are made for the proper care of the woman on the outside ¹⁾ and for the protection of her family.

The treatment everywhere consists chiefly in exposure to sunlight, light outdoor work or exercise whenever the patient is capable of doing it, and a supplementary diet of milk and eggs. Only one or two reformatories, so far as we know, have facilities for treatment by ultra-violet rays.

Drug Addiction. Narcotic drug addiction is a very serious problem in the Federal reformatory, where approximately two thirds of the population are addicted to the use of narcotic drugs; but also in other reformatories this problem exists to a less serious extent. There is still no unanimity as to the best method of treatment. Either one of two methods may be applied: that of gradual withdrawal of the drug until the point is reached where the patient can go without it; and the method, commonly referred to as "cold turkey" treatment, according to which the drug is immediately and completely withdrawn, while supportive and symptomatic treatment is given to counteract the functional disturbances and the extreme discomfort which are incidental to withdrawal. After a few days the worst is usually over, and the patient can be discharged from the hospital to the cottage group, where such further treatment is given as is indicated to restore her to normal health. This is also the method followed in the Federal reformatory. It begins generally to be recognized, however, that the medical cure alone is often not sufficient to break the habit permanently, but that, unless very careful educational and social measures are taken to bring ex-addicts in a better position to resist temptation, many sooner or later relapse into the habit.

Care of the Teeth and the Eyes. It is hardly surprising that in a country which has become proverbial for its good dental care, much attention should also be given to this in penal institutions. We have already stated that in the majority of the reformatories a routine dental examination is made. In all but one of the ten institutions mentioned in the report of the National Society of Penal Information treatment is required; only in Massachusetts it is left optional with the inmate. In all these institutions all kinds of dental work are done; in at least two of them all the work is done free of cost

¹⁾ The report of the National Society of Penal Information tells of the practice prevailing in some prisons of paroling tubercular patients without making any arrangements for their care, merely to get rid of them, which, of course, should be severely condemned.

to the inmate; in four all ordinary work (fillings and extractions) is done without charge to the patient who has to pay only for special kinds of work, although in particular instances plates may be furnished free if the inmate has no funds; in Nebraska the women have to pay all expenses, while in the remaining institutions inmates are required to pay in so far as they have money.¹⁾

As for the care of the eyes, treatment is required in five institutions, in the other five it is left optional with the inmate. The regulation of cost is somewhat less liberal here as in regard to dental care: Three institutions charge all the expense to the inmate, in three others the reformatory bears all the expense, and in the remaining institutions plain frames and lenses are furnished free to the inmates, but special frames are charged to them.¹⁾

There is little doubt that in an institution which strives for the building up of good health in its inmates, regular dental and eye care should be provided. Practice shows that many women come to the reformatory with their teeth badly neglected and with defects of vision, which undoubtedly lower in many cases their general health and efficiency. In how far they should bear the expense of the treatment, is still a matter of debate. Some argue that, if one accepts the view that the care of teeth and eyes is just as necessary as other forms of medical care, it is logical to make it compulsory, but that, on the other hand, no charge can be made for it, just as no payment is required from inmates for other kinds of necessary medical service. Others, however, still consider the correction of dental and eye defects as not strictly necessary, unless immediate discomfort or danger arises from them, and they feel that prisoners should not be privileged above other citizens in that such service is provided to them free of charge.

§ 75. *Health Education.*

Much is done in some institutions in the way of health education. In the first place, much health instruction is given incidentally with the general work. For example, when the teeth are examined, the inmates are frequently instructed in the care of the mouth; similarly the rules for bathing, change of clothes, ventilation and cleaning of rooms, and many other things, teach them personal and general hygiene.

In several institutions, such as the Federal reformatory and the reformatories of Connecticut, Kansas and New York, specific courses

are given in hygiene, home nursing, first aid and simple dietetics. An interesting method of health education is that followed in the Connecticut and Federal reformatories by means of "boards of health", self-governing committees composed of inmates elected by the reformatory population and assisted by the reformatory physician acting in an advisory capacity. This board makes reports on all matters regarding sanitation in the houses and on the grounds, such as the condition of garbage buckets, care of food, the prevention and destruction of flies, mosquitoes and other dangerous insects, also the personal hygiene and habits of the inmates. In order to stimulate interest in these matters a prize is given or honorable mention is made of inmates who show pre-eminent cleanliness in their persons, their rooms and their work. In some institutions outside health agencies have occasionally done something by way of health lectures and moving pictures, but undoubtedly a great deal more could be done along this line.

¹⁾ See for further details 137—152 and table 11 of the above mentioned report of the National Society of Penal Information.

CHAPTER XVIII

PSYCHIATRIC CARE AND MENTAL HYGIENE

§ 76. *General Remarks.*

One may conceive of four phases of the psychiatric service in penal and correctional institutions: The oldest phase is that in which nothing else is done but the transferring of obviously insane or feeble-minded inmates to a mental hospital or institution for mentally defectives. In this form the psychiatric service is wholly negative — merely to eliminate the mentally abnormal. The phase which comes next is that in which an examination is made of all inmates in order to discover any who may have serious mental defects. The third phase is that wherein the task of psychiatry is no longer conceived to be merely that of diagnosing obvious psychoses and defects, but to include also the study of the subtler workings of the mind, and a psychiatric examination thus becomes to be looked upon as an indispensable part of every personality study. The fourth phase, finally, is that wherein attention is directed to all such factors in the environment and in the life of the inmates which undermine or promote mental health, and efforts are made to eliminate or reduce all harmful factors, and to develop and strengthen all constructive influences.

Briefly, then, one may distinguish between measures with respect to individual inmates, either in the way of transfer, examination or treatment, and measures directed at promoting the general mental hygiene of the institution.

§ 77. *Treatment of Individual Inmates.*

Facilities for Psychiatric Care. Only five or six reformatories, as we pointed out before, have the regular services of a part-time psychiatrist. In the others the psychiatrist comes only "when needed" which is usually only when the transfer of an inmate is desired or an acute mental disorder occurs. In some institutions an inmate may be transferred upon a certificate of the ordinary physician and a psychiatrist is very rarely called.

The institutions which have the best material facilities are the Federal reformatory and the reformatory at Bedford Hills, New York. The former has the use of the former Psychopathic Hospital built by the Bureau of Social Hygiene which is well appointed for the care of disturbed inmates. The Federal reformatory has good isolation rooms and installations for hydro-therapy in a separate, sound-proof part of the hospital. In the other institutions facilities of this kind are practically lacking so that excited patients may be very disturbing to the others.

Provisions with Respect to Psychiatric Treatment. In most reformatories the provisions with respect to mentally deranged inmates consist solely in the negative practice of transferring those who are insane or clearly feeble-minded, nothing being done with respect to those in the reformatory who might need psychiatric attention. Whether or not transfer is possible depends not only upon the mental condition of the subjects under consideration, but also upon the facilities available for their care outside the reformatory. In many reformatories transfer is very difficult so that it is made only in extreme cases. Some institutions, as we have pointed out before, have made provision for the psychological or psychiatric examination of inmates, either routinely or in selected cases, but little is done thus far in the way of actual therapy. Even in the institutions which have the regular services of a psychiatrist, these are largely confined to the making of examinations and general recommendations, for example as to the desirability of transfer, and do not include to any large extent the systematic treatment of inmates by the psychiatrist himself. That modern psychotherapy has found so little application in the women's reformatories is due to the fact that in penal practice the possibilities of the finer forms of mental therapy have not yet been recognized, and that the old "classificatory" concept of psychiatry still dominates, it being believed that all that needs to be done is to remove the feeble-minded and psychopaths from the reformatory. There is still insufficient realization of the fact that even if all mentally defectives and psychopaths who need custodial or hospital care were removed, there would still remain many suffering from various maladjustments which handicap them in their social re-establishment and which could be greatly improved by expert psychiatric attention. Psychotherapy in a penal institution is still a new idea and a hazardous undertaking, as delinquents are not by any means easy subjects for such treatment, and as the situation prevailing in penal institutions is not very favorable for it. But here, again, children's institutions are pointing the way and we believe that in

the future it will more and more find its place also in institutions for adults¹).

§ 78. *Mental Hygiene.*

After the foregoing it will be clear that in this paragraph "mental hygiene" will be used in a limited sense, namely to include merely the measures taken to counteract the harmful factors in the reformatory life and to build up constructive influences which promote mental health. But even this limited purpose we could not possibly carry out within the scope of this paragraph, partly because practically every phase of the reformatory life has some bearing on the mental life of the inmates, partly because the psychological effect of prison life upon the prisoners has not at all yet been completely explored. There is also the difficulty that the "Haftpsychologie" (as the Germans call it) varies widely with the type of penal institution, the type of offenders confined in it, and the circumstances under which they are detained.

It is interesting to note that the question of prison psychology has received much less scientific attention in the United States than in Europe, and that one finds hardly any systematic treatise on the subject in American literature²). Nearly all studies on the psychology of prisoners, such as those of Bernard Glueck, Adler, Bowers, Karpman, Edith Spaulding, and Overholser, have been on the mental condition of prisoners when entering the penal institution and the causes of their delinquency, not on the influence of prison life itself upon the prisoners. Perhaps this is partly due to the fact that the prison systems in Europe, particularly the solitary

¹) A very interesting and suggestive account of modern psychotherapy in a correctional institution (from the psycho-analytical point of view) is given by A. Aichhorn in his book: „Verwahrloste Jugend.“ See, for example, the case quoted by us in the note on page 425. How far are we still removed in institutional work from applying such fine techniques!

²) Almost the only American references we could find were an article by L. E. Duval on: Etiology and Mechanism of the Prison Psychoses, in the *Medical Record*, v. 95, pp. 6—14; one by W. B. Martin on: The Development of Psychoses in Prison, in the *Journal of the American Institute of Criminal Law and Criminology* of November 1927; an article by H. M. Adler on: A Psychiatric Contribution to the Study of Delinquency, in the same *Journal* of May 1917; an article by M. A. Otis, on: Perversions not Commonly Noted, in the *Journal of Abnormal Psychology* of 1913, vol. 8, and one by C. A. Ford on: Homosexual Practices of Institutionalized Females, in the *Journal of Abnormal and Social Psychology* of 1929, pp. 442—9. In the medical survey of the National Society of Penal Information one chapter (p. 186—191) is devoted to the subject and references to the subject are also to be found in B. Glueck's: *Studies in Forensic Psychiatry*. The articles of Otis and Ford are the only ones dealing specifically with institutions for females.

system, gave more rise to "prison psychoses", definitely recognized as such, than the freer community systems in the United States, and that this stimulated the study of prison psychology in Europe to a greater extent. At any rate, there is not much in scientific literature to guide us in a discussion of mental hygiene in a women's reformatory.

However, in practice, through experience, observation by institutional officials and the statements of inmates, a good deal of current information has already been accumulated regarding the effects of reformatory life, and certain opinions have been more or less generally accepted. The best thing we can do, then, at present, seems to point out some of the main factors in reformatory life which in practice have been recognized to be of importance from the point of view of mental hygiene, without making any pretense of scientific completeness and accuracy.

In the first place, then, it is of importance to note the effect of the commitment upon the women. The disgrace and shock of the arrest and the trial, the humiliating and often demoralizing experiences in jail, the tension endured pending the decision of the court, constitute a series of events which more or less seriously affect the mental equilibrium of those subjected to them. Some women will feel depressed and broken; others will be furious and rebellious, claiming that they have been unjustly treated; still others will assume an attitude of cynical indifference or of bravado. There will be some who will find themselves decidedly interesting or who will pity themselves, and others who take the experience with a dazed stupidity, unable to think through what is happening to them. The majority of the inmates develop some form of self-justification. Self-justification is a very natural defense mechanism which a person builds up if he finds it hard to face condemnation, and it is not surprising, therefore, that one finds this mechanism rather generally among prisoners: Some will insist that they are not guilty or will find exonerating circumstances; others will assert that their arrest was unjustified, that their trial was not fair, or that others who did the same thing received much less punishment. Frequently, too, prisoners will blame others — their husband, parents or enemies — or the circumstances for what they did. Unfortunately these assertions are not always entirely unfounded and this fact does not make it any easier to convince the women of the fairness of their commitment to the reformatory. Some women who find it hard to face the facts will develop some form of flight from reality (compare the "malingering" of prisoners), and in extreme cases a definite psychosis (although often not recognized as such) may be established.

None of these attitudes forms a favorable asset for reformative

treatment, and if they are not immediately met by the proper measures to create a better frame of mind, it is likely that they become set and will seriously interfere with any plans for the adjustment of the women. It is for this reason that the best women's reformatories have entirely broken with the idea that the initial stage of the reformatory term should have a "penal" character, as this would merely intensify the inmate's feelings of rebellion, distrust or depression and give them that much more ground for self-pity and self-justification. Instead, every effort is made to restore the new inmate to a better physical and mental condition, and generally to create a more favorable attitude on her part towards the institution and the plans it may have for her adjustment. Upon the interviews held shortly after admission very much depends: if the right attitude or contacts are not established, further attempts to reform might largely be in vain, and an endless chain of trouble both for the woman and for the institution might result.

Many women who come to the reformatory are worried about what they left behind: They may not know what will happen to their children, they may fear that their lover will not remain faithful, there may be cherished possessions in the loan shark which they cannot now redeem, and thus there may be numerous other causes for worry. The sentence may mean to a woman the frustration of her most cherished hopes and ambitions, the loss of a home, a lover, a husband, of social status, friends, money and many other things that are dear to her, while she is powerless to do anything about it. These things frequently count much more than the sentence itself, and many a woman will be entirely indifferent towards all the good things which the reformatory may offer in the way of physical and medical care, training and recreation, as long as she is pre-occupied with these cares. It is necessary, therefore, that these worries should be ascertained and straightened out as far as possible. A social service department or parole officer may lend useful services in this; it seems also desirable to permit the woman to do as much as possible herself in these matters, to allow her to write, for example, even though it might not be according to the rules. It is exasperating for a woman to be told that she may write only once a month, or that she may not receive any visit for three months, while she believes that her home is going to pieces or wants to placate an angry parent.

The sudden breaking down of the customary habits and reaction patterns is frequently most distressing to the new inmates. They must all at once accustom themselves to different food, hours, work, recreations and associates. Many forms of relief or escape from unpleasant situations which exist for them on the outside,

such as moving pictures, dancing, going on the streets, visiting friends, are not possible in the reformatory or at least not available at their will. They lack many things which supported them on the outside, like the protection of a mother or the admiration of a fiance, and many outlets and compensatory mechanisms to which they were used become impossible in institutional life. It is not surprising that many of the women, who are thus suddenly deprived of their mental "crutches", so to speak, upon which they may have leaned heavily in free life, often feel insecure, unhappy, and helpless, when in the institution. Sooner or later they will more or less successfully adjust themselves to the life of the reformatory (except a few who never adjust) and establish new outlets and protective or compensatory mechanisms, but until this is accomplished, all are likely to go through an uncomfortable time which may express itself in disciplinary difficulties, attempts to escape, depressions, etc. Often the basis of these difficulties is misunderstood by the supervising officers who may apply measures that only intensify the feelings of unhappiness and insecurity of the women. Understanding these problems and dealing with them accordingly is the only remedy. Placement of the new women in a separate division where special attention can be paid to these problems might also prevent many difficulties.

One of the greatest mental hygiene problems in a reformatory is the limited opportunity which institutional life offers for normal emotional satisfaction. The impossibility of any contacts with the other sex, the fact of being rudely cut off from one's family, friends and further acquaintances, of missing all the excitements and tensions, the pleasures and squabbles of ordinary life, is a hard thing even for ordinary human beings (as any one who has lived in an isolated institutional environment knows), but it seems particularly intolerable to women delinquents many of whom are accustomed to much abandon in their emotional and sexual relationships, and know little sublimation of their instinctive urges. Thwarted in their usual emotional outlets the women become restive, troublesome, often very unhappy, and, the normal channels being blocked, they seek abnormal ways of expression. One of these, well-known in every institution, is the formation of homosexual friendships, with all that this entails: the passing of surreptitious notes, undue intimacies, violent jealousies, emotional upsets if the homosexual relationship is in some way interfered with.¹⁾ Auto-erotic practices and excessive day-dreaming, leading

¹⁾ Compare the article of C. A. Ford, mentioned on page 987, which gives many details on these relationships as actually observed in a reformatory institution for women.

to estrangement from reality, are other very common problems resulting from the emotionally unsatisfactory situation in an institution. Unwholesome sex talk, drawing attention in all possible ways, by acting conspicuously, by upsetting discipline, by imaginary complaints, by fabricating stories, etc., intriguing, stealing, have also frequently their source in emotional maladjustments which may either be caused or intensified by the institutional conditions. In extreme cases of emotional repression, riots may result. It should be remembered that there is a large percentage among the women — larger probably than in the general population — who are already emotionally unstable or maladjusted, and who are, therefore, particularly subject to emotional derangements. Even in ordinary boarding-schools problems as noted here often occur, and it is small wonder, then, that they are also found in institutions for delinquents. Unwholesome and repulsive though particularly sexual perversions may sometimes seem to those who live under normal conditions and who have never known an institutional environment, it is of importance to remember that, with few exceptions, they are rooted in perfectly natural urges, and that it is the abnormal conditions of life rather than the depraved natures of the inmates, which are responsible for these deviations. This suggests that moralizing or punishing alone will accomplish little in correcting these problems, that it is the conditions of life which must be changed.

The reformatory may go about these problems in two ways chiefly. It may, in the first place, forbid the passing of notes, break up undesirable friendships, isolate the inmates who have been found a particular menace in this respect, separate the white and colored women (between whom, as we have pointed out before, sex attraction seems particularly strong), and prohibit and punish all undesirable acts. But these merely repressive measures are of limited value; far more important is the building up of a kind of life which is emotionally more satisfactory and offers better opportunities for warding off unwholesome tendencies. We shall briefly mention some factors which have been found very valuable in this respect: The active community life, the home-like atmosphere of the cottage, the possibility for the women to decorate their own rooms with plants, pictures and other personal possessions, giving them at least a semblance of home, all these are factors of great interest in making the situation more satisfying from the emotional point of view. Equally important is a full and varied program of activities sufficiently adaptable to individual needs to arouse and hold the interest of all the women. Outdoor life and work and active sports offer outlets for the physical energies of the inmates and prevents much unwholesome day-dreaming



Connecticut State Farm for Women,
Niantic.

Courtesy of Miss Elisabeth Munger,
Superintendent.

Swimming in the Lake.



Connecticut State Farm for Women,
Niantic.

Courtesy of Miss Elisabeth Munger,
Superintendent.

Physical and Mental Hygiene at No Cost.

and other undesirable practices. Music, folk-dancing and other forms of expressive and emotionally-colored recreation are felt to be indispensable aids; an excellent outlet is particularly the theatrical performances in which the women can express their dramatic tendencies. The injection in the program of some adventurous and exciting elements every now and then, such as excursions in the woods for picking berries or the construction of some unusual work, is also very valuable in warding off pent-up emotions. Good books and moving pictures, too, may be a great help in that they satisfy the cravings for romance and thrill. The animals on the farm and domestic pets form to some women a source of much emotional gratification, and the babies, too, are often unconscious assets in the emotional adjustment of individual inmates of which some institutions make a tactful use. The mail and visiting privileges also mean a great deal to the inmates as we shall point out elsewhere. Taking part in altruistic community activities and undertakings, such as Red Cross work, sometimes are a great aid in sublimation. The important part which moral and religious instruction and example play in bringing about a deeper conception of life and nobler ways of expression should, of course, never be overlooked, although, as we shall explain later, we believe that such instruction alone, not supported by an otherwise wholesome mental atmosphere, has frequently not the desired effect.

A very important point is the factor of personal relationships, both between the inmates among themselves, and between inmates and officers. As regards the former, it seems to us that it would be both futile and wrong to suppress entirely all acts of social intercourse between the inmates. A so fundamental human urge as that of giving and receiving affection cannot be repressed nor should it be repressed. The only really effective way is to sublimate these relationships through indirect influences. In an institution where life is dull and monotonous the thoughts and conversations inevitably turn to the one subject with the strongest emotional tone: sex. But the inmates are not so likely to indulge in unwholesome dreams, talk or acts when all are enthusiastically engaged in the preparation of a play which is going to be staged, or when a spirited self-government election is going on, or when they have just returned with flushed cheeks from an exciting baseball game. These things bring the relations between the inmates upon a very different basis: in a good institution where there is always something worthwhile going on to occupy the minds of the girls and to think about, the social contacts are to a large extent determined by these objectives.

As for the relations between inmates and officers, we have already

pointed out in a former chapter how the specialization of institutional functions tends to making these relations more impersonal, and how, in addition to this, many institutions discourage the officers taking interest in the personal affairs of the girls, for fear that they will not use their influence wisely. We believe that this is a real problem, as many inmates need much more personal interest and guidance from officers than is possible in most institutions. The emotional life of the inmates cannot be just ignored; it is the most important part of their personality. An institution which is solely concerned with the training, instruction and physical treatment of the inmates but which does not pay attention to their emotional cravings, makes one think of those seemingly perfect homes where the children have the guidance of the best governors and instructors for every single instance of their lives, for their physical care, their academic work, their play, their music instruction, their religious education, etc., but where the most essential element for a happy development of their personality: sufficient normal love-contacts with a mother and father, fails. Miss Elisabeth Munger, to-day superintendent of the Connecticut reformatory for women, in 1924 read a paper before the Committee on the Care and Training of Delinquent Women and Girls of the National Committee on Prisons and Prison Labor, on "Emotional Outlets", based upon her experiences in the New Jersey State Home for Girls, which contains very pertinent statements on this point: After having stated that "a daily program, founded upon sound principles of mental hygiene, including healthy work, study, industrial and vocational training, recreation . . . , religious and social activities . . . must provide the main channel for emotional outlet", Miss Munger points out the limitations of such a program, namely, that even in its most ideal form it can never completely and for all times fulfil the needs of all the inmates, after which she proceeds:

"We may succeed in making the daily life in our institutions conform to that of a somewhat restricted boarding school. We may try to reproduce the atmosphere of home life and the normal associations of home and school combined. But is there not an important personal element which we tend to avoid because we do not quite know what to do about it? . . .

One of the reactions to the inevitable restraint of institutional life upon these undisciplined emotional natures is the tendency to form unwholesome and unhealthy friendships with each other . . . There is, however, (and I add, fortunately) an even more prevalent tendency on the part of the girls to form violent and sentimental attachments for the institution teachers or matrons—a tendency seen in lesser degree in normal society, but which reaches its highest pitch in these institutions where no vacations or holidays interrupt the associations in new interests. The attitude of the officers in meeting this emotional, sentimental stream is of the highest importance. It is here

that all the tact and intelligence and understanding at our disposal is required if we are to direct successfully these forces which are often strong enough to wreck altogether a girl's chances of reform or bring safely to port all that is best in her nature. Here is our opportunity to influence a girl's conduct, to strengthen her resolutions, to give her the experience of a wholesome, helpful friendship, in which self-control is perhaps for the first time exercised in the realm of intensified affection. It is an opportunity that is a grave responsibility.

If we are to be really successful we must have a genuine interest in the girl and must make an effort not only to understand her, but to get a properly balanced perspective regarding her. By making a survey of her background, we can get an estimate of her mental and physical limitations and not expect too much of her . . . The officer who is interested in the individual girl and is anxious to give her help and advice and encouragement finds herself in rather a difficult position. It is not wise to give attention to any very great extent to individual girls, except where the girl herself takes the initiative or, as more often happens, becomes involved in a case for discipline; but there are many ways of studying her obliquely . . . At our institution there is . . . a fashion of writing notes to the officers. There has been some discussion as to whether this practice should not be prohibited. In studying these notes, I find that pretty generally the girl tries to express what she finds it impossible to say in the officer's presence. She tries to put down on paper something of her remorse and regret, her longings and aspirations, her resolutions to keep on trying to do better and "make good". So much of her effort to be good has met with crude ridicule from her associates that she is shy about expressing it in any open fashion. Sometimes she even tries to diagnose her own problem and work out a solution for herself — a process which is perhaps the most hopeful sign of fundamental reformation that we can have. All this is of value to the officer who really seeks to know and understand the girl, besides it furnishes the girl with a safe and salutary outlet for expression which, it seems to me, it would be a mistake to deny her.

As we discussed before, it seems to us that the best solution would be to place as far as possible those with real capacities in this respect in the "key-positions" and to give them as much opportunity in doing personal work with the girls as they can use well.

So much, then, about the emotional problem. The fact that inmates are denied virtually any voice in their daily affairs, is another important source of difficulties. They never have anything to say as to what food to eat, what clothing to wear, what work to do, how to dispose of their time, what recreation to enjoy, the company with which they associate; they never have one hour off from the inexorable routine during which they can do as they please. To many, particularly those whose habits or temperament do not at all agree with the institutional routine, this presents a serious mental strain, and in some cases this may lead to mental disturbances which often express themselves in breaks of discipline, the punishments for which may still further intensify these feelings. Obviously, the remedy for this situation is to make the routine

as little irksome and as simple as possible, and to leave the inmates as much freedom of action as is compatible with institutional conditions. The best reformatories, as we shall see later, have given much attention to this matter.

The lack of opportunity for independent action may, however, have an entirely different effect than the one just described, namely that it fosters that passiveness and inability to care for oneself which is often referred to as "institutionalizing". Nearly every phase of life in the reformatory is regulated and provided for; food, clothing, shelter, work, recreation are furnished the inmates without any effort on their part. There is little need and little possibility for them to make important decisions or individual choices; there is frequently little in the institutional life to stimulate initiative and self-activity, and if any plans develop in their minds, these will often die away for lack of opportunity to carry them out. It is clear that this fact will have its worst effect upon those individuals who were already none too independent or energetic, and who gladly lean on the institution, thus becoming increasingly unable to cope with the requirements of free life. The best reformatories, as we shall explain later (Chapter XXI), have attempted to meet this problem by giving the inmates as much responsibility and independence of action as is possible in an institutional environment, but even under the best conditions this helps only to a slight extent, as the fundamental fact remains that the inmate is supported and cared for by the institution and not by her own effort.

There are many factors in the reformatory commitment and life which are very depressing to the self-respect and self-confidence of the inmates. There is first the social disgrace of the public trial and the sentence; then the compulsory physical examination; the fact that the inmates may never wear their own clothing; that they can never look their prettiest and enjoy social satisfactions; that they cannot earn their own living nor spend their money at will; that they are regulated, controlled, ordered about in the least details and must always obey even though they may detest and hold in contempt the officer who gives the orders. A strict routine, too, may often be very discouraging on account of the many details that have to be observed and the many mistakes that are sure to be made in the beginning. The effect of these factors upon the inmates may either be discouragement, feelings of inferiority and "good-for-nothingness", or — sometimes very undesirable — compensatory reactions, such as "playing up" to the others, magnifying former adventures, mannerisms, would-be heroism and would be martyrism, dreams of greatness, etc. There are many who will

find it difficult in their later lives to quite overcome the loss of self-respect and self-confidence resulting from these experiences, and who will feel handicapped by this in their adjustment to ordinary, free life. The best women's reformatories fortunately do no longer believe that "crushing the spirit of the evildoer" is the right way to "subdue her evil tendencies". On the contrary, it has been found that in many cases the "evil tendencies" originated in feelings of inadequacy and inferiority, and that much rather than to intensify these feelings by humiliating and crushing experiences, the adjustment of the offender will be furthered by building up a sense of self-respect and self-confidence which would prevent her from steeping down again to a life of social failure. We find this new concept expressed in many details of the reformatory regime: the abolishment everywhere of ugly or conspicuous uniforms, the observation of high standards of respectability as regards the serving of the food and habits of cleanliness, etc. Important also is the policy of the best reformatories to create every possible opportunity for individual inmates to accomplish some success in one line of activity or other, be it sports, cooking, studies, or whatever else they may be able to do well. With the sense of accomplishment comes a sense of self-confidence, and this may outdo entirely the inferiority feelings which the woman may have had before or which may have been created as a result of the commitment and the life in the reformatory.

One factor which may receive specific attention because it is often mentioned in memoirs of ex-convicts, is the strain involved in being always in the forced company of others, the lack of opportunity for personal life. This will be most strongly felt by those who, for example, by reason of a superior education, do not fit in well with the group, but others, too, will often have moments when they should like to be alone. In how far and in which way provisions may be made for this, we shall discuss in the next chapter.

Summarizing, then, one may say that some of the chief problems in reformatory life are: the disorientation resulting from the sudden change of life, the collapse of accustomed habits and reaction mechanisms, attending the commitment; the lack of opportunity for normal emotional, or more precisely, "libido" satisfaction as a result of the inmates being cut off from their families, friends and all the other sources of emotional satisfaction existing in normal life; the depression in self-respect and self-confidence — "in ego" satisfactions as some would call it — through the many humiliating and discouraging experiences incidental to commitment and prison life; the large amount of compulsion inherent in institutional life and the depression of self-activity,

initiative and self-reliance, to which life in an institution, where much independent effort is neither possible nor necessary, leads; and the lack of personal life and privacy. Some of the means to meet these problems are a stimulating, varied and flexible program offering much opportunity for wholesome emotional satisfaction, self-expression and self-activity; wise personal interest and guidance on the part of the officers; a routine which leaves the inmates as much freedom of action as is possible under institutional conditions; and, generally, a kind of life which is positively upbuilding, encouraging and stimulating rather than repressive, depressing and humiliating.

There are few matters which are so ill understood by the public at large as the influence of life in segregation upon those subject to it and the exigencies of mental hygiene in an institution. A remark frequently made by lay people when seeing a women's reformatory with its seemingly happy outdoor life, its good physical conditions, its fine opportunities for training, education and recreation, is that the life in a reformatory must be more pleasant than what the women had on the outside, that this is really privileging offenders and encouraging delinquency. Such persons do not realize the despair and unhappiness which comes to those who are suddenly torn away from their usual life and from all that is dear to them, the loneliness which attends the impossibility of normal social contacts, the depressing effect of social ostracism and of being unfree, even in the least and in the most personal details of life, the strain of the many restrictions imposed upon the inmates. It is hard to understand for many outsiders that — as experience has proven — there is scarcely any woman who does not prefer even a wretched material existence in freedom to all the comforts and pleasures of a reformatory, because even to a poor woman freedom and the emotional satisfactions of normal life are more than the material advantages, medical care, training and whatever other good things the reformatory may have to offer. It is not at all yet generally recognized that outdoor life and sports, a home-like environment, freedom from unnecessary repression, a decent amount of recreation and some other comforts are not just sentimental indulgences, but simple common-sense measures, indispensable to counterbalance the evil effects of institutional life and to keep the inmates from mental and moral deterioration, and that no truly reformatory work is possible unless there is a basis of sound mental hygiene. There are still many institutions, both in Europe and the United States, where an appalling ignorance of mental hygiene principles and a thoroughly unwholesome discipline and atmosphere prevail which are even

often defended on the ground that the inmates must be disciplined and punished, and should not be made too comfortable. As if one could correct a distorted and unhealthy mind by poor mental hygiene which in itself leads to perversions and other mental deviations! One might just as well attempt to make a weak and sick child strong and healthy by purposely giving him poor food to eat, and foul air to breathe! As for the women's reformatories, these have for the most part fairly well realized the requirements of mental hygiene, in so far at least as they are known, and have not hesitated to definitely throw aside unnecessary repressions and to introduce positive measures for the preservation and promotion of mental health. In this respect the women's reformatories are much further than the large majority of other penal and correctional institutions, the executives of which are for the most part not even so far as to think of this matter.

Nevertheless the need of further research remains. For what is known about institutional mental hygiene is still largely conjecture — even though based upon much practical experience and observation — and very incomplete. Doubtless sins of ignorance are still being committed daily, even in the best reformatories. Systematic research by a competent person might bring out further harmful elements in the institutional routine, methods of discipline, classification or other matters that can be changed, and may suggest ways to improve the situation.

CHAPTER XIX

THE GENERAL LIFE OF THE INSTITUTION

§ 79. *General Remarks.*

How much does the general life and atmosphere in an institution affect the inmates! Subjected as they are to this day after day, it never fails to influence their character, often profoundly, either for better or for worse. One might even say that it is more important than the specific training or treatment the inmates receive: There may be institutions which provide excellent instruction and vocational training and where sincere attempts are made for moral and religious care, from which the inmates nevertheless emerge with their personalities corrupted or crippled as a result of influences flourishing in a thoroughly unwholesome atmosphere. Frequently institutional administrators have, with the best intentions, succeeded only in making an institution which did more harm than good, because they did not know how to plan a routine which left little room for evil, how to create an atmosphere which was stimulating and upbuilding instead of depressing and deteriorating, how to guide the influences emanating from the inmates themselves into the channels of a wholesome and constructive community life. The testimony one may frequently hear from former inmates of institutions for the reformation of juvenile or adult delinquents that they learnt more evil in the institution than they ever knew before and that the management often had not the slightest idea of what was going on among the inmates, should make us very careful in believing that an institution is good merely because it provides good physical care, vocational training or moral instruction.

The general life and atmosphere of a reformatory are partly a matter of technique, partly of the spirit which the personalities of the institutional administrators create in the institution. About the technique we shall say something in the following paragraphs; the spirit escapes systematic description. Yet, how important a factor it is! One feels very soon in an institution whether the spirit is dead, depressing, unwholesome, or whether it is brisk and alive,

invigorating and full of human warmth. In some reformatories one may feel that a resourceful imagination, a saving sense of humor and a warm mother folk-sense have been at work to make the institution a true place of re-education from which the offenders may go away with a new outlook on life. It is hard to gain an idea of such a spirit, if one has never participated in it, even for a short while, and has not witnessed the bustling activity which may prevail in the institution, the natural and cheerful way the girls go about the place, the fun and enthusiasm with which they stage an entertainment or enter in a game, their lively response to an interesting course of instruction, or the solemn seriousness with which they sing carols in the deep silence of Christmas Night. Even in the best reformatories the life will always be abnormal and contain many harmful elements. But there is no doubt that some institutions have gone far in combating these evils, and have been able to positively work some good by showing the women that a "good life" needs not be synonymous with a tedious or cheerless existence, but that, on the contrary, there may be happiness in the daily rhythm, the well-balanced alternation of work and recreation, of duty and pleasure, of an orderly life.

§ 80. *The Daily Routine.*

In the planning of the routine several factors have to be taken into account: In the first place it is to be considered that regularity is absolutely necessary, both for a smooth running of the administration and in the interest of the women themselves. On the other hand, the routine should be flexible enough to furnish opportunity for individualization according to the very varied needs of the inmates. The routine should also be stimulating: one of the worst things in the routine of old-type institutions was the deadly monotony which dulled the interest, initiative and energy of the inmates, which made their minds wander off to unwholesome phantasies and gave rise to undesirable habits and other reactions to compensate for the emotionally unsatisfactory situation. The program of activities should further be arranged in such a way as to leave no possibility for dawdling and loafing which leads to wrong habits in the use of time that many inmates would find difficult to unlearn afterwards. Another point to be considered is that the daily schedule should not leave gaps and unoccupied moments during which the women do not know what to do with themselves, nor should it be so strenuous that they would never have a minute at their free disposal. In addition to all this the reform-

atory executive has to consider the possibilities and limitations presented by the personnel and the facilities of the institution, and much ingenuity is often needed to arrange a schedule satisfactory to all concerned.

The daily schedule in many women's reformatories is about as follows:

The inmates get up at six-thirty or seven o'clock in the morning, except those having kitchen or farm service who frequently have to rise earlier. Usually each inmate fixes her own room either before or immediately after breakfast. After this, the women go to their respective departments for work or instruction. For the rest of the day different systems prevail. In some institutions one half of the population goes to work in the morning and to classes in the afternoon, while the other half follows the reverse order; in other institutions classes are spread over the whole day and the work is made more or less subservient to the classwork; in still others the women work all day while classes and further activities, if any, are held in the evenings. The Massachusetts reformatory follows a system of straight uninterrupted work during the whole morning for all inmates, while classes and medical treatments are all scheduled on the afternoon. The reason given for this arrangement is that the women should learn to comply with industrial methods to which they would be subjected on the outside, and which also require straight, uninterrupted work for a number of hours.¹⁾

¹⁾ In connection with the introduction of this system in 1925 interesting observations were made which show what a change of routine may do: The system which had prevailed in this institution before was that all inmates worked all day from half past seven in the morning until a quarter of five in the afternoon with the exception of an hour and a quarter for dinner and recreation. Classes were held in the evening, but it was felt that, after a whole day of work and the evenings being short, the women did not derive full profit from them. Medical and dental treatments were administered during the day, and the women were called away for them from their work. Although, considering the fact that very few of the women had had training before, they did remarkably well in the industrial work (compare the figures on page 465), the superintendent was of the opinion that if they worked only during the morning but without interruptions, and classes in the afternoon were offered as an incentive, two ends could be achieved, namely greater efficiency in the industrial work which was felt desirable from the point of view of industrial training, and extension of the schoolwork. The matter was put up to the women, it being explained to them that, if the total production remained the same, they could have classes (which were entirely voluntary) in the afternoon and keep the evenings free for other activities; if the production would drop, then the old system would be returned to. The surprising result was that the production not only remained the same but even slightly increased, in spite of the fact that from

Usually the women cease working for about an hour at noon time for dinner, and finish their work or classes at about five o'clock in the afternoon. Recreation is provided in some institutions for half an hour after dinner, in others no free time is provided during the day except a little time before or after meals or between the periods to enable the girls to go from one quilting or department to another. In some reformatories ten to twenty minutes in the middle of the morning and of the afternoon are spent in physical exercises which are frequently held outdoors. After supper, which is about five or half past five, there may be various activities, such as sports and gymnastics, cottage or community entertainments, singing or bible-classes, lectures, self-government meetings, etc., or the inmates may simply stay "at home" to mend their clothing, to read, do fancy-work, play games, or converse with each other. In many institutions such free evenings are spent outdoors whenever the weather permits. At nine-thirty or ten o'clock the lights are usually turned off.

The Saturday afternoons are mostly spent in sports and recreation which, if possible, often take place outdoors. The Sundays are always somewhat of a problem on account of the fact that then no work is done and many officers are off duty, so that it is difficult to provide for the necessary supervision. Of course, there is always a chapel service on Sundays, and in addition to this some institutions also have catechism and Sunday school classes on that day. In some reformatories occasionally walks are made on Sundays when the weather permits; in winter there may be musical entertainments or other social assemblies in the cottages. In some institutions, however, the Sundays, particularly in winter, still mean a dreary, long, lonely day with no break but the church service and the meals.

§ 81. *Rules of Order.*

If one compares the rules existing in a modern reformatory with those which were in force in women's institutions half a century ago, one may observe that the rules and restrictions are to-day far less numerous and less strict. In an account of the Massachusetts

75 to 83 per cent of the women joined one or more courses which took on the average nearly 30 percent of the workers out of the industrial rooms during the afternoon. Thus the two ends of the plan: extension of the educational facilities and greater efficiency in the industrial methods, were accomplished by a mere change of routine. (The plan had not even necessitated the employment of more teachers, as inmate teachers and officers from other departments who had educational qualifications taught the classes, their departments being meanwhile left in charge of inmates).

reformatory written by Mr. F. H. Wines in 1896, for example, we read that the prisoners (clad in an odd and clumsy costume) had to turn their faces to the wall when a visitor passed, that, when "in line", those of one grade had to fold their arms, those of another grade had to clasp their hands behind, and those of a third grade could swing one arm freely, while with the other they held a bag with their belongings.¹⁾ Thus there were numerous other rules and prescriptions the sense of which it is hard to understand to-day. Compare to this the modern reformatory where the women go about busily and briskly, in just as normal and free fashion as if they were ordinary working-women! It has come to be realized now that many of those older rules and restrictions are useless in so far as obtaining respect and order is concerned, and that the minds of inmates and officers can be better occupied than by the observance of countless regulations. The tendency is more and more to make the code of order as simple as possible, so as to minimize the amount of repression of the inmates' initiative and freedom of movement, to lessen the number of infractions and punishments, and to keep the atmosphere clear for more important matters. There is a great difference between the reformatories as regards the strictness and number of the rules; the prevailing opinion is, however, that punctuality, good manners and courtesy are, of course, to be insisted upon, but that beyond that no restrictions should be imposed that are not absolutely necessary.

We need not enter into details regarding the rules and restrictions prevailing in the different institutions; only a few points may be taken up.

The rules of talking have always had the interest of prison administrators, because of the fear that, by allowing talking, moral contamination, plotting and other kinds of mischief would be made possible. It has been more and more realized, however, that communication between prisoners cannot be prevented, even if talking is suppressed, and that there is little sense in prohibiting such a natural form of expression. All women's reformatories to-day permit conversation during the recreational periods, but it is usually prohibited during working hours, except if the nature of the work does not require it. Some of the reformatories still have a rule of silence during the meals, but it is increasingly recognized that there is no harm in allowing conversation during meal times.

Some restrictions fairly generally imposed are:

¹⁾ Quoted by Mrs. Isabel Barrows in her article in: *The Reformatory System in the United States 1900*, pp. 101—128.

The girls are not to visit each other's rooms; this is to prevent undesirable intimacies and stealing.

They are not to go to their own rooms without the knowledge of the officer (or "student officer") in charge, as otherwise the officer cannot know what all the girls are doing.

They are not to give presents to officers or to do personal services for them (unless paid for), which is to prevent the bringing of the officers in a partial position.

They are not to give presents to other inmates, which is to discourage undesirable friendships. In some institutions, however, exceptions to this rule are made by allowing gifts on Christmas or on birthdays, or with the consent of the superintendent.

The inmates are not to receive packages of food, medicine, soap, etc., from their relatives or friends, which is to prevent the smuggling of drugs or other contraband. Sometimes, however, an exception is made with respect to fresh fruit, or food which relatives bring with them on their visits to the inmate, but then it must frequently be eaten in the visiting room. Relatives may, however, send in money to the reformatory administration with which to buy such articles for the inmates concerned.

§ 82. *Rights and Privileges.*

The terms "rights" and "privileges" are used in different meanings:

In the first place the prisoner has rights given him by the constitution or other laws of which he cannot be deprived under any circumstances, such as the right to the free exercise of his religious conviction. We shall mention here just one such right especially granted to prisoners in some states, namely that of posting letters to the department or board in control of the reformatory in a locked letter box, not accessible to the officers of the institution, as a guarantee against possible abuses on their part.

In the second place the term "privileges" may be applied to rights or comforts granted in principle to all inmates as a part of the reformatory administration, of which they may sometimes be deprived by way of punishment. There are many privileges in this sense, for, logically, every comfort or advantage granted the inmate beyond the barest necessities of life may be presented as such a privilege: sports and recreation, the use of the library, the dessert after dinner, etc., all are "privileges" in this sense. We shall deal here specifically with three of such privileges, namely the privilege of writing and receiving letters, the privilege of receiving visits and the privilege of shopping.

It has been advocated that prisoners should have unlimited

mail privileges ¹⁾: to many of them letters are practically the only means by which they can maintain contact with their relatives, and sometimes the only thing which keeps alive the ties between them and their families during their term of imprisonment and their feelings of responsibility which may contribute so much towards their readjustment. A practical objection against unlimited mail privileges is the time it takes from an officer to read the letters since these are always censored.

So far as we know, none of the reformatories has unlimited mail privileges. The most liberal arrangement we could find is to permit the writing of six letters every month. Some reformatories are much more strict: one even permits only one letter to be written every two months. As a rule, however, no limitations are placed upon the number of letters which may be received, except that sometimes letters are withheld or returned when the woman is "in punishment". Some reformatories make the number of letters that may be written dependent upon the conduct grade in which the inmate is: those in the honor division, for example, may write twice a month, those in the probation division once a month, and those in the punishment division not at all. We believe that, generally, the inmates should be allowed to write as often as is possible, as the letters often mean a very great deal to them; once a month or once in two months is quite unsatisfactory for many of them. It also seems doubtful to us if it is desirable to deny the writing or receiving of letters to those who are in punishment: those in the disciplinary division often need letters from home most, and many women are very sensitive about withholding letters for which they might have been longing for weeks, or about the notice sent to the relatives that the woman is not permitted to write because she is in punishment. Generally we feel that this matter should not be made an object of disciplinary measures.

Another limitation placed upon the writing and receiving of letters concerns the relationships of the correspondents. Usually the inmates are allowed to correspond only with their nearest relatives: parents, husband, brothers and sisters, and children. The reason for this is that the reformatory cannot know whether other correspondents are desirable persons or not and, generally, that it wishes to limit the privilege only to those who, on account of a family relationship, have more or less a natural claim to it. However, in particular cases this restriction may be very hard for the inmate, for example, if she has a fiance or a more distant relative, who is of good character

¹⁾ J. J. Sanders, *Prisoners' Mail*. Board of Pardons and Paroles. Arizona, 1914.

and sincere in his or her desire to help. Such persons may be a great asset in the adjustment of the woman, while, on the other hand, the interruption of the correspondence for one or one and a half year or longer may mean the breaking off of the relation for ever and perhaps the removal of the last thing which would have kept the woman from falling still lower. Some reformatories, therefore, permit exceptions to this rule, whenever it seems desirable. We believe that reformatory inmates should also be permitted to write business letters if called for, and that care should be taken to provide ordinary stationery without a letterhead of the reformatory on it.

The censure of all letters by the reformatory officers, the desirability of which is evident, forms another limitation. An insurmountable handicap for some inmates is further the usual provision that letters sent or received must be written in English. The reason is obvious, but it sometimes means a great hardship to the foreign inmates.

Great differences exist also with respect to the privilege of receiving visits. There are reformatories where each inmate may receive three or four visits a month, and others which allow visitors to come only once every three months; some make the number of visits, too, dependent upon the conduct class in which the inmate is and deny the privilege to those who are in punishment. Some reformatories have fixed visiting days, so that all visitors must come at the same time and all are received in the same room, supervised by one or more officers. Other institutions prefer the making of individual appointments, so that one woman at a time meets her visitors, an officer being present to prevent irregularities. Although the latter arrangement takes far more time from the personnel, ¹⁾ it is much to be preferred to the system of collective visiting days. For under the individual arrangement there is not only more privacy for the inmate and her visitors, it is also more convenient to them (as they might not be able to come on fixed visiting days), supervision is easier, but, above all, the reformatory can learn much more about the woman's family and environment than in the other way. In fact, some reformatories

¹⁾ In the reformatory in Framingham, Massachusetts (average population \pm 230), where visits are allowed once a month for inmates of the first grade, and once every two months for those of the second grade, 603 visits were made to inmates by relatives during the year 1925—1926, which meant more than 600 hours of duty for the personnel, as almost every visit was at least of one hour's duration. The visits were usually supervised by workers from the research department who thus had the opportunity to learn more about the relationships between the inmate and her family, and to take up such matters with them as seemed called for.

use such visits as an opportunity to do a piece of case work: to learn further details about the girl's history and family relationships, to discuss with the relatives possibilities of adjustment and help, to straighten out difficulties, etc. As a rule, the nearest relatives only are allowed to come, but here, too, some reformatories are beginning to realize that exceptions may sometimes be not only human but also wise. Generally it seems desirable, as in the case of letters, to place as few limitations upon visits as is compatible with the exigencies of the institution, for visits mean even more to the inmates than letters. A detail that deserves mentioning is that everywhere visitors are received in an ordinary parlor or office room, without any bars between them and the inmate visited.

All reformatories, so far as we know, permit the inmates to buy, for their own account, certain articles through the intermediary of the reformatory administration, such as fruit, candy, toilet articles, books, magazines, and materials and tools for fancy-work. No institution, however, permits the purchasing of stationery, the reason being that inmates might make a wrong use of it (for "underground" letters or notes to other inmates). Usually the women desiring to purchase articles are required to send in their orders at specified times to the office which transmits them to outside stores.

In the third place the term privileges may be applied to special distinctions or liberties granted to individual inmates or special groups of inmates. We may call them special privileges (in contrast to the general privileges just described) and distinguish them as "individual" privileges granted to individual inmates, "group" privileges given to all members of a certain class of inmates (for example, the "honor-girls") or to the group as such, and privileges which are connected with a certain function (for example, that of council member in a self-government system). Privileges in the first sense of the word scarcely exist in the American women's reformatories. This is partly due to the fact that these institutions are not based upon the idea of furnishing the inmates a *minimum* of comfort and letting them earn additional comforts by good conduct (as is essentially the system in Dutch prisons), but that they follow exactly the opposite way: they give the inmates all comforts and advantages that seem good for them according to a very liberal concept of treatment, and may only withdraw such comforts and advantages temporarily for punishment. There is not much reason, therefore, to give special privileges on top of what the reformatory offers them as part of the general system. Moreover, in a institution on the community plan special privileges granted

to individual inmates would soon lead to jealousies and be undesirable on that account. Generally, too, reformatory executives are not in favor of granting special advantages to inmates without a corresponding increase in responsibilities; they rather prefer to tie up privileges with a certain status or function, as is the case in the progressive classification and self-government systems about which we shall say more below.

§ 83. *Community Life in the Institution.*

In the early years of penal treatment in institutions little conscious attention was given to the community life of the prisoners. Penal theories in those days were entirely concerned with the training, treatment and reformation of "the" prisoner, as if he were an isolated individual, and there was little realization of the fact that in any group of prisoners there is an interplay of influences going back and forth from one prisoner to another, and often molding their character and attitude to a far greater extent than all the official training, instruction and treatment provided by the institution together. Only when a riot occurred or another great scandal was discovered in which a large number of prisoners were involved, there might have been a sudden realization that other, silent but powerful, influences were at work in the prison population besides those provided for officially by the management, and that the social intercourse between prisoners must be organized and conducted into constructive channels lest it lead to destructive ends.

The idea has also more and more developed that, if an offender is to be made fit for society, the institution should as nearly as possible approach the conditions of normal social life. Community responsibility, loyalty and teamwork can be best learnt through a well-directed community life which would counteract to a certain extent the evils of "institutionalization".

From the mental hygiene point of view, too, the importance of the social life of an institution has come to be more clearly recognized. The forced association of a large number of individuals holds many possibilities for mental stress and friction, anyway; it is important to remove these destructive elements, and, as far as possible, to turn the community life into something positively constructive to the inmates.

In the other special chapters various aspects of the community life in the reformatories, such as work, recreation, self-government, etc., are dealt with. Here only a few points may be treated that cannot find a place elsewhere.

The cottage system which breaks up the group in smaller units,



State Industrial Home for Women,
Muncy, Pennsylvania.

Living-room in One of the Cottages.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

has important consequences for the community life of the institution. In the first place the cottage makes possible a type of life and an atmosphere which are more nearly like those in a family home. In the best institutions this has been emphasized in various ways: through the homelike living-room with its open fire-place, piano, radio, book-case, growing plants and domestic animals; through common undertakings and cottage celebrations, such as birthday parties, entertainments given to the other cottages, etc. In some reformatories each cottage has its own lawn and its own flower-beds for the use of the girls who spend there many evenings in summer. Often the inmates are given definite responsibilities in the work of the cottage: one girl may, for example, have charge of the clothes' closet, another of the dining-room, etc. Thus their feeling of responsibility for the affairs in their "home" is much stimulated, and it is not surprising that the girls often take considerable pride in their respective cottages and that they work with fervor to make them better and nicer than the others.

This leads us to our second point: that the cottage system makes possible stimulating competition between the cottage groups. In some reformatories rivalry between the cottages is much encouraged. Public recognition and other distinctions may, for example, be awarded to the cottage which has shown the best morale or sportsmanship, which has the best kept lawn or the highest standards of housekeeping. In some institutions the practice exists of every cottage in turn giving a party to the others, whereby each one vies with the others in giving the best entertainment and showing the most gracious hospitality.

A third point which may be noted about the cottage system is that group responsibility and the responsibility of the individual towards the group may be more keenly felt in a small cottage group than in a larger mass. For it is clear that in a small group of, say, twenty-five girls the exceptionally good or exceptionally bad behavior of one or two members will influence to a far greater extent the record and reputation of the group than would be the case in a mass of two hundred, which is of great psychological importance.

Above we have already pointed out some of the psychological and administrative factors involved in the size of the cottage groups (pp. 297—98). There are some other factors which may have a great influence upon the life and spirit in a cottage, such as the personality of the officer in charge, or of the leading types among the inmates, and the routine and rules prevailing in the institution. In connection with this it is of interest to state that in some reformatories pretty much freedom is left to the cottage officers, so that each cottage has a distinctly individual character and atmosphere.

Though the cottage group life is much stressed, the community life of the whole institution is not lost sight of. Above we have already noted various concepts with respect to the community life as expressed in the arrangement of the buildings, the "college" type of community being emphasized in some institutions, and the "village" aspect in others, while in still others the cottages are placed rather far apart so that each cottage becomes more or less an independent unit. The prevailing tendency, however, as noted before, is to emphasize the impression of a community rather than of an institution.

Usually the inmates of all cottages mingle in work, school and church, except that in a few institutions the colored girls are kept separate from the white in school and work. As a rule all participate in sports, lectures, etc. and in the celebration of holidays; the rest of their social times the inmates largely spend "at home", that is in their own cottage. In some institutions a great deal of community life for the whole institution exists: there are large ball games on Saturday afternoons, common picnics and harvest festivals, "county fairs" and exhibitions to which the various cottages or classes send in their products of domestic or other arts. Often a number of inmates work together at a special project which is always greatly enjoyed, such as the building of a silo, the cutting of a path through the wood, the construction of a pergola, etc. Sometimes the entire population co-operates in obtaining something of general good for the institution: in one reformatory, for example, a moving picture machine was bought from money saved by the inmates from the receipts they made with their fancy-work; in another they collected partly the funds for a piano by giving some performances of an opera for the general public.

§ 84. *Personal Life.*

Quite as strong and real as the need of community life is the need of some amount of privacy and personal life for adolescents and adults. Personality cannot grow or thrive in an environment — such as still prevails in a great many institutions for children or adults — where the inmates do not enjoy a particle of privacy, where they do not have so much as a locker in which they may keep their personal possessions away from the curiosity or predatory tendencies of their fellow inmates, where, perhaps, they are not even permitted to have any personal belongings at all, and where they cannot claim one minute of the day during which they can be by themselves and do as they please. It has come to be generally recognized now by educators that older children and adults in institutions should have a little space to themselves, if only to keep

there their personal treasures, and a little time over which they may dispose at will.

The best women's reformatories have recognized this need. As we have noted before, single bedrooms are the rule, even though overcrowding often makes it difficult to carry this rule out. In many institutions the women are permitted to decorate their bedrooms to their heart's content with pictures, plants, etc., and, as might be expected of women, most of them love to do so and vie with the others in this respect. The bedrooms are usually lighted and heated, so that the women may read, do fancy-work, etc. in the leisure moments they spend in their rooms.

In some institutions, however, the women are not left much leisure time in their rooms: there they are required to remain with the group until bedtime, and they are not permitted to retire to their rooms before, because of the difficulty of supervision if some are in their rooms and others not, and because it is believed that many women would not make good use of their time when left alone. It seems to us, however, that this is not the most satisfactory practice. For it is not only a great strain for many women to be with the group all the time (how glad the *officers* frequently are to get away from the group on their days off, but inmates never have a day off!), but it also seems a mistake that the women should never learn to keep themselves occupied in a proper way. Such women are likely to continue in free life the same habit of going out every evening, because they do not know what else to do with their leisure time. However, merely putting the women into their rooms for several hours will not do much good; they have first to be brought into a condition where they can make a really constructive use of such free time in their rooms. This can be best accomplished by making the day program so full and stimulating that the girls do not return to their rooms with their minds vacant of constructive thoughts, but, on the contrary, full of things to ponder about, and with definite plans how to use their evening, for example, with the intention to read a book they have just borrowed, or to finish a piece of fancy-work, or to learn their part in a play which the cottage is going to present. There should also be some possibility of differentiation according to the varied needs of the women: For to some it may be a real relief to have two or three evenings a week to themselves while others cannot be alone for half an hour before being bored. Better, therefore, than the practice of having all women stay in their rooms on certain evenings is that whereby it is left optional to them on certain evenings to stay in their rooms or to participate in the activities of the group.

CHAPTER XX

DISCIPLINE

§ 85. *Discipline in General.*

The term "discipline" is used in different meanings:

In the first place it may indicate an accomplished situation, namely, a condition of good order and absence of difficulties. It is in this sense that we apply the term when we say that the discipline which prevails somewhere is good or bad. In this case "discipline" means about the same as "morale".

In the second place the word discipline is often used in the sense of "punishment" or other correctional measures. In this case it does not represent an accomplished end as in the case mentioned above, but one of the means to obtain this end. This we may call, in imitation of Miss Reeves in her above quoted study, "correctional discipline".

In the third place the term may be applied to the whole complex of measures and processes, not merely those of correctional nature, designed to achieve good discipline (in the first sense of the word) either in a group or a person. Miss Reeves used for this the term "constructive discipline".

When considering the concepts regarding discipline prevailing in institutions, it may be observed first that the end in view may either be primarily to achieve good order, a smoothly running administration, or the development of self-control in the inmates. These two things do not always go together: in fact, the two ends may to some extent be opposed to each other, as perfect outward order is often accomplished only by methods involving a considerable amount of repression which curtails the powers of self-direction in the members of the group. The methods of the various institutions constantly balance between the two ends: there must be a certain amount of outward discipline, but this should not be achieved at the expense of the development of self-control in the women which they will so much need in free society. The degree to which the one or the other end is emphasized, varies considerably in the different reformatories with the personalities of the executive officers and other factors. In some institutions a good "outward"

discipline seems to be accomplished with a minimum of repression of the "self-motivation" of the inmates, whereas in others the outward discipline seems too much emphasized at the expense of the inmates' powers of self-direction. The test of efficiency in discipline in a reformatory institution is not so much whether or not good discipline (in the sense of outward order) prevails (this is practically everywhere the case), but *how* this has been achieved: with little or much repression of the "self-motivation" of the inmates.

Another point that may be made is that constructive discipline is to a large extent conterminous with mental hygiene. For, as we have noted before, many of the breaks of discipline result from faulty mental hygiene conditions, and the more wholesome the institutional regime and atmosphere are from the mental hygiene point of view, the less disciplinary trouble there will be. Like mental hygiene, constructive discipline means the recognition and anticipation of the causes of misbehavior, and the prevention or neutralization of conditions which may lead to disciplinary difficulties. Constructive discipline includes, therefore, the same measures which we have summed up under the heading of mental hygiene: a varied and stimulating program of work, training and recreation, a great variety of possibilities for personality expression, outdoor activities, good food, a home-like environment, and, above all, an understanding of the psychological factors involved. Here, again, a positive program of re-education and re-conditioning of the inmates' motives, rather than a merely negative policy of repression, should form the main basis of constructive discipline.

Constructive discipline, then, is above all preventive: the better the system of constructive discipline, the less there will be need of correctional measures. In modern reformatories the emphasis formerly placed upon punishments and other forms of correction has entirely shifted to constructive, preventive discipline. This prevention may be (to borrow some terms from European penal philosophy) either "general" or "special prevention", that is, it may be directed either at the prevention or neutralization of general conditions that may cause disorder, or at the prevention of special difficulties in individual inmates.

Both preventive and corrective discipline, to be effective, must be based upon an understanding of the underlying motives of the misbehavior of the women involved. Indeed, there is probably no part of the reformatory work in which so many mistakes can be and are made as in that of discipline. There may be any number of causes why a woman gets into trouble: it may be an accumulation

of irritating experiences coming perhaps to an over-sensitive woman which finally becomes too much for her; or it may be the desire of a girl to be in the center of attention, or to test her power over the officer, or the wish to be punished as a result of a feeling of guilt¹⁾ or of masochistic tendencies, or the hope to escape by punishment another dreaded experience, or the wish to be near a chum who has been placed in the disciplinary division, etc. Often, too, the trouble is due to a pathological condition, which may or may not be curable. In many cases punishment is just what the offender, consciously or unconsciously, wants, and from the therapeutic point of view it is of the utmost importance what measures are taken. In some cases punishment may have a beneficial effect, in others it may only make matters worse.

All this implies that disciplinary measures must be individualized. Here, however, there is a great practical problem, for besides the individual there is the group to be taken into consideration, and it is not always possible to do what might seem desirable for the individual on account of its effect upon the group. If, for example, an inmate is corrected in a different way from one who has done the same thing, this may be interpreted by the group as unfair, because they judge by acts more than by motives. However, a wise officer who has the confidence of the inmates, can go pretty far in individualizing her handling of disciplinary difficulties, as the women are often apt to judge such things more by the person who applies them than objectively. Moreover, even if outward equality of disciplinary treatment is observed, there are many subtle ways to differentiate its actual effect.

This suggests that it is an important question who is to administer discipline. In nearly all institutions the assistant-superintendent, or, if there is no assistant, the superintendent, acts as the chief disciplinary officer. Usually, the common officers take care of minor infractions, but as a rule they are required to report all the more serious disciplinary difficulties and the measures applied therefor to the chief disciplinarian. Very serious offenses, such as running away, "smashing out", concerted rebellion, etc. are always handled by the chief disciplinarian.

Ideally, it seems to us, the chief disciplinary officer should be above all a mental hygienist, and, as Dr. Spaulding puts it in one of her reports of the Psychopathic Hospital at Bedford, a "born

¹⁾ Particularly the psychoanalysts have thrown much light on the need of punishment which in many cases lead individuals to purposely commit offenses. Compare a. o. Aichhorn and Alexander quoted above.

therapist who wins the confidence of the most difficult girls". She should not be called the disciplinarian, because this conveys to the inmates the hateful idea that her task would consist solely in administering punishments, while in reality it should be far broader than that and include preventive as well as corrective measures. She should take part in the case studies and case conferences, and inform the other officers of the special problems and possibilities presented by the girls in their charge so that they know how to deal with them most wisely.¹⁾ She should also give attention to general conditions affecting the discipline of the institution, such as the individual qualities of the officers in handling the women, the influence of the leaders among the girls upon the others, or the causes of "epidemics" of special types of disciplinary problems, such as occur every now and then in an institution.

As regards the common officers, it cannot be too strongly emphasized that they should be persons with the right personality and attitude, and have an intelligent understanding of the behavior of the women in their charge and how to deal with them. Whether or not there are many disciplinary difficulties, depends to a large extent upon the officer in charge: it is a well-known fact that some officers rarely have any trouble with the women in their charge, while others constantly have difficulties. Above all, however, the officers should realize that the chief purpose is not to accomplish good order at any cost, but to help the individual girls in their adjustment. In connection with this it seems highly important that at least those officers who come most intimately in contact with the inmates should be informed as fully as is necessary and possible of the personalities and histories of the women in their charge. For one cannot expect an officer to take always the wisest course, if she knows next to nothing of the women under her supervision, and disciplinary problems may occur and mistakes in handling may be made long before she has had the chance to find out the situation by her own observation.

§ 86. *Correctional Measures.*

In a good reformatory, with a wholesome regime, a great variety of possibilities of expression, and tactful personnel, there will not be many unnecessary disciplinary difficulties, that is difficulties that are wholly provoked by faulty factors in the situation which

¹⁾ This is already being done in a few reformatories, such as that of Connecticut.

could have been avoided, and which serve no useful purpose.¹⁾ Whenever difficulties occur, these should not be considered primarily as breaches of discipline, but as symptoms of the mental life of the offenders, and the handling of them should first of all be determined by therapeutic considerations. This will involve that in some cases no correctional measures should be taken at all, while in other cases such measures are to be taken that will bring about the desired therapeutic effect: sometimes this may consist in a simple heart-to-heart talk, in other cases in sending the girl to her room "to find herself", in still other cases in actual punishments. The first question, then, is when disciplinary action is desirable, which is a very difficult problem, if considered from the therapeutic point of view, into which we cannot enter here. It all depends upon the course of treatment adopted, although, as stated before, this will in many cases have to be modified on account of the effect upon the group. The same is true of the question what measures should be taken and by whom.

¹⁾ Many disciplinary difficulties are unavoidable and "natural", sometimes even desirable. Compare Aichhorn who had entirely detached himself from the idea that good discipline in itself was anything important, and interpreted all actions of his charges merely as clues to their motives; if he felt that corrective measures would be undesirable in a particular situation, he simply let things go. In a few cases he even provoked offenses if he felt it to be necessary to create a situation in which he could get hold of the children for the therapy. (Compare the case of the "Lebemann" given in his sixth lecture in which he provoked an escape). One of these cases may be briefly recounted in order to illustrate the therapeutic versus the disciplinary viewpoint: A boy had repeatedly stolen. Dr. Aichhorn after having studied the case felt that the only way to get hold of the boy was to create a dramatic situation in which the boy would have an opportunity for a "catharsis", a mental cleansing. The boy was purposely given charge of a small fund and seemingly no control was exercised. It did not take long before he stole part of the money. Thereupon Dr. Aichhorn, pretending not to know of the theft, asked the boy to help him in arranging his books, and while they were busy, he remarked off-hand that, after they would be through with the books, he would like to go over the administration of the fund. The boy, feeling that the discovery of his fraud was inevitable, in great fear and confusion, confessed the theft, expecting a severe punishment. Much to his astonishment Dr. Aichhorn simply advanced him the money, telling him to put it into the fund. The boy was deeply moved, and wanted to speak, but, with a friendly nod, Dr. Aichhorn sent him away. Ten minutes later the boy was back, returning the money and saying haltingly, in a great emotion: "Send me to prison, I don't deserve this, for I know I am going to steal again!" Then they sat down, and talked out, the boy telling everything that was on his mind. Then Dr. Aichhorn gave him the money again, saying that he did not believe that the boy would steal, and putting him under an obligation to pay the money back by saving on his personal expenditures. Not only was the money paid back within a short time, but no further thefts occurred, the boy being entirely cured of the conflict which had led to the offenses.

In practice, this question has not at all yet received systematic scientific consideration. It is generally taken for granted that disciplinary irregularities must be repressed, although the best reformatories strive to reduce punishments to a minimum and to make the correctional measures applied as far as possible a constructive experience to the women instead of mere acts of repression. In how far and in which form therapeutic considerations can be carried through in a women's reformatory, is still an open question. In the Psychopathic Hospital at Bedford Hills the experiment was made in 1916 to apply a purely therapeutic regime to the psychopathic women confined therein, without the use of any punishments, but the experiment failed. After eight months of considerable trouble the morale of the group had sunk to a level where no constructive work was possible; a disciplinarian was called in and definite norms of behavior were enforced all of which brought about considerable improvement. But perhaps the therapeutic principles adopted had been wrong, perhaps not enough account had been taken of the fact that psychopathic delinquents cannot be treated as ordinary mental patients, or of the deep-seated need of adult human beings to be held responsible for their acts which even in some mental hospitals has led to the adoption of a regime of holding the patients to definite norms of behavior and "punishing" them for transgressions.¹⁾ Perhaps we should, as suggested by Aichhorn and Isemann²⁾, distinguish between an initial period during which not much disciplinary attention should be paid to the offender in order that his antagonistic attitude might be overcome and a receptive relationship between him and the educator be established, and a further period of re-education during which increasingly stricter demands should be made upon him; perhaps this, too, is not applicable to adult delinquents. At any rate, the one experiment at Bedford Hills has not settled the question in how far and in which way therapeutic principles may be carried through in women's reformatories where the disciplinary practices are now chiefly determined by intuition, tradition, and the emotional attitudes of the officers applying the correctional measures.

To return, then, to the actual practices in the women's reformatories, the chief correctional measures applied are:

- a. censure or talk by the officer in charge;
- b. report to "the office", followed by a talk by the chief disciplinarian;

¹⁾ Compare the well-known experiments of Dr. Simon at the hospital at Gutersloh in Germany.

²⁾ See especially: Isemann, *Der Erziehungskonflikt*, *Revue Internationale de l'Enfance*, June 1930.

- c. deprivation of privileges;
- d. forfeiture of marks;
- e. demotion to a lower conduct grade or disciplinary cottage;
- f. forfeiture of wages;
- g. wearing of a distinctive dress;
- h. cutting the hair close to the scalp;
- i. solitary confinement in the own room of the woman;
- k. solitary confinement in a special disciplinary room.

It is hard to obtain exact data as to the disciplinary practices of the institutions, as none of them except one (the Federal reformatory) publishes a record of punishments, and this one was entirely blank for the period reported upon. From our own observations and the reports of others, however, we know that in the best institutions the large majority of disciplinary offenses are handled by means of a simple censure or talk, or a deprivation of privileges, for example, the privilege to attend an entertainment. For the more serious offenses inmates may be confined in their own rooms or a special punishment room. Corporal punishments are no longer applied in any women's reformatory to-day, although they were still secretly imposed in one of the reformatories twelve years ago. The punishment mentioned sub *h* is sometimes applied to girls who have escaped; we found it in one of the institutions we visited five years ago, but it is probably rather rare. The same is very likely true of the wearing of a very conspicuous or ridiculous dress for punishment; the wearing of particularly plain or dark dresses by girls "in punishment", however, is very common.

There are three points which deserve to be discussed more in detail, namely the solitary confinement, the "demoted division", and the progressive classification and merit systems.

First we may consider the question of solitary confinement. The solitary confinement may be undergone either in the inmate's own room or in a special punishment room. These punishment rooms vary much in the different institutions: on the one end one may find a dark, sound-proof cell, without outside window, with a heavily protected double door and no furniture except a plain shelf with mattress and a bucket; on the other end are punishment rooms which have full daylight and which differ little from an ordinary inmate's bedroom, except for their being more plainly furnished and their windows more securely protected. In a few reformatories no special punishment room exists at all: there refractory inmates who cannot be kept in their own rooms may either be isolated in one of the rooms of the hospital or reception building or be sent to a so-called "thinking room" which is equipped as a retreat, not as a disciplinary cell, and which is sometimes not locked.

It is generally felt desirable that the disciplinary rooms be located in a separate part of the institution where those occupying them cannot be seen or heard by the others, as it has been found that the knowledge that they had an audience was a strong incentive to the punished women to "play up" for the others, while at the same time this not only disturbed the others but incited the unstable and suggestible among them to start something also. In some institutions the location or equipment of the disciplinary rooms is not very fortunate in these respects.

In recent years various objections have been raised by mental hygienists against isolation: They have pointed out that solitude and self-reflection may have a beneficial influence upon persons of strong inner discipline and a highly developed mental life who can make constructive use of such opportunity, but that it is a mistake to believe that solitary thinking would do much good to persons who are poor in mental interests and training and who are unable, therefore, to produce constructive thoughts when left alone long. It is likely that soon their thoughts will take a destructive course and that tedium and unwholesome imageries will often lead to sexual perversions, particularly if the isolated person has no occupation or is locked up in a dark cell in which she cannot do any work or reading. If, as is often the case, the isolated person has no outdoor exercise, no opportunity for bathing or a very restricted diet (bread and water), prolonged isolation will also be harmful for her physical health.

In some reformatories women are kept in isolation, either in their own rooms or in a punishment room, until they promise "to be good". Superintendents of other reformatories, however, have an entirely different idea of isolation: they dislike the conception of using it as a means of "breaking the will" of the reformatory girl, and rather consider it as a therapeutic measure. They feel that the whole effect of the isolation depends upon the way it is imposed. If, for example, a woman, while still excited and angry, is crudely placed in isolation without a hearing or a talk with a tactful, impartial person, it is very likely that she will be stubborn and that it may take days or weeks before she can get herself to submit; and even then she will often come out with a secret feeling of revenge and of being perfectly justified to commit another offense at the next opportunity. It is entirely different, however, if the woman, before punishment is applied, has first a talk with an understanding, impartial officer for whom she feels respect, for whom she can speak out her mind and who would then gradually lead her to face the issues involved, until she comes to the point where she willingly agrees to go to the solitary room, not by way of punishment, but

to think it over and to "find herself" again. In other words, in this case the woman is not placed in isolation until the right attitude has been created and constructive thoughts have been aroused; and often the woman, after having wept a few hours, will be entirely calmed down and ready to return to the ordinary routine. Thus conceived the placement in isolation really becomes an unburdening of pent-up emotions and a clearing of issues, from which the subject emerges better and calmer than before, without vindictive feelings. This is not too idealistic a picture: there are several reformatory officers who understand the difficult art of thus making "punishment" a constructive experience.

When a woman presents violent or destructive behavior (which is in very many cases due to a pathological condition) isolation or at least segregation may often be necessary for the protection of the group or of herself. For these cases a few institutions have facilities for hydrotherapy and light isolation rooms which are soundproof, but do not bear a disciplinary character. How ingenious superintendents may, even in these cases, make isolation constructive, is illustrated by the following event related by Dr. van Waters¹⁾:

"A girl in the Texas State School smashed her furniture and used the remains as weapons of defense and attack. She was removed from her cottage and placed in a discipline room. The superintendent let me visit her. On the walls were pictures, there was a comfortable bed and the usual furniture of a girl's room. The girl was seated at a work-bench, busily hammering and sawing some pieces of sloyd work.

"Might be considered funny," said the superintendent, "but I figured if she wanted to smash things she had better have the proper tools." In the girl's eyes glittered the intense look of the neurotic. She was supremely grateful, both for the solitude and the activity.

These last words raise a point which should be emphasized, namely that there are occasionally inmates who, at least at certain times, need solitude. In many institutions very little opportunity exists for any inmate to be with herself alone and to find a refuge if the continuous enforced company of others becomes unbearable. If the punishment room is the only place where solitude may be found, it is not unlikely that some women may feel inclined to purposely violate rules in order to get the desired benefit of being alone. Although this will not occur often and though it will not always be wise to yield to the desire of a woman to seclude herself from the group, yet it seems to us that the institution should offer opportunity for such separation, whenever it seems beneficial, without giving it the character of punishment.

When comparing the practices and opinions of the different

¹⁾ "Where Girls Go Right", Survey, June 1922.

reformatory executives, we come to the following conclusions regarding solitary confinement:

Solitary confinement should never be imposed unless it is strictly necessary for the interests of the individual or of the group. Many other ways can be found to handle a disciplinary case or to effect segregation from the group without locking the individual in a room.

An individual should not be placed in isolation until, as far as possible, the woman has been put in the right frame of mind, so that the isolation may become a constructive instead of a destructive experience. In many cases it will be found that, when the matter has been talked over with the girl, the difficulties are largely cleared so that no or no long isolation is any more necessary. Often the best thing to do is to let the girl go into a "thinking room" voluntarily and to let her come to herself.¹⁾

In cases of violent or destructive behavior when the woman would be a menace or nuisance to others, it will often be desirable to segregate her in quarters where she cannot be seen or heard by the other inmates, and to treat her according to her needs including, when necessary, the use of hydrotherapy or other methods applied in mental hospitals to disturbed patients.

The manner in which isolation and segregation are carried out should at any rate be individualized according to the needs of the individual, as it should always be considered as treatment, not exclusively as punishment. Merely locking a woman into a room until she promises to be good will rarely have a really constructive effect. Many degrees and variations of isolation are possible: a woman may, for example, be confined in her own room or in a special disciplinary room or retreat; her door may be left unlocked or be locked; she may be permitted to work about the building or outdoors, but apart from the others, etc.

Any woman who stays in isolation for longer than a few hours should at any rate be given useful occupation or reading matter, and all other rules for physical and mental hygiene (outdoor exercise, regular bathing, etc.) should be observed.

A dark cell is unnecessary and undesirable, because it has a terrifying effect and makes any occupation impossible, thus leading to unwholesome thoughts and practices. The great majority of the women's reformatories do not have a dark cell, and never want it. It does not seem necessary to make the punishment room particularly depressing or terrifying: sunlight, an outlook to the outside, if possible, and ordinary equipment will not do any harm, although, of

¹⁾ This practice is followed, among others, in the Kansas reformatory. The door of the woman is not locked, and rarely do the girls stay there longer than a day.

course, for violent or destructive cases special precautions, such as those existing in the best hospitals, should be taken.

There should be opportunity for retreat for those who for some reason or other need it.

§ 87. *Conduct Classification.*

As we have stated before, some system of progressive conduct classification is found in many reformatories. We have described it elsewhere (page 235); suffice it, therefore, to recall here that the system usually consists of two or three grades: a probation grade in which each inmate enters upon admission, a honor grade to which she is admitted next, and sometimes also a punishment, "demoted", or "decreased privileges" division or cottage.

There is much to be said in favor of a simple progressive system as described here: Not all inmates can be trusted with the freedom and privileges granted to the "honor girls"; experience has also taught the wisdom of not permitting too great liberties during the first months of their stay, before they have become somewhat adjusted to the situation and the management has had the opportunity to learn to know them. By establishing two classes, therefore, those of the honor division can be given much more freedom and responsibility than would be possible with one unselected group. The promotion to a higher grade is undoubtedly a spur to the inmates of the lower division, provided there is a real difference between the two groups as regards the amount of freedom and privileges, not merely in dress or other make-believe distinctions.

A number of reformatories, though they may not have a formal conduct classification, have some division where those inmates who have behaved very badly may be placed. Usually this "demoted division" is conceived entirely in a punitive sense: the regime in that division is much more strict, recreation is curtailed or taken away entirely, the demoted girls wear a plain, dark dress, and mailing and visiting privileges and wages are frequently denied or curtailed. Sometimes definite rules have been fixed as to the time the girls must stay in the demoted division, sometimes this depends upon the seriousness of the act for which they were demoted or upon their conduct in this division. In the most modern reformatories, however, it is beginning to be realized that these problem girls should not be considered merely from the disciplinary viewpoint but should form an object of special study and treatment. This is done to a certain extent in the reformatory at Bedford Hills, New York, where the former Psychopathic Hospital is used for this purpose.

§ 88. *The Merit or Mark System.*

The mark system which we have described elsewhere (page 158) was highly praised as an essential part of the reformatory system sixty years ago, but to-day it does no longer exist in all the women's reformatories. The chief objection against the mark system is what has also been considered its greatest merit, namely its definiteness as a measure of conduct. The mark system has no meaning to the inmate, unless she can depend upon it, that is, unless she can be reasonably sure that having so many marks entitles her to promotion to a higher grade or to parole. The more factors other than the number of marks are thereby taken into account, the more the mark system loses its significance and its value as an incentive to good conduct. Yet, we know to-day that the number of marks measuring the conduct in an institution does not necessarily indicate the ability to get along well in free life. It seems to us, then, that whenever possibilities for individualization are limited so that parole must be largely based upon conduct in the institution, the merit system may serve a good purpose as it is a convenient means of securing and measuring good conduct, and gives the inmates the feeling that they have "earned" their release. But in institutions where it is possible to base parole more nearly upon factors indicating real fitness for society, the usual mark system will have a limited value.

Some attempts have been made to develop a merit system in such a way that it would not measure merely institutional conduct or efficiency in the institutional work, but traits, habits and aptitudes which would mark real social fitness. Noteworthy is a system which was developed by Dr. Miriam van Waters in her book "Youth in Conflict" and which was substantially in force in El Retiro, a girls' institution near Los Angeles, at the time of our visit there. This system was based upon accomplishment in very different fields of life, all related to the ability to succeed in free society, such as personal care and hygiene, housekeeping, sportmanship, intellectual development, artistic abilities, etc., so that under it very different personalities and talents could find recognition; leadership and initiative received special merit in all fields. We had the impression that the system worked well in El Retiro which was a small experimental school for the more intelligent girls only, offering unusual opportunities for the expression of a great variety of talents and capacities; but we doubt if it would work out as well under ordinary reformatory conditions. None of the women's reformatories, so far as we know, has undertaken to develop a more diversified system than the one described above.

The administration of a merit system involves also a great deal

of work on the part of one of the officers, especially if the institution makes an effort not to make the administration too automatic. This is an additional reason why some reformatories have abandoned the system because they did not find the results worth the trouble.

§ 89. *Some Special Disciplinary Problems.*

Escape. In a former chapter we have seen that, in spite of the open and free life of the women's reformatories, the absence of surrounding walls, of fences and guards, the percentage of successful escapes is on the whole very small, and that there was no correlation between the percentage of escapes and the physical means of restraint. We ventured the opinion that psychological factors formed a much stronger prohibitive than walls, bars and other material means of preventing escapes.

One of the psychological means to prevent escapes is the penalty attached to an attempt to escape. Ten out of the twenty-one statutes governing women's reformatories now in force carry a provision regarding the penal consequences of escape: in two states, namely Arkansas and New York a woman who escaped may be required to serve the unexpired portion of her term; three other states namely Connecticut, Maine and North Carolina, provide that the escaped inmate may be detained after the expiration of her term for not more than one year, while Massachusetts, Nebraska, Pennsylvania and Wisconsin and the Federal statute provide special penalties with maxima ranging from two to ten years. If the law does not specify a penalty, escape may entail postponement of parole, if the paroling authorities feel inclined to do so. In the reformatory at Bedford Hills, New York, for example, inmates who have escaped must serve six months in addition to the usual minimum term before they will be considered for parole. We were unable to ascertain any correlation between the record of escapes and the legal penalty attached to running away. It is very uncertain, therefore, in how far the penalty actually acts as a deterrent from running away.

In addition to a longer detention, the institution may, and frequently does, apply disciplinary measures to those who have escaped but have been returned, such as prolonged isolation, placement in the disciplinary division with loss of all privileges, cutting the hair close to the scalp, forfeiture of marks and wages, etc. Some institutional administrators, however, doubt if these punitive measures have very much deterrent effect: escape is so much a matter of impulse and emotional urges, that rational considerations usually do not play a large part in the decision to run away. Most

of those seriously contemplating escape optimistically believe that their attempt will be successful; they do not give much thought to the question what would happen to them, if they were apprehended, but seize upon the first opportunity which presents itself to get away. Moreover, severe punishments easily make heroines of those who escape, and this may incite certain types to do the same. Some superintendents believe that, for this reason, the best thing to do is to pay as little attention to runaways as possible, at least, not to apply conspicuous punishments.

In some institutions the practice exists of punishing a whole cottage group, if one of its number escapes. This undoubtedly helps in preventing escapes, as it makes the women very watchful for each other's conduct. It also has the value that it clearly qualifies escape as a break of loyalty towards the cottage group, and the knowledge that the fellow-inmates will be punished will often act as a prohibitive to the woman contemplating escape. Instances are known that women and girls feared more the fact that they would have to face their fellow-inmates in case of a return to the institution than the fact that they would have to serve additional time. The objection against this collective responsibility is, however, that the fact of being punished for what others did, tends to arouse bitter feelings in the women.

The attitude which the inmate group takes towards the matter of escapes, has undoubtedly much to do with the frequency of escapes: Once running away becomes regarded by the inmates as a thrilling sport, and those doing it as heroines, there will be a strong incentive for attempting the adventure, even though the women may know that in nine out of ten cases they will be brought back. Where, however, a strong feeling of loyalty towards the institution exists, and escapes are condemned by the public opinion of the inmate group, the number of escapes will be small. In some institutions, particularly those having a self-government system, the latter attitude prevails and forms a strong preventive against escapes, the inmates themselves feeling responsible that none of their group shall break her pledge of honor by running away, and helping the management in discovering those who contemplate escape and in dissuading them from doing so.

There is no doubt that the discipline prevailing in an institution is an important factor in this matter. In some reformatories which are apparently very free, the disciplinary atmosphere is actually very strict. The inmates feel this intuitively and do not dare to do much, so that escapes in such an institution occur rarely, although it may seem to a superficial onlooker that the inmates have every opportunity to do so.

As already stated, experience shows that only a small number of the inmates actually make attempts to escape. In most cases these individuals are found out by officers or inmates before they can carry out their plan, and it is a rather simple matter for the officers who have them under their supervision to watch them and thus to prevent the escape. It has also been found that most attempts to escape are made during the first months of a woman's stay in the institution, so that a somewhat stricter supervision over new women during their first months in the reformatory may also contribute to the prevention of escapes. On the other hand practice offers no reason to expect more escapes from serious offenders with long terms to serve than from misdemeanants.

Sexual Difficulties. As already stated, abnormal forms of sexual gratification easily develop in an institutional environment. It is very difficult to handle offenses of this kind: The institutional administrator cannot condone them, yet punishments usually help very little in these cases, and sometimes they may do more harm than good. It has been found, for example, that being punished on account of a homosexual relationship frequently adds to the pleasure which the parties derive from it. The first requisite for tactful handling of these cases is an objective, dispassionate attitude on the part of the officer who should understand that these offenses have their causes which lay largely in the abnormality of the situation, and that the wisest course to take is to eliminate and neutralize these causes as far as possible, rather than merely to punish the results. An emotional reaction on the part of the officer will frequently make matters worse, and an "exemplary" punishment seems particularly out of place, as probably no inclinations towards evil are so little deterred by example as these. On the whole, it seems to us, these matters should be handled as quietly as possible, as otherwise they create a morbid atmosphere which incites rather than deters others to do the same. For this reason a good talk "in the office" with the delinquents will frequently be better than a conspicuous punishment, even though the talk may often not have very much more effect upon the delinquents than that of a warning that the management does not overlook or condone the facts.

In all reformatories various measures are taken to prevent practices of this kind: separation of the inmates during the night; keeping individuals who have shown particularly strong homosexual tendencies apart from the others or under more strict supervision; separation of the white and black races; prohibiting the girls to visit each others rooms, etc. The danger in these measures is that

they may draw attention to the very things they intend to prevent. Some reformatory executives feel, therefore, that care should be taken not to overdo measures and prohibitions of this kind. The best preventive of sexual perversions in an institution is, after all, a wholesome, emotionally satisfactory life and atmosphere, and a stimulating program of work, education and recreation, which keeps the minds so much occupied with better things that little room or time is left for morbid tendencies.

CHAPTER XXI

INMATE PARTICIPATION IN GOVERNMENT

§ 90. *Self-Government.*

A full discussion of all that has been said about self-government would be out of proportion to the rest of this study. It seems best, therefore, to limit ourselves here to giving a description of the self-government systems existing in some women's reformatories and a discussion of some of the most important points regarding the practice of self-government.¹⁾

At the outset a distinction may be made between "formal" systems of self-government with constitution and by-laws, student (inmate) officers elected by the inmates and formal meetings, on the one hand, and informal methods of inmate participation in government, on the other hand. Formal systems exist in only a few reformatories, so far as we know, namely those of Massachusetts and New Jersey and the Federal institution, and to some extent also in the Connecticut reformatory.

The first inspiration to the self-government system as it exists now in some American institutions, came from the George Junior Republic, a well-known children's colony in Freeville, New York. Sleighton Farms, a private girls' institution near Philadelphia, was probably the first to adapt the system to the needs of girls, and from this it spread, more or less modified, to a number of other girls' and women's institutions.

To give an idea of these types of self-government, we quote the following parts of a paper read in 1919 by Dr. Mary B. Harris, then superintendent of Clinton Farms, New Jersey (now of the Federal reformatory) on the self-government system in Clinton Farms:

¹⁾ For a more thorough analysis of the underlying ideas we may refer to the scholarly study of Dr. Clara Maria Liepmann: *Die Selbstverwaltung der Gefangenen.*

²⁾ The word "student" simply means "pupil" and is taken over from the training schools for delinquent girls, which, being conceived as schools, refer to their inmates as "students". The women's reformatories always use the word "student" in connection with self-government; thus they speak of student government, student officers, student council, etc.

The question that we must face as penologists is: How can we teach human beings in captivity to live the life of freemen?

In considering our answer to this crucial question, we must remember (1) that in penal institutions we have an involuntary citizenship — men and women detained against their will; (2) that the heads of such institutions are restricted in granting freedom by their obligations to the state or community; (3) that we are dealing with a society 100 % abnormal — abnormal not only because every member has already proved anti-social to a greater or less extent, but also because . . . normal human relationships have been lopped off, leaving an incalculable amount of unexpended and potential emotion for which artificial outlet must be found.

. . . Within these confines we must devise means for preparing our delinquents to take their places in normal society . . . We do not wish to send back to society men and women who . . . are so atrophied by dependence upon a prison routine that they feel inadequate to the demands of an environment from which their long withdrawal has made them alien. We wish rather to send them out trained in self-control, cognizant of the meaning of law in their lives and in society, conversant with the problems confronting the country, and well-grounded in the fundamental principles of cooperative living.

What can we do about it?

My answer put abstractly is: "encourage self-motivation to the fullest extent possible"; concretely: "introduce true self-government to the highest degree possible within our limitations."

At the institution with which I am connected, Clinton Farms, New Jersey, there is being developed a genuine, self-motivated system of government.

To begin with, the Superintendent is the head of the government — this is one of the limitations of this abnormal society. Her's is the responsibility to the State and to society, and with her must rest the final authority — legislative, executive and judicial. In short, our problem is to establish a democracy within the confines of a monarchy which, however benevolent, is and must be absolute. The extent to which the Superintendent can actually delegate authority within this limitation is unfortunately largely a matter of temperament. Some can manage an institution with only a slight assumption of authority, while others have to have a strict codification and adherence to rules . . .

However, all Superintendents would agree that to develop any sense of individual responsibility, . . . there must be a . . . clear goal towards which all effort is tending. This goal is that every woman in the institution shall "make good" when she goes out . . .

With this goal constantly in view, . . . the student-body at Clinton Farms has worked out its own general code. They have formulated rules of personal hygiene and house-sanitation, executed by a Board of Health of which the nurse is head. They have promulgated rules of etiquette for their dining-rooms. They have ruled that certain topics must be eliminated from their conversation — such as references to their past careers . . . Coarse and obscene language must never be heard in their halls. These rules they enforce by the power of public opinion. To have one's name posted for neglect of personal cleanliness, for example, is a grave disgrace — especially when the condemnation comes from one's mates.

This particular institution, though caring for women under long-time commitments, even up to life sentence, has a very open outdoor life. Many of the women sleep on porches or in tents, and in the day-time are scattered through the grounds doing . . . farm-work . . . It is essential for the continuation of this freedom that a careful study be made of the new-comers before admitting

them to these privileges. For this reason a three-months' probation period has been established.

The first two weeks of this probation are spent in quarantine . . . At the end of two weeks, if her physical condition permits, the new arrival is dismissed from the hospital and mingles in the activity of her cottage. She is assigned to some department to work . . . Here she is instructed by a matron or student-officer and kept under careful surveillance. Her work, her conduct, her habits are subjects of constant study on the part of her mates. During this period her room is locked at night.

At the end of ten weeks the new girl's name is brought before the Honor group with a view to putting her on two-weeks' special probation for admission to the group. At this meeting there is a full discussion and in doubtful cases there is a careful weighing of the significance of dubious actions; for we must remember that admission to the Honor-group carries with it the most jealously guarded privilege, freedom; and its abuse jeopardizes the freedom of the whole institution.

If the new girl's conduct is above suspicion, as is the case with about 60 %, some member of the Honor-group makes a motion that she be admitted to probation . . . Often a word of caution is sent with it that her work must improve, her manner be toned down, her language be less rough. Usually a student-officer volunteers to have a personal talk with the candidate to explain the conduct to which the group took exception. At the end of two weeks, a report is called for, and if there has been improvement and no unfavorable report, the new girl is voted into the Honor-group and takes the pledge of loyalty to the institution and its ideal, and especially pledges herself not to take advantage of the freedom bestowed upon her.

. . . Each cottage has its own governing unit and creates offices according to the lines its activities take. Each cottage has a "commissioner" in charge of its kitchen, its laundry and housekeeping. One cottage which houses the girls who work at the barn . . . has an additional student-officer for the barn and dairy. Another cottage has a hospital commissioner and a store-room officer. Each cottage has two health commissioners; one in charge of personal hygiene and house-sanitation, the other, the kitchen, ice-box, garbage cans and the lawn about the house. Thus there are usually six student officers or commissioners in each cottage . . .

When the women and girls committed to our care grasp the fact that all members of the institutional organism — the Board of Managers, acting through the Superintendent, the matrons, teachers, student-officers and Honor-group — are all functioning toward a common aim — the ultimate restoration of the inmates to effective citizenship — not only is the antagonism between the officers of the State and the inmates eliminated, but still more noticeable, a genuine spirit of cooperation is developed among the inmates themselves.

The part played by these student-officers is extremely important, as they with the Superintendent, or her delegated representative, constitute a *council* to which are referred most matters of discipline. They are not only in charge of the work and discipline of their respective departments in their rôle of fore-women, but they also act as juries in the hearing of cases. If a student commissioner has been lax in duty or below standard in conduct, she may be suspended from the council meetings until she has again proven herself worthy.

The code which these officers have set up for themselves is as follows:

A Student Officer must never lie or steal.

She must always be polite.

She must never answer back if a girl is impudent to her.

She must always be neat and tidy.

She must be an example to the others in every respect.

As a body, the student officers must stand together. If they have criticism to make of each other, it must be brought to the Superintendent and the council. The hearings in the council are private and not to be repeated outside.

... The part which such a body can play in the life and smooth-running of an institution is dependent upon the wisdom and tact of the officers who represent the State . . . The student-council should be given all the responsibility it can carry, the more, the better. Individual members help not only in safeguarding the freedom of the institution and keeping the morale high, but also volunteer to work with difficult cases that do not seem to conform to the spirit of the place.

The relation between the State officers and student commissioners is necessarily an intimate one, and to be effective must be reciprocal. That is, the Superintendent delegates authority to the student-body, and she must be ready to receive suggestions from it in the spirit of cooperation with which they are offered.

As the government took definite shape, the Board of Managers decided that it should bear direct relation to parole . . . We argued that logically a girl who made or tried to make a perfect record in the Honor-group was that much better fitted for life in society; and that a girl who took and fulfilled the duties of a student officer had shown unusual self-mastery and ability to "make good" in the world outside.

This made concrete in their minds the idea that we regard their conduct as a test of their fitness for parole, and that by "good conduct" we do not mean merely passive abstention from wrong-doing, but active contribution to the righteousness of the institution.

The question might be raised whether this does not put such a premium upon office holding that the girls are tempted to "play politics". It does not for two reasons: one, that the cottage groups are so small that electioneering would almost at once be obvious; the other, that the responsibility is too real to take the risk of electing an irresponsible officer. The first election which I held in one cottage resulted somewhat badly, and I was told that the popular, easy-going, grafting element had carried the election. I replied that such was always the peril of democracy, and that I would abide by the outcome of any honestly conducted election. Within a short time that cottage had fallen so far below the others that there was an investigation which showed laxness or complicity on the part of these same student-officers. They resigned, and the entire cottage lost the privilege of self-government for three days. Not since has a girl been elected to office merely because she was pretty or danced well, or was genial and easy-going. Sometimes an office is left temporarily vacant because there is no one eligible to fill it. The other commissioners prefer to do extra work rather than to have an inefficient or untrustworthy colleague.

The system as it exists in Clinton Farms to-day, is still essentially the same as described here. In this institution there is only one officer in charge of each cottage housing from thirty to forty inmates, large parts of the work, such as the supervision of the kitchen, the dining-room and the clothes' closet, being delegated to student officers who are called "commissioners". As related above, these commissioners also have complete responsibility for the good order during the night, the doors of the "honor girls" not being locked or protected in any way. It occasionally happens, when the entire population, including the officers, have gone to an entertainment



State Industrial Farm for Women,
Lansing, Kansas.

Courtesy of Mrs. Julia B. Perry,
Superintendent.

The Pergola West of the Old Administration Building.



State Industrial Home for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

Pageant under the Blossoming Appletrees.

Spring 1926.

in the school building, that some honor girls are left alone in a cottage the whole evening to take care of the babies or the sick, with every opportunity to escape. This system has prevailed in Clinton Farms almost from the beginning, and although there were several changes in the superintendency during that time, the free self-government system has become a strong tradition and the spirit is remarkably good.

In the Massachusetts reformatory the self-government system, introduced some ten years ago, is as follows: Every inmate enters in the second grade; after five months of satisfactory conduct she is admitted to one of the three first grade divisions. Each of the divisions forms a separate self-government unit called a "house". After the new girl has been at least two weeks in the first grade, her name is brought up at a house-meeting for admission to the self-government. If a majority votes for her, she becomes a citizen and signs a pledge of loyalty. The governing council of each house consists of five members: a mayor who presides over the meetings, informs new inmates of the rules of the self-government, and takes charge of the division in the absence of the matron; a clerk who keeps the minutes of the meetings and who presents the reports regarding the girls proposed for admission; a house steward who is responsible for the housework; a clothes' steward who takes care of the distribution and mending of the clothes, and a welfare steward who has miscellaneous duties, such as the distribution of the periodicals, the taking of shopping orders, etc. In addition to this the council members are responsible for the good order in their division. They also constitute a court where simple disciplinary offenses are tried. The council members are elected for a term of three months, but may be re-elected. No woman can be entered as a candidate unless she has been two months in the first grade, has been three months without a report, has never been dismissed from office before, and has been approved of by the superintendent or her deputy. The deputy superintendent and the grade officer are always present at the meetings, and may act in an advisory capacity. About once every two months a "town-meeting" is held, at which the citizens of all three divisions assemble, reports of the council members regarding their departments are read, and matters of general concern are discussed. This meeting makes also the self-government "laws", that is, simple rules of order and procedure. There is further a dining-room committee which is responsible for the good order in the first-grade dining-room, which is entirely without the supervision of officers during meal-hours.

The part which the self-government plays in the discipline of the institution may be illustrated by the fact that, at the time of our visit, there was only one officer in charge of each of the self-governing

divisions two of which housed about fifty or sixty inmates each on three different floors, which obviously could not all have been supervised by her alone. Moreover, this officer was away part of the day to teach classes or perform other duties, and had two evenings, one whole day and part of the Sunday off every week, during which times the council members were alone in charge of the division. Before the self-government system was established, there had been two officers to each division, giving their full time to it, and this was still the situation in the second grade division of about the same size, which had no self-government. This shows to what an extent self-government may replace supervision by civilian officers and make them free for more important duties. From our own daily observations during the four months we were in the institution we can confirm that, whether a matron was in charge or not, always excellent order prevailed, and the general work during the day was done regularly and efficiently. Indeed, we remember with pleasure some council members who swayed the scepter with remarkable ability and fairness, and sometimes with a delightful sense of humor and spirited enthusiasm. ¹⁾ There was a strong rivalry between the divisions which was a spur to the citizens and council of each division to do their best. At one time, during a temporary shortage of personal, one of the two larger divisions was without an officer for a whole month, the only supervision during this time consisting of an officer from another grade dropping in a few times a day to unlock or lock doors.

In the Federal reformatory a self-government system exists functioning through an Electorate, an Executive Committee, elected by the Electorate, and a Council, consisting of former Committee members (the latter was established in order that women who had served their term on the Committee might keep the same position of trust they had once acquired). New women are first placed in the Probation Group, and admitted to the Electorate by ballot. The Executive Committee consists of four members; the cottage officer serves on it in an advisory capacity. The responsibilities of the Executive Committee and Council are chiefly connected with the enforcement of general order and discipline: Members of the Committee accompany "probation girls" to other buildings

¹⁾ Not always, of course, are the council members good: Once an event happened entirely analogous to that told in Dr. Harris' paper quoted above (page 440). Here, too, the morale fell rapidly, until the women themselves requested that the mayor be dismissed. The whole council was removed from office, and the privilege of self-government was taken away for some time. The inmates keenly felt the disgrace of not having self-government, while the other divisions still had it.

("citizens" may move between the buildings unchaperoned), see to it that certain rules of order are observed, etc. The superintendent is strongly convinced that the morale of the institution would not be as good as it is without this means of co-operation between management and inmates in promoting the institution's ends.

In the reformatory in Connecticut a limited form of self-government exists, namely through the "Boards of Health", which we have described elsewhere (page 392).

To give a criticism of self-government it is necessary to define first what is to be understood by self-government. From the different opinions that have been expressed on the subject we may in the first place deduce the following statement:

Self-government is participation by inmates of an institution in the government of that institution. It is not an entirely taking over of the authority by the inmates. The criticism, therefore, expressed by some persons that self-government does not exist anywhere, because there is always some person having official authority behind it, is based upon a false conception of self-government. Of course, the institutional executive must always have the final authority, and in granting self-government to the inmates he is limited by, or better, to be guided by, his legal obligations and educational responsibilities. The inmates have not been committed to his institution to be left to themselves, it is his task to guide and to "reform" them. Self-government is to be considered as a means or method in this reformatory process, and subject to the requirements and limitations of this process. This also determines — among other factors — the extent to which and the form in which it is to be applied. The argument that self-government is impossible or illogical, because persons who have been sent to the institution on account of their inability to control themselves cannot be expected to govern others under a self-government system, would only hold true, if one would assume that all offenders are wholly incapable of directing themselves and others, or, in other words, that they are wholly irresponsible. Few, however, will be inclined to adopt this extreme conclusion. To the extent, then, as we grant to offenders any power of rational direction of self and others, is the self-government idea both possible and logical.

A second characteristic of self-government is that the functions of the self-government are exercised by representatives of the inmate body elected by the inmates, not appointed by the management. In many institutions inmates are trusted with more or less important responsibilities by the management, but this is not self-government.

In the third place the statement may be made that self-government is an idea, not a particular form of organization. Much too often

self-government has been identified with a particular form of organization, and has been rejected on that account. One may find executives of institutions opposing the self-government system on the ground that their charges had not to learn to be a mayor or a judge, but just to meet their normal responsibilities, while the same executives may actually permit the inmates more participation in the government of the institution than exists in other institutions which have a formal system of self-government.

The purposes of the self-government system are threefold: to improve and facilitate the management of the institution, to further the personality development of the inmates, and to promote their adjustment to free society, which ends receive different emphasis in the different institutions.

Self-government, then, may be defined as participation of inmates in the government of an institution by means of representatives of the inmate body chosen by that body, for the purpose of aiding in the management of the institution, of furthering the personality development of the inmates, of promoting their adjustment to the social order, or of these ends combined.

Psychologically, self-government may be considered as an organized attempt to utilize, for the above mentioned purposes, the influences which are at work in the inmate group: the strong herd-spirit prevailing among the inmates, the influence of the natural leaders among them, the general wish for recognition and the desire to be something, which, if not conducted in constructive channels, may express themselves in destructive ways. Through the self-government system the attempt is made to bring these various influences to open expression and to direct them at the purposes of promoting the welfare of the institution and the inmates, and indirectly of society at large. In a certain sense, therefore, self-government may be considered as a consequence of community treatment of inmates, inasmuch as it attempts to guide into legitimate and constructive channels influences which are at work in the group anyway.

From the educational point of view self-government is the expression of the idea that virtues can be best learnt by practicing them. In the first place it presents an opportunity for the inmates to carry responsibilities and it thus counteracts the dependency which so easily develops in an institution where every physical need is provided for without the inmates having to make any effort for it. In the second place self-government offers a possibility of teaching the inmates, through practical experience with government, the meaning of law and order and correct social concepts and attitudes in general.

The extent to which and the ways in which self-government can

be best applied depend upon many factors. It is determined, in the first place, by the *educational objectives* of the reformatory. It would be unwise, for example, to give the inmate body any influence upon the determination of the plans of treatment for individual inmates, or the power to handle very difficult questions of discipline or to impose such drastic measures as placing a woman in solitary confinement for several days, because this all requires an insight into the psychological and administrative factors involved which the inmates cannot be expected to possess. The *character of the reformatory population* also has to be taken into account: its heterogeneous and rapidly changing composition; the fact that there are many among the inmates who, on account of their limited intelligence or mental abnormalities, of their foreignness, or other factors, cannot grasp well the meaning of self-government or adjust themselves to it; the lack, sometimes, of sufficient capable inmates to fill the self-government positions; all these places limitations upon the application of the system. However, the long-standing experience in Clinton Farms and the Massachusetts reformatory for women shows that even in unselective women's reformatory populations self-government is possible.

The *institutional situation, including the personnel*, is also a great factor. It requires stronger leadership qualities and greater insight into the psychology of the group on the part of an institutional executive to manage an institution with a self-government system than without it, because in the former case he has abdicated to some extent direct methods of restraint and must rely largely upon his indirect influence. Wrong attitudes on the part of the rest of the personnel, their distrust in and insufficient understanding of the system, too, have more than once wrecked a self-government scheme. Prevailing traditions and atmosphere have also much to say in the question, if and in how far and in which way the introduction of self-government is possible.¹⁾

The *nature of the different governmental functions* is also of the greatest importance for the question in how far they can be transferred to an inmate body. It is convenient, in discussing this point, to make the old distinction between the legislative, the judicial and executive power.

The legislative power has developed least in all the existing self-government systems: In Clinton Farms the self-governing body has no legislative power at all; in the Massachusetts reformatory for women the legislative power of the self-government extends to

¹⁾ The failure of self-government can often be directly traced to the fact that the psychology of the situation had not been understood. Compare the examples given by Jesse O. Stutsman in: *Curing the Criminal*, Chapter XI.

petty rules of order only. This is natural: legislative power, involving as it does, abstract rulings for the future and requiring the ability to consider things in their further consequences and their broader relationships, is much too important and too difficult to be left to a shifting population with little experience in abstract thinking.

It is different with the judicial and executive powers the exercise of which consists of decisions in concrete cases that can be grasped better by the inmates. Judicial activities occupied a rather great place in the self-government system of the George Junior Republic and in some of the early systems in other institutions. More and more, however, this power is shrinking: in the Massachusetts reformatory for women only petty infractions are tried by the self-government council, such as: causing disturbance, impertinence towards self-government officials, refusal to comply with certain rules of order, improper language, etc. More serious offenses, such as escape or insubordination towards civilian officers, are handled by the civilian officers. The punishments the council may apply consist largely in the deprivation of privileges, such as the privilege of taking part in the recreation, and in the suspension of all or certain self-government rights. In Clinton Farms and the Federal reformatory, too, the judicial power, if it is still formally exercised by the student council or committee at all, is very limited. Moreover, in all three institutions the deputy superintendent, superintendent or cottage officer have a share in the council or committee meetings and exercise considerable influence. This, too, has a good reason: judging other people's acts is a difficult task requiring insight and training, and this is not less so with the disciplinary justice within institutions than with the judicial administration in the courts. In preceding chapters we have tried to point out some of the mental factors which are at the root of many disciplinary difficulties, and we emphasized the necessity to understand these factors. It is clear, then, that it would be undesirable to leave to the inmate council the power to take decisions which would affect deeply individual inmates or the general discipline of the institution. On the other hand, there may also be some good in the exercise of a judicial function by inmates: It should not be forgotten that people are always judging each other all the time, whether in or outside an institution, through the force of public opinion; one might just as well guide this "rough and ready justice of everyday life", at least partially, into the organized channels of a self-government system whereby it can be controlled and perhaps improved. Most inmates have their opinions regarding good and evil, about what is honest, proper and fair (even though they do not always agree with the penal law); what they need is a re-conditioning of these opinions and to learn

to see things more objectively and in their right proportions. Through the discussion of concrete cases something may be gotten over to the women which they would not have learnt in abstract ways: practical ethical principles, such as what is fair or unfair in certain cases, what is decent and "lady-like" and what not, etc.: the value of an orderly process and the obligation to hear first all evidence before expressing an opinion as to the guilt of the accused; to discuss the cases in an objective way; and, in deciding what should be done with the offender, not to think merely in terms of punishment, but also of what can be done in a constructive way to help the offender straighten out her difficulties. One should not expect too much in this respect, however, because the judicial scope of the self-government is too limited for that, and the relation with the self-government is in most cases too short to have any deep influence upon the point of view of those participating in it.

The remaining function of the self-government, namely the executive function, has developed most fully in the women's reformatories. This is what inmates of reformatory institutions, particularly women and girls, can do best, because it involves concrete, practical tasks. Once a woman has mastered the details of a laundry or of dining-room service, she will be able, if she has some natural ability for leadership, to direct such work. Most women are naturally industrious and take pride in achieving such "executive" tasks and carrying special responsibilities. Some institutions have developed this form of inmate participation in the management of the institution quite extensively, without having a formal system of self-government. It is probably that, at least in girls' and women's institutions, this "executive" form of self-government, in the shape of "committees" or "councils" will in the long run be found the most satisfactory.

It might be asked in how far the "citizens" of the self-governing body are able to exercise their rights and functions properly. The formal procedures, such as how to nominate candidates, how to make a motion, how to vote, etc., do not constitute an important difficulty: ordinarily the women learn these things in a brief time. More significant is the question whether they are able to choose always the right leaders. That this is not always the case, the above told related experiences of Clinton Farms (page 440) and the Massachusetts reformatory for women (page 442, note) show. In the latter institution approval of the candidates by the superintendent was required, but in both reformatories there was a tendency to let the women as far as possible learn by the consequences of their own mistakes, and to permit the things to take their course, until the women themselves saw the results. With a good spirit of co-operation

between the inmates and the consulting officer, much of "bad politics" and mistaken choices may be prevented. It should be admitted, however, that this is the rock upon which several self-government systems have split.

A way that might be followed to avoid this difficulty is to give the rights of "citizenship" only to selected inmates whom the management considers capable of exercising them well. But this method has not been followed in any of the American institutions, because of the difficulty of finding criteria that would be recognized by the inmates so that they would not have the feeling that all "citizens" would be such only by the will of the management.

It seems desirable, at any rate, that there be some officer — the superintendent, her assistant or someone else — to guide the self-government and to assist it with her advice. This is not contrary to the idea of self-government: with the constant fluctuation of the reformatory population it is necessary that there be some one to carry over the traditions and experiences that have been gained, to explain the ideals and workings of the self-government when they threaten to be forgotten or to deteriorate, to tide the group over temporary difficulties, and to assist weak members of the representative body lest it gets into a morass. The success of the self-government and its effect upon the inmates will depend to a large extent upon the personal qualities of this officer: if she is an inspiring and wise person who has the confidence of the women and knows how to bring out in them their best capacities and yet to recognize their limitations, the self-government system may become an educational means of high value; if she is not the right person, it may become a self-government in name only, or lead to licence, jealousies and intrigues among the inmates, and abuse of power on the part of those in office.

What is the value of self-government? This may be considered from three points of view: from that of the institution, of the offender, and of society.

From the point of view of institutional administration a well-organized self-government system has the great advantage that it may replace to some extent supervision and administration by state officers, thus saving personnel or rather freeing part of their time for educationally more fertile work than that of supervising. In the second place self-government may improve greatly the general spirit of the institution, provided it is a really living force and not merely a dead system of rules and formalities. The natural antagonism between inmates and management disappears to some extent if maintaining order and promoting the interests of the institution become the responsibility and pride of the inmates

themselves.¹⁾ The student officers are also in some respects better disciplinarians than the state officers. They are often very ambitious, and they know better what is going on in the group than the civilian officers; then, too, the inmates are, on the whole, more sensitive to the opinions of someone of their own kind than of an official outside their group. On the other hand it cannot be denied that this interplay of group influences may also have disadvantages, particularly if a wrong spirit prevails in the self-governing group which brings to the foreground just the overbearing types who lord it over the others, or the intriguing and political-minded personalities who are not impartial in their dealings. With good guidance on the part of the officers, these conditions may to some extent be obviated, although we believe that there will always be a certain amount of sensitiveness, jealousy and intriguing among the inmates: it cannot be expected that a penal institution should be any better in this respect than society at large. The question is only whether these disadvantages overbalance the advantages.

As regards the effect of self-government upon the character of the women and their re-adjustment to society, this varies widely with the different personalities. There is always a certain number of women — particularly the older ones, the mentally defectives and the foreign women — upon whom the self-government makes little or no impression: they form the passive mass which does not show any active interest in it and consequently does not get much out of it. On the whole, we believe that the system may usually have a deeper effect only upon those who have occupied a self-government position. In some cases the successful performance of a council office may be of real benefit to the incumbent in that it strengthens her self-confidence and power of self-control, or

¹⁾ We could cite interesting instances of this spirit from our own experience and observations. One should not be surprised, for example, when visiting an institution, to be introduced in due form to some council member who, with graceful courtesy and modest pride, will show the visitor about in "her" cottage or department, and who does the honours in a way which could not be improved by the most refined hostess. And usually she has reason, too, to be proud of her department. An interesting instance we witnessed in a small girl's institution is the following: The woman referee of the Juvenile Court who had been elected honorary president of the self-governing body and who enjoyed great popularity among the girls, once told at a self-government meeting how she had just honorably discharged from parole, on account of excellent behavior during nearly a year, a girl who had formerly been in the institution and had been an extremely difficult person in every way. We shall never forget the wild applause with which this communication was greeted (although the girl in question had not at all been popular) and how one of the girls turned to us with the words: "If you just knew how much trouble we have had with her!"

brings out in her talents or other mental assets which may help her in her adjustment; it may also act as an incentive to her to keep her parole, as a former student officer hates to return in disgrace to her former mates and officers. On the other hand there are many who forget the self-government and everything connected with it as soon as they are back in the maelstrom of ordinary life, and one should certainly not attach too much significance to the fact that an inmate has satisfactorily fulfilled a self-government function within the institution: life in free society is so much different. We believe that for the same reason no exaggerated importance should be attached to the expectation that self-government will make the women understand better the necessity and meaning of law and order and their social obligations: The conditions in free society differ so much from those prevailing in a reformatory that it is doubtful if the women — many of whom have a limited intelligence — will carry over much of their self-government experience in the reformatory to the relationships in normal society; and even if they do see the connection, more is needed to change their attitudes than mere insight into the workings of law and justice. However, it is not necessary to assume that self-government is entirely without effect in this respect.

It is an interesting question what inmates themselves think of self-government. It seems to us that it depends very much upon the type of self-government which prevails in the institution. Some prisons have had the experience that the inmates themselves voted for being relieved from the self-government system, because they felt that the wrong types of persons had taken the lead and abused their power. On the other hand we have seen institutions where great enthusiasm prevailed among the inmates about the self-government system. As regards the few women's reformatories which have a self-government system, the evidence we could gather on this point was that there was a certain number of women who were indifferent towards the system, another number who were enthusiastic for it, and a smaller rest which definitely preferred to be governed by civilian officers because they could not bear very well to take orders from those of their own kind. The majority, however, seemed to take a pride in self-government and were actively interested in elections or other self-government activities. ¹⁾

¹⁾ An interesting document on what inmates of girls' and women's institutions themselves think of self-government is the report of a conference of student officers from women's and girls' institutions held in 1921 (no civilian officer being present) to which the Committee on the Care and Training of Delinquent Women of the National Committee on Prisons and Prison Labor had taken the initiative. (Published by this Committee in Prison Leaflet no. 66, 1922). Unfortunately, space forbids to quote this report.

Summarizing, then, we may state that in women's reformatories successful self-government will be largely along executive lines: the judicial and legislative functions practically cannot be of great significance. Its value lies chiefly in the improvement of the spirit and morale of the institution and the freeing of the personnel from some educationally unproductive supervisory work, while in some cases it may also contribute directly to the adjustment of individual inmates. Even so, however, self-government may be worthwhile in a women's reformatory, provided it is well-directed and a living part of the community life of the institution.

§ 91. *The "Trustee" or "Honor" System.*

The "trustee system" has in common with the self-government system that under it special responsibilities are given to certain inmates who seem worthy of trust, but it differs from it in this respect that such inmates do not derive these positions of trust through the vote of their fellow-inmates but through appointment by the institutional executive¹⁾. The word "trustee" has come into rather ill repute on account of the fact that in some men's prisons it has been applied in a very bad form, the trustees being favorites of the guards who abused their position for their own ends. For lack of a better term, however, the word may be used here, although in connection with women's reformatories it should not connote anything unfavorable. In women's reformatories the trustee system in this sense is used quite extensively.

One of the advantages of the trustee system which it has in common with the self-government system is that it replaces to some extent the supervision by civilian officers, and thus saves personnel. In one reformatory, for example, the laundry had been since several years under the exclusive supervision of a life term. An advantage which the trustee system has over the self-government system is that the trustees are only chosen for their positions if they have the capacity for it, which is by no means always the case with appointments under a self-government system. Moreover, a trustee may be kept in her position as long as she is satisfactory to the reformatory administrator, while under a self-government system the tenure of the appointee is more precarious. On the other hand, the

¹⁾ The terms "trustee" and "honor" system are often used interchangeably, although there is a difference between these concepts. The term "trustee" is to be applied to *individually selected* inmates who are trusted with special responsibilities, whereas the term "honor system" applies in cases where a *group* of inmates are given a large amount of freedom, although they may not be given specific responsibilities individually.

trustee system lacks the quality which the self-government system has of making the group feel responsible for the conduct of affairs in the cottage. There is also the possibility that the trustee does not have the full confidence of the other women and is considered as a "stoolpigeon", but this needs not necessarily be so, particularly if the reformatory executive is careful not to give extra favors to the trustees. We have seen trustees who seemingly had the confidence of the women in their charge, because their personality or their obvious efficiency for their positions made them acceptable to the others. There is also no doubt that a position of trust received from the reformatory executive may, just as a self-government function, be a means to develop self-confidence and special capacities in the women which may help in their adjustment.

In the best reformatories which seek to give each inmate as much responsibility as she can carry, one cannot speak any more of a "trustee" system, because there the giving of trust has become so general that it has lost its specific character.

CHAPTER XXII

INMATE LABOR

§ 92. *General Remarks.*

No one will dispute to-day that prisoners must be kept occupied, if only for purely disciplinary reasons. Many administrators of prisons, however, have not progressed much beyond this point. They are satisfied *if* the inmates are occupied, and do not yet give much attention to the question *how* they should be occupied. There are still many women's and girls' institutions, for example, where the inmates spend the better part of their time in scrubbing floors or sewing by hand for many hours a day, lest they should be through their work too soon. As if time had no value, and nothing better could be done with it than to kill it!

In the women's reformatories, however, there is, on the whole, a much better appreciation of the value of employment. Of paramount importance in the best institutions is the consideration to make the institutional labor as far as possible subservient to the adjustment and development of the inmates. This means that the labor is to be given as great educational value as possible, that it is to be diversified to meet the varied needs of the institutional population, practical so that it may fit the women for the responsibilities of a normal life, yet stimulating so that it may arouse in them the love of work and other constructive interests which will help them in developing a better and fuller life.

One of the most important questions in this is what attention should be given to the vocational training of the inmates. Should the chief emphasis be placed upon household training — fitting the woman for her task as housewife — or should there also be opportunity to give her such training as will prepare her for earning a living? And if one takes the latter view, should the policy be adopted of placing the inmates as a rule in domestic positions upon their discharge, or should the institution open the possibility for them to receive training in other lines of work, e. g. industrial or office work, or waitresses' positions?

The question of vocational guidance for delinquent women is still a difficult problem. Ex-inmates of penal institutions are not

accepted in all positions, and many positions are not suitable for them on account of the temptations which they present or the little protection they offer. The problem cannot be solved by a sweeping statement as to the "destination" of women; economical conditions prevailing in the community and psychological factors must be taken into account. Domestic positions undoubtedly offer great advantages: In the first place it has the advantage that a domestic position does not only provide work but also a home and the protection which a home and the supervision by the mistress affords. The home and life conditions which the woman enjoys as a domestic in an orderly family are also usually better than she would have in most other positions. Then there is, in the case of a girl placed in a domestic position, the ease of supervision by the parole officer who can without difficulty obtain from the employer information as to the personal life of the girl, while in other positions employers hardly ever know what their employees do outside working-hours. Finally, a domestic position offers experience similar to what the woman would meet in her own household so that there is no conflict between the woman's task as wage-earner and as housewife, which is not true of other positions. However, a domestic position is not always the best solution. There are women who are not well fitted for domestic service or who could make a much better adjustment in another line of employment. It is poor vocational economy, for example, to place a girl in a domestic position when she has excellent capacities along the line of office work or dress-making in which she could perhaps earn twice as much. Some women, too, genuinely hate housework and quit it just as soon as they are free to do so, usually to drift back to unskilled work or undesirable means of earning their livelihood, because they have learnt nothing better. Sometimes girls come from a district where few other than factory positions are available, and though the reformatory might have placed them as domestics in another part of the state, homesickness or the pull of the family and old acquaintances may bring them back home. Women who have a baby rarely find a domestic position where they can keep their child, and so there may be any number of reasons why domestic service may not be a good solution in particular cases.

There is no difference of opinion as to the fact that many reformatory inmates will benefit by household training and that consequently the institution should, at any rate, offer opportunity for such training. The question is, if, and in how far, the reformatory should provide other occupations. It is particularly with respect to industrial work that difference of opinion exists, but this point we shall take up later.

Aside from the vocational needs of the inmates, there are other points to be considered relative to their welfare, notably their physical and mental health and development. The great value of outdoor work and life for the health of the inmates has nearly everywhere led to the introduction of farm work as part of the labor programs. Similar considerations have caused the establishment of occupational therapy classes for mentally unbalanced or physically weak women, and lines of employment of general educational value.

Administrative considerations also determine the labor system to a certain extent. Diversity of employment, for example, however desirable for the training and development of inmates, is not economical and is often not possible with the equipment some institutions have.

Economical considerations, finally, may also play a part in determining forms of employment. With this we touch upon the point of the economical exploitation of prison labor which, for nearly a century, has been the object of sharp controversies, namely between free labor, on the one hand, and those having interest in prison industries, on the other hand. In no country, perhaps, has this conflict been fought so bitterly and has it had such a great influence upon the prison system as in the United States. It is interesting to note, however, that the women's reformatories have been comparatively little affected by this controversy. The reason is that the labor performed by inmates of women's reformatories has, on the whole, not great economical significance. Practically always women's reformatories have stressed housework and work of predominantly educational or therapeutic character, and only a small part of the population has, in most institutions, been engaged in so-called productive pursuits. Women's reformatories do not, therefore, seriously compete with free labor (also because the number of women delinquents is everywhere small) and legislation directed at regulating the economical aspects of free labor affects them, on the whole, only to a small extent.

Although we shall deal with the economical aspects and the administration of reformatory labor in a separate paragraph, it seems convenient to give here a description of the various systems of prison labor management which have prevailed in women's reformatories in order to obtain a general orientation regarding concepts and terminology in this field. We shall thereby follow the traditional penological distinction between lease, indenture, contract labor, piece price, state or public use, and states' use systems.

Passing over the *lease system* (see page 66) which has never existed in any of the women's reformatories, and the *indenture*

system to which reference was made on page 94, we may first give attention to the *contract labor system*. Under this system the labor of the prisoners is hired out to private contractors, the prisoners remaining in the custody and care of the prison which also provides the workshops, while the private contractor brings in the machinery, the material, and the personnel to direct the work, and pays the government a certain consideration per day for each prisoner employed. The advantage of this system is that the prisoners can always be kept fully employed without the prison having any responsibility and risk in organizing the industries and marketing the products; the chief objections against it are the division of authority between the prison officials who are responsible for the discipline and the agents of the contractors who supervise the work, and the fact that the contractors frequently succeed in obtaining undue control over the prison and the prisoners and exploiting both for their own profit. The system was also vigorously opposed by free labor and manufacturers employing free labor, because of the sharp competition into which the prison contractors who had their labor cheaply could enter with them. The contract labor system has been extensively applied in nearly all states, although it is rapidly decreasing. Of the women's reformatories, those in Indiana and Massachusetts are the only ones which had it in their early years, but this is no more so to-day.

The *piece price system* differs from the foregoing system in this respect only that the prison officials direct the work and turn over the finished product to the contractor at a specified price per piece, the contractor providing the material and the tools. It has the advantage that the agents of the contractor do not supervise the work of the prisoners so that there is no clash of authority; but experience has shown that this often did not prevent the contractors from exercising too much influence upon the conduct of the prison affairs just the same. The piece price system which still exists in several states, was applied in the reformatory for women in Massachusetts until 1898, possibly also in the woman's prison in Indiana in its early years.

Under the *public or state account system* the government assumes the rôle of entrepreneur, buying the raw material, setting the prisoners to work on it and marketing the produce. The chief advantage of this system is that it puts out the private contractor, although the danger still remains that the financial interest of the state in making as large profits as possible will dominate all other considerations. If well conducted, however, it may have great benefits for the prison as well as for the prisoners, as it provides plenty of work, makes for better discipline, and secures larger profits for the government,

which often makes possible the providing of better care and higher wages for the prisoners.¹⁾ It is not surprising, therefore, that this system has the support of many prison wardens. On the other hand it offers as much opportunity for serious competition with free labor as the contract labor and piece price systems, particularly as any returns made on prison produce can be considered as pure profit from the point of view of the government which has to maintain the prisoners anyway. Many times prisons have used this opportunity indiscretely and have sold their products for prices with which free manufacturers could not compete so that this system, too, met with the opposition of free labor. The public account system prevails in many states of the Union, and also in some women's reformatories.

The opposition of free laborers and manufacturers to the contract labor, piece price and public account systems led to the advocating of the *state or public use system* now adopted in at least thirteen states either exclusively or in combination with other systems. According to this system the products of prison labor are consumed by the state and its political subdivisions which constitute the sole market. The system has received the support of organized labor, of a part of the manufacturers, and of the General Federation of Women's Clubs (the latter was interested in the question because the garment workers, almost exclusively women, suffer comparatively most of all industrial groups from the competition of the prison industries). It is contended by the advocates of this system that the public use market is so large that prisoners could be kept fully employed while supplying only a part of the public needs. It might seem at first sight that the competition under this system is as serious as under any of the other systems, for whenever the state or its subdivisions places orders with the prisons they displace to that extent free labor. It is pointed out, however, that this would merely be a *quantity* competition, not a *price* competition, that is, that under the state use system no goods would be put on the market for prices so low that they would cause a cutting of the prices, and thus of the profits and wages in free industry, if not make free manufacture impossible. But there is another point, too: although *theoretically* the public use market could keep the prisoners fully employed, *practically* this is not so in most states. For only a limited number of articles can be produced or manufactured in prisons, while in many cases where this would be technically

¹⁾ A very successful instance of the public account system is that found at the State Prison at Stillwater, Minnesota, which is not only self-supporting, but also able to pay wages to the prisoners and to contribute to the support of their families.

possible, the quantities needed would be too small to warrant the outlay in machinery and supervisors' salaries, even if the state abandons all thought of making a profit. Moreover, the state use system, to be successful, requires the systematic and willing co-operation of the institutions that produce and the departments and institutions that buy, in order to obtain enough orders and sufficient standardization of styles and prices to make production for such a limited market technically and economically possible; but this, unfortunately, is hard to establish under the extremely decentralized forms of government existing in most states. The result is that in practically all states which have established the public use system thus far, the public use market has been found insufficient to keep the prisoners fully occupied. Particularly in the smaller or less developed states where the needs of the public use market are small it is probable that the state use system will never work out satisfactorily. For this reason it is opposed by the majority of prison executives who, at most, are willing to accept the state use system, if they would be permitted to sell surplus products of the prison industries on the free market so that they would always have enough work for the prisoners.¹⁾ It is easily understood that the state use system is usually also much less advantageous to the state, for the prisons are compelled to produce a variety of commodities in small quantities at a higher cost than if they could specialize in a few lines and manufacture large quantities. On the other hand, it is pointed out that the state use system offers a greater variety of training possibilities for the prisoners, but this, too, sounds better than it actually is. For the methods and habits which the prisoners would learn in the small and none too busy prison shops (which have little incentive to bring production up by modern efficiency devices because there is not enough work for every prisoner, anyway, and because the production is often too small to warrant the expense of establishing such devices) frequently fit them poorly for the work in industry outside where entirely different conditions prevail. Several states have now introduced the state use system although the majority permit surplus or by-products, which cannot be sold to public institutions, to be disposed of on the free market. For the women's reformatories the state use system does not present great difficulties, as the number of women

¹⁾ Massachusetts is generally reputed to have the best developed state use system, but this state still sells nearly 20 percent of the products of its state penal institutions on the open market. The states which have the state use system to the exclusion of other systems cannot claim that they keep their prisoners reasonably occupied, and in several prisons the idleness has had a very demoralizing effect.

delinquents is so small that ordinarily they can find enough work in the usual public use industries for women (needle and knitting trades, farming and canning).

To obviate the problems of the state use system, a plan has been conceived for the inter-state exchange of prison products for public use, which is called the *states' use system*. The active proponent of this system is the National Committee on Prisons and Prison Labor which was established in 1909 at the instigation of the National Federation of Women's Clubs to study the prison labor system. This Committee is doing a great deal to further a more rational allocation of prison industries and exchange of products between the states. The movement is still in its beginnings, however, and it has yet to be awaited in how far it will be possible to get the co-operation of the states and the institutions and to overcome the opposition of those groups which, for fear of competition, are against any extension of prison labor.

Hostility to prison labor is responsible for many restrictive laws, such as those providing for the branding or labelling of prison-made goods, those restricting the number of prisoners who may be employed in any one industry, etc. Recently a Federal law (the Hawes-Cooper Act) was passed enabling the states to apply to prison-made goods imported from other (American and foreign) states the same restrictions which they apply to goods made in their own prisons.¹⁾ Practically this means that, if a state prohibits the sale of its prison-made products on the open market, it can also prohibit the import of such goods from other states. This law is expected to destroy to a large extent the contract, piece price and public account systems, as most of the goods made under these systems are produced in large quantities and exported to other states.

§ 93. *Forms of Employment in Women's Reformatories.*

Legal Provisions. The provisions in the laws establishing women's reformatories relative to the character and purposes of employment are, on the whole, rather general and not very important. As regards the character of the work, the majority of the statutes prescribe, permit or suppose the establishment of industries, although these are rarely specified. As stated before, nearly all statutes also expressly or impliedly provide for agricultural work, notably truck gardening, chicken raising and dairying. In so far as the laws contain any provision regarding the purposes of the employment, this is

¹⁾ It was formerly held that, under the provisions of the Federal Constitution relative to inter-state commerce, the states did not have this power.

nearly always "to improve the physical, mental or moral condition of the inmates" ¹⁾ or "to teach a useful trade or profession" ²⁾. Two states provide that the employment may either be "for the manufacture of supplies for the state or its political divisions, or to provide industrial training, or both". ³⁾ In most states the chief controlling power determines the industries, but in Massachusetts and Minnesota the superintendent and the chief controlling authority have this power jointly, whereas in Pennsylvania the State Department of Welfare controls all prison industries in the state. Everywhere, however, the superintendent has the power to make the individual work assignments for each inmate, although Iowa requires the approval of the board, which, if carried out literally, must entail a great deal of administrative bother.

As the provisions relative to the economical administration of prison labor have had very little effect upon the forms of employment in women's reformatories, these can be better dealt with in the following paragraph.

The Actual Situation. If one analyses the use made of the working-time of the inmates in the various institutions, one finds in the first place that a certain portion of it is spent in the general housework and other maintenance duties. Further it is to be noted that nearly every reformatory has a farm or garden which takes a part of the women's time, particularly during the summer months. The rest of their days may be filled chiefly by three occupations: industrial work, vocational training (largely domestic science, but sometimes also commercial or other vocational courses) and academic instruction. There is considerable difference in the emphasis placed upon these various activities in the different institutions: On the one end one finds reformatories which, as to their program of activities, resemble more than anything else a boarding-school for girls, where training in domestic science and general cultural subjects, interspersed with classes in physical education and recreational activities, form the chief part of the program; on the other end are institutions which provide no academic instruction, no systematic household training nor classes in physical education, and where housework, farmwork and industrial labor form the chief occupations.

Opinions differ particularly as to the desirability of factory work in a women's reformatory. Some superintendents, notably the superintendent of the Massachusetts reformatory for women,

¹⁾ Nebraska and New York; in somewhat different terms also Wisconsin, and the Federal statute.

²⁾ Maine, Nebraska, New York, Ohio.

³⁾ Ohio and Pennsylvania.

are much in favor of industries. They feel that, since in modern society, a large number of women prefer employment in factories to domestic service and often make a better adjustment in the former than in the latter, a reformatory will do wisely to take account of this fact and to provide training which will fit the woman for a better paid industrial position than she might otherwise be able to obtain. Moreover, they are of the opinion that industrial work may have a beneficial psychological effect upon the women which the superintendent of the Massachusetts reformatory describes as follows: ¹⁾

Industry well equipped with high standards of workmanship and modern machinery can be gripping. The worker grows, gains power, overcomes a sense of failure and defeat, and learns more than one way of approaching life. Under the state use system of prison industries there is variety, bathing suits for the public beaches (one's friends might use them), dresses for the insane, hospital johnnies, bedding and supplies for the sanatoria, stockings made on modern machinery, all for wards of the State unable to work for themselves. Flags, too, are made for the public schools, courts and State buildings. A worker grows skilful and is promoted to floor woman or inspector. She becomes interested in her output and possible earning power. Her skill in making flags and her poise merit promotion as head of the factory with no officer in charge and with new women to teach; and later, on parole, she takes a position at \$ 22 a week. A machine is gay, so they tell me. "I love mine; it sings to me." I have seen girls transferred from other institutions get balance, control, skill and a sense of success in our factories.

I believe therefore that with an *industrial department subservient to the school system which includes household arts training*, the output will meet the needs of the state use plan of prison industries, and the reformatory activities as a whole will more nearly meet the developmental needs of the inmates than does either system alone.

Other superintendents have less faith in prison industries. They contend that industrial training in the reformatory helps little towards the economical adjustment of reformatory inmates as only few will be able to find employment in the same industries which they pursued in the institution, and that in modern industry the operations performed by women are usually so simple that they can be learnt within a few weeks in the factories themselves. They feel, too, that for most women who leave the reformatory, it is more desirable to enter domestic service where they have a home environment, and also that, because the large majority of them are or will be married, it is better to use the comparatively short time which the reformatory has at its disposition in giving them a careful training in housekeeping and general cultural subjects.

It has never been ascertained in how far the industrial training

¹⁾ Jessie D. Hodder. *The Treatment of Delinquent Women*. Paper read at the Congress of the American Prison Association of 1922 (Proceedings page 22).

given within a reformatory has really helped the women in their economical adjustment after release. Generally, however, it seems to us that industrial work has its value in a women's reformatory, if it were only to obtain a greater variety of activities for its heterogeneous population. There are many among the women who, because of their age, their settled social condition or for other reasons, have not much interest in household training and can make a better adjustment along industrial lines. It is also undoubtedly true that to certain types of women the accomplishment of a solid amount of productive labor every day of which they can see immediate results, gives greater satisfaction and often proves a better means of restoring their self-confidence and self-respect than a program of vocational and academic training alone. That women often do take pleasure and pride in industrial accomplishment, we ourselves could observe in the Massachusetts reformatory for women. There is another important point, too: the establishment of productive industries turning out profits might make more easily possible the payment of wages to the inmates, which is not only a strong incentive for them to work, but also valuable from the educational point of view.

In practice only a minor part of the inmates are engaged in the industries wherever these are established: even the institution with the best developed industrial system, the reformatory in Framingham, Massachusetts, at no time employs more than about one-fourth of its population in industrial work, on a part-day schedule, the other part of the day being given over to educational and other activities. It seems to us, then, that, as long as reformatory executives do not permit their interest in industrial output to overbalance their interest in the reformation of the women, industries may form an important asset in a reformatory. For the rest it needs hardly be said that industries will be most useful in an institution with a comparatively large number of older women or women serving long terms than in an institution where the inmates are very young or their terms very short.

We shall now consider the various forms of employment more in detail, classifying them as maintenance work, industrial work, farm work and miscellaneous occupations.

Maintenance Duties. As maintenance duties may be classified the general care and upkeep of the plant, cooking, laundering, mending of linen and clothes, table and house service, and attendance work. The modern tendency, as we explained before, is to reduce to a minimum the maintenance work which has little educational value so that more time is left for more con-

structive activities. This can be attained in the first place by simplifying the maintenance work by means of time-saving arrangements and devices, such as simply constructed buildings with a minimum of waste space, a steam laundry, etc. This striving for efficiency and the saving of time should, however, not go so far as to make the conditions in the institution too much unlike those which the women would meet in their own households. Thus, as explained before, the reformatories have as a rule no central kitchen (although this would save time), but separate cottage kitchens in which "home cooking" with ordinary cooking utensils can be better taught. In the second place the maintenance work may be given as far as possible training content, thus raising it to the dignity of educational or vocational work. This may be accomplished by first giving the inmates systematic training in the various phases of the work, after which they are given as much responsibility in that work as they can carry. The difference with the "old-fashioned" method (if we may call it so) whereby women are simply assigned to such work as they can do, under the direction of an officer who *incidentally* gives them some instruction, may be demonstrated by a simple example: Under the latter method inmates may be assigned to help in the kitchen where an officer does the cooking; as, in the rush to get the meals ready, there is no opportunity for systematic instruction (let alone the fact that many cottage matrons do not know how to give good instruction!), the inmates usually do not get beyond the performance of certain routine tasks under the direction of an officer. Under the other method, however, the women are first given a period of systematic training in cooking, menu planning, care of utensils, etc., in a domestic science class, after which they are placed as assistant in the kitchen, where, because of their previous training, they can at once be of more use, while those most capable may after a time be promoted to the position of cook, in which capacity they are alone responsible for the cooking. This system gives them a very different feeling towards their work: instead of a dreary series of routine operations which the women do merely because they are told to do it, it becomes to them an interesting course of training and a matter of ambition to reach the final stage of accomplishment.

The practice of making women responsible for a definite task (after a period of instruction) is frequently applied in some institutions, and it is surprising what a difference this brings about in the attitude of the inmates: We have seen women who originally detested the scrubbing of floors or the cleaning of windows, do the same things enthusiastically when as "house commissioners" they had been placed in charge of the cleaning work of the cottage, because they

could not bear the idea that some other cottage would be more praised than theirs. What this all means for the development of pride in good work, of initiative and feeling of responsibility, may be readily understood. Of course, such methods cannot be applied to all inmates, as many of them are not capable of doing anything but routine work. However, the experiences in the best reformatories, and even in institutions for mentally defectives,¹⁾ show that even with seemingly unpromising "material" much can be done in this way.

Industries. In the question which industries are most suitable for women's reformatories several factors have to be considered: the probability that the inmates will find employment in the same line of work in free society, the general psychological effect of the work upon them, the availability of a sufficiently large and stable market for the products, the equipment needed, the ease and cost of obtaining the materials, the extent to which the industry would require the employment of men or civilian workers, etc. In a recent study made by the Committee on the Care and Training of Delinquent Women and Girls of the National Committee on Prisons and Prison Labor of industries suitable for women's institutions,²⁾ the Committee, after having examined some hundred lines of industry in which more than fifty percent of the employees are women, comes to the conclusion that practically the only industries which are to be recommended for a women's institution (at least under a public use system) are: sewing (power and home sewing), mechanical knitting, laundering, house furnishing and reclamation of furniture, garden and dairy work, and canning and preserving. These are also the industries now carried on in the women's reformatories.

The *sewing industry* is the most general in the women's reformatories. In most institutions this industry bears the character of "home" sewing, that is, it is performed on ordinary sewing machines operated by hand or foot, and the output is, therefore, comparatively small, mostly for institutional use only. The chief purpose of this is to teach the women sewing and dress-making as they may later do in their own homes.

In some other institutions sewing is done on a factory basis, that is, power machines are used and the process is highly rationalized in order to assure quantity production. The oldest and best known

¹⁾ Compare the interesting instances related in: Mary Vanuxem. Self-government as Applied to Feeble-minded Women. Proceedings of the 46th Annual Session of the American Association for the Study of the Feeble-minded.

²⁾ Industries for Correctional Institutions for Women, 1929.



State Industrial Farm for Women,
Muncy, Pennsylvania

The Sewing Room.

Domestic machine sewing, not power (industrial) sewing.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

example of a power sewing industry is that existing in the reformatory of Massachusetts, although the reformatories at Bedford Hills, New York and in Ohio, and the Federal institution have also established power sewing units. The quantity of garments and linen which was manufactured in the Massachusetts reformatory during the year ending November 30, 1925, with an average of thirty-five workers and an average working-time of about forty-four hours a week, was 12,622- $\frac{1}{12}$ dozen, or about 500 pieces per working-day¹⁾, this in spite of the fact that nearly all women were entirely untrained when they began, and that they often changed machines in order to learn different operations. An interesting industry in the same institution (not found in any other reformatory) is the making of flags which, during the year ending November 30, 1925, offered steady employment to an average of nine women. In this department about 364 dozen of state and national flags were manufactured during the year. The sewing industry in the reformatory at Bedford Hills was established in 1926 with the help of the National Committee on Prisons and Prison Labor which used freely the advice and assistance given by private manufacturers, labor organizations and efficiency experts. The industry employs, according to the latest accounts, forty-five inmates. The establishment of this industry is an interesting demonstration of the possibility of private organizations and business circles (both employers and labor) co-operating in developing truly industrial methods and standards, and thus avoiding the common mistake of institutional administrators, who have no industrial experience, of establishing methods that do not measure up to the best standards of efficiency.²⁾

The *knitting industry* exists thus far in only one institution, namely the reformatory in Framingham, Massachusetts, although the Federal reformatory also intends to establish a knitting department. In the Massachusetts reformatory hosiery is manufactured which provides employment for an average of some twenty women. Up-to-date factory methods are used; the total receipts of this industry

¹⁾ Figures taken from the above-mentioned report of the National Committee on Prisons and Prison Labor and our own notes made during the summer of 1925. In the fall of 1925 the reformatory changed to a policy of providing classes in the afternoon (see page 410, note) which, we calculate, must have brought down the average number of working-hours during a week to about 38; nevertheless the output remained the same.

²⁾ See for further particulars about this and other industries the above mentioned report of the National Committee on Prisons and Prison Labor which contains a great many technical details and practical suggestions that should be of interest to the institutional administrator contemplating the establishment of an industry.

for the year ending November 30, 1929 was \$ 24,682.39, the gain \$ 6,614.97.

The *laundries* in most institutions are to-day steam laundries, but only in a few reformatories, namely those of Indiana and Vermont, the laundry work constitutes an industry in the sense that work is done for outside parties. In most institutions, however, the methods of commercial laundries are followed.

Canning and preserving of food forms an excellent industry for a women's institution with a farm, for not only does it improve greatly the menu for the winter months, but it also gives the women valuable experience which will be of use to them in their homes as well as in a canning factory. If well done, canning is also an economical procedure for an institution. Nearly all institutions having gardens or farms do some canning for institutional use, but in only a few reformatories, namely those of Pennsylvania and Massachusetts, has the canning been placed on a factory basis and significant sales of canned products are made. The amount canned in the Industrial Home for Women in Pennsylvania during the year ending May 31st, 1928 was 15,799 quarts, while the Massachusetts reformatory made a business of more than \$ 6000 gross during the year ending November 30, 1929. Some institutions do not have a large enough surplus of garden products to make a canning industry worth-while, and they do not seem to find it practical to can purchased supplies as many outside factories do.¹⁾

The canning in the women's reformatories is limited to the canning of fruits and vegetables, the making of preserves, jellies, fruit butters, pickles and mince-meat. In the Albion State Training School also maple syrup is tapped, and in the reformatory at Bedford Hills, New York, a small candy factory exists. There are several other forms of food preservation that could be done by women's reformatories, such as the drying of fruits and vegetables, the making of peanut butter, vinegar, fruit essences and lemonades, the canning of plum puddings, the roasting of coffee, etc.²⁾

¹⁾ One prison for men follows the practice of buying the produce of entire orchards and sending out the men to gather the fruit. A well-known institution for delinquent girls also frequently sends out girls to neighboring farmers to help them in gathering fruit. One wonders whether a woman's reformatory which is located in a district where much fruit and vegetables are raised might not also purchase the produce of gardens and orchards, sending out inmates to gather it and canning it at the institution. It would certainly be a wholesome occupation for the women, and there seems to be no reason why it should be less profitable than similar procedures followed by outside canning factories.

²⁾ See the report of the National Committee on Prisons and Prison Labor as to what would be desirable and undesirable food preservation industries for women's institutions.

Canning is in women's reformatories a seasonal industry, because only fruit and summer vegetables are canned: it usually keeps a certain number of women busy during about six weeks or two months a year. If a larger variety of articles were canned, a number of women could probably be kept employed during the larger part of the year. The seasonal character of the industry does not present much difficulty in a women's reformatory, however, because during the summer the school classes are usually discontinued and the other industries reduced. The fact that most operations in this work do not require any particular skill, makes it possible to transfer workers from other departments without any preparation. The person supervising the canning is as a rule the domestic science teacher or dietitian of the institution. During the busy season it is also possible to engage teachers or students from domestic science schools for temporary service in the canning industry.

Under *home furnishing and repair of furniture* may be brought a variety of activities which, if well conducted, form a good type of employment for women. To these belong, in the first place, the arts and crafts classes which have been organized in many institutions, where various furnishings for the home and fancy articles are made, such as curtains, rugs, lamp-shades, cushions, table covers, simple pieces of furniture, basketry, fancy needlework, table favors, etc. Although the products of this work are frequently sold to visitors of the institution, or at state fairs and bazaars, it does not constitute a regular industry or provide industrial training that would enable the women to make a living of it, unless they would have more than ordinary artistic ability. It is, however, valuable for other reasons, firstly because it satisfies the phantasy, the love of color and of making attractive things which is so strong in many women. Particularly for those who are confined in an institutional environment where they miss so many of the satisfactions of ordinary life there must be something that captures their imagination and some opportunity for spontaneous, creative activity. Another advantage of this work is that it teaches the women a certain skill and handiness which may stand them in good stead later. There is further no doubt that such work stimulates much their interest in the home: if one sees the attractive furnishings of the Industrial Home for Women in Pennsylvania or the reformatory in Minnesota which have been made by the girls at very little cost of discard material and old furniture, if one notes their lively interest in the art classes, and finds, as we did, that many paroled women apply the same work in their own homes, one is convinced that their aesthetic sense is at least one way to arouse their love for the home. The work is also of some material benefit to the institution which is

thus able to secure much more attractive furnishings and at less expense than it would be possible otherwise. In the reformatory at Bedford Hills, New York, this work is used by way of occupational therapy for mentally unstable inmates; it is reported that since this work has been established, a marked decrease in the periods of instability and excitement of these women has been noted. A great deal of work of this kind is also carried on in the Division for Mentally Defectives of that institution during the winter months. A factor which adds to the popularity of this work is that in some institutions the benefits of the sale of these articles are for the makers who are also sometimes permitted to send their products home to their relatives.

A form of employment along this line found in nearly all reformatories is the making of rag carpets or rugs, an old colonial home industry. The work consists of weaving (in various stitches), braiding, crocheting or knitting stripes of discarded material into rugs. The fact that only discarded material (condemned clothing and waste material from the sewing-room) is used and that the tapestry made of it is not only strong but also attractive, occasionally even very much so, explains its popularity. An advantage is also that most of the operations require little or no training, so that the work can be done in odd moments. It may thus be considered as a typical waste industry, as it can be made with waste material, waste time (for example, during rainy days when the farm girls cannot work in the fields), and by waste labor (namely by those who for some reason or other cannot do other work, such as pregnant or convalescent women). There is much demand for such rugs from institutions which use them rather generally, and, if artistically made, they may also be sold to visitors of the institution or at exhibitions.

Practical lines of work are the repairing and painting of old furniture such as the re-caning and re-upholstering of chairs, the renovation of mattresses, etc., and the manufacturing of simple pieces of furniture or household supplies of inexpensive or waste material, such as pillows or mops. Although upholstery is not a woman's industry outside the reformatory, this kind of work teaches them practical skills which many women with restricted incomes may profitably apply in their own homes.

It is very essential, however, that in both the more practical and the more artistic lines of work, the right type of person be chosen as instructor. A woman with little imagination or ability to arouse interest and to stimulate self-activity and originality, is worth little. The type of "handwork class", still existing in some old-fashioned institutions, where, often under a rule of silence, inmates are kept occupied for hours a day at some monotonous and un-imaginative kind of fancy-work, is a perfect horror for women

and girls with normal emotions and temperament, particularly if they are young, and it requires little knowledge of mental hygiene to understand that such form of occupation often does little good. The modern way is to apply the project method whenever possible: the accomplishing of a definite task, such as the furnishing of a new room or the doing up of some old furniture. Care should always be taken that either the work serve some immediate practical purpose (be it only the decoration of a table for a special occasion), or else that the articles be sold or given away to relatives of inmates, lest it should become "make-believe" work and lose its sense and educational value for the women. It is also desirable that not too much of arts and crafts work be done, as this gives a feeling of "playing around"; after at least a whole morning of solid, "real" work, an hour of arts and crafts is much more appreciated.

The Farm. One could scarcely conceive to-day of a new women's reformatory being established without a farm: so much has it become part of the warp and woof of the modern institution for women delinquents. Above we have already pointed out many of the advantages of a farm; there remains to consider the uses of the farm from the point of view of employment.

Farm work is chiefly important because of its beneficial effect upon physical and mental health. A certain amount of farm work seems therefore valuable for all inmates, but particularly for those who need physical upbuilding or who are mentally unstable. It has also been found particularly useful for many mentally defective women who cannot profit much by schoolwork or lines of employment requiring a higher intelligence. The vocational value of farm work, however, is not great, except for women who come from agricultural areas. For experience shows that few women who did not belong to the farmers' class before, will choose farm positions after release. Only in rural states, therefore, where a significant number of the reformatory inmates come from farmers' homes, farm work will also have value from the point of view of vocational training. Generally, then, farm work will be assigned to reformatory inmates more for therapeutic than for vocational reasons.

The reformatory farms are, for the most part, of a mixed character, combining different lines of work which, on the outside, are mostly pursued as separate specialized enterprises, namely: truck gardening (notably potatoes and vegetables), the raising of field crops (particularly corn, but often also wheat, rye and various kinds of cattle-fodder), fruit culture, dairying and poultry raising. In many institutions the women do all the light cultivating and gathering of vegetables; they pick the fruit and assist in the hoeing and the

harvesting of other field crops; clean, feed and milk the cows; pasteurize and separate the milk and churn the butter; take care of the chickens, pigs and other animals, and of the barns, stables, pig-sties and chicken-houses. The male laborers of the institution do the ploughing and heavy cultivation work, and the butchering; in some reformatories they do also various tasks which in other institutions are done by the women, such as milking.

An idea of the size of some farms may be gained from the following figures: The reformatory of Connecticut had in 1928, 166 acres of land under cultivation which produced during the year ending June 30, 1928 for a value of \$ 3,53218; it had 60 heads of cattle of which there were 33 milchcows; there were 37 pigs, 41 sheep, 5 horses and 900 chicks. The total value of the products produced by the farm during the year was nearly \$ 19,000. The Industrial Home for Women in Pennsylvania had according to the last report 35 heads of cattle, more than 1500 chickens and some 200 other birds, and 50 hogs, which together produced for a value of \$ 14,000 during the last year of the period reported upon. The reformatory of Iowa had in 1928 48 old and young cows and a fairly large number of pigs and chickens, and 200 acres under cultivation, producing for a value of \$ 35,79881 during the biennial period ending June 30, 1928.

The variety of operations carried on at the farms makes the question of its management somewhat of a problem, for one cannot expect to find always a farmer who is equally expert in all lines of work. Sometimes one finds one or more women supervisors in addition to the man farmer who are expert in other lines of work than he is. In addition to the head farmer and the women supervisors there are frequently one or more male laborers to do the heavy work. The policies in this respect vary greatly, however: on the one end one finds an institution where one man farmer, without any women supervisors or farm hands, forms the entire personnel for a farm of 160 acres, on the other end are institutions where almost the entire work, even the light cultivation work, is performed by men. This largely depends upon the value which the institutional management attaches to the participation of the inmates in the farm work.

In some reformatories various other forms of outdoor work are performed by the inmates, like the clearing of waste grounds, the picking and splitting of dry sticks, the operation of the saw-mill, the shoveling of snow, the picking of wild berries in the woods, the tapping of maple-trees, etc. The care of the flower-garden and the lawns is usually also in the hands of the women. As a rule the women take great delight in these jobs, even though it sometimes means heavy work. In some girls' institutions some other agricultural occupations have been tried with greater or lesser success, such as floriculture

and the raising of fine fruit (both in greenhouses and outdoors), the growing of mushrooms, etc. Such occupations undoubtedly stimulate the imagination, but, probably for practical reasons, none of the women's reformatories thus far seems to have tried them. ¹⁾

Miscellaneous forms of employment. In every reformatory are some women engaged in work which cannot be classed under maintenance, industrial or farm work. Such are, for example, the inmates who act as teachers, as clerks or typists in the office, as attendants in the hospital or nursery, as assistants to the storekeeper, the receiving officer or the librarian, etc. Sometimes inmates are placed in supervisory positions, such as that of laundry supervisor, supervisor of the linen supply, etc., while student officers of the self-government are often relieved wholly or in part of their ordinary duties to perform the work of their self-government function.

Occasionally some women may be engaged in activities which are ordinarily performed by men or by outside labor, such as collecting garbage and ashes, attending to the heating-plant, whitewashing and painting walls, making concrete walks, putting up fences, repairing shoes, etc. It was hard necessity, namely lack of funds to have certain improvements made by outside labor, on the one hand, and lack of work for the inmates, on the other hand, which led Dr. Davis in the reformatory at Bedford Hills, New York, to employ the inmates on men's jobs, but it taught reformatory executives what might be done if the need arises. In the Massachusetts reformatory, for example, the inmates converted a crude lumber-room into a fine library by lathing and plastering the walls and ceilings and painting them in cheerful colors. In some instances women have been permitted to work under the direction of, or side by side with, male mechanics in construction work. As long as the work is not beyond the strength of the women, there seems to be no harm in letting them do men's work whenever there is no money for much needed improvements or not enough other work to keep the women actively employed, provided, of course, they do not forego opportunities to use their time in ways which would add more to their education and adjustment. Usually, however, these jobs bear an incidental character, and, though they do not provide any particular training, they have value because of the fact that they are immediately useful, and, therefore, have real meaning for the inmates.

¹⁾ The women's reformatory in Framingham, Massachusetts, at one time tried the raising of silk worms, but the climate appeared not to be suitable for this culture so that it had to be given up.

Finally we may mention the fancy-work which is done by the women in their spare time on their own account. It is interesting to note that in most institutions such work flourishes spontaneously, one woman teaching the other until every one does it, even those who never knew it before. The reformatory executives often encourage this work by providing opportunity to obtain materials and tools and to sell the products, sometimes also by establishing a revolving fund from which poor inmates may draw advances to buy the necessary implements. It seems to us that this work is psychologically not without significance, in the first place, because it is spontaneous and seems to satisfy a definite urge in the women to be busy and do something; secondly, because it is the only work which they can do for themselves, and, in the third place, because it often constitutes their only opportunity to earn money (namely in reformatories where no wages are paid). Anyone who knows what this bit of economic independency and opportunity to work for oneself means to women confined in an institution, will understand why this work is so popular.

§ 94. *The Economical Exploitation and Administration of Reformatory Labor.*

Legal Provisions. In nearly all states provisions are found relative to the economical aspects of prison labor. About one half of the states having women's reformatories expressly or impliedly prohibit contract labor.¹⁾ California, Illinois, New York, Ohio, Pennsylvania and the Federal law prescribe the public use system exclusively; all other states permit the disposal of prison products on the free market, Illinois, Massachusetts and New Jersey, however, only of the surplus products which cannot be sold to public institutions. Illinois, Massachusetts, New Jersey, New York, Ohio and Wisconsin, in order to promote the public use of prison products, have a provision prohibiting public departments and institutions to buy any supplies in the open market, unless a certificate has been secured that the articles cannot be obtained from any of the producing institutions. Minnesota expressly permits the piece price system (in addition to the public account system), while the laws of Connecticut, Iowa, North Carolina, Rhode Island and Vermont leave the possibility of both contract and piece price labor. Iowa, finally, has a provision that inmates may be permitted to render services outside the institution for private parties, which might be used to carry out a very progressive idea, namely that of permitting inmates to

¹⁾ California, Illinois, Indiana, Kansas, Massachusetts, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania.



State Reformatory for Women,
Shakopee, Minnesota.

Courtesy of Miss Florence Monahan,
Superintendent.

Inmates Taking Care of Their "Holsteins".



Connecticut State Farm for Woman,
Niantic.

Courtesy of Miss Elisabeth Munger,
Superintendent.

The Creamery.

to go out to work, while still remaining in the custody of the institution.

As regards the provisions purposing the prevention of unfair competition of prison labor with free labor, Indiana, Minnesota, New Jersey and Ohio have laws requiring the branding of prison-made goods sold in the open market. Indiana also requires a license for selling convict-made goods; Iowa specifies that private parties employing prisoners must pay the same wages as is paid to free labor for like service, and Illinois, Maine, Minnesota and Ohio have provisions restricting the number of prisoners to be employed in any one industry.

The Actual Situation. The following table, based upon data given by the U. S. Department of Labor in a report relative to prison industries in the year 1923¹⁾, presents the systems of labor administration prevailing in fourteen women's reformatories in that year, and the kinds and quantities of the articles produced and disposed of under the different systems. It will be noted that only two systems prevail in the women's reformatories, namely the public account and public use system. In two states the disposal of goods produced by the women's reformatories is under the state use system exclusively, namely in Connecticut and New York. However, in eight of the other states only farm products are sold under the public account systems, and the small amounts realized by these sales make it evident that these refer only to incidental surplus or by-products, such as surplus butter or eggs, young livestock or skins of butchered cattle. As these articles cannot be regarded as products of the labor of the inmates, these institutions can be practically considered as operating under the state use system exclusively. The conclusion is, then, that in only four of the fourteen reformatories the inmates worked partly under the public account partly under the state use system, namely in Indiana and Vermont where some laundry work is done for private patrons, and, so far as Indiana is concerned, some rugs and art work are sold to visitors, in Maine where a small quantity of shirts and similar articles are sewed for a private dealer, and in Massachusetts where a rather large part of the products of the needle- and knitting trades are sold to "jobbers". "State use" includes "institutional use"; in many

¹⁾ Convict Labor in 1923. Bulletin of the United States Bureau of Labor Statistics, no. 372, Miscellaneous Series, Table A and B. In a more recent report on "Prison Industries", published by the U. S. Department of Commerce in 1929, figures are given for the year 1926, but since these are not very complete with respect to women's reformatories, we have preferred the older report.

TABLE 12.

Kind and Value of Articles Produced by Women's Reformatories under Different Labor Systems.

Institution, and article produced	Average number of inmates	Average number employed	Value produced under		Total value
			Public account	State use	
<i>Connecticut</i>	80				
Farm, garden, dairy, livestock		21		\$ 10.940	\$ 10.940
<i>Indiana</i>	95				
Farm, garden, dairy, livestock		15		\$ 5.081	\$ 5.081
Laundry work		10	\$ 3.988		\$ 3.988
Linens, garments, etc.		30		\$ 1.771	\$ 1.771
Rugs and art work		2	\$ 213		\$ 231
<i>Iowa</i>	108				
Farm, garden, dairy, livestock		33	\$ 676	\$ 10.597	\$ 11.273
Linens, garments, etc.		33		\$ 2.182	\$ 13.819
<i>Kansas</i>	131				
Farm, garden, dairy, livestock		89	\$ 1.447	\$ 15.260	\$ 16.707
Linens, garments, etc.		10		\$ 2.151	\$ 2.151
<i>Maine</i>	72				
Farm, garden, dairy, livestock		2	\$ 319	\$ 6.733	\$ 7.052
Linens, garments, etc.		46	\$ 229		\$ 229
<i>Massachusetts</i>	196				
Farm, garden, dairy, livestock		13	\$ 2.099	\$ 31.765	\$ 33.864
Linens, garments, etc.		27	\$ 73.071	\$ 29.022	\$ 102.093
Tailored		1	\$ 71	\$ 1.516	\$ 1.587
		4	\$ 10.271	\$ 1.585	\$ 11.856
<i>Minnesota</i>	34				
Farm, garden, dairy, livestock		6	\$ 504	\$ 4.358	\$ 4.862
Linens, garments, etc.		8		\$ 3.007	\$ 3.007
Tailored		1		\$ 1.019	\$ 1.019
<i>Nebraska</i>	25				
Farm, garden, dairy, livestock		13	\$ 1.136	\$ 4.498	\$ 5.634
Linens, garments, etc.		6		\$ 554	\$ 554
<i>New Jersey</i>	139				
Farm, garden, dairy, livestock		28	\$ 166	\$ 19.075	\$ 19.241
Linens, garments, etc.		24		\$ 3.051	\$ 3.051
<i>New York (Albion)</i>	199				
Farm, garden, dairy, livestock		15		\$ 8.146	\$ 8.146
Linens, garments, etc.		24		\$ 3.440	\$ 3.440
<i>New York (Bedford)</i>	263				
Farm, garden, dairy, livestock		60		\$ 9.595	\$ 9.595
Linens, garments, etc.		56		\$ 7.871	\$ 7.871
<i>Pennsylvania</i>	75				
Farm, garden, dairy, livestock		36	\$ 524	\$ 9.263	\$ 9.787
Linens, garments, etc.		29		\$ 1.430	\$ 1.430
Tailored		1		\$ 36	\$ 36
<i>Vermont</i>	27				
Laundry		17	\$ 5.679		\$ 5.679
<i>Wisconsin</i>	41				
Farm, garden, dairy, livestock		11	\$ 247	\$ 2.663	\$ 2.910
Linens, garments, etc.		5		\$ 835	\$ 835
Tailored		1)		\$ 35	\$ 35

1) Less than one.

cases all goods produced under "state use" are consumed in the reformatory itself: this is the case with the articles indicated as "tailored" (which means the making of clothes for inmates going out on parole) and partly or entirely also with the articles specified as "linens, garments, etc."

Since 1923 some things have changed: the reformatories of Massachusetts and Pennsylvania have added canning as a productive industry, operated under the same systems as their other industries; the reformatories of Ohio and at Bedford Hills, New York, established a power sewing industry, both under the state use system; and Iowa makes much of its art class the products of which are sold at bazaars and fairs. New institutions have been added, namely the Federal reformatory which, in addition to a farm, operates a power sewing industry under the public use system, and the reformatories of North Carolina and Illinois which have both farms, but, so far as we know, produce for institutional use only thus far. The Massachusetts reformatory for women now sells less than two percent in the open market. Generally one may note some increase of the industries in the women's reformatories, and a definite tendency in the direction of the public use system.

The control of the prison industries, as already stated, is generally exercised by the board or department governing the institution, except in Pennsylvania where the control of the prison industries rests with the State Department of Public Welfare. There is a growing tendency towards centralization of control over institutional industries, the reason of which is that this makes possible a more rational allocation of industries and farm operations to the different institutions. Centralized control becomes particularly important where a public use system prevails, as this necessitates the organization and co-ordination of both the production and the consumption of prison goods in such a way that as far as possible the articles needed by the state and other public corporations may be produced by the institutions, which can only be done well if the chief control of all industries and farms rests in one hand. The difficulty is that, if the central authority carries out its power in a way which conflicts with the best interests of the institutions, these may be seriously handicapped in their work.

§ 95. *Assignment of Workers.*

The assignment of workers to the various forms of employment is mainly determined by the general principles of treatment or training prevailing in the institution. In the institutions which have no particular system of treatment, the assignment may simply

be to such work where there happens to be a vacancy. In the reformatories where the "school"-concept is strong, the inmate is placed at the work indicated in the general training plan, save such modifications as particular circumstances make necessary. Thus, for example, the rule may be to place each inmate first for three months every morning at housework and every afternoon in school, for the next three months every morning in the laundry, etc. In the reformatories where the treatment is very much individualized, every assignment is made on the basis of the individual needs of each inmate as determined by a study of her case, notably of her social and work history, health, mentality, character, future prospects and preferences for work. Some institutions keep special work records which make it possible to conveniently keep track of each girl's work progress so that changes and advancements may be made whenever it seems desirable. Regular reports of the occupational supervisors regarding the progress of the women in their departments with such recommendations concerning promotion and transfer as they may consider desirable, will also help in an intelligent administration of work assignments.

In institutions having varied opportunities for employment there is much room for scientific vocational guidance as carried on in the best outside vocational guidance agencies. Thus far, however, this has not been developed in the women's reformatories to any significant extent, so far as we know, except in the reformatory of Massachusetts where some job analysis and vocational testing has been carried on.

§ 96. *Compensation of Inmates.*

Wages for prisoners have been defended on various grounds:

In the first place, the point has been made that wages should be given as a matter of justice, as work without wages constitutes slavery. Against this it has been argued that the prisoner has forfeited his right to free labor and to receive compensation for it. A legal foundation for this contention is seemingly provided in the words of the Thirteenth Amendment of the Federal Constitution (which are repeated in all but two of the State Constitutions) that "neither slavery nor involuntary servitude shall exist, except as a punishment for crime". In one case it was decided that a law authorizing the payment of wages to prisoners was unconstitutional on the ground that the sentence makes the offender both a prisoner and a slave, but the general opinion is that the government may grant wages to prisoners, although prisoners have no right to compensation.

In the second place wages have been given to stimulate the industry of the prisoners and to obtain a greater efficiency and production. A third ground for the establishment of a compensation system is to secure better discipline, as the prospect of a prisoner that he will receive wages when he behaves and works well, but will lose them when he behaves badly, is a powerful means to regulate his conduct. Deeper goes the argument that wages will stimulate the interest of the prisoner in his work and enhance his self-respect and self-confidence which are constructive factors in his re-adjustment. It is asserted that prisoners who receive wages will feel more like men and less like slaves or dependents, and have a less hostile attitude towards the government. In the fifth place, the payment of a compensation to prisoners has been defended as a means to obviate unfair competition with free labor. Sixthly, wages have been recommended as a means for the prisoner to accumulate some money which will help him upon his discharge to re-establish himself in society. It is pointed out that, from the psychological point of view, it is better that he *earns* this money than that it is given to him. A seventh argument is that wages may be used to support the prisoners' dependents who, on account of their being deprived of their breadwinner, may easily fall to destitution and thus be innocently penalized for his misdeeds. If, the argument is, the state deprives the prisoner's family of its breadwinner, the state has a moral obligation to pay his dependents what he may earn for the state by his labor in prison; this will also maintain his feeling of responsibility for his family, and, on the other hand, establish in his family a better feeling towards him. This argument does not apply to women prisoners to such an extent as to men, as comparatively few women have to support dependents, although the factor should not be overlooked that in families with children the absence of the mother frequently necessitates the making of higher expenses for the care of the children. Finally, the point is made that wages make it possible for prisoners to have at least that much economic independency and responsibility so that they do not need to be entirely dependent upon relatives for any expense to be made.

One argument against the giving of a compensation to prisoners is that those who have forfeited the law do not deserve a compensation and that this would only encourage the commission of crime — which, of course, would only be true if the prisoners' compensation were worth giving up one's freedom for it. Financial considerations may constitute another objection to the paying of wages to prisoners, although it has been found in several instances that the amount paid in wages was more than offset by increased production. A

consideration, finally, which carries much weight with respect to women's reformatories, is that most of the work constitutes "training" and as such has no great productive value, so that it would be economically illogical and unsound to pay the inmates a compensation for it.

Fourteen of the nineteen states in which women's reformatories exist ¹⁾ and the Federal statute permit or prescribe the payment of a compensation to inmates of women's reformatories, but in only six or seven institutions, so far as we could ascertain, namely those of Kansas, Minnesota, New Jersey, New York, Ohio and Vermont, and possibly also Massachusetts, do the inmates actually receive some kind of compensation. Several states which do not pay wages to inmates of women's reformatories do pay them to male prisoners. This difference is to be explained partly by the fact that the labor of male prisoners have to a much larger extent a productive character, partly by the feeling that men who have dependents to support need wages more than women.

As for the amount of the compensation to be paid, it has been advocated that prisoners should receive the same wages as they would receive on the outside for similar work (after deduction of the cost of their maintenance in prison), both as a matter of justice and to obviate unfair competition with free labor. However, in practice this is frequently not feasible: For, in the first place, an institution offers only a limited number of lines of employment, so that many inmates cannot pursue the same occupation they had on the outside and must be placed at work in which they are unskilled and in which they can consequently often make much less than they would on the outside in their own vocation. Furthermore, prison industries are frequently operated under handicaps unknown to free industry, notably the fact that they have little choice and a large turnover of workers. If the same wages were paid as in outside industry, this might result in a considerable loss for the institution. Another important objection against it, particularly with reference to women's reformatories, is that most of the work bears and should bear the character of "training". Once the "production value" is made the basis of wage payments, a conflict between the purposes of training and production would be bound to result: for, unless the institution would compensate the inmates for the time spent in training pursuits (which is certainly not in keeping with ordinary economical practices), the

¹⁾ California, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Vermont and Wisconsin.

inmates might soon lose interest in them and prefer the productive work because of the financial advantage attached to it.

Another system is to fix wages according to the quality or quantity of the work performed, but irrespective of the wages paid to free labor for like service. A third method is to give the prisoners a share or bonus in the profits made, which has the advantage, that, like the second method, it provides an incentive to the prisoner to do good and much work. Frequently the amount available for bonuses is granted in lump to the whole shop, and distributed among the workers in that shop according to fixed criteria on the basis of the quantity or quality of work performed by each inmate. One difficulty of this system is to fix just criteria, and another that the profit realized may not be known until months later, when other inmates have taken the places of those who actually performed the work. Moreover, a small profit may not be the fault of the inmates, but due to poor machinery, inefficient salemanship on the part of the management, unfavorable economic conditions or other factors over which they have no control, and it would not be fair, therefore, to let them bear the consequences. A fourth system is to pay prisoners for any work they do over a fixed task, but probably this is not applied in any women's reformatory. An entirely different method is that of giving each prisoner a flat amount of money every day, irrespective of the economic value of his work. Frequently the amount paid each day is also made dependent upon the conduct grade the inmate is in or upon his behavior in general. Very often different criteria and methods are found in the same institution.

The laws of most states leave the amount of compensation to be determined by the board or department controlling the institution, although in some cases certain criteria or limits are specified. The laws of Iowa, Nebraska and New York reflect to a certain extent the first method, for they provide that the inmates shall be paid a wage as seems "proper" or "reasonable" in view of the circumstances and the cost of maintenance which may be deducted from the earnings and which, in Nebraska and New York, may not be fixed at more than \$ 2 a week. Iowa also provides that the wage paid shall in no case exceed that paid to free labor for like service, but that inmates working for private employers shall not receive less compensation than would be paid for like service on the outside. Massachusetts makes the wage dependent upon the profits made: Here 15 % of the cost of the goods sold is first deducted from the profit made by the institution; of the remaining profit 50 % may be distributed among the inmates according to rules adopted by the governor and the council. In a few states the law fixes only a

maximum limit: In Connecticut the amount paid may not exceed 15 cents a day, in Kansas it may not be more than 3 cents a day if the inmate is in the second grade and 5 cents if she is in the first; in Pennsylvania it may not be less than 10 nor more than 50 cents a day. Ohio provides that the earnings shall not exceed the difference between the cost of maintenance and the amount the labor is worth in the opinion of the board. The Federal statute, and the statutes of California, Minnesota, New Jersey and Vermont leave the determination of the amount entirely to the discretion of the controlling authority. Some states, like Minnesota and Ohio, have the provision that the money earned may be cancelled in case of bad conduct or escape.

The methods actually followed and the amounts paid differ much in the various reformatories. In the Kansas State Farm for Women each inmate is paid a flat sum of 3 or 5 cents a day depending upon the conduct grade she is in. The reformatory at Bedford Hills, New York, pays a wage of from 1 to 2 cents an hour to the women engaged in the productive industries, according to the excellency of their work. In Minnesota girls in the first grade may earn 10 to 15 cents a day depending upon the quality of their work, those in the second grade from 6 to 10 cents a day, and those in the third grade, or doing poor or dilatory work, receive nothing; misconduct may cause a forfeiture or all or part of the earnings according to a fixed schedule of fines. In Clinton Farms, New Jersey, 5 cents a week is granted to the "probation girls", 10 cents to the "honor girls" and 15 cents to the "commissioners". In Ohio the women receive 5 to 6 cents a day; in Vermont those engaged in the laundry work (the only industry of the institution) are paid bonuses the amount of which we could not ascertain. Perhaps the most practical system for women's institutions would be to pay all inmates a certain amount a day depending upon the effort the inmates make and the quality of their work, but irrespective of the economical value of their work, lest a premium be put upon work in the productive occupations to the detriment of other activities which might have a higher reformatory value.

Sometimes provisions have been made either by law or by the board or department governing the institution concerning the disposal of the earnings. In Minnesota, for example, at least half of the earnings must be saved until the time of discharge; the balance may be spent by the inmates on toilet articles and materials for fancy-work.

CHAPTER XXIII

VOCATIONAL AND CULTURAL TRAINING

§ 97. *General Remarks.*

School instruction existed in the women's reformatories ever since their beginning. In the very first annual report of the Reformatory Prison in Massachusetts it is already told that evening classes in reading and writing had been established. The Houses of Refuge in New York had a regular day school, including classes in type-writing and stenography, since their earliest years. It was the reformatory at Bedford Hills, however, which, under the superintendency of Dr. Katherine Davis, made the first systematic attempts to adapt the school education to the particular needs of the reformatory population and set an example for the later reformatories.

It is now generally accepted that the educational work should be directed above all towards preparing the women for life in the community, that it should not be something separate from but part of the whole program of social rehabilitation. In other words, it should be practical rather than academic. On the other hand, the instruction should by all means be made dynamic and stimulating. For it is considered more important that the *interest* of the women in higher ways of self-expression is aroused than that they acquire a formal knowledge of school subjects. Hence the insertion in some reformatory programs of such seemingly "impractical" subjects as arts and crafts and nature study, the use of biographies, dramatics, music, folk-dancing, etc. all of which are calculated, through their appeal to the aesthetic sense, the imagination and the love of adventure and romance of the women, to arouse their interest and enthusiasm for finer and nobler things.

The legal provisions on the education in the reformatories are all very general and contain nothing of specific interest, so that it seems of little use to quote them.

§ 98. *The Teaching Personnel.*

The teaching personnel may consist of teachers and instructors devoting their full time to the instruction; other officers who give

part of their time to teaching classes; visiting instructors; and inmate teachers. It is often difficult to determine the teaching forces of the reformatories on account of the fact that in many cases no sharp line can be drawn between educational and occupational activities, since the best institutions strive to make all occupations educational and all supervisors teachers or instructors. However, it may be stated that, on the whole, the number of teachers, who give their full time to the work of instruction, is very small, mostly not more than one or two, if any. A rather extensive use, however, is made in some institutions of the services of other officers in the institution, such as the physician to teach first aid and home nursing, or the dietitian to teach home economics. In the Federal reformatory, for example, there was in 1928 only one full-time teacher, but there were eight other officers giving courses in academic and commercial subjects, sewing and dress-making, home nursing, cooking and serving. A similar system is found in the Massachusetts reformatory which has five or six teachers recruited from officers whose main duties are in other fields. It is the policy in this institution to appoint, as far as possible, persons with teaching qualifications, particularly graduates from Normal Schools or schools for domestic science, in the supervisors' positions so that they are available to take part in the educational work. Their schedules are arranged in such a way that, while they are teaching, members of the self-government council, if necessary, take their places. Advantages of this system are that not only, without additional cost, a more varied teaching personnel is obtained, but also that a closer correlation between work and instruction becomes possible, and that the work becomes more interesting to the officers in the supervisors' positions so that it may attract more intelligent types. It may thus tend to bring the whole work upon a higher plane.

Another way of extending the educational staff is to employ visiting instructors from the outside, who may either be teachers paid by the institution on a part-time basis, or instructors sent by a State Board of Education or other state board or department, or volunteers. Only rarely, however, has this course been followed, although it seems particularly indicated for small institutions or for special subjects for which no full-time instructor can be engaged.

There is some difference of opinion as to the desirability of employing inmates as teachers. The great difficulty is that, since the number of inmates of women's reformatories is comparatively small, no reliance can be placed upon suitable teachers being always available among them, and even, if any are available, they will usually stay only one or two years, so that their employ does not

add to the stability of the teaching force. Another objection against the use of inmate teachers is that they might not have the respect of the other inmates because they are one of them. Practice shows, however, that among the inmates of a women's reformatory excellent teachers may be found who can make a real contribution to the teaching program, and who are respected by their pupils, provided they are under the direction of a civilian teacher. For the inmate teachers themselves the teaching may be the best form of occupation they can have in the reformatory. A few of the most modern and larger institutions, notably the Federal reformatory, now employ inmate teachers.

In addition to the regular classes, members of the governing board or others interested in the institution, may come to the institution to give lectures for the inmates. Many superintendents encourage such persons to come and ask also visitors to contribute something, so that they sometimes manage to get quite a full and varied program throughout the year.

It will be clear that, in order to make such a program effective, there should be someone to wield the various educational possibilities and assets into a co-hesive and well co-ordinated, yet flexible, program; in other words, that there should be a person with qualifications and powers to organize and direct the educational work. This educational director should preferably be a person with a good deal of experience in adult and institutional education and with much imagination, quick to discover educational possibilities and how to make use of them. It has also often been suggested that the educational departments of penal and reformatory institutions should be placed under the supervision of the State Board or Department of Education so that full use may be made of its resources and advice. A progressive Department of Education can do a great deal to improve the educational systems of reformatory institutions, by giving advice relative to the organization of the work, by pointing out needs and suggesting improvements to the Legislature, by preparing outlines, sending instructors, etc. Thus far, however, the Departments of Education seem, on the whole, to have taken little interest in institutions for adults.

§ 99. *The Educational Program and Methods in General.*

Subjects Taught. The number and variety of subjects taught obviously depend upon the facilities available. One of the means whereby some institutions have extended their educational facilities is by making use of the educational talents which happen to be available among the personnel, the inmates, and outsiders, as we have just explained. Another interesting means is to make use of

correspondence courses which, in the United States, are frequently organized by some University or Department of Education under the name of "University Extension courses". It should be explained that these courses are on all kinds of subjects, technical as well as academic ones, and both for beginners and more advanced pupils, so that they are well fitted for individuals who want instruction along some particular line. The reformatory for women in Massachusetts particularly makes a large use of these courses, although in a few other reformatories they are also used. Through this means the inmates of the Massachusetts reformatory have addition to training in over two hundred subjects, varying from commercial advertising and home-making to foreign languages and book-keeping, of which in one year 78 women availed themselves. In a few cases the number of women who enrolled in a course was sufficiently large to warrant an instructor to come to the reformatory one night a week. Other means which may help in enlarging the educational possibilities are the radio, moving pictures, stereopticon projections, exhibits, etc.

Methods of Teaching. Through experience certain ideas have developed regarding the best methods of teaching in women's reformatories.

As regards the academic instruction, it has been found that the usual public school methods are not suited for the inmates of a reformatory, first of all, because women who have been out of school since several years have usually lost the interest in schoolwork and the freshness and elasticity of a child's mind, and, secondly, because the shifting reformatory population is too heterogeneous and unstable to make ordinary school methods possible. It is now more and more recognized that the teaching of school subjects should as far as possible be correlated with the other activities of the institution and with the practical problems of life. Arithmetic, for example, may be taught by having the class members figure out the amount of material needed for a dress or for curtains and what it would cost; similarly spelling and English composition may be learnt in the course of letter-writing, and history, geography and civics through the "current event" classes, through making imaginary travels, etc.

The correlation of labor and educational activities also works the other way, in that, namely, it makes the work more interesting to the inmates. This idea was, for example, at the base of the "everyday class" which was organized in the chief industrial room of the Massachusetts reformatory while we were there. In this class the materials which the girls were working formed the starting-point

for a discussion of the countries where they were grown or manufactured, of the industrial processes in the course of history, of some economical and social questions connected with it, etc., in the course of which much incidental information was given regarding geography, history, sociology, civics, etc. The inmates showed considerable interest in this class.

More and more the value is emphasized of learning by doing rather than by listening. The "project method" is a good aid in this respect. A practical example will show best how it works: Suppose the furnishing of a new cottage is used as a project. The first general discussion with the class as to how to furnish the cottage offers the teacher opportunity to get over to her pupils much practical information concerning the best ways of furnishing a house in view of the requirements of hygiene, economy and good taste. The class members will then be led to look up magazines concerning interior decoration and home-making, and to order price-lists from furniture dealers whereby they incidentally learn how to obtain such information. The discussion as to what to order is an opportunity to teach the properties and qualities of various materials and styles, the use of measures, and the making of estimates of cost. Perhaps there will be a competition, each class member having to write down some plan with estimate of cost, whereafter the best plan will receive due recognition and mistakes will be explained. The plan decided upon might include the varnishing or painting of floors instead of buying floor-cloth, the painting and decorating of walls instead of using wall-paper, and the doing up of second-hand or unfinished furniture, all of which has to be done by the members of the class who thus learn how to perform all these processes. Many details of the reformatory work can thus be made projects. In the Industrial Home for Women in Pennsylvania, for example, the larger part of the furnishing and decorating of the cottages and the administration building thus served as teaching projects. The same is at the base of the practice of some institutions above referred to of making, as far as possible, the inmates responsible for specific tasks.

Dramatization of the subject matter is another important means to make the teaching more effective: The reformatory in Massachusetts, for example, in order to give a clear idea of voting, staged a registration and election day, for which the town clerk of Framingham loaned the material and properties. The dramatic performances which in many institutions are given by the inmates by way of recreation often serve educational ends: thus in the Pennsylvania institution one big historical or classical play is given at least once a year, which months ahead furnishes the classes with material for the teaching of English language and literature, history and geography.

To give some exhibition or demonstration of the results of a class or to hold competitions are also means to stimulate interest. This is sometimes accompanied with the giving of certificates or other distinctions to those who have successfully completed a course or whose work deserves special merit. In the Massachusetts reformatory, for example, an exhibit of the work done by the various classes is often held at the end of the school term, on which occasion Red Cross certificates for the successful completion of first aid and home nursing courses, reading certificates, and prizes for the winning parties in the sport competition, are distributed. Such occasions are usually the object of lively interest on the part of the girls who work hard to gain the distinctions.

Arrangement of the Curriculum. On account of the frequent changes in the reformatory population some institutions have found it most desirable to establish a number of short courses, each complete in itself and lasting from six weeks to three months; in other institutions continuous, ungraded classes, with a program planned from day to day so that new pupils can easily fit in, have been found practical. In most reformatories classes are discontinued during the summer, in order to give full sway to the farm work and the canning, so that the school session lasts about nine months. For some classes, however, such as the classes for illiterates, such a long interruption is not desirable, so that these are often continued throughout the whole year. It is generally believed that the class periods should not be made long, not over forty or fifty minutes for academic subjects, and an hour to an hour and a half for more practical classes, as it is difficult for most women to apply themselves much longer to one subject. In some institutions ten minutes of physical exercise are given between the periods or in the middle of the morning or afternoon. This, together with an alternation of academic and more practical subjects as is done in a few institutions, helps to keep the attention fresh.

In some cases it is desirable to keep the number of participants in each class small so that a good deal of individual instruction is possible, although this varies with the subject taught. Frequent summarizing of the subject matter and class recitations or papers are often found desirable.

Means of Instruction. As regards the means of instruction, it may be stated that the ordinary school text books are often found impractical. A few institutions, such as the reformatory in Massachusetts, have worked out teacher's outlines and students' texts especially adapted to the needs of the classes. Interesting is the practice in

some reformatories to use ordinary magazines, newspapers, and advertising material as means of instruction, in order to acquaint the women with the ordinary means of spreading intelligence in free society. Housekeeping journals and magazines dealing with interior decorating, gardening, popular science, etc. are also frequently used in some institutions in the classwork. The reformatory in Massachusetts uses rather extensively encyclopaedias and standard reference works on history, biography, natural science, etc., which are placed on open shelves in its library, in order that the inmates may learn of their existence. The daily newspapers may form the teaching substance in current event classes, while historical literature and biographies may supply the means for the teaching of history, and advertising material of tourist agencies, travel accounts, foreign stories, etc. may serve the instruction in geographical knowledge.

Oral instruction and dictation are the usual forms of instruction in academic classes and some other courses, but some teachers, realizing the need of many of the inmates to visualize the subject matter, supplement this instruction by the use of pictures, stereopticon projections, practical demonstrations and experiments, and dramatizations.

One form of instruction which thus far has had little application in women's reformatories but which might have it in the future, is the educational exhibit. Since more and more travelling exhibits come into use, there is no reason why some of them, for example, health exhibits, might not be sent to reformatory institutions.

§ 100. *Assignment to Classes.*

In some institutions where the educational facilities are limited these are frequently reserved for the illiterates. In one reformatory, however, all inmates, regardless of their previous education, must attend a class for one hour every day during which a matron with some teaching experience gives general instruction in elementary school subjects. Of the institutions which have a greater latitude in their educational assignments we may mention, in the first place, the Industrial Home for Women in Pennsylvania which classifies the women in three groups according to their mental status, as determined by psychological tests; in addition to this, special talents are encouraged and aided as far as possible. The Federal reformatory, the reformatories in Massachusetts and New York, and more or less a few others, follow the departmental system, that is, a number of independent courses are established in which the women are enrolled according to their needs. The enrollment may be compulsory or voluntary, or compulsory for some courses and voluntary for

others; it may or may not be based upon a study of the case, or the educational guidance by a competent person. One of the best systems of educational guidance is that found in the Massachusetts reformatory: Here enrollment is voluntary, except for gymnastics and singing; but the women are to a considerable extent guided in their choice by the educational supervisor who not only knows the very complete case records of all the women and the results of the intelligence tests, but who also applies to each one of them educational tests shortly after their admission, and has an interview with each individual to find out her interests and needs. The educational supervisor also takes part in the case discussions, and the educational plan for each girl forms part of the whole adjustment plan, although the women have the feeling that they select their own courses. It is interesting to note that in this institution as well as in that of Pennsylvania where the enrollment is also voluntary, three fourths of the women or more apply for admission to the various classes because these have been made so interesting that most women like to go to them. In the Federal institution and the reformatories in Connecticut and New Jersey the school assignments for each individual girl are worked out at the case conferences as part of the whole plan of treatment, which seems an equally commendable method.

§ 101. *Academic Instruction.*

Practically all superintendents agree that at least the illiterates or those nearly so should receive instruction in reading and writing. The question is of somewhat greater importance in the American states than in some West-European countries because of the comparatively high percentage of those coming from foreign countries or from states where backward educational provisions exist who do not know to read or write English well. The courses for foreign women are often called Americanization courses, and may include also instruction concerning American government and institutions.

Regarding instruction beyond this minimum, opinions differ. Some superintendents feel that for adult women, few of whom have engaged in intellectual pursuits since they left the elementary school, and many of whom are below normal mentally, academic training has little value. Others, however, are of the opinion that there is much room for intellectual growth of the women, and that more knowledge and the awakening of new mental interests will help them in making better social adjustments and bringing their lives upon a higher plane.

The educational opportunities provided are, however, much more

dependent upon the facilities available than upon the ideas of the superintendents in this matter. These facilities show the greatest variations between the different institutions: Of the sixteen reformatories about which we have knowledge on this point, no fewer than eight have no resident academic teacher, although in four of them some instruction is given by other members of the staff or by outside teachers visiting the institution at stated intervals. The Albion State Training School in New York, on the other hand, has three academic teachers, the reformatory in Massachusetts has two or three but not all full-time, Clinton Farms in New Jersey has two full-time and one part-time teachers. Most of the other institutions have one teacher, sometimes assisted by other staff members or inmates.

Very ambitious academic programs exist in some of the institutions which have good educational facilities, and it is sometimes most surprising how much can be achieved even with such unpromising pupils as many adult delinquent women seem to be, and within the comparatively short time they are in the reformatory. A few illustrations may be given:

In the Pennsylvania institution the girls are divided in three groups according to their mental status. The group with the lowest mentality is taught elementary spelling and arithmetic, as far as possible with the use of the project method. The second group is instructed in more advanced English, arithmetic and spelling, history (in the form of biographies) and geography (largely by means of imaginary travels), and has occasional discussions on civics and other subjects; once even a course on "Character Training in Childhood" was given. The third and most intelligent group receives instruction of more aesthetic and ethical character, largely in connection with the historical pageants given yearly in the institution, such as the life and writings of Shakespeare, Greek mythology, the history of Pennsylvania, and studies of the lives of modern authors and foremost women of the day. The object is to cultivate the taste for good literature, and generally to give the women a vision of the higher things of life. The response in this class is always very enthusiastic. In the Connecticut reformatory for women classes are held every afternoon, and individual instruction is given in the morning to illiterates. The afternoon class comprises a few practical arithmetic problems such as may occur in any one's life, the discussion of current events, and, in connection with this, geography and civics, instruction in plant and animal life, and the reading of good books. This class went so far as to read and act out the "Merchant of Venice" and other classics, and to edit a monthly paper "The Star", composed entirely by the girls. The Albion State Training School in New York which has half a day school every

weekday for nearly all inmates, has a full program of courses in the ordinary primary school subjects, geography, literature and civics, the classes being graded in three divisions according to the educational status of the girls. There are also classes in physiology and hygiene, followed by lessons on character building, for all inmates (probably including sexual education). Much use is also made of Chautauqua courses and lectures by outside specialists. Occasionally advanced preparation is provided for girls who seem especially gifted. The reformatory in Massachusetts has classes in elementary and advanced English, geography (using magazines, books and advertising material of tourists' agencies rather than geography textbooks) and history (teaching this largely through biographies and the observation of national holidays). Arithmetic and other general school subjects are taught indirectly in connection with practical problems, and civics chiefly through the self-government system. Individual interests are met in this institution through the correspondence courses of the University Extension Division of the State Department of Education, by which it is even possible to earn a certificate equivalent to a high school diploma.

§ 102. *Vocational and Household Training.*

Household Training. There is some difference of opinion regarding the extent to which specific instruction in domestic science is necessary. Some superintendents are of the opinion that all the women need to know can be learnt best through the actual work of the institution, but the majority consider special courses necessary, on two grounds: firstly because there are many things which they feel are of value to the women to know, such as food values or budgeting, that cannot be taught well through the routine work of the institution, and, secondly, because the practical exigencies often conflict with training purposes, as, in the rush to get the work done, there is always a tendency to pick out the most efficient women to do the work and to let the others go untrained.

Here, too, however, the available teaching force determines in how far domestic science instruction is possible. Probably all reformatories have an officer who takes care of the sewing and who gives incidental or systematic instruction to the inmates. Some institutions, such as the Federal, Connecticut, Massachusetts and New York reformatories, even have two or three sewing instructors or supervisors (one or two for the industrial sewing and dress-making, and one or two to teach mending and elementary hand sewing). All but one or two of the reformatories also have laundry and kitchen supervisors who give more or less incidental instruction. Only

seven of the sixteen institutions, however, of which the educational facilities are known to us, have regular courses in cooking given by a domestic science teacher or other officer who devotes part of her time to it. Good domestic science courses exist, among other institutions, in the reformatories of Kansas, Bedford Hills, New York and Pennsylvania: here not only cooking and canning, serving, sewing, mending and laundering are taught, but also the origin and values of foodstuffs, the care of the kitchen and the home, home furnishing and repair of furniture, home nursing, first aid and child care, and the "etiquette of entertaining". Budget making is also taught in some institutions, and classes in cooking, home decoration and health subjects seem especially popular.

Industrial Training. The first requisite for good industrial training is that both machinery and methods in the industry are like those in an up-to-date outside factory. Where antiquated machines or inefficient methods are used, the operators will learn techniques and habits with which they can do little in outside industry.

A very good system of industrial training exists in the Massachusetts reformatory. In this institution placement in the industries is based upon mental tests and the social and medical history of the inmate. If the women are capable for it, they are taught to operate more than one machine in order to increase their possibilities of finding employment. An interesting feature is the job analysis of institutional functions with which a beginning has been made, in order to make the training more standardized and effective. In the analysis of the laundry which was first completed, efficiency and vocational education experts worked together with officers and inmates. Progress record charts are now kept to measure the efficiency of each worker.

Other Lines of Vocational Training. Of the other lines of vocational training commercial subjects, particularly shorthand and typewriting, are most favored. These subjects usually have a great attraction for the women, and there is some difficulty in that many want to take them who lack the intelligence or education to ever become efficient typists or stenographers. For girls who have no good homes and need family supervision the work is not always commendable, as it offers little social protection and salaries that are often low, unless the worker is very efficient. Careful selection according to the mental capacity, previous education and social circumstances of the girls will, therefore, be desirable. None of the reformatories has a special commercial teacher, but in some institutions, such as those of Iowa, New York, Massachusetts,

Pennsylvania and the Federal reformatory, courses in shorthand, typewriting and sometimes also in bookkeeping and commercial correspondence, are given by the institutional bookkeeper or some other officer, or by means of University Extension courses. Practice in typing and shorthand may be obtained by assistance in the administrative work of the institution or the activities in connection with the school paper. In Iowa progress in commercial courses is encouraged by the awarding of certificates and "Competent Typist's Pins" by an institute in the state.

Dress-making forms another good vocation for some women. In many institutions the inmates are required to make their own parole outfits, and those showing a particular interest and aptitude along this line may be given instruction in cutting and advanced tailoring. In so far as the purpose is to train for a vocation, it is very essential that those giving such instruction not only understand thoroughly the shop technique, but have good taste and understanding of fashions as well, lest the products of such instruction show all too plainly their home-made origin. The difficulty in institutions is that frequently too little tailored clothing is manufactured to make possible the development of a regular dress-maker's shop which could keep pace with outside techniques and fashions.

In some institutions, like the Federal reformatory, training is provided in serving and waitresses' work. Although this is usually considered as part of the training for a domestic position, this may also prepare the women for the work in restaurants. Some reformatory workers are not in favor of placing inmates in waitresses' positions, as these often carry moral problems, but with careful placement in the higher grade of establishments where supervision is exercised over the personnel, the moral dangers may be largely obviated.

In a few reformatories attempts are made to give some inmates such training and experience in the hospital as will fit them for a position as practical nurse or prepare them for a regular nurse's training on the outside. Occasionally credit has been given to the experience which the woman had in the reformatory hospital so that she was accepted for more advanced nurse's training by an outside hospital. Some reformatories which have good maternity units, such as those of Connecticut and New Jersey, offer excellent training opportunities for those girls who want to prepare themselves for the position of nursemaid.

Sometimes inmates who seem particularly promising in some direction, may receive special training for some other vocation, which is often possible through University Extension courses. In the Albion State Training School, for example, one girl was given

advanced instruction preparing her for the State Normal School.

There are some other lines of vocational training which have been suggested as suitable for women's and girls' institutions, in the first place, beauty culture (hairdressing and manicuring). This work offers good positions for women, but they, too, may carry some moral danger. However, if care is taken that the women are placed only in high-grade beauty parlors with exclusively female patronage, the moral danger need not be greater than in any other position. Instruction in beauty culture is now provided in some girls' institutions, but thus far has not found a place in any of the women's reformatories.

§ 103. *Social Preparation.*

It hardly needs saying that really the whole education of a reformatory may be qualified as "social preparation". There are a few points, however, which cannot well be classified under other headings, and which nevertheless deserve attention as part of the educational program.

One great drawback of institutional life is the lack of opportunity for the inmates to have economic experience and to learn economic independence. Everything: food, clothing, housing, work, is provided them without any effort on their part, and they do not learn those qualities which they will need in free society to fight the struggle of life successfully. One of the few things that have been done to meet this difficulty in some reformatories is to give the inmates wages for their work of which they may dispose wholly or partially to buy comforts for themselves or to support relatives. This gives them at least a small measure of economic independency and some opportunity of learning how to spend their earnings best. Another means is to teach the women the making of personal and household budgets and of keeping accounts of their expenditures. As we shall see in the chapter on "Parole", women are sometimes required to keep such accounts while on parole, and to have them verified by their employer and parole officer. In several cases also the women are not permitted to spend all they earn, but are required to start a savings-account. A very interesting method of teaching economy is related by Miss Reeves in her above quoted book on institutions for delinquent girls which we cannot help quoting because of the suggestions it holds: ¹⁾

¹⁾ Page 368—369.

In our opinion, the ideal would be for each cottage to be placed on a budget. The cottage mother should call her group of girls into consultation on how costs may be reduced in one respect, in order to have additional funds for something desired in another direction. New books, new victrola records, new pictures should not just appear. There should be planning as to when the school and the cottage can afford these things. The girls should know what food and clothing cost, and realize that the money for each expenditure represents someone's labor.

Miss Reeves then proceeds to tell of the Tennessee Vocational School for Girls where this system was successfully applied, the girls themselves having established committees for the yard, road, tools, house, light, water, etc. and managing their affairs as if they had to pay themselves for them. The superintendent frequently talked over with them matters of general interest, and all knew exactly how much the per capita cost was.

Another point to which attention may be called is the training in civics which is provided in some institutions in order that the inmates may obtain a better understanding of the commonwealth, its law and its institutions. Some reformatory workers feel, however, that the women learn civic ideals much better through a self-government system, biographies of great men and women, current evening classes, and the celebration of holidays.

§ 104. *The Library.*

There are unusual opportunities for book service and educating by means of books in a penal institution. The seclusion of institutional life and the lack of many diversions which exist on the outside turn most of the inmates into fond readers of books and many will come in contact with books who would otherwise never have thought of them. The experience in institutions where the library service has been well organized shows that the circulation of books per reader far exceeds that in any public library, and that to a surprising extent the inmates can be led to appreciate the better type of literature. Ideally, as an authority on institutional libraries put it, the task of the institutional library should be to teach the inmates first the "reading habit" and next the "library habit", that is, to arouse in them an interest in good books and to teach them how to pursue this interest after their release by the use of public libraries.

The old practice, still prevailing in many institutions, is to have some library collection consisting chiefly of volumes donated by others, and to have it administered by some officer or inmates without any particular library training. It is only since the last

quarter of a century that some realization has come of the fact that much more is needed to make the institutional library a really constructive factor.

The first state to give intelligent attention to the matter of institutional libraries was Iowa, where, through the concerted action of the State Library Commission and the State Board of Control, in 1906 a State Supervisor of Institutional Libraries was appointed by the Board of Control. This supervisor went three years later to Minnesota, which was the second state to take up the systematic organization of institutional libraries, and which in 1913, as the result of an action of the Minnesota Library Commission, created the position of State Supervisor of Institution Libraries. The third state to organize this matter was Nebraska which in 1911, again through the influence of the Library Commission, appointed a Librarian of State Institutions. The Library Associations throughout supplied most of the initiative in this movement: In 1907 already the League of Library Commissions appointed a Committee on Library Work in State Institutions. Two years later the League decided that the State Library Commissions should, each in its own state, get in touch with the institutions and see what improvement could be made, while the League itself would take the matter up with the Federal prison service. The American Library Association, among other things, published a Manual for Institutional Libraries. As a result of this agitation some states improved their library service in institutions, although in others the activities of the Library Associations had no success. ¹⁾ Recently the American Library Association approved of a plan to carry out one year of research with respect to prison libraries in Massachusetts in order to understand better the problems incidental to prison libraries.

It has now come to be recognized that the two things most needed to build up and maintain a good institutional library are, firstly, adequate financial support, and, secondly, expert supervision. To depend entirely upon gifts for the acquisition of books has everywhere been found an unsatisfactory method, as it almost never leads to a well-balanced collection with a sufficient supply of the good new books which are most needed. But even if financial support is given, it requires a person with some library training to find out the needs of the reformatory population and how best to meet them within the limits of the appropriation, to install a

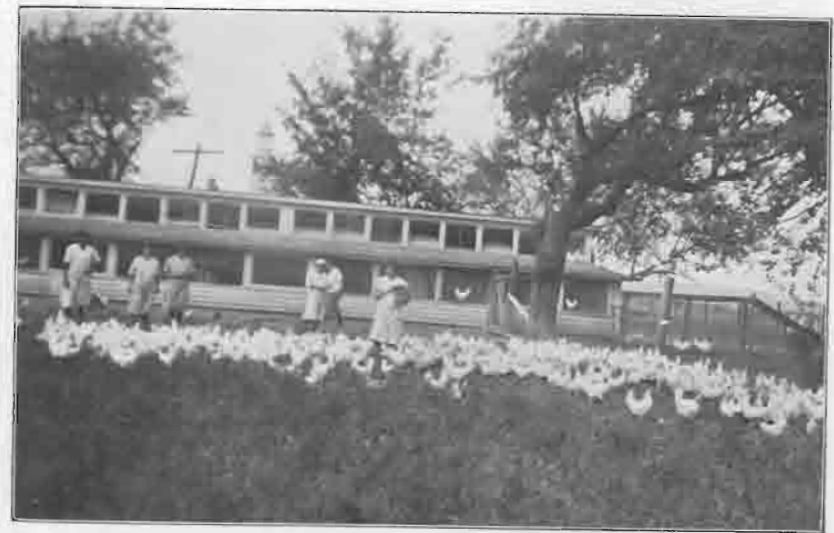
¹⁾ See for further information: F. R. Curtis. *The Libraries of the American State and National Institutions for Defectives, Dependents and Delinquents.* 1918.



Connecticut State Farm for Women,
Niantic.

Courtesy of Miss Elisabeth Munger,
Superintendent.

Feeding the Silo.



State Industrial Home for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

The Hennery.

system of records which will insure an efficient and convenient administration, and above all to know how to get the books to the inmates. For the great difficulty is that most of the inmates have never done any reading beyond that of cheap magazines before they came to the reformatory; they have no idea how to use a library, nor do they know what books to ask for. Unless they are guided and *taught* to read, the best collection of books will have little meaning for them. This implies that the librarian must have an intelligent understanding, not only of books, but also of the readers with whom she deals, and their special needs and wishes, and that she cannot passively await until they come to her, but must bring the books to them and arouse their interest and enthusiasm for them. The test of efficiency lies in just this service: to know that a library contains so many thousands of volumes means little, if (as is frequently the case with libraries acquired exclusively by donations) most of it consists of old periodicals, out-of-date schoolbooks and other "dead wood", or if good books are on the shelves, but do not reach the inmates.

A third point which may be stressed is that the library should be closely correlated with the school so that the library may supplement and enrich the school instruction, and, on the other hand, the school may stimulate and guide the interest in reading.

The Acquisition and Selection of Books. As already stated, regular financial support has been found practically indispensable for the building up of an adequate and well-balanced library. Experience has shown that one dollar a year per inmate, if judiciously spent, will generally be sufficient to maintain a good collection, and will go far in gradually building up one. Only a few of the women's reformatories, however, have any funds available for this purpose. Among them are the reformatory in Minnesota which has \$ 100 a year to spend for books and periodicals for a population of about sixty-five inmates, while a few other reformatories, such as those of Massachusetts and Iowa, can draw money for the library from other appropriations, or may sometimes receive special grants. The system prevailing in men's prisons of using the visitors' fees for the support of the library is not in use in the women's reformatories, as these do not raise fees from visitors. Since the appropriations are so small, it becomes all the more important that the purchasing of the books should be done by, or after consultation with, a trained librarian, preferably with some institutional experience, who could suggest which books to select, and generally how to make the most of the money available. The compilation of a list of books suitable for penal and correctional institutions, as was done by

the New York Public Library, would also be a great aid.¹⁾

But even where a library has to depend entirely upon donations, some improvement may be made in various ways. One of these is to make it a special point of providing persons, who want to do something for the reformatory, with a list of recommended books in order to guide them in their selections. In a few cases penal institutions have also solicited books or periodicals from editors or received discarded collections from public libraries. Another means to extend the library facilities is to enter into a loan agreement with some public library or library association: this is being done, for example, in New Jersey and at the State Training School at Albion, New York, but particularly in Wisconsin, where the State Free Library commission not only supplies all inmates on request with any book they want (with one-way postage the only charge), but furnishes also reading lists, compiled by experts, on any subject they select. Nebraska has a system of travelling book collections, purchased and supervised by the Library Commission, which go from one state institution to another, and which, after the whole round has been made, become the property of one of the institutions in turn. This system, although economical and better than the acquisition of books by donation exclusively, is less satisfactory in so far as no account can be taken of the special needs of each institution. As supplementary to standing and more or less specialized collections within each institution, travelling libraries may, however, be of much use.

Greater care is needed in the selection of books for men and women in confinement than for those on the outside as upon the former the books often make a more profound impression. For women it has been found that the kind of literature most favored and desirable was good, wholesome novels, biographies, poetry and books on women's and home arts. In addition to this there should also be a number of the children's classics for the more backward women, and easy books for the foreigners who have just learnt a little English. In a good library there should further be some of the most important reference books, works on popular science, history and geography, and the best English classics, to be used in connection with the school instruction. A very important part of the library form also the current periodicals of which there should be a good number. For women those most suggested are a

¹⁾ The compilation of such a list is now under way by the American Library Association, but it was felt that no good progress could be made unless the particular problems of the prisons could be solved from within.

good daily newspaper¹⁾, some general magazines, and periodicals on housekeeping, home and garden architecture, and women's arts; a popular science magazine, too, has been found very stimulating in a few reformatories. Good pictures presenting great works of art, nature scenes, historical events, etc., should complete the library, together with a collection of vocal music and victrola records.

The size of the reformatory libraries vary from 500 volumes in Ohio to about 5,000 in the Massachusetts reformatory; the quality of the collections, too, varies greatly. Perhaps the best collection is that found in the reformatory of Massachusetts, which has been built up with the help of regular financial support and expert advice. In addition to over two thousand books of fiction, the library has a large number of the best reference books, works on natural science, sociology, history, geography, useful and fine arts, etc. The library of the Minnesota reformatory is much smaller, but its selection of fiction is excellent, and it has subscriptions to no fewer than fifteen different periodicals. Clinton Farms in New Jersey, too, has a good supply and variety of magazines, while the State Training School at Albion, New York, prides itself of the possession of a large collection of educational music records which are used in the study of music.

The Administration of the Library. Some points that have been found commendable in the administration of an institutional library are: 1^o. expert supervision (the practical details of the administration can be delegated to an ordinary officer and inmates); 2^o. proper classification of the books; 3^o. a practical system of records; 4^o. various devices to stimulate the interest in reading. One of these devices is the open book shelf from which the inmates themselves may take books and browse in them. Particularly individuals who have no literary knowledge and to whom, therefore, titles and names of authors do not mean much, need the stimulation of seeing the books. Another means is to place books in the cottages in open book-cases, so that the inmates may read them at will. A third means is a classified catalogue of which copies should be given to all inmates so that they may know what books there are; in addition to this, announcement should be made from time to time of new additions. In the fourth place a stimulating talk on books every now and then by some person who knows and loves books may greatly add to arousing interest in them.

¹⁾ The objection against newspapers is that, particularly in the United States, they contain so much sensational and unwholesome accounts. The Massachusetts reformatory had for that reason the Christian Science Monitor which is almost the only daily not containing the objectionable type of news.

None of the women's reformatories has a special librarian; usually the teacher or some other officer, with the assistance of inmates, takes care of the library. In view of the comparatively small populations of the women's reformatories which do not justify the expense of a special librarian, the most practical method seems to be that prevailing in Minnesota where, as stated before, a Supervisor of Institution Libraries is employed by the Board of Control who serves all the institutions under the administration of the Board. This supervisor makes all the purchases of books in consultation with the respective superintendents, organizes and supervises the systems of record keeping and book service in general, gives every now and then stimulating talks on books for inmates and officers, and generally constitutes an inspiring factor which makes the library service a really living force in the various institutions. In the reformatory a book-case is placed in the living-room of each cottage, the contents of these book-cases being exchanged with those of other cottages once a month; in addition to this there is a central collection in the administration building. Inmates are responsible for the book-cases in the cottages; the checking system has been made so simple that rarely a book gets lost. In Iowa the system established in 1906 differed from that of Minnesota in this respect that the supervising librarian employed by the Board of Control was paid by each institution on the basis of the time actually spent in its service. Nebraska followed a very different way: here the appropriation given by the state to the Library Commission was increased in order that the Commission might provide books for the state institutions and the services of a librarian to have charge of the work; the responsibility, therefore, rests entirely with the Library Commission. In Wisconsin much guidance is given by the State Free Library Commission, the University Extension representatives acting as liaison officers between the Library Commission and the inmates. In Massachusetts the library of the reformatory for women was thoroughly reorganized in 1921 and 1922 with the help of the general secretary of the Division of Public Libraries; once the new system had been established, it was carried on by the chaplain and head teacher assisted by inmates. A detail in this institution which stimulates much good reading is the fact that the women may earn certificates which are extended by the Division of Public Libraries to those who have creditably read a specified number of classical books recommended in the State Certificate Reading Lists. The solemn looking certificates have a great attraction for the women, and most of them manage to earn either a small or a large certificate before they are released, while others who have not come so far, frequently continue their

reading on the outside until they obtain a certificate.¹⁾ A few other institutions, too, such as that of Pennsylvania, have a good library service, in close correlation with the school. A noteworthy feature in the reformatory at Bedford Hills, New York, is the reading circles that have been formed among the girls to read and discuss books. In several cases, however, there is still much room for improvement. Probably some good may already be accomplished in some institutions by securing the advice and assistance of library commissions or public libraries, although a supervising librarian seems the goal.

The Library Room. Another important factor in fostering the love of reading is a library room which should not merely be a storing-place for books but a comfortable room where the inmates may select their own books and sit down to read as they please. Only a few institutions, however, have such a reading-room. One of them is the reformatory in Massachusetts where an old lumber-room has been converted into a very attractive library by the women themselves. In this room the books are placed on open shelves, and the women are permitted to make their own selection. The catalogue and record system are arranged as in an ordinary public library in order to teach the women how to find their way about in public libraries. The inmates may go to the library room for one or two evenings a week (depending upon the conduct grade they are in) to read or to study for their classes, on the condition, however, that any disturbance of the good order will cause withdrawal of the privilege. It is interesting to note that the great majority of the women avail themselves of this privilege, and that, although there may be sixty or eighty of them in the library at a time, excellent order always prevails: so much the books and the quiet, friendly atmosphere of the library room seem to attract them. The library contains a good collection of reference and standard works which are used in the school classes. Some of the more intelligent women, we found, had enthusiastically taken up the study of some subject, using library material for the preparation of class papers or recitations.

§ 105. *The Institutional Paper.*

Women's and girls' institutions have been slower than institutions for boys and men to establish institutional papers. One of the reasons is that the institutions for female delinquents are usually much

¹⁾ These certificates are granted by all public libraries in Massachusetts, not only by the reformatory.

smaller than those for men or boys, and another reason is that in the former no printing establishments are operated which always further much the publication of an institutional paper in men's and boys' institutions. Only in two women's reformatories, so far as we know, institutional papers are edited at present, namely "The Star" in the Connecticut reformatory and the "Monsey Times" in the Industrial Home for Women in Pennsylvania. The girls act as reporters, bringing in news from the various departments, and contribute short stories, poems, jokes, drawings, etc. They also do all the work of typing and multiplying the paper, and the editorial work, under the general guidance and supervision of the teacher. Originality in composition and design is encouraged. In the Pennsylvania institution the paper had so much success that a "mailing department" had to be established for the girls who had gone out but continued their interest in the "Times". The teachers of both institutions speak highly of the educational value of the paper which does not only afford a means of wholesome expression and an opportunity to develop special talents, but some practical training in composition, typing, multiplying and editorial technique as well.

CHAPTER XXIV

MORAL AND RELIGIOUS EDUCATION

§ 106. *General Remarks.*

The ethical re-education of the inmates undoubtedly belongs to the most important tasks of the reformatory. It is true that many of the women who come to the reformatory are suffering from physical, mental and social handicaps, but it is equally certain that in many cases these handicaps would not have led to conflict with the law, had the women grown up in an environment of good moral discipline, and in many cases the lack of moral and religious principles can be considered the sole cause of a woman's delinquency. The great problem of the reformatory is how to undo the effects of frequently a lifetime of moral neglect and to establish new moral standards within the short time of one to two years that the woman is in the custody of the government. The last word has certainly not yet been said about this most difficult problem; however, a few general remarks may be deduced from the experiences in the reformatories and the opinions of the superintendents.

In the first place it is certain that moral and religious re-education are accomplished only for a part by direct instruction and admonition and far more by the indirect influences of the officers upon the inmates, of the inmates upon each other and the institutional life in general. There is also no doubt that religious services will not have full effect, if they are not supported by a sympathetic and sincere attitude and spirit on the part of the officers. The problem, then, appears to be quite as much a problem of good personnel and a wholesome, upbuilding institutional spirit as of specific organization and instruction.

As a preliminary condition for successful moral and religious education the factor of a wholesome institutional spirit or institutional mental hygiene needs special emphasis. It is not possible, for example, — to take a rarely spoken of, but unfortunately not uncommon instance — to teach principles of chastity in an atmosphere which, by its very unwholesomeness, conduces to sexual perversions; and religious instruction and practice may assume under such conditions a peculiar flavor which is repulsive to the true Christian and an

affront to religion itself. Formerly this factor was too little realized: In order to make the delinquents realize the badness of their acts they were often subjected to a regime of severe deprivations which could have been endured without harm only by individuals of high moral standards and great spiritual discipline, while it was not remembered that for persons who had not had such moral training and who frequently did not even feel that their lives were wrong, such a regime would have just the opposite effect and lead to a dislike of all "good" teaching and living, and to depravities of various kinds. The possibility of *voluntary* penitence should certainly not be excluded from a reformatory nor its value underestimated, but *enforced* penitence of individuals who are not at all yet prepared to take the lesson does more harm than good. As a general rule the best regime for these women delinquents, many of whom still have to learn the first principles of morality, is that which is as nearly as possible like that in a normal, good home where moral and religious principles are implied in the daily life rather than imposed by specific measures and where more reliance is placed upon teaching the joys of right living and the pride to hold to certain standards than upon numerous prohibitions and punishments.

Another point frequently emphasized in the reformatories is that the moral and religious education must be *positive*, not *negative*, that is, directed towards instilling higher ideals and awakening the interest in the good rather than towards mere condemnation of the bad. It is for this reason that some reformatories attempt not to humiliate the inmates, but, on the contrary, to raise their self-respect and to teach them, through a rich and stimulating program of work, instruction and recreation, finer aspirations and the means to fulfil them.

§ 107. *Religious Care.*

Legal Provisions. Most of the statutes contain no provisions on religious care beyond the general statement that religious instruction or care is to be provided. A few states, such as Iowa and Massachusetts, positively recognize the right of each prisoner to receive spiritual advice, instruction and ministrations from a clergyman of his own denomination in extreme illness, and in Iowa also during at least one hour every Sunday. Minnesota, although requiring that at least one hour every week shall be set aside for religious instruction, expressly prohibits sectarian practices. This state also provides that no prisoner can be compelled to attend religious services other than that of his own belief. Massachusetts

is further the only state to provide for a chaplain and to specify that a Sabbath-school may be established by the superintendent with the council of the Commissioner of Correction.

Religious Personnel. In all reformatories some provision for religious care has been made, but there are considerable differences. None of the reformatories has a resident full-time chaplain: In Massachusetts the chief task of the chaplain is in reality that of educational director. In Connecticut the teacher, and in Kansas the superintendent acts as the regular chaplain, while in the Federal reformatory and a few other institutions the superintendent or some other officer may conduct religious services when no minister is available.

Outside these institutional officers performing religious service, one may distinguish three other types of religious workers: visiting ministers who are regularly connected with the institution and who may be considered as part-time officers; visiting ministers who come by special invitation or appointment only; and lay church workers. In between the first two forms of religious provisions is a system of rotation of ministers, according to which some ministers take care of the institution in turn for a week or month. A system of regular visiting ministers and priests for both the Protestant and Catholic faiths is found only, so far as we know, in Kansas, New York and Rhode Island; in all other cases the system of special appointments or of rotation of ministers prevails for either the Catholic or Protestant services or both. The Woman's Prison in Indiana has union services (that is, services held for all women of every faith) every Sunday, conducted by the different ministers of Indianapolis in rotation, but the weekday services are held by the same minister throughout the year. The reformatories of Iowa, Maine and Massachusetts have a system of rotation for the Protestant ministers (so that three to five Protestant denominations are represented in turn), but have one regular priest for the Catholics. In Nebraska one regular visiting minister is in charge of the church services and Sunday school for all the inmates, but there seem to be no separate provisions for the Catholics. The reformatory of Vermont has a regular appointment with the Salvation Army and the Trinity Church for two Sundays of the month, but special appointments with different ministers for the other two Sundays. As regards the lay church workers, in the institution of Iowa and Nebraska these conduct only the Sunday school work (in the first institution the minister of the month appoints the Sunday school teacher, so that this changes every month); in Connecticut representatives of the Young Woman's Christian Association hold

a service in the institution once a month; and in two other reformatories, namely those of Connecticut and Vermont, Catholic church workers hold services in the absence of a priest. The Salvation Army frequently comes in the reformatories of Vermont and Nebraska, while it enters some other institutions occasionally. Mention may finally be made of those church workers who specialize in prison service, travelling from one institution to another to preach and do other work. Well-known in this field have become Mrs. Ballington Booth, and, more particularly for women's and girls' institutions, Deaconess Virginia Young who in 1925 was appointed visiting chaplain by the Committee on the Care and Training of Delinquent Women and Girls of the National Committee on Prisons and Prison Labor.¹⁾

The system of different visiting ministers who come by special appointment is, on the whole, very unsatisfactory. Persons who come to the institution for only one visit cannot have knowledge of their audience and its special needs; they do not know the individual girls sufficiently to be able to help them in their problems, nor are they aware what preceding ministers have said or what those coming after them will say. It is difficult for any minister to get hold of his audience in one sermon, and if he does get hold of the women he cannot continue the contact nor work out the problems and questions which he may have stirred up in their minds. The religious work thus becomes a series of disconnected, rather impersonal, sermons which are often of little real help to the girls, while also, through a lack of understanding of the situation, mistakes are easily made. Religious work with delinquent women, a large number of whom have never had any religious education, is a most difficult task which not only requires a special personality to do it successfully, but also a person with much experience and understanding concerning the class of women with which he deals. It is further essential that the religious worker be personally acquainted with the individual women in his charge, and that his work be thoroughly correlated with the whole work of the institution, all of which can only come through continuous service. For similar reasons we cannot be enthusiastic for the rotation system, for, although the ministers under such a system are more regularly connected with the institution than under the system of special appointments, none of them will have a continuous contact and feel completely responsible for the work. It is different, of course, if, as is the case in Massachusetts and Indiana, all or one or more of the ministers

¹⁾ So far as we could learn, Deaconess Young seems to be engaged in other work to-day, and we do not know if another visiting chaplain has taken her place.

have continuous contact with the institution outside the Sunday services, through the weekday Bible class or in other ways. The advantage of a rotation system is that in this way different denominations have a chance to express themselves in the reformatory, which brings up the question in how far denominational differences should find recognition. This question is in a way more difficult in the United States as there is a greater variety of denominations than exists in any European country. On the other hand, religious particularism is much less keen in America than, for example, in the Netherlands, and practically, therefore, the question does not cause much concern in the American institutions. It seems to us that in the women's reformatory, where most of the inmates have still to learn the first fundamentals of religion, unity and continuity of religious care is of far greater importance than emphasizing denominational differences (beyond the fundamental distinction between Roman Catholics, Protestants and Jews), although it seems desirable that members of Protestant churches which have sacramental rites, should, like the Catholics, have the benefits of sacramental ministrations whenever these are prescribed by their church and expressly desired by them.

Women church workers, Y. W. C. A. workers, etc. can do a great deal of good in the women's reformatories, particularly to supplement the work of clergymen. Here again, however, we should like to insist upon *continuity* of service by the same persons, so that they learn to know the women and the special requirements of the work, and are able to co-operate intelligently with the management in the reformation of the individual girls.

A great practical problem is that, on account of their location in the country, it is difficult for many institutions to secure the services of those persons they should like to have, particularly as the small recompensation they can usually give, precludes the invitation of persons who would have to come from afar. Generally one would wish the institution to have at least provision for regular service by the same persons, for the Protestant and Catholic separately, either by resident officers, or by visiting ministers or church workers; and, in addition to this, provisions for sacramental ministrations, confessions, etc. whenever this is required by the respective churches. As regards the Jewish inmates, if their number is significant enough to warrant regular visits by a rabbi or religious worker, this should be arranged for; in other cases the reformatory should report Hebrew inmates to the nearest Jewish religious authority who may then take such action as seems desirable and possible. The appropriation for religious matters should be large enough to cover all these needs.

Chapel. As regards the material facilities for worship, very attractive separate chapels with equipment for both Protestant and Catholic services, have been built in the two reformatories of New York, the Federal reformatory and in Clinton Farms, while one will also be erected in the Iowa institution. In all the other institutions either special chapel rooms have been built in one of the central buildings, or the assembly rooms are used for religious purposes, while in a few, services are held in a cottage living-room or school-room. As a rule the same chapel room is used for Protestant and Catholic services, a curtain making it possible to conceal the Catholic altar during Protestant services. The reformatory at Bedford Hills, New York, is the only one to have special equipment for Jewish worship.

Forms of Religious Care. Everywhere Sunday services are held regularly, but in at least four reformatories, namely the Federal institution and those of Minnesota, Indiana and Nebraska, these have as a rule the character of union services held for all inmates, although in the first two institutions denominational services are arranged, whenever a minister or priest can come to conduct them. Catholic services are, on the whole, not held as regularly as Protestant services, for, in addition to these four institutions which have as a rule union services, there are some, such as those in Iowa, Ohio and Rhode Island, where Catholic services are held less often than Protestant services, for example once a month. The reasons are that probably in all institutions the majority of the inmates are Protestant, and that Protestant services, which bear a less formal character and can be conducted by lay church workers, can more easily be arranged for than Catholic services. The union services for Protestants and Catholics together are somewhat unusual according to Dutch notions, as is also the fact that, even where separate Catholic services are held, the same choir of women often sings both in the Catholic and the Protestant services, and that in some institutions many, if not all, inmates go, on their own account, to both services. The law in at least two states specifies that the inmates cannot be compelled to go to a religious service or to attend services of a faith other than their own, but the issue is rarely raised by them: most of them simply go whenever there is a church service, and they much rather do so than to stay alone in their rooms. It depends, therefore, largely upon the attitude which the management takes towards the separation of denominations.

Some reformatories have no religious provisions outside these Sunday services but several other institutions, among which are the reformatories of Connecticut, Indiana, Iowa, Kansas, Massachusetts,

Minnesota and Nebraska, have in addition to this Sunday-school, catechism or bible classes. In this respect, again, the needs of the Protestants are sometimes better attended to than those of the Catholics. The Christian holidays are always observed, and in a few institutions vesper services or prayers are conducted by the matrons in the cottages or in the chapel, and prayers are said before meals. In some reformatories Christian Endeavor circles or other religious associations have been formed by the women spontaneously or at the instigation of a chaplain or minister. For these sometimes considerable interest exists, although few of such associations have a very long life, on account of the rapid changes in the population.

Jewish inmates, if there are any, are usually given the opportunity, if they wish to, to observe their holidays, at least in so far as not working is concerned. For positive religious guidance and ritual celebration of the holidays for the Jewish there is, with the exception of the reformatory at Bedford Hills, New York, usually no opportunity in the reformatories, nor is there, so far as we know, anywhere a possibility for such women to obtain ritual food. The number of Jewish women, and particularly of orthodox Jewish women, is exceedingly small in the women's reformatories, however, and many institutions have them only occasionally. It seems to us that in such cases the reformatories should get in touch with the nearest Jewish church official, to discuss how the interests of the women can be best cared for, and, if desired and possible, to make an arrangement for the sending of ritual food through some trustworthy person.

Such, in brief, are the religious provisions prevailing in the various reformatories. The mere enumeration of them, however, does not tell much: it is the way and the spirit in which they are carried out which determines whether religion is a living, dynamic factor in the institution or whether it is merely a formal observance of ceremonies. When a large number of girls ask to be baptized, or when a Christian Endeavor Society is organized, or other signs of spontaneous religious interest come up, it is always the influence of a minister or church worker who has aroused their enthusiasm. That many delinquent women are sensitive to religious influences, and that religion may mean a great deal to them, is a fact. Indeed, there is a certain danger that some women will take a too emotional attitude towards it, and that some religious workers, not realizing the great suggestibility of some inmates and the emotional tension under which many of them live, make too much use of emotional appeals, which upset the equilibrium of the women without leading to permanent results.

Perhaps the best form of religious care for women's reformatories

is to make the church services rather short, simple, but pithy, relating them as far as possible with the problems of practical life, and interspersing them with much community and choir singing¹). Much should also be made of the celebration of the holidays, as many women are more impressed by this than by theoretical sermons. There should further be much direct personal work with individual girls by the chaplains or some other officer who has their confidence. Although this latter work is extremely delicate (so that some executives are opposed to it because they fear that it might have a wrong effect in some cases), we feel that it would be very important to have an hour regularly set aside by the religious workers of the institution for those inmates who desire to speak with them about their religious problems and to receive their advice. An important point that needs to be stressed is further the religious after-care, that is, the work of tying up released inmates with the church, Young Women's Christian Associations, or other religious organizations in their own communities, so that they may continue their connection with religious circles. According to our opinion, this work may be very valuable, not only for the inmates themselves but also for the churches and organizations which are thus called into active co-operation. But thus far it is done in only a few women's reformatories to any extent, owing to the fact that there is usually no regular chaplain who could carry on this work.

§ 108. *Moral Education.*

It is still a question in how far formal instruction in "ethics", such as existed at Elmira in Brockway's time, has any real effect upon the moral concepts of the inmates. In the majority of the insti-

¹) Compare the interesting paper by Rev. E. T. Allen on "The Conduct of Chapel Services", read before the American Prison Association in 1927. (Proceedings, pp. 262—264). In this he emphasizes that the services should be as nearly normal as possible; that they should be always in charge of the regular chaplain, and not be given to young preachers who want to have practice, or to zealots; that they should be „educational, evangelistic, devotional, never sectarian, but deeply religious"; and that they should be cheerful, not dreary or long-faced. He further says: „Many in our audience have little love for the organization we call the church. There is a coldness when it is mentioned. But there is no coldness towards Jesus Christ, never among prisoners! They like him: And when he is presented in the warmth of his love and the depth of his friendship we will have a sympathetic hearing." We, too, strongly feel that perhaps nowhere it is so necessary to emphasize the Gospel of Love than in penal institutions, as many of the inmates have never known any real love, and have become cynical and hard as a result. Only, it should not only be preached from the pulpit, but also in the daily life of the institution!

tutions no ethical instruction is given outside that provided in the religious services and in Sunday-school or catechism classes, as many feel that ethical principles can be best learnt indirectly. In only one or two institutions a general course in ethics is conducted, while in others incidental instruction is given along with the classes in civics, current events, hygiene, literature, etc. Whenever such instruction is given, it seems desirable, at any rate, that it is presented not in the form of ethical problems, but rather in that of definite ideals and concrete, specific instructions for conduct in everyday life situations, such as what standards a young woman should insist upon in her relationships with men, how she should look upon marriage, etc.

The question of sexual education deserves special attention. There is no doubt that the majority of the women sadly need a re-conditioning of their attitudes in this respect, and that a reformatory which would ignore this matter, foregoes a very important part of its task. The difficulty is, however, to know how to tackle this problem. The chief question is: Should direct, open instruction be given in sexual ethics and hygiene? It seems to us that the answer to this question depends to a very large extent upon the general atmosphere and spirit prevailing in the institution. If this is unwholesome and repressive, sexual instruction does more harm than good, as in that case it will merely serve to incite phantasies and emotions which cannot find constructive outlets and will therefore express themselves in perverted ways. If, however, the proper spirit and attitude prevail, a great deal of good may be accomplished by open instruction. In Sleighton Farms, for example, an institution for delinquent girls in Pennsylvania, instruction about the reproductive functions of human beings and sexual ethics entered naturally into a course of natural science. After the girls had understood the matter of reproduction in animals and plants, they were able to discuss human reproduction objectively and in the proper terms without any further explanation. At this point the teacher gave opportunity for questions which could be written on a piece of paper, if desired, and which were handed to the teacher who answered them mostly in open discussion, without revealing the name of those who had put the question. Much use was made of this opportunity and very interesting questions were brought out, frequently problems about which the girls had worried for years, and about which they had never spoken before. The teacher reports that one of the great advantages of this instruction was that, for the first time in their lives, the girls learnt the proper terms for sexual organs and functions, so that they could speak about it in a decent way without self-consciousness, while previously they had only known ugly words which they did not dare to

use.¹⁾ In Clinton Farms where also a very wholesome spirit prevails sexual instruction is included in a course of hygiene. Human reproduction is frankly and simply explained, and always the most serious and modest attitude on the part of the inmates prevails while they follow the instruction with keen interest.

Very much depends in moral education upon the personality of the teacher. If she has herself a mature and wholesome attitude towards moral problems and is accepted as a leader and authority by the girls, she may accomplish a great deal of good; but if she is a person about whom they shrug their shoulders, or one who is not well adjusted or settled herself, her teaching will have little good effect.

¹⁾ Compare the interesting article by M. W. Daley, Delinquents and Sex Education. *Journal of Social Hygiene*. May 1924.



State Industrial Home for Women,
Muncy, Pennsylvania.

The Canning Industry.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

CHAPTER XXV

RECREATION AND PHYSICAL EDUCATION

§ 109. *General Remarks.*

Not so long ago recreation in a penal institution was generally considered as a special favor, a luxury, of the same order of things as sweets or tobacco, which, if granted to prisoners at all, should, by all means, not be provided to any large extent, lest it should make life too soft for them. In very many prisons this concept still prevails: there prisoners either do not have any recreation at all (aside from the outdoor exercises) or, if occasionally some diversion is provided, this has the character of a special treat, an exception, not a necessity.

More and more, however, it is being realized that recreation is one of the normal functions of life, just as essential to physical and mental health as fresh air, sunshine and sleep. It is a relief from inner tensions, an outlet for repressed emotions and surplus energy, and a break in the monotony of the daily routine, which is particularly necessary in an institution where many normal possibilities for satisfaction and expression are curtailed. Without recreation, institutional life soon leads to deterioration of body and mind. Far from being a luxury, then, recreation is a necessity to counterbalance the harmful effects of institutional life and to preserve the physical and mental fitness and health of the inmates. No physician or mental hygienist to-day would seriously dispute the necessity of recreation in a penal institution from this point of view.

In its ideal sense recreation should be truly re-creation, that is, such that the mind, tired out by the daily strain and cares, is created anew by it and takes on fresh interest and energy. Good recreation has a stimulating effect upon one's physical and mental powers. If this has been recognized even by business organizations which have found it a good policy to provide for the recreational needs of their personnel, there is no question but that proper recreation heightens also the effectiveness of the general reformatory program.

But not only has recreation a preventive and stimulating value,

it is often also an important factor in the therapy of difficult cases.¹⁾ Frequently difficult individuals may "find themselves" in and through recreational activities, and it is not surprising that in mental clinics the adjustment of the recreational life of the patient forms an important consideration.

Recreation may be an important factor in personality development. It is in and through their leisure activities that people sometimes reach their highest potentialities and produce the best they are capable of. The question is of particular significance in a society where a large part of labor has become divorced of pleasure. To the thousands who do their work automatically and without interest, merely as a means to earn wages, the leisure hours during which they can do as they want to do become their real life. In view of this it becomes an important question how these leisure hours are used.

Few women who enter a reformatory know how to use their leisure time well. They have often dissipated their free hours in ways which were harmful and demoralizing instead of constructive. In many cases their delinquency is connected in some way with their recreation. It is not sufficient in such cases to correct the physical or psychological conditions which led to the maladjustment and to give the women a good vocational and academic training and moral instruction: they have to learn new ways of recreational expression lest they relapse into their old objectionable ones. One of the greatest mistakes old-fashioned institutions have made and still make is that they send their inmates back into the world with a great hunger for recreation but without any instruction or guidance whatsoever as to how they shall satisfy it in a constructive way. Thus it becomes one of the most important tasks of the reformatory to

¹⁾ We learnt of one case in one of the reformatories of a very difficult girl who during the first six months in the institution ran away three times and who was an extremely bad influence in her cottage, where she continually stirred up trouble. She was very much of a leader and had strong dramatic tendencies. When a great pageant was to be staged, she was given a part in it. This changed her completely: not only she proved to be an excellent actress, but the play won her over for the institution. Since then she became an enthusiastic leader in constructive activities. In the next play she was without question chosen to play the main character, and she also took the lead in designing and making the costumes, and in the other preparations. When she left on parole shortly afterwards, she had endeared herself to both officers and girls who parted with her with regret and felt sure that she would make good. A very interesting instance of complete adjustment through recreation is described by Beatrice Plumb Hunzicker, a recreation director of a school for delinquent girls in Ohio, quoted by Miss Reeves in her above-mentioned study (page 316).

concern itself seriously with the question of recreation in order that the women may learn to seek and appreciate better recreational outlets.

With adolescents and young adults, recreation consists to a large extent of contacts with the other sex, which, of course, is psychologically quite natural. This suggests what a great significance the matter of recreation has for the inmates of a women's reformatory the majority of whom are so-called sex delinquents and few of whom know the proper kind of recreation leading to wholesome relationships with the other sex. A reformatory which takes the matter of sexual re-education seriously — as it should — cannot ignore the matter of recreation. The institution can only partially correct this problem as the recreational adjustment has largely to be effected after the release of the inmates; but it can at least do this one thing that it keeps the inmates from going over their previous wrong experiences again and again in their day-dreams. For such imageries mold character and attitudes quite as much as the experiences themselves, and the best preventive of such day dreaming is active, stimulating recreation. Such recreation is also the best antidote against immoral sex practices and habits which always flourish in an unwholesome institutional environment.

Recreation thus becomes one of the best allies of moral education in an institution. Moral education cannot thrive in an unwholesome atmosphere, and it is proper recreation which helps a great deal in keeping the atmosphere wholesome.

In a previous chapter we have pointed out how recreational activities may also serve educational purposes in the narrower sense of the word. In fact, it is often difficult to draw a line between "education" and "recreation": the classes in arts and crafts, singing and literature, the library, the institutional paper, nature studies, dramatic performances and lantern projections, may be classified as "educational" as well as "recreational".

That, finally, recreation has a definite bearing upon discipline, needs hardly to be pointed out after all we said about it in our chapters on "Discipline" and "Mental Hygiene". If the emotions and "surplus energy" of the inmates do not find an outlet in legitimate recreation, they are bound to express themselves in destructive ways.

It will be clear after this explanation of the part which recreation occupies in the educational, therapeutic and disciplinary program of the institution, that the question is not just to provide amusements, no matter which, but that the recreation has to be as carefully planned as the other parts of the reformatory program. Three points may chiefly be considered with respect to the recreational

policy of an institution: recreational leadership, equipment for recreation, and the recreational program. We shall successively consider these three points.

§ 110. *Present Situation in the Women's Reformatories.*

Recreational Leadership. If recreation is not to be haphazard, but well-planned and directed, it is evident that some person should be available to organize and lead the recreational activities. Of the fifteen reformatories about which we have information on this point, one, namely the institution in Pennsylvania, has a full-time, trained music and physical training director in charge of all the directed recreational work. The two reformatories of New York and the reformatory in Massachusetts have a full-time physical director, and, in addition to this, the reformatory at Bedford Hills and in Massachusetts have a director of the musical and dramatic activities. Clinton Farms, New Jersey, finally, has a physical director and a music teacher who both give the larger part of their time to the recreational work. In most of the other reformatories one of the officers who principally has other duties gives part of her time to the direction of physical or musical activities.

Recreational Equipment. The first thing needed for community recreation is space, outdoors as well as indoors. Probably all reformatories have a field or yard where ball games and other sports may be played. A few have a regular athletic field with tennis court and baseball diamond. In some cases the institutional grounds or surroundings offer many natural opportunities for sports of which the reformatories usually do not fail to take advantage: the hills near the Albion State Training School and the Connecticut and Minnesota reformatories, for example, lend themselves well to sleighing in winter, the lake enclosed in the Connecticut property offers opportunity for swimming and skating, and the woods adjoining this and other reformatories are frequently the scene of picnics, nature walks and berry-picking expeditions.

At least eight reformatories have a gymnasium which in most cases is arranged in such a way that it may also be used for dramatic performances and other community gatherings. Several additional institutions have some large room which, though not equipped for gymnastic work, may be used for lectures and entertainments. It is evident that without such an assembly room recreation in winter becomes quite a problem and community life suffers a great deal.

Nearly all women's reformatories have pianos in the assembly-

rooms and the majority also in the cottage living-rooms. Radio and victrola are also found in many institutions. At least six reformatories have a moving picture machine, and several have equipment for lantern projections.

The Recreational Program. In considering the recreational programs of the reformatories, a clear distinction should first be made between "free time" and "recreation" in the sense of specifically planned entertainments or amusements. For frequently institutional workers speak of time for recreation, when they mean the time during which the inmates do not have to work and can do largely as they please. In this sense practically all evenings, the Saturday afternoons and nearly the entire Sunday would be "recreation time". In the following, however, we shall reserve the "recreation" for specifically planned activities.

A few words may be said about the time set aside for recreation or free time. Some institutions provide no free time or recreation during the day (except on Saturday afternoons and Sundays), only during the evening. The result of this is that, if, after supper, it is too dark or the weather is too inclement for going outdoors, or if there are other things to be done (which is the case on most of the days of the year), the women may have to go for days at a time without having any physical or outdoor exercise, which is not desirable. The practice prevailing in most institutions of setting aside at least half an hour or an hour during the day for free time, to be spent outdoors, if possible, seems therefore more satisfactory.

The institutional program should always be arranged in such a way that a certain amount of "free time" is left for every woman during which she can do as she pleases. For only in this way some play is left for individual preferences and do the women learn how to use their leisure time without being continually directed by others. For many of the women it would be an intolerable strain, too, to be kept occupied all the time, even with pleasant things, without having some moments for themselves. However, this does not mean that no guidance is necessary with respect to such "free hours", for there are many women who do not know how to use their leisure time when left to themselves. Thus it becomes the task of the responsible officers to see that no one of the girls is idling or bored and to initiate various activities which they may practice in their free time without specific direction. This may consist in teaching them certain games or handicrafts, interesting them in the library, etc. A good occupation for such free times is the care of individual flower gardens: In at least two reformatories we found the practice of allotting to any woman who cared for it small garden patches

which she could cultivate at will. It is interesting to note that in both institutions the great majority of the women became interested enough to ask for a garden plot, and some of them took considerable pride in it. Free evenings in summer are frequently spent outdoors; in winter one may find the women (if there are no other activities) in the cottage living-room occupied in half a dozen ways: reading, sewing, doing games, etc. Some sewing-machines for the personal use of the girls, a piano, victrola and radio form means for varied evening occupations in some reformatories.

In the best equipped institutions recreational activities are provided for at least two or three evenings every week, particularly in winter. A good thing is to leave part of the recreation optional with the women in order to leave some latitude for individual preferences. For example, there may be a facultative athletic class or evening course. Those who do not care for it may then stay "at home" while the others go out. Interesting in this connection is the practice, prevailing in some institutions, of permitting the women to form clubs with some specific purpose, of which the membership is voluntary or elective, such as reading circles, athletic clubs, Christian Endeavor Societies, etc. Such clubs are not only an excellent means to encourage initiative and originality, but they also meet to a large extent the individual variations in recreational interests among the inmates.

The oldest concept of recreation in prisons was that of some charitable person giving a musical entertainment or lecture for the inmates. Although such occasions are not entirely without value, these certainly do not longer characterize the modern recreational program. Not being the passive recipients of what others give, but active participation and creative expression now form the chief moments in the recreation of the best reformatories, where sports, dramatics, singing, club and community activities are especially stressed. Such forms of recreation are, on the whole, much more stimulating and they afford opportunities for expression which are so badly needed in an institution. Providing entertainment for inmates of a penal institution by others also always connotes some idea of "charity" and "sentimental coddling of criminals" which often provokes unfavorable reactions on the part of the public which is irritated at the thought that offenders get things which many honest, poor people on the outside cannot afford. It is different if the inmates produce such entertainments themselves, and if the inmates even go so far as to give performances for the public (as has been done in some institutions) the reaction of the public usually is that it becomes pleased and sympathetic, often even enthusiastic for the idea of recreation in institutions. This does not mean, of

course, that all passive entertainments should be eliminated. Particularly lectures, lantern projections and moving pictures may form valuable contributions to the educational and recreational program of the reformatory, and good musical performances by others are also greatly appreciated. But such passive entertainments should not constitute the whole recreational program.

A large place is given in the recreational programs of the best reformatories to community activities in which a whole group co-operates. In a reformatory one may distinguish three "communities": the cottage community which corresponds to the family group on the outside, the institutional community, and society at large. The cottage community life finds expression in the cottage entertainments, in birthday parties and other simple celebrations as one may find in a good family home; institutional loyalty is stimulated through the many community activities in which the entire institution participates, like sport competitions, musical and dramatic performances, celebrations of institutional events, etc.; the kinship with society at large, finally, finds recognition in the celebration of national and religious holidays, and the contacts with the outside community about which we shall say more later. This community recreation is of great importance, for there is perhaps no thing which arouses so much the enthusiasm of the girls and their loyalty to the institution than a play or other community festival in which all participate.

Recreation, according to the concepts which prevail in the best institutions, should, as far as possible, be inspiring, stimulating, educational; it should not just be a meaningless pastime. It is for this reason that progressive reformatory workers do not hesitate to provide the best forms of recreation that are possible, even though they might be above the ordinary cultural level of the average inmate. In some institutions, for example, inmates have even given performances of Shakespeare and Ibsen, or of opera's by Gilbert and Sullivan; they have sung cantata's of Benoit and danced to music of Grieg. There are many who are sceptical about such attempts, and who believe that it is much too idealistic to expect that a play of Shakespeare or a song of Schumann will have any effect upon women offenders, because all this is much beyond the mental level of the great majority of them. However, it may be remarked that — aside from the fact that there are always some whose mental life is much above this "average level" — the level as it is expressed in the ordinary life of the offenders, is usually much below that which they are capable of attaining. One cannot do better but to point to what, under inspiring leadership, has actually been accomplished in the best reformatories in this respect. Moreover,

it is well-known that many who are unable to have an intellectual comprehension of some piece of art, or, at least, to express it in words, may understand and enjoy much of it intuitively and do get a great deal out of it.¹⁾ Besides, why should it be necessary that such things be entirely within the comprehension of all the women? Some may grasp more than others but as long as they get something out of it, it is worthwhile. The time that pedagogy considered it necessary to give the pupils only that which they could easily and completely understand, is fortunately passing. The tendency is now rather to give them always something just beyond their ordinary comprehension so that they have to stretch their imagination and intelligence to grasp it. Of course, the performances given by the women are amateurish and far from perfect, but their great value lies in the effect they have upon them. Anyone who has ever witnessed the great enthusiasm which such ambitious undertakings arouse in the women and the fervor with which they perform their parts, will not only have been astonished by the talent, originality and imagination which, under stimulating leadership, may be awakened even in a group of uneducated women, but also be convinced that these things teach them values they would not have learnt in other ways, that they open up to them new visions of life which many of them had never suspected before. In the Pennsylvania institution, for example, the big plays given two or three times a year are eagerly anticipated months ahead by the girls who absorb with keen interest all that is told them about the play, its author, the scene and time of the play, etc., and who frequently apply on their own account to the librarian for books of or about the same author.

The tendency to give recreation a meaning is also evident in the celebration of holidays of which much is made in some reformatories. Old poetic traditions surrounding such days are frequently observed, and their deeper sense is brought out. Christmas, for example, is celebrated in some institutions by the singing of carols in the

¹⁾ In one institution for delinquent girls, for example, we watched a performance of Maeterlinck's play "The Bluebird". We are sure that several of the actors would not have been able to give an explanation of the philosophical meaning of their parts; yet, by sheer intuition, they played them with a fervor, a fine understanding and a just sense of humor, which made the watching of the play a real joy for the audience consisting of professional men and women. One fifteen-year old girl played so well that some person in the audience who had connections with the professional stage solicited her name in order to introduce her to a dramatic school. Yet, this girl appeared to be somewhat below par mentally, one who came from a poor home (her mother being an uneducated charwoman) and whose educational experiences had been somewhat irregular.

early morning hours when it is still dark, by a procession of girls going from house to house, sometimes miles around, and by the gathering around the Christmas tree; on Decoration Day there may be a Maypole dance or flower feast, and similarly there may be appropriate exercises on the many other formal or informal holidays which the American calendar counts. Back of all this is the idea to teach the women that recreation is not identical with commercial amusements, but that a happy family may create many good times in a simple way. To many it is for the first time in their lives that they learn to know these forms of recreation, and they are frequently deeply impressed by it.

It needs hardly to be said that the recreational activities in a reformatory should be varied, not only to meet the very heterogeneous recreational needs of the reformatory population, but also to hold their interest. We shall briefly review the most important forms of recreation:

Sports and gymnastics, the great value of which, perhaps, need no more to be pointed out, occupy a rather large part in most institutions. Most popular are the various ball games, such as basketball, baseball, volley ball, croquet etc., which are usually played on Saturday afternoons, and often also on summer evenings. In addition to these outdoor games there are in many reformatories gymnasium exercises for one or more periods a week, which mostly consist of marching tactics to the music of a piano or victrola, free exercises and ball games; folk dancing is also very popular among the girls. Wherever extensive work is done along this line, the inmates are often divided in classes and teams according to their age and capacity and frequent competitions and exhibitions are held for which always great interest exists. Walks, picnics, sleighing, swimming and skating, are also favorite and wholesome pastimes, particularly on Sundays.

Equally important is the place occupied in the women's reformatories by musical activities, notably singing. Music in institutions is finding increasing support in recent years¹⁾. It is pointed out that music, at least vocal music, is the one art in which practically all

¹⁾ One cannot speak of this subject without mentioning the name of Mr. Willem van de Wail, the Director of the Committee for the Study of Music in Institutions, and field representative of the Bureau of Mental Health of the Pennsylvania Department of Public Welfare (charged with the task of bringing music into the mental hospitals and correctional institutions of Pennsylvania), who, by his enthusiastic propaganda for music in institutions, has aroused much interest in this matter. (See his writings in the bibliography). The work and results which he has accomplished, among others, in the State Industrial Home for Women at Muncy, Pennsylvania are indeed most interesting and

may participate, so that it constitutes one of the best forms of group expression. Music affords also an outlet for pent-up emotions and breaks the dullness and monotony which often characterize institutional life. That there are individuals who have "found themselves" in music, and that music may be an aid in discipline has not only been asserted but also proved in many instances, especially also in institutions for mentally abnormal persons. The sublimating and stimulating powers of music have been recognized and utilized through all ages and by all peoples; why, then, should not a reformatory institution use this means to further its ends? Thus one may summarize the chief arguments for music in institutions.

To-day some sort of musical activity is found in nearly all women's reformatories. The chief emphasis is placed upon music produced by the inmates themselves rather than that given by others for them, as active participation is considered more important than passive listening, although, of course, concerts by outsiders are also much appreciated. Everywhere singing constitutes practically the sole form of musical expression; instrumental music has, on the whole, not been found altogether feasible in women's reformatories as the inmates usually stay too short a time in the institution for any worthwhile results to be achieved. In a few reformatories, however, toy instruments are used, and occasional talents found among the girls are encouraged. In most cases the singing consists chiefly in practicing hymns, national and folk songs for the church services and holiday celebrations, but in some institutions it comprises also choir and glee club singing, and occasionally solo singing. In institutions which have a special music teacher, such as those of Pennsylvania and Massachusetts, quite ambitious and beautiful programs have sometimes been given. Interesting in the former institution is also a class formed of colored girls who sing the negro spirituals and folk songs with all the natural musicality and charm which the black race is able to put into its songs. In this institution also individual lessons in singing or instrumental music are given to girls who show particular musical aptitude.

A much favored form of recreation is dramatics. It seems to us that particularly for women this is one of the best forms of recreation, for there are few activities which afford such a good emotional

are highly appreciated both by the staff and the inmates of the institution. Compare also the paper on: Music as a Curative and Aid to Discipline, by Dr. Mary B. Harris, the superintendent of the Federal reformatory for women, who, being herself a good musician, is a great believer in the power of music, and applies it also in the practical reformatory work.

outlet and so much opportunity for expression as this. Also, as pointed out before, such dramatic performances, if well directed, may have great educational value. In addition to ordinary dramatic plays, pageants played on the lawn, and operetta's are much in favor, as the girls naturally love the poetic grace and beauty that may be displayed in them. Vaudeville programs, too, are popular: sometimes these are entirely or partly composed by the girls themselves who often show much originality along this line.

Next we may mention a group of amusements which may be classed as "social entertainments": dancing, tea parties, and other forms of entertaining. In some reformatories much attention is given to social entertaining, every cottage in turn being hostess to the others so that the girls may learn how to practice hospitality and how to conduct themselves properly in social intercourse.

Moving pictures are becoming more and more common in the women's reformatories, some showing them as often as once a week. Lectures, lantern projections, and musical or other entertainments by outsiders are given as frequently as they may be obtained, in some institutions often, in others only occasionally.

CHAPTER XXVI

MATERNITY SERVICE AND PROVISIONS FOR CHILDREN

§ 111. *General Remarks.*

It is not surprising that in most women's reformatories the question as to what should be done with the children of inmates constitutes an important problem. For, as we have noted before, the majority of the women in the reformatories are under thirty years of age, and all but a few are in the age when their children are for the most part still young and in need of motherly care. But in some women's reformatories the children's problem has taken on a special character which makes it the more difficult: In those institutions, namely, which receive a large percentage of young sex offenders, a comparatively large number of the inmates are likely to be unmarried mothers, presenting all the typical problems of illegitimate motherhood. It is even not quite unreasonable to suspect that in some cases the anticipation of the difficulties which an unmarried woman, who is to give birth to a child, will present, may have contributed to the decision of the court to commit her to the reformatory. For even if one leaves aside the suspicion (perhaps not entirely unfounded in some cases) that some counties may be all too willing to devolve the expense of the woman's confinement and the care of her and her child for a number of months upon the state, there is sometimes reason enough why a court should be inclined to commit such a woman to a reformatory: As a class perhaps no women are socially so helpless as prospective unmarried mothers, who are often without a home where they may find protection, without funds to pay the necessary expenses, burdened by the social disgrace which their condition brings upon them, and frequently with little prospect of finding positions which will enable them to care for their child. Would it be any wonder, then, if in communities where few facilities for the care of unmarried mothers exist, the court should be inclined to commit such a woman to the reformatory where, at least, she and her child would be well taken

care of during the most difficult months and the parole worker of which would find her a home and a position after release. On the other hand, it is not doubtful that in many cases where the woman is married or has a good home otherwise, and where she has small children to care for, the court frequently imposes probation instead of commitment to a reformatory, in order to make it possible for her to care for them. Thus the percentage of unmarried mothers without a good home tends to become high in some reformatories, while mothers having homes of their own are relatively few in number. This suggests that the family situation of the woman often plays some part in the decision as to whether they are committed to the reformatory or not, and that the question of the mother's treatment cannot be considered apart from that of her young children.

In former years the dependence of the child upon the mother was conceived merely as a physical dependence, and the only provision made was that the child could stay with the mother as long as it was nursing or, at least, while it was an infant. More and more, however, the question is coming to be considered from the family case work point of view, that is, the children are no longer conceived merely as accessories to their mothers, but their interests are given first consideration.

An evidence of this new point of view is a study recently made by the Committee on the Care and Training of Delinquent Women and Girls of the National Committee on Prisons and Prison Labor of infant children of inmates of correctional institutions. This committee which considers the matter entirely from the point of view of the infants, and seemingly has particularly had in mind illegitimate children, comes to the following conclusions:

1. A careful case-work study, including a physical and psychiatric study, of each pregnant woman or girl or of a mother with infant, who is brought into conflict with the law, should be made at the earliest possible moment to determine whether or not the woman or girl should be permitted to keep her baby and to determine the best disposition to be made of her case and whether she should be committed to a correctional or mental institution or to another agency.
2. Suspended sentence, probation, parole should be resorted to wherever possible, and only in serious cases where she is a menace to the community and when there is no other agency to which she can be committed should a pregnant woman or girl be committed to a correctional institution.
3. Whenever it can possibly be arranged the birth of the child should take place outside the institution and every care should be taken to safeguard the child from any stigma.

4. In the event that pregnant women or girls are accepted in correctional institutions:
 - (a) The institution is responsible for providing facilities as adequate as the general hospital would provide outside the institution.
 - (b) The institution is responsible for giving the mother training before the birth of the child to prepare her to care for it.
 - (c) Standards for pre-natal, obstetrical and post-natal care and infant care should be made available to all institutions receiving pregnant women.
 - (d) Every precaution should be taken and the institutional physician held responsible for the control of infectious disease both in the mother and child.
 - (e) The mother should take part in the institutional life outside the maternity unit whenever possible.
5. The child must be the first consideration and should be removed from the institution by the end of the first year unless the term of commitment of the mother is so short that she can accompany the child shortly after this period. If the child is to be permanently separated from the mother this change should be made before the end of the first year in order that the child may develop a proper love-relationship with the foster mother.
6. An institution which is caring for mothers and babies should include on its parole staff at least one person trained in the placement of mothers and babies whose primary duty should be to investigate every case and who should supervise every case from the time of commitment until final adjustment is made. This person should have connections with agencies in the state engaged in placing mothers and babies.

Note: If the parole system is central in control then this recommendation applies to it.

§ 112. *Legal Provisions.*

Provisions relative to the children of inmates are found in the majority of the statutes governing women's reformatories. These provisions all distinguish between infants who may be kept with the mother in the reformatory, and older children in regard to whom other measures are to be taken.

Regarding the infants, seven states ¹⁾ provide that children under one year of age or born after commitment may be kept with the mother. California and New Jersey, however, fix the age limit under which children may be committed with the mother at two years and Massachusetts at eighteen months, whereas in Kansas only

¹⁾ Arkansas, Connecticut, Illinois, Maine, Michigan, New Jersey, North Carolina.

nursing children may be committed with the mother. No provisions on this point are found in nine states. ¹⁾ The maximum age until which children may remain in the institution is two years in all states having provisions on this point, except in Illinois and New York where the children must be removed when one year old. However, California, Illinois and Kansas provide that for special reasons the children may be kept longer, and the New York statute specifies that they may stay after their first birthday if their mothers are soon to be paroled, but in no case after they are eighteen months. On the other hand, Massachusetts, New Jersey and New York have the provision that a child may be removed from the institution before it has reached the maximum age, if the superintendent considers that to be in the best interests of the child, and in New York it must even be removed when the physician certifies that the mother is physically unfit to care for the child. Similar provisions prevail in New York with respect to women who are detained in jails and penitentiaries for trial, safe-keeping and examination, so that a child may be separated from the mother even before her commitment to the reformatory.

The chief reason for these age limits is the consideration that it is psychologically undesirable to keep the children too long in the environment of a penal institution, lest they retain a memory of it and get the imprint of an institutional education. According to the newer psychological theories even two years is too high an age limit; hence the two most recent provisions on this point, namely those of Illinois and New York, fix the maximum age limit at one year.

How and where the children shall be placed is regulated in a number of states. A provision prevailing in five states ²⁾ is that the institution may trust the child either to "any asylum for children or agency in the state", or to "the care and custody of some relative or proper person willing to assume such care". In four states ³⁾ the institution does not place out itself, but must, if there are no relatives fit and willing to care for the child, refer it to a juvenile court or other official agency which effects the placement.

Provisions regarding the placement and care of older children occur in only six statutes governing women's reformatories ⁴⁾. Usually they are similar to the provisions relative to infants, except that the trial court performs the duties which, in the other case,

¹⁾ Indiana, Iowa, Minnesota, Nebraska, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin.

²⁾ Arkansas, Connecticut, Illinois, Kansas, Maine.

³⁾ Massachusetts, Michigan, New Jersey, North Carolina.

⁴⁾ Arkansas, Connecticut, Maine, Massachusetts, Nebraska, New York.

the reformatory does. In Nebraska, however, dependent children of inmates, whether infants or older, are ordinarily cared for at the state home for dependent children.

In states where no legal provisions are made, either regarding infants or older children, the ordinary public or private agencies for dependent children, will, of course, take care of them. It seems to us, however, that it will always be desirable to have some provision making it possible to keep very young children with the mother, as otherwise the authorities are compelled to separate the child from the mother immediately upon her commitment or after its birth, which is often not only against the interests of the child, but frequently also cruel to the mother, while it may be entirely wrong from the psychological point of view.

Attention may finally be called to the provisions relating to the confinement of pregnant reformatory inmates. Only two states, so far as we could ascertain, have such provisions, namely New York and Massachusetts, which both provide that the confinement is to take place outside the reformatory, in a hospital or maternity home, to which the women are to be transferred a reasonable time before the anticipated date of birth. In addition to this Massachusetts provides that women about to give birth to a child may be paroled, if, according to the physician, the best interests of the woman or her unborn child require this.

§ 113. *Pre-natal and Obstetrical Care.*

In some reformatories women found pregnant upon admission are assigned at once to the maternity cottage, where, while awaiting their confinement, they may receive the special care they need. In such a maternity cottage the women can also be more easily instructed in the proper hygiene regarding herself, in the making of her layette and in the care of babies.

The opinions differ as to whether the woman should be delivered in the institution or in an outside hospital. The reasons given by some for the latter arrangement are: 1^o. that it is a stigma for the child to be born in a penal institution, and 2^o. that the provisions for obstetrical care may not be as good in a penal institution as in an outside hospital or maternity home, and that particularly there is more danger in the first case of the babies becoming infected with venereal disease since so many patients are treated for that in a reformatory hospital. Others, however, maintain that, since the birth certificate does not show the institution where the child is born, the fact of its being born in a reformatory cannot be much of a stigma, not any more, at least, than its being kept in a reform-



State Industrial Farm for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

The Domestic Science Class.

atory after its birth, so that the only question which remains is where the best obstetrical service can be had. So far as we could ascertain, there seemed to be no evidence that, if the necessary precautions are taken, there is any particular danger in a woman's reformatory of cross-infection. It seems to us, then, that if the institution has good facilities for obstetrical work, it will often be better — particularly in view of the comparatively large incidence of complications among reformatory inmates — to have the deliveries made in the institution, where the same physician may take care of them who had the women under observation before. Of the fourteen institutions about which we have data on this point, exactly one-half takes care of deliveries within the institution, while the other half uses outside hospitals. The two states which have specified by law that deliveries are to take place outside the reformatory, have done this exclusively on the ground of avoiding a stigma to be placed upon the child.¹⁾

§ 114. *Infant Care.*

As we have noted before, the number of babies varies considerably in the different reformatories. The tendency in institutions where the number is significant enough, is to place the mothers with babies in special maternity cottages where the regime can be adapted to them and the babies can receive better care. Fine maternity cottages with nursery rooms, play- and sleeping-porches, etc., are, among others, those of Clinton Farms, New Jersey and of the Connecticut and Federal reformatories. In some of them the matron of the cottage is a nurse which insures good physical care to the babies and proper instruction to the mothers as to how to deal with their babies.

There is general agreement that, unless the physical condition of the mother or special psychological circumstances contra-indicate this, the women should as far as possible nurse their babies, as this is desirable both for the physical health of the child and for its psychological effect upon the mother. For the rest opinions differ as to the extent to which the mothers should take care of their babies. As many of the mothers are awkward, unintelligent or careless, some institutional workers believe that the babies will be better cared for by more or less trained attendants

¹⁾ For further particulars relative to pre-natal, obstetrical and post-partum care we may refer to the report on "Standards for Maternal Care in Correctional Institutions", prepared in 1930 by the U. S. Children's Bureau upon the request of the National Committee on Prisons and Prison Labor, which gives a very careful and detailed discussion of this subject.

(who may be inmates); this arrangement is usually also more convenient from the point of view of institutional management than to direct some thirty or forty women every day how to bathe, dress, etc. their babies. Others, however, are of the opinion that it is of great educational value to let the mothers care for their babies themselves as far as possible so that they may learn how to do it. We are of this opinion also, since after discharge from the institution many women will have to care for their babies themselves or will have other children. For the emotional life of the mother, too, for the establishment of a normal love-relationship between the mother and the child, and for the development of a feeling of responsibility in her, it is of great importance that she take care of the baby herself, unless, of course, it becomes evident that the mother should never have the custody of her child. Practice has shown that nearly all mothers, even those who were originally indifferent towards their child, grow to love it when they have cared for it for some time. If they are relieved too much of the care for their babies, they might never learn what it really means to be responsible for a child.

On the other hand it is not desirable that the mothers stay the whole day with their babies and do not partake of the educational program of the institution. Most of the mothers are young and they need these educational opportunities as much as the others. This has led everywhere to the system of caring for the babies in the nursery during the day while the mothers go to work, to school, etc. In some reformatories the practice exists of the mothers fetching their babies after supper and keeping them with them during the night; in others the babies sleep all together in the nursery during the night, as it is believed that many mothers deal unwisely with their babies and would not get a good night's rest if they had them in their rooms. On the other hand, just this having the babies with them during the night and caring for them, may mean a great deal to the women who see so little of them during the day, and it offers at the same time a good opportunity of teaching them how they should handle their babies.

The care which is provided for the babies in some reformatories is excellent: In Connecticut, for example, the babies are under the supervision of a special pediatricist who comes to the institution at least once a week, and in Clinton Farms, New Jersey, the babies are assembled every morning in a pre-nursery school which is conducted by the recreational director who is a trained Kindergarten. Everywhere the little ones are the objects of much attention on the part of both officers and inmates, and there is no doubt that the nursery not only forms an excellent opportunity for the inmates

for practical training in child care, but that it also brightens much the reformatory life for the adults, and that to some of them the babies have been a genuine help in their adjustment.

§ 115. *Placing-out of Infants.*

In spite of the law's provision that the babies may not remain in the reformatory beyond the specified age limit, one finds in practice that they occasionally stay longer: sometimes this is because the institution did not succeed in finding a good boarding-home for the child, at other times because the mother was to be paroled soon afterwards so that it did not seem worthwhile to place the child out for such a short time. One even finds sometimes that babies are left behind in the reformatory after their mothers have gone out on parole. The reason for this is that it is often very difficult to effect at once a satisfactory solution for both mother and child, so that, in order not to hinder the mother in her adjustment to free society, the child is kept in the institution until the mother is able to care or provide for it, or has become more firmly established in a regular life.

Babies may, of course, be removed before the maximum age limit. This may be particularly desirable in those cases where it seems in the interest of the child to be adopted by others. Some reformatories do this more frequently than others. In which cases and under what conditions the reformatory should take such a measure, are questions to be determined according to the best principles of child welfare work, which, however important, are outside the province of our subject.

CHAPTER XXVII

COMMUNITY CONTACTS

§ 116. *Community Contacts in General.*

For centuries merciful people have been coming to the prisons to console and help the imprisoned. Following the Scripture the Quakers did this already more than a century ago, and it is still very common in European countries. It is curious to note, however, that in the United States this form of assisting individual prisoners has very much decreased and that many penal administrators, particularly of reformatories, are not in favor of it. One reason for this is that the visiting of prisoners means an interference with the institutional routine and discipline which is particularly disturbing in a prison on the community plan. Penal administrators know also by experience, that there are many among these reformers desiring to visit prisoners who are sentimental and tactless and who, not knowing anything about the prisoners whom they befriend and the policies of the institution, do more harm than good. They may, for example, easily become the dupes of prisoners who tell them moving but untrue stories, or they may, through mistaken sympathy, carry letters or other contraband for them, or make imprudent promises or remarks. For the reformatory executives there exists also a deeper reason for their disinclination with respect to the visiting of inmates by outsiders: The practice of visiting prisoners is based on the assumption that the prisoner *needs* help from the outside because he suffers and the prison does not give him what he needs. As soon, however, as the idea is accepted — as is the basic idea of the reformatories — that the institution should provide the very best that can be done for the prisoner, that the institutional officers are his best helpers and advisers, and that they bear the full responsibility for the prisoner's welfare and adjustment, the assumption that consolation and help from outsiders is needed falls to the ground. In fact, such help from the outside then obtains the character as if the visitors do not trust the institutional management that it gives the prisoners all they need, and it is easily understood how a strong personality like Brockway, for example, who had devoted his whole long life to the reformation of offenders, was

very impatient with the "would-be reformers" who, being mostly inexperienced and giving only peremptory attention to the reformation of delinquents, wanted to come to his institution to improve upon his work.

Another point which has particularly been stressed by Mrs. Jessie Hodder, the superintendent of the Massachusetts reformatory for women, in a paper for the International Prison Congress at Prague in 1930, is that a reformatory can only be strong and do effective work, if the institution is governed by one spirit and policy to which the entire staff is loyal. Volunteers coming in from the outside do not readily assimilate this spirit and often do not have the same loyalty to the ideals and policies of the institution, and thus they undermine its work. She also points out that the plan of treatment for each inmate is the product of long and careful investigation and deliberation, developed step after step, according to the insight gained in his character and history; this plan so carefully built up should not be interfered with by persons who know little about the individual in question and the experiences which the institution has had with him. Then, too, the visiting of individual prisoners does not agree so well with the system of group treatment as it does with solitary confinement. In the loneliness of the solitary cell the prison visitor is not only more needed, but he can also do more than in an institution with a busy community life. There is also more reason for the visiting of prisoners by persons from the outside if the parole work is in the hands of volunteers or private organizations. For in that case the prospective sponsors might naturally like to become acquainted with their charges before these are released on parole, in order that the necessary preparations may be made. In nearly all American states, however, the parole supervision is exercised by public officials, who cannot be considered as "outsiders" even though they may not be on the staff of the institution.

Persons or organizations from the outside do, however, help the reformatories in many other ways. In fact, modern reformatory executives are strongly in favor of community contacts, but of a different kind and out of different motives.

In the first place institutional executives may seek the co-operation of individuals and agencies in the community, because they are of the opinion that the community may contribute much to making the reformatory education richer and more real. They realize the limitations of an institution and of the institutional staff, and feel that by bringing the forces and resources of the community to the institution, they may greatly increase the possibilities for constructive work and individualization, and widen

the scope of life within the institution. Thus reformatory executives have called upon outsiders for lectures or entertainments, for religious assistance, for instruction in music and other subjects, for technical advice on certain matters, such as the planning of the dietary or the organization of the library, etc. It will be noted that these forms of assistance by outsiders differs from that of visiting individual prisoners, firstly, in that, under the former, it is the institutional management which takes the initiative or which at least determines in how far it will accept such outside assistance, and, secondly, in that it is usually assistance given to the institution as a whole, not to individual inmates. In other words, the institution bears the responsibility for the reformation of the inmates; it may thereby accept the help of outsiders as much as it deems fit, but the idea that outsiders should come into the institution and do rescue work with the individual inmates is foreign to the reformatory.

Another motive which guides reformatory executives in encouraging community contacts is to lift the institution out of its isolation and to make its life more nearly normal and similar to outside conditions. The evil effects of isolation upon both officers and inmates have been more and more realized: It is well known that those who have been long subjected to it tend to become estranged from normal life in free society and increasingly unable to adjust themselves to ordinary conditions. Segregation and exclusion from normal social contacts also frequently lead to intensifying anti-social feelings in the offenders; if they are to reconcile themselves with society, they must feel that they will be accepted and not that they are shunned. As far as possible, therefore, paths for a honest social intercourse should be opened to them. These ideas are at the base of various community contacts, sought by some of the most progressive institutions, in which the inmates enter in normal social intercourse with outsiders. In Massachusetts, for example, a ball team from a woman's college in the vicinity occasionally played against a team of the inmates, and in the Pennsylvania institution a large pageant is given by the girls every spring in which they are assisted by the music band of the village of Muncy and to which people from the neighborhood and others are cordially invited. At Bedford Hills in Dr. Davis' time, too, there were festivities every year on the Fourth of July in which guests, members of the board, officers, and local friends (including a music band of Bedford Hills and some policemen) cheerfully co-operated with the girls. On the whole, women's reformatories are very hospitable and encourage anyone who may have anything to contribute to come; if the institution is favorably located there may be an almost daily coming and going of visitors, and the contacts of the inmates with the

visitors are frequently just as natural and informal as they can be under the circumstances. Thus the feeling is established in the inmates that they are not "prisoners", shunned by and excluded from a hostile society, but rather that they are ordinary girls and women who will be accepted as such by the community when they will return to it to establish themselves a honest place.

Another reason why outsiders may come to a reformatory is curiosity. In some men's prisons the practice exists of admitting visitors at a fee to see the prison, and of conducting tours through the institution at stated times. Often the fees are used for a purpose for which otherwise no funds are available, such as the library. The chief reason given for admitting visitors is, however, another, namely the typically American idea that in a democratic commonwealth every citizen is entitled to know its institutions, and that the more the public will know these institutions and understand their ideals, the more it will be willing to give its support. Women's reformatories have never permitted such indiscriminate visiting, so far as we know; nevertheless women's reformatories are, on the whole, very much easier in admitting visitors than European prisons usually are, a simple consent of the superintendent being sufficient to admit the visitor which is not often refused. In fact, in most reformatories visitors (also men) are cordially welcomed, not only out of true American hospitality, but also for the reasons mentioned above. Most reformatories even have guest's rooms available for their visitors who may sometimes stay for days at a time.

Still another motive of some reformatory superintendents for encouraging visitors may be mentioned, namely the desire to make the institution, its methods and its material the object of research. One cannot but have the greatest admiration for the scientific sense and open-mindedness with which some reformatory superintendents continually urge further research and invite others to help in the study of the problems and to give whatever information or ideas they may have to contribute, their ideal being to make the reformatory a center of criminological research. One would wish, indeed, that all penal administrators in Europe would have the same attitude!

So far we have been discussing the bringing of the community to the institution. There is, however, also the possibility of bringing the inmates to the community. To some extent this is already being done in some reformatories: as stated before, inmates are sometimes taken to outside practitioners or hospitals for medical attention like ordinary patients (that is by an ordinary means of transportation and in their ordinary clothing), while in some institutions they may also be occasionally permitted to make walks or picnics outside

the institutional boundaries; in Iowa the inmates are even permitted to attend moving pictures in town. In this connection mention may also be made of an interesting experiment carried on by the Massachusetts reformatory in 1918 which, during an influenza epidemic, when there was great shortage of personnel in the hospitals, using the old indenture provision, sent out fourteen inmates to work in two hospitals in the vicinity. They received ordinary wages but were not free to dispose of them nor of their free time; technically they remained prisoners. The experiment turned out well: only one woman ran away, the others earned varying amounts of money, and one completed an evening course.

Some girls' institutions have gone far in establishing community contacts: they have sent girls to outside schools and churches, and have sometimes permitted them to work with farmers in the vicinity, to attend lectures or divertissements in a neighboring city, etc. With respect to male prisoners the same idea has found expression in the honor or road gangs which are groups of prisoners sent out with little or no civilian supervision, to repair roads or perform other public works. Occasionally prison administrators have also permitted honor prisoners to go outside the prison for other purposes, such as to work for private employers, ¹⁾ on errands for the prison, to adjust some necessary business at their homes, etc. ²⁾ Some penologists see great possibilities in these experiments, because it opens new ways of dealing with prisoners and adds, therefore, to the opportunities of individualization. It also makes possible the carrying out of the sentence under more normal conditions and obviates to some extent the evils of institutional treatment. Furthermore, it enables the prisoner to earn his living by regular work and to contribute to the support of his family while still remaining in the custody of the prison, and, finally, it helps to keep his family together who otherwise, through lack of support and estrangement from the imprisoned member, easily disintegrates. We believe that, with the increasing emphasis on social treatment and individualization of penal methods, there will be more use made of these possibilities in the future, and that forms of treatment will develop in-between purely institutional and purely social treatment (probation). ³⁾ In principle there is no reason why inmates

¹⁾ Compare the experiment of Sheriff Frank H. Tracy in Vermont described in his paper presented at the 1921 Congress of the American Prison Association.

²⁾ Several instances are told by Jesse O. Stutsman in "Curing the Criminal", Chapter VI.

³⁾ See the interesting article by Dr. S. van Mesdag on "Penitentiare toekomst-gedachten" in the Maandblad voor Berechting en Reclasseering van Volwassenen en Kinderen, October 1930.

of a reformatory should not be permitted to work outside the institution, for example in a nearby hospital, or to attend church or follow some course in the neighboring town. In practice, however, there are still many obstacles to such methods: the terms of the law which may not permit the sending of inmates outside the premises; the opinions of the managing boards and superintendents which may be opposed to it; the attitude of the community or rather of the clubs, schools, etc. in the community which are often not inclined to admit delinquents; the location of the reformatory which is usually in the country where few opportunities for work, development or recreation outside the institution exist; the character or tendencies of many inmates which makes it inadvisable to let them go outside the institutional grounds, etc. Generally we believe, therefore, that extensive community contacts will practically be possible only in a different type of institution for special categories of delinquents ¹⁾, and that in a reformatory the possibility of community contacts of the type as described here will always be limited, although in some cases they might well be more extensive, even under present-day conditions.

§ 117. *Co-operation of Private Persons and Agencies in Particular.*

It has been a great question, particularly in Europe, in how far and in which form private agencies and persons should co-operate in the work of adjusting offenders, or, more particularly, prisoners. At the outset it may be stated that a clear distinction should be made between "private" and "volunteer", for a great deal of work may be done by private agencies employing paid workers.

The situation with respect to the co-operation of private agencies in the work with offenders is very different in the United States from that existing in Holland and some other European countries. For while in most European countries it has almost become axiomatic that, for the prisoners' aid, probation and parole work, private initiative should always be given preference and that the state should only exercise some amount of general supervision and control, the prevailing opinion in the United States is that the government alone should be responsible for the treatment of convicted offenders and that it should not delegate this function to private corporations or individuals. Above we have given many instances of assistance given by outsiders in the work of the institution, but it is always *under the responsibility of the institution*

¹⁾ Such as the "homes for working girls in Holland", or the "maisons de semi-liberté" in Belgium.

which alone determines when and under which conditions it should accept such assistance by outsiders. Prisoners' aid societies in the United States consequently do not have that dominating and semi-official position which they have in some European countries.

Similar remarks may be made about the co-operation of volunteers. We have shown that much assistance is given to the reformatories by volunteers, but it is always under the responsibility of the institution. Volunteers are always called upon for specific services which they can do well within the general scheme of the institutional work, such as to give certain lectures; they are as a rule not given responsibility over individual inmates, either during or after the time of their incarceration. On the whole, American penologists have only limited confidence in volunteer help, because they feel that in many cases they cannot be depended upon for work requiring sustained effort, as volunteers have their main interests elsewhere and frequently cannot give enough time or attention to the work of reforming delinquents to become proficient in it. This opinion is founded upon much experience, for many attempts have been made in the United States to draw volunteers more intensely in the rescue work for delinquents, but rarely has this led to a lasting organized effort of any great extent.

The question, then, is not whether co-operation of volunteers is desirable, but in which form it is desirable. No one will doubt any more that volunteers can and should contribute a great deal to making the work of the official penal agencies more effective, and that an institution which would cut off all the resources of the community and which would not have the active support of many citizens, would be a poor institution indeed. But the point is just how volunteers may be of the greatest use to the institution and what the limitations of volunteer help are. And to this reformatory executives would generally reply that volunteers should not be depended upon for types of service which belong to the essential parts of the work or which require prolonged application as these should not be left to the chance of having volunteers available who can give such service, but should be performed by persons belonging to the permanent staff of the institution which should be one in its loyalty to the purposes and policies of the reformatory.

CHAPTER XXVIII

PAROLE AND DISCHARGE

§ 118. *General Remarks.*

As we have noted in a previous chapter, the parole system in its present form was introduced in the United States together with and as an essential part of the reformatory system. The origins of this idea, however, go back much further.

In the first place we may mention the system of indenture which, dating from colonial times, was extensively used in the nineteenth century as a means of placing out by institutions for delinquent and neglected children, and introduced in 1877 into the reformatory prison for women of Massachusetts where it served as a form of parole until 1901 when a regular parole system (see page 95) was established. Except for a brief revival in 1918 as related on page 536, it has never been applied since.

Another source to which the idea of parole can be traced was the institute of "good time allowances" which was first introduced in New York State in 1817, and subsequently in nearly all other states. Under the provisions of this measure a specific reduction of the sentence is granted if the conduct of the prisoner has been good for a certain period. These reductions are rather liberal, amounting sometimes to one fourth or more of each year that the prisoner would have to serve under the original sentence. The objections against this system are, however, firstly, that the system works automatically and is applied on the basis of the prisoner's good conduct in prison which does not mean real fitness for life in free society; and, secondly, that release under this system is final: if the prisoner does not do well after his discharge, he cannot be returned to prison, unless, of course, he is convicted of a new offense.

A third forerunner of the parole system was the practice of granting conditional pardons. In the first part of the nineteenth century already the pardoning power was used by some executives as a means of reducing congestion within the prisons. With it the idea developed of making pardon an incentive to good conduct by promising the prisoners that they would be recommended for

executive clemency when they behaved well. The next step was to make the pardon conditional, dependent upon the good conduct of the convict in free society and subject to revocation if he did not fulfil the conditions; after the convict had given evidence of reform by a period of continued good behavior, the pardon was made final. This system has persisted in some states until to-day, and has left its traces in the parole procedure of some other states.

Another method of advancing the day of release is the commutation of the sentence, a summary reduction by action of the chief executive of the state, who has thought fit, in view of new evidence or new conditions which became known after the trial, to mitigate the severity of the penalty imposed. This device is still often used, for example, to change a life sentence not subject to parole into a time sentence so that parole becomes possible. As commutation was frequently applied as a reward for the prisoner's good behavior in prison, it has in some cases been confused with the good time allowances which are often called "good time commutations".

Dr. Samuel G. Howe from Boston is credited to have been the first one to use the word "parole" in 1847. As has been shown elsewhere, however, it was not until 1877 that the parole system as it is known to-day, was finally established in Elmira. Parole was at that time conceived as part of the reformatory system exclusively, as a kind of *graduation* of prisoners who were supposed to have successfully completed the course of training provided by the institution. According to this concept complete reliance was placed upon the reformatory to accomplish the reformation of the offender; the parole period was not considered as a factor in the process of re-adjustment but merely as a test of his fitness to maintain himself in free society.

Gradually, however, the parole system was also extended to ordinary prisons which did not have a reformatory regime, and where parole could not, therefore, have the character of graduation after positive educational accomplishment. Here parole partook of two different functions: On the one hand it came to be used in many cases as *an incentive to and a reward for good conduct*, much like the English ticket-of-leave system. On the other hand parole came to be looked upon by many as a *cautious form of release*, no longer connected exclusively with reformatory treatment or granted solely to those who seemed particularly meritorious and promising, but to be applied to *all* prisoners because of the advantages which the gradual release under a parole system presented over the method of unconditional and complete release, as under the former the offender could be returned to prison when he threatened to relapse into crime. It was asserted that there should be a "period of con-

valence" for every released prisoner as there was for the patient discharged from a hospital, that no offender should be suddenly given full freedom on the date of his release, but that, for the protection of society and of himself, every prisoner should pass through a transition period of semi-liberty, during which he would be subject to supervision and return to custody, until he had proved his ability to live a honest life. This view is expressed, for example, in the following statement of Sanford Bates, for the Legislature of Massachusetts in 1928:

"Whatever may be the time that a man should serve in prison, the protection of the community demands that when he comes out, he come out under a form of supervision, and we stand here to-day to make the statement that in the light of modern penology no man should ever be turned from prison directly into the community without the help, the safeguard and the protection of parole supervision."

Still another concept should be noted, namely that which regards parole, that is — the process during the parole period, not the act of paroling — as an *essential part of the whole plan of the social adjustment of the offender*. It is pointed out that the education of the offender for free life and his re-establishment in normal conditions cannot be accomplished in a prison where life is abnormal and controlled: at best the institution can *prepare* him for life in freedom; the real work of his social adjustment, however, his establishment in a regular occupation, the restoration and strengthening of his family ties and the formation of constructive social relationships in general, can only be done in and through a life under normal conditions. According to this point of view the emphasis is shifted from the training provided in the institution to the social case work done afterwards.

Although, then, theoretically, the American parole systems do not present a clear or uniform picture, it may be observed that it is strongly dominated by the theory of the indeterminate sentence, even, as we have noted before, wherever so-called determinate sentences are concerned. It is possible, therefore, to make a rough comparison between American systems of parole, at least as applied in women's reformatories, and the systems of conditional release as existing in Holland and some other European countries, whereby the following differences may be noted:

Conditional release in the European countries is an exception, parole in most American systems is the rule. For the term imposed under the American systems is considered as a *maximum* which is only carried out in full in exceptional cases; *normally* offenders are released before the expiration of that maximum in order to prove their fitness for freedom. According to the prevailing European

systems, however, the term imposed is considered as the *normal* term, and every abrogation of it must consequently be considered as an exception.

Under the American systems the parole period usually expires at the day when the maximum term would have expired. This logically follows from the assumption that the maximum term constitutes the ultimate limit until which the state may exercise control over the offender. In the case of a paroled person returned to the prison, the laws usually provide that the time spent on parole is not to be counted as part of the sentence. It is clear why this has always to be especially provided, for it is an exception to the principle that the date at which the maximum term expires constitutes the date at which the state's control over the offender ceases. In the Netherlands and other European countries, however, a specific period is fixed for the conditionally released person beginning on the day he is so released, during which he remains under supervision.

The theory of the indeterminate sentence leaves little doubt as to the point that the administration of parole should rest with the executive power. It may even be argued on good grounds that the logical person to grant paroles is the superintendent of the institution. For just as the superintendent of a hospital can judge best when his patients are sufficiently cured to be discharged, so the superintendent of a reformatory can determine best when an inmate is "cured", that is, fit for society (this was also Brockway's idea). In European countries, however, there is a strong tendency to believe that conditional release is to be determined by an authority not connected with the prison, while many are of the opinion that this power should be exercised by a judicial authority.

Finally, it follows from the American theory of the indeterminate sentence that the time spent on parole is considered as part of the sentence; in this sense we have to understand the provision occurring in many statutes that the parolee remains in the custody and under the control of the chief executive or the governing board of the institution. Consequently the supervision of those paroled rightfully belongs to the state and its officials, as the state, according to American concepts, cannot, or rather, should not, delegate the execution of sentences to private parties. In many states the conclusion is even drawn that the supervision should be exercised by a resident officer of the institution, so strongly is the parole period considered as a continuation of the term in the institution. In the European countries, on the other hand, the normal situation is that the assistance to the conditionally released is exercised by private organizations, in analogy to the aid to discharged prisoners.

So far, then, about the theory of parole. As regards the practice of parole, it may be observed that no phase of the penal system has been so much under attack and so ill understood by the public at large as this. The question is that the public, misguided by a poorly informed press, mistakes parole for leniency, for a "turning loose of criminals before their time", and considers it as one of the chief causes of the "crime waves" with which sensational newspapers keep the public well supplied. It fails to see that the terms imposed are maxima so that it is normal that prisoners should be released before the expiration of their term, and that the terms actually spent in prison are, so far as the evidence on that point goes, on the whole longer than those imposed under the old determinate sentence system, and probably very much longer on the average than the terms imposed in some European countries. Nor does the public understand that the parole system, if well administered, would mean a much greater safeguard for the public safety than a system of determinate sentences without parole.

It is a fact, however, that the administration of parole in the United States deserves a great deal of criticism. The chief cause of the trouble, it seems to us, is that the parole system has been all too rapidly generalized before the necessary facilities for a proper administration of parole had been established. One may find boards of parole, for example, consisting of ex-officio or honorary members which may have to consider some thousands of applications a year, parole officers who have to supervise four or five hundred or even more parolees in outlying parts of the state, and states where no supervision whatsoever is exercised over paroled convicts. If one adds to this the fact that in many prisons no real case studies are made of the inmates and that the consideration of each parole application may last only a few minutes, it is obvious that parole selection under such circumstances is little short of arbitrary, and the supervision of the parolees very superficial and ineffective. Of course, in many instances the facilities for parole administration are better, but, on the whole, the situation is still far from satisfactory. Best off, in this respect, are usually the women's reformatories where the number of cases coming up for parole is so small that every case can receive more careful consideration.

§ 119. *The Granting of Parole.*

The Paroling Authority. The provisions regarding the authority which is to exercise the power to grant release on parole reflect the various theoretical concepts indicated above. The old kinship of parole to conditional pardon is still expressed in the statutes

of three states ¹⁾ which make parole the prerogative of the governor, although in two of these ²⁾ he may act only upon recommendation of the board controlling the institution or the parole board; in the provision of Nebraska which vests the authority in a Board of Pardons consisting of the Governor, Attorney General and Secretary of State; in the law of Rhode Island, which makes the governor part of the paroling board, and in Illinois where the approval of the governor is required to make parole orders valid. A weak reminiscence of the idea that judicial authorities should have power to determine the date of release on parole, is to be found in the New York provision specifying that the judge who committed a woman to the reformatory may, on written request, serve as member of the board in voting upon her parole. In Indiana much power is given to the superintendent who presides over the Board of Parole, which, outside the superintendent, consists of the Trustees, the chaplain and the physician of the institution. In two other states ³⁾ the superintendent is member of the Board of Parole, and in most of the remaining cases she participates in the meetings of the board of parole in an advisory capacity. In nine states ⁴⁾ the board controlling the institution exercises the authority to release on parole, while in two additional ones ⁵⁾ it may recommend parole to the governor. If we add to these Indiana where the Trustees are part of the paroling board, there are, then, twelve institutions or more than one half of the total number, where the board controlling the institution exercises, either exclusively or in co-operation with others, the paroling power. Of these twelve boards there are nine ⁶⁾ which are separate institutional boards, composed of honorary members, and three central state boards. In California the paroling power is exercised by the Board of Prison Directors which does not control the institution, but has various other duties in the penal field.

In eight cases ⁷⁾ parole is administered by a special board which is

¹⁾ Arkansas, North Carolina, Vermont.

²⁾ Arkansas and North Carolina.

³⁾ Connecticut (State Prison Division), Minnesota.

⁴⁾ California (with respect to misdemeanants, but this will very likely be changed in 1931, when the power will be conferred upon the State Board of Prison Directors, as is the situation already to-day with respect to felonies), Connecticut, Kansas, Maine, New Jersey (Board of Managers), New York (Board of Visitors), Pennsylvania, Rhode Island (in the case of inmates sentenced for terms of six months or less), and Wisconsin.

⁵⁾ Arkansas and North Carolina.

⁶⁾ Arkansas, California (will probably change in 1931), Connecticut, Indiana, Maine, New Jersey, New York, North Carolina and Pennsylvania.

⁷⁾ The Federal institution and the reformatories of Connecticut (with respect to the State Prison Division only), Illinois, Indiana, Iowa, Massachusetts, Minnesota, Nebraska, Ohio, Rhode Island.

exclusively charged with the administration of parole for all penal institutions within its jurisdiction. One of them is the Federal Board of Parole which consists of three salaried members, appointed by the Attorney General. The Ohio Board of Clemency is composed of two salaried members, appointed by the governor for four years, who must belong to different political affiliations and districts, and one of whom must be an attorney at law. In Iowa the secretary of the Board of Parole is salaried; the three members of the Board themselves receive no fixed salary, but \$ 10 for each day of service and travelling expenses. The Board of Parole in Illinois consists of the Supervisor of Parole (an official of the Department of Public Welfare) who acts as chairman, and nine other members. In Massachusetts the Board of Parole is composed of a deputy commissioner of correction and two salaried members appointed by the governor. The system of Minnesota is rather ingenious: Here the board is composed of five members. Its chairman is that member of the State Board of Control who is the oldest in service on that board; the other members are the warden of the state prison for men, the superintendent of the reformatory for men, the superintendent of the reformatory for women, and a citizen appointed by the governor. The institutional heads vote only in reference to the parole of inmates of their own institutions, so that three votes are brought out in every case. In this way a compromise is brought about between the desire for uniformity of standards through centralization and the desire to give influence to the institutional executives with respect to the inmates of their institutions. The citizen appointed by the governor receives \$ 15 for each day of service and necessary expenses. The system in Rhode Island is simpler: here the Board of Parole consists of the governor, attorney general, an agent of the State Public Welfare Commission, three citizens appointed by the governor, and the warden of the State Prison, all serving without compensation. This board has jurisdiction only in those cases where terms of more than six months have been applied; in the other cases the Public Welfare Commission exercises the paroling power.

It is advocated by many penologists to-day that the administration of parole should rest with boards consisting of well-qualified, full-time officials, as it is far too difficult and, if well done, much too extensive a task to be performed by ex-officio or honorary board members who can give only a part of their time to it and mostly have not had any particular training qualifying them for the work. The work involving as it does the liberty of individuals carries responsibilities which are no less serious than those of the courts, and there is every reason, therefore, that it should be exercised by

persons who are not less qualified than are the judges for their task and who can give their whole time to it. It will be noted, that in only a minority of the women's reformatories, this condition of paid boards of parole is fulfilled. With respect to the women's reformatories, however, the problem of not having salaried parole administrators is not so serious, since their populations and consequently their number of parole applications is usually small, which, together with the fact that they often make better case studies of their inmates than many men's prisons, makes possible a more careful consideration of each case.

Parole Procedure. In most reformatories the parole board meets at the institution once a month, with the exception of one of the summer months. Mostly the superintendent is present at the meetings, and often also some other officers, such as the physician, assistant superintendent, educational director or chaplain; sometimes the parole officer, too, attends the meeting.

Usually the inmates, shortly before the date at which their parole may be considered, sign an application for a parole hearing. In Ohio this takes the form of a general application for clemency which is acted upon as an application for the relief which the board in its discretion deems proper, either parole, pardon or commutation of the sentence.

At the meeting the record of the inmate is always at the disposal of the board. In how far such record may be an aid in the determination of parole depends, of course, upon the intensiveness of the case study carried on in the institution. In some institutions this record may contain practically nothing of interest, so that the decision has largely to be based upon the oral information given by the superintendent and the personal impressions of the board regarding the inmate; in others, very extensive information is available. In nearly all institutions a medical report is presented, and in some the women are given a physical examination just before their parole is considered. In a few reformatories the practice exists of preparing "calendars" or summaries of the cases which are read or distributed to those present; sometimes the superintendent, assistant superintendent, educational director, physician and chaplain present their reports and opinions on the case in turn, each from her own point of view. Unusually thoroughgoing is the parole consideration in the Massachusetts reformatory for women which, as pointed out before, is preceded by a very intensive study of each case. After the evidence has been presented the parole applicant is usually called in and given a hearing, which may consist in a few perfunctory questions or in a more extensive interrogation.

In some states the law provides that the board of parole may make such investigations as it may deem necessary, and in a few the right of the board to summon witnesses and administer oaths, and the duty of officials to furnish information when so required by the board, has been expressly specified. As may be expected, the boards always receive numerous requests from persons who either want to help an offender out of prison or who are opposed to his release. Practice has shown that it is often difficult to withstand the pressure which may thus be exercised by others, and for this reason the laws in some states, such as Minnesota and Iowa, specify that the board is not held to receive any oral or unsolicited petitions, arguments or opinions. The administrative rules sometimes also decline admission of attorneys to the board's meetings or office for the same reason and also to dispatch business.

If parole is refused, the board may fix another date at which the case may be reconsidered. In some institutions, however, this is governed by rules fixed by the board: in Minnesota, for example, inmates having maximum sentences of not over 10 years who have been denied parole at the first hearing may not re-appear before the board until six months from the date of denial, and those having maximum sentences of over ten years may not have a second hearing until one year later. Such a procedure seems less commendable than that whereby the date of the second hearing is fixed in each case: Denial of parole may be for any number of reasons which are just as likely to require one month as one year of longer detention, and it does not seem wise to fix this term ahead at six or twelve months irrespective of the reasons which led to the denial. It is true that, at least in Minnesota, the board may fix a shorter time if it deems this desirable, but then it does not seem clear why there should be a rule.

In some institutions the inmates are informed of the reasons for the denial. This seems in general a good practice, as the inmates will have less feeling that they are arbitrarily treated if they are told just why they are held longer. In some cases, however, it may be difficult or tactless to inform the inmate of the reason, for example, if her mental defectiveness or psychopathic trends are the cause.

Appeal from the decision of the board is nowhere possible. If parole is granted, it usually takes effect after some days or weeks, so that the necessary preparations for the release of the inmate may be made.

Eligibility of Parole. The general rule is that all inmates committed to the reformatory are eligible for parole. By law, however, certain types of offenders are sometimes excepted: In three states ¹⁾ those

¹⁾ Indiana, Minnesota, Ohio.

guilty of murder, in four ¹⁾ those convicted of treason may not be paroled. Those convicted for life miss the benefit of parole in two states ²⁾, while in Maine those who have been committed under a determinate sentence for more than five years are not eligible for parole. In California parole is not possible in the case of those who have been sentenced for a felony three times before, and in Kansas this prevails with respect to those who serve their third term. In Nebraska, Massachusetts and Pennsylvania those having a venereal disease are denied parole until they are cured. In Kansas those convicted of murder may not be paroled by the Board of Administration, but the governor may grant them a parole (really a conditional pardon). Also those committed to the Correctional Department of the Woman's Prison in Indiana, and those committed under determinate sentences in Vermont cannot be paroled; the terms in the last two cases are nearly all short, namely a year or less.

Time at Which Parole May be Granted. In many cases the law fixes a minimum term which the inmate has to serve before her parole can be considered. Five states ³⁾ have the provision that all inmates have to serve the minimum term provided by law for the offense; Connecticut has this rule for the women committed to the Prison Department, New Jersey in regard to those transferred from the State Prison who have received sentences specifying a minimum, and Pennsylvania with respect to women over twenty-five years old. In a few other cases the law specifies that a certain portion of the (maximum) term must have been served: this is one half in Rhode Island, and one third in the Federal reformatory and in Illinois for those convicted of murder, treason or kidnapping who have received definite sentences. California fixes a minimum of one year for those convicted for the first time, two years for those convicted for the second time, and seven years for those committed for life. Exception to the general provisions is made in some states with respect to those who have been convicted of very serious offenses or to recidivists: The minimum terms for those who have received a life sentence is under the Federal provisions fifteen years, in Minnesota thirty-five years, in Ohio five years. The higher minima with respect to habitual offenders we have already dealt with elsewhere (pages 315—316). In Rhode Island habitual offenders are eligible for parole after five years,

¹⁾ Indiana, Kansas, Minnesota, Ohio.

²⁾ Connecticut (State Prison Department), Iowa.

³⁾ Illinois, Indiana, Ohio, Pennsylvania, Wisconsin.

and those committed for life after twenty years. As stated before, the court fixes the minimum in Wisconsin in the case of felons. In almost all other instances the rules of the board of parole specify minima, while in one or two institutions the minimum is a norm practically observed: In Connecticut the usual minimum term seems to be nine months, in the reformatory at Bedford Hills, New York, one year, in the Albion State Training School of New York and in Clinton Farms, New Jersey, one year and a half. In the Minnesota reformatory the board has fixed minimum terms ranging from one to four years according to the length of the maximum sentence: those having a maximum term of not more than five years may have their first interview after one year, those having a maximum sentence of from five to ten years after one year and a half, etc. The reformatory in Massachusetts has a minimum term of one year for misdemeanors (maximum two years), fifteen months for felonies (maximum five years), nine months for drunkenness and non-support (maximum one year), and twenty-one months for those having been convicted of a felony before; those having a definite sentence must have served one half of it.

The terms actually served are, of course, frequently longer, as a certain number are not released upon the expiration of their minimum term. In only one of the institutional reports, however, did we find a statement regarding the terms actually served, namely in Bedford reformatory in New York, where it was about four months longer than the minimum. Obviously this will vary according to the strictness or liberality of the boards in granting paroles.

Pre-requisites of Parole. Ideally, the question of parole should be determined according to principles of case work. In practice, however, this is still far from being realized in all reformatories. Law, parole rules and traditions have everywhere hedged in the discretion of the paroling authorities, and in many cases their criteria have nothing in common with scientific case work principles. A few institutions, however, such as those of Massachusetts, New Jersey, and Connecticut, and the Federal reformatory, have gone far in basing their parole decisions upon the needs of each individual as determined by a careful case study. But here, too, rules or traditions regarding the minimum term to be served and further requisites for parole still play a part, and probably it would be difficult to make it otherwise since institutions which have always to deal with a group are not so free to individualize treatment as case work agencies are.

The general criterion found in most statutes is that there must be "reasonable probability that the applicant will live at liberty

without violating the laws" or a similar provision. Usually, however, more specific criteria are stipulated in addition to this, either in the laws or in the rules of the paroling board.

The prime requisite for parole in nearly every state is a good conduct record within the institution. A number of statutes ¹⁾ specifically provide this, while in those states where no such provision exists, the rules of the board of parole mostly specify that good conduct is to be taken into account. The laws do not specify, however, how "satisfactory conduct" is to be understood, except that five states ²⁾ provide that the merit system is to be taken as a guide. We have already pointed out above that the conduct in the institution is bound to carry much weight in the parole decisions, even though it may sometimes conflict with the requirements of good case work: poor conduct in the institution may just as well be evidence of the fact that the reformatory environment is entirely wrong for the inmate and that, therefore, he should be removed from it as soon as possible if he is to have a fair chance to adjust himself. In the rules of the parole boards sometimes specific criteria are stipulated as to what is to be considered as good conduct: for example, that the applicant must have had a clean record for the greater part of her time (New York reformatory at Bedford Hills) or must have been in the first grade for a certain number of months (Minnesota). The weight that is given to this factor varies much in the different institutions; generally it seems to us, however, that it may be one of the factors to be considered in arriving at an understanding of the offender, but that it should not be permitted to play a decisive part in determining parole.

The nature of the offense committed is legally considered as a factor in the provisions already noted whereby a higher minimum is fixed for certain serious offenses. Aside from this, some parole boards also take this factor into account by refusing parole in the case of certain crimes which they consider particularly serious. Thus they really do what has been so severely criticized in the courts under the former system of definite sentences, that, namely, they make the terms fit the offense rather than the offender. Occasionally, one may note that the parole boards correct, by this means, the decisions of the court. If, for example, the court has fixed a comparatively low minimum and maximum, thereby indicating that it does not consider the particular offense worthy of much punishment, the board of parole may keep the offender to the

¹⁾ Federal statute and the statutes of Arkansas, Connecticut, Indiana, Kansas, North Carolina, Pennsylvania and Rhode Island.

²⁾ Arkansas, Connecticut, Kansas, North Carolina, Pennsylvania.

limit of the maximum term without giving him the benefit of parole. With this we touch upon the question of the limits of the paroling power to which we shall give separate attention below.

The criminal record of the offender also often plays a part in the parole decision inasmuch as those who have repeatedly violated the law may be considered poor parole risks. As we have noted previously, the law has fixed in some cases higher minima for those who have been repeatedly convicted or committed, and the same policy is reflected in the administrative rules of some parole boards (compare the rules of the Massachusetts reformatory mentioned on page 549). In most institutions this is taken into consideration as evidence as to the probability that the offender will lead a law-abiding life.

The social history of the offender should, of course, always be taken into account in so far as it bears on the question whether or not it is likely that she will succeed in re-habilitating herself. Most states have recognized this by making lengthy legal provisions specifying, usually in connection with the provisions on parole, what information is to be gathered and what records are to be kept regarding the offender. In how far such social studies are actually made we have discussed before. It hardly needs saying that the more is known about the social history of the offender the better and more intelligent prediction may be made regarding the probability whether or not she will adjust.

The inmate's health forms another important consideration with most parole boards. As stated before, many institutions do not parole an inmate as long as she has a venereal disease in an infectious stage, and in Massachusetts inmates having any other form of communicable disease may not be paroled either. In some cases, however, it might be better for a patient to go out than to stay in the institution. We feel, therefore, that the requirement of a clean bill of health should not be an inflexible rule.

In only one of the states ¹⁾ is the advice of a competent mental expert specifically required, although, as we have noted before, a few additional ones provide for a mental examination upon admission, the record of which is, of course, available to the board. There is no question that the board should have scientific information as to the mentality of the applicant; in how far such mental examinations are actually made in the various institutions, we have discussed before.

The ability to earn a living is another very important factor. In many institutions the vocational efficiency of the parole applicant

¹⁾ California.

is taken into account in the parole decision, which forms a strong incentive for the inmates to apply themselves to the work. In eight states ¹⁾ the law also requires that suitable employment must be secured in advance, but in the other states, too, it is nearly always a rule that no inmate is to be released unless employment is awaiting her (except, of course, if she is provided for otherwise). In some reformatories the places of employment are investigated by the parole officer before the cases are considered for parole; other institutions which do not have good facilities for investigation have to accept offers of work by outsiders without much further inquiry. It hardly needs saying that a thorough investigation of the place of employment is very desirable before it can be determined if it is suited for the woman concerned.

The availability of a good home has also been made a legal requirement for parole in some states ²⁾, and it is mostly considered in practice, although here again the institutions having poor facilities for investigation frequently have no means of determining whether the home to which the woman goes is suitable.

In one state, Rhode Island, the provision exists that an inmate with a term of less than seven months can only be paroled if somebody makes application for her parole and gives good reasons for so doing, whereas New Jersey requires some person to act as sponsor in case of persons paroled outside the state. In Illinois the parole board also requires the prisoners to give the names of reputable business or professional men who knew them some years before conviction and who can attest to their formerly good character. Formerly such requirements of a "first friend" or "sponsor" were more numerous, but it has been found that under present-day conditions this offers little guarantee, since there is mostly no way of determining the sincerity of the sponsor's attestation or agreement.

The educational proficiency of the woman is also sometimes considered, the assumption being that women who cannot read or write English sufficiently well will have poorer chances to get along in free society.

If the woman has a baby, the interests of the child have also to be thought of. It is very difficult to find a home for the mother and child together, while it may not be in the interest of the child to be separated from its mother, so that the only alternative may be that the mother remain with the child in the institution until a solution becomes possible.

¹⁾ Arkansas, Connecticut, Illinois, Iowa, Maine, North Carolina, Rhode Island, Wisconsin.

²⁾ Arkansas, Connecticut, Illinois, North Carolina.

The opinions of outsiders and the feelings of the community are sometimes taken into account wherever offenders who committed serious crimes are concerned. We pointed out above already, that it is difficult in certain cases to entirely ignore the "sentiment of justice" in the community. The deterrent effect of the punishment or the "general prevention" (to speak in European terms) sometimes also forms a consideration, as is evident in the higher minima in the case of particularly serious or dangerous crimes we cited above. With respect to male prisoners the provision is often made that the opinion of the judge or prosecuting attorney who participated in the trial, or of the sheriff or chief of police in the district where the offense was committed, must or may be procured and considered. ¹⁾ With respect to inmates of women's reformatories, however, such a provision seems to be rarely made, probably because there are few women who commit serious offenses. In fact, the provision of Iowa according to which the board may secure the opinion of the judge and the prosecuting attorney who participated in the trial, is the only instance we could find of such a provision applicable to a women's reformatory. In practice, such opinions are frequently of little value, as the trial officials rarely take the trouble to familiarize themselves sufficiently with the cases under consideration to give an intelligent opinion. ²⁾

There are many other factors and considerations which may play a part in the parole decision: the board in Massachusetts takes into account "a man's ability to tell the exact truth when interviewed by the examiner of the board", the "appearance he makes before the board", his "attitude towards his relatives and friends" and his "behavior on a former parole"; the Minnesota board declines parole to an inmate who "fails to give a truthful and satisfactory history of his past life"; in Iowa the "impressions gained from interviews" and in Wisconsin the "sincerity of his professions of reform" are factors influencing the board's decisions. Sometimes factors play a part which should be entirely foreign to parole decisions: overcrowding of the institution which makes it necessary to make room for newcomers; crime wave agitation leading to the "tightening" of parole; political or other kinds of pressure, etc.

This brings up the question what are really the proper limits of parole discretion. Since the parole boards are not required to state the motives of their decisions and since no appeal exists, this

¹⁾ Compare Clair Wilcox, in the Report of the Pennsylvania Parole Commission, page 134—135.

²⁾ Compare Missouri Crime Survey, page 511.

question has rarely been tested to juridical principles and has received little systematic consideration. Yet, in view of the present wave of criticism of the parole system it would seem very desirable to fix some definite criteria as to what considerations the paroling authorities may take into account and which not, in order to minimize the arbitrariness and "lawlessness" of parole administration of which, justly or unjustly, complaint is now often made. A few sample questions may illustrate the points we mean:

If the court has committed the offender to the reformatory because it considered such treatment necessary for the offender, and the parole board is of another opinion, for example, that the offender needs probationary treatment, may it then correct the decision of the court by immediately releasing the offender upon parole? Under existing law it seems very doubtful if penal executives have the right to correct the decision of the court as to the *kind* of measure to be applied, but practically it is very difficult for a reformatory institution to carry out a certain measure, if it is of the opinion that the offender needs an entirely different kind of treatment.

If the court has found an offender guilty, and the reformatory has become convinced that he is innocent, would the reformatory have the right to release the offender immediately on the ground that since he is not guilty the reformatory has nothing to reform? This, we believe, the reformatory has certainly no right to do, for this would lead to a re-trial of the cases, but without the safeguards which the courts are supposed to offer, without a public trial, the right to counsel, the right to appeal, etc. If a reformatory finds that a mistake has been made, the proper means are revision, pardon, habeas corpus or whatever is legally indicated.

Yet, such a re-trying of cases by parole boards has repeatedly been done without any possibility of checking up upon the grounds of their decisions or correcting such decisions in case they should be wrong or unwise.¹⁾

¹⁾ Compare: Sutherland, *Criminology*, page 311, and Clair Wilcox, Report of the Pennsylvania State Parole Commission, page 133. The latter particularly criticizes the practice of regulating terms according to the seriousness of the offense against the intentions of the court. It seems to us that the power of the paroling authorities to fix the terms notwithstanding the intentions of the court cannot in itself be doubted; what may be criticized is the grounds upon which they base their decisions, and it seems to us that it would be in conflict with the historical and logical task of the paroling authorities to let the retributive principle dominate, even though, as we pointed out before, the seriousness of the offense may practically have to be taken into account to a certain extent.

§ 120. *Supervision and Aid.*

Rules and Terms of Parole. Mostly the laws simply state that the board shall prescribe the terms and conditions upon which the inmates may be paroled.¹⁾ In two statutes²⁾ it is specified that the board shall fix the limits of residence for the parolee which may thereafter be changed in the discretion of the board. Illinois and New Jersey permit the paroling of offenders outside the state, the former on the condition that the prisoner shall make regular monthly reports in writing, the latter on the condition that some friend, relative or public official approved of by the Board of Control shall agree to act in the capacity of a sponsor and shall certify to the truthfulness of all reports required from the parolee and furnish such information concerning him as the Board may call for. Two states: Minnesota and Vermont, provide that in case the parolee is infected with a venereal disease, the board must fix such terms and conditions as will insure medical treatment and prevent the spread of the disease. In Michigan monthly reports are required, and the Federal statute specifies that the Board of Parole shall make rules regarding reporting.

The usual practice is to give each parolee a copy of a printed "parole agreement" on which a number of rules are specified which obtain for all. In addition to these the board may occasionally fix special conditions in individual cases, for example, that the parolee report to a certain clinic. As for the general rules, some which are found in practically all "agreements" are: that the parolee shall observe all the laws of every jurisdiction in which she may be; that she shall report regularly, usually monthly, to the person or department exercising the supervision over her; that she shall not change her address or place of employment without notification or consent of the supervising person or department; that she shall abstain from the use of intoxicants; that she shall refrain from places or persons of ill repute. Some conditions which are also frequently imposed are that the parolee shall not marry without permission or notification of the supervising agency or person, nor leave a definite geographical area, and that she shall immediately notify the supervising officer in case of sickness, loss of employment or other distress. In some states, such as Minnesota and Pennsylvania, the parolees are required to keep account of their expenditures

¹⁾ Federal statute and the statutes of California, Illinois, Iowa, Nebraska, New Jersey, Ohio. (In New Jersey the rules are fixed by the Board of Control, not by the Board of Managers).

²⁾ Federal statute and the statute of Minnesota.

and to save part of their earnings, their bankbooks being submitted at stated intervals to the parole officer for approval. Sometimes the rules specified are quite detailed. In Kansas, for example, the parolee is required to spend her evenings at home, to attend church at least once each Sunday, and to live with or near her mother or husband, and devote her time and earnings to their support as needed. In other cases the parolees are not permitted to make an expenditure above a certain amount or to purchase clothing or other articles without the consent of the employer. The parolees of the Albion State Training School in New York are not to communicate with other girls from the institution or to receive visits from their own family and to visit them without consent of the superintendent, while their recreation and friendships have to be approved of by the employer. In several states the employer is also directed to read all the mail and to inspect the packages received by the girl, and to supervise all outgoing mail, excepting private letters to the superintendent or parole officer. It is evident that such detailed rules can only have effect if there is close supervision by a parole officer or co-operation with the employer. If there are no means of control as to whether or not they are followed it is better that they are not made.

Who Exercises Supervision. Good parole work depends first of all upon the persons available to do it. As we pointed out before, supervision by state officers is the rule in American penal institutions. The only exception to this rule, so far as women's reformaties are concerned, that is, the only state where a *systematic* use is made of private organizations, is New York. True enough, there are prisoners' aid societies in many other states, but these are as a rule simply benevolent organizations which give aid and assistance of various kinds, such as lodging, meals, employment, etc. to released prisoners; they do not usually bear any official responsibility for the parole work nor are they subsidized by the government, as is the case with many European prisoners' aid societies.

The "sponsors" or "first friends", too, whose part we have described above, are something entirely different from the volunteers supervising prisoners in European countries. For any person who is willing to sign an agreement that he will endorse the prisoner's reports or answer requests for information regarding him, may be made a sponsor. They may be friends, relatives or employers, and in many cases such sponsors are not investigated so that there is no way of ascertaining what kind of persons they are or whether their sponsorship is bona fide or not. With respect to inmates of women's reformaties practically the only form of sponsorship is

that of employers who take paroled women in domestic service. In this case, however, it may fulfil a very useful part and be a great aid in the parole work, because of the close touch which the supervising officers are usually able to maintain with the employers.

As regards the supervising personnel, there are six reformaties which do not have any special person to carry on the parole work. Five of these, namely those of Arkansas, Nebraska, North Carolina, Rhode Island and Vermont, are very small, the number of those on parole probably being in all these cases less than twenty, in some even less than ten. The sixth institution, however, namely that of Kansas, paroled sixty-six women during the last biennium over which we have a report and might well need the services of a special parole officer. In these institutions the superintendents mostly attempt to exercise supervision over the parolees by means of correspondence, contacts with the employers and reports; if the parolees do not live far away from the institution they may also come for a visit on Sundays or holidays. Occasionally also a women's or religious organization is asked to interest itself in a particular girl. In North Carolina the Director of Public Welfare in the county where the woman lives is appointed by law as ex-officio parole officer. This system does not work out satisfactorily, however, since these officials are already too much burdened with other duties, and many of them do not seem to take their parole task very seriously. Of the facilities for parole supervision in the other institutions the following table may give an impression: ¹⁾

Institution	Approximate Number Paroled During One Year	Approximate Number on Parole at Certain Date	Number of Parole Officers	Case Load per Officer
Connecticut	120	100	2	50
Indiana	37	37	1	37
Iowa	21		1	
Maine	35	79	1	79
Massachusetts	136	145	2	73
Minnesota	17	18	1 (part-time)	18
New York (Bedford)	140	219	7	24
Ohio	232	250	1?	250?
Pennsylvania		45	1 (part-time)	45

As compared to the men's prisons, the figures of the women's reformaties are certainly not unfavorable. In some of them the

¹⁾ Figures taken from the last available institutional reports, except for those of Pennsylvania which we found in Wilcox op. cit.

number of active cases seems to be within the range in which satisfactory work is possible.

Organization of the Parole Supervision. Concerning the organization of the parole supervision the same distinction may be noted between centralized and decentralized systems which is also to be observed in other fields of penal administration, that is, the parole officers may be connected either with a central state department or attached to the institution. In favor of the centralized system it is argued that the paroled prisoner is not an institutional but a community problem, and that, for this reason, it is better to have the supervision exercised by officers living in the free community where they are in constant touch with the conditions and resources of the community than by officers connected with an institution the location of which is perhaps rather isolated. Another argument is that centralization makes possible a more efficient and economical organization of the work. For such a centralized parole department can serve all the state penal and reformatory institutions and divide the state in several districts in each of which one officer takes care of all the parolees living in that district so that he would not need to travel about the whole state as is the case with institutional parole officers. Centralization makes also possible specialization of the different functions: there may be one officer, for example, for colored offenders, or one exclusively charged with the finding of employment for the parolees, etc. To the women's reformatories this argument applies only to a small extent, since in most states the reformatory is the only state institution for women offenders so that there is not much possibility of accomplishing greater efficiency by combining different institutions, except that the parole service for the women's reformatory may be combined with that of the state school for delinquent girls. A third argument for centralization, finally, is that the parolee should be impressed with the fact that, when leaving the institution, he starts upon a new road and should no longer be reminded of the institution. It is believed that it would have a good moral effect upon the offender if parole is thus emphasized as a graduation from all institutional restraint and the turning over of a new leaf. On the other hand it is felt that the system of attaching the parole officer to the institution makes possible a closer correlation of the institutional and the parole work. For the parole worker who lives at the institution may immediately upon the admission of an inmate to the institution start to make a study of her case, participating in the case conferences, and following her through the institution, so that by the time the girl is paroled, the parole officer knows her and her circumstances

very well. In most cases such a parole officer will already have made contacts with the girl's relatives and friends in the course of her investigations, and will often have had opportunity to do constructive work for the preparation of the girl's return to normal surroundings. In short, there would be no break between investigatory and supervisory work, and the treatment within the institution could thus form one well-integrated whole with the parole work, a condition which might not exist under a centralized system. It is also not very satisfying to the institutional officials who may have worked hard to do their part in adjusting a girl, not to hear any more of her after she has left the institution. It is in the interest of their own work if they can see their cases through to the end, and they can only learn by the interpretation which the parole officer can bring to them of the community end of the treatment plan. Of course, this is also possible under a centralized system, if the co-operation of the parole department and the institution is good, but it might be easier if the parole officer resides at the institution.

States with a centralized system of parole supervision are Illinois, Iowa and Massachusetts, among those with a decentralized system are Connecticut, Maine and New York. Ohio and Pennsylvania which had a decentralized system both passed a law in 1929 whereby parole supervision was centralized, in Ohio in the State Department of Public Welfare, in Pennsylvania in a recently created State Board of Pardons, consisting of three ex-officio members, one of whom, the attorney general, was authorized to appoint a Supervisor of Paroles and the necessary field agents. In Illinois the supervision is exercised by the Division of Pardons and Paroles in the Department of Public Welfare, which has a staff of about forty persons, four of whom are women parole officers. The state is divided in districts, and the whole work is systematically organized, and headed by the Supervisor of Paroles who is also chairman of the Board of Paroles. In Massachusetts the administration of the parole supervision is located in the State Board of Parole which we have described elsewhere; one of its members is a Deputy Commissioner of Correction, who is the administrative head of the division for parole supervision of the Department of Correction. In Iowa the parole officer is attached to the State Board of Parole. A happy medium between centralization and decentralization seems to be struck in New Jersey where the parole supervision is exercised by the Division of Classification and Parole of the Department of Institutions and Agencies through the case supervisor who, as we described in our chapter on "Case Study", closely co-operates with the institution in formulating the plans of treatment for each inmate.

It may be noted that the supervision of parole is sometimes in

the hands of the same authority which also grants the paroles, sometimes it is under another administration. There is no consensus of opinion as to what is the best system. Local conditions have, of course, much to do with this.

The Parole Work. The old-fashioned concept of parole work is that whereby it is regarded merely as a sort of police supervision to check up as to whether or not the parolee keeps the terms of his parole, and to return him to the institution, if he does not. Under modern concepts, however, the emphasis is placed upon the giving of positive assistance to the parolee in re-establishing himself in an orderly life, and the methods of social case work are applicable to this. Ideally, parole work should begin at the moment the offender is admitted to the institution. The parole officer should participate from the start in the study of the case and the determination of the plan of treatment so that the training and treatment provided by the institution may be in keeping with the course to be followed upon her discharge. It should not be possible, for example, that the institution trains the girl to be a stenographer when the parole officer believes that the best course open to her is that of domestic service, or that the institution refuses to admit the girl's relatives to see her while the parole officer believes that she should be re-united with them. The parole officer should also have at least an advisory voice as to when the girl is to be released. This course is followed, among other institutions, in the reformatories of Connecticut, New Jersey and Pennsylvania.

An important consideration in the parole work forms the placement of the parolee in a proper home and employment. Many parole workers favor much domestic service for paroled women, as this affords them a protected home and supervision as well as employment. There are others, however, who feel that domestic service should not be looked upon as a panacea, as it may not at all be the best solution in some cases. The question should be determined according to the principles of case work so that for each girl the place and work be found in which she can develop her best possibilities. However, there will always be a significant number of women for whom placement at housework in a good home will be most desirable, and it seems of interest, therefore, to tell a little more about this form of placement.

Mostly the reformatories receive more offers of employment than they have girls to place, which makes it easier for the institution to exercise some selection and to require from the employer certain obligations concerning the welfare of the girl. Frequently the prospective employers are visited, and an investigation is made



State Industrial Home for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

Folk-dancing on the Lawn.



State Industrial Home for Women,
Muncy, Pennsylvania.

Courtesy of Miss Franklin R. Wilson,
Superintendent.

Summer Evening Scene: Girls Caring for Their Garden Patches.

of the character and conditions of the employment, the composition of the employer's family, their standing in the community, the character of the neighborhood in which they live, etc. When the place of employment is found suitable for one of the women shortly to be paroled, the parole officer makes the agreement as to wages and hours, and explains to the employer what is expected of her with respect to the welfare of the girl. Usually the employer is asked to endorse the reports of the girl to the parole department, to supervise her mail, expenditures, recreation and associates, to notify the parole officer or superintendent immediately of any unusual occurrences, and generally to co-operate with them in the adjustment of the girl. If a woman does not succeed well in her position, and it is felt that she might do better elsewhere, she may, of course, be placed in another position. Naturally much depends upon the employer and the relationships that exist between her and the girl, whether or not the latter will be able to make a happy adjustment. Great care in the selection of the place of employment and genuine interest on the part of the employer in the girl under her charge are therefore essential. Some of them do splendid work in bringing the girls back to an orderly life.¹⁾

Nearly everywhere the parolees are required to make reports, usually once a month. Mostly these are written reports made on blanks provided to the parolee by the institution or the parole department, although in places where this can be conveniently done the parolee may be required to report to the parole officer or the superintendent of the institution in person. Sometimes the written reports are rather extensive: in some states, for example, the women are required to state in detail their earnings and expenditures, their amusements, what friends they have, etc., and often these reports must be signed by the employer. Some reformatories which have no facilities for doing intensive parole work are compelled to rely chiefly upon such reports for keeping track of the parolees. It hardly needs saying, however, that, if there are no means of verifying them, these are of limited value.

Wherever better facilities for parole supervision exists, the parole officers usually visit the parolees at intervals. How often they visit the parolees depends, of course, not only upon the needs of the case but above all upon the time the parole officer has. We found

¹⁾ A stimulating discussion of the placement of delinquent girls, the points to be considered in the placement, the technique of the home investigation, etc., together with interesting analyses of cases taken from practice illustrating good and faulty placements, is given in: E. N. Burleigh and F. R. Harris, *The Delinquent Girl*. 1923.

that in some institutions it may be as often as once every week or two weeks in some cases, while in others parolees were visited three or four times a year. Obviously, this last arrangement is very insufficient.

In many other ways do some parole workers help their charges. The parole officers in Minnesota and Pennsylvania frequently go shopping with them, which affords good opportunities for establishing informal contacts while at the same time the officer can advise them how to spend their money wisely. To establish the right community contacts for women who have been in a penal institution, is a difficult problem, and the parole officers sometimes take great effort to tie the women up with Y. W. C. A., clubs, evening classes, etc., or to provide them recreational outlets through the employer's family. In simpler homes where (as is often the case in America) the girl is treated more as a member of the family than as a servant, this problem is frequently more easily solved as there she can share social activities with her employer. Usually the girl is encouraged to attend church regularly which in the United States also offers a good deal of social life. Generally the parole officers attempt to handle the cases in an informal, friendly way.

It often happens in some reformatories that parolees temporarily return to the institution, either for a friendly visit, for advice or for "adjustment", when, for example, they are without work or in other difficulties. Sometimes, too, the institution may take care of the woman's baby while she is trying to re-establish herself. This suggests how the institution may be of use also to those who have left on parole and how desirable it is that there be a close relation between the parole department and the institution.

A few words may finally be said about the material aid which is given to parolees. Six statutes ¹⁾ specify the outfit to be given the inmates upon their release from the institution, but similar arrangements obtain in all other states. In practically all cases this aid consists of an outfit of clothing, the fare to the place of destination, and a sum of money varying from \$ 5 to \$ 30 in the different institutions. This may or may not be given in addition to the money which the woman may have earned in the reformatory. Sometimes the amount to be given is left to the discretion of the superintendent, sometimes to that of the board, the law fixing only a maximum; in other cases the amount is fixed by the law. In some institutions, however, part of the earnings of the woman is kept in the parole

¹⁾ The Federal statute and the laws of Connecticut, Iowa, New Jersey, New York, North Carolina.

department or put in a savings-bank, the woman receiving only so much as she needs for her first expenses until her next pay-day, in order to prevent her squandering the money immediately after her release as many are tempted to do. In Pennsylvania the parolee may keep only one dollar a week of her earnings for herself; the rest of her wages is turned over by the employer to the parole officer, and if the girl wants a new hat or desires to visit a relative she must call upon the parole officer for the money. In Minnesota, too, the parolees are required to save part of their earnings and their bankbooks are regularly inspected by the parole officer. Upon the final discharge of the woman the balance of the money is, of course, turned over to her.

Iowa has established a relief fund to be used for paroled offenders who are in distress. From this advances may be made to them, not exceeding \$ 25, which they have to repay when they are able to do so. Probably similar arrangements are found in some other states.

§ 121. *Violation of Parole.*

Little do the laws contain as to the reasons for which offenders on parole may be returned. At least six states ¹⁾ simply leave the matter to the discretion of the board; seven statutes ²⁾ provide that offenders may be returned when they have violated their parole or the parole conditions without specifying as to what constitutes violation of parole. The only specific provision is that found in Wisconsin which states that a paroled prisoner must be returned whenever found exhibited in any show or exhibition. Often it is the supervising board which decides whether there is reason for return or not, often also the parole officer; in Vermont it is the governor.

In practice great variety exists with respect to the grounds for return. In some states, particularly those which have very meagre facilities for supervision, the perpetration of a new offense constitutes practically the only ground for return, because there is no way of finding out any other violations the parolee may have committed. Wherever a close contact is kept with the parolee, however, she may be returned for many other reasons which have nothing to do with the commission of a new offense, such as the leaving of her position without notice to the parole officer or the failure to report. In Massachusetts, for example, only four out of thirty-one women

¹⁾ California, Connecticut, Illinois, Massachusetts, Minnesota, Wisconsin.

²⁾ The Federal statute, and the laws of Iowa, Maine, New Jersey, North Carolina, Ohio, Vermont.

returned to the reformatory for violation of parole during the year ending November 30, 1929 had committed an offense, and of these only one had been guilty of a felony; all the others were returned for drunkenness or "indiscreet conduct" which included keeping bad company, staying out late nights, changing a position without consent of the parole officer, and other forms of careless behavior indicating a tendency of the women to relapse into their former ways. In many cases no sharp line can be drawn between facts which are qualified as "violation of parole" and those which lead simply to a return "for adjustment".

In at least two cases ¹⁾ the law provides that a returned offender shall be given a hearing at the next meeting of the Parole Board, but probably the same practice exists in some other institutions. As regards the penalty for the violation of parole, the great majority of the states leave it entirely to the discretion of the board as to what they will do with the inmate. There are only three states: Ohio, Rhode Island and Vermont, which make the execution of the full sentence mandatory in case of return. The Federal law provides that the parole order may either be revoked and parole terminated, or the terms and conditions of parole may be modified; in the former case the prisoner is required to serve the full term. Maine is the only state which permits the imposition of an additional term of imprisonment of not more than one year, beginning upon the expiration of the original sentence.

In some states, such as Massachusetts and Minnesota, the paroling authorities have fixed rules regarding the terms which returned inmates have to serve before they can be re-paroled; in other states the usual practice is to keep the returned inmate for the rest of her maximum term. Generally it seems better not to make such fixed rules, for there may be many reasons why it may be useful that a parolee be returned to the institution for a while, but which do not justify keeping her there until the expiration of her term. Such a fixed rule may lead to many being permitted to remain at liberty until their misdemeanor becomes so serious that they must be committed to the reformatory, while a return for a brief time might have constituted a warning or a good opportunity for adjustment. The more flexible the return provisions are the better.

§ 122. *Discharge.*

Whenever an inmate has not been granted a parole, she is, of course, discharged upon the completion of her term less such time as she may have earned under good time or commutation provisions.

¹⁾ In the case of the Federal and California reformatories.

When she has been paroled, the most usual arrangement is that she remains under supervision until the day her sentence expires, unless granted an earlier discharge: this obtains in ten states ¹⁾. In a few states ²⁾ it is not specified when and under what conditions such a discharge may be granted; in the majority of the states, however, it is provided that discharge may be granted when there is likelihood that the offender will remain at liberty without violating the law, or that she will lead an orderly life. In three of these states, namely Arkansas, Connecticut and North Carolina, a satisfactory parole record is required in addition, while in New Jersey the offender who has been penalized by a fine in addition to her commitment to the reformatory, cannot be discharged until her fine is paid, or remitted by the Court of Pardons. Iowa and Ohio provide that the parolee may be discharged after at least one year of acceptable service, in Illinois after at least six months. The Federal law specifies that the parolees remain under control until the expiration of the term fixed in their sentence, less the good-time allowance. Wisconsin, finally, has a provision that the governor may grant a discharge upon the expiration of the minimum term specified by law for the offense. In the remaining states no provisions exist regarding an earlier discharge, so far as we could find, so that we may assume that there offenders are kept in penal bounds until the expiration of the term specified in their sentence, except for the good-time allowances and the possibility of pardon or commutation.

In at least eight states ³⁾ the paroling board has the power to discharge, but in Connecticut an unanimous vote is required, and in Pennsylvania the recommendation of the superintendent and physician of the reformatory, and the approval of the court which committed the offender, after conference with the district attorney. In at least four states ⁴⁾ the provision exists that the power rests with the governor acting upon the recommendation of the board of parole and in one state (Illinois) the decision of the board of parole must be approved by the governor. There is also always the possibility of pardon which may be granted on the recommendation of the paroling authorities. Generally all these cases of discharge by the governor may simply be considered as a special form of pardon.

In practice one finds much variety with respect to the discharge

¹⁾ Arkansas, California, Connecticut, Kansas, Minnesota, Nebraska, New Jersey, New York, North Carolina, Pennsylvania.

²⁾ Massachusetts, Nebraska, New York.

³⁾ California, Connecticut, Illinois, Minnesota, New Jersey, New York, Ohio, Pennsylvania.

⁴⁾ Arkansas, Iowa, North Carolina, Wisconsin.

of prisoners. In some states, like Massachusetts, they are regularly kept under supervision until the expiration of their sentence; in others the rule is to discharge all parolees or to recommend them for discharge or pardon after a certain period, usually one year, of satisfactory service. In still other states the date of discharge is made dependent upon the conduct of the parolee. In New York, for example, a girl doing well for three months in one position will advance the date of discharge by six weeks, one doing well for six months will receive three months off, etc.

Generally we feel that the American system of making the parole period equal to the unexpired portion of the maximum (unless earlier discharge is granted) is not the most satisfactory, as it is too arbitrary. For it means that those who have been detained in the institution long, because they were considered difficult and not fit for freedom, can only be kept on parole a short time, while the more promising offenders who are released early have a long period of parole supervision ahead of them, though they may need supervision much less than the former. It would be much better if either the parole period were made indefinite and not terminated until the offender had given evidence to be thoroughly established in an orderly life, or the paroling authorities were given the power to fix a term which each offender has to serve on parole, with the possibility of prolonging or shortening it according to the circumstances.

The final discharge sometimes carries with it the restoration of the offender to her civil rights in so far as she may have lost them through the commitment. In other cases this is true only if the discharge is granted by way of a gubernatorial discharge or by a pardon, and this may be a reason why a petition to the governor is sometimes preferred or made in addition to a simple discharge by the paroling authorities or a mere lapse of the maximum term. In some states a formal notification to the offender that she has discharged all her obligations resulting from her commitment and that she has been restored to all her former rights and privileges is required. This seems desirable in any case in order that she be duly impressed with the fact that she is now a free citizen again.

PART VII

SUMMARY AND CONCLUSIONS

CHAPTER XXIX

SUMMARY AND CONCLUSIONS

§ 123. The greatest significance of the American reformatory for women consists in the fact that, under separate laws and independent, almost continuously female management, it has developed into an institution more nearly adapted to the needs of women than perhaps any other type of penal institution in the world. Established, some sixty years ago, in protest against conditions which prevailed in prisons where men and women were confined under the same roof, being at first more or less a mixture of an ordinary prison and a private asylum for erring females, soon taking over some features from the then newly established Elmira system, next following more and more the example of the institutions for delinquent girls, the women's reformatories finally accomplished a character and methods of their own, differing on many essential points from those of men's prisons. The most important lesson which may be drawn from the half a century of experience of the American reformatory system for women is that the treatment of women's delinquency is a very different problem from that of male criminality, and that the penal system for women should be considered separately, and not be governed dogmatically by the same principles and methods which are applied to prisons for men.

This is not the sole significance of the American women's reformatory: We have noted also that, as a group, the women's reformatories are the best and the most progressive penal institutions which the United States possess, and as such richest in suggestions for modern treatment of delinquents, many of which are also applicable to institutions for other classes of delinquents.

One cannot critically judge a prison system unless one knows something about the class of delinquents for which it is destined and the problems with which it has to deal. On this assumption we have attempted to analyse the female law-offending group in the United States and to compare it with the corresponding group in Holland. We found that great differences exist between the various American states, each of which has its own criminal law, but that the most salient fact in most states is the large

number of sex delinquents who are committed to penal and correctional institutions as a result of the American policy of active repression of prostitution and of combating venereal disease. This class of women alone, only a small part of which would have been committed to penal institutions in Holland, amounted to nearly 50 % of the total number of women committed to penal institutions in the United States during the first six months of 1923, and constituted about one third of the number of women present in penal institutions on January 1st, 1923. An offense which is prominent particularly among Federal offenders detained in the Federal Industrial Institution for Women is that of violating narcotic drug acts which was represented by 7 % in the total female prison population on January 1st, 1923.

The relative importance of one method of treating delinquents cannot be fairly estimated without some knowledge of the other ways of dealing with delinquents. This thought led us to consider American law enforcement and penal methods in general, with special reference to women. As regards law enforcement, the main conclusion to which we came was that, on the whole, it was far from ideal and had not kept pace with the rapid development of the American communities, but that intermingled with it were progressive features, such as probation, specialized courts dealing with sex delinquency or family matters, and psychiatric examinations of offenders. In the penal field we noted extreme decentralization, not only each state having its own prisons, but also nearly each county and a few cities having their own penal institutions; further great contrasts of good and bad, and a prevalence, at least in number, of the, often primitive, local prisons, the county and municipal jails or workhouses, condemned by penal science since many decades, but still the typical treatment for the large mass of misdemeanants or petty offenders, although they are slowly being replaced by better types of institutions, notably farm colonies. In addition to the jails and workhouses there are state prisons and penitentiaries, on the whole much larger and better than the former, and for women also private institutions; fines and probation form the main further measures which may be applied to delinquents. The number of women delinquents being everywhere small, there is a tendency to more and more concentrate them in the women's reformatories, withdrawing them from both county and state prisons.

It was particularly the conditions prevailing in the jails which aroused the agitation leading to the establishment of separate penal institutions for women. Indiana opened its Woman's Prison in 1873, Massachusetts in 1877, and New York followed suit with the opening of its two Houses of Refuge in 1887 and 1893 respectively,

and of its third reformatory in 1901. It took twelve years for the next state, New Jersey, to fall in line, but then the number of reformatories increases more rapidly, until to-day there are twenty reformatories functioning in eighteen states (one of them, being a Federal reformatory), while three institutions have been closed or diverted to other uses, and two have not yet been organized or opened.

The theory underlying the reformatory system is the theory of social defense, with a strong emphasis upon reformation as the chief means to accomplish this end. In the Elmira system which to some extent influenced the reformatories for women, the fundamental idea was that each offender should be kept in confinement until he had been made fit for life in freedom, and the task of the reformatory was conceived to be that of preparing him as soon as possible for good citizenship. In this system the indeterminate sentence, a reformatory regime and conditional release (parole) formed an inseparable trio. The women's reformatories have, on the whole, been little guided or hampered by dogmatical concepts: following chiefly the example of the institutions for delinquent girls, they simply strived for such methods as would best prepare the women for an honest and useful life. More recently, under the influence of case work concepts, more and more emphasis is being placed upon the significance of social relationships and the desirability of applying case work principles. Under these concepts the task of reforming the women is not considered to be accomplished merely by the training and treatment of the individual within the institution, but increasing importance is attached to the establishment and restoration of constructive social relationships, which, to a large extent, must be done after the woman has left the institution.

In order to gain some idea of the problems with which the reformatories in particular have to deal, we have analysed the populations of the various reformatories from different points of view. As regards the size of the reformatory populations, we found that the populations varied from less than fifty to nearly five hundred. The distribution of offenses appeared to be very different in the various reformatories, a few receiving only the more serious offenders, others only misdemeanants, while the majority received both felons and misdemeanants. In three states all the women delinquents sentenced to imprisonment are committed to the women's reformatory, and three additional states have made arrangements to accomplish this end as soon as possible. There are two states where women may be committed to the women's reformatory to be treated for venereal disease. In six out of the fourteen institutions about which we had information on this point, sex delinquents constituted the majority of the population, and in all but one institution they formed one

of the most important categories of delinquents present. In the Federal reformatory the violators of drug laws (the majority of whom are drug addicts themselves) constituted two-thirds of the population. It was difficult to assemble exact figures regarding the previous criminal record of the reformatory inmates, but it is probable that the percentage of "first offenders" was less than 50 % among the misdemeanants, and somewhat higher among the women of the felon class. The ages vary in most reformatories between sixteen or eighteen and over seventy years, only two reformatories having a maximum age of thirty years for all the classes that may be committed to it, while two others have an age limit for certain classes of offenders only. In institutions having a high percentage of sex offenders, the median age is usually low, namely under twenty-five years, as sex offenders are for the most part young; the offenders against property rights are in majority somewhat older, whereas those convicted of drunkenness or violating drug laws are most often women of thirty years or older. Interesting differences, due to local conditions, were to be noted in the percentages of foreign-born women in the reformatory populations which varied from 0 to 25 percent, and of colored women who constituted from 0 to 45 percent of the reformatory populations. A rather high percentage of the American-born women in some institutions also appeared to come from homes where one or both parents were of foreign origin. As regards the economical status of the women we found that the majority of them belonged to the lower labor classes, namely those of domestic servants, factory workers, waitresses, storegirls and vaudeville performers. To estimate the mentality of the women in statistical figures is very difficult; from whatever studies have been made on this point one gains the impression that the intelligence of women committed to penal institutions is lower than in the general population, and that there is a significant number among them who are feeble-minded or otherwise mentally abnormal to such an extent that the possibility of satisfactory adjustment to ordinary conditions seems precluded, and custodial rather than reformatory care seems indicated. As for the family background of the reformatory inmates, it appeared that a large percentage of them came from homes which rated low as to economical status, moral standards and parental supervision.

A very important point which may be noted in the composition of the reformatory populations is the tendency existing in several states of concentrating all women delinquents sentenced to imprisonment in one reformatory, instead of specializing the penal institutions according to the criteria of offense, age and criminal record prevailing with respect to men's institutions. This brings up the question in

how far penal institutions for women should be specialized and according to which criteria. One point which has to be kept in mind while considering this matter is that everywhere the number of women delinquents is very small as compared to that of male offenders so that extensive specialization of institutions is not possible without breaking the female delinquent group up in very small units. Since very small institutions cannot be so well equipped as larger ones and generally offer poorer and less varied opportunities for individualized treatment, all too extensive specialization may defeat its own purpose by making the institutions too small for being effectively equipped for intensive, highly individualized work. In view of this we came to the conclusion that age, offense and criminal record practically have not such great value as criteria for the specialization of institutions for women offenders, as to make it desirable to use them as a basis for the specialization of women's reformatories. On the other hand we felt that the women's reformatory should be specialized in this way, that from it should be eliminated all offenders whose offenses do not indicate significant social maladjustment and who simply need a fine or other punishment as a sanction of the law; all those who can be best helped by probation or other forms of social treatment; those who, on account of incurable mental defects or fixed habits of crime cannot be expected ever to make a satisfactory social adjustment and who should therefore be segregated in appropriate institutions for an indefinite time (with the corrective of parole); and those who need special psychiatric treatment in a hospital or by a clinic. This would leave for the reformatory all those women who are mentally sufficiently normal to be able to meet the ordinary requirements of life and whose delinquency is largely due to educational and social deficiencies which the reformatory method can correct.

On the basis of the insight gained in the problems presented by the reformatory populations, the methods to be followed by the reformatories can be more nearly determined. We arrived at the conclusion that ideally the reformatory should be a composite of a school, a case work agency and a psychiatric clinic or hospital: a school because educational neglect looms large among the women committed to a reformatory, a case work agency because practically every inmate presents also a case of social maladjustment which must be investigated and corrected according to established case work methods, and a psychiatric clinic because psychiatric issues are found in many of the cases even though they may not be the sole or the determining cause of the delinquency. Generally we noted that the methods of the women's reformatories were strongly influenced by the "school" concept, and that the finer forms of

psychotherapy, as applied in a modern psychiatric clinic, have not yet been accepted in the women's reformatories to any large extent. Further concepts that are advocated by some of the most progressive reformatory executives are: that the training and treatment provided by a reformatory should not be merely directed towards the negative end of prohibiting and repressing the bad but above all towards the positive aim of building up higher ideals and constructive interests which will of themselves dispel the baser tendencies; that it should tend to help the women discover such new interests and outlets as may serve them after their discharge and to link them up with the resources of the community; and that, as far as possible, the reformatory program should leave room for individualization, for creative activity and the carrying of definite responsibilities by the inmates.

Considering first the institution itself, we noted that the reformatories were either under the control of a separate, honorary board of managers, trustees or directors, or under that of a central state department or board which has also other institutions under its control. Under either system, however, the superintendent of the institution has, as a rule, a large amount of discretion and independency which — as the superintendents have usually been highly educated women — has contributed not a little to the happy development of the women's reformatories according to modern concepts and the particular needs of women. As regards the subordinate personnel of the institutions, we have been particularly interested in the increasing specialization of functions and its effect upon inmates and officers, and we came to the conclusion that this specialization is inevitable and not objectionable, provided the personal element keep the place in the regime it justly deserves. We were further interested in the proportion of the officers' time which was spent in merely supervisory, educationally unproductive duties and found that in the best institutions this was very small, resulting partly from the fact that women delinquents require, on the whole, much less supervision than male offenders, partly from the efforts of some reformatory executives to reduce the purely supervisory, non-educational work to a minimum by giving the inmates as much responsibility as they are capable of carrying, which we considered a desirable practice from the point of view of the education of the inmates as well as from that of personnel management and institutional economy.

As regards the material equipment of the reformatories, it is now generally accepted that a farm worked by the inmates forms an invaluable asset for a woman's reformatory. This and other reasons make the location of the reformatory in the country desirable,

although it should not, on the other hand, be too much isolated from the more important population centers and means of communication. The cottage system with individual bedrooms for the inmates is generally considered the best arrangement for a woman's reformatory and forms the rule, although of late some reformatories have constructed sleeping porches where a number of the inmates are permitted to sleep together. The size of the population of the cottages — which we pointed out is psychologically an important question — is mostly twenty-five to thirty, although there are some institutions with much larger or much smaller cottages. As regards the devices to prevent escape, a comparison of the experiences in various institutions brought out the interesting fact that no correlation can be shown to exist between the physical means of preventing escape and the percentage of escapes, the latter being apparently much more determined by psychological factors. Practice has shown that surrounding walls, guarded gates or the locking of inmates' doors during the night are not necessary, and that an alarm system on the inmates' doors and slightly protected windows are ordinarily sufficient.

All but one reformatory have some sort of indeterminate sentence, although in some, determinate sentences prevail with respect to certain categories of women committed to the institution (usually those having committed very slight or very serious offenses). In all cases of indeterminate sentences, however, a maximum is fixed which is either that prescribed by the law for the offense, or a general maximum of three or five years, or fixed by the court. Through the workings of parole which may be applied also in the case of those committed on a definite sentence there is often practically little difference between determinate and indeterminate sentences. We also found that in practice the system of indeterminate sentences tend to equalize rather than to differentiate the terms actually spent in confinement, as in nearly all cases the law, the court or the paroling authorities have fixed certain norms as to the time which the inmates must spend in the institution before they are eligible for parole. Generally we felt that the indeterminate sentence with a maximum, as applied in the women's reformatories, has definite advantages both in regard to the treatment of the women and the management of the institution, provided the parole system is judiciously administered.

When a woman has been committed to a reformatory, she is first placed in quarantine, usually for two weeks. During and after this time a study is made of her case the extent of which varies widely in the different institutions. At its best this study includes, aside from a study of court or other records already available,

a physical, psychological and psychiatric examination; various interviews with the inmate to find out her social history, educational standing and needs, her attitude towards spiritual matters, and the problems she will probably present from the disciplinary point of view; a social investigation carried on by means of correspondence or personal visits to those who can give information about the woman; and the observations of the officers who have the woman under their supervision. Essential in a good case study is the close correlation of all parts of the study, which seems to be best effected through the case conference method. A regular re-consideration of the case at stated intervals is very important in order to check up on any new findings and to make any necessary changes.

The physical care in the women's reformatories is, on the whole, excellent: The farms contribute much to making the food better and more varied; the ugly and elaborate uniforms of former times have everywhere been replaced by simple, practical house-dresses; and standards of personal and general cleanliness are everywhere high. The medical service, too, including dental care, is generally very good in the women's reformatories.

That there are conditions in institutional life which are harmful from the mental hygiene point of view, is now generally recognized. The shock and excitement of the trial and commitment, the sudden breaking off for the offender of his normal social relationships and modes of expression, the lack of normal emotional satisfactions which institutional life entails, the loss of esteem and the humiliation which attends the imprisonment, and the fact that in an institution everything is regulated and controlled leaving the inmates little necessity or possibility to use their own initiative, cause more or less serious maladjustments which outwardly express themselves in restlessness and breaks of discipline, sexual perversions, depressions, and increasing inadaptability to normal social conditions. Reformatory executives are generally of the opinion that it is of little use merely to repress the symptoms, and that the right kind of attack of the problem is to make the institutional life as wholesome and as nearly normal as possible: regular, stimulating work, a great deal of outdoor and physical exercise, dramatics and other forms of active recreation, a minimum of compulsion, and a multitude of possibilities for expression in various ways — these are a few of the means with which the best reformatories endeavor to establish good mental hygiene. Aside from what may be accomplished through the ordinary reformatory methods, not much is done in the way of mental therapy, those showing obvious symptoms of mental derangement being usually transferred to a mental hospital.

The general life and discipline of an institution have a great

influence upon the mental health of the inmates as well as upon the efficiency of the institutional administration. In the best institutions care is taken that the general life is as little irksome and repressive as possible; much attention is given to the community life of the inmates so that it may be upbuilding and stimulating, but at the same time the individual life of the women is not neglected. It is emphasized that discipline should be positive rather than negative, that is, it should consist more in establishing a good spirit and attitude in the inmates individually than in punishing transgressions; and that it should be preventive far more than repressive. In some institutions we found a system of conduct grades and marks for good behavior to which, however, is no longer attributed the great importance it had in the early years of the reformatory. Of the repressive means of discipline, deprivation of privileges constitutes the most common punishment in most institutions, while in the more serious cases confinement of the inmate in her own room or in a disciplinary room may be imposed. We pointed out that the way in which and the person by whom the punishment is imposed are much more important factors in determining the effect it has upon the inmate than the punishment itself.

Self-government may be found in various forms, but essential in all is the participation of inmates in the administration of the institution. Put briefly, the impression we received from the self-government system in the reformatories where it exists was that self-government is most successful and useful in the exercise of the "executive" power; that the "judicial" power of the self-government should be restricted (if given to the inmates at all) to the trial of minor infractions of the rules; and that in the "legislative" field (the making of rules) the inmates can practically have little or no discretion. Thus conceived, however, self-government may play a useful part, particularly by creating a better spirit, facilitating the administration of the institution and counteracting the passiveness to which otherwise institutional life so easily leads. Generally we felt that it is very desirable to give the inmates as much responsibility and participation in the institutional management as they can carry, though it need not be a formal self-government system.

The labor system is in the best reformatories chiefly governed by the idea to fit the women better for their tasks as homemaker and wage-earner, and generally to broaden their range of interests and to help them discover the joys of work. In the best institutions a great variety of activities exists, so that a rather large degree of individualization is possible. Except in the various institutional duties, such as cleaning, cooking, laundering, sewing, the work in

hospital, nursery and storeroom, etc., women may be engaged in the work on the farm and the vegetable gardens, or in the industries which are to a greater or lesser extent carried on by most institutions, and of which canning, sewing and mechanical knitting are the most important. Upholstery work, the making of rag carpets and of other objects of semi-artistic character, form also favored occupations in several institutions, particularly to arouse the interest of the women in the home, and partly also as means of employment for those women who cannot do other work. When needed, inmates of reformatories have also been successfully employed in men's jobs, such as making concrete constructions. Assignments to the work are in some institutions entirely individual and based on a study of each case, whereas some other reformatories prefer a system of rotation whereby as a rule each woman goes through the various departments of work in succession so that she may receive an all-round household training. As regards the economical exploitation of the reformatory labor we found that the state use system was prevalent in almost all institutions, the products disposed of under the public account system being mostly merely surplus or by-products from the farm. With but few exceptions, however, the output of the women's reformatories is not very important, the women being for the most part engaged in household and educational activities. Wages are generally favored by reformatory executives because of their good psychological effect upon the inmates, but in only a minority of the institutions is a small compensation actually paid to the women.

The cultural and vocational training in progressive institutions aims, on the one hand, at providing the women with practical knowledge which will serve them after their release in the free community, while, on the other hand, it is directed at arousing new, constructive interests which will bring their lives upon a higher plane. The academic instruction, we found, is closely correlated with the practical work and the problems of everyday life. The vocational training includes chiefly the training in household subjects, but in some institutions instruction is also given in some industrial and secretarial occupations, and along other vocational lines. Some attempts are also made in a few institutions to teach the women how to handle money wisely and to interest them in social affairs and events in the world at large. The library, if well organized according to modern principles and supported by regular appropriations, may be a source of much inspiration.

Moral and religious education is usually accomplished more indirectly, through the general spirit of the institution and the influence of the officers, than by direct instruction. All reformatories

have made provisions for the religious care of the inmates, but many of them do not have continuous service by the same persons, either clergymen or church workers, which, we believe, is essential for intensive religious education. It would also be very desirable that the religious instruction be closely co-ordinated with the other plans for the education and treatment of the inmates.

Intelligent penal administrators do no longer consider recreation merely as a pastime or a favor, but as something which is not only necessary from the point of view of mental hygiene, but may also have great inspirational and educational value. Forms of recreation in which the inmates actively participate are generally preferable to passive entertainments, those having meaning and educational content are better than mere pastimes. Outdoor and indoor sports, dramatical or musical performances by the inmates themselves, moving pictures and various cottage and community activities, constitute the most appreciated forms of recreation.

In most institutions very young children of inmates may be kept with their mothers, usually until they are two years old. Excellent care is given to these babies in some reformatories, and great pains are taken to educate the women to good motherhood.

Community contacts are much stressed in progressive women's reformatories, as it is felt that this greatly enriches the institutional program and makes the life within the reformatory more nearly normal and wholesome. These community contacts chiefly consist in outside persons or agencies coming to the institution to assist it in various ways; only to a slight extent are inmates sent outside the institution to make use of community resources, such as clinics, although in the future perhaps more might be done along this line. As regards the co-operation of private organizations and volunteers, reformatory executives are generally not in favor of their taking over essential parts of the reformatory work and interesting themselves in individual inmates. The assistance of outsiders is, however, appreciated if under the responsibility and direction of the institution.

Release on parole of the inmates before the end of their (maximum) term is the rule in the women's reformatories, not an exception, as it is considered as an essential part of the reformatory system. The power to parole is usually exercised either by the board controlling the institution or by a separate board of parole which may partly consist of persons having a hand in the administration of the reformatory; in a very few cases it rests with the same authority which has also the pardoning power. Factors which may be taken into account in the consideration of parole are: the expiration of a minimum term, the conduct record in the institution, the nature of the offense committed, the criminal record and social

history of the offender, her health, mentality, vocational and educational competency, the availability of employment and a suitable home, the interests of her child or children, and the effect of the parole upon the community. Usually certain terms are imposed upon all parolees, some of the most important being that they shall obey the law, avoid evil company, send in regular reports, and notify or obtain the consent of the supervising officer before changing their address or employment or contracting a marriage. Supervision is exercised in most institutions by parole officers who are either connected with the institution or attached to a central agency charged with the supervision of parolees. A rather close contact is often maintained with the employers of the parolees who informally act as their "sponsors". Parolees may be returned to the institution either because they have violated the terms of their parole or because there are other difficulties, but in most cases they may be re-paroled after a certain time. Final discharge must follow at the expiration of the (maximum) term, but frequently it is granted before that date when the parolee seems to adjust satisfactorily.

The chief task that remains for the future is research. Out of intuition and practical experience the present methods have largely developed, but we do not know in how far they are right. A study like that recently made by Mrs. and Dr. Glueck concerning the results of the reformatory system for men is a challenge to consider whether present-day reformatory methods are indeed as effective as they might be. New methods of dealing with socially maladjusted persons are developing in child guidance clinics, in modern children's institutions and homes, and in probation departments, which open stimulating visions as to the treatment of adult delinquents. Let us hope that scientists may come to the women's reformatories to make studies of the inmates and the causes which brought them to the institution, to test the effectiveness of the reformatory methods and to develop better ones, but above all to teach us how all these social failures — so tragical for the persons in question, so harmful and disgraceful to society at large — may be prevented, so that at some time, perhaps, reformatories will no longer be necessary.

What, finally, may this all mean for Holland? It seems to us that the solution of the problem of treating women delinquents as represented by the American women's reformatories offers also many suggestions for the same problem over here. One challenging conclusion that may be drawn from the American experiences is that the treatment of women offenders should be considered as a separate problem from that of penal treatment of the male criminal,

because both the small number of female delinquents and the differences in character and in the social problems which they present as compared with men, require a different solution. Indeed, one may rightly ask whether we shall ever get very far, if we continue to apply without question to the female delinquent group the same methods and criteria of classification that have been developed in the treatment of men. For does this not always have the result that the few women delinquents are considered merely as an accessory to the main group and that consequently their interests are neglected? What good, for example, will the new provisions with respect to the establishment of a reformatory prison for young adults have for women, if, when applied to them, it merely means that the few convicted under these provisions are put in a separate wing of an old prison because their number is too small to warrant a new institution? Might it not be better to give separate consideration to the whole group of women delinquents, and to see what could be done with them, perhaps to place them all in a reformatory institution especially adapted to women's needs as is done in the United States, or to work out some other plan?

It is not the place here to suggest any solution. The hope may only be expressed that some time we may, upon the basis of a study of our female delinquents, the causes of their maladjustment, their problems and their needs, work out a system of treatment that would be truly reformatory to all. May this study contribute its bit towards the awakening of interest in the treatment of the woman offender and the solution of the problem of reclaiming her for a honorable and useful life!

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STANDARD FORM OF LAW FOR THE ESTABLISHMENT OF A REFORMATORY FOR WOMEN OR GIRLS, BASED LARGELY ON THE CONNECTICUT STATUTE (LAWS OF CONNECTICUT, 1917, CHAPTER 358).¹⁾

[It will be noted that the statute provides that at least three women shall be on the board of directors. Where, under the constitution of a particular state, a woman cannot hold office, the same purpose can be served by providing for a board of directors of four men and three women, the latter to serve as advisory members.

If any legal difficulty is anticipated from the provisions of discharge and parole on account of the fact that they would be construed as an attempt by the legislature to vest in the board of directors power to pardon (usually vested in the governor of the state) the wording can be so changed as to permit the board of directors to recommend discharge and parole to the governor. With certain obvious changes, this form can be adapted to the establishment of prison farms for men.]

Section 1.

A state (reformatory for girls) (reformatory for women) to be known as the (..... State Reformatory for Girls) (..... State Farm for Women) is established.

Section 2.

The (..... State Reformatory for Girls) (..... State Farm for Women) shall be under the management of seven directors, who shall be appointed by the governor, and at least three of whom shall be women. Within sixty days after the passage of this act, the governor shall appoint one director for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven; and one year from the first day of the next month after their appointment and annually thereafter, the governor shall appoint one director for seven years. He shall also fill by appointment any vacancies that may occur for the unexpired term or terms thereof. The governor shall have power to remove any of said directors for cause. The directors shall receive no compensation for their services, but shall be paid their necessary expenses incurred while engaged in the performance of their official duties.

Section 3.

The directors are authorized to purchase in the name of the state as a site for said farm, not less than two hundred acres of suitable land. The board of directors is authorized to use, if practicable, for the purpose of said institution, any site owned by and not already used by the state.

¹⁾ Drawn up by the American Social Hygiene Association, 370 Seventh Avenue, New York, which has copies available for distribution.

Section 4.

The directors shall cause to be prepared plans and specifications for remodeling or erecting on such site necessary buildings for a suitable plant for the institution, which plans shall provide for cottages to be arranged for the proper classification of inmates as to the character and needs of such inmates. The directors shall furnish and equip the same ready for use. Contracts shall be made by the directors, and those calling for an expenditure of over five hundred dollars shall be duly advertised and competitive bids received thereon. When such buildings have been prepared and equipped, and the necessary staff of officers has been organized, the directors shall so certify to the governor, who thereupon shall issue a public proclamation that the institution is ready for the reception of inmates.

Section 5.

The sum of dollars is appropriated for the purchase of a site for the institution and for the preparation of the buildings necessary to start the institution and to make it ready for the reception of inmates and for the payment of salaries and running expenses for fiscal year after the passage of this act.

Section 6.

The directors shall have control of the institution, determine the policy of the same, and make necessary rules for the discipline, instruction, and labor of inmates; form a board of parole and discharge; cause to be kept proper records, including those of inmates; fix salaries of the officers of said institution, appoint from their number a president and a secretary who shall hold office for such length of time as the board may determine; hold meetings at least quarterly at said institution and audit the accounts of the superintendent quarterly. They shall report annually to the governor the general and financial condition of said institution, with such recommendations as they may desire to make.

Section 7.

The directors shall appoint and remove at discretion a superintendent of said institution, who shall be a woman, not of their number, and who, before entering upon the duties of her office, shall give a bond to the state, with sufficient surety, in the sum of five thousand dollars, and shall be sworn to a faithful performance of her duties. The superintendent shall receive such compensation as shall be fixed by the directors and shall reside at said institution.

Section 8.

The superintendent shall manage said institution and have control over the inmates thereof, and shall make rules and regulations for the administration of said institution, subject to the approval of the board of directors. The superintendent shall also, subject to the approval of the board of directors, determine the number, select, appoint, and assign duties of all subordinate officers of said institution, who shall be women as far as practicable, and shall be sworn to a faithful performance of their duties.

Section 9.

(a) Any girl not less than ten nor more than eighteen years of age who, upon conviction of the commission of any crime under the laws of this state, may be sentenced for a maximum term of imprisonment of not less than one year, and any girl not less than ten years nor more than eighteen years of

age who may, by reason of incorrigibility or delinquency, be taken into custody by the juvenile court and committed to an institution under the laws of this state;

(b) Any woman above the age of sixteen years who, upon conviction of the commission of any crime under the laws of this state, may be sentenced for a maximum term of imprisonment of not less than one year; may be committed to the (a) (..... State Reformatory for Girls) (b) (..... State Farm for Women).

All commitments shall be for an indeterminate period of time not to exceed three years, except where the maximum terms specified by laws for the crime for which the offender was sentenced shall exceed that period, in which event such maximum term shall be the limit of detention under the provisions of this act, and in such cases it shall be the duty of the trial court to specify the maximum term for which the offender may be held under such commitment. No (a) (girl) (b) (woman) shall be transported or conveyed to the said institution by any male officer unless she also be accompanied by a woman. Authority is given to the board of directors to receive and detain as an inmate of institution any (a) (girl) (b) (woman) who may be sentenced by any court of the United States to a term of imprisonment of not less than one year.

Section 10.

Said board of directors shall constitute a board of parole and discharge. Any inmate of the institution who has been in confinement within said institution may, upon recommendation of the superintendent, be allowed to go on parole in the discretion of a majority of the board.

Section 11.

While upon parole, each inmate of said institution shall remain in the legal custody and under the control of the board of directors, and subject at any time to be taken back to said institution for any reason that shall seem sufficient to said board. Whenever any paroled inmate of said institution shall violate her parole and be returned to the institution, she may be required to serve the unexpired term of her maximum sentence, computed from the date of her parole, in the discretion of the board of directors, or she may be paroled again if said board of parole so decides. The request of said board of directors, or of any person authorized by the rules of said board, shall be sufficient warrant to authorize any officer of said institution or any officer, authorized by law to serve criminal process within this state, to take any inmate on parole into actual custody, and it shall be the duty of police officers, constables, and sheriffs to arrest and hold any paroled inmate, when so requested, without any written warrant, and for the performance of such duty, the officer performing the same, except officers of said institution, shall be paid by the board of directors of said institution out of the institution's funds such reasonable compensation as is provided by law for services in other cases.

Section 12.

If any inmate shall escape from said institution or from any keeper or officer having her in charge or from her place of work while engaged in working outside of said institution, she shall be returned to said institution when arrested, and may be disciplined in such manner as the board of directors may determine. All the provisions of Section 11 relating to the arrest and return of paroled inmates shall apply to the arrest and return of escaped inmates.

Section 13.

The board of directors may return to the committing court or other appropriate court any inmate committed to said institution, with recommendations for the transfer of such inmate to a prison, jail, hospital for the insane, institution for the care of the feeble-minded, or other appropriate institution to which such inmate might have been committed in the first instance, and thereupon the said court may cause such inmate to be committed to an appropriate institution or dealt with according to law.

Section 14.

If it shall appear to said board of directors that any inmate on parole, although not having completed her maximum term, has maintained a satisfactory record, and will continue to lead an orderly life if discharged, said board, by a unanimous vote of all the members present at any stated meeting thereof, may discharge such inmate from said institution.

Section 15.

If any woman committed to said institution is, at the time of her commitment, the mother of a child under one year of age, such woman may retain such child in said institution until it attains the age of two years, when it shall be removed therefrom. The board of directors may cause such child to be placed in the care of a suitable agency for the care of children in this state and pay for the care and maintenance of such child at the rate fixed by law until the mother of such child shall be discharged, or may commit such child to the care and custody of some relative or proper person willing to assume such care and pay for such child at the same rate, if deemed necessary. Any child of a woman committed to said institution, who is over one year of age at the time of its mother's commitment, and who might otherwise be left without proper care and guardianship, shall be committed by the trial court, upon the same terms as to payment as herein provided, to a suitable agency for the care of children in this state, or to the care and custody of some relative or proper person willing to assume such care. If a child be born to any woman while an inmate of such institution, such child may be retained in said institution until it shall be two years of age, when it shall be removed therefrom. The board of directors may cause such child to be placed in the care of a suitable agency for the care of children in this state, and pay for the care and maintenance of such child at the rate fixed by law until the mother of such child shall have been discharged, or may commit such child to the care and custody of some relative or proper person willing to assume care, and pay for such child at the same rate, if deemed necessary.

Section 16.

The board of directors, in making rules and regulations for the government of said institution, shall make provision for a broad system of hygiene (including informational hygiene, health advice, and physical training); for a system of general and vocational instruction, including useful trades and domestic science; for agricultural work; and for proper recreational facilities.

Section 17.

This act shall take effect from its passage, except such provisions as provide for the commitment, custody, and treatment of inmates, which shall take effect upon issuance of the proclamation by the governor as provided for in Section 4.

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