

Our Prison Problem

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With the Compliments
of the

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OUR PRISON PROBLEM

BY ALFRED E. LAVELL, B.A.*



THE poet has sung,
"Stone walls do not a prison
make,
Nor iron bars a cage."

Properly understood, that statement is, we suppose, correct enough; but no one who has ever stood within the high stone walls of a prison, and, more than that, within the convict's cell, with the thick walls on either hand, and before him the steel bars of his prison door, will look lightly upon the fact that, bodily speaking, stone and iron afford a tolerably good means of putting limitations upon one's liberty. Sad to say, in all the history of the race, the use of stone and iron for this purpose has been found necessary to the safety of the state and the rights of the citizen. Even in such an enlightened and favoured land as ours, though nineteen centuries have passed since the Master preached "liberty to the captive," there seems to be as much need as ever for material, enforced restraint to be put upon man by man. Penitentiaries, prisons, and gaols, scattered through province and county from Atlantic to Pacific, tell the stern tale that we are yet far from the long-sung Golden Year of the poets. Crime and prison bars are an uncomfortable, nettling, and grim reality.

Speaking generally, we have the same essential principles in force in all our prisons throughout the Dominion. A glance into one of these, therefore, will give us some idea of the nature of at least our larger penal institutions. Perhaps the penitentiary at Kingston is the best type to take, for it is much the largest we have, and its population



A GUARD AS SENTINEL ON THE WALL,
KINGSTON PENITENTIARY.

is gathered from points more widely scattered than is that of any of the others.

(a) *The Shell.*

As the accompanying illustration shows, the main prison lies upon the lake shore, and, viewed from the south, as one floats out in the western end of Kingston harbour, lies, like a heavy mass of grey, streaked at the top with the dash of the dark red of the roofs, and capped in the centre by the great, bulging, silvery dome. To the north of this stretches the couple of hundred acres of the prison farm and quarry land, where work all day, in prison though outside the walls, a hundred or more convicts, watched by the men in the blue uniform of the prison guard.

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INSIDE THE WEST GATE, KINGSTON PENITENTIARY.

The section bordering on the lake is the walled city in which five-sixths of the men work at all sorts of trades—blacksmithing, stone-cutting, tailoring, shoemaking, carpentering, cooking, etc., etc., etc., where all of them eat and sleep, and from which all the different departments are administered and controlled.

The only gates through the high stone walls are one each on the north and west. A view of the latter we give from the inside. It looks out upon the wharf and across Portsmouth Bay to the Rockwood Asylum, and in it, as in the other, two guards keep watch night and day. The building on the left hand in this same picture is the insane ward, which is seen in full in the illustration of the central yard, together with the power-house. To the north of this central yard lies the dome; to the east the prison of isolation; to the south all the workshops.

Our view of the main prison shows the north gate in the foreground. The building just peeping over the wall on the left is the hospital—which is also the building shown in the picture of the

eastern wall; that on the right, corresponding to this, is the Protestant chapel; that in the centre is the dome, out of which, like great stone and iron spokes, run the four wings—the east wing, south wing, and west wing, con-

taining the cells; and the north, the Roman Catholic chapel, the main administration offices, and the female prison. The illustration showing the circular galleries inside the dome gives one some idea of how the five tiers of cells are reached by the men as, each with his tin of tea and bread, they retire for the night.

(b) The Life Within.

So much for the shell, the stone and iron, the dead material buildings and walls and gates and reach of land. But what of the life within? We have nothing like the space here in which to give the incidents and descriptive sketches which might fill many articles or lectures, but, as briefly as may be, let us specially glance, for illustration, at two or three features of prison life—the routine, the feeding, and the work, with a word on the "silent" system.

To be received into prison for the first time is an event which stamps



FRONT VIEW OF MAIN PRISON, KINGSTON PENITENTIARY.

itself indelibly upon the memory of every convict. He is not quite hardened. His thoughts before his crime had never dwelt long on the stern possible realities of a prison. He had other ambitions than this. His

crime, he thought, would be but the open door to riches, or favour, or comfort, or pleasure,—not to prison; and hard is the blow, when after the dazing experience of the apprehension and trial, he finds himself actually in charge of an officer in a closed cab, which is reined up at the north gate of Kingston Penitentiary. The great, heavy, double pair of gates swing back, and, as they drive on through, clang behind him, as with a harsh and heavy knell to all his bright ambitions, now passed for ever beyond his reach.

But little time is allowed him for thought. He is immediately given in charge of the chief keeper: all his possessions are taken from him, packed, labeled, and laid away against the time of his leaving; he is given a bath, is examined, measured, weighed, and a full description of him is registered. A suit of clothes—grey, with cross streaks of red, is presented to him, with his number and letter stamped here and



THE CENTRAL YARD, KINGSTON PENITENTIARY.

there upon it, and in a few minutes he stands forth, in dress and in reality a convict, ready for the kindly but firm counsel of the officials that he obey rules and behave himself, ready for the work that is to be allotted to him, and off he goes, a prisoner in charge of his guard.

There are few occupations more wearing in their monotony than is that of a penitentiary guard. For about twelve hours in every twenty-four, either during day or night, he is on guard, walking to and fro on high wall or quarry-mound, standing in ward, or shop, or yard, releasing or locking up the men at morn or eve, and ever but with one thought, "watch." There is little relief during hours, no reading, or smoking, or talking with the convicts, no work allowed, and everything has to move with such clock-like regularity that this compulsion to no occupation but the strain of watching, becomes as hard labour: as man could wish.

The new-comer soon becomes acquainted with the bare, grim surroundings of the spacious central yard, with its pavement of fine broken stone; for across it, if he works in the "shops," he passes



PART OF EASTERN WALL, KINGSTON PENITENTIARY.

at least four times daily. At the sound of the great gong, the men in these workshops at noon or evening lay down their tools, and are soon lined up in single file facing the door. One by one the gangs pass out beneath the low arching of stone, with steady, swinging step, and under the constant surveillance of the guards, who, in strategic positions, are stationed along the line of march. Guards, stone walls, bars, prison clothes, no grass, nor tree, nor child, nor anything else of free life; surely they will not for-



GALLERIES IN THE DOME,
KINGSTON PENITENTIARY.

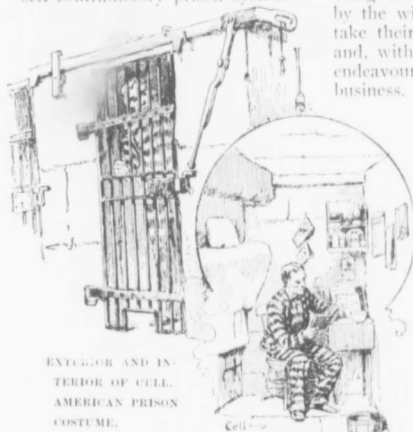
get that they are in prison, these men. Out they go, one by one, not in the lock-step, which some so strongly favour, though for what reason the god of tradition and of "deterrent" punishment alone can tell, and file over the hard, well-worn paths of stone, as directed by the officers in charge. Young men of sixteen and old men of seventy; rogues, well trained in deliberate crime, weak-willed fellows who have allowed circumstance to rule them, and men whose faces are full of horror and shame as they think of the one great mistake of their lives, and full of determination as they resolve never more to let crime have dominion over

them; on they march toward the dome, to take their ration of food and retire to their cells.

All meals are taken in the cells. This is unsocial, but has advantages. Breakfast consists mainly of bread, tea, and cold beef, and supper is strictly of tea and bread. Dinner is more elaborate. Vegetable soups, with a healthy allowance of beef therein, or pork, make up the general bill of fare, with a few variations, such as fish on Fridays, etc. One thing we have learned, that it does not pay in any sense, financially or morally, to starve our convicts or feed them bad food. We have learned also that it pays in every way to give convicts mental, as well as physical food. The result is an excellent circulating library in the penitentiary, containing works of science, history, fiction, and all the other branches of literature. The grade of education possessed by convicts in general is not of a very high order, but the books are read well, and are one of the few really uplifting influences which we allow to penetrate our general prison system. For those whose literary knowledge is almost nil, a school is provided, which, though handicapped in many ways, yet gives many a man ground for future success in the outside world.

Capping the provision for mental food is the means for imparting spiritual instruction. This work is in the hands of two chaplains, Protestant and Roman Catholic, and is centred in two chapels, well ordered places of worship, which, by the aid of the stained glass which hides the bars, are constructed so as to remind the convicts as little as possible of prison surroundings. In the Protestant chapel, beautiful and wise texts are in various places on the walls: "Jesus Christ, the same yesterday, to-day, and for ever;" "The truth shall make you

free;" etc., draw the thoughts to higher things, and the Lord's Prayer, and the Ten Commandments, lettered in full, face the worshippers throughout the service. Choir and organ—conducted by inmates—lead the singing, and hearty and deep is the music that arises at the two regular Sunday services. This mental and spiritual instruction of the convicts is the most hopeful part of our anomalous and self-contradictory prison system.



EXTERIOR AND INTERIOR OF CELL.
AMERICAN PRISON
COSTUME.

What is meant by the words, "with hard labour," attached to a sentence? It is largely now a fanciful phrase which we inherit, along with other features of our prison system, from the dim past. Convicts are *always* supposed to work hard, though as a matter of fact, when we come to consider (1) that they are not free men; (2) that most of them have come to prison through laziness—desire to get something for nothing; and (3) the essential defects of our system, we must not be surprised if "hard labour" has a different signification in prison from what it has outside.

There are trade instructors in all

the more important lines of work—tailoring, shoemaking, blacksmithing, etc., and if any young fellow really wishes to learn a trade, there is generally nothing to hinder him.

Altogether, if a visitor passed through the penitentiary at any time during morning or afternoon, he would, with the above conditions considered, see an active, busy place, and here and there he would see careful and excellent work being done in all the departments by the wiser of the convicts, who take their position philosophically, and, with their eye on the future, endeavour to make the best of a bad business.

Neither while at work nor at rest are the prisoners supposed to carry on any conversation with one another. In theory the "silent" system is in vogue; but of course it and the congregate system cannot work together, and the silence—though as a rule, especially in some departments, well observed,—works much more thoroughly on paper than in practice. Convicts should have no dealings whatever with one another, and certainly, therefore, the silent system ought to prevail; but we, by our laws, give the congregate system complete right of way. Of course silence and non-intercourse between convicts cannot rule until the "congregate" is superseded by the "separate" system. This latter is not in practice anywhere in Canada. In less than a hundred years there will be no other. Of course we have the "solitary" system in one prison in the penitentiary, the prison of isolation, but this is for "incorrigibles" from all the Dominion penitentiaries, and though it marks a stage in a right development, is not an illustration

of the "separate" system, and has features abhorrent to humanity.



Such is a brief, imperfect outline of the institution of stone and iron in which you and I and the rest of us keep six hundred of our kind, that they may think over their past, and rue the day of their attempt to successfully break our laws. What is it all for, anyway? What is the object of a prison? Is the object a good one, and is this ancient tool of punishment in prison the most effective instrument for its attainment; or are we unthinkingly following past tradition in a wrong direction? In this age of science, has the pathology of the criminal been examined, and has the prison been found to afford the best treatment for him in the interest of the state? If so, is our prison system, as we at present conduct it, the last and best expression of what prisons should and can be? From the point of view of the scientist, what are the facts and what are the inferences therefrom? Is the present prison system a monument to wisdom, ignorance, or folly? From the point of view of the citizen, are we taking the best course for the protection of society and advancing the interests of the State? From the point of view of the humanitarian, the Christian, is our present treatment of our criminals the best

for them, for us, and for all concerned, and is it a logical sequence of the following out of the Golden Rule? If not, why not, and what are we going to do about it?

Now, be it remembered, we in the first place sketched out the arrangement of Kingston Penitentiary, merely to give us a concrete basis to start with. It was impossible to be exhaustive. He who knows no more about our prison system in Canada than what we have related in this article about the penitentiary at Kingston, knows neither that prison, nor has he any correct conception of our prisons generally. Nor will he at all understand the point of the question we have asked above. It is only to be hoped that any reader of this article who is so situated will hereafter take all possible steps to get a good working knowledge of some gaol or penitentiary, or both, and let that take the place of the slight outline of a concrete prison in this article. Especially let him look into his local gaol, examine its arrangement, enquire into its workings, and learn about its usual inmates as they there meet in forced conclave, and he will find the attempt to answer the questions which we have placed above a highly interesting, difficult at times, and not very satisfactory business.

The Reason for Prisons.

Let us briefly deal with some of these questions. First, what is the object of a prison? Speaking generally, it is that we may have a safe place in which to keep men and women whom, having grossly infringed the rights of other citizens, society sees fit to compel, for a longer or shorter time, to live apart from their fellow men.

Since those thus detained are generally held against their will, a prison must be built strongly and must be further strengthened by

armed officers, that no prisoner make his escape therefrom. While in prison the prisoner must be so treated as to deter lawless persons outside from lightly committing a similar crime. He must, however, also be so treated that, if possible, he may be drawn from his evil ways and uplifted by reforming influences.

It should be noted, in passing, that this statement of the aim of a prison is hardly so simple as might at first appear. It is very general, and a change of emphasis from one phrase to another, or a quite legitimate change of meaning to be inferred from certain phrases, may completely alter the whole definition. In the old days, for instance, especially before John Howard, "so treated as to deter" was the all-important phrase, and all but the barest and tritest reformatory treatment was held to be inadmissible, as it detracted from the necessary "deterrent punishment." Modern penologists, on the other hand, while they by no means neglect the importance of deterrent punishment, put the phrase, "that he may be uplifted by reforming influences" at the forefront, in stating the reasons for having such institutions as prisons.

Is the Object Good?

Is the object a good one, and are prisons a necessary feature of its attainment? Surely these must be affirmed. The right of forcible detention and punishment of citizens by the State must ever be taken for granted, unless citizenship is but an empty name. Past traditions, therefore, so far as they have claimed this right, we do well to follow. But not for a moment does this mean the countenancing of the distorted emphasis which in the past has been put upon the "deterrent" features of punishment in prison. So far as prisons of past

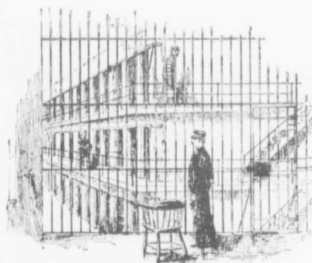
or present are the outcome of desire for revenge, selfish satisfaction, irrational longing to punish, with little or no regard to the consequences, mere immediate protection to the State without consideration of the rights of criminals, or the thoughtless neglect of the public, we can in no sense commend their object or use. But in the—if necessary—forcible detention of men and women under prison authority, for the protection of society, with a minimum "deterrent" and a maximum reformatory treatment, we find a necessary, just, and laudable duty of society.



TAKING RATIONS.
American prison view.

Prisons are necessary, then, either potentially or actually. Under the old conception of punishment, "potentially" would be largely left out. Of course then, as now, the mere existence of the prison authority, and the certainty that discipline at its hands would follow crime, and the deterrent effect of this upon citizens otherwise criminal, showed the power of potential punishment over those not actually incarcerated. But the advisability of the actual imprisonment of the thief or the assaulter was rarely questioned, and so long as the fetish of "deterrent punishment" and the crime are kept in exclusive view, and the best interests of society and the rights of the

criminal are put in the background, this will ever be held. But the more society realizes its responsibility to even its erring members, and becomes conscious that often the door into prison is the beginning of settled criminal habits from which many a man might be saved if, instead of being sent to serve his sentence in prison, he were allowed to remain outside on parole, the more will it be held that often the potentiality of the prison is a greater good to society, even with some convicted criminals, than its actual use.



A BLOCK OF PRISON CELLS.

Barbarous Tradition vs. Science and Religion.

In this age of science, the phenomena of the criminal have been examined and noted as never before. The literature of criminology is rapidly on the increase, containing the mature views of men who have spent years of close and patient observation among criminals of all sorts. The surroundings, the motives, the treatment of convicts have been noted, with their effects; and deliberate, thoughtful conclusions, based upon carefully authenticated facts, are now before the public, divorced from all prejudice, sentimentality, or partiality.

How does our present treatment of criminals square with these universally accepted scientific infer-

ences? Time and space do not permit the detailed contrast which we would like to draw between the two; but we can say, at once, that for the most part they are almost completely opposed to each other.

Our present system is the growth of century upon century. It is largely the result of primeval savage hypotheses, of the belief in the almost utter forfeiture of all rights by the criminal, and the presumption that revenge upon the criminal is the natural, sane, and right motive for punishment. It goes largely upon the assumption that all criminals can be classified according to their crimes; all thieves, for example, are equally bent on stealing, have the same motive, are equally responsible, equally damnable. Some variation may be allowed in the term allotted for punishment, but that variation is so uncertain that though it sometimes harmonizes with justice, it is just as liable to put the balance of the light sentence on the side of the more heinous crime.

It insists, too, upon prison punishment (or its money equivalent) in virtually all cases. Recent legislation in the direction of prison reform is perhaps considerable enough to demand a very slight modification of this statement. It puts the emphasis first and foremost upon deterrent and revengeful punishment, and rarely allows its sanction to any except the most trite methods for the reformation of criminals. It gives the maximum severity of treatment allowed by public opinion, and the minimum of reformatory treatment suggested by the same self-satisfied party. To ease our consciences, to slightly lessen the immediate (though increasing the ultimate) financial tax upon us, without making the real necessary changes, it herds all convicts, good and bad, together, with a few good-looking restrictions

upon their intercourse, and busies its officials mainly with the daily routine of receiving, guarding, feeding, punishing, employing and discharging the wards of the state committed to their charge.

The Contrast.

Contrasted with this, sentence by sentence, we find the overwhelming weight of modern penology to be in favour of the recognition of all the rights of the criminal, except those which he has clearly forfeited by his crime. It declares that to let punishment take the form of revenge is senseless, inhuman, and costly. It proves clearly that criminals cannot be classified according to their crimes, and that criminals are as widely divergent in motive, guilt, and merit of punishment as east is from west. It claims that to hold, as is generally done, that all criminals are equally responsible, is to be blind to the undoubted fact of moral imbecility, insanity, variety of circumstance, temperament, and a host of other things, some of which it is undoubtedly impossible to make allowance for in a practical court of justice, but others of fundamental and far-reaching importance, which it is easily possible with the proper machinery, to always take into account. It holds, therefore, that punishment is not proper in all cases. The moral imbecile, the confirmed inebriate, and other similar cases should be treated for the disease they clearly have. Many law-breakers there are, too, who should be held under the authority of the prison, but should serve little or no time in prison.

Modern penology holds, further, that when imprisonment is necessary it should be firm, serious, and in no sense pampering; but on the other hand, that all the surroundings of the prisoner should give stimulus to, and hope of, reformation, at least as strongly as it is designed

to cause sorrow for crime committed. It claims that to make good citizens out of bad men and women should be second to no other object than that of the prevention of crime by the proper training of the children, and that these two objects attempted and achieved will give the surest protection to society.

It holds also that when the criminal is obdurate, or morally spineless, he should not be repeatedly sentenced to short terms, but be kept continually under prison authority, for the good of society and himself, even though this should mean imprisonment for life. It unanswerably proves that, to the end of reformation, every man should be kept separate from all other convicts; neither in gaol nor in any other place should one prisoner have any communication with any other prisoner,—though it should be noted in passing that this does not mean necessarily the "solitary" system, nor does it mean the bare stone and iron cage of the traditional and actual prison cell.

More could easily be said, but surely the utter contrast and contradiction of these principles with our practice has been made sufficiently clear.

What Are We Going To Do About It?

The practical scientist has given us the facts. The inferences drawn from these facts unmistakably convict our forefathers of ignorance, more or less natural and pardonable, but gradually growing more and more culpable, and us of ignorance which is foolish, costly, and almost, if not quite, criminal. The citizen looking upon these facts and inferences can only conclude that he has been woefully astray in his treatment of the criminal, so far as the protection and betterment of society is concerned. And what

of the Christian? Is our prison system the best for all concerned? Is it the best practically possible at present? It is best for none of the parties and is far from the best practicable. What can be done in other lands can surely be done here, but other countries which we should lead, not follow, in practical Christianity and sociology, are far in advance of us.

The main suggestions of the penologist of to-day are not only practicable, but urgently so. In fact, in the light of clear possibilities and actual present conditions, the question, "Is our treatment of the criminal an application of the Golden Rule?" should bring a blush of shame to every follower of Jesus of Nazareth, and every true citizen. Crime needs certainly a firm hand and stern discipline, but just as needful are kindness, thoughtfulness, insight, and sympathy.

In times past, economy, ethics, science, and religion, have often been at sixes and sevens on questions which were up for settlement, and have thwarted their solution, but on this matter of the necessity for a radical change in our treatment of the criminal, these four all point unmistakably in the same direction. This being so, the duty of the citizen is easy and clear. The darkness, prejudice, and inertia,

even of centuries, cannot stand at the approach of the light, and these, with a lurking and heathenish revenge, are the only opponents of the needed change.

The task we give our magistrates and our prison officials is an impossible one. We demand that they be an harmonious part of our criminal machinery. At the same time we insist that they be wise, humane, and just in their treatment of those committed to their charge. The thing is absurd. It is impossible. No class of men attempt in a more high-minded way to carry out these contradictory demands of the State, but they simply cannot succeed, and the result of the attempt to any earnest, thoughtful official must needs be either cynicism, an unconscious lowering of ideals, or a broken heart.

Let us stop this grim farce. Either let us cease to appoint wise, humane, and just men to carry out an unwise, scientifically inhuman, and unjust system, and instead give the work to a lower class of men who will more resemble the system; or let us so modify and change that system as to give the freest opportunity to our criminal experts to wisely, humanely, and justly do their duty to society in the positions which we have given them to fill.*

Ayr, Ont.

*At the last Annual Meeting of the Prisoners' Aid Association of Canada, the following prison reform platform was adopted:

A Dominion Reformatory for young men—first offenders.

Legislation whereby the Parole System and the Probation System may be legalized in Canada.

REFORMS REQUIRED BY THE ONTARIO GOVERNMENT:

1. Greater expedition in the means that are being taken to establish the Provincial Reformatory for Boys on good farm land, and the adoption of the cottage system.
2. The adoption of the Probation System.
3. The adoption of the proposed bill for the economic treatment of inebriates.

REFORMS REQUIRED AT TORONTO JAIL:

1. A number of isolation cells for the purpose of keeping boys and young men—first offenders— from the contaminating effects of jail association.
2. The more prompt removal of lunatics.
5. Other provision than the jail for the destitute poor of the city.

