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PRISONS: A SOCIAL CRIME AND FAILURE

IN 1849 Feodor Dostoyevsky wrote on the wall of his prison cell the following story of *The Priest and the Devil:*

"'Hello, you little fat father!' the devil said to the priest. 'What made you lie so to those poor, misled people? What tortures of hell did you depict? Don't you know they are already suffering the tortures of hell in their earthly lives? Don't you know that you and the authorities of the State are my representatives on earth? It is you that make them suffer the pains of hell with which you threaten them. Don't you know this? Well, then, come with me!'

The devil grabbed the priest by the collar, lifted him high in the air, and carried him to a factory, to an iron foundry. He saw the workmen there running and hurrying to and fro, and toiling in the scorching heat. Very soon the thick, heavy air and the heat are too much for the priest. With tears in his eyes, he pleads with the devil: 'Let me go! Let me leave this hell!'

'Oh, my dear friend, I must show you many more places.' The devil gets hold of him again and drags him off to a farm. There he sees workmen threshing the grain. The dust and heat are insufferable. The overseer carries a knout, and unmercifully beats anyone who falls to the ground overcome by hard toil or hunger.

Next the priest is taken to the huts where these same workers live with their families--dirty, cold, smoky, ill-smelling holes. The devil grins. He points out the poverty and hardships which are at home here.

'Well, isn't this enough?' he asks. And it seems as if even he, the devil, pities the people. The pious servant of God can hardly bear it. With uplifted hands he begs: 'Let me go away from here. Yes, yes! This is hell on earth!'

'Well, then, you see. And you still promise them another hell. You torment them, torture them to death mentally when they are already all but dead physically! Come on! I will show you one more hell--one more, the very worst.'

He took him to a prison and showed him a dungeon, with its foul air and the many human forms, robbed of all health and energy, lying on the floor, covered with vermin that were devouring their poor, naked, emaciated bodies.

'Take off your silken clothes,' said the devil to the priest, 'put on your ankles heavy chains such as these unfortunates wear; lie down on the cold and filthy floor--and then talk to them about a hell that still awaits them!'

'No, no!' answered the priest, 'I cannot think of anything more dreadful than this. I entreat you, let me go away from here!'

'Yes, this is hell. There can be no worse hell than this. Did you not know it? Did you not know that these men and women whom you are frightening with the picture of a hell hereafter--did you not know that they are in hell right here, before they die?"

This was written fifty years ago in dark Russia, on the wall of one of the most horrible prisons. Yet who can deny that the same applies with equal force to the present time, even to American prisons?

With all our boasted reforms, our great social changes, and our far-reaching discoveries, human beings continue to be sent to the worst of hells, wherein they are outraged, degraded, and tortured, that society may be "protected" from the phantoms of its own making.

Prison, a social protection? What monstrous mind ever conceived such an idea? Just as well say that health can be promoted by a widespread contagion.

After eighteen months of horror in an English prison, Oscar Wilde gave to the world his great masterpiece, *The Ballad of Reading Goal*:

The vilest deeds, like poison weeds,
Bloom well in prison air;
It is only what is good in Man
That wastes and withers there.
Pale Anguish keeps the heavy gate,
And the Warder is Despair.

Society goes on perpetuating this poisonous air, not realizing that out of it can come naught but the most poisonous results.

We are spending at the present $3,500,000 per day, $1,000,095,000 per year, to maintain prison institutions, and that in a democratic country,--a sum almost as large as the combined output of wheat, valued at $750,000,000, and the output of coal, valued at $350,000,000. Professor Bushnell of Washington, D.C., estimates the cost of prisons at $6,000,000,000 annually, and Dr. G. Frank Lydston, an eminent American writer on crime, gives $5,000,000,000 annually as a reasonable figure. Such unheard-of expenditure for the purpose of maintaining vast armies of human beings caged up like wild beasts! [1]

Yet crimes are on the increase. Thus we learn that in America there are four and a half times as many crimes to every million population today as there were twenty years ago.

The most horrible aspect is that our national crime is murder, not robbery, embezzlement, or rape, as in the South. London is five times as large as Chicago, yet there are one hundred and eighteen murders annually in the latter city, while only twenty in London. Nor is Chicago the leading city in crime, since it is only seventh on the list, which is headed by four Southern cities, and San Francisco and Los Angeles. In view of such a terrible condition of affairs, it seems ridiculous to prate of the protection society derives from its prisons.

The average mind is slow in grasping a truth, but when the most thoroughly organized, centralized institution, maintained at an excessive national expense, has proven a complete social failure, the dullest must begin to question its right to exist. The time is past when we can be content with our social fabric merely because it is "ordained by divine right," or by the majesty of the law.

The widespread prison investigations, agitation, and education during the last few years are conclusive proof that men are learning to dig deep into the very bottom of society, down to the causes of the terrible discrepancy between social and individual life.

Why, then, are prisons a social crime and a failure? To answer this vital question it behooves us to seek the nature and cause of crimes, the methods employed in coping with them, and the effects these methods produce in ridding society of the curse and horror of crimes.

First, as to the *nature* of crime:

Havelock Ellis divides crime into four phases, the political, the passional, the insane, and the occasional. He says that the political criminal is the victim of an attempt of a more or less despotic government to preserve its own stability. He is not necessarily guilty of an unsocial offense; he simply tries to overturn a certain political order which may itself be anti-social. This truth is recognized all over the world, except in America where the foolish notion still prevails that in a Democracy there is no place for political criminals. Yet John Brown was a political criminal; so were the Chicago Anarchists; so is every striker. Consequently, says Havelock Ellis, the political criminal of our time or place may be the hero, martyr, saint of another age. Lombroso calls the political criminal the true precursor of the progressive movement of humanity.

"The criminal by passion is usually a man of wholesome birth and honest life, who under the stress of some great, unmerited wrong has wrought justice for himself." [2]

Mr. Hugh C. Weir, in *The Menace of the Police*, cites the case of Jim Flaherty, a criminal by passion, who, instead of being saved by society, is turned into a drunkard and a recidivist, with a ruined and poverty-stricken family as the result.

A more pathetic type is Archie, the victim in Brand Whitlock's novel, *The Turn of the Balance*, the greatest American expos of crime in the making. Archie, even more than Flaherty, was driven to crime and death by the cruel inhumanity of his surroundings, and by the unscrupulous hounding of the machinery of the law. Archie and Flaherty are but the types of many thousands, demonstrating how the legal aspects of crime, and the methods of dealing with it, help to create the disease which is undermining our entire social life.

"The insane criminal really can no more be considered a criminal than a child, since he is mentally in the same condition as an infant or an animal." [3]

The law already recognizes that, but only in rare cases of a very flagrant nature, or when the culprit's wealth permits the luxury of criminal insanity. It has become quite fashionable to be the victim of paranoia. But on the whole the "sovereignty of justice" still continues to punish criminally insane with the whole severity of its power. Thus Mr. Ellis quotes from Dr. Richter's statistics showing that in Germany one hundred and six madmen, out of one hundred and forty-four criminally insane, were condemned to severe punishment.

The occasional criminal "represents by far the largest class of our prison population, hence is the greatest menace to social well-being." What is the cause that compels a vast army of the human family to take to crime, to prefer the hideous life within prison walls to the life outside? Certainly that cause must be an iron master, who leaves its victims no avenue of escape, for the most depraved human being loves liberty.

This terrific force is conditioned in our cruel social and economic arrangement. I do not mean to deny the biologic, physiologic, or psychological factors in creating crime; but there is hardly an advanced criminologist who will not concede that the social and economic influences are the most relentless, the most poisonous germs of crime. Granted even that there are innate criminal tendencies, it is none the less true that these tendencies find rich nutrition in our social environment.

There is close relation, says Havelock Ellis, between crimes against the person and the price of alcohol, between crimes against property and the price of wheat. He quotes Quetelet and Lacassagne, the former looking upon society as the preparer of crime, and the criminals as instruments that execute them. The latter find that "the social environment is the cultivation medium of criminality; that the criminal is the microbe, an element which only becomes important when it finds the medium which causes it to ferment; *every society has the criminals it deserves*.[4]

The most "prosperous" industrial period makes it impossible for the worker to earn enough to keep up health and vigor. And as prosperity is, at best, an imaginary condition, thousands of people are constantly added to the host of the unemployed. From East to West, from South to North, this vast army tramps in search of work or food, and all they find is the workhouse or the slums. Those who have a spark of self-respect left, prefer open defiance, prefer crime to the emaciated, degraded position of poverty.

Edward Carpenter estimates that five-sixths of indictable crimes consist in some violation of property rights; but that is too low a figure. A thorough investigation would prove that nine crimes out of ten could be traced, directly or indirectly, to our economic and social iniquities, to our system of remorseless exploitation and robbery. There is no criminal so stupid but recognizes this terrible fact, though he may not be able to account for it.

A collection of criminal philosophy, which Havelock Ellis, Lombroso, and other eminent men have compiled, shows that the criminal feels only too keenly that it is society that drives him to crime. A Milanese thief said to Lombroso: "I do not rob, I merely take from the rich their superfluities; besides, do not advocates and merchants rob?" A murderer wrote: "Knowing that three-fourths of the social virtues are cowardly vices, I thought an open assault on a rich man would be less ignoble than the cautious combination of fraud." Another wrote: "I am imprisoned for stealing a half dozen eggs. Ministers who rob millions are honored. Poor Italy!" An educated convict said to Mr. Davitt: "The laws of society are framed for the purpose of securing the wealth of the world to power and calculation, thereby depriving the larger portion of mankind of its rights and chances. Why should they punish me for taking by somewhat similar means from those who have taken more than they had a right to?" The same man added: "Religion robs the soul of its independence; patriotism is the stupid worship of the world for which the well-being and the peace of the inhabitants were sacrificed by those who profit by it, while the laws of the land, in

restraining natural desires, were waging war on the manifest spirit of the law of our beings. Compared with this," he concluded, "thieving is an honorable pursuit." [5]

Verily, there is greater truth in this philosophy than in all the law-and-moral books of society.

The economic, political, moral, and physical factors being the microbes of crime, how does society meet the situation?

The methods of coping with crime have no doubt undergone several changes, but mainly in a theoretic sense. In practice, society has retained the primitive motive in dealing with the offender; that is, revenge. It has also adopted the theological idea; namely, punishment; while the legal and "civilized" methods consist of deterrence or terror, and reform. We shall presently see that all four modes have failed utterly, and that we are today no nearer a solution than in the dark ages.

The natural impulse of the primitive man to strike back, to avenge a wrong, is out of date. Instead, the civilized man, stripped of courage and daring, has delegated to an organized machinery the duty of avenging his wrongs, in the foolish belief that the State is justified in doing what he no longer has the manhood or consistency to do. The "majesty of the law" is a reasoning thing; it would not stoop to primitive instincts. Its mission is of a "higher" nature. True, it is still steeped in the theological muddle, which proclaims punishment as a means of purification, or the vicarious atonement of sin. But legally and socially the statute exercises punishment, not merely as an infliction of pain upon the offender, but also for its terrifying effect upon others.

What is the real basis of punishment, however? The notion of a free will, the idea that man is at all times a free agent for good or evil; if he chooses the latter, he must be made to pay the price. Although this theory has long been exploded, and thrown upon the dust heap, it continues to be applied daily by the entire machinery of government, turning it into the most cruel and brutal tormentor of human life. The only reason for its continuance is the still more cruel notion that the greater the terror punishment spreads, the more certain its preventative effect.

Society is using the most drastic methods in dealing with the social offender. Why do they not deter? Although in America a man is supposed to be considered innocent until proven guilty, the instruments of law, the police, carry on a reign of terror, making indiscriminate arrests, beating, clubbing, bullying people, using the barbarous method of the "third degree," subjecting their unfortunate victims to the foul air of the station house, and the still fouler language of its guardians. Yet crimes are rapidly multiplying, and society is paying the price. On the other hand, it is an open secret that when the unfortunate citizen has been given the full "mercy" of the law, and for the sake of safety is hidden in the worst of hells, his real Calvary begins. Robbed of his rights as a human being, degraded to a mere automaton without will or feeling, dependent entirely upon the mercy of brutal keepers, he daily goes through a process of dehumanization, compared with which savage revenge was mere child's play.

There is not a single penal institution or reformatory in the United States where men are not tortured "to be made good," by means of the black-jack, the club, the strait-jacket, the water-cure, the "humming bird" (an electrical contrivance run along the human body), the solitary, the bull-ring, and starvation diet. In these institutions his will is broken, his soul degraded, his spirit subdued by the deadly monotony and routine of prison life. In Ohio, Illinois, Pennsylvania, Missouri, and in the South, these horrors have become so flagrant as to reach the outside world, while in most other prisons the same Christian methods still prevail. But prison walls rarely allow the agonized shrieks of the victims to escape--prison walls are thick, they dull the sound. Society might with greater immunity abolish all prisons at once, than to hope for protection from these twentieth-century chambers of horrors.

Year after year the gates of prison hells return to the world an emaciated, deformed, will-less, ship-wrecked crew of humanity, with the Cain mark on their foreheads, their hopes crushed, all their natural inclinations thwarted. With nothing but hunger and inhumanity to greet them, these victims soon sink back into crime as the only possibility of existence. It is not at all an unusual thing to find men and women who have spent half their lives--nay, almost their entire existence--in prison. I know a woman on Blackwell's Island, who had been in and out thirty-eight times; and through a friend I learn that a young boy of seventeen, whom he had nursed and cared for in the Pittsburgh penitentiary, had never known the meaning of liberty. From the reformatory to the penitentiary had been the path of this boy's life, until, broken in body, he died a victim of social revenge. These personal experiences are substantiated by extensive data giving overwhelming proof of the utter futility of prisons as a means of deterrence or reform.

Well-meaning persons are now working for a new departure in the prison question,--reclamation, to restore once more to the prisoner the possibility of becoming a human being. Commendable as this is, I fear it is impossible to hope for good results from pouring good wine into a musty bottle. Nothing short of a complete reconstruction of society will deliver mankind from the cancer of crime. Still, if the dull edge of our social conscience would be sharpened, the penal institutions might be given a new coat of varnish. But the first step to be taken is the renovation of the social consciousness, which is in a rather dilapidated condition. It is sadly in need to be awakened to the fact that crime is a question of degree, that we all have the rudiments of crime in us, more or less, according to our mental, physical, and social environment; and that the individual criminal is merely a reflex of the tendencies of the aggregate.

With the social consciousness wakened, the average individual may learn to refuse the "honor" of being the bloodhound of the law. He may cease to persecute, despise, and mistrust the social offender, and give him a chance to live and breathe among his fellows. Institutions are, of course, harder to reach. They are cold, impenetrable, and cruel; still, with the social consciousness quickened, it might be possible to free the prison victims from the brutality of prison officials, guards, and keepers. Public opinion is a powerful weapon; keepers of human prey, even, are afraid of it. They may be taught a little humanity, especially if they realize that their jobs depend upon it.

But the most important step is to demand for the prisoner the right to work while in prison, with some monetary recompense that would enable him to lay aside a little for the day of his release, the beginning of a new life.

It is almost ridiculous to hope much from present society when we consider that workingmen, wage-slaves themselves, object to convict labor. I shall not go into the cruelty of this objection, but merely consider the impracticability of it. To begin with, the opposition so far raised by organized labor has been directed against windmills. Prisoners have always worked; only the State has been their exploiter, even as the individual employer has been the robber of organized labor. The States have either set the convicts to work for the government, or they have farmed convict labor to private individuals. Twenty-nine of the States pursue the latter plan. The Federal government and seventeen States have discarded it, as have the leading nations of Europe, since it leads to hideous overworking and abuse of prisoners, and to endless graft.

"Rhode Island, the State dominated by Aldrich, offers perhaps the worst example. Under a five-year contract, dated July 7th, 1906, and renewable for five years more at the option of private contractors, the labor of the inmates of the Rhode Island Penitentiary and the Providence County Jail is sold to the Reliance-Sterling Mfg. Co. at the rate of a trifle less than 25 cents a day per man. This Company is really a gigantic Prison Labor Trust, for it also leases the convict labor of Connecticut, Michigan, Indiana,

Nebraska, and South Dakota penitentiaries, and the reformatories of New Jersey, Indiana, Illinois, and Wisconsin, eleven establishments in all.

"The enormity of the graft under the Rhode Island contract may be estimated from the fact that this same Company pays 62 1/2 cents a day in Nebraska for the convict's labor, and that Tennessee, for example, gets $1.10 a day for a convict's work from the Gray-Dudley Hardware Co.; Missouri gets 70 cents a day from the Star Overall Mfg. Co.; West Virginia 65 cents a day from the Kraft Mfg. Co., and Maryland 55 cents a day from Oppenheim, Oberndorf & Co., shirt manufacturers. The very difference in prices points to enormous graft. For example, the Reliance-Sterling Mfg. Co. manufactures shirts, the cost of free labor being not less than $1.20 per dozen, while it pays Rhode Island thirty cents a dozen. Furthermore, the State charges this Trust no rent for the use of its huge factory, charges nothing for power, heat, light, or even drainage, and exacts no taxes. What graft!" [6]

It is estimated that more than twelve million dollars' worth of workingmen's shirts and overalls is produced annually in this country by prison labor. It is a woman's industry, and the first reflection that arises is that an immense amount of free female labor is thus displaced. The second consideration is that male convicts, who should be learning trades that would give them some chance of being self-supporting after their release, are kept at this work at which they cannot possibly make a dollar. This is the more serious when we consider that much of this labor is done in reformatories, which so loudly profess to be training their inmates to become useful citizens.

The third, and most important, consideration is that the enormous profits thus wrung from convict labor are a constant incentive to the contractors to exact from their unhappy victims tasks altogether beyond their strength, and to punish them cruelly when their work does not come up to the excessive demands made.

Another word on the condemnation of convicts to tasks at which they cannot hope to make a living after release. Indiana, for example, is a State that has made a great splurge over being in the front rank of modern penological improvements. Yet, according to the report rendered in 1908 by the training school of its "reformatory," 135 were engaged in the manufacture of chains, 207 in that of shirts, and 255 in the foundry--a total of 597 in three occupations. But at this so-called reformatory 59 occupations were represented by the inmates, 39 of which were connected with country pursuits. Indiana, like other States, professes to be training the inmates of her reformatory to occupations by which they will be able to make their living when released. She actually sets them to work making chains, shirts, and brooms, the latter for the benefit of the Louisville Fancy Grocery Co. Broom-making is a trade largely monopolized by the blind, shirt-making is done by women, and there is only one free chain-factory in the State, and at that a released convict cannot hope to get employment. The whole thing is a cruel farce.

If, then, the States can be instrumental in robbing their helpless victims of such tremendous profits is it not high time for organized labor to stop its idle howl, and to insist on decent remuneration for the convict, even as labor organizations claim for themselves? In that way workingmen would kill the germ which makes of the prisoner an enemy to the interests of labor. I have said elsewhere that thousands of convicts, incompetent and without a trade, without means of subsistence, are yearly turned back into the social fold. These men and women must live, for even an ex-convict has needs. Prison life has made them anti-social beings, and the rigidly closed doors that meet them on their release are not likely to decrease their bitterness. The inevitable result is that they form a favorable nucleus out of which scabs, black-legs, detectives, and policemen are drawn, only too willing to do the master's bidding. Thus organized labor, by its foolish opposition to work in prison, defeats its own ends. It helps to create poisonous fumes that stifle every attempt for economic betterment. If the workingman wants to avoid these effects, he

should *insist* on the right of the convict to work, he should meet him as a brother, take him into his organization, and *with his aid turn against the system which grinds them both*.

Last, but not least, is the growing realization of the barbarity and the inadequacy of the definite sentence. Those who believe in, and earnestly aim at, a change are fast coming to the conclusion that man must be given an opportunity to make good. And how is he to do it with ten, fifteen, or twenty years' imprisonment before him? The hope of liberty and of opportunity is the only incentive to life, especially the prisoner's life. Society has sinned so long against him--it ought at least to leave him that. I am not very sanguine that it will, or that any real change in that direction can take place until the conditions that breed both the prisoner and the jailer will be forever abolished.

Out of his mouth a red, red rose!
Out of his heart a white!
For who can say by what strange way
Christ brings his will to light,
Since the barren staff the pilgrim bore
Bloomed in the great Pope's sight.

ENDNOTES:

[1] *Crime and Criminals*. W. C. Owen.

[2] *The Criminal*, Havelock Ellis.

[3] Ibid.

[4] Ibid.

[5] Ibid.

[6] Quoted from the publications of the National Committee on Prison Labor.