

Third Section
Third Question
Abstract

The Families of Prisoners.

By Dr. Gennat, Director of Prisons, Hamburg.

One may easily understand that from my position as director of prisons and head of five establishments numbering at least two thousand convicts I take a lively interest in this question. I therefore add a supplement to my former report. .

First, the fact that the German empire has proposed to extend legislation in the matter of assurance to widows and orphans clearly indicates that the greater number of families have ~~greatly~~ to suffer at the death of the head of the household.

Second, When a family has been having a certain annuity, if the head is imprisoned and the family is in distress, this income is allowed, by authority of the charity department, to go to its members, during the term of imprisonment. ~~It~~ may happen that the family is better off, for the government meets the expenses of the man and the whole of the fund can be used by the family. Besides that the convict earns a certain amount by his work which he can give up in whole or in part to his family, which ~~helps~~ helps their condition.

Third, there are certain penalties which do not carry with them the obligation to work and if the prisoner ^{does} ~~does~~ not choose to work his family is robbed of its rights. This almost seems to favor crime. . And even among those who work there are always some who earn nothing ^{in money,} as for instance, those engaged in domestic work. ^{K.D.} Each work is valuable to the state and the family would have

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If the head is imprisoned and the family is in distress, this income is allowed, by authority of the convict department, to go to the members of the family of imprisonment. It may happen that the family is better off, for the government meets the expenses of the man and the whole of the fund can be used by the family. Besides that, the convict earns a certain amount by his work which he can give up in whole or in part to his family, which helps their condition.

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the benefit of what the man earns.

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May convicts give willingly to their families the small sum they earn ; others ought to be exhorted to do so. To have the best results it would be well to forbid them to buy supplementary food from their funds..

It may be objected that the prisoner has a right to the fruit of his labor , or at least to some recompense and that after he has paid for his own support his family should have a right to his earnings. . But they do not earn their support ~~everywhere~~. The expenses of imprisonment include the purchase of lands, the construction of buildings , furnishings, salaries , etc which must be taken into account. . But if the obligation to work exists it constitutes a part of the penalty⁶ , and the state considers it as one means of reaching the ends at which it aims by repression. It is for the sake of the prisoner himself as well. If the prisoner is incarcerated it is his own fault , so he is responsible for the expense incurred and it is only just that he should use his strength in the service of the state..

I have not much opinion of conditional liberation , at least as understood by the German code and I do not believe that it will aid the needy families of criminals and it should not be employed for that purpose. Conditional liberation ought to be a distinction conferred on the convict for his own benefit. So the of conditional sentence, the utility of ^{which} ~~that~~ seems to me very doubtful, ~~and~~ it has little chance of being adopted by Germany.

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Third Section
Third Question
Abstract.

Prisoners' Families

By Dr. Paul Angyal de Sikabony,
Professor of Law, Hungary.

It is very rare that a person who is sentenced for crime bears alone the consequences that follow it. In the greater number of cases he is one of a group of persons to whom he is more or less closely bound by moral or economic ties and who have certain claims upon him. If the state deprives such a person of his liberty it is evident that ~~xxxxxxx~~ other persons must suffer. That is to say innocent persons may suffer for his offense. They may be ruined morally and fall into the ways of crime themselves. The protection of innocent relatives and the preservation of the family are necessary if only for the good of the condemned. For what is his hope at the expiration of his sentence? He crosses the threshold of his prison filled with the hope of seeing wife and children. He is buoyed up with the best intentions as he thinks of his little cottage, his bit of garden, the familiar objects. But what if the wife has grown cold, or if his parents refuse to receive a criminal son? or the children have become depraved? What if the little garden, the shop, the furniture, have fallen into the sheriff's hands? What happens to the ex-convict? It is not that strange that he falls again into crime? On the other hand, if he returns to find his home waiting for him and his family ready to receive him with open arms, then there is much more chance for the germs of reform that may have sprung to life having a chance to develop. It is perfectly true that the warmth of the fireside is the best safeguard against a relapse into crime.. It is then of vital importance that in sentences depriving a man of liberty the innocent members of his family should

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be spared as much as possible and that the home should not be broken up..

The first duty of the authorities, then, is to examine into the condition of the accused before pronouncing sentence.

If the families of prisoners are to suffer from the imprisonment of the head of the family there should be some way of aiding them. According to my view special ^{arrangements} ~~institutions~~ are needed for this purpose. What should they be? Are the courts to see that they are carried out, or shall special agents be provided to look after these matters?

Up to the present time the penal law has indirectly worked for the preservation of the family by granting pardons, by conditional liberation and in suspending sentence. These should be extended, ^{always} having in mind the preservation of the family. But even if such regulations were extended they do not meet all cases. Is there then any means when ~~the imprisonment of the head of the family~~ seems inevitable, which would prevent the ruin of the family?

In our opinion there are three legitimate ways of protecting the interests of the innocent members of the family: probation, work on public works and the granting to the family a share of the earnings. Probation, which is employed in certain parts of Switzerland, Italy, Austria, Spain and in some states of America (arrêts domestiques) can be employed only where the time of imprisonment would be under 15 days. The accused would have to work at home for the support of his family, under surveillance. If that were impossible he should be put at the public works.

For sentences of a longer duration than fifteen days of course the accused would have to go to an institution, but there he should be allowed to work at the trade which he has followed, if it can

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be arranged. A shoemaker, tailor, hatter, furrier, turner, cabinet maker, watchmaker, ^{book} binder could all work in their cells as well as in their homes. They should be allowed to bring their own tools and to have some member of the family act as intermediary in bringing supplies and carrying away the product. The amount earned should go ~~to~~ the family after the maintenance of the prisoner is paid. .

The power to employ these methods of probation and the use of public works should rest with the courts . As to the work in the institutions and the payment of the proceeds to the families, that should rest with the authorities of the establishment where the prisoner is confined , and those authorities should act only after all the data concerning the family are in hand. .

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The Payment of Prisoners.

By F. Emory Lyon Ps. D. Chicago

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In reply to questions concerning the principle of paying prisoners for their labor twelve American wardens expressed a belief inssoddoing. In two-thirds of the institutions replying to these questions some sort of remuneration is given to the inmates . Probably 25 per cent of all prisoners had contributed to the support of their families before incarceration; a larger per cent had moral obligations to kindred of some kind.

It may be said that the justification of the state for taking the labor of prisoners without compensation is that they are to be trained and prepared for good citizenship . Whether the payment of prisoners would be a double burden on society depends largely on the use made of their earnings. If it were actually used to prevent their families from becoming public dependents it would be a measure of economy for the state.

The chief objection to paying prisoners is its cost. The popular impression is that the total earnings of prisoners would amount to more than the cost of their maintenance, but this is far from being the case when the cost of administration is included. Where the purpose of the state has been more than custodial , and included the training and reformation of the inmates , an appropriation has invariably been necessary.

Several states have undertaken to pay prisoners in a small way , from one to three dollars a month . In Washington, D.C. during the past two years 50 cts a day has been paid to men with families sentenced to the Workhouse. In one year that amounted to \$2,340.

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The amount was not paid to the prisoner but was administered by the court to support the family. Under suspension of sentence while under probation the wages of the defendant are administered by the court to support the family. In this way \$ 38,319. 35 was earned by the men and contributed for the support of those dependent on them. If men under the supervision of probation officers can be made to support those dependent on them why may not the same thing be done if the men are in prison?

In New York ten per cent of the earnings of the industries are set aside to compensate the prisoners. . In another state last year 110 men working at binding twine received \$2,297.97. and the feeling there is that it is a good thing to pay the men.

From the various opinions of w r d e n s one may be quoted:

I am of the opinion that some system of earnings should be devised that in its application will in the main accomplish two results: give the prisoner an earning interest in the work he performs while in prison, — his earning capacity to be gauged according to his diligence , industry and mental and moral improvement ; and to provide means to support the convict's wife and children. "

I would respectfully submit the following:

1. That all political influences and considerations be eliminated from the conduct of penā institutions, and their administration be kept solely upon a business basis, with a view to lessening expenses.

2. That no private contract be permitted in any prison or reformatory, but that all industries be established and conducted by the state; either in the manufacture of articles needed by various branches of the commonwealth , or to be sold at the market value of similar products from private concerns.

3. That all prisoners be paid according to their skill, the same as free labor. From the amount thus allowed the total

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cost of maintenance (not including administration) to be deducted and the remainder to be administrated for them by the state , to support dependents , to make restitution and reparation, and to provide a fund for rehabilitation after release.

4. That a committee be appointed by this Congress to make an extended investigation of this subject and to report such legislative measures to the next congress as would make the payment or prisoners everywhere not only possible but practicable and beneficial for the state.

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The Families of Prisoners.

By Dr. Gennat, Director of Prisons.

Hamburg .

It is not philanthropy alone which must deplore the fact that the prisoner's family suffers for his crime. The economist who sees poverty fall on the family when the head of it is taken away deplores the fact that the public must bear the charge of supporting ~~it~~ ^{the family}; and the penologist and sociologist deplore it because they see in this poverty the source of crime.. It is urgent to find remedies for this state of things but it must be confessed that we lack efficient and decisive ways of preventing the evil. Imprisonment alone is not the only thing which affects the family. Imprisonment with hard labor lessens the possibility of working for the family; and when there is a fine in addition to be worked off that also reduces the possible income of the family.

1. The most immediate and efficacious means of diminishing criminality would be to set a bound to the threatening vagueness of penal legislation. Too many legislators are anxious to show themselves capable of great things by passing penal threats. Exact statistics of the condemnations of a single year in the German empire would be stupefying.

2. I do not attach much importance to conditional sentences , to limitation of places of residence, etc, but I believe in a reprimand for certain offenses , even for adults and I sympathize with efforts in relation to reforms ^{as} ~~with relation~~ to fines, such as partial payments , or where impossible of payment , changed into work. I plead also for a sentence to work without deprivation of liberty, for the good of the state as well as the individual . The notion of

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Summary

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payment should be excluded or the work would lose its character as apenal measure . The more one tries to prevent the economic loss that comes from deprivation of liberty the more one favors corporal punishment, such as thebastonnade and castration. At the risk of provoking anew effusions of tenderness and compassion , senseless jests and abusive criticism , I would declare that I consider such punishment justified for certain bestial and brutal acts committed by persons inclined to give themselves up to such ^{immoral habits.} actions.

3. So long as there must be penalties depriving the prisoner of liberty as much as possible must be made of his capacity for work. It is impossible that he should earn as much as the free man . We must be satisfied if the convict earns on an average half as much as a man in freedom. If then all of his product were used for his family there would ^{still} be a deficit . I hold that any extra money that a prisoner may earn should go to the support of his family.

Public charity looks after the poor. It is complemented by private charity in reference to prisoners, by means of guardian societies . These societies should come to the aid of the families of convicts.

Conditional liberation may be granted, or release without condition. The latter would be very exceptional, perhaps when the family has no sort of relation to the crime of the convict and when it is more to the interest of the state that several persons should be economically free than that a single individual should fully expiate his crime. . A frequent exercise of pardon would destroy the prestige of the laws and the courts.. The state, as ^{the} ~~its~~ guardian of the penal law has to do only with the criminal himself. It has not to take account of his family. It is the delinquent, not the state who is responsible for the distress of the family . I do not doubt that the misery into which he plunged them has had more effect than ^{his}

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By. J.A.Roux, Professor of Law in Dijon.

Member of the Prison Society, Paris.

When the principle of personal responsibility entered into penal legislation and ~~expressed~~ only the persons actually committing a crime, or their accomplices, were held guilty, though it freed many innocent persons from the imputation of guilt, yet too little attention was paid to the economic consequences of this method, since it meant imprisonment, with all that that entailed to the families of prisoners. The law-maker seemed to think that he had completed his task if he had freed the family of the convict from the disgrace of crime and if the children were held innocent of their father's delinquency. . But the legislator should go further. He should lessen, if possible, the amount of suffering and loss falling on the family. It is true that in some measure that was done, because there was no longer the confiscation of the property of the condemned individual, because by taking away all the resources of a family and leaving them in poverty they too might fall into crime. That was a hint of the humanity to be considered in these cases, but it was not enough.

Is there not a feeling at present that the short sentence, to imprisonment, is abused? In many cases where a fine might be paid the judge sentences to imprisonment. Now imprisonment throws a greater load on the family of a man convicted of crime than the payment of a fine, especially if it may be paid in installments, or by having a part of the man's earnings withheld till it is paid. Certainly it

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is incumbent on law-makers to find some way to lessen as far as possible the suffering that falls on the family of the condemned.

Another thing that should be done is to see that when both husband and wife are convicted at the same time of different crimes that they should not be punished simultaneously, but that one should be left at the fireside to look after the childre, and to earn ~~the~~ their support. It is dangerous for social security to wholly disorganize a family. It is neither humane nor farseeing to deprive the children of both parents at the same time, to leave them without means of support, to go upon the streets to beg, or perhaps do worse. The law should not count on charity to meet such a state of affairs.

The courts again might defer the execution of a sentence for a year or more. It is true that in France and elsewhere there is ^{often} a space of time before the execution of a sentence, but that is not the rule and it may always be forbidden. If it were made legal to have imprisonment deferred it would give time for the father or mother of a family to make provision for the little children during their imprisonment and to arrange their affairs for absence. The unmerited sufferings that so often fall on innocent heads might be prevented by such a plan.

Then at the expiration of the sentence there comes the aid from the societies having that in charge. How much that will be depends on circumstances, but it would seem better if instead of devoting themselves to the prisoner alone such societies would look after his family while he is in detention. ~~If~~ Instead of helping him when he leaves prison it would be better to try to lessen the often frightful misery of his children during his incarceration.

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is incumbent on law-makers to find some way to lessen as far as possible the suffering that falls on the family of the condemned.

Another thing that should be done is to see that when both husband and wife are convicted at the same time of different crimes that they should not be punished simultaneously, but that one should be left at the fireside to look after the children, and to earn the family support. It is dangerous for social security to wholly disorganize a family. It is neither humane nor farseeing to deprive the children of both parents at the same time, to leave them without means of support, to go upon the streets to beg, or perhaps do worse. The law should not count on charity to meet such a state of affairs.

The courts again might defer the execution of a sentence for a year or more. It is true that in France and elsewhere there is often a space of time before the execution of a sentence, but that is not the rule and it may always be forbidden. If it were made legal to have imprisonment deferred it would give time for the father or mother of a family to make provision for the little children during their imprisonment and to arrange their affairs for absence. The unmerited sufferings that so often fall on innocent heads might be prevented by such a plan.

Then at the expiration of the sentence there comes the aid from the societies having that in charge. How much that will be depends on circumstances, but it would seem better if instead of devoting themselves to the prisoner alone such societies would look after his family while he is in detention. If instead of helping him when he leaves prison it would be better to try to lessen the often frightful misery of his children during his incarceration. Better than repeated visits to prisoners and their sermons to which

they turn an inattentive ear, would ^{it} be to help the wife left penniless and the children lacking bread. Such action would soften the prisoner's hard heart, if there were any affection left in it. Many instances have been known of reform being effected through such sollicitude for ~~the~~ family.

The question is asked whether there should be special institutions for the children of prisoners. They do exist in certain countries, especially in Italy, where the sons of assassins and other long-term criminals are brought up. Without wishing to discourage philanthropy, or denying that such institutions may relieve families in distress, yet one must be reserved in recommending them. On the one hand they would not form ^{such a} ~~any~~ tie between the prisoner and the aid given to his family ~~that~~ ^{as} may be formed when the societies for aiding prisoners aid ~~also~~ the children at home, and which acts as a lever in helping the prisoner to reform. On the other hand, ~~it~~ is it well for the children of criminals to be brought together in this way? Is there not danger that such comradeship might result unhappily? But granting that the work of education and moral training in such institutions were a success, is it fair to the child to have to remember all his life that his education was carried on in a home for the children of criminals? Could he ever disembarass himself of that dishonor? Finally, when there are so many other unfortunate people to help, is it quite fair to choose the children of crime? Would not the honest workman, who manages to keep honest in spite of temptation, find fault and say that in order to be helped he must commit crime? Charity loses its beneficent character when it leads to such murmurs. To sum up then, the following theses are proposed:

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Roux 4

To lighten as much as possible the economic distress resulting from the imprisonment of the head of the family certain things should be done. (1) First of all to shun the abuse of imprisonment.

(2) Prohibit the imprisonment at the same time of husband and wife , sentenced at the same time, v for different offenses.

(3) Give to the courts , when there are little children, the power to defer imprisonment for a year .

(4) Invite societies that look after discharged prisoners to care for the families of convicts while they are in prison.

(5) In countries where labor is thoroughly organized , advise, with extreme caution , institutions for the schooling of the sons of convicts.

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Third Section
Third Question
Abstract

Prisoners' Families.

By Ernest Bertrand, Prison Director,

Namur, Belgium.

The practical difficulty in doing anything for the families of prisoners is hard to surmount. Doubtless some palliative measures might be adopted, ^{Such as} a conditional liberation, allowing the prisoner to follow a productive industry in prison, to aid his family, - an expedient full of obstacles. Heaven keep me from discussing what is to be done with the product of the here the hackneyed subject of ~~the right of prisoners to their own work~~. work of prisoners. They dispute about the ~~the~~ poor little earnings ~~as~~ dispute ~~as~~ as though it concerned a fortune. The cost of the trial, damages, attorney's fees, restitution to the victim - a crowd of demands, each louder than the other, pounce upon this slender quarry, while the family of the convict, to whom first of all he owes support, are forgotten and perhaps die of hunger. As a third thief the prison administration appears, collecting at first hand the last farthing of the ~~the~~ culprit, ~~take~~ to itself the lion's share. Does it do wrong? One dares not say so.

In Belgium the product of the daily handiwork of long term prisons does not exceed fifty centimes and the average cost of each convict, aside from the cost of buildings and superintendence, amounts to the same sum. Taken together the product of the prisons is not over 25 centimes a day, so that if the administration were ~~not~~ generous enough to allow the convicts to dispose of a part of their gains it would be necessary that this amount should be tripled. In other European countries the earnings can be reckoned in centimes. Since moral reform was introduced into prisons

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Bertrand 2

work has lost its lucrative character almost as much as its penal .
The separate system- why not admit it?- will never be a business *success*
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So, without overlooking the economic improvements of which
prison labor is susceptible , it may be said that the state would have
to compete with free labor, and brave its protests, if it would
make it possible for that labor to support, or even to aid in the
support of the prisoners' families.

Shall we dare to say as much about America? Not absolute-
ly . But fine as are ~~some of~~ the balance-sheets of some American
prisons all that they ^{venture} ~~xxxx~~ to say is that the value of prison
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But in the most favorable supposition , admitting that the con-
vict could help in the ^{of his family} ~~expensesxxxx~~ support during his detention in
prison, there would always be the expense ~~if~~ incurred between the
time of arrest and the first earnings he could give to them , which
might be a critical time for a family suddenly left without support
from its head. The need of outside help is evident. Where is it
to be ~~a~~ had if not from a third party?. It remains to be decided
whether it shall be ^{from} the state, public charity or private relief.

It would not be looked on favorably to see the state taking charge
of the families of men who have fallen into crime . That would be
to encourage crime and to do away with one of the barriers that
nature has set up in the human heart against it; ^{it would} also make other
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fathers, ^{who} if they are contaminated by the moral leprosy of the head of the family, does it not add to the cruelty of their fate to leave them to material suffering? We recognize that it ~~isxxxxxxx~~ takes persons specially adapted to deal with such cases but such persons are found who carry with them bread for the soul as well as the body, ~~and who bring to those who are in need air and light~~. The guardian societies are imbued with the same spirit and they are bringing about a revolution in our country. It is the families, especially the children, of convicts who are attracting their attention and their beneficent aid. Neighboring nations have shown us examples of the same thing.

These societies in Belgium draw their resources ^{in part} from private individuals and in part from the treasury of the state. The state which could not ostensibly support the families of delinquents can lend a hand to those who do. It is only an act of protection to the weak. Certain German societies have changed their object of aiding prisoners, to "aiding the families of prisoners." It would be our desire to more and more see this aid directed to the children of convicts that their future may be looked after.

Directors and prison officers, let us help these enterprises for the public good. We who talk every day to prisoners, who read their correspondence, who receive the petitions and the entreaties of their families, we are in a ^{better} position ^{than any one else} ^{better} to learn the real situation and to recognize which are the cases that merit true interest, to report urgent cases and to cooperate with suitable measures. Let us remember that our most distinguished predecessors were not those who considered their work bounded by walls and regulations. If we accept this cooperation it will be a powerful

lever for discipline; it will give us moral strength. How would the convict rebel against severity even, if he saw that it led to charity? Let us then hasten to accept the

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Bertrand 4

Let us then make haste to accept the part of intermediary between the inexorable social needs and their unjust consequences .

Thus living in part by its own industry, in part by public or private aid, under the oversight of the guardianship committee, the family of the convict may succeed in weathering , without too much risk and suffering , the storm it must experience in doubling Cape Forlorn.

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Berlitz.

Third Section
Third Question
Abstract

The Families of Prisoners.

By Mr. Brück-Faber, Luxembourg.

A father is thrown into prison. The poverty-stricken family, with little children and a mother unable to support them, is plunged into misery. Such a family has an incontestable right to public assistance. The question is how best to give it. If the prisoner can help to support them how shall he do it? Outdoor employment pays best, but I do not approve of it, for his imprisonment has a double purpose, as punishment and to prevent escape. Besides outdoor work keeps the prisoner exposed to the public gaze which is a reason for giving up that idea. If the work is indoor the daily earnings of a convict run from three to ten cents. With us the prisoner can use that for his family, but it is far from sufficient. It keeps the friendly feeling between the man and his own, but does not keep them from suffering. It would not be permissible to give him wages enough by which he could support his family, for his wages must correspond to the work he accomplishes. There is another way: Aid could be given through the prison budget, instead of through the ordinary channels of charity. The state having taken the bread-winner can do no less than look after his family. Consequently I have the honor to submit the following propositions:

1. The earnings of the prisoner should be employed to assist his needy family.

2. An increase in wages that he may help his family is not permissible.

The Families of Prisoners.

By Mr. Brock-Taylor, New York.

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