

# Correctional Systems and National Values

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During the summer of 1960 thirteen European prison wardens gave generously of their time to help with this study. For four persons—Alan Bainton, Governor of Wakefield Prison in England; Norman Bishop, Governor of Pollington Borstal, England; Dr. Otto Rudolf, Director of the Landesstrafanstalt Bruchsal, Germany; Miss M. E. G. Stocker, Governor of Askham Grange, an English open prison for women—this meant from seven to eleven hours each. In addition, substantial assistance was given by Calixto Belaustequi, Inspector General of Spanish prisons; C. T. Cape, Assistant Prison Commissioner for England and Wales; Dr. Walter Cappel, German psychologist; Federico Castejón, judge of the Supreme Court

of Spain; Dr. Albert Krebs, Director of Corrections for the State of Hessen in Germany; Dr. Wolf Middendorff, judge in Freiburg, Germany; Dr. Wilhelm Pauli, Director of Correction in the State of Baden-Württemberg, in Germany; Ernest Palola pre-doctoral associate, University of Washington; Alfons Wahl, German Federal Ministry of Justice.

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THE CORRECTIONAL SYSTEMS of different countries can be compared statistically. Many will have unusual features. These can be analysed in terms of the distinct cultural settings. It is the purpose of this paper to make an attempt (1) to place five selected systems on a theoretical continuum from

extreme emphasis on punishment of offenders to extreme emphasis on treatment and (2) to explain unique features of these systems in terms of national or regional values.

To determine the position of a punishment-treatment continuum given country or state on the

the following empirical criteria have been used:

1. *Sentencing.* Extent to which pre-sentence investigations were used by judges. It was assumed that this was an index to the consideration of personality and social background in addition to the crime.
2. *Probation.* The ratio of probationers to prisoners, the quality of probation officers, as measured by training and experience, and the caseloads which they carry.
3. *Architecture.* Size of correctional buildings and degree of departure from traditional Pennsylvania or Auburn types of architecture.
4. *Personnel.* Method of selection and training of correctional personnel.
5. *Maternal and child care.* The methods used in handling women prisoners who are pregnant or mothers of small children.
6. *Classification.* The degree to which the admission study is professional and the extent to which it is followed by the classification authority.
7. *Work by prisoners.* Extent to which prisoners are employed, the diversification of this employment and the degree to which remuneration approaches that for similar work outside the prison.
8. *Education.* The variety of educational services and the percentage of prisoners who participate.
9. *Handling of escapees.* The extent of individualisation and the severity of punishment for escapees.
10. *Visits and Letters.* The frequency, length, and informality of visits and the frequency of letters.
11. *Parole.* The percentage of prisoners released under supervision; the caseloads and the quality (training and experience) of parole officers.
12. *Statistics and research.* The standards reached by correctional statistics and research.

By means of long interviews with key officials or through first-hand experience\* data on each of these criteria have been gathered from the various jurisdictions. These facts have been evaluated by the writer to determine where the political entity should be placed

\* Four weeks were spent in 1954 and 1960 studying the correctional institutions of Spain with visits to ten establishments; an equal time in England with inspections of eleven prisons and borstals; and five weeks in Germany with visits to fifteen institutions. Between 1941 and 1961 the writer visited fifteen correctional

facilities in Mexico—two of them many times. He has taught courses in criminology at the University of Washington in Seattle for thirty-seven years and was on leave for five years (1951-56) to serve full time as member and chairman of the Washington State Board of Prison Terms and Paroles.

on a seven-point punishment-treatment scale. A score of one means extreme emphasis on punishment; seven, extreme emphasis on treatment. On the basis of judgments made by five European correctional administrators all items have been given a double weighting except 3, 5, 9, and 12. The results are shown in Table 1.

It will be noted that the governmental units included in Table 1 have been limited to Mexico, Spain, West Germany, Western United States and England. Spain and England have national prison systems; the United States and Mexico have both federal and state

systems; Germany has a federally established body of criminal law, but administration is in the hands of the states.

The two German states (*Länder*) of Baden-Württemberg and Hessen were studied independently and given ratings of 77 and 93. They were then averaged to get the score for Germany. The correctional system of the former is considered by administrators about average; of the latter, better than average for Germany. If data were available for all the *Länder*, the city-state of Hamburg would probably be at the top; Rheinland-Pfalz, near the bottom.\*

\* In 1958 Hamburg had one probation officer for every 62,331 of the estimated population for that year; Hessen, one for 98,968; Baden-Württemberg, one for 158,161:

Rheinland-Pfalz, one for 209,669; Saarland, one for 346,733. The ratio for West Germany was one for 140,512.

TABLE I  
PUNISHMENT-TREATMENT RATING FOR SELECTED CORRECTIONAL SYSTEMS

Criterion	Mexico	Spain	West Germany	Western United States	England
* 1. Sentencing .	6	6	9	10	8
* 2. Probation .	4	4	5	10	10
3. Architecture	3.7	4	5	4.3	6
* 4. Personnel .	4.7	10	11	10	12
5. Mothers . .	4.3	7	2.5	1.3	4
* 6. Classification	4.7	10	9	10.7	12
* 7. Work . .	8	12	12	8.7	10
* 8. Education .	6	8	8	10	12
9. Escapees . .	3.3	3	5	3	5
* 10. Visits . .	10.7	4	7	8.7	12
* 11. Parole . .	2	2	7	10.7	10
12. Statistics .	1	3	4.5	4.7	6
Total . .	59 †	73	85	92 †	107

\* Double weighting for this criterion

† Corrected for error of .1 due to rounding.

On the basis of many contacts with the correctional system for the state of Oaxaca in southern Mexico, the rating was 48. A three-hour inspection in 1960 of the penitentiary at Ciudad Victoria, capital of the state of Tamaulipas in northern Mexico, supplemented by information from a local judge and from a representative of the prosecutor's office, suggested a rating of 56. Extended study of the correctional system of the Federal District (includes Mexico City) gave a score of 73. The ratings listed for Mexico are, therefore, averages for these three jurisdictions.

The Western Region of the United States includes both the Mountain and Pacific Divisions with a total of thirteen states. The correctional system of California easily ranks at the top from the standpoint of emphasis on treatment with a score of 122 points out of a possible 140. It was given the top evaluation for sentencing, personnel, classification, education, and statistics. It would be matched by the U.S. Bureau of Prisons which has thirteen institutions and many probation departments in this Western Region. The Bureau may be a little higher in probation and architecture but slightly lower in sentencing, education and statistics. The state of Washington

with a rating of 107 is probably a bit more treatment-oriented than five other states in the region (not counting California). Montana with a rating of 47\* (the lowest possible score is 20) is roughly similar in punitive emphasis to the five remaining states. This low score pulls down the average for the Western United States to 92.

As to the economic, social and criminal situations in the regions included, Mexico is a country in transition with a low average standard of living and a preponderance of crimes against the person, but in the rapidly growing cities increasing rates for offences against property. The Western portion of the United States has a high standard of living, high urbanisation (especially on the Pacific Coast), a high degree of residential mobility in its population, and high rate for such crimes as robbery and burglary. England and Germany are in the northern belt of Western European countries which in general are more industrialised, have higher standards of living, and higher rates for crime and imprisonment than countries like Spain which are located in the less industrialised and less prosperous Mediterranean belt.

Examination of the ratings for specific criteria in Table 1 reveals that the sharpest gradients between

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\* Benjamin W. Wright, graduate student in sociology at the University of Washington and formerly

Director of Parole in Montana, provided the ratings on the twelve criteria for his home state.

the five jurisdictions are to be found in the handling of pregnant offenders and for statistics, visits, parole, probation and education.\* Comments are made below on the handling of mothers, visits and education. Correctional statistics and research are almost absent in Mexico, but they profit from a million-dollar annual budget in California. Except for the possibility of revocation and incarceration if caught by the police in a criminal act, supervision for adult probationers and parolees is lacking in Mexico and Spain and insufficiently provided in most of Germany. Mexicans, Spaniards and many Germans with this status are, therefore, actually free men. But supervision by trained and experienced salaried officers is generally regarded as essential for adequate treatment of persons on probation or parole.

Probably more interesting than this attempt to make general comparisons between governmental areas is the fact that different countries or regions tend to have

unique correctional practices. An attempt is made below to explain such differences in terms of national or regional values.

In Mexico, for example, it is the custom to permit well-behaved prisoners to have conjugal visits. This means that these prisoners are permitted to have sexual contact with their wives either in their cells or in a designated section of the prison. The new penitentiary for sentenced offenders in the Federal District provides special rooms for the purpose. This custom appears to be rooted in the strong emphasis on family in Mexican life and a feeling that conjugal visits keep couples together. Marital rights here take precedence over punishment of the criminal, whereas the reverse is true in most other countries. Home visits are, however, permitted in Sweden, Poland, Argentina and (once during a prison term) in England.†

Spaniards, in contrast to Mexicans, are horrified at the idea of conjugal visits. Visiting arrangements for husbands and wives

\* In Germany, England, Mexico and Spain escape by a prisoner alone is not a crime. It is regarded as something to be expected of confined men and is punishable by some such method as isolation on reduced rations for two weeks. The ratings for this criterion were complicated by lack of individualisation in the handling of escapees in certain prisons and the extreme measures taken by some directors to prevent escapes.

† See Ruth Shonle Cavan and Eugene S. Zemans, "Marital Relationships of Prisoners in Twenty-Eight Coun-

tries," *Journal of Criminal Law, Criminology and Police Science*, XLIX, 133-139 (July-August 1958). Conjugal visits are permitted in Cuba, in certain other Latin Countries and in selected prisons of Sweden and Yugoslavia. Upper-class prisoners are probably permitted such visits in all Latin American prisons. Some prison directors in Mexico also permit prostitutes. This seems to reflect admiration for the person who is *macho*, i.e. exhibits physical courage, loyalty to a group, and sexual prowess.

usually give emphasis to physical separation. The most unusual feature of Spanish corrections is in the handling of women with small children. The Centre for Care of Mothers and Children (Centro de Maternología y Puericultura) in Madrid is the outstanding institution of this type in Western Europe. From all over Spain pregnant felons with sentences of three years or more are sent here. Excellent facilities and medical care are provided for these women. Mothers who nurse their children sleep in a separate dormitory and get one day off their sentence for every day they continue nursing. If satisfactory provision for the children cannot be made by families outside, mothers are permitted to keep their youngsters with them for as long as four years. In special cases the children may stay until seven years of age. They do not hear the word "prison." They think of the institution as a hospital. Girls and boys sleep in separate dormitories while their mothers sleep near them in open-top cubicles containing three beds each. Spaniards feel that keeping the children and mothers together does something constructive for both.

As compared with other European countries, juvenile delinquency rates are low in Spain. Spaniards believe that anything which will strengthen the bond between parents and children should be encouraged. On the day of Our Lady of Merced, for ex-

ample, all young children of prisoners are permitted to visit their parents within walls. Toys are given and entertainment provided. Although the importance of family is stressed in both Spain and Mexico, the stronger control exercised by the Roman Catholic Church in Spain is probably one factor accounting for the greater emphasis there on the parent-child rather than the husband-wife relationship.

A distinctive feature of the German system of correction is the persistence of a programme of isolation. The so-called Pennsylvania style of prison architecture, with its separation of prisoners night and day, was introduced first into England and shortly afterwards (1846) into Germany. Thirty years ago in England there was a strong movement away from this programme. Such a movement is more recent in Germany. When each prisoner is sleeping, eating and working alone in his cell, it seems to satisfy the systematic and orderly qualities so prevalent in German life. It is like the precise arrangement of every object in the typical middle-class German household.

The movement away from this emphasis on isolation was facilitated by the prison division of the American occupation government in conjunction with the English occupation group. Modifications have been faster for youths than for adults, however. This trend is illustrated by the institution for older delinquent boys at

Hahnöfersand near Hamburg with its stress on education, and by the open, borstal-like school for youths at Staumühle in Westphalia. The new Gustav Radbruch-Haus in Frankfurt (Hessen) represents the most radical departure from isolation-oriented corrections for adults. A transfer institution, it houses prisoners for an average of three months prior to release. Many of its inmates work under supervision in local factories or farms during the day and sleep in the prison at night. In fact the shift in major institutions for adults in Hessen and in the Schwäbisch-Hall Youth Prison and the Bruchsal Landesstrafanstalt of Baden-Württemberg is toward isolation at night for sleeping, but toward working, eating and getting their recreation together during the day.

In addition to the orderliness appeal made by the Pennsylvania system, there is also a general feeling on the part of German citizens that what happens behind prison walls "is not our business." An old proverb is pertinent: "Do not go to your Prince when you are not called" ("Geh nicht zu deinem Fürst wenn du nicht gerufen wirst"). It has been a Prussian idea that you should do what you are supposed to do and not bother about other people. During the Hitler régime perhaps 90 per cent. of the Germans, so they affirm, did not know or think about the concentration camps. Methods of measuring the extent of detachment from public view would be

the number of visits to prisons by distinguished persons (ordinarily not many) or the items about prisons in the newspapers of a state (also not many). The development of a multi-party prison commission in the Hessen parliament is one move away from this attitude.

One of the most unusual correctional practices in the states of Washington, California and Hawaii is sentencing by an administrative board. In Washington State, for example, judges set the maximum sentence, largely under control of statutory provisions for each crime, but the minimum sentence is set by a full time board of five members appointed for staggered terms of five years each by the governor. The board is aided in this decision by an admission summary prepared by a professional staff and by an interview with each prisoner. Although the trend is toward appointment of men of competence on this board, many purely political appointments have been made. The method makes possible, however, consideration of personality and situational factors as well as the specific crime and criminal record. It has to a considerable extent equalised the widely varying sentences of individual judges for similar patterns of crime, personality and social situation.

This method of sentencing was established in 1935 after a bloody riot at the penitentiary. Inmates had complained bitterly about

sentencing by judges. More recent improvements in the quality and training of personnel for probation, institutional treatment, and parole also followed serious riots at both the reformatory (1953) and the penitentiary (1955). These riots served to focus public attention and to convince both political parties of the need for improvements. Changes were facilitated also by the lesser importance of tradition and the greater willingness to experiment that characterise the Pacific Division of the United States.\*

England provides a noteworthy programme of education for its prisoners with a rich variety of courses taught by competent teachers from the outside community and participated in by a high proportion of inmates.† More unusual, however, is one aspect of its work and classification programme. As long ago as 1954 the writer visited a small barrack-like structure in the yard, but

inside the wall, of the Bristol local prison. From here a small group of long-term recidivist prisoners, in the third and last stage of England's preventive detention programme, went out each work-day morning to jobs in the city of Bristol and came back each evening. They earned the same wages as employees who were not prisoners; they were able to resume responsibility for the support of their families; and they saved a substantial sum toward eventual release. Occasionally one of these men would become too drunk or in some other way violate this privilege and have to be returned to close confinement, but in general the results have been sufficiently encouraging to enable establishment of eight such centres by 1960 with six additional "hostels" planned.

There were twenty-three prisoners housed in the "hostel" of the Wakefield Prison in August of 1960. They bring their wages

\* In Hawaii an administrative board sets the minimum sentence, but its decisions are subject to review by judges. Due to the predominance of

highly indeterminate sentences, such as one year to life, the California Adult Authority has what amounts to sentencing power.

† For additional information on England and the other countries discussed the following articles by the author are pertinent: "English Schools for Young Offenders," *Journal of Criminal Law and Criminology*, XXVII: 696-705 (Jan.-Feb. 1937); "Recent Observations of Mexican Prisons," *Proceedings of the American Prison Association*, 1941 (Spanish translation: *Revista Mexicana de Sociología*, IV: 73-83, 1942); "German Correctional Pro-

cedures: Impact of the Occupation," *National Probation and Parole Association Journal*, I: 167-173 (October 1955); "Notes on the Spanish Correctional System," *Federal Probation*, XIX: 48-51 (December 1955); "Sentencing by an Administrative Board," *Law and Contemporary Problems*, XXIII: 477-494 (Summer 1958); "Why Do Parole Boards Lag in the Use of Prediction Scores?" *Pacific Sociological Review*, I: 73-76 (Fall 1958).



intact to the supervisor who pays for the support of families that had been on national assistance, gives the prisoner his expense money for midday meals and transportation, allows him up to 30 shillings (4.20 American dollars) per week pocket money. Income averages £9 15s. (27.44 American dollars) per week. Average amount saved for release is £57 or 159.60 American dollars. All prisoners with sentences of over four years spend their last nine months here. Out of fifty who have been released for twelve months or more only one has been reconvicted.

At the women's open prison at Askham Grange the writer met informally with twelve members of the "going out group." The group showed a surprising degree of ease in conversation and of self-confidence. They not only talked briefly concerning themselves but also asked questions about prisons in America. One older woman, a "nine time loser," was now waiting on tables in a restaurant. A well-educated younger woman, who had acquired £800 (2,240 American dollars) through some "cock and bull story," was receiving good pay in a factory and saving money so that she could support her two children when released. Another woman working as a gardener was an alcoholic. Three worked in nursing jobs at local hospitals;

another worked at a race track; still another as a hotel maid; and one even worked in a brewery. They were housed separately from the other women. It was the writer's impression that this combination of supervision at night with work outside during the day was making a contribution to their reformation. In the words of the governor, "they gain new life and new hope."

The development of "hostels" in England seems to be tied up with a willingness to experiment which has characterised the English correctional system during its last fifty years. The borstal institutions for young adults which reached a high state of rehabilitative efficiency in the 1930s are another example of this principle.\* More recently the Norwich plan has given prison officers more responsibility for the individual rehabilitation of the prisoners under their care. Certain personalities such as Alexander Paterson, W. W. Llewellyn, and Lionel Fox have won public confidence and contributed much to improving the personnel and encouraging experimentation. Members of the House of Commons do ask questions of the responsible minister, but they place trust in civil servants and do not interfere politically with their work.

To conclude, it has been demon-

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\* See William Healy and Benedict S. Alper, *Criminal Youth and the Borstal System* (New York: The Commonwealth Fund, 1941), "Flexi-

bility is a cardinal principle," they write, "reflected in every feature and department of the system" (p. 85).

strated in an exploratory way that correctional practices and distinctive values held by the people in tinnuum. Mexico, Spain, West Germany, Western United States and England were distributed in that order on such a scale. Attention has been given also to the relation between certain unique

correctional practices and distinctive values held by the people in the jurisdictions where these practices have developed. Additional studies in other political entities would help the test and sharpen these ideas.

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## Letter to the Editor

Dear Sir,

Mr. J. B. Mays in his stimulating survey on Penal After-Care and the Community makes some rather sweeping statements on which I should like to comment.

The first is his discovery that social work training is strongly controlled by the priests and high priestesses of analytical psychiatry. He goes on to endorse the suggestion that most social workers are better in practice than in theory. In truth they use the theory as a backeround but are aware that it is dangerous to try to fit in practice all the theories they have picked up in training. The general application of what are known as common sense methods will be found in most social services and particularly in probation; the theories are merely tools which can sharpen the perception.

After discussing the probation services, Mr. Mays calls for the creation of a service which will be prepared for research into its own activities, and goes on to say that social services of such a character hardly exist in this country. He suggests that many agencies act with a bare minimum of self-scrutiny, that some are even hostile towards the idea of research and will dismiss with derision any suggestion that their work is not yet perfect. I should be sorry if his readers felt that these observations applied to the Probation Service.

In its evidence to the Morison Committee the National Association of Probation Officers said:-

"The Association welcomes research by responsible bodies into the work of the probation service and noted with pleasure the indications in the *White Paper Penal Practice in a Changing Society* that a number of researches were in progress in connection with various aspects of probation. We feel that more of this is needed so that workers in the service might know the results of their labours and also so that their services might be directed to the best purposes. Probation officers are frequently called upon to assist in research projects for various universities and other bodies though they rarely hear the result of such work; they would be interested to take a greater part in this, if time allowed. We are aware of the work now in hand by the Home Office research unit and have indicated our interest and willingness to co-operate in any way possible with this".

Since that was written the Probation Research Project has developed and the Probation Service has at all points endeavoured to co-operate with it, and has enjoyed the manner in which the Research workers have gone about their business, including their attendance at N.A.P.O. meetings and conferences. This Association has constantly pressed for more knowledge which would enable its members to know where they are going, and which might show them where they could best direct their limited energies.

We have never felt able to undertake such researches ourselves because this could not be objective, but we have never resisted research and are now looking forward to the first results of the work of the Probation Research Project.

I cannot speak for other Social Services but I shall be very surprised to find that the criticism made by Mr. Mays applies to many of them.

Yours faithfully,

FRANK DAWTRY

General Secretary

National Association of Probation Officers