

**REPORT OF THE
PROCEEDINGS OF THE EIGHTH
INTERNATIONAL PRISON
CONGRESS**

WASHINGTON, D. C.

SEPTEMBER AND OCTOBER, 1910

By

CHARLES RICHMOND HENDERSON

Commissioner for the United States on the
International Prison Commission



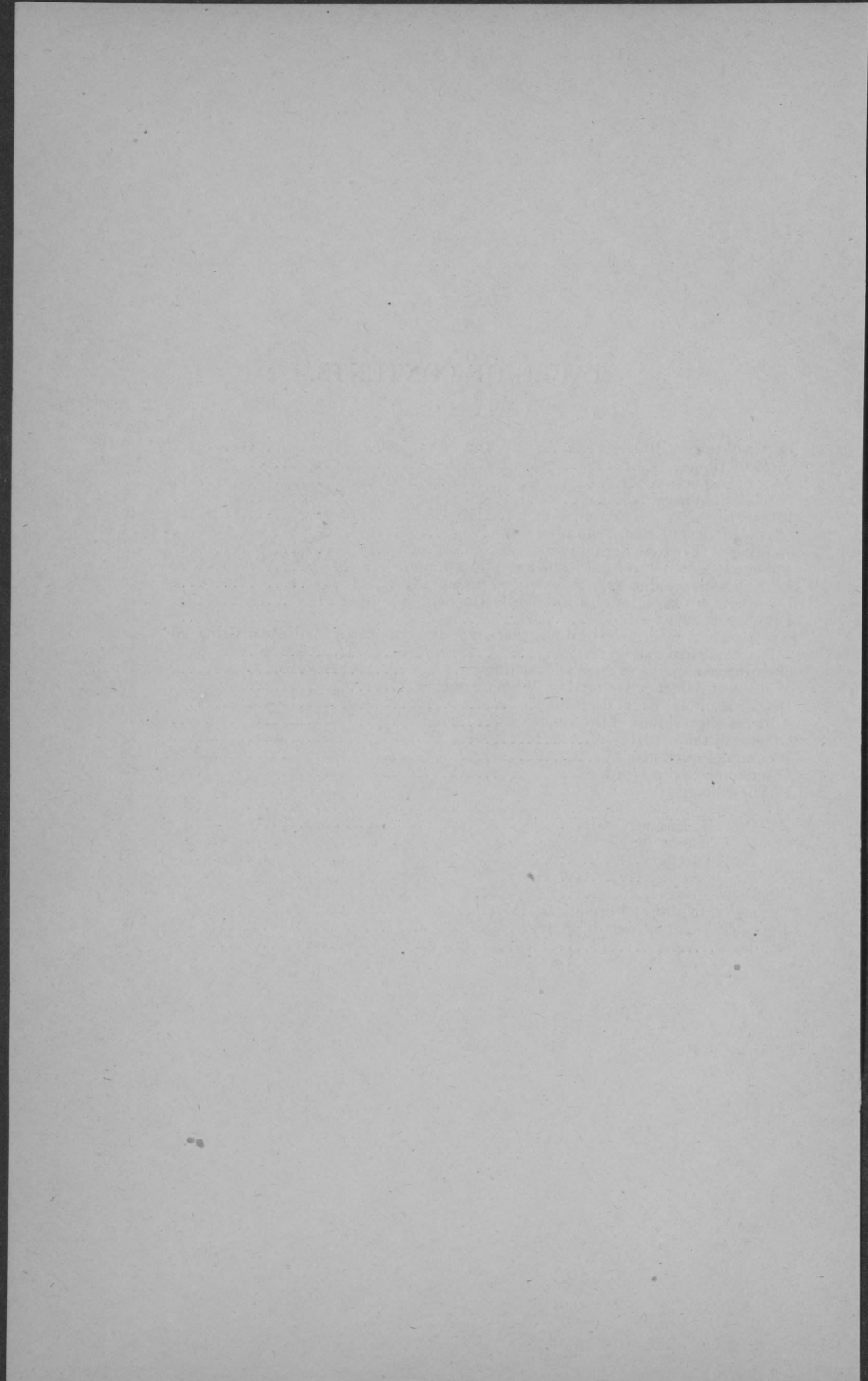
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LETTER OF TRANSMITTAL.

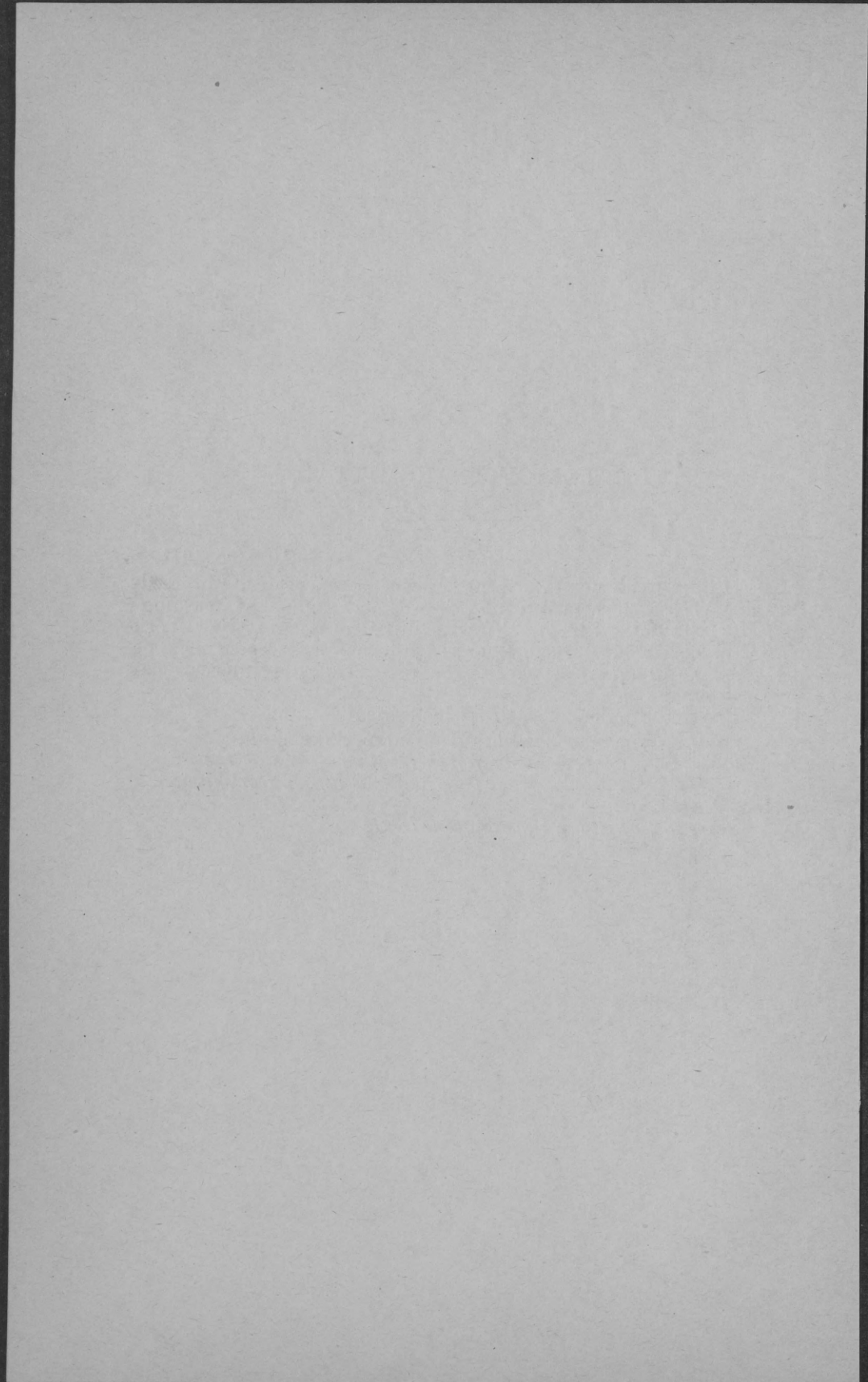
CHICAGO, 1911.

SIR: I have the honor to present herewith a report of the proceedings of the Eighth International Prison Congress, held at Washington, D. C., October 2 to 8, 1910, with initial meeting at New York City, September 17, 1910, and to request that this report may be presented to Congress as one of the reports of the International Prison Commission.

I have the honor to be, sir, your obedient servant,

CHARLES RICHMOND HENDERSON,
*Commissioner for the United States on the
International Prison Commission.*

HON. P. C. KNOX,
Secretary of State, Washington, D. C.



THE EIGHTH INTERNATIONAL PRISON CONGRESS.

INTRODUCTION.

The Eighth International Prison Congress held its sessions in the city of Washington October 2 to 8, 1910, with a preliminary session in New York City at the beginning of the tour of inspection of correctional institutions September 17, 1910. The documents relating to the invitation extended by the President and Congress of the United States in 1905 will be found in the report of the proceedings of the Seventh International Prison Congress by my honored and lamented predecessor, Dr. Samuel J. Barrows.

TOUR OF INSPECTION.

In some respects the most characteristic feature of the Eighth International Prison Congress was the journey of delegates previous to the formal sessions of the congress to visit typical institutions of correction and reformation in New York, Ohio, Indiana, Illinois, and Kentucky. It was of the highest importance that our foreign visitors, previous to their discussion of topics relating to our institutions, should have an opportunity of inspecting our methods and discussing them with representatives of our administrations. The discussions of the congress itself were far more valuable on account of the previous visit which was made possible by the appropriation of Congress. Never before in the history of the International Prison Congress have so many nations been represented, and this in spite of the great distance which separated our country from those of Europe. It would not be proper for an American to praise the hospitality of our own people, but some quotations from the letters of foreign delegates may properly be introduced to show their estimation of the reception which they enjoyed in the United States. While the International Prison Congress was organized directly under the influence of Dr. E. C. Wines, the first commissioner for the United States, the congress had never before been held on our shores, and it was a very serious matter to transport it from Europe to America. The topics discussed were all of special interest to the people of the United States and were also of importance throughout the civilized world.

FOREIGN DELEGATES.

The following is the official list of persons appointed by the various countries to represent them in this congress. Those actually present are marked with an asterisk:

Argentine Republic:

Dr. Armando Claros, private secretary to the President of the Republic, and director of the national penitentiary, Buenos Aires.

Austria:

His excellency the privy councillor, Dr. Josef Baernreither, ex-minister.

* Dr. Count Wenzel Gleispach, professor in the University of Prague, Prague, Bohemia.

Belgium:

* Mr. Adolphe Prins, professor in the University of Brussels, and general inspector of prisons, Brussels, accompanied by Mme. Prins.

British Government:

* Sir Evelyn Ruggles-Brise, K. C. B., president of prison commission, Whitehall, London, England.

* Hon. Walter George Scott, the master of Polworth, chairman of the prison commission for Scotland, as representing Scotland, accompanied by Mrs. Scott.

* Mr. J. S. Gibbons, C. B., chairman prison board of Ireland, as representing Ireland.

* Maj. H. S. Rogers, late of the Royal Engineers, chief surveyor of prisons for England and Wales.

* Capt. Arthur J. St. John, honorable secretary the Penal Reform League.

* Mr. Thomas Holmes, secretary Howard Association, London, England.

Canada:

* Mr. George W. Dawson, inspector of penitentiaries, Ottawa.

Mr. Aylesworth, Canadian Minister of Justice, Ottawa.

* Mr. J. J. Kelso, Toronto, accompanied by Mrs. Kelso.

China:

* Hsu Chien, chief of bureau of investigation, department of justice.

* Hsu Shih Ying, chief of bureau of court records, department of justice.

* Kingpah T. King, justice of third circuit of high court of justice.

* Li Fang Ahlo, expectant justice of the fifth bank, high court of justice,

* Accompanied by two students.

Colombia:

* Señor Dr. Francisco de P. Borda, minister of Colombia, Washington, D. C.

Cuba:

* Señor Dr. Domingo Marin, secretary of the Government, Habana.

* Judge R. Lancis, president criminal court, Habana.

* Gen. Demetio del Castillo, superintendent national penitentiary, Habana.

Finland:

* Mr. Victor Nyberg, Abo.

France:

* M. A. Schrameck, director French prison system.

* M. Constantin, general inspector of administrative services, department of interior.

* M. Danjoy, chief of bureau of prison administration.

* M. Spach, doctor of laws, representing the Société Générale des Prisons.

M. Bosc, doctor of laws.

M. Henri Blum.

Germany:

* Dr. Ernst Rosenfeld, secretary of the International Criminalistic Association.

* Dr. Edouard Heymann, Kammergerichtsreferendar.

* Dr. George Stammer.

Greece:

Mr. Alexander Kousses, former minister for foreign affairs, Athens.

Mr. A. Typaldo-Bassia, deputy and former vice president of the Chamber, fellow of the National University.

Mr. N. Gounarkis.

* Mr. D. Castorakis, fellow of the National University, deputy from Cephalonia.

Guatemala:

- * Señor Dr. Don Louis Toledo Herrarte, minister of Guatemala, Washington, D. C.

Haiti:

- Mr. Price Mars, secretary of the Haitian legation, Washington, D. C.
- Mr. Louis J. Simon, consul general of Haiti, New York City.

Holland:

- * Prof. J. Simon van der Aa, commissioner University of Groningen.
- * M. H. C. Dresselhuys, director general of central prison administration, ministry of justice, The Hague.
- * Yonkheer Dr. D. O. Engelen, president of the tribunal, Zutphen.
- * Dr. A. Van der Elat, royal attorney, Leiden.
- * Dr. F. Kranenburg, attorney, Amsterdam.
- * Prof. J. A. von Hamel, Amsterdam.
- * M. and Mme. H. S. van Loren van Themaat.
- * Dr. L. De Vries Feyey, attorney, Amsterdam.

Honduras:

- * Señor Licenciado Don Guillermo Moncado, Hondurean consul general, New York City.

Hungary:

- * Commissioner M. Jules Rickl de Bellye, councillor of the ministry and chief of the prison system of Hungary, Budapest.
- * Mme. Jules Rickl de Bellye.
- * Dr. François de Finkey, professor of law in the University of Sarospatak and Budapest.
- * Dr. B. Vambéry, royal attorney and professor in University of Budapest, Budapest.
- * Dr. Stephen Waldhauser, official delegate of the Society of Jurists and of the Hungarian Sociological Society.
- Dr. A. Szilagyi, official delegate of the Hungarian Charity Organization, Budapest.
- * Mme. Helene d'Ordody, Budapest.

Italy:

- Commissioner A. Doria, commissioner, Rome.
- * Senator Auguste Pierantoni, professor in the University of Rome, Rome.
- * Prof. Count Chevalier Ugo Conti, Royal University, Rome.
- * Sig. Alezzandro Bianchi, delegate of the Beccaria Association, Milan.

Japan:

- * Mr. Takashi Sanagi, secretary of the prison bureau, department of justice, Tokyo.
- * Mr. Shigejiro Ogawa.

Liberia:

- Mr. Leander T. Chamberlain, Washington, D. C.

Luxemburg, Grand Duchy:

- * Mr. N. Schoetter, judge of peace.
- * Mme. Schoetter.

Mexico:

- * Licenciado Emilio Rabassa, president prison board, Mexico City, Mexico.
- * Licenciado Ismael Pizarre Suarez, secretary prison board, Mexico City, Mexico.

New South Wales:

- F. W. Neitenstein, Esq., comptroller general of prisons.

Norway:

- * M. Frederick O. A. Woxen, secretary general, department of justice, and chief of matters relating to prisons and prisoners.

Queensland:

- T. B. Robinson, agent general of Queensland in London.

Russia:

- * Commissioner M. Etienne de Khrouleff, chief of the administration of prisons of Russia, St. Petersburg, Russia.
- * M. Nicolas Loutchinsky, editor of the Prison Messenger, St. Petersburg, Russia.
- * M. Paul Lubinsky, associate professor Imperial University of St. Petersburg.

Russia—Continued.

Private delegates:

- * Mr. and Mrs. A. S. Goldenweiser, Kiew.
- * Mr. Goldenweiser, Washington, D. C.
- * Mr. Nicolas Lebedeff, M. D., head physician of hospital in the prison of Moscow, Moscow, Russia.

Salvador:

- * Señor Don Frederico Mejia, minister of San Salvador, Washington, D. C.

Siam:

- Mr. Edward H. Loftus, first secretary of the Siamese legation, Washington, D. C.

Spain:

- * Señor Dr. Don Eugenio Silvela y Corral, former deputy and attorney in supreme court, Madrid, Spain.

- * Señor Dr. Don Fernando Cadalso, inspector general of prisons, Madrid, Spain.

Señor Dr. Don José Valdes, Madrid, Spain.

Sweden:

- * M. Victor Almquist, chief of the general prison division, Stockholm, Sweden.

Switzerland:

- * Commissioner Dr. Guillaume, director of the Swiss bureau of statistics and secretary of the congress, Berne.

- * Prof. Dr. Eugene Borel, editor in chief of the congress, Geneva.

- * Mr. Otto Kellerhals, director of the Colonie Pénitentiaire, Witzwil-Berne.

Turkey:

- * Saadeddin Bey, judiciary inspector, Constantinople.

Venezuela:

- * Señor Dr. Don Esteban Gil Borges, first secretary of the Venezuelan legation, Washington, D. C.

 THE INTERNATIONAL PRISON COMMISSION.

"The International Prison Commission is the executive committee of the International Prison Congress. It is composed of an official representative from each of the nations that have joined the congress. Upon it rests the responsibility of framing in advance the program of the congress and securing reports from experts in different countries upon the questions to be discussed. These, together with other papers showing the progress of penological ideas and administration in different countries, are published in a bulletin issued from time to time by the commission." (Seventh International Prison Congress, p. 10.) The official list of the members of the commission at the time the eighth congress was held contained the following names:

COMMISSION PÉNITENTIAIRE INTERNATIONALE.

Présidents honoraires:

Son Exc. M. Galkine-Wraskoy, président du Congrès de St. Pétersbourg.

M. Duflos, président du Congrès de Paris.

M. Jules Rickl de Bellye, président du Congrès de Budapest.

Bureau:

Président: M. le Dr. Charles Richmond Henderson, professeur de sociologie à l'université de Chicago, Ill.

Trésorier: M. Fred Woxen, secrétaire du Ministère de la Justice, Chef de l'administration des prisons, Christiania, Norvège.

Secrétaire: M. le Dr. Guillaume, Chef du bureau fédéral de statistique, à Berne, Suisse.

Autres délégués officiels :

MM. Almquist, Victor, Chef de division au Ministère de la Justice, Stockholm, Sweden.

Baumgärtl, Auguste, Conseiller ministeriel au Ministère de la Justice, Munich, Germany.

Didion, Charles, Chef de division au Ministère de la Justice, Bruxelles, Belgium.

Comm. Doria, A., Directeur général des prisons, Rome, Italy.

Dr. von Engelberg, Conseiller ministeriel au Ministère de la Justice, Karlsruhe, Baden.

Dr. Falco, Francisco, Consul de la Republique de Cuba, Naples, Italy.

Señor Dr. Don Domingo Marin, Secretario de Gobernacion, Havana, Cuba.

Dr. D. E. Castorkis, Athens, Greece.

Dr. Goos, Carl, ancien Minister de la Justice, professeur de droit pénal, Copenhagen, Denmark.

de Khrouleff, Etienne, Chef de l'administration générale des prisons de Russie, St. Pétersburg.

Dr. Marcovitch, Bozidar, professeur de droit pénal, Belgrade, Servia.

Dr. Minkoff, Procureur à la Cour de cassation à Sofia, Sofia, Bulgaria.

Rickl de Bellye, Conseiller ministeriel au Ministère de la Justice, Budapest, Hungary.

Sir Ruggles-Brise, Evelyn, K. C. B., Président de la Prison Commission. Home office, Whitehall, Londres, England.

Schrameck, A., Directeur général de l'administration pénitentiaire, Paris, France.

Dr. Simon van der Aa, professeur de droit pénal à l'université de Groningen, Groningen, Holland.

Son Exc. Skouses, Alex., ancien Ministre des Affaires étrangères, Athens, Greece.

Dr. Tavares, J.-M.-J., professeur de droit pénal à l'université de Coimbre, Portugal.

Dr. Typaldo-Bassia, ex-président intérimaire du Parlement, membre de la Cour permanente d'arbitrage internationale et professeur agrégé de l'Université, Athens, Greece.

 INVITATION FROM GREAT BRITAIN.

The next congress will be held, at the invitation of the Government of the British Empire, in London in 1915. Sir Evelyn Ruggles-Brise, K. C. B., was elected president of the commission and will be charged with the responsibility of organizing the Ninth International Prison Congress. The commission holds meetings at intervals between the sessions of the congress to select topics and make preparations for the next congress.

PRELIMINARY MEETING OF THE INTERNATIONAL PRISON CONGRESS.

On September 17, 1910, at 2.30 p. m., the delegates of the International Prison Congress met in accordance with an official announcement of the commission. Mr. F. Woxen, delegate of Norway, general treasurer of the International Prison Commission, was called to preside. The only action taken was to formally open the sessions of the congress and make provision for the journey to which the delegates had been invited by the representatives of the United States, and the delegates adjourned, to meet in Washington on October 2.

• The journey of inspection, September 17 to October 29, followed the preliminary meeting.

The members of the International Prison Commission and other delegates have in all possible ways sought to express their gratitude to the cities and citizens who made them welcome on this journey of observation. By vote and by published articles in various languages and countries this appreciation has been manifested. While it is impossible to name all the persons who helped to show our national welcome and hospitality, particular mention must here be recorded of some of these friends.

In New York City we are under obligations to the local committee and to the Society for the Prevention of Cruelty to Children for the banquet at the City Club, to the commissioner of corrections and other citizens who furnished automobiles for visits to institutions. At Elmira Col. J. F. Scott gave a luncheon at the City Club to the party, while another luncheon was provided for the ladies at the Federation Building, and business men gave the use of automobiles. At Auburn the prison department of the State of New York provided a banquet, and automobiles were generously furnished by citizens. Mr. George and his allies made the visit to the Junior Republic a delight. At Industry the superintendent and board of managers of the State Agricultural and Industrial School provided luncheon and automobiles. At Buffalo the Chamber of Commerce and Manufacturers' Club gave a banquet at the Iroquois Hotel, citizens furnished automobiles, and the Country Club opened their charming clubhouse and gave a luncheon. Niagara Falls was visited in the course of the trip.

At Mansfield, Ohio, the superintendent and members of the board of managers of the Ohio State Reformatory provided entertainment and joined the Country Club in transporting the delegates to their clubhouse.

In Chicago the mayor and chief of police sent a superb escort of mounted police to welcome the party and afterwards to accompany them in an automobile trip over the boulevard and park system of the city. The Association of Commerce provided a magnificent banquet, and the South Shore Club a luncheon. Arrangements were also made by the State institutions and officials to visit State and local institutions of correction in and near Chicago. In Indianapolis, as elsewhere, the guests were entertained and transported by the local committee; Gov. Marshall opened the statehouse for a great meeting and gave an official reception, and Senator Fairbanks aided in making the welcome memorable. The party visited the reformatory at Jeffersonville and enjoyed a unique and picturesque luncheon in the open air. In Louisville we were entertained by the governor, the mayor, and citizens, and given an opportunity of testing the renowned hospitality of the Southland.

In Washington Mr. J. J. Edson and other members of the local committee met the guests at the station, conveyed them to their hotels, provided a notable excursion to the sacred residence of Washington at Mount Vernon, and showed the most delicate attentions to the guests. Mr. Barrett and his associates made all desirable arrangements in the Pan-American Building for the accommodation of the congress and its various sections.

As the person responsible in the eyes of the foreign visitors for their reception and entertainment, the commissioner takes this occa-

sion to personally thank all the kind and generous people of America who made it possible for him to keep his promise of a sincere welcome.

In this connection the commissioner for the United States desires to place on record his grateful appreciation of the services of Mr. F. H. Mills, who, at the suggestion of the American Prison Association, was called to the position of business director of the affairs of the congress. He left his business to go to Europe to meet the commission and study the requirements of the congress. He traveled from city to city along the route, with other devoted members of the Prison Association, to make sure that all the arrangements were perfect. He negotiated and closed contracts for transportation, hotels, printing, and service. He helped to entertain the visitors and further their studies of our institutions. For all these and countless other services to the congress this expression of thanks is due.

It is only fair to add that in every place visited every facility was afforded for inspecting the most minute details of buildings, shops, and administration. Nothing was concealed, and criticism was always courteously received as it was kindly offered in response to questions. It is impossible to estimate the value of this opportunity for free and frank converse among the experts of many systems of prison administration. Narrow and provincial notions were enlarged, personal exchange of documents and information was arranged, and for a generation to come the fruits of this excursion will enrich our national legislation and administration.

It is conservatively estimated that the voluntary contributions of citizens, cities, States, and institutions to the entertainment of the congress even surpassed the generous but not extravagant appropriation of our Federal Government. This interest of individual citizens gave to the national welcome a more spontaneous, personal, and genial character which made a deep and favorable impression on our visitors and helped to cement the moral bonds of international friendship.

The Bureau of American Republics, which was found to have the best available building in Washington for the purpose, very generously permitted the congress to hold its meetings in its beautiful edifice.

The trustees of the Smithsonian Institution had, by formal action, graciously offered rooms for the congress, but owing to certain structural difficulties the other place was chosen on the advice of the local committee.

The following contribution to *The Survey* will at once tell the story of the trip and give the first impressions of an eminent member of the foreign delegation:

AN EXCURSION INTO REFORMATORY AMERICA.

J. SIMON VAN DER AA, University of Groningen, Holland.

[NOTE.—Dr. Simon van der Aa was one of the group of foreign penologists who were guests of the United States on the tour of American institutions which preceded the Washington Prison Congress. The itinerary included the New York State Reformatory at Elmira, founded in 1876, and the first institution of the kind in the world; the George Junior Republic at Freeville, the initial children's institution for juvenile delinquents, founded along self-government lines; the New York State Prison at Auburn; the State Agricultural and Industrial School at Industry, one of the best examples of cottage institutions

in America; the Ohio State Reformatory at Mansfield, one of the newer American reformatories; the juvenile court, Chicago, the first children's court in the United States and in the world, together with the following Illinois State institutions: The house of correction and John Worthy School for Boys, the Illinois State Penitentiary at Joliet, Illinois State Training School for Girls at Geneva, the school for boys at St. Charles, the Illinois State Reformatory at Pontiac, and the Manual Training School at Glenwood, a private institution. In Indiana, an equally notable series of institutions were visited, including the Indiana Woman's Prison, the Indiana Boys' School (both for juvenile delinquents and indicating even in their titles the newer conceptions in such work), the Indiana State Prison at Michigan City, and the Indiana Reformatory at Jeffersonville, which has taken the leadership in experimentation in the direction of sterilization of the defective. Special entertainment was accorded the delegates at New York, Auburn, Buffalo, Chicago, Indianapolis, Louisville, Washington, and elsewhere. Visits were made to the institutions of the District of Columbia and, after the congress, to the Eastern Penitentiary at Philadelphia, the model in its day of cellular confinement, as Auburn was once for imprisonment in common with isolation at night; the two distinct types which, even in Europe, have been known by these American names. Prof. Simon van der Aa was requested by the editors of *The Survey* to express himself with entire frankness as to American institutions. The time at his disposal before sailing for Europe was so very brief that he protested very naturally against putting his impressions on paper in such hurried form. To his good nature in overcoming these scruples, as guest and as literary man, Americans are indebted for what is, in truth, a valuable piece of constructive criticism.]

Surely the trip through different States to visit various penological institutions—and including the visits to others before and afterwards—was the most interesting part of the Washington Prison Congress to the foreign members. It gave us a great many strong and valuable impressions about the country in general and its activity in the matter of prevention and punishment of crime in particular. But for this very reason it is difficult to express at this moment and in brief, as I am asked to do, a general view about it. One must stand a little farther off to overlook the whole more freely. Time is needed to select and put in order material of such quantity, quality, and variety. So, the only thing I can do at present is to make some scattered observations on points which seem prominent to me at this moment.

There is no doubt that the trip was a complete success, and that it answered perfectly its purpose. "A hard-labor sentence," one of the foreign delegates called it, jestingly, in an after-dinner speech. If one take the term "hard labor" in a modern sense, as an instructive and educative exertion of mind and body, after a well-considered scheme and under clever and benevolent guidance, that denomination may suit perfectly. There is also this particular likeness: No other element of penological treatment is more beneficial than well-conducted labor, and no way of introducing the team of foreigners into the theory and the practice of the American systems could be more profitable than that of letting them work through the program of the excursion with the pleasant help of competent Americans of both sexes. Gratitude to those who in one way or another contributed to make that work in so high a degree interesting and agreeable, as it proved to be, is one of the warmest and most enduring personal feelings we take home with us.

When the International Prison Commission, in the meeting at Budapest in 1905, received the gracious invitation of President Roosevelt to hold the next congress in the United States, it gladly voted to do so. We presumed then that it might be right to go over to America for a change, and that it could be useful to look at penitentiary methods and matters there. It was rational, all know now, not to say necessary, to do so for our own intellectual benefit and for the development of penitentiary science in general. Hardly any of us had been here before; nearly all were "freshmen" in that respect. Going about, seeing, and hearing have not only added to the positive knowledge we possess, but have changed its character more or less; in a certain way cleared it, improved it, and especially broadened it. Veterans, as many of us are in penological work, acquainted with what is done in Europe, we felt now and then like recruits when we stood before some new institution, some new proceeding that embodies or realizes some new keen idea; the warm enthusiasm of younger days now and then seized us, profound admiration several times animated us, even though the system and its incorporation, which awakened these feelings, could not perhaps be transferred to our own surroundings. Yet

many a principle which forms the pith of such a system is apt in itself to be transferred, and to find its way sooner or later to other countries, I am sure, shaped according to local conditions.

Perhaps the most remarkable fact revealed to us was that the notion of the vindictive character of penalty appears to have quite vanished, and that even the idea of retributive punishment seems here to be losing its hold more and more. Official and unofficial words of the highest officers of state bore witness to this advanced state of mind, as it seemed to me.

Next, I was struck particularly by the probation work and the parole practice, these two equally important methods of dealing with transgressors. To avoid punishment, if possible, and especially to keep the person out of prison, as soon as feasible, are undoubtedly sound and excellent ideas. One can hardly sufficiently appreciate that they are not carried out by the direct action of authorities merely, but that private associations and individuals cooperate with the judicial and executive powers in such a way and to such an extent as were evident to us. Thus public sentiment is created, which is indispensable for the success of such methods. In this, America is certainly far ahead of old Europe.

Very high it ranks, too—standing in line with the most progressive countries—in the work, official and private, of saving children from crime and distress. It was a treat to sit at the sessions of juvenile courts, where the judges in dealing with the various cases showed as much simple kindness as clear sagacity. Whether these sessions should be open to the public, in the absolute way they seem to be, is to me a matter of serious doubt. It was a pleasure to see different institutions—friendly children's homes, the homely detention house, and the well-kept reformatory institution for boys and girls in Louisville; the renowned Geneva and St. Charles schools near Chicago, and the special division for boys in the house of correction there, held quite as an educational institution, with first-class manual training; the imposing new reformatory for girls outside Indianapolis, built after the cottage system, on large and beautiful grounds; the fine and home-like reformatory of industry, a collection of family cottages and other buildings covering a vast and pretty domain in the country near Rochester, N. Y. The hasty visit of less than an hour to the George Junior Republic, at Freeville, did not allow any closer observation of that remarkable experiment to let children be ruled by children under general supervision. A pleasant and favorable remembrance of that peculiar self-governing community remains, giving at the same time the impression that the inmates must be always of a certain standing, which excludes very bad and otherwise unfit elements, and also that the supervisor must possess uncommon personal qualities.

The latter criticism may be applied also to the big reformatories or reformatory prisons for juveniles and adults, like those of Elmira and Mansfield, where we had the advantage of again seeing a system till now unknown in practice in Europe. Therefore the visits to these institutions were counted amongst the most interesting events of the trip, and they did not fail to impress their characteristic features on the minds of the visitors. The situation of each on an elevation, the extensive premises, the grand structures, luxurious even in some points, as they seemed to us, spoke of the importance attached to the reformation of young criminals who might be rescued from a life of vice and harm and turned into orderly and valuable members of society. Not to let them undergo punishment, but to make them good citizens if possible, seemed to be the design that rules, and rules entirely, the treatment. So we found it in both institutions, but with some difference in details. It would, for instance, appear that Elmira did a deal more in the line of work in the gymnasium and military drill, which we saw performed in an astoundingly alert and correct manner, and that Mansfield put more weight on instructive labor and teaching a trade, of which we saw remarkably good results.

In these reformatories, containing a thousand and more inmates each, a great deal must depend on the influence of the general spirit of the house. This spirit has to seize the individual man and lead him in the desired direction. Does this not imply the danger of weakening his individuality, which should be at its strongest on his return to free life? I was informed that experience shows it does not, and I am inclined to think, judging from what I could observe and gather outside the prisons, that indeed, generally speaking, the American knows how to submit to common rules and at the same time to keep up his individuality. It follows that individualization is not considered the

great modern principle in confinement, as it has been in later years in Europe. Still, its value is not quite overlooked in these reformatories, for the men who live for the rest of the time in common are kept in cells from the hour that work is over till the next morning, and likewise on Sundays. This, it seems, is a weak point in these institutions in consequence of the construction; the cells can hardly be called sufficient for their purpose, at least not according to our general standard. First of all, they are inside cells, receiving light and air not directly from the outside but only from the corridors around and between the tiers. Besides, they are of small dimension; too small in fact for serving as a convenient retreat during many hours. Moreover, when the house is overcrowded, which often is the case, two or more persons are put in one cell. It seems that the relatively small amount of additional money needed for the construction of a sufficient number of cells of larger dimension, with direct admission of light and air, could be easily raised when one thinks of the large sums which these institutions must have cost.

This same drawback is found in other prisons, even in the famous old penitentiaries at Philadelphia and Auburn. Everyone who has studied the history of prisons has visited these with a feeling of respect for their past but at the same time with a feeling of regret for the present in that respect. The Eastern Penitentiary, at Philadelphia, once the model for cellular imprisonment, is now holding far more prisoners than its capacity allows, so that even four men are kept in a cell which would be sufficient for just one. At Auburn, the model once for imprisonment in common, with isolation at night, many a cell held more than one person, a deviation from the good old regulation. There at Auburn the special division for women (formerly a hospital for insane) shows how cells should be constructed according to modern conceptions. The new cell block in the house of correction at Chicago shows the same advantage.

Far worse is the drawback in houses for prisoners awaiting trial or serving short sentences, like the Tombs of New York and different county jails we saw. In the latter sometimes a barred corridor along these inside cells offered some opportunity of moving about, but it also imposed upon the prisoners the promiscuity of all the others in the same row. In these prisons there is, as a rule, no work for the men, so that they have to pass their day—and often many a day, many a week, many a month—in idleness, trying somehow to kill the time; and everyone who knows prisoners understands what that means.

Labor, in fact, is the best thing one can offer the prisoner. The man detained for trial will also accept it as a benefit or can be made to understand that it is such. America is a land where one evidently knows what it is to work and what work means to a man. Is it not astonishing, then, that there should be difficulty in providing it for prisoners, either because of the construction or the management or for other reasons, like fear of competition with free industry? This competition, which seems to be a great hindrance in several States, as we heard, can be eliminated or reduced to an absolutely harmless minimum by a discriminate application of the State-use system adopted already in many of the prisons here. Such is the experience in my own country, where the damage would be all the greater, as the country is small. How well Americans know how to make prisoners work we have seen in the penitentiary at Blackwells Island and elsewhere; how well they know how to teach them trades we have observed in the prison at Auburn and in other institutions, when no restrictive regulation puts obstacles in the way.

To conclude, I must mention that the visit to the great reformatory at Jeffersonville deeply impressed us, as it brought us face to face with a daring attempt at solving one difficult problem of prevention (sterilization), which gave cause to much afterthought and discussion.

Let me say in addition that we greatly admired the American frankness and broad mindedness which allowed and induced us to see everything, even where the authorities who opened the doors knew that we would find fault. This has obliged us in our intercourse with our American colleagues and friends not to speak only flattering words but to express our thoughts when we were asked to do so, freely and openly; and this, I am glad to say, has facilitated greatly mutual understanding and increased yet more our sympathy with them, their work, and their country. For this reason I felt bound to refer to these few drawbacks while expressing warm appreciation of the great work in general which is done here in practical penology, as revealed to us in the trip.

RECEPTION AT THE WHITE HOUSE ON SEPTEMBER 29.

President Taft honored the members and delegates of the International Prison Congress and of the American Prison Association by receiving them at the White House, where they were presented to the President by Charles Richmond Henderson. On that occasion President Taft spoke as follows:

Mr. President, ladies, and gentlemen of the Prison Congress, I am very glad to welcome you here—glad to know that the movement which you represent is going on and progressing. From the time of Wilberforce and Romilly, who suggested and brought about the reforms of England's barbarous criminal code of procedure, from the time of Howard and all those who led in suggesting that there was a better use for our criminals than to let them live a slow and lingering life to a painful death, it has been a pleasure to note the general interest of all nations in the encouragement of this movement.

Sometimes, when I visited the prisons of the United States Government itself, I have thought that we were stronger in theory than in practice. But I hope that the United States Government has prisons that illustrate some of the improvement that you among yourselves recommend. The Attorney General, Mr. Wickersham, has given some attention to this matter and will be in your conference to make such suggestions as occur to him and to receive from you the many valuable suggestions that doubtless will be presented by you. He represents the Department of Justice, but he also represents the "Department of Mercy," where we hope to mix the one with the other.

Such an association as this is an evidence of the growing civilization of the world, especially since so many countries take an interest in the proper humane development and treatment of their criminals. I am delighted to have the honor and the privilege of welcoming you here to this place where, your president says, and correctly says, that the first movement in this direction had its initiation by my predecessor, President Grant. I hope that your convention will still more widely spread information on the treatment of criminals and the making of them into useful members of society, and that your deliberations will not be influenced by maudlin sentiment on the one hand or by a desire for vengeance on the other. It is easy to err in each direction. If we made our prisons so comfortable as to furnish a motive for violating the law, they will not then serve the use for which they are properly established. On the other hand, they are certainly not properly framed and used if by associating with hardened criminals men who are not criminals and who may be saved altogether from becoming criminals the number of criminals is increased rather than diminished.

I hope you will find Washington a comfortable and pleasant place to hold your deliberations in, and when you have concluded I hope you will separate with the sense that your meeting here has done good, not only to yourselves but to the world at large.

The President of the United States then shook hands with each of the guests, who left the White House charmed with the cordial reception which had been granted them.

DIVINE SERVICE.

On Sunday morning, October 2, the delegates to the International Prison Congress united with the members of the American Prison Association in attending divine service in the New York Avenue Presbyterian Church. The sermon was preached by the pastor, Rev. Wallace Radcliffe, D. D.

MEETINGS OF AMERICAN ASSOCIATIONS.

In the three days immediately before the International Prison Congress the American Prison Association and the American Institute of Criminal Law and Criminology held their sessions. Their members were among those who assisted in making the International Congress interesting and successful. The International Criminalistic Union was represented by Prof. A. Prins and Dr. Rosenfeld, and under their leadership an American section was formed. This section is to be closely affiliated with the American Institute of Criminal Law and Criminology.

OPENING SESSION OF THE EIGHTH INTERNATIONAL PRISON
CONGRESS.

WASHINGTON, D. C., *October 2, 1910.*

The first regular session of the congress was held in the Bureau of American Republics at 2 o'clock Wednesday afternoon, October 2. The session was opened by the Hon. G. W. Wickersham, Attorney General, representing the Department of Justice in the Federal Government. His address was as follows:

Ladies and gentlemen of the International Prison Congress, it is my privilege and my pleasure to welcome you on behalf of the President of the United States to our country and our Capital. Although the original proposal for an international congress on penitentiary and reformatory discipline was made by the Government of the United States, yet this, the eighth meeting of the congress, is the first to be held in this country; and it is, therefore, with especial pleasure that I welcome your appearance here, pursuant to the invitation of the President of the United States, which the Congress, by joint resolution approved March 3, 1905, authorized and requested him to extend.

The object of the first congress was declared to be "To collect reliable prison statistics, to gather information, and to compare experience as to the working of different prison systems and the effects of various systems of penal legislation, to compare the deterrent effects of various forms of punishment and treatment, and the methods adopted both for the repression and prevention of crime."

This brief but comprehensive statement of the purposes of its first congress is an adequate description of the purposes of its succeeding meetings. The value of the interchange of thought and information which has characterized these successive meetings of these congresses can hardly be exaggerated. It is mainly by means of such public meetings and discussions as these that enlightened thought is enabled to mold legislation and influence its enforcement.

A great change has occurred in the attitude of civilized communities toward the subject of the prevention and punishment of crime since the writer of the book entitled "Thoughts on Executive Justice," with respect to "our criminal laws, particularly on the circuits," published in London in 1785, wrote:

"As to the severity of our laws, I know of none but of the most wholesome kind, for it is this alone that can deter the savage minds of those who are the objects of that severity from the commission of those outrages and mischiefs against which the severity of our laws is levied."

The condition of these "wholesome laws" was described by Blackstone, when he stated that "among the variety of actions which men are daily liable to commit, no less than a hundred and sixty have been declared by act of Parliament to be felonies without benefit of clergy; or, in other words, to be worthy of instant death."

It is true that even in 1785 the views of the writer of "Thoughts on Executive Justice," avowedly written for the guidance of magistrates in the administration of the almost Draconian code of criminal law then in force in Great Britain, were not wholly prevalent among judges and magistrates in England, for Sir William Blackstone, shortly before that date, wrote in his Commentaries on the Laws of England:

"As a conclusion to the whole we may observe that punishments of unreasonable severity, especially when indiscriminately inflicted, have less effect in preventing crimes and amending the manners of a people than such as are more merciful in general, yet properly intermixed with the due distinctions of severity. * * * A multitude of sanguinary laws (besides the doubt that may be entertained concerning the right of making them) do likewise prove a manifest defect either in the wisdom of the legislative or the strength of the Executive power. It is a kind of quackery in government and argues a want

of solid skill to apply the same universal remedy, the ultimum supplicium, to every case of difficulty." (4 Black. Com., pp. 16-18.)

Human law deals necessarily with the relation of human beings to organized society. It is only as it may affect the relation of individuals to organized society that governments are concerned with the relations of men with each other; and the aim and object of all criminal legislation must be to secure a general compliance with the rules from time to time adopted by organized society for its governance. These rules prescribe the performance of certain things and prohibit the doing of others. To secure compliance with such requirements punishments have been invented.

Even so sanguinary a writer as the author of "Thoughts on Executive Justice" asserted that—

"The prevention of crimes is the great end of all legal severity—nay, the exerting of severity by making examples of the guilty has no other intention but to deter others and thus pursue the great end of prevention."

And Blackstone declared the end or final cause of punishment to be "not by way of atonement or expiation for the crime committed, for that must be left to the just determination of the Supreme Being; but as a precaution against future offenses of the same kind." (Id., p. 11.)

The utter failure of the savage codes of the eighteenth century to accomplish this purpose of preventing crime first became apparent to such thoughtful students as Beccaria and Howard and Bentham, and the revelations of the conditions of the prisons and the shocking results of imprisonment published to the world by John Howard and later by Elizabeth Fry led to parliamentary inquiries and reformatory legislation. As the subject was more carefully studied it began to be perceived that the mere example of the consequence of crime is but an imperfect means of securing obedience to law if, when the prescribed punishment is over, the offender is turned loose upon the community, branded as an outlaw, and with the gates of hope and mercy forever closed in his face. Modern legislation therefore seeks not simply to deter by making an example of offenders, but by convincing the offender of the wisdom of obeying law and by so restoring him to a useful status in society that it is possible for him to live in conformity with law.

At the first International Prison Congress Mr. Z. R. Brockway, now justly famed as the founder of the Elmira Reformatory system, read a notable paper on "Prisoners and their reformation," in which he asserted a proposition that few would dispute that—

"Civilized sentiment now concedes that the protection of society is the justification and main purpose of imprisonment; that protection can not be surely had without the reformation of the criminal or his continued control by legal authority. Hence, reformation is the immediate object to be sought."

Successive congresses have done much to improve the condition of penal institutions in many lands and to awaken and direct enlightened and humane thought, free from sentimentality, respecting the whole subject of crime and its punishment. In no field can the work of preventing crime be carried on with more fruitful results; in no field has it been applied with more encouraging results than in dealing with juvenile offenders. Men are largely the product of their environment, and modern legislation, recognizing this truth, has busied itself with devising means of saving the young from the consequences of an environment of such character as almost necessarily to make them criminals. The example of the awful consequences of crime as a deterrent to others to offend has, of course, a necessary place in the consideration of the enforcement of law; but the reformation of the offender, and to this end robust and virile help toward reformation, should occupy, as it does at present, a place of paramount importance in the minds of those charged with the making and the enforcement of law.

In accepting the invitation of the President of the United States to hold the Eighth International Prison Congress in this country, your president and secretary accurately expressed the relation of the country to the congress in these words:

"But the country, which welcomes the International Prison Congress as its guest, does not, by its hospitality, simply bring together under official sanction from all parts of the world those who are interested in the struggle against crime; it offers at the same time to those interested in this great task an opportunity to see what has been accomplished in the way of reforms."

I beg, therefore, to invite your attention to the progress which has been made by the Federal Government, since your last meeting, along the lines with which

this Congress is concerned. The adoption by Congress, in March, 1909, of a revised code of penal laws of the United States codified and clarified the legislation defining and prescribing punishment for crimes against the United States Government, and marks an important step in the direction of reducing our law to such certainty that the legal presumption that every citizen knows the law may be something other than a pitfall for the unwary.

The District of Columbia, a place set apart by the Constitution as the seat of the Federal Government, and therefore subject to the exclusive jurisdiction of Congress, is subject not simply to such legislation as Congress enacts over subjects generally committed to the Federal Government by the Constitution, but also to the same domestic legislation and control as in other places is exercised by a State. With the questions affecting the welfare of the whole Union constantly pressing upon it there has been, in the past, a tendency in Congress to overlook the local affairs of this District. From this cause the jail of the District—a place of detention of prisoners awaiting trial for crime, as well as of imprisonment of those serving comparatively short terms—originally well built and adequate to its needs, was outgrown, because of overcrowding, lacked modern sanitary arrangements, and finally became the subject of much complaint. Congress was finally induced to authorize the President to appoint a commission to investigate the condition of this jail, as well as of the workhouse, and other similar buildings. The commission, appointed pursuant to that authority, construing their task as involving something more than mere repair of a building, submitted a report to the President, in 1908, which dealt with the whole subject of our present penal system, and which brought sharply to the attention of Congress the necessity of applying improved and modern conceptions of penology to the administration of the Federal penal system. As a result of this admirable report, the Congress authorized and empowered the Commissioners of the District of Columbia to purchase two tracts of land, widely separated, of not less than 1,000 acres each, one to be used as a site for the construction and erection of a reformatory of sufficient capacity to accommodate at least 500 prisoners. The workhouse site has been acquired and is now being cleared and prepared for the buildings to be erected on it, such work being carried on largely by prisoners. At the same session the Congress established for prisoners convicted of offenses against the United States, for terms exceeding one year, a parole system under which, after one-third of the term for which such prisoners may have been sentenced shall have expired, they may obtain release on parole during the remainder of the period for which they shall have been sentenced.

The same Congress enacted a law providing for the release on parole of juvenile offenders committed to the Reform School for Girls of the District of Columbia, an institution for colored girls. It also passed a law for the establishment of a probation system for the District of Columbia, under which the Supreme Court of the District is empowered in any case except those involving treason, homicide, rape, arson, kidnaping, or a second conviction of a felony, after conviction, or after a plea of guilty, and after imposition of a sentence therein, but before commitment, to place the defendant on probation and to suspend the imposition or execution of the sentence for such time and upon such terms as it may deem best, and place the offender in charge of a probation officer, and to continue or extend the period of probation, or discharge the probationer, as in the opinion of the court the ends of justice may require.

These examples of the practical progress of our Federal Government in dealing with the subject within the purview of this Congress will, I am sure, be of interest to you. In your journey through the United States, whence you have just returned, you have become familiar with the work which is being done in connection with penal institutions of the several States. All over the land you will find a spirit of wholesome interest in the discharge of that duty, which rests upon society to deal with the offenders against its laws, without vindictiveness and without discrimination. Recognizing that:

"The sin that practice burns into the blood,
And not the one dark hour that brings remorse,
Will brand us, after, of whose fold we be."

Modern thought seeks to deal with offenders against the law considerably and sympathetically, with no palliation of the offense, but with the recognition of the weakness of human nature and of its capacity for reformation and regeneration.

Your deliberations will cover a wide range of important and interesting subjects, following a program arranged by those of your number best qualified to suggest the most profitable subjects for your discussion. One thing I venture to especially commend to your attention, and that is the subject of systematic visitation of penal institutions by organized nonofficial or quasi official bodies.

All human experience shows that power of man over man will be abused if uncontrolled. The necessary and wholesome discipline of a penal institution not only furnished great opportunities for tyrannical conduct on the part of prison officials, but renders it peculiarly difficult for a prisoner with just cause of complaint to obtain redress or even a hearing of his complaint. All penal institutions, particularly jails, detention houses, and police station houses, should be subject to frequent visitation by boards or committees, preferably unofficial in character, except in so far as they may be empowered by law to visit and inspect. There can be no more effectual guaranty against abuse of power by prison officials than the liability at any moment to a visit of an outside committee or citizen authorized by law to inspect any part of the establishment and to question alike prisoners and officials.

In closing, I beg to express to you the great interest which the president feels in your deliberations, and—in the language of the English ritual—the hope that your consultations may be directed and prospered to the advancement of the glory of God, the safety, honor, and welfare of all His people, and to the end that all things may be so ordered and settled through your endeavors upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among all nations for all generations.

Mr. Jule Rickl de Bellye, delegate from Hungary and president of the Budapest Congress, in 1905, responded as follows:

Mr. President, ladies, and gentlemen, although we are strangers in the New World, yet the cause to which we are all devoted, and our workers, have long been known here. The rational punishment of crime, for the protection of life and property; its suitable administration as far as possible; the prevention of crime, especially through the education of morally abandoned childhood; the care of juvenile delinquents; the succor of released convicts, and other subjects pertaining to judicial and social activity, have not only flourished among us, but have developed in the soil of the New World. It may be said that the organization of the International Prison Commission is due to the wisdom and perseverance of our predecessor, Dr. Wines. Accepting with sincere gratitude the generous invitation of the citizens of the United States and of their distinguished President, we are very happy to have come to make the acquaintance of our American friends and to know the conditions here. As we remember the past and the organization of the States, one name rises to our lips, a name synonymous with liberty and independence, a name known in every civilized land, the name of Washington. [Prolonged applause.] It was he who, by his great qualities as statesman, as head of the Army, as citizen of the world, made possible this powerful union of free States, and who laid the foundation so securely that the noblest things for humanity have sprung from it. We may say of Washington that all America is his tomb. The remembrance of his genius fills our souls with admiration and with appreciation. The representatives of other lands assembled here lower their banners before the grandeur of Washington and his worthy descendants, our generous and kindly hosts. [Applause.] Accept our warm thanks for your cordial reception. [Applause.]

And now, ladies and gentlemen, I propose that Mr. Wickersham shall be made our president of honor. [Applause.] And I propose, further, that Mr. Z. R. Brockway should be honorary president [applause], and Dr. Henderson, president of the International Prison Commission, shall be president. [Prolonged applause.]

Charles Richmond Henderson, greeted as president by acclamation, delivered the following address:

Ladies and gentlemen, even before I thank you for the honor and trust you have shown me would I lay a flower of praise on the grave of my honored and regretted predecessor, Dr. Barrows. At Budapest we hailed his name with acclamation and cheered him to a position which he graced by his talents and made sacred by his devotion.

For your gracious suffrage and the marks of your confidence and sympathy since his mantle of office fell upon my shoulders, accept my sincere thanks.

In the Capital City of our Nation, which bears the name of our first great statesman, Washington, we bid you all a thousand welcomes.

Messengers of justice and wise pity from Orient and Occident, we greet you in the land of our young Republic, whose eastern shore is lapped by the Atlantic waves and from whose Golden Gate we look from the shores of the Pacific toward the homes of the most ancient culture. From the countries of teeming millions, members of mighty empires you have come, from Asia, bearers of memories of wondrous civilization and full of hope for a renaissance.

From Africa you come, pioneers of modern progress in that vast continent, whose future development is beyond the powers of imagination to depict.

From Europe, the home of progress during recent centuries, you come, bearing the torch of science which Hebrew, Greek, and Roman long ago lighted and handed on to our Teutonic forefathers in the north.

One mighty and commanding purpose has called us together and will inspire all our counsels. This purpose is, indeed, for the willful and stubborn foe of social order a stern and austere determination to make the way of the transgressor hard and thorny, so that dread fear shall hold the wicked in check and unbending force constrain the lawless. Yet beyond this we look to the evangel of reeducation, of reformation, of raising the moral standard of the race where the battle with temptation is hottest and victory over evil the hardest. We do, indeed, firmly resolve to make the way of the transgressor hard, but not desperate; we desire him to tremble before the majesty of outraged law, but not despair if he is willing to accept the reasonable yoke of honest and useful labor for the common weal.

There is no conflict between justice and mercy; for it is not a wise compassion which permits a vicious man to go on in his own bad way unrestrained. Justice is kind when it deprives a man of liberty abused and firmly holds him to a habit which gives him a chance of cultivating desires consistent with peace, order, and general prosperity.

In science and in philanthropy we are of one race and one reason; only by egotism, selfishness, and error are we divided. They serve best who discern the principles of conduct which are wise and safe and wholesome for all nations to follow; who guide us to the serene summits which overlook the petty variations and errors which confuse our vision. An international congress assumes the unity of reason, while it generously and cordially admits necessity of local adaptations of devices and measures for the application of general principles.

They also serve, though not so well, who give sharp outlines and articulate expression to erroneous demands, for where falsehood stands out bold, naked, undisguised, it looks the hideous monster it really is. Such an ugly falsehood is the assertion that the State has no moral obligation to its foes, no duty to reform them or endeavor to do so to the limit of its power. It has been said by some that State justice has but one task—to punish its enemies; that reformation, if this is possible, should be left to philanthropists, sentimentalists, dreamers. Those who think thus ignore certain facts:

That the State alone has control of the forces which influence the character of the prisoner; that the State alone can direct his conduct; the State is only another name for the organ of public duty and will; it is not moral as a machine, but it expresses the morality of the people who create and maintain its institutions and make its laws.

The State is responsible for what happens to the prisoner while he is under entire control. If it turns him out crippled in body, dwarfed in thought, without skill or industry, filled with revenge, the philanthropists will have a hard task. And philanthropists are the taxpayers, the citizens who must live with this released prisoner.

The history of achievement is at once hopeful and instructive, since it reveals the steady advance of civilizing methods, greater efficiency at diminished cost in dealing with crime, and more thorough mastery of the problem down to its roots. We rejoice in the humanizing influence of Beccaria, gift of Italy; Montesquieu, of France; John Howard and Elizabeth Fry, of England.

But history ceases where our problems begin. Our spiritual ancestors have not only bequeathed us fortunes of truth, but also grave questions as an inheritance. We have not come to the end.

The chief instrument and sanction of modern penal law is reduction to slavery (*Freiheitsstrafe*). Capital punishment is rare. Torture is forbidden. Slow starvation is illegal. Only bondage, deprivation of free movement, and choice of occupation and recreation remain. Do we really know, in a scientific sense, what are the actual effects of this slavery (1) in preventing repetition of the offense

by fear; (2) in deterring potential offenders; (3) in building up character and fitting for freedom?

It is easy to make strong affirmations on either side. One must believe that fear of punishment has some deterrent influence; one must believe that prisoners are sometimes reformed. The prison is necessary, so far as we can now see. It is relatively better than freedom abused.

We Americans have not invited you hither to convince you that we have found the final solution of the vexed problems of criminal law, prison administration, and methods of prevention.

By no means do we ask you, lawyers of the Old World, to accept our phrase, "the indeterminate sentence." If it seems to you as to some of our own jurists to savor of the arbitrary and uncertain, the capricious and the lawless, reject the name; it will not offend us.

Let us go below the surface of a much-debated epithet which awakens suspicion and antagonism; let us go to the essence of things; and let us at least begin our discussion on common ground.

Can we gather from the "Actes," rapports, and votes of the great International Prison Congress any conclusions which are practically held by all and from which we can proceed cautiously with further experiments?

Let us make the attempt.

(1) Children and youth should not be sent to prison or dealt with under the forms of criminal procedure, but as delinquents to be educated for good conduct, under judicial control, until they can safely be given full liberty or have come to the responsibility of adults.

Whether this period should extend to 16 or 17 or 18 or 21 years of age can not be decided a priori, but only upon trial and after long experiment.

For dangerous children and youth any degree of constraint necessary is consistent with the principle.

(2) All who are distinctly and clearly insane are to be excluded from prison treatment and sent to hospitals and asylums, and there restrained of liberty as a means of social protection and compassion to the individual.

(3) A very large class of offenders, not vicious or criminal, can be saved a criminal reputation and the disgrace and damage of imprisonment by suspended sentence, with probation and careful surveillance; better for the taxpayer, the man, and his family.

These three measures would very greatly diminish the criminal population or those treated as such.

(4) We can agree also on some form of liberty—"conditional release" (*liberté surveillée*) for many youth and adults. We can train for liberty in gradually increasing liberty. This is not to be distinguished in essence and aim from the "parole system."

(5) We can agree also on the necessity of abolishing the short sentence for those dangerous to society: (a) Habitual vagrants, inebriates, etc.; (b) professional and capable criminals, birds of prey. The period of detention and surveillance may be increased either by a supplementary period of imprisonment or by "placing the offender at the disposition of the government" (as with youth in Belgium). We call this the "indeterminate sentence," perhaps improperly and not exactly, but we are all trying to get at the same thing—social protection and reeducation.

Those of us who, in the field of law, are merely laymen or amateurs bow with sincere and profound respect before the genius and learning of jurists; we invoke their skill, erudition, and scientific training; in the name of patriotism and humanity we request their aid in the phrasing and interpretation of statutes. But this international congress has always esteemed the counsels of men who have experience and knowledge of the offender himself—the prison official, the expert in criminal anthropology, the physician, the teacher. It is in the prison, not in the court, that the convict reveals his real nature; it is there the hollow phrases of the law become scorpions and flames to sensitive nerves and spiritual susceptibilities. We never really know what the penal sanction means until we apply it in its severity to human beings.

But we also recognize in these assemblies the specialists in the study of the social conditions which produce the criminal disposition and into which the discharged prisoner must return when the iron gate swings open to release him. Before the court and after the prison we must investigate the environment of the potential and actual offenders. This is the function of the section on prevention.

We also recognize the specialists in the scientific study of tempted and perverted childhood and of the institutions and measures for the guidance and correction of youth.

Still further, we see that each of these groups of specialists must cooperate with all the others, must compare opinions, must humbly learn, must modify traditional maxims in the light of broader experience.

The ultimate and final test of a penal law, of any law, is not its constitutionality, its agreement with traditions of judicial decisions, its conformity with ancient usages. "New occasions teach new duties, time makes ancient good uncouth."

Inspired by these convictions, convoked by all the great nations for these noble ends, we enter the discussions of this memorable week. Courageous to defend our own conclusions, eager to learn new truths, courteous in presence of opposition, we are at the gate of our high duty. Forward! The Eighth International Prison Congress is open. [Prolonged applause.]

OFFICERS OF THE CONGRESS.

President Henderson offered the name of Rickl de Bellve as honorary president. The proposal was received with applause. The following list of officers was then announced:

Vice presidents.

Dr. Domingo Marin, Cuba.
 Dr. Silvela Y. Corral, Spain.
 M. A. Schrameck, France.
 Mr. F. C. A. Woxen, Norway.
 Mr. E. de Khrouleff, Russia.
 Mr. V. Almquist, Sweden.
 Dr. Count V. de Gleispach, Austria.
 Dr. Armando Claros, Argentine Republic.
 Mr. Hsu Chien, China.
 Dr. F. de P. Borda, Colombia.
 Mr. D. Kastorkis, Greece.
 Dr. Don L. Toledo Herrarte, Guatemala.
 Mr. Prince Mars, Haiti.
 Mr. Licencido Don Guillermo Moncado, Honduras.
 Senator A. Pierantoni, Italy.
 Mr. Takashi Sanagi, Japan.
 Mr. L. T. Chamberlain, Liberia.
 Mr. Licencido E. Rabasa, Mexico.
 Mr. F. W. Neitenstein, New South Wales.
 Mr. R. M. Cameron, New Zealand.
 Mr. H. C. Dresselhuys, Holland.
 Mr. E. Robinson, Queensland.
 Mr. F. Majia, Salvador.
 Mr. E. H. Loftus, Siam.
 Mr. Saadeddin Bey, Turkey.
 Dr. Don Esteban Gil-Borges, Venezuela.
 Justice Harlan.
 Judge Delacey.

Mr. A. W. Butler.
 Mr. J. H. Wigmore.
 Mr. F. H. Wines.
 Mr. Eugene Smith.

General secretary.

Dr. Guillaume.

Editor in chief.

Prof. E. Borel.

Assistant editor.

Mrs. I. C. Barrows.

Second assistant secretary general.

Mr. Edwin R. Keedy.

Attachés of secretaries.

Col. H. C. Carbaugh.
 Mr. J. J. Kelso.
 Mr. Albert Votaw.
 Dr. de Morawski.
 Dr. Phelan.
 Mr. A. Baldwin.

Business manager.

Mr. F. H. Mills.

The following persons were named as presidents of the sections: Prof. Prins, of the first section; Prof. Simon van der Aa, of the second; Sir Evelyn Ruggles-Brise, of the third; and Dr. Katharine B. Davis, of the fourth. These announcements were greeted with applause.

The meeting adjourned at 3.45.

PROGRAM OF QUESTIONS FOR THE EIGHTH INTERNATIONAL PRISON CONGRESS.

[Adopted by the International Prison Commission.]

It is the practice of the International Prison Commission to adopt more than a year in advance the program of questions for the succeeding International Prison Congress and to submit the same with explanatory notes to members of the congress and other experts in various countries with the view of securing a sufficient number of authoritative reports or monographs on each question.

These reports are not read at the congress, but a digest and analysis is made of them all by a special reporter on each question, and they furnish the basis of discussion.

The notes subjoined to these questions have been prepared by the commission to set forth more distinctly the special problems involved and the data desired.

FIRST SECTION—PENAL LEGISLATION.

"Question 1. Assuming that a rational relation exists between the principle of the indeterminate sentence and the fundamental principles of criminal jurisprudence—

"(a) What class of delinquents should be submitted to, and what class excluded from its application?

"(b) How may a sentence of this kind without minimum or maximum limits be applied without danger to individual liberty?

"If it is not admitted that there is a rational relation between the principle of the indeterminate sentence and the fundamental principles of criminal jurisprudence, is there ground for adding to the definite sentence with respect to a particular individual a restriction in the form of a supplemental penalty; and if so, in what cases, and how, is it to be applied?"

While jurists are still discussing the philosophy of the indefinite sentence and its relation to criminal jurisprudence this form of sentence has already been adopted in seven States of the United States under varying conditions. In some cases the maximum limit for which a prisoner may be held is the maximum limit for the offense prescribed by the code. In other cases the court may fix a minimum or maximum limit within the limits prescribed by the code. There are those who urge the adoption of a purely indefinite sentence without maximum or minimum limit either in the code or in the discretion of the judge, but leaving the conditional liberation of the prisoner to be determined by a board of parole or a court of release. While the ordinary safeguards of liberty would exist as to the commitment of the prisoner, what conditions in general should govern his release, and how should the court of release be formed, and with what powers invested? Will it not be possible by modification of our judicial system, conferring upon the court of release the power of conditional release now held by the court of commitment, to gain the advantages of an absolute indeterminate sentence?

The final paragraph of the question would naturally be confined in its application to countries in which the indeterminate sentence does not exist. In addition to the principal sentence, which may be

for a definite term of imprisonment, is it desirable in certain cases to fix a supplementary penalty? Forms of supplementary penalties already existing in some countries are a certain period of police supervision, the deprivation of civil rights, the payment of a fine. The question raised is, whether such secondary penalties are desirable, and when and how they should be applied.

"Question 2. How and in what manner may effect be given to penal sentences pronounced by foreign tribunals, especially with reference to habitual criminality and legal incapacity?"

According to the laws of the United States, an immigrant who has been convicted of felony in a foreign country may be deported.

Certain States of the United States have habitual-criminal laws providing that a person who has been convicted a certain number of times for felony shall be imprisoned for 25 years or for life. How may it be ascertained that there have been previous convictions in other States and countries, and how may this knowledge be used in dealing with such cases?

"Question 3. To resist the tendency of criminals to band themselves together is it not desirable to make participation in criminal acts or agreements a distinct crime, or at least to make all such complicity a legal aggravation?"

The scope of the question is evident, but it may well be asked whether such modifications of criminal codes have any practical deterrent value. The criminal class as such seldom consult them, and are scarcely deterred by subtle distinctions; but, on the other hand, is it not desirable that our code should be simplified and strengthened so as to furnish better protection to society in dealing with offenders? The minute distinctions made in our codes as to the degree of participation in crime are technical and arbitrary and enable certain criminals who organize or direct the operations of other criminals to escape punishment.

"Question 4. What part does the death penalty play in the penal system of the different countries?"

The object of this question is to secure a body of information from every country in the world in which there is an organized administration of justice concerning the existence or nonexistence of the death penalty. In many countries the death penalty has been abolished for a long period of years; it is now possible to ascertain what has been the effect of such abolition as to the commission of crimes for which the death penalty was imposed. Thus, in England, more than a century ago, a large number of offenses, said by some writers to be at least 200 in number, were included in the list of capital crimes. Until 1894 under the Federal laws of the United States 25 offenses were punishable by death under the military code, 22 under the naval code, and under the criminal code there were not less than 17. Has the number of such offenses decreased or increased in proportion to the population since the abolition of the death penalty? The answers to this question will furnish material for deduction as to the deterrent value of the death penalty.

In countries retaining the death penalty in the criminal code it is important to ascertain whether it is actually applied and to what extent.

In certain States and countries changes have been made in the manner of inflicting it. Private executions have been substituted for

public ones, and electricity has been substituted for hanging or for the guillotine.

To obtain uniform facts and statistics the following schedule of questions has been prepared:

Facts.

1. Did the death penalty exist in your State in 1905? { Yes.
No.
2. Enumerate the offenses for which inflicted.
3. What, if any, other offenses were thus punished in 1850?
(If the information is not obtainable from this date, then give it for any later date for which it is obtainable.)
4. Give dates of abolition of the death penalty for the offenses (if any) given in reply to question 3.
5. What, if any, offenses have been added since 1850 to the list punishable by death?
6. What punishment has been substituted for the death penalty in the case of each offense included in answer to question 3?
7. In the case of each offense, for which the death penalty has been inflicted at any time since 1850, give table, by years, of number of trials and of convictions in this form:

Year.	Popula- tion.	Number of trials for.	Number of convic- tions.
1850.....			
1851.....			
1852, and so on each year to 1905, inclusive.....			

8. Are executions public or limited to a number of legal witnesses?
9. If not public, when were public executions abolished?
10. How is the death penalty applied and under what regulations?
11. If the death penalty is still authorized by law in your State, to what extent is its application suspended?
(a) In how many cases has the sentence been commuted to life imprisonment (a) by the jury; (b) by executive authority?
- (b) In how many cases of indictment for murder was conviction secured on some lower degree of the offense, such as murder in the second degree or manslaughter?
- (c) In how many cases of murder did the perpetrator commit suicide?

Opinions.

12. What do you believe to be the effects of the changes, if any, in relation to the application or restriction of the death penalty?
13. What is the public sentiment as to the effect of these changes?
14. If public executions have been abolished, what do you believe to have been the effect on public morals and on criminality?
15. Any other remarks or suggestions.

SECOND SECTION—PRISON ADMINISTRATION.

"Question 1. What are the essential principles of a modern reformatory system, and upon what rational methods should it be

based? Should its application be limited by age, or other classification? If so, under what limitations?

"Must we not admit the necessity of special treatment for youthful criminals and even recidivists from 16 to 21 or 23 years, recognizing the plasticity of that age and the possibility of curing by special methods, physical, moral, and intellectual, the perverted instincts of young offenders? In what case is it not desirable to give to the courts the power of imposing a special penalty:

"(a) Sufficiently long to permit the full application of all means of reformation?

"(b) Permitting the free application of conditional liberation?"

The reformation of the prisoner is now universally accepted as one of the principal ends of prison administration. The main question is, How is it to be secured? With this end in view, different prison systems have been developed. Under one system this end is supposed to be best promoted by completely isolating the offender from his fellow prisoners, with a view to individual treatment. In other systems social treatment is preferred as a preparation for social duties. The methods of treatment under these systems differ widely, and the whole structure, organization, and discipline of the prison are affected by them. The object of the question is to bring out the principles and methods, however varied they may be, accepted in different countries, not merely for punishing the prisoner for his offense, but for properly preparing him to lead a law-abiding life on returning to society.

The question opens the whole range of moral and educational influences which may be applied in prison, and how far they can be adapted to different systems, whether congregate, cellular, or a union of both; whether prisoners are colonized on State farms or organized in State prisons or reformatories.

Both in Europe and America an educative reformatory system is now applied to juvenile delinquents under the age of 16. In some countries it is applied until 21 years of age. In the United States the same educational system, with necessary modifications, has been extended to prisoners 30 years of age. Where shall the age line be drawn? Is not the limit of legal majority arbitrary? A marking and grading system combined with prison school and other educational influences is applied in some prisons even to prisoners in middle life.

It is hoped that the question will secure a presentation of what are regarded as fundamental reformatory principles of universal application, with elastic methods adapted to different conditions.

"Question 2. What improvements may be made in the parole system, or the system of conditional liberation already existing in certain countries?"

Many considerations affect the question of conditional liberation which here refers to liberation after imprisonment. In various States the prisoner's time may be shortened so many days per month by good behavior. In other States a marking and grading system is invoked by which the prisoner's eligibility to conditional release is determined. What authority shall decide as to the prisoner's release? How shall boards of parole or courts of release be constituted? Shall they be paid or unpaid? How shall surveillance be

exercised over prisoners on parole? How long shall a term of parole extend, and under what conditions shall it be revoked?

"Question 3. What are the best means for assuring productive work for prisoners in small prisons?"

The object of this question is not to open up the whole question of prison labor in its economic relations, but to deal with the practical question of prison administration. Labor in prison is absolutely necessary for the physical and moral welfare of prisoners. It is most easily classified and organized in large establishments. This constitutes an important argument for abandoning the practice which prevails in many American States of committing prisoners to county jails, where they have little or no opportunity for work. The centralization of control by the State and the organization of labor in district prisons by the State will obviate the necessity of using jails except as houses of detention for those awaiting trial.

As, however, many prisoners are committed to jails and small prisons for terms varying from a few days to 12 months, how shall permanent and effective work be provided for them? What forms of hand labor may be profitably introduced? Can prisoners be employed in out-of-door work? The development of the dynamo renders it possible under the cellular system to introduce machines driven by power in a comparatively small place.

The answer to this question will be determined largely by economic and local conditions.

THIRD SECTION—PREVENTIVE MEANS.

"Question 1. What is the effect upon criminality of the legal measures taken in different States in the form of probation or suspension of sentence, etc., to avoid the necessity of imprisonment, especially at the time of first conviction, taking account of the age, character, and antecedents of the person? And is it desirable that these and similar laws should be extended?"

In certain European and American States the practice of suspending sentence (*sursis*), or placing offenders on probation under friendly or custodial supervision, has been carried on for a number of years. A body of judicial statistics has been accumulated, valuable for purposes of comparison. It is possible to answer with some definiteness whether the treatment of such offenders without imprisonment has been followed by any increase of crime, and whether the results obtained from placing them under probation have been satisfactory. An interesting and valuable array of testimony ought to furnish an answer to these questions.

"Question 2. What measures should be taken for the suppression of mendicity and vagabondage, especially in view of modern criminal tendencies?"

"What rules should be adopted for the organization of work-houses for mendicants and vagabonds?"

Two questions originally separated have been brought together under this head, one of them opening the broad subject of the prevention and cure of vagabondage, and the other fixing attention on the best way to treat vagabonds when they are under the grasp of the law.

"Question 3. How is it possible while paying due attention to the correction of the offender to lighten the heavy economic burden falling upon families owing to the imprisonment of those upon whom they are dependent?"

More briefly stated, the question is how to correct the prisoner without punishing the family. As laws are at present administered in many States the burden of imprisonment falls heavier upon the family than upon the prisoner. While the latter is sure of shelter and food, his family often suffer at home. Obvious relief is furnished in such cases by placing the prisoner on probation under conditions permitting him to work and support his family. In answering question 1 of this section the economic value of the labor of probationers, often seriously diminished by imprisonment, should not be overlooked.

When, however, it is found necessary to commit offenders to prison the conditions necessary for the relief of the families are, first, that the prisoner should engage in remunerative labor, and, second, that an adequate portion of his earnings should be assigned to his family.

The desertion of wife and children by husbands and fathers, or the failure to support their families, or the failure of others physically capable of work to support their families, has led in some States to more stringent laws as to the arrest and imprisonment of such offenders. Little relief is furnished the family by classifying the offense as more serious or lengthening the term of imprisonment. Other measures for the relief of the family have now been proposed, and are on trial in a small number of places, by compelling a prisoner to work during the whole period of his confinement and assigning weekly a portion of his earnings to his family. In some States the lack of remunerative prison labor may render such an assignment difficult. In other States where prison labor is profitable the assignment of money to the family may be made without difficulty.

"Question 4. Have the experiments of the last 10 years made in certain countries providing special establishments for the detention of inebriate criminals, even recidivists, for long periods (two or three years) been successful or not?"

"Is it necessary to complete the penitentiary discipline of these establishments by special medical treatment?"

FOURTH SECTION—QUESTIONS RELATING TO CHILDREN AND TO MINORS.

"Question 1. Should young delinquents be subjected to the penal procedure applicable to adults? If not, what principles should guide the procedure applied to children and youthful offenders?"

In the last 10 years a world-wide interest has been developed in regard to the best legal disposition of children arraigned for various offenses. In the United States the interest thus awakened has found expression in the development of children's courts. In Europe a similar interest is making itself felt in new modifications of judicial procedure. Whether in Europe or America, the aim seems to be to submit children to processes which are educational and corrective rather than to those which are penal and oppressive. The legal traditions of the different countries will doubtless modify the practice, but it is hoped that the answers to be prepared for these questions will

show not only how widespread is the interest it represents, but also how firmly established is the principle upon which its solution depends.

"Question 2. Should special establishments be maintained for abnormal, backward, and feeble-minded children showing dangerous moral tendencies?"

The treatment of children mentally defective is provided for by institutions in every civilized country, but a certain number of such children show criminal tendencies and commit offenses which bring them under the scope of the penal law. They are not proper subjects for commitment to prison; their limited development prevents them from fitting into an educational scheme of reformatory institutions. On the other hand, on account of their criminal tendencies they are not welcome inmates of the ordinary institutions for the feeble-minded. Is it desirable to establish institutions for this class, and should such establishment be adjuncts to existing institutions for the feeble-minded or independent institutions?

"Question 3. What measures should be taken to correct the idleness and vagabondage of children in large cities?"

While the subject of vagabondage and its treatment is presented in question 2 of the third section, it is framed here in another form with a view of concentrating attention upon the special dangers to which idle and neglected children are exposed in great cities.

"Question 4. Is it desirable to take special measures for the protection of children born outside of wedlock; and if so, what measures?"

"Owing to the neglect or abandonment due to irresponsible parents, are such children sufficiently protected by existing laws and institutions, or is special legislation and provision desirable?"

A QUESTION FOR INVESTIGATION.

Without placing it on the program of the discussion for the next congress, the commission has deemed it desirable to collect information in answer to the following question:

"How should local prisons, jails, and lockups be constructed and organized?"

DISCUSSIONS AND RESOLUTIONS.

The chief organ of philanthropic movements in the United States¹ provided a careful report of the proceedings of the congress from which the following account is taken. The reports were prepared by participants in the discussions of the various sections.

I. THE SECTION ON CRIMINAL LAW.

(C. W. A. Veditz.)

The first section of the International Prison Congress dealt with problems of penal law and was most largely attended by members of the bench and bar of the countries represented, and by university teachers of criminal law and criminology. Neither criminal law

¹ The Survey, Nov. 5, 1910.

nor criminology has yet acquired the same academic dignity or importance in this country that they possess in Europe; and partly for this reason the section was dominated by the foreign delegates. Nearly all of the discussions were carried on in French, with but little use of either the German or English tongue. Judges, prison officials, and professors of criminal law were in a large majority, and the debates were led by Prof. Prins, of Brussels; Prof. Gleispach, of the University of Prague; Prof. Vambéry, of the University of Budapest; Prof. Lublinsky, of the University of St. Petersburg; Prof. Sherman, of Yale University; Prof. Wigmore, of Northwestern University; Prof. Ugo Conti, of the University of Rome; M. A. Schrameck, director of French prisons; M. de Khrouleff, of St. Petersburg, chief of the administration of prisons of St. Petersburg; M. Spach, of the French prison society; Demetrios Castorkis, chief of the Greek prison administration; Dr. Dresselhuys, director of the Dutch prisons; Chief Justice Engelen, of Holland; Supt. J. A. Leonard, of the Ohio State Reformatory; Warden R. W. McClaughry, of the United States Penitentiary at Leavenworth; and Dr. Frederick Howard Wines, of Illinois.

The prevailing point of view appeared to be that of the criminal jurist, marked by cautiousness in phrasing proposals for a change in the present penal system, and hesitation in recommending changes of a too specific or too radical character.

Three forenoons were devoted to the discussion of the first and most important question on the section's program, worded as follows:

Assuming that a rational relation exists between the principle of the indeterminate sentence and the fundamental principles of criminal jurisprudence—

(a) What class of delinquents should be submitted to and what class excluded from its application?

(b) How may a sentence of this kind without minimum or maximum limits be applied without danger to individual liberty?

If it is not admitted that there is a rational relation between the principle of the indeterminate sentence and the fundamental principles of criminal jurisprudence, is there ground for adding to the definite sentence with respect to a particular individual a restriction in the form of a supplemental penalty; and if so, in what cases, and how is it to be applied?

Eighteen reports had been prepared on this subject and transmitted to the section—more than on any other topic on the program. Five were by American authors: Judge Simeon Baldwin, Amos W. Butler, Maynard W. Shipley, Eugene Smith, and F. H. Wines; the others were prepared by English, Swiss, French, Luxemburg, Italian, Spanish, Hungarian, German, and Transvaal authors.

A critical summary of these reports was presented by Prof. Gordon E. Sherman, of the Yale University Law School. In his summary and in the discussion of the resolutions which he proposed, Prof. Sherman maintained an entirely conservative point of view, calling attention particularly to the fact that the indeterminate sentence, especially the absolutely indeterminate sentence without maximum or minimum limit and applied to all classes of criminals, is by no means a prevailing "American institution"—inasmuch as few States have

seriously contemplated going so far as this. Moreover, he did not regard the indeterminate sentence as consistent with the fundamental principles of criminal jurisprudence. He urged the retention of the principle of determinate punishment, but favored indetermination as a means of regenerative training in the case of youthful delinquents and as a measure of security applied to those who form a continuing menace to public order; furthermore, habitual or professional offenders should be subjected to "an ulterior judgment concerning the condition of the prisoner viewed as a menace to society" before he is turned loose again at the expiration of his determinate sentence.

The ensuing discussion made it clear immediately that the foreign delegates, notably those from the Latin countries, regarded the institution of the indeterminate sentence with scepticism. Justice Engelen, of Holland, thought it applicable only as a measure of safety in dealing with dangerous criminals. His compatriot, Director General Dresselhuys, considered it unwise and inexpedient to replace the penal judge by a penitentiary judge; the former does his work in the full glare of publicity and usually uninfluenced by improper considerations, whereas the prison authorities are not subject to the same publicity and are more likely to be unduly influenced.

M. Silvela, of Spain, considered the principle inapplicable save in Anglo-Saxon countries. It must not be forgotten, he said, that in Latin countries it has taken centuries to establish the principle of determination and to substitute for the whim of the executive a clearly defined, definite penalty for offenses against the law. Indefiniteness as to the gravity of the crime, as to the rights of the accused, and as to the term and variety of punishment, were characteristic features of a tyrannical and unhappy epoch. To reintroduce indefiniteness would be running counter to popular notions of penal justice that are now a part of the public conscience in the Latin countries.

M. Castorkis, of Greece, accepted the principle of the indeterminate sentence, provided sufficient precautions are taken to make the board of conditional liberation competent and honest. Said the Greek delegate:

The theory is that the criminal is a patient; he needs to be cured of his antisocial tendencies. But it is imperative to make sure that the physician is not a quack and that the patient will not be discharged until really cured. Upon this point the success or failure of the indeterminate sentence ultimately depends.

Most of the foreigners were laudatory and some of them enthusiastic in their references to the American institutions in which the indeterminate sentence is applied—such as the Elmira Reformatory (Mr. Brockway attended the first and second meetings of the section)—but they were apparently loath to accept the principle as a basic feature of penal law. Said one foreign delegate:

In the minds of the people everywhere the idea of imprisonment as a penalty, as a retaliatory movement on the part of the community against which the criminal has offended, is too natural and too deep-seated to be lightly brushed aside. There are, moreover, a number of offenders who are not really bad, who commit some minor offense as the result of exceptional circumstances which may never recur (*criminels d'occasion* or *criminels passionnés*). For such offenders it would be absurd to apply a system of reformation; they have violated a rule of social conduct and should be made to pay a definitely prescribed penalty.

An ingenious attempt was made by Prof. Ugo Conti, of the University of Rome, to graft certain indeterminate features upon the system of determinate punishments. "Recognizing the merits of indeterminate punishments," he proposed, "section 1 should refuse to accept indetermination as a fundamental principle, but might accept it as a means of public security to be applied in the case of dangerous criminals and of habitual recidivists as a sort of supplementary penalty to be added, if necessary, to the fixed period of imprisonment."

At this stage of the discussion the section appeared to be evenly divided between two apparently conflicting views: (1) That of accepting the indeterminate sentence as a basic principle, but circumscribing it by a series of limitations and qualifications; and (2) that of refusing to accept it as a fundamental principle, but grafting it upon the present system as a modification applied to specific, rather exceptional groups of offenders.

Whereupon Prof. Prins, of Belgium, the president of the section, declared himself an advocate of the "scientific principle of the indeterminate sentence," and asked for a vote for or against its acceptance—as applied to certain classes. "Either," he declared "we will have nothing to do with it in any form, or we would accept it for certain classes of offenders and with certain modifications. If a majority rejects it entirely, there is no need of further discussion." Put to a vote the "scientific principle of indetermination" was then accepted. A majority also voted in favor of its application "to mental and moral defectives."

But how much further should its application be carried? A long debate on this question resulted in the designation of two committees—one, consisting of Profs. Conti and Sherman, favoring a very slight further extension of the principle of indetermination (to dangerous and habitual offenders in the guise of a sort of additional penalty); and the other, headed by Profs. Gleispach, of Austria, and Vambéry, of Hungary, going considerably further. The latter, contrary to the expectations of many of those present, won the day, after some changes in its propositions. Prof. Gleispach stated it to be his belief that public opinion is ripe in many countries for making a big breach in the present system of penal law. The resolutions finally adopted were as follows:

The congress approves the scientific principle of the indeterminate sentence.

The indeterminate sentence should be applied to moral and mental defectives.

The indeterminate sentence should also be applied, as an important part of the reformatory system, to criminals (particularly juvenile offenders) who require reformation and whose offenses are due chiefly to circumstances of an individual character.

The introduction of this system should be conditioned upon the following suppositions:

1. That the prevailing conceptions of guilt and punishment are compatible with the principle of the indeterminate sentence.

2. That an individual treatment of the offender be assured.

3. That the board of control or conditional release be so constituted as to exclude all outside influences and consist of a commission made up of at least one representative of the magistracy, at least one representative of the prison administration, and at least one representative of medical science.

Although M. de Khrouleff and others urged that a maximum and minimum period of detention should always be stated in the sentence, it was concluded that to fix a maximum is inconsistent with the prin-

ciple of indetermination. "The whole theory," said Mr. Silvela, "is that the offender shall be held until he is reformed, and no one can tell in advance how long that will take. In fact, there is good reason to believe that many of those who are released are not really reformed, but only pretend to be." He quoted several authorities to the effect that the supposedly "best" inmates at Elmira, for example, are not the best, but the "foxiest"—those who are most successful in deceiving the authorities. But once the principle is accepted, it is illogical to fix a maximum period of detention in the indeterminate sentence. A final clause was adopted by the section to this effect:

It is advisable to fix the maximum penalty during such a period as it may be necessary, because of the novelty of the institution and lack of experience with it.

The Gleispach resolution in the form in which it was finally adopted was thus tantamount, as its principal author himself declared, to the acceptance of the indeterminate sentence as a part of the general criminal law applied practically to all classes of criminals.

The two remaining questions discussed by the first section were of less general interest. The resolutions on the second, presented by Prof. Sherman (coupled with propositions advanced by Mr. Silvela), urged more complete international exchange of records of crimes and convictions, through treaties and an international office of criminal records, and recommended that previous convictions in other countries, except for political offenses, be recognized by courts before whom foreigners are brought for trial. The third question concerned complicity in crime.

The resolutions unanimously adopted by the section were as follows:

1. It does not appear to be in conformity with the spirit of penal law to make of every preliminary agreement to break the law a special crime.
2. Noting the increase of offenses for which several persons are responsible, and that these offenses are committed chiefly by habitual criminals, i. e., those most dangerous to society, it is desirable to consider participation as an aggravating circumstance and to augment the power of the judge to increase the penalty for such offenses.

II. THE SECTION ON PRISON ADMINISTRATION.

(Reported by Mr. Walter G. Scott, the master of Polworth, chairman of the prison commission for Scotland.)

Prof. Simon van der Aa was chairman of this section.

The first day in this section was occupied in discussing the question "What is the best method of securing effective and permanent work for those confined in small prisons?" Dr. Katharine Bement Davis, of Bedford Reformatory, reported upon the papers submitted. After discussion, the following resolutions were adopted:

1. All penal institutions, including houses of detention and jails, should be under the control of a central authority.
2. All persons, whether sentenced for long or short terms, and whether confined in large or small prisons, should be employed at useful labor.
3. So far as local conditions permit, all persons serving sentences should be concentrated in institutions large enough to permit of the effective organization of labor, leaving local jails and houses of detention solely for prisoners awaiting trial.
4. Where such concentration is not possible, various kinds of labor should be introduced depending upon the economic conditions in a given locality.
5. It would be desirable that the large prisons, with well-organized industries and effective industrial equipments, should serve as training schools for the men who will later take charge of the smaller institutions.

6. The officials of small prisons should include, if possible, at least one man competent to direct industrial work.

It can not be said that much fresh light was shed upon this difficult problem. The writer explained the nature of the work done in Scottish prisons, and pointed out that it is often an advantage to have some long-term as well as short-term prisoners in the same prison, as the former can carry out the more difficult processes of the industry while the short-term men are occupied with the more elementary stages of the same work. Considerable discussion arose on the point whether prison officers should be trained in large prisons with a view to superintending afterwards industrial work in small prisons. Incidentally the question of work for prisoners awaiting trial was touched upon, and it was felt that the best course was to give them the opportunity, though they can not be compelled to work.

Miss Davis explained the systems of labor as carried out in the United States as:

1. The lease system, under which the whole labor of the prisoners is leased to a contractor, who employs them in road making or other form of contract work.

2. The contract system, under which the whole labor is sold to a contractor, who provides machinery, material, and instructors, and pays the prison so much per day for the prisoners' work.

3. The piece-price system, under which a fixed price for articles manufactured is paid by the contractor, who furnishes the material.

4. The State-account system, under which the State purchases the raw material, conducts the whole process of manufacture, and sells the product in the open market.

5. The State-use system, under which articles are manufactured only for the use of the State in its various departments and institutions.

Of these systems the last three were regarded as the best from the point of view of prison discipline and administration. Farm and market-garden work was advocated for short-term prisoners.

The second question submitted to the section was discussed on the introduction of Amos W. Butler, of Indiana, viz, "What improvements may be made in the parole system or the system of conditional liberation already existing in certain countries?"

Among delegates who took part in the discussion were: Messrs. Rosenfeld, of Germany; Scott, of Scotland; Constantin, of France; and Milligan, of the United States; Canon Cooke, of Canada; Messrs. Cameron, of New Zealand; Almquist, of Sweden; Woxen, of Norway; Kellerhals, of Switzerland; Scott, of New York (Elmira); and Sanagi, of Japan; from which it will be seen that in the discussion the views of many nations were expressed. A committee of four—Simon van der Aa, Rosenfeld, Pope, and Scott—was appointed to prepare and draft resolutions. These were submitted on the following day, and as finally adopted were as follows:

Accepting the principle of conditional liberation on parole as an indispensable aid to the reformation of the prisoner, the congress approves the following resolutions:

1. Conditional release should be given not by favor but in accordance with definite rules. Prisoners of all classes, including workhouse prisoners, should be eligible for conditional release after serving for a definite minimum period.

2. Conditional liberation should be given on the recommendation of a properly constituted board, but reserving always the control of the government. This

board should have the power of recalling the prisoner in case of unsatisfactory conduct.

3. The duty of caring for conditionally liberated prisoners should be undertaken by State agents, by specially approved associations or individuals who will undertake to befriend and help them and to report on their conduct for a sufficiently long period.

4. Where the ordinary rules for parole are not applicable to life prisoners, their cases should be dealt with by the supreme government as a matter of clemency.

In passing these resolutions, the section approved of the principle that prisoners who have fulfilled certain conditions in prison shall be entitled to apply for conditional release before the expiration of their sentence, but that they may be replaced in prison if their conduct outside be unsatisfactory.

Having disposed of this subject, the section proceeded to discuss the questions on its program, "What are the essential principles upon which the modern reformatory prison should be based? and, Should there be special treatment for adolescent criminals?" In the absence of the appointed rapporteur, the writer reviewed the 12 papers prepared for the congress and gave a summary. The papers were contributed from England, Ireland, France (2), Switzerland, Italy (2), Spain, Russia, Belgium, Hungary, and Sweden. There was practical unanimity in favor of the principle that the treatment of all prisoners should be such as to give an opportunity for reformation, and in particular that there should be special treatment for young prisoners aged from 16 to, say, 23. The discussion was continued on the next day when the following resolutions proposed by the writer were unanimously adopted:

(A) The essential principles on which the modern reformatory method is based are:

1. That no prisoner, no matter what his age or past record, should be assumed to be incapable of improvement.

2. The conviction that it is in the public interest not merely to impose a sentence which shall be retributive and deterrent, but also to make an earnest effort for the reformation of the criminal.

3. That this reformation is most likely to be accomplished by religious and moral instruction, mental quickening, physical development, and such employment as will place the prisoner on a good industrial basis.

4. That the reformatory system is incompatible with short sentences, and a relatively long period of reformatory treatment is more likely to be beneficial than repeated short terms of imprisonment under severer conditions.

5. That reformatory treatment should be continued with a system of liberation on parole under suitable guardianship and supervision on the advice of a suitable board.

(B) It is strongly to be desired that a system of special treatment be adopted for adolescent criminals, whether recidivist or not.

(C) Tribunals should be able to sentence to special treatment which (a) should be sufficiently long to permit of the full application of all possible means of reformation, (b) shall admit the right of conditional liberation as mentioned above.

The question of short-sentence prisoners having been brought up on the consideration of resolution 4, Mr. Almquist, of Sweden, moved that the section express the opinion that prisoners awaiting trial and prisoners serving short sentences should be separately confined and, as far as possible, in separate cells. This resolution was also adopted by the section and transmitted to the congress as a whole. No doubt it gave expression to the feeling of surprise felt by many foreign delegates at finding in county jails in America both tried and untried prisoners associating freely in such a way that those who are

afterwards proved to be innocent, while awaiting trial for perhaps a considerable period, may have been subjected to contamination from the most depraved and hardened offenders. While this practice may prevail in a few European countries, it is very uncommon there, and its prevalence in America called forth much comment. In his closing words, when accepting the office of president, Sir Evelyn Ruggles-Brise expressed the hope that some of the abundant philanthropic powers of America would be devoted to improving the condition of the short-time prisoners. As it was evident that the defects of the system are widely recognized, it may be hoped that ere long great improvements will be made.

The discussions in this section were under the able presidency of Prof. Simon van der Aa, of the University of Groningen, Holland, who has been appointed the next secretary of the congress. His knowledge of many languages proved of great advantage, as in this section all the discussions were carried on both in French and English. While it was to be regretted that no papers were contributed on the subjects before the congress from America, yet this was to a large extent atoned for by the remarks made by American officials and others during the meetings. Much of the discussion necessarily turned upon the best mode of expressing the feeling of the meeting, regarding which there was, as a rule, little difference of opinion, but which it was not always easy to express accurately in resolutions in two languages.

All the resolutions adopted by the section were approved by the general assembly of the congress, and it is to be hoped that they may help advance the cause of prison reform in the various nations of the world.

III. THE SECTION ON PREVENTION.

(Reported by Mr. Warren F. Spalding, secretary Massachusetts Prison Association.)

The third section was under the presidency of Sir Evelyn Ruggles-Brise, K. C. B., of England. Of the four questions submitted to the section, the first in the order of consideration was:

In what manner would it be possible to alleviate to the utmost the difficult position suffered by a family because of the imprisonment of the head of the family by organizing and applying to better advantage the prison earnings of the latter?

There was entire unanimity in regard to the unfairness and unwisdom of the existing system, under which the innocent family suffers more in many instances than the guilty offender. There was a strong feeling that the State, which for its own purposes takes away the wage earner and supporter of the family, should in some way lighten the burden of those dependent upon him. The preservation of the family as a family was held to be important. It is social suicide to permit its destruction. It was thought by many of the members that the distressed family has a claim upon the State to make up the deficiency caused by the removal of its supporter, while others considered that the assistance of the family was a matter of policy rather than an obligation.

As to the best methods of relief there was no agreement. Some held that the prisoner should have for his family a portion of his earnings, after deducting the cost of his support, but it was urged that many do not have profitable employment in the prison and that many of the most trustworthy are used about the prison on its work and earn nothing.

Judge De Lacy, of the Washington juvenile court, brought to the discussion the results of the plan pursued by his court in dealing with nonsupport cases. A man imprisoned for nonsupport is provided with remunerative employment on public works, outside the prison. The family receives 50 cents a day while he is in prison. Imprisonment is not used until all milder measures have failed. The prisoner is not held for the full term of his sentence, but released on probation when he seems likely to support his family, and is compelled to support it, turning over his earnings to the police to be used for his dependents. Judge De Lacy said that the system had worked well, and large sums had reached the families in this way. When fines are imposed in nonsupport cases they go to the wife and children. The expenditure from the public treasury is a small one. The moral effect is excellent. Many families are reconciled. Total abstinence is secured, and the entire operation of the law is salutary. He would be glad to see the system applied to all misdemeanants. Its purpose is to compel men to fulfill their obligations. Those who are dealt with in this way have no feeling against the court.

The discussion of the Washington plan showed that much of its success depended upon the employment of prisoners upon public works, and many of the members were of opinion that that would not be tolerated in their sections. Much doubt was expressed as to the wisdom of having reports made to the police, which Judge De Lacy defended on the ground that it affords a helpful supervision.

It was urged by many that the allowance for the dependent family should not depend upon the actual earnings of the prisoners—that the needs of the family constituted the basis of the assistance. The prisoner does not control the matter of employment, and the aid should not depend upon his earnings. On the other hand, a fear was expressed that the desire to support one's family might become a motive leading to the commission of crime. Judge De Lacy said, in reply, that every man wants to "get out," even though his family gains by his imprisonment.

The consideration of the subject resulted in the adoption of these resolutions:

Resolved (1), That prisoners should be paid according to their industry. The amount thus allowed should be administered for them to support dependents and to provide a fund for rehabilitation after release.

(2) For the present it does not seem practicable for the State to carry out the full program of relief. Until that ideal shall be practicable it is advisable that committees of patronage and prisoners' aid societies should be the chief distributors of relief for the State and furnish the same when not otherwise supplied.

A third resolution recommended that further information be obtained for the next congress.

The form of this finding was not acceptable to the general assembly, which referred it back to the section, where it was amended to read as follows:

Resolved, That it is desirable that the State should allow payment to be made to prisoners, and that steps should be taken to provide that any sum of money credited to prisoners should be available for the assistance of their families if in need.

In this form it was adopted by the general assembly.

The fourth question was:

Have the experiments of the last 10 years made in certain countries, providing special establishments for the detention of inebriate criminals, even recidivists, for long periods (2 or 3 years), been successful or not?

It was explained that the term "inebriate criminals" meant inebriates who have been arrested. Interesting information was given as to the English law and its results. It was brought out that it does not clearly state who shall provide the institutions—a defect soon to be remedied. But there have been many recoveries, and, on the whole, the law is considered a success. Ireland has a successful reformatory for these cases, maintained by the State.

The Massachusetts experiment of treating inebriates in a hospital, though applied to a comparatively small number, was reported to have yielded good results. The State has authorized the purchase of a new site, and buildings will be erected in which the inmates may be classified, with long detention for chronic cases and outdoor work for all.

The New York legislation in this direction was spoken of as another recognition of the same principle.

There was a general agreement that a prison is not the place for inebriates; that inebriety should be treated in many cases as a disease; that long terms of detention are required; that the institution in which inebriates are treated should afford opportunity for outdoor work; that the system of short sentences to penal institutions is a failure; and that an effort should be made to secure the treatment of inebriety in its early stages.

The close relation between inebriety and insanity received special attention.

That alcoholism in parents resulted in insanity and feeble-mindedness in the next generation was urged as a reason for greater care in the treatment of the inebriate and for a differentiation of the insane and the inebriate.

The second clause of this question was:

Is it necessary to complete the penitentiary discipline of these establishments (for the treatment of inebriety) by special medical treatment?

The discussion was brief, the sentiment being that medication was not necessary, but that medical direction of the hygienic work of these institutions was essential.

The section adopted the following resolutions with substantial unanimity:

1. That the experiments of the last 10 years made in certain countries, providing special establishments for the detention of habitual criminal drunkards for long periods (2 or 3 years) have been successful.

2. That it is not necessary to complete the discipline of these establishments by special medical treatment, but it is essential to the success of the method

that the hygienic and medical treatment of the inmates of establishments of this class shall be directed by qualified medical practitioners.

3. After having passed these resolutions the congress expressed the opinion "that further extension of this kind of detention of the inebriate criminal under State control with a view especially to arresting the habit in its early stages and to the avoidance of useless and repeated sentences to imprisonment is desirable."

There was a very thorough discussion of the question, "What measures should be taken for the suppression of mendicity and vagabondage, especially in view of modern criminal tendencies?" Notice was taken of the difference between European and American vagrancy and mendicity and also of the many classes to be found roaming about or living by beggary. The possibility of the industrial readjustment of some was urged as a reason for their special treatment; the mental unsoundness of others suggested other lines of treatment. The resolutions adopted by the section embody so fully the discussions that a detailed report of the latter is unnecessary:

I. The section reaffirms the resolution of the congress of 1895 as to the classification of vagrants and mendicants, as follows:

1. Society has the right to take measures of social preservation, even compulsory, against mendicants and beggars. This right involves also the duty, on the other hand, of systematically organizing public and private charity societies in aid of prisoners.

2. There is need of different treatment of mendicants and vagrants according as they are—

(a) Incapacitated or infirm, needy persons.

(b) Accidental mendicants or vagrants.

(c) Professional mendicants or vagrants.

3. The first need assistance until they shall have recovered the necessary ability to support themselves. The second class should receive public or private assistance or should be received in refuges or relief stations where work will be compulsory. The third class should be subject to severe repressive measures of a nature to check recidivism.

II. As a necessary means for aiding in the suppression of willful and professional vagrancy and mendicancy workhouses (*maisons de travail*) for professional mendicants and vagrants should be established. Within these institutions comprehensive systems of classification of inmates should be made, separating the inmates requiring discipline from the other inmates, and providing a class or classes for the more industrious or better behaved, with such inducements as are proper and conducive to the reformation and progress of the inmates toward rehabilitation.

III. Such workhouses should make a prominent feature of agricultural and industrial training, and the period of detention should be sufficiently long to provide for a thorough training and also to act as a deterrent to offenders.

IV. The physical and mental condition of the inmates should be carefully observed and studied.

V. Conditional liberation and a system of subsequent supervision and, if possible, cooperation between official and outside charitable authorities are indispensable parts of a proper system of treating mendicancy and vagrancy.

VI. The extension or establishment of a system of identification and classification of professional mendicants and vagrants is advocated.

The discussion of the probation system was based upon the following question:

What is the effect upon criminality of the legal measures taken in different States in the form of probation or suspension of sentence, etc., to avoid the necessity for imprisonment, especially at the time of first conviction, taking account of the age, character, and antecedents of the person? And is it desirable that these and similar laws be extended?

Justification for an affirmative answer to the question was furnished by Judge De Courcy, of Massachusetts; Homer Folks, of New

York; and other speakers. The importance of great care in the selection of probation officers was urged, so much depending upon their personality. The success of the system depends also very largely upon the views of the judge regarding probation. Emphasis was laid on the fact that probation affords opportunities for careful studies of individual offenders and of the causes of crime. Probation has also had good results in changing the attitude of the community toward the criminal. The opinion generally expressed was that probation had reduced crime.

State supervision was strongly urged as a means of raising the standard of probation and securing the best work.

The views of the section were summarized in the following resolutions, which were adopted by the general assembly:

1. That the effects of probation are beneficial when applied with due regard to the protection of the community, and to persons who may reasonably be expected to reform without resorting to imprisonment; and when the probationers are placed for a reasonable time under the supervision of competent officers.

2. That the effects of suspended sentence, without probationary oversight, are difficult, if not impossible, to ascertain.

3. That it is desirable to introduce and extend laws providing for probation, and to provide in each State, or country, some central authority which will exercise general supervision over probation work.

IV. THE SECTION ON CHILDREN.

(Reported by Miss Katharine Bement Davis, Ph. D., State Reformatory for Women, Bedford, N. Y., who presided in this section.)

It is significant that one-fourth of the time of the International Prison Congress was devoted to questions relating to children and minors, not only to juvenile delinquents, but also to dependent and defective children and that, in point of membership, this section was the largest in the congress.

Those registering here included eminent judges, lawyers, American probation officers, and representatives of societies which work with children at home and abroad, as well as individual social workers.

The countries participating in the deliberations of the section were, besides the United States, whose representation was naturally the largest, Canada, England, Scotland, Germany, Holland, France, Japan, Italy, Switzerland, and Russia, while Sweden and Norway made important contributions to the discussion of the first question in the general assembly.

The first question, "Should young delinquents be subjected to the penal procedure applicable to adults; if not, what principles should guide the procedure applied to children and youthful offenders?" was the one on which the section put the greater part of its work.

The review of the 16 reports prepared to answer it was by Prof. Maurice Parmelee, of the University of Missouri. The discussion on the resolutions occupied the entire morning on Monday and more than half of the time of the three remaining sessions.

As the result of numerous amendments it became necessary to appoint a committee on revision. This committee consisted of the reviewer, Prof. Parmelee; Dr. J. A. von Hamel, professor of penal law at the University of Amsterdam; and Juvenile Court Judge H. H.

Baker, of Boston. This committee recast the resolutions three times before they reached a form satisfactory to all. When submitted to the general assembly for ratification, so earnest a discussion arose—from gentlemen over seas, who had been in attendance on other sections—that it was necessary to return them to the fourth section and appoint a special hour for the final discussion at which all could be present.

There was from the first a complete agreement on the proposition that young delinquents should not be subjected to the same procedure as adult criminals. The differences arose over the various points of procedure in the juvenile court. The section was fortunate in having in its membership so large a representation of legal men who could present accurately the present procedure and the possibilities for the future for their respective countries.

In some ways the United States occupied middle ground. It was satisfied to leave the cause of the youthful offender in the hands of juvenile court judges. The Scandinavians did not wish to have judges deal with juveniles at all, but special commissions appointed for the purpose.

The Americans wished to recommend the elimination, so far as possible in juvenile proceedings, of the prosecuting attorney and the counsel for the defense. The French were entirely unwilling to agree to this. The Italians felt that the same judge or body which dealt with delinquents should also have cognizance of certain cases of abandoned or dependent children. This was opposed by Anglo-Saxons, but a resolution offered by Count Conti, of Rome, was finally adopted in a modified form.

M. Danjoy, chief of bureau of prison administration, France, was earnest in his advocacy of women on the bench, or in commissions appointed to handle cases of young women or of juveniles under 12 years.

The most interesting feature of the entire discussion was the earnestness of the debaters and the importance attached by all to the adoption of resolutions which should represent not only what was best in present practice, but what should be an ideal toward which to work.

Considerable time was spent on phraseology in order to make each resolution represent the exact idea intended—the continentals think us slovenly in this particular—but it was necessary occasionally to remind the section that after all the resolutions were an expression of an opinion and had no legislative force.

In their final form the resolutions adopted were as follows:

I. Young delinquents should not be subjected to the penal procedure now applied to adults.

II. The principles that should guide the procedure applied to young delinquents are as follows:

1. Those who are intrusted with the cognizance of the cases of young delinquents should be primarily chosen for their ability to understand and sympathize with children and should have some special knowledge of the social and psychological sciences.

2. They should have the assistance of probation officers to make preliminary examination in each case and to watch over and help those put on probation.

3. There should be made in connection with the cases of young delinquents such examinations as will contribute to the fund of information on juvenile delinquency, and the results should be used whenever practicable to help in

the disposition of the case. Medical examinations should be made only by physicians who have some special knowledge of the social and psychological sciences. The personal information obtained in these examinations shall not be made public.

4. Whenever possible in the case of young delinquents arrest should be avoided in bringing them before the authorities, and orders for arrest should be issued only in exceptional cases.

5. When necessary to detain young delinquents the detention should not be in quarters used for adults.

6. In those countries where a court is intrusted with the cognizance of the cases of young delinquents—

(a) Such cases should never be heard at the same session with adults; and

(b) It should be the tendency in the trial of juveniles to proceed as far as practicable by way of conference for the good of the child instead of contest about and over the child.

III. Those who are intrusted with the cognizance of the cases of young delinquents should also have the cognizance of the measures needed in the interest of abandoned or maltreated children.

The reports on question II, "Should special establishments be maintained for abnormal, backward, and feeble-minded children showing dangerous moral tendencies?" were reviewed by Dr. William J. Healey, of Chicago, Ill.

On the main question of separating the feeble-minded of criminal tendencies from the general class of feeble-minded there was radical difference of opinion. To the Americans the most interesting view was that presented by Dr. Goddard, of Vineland, N. J., who was present and declared most emphatically that segregation of the feeble-minded with criminal tendencies was not only unnecessary but positively unwise.

Inasmuch as the question seemed one to be decided by practical experience and expert judgment, there was little discussion, and the following resolution was unanimously adapted:

Resolved, That it is the sense of this section in discussing the question of the establishment of separate institutions for mentally defective children with dangerous moral tendencies that too little practical investigation of the subject has hitherto been undertaken for us competently to render a verdict. We, however, earnestly recommend that investigation be rapidly undertaken by well-qualified persons under private initiative or State authority—using the mental tests and classification which prominent students of the psychology of abnormal children have agreed upon and working with clear definition of the ends in view—such investigation to be primarily directed toward ascertainment of—

I. How many children numerically and proportionately there are (a) with dangerous moral tendencies in institutions for abnormal children, (b) with mental defect in institutions of the reformatory type or who come before juvenile courts.

II. How the directors of such institutions (a) regard the desirability of such cases as inmates of their institutions; (b) find it advisable to treat them; (c) estimate the success of their efforts.

Mrs. Isabel C. Barrows, of New York, reviewed the 11 reports submitted in answer to question III, "What measure should be taken to correct idleness and vagabondage of children in large cities?"

In the reports, as in the discussion which followed, those taking part laid the emphasis upon this or that special means of prevention, but there was no difficulty in arriving at a consensus of opinion. Ella Flagg Young, superintendent of public schools of Chicago, and Mrs. Emmons Blaine led the discussion on resolution III. There was an inclination among those specially interested in education to go into detail as to methods, but lack of time and the recognition

that technicalities had better be left to specialists soon brought about an agreement, and the resolution was adopted with some amendments.

The resolutions on question III as finally adopted were:

It is resolved that to prevent habits of vagrancy and idleness among children in large cities there should be—

I. Laws making parents responsible for the wrongdoing of their children; compelling deserting fathers to return to their duty or to support their children; allowing children to be taken from unfit homes and be properly placed for training and care.

II. Greater cooperation between school authorities and the public; better adaptation of school curricula both in interest and in practical use to the individual needs of the children; and that there should be more kindergartens and greater recognition of training in handwork for the children.

III. Vast additions to playgrounds, wholesome recreation centers, gymnasiums, and athletic fields as the surest preventives of juvenile mischief and crime and as affording young people places where they may learn to bear defeat with courage and success with modesty.

IV. Lectures to parents on practical subjects that shall tend to make better and happier homes as the wisest way to keep children from the idle, wandering life.

V. A stronger influence on the part of the press and pulpit to enforce the sentiment that the best bulwark against juvenile delinquency is to care for the children in such a way as to prevent them from becoming vagrants and idlers.

Only four reports were submitted on question IV, "Are special measures necessary for the protection of children born out of wedlock; and if so, what measures?" These were reviewed by Mrs. Jessie D. Hodder, of Boston, who had drafted eight resolutions expressing what seemed to many radical and even revolutionary views. Delegates from the United States, France, Holland, and England took part in the discussion.

Every speaker recognized the deplorable position of the illegitimate child in our modern society, and desired to alleviate it. The difficulty seemed to be in knowing how far it was safe to go in order not to seem to indorse illegitimacy or to strike a blow at marriage and the sacredness of the family. All agreed that the illegitimate child had an equal right to care and support. Considerable difference of opinion was expressed as to the right of inheritance, but the three words were all finally allowed to stand.

France was willing to vote for Resolution V, that illegitimate children may legally acquire their father's name, provided an amendment was added that this should be only in cases where the father was unmarried. After rather sharp discussion the resolution was rejected, as was also the eighth, which demanded social propaganda directed toward giving to illegitimate children "the place in the family group to which their blood relationship entitles them."

Six of the eight resolutions proposed were therefore adopted in the following form:

1. That in the opinion of this congress legislative measures and moral and social propaganda are necessary for the protection of illegitimate children.

2. That the object of legislative action should be so to modify existing laws as to make the care, support, and inheritance of illegitimate and legitimate children as nearly as possible identical.

3. That after the nursing period is over the decision as to which parent shall have the future care of an illegitimate child should be based upon the child's best interests and its need as a future citizen.

4. That whichever parent has not the care of the child should contribute toward its support and education.

5. That as illegitimacy is often the result of ignorance, it shall be the object of a moral propaganda—

(a) To instruct young people in matters of sex and its relations to the life and welfare of the State.

(b) To help build up a single moral standard applicable to men and women alike.

6. That as girl mothers often attempt abortion, abandonment of their child, or drift into prostitution, it shall be the object of a social propaganda to have connected with hospitals and all institutions where such girl mothers may go for advice and care a trained staff of workers whose duties shall be—

(a) To instruct said girl mother in the care of herself in view of her child's needs before and after birth.

(b) To secure from the child's father acknowledgment of paternity and the necessary financial provisions.

(c) To act as friend to the mother and guardian for the child.

The summaries of discussions here presented may be supplemented by the admirable translations of the most essential points of the papers, made by Mrs. Isabel C. Barrows and published in the proceedings of the American Prison Association, Washington meeting, 1910. Never before, since the first meeting in London in 1872, have the discussions been so fully made accessible to English-speaking people. The papers in full are printed in the volumes of proceedings of the International Prison Congress, all in the French language.

PUBLIC LECTURES DURING THE CONGRESS.

In addition to the usual sessions, at hours designated by the commission, several addresses were delivered by several delegates.

HISTORY OF THE FRENCH PRISON SOCIETY.

[Address by J. Spach, of the court of appeals, Paris.]

Louis XVIII, in the year 1814, ordered a reform in the conduct of prisons. Thus, for the first time, the principle of prison reform was officially recognized in France, that a prison should be a school for reformation and not a school of vice.

In 1819 money for the improvement of the prisons was voted by Parliament. The task of reform was vast, for not only was the amount of money needed large but the deeply rooted prejudices of the people against such expenditures had to be overcome.

A group of philanthropists felt that they should aid in the work and give to the prisons of the country the reforms demanded by religion, morality, justice, and humanity. Accordingly, on the 14th of June, 1819, the Royal Prison Society was organized, the society from which sprang the present Société Générale des Prisons de France.

A general committee on prison affairs was appointed by the minister of the interior, charged with the duty of studying the best management of prisons. The physical and moral atmosphere of these institutions was greatly improved by these efforts. Eleven years after the foundation of this royal society the Government ship foundered, dragging to shipwreck these well-laid plans. It was only in 1875 that they were again brought up for consideration, when the National Assembly appointed a commission to report upon penitentiary establishments and the best means of improving their con-

ditions. The most enlightened specialists were called before this commission, and among others Dr. E. C. Wines came to Versailles expressly to appear before it. After three years the commission recommended the introduction of the separate system into the prisons and the amendment of all the laws relative to juvenile delinquents and reform colonies. In addition to the president, M. d'Haussonville, M. Bérenger, and M. Voisin appeared before the National Assembly in behalf of these measures, and on the 9th of June, 1875, it was voted to adopt the separate system for the prisoners of France. Those persons condemned to long terms were to be allowed to choose between solitary confinement and the common prison, after serving a certain time in the individual cell. All new prisons were to be constructed for solitary confinement, the expense to be divided between the State and the Departments.

Although this law was passed, there were many difficulties to be met in carrying it out, and it was at that time that Messrs. Dufaure and Bérenger, in conjunction with other men of generous spirit, decided to form a new society to influence public opinion in favor of the law. They showed that the United States of America, England, Switzerland, and other countries had prison-reform associations and that through their influence public opinion was made to favor prison reform. They appealed to other nations as well as to France, since crime is international, to unite in a common effort to suppress it. The objects of the association were to be:

1. To hold periodic meetings for the discussion of prison questions.
2. To publish a review with reports from other lands as well as their own, as to what had been accomplished in the way of prison reform.
3. To bring about cooperation between the official prison commissioners and the guardian societies and prisoners' aid societies.

Thanks to these efforts, the General Society of Prisons of France was organized on the 22d of May, 1877, with Mr. Dufaure as president. The general secretary was Mr. F. Desportes, a member of the court of appeals and also of the prison council. It began with 400 members and showed its international character from the first by a discussion of a report presented by Count Sollohub, privy councilor of the Emperor of Russia.

Though penologists were in favor of the separate system, the public was long in being convinced of its value. There was also objection to the expense. The new society called for a competition of architects and the result was that it was seen that the expense would be much less than was feared, and in 1893 the legislature voted to facilitate the means for establishing the solitary system. On the 25th anniversary of the founding of the society they were therefore able to report that this reform had been brought about through their aid.

That was not all that was needed, however. It was also necessary to reclaim the prisoner and to prevent his falling again into crime and to rehabilitate him when released. This was to be the work of guardianship societies, which should not only look after the man on his release but prepare him for life outside by evoking the best in him while he was still in prison. If by visiting him while still a prisoner they could influence him toward reform, then, on his release, they could aid him still more by extending to him a friendly hand, finding him work, reconciling his family, and perhaps assist him to

emigrate to some other place where he could begin life anew. To this sort of work the prison society has devoted a great deal of its activity, calling a great congress of these aid societies in 1893, when a permanent union of such societies was formed. These societies form centers for information and for mutual aid. By means of this cooperation facts about particular cases can be obtained and concerning all sorts of preventive institutions, orphanages, refuges, asylums, aid societies, chances for work, and opportunities to join the Army or the Navy. It is also instrumental in organizing branches where hitherto they have not existed.

But guardian societies and the work connected with them did not embrace all that the General Prison Society of Prisons desired to cover. There were other principles to be advocated—conditional liberation and probation.

The latter principle had been applied both in England and the United States before Senator Béranger tried to acclimatize it in France. Contrary to the methods in those countries of releasing a man on probation before sentence, in France it was held to be just and proper that sentence should first be imposed, but that it should be suspended, and if amendment followed, it could be annulled after a certain time. Senator Béranger therefore drafted a bill, which became a law on the 26th of March, 1891, for a system of the lessening of penalty in certain cases and increasing it in others, especially for recidivists. This is the well known "Loi Béranger."

But the world of crime is not peopled alone with adults. Childhood, unhappily, has its place there, and the prison society has never ceased to labor for the redemption of juvenile delinquents. Since 1879 such subjects as industrial schools, reform schools, and correctional education have been constantly under discussion, and three reports which were submitted resulted in the drawing up of a bill which was placed before the Senate bureau in 1881. The society has always opposed imprisonment of juvenile delinquents. It has held that they should be sent to schools of different kinds, according to the individual cases, intrusted to their parents or guardians, or treated in such a way as to restore them to normal life without imprisonment, since too often they are more unfortunate than guilty.

The cause of juvenile crime has been one of the studies of the society, the methods adopted in other countries and the possibility of adapting them to French law, probation for children under surveillance—such are some of the subjects that have occupied the attention of the General Prison Society of France. Its ideas have been formulated in a few words by Mr. Ribot, the president:

Kindness, humanity, pity for the one who falls the first time; greater severity, more energetic and radical measures for those who show themselves incorrigible and who do not yield to moral suasion.

Founded at first to hasten the coming of penitentiary reform, it devoted itself actively to that, but it soon became evident that more must be done in the direction of legislation; that it was necessary to study penal law. The society then enlarged the scope of its work, and to retrace its progress since that time is to study the improvements in penal legislation in France since 1878. Through profound and disinterested study it has greatly helped the work of the legisla-

ture. Quite recently Senator Reinach submitted his bill for the suppression of the death penalty to this society for its criticism. One may say of the General Prison Society that nothing that has to do with penal law is foreign to it.

The doors of this society have always been open to specialists from other lands, and many a time it has placed on its programs the study of questions proposed by them; among others those of Prof. Van Hamel on the indeterminate sentence; of Mr. Lejeune, of Belgium, on the treatment of habitual drunkards. It is owing to the operation of this generous rivalry of foreign members that the *Revue Pénitentiaire* has become a veritable encyclopedia of French penal law and at the same time an international organ, allowing the foreigner as well as the Frenchman to keep in touch with the penal institutions of all countries.

But the society of prisons has not only been hospitable to others. It has also gone out to share in the work in other lands. In every international prison congress, from Stockholm to Washington, it has borne its part, sending its eminent members to share in the discussions and the decisions of those gatherings. For the advancement of penology there should be similar societies in all countries.

THE INFLUENCE OF THE STUDY OF THE RESULTS OF PRISON PUNISHMENTS ON LAW AND JUDICIAL DECISIONS.

[Address of Prof. George Kirchwey.]

There is little to support the view that criminal law and procedure have been largely determined by experiments with primitive measures. The criminal law of England and the United States is in the main representative of a class sentiment—criminal judges and prosecuting attorneys—to whom the administration of the criminal law is committed. The attitude of the public has been negative, one of callous indifference to the fate of the wrongdoer, while the professional opinion, by which that fate was mostly determined, has been but too firmly convinced of the wisdom and justice of the Draconian code which it administered. The slowness with which public opinion is formed would seem to require those interested in criminal law and prison reform to address themselves to the task of educating and forming the professional and expert opinion upon whose attitude so much depends. To do this the best way of approach must be found.

Punishment by imprisonment, for instance, is supported on many grounds—to vindicate the outraged dignity of the State, as a deterrent, as a salutary lesson to the offender, to restrain the offender, for moral amendment, to convert the wrongdoer into a useful member of society. It is to this diversity of ends that the difficulties of reforming existing conditions are due. But as all the ends are valid, as many as possible should be united in a properly devised penal system. Now, what can the study of conditions, past and present, teach in respect to them?

First, as to the vindictive theory, it still colors our jurisprudence. If a study of the social and personal history of the individual wrongdoer, including his heredity, proves that criminal conduct is usually the result of conditions more or less beyond the control of the delin-

quent it must shake the theory of moral responsibility upon which the vindictive idea of punishment is based. On the other hand, a study of the psychology of the mob would seem to point to a demand for rigorous dealing with crimes of certain sorts, till the community better appreciates the nature of crime and the conditions that determine it.

Second, as to the deterrent effect on others. There is something touching in the unquestioning faith of the legal profession, on the one hand, and of the man in the street, on the other, in the efficacy of this vicarious suffering for crimes not yet committed. It is a faith as yet unsupported by evidence.

Third, as to the deterrent effect on the offender himself, the fact that in some countries more than 50 per cent of criminals who have undergone prison punishment are again convicted of crime involving the same kind of punishment seems to indicate something else to be desired. The inquiry into recidivism—as to the nature of crimes that have been repeated—the nature of the punishments inflicted, might well be continued.

Fourth, the principle of long terms for hardened criminals has not been based on adequate study and it has not been attended by reformatory influences. This reproach has been to some extent removed by the sciences of criminology and sociology and by the development of reformatory treatment of criminals and the application of the indeterminate sentence. Here is an inviting field of study.

Fifth. The principle that punishment may be a means of moral amendment finds expression in many judicial utterances, but it is not to be wondered at that we find no traces of its efficiency. Perhaps under a penal system in which self-respect and manhood are restored punishment might be transmuted into gratitude and so into moral regeneration.

Sixth. The theory that imprisonment may wean a man from a criminal life has had little to commend it in the past. Under the new dispensation, which we are here to hasten, the theory acquires a new meaning. A study of the domestic and social environment of the individual criminal, especially in the case of a first offender, will throw light on the question of the length of confinement necessary.

Seventh. The principle of the reformation of criminals through imprisonment does not assume that all are susceptible of amendment. It does assume, however, that most men and women and all children will respond to the steady pressure of a wholesome, uplifting environment, and that the majority of those brought under its influence will become useful members of society. This has opened up a vast field of study—the field of human nature—in its normal and abnormal manifestations.

Of all these motives only those which connect themselves with the reformatory movement of the last 40 years have any considerable field for investigation, any commanding facts to bring to light, and consequently any future. The next few years will give us data of great importance relating to the obduracy of the incorrigible, the capacity of fallen manhood and womanhood to renew themselves, to the saving of children from lives of crime and shame. But there will be no facts for him who regards the criminal law as an instrument for venting hate and wrath on a convicted brother, none for him who would keep his fellow in subjection from terror, none for him

who would work redemption through another's suffering. It has been a long journey from the era of hatred and contempt, but the end of the reign of terror is in sight.

PRISON REFORM IN HOLLAND.

[Abstract of an address by Dr. Simon von der Aa, University of Groningen, Holland.]

Prison organization, in the proper sense of the word, began in the last part of the sixteenth century. Up to that time the judges had a confused variety of sentences which they might apply. At the head stood capital punishment, with corporal punishment of many kinds next. From our point of view we can in no way justify such methods of punishment.

But there was some light in the gloom. It rose in Holland at the end of the sixteenth century. In 1589 the bench of aldermen of Amsterdam objected to pronouncing the usual death sentence for theft on a boy of 16 and urged the burgomasters and council to find a better way of dealing with juveniles, that they might be compelled to labor and to give up their evil habits and amend their lives. After due deliberation it was ordered that a house should be erected where vagabonds and criminals should be confined and put to work for as long a time as the magistrates saw fit, and an old convent was set apart for the purpose. This *Ergasterium*, as it was called, was opened in 1596 with 12 inmates. The following year a similar institution was opened for girls and women who were found wandering about begging and leading a life of idleness. Here we have an institution which became the model for many others, and a new method of treatment was introduced which lies at the bottom of the different methods of imprisonment of the last century.

In London similar attempts were made in 1555, but without the same results. The institutions at Amsterdam were deterrent in character, for the labor was hard and the discipline severe. The inmates were beggars, vagabonds, able-bodied idlers, prostitutes, and thieves. Later, persons were held for more serious crimes. Most of them were sentenced by the criminal court, but the prison board was also authorized to arrest and imprison able-bodied persons begging without a license. The term of imprisonment could be prolonged for bad behavior within the institution. The duration of incarceration therefore could not always be fixed beforehand. Here, curiously enough, we find the first trace of the indeterminate sentence. For light offenses the period of detention might be measured in weeks or months, while for serious crimes it might be for years.

A third group of inmates were the juveniles sent by burgomasters at the request of parents for stubbornness; also older persons sent by relatives on account of dissipation. For these there was no fixed term of imprisonment.

In 1600 the town council decreed that youthful offenders should be kept apart from adults, and in 1603 another part of the building was set apart for the "sons of respectable citizens." The common people gave them the nickname of "white-bread children."

A board of distinguished burghers had the general management for each of these houses. They were assisted by two "regentesses" who had the supervision of the household affairs. Some of the inmates assisted in the care of the houses, and according to the standard of the times the material care was good. Each house had a courtyard around which were the rooms facing it. Some of the rooms served as workshops. The juveniles slept in separate cells. The women had special dormitories. This was perhaps the first attempt at separation as a prison system. The food was sufficient and sanitary conditions must have been good, for during the plague in Amsterdam these houses lost no one by death.

A medical man and teachers belonged to the staff. The younger inmates learned to read and the older ones had something "useful" read to them every day. Due consideration was paid to the spiritual welfare. Sermons were preached to them on Sundays, and each convict had a booklet containing the proverbs of Solomon.

But labor constituted the chief element of treatment. It was the pivot on which all else turned. Apart from the economic side it was regarded as of great moral value. There were industrial teachers. The men were put to the rasping of dyewood and to the weaving of stuffs and making of plush velvet. The children had lighter employment and instruction in trades. The women were occupied with wool dressing, net making, sewing, and knitting. The chief occupations gave name to the houses, which were known as the rasp house and the spin house, and these names were used in other places. The Government gave them the monopoly for the rasping of wood. Raw material was sent in, the production was delivered, and a certain sum was received for the handicraft. Even then, in the seventeenth century, the question of competition with free labor was discussed. Laziness was punished with severity, deprivation of food and corporal punishment. The man who refused to work was shut up in a cellar and water let in, and he had to pump with might and main to keep from drowning. Payment was given to the inmates and handed to them at their discharge. The aim seems to have been reformation by coercion, and at one time these old correction houses in Amsterdam occupied a quite exceptional place. Other places in Holland and Germany founded rasp and spin houses, and in many other places imprisonment began to be used instead of the old penalties. John Howard was greatly impressed when he visited Holland with the application of the maxim, "Make men diligent and they will be honest."

Is it too much to say, then, that the beginning of prison reform and the introduction of the new penalty of labor in Holland led the way to that form of imprisonment which followed and which still continues?

THE PROFESSIONAL TRAINING OF PRISON OFFICERS.

[By Prof. R. Vambery, Hungary.]

The following is a summary of a lecture by Prof. Vambery before the congress:

In all countries the selection of the human material which should put life into the dry prison system has thus far been left to chance. It is ridiculous to leave the carrying out of prison systems to men

who do not understand the theories on which they rest, men who hardly understand the letter, much less the spirit, of the act.

According to modern penological ideas the offender must be dealt with as an individual, since experts agree that crime is the issue of social and individual components, though it is not yet known in what measure each of these factors contributes to the production of crime. The old idea of punishment is dying out everywhere. In all countries it is agreed that youthful offenders need other treatment than incorrigible adults; that professional criminals and the partially responsible must be treated in a different way from the accidental criminal or the one who acts in passion. The jailor of the past was not able to make these distinctions, and it is quite evident that the change of ideas and of systems demands a change in prison officials. Two qualifications are necessary for the prison officer: (1) Soundness of character and professional knowledge; (2) tact and skill. These are indispensable. With the present pay and social position of the prison officer we may be glad if we can secure men of average talent, honest, and clear-headed, and even that is no light matter.

The choice of men may be a matter of chance, but the professional training is in our own hands. The need of such training seems not to be felt in England and America. It is thought that the duty of the prison staff is simply to carry out the instruction of the chief authorities, while the initiative for reforming the prisoners is the prerogative of the commissioners. This may be the result of the spirit of matter of factness on all social questions which characterizes the Anglo-Saxon race.

But with reformatories in America and the Borstal method in England, that is untenable. Practical experience in the penitentiary can not take the place of previous training, and that must be special training. The officer who understands the social and personal causes which provoked the crime will treat the offender in a different way from the officer who sees in him a representative of original sin. So the officer who understands the principles of prison work, of discipline, of instruction, will be very different from the automaton who mechanically obeys rules. Paul Herr, who thoroughly studied the American reformatory system, acknowledged the lack of scientific and regular education in the officials.

With the idea that the common guards come most closely in contact with the offender we should attach much importance to their training. There are such training schools in Italy, Spain, and Hungary. As long ago as 1874 Dr. Guillaume held such courses in Switzerland with the greatest success.

Superior officers should also have special training. Each chief officer should have a group of 20 or 30 prisoners coming under his personal influence. Japan, Spain, and Hungary are the only countries that have training for such superior officers. In Japan such subjects are taught as prison discipline, criminal psychology, penal law, prison hygiene, anthropometry, statistics, the principles of political and civil legislation, and pedagogics as applied to juvenile delinquents. Fifteen professors give these lectures. In Spain it is a two-year course. In Hungary for two years we have had special instruction for prison officers. The course is in two periods of 10

weeks each from 5 to 6 hours a day. Upon the completion of the course the students take an examination which counts in preferment.

The simplest way would be for the universities to add to their courses penology, criminology, and criminal psychology. This would give both judges and prison officers a chance to acquire knowledge useful for both. In Rome, Turin, and Naples professors of criminal anthropology have been appointed. In France progress has been made, but in Germany there is "no more a science of prisons than a science of hanging." In certain German states some courses of lectures are given, but these can not take the place of the professional training of prison officers. For more than a century we in Europe have been accustomed to see the sun of prison reform rise in the West. I am convinced that in this case also the light will first break forth in America.

JAPANESE PRISONS.

[By T. Sanagi, prison commissioner, department of justice, Japan.]

I. *The revision of the criminal code.*—In 1907 a bill was introduced in the Imperial Diet for a revision of the criminal code, which went into effect the following year. It simplified greatly the classification of crimes and widened the range of penalties, giving wider discretion to the judge.

II. *The suspension of sentence.*—Under the new code the execution of a sentence for not over two years may be suspended, and if at the expiration of the fixed term the suspension has not been canceled the judgment becomes null and void.

III. *Ticket of leave.*—The new code grants the possibility of leave on parole at the expiration of one-third of a short term and after 10 years in a life sentence.

IV. *Recidivism.*—The original penalty for recidivism has been doubled; the sentence to increase of penalty is not passed till after the execution of penalty. The cases to which aggravation of penalty may be applied are diminished.

Recidivism increases year by year. In 1908 there were 28,093 new offenders and 28,838 who had committed previous offenses.

V. *The age of responsibility has been raised from 12 to 14.*—Penitentiaries for children have been abolished and reformatories substituted. It is too soon to judge the effect of the new code, but there has been a decrease of 511 in the number of offenders during the last year. The decrease is most marked in crimes of gambling, lotteries, and theft; with increase in cases of fraud, intimidation, embezzlement, misappropriation, and violence.

To sum up, the new code pays more regard to the circumstances under which the crime was committed and to the character of the offender and recidivists receive longer sentences. The dread of punishment has been increased and habitual criminals have begun to engage in honest employment, as is seen in the diminution of gamblers and thieves. More signs of reform are seen in prison also. From the standpoint of criminal policy the results have been satisfactory.

The finger-print method of identification has been adopted. All prisoners submit to this, and the records are classified and kept in the

department of justice. This method comes up to the expectation entertained of it.

The revision of the prison law.—The successful working of a criminal code requires the harmonious cooperation of executive measures upon a sound basis of law, and for this reason a new prison bill went into operation with the new criminal code. The rules of procedure were made in conformity with the form and spirit of the prison law and were issued as an ordinance of the department of justice.

The prison law prescribes that persons under 18 sentenced for more than two months shall be kept in a special jail till the age of 20. Special provision is made for feeble-minded criminals and those who need physical care. Minors were formerly treated with special care, but the present prison laws are even more explicit in securing such care.

Jails are to be inspected at least once in two years. Persons with infectious diseases which are specified in the contagious-disease law may be refused admission by a prison warden, because to admit such persons to a jail is to endanger the health of all the prisoners and thus throw out of proportion the penalties pronounced upon them.

Unclaimed bodies of persons dying in prison may be used for dissection, provided the prisoner had not expressed his aversion to dissection previous to his death.

The prison law is too new to be judged, but already prisoners have learned that the law is not to be trifled with and consequently better order is maintained in the prisons. The shortening of the minimum term so that prisoners may go out sooner on ticket-of-leave (parole) is doubtless one of the causes of the better order, but the chief cause is the new practice of paying the prisoner for his labor. The behavior counts in deciding the amount that he shall receive, as well as what he actually earns. The fear of losing their earnings makes them both well-behaved and industrious.

Schools for prison officers.—These are of two kinds—for new wardens and for officers already in the service. A school for new ones is attached to every prison with a course of study of two months or more, with the instruction given by chief guards. The subjects, theoretical and practical, are as follows:

Prison laws and rules of procedure, duties of guards, outlines of criminal code and procedure, official service regulations, rules for surveillance and restraint, treatment of prisoners, rules for prisoner's work, sanitation, sick prisoners, rules for reports, rules regarding posture, etiquette, dress and discipline, gymnastics, fire drill, fencing, jiu jitsu, method of searching, method of personal description. Only those who can pass examinations in these are put into the service.

The school for prison officers is in Tokyo; the pupils are chief guards, one or two of whom are chosen from each prison. Instruction lasts four months, and two courses are held each year. Fifty-nine were graduated last year. Instruction is given on the theory and practice of inflicting penalties, the practical working of laws and regulations, and the outlines of prison administration. A majority of the prison governors now in office are graduates, and most of them are highly competent.

The number and kinds of prisons and officers.—The minister of justice controls all the prisons, and prison governors manage the

prisons. There are 56 central and 63 branch prisons. Of this number 4 are for males, 3 for females exclusively, and 7 for those under 18. A reformatory ship trains boys for sea. The prisons for women are managed entirely by female matrons and guards. Instruction is given to all under 18. In all there are 56 governors, 632 chief guards, 17 architects, 12 interpreters, 225 physicians, 220 chaplains, 45 schoolmasters, 47 pharmacutists, 8,230 guards, 431 female guards, and 263 foremen of industries.

Provisional liberation.—This is granted to those who have earned marks enough after the expiration of a third of their term or after 10 years with a life sentence. The person is recommended by the governor to the minister of justice, who decides on the release. Work must be provided and the man must be under police supervision. He must make monthly reports in person. With the permission of the prison authorities, the police may transfer the power of supervision to a friend of the man or to a priest or teacher of known good character. About 1,682 persons are annually released on parole and about 52 a year have their leave canceled. This is done by the minister of justice on the advice of the prison governor. The results of provisional liberation are highly satisfactory.

Protection of discharged prisoners.—There are three classes of protecting or guardian societies:

1. Those that provide factories for prisoners who have been discharged.
2. Those that find employment for discharged prisoners in shops, factories, or with private individuals.
3. Those that find day's work for the men and shelter for them at night.

The first have the appearance of prisons and are avoided. There are 57 societies for protecting discharged prisoners, 10 incorporated. The Government established an encouragement fund amounting to 10,000 a year, which is distributed among these societies. In 1909 about 1,717 prisoners were aided. Much more work of this kind should be done.

CLOSING MEETING.

SATURDAY, October 8—9.30 a. m.

The president, Prof. Henderson, announces that the next congress will be held at London in 1915, and gives notice of the new bureau of the commission, which now includes 22 countries, owing to the adhesion of Spain, Transvaal, and Egypt, while it is hoped that Japan and China will also join the list. [Prolonged cheers.] The acts of congress, including a full account of the trip, will be edited by Dr. Guillaume and Dr. Borel.

President Henderson addressed the meeting in the following words:

Ladies and gentlemen, it is often intimated that science and practice are separable or even antagonistic. That is a matter which depends on the representatives of each field; in any adequate view there is no opposition. If either factor is misunderstood, there may be dispute on the relative value of one or the other; there is no place for distrust, envy, or scorn.

What is science? Surely no competent person will think of it as a dogma whose authority is assumed, whose basis is merely the assertion of one who

knows nothing of the facts. Science is not a mere individual judgment or speculation. Positively science, in any true or proper sense, is as full and complete a description of facts as can be made, and the scientific method is the best way of discovering and presenting the facts which the human mind has up to date worked out. Science is also the most adequate and systematic explanation of all the facts. And, finally, science is the most adequate account man can make of the system of means used to attain the ends of social action. Science does not differ from ordinary knowledge; it is knowledge made as systematic, complete, and adequate as possible. All thoughtful men may contribute to it. But in order to be sure that one is really making a new and distinct contribution he must know what others in all parts of the world have already discovered, and there the work of the scholar is indispensable. Much life is wasted in trying experiments which have already been tried at great cost. Many a man boasts of having made a discovery when in reality his idea is already commonplace.

With this summary definition in mind we can fix the position and the duty of the administrator and of the student. Indeed the administrator may also be a student, and he is all the wiser and more effective leader for this double endowment.

But the facts themselves are numerous, of many kinds, and they are widely scattered over the world. Hence the need of cooperation between those whose work is largely with books and statistics and those whose chief duty is in contact with a specific and limited area of observation and experience. The extent of personal observation, even in a long life, is relatively narrow; each thinker completes his view by comparing his results with those of various countries.

This International Prison Congress has brought together men of science and practice from all fields; narrow opinions have been considered; provincial and local notions have been tested by principles derived from the experiments of many nations. The next congress will be held in the greatest city of the earth; in the country where are the graves of the ancestors of many of our population.

When we gather in great London, where, in 1872, the first International Prison Congress was convened, we hope to meet under the presidency of our genial and talented colleague who has been so valuable a leader in this congress. After this splendid congress we separate with regret, but we carry to our several posts of duty delightful and affectionate remembrances. In all lands the bonds of unity and mutual respect have been strengthened; on every sea commerce and property will be more secure; in every diplomatic controversy judicial consideration of disputed questions will be more sane and reasonable for this conference between enlightened men who henceforth will ever be personal friends as well as coworkers in science and practice. No one can calculate the enormous economic and political value of these weeks we have spent together.

President Henderson then addressed, on behalf of the congress, his heartfelt thanks to all—aids, interpreters, secretaries, bureau, and presidents of the sections and of the general assembly; he thanked also the editor in chief, Dr. Borel, and the general secretary, Dr. Guillaume, who laid down his post and on whom, as a token of gratitude, the commission conferred the title of honorary president.

Sir Evelyn Ruggles-Brise, hailed by cheers, then addressed the assembly in the following language:

Ladies and gentlemen, I am deeply sensible of the honor which has been conferred upon me. To some men honor comes by merit, to others by force of circumstances.

This honor is bestowed not on me personally but on the country which I represent. Circumstances make it fitting that after nearly 50 years this congress, which is growing old, should revisit the scenes of its youth, there to draw, as I hope, fresh inspiration and encouragement for a second triumphal march around the world.

You all know that the London congress of 1872 was organized by American influences, notably that of the celebrated Dr. Wines, and though there was an English committee of organization, and the English Government gave its formal support, London was chosen as a convenient place between the Old World and the New. England did not formally join the International Prison Commission

until 1895, when I was sent by the Government to the Paris congress, and took my seat on the commission in the following year. It so happens that the minister, Mr. Asquith, who, as home secretary at that time, sent me to Paris in 1895, is now prime minister of England, and it is in his name and by his authority that the invitation of the British Government to hold the next congress in London has been sent.

No one can say who will be prime minister of England in 1915, but I can assure you, with the greatest confidence, that a congress like this, representing as it does a great and growing movement on behalf of humanity, and being independent as it is, and above all party or political considerations, will find in England, or rather in Great Britain—for Scotland and Ireland are very essential parts of the whole—a more than cordial welcome.

We often boast with the conceit and self-complacency which is characteristic of our island, separated as it is by nature from other nations perhaps even more enlightened and progressive than ourselves, of our great humanity and our interest in all those movements which make for improved social conditions and the betterment of man; we take advantage of the "*omne ignotum pro magnifico*," and try to make people believe that our institutions are the best in the world, including our penal institutions, but now, gentlemen, you will have the opportunity of judging for yourselves.

I invite you with some diffidence, and I tell you frankly that the value and strength of our penal institutions is rather in the spirit than in the form.

We are an old country. Our buildings are old and our laws are old. You will not judge us, therefore, by the outside but by the inward spirit, which informs and directs us to a lofty conception of the purposes of punishment and the reclaimability of man.

Though it is a joy for me and my country to welcome you to London, it is a great sadness to say good-by to this Congress and to America, and to that personification of what is best and noblest in America, our president, Dr. Henderson. The papers call him the philosopher of Illinois, but I place him higher than this and on a plane which is the highest on which I can place any man.

He seems, from the loftiness of his views, from his noble aspirations for better and higher things, to be a chosen agent, not only to express the best sentiments of the thousands of earnest and devoted men and women in this great continent, but to carry those sentiments into practical execution.

He is not a philosopher only, but a "prophet" in the old scriptural sense, a man who will take his people with him into the promised land.

It is not easy for me to succeed such a man in the high office to which I am now called, but I can at least do my best, and I certainly share with him his conception of the mighty purpose and function of the International Prison Congress.

This is my fourth congress, and I can talk with some experience of the spirit that animates the movement.

There is a famous saying attributed to Madame Roland, one of the heroines of the French Revolution, "*Derrière les tenebres elle apercevait toujours le Dieu construisant l'univers*"—that is, behind the darkness she always saw God constructing the world. I have often thought of these words when I have been brought into contact at these congresses with the noble and earnest men and women working quietly and unostentatiously in their respective spheres in the cause of humanity, determined, if possible, to diminish the sum of human misery and to re-create opportunity, that great watchword and principle of human progress.

Let us glance for a moment at the object and purpose of these congresses. It has been said that a hundred years ago Beccaria, Montesquieu, and Bentham, by calling back the criminal law to utilitarian ends, were able to put an end to that vast amount of needless suffering which resulted from the severity of the old codes. Needless severity, cruelty, and unnecessary suffering have passed out of the codes of the civilized world. If, then, it may be assumed that penal codes are no longer cruel, and that prison administration in all countries is well ordered and humane, what is left to the International Prison Congress?

It is, firstly, to limit the field of the operation of criminal law. Secondly, when for the protection of society and the maintenance of the law it is necessary that the law should strike, that it should not strike blindly, but that the penalty should be adjusted as far as practicable to the particular circumstances of each individual case. Thirdly, that where it has struck, and perhaps hardly, there should be rehabilitation and re-creation.

The first rôle is the province of the investigation of the causes of crime and the elimination of those causes by all that science and humanity can suggest.

Working with us in this field we have philosophers, with their knowledge of the human heart and their broad outlook on life. We have professors of all the sciences from the universities. We have the great eager and ever-inquiring medical profession; and last, but not least, that contingent of devoted women who, to the teaching of philosophy, science, and medicine, bring a delicate and sensitive appreciation of all those evils that flow from neglect of childhood and bad environment in early life.

The second rôle is for the jurist and prison official. The professor of law from the university, the judge from the courts, the wardens and members of boards of charity and parole here join hands and try to find an adjustment of penalty by a system which shall at the same time maintain the majesty of the law, the good discipline of prisons, and the due protection of society.

And, thirdly, there is the great question of patronage or rehabilitation. The great French writer, Mr. Tarde, has described patronage as "the life-saving apparatus without which there must be a shipwreck of all prison systems." He says, in words of great eloquence, that a nation whose power of self-sacrifice is exhausted, is living on its capital and its decadence is not far off. You may be reassured in America that your end is not yet at hand, for your fund of self-sacrifice in aid of the prisoner is very full and ample; and may I say, parenthetically, and without any desire to criticize, that if you would only see that some of that fund, not in cash, but in heart and consideration, is given to your petty offenders in your county and city jails, you would be conferring a very great personal favor on me and paying a great compliment to the delegates about to quit your shores?

If they feel as I do, they will do so with a sad heart, with a happy memory of all they have seen and heard, with a sincere appreciation of the kindness and hospitality with which they have been received, and with a great determination that the next congress—of 1915—shall be a worthy successor to that of 1910.

Dr. Guillaume expressed his thanks for the tokens of esteem and appreciation which have been given him.

M. Conti, on behalf of all delegates, thanked the President and the people of the United States.

The president recalled the memory of Dr. Wines and of Dr. Samuel Barrows, and closed the meeting at 10.30.

THE EXCURSION TO MOUNT VERNON.

The reception committee of Washington arranged for an excursion to visit the home and tomb of George Washington at Mount Vernon. The invitations were issued in the names of the Attorney General and the Secretary of the Treasury, on behalf of the Government.

Automobiles carried the guests from the hotel to the foot of Seventh Street, where they boarded the *Apache* for the river trip. The landing was made by motor boats, and two hours were spent in visiting the beautiful grounds and the comfortable but modest old mansion where George Washington lived and died.

The foreign delegates, as well as native-born Americans, were glad to pay their homage of respect and affection to the great man whose noblest title was "Father of his Country."

APPRECIATION BY FOREIGN DELEGATES.

After the Eighth International Prison Congress in Washington the representatives of various countries, upon their return home, published articles in official and scientific journals which express their

satisfaction with their hospitable reception in this country, and discuss our institutions and the problems before the congress. It is impossible to reproduce these articles in this volume. Those which have been sent are as follows:

1. Report to the secretary of state for the home department on the proceedings of the Eighth International Penitentiary Congress, held at Washington, October, 1910, by Sir E. Ruggles-Brise, K. C. B.
2. *L'Esprit Social aux Etats-Unis et en Europe*, par Adolphe Prius, *Revue de l'Universite de Bruxelles*, Fevrier, 1911.
3. *Relazione sul Congresso Penitanzario Intrenazionale di Washington*, a Sua Eccellenza il Prof. Luigi Luzzatti, Ministro dell' Interno; Prof Ugo Conti, Roma, 1911.
4. *El Congreso Penitenciario de Washington*, E. Silvela, Biblioteca Ateneo, Madrid, 1911.
5. *Az Eszakamerikai Buntetojogmai Vezereszmei es Reforimutezmenyei*, Prof. Finkey Ferencz, Budapest, 1911.
6. Report on the Eighth International Prison Congress, D. E. Kastorkis, Athens, 1911.
7. *Verslag von de gedelegeerden bij het VIIIste Internationale Penitentiari Congris*, Washington, 1910. Prof. Simon van der Aa, in *Nederlandsche Staatscourant*, 1911.
8. *Congreso Penitenciario de Washington*, Informe del Delegado, Dr. Armando Claros, Buenos Aires, 1911.
9. *Ergebnisse meiner Amerikafahrt*, von Georg Stammer, Mannheim, 1910, from *Blatter fur Gefangniskunde*.
10. Account of the International Prison Congress at Washington, by Prof. P. E. Dublinsky, in the *Journal of the Ministry of Justice*, March, 1911.
11. The *Revue Penitentiaire* has had full and friendly accounts of the congress.

"The Gift of the American Prison Association and the Russell Sage Foundation," note of thanks by Prof. Borel, on behalf of the foreign delegation.

The American Prison Association and the Russell Sage Foundation together have presented to the members of the International Prison Congress of Washington a work in five volumes. Four of these were prepared under the direction of our president, Prof. C. R. Henderson, under the general title "Correction and Prevention." The following are the divisions:

Volume I. Prison Reform, by Messrs. Henderson, Sanborn, F. H. Wines, and others, together with "The Criminal Law of the United States," by Mr. Eugene Smith.

Volume II. Penal and Reformatory Institutions, by 16 writers.

Volume III. Preventive Means, by Dr. Henderson.

Volume IV. The Care and Treatment of Children, by Dr. H. H. Hart, with special articles by various experts.

A fifth volume, also edited by Dr. Hart, contains a résumé of all the laws in the United States on juvenile courts, collated by Mr. Thomas J. Homer.

We can only refer in brief, at this time, to the value of this monumental work, where are condensed so many things of interest to this congress. In the name of all the delegates we would express our warm gratitude to the American Prison Association, to the Russell Sage Foundation, and with their sincere congratulations to the editor and his collaborators.

DINNERS TO THE CONGRESS.

[Report by the Editor in Chief, Prof. E. Borel.]

On Tuesday evening the American Prison Association tendered a delightfully ordered dinner to the men and women of the congress. It was served in the beautifully decorated banquet hall of the New Willard Hotel. The members of the American Prison Association, with their wives, received their guests with the charming cordiality of which they have the secret and with frank gaiety. Thanks to a delicate attention on the part of Mr. Cheney, of Connecticut, every guest received in a handsome leather book cover a silk flag bearing the stars and strips, and at the playing of "The Star Spangled Banner" these were waved with great delight. Words of welcome were spoken by Mr. Amos W. Butler, president of the association; after which there were speeches by Messrs. Mills, Khrouleff, Prins, Henderson, Spach, Ahlo, Whitman, Hale, and Pettigrove. Warm applause followed when Mrs. Rickl de Bellye—introduced felicitously by Mr. van der Aa—made a graceful little presentation speech in behalf of the Europeans present, and a silver service, their gift to Mr. and Mrs. Mills, was placed before them as a testimonial of the gratitude and affection of the delegates from other lands. Mr. Mills expressed his appreciation of this unexpected pleasure, and Mrs. Mills added her own thanks in a few well-chosen words.

On Thursday evening the Attorney General, Mr. Wickersham, invited the official delegates to a dinner in the red salon of the New Willard, richly decorated for the occasion. Speeches where humor disputed sway with high thoughts and eloquence marked the evening. The speakers were Messrs. Wickersham, Scott (of Scotland), Ogawa (of Japan), Silvela (of Spain), King (of China), Garvin, Gilmour, and Pierantoni, closing with Dr. Henderson, whose noble address called forth prolonged and warm applause.

MEETING OF THE INTERNATIONAL PRISON COMMISSION.

The International Prison Commission held a meeting on the 7th instant, when, accepting thankfully the gracious invitation extended by the British Government, it decided to hold at London the next International Prison Congress, which decision was communicated to the congress at the closing meeting.

The commission put in the chair Sir Evelyn Ruggles-Brise, British commissioner, and conferred the honorary presidency on Prof. Charles Richmond Henderson, the former president, and on Dr. Guillaume, who had declined a reelection as secretary. Prof. Simon van der Aa was elected secretary, and Dr. Fr. Woxen confirmed as treasurer of the commission.