

✓
INTERNATIONAL CONGRESS

ON THE

PREVENTION AND REPRESSION OF CRIME,

INCLUDING

Penal and Reformatory Treatment:

Definitely fixed to open Wednesday, July 3, 1872,

IN LONDON.



SECOND CIRCULAR LETTER,

ADDRESSED TO THE NATIONAL COMMITTEES IN THE
SEVERAL COUNTRIES PROPOSING TO TAKE
PART IN THE CONGRESS.

432

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CONTENTS.

	PAGE
I. Introductory and Explanatory.....	3
II. Replies from National Committees to Circular of Dec. 12.....	3
1. The Netherlands: Letter from M. Pols.....	3
2. Switzerland: Letter from Dr. Guillaume.....	4
Second Letter from Dr. Guillaume.....	4
3. England: Letter from Mr. Pears.....	5
Mr. F. Hill's Questions.....	6
Second Letter from Mr. Pears.....	6
Letter from Sir W. Crofton.....	7
Questions by English Committee.....	7
4. Belgium: Letter from M. Berden.....	8
5. German Empire: Letter from Herr Steinmann.....	8
Letter from Baron Von Holtzendorff.....	9
Second Letter from Baron Von Holtzendorff....	9
6. France: Letter from M. de Lamarque.....	9
Letter from M. Jaillant.....	10
7. Russia: Letter from Count Sollohub.....	10
8. Italy: Letter from the Italian Committee.....	10
Questions whose Investigation has been commenced by the Royal Commission of Italy.....	14
III. Title of the Congress.....	16
IV. Place and Time of the Congress.....	16
V. National Committees.....	16
VI. International Committee.....	16
VII. Composition of the Congress.....	17
VIII. Duration of the Congress.....	17
IX. Papers designed for the Congress.....	17
X. Memoranda on Prisons and Reformatories of Countries represented in the Congress.....	18
XI. Programme of Proceedings.....	19
XII. Languages to be used in the Congress.....	22
XIII. Central Bureau of Intelligence.....	23
XIV. Transactions of the Congress.....	23
XV. Conclusion.....	23
Appendix.....	25
Questions proposed by Count Sollohub, in view of the Congress.....	25

CIRCULAR LETTER.

OFFICE OF THE NATIONAL PRISON ASSOCIATION OF THE
UNITED STATES OF AMERICA,
No. 46 BIBLE HOUSE, Astor Place, New York, March 26, 1872. }

TO THE NATIONAL COMMITTEE OF

I. INTRODUCTORY AND EXPLANATORY.

The circular letter, addressed to the National Committees of different countries on the International Penitentiary Congress, under date of December 12th, 1871, was issued by direction of the National Prison Association of the United States. Since that time a National Committee for the United States, composed of the Governors of the several States and a number of distinguished citizens in each, has been appointed, of which Committee HENRY W. BELLOWS, D.D., has been designated Chairman, and the undersigned Secretary. Henceforth it is this National Committee which is charged with whatever, in the United States, appertains to preparation for the Congress; and, accordingly, the present circular is issued in its name and by its authority.

II. REPLIES OF NATIONAL COMMITTEES TO THE CIRCULAR LETTER OF DECEMBER 12TH.

The design of the first circular sent out was, first, to offer suggestions, and, secondly, to invite them. To that paper the following replies have been received, the publication of which *in extenso*, it is believed, will be most satisfactory to the National Committees of the several countries proposing to take part in the Congress, as affording them a full view of all the suggestions that have been made in the very language of those who have offered them. From some countries, in which National Committees have not yet been formed, letters have been written by gentlemen either in official positions or prominently connected with prison reform, containing interesting statements of fact or valuable suggestions. Extracts from such letters are appended.

1. THE NETHERLANDS.

The National Committee of Netherlands replies through its Chairman, Mr. M. S. Pols, as follows:

THE HAGUE, 12th January, 1872.

DEAR SIR: Your circular letter of the 12th December, 1871, has been carefully considered by our Committee. A few objections concerning some of the suggested points were raised and discussed, but the result was that the Committee was unanimous in giving their adhesion to the whole. We only call your attention to the date fixed for the opening. It contains a manifest *error*, as the 3rd of July does not coincide with a Tuesday. We mention this error, because it may as yet have escaped you, and might lead to some misunderstanding. The only grave objection raised in our discussion related to the suggested way of preparing the programme of the topics of debate. If we rightfully interpret the circular, this programme will be fixed by the General or International Committee, and will not be communicated to the members before the opening of the Congress. It was urged that, to insure a sound and thorough debate, it would be desirable that the programme should be fixed and published some time before the meeting of the Congress. But this would perhaps involve a postponement of the time fixed for the Congress, and, moreover, a meeting of the General

Committee some weeks before the opening of the Congress would be too inconvenient to members coming from distant countries. So the objection was abandoned.

As the several points of the circular are still to be regarded in the light of suggestion, we will postpone action in regard to some of them till we have heard of their definitive adoption. It is desirable that this matter should be settled as soon as possible, that we may issue our invitations, so that those who are to prepare papers for the Congress may be enabled to do so. We have ascertained, however, that our Government will send delegates to the Congress; and if the International Committee is agreed upon, our Committee will also delegate some of its members. Moreover, one of the Committee has been invited to prepare the memoranda mentioned in the 7th section of the circular.

As to the programme of proceedings, described in the 8th section, we have no objection. Nor have we any special wish that the death penalty should be discussed. That question was settled in our country in 1870, when, after mature deliberation, capital punishment, long since defunct *de facto*, was formally abolished. It was only retained for some military crimes in times of war; and thus, though it has not yet been abolished in our Indian possessions, the question has lost much of its actuality for us, and would probably lead to little practical result by a discussion in the Congress. But in reviewing the topics mentioned in the programme, our attention was called to the unsatisfactory state of international prison statistics, caused by the great divergence in the form of the national statistics. It was asked whether the meeting of the Government delegates could not be made useful to the adoption by the different states of uniform statistical tables. This question is still in consideration; if it leads to some proposition, we will more fully explain our wish.

I remain, dear sir,

Yours faithfully,

M. S. POLS.

2. SWITZERLAND.

The National Committee of Switzerland sends through its Chairman, Dr. Guillaume, the following reply:

NEUCHÂTEL, Jan. 27, 1872.

DEAR SIR: In reply to your circular of the 12th December, 1871, I have the honor to say to you that we have little to propose as regards the general programme of the approaching Congress. The date of the meeting appears rather near. The time necessary for the preliminary labors is very short. But, as you say, the year 1872 having been fixed upon for the Congress, it became necessary to defer to the wishes of the country in which it is to be held.

An extract from your circular was sent to the several members of the Swiss Society for Penitentiary Reform, and they were invited to attend the Congress and to prepare papers upon one or other of the questions which have been made the subject of their special studies and observations.

The Federal Council has done me the honor to name me as official delegate, and will give a similar commission to other members of "the Swiss Society for perfecting the Penal System and Penitentiary Discipline," so that it is probable that five or six Swiss will undertake the journey to London.

As regards the programme (Section VIII.), we should like to see in it, among the important questions, that of the *abolition of the death penalty*, which, precisely because it is still, in our day, the subject of controversy, ought to be brought before so competent an assembly as the Congress of London, which, above all, will have for its mission to discuss and to announce principles. This question has made progress in Switzerland, and all who believe that the essential aim of punishment is to seek the moral reformation of the criminal, find that this principle is incompatible with that of the maintenance of the death penalty.

Be pleased to receive, my dear sir,

My sincere salutations,

DR. GUILLAUME.

DR. WINES, 46 Bible House, New York.

Dr. Guillaume writes in a second letter as follows:

NEUCHÂTEL, 25th Feb., 1872.

MY DEAR SIR: I have received your welcome letter of the 6th February, and beg to inform you of what we have thus far done in view of the approaching Con-

gress. Your circular has been communicated to all the members of the Swiss Society for Penitentiary Reform. This Society numbers 200 members, scattered through all the Cantons. The journals have also reproduced the circular, so that the public is sufficiently informed as regards the projected movement. We have addressed letters to various persons inviting them to write papers, and I hope that M. Orelli, of Zurich, the Swiss Criminalist, who is most occupied with penitentiary questions, will prepare an essay on penal legislation. I am in correspondence with a director of police, who would be able to furnish an essay relative to police action. Madame Lina Beck will write some pages on female prisons; and M. Vaucher Crémieux, of Geneva, who has been named by the Government as co-delegate with myself, will bring a memoir on preventive measures. I am engaged in preparing the memorandum on the present state of the Swiss prisons. This will be read in one of the general sessions, if your programme is adopted. I hope to enrich it with some statistical data, which, however, are procured with difficulty. The Swiss Society will hold a meeting at Neuchâtel the 27th May, and the Congress of London will then be made the order of the day. You see, my dear Sir, that we are not inactive; that we are seeking to awaken the interest of Switzerland in the solution of the grave questions which will be discussed at the Congress; and that we desire to contribute towards that solution to the extent of our ability.

As I have already had the honor to inform you, we desired to see the Congress postponed to 1873. We fear that Germany and France, particularly the latter, will be preoccupied with other questions. But since nothing can be changed in this regard, we have nothing to propose in reference to the programme suggested in your circular, except that the question of the death penalty be introduced therein. The Federal Chambers have just inscribed in the draft of the revised Constitution of Switzerland the abolition of this punishment; and we hope that the people will ratify the principle. The maintenance of this penalty does not comport with the beautiful Christian and philanthropic principles which you adopted in the Congress of Cincinnati. Capital punishment has been abolished in our Canton since 1854, and crimes have rather diminished than increased.

Sanitary questions (*mens sana in corpore sano*) ought to form the subject of an attention altogether special. We think that it is time to enlighten public opinion on this point, and to declare that psychology ought to be physiological, and that philosophy should have a place in science.

Accept, my dear Sir, my very sincere and respectful salutations,

DR. GUILLAUME.

3. ENGLAND.

The National Committee of England replies through its Secretary, Edwin Pears, Esq. :

Two communications have been received from the Secretary of the English Committee, one dated before the former circular was issued, the other subsequently, both of which are printed because both contain suggestions regarding the Congress. A letter from the Right Honorable Sir Walter Crofton, C.B., Chairman of the Executive Committee of the National Committee, is also printed, as being of a suggestive character. Also certain questions by Mr. F. Hill, a member of the Committee; and still further, a series of questions suggested by the Committee itself.

(a) FIRST LETTER FROM MR. PEARS.

OFFICE OF THE SOCIAL SCIENCE ASSOCIATION, }
1 ADAM STREET, ADELPHI, }
LONDON, Nov. 30th, 1871. }

DEAR SIR: We have had a meeting of the Committee since you left us, and are now getting into the work. The Committee, in going through the series of topics which you have suggested on pp. 12-14 of your "Statement,"* wished me to suggest to you that there would be great advantage if the number could be somewhat reduced. It seemed to them that to go through the whole of the programme, in the order in which it was given, would sometimes cause unnecessary repetition, and would take so long as to exclude the question of juvenile reformatories and others which will require to be dealt with.

They venture to suggest, therefore, after having gone carefully through the

* That made in the London Meeting.

twenty-five topics, that it would be well if a grouping something like the following should be adopted:

- I. 1.
- II. 2, 3, 4, 5, 6, 7, 11, 12, and 14 together.
- III. 8.
- IV. 9 and 18 together.
- V. 13.
- VI. 10, 15, 16, and 17 together.
- VII. 19.
- VIII. 20 and 24 together.
- IX. 23.
- X. 25.

This accounts for all the topics except 21 and 22; and these the Committee suggest, might be omitted.

When the Committee had nearly concluded its sitting, Mr. Frederic Hill, who had been accidentally delayed, joined it and read a series of questions which he had framed after the form used in the meetings of the Social Science Association, but based on the suggestions in your statement. The Committee thought it would be well that you should have these in hand as a means of possibly affording valuable suggestions. I accordingly enclose them.

The Committee were of opinion that it would be well that the principle upon which longer or shorter sentences should be based, ought to be brought prominently forward at the Congress.

Our General Committee now is increasing in numbers. We have invited Earl Carnarvon to be its President, and I anticipate he will comply.

Believe me to be, dear sir,

Very sincerely yours,

EDWIN PEARS, *Secretary.*

DR. WINES.

(b) MR. HILL'S QUESTIONS.

1. What are the best kinds of punishment to inflict on criminals?
2. As relates to the punishment of imprisonment, on what principle should the duration of the punishment be determined?
3. How far is it desirable that prisoners should be kept individually separate, and how far in association? And when in association, how far is it expedient to enforce silence among them?
4. On what principles should labor in prisons be regulated? How far ought it to be of a productive character, and how far, if at all, merely penal? How much work should be exacted from prisoners, and should they be allowed the value of any overwork they may perform, or be allowed in some other way to have a share of their earnings?
5. In what way and to what extent should direct moral and religious instruction be given in prisons?
6. How far should visits from members of a prisoner's family be allowed, or correspondence with them permitted?
7. How far should co-operation in the treatment of prisoners be invited from benevolent members of society, to extend not only during the period of imprisonment, but afterwards?
8. What arrangements should be made for the gradual preparation of prisoners for their liberation?
9. How far should liberated prisoners be subject to supervision?
10. How far is the principle of volunteer management, which in Reformatories has been applied to the young, applicable to adults?

(c.) SECOND LETTER FROM MR. PEARS.

OFFICE OF THE SOCIAL SCIENCE ASSOCIATION, }
 1 ADAM STREET, ADELPHI, }
 LONDON, Feb. 2, 1872. }

DEAR DOCTOR WINES: Our Committee has carefully considered the circular letter which you were kind enough to forward, and they have asked me to communicate to you various suggestions.

1. The first is, that it would be well that I should write to each country which will be represented, and ask for a summary, *in English*, of the general statement to be

drawn up by each National Committee, as suggested by you, and that this summary should be printed and circulated for use at the meeting.

2. The Committee are of opinion that it would be undesirable that there should be sections, and that it would be better simply to allot special days for particular subjects.

3. They are inclined to think also that it would be well to discuss, not perhaps the general question as to the abolition of the death penalty, but—what have been the effects of the abolition of that penalty? In this way the Congress might collect valuable information.

4. Would it not be well also that the National Committees should be asked to read and select their own papers first (p. 4)?

5. On page 6, No. 2, after "result," add, "whether there is uniformity in the treatment of prisoners under the same sentences."

6. On page 7, No. 9, after "entered it," add, "whether there are any probationary homes or other means for furthering the employment of well-conducted prisoners on release—as to the payment of gratuities," &c.

7. After 12, add as 13, "Returns of the well-doing of liberated prisoners, showing the authority and mode of collection upon which they are based."

Very sincerely yours,

EDWIN PEARS.

(d) SIR WALTER CROFTON'S LETTER.

HILLINGDON, UXBRIDGE, *Feb. 3d, 1872.*

MY DEAR DR. WINES: A meeting of our Committee was held on Wednesday last, and some suggestions, with regard to your paper, were directed to be forwarded to you by the Secretary. By this time, or very shortly, you will, no doubt, receive them. Very little alteration has been proposed; some trifling additions have been made to the subjects of prison discipline, &c.; and also an opinion expressed favorable to the discussion of the subject of Capital Punishment, and unfavorable to the division into Sections of the meeting. I think myself the division into sections would be a serious evil, for the subjects are so intimately connected that they may be more profitably discussed together. Certain days can be fixed for the consideration of the different branches of the subject, and we should have the advantage of the presence of those who have considered the matter as a whole.

I remain, dear Dr. Wines,

Yours very truly,

WALTER CROFTON.

(e) QUESTIONS SUGGESTED BY THE ENGLISH COMMITTEE FOR DISCUSSION AT INTERNATIONAL PRISON CONGRESS.

First.—As to Reformatories for Juveniles.

1. Is the great reduction of crime caused by what are called Reformatories for Juveniles, due chiefly, *first*, to the reformation of the individuals received? or, *secondly*, to the deterrence produced on others by a dread of the length of the sentence? or, *thirdly*, by the preventing any from becoming skilled in crime, and therefore from being fitted to corrupt and instruct others? Or, if all three causes operate, what proportion of the result may be attributed to each?

2. If it appear that out of the whole number of convictions punished by short imprisonments only a very small percentage relapses, is it well to send children, on a first conviction, to the long and expensive process of a reformatory, or should that be retained for second convictions?

3. Is it within the scope of Reformatory Schools to educate those who are not under proper care and control, or are such schools simply to be used for the reformation of offenders?

4. Is it right to relieve a parent from all expense and responsibility in respect of a child placed in a reformatory, making the latter a child of the State? or is it better to compel the parent to make some payment towards the maintenance of the child?

5. Generally, how far is it desirable that all classes engaged in the repression of crime, whether Judges, Magistrates, Gaolers, Reformatory Managers, or Police, should be paid officials? Or how far is it desirable to associate with Government officials the voluntary aid of other persons?

Second.—As to Police.

6. Is there any reason why a well-ordered Police should not, under proper limitations, perform the duty of watching and actively befriending discharged prisoners, who are living honestly, and of watching and restraining those likely to relapse?

7. Is it better that the police should be used only for the detection and punishment of crime? or may they with advantage and economy be employed in public service of many kinds, as sanitary officers, inspectors of weights and measures, inspectors of lodging and dwelling houses, in finding employment for men out of work, and the like?

Third.—As to Sentences.

8. Is the object of punishment an exact retaliation for the past crime? the prevention of future crime? or the reformation of the offender? How far may these objects enter severally into the design of punishment? And what is the order of their importance?

9. Would it not be expedient that judges and magistrates should agree, as a general rule, to adopt a cumulative system of sentences depending far more on previous convictions than on the features of the recent crime—yet retaining power to vary it in extraordinary cases?

10. Ought not the lighter offences, such as riotous drunkenness, assaults, &c., to be punished on a system which, if less rapidly cumulative than in cases of theft, shall yet prevent any long-continued habit of setting the law at defiance?

4. BELGIUM.

Letter from M. Berden, Administrator of Prisons.

The appointment of a National Committee for Belgium has been for some time under consideration by the government, but the committee has not yet been named. M. Berden, under date of 5th Feb., 1872, writes to the undersigned as follows: "I hope that within a few days the Minister of Justice will have definitively formed the list of members of the Congress for Belgium, and that I shall be able, when communicating to you the names of the members of the National Committee, to give you at the same time the names of the persons who will be sent to London for the great work."

5. THE GERMAN EMPIRE.

The National Committee for the German Empire has not yet been formed, but three letters have been received—one from Herr Steinmann, Privy Councillor of the Government and Reporting Councillor of the Ministry of the Interior, who has been placed by the Minister, Count Eulenburg, in charge of all matters pertaining to the International Penitentiary Congress for the empire; the other two from Baron Von Holtzendorff, Professor of Law in the University of Berlin.

(a) Letter from Councillor Steinmann.

BERLIN, Feb. 8, 1872.

HONORED SIR: The letters which you had the kindness to address to me on the 13th and 15th of last month have been received. I beg leave to answer them as follows:

1. Of the States of the German Empire, Prussia, Bavaria, and Baden will be officially represented at the International Congress. My expectation is that Saxony and Wurtemberg will also be officially represented, although no special notice to that effect has yet been given me.

2. An attendance of a non-official character has been contemplated, in the first place, by the Berlin "Society of Jurists," who, as far as I know, are going to send Professor Von Holtzendorff to the Congress.

3. With this gentleman and some other friends and experts in prison affairs, I shall have a conference within the next few days, when we shall agree upon the formation of a German National Committee, which will be charged with undertaking the preparations for the Congress, as advised by your circular of December 12th, and to secure a general attendance from Germany.

Finally, accept, Honored Sir, the assurance of my distinguished esteem,

STEINMANN,

Privy Councillor of Government, and
Reporting Councillor in the Ministry of the Interior.

(b) *Letters from Prof. Baron Von Holtzendorff.*

Baron Von Holtzendorff, to whom reference is made in the above note of Councillor Steinmann, and who will no doubt be a member of the National Committee to be formed, has made, in his correspondence with the undersigned, various suggestions regarding the Congress. In a letter dated Berlin, Jan. 21, 1872, he says: As a Commissioner of your Government, you should request the other Governments participating in the Congress to furnish the plans of their most recent prison constructions, and at the same time a model of their oldest prison still in use. Such an illustration would render an important service to the science of comparative prison discipline. Each Government, besides, should send a copy of its criminal code and the existing *prison legislation*. These materials must be deemed almost necessary, with a view to a complete report to me made after the close of the Congress.

Next we should contrive to have a good paper read on the following question: "General Principles and National Peculiarities in Prison Reform," such paper to serve as an introduction to healthy discussion. We must take care not to fall into abstract generalities, without having due regard to the particular circumstances of each country; on the other hand, it appears dangerous for the Congress to be absorbed into many subordinate details, belonging exclusively to the prison experience of individual countries. No paper, therefore, should be read unless it has previously undergone the ordeal of proper selection, made by the Executive Committee.

It is my intention to move before the Congress, that, in consideration of many advantages to be derived from the International Prison Congress, as proposed by the United States Government, it be declared expedient and useful to periodically assemble the Congress, from time to time, in different countries, and that the next Congress ought to be held in America, the place and time of meeting to be fixed by the American Association.

It is my firm conviction that *periodicity* will add very much to the authority of the Congress. The first London Congress will teach us the best manner of discussion and of transacting business. Later Congresses will enjoy the advantage of wider experience. Perhaps three years may appear as the most appropriate term of periodicity. Let me hear of your and your friends' views upon such a motion, whether there is any expectation of having it sufficiently supported by influential members of the Congress.

In his other letter Baron Von Holtzendorff says:

My views as to the formalities to be observed at the Congress are these:

1. No *regulations* should be passed with regard to systems or principles.
2. The attention of the Congress should not be given to mere trifling details.
3. It must be acknowledged that, according to the practical mode of carrying out a certain system, there are many allowances to be made to the condition of each country.
4. The moral authority of the Congress should be directed to condemning the spirit of *deterrent punishment*, of mere crank prison work, infliction of corporal pain. The ends of *human justice* must be reconciled to personal reformation of the offender.
5. The *progressive* system in its *generalities* might be considered as the most hopeful; therefore, a fair amount of long sentences to be awarded to *habitual* offenders.
6. The notion of *habitual crime* needs stricter definition than it has received as yet. How to prove a "*recidive*." How to arrange prison statistics.
7. The position of America with regard to *emigration* of convicts should be strictly defined. Many people consider the success of the Irish system as based upon *voluntary* emigration.
8. The relations between prison labor and free labor, rightful and wrongful *competition* with free labor.
9. Emigration useful to *juvenile* delinquents.

There are many other questions *equally* important; I have selected the above to denote the current of our *German* interests.

There must be *certain* points to be made out. After the close of the Congress, a *commission* ought to be given to a few members to digest the experience accumulated in the Congress, and to report thereon.

6. FRANCE.

The undersigned, while in France last summer, was given to understand that a Prison Commission, created by Napoleon in 1869, would be revived by the present Government, and would be officially charged to act as a National Committee for that country. A letter, dated Paris, Jan. 29, 1872, has recently been received from

Mr. de Lamarque, Chief of Bureau in the Direction of Prisons, in which he says: "The Imperial Commission, instituted in 1869, to inquire into the best means of aiding discharged prisoners, and, subsidiarily, to study the reforms necessary to be introduced into our prisons, is about to be reorganized. In our next letter we will give you, I hope, some exact details in this regard."

In a letter of later date, received from Mons. Jaillant, Director of Prisons in France, that gentleman says: The Commission named in 1869 to study the ameliorations required in the penitentiary system, and which was obliged, on account of the events of 1870-'71, to suspend its labors, will soon resume them. Its reorganization is under consideration, and, if the government has postponed this question, it is owing to preoccupations of every kind which have engaged its attention, and by which it is still absorbed. You recall to my recollection the Congress which is to have place in London next July. France will very certainly be represented in it. She will not lose her interest in the great social penitentiary movement, which demands to-day more than ever the attention of governments and peoples.

7. RUSSIA.

Negotiations, through Minister Curtin, are in progress with the Russian Government, to secure official representation in the Congress from the great Empire of the North. Meanwhile, Count W. Sollohub, a distinguished friend and promoter of prison reform in that country, has written a letter to the undersigned, accompanied by a pamphlet, containing—1. A memoir, written some years ago, at the request of the undersigned, on the Prison Question in Russia, and published in one of the annual reports of the N. Y. Prison Association. 2. An appendix to the memoir, giving some very interesting prison statistics. 3. An extended series of questions, suggesting topics for consideration and resolution by the Congress. 4. A set of questions, left by the undersigned with European Governments, relating to the prisons and prison administrations of the several European countries, designed to elicit information concerning the actual state of penal affairs in those countries. Count Sollohub's questions will be printed as an appendix to the present circular. His letter is as follows:

ST. PETERSBURG, 19th Jan., 1872.

DEAR SIR: I began to write you a reply, but it has grown into a pamphlet. [Referring to the two sets of questions, the Count proceeds]: We diverge at this point: that you seek to ascertain what is, and I what ought to be. The reason which dictated my questions is, that as the Congress cannot continue long, every word uttered in it ought to be useful; that we must brush away whatever is defective everywhere; and must point out what will be everywhere just, true, and humane. I have not, in my questions, touched on the question of relapses. That is a question of jurisprudence. The prison is not modified by it. Would you not think it expedient to publish my questions in English, with such observations and criticisms as may seem to you proper? Do you not think that, prior to the meeting of the Congress, there should be an informal preliminary conference in some central place, Frankfort, for example?

Yours sincerely,

COUNT W. SOLLOHUB.

8. ITALY.

Reply of the National Committee of Italy:

SIR: We reply, without delay, to your letter of the 12th December last, and since dissent is forbidden in regard to the place selected for the International Congress and the time at which it is to be held, we direct our attention to what relates to the other arrangements therefor, which must exercise a strong influence upon the results, more or less beneficent, of the contemplated Congress.

But although we abstain from any discussion of the two points above mentioned, which have been already determined, we cannot refrain from at least expressing the wish that the effort of your honorable Association may be directed to secure the legal and moral representation therein of two among the greatest nations of Europe—Germany and France—in such manner that both may bring to it the impulse of their national life, the results of their experience, the treasures of their knowledge.

We proceed now to take up, in succession, the several heads of your letter, and to briefly offer the suggestions which you have invited.

Section III.—General International Committee.

To this Committee, which will naturally be the centre of action, and be charged with the work of ordering and arranging whatever comes before the Congress for

discussion, it does not appear to us that the necessary time is given for the accomplishment of the duty laid upon it, nor that the sphere of its functions is traced with sufficient definiteness. Composed of delegates from all the National Committees, it will, as a natural consequence, be the appointed representative of the various civilized nations of the world, the expression of the studies, in each country, of the individual National Committees. Now, within a period of ten or twelve days, this Committee must read and form a judgment upon all the papers presented; must select those which have sufficient merit to engage the consideration of the Congress; must arrange the order of proceedings; and must formulate and submit a series of principles such as that indicated in Section VIII., to the end that they may be discussed and voted upon by the Congress. For such a labor, if seriously performed, there would be required, it seems to us, a somewhat longer time. But if, instead, it were made the function of the International Committee to ratify what has already been done, it is our opinion that it would not be necessary, for such a purpose, to call it together in advance, but that to the real active Committee might be left the entire responsibility of its appropriate work.

To the International Committee should belong, you say, the right of selecting the questions to be brought before the full Congress; whereas, in our judgment, no one, supposing the assemblage to be really an International Congress, could assume such an authority. As regards these questions, it does not seem to us that, in your circular letter, you speak quite explicitly enough; yet on this matter it is desirable that we understand each other clearly and in good time.

In our opinion, then, the committee which is actually constituted to make the necessary preparations should, with the greatest care, gather together all the propositions submitted to it, and, when collected, should arrange them in due order, accompany them with its own observations and propositions if it think proper, and transmit them to the several National Committees, that these may make them the object of their study. Finally, the International Committee, consisting of delegates from the individual National Committees, should select those questions which it judges most deserving of consideration by the Congress, and a definite and unalterable programme being thus established, it should cause the same to be published in advance of the general meeting, so that all who propose to take part in it may be informed of the questions which will be submitted for discussion, and so may be prepared to support their own opinions as well as to combat those which may be contrary to their individual convictions.

One of the gravest reproaches, and perhaps the most just, which has been made against these great reunions, is that of being sometimes reduced to mere academies, whose echo continued but for a brief period, and was then lost in vacuity, precisely because they were composed of persons, certainly of the highest authority, but called together without preliminary programme, and without having had the time necessary to collect and arrange their thoughts upon questions recognized by all as of the gravest importance.

The questions which engaged the attention of prior Congresses were raised, as it were, upon the sudden, and the resolutions and votings were rather by acclamation than after mature discussion. An International Congress, to which are invited eminent persons from every part of the world, should abandon that old and useless method of procedure, and adopt a better, thus securing results which will find a permanent place in the annals of social science.

In speaking of the duration of the Congress, you justly observe that it ought not to be limited to any specific time, since it is desirable to draw all possible profit from the knowledge of so many people gathered in London from a distance of hundreds and even thousands of miles. For the same reason, it will be useful to subject to the judgment of that supreme tribunal of science all questions recognized as of an order truly scientific and to be stated in the form of maxims; and such a compilation can be made only by an International Committee.

Section VI.—Papers to be Read in the Congress.

You say that competent specialists of different countries should be invited to write memoirs upon various questions to be submitted to the study of the Congress. We are of a different opinion on this point. In our view, the International Committee should have the right to accept or reject the questions that come to it; but when a question has been accepted, this ought to carry with it the labor, on the part of him who has proposed the question, of resolving it, in case at least that he does not decline the honor. The question (we speak of those submitted by competent persons) is but the result of long meditations, of studies directed to its solution; and the pro-

poser should be the answerer, except only in a case in which the same question comes from different persons, when the International Committee might choose the one on whom to lay the charge, having in mind all those considerations of convenience and utility which there is no occasion at present to point out.

Section VII.—Memoirs on the Prisons and Prison Administrations of the Different Countries which are Represented in the Congress.

Highly useful, we think, will be the reading of these papers. The same was done in divers other Congresses, but each reporter held himself within such limits only as he judged fit, and, as a consequence, the whole benefit hoped from them was not realized. It seems to us that a more practical aim should now be kept in view; and the tracing of the principal points which is proposed conjointly with those which may be added by the different National Committees, will result in great advantage by enabling every one to compare the various systems with each other, and thus profit by the experience of all. We are therefore of the opinion that the time devoted to these memoirs ought not to be less than that accorded to the other papers, and that, instead of reading them continuously within the first three days, they should be read two at most each day in general session; a plan which would have the additional advantage of breaking a monotony which is a great hindrance to labor.

As far as regards the points to be touched upon in the several memoirs, we have many to add to those which you have given; but we confine ourselves to the most important.

1. *The Prison System.*

What in your country are the limits of the judicial power in regard to prisons for detention and prisons for punishment? How is provision made for the construction of each? What, within the last five years, has been the number of convicts, distinguishing between those sentenced to the different kinds of punishment? How many of these have been transferred into houses of punishment? how many removed to detention prisons? and why? What is the average duration of preliminary detention in your prisons? Are women subjected to the same discipline as men, or is there some exception in their case, and what?

2. *General Administration.*

Where there exists this central authority, what are the branches or departments of service depending upon it? With what ministry is it connected? What are its relations with the other administrations of the State? Within what limits may the central and local directions severally punish infractions of law which are committed by the convicts? What guarantees are given to the prisoner, which may be enforced in case of abuses committed upon him by the local authorities?

3. *Discipline.*

What are found to be the most efficacious disciplinary punishments? Are corporal punishments used? are they often inflicted? are they believed to be necessary? Are incorrigible prisoners subjected to a special discipline? What are the corrective agencies used in regard to them?

6. *Labor.*

What is the average duration of the period of apprenticeship in the various trades? What is the difference between the wages paid to laboring convicts and the wages of free laborers? In what proportions are the wages earned by each convict divided? What part of his share can the convict spend? What is the average amount expended at the *cantine*? Can convicts who desire to be exempt from the labor of the prison obtain that privilege? On what conditions, if at all, is this privilege accorded?

7. *The Personnel.*

Is the *personnel* of the prison staff selected from discharged soldiers, or indiscriminately from all those who make application for places upon it? In what proportions are the keepers taken from the army as compared with those taken from civil life? How many are employed in the houses of punishment? How many in the detention prisons? In what proportions are these, as compared with the prison population? How many have been licensed within the past year of the first class, and how many of the second? How many have demanded and obtained their discharge? What are the punishments to which they may be subjected? What compensation and what rations are accorded to them?

8. *Sanitary State.*

What is the classification of diseases, which is adopted in the statistical registers? What is the average duration of each case of sickness? What are the prevailing diseases? What is the number of insane prisoners? What is the number of suicides accomplished, attempted, simulated? What are the special means adopted in the houses of punishment to verify the condition of the physical state of prisoners, whether on their admission or at their discharge from a house of punishment?

9. *Reformatory Results.*

Of the convicts returned to liberty within the last year, how many entered the prison without knowing any trade, and left it with the knowledge of one? Have the liberated convicts continued to exercise the trade they learned while in prison? What are the means in use for registering the relapses of each convict? What is the number of recidivists who have, during the last year, been committed to your prisons?

10. *Sentences.*

What is the average duration of the sentences for each kind of punishment? What is the number of escapes? Are other artificial means employed to prevent them which may supplement and facilitate the surveillance of the prison staff? In what proportion are convicts who escape punished by the law? To what punishments are keepers subjected who, through negligence or complicity, have suffered a convict to escape?

11. *Reformatories.*

With what funds are these sustained, what is the average number of youths, and the authority by which they were committed? For what classes of the inmates are the parents compelled to pay a part of the cost to the Government, what sum is exacted, and by what authority? Within what limits is the right of the parent restricted to cause his children to be confined in a reformatory?

Section VIII.—Programme Suggested for the Congress.

None can deny the necessity of dividing the Congress into sections, not only that its labors may be duly ordered, but that they may be so distributed that each may easily find his centre of action and such subjects for discussion as are most homogeneous with the studies to which he has been devoted. In this view we think the sections may be arranged as follows: I. Criminal Law Reform. II. Establishments of Preliminary Detention and of Punishment. III. Reformatories. IV. Preventive and Complementary Institutions.

In effect, the modifications which we propose are more of form than of substance. You assign to the police a special section which would have little to discuss, unless it is proposed to study that part of the public administration in its minute details. You make no special reference to detention prisons, which nevertheless present questions of the gravest importance. You do not distinguish between preventive institutions and reformatories. We, on the other hand, assign to reformatories an entire section, because we are convinced of the mass and complexity of grave points which are connected with them. We bring under discussion other points relating to preliminary detention. And, regarding the police from a different point of view, we have placed it in that section which embraces workhouses and prisons devoted to the treatment of prostitutes and vagrants, and to the consideration of conditional liberations, etc., etc. Where the National Committees of other countries have made different propositions, especially as regards this classification, which seems to us fundamental, it might perhaps be well to communicate them to the committees in advance, so that they might engage the attention of the International Committee.

Section IX.—Results of the Congress.

If the questions are selected and formulated with judgment by an International Committee, if they are published in time for every one to turn his attention to them, if the discussion on the papers which shall be read on each question is open and carried out with wisdom, to conclusions clear, exact, and concise, if none of the great nations fail to answer the summons, but instead, joyful and zealous, each nation hastens thither, by persons expressly delegated, we believe that the results of this general reunion now proposed will be immense. The establishment of a central bureau, with the functions proposed, might certainly be highly useful; but this might, perhaps, awaken feelings which would create obstacles to any general agreement.

Let us, then, content ourselves with commencing our common work, and it will,

in any case, be a great benefit which we shall have obtained, when gathered together and bringing each the contribution, more or less rich, of his own toil, we shall be able to show by the results the duty fulfilled which nations as well as individuals have to help each other.

Meanwhile, in conjunction with our present letter, we have the honor to transmit a list of the questions upon the study of which the commission named in the royal decree of the 5th of November has already entered. You will see to what order of problems it is devoting its labors, and how many subsidiary questions will be resolved with the solution of the primary ones.

F. CARDON,

Director-General of Prisons.

MINGHELLI VAINI,

MARTINO BELTRANI-SCALIA,

Inspectors-General of Prisons.

Rome, 22d Jan., 1872.

QUESTIONS WHOSE INVESTIGATION HAS BEEN ALREADY COMMENCED BY THE ITALIAN COMMISSION NAMED IN THE ROYAL DECREE OF NOVEMBER 5TH, 1871.

1. What is the best mode of building and equipping, in the shortest time, public workhouses, to which may be sent, by the criminal judge, minors under fourteen years, who may have committed crimes or misdemeanors without discernment, and minors of sixteen years—idle, vagrant, and addicted to mendicancy—as provided by the code; and of erecting and furnishing houses of refuge, in which, on complaint of the parent, are sentenced to hard labor disorderly and incorrigible youths by the civil judge, agreeably to the terms of the civil code?

(a) Whether it be expedient to give to these establishments the character of agricultural and industrial houses, or of workhouses in which the labor is of a sedentary kind?

(b) Whether it be expedient to provide that the government or directors of such establishments should have power to indenture the minors, whose reformation is sought, to private families or private agricultural or industrial homes, and what would be the best moral and material guarantees to be adopted on this subject?

(c) How paternal authority should be regulated as regards houses of refuge, in which minors are sentenced to hard labor?

2. How best to accomplish the speedy construction and adequate equipment of detention prisons?

(a) Whether the question of cellular separation, as far as detention prisons are concerned, ought not to be considered as decided by the law as it now stands?

(b) If so, whether it would not be proper to propose to the Government, as one of the measures most urgent, a more extended application of the existing system, adding thereto those ameliorations and those means of actualization, which may facilitate the acceptance of what is proposed?

(c) Whether the detention prisons ought to receive all who are arrested, without distinction of age?

(d) Whether it is proper to use the detention prisons as places of punishment for certain classes of persons sentenced to imprisonments of a short duration; and if so, to determine what classes, and add the means of maintaining intact the separation, and discriminating between the treatment applied to those under sentence and those simply awaiting trial?

3. What would be the best means of improving the *personnel* of the prison staff?

(a) Are special qualifications required to form a good prison officer?

(b) Is it advantageous that the keepers of penitentiaries and detention prisons be regarded as still belonging to the army?

(c) If so, ought not the time spent in the service of the prisons to be credited to the keepers as time passed in actual service under the flag, and should it not hasten by so much the period of their discharge?

(d) In that case, ought not the keepers to be selected from the second category?

(e) Should not the keepers of the county prisons (*i guardati delle prigioni mandamentali*) be also appointed and paid by the Government, the communal and provincial law of 1865 having been modified to this effect?

4. Whether official visitors should be admitted into the detention prisons?

(a) What should be the limits of their interference?

(b) What should be their relations with and their dependence on the local direction?

5. What is the penitentiary system that best responds to the object of punishment? Whether there should be one punishment only, from whose duration and the severity of the internal discipline is derived the rule for determining the nature of the offences, either as controlling the jurisdiction or as modifying all the other juridical effects of the guilt and the sentences?

(a) Supposing capital punishment abolished, what substitute could be proposed that would answer to the conception of the highest punishment?

(b) If the abolition of the bagnios should be determined upon, what transitional arrangements would be adapted to the gradual application of this reform in its relations to the penitentiary system that shall be adopted?

(c) Whether, in the meantime, it would not be expedient to enact a law authorizing the transfer of incorrigible convicts to cellular prisons, and of well-behaved convicts to bagnios, in which they would be constantly employed in productive labor in the open air?

(d) Whether, whenever each province shall hereafter have a penitentiary proportioned to the criminal movement of its population, it would not conduce to the efficacy of the punishment that the convicts should not undergo their punishment in their own or an adjacent province, but in one distant therefrom?

(e) The question of exile:

Where exile is admitted as a new punishment, or as a mode of undergoing the penalties already prescribed in the code, it should be declared within what limits, in what manner, and for what kinds of offences it ought to be applied, and what would be for Italy, under existing circumstances, the best practical means of carrying it into effect.

(f) Whether minors, women, old men, and persons sentenced for political offences, in suffering their punishments, should be subjected to the same régime which is applied to adults, to males, and to persons convicted of ordinary offences?

(g) The question of transportation:

Whether it is not expedient to propose transportation for other classes of delinquents—say for idlers, vagrants, able-bodied beggars, tramps, and suspicious characters—after a second or third relapse (conformably to the penalties established by the penal code), who shall expiate their offences in penitentiaries now existing, or in penitentiaries to be erected in colonies which shall be founded on islands destined to serve as places of transportation?

6. Indicate the institutions complementary of the penitentiary system which is to be proposed, by considering:

(a) Whether it is expedient to promote and encourage societies of official visitors of the prisons; and if so, how should they be organized, and in what manner discharge their functions?

(b) Whether it is believed practicable to introduce the system of conditional liberations; and if so, under what regulations they may be admitted?

(c) Whether the system of supplementary detention should be established; and if so, to whom should be confided the power of assigning it in cases where it is deemed admissible?

(d) What is the best plan of organizing patronage societies in aid of discharged prisoners?

7. Whether, as a corollary of the studies on the questions proposed above, an order should be issued for the application of the system to be adopted in accordance with the two existing codes of the kingdom?

8. In what manner should the exercise of the right of pardon be regulated so as not to unduly soften the severity of the discipline in penitentiary establishments?

9. Whether, prior to or after the necessary legislative reforms for expediting judicial proceedings, an accused person who has been confined in a detention prison should, if convicted, have the time passed in such prison, wholly or in part, included in the punishment awarded him, and whether, in case of his acquittal, he should be entitled to an adequate indemnity by the State for the time lost by him in his preliminary imprisonment?

10. Whether it is expedient to convert, and if so, in what manner it will be possible to convert, simple imprisonment into imprisonment at hard labor, and whether—and if so, how—the non-payment of fines, by persons confined in detention prisons, may be similarly converted into an equivalent in hard labor?

11. What modifications might be introduced into the existing code with a view of making more effective the penalty for the escape of prisoners, and that of complicity with such escapes on the part of prison keepers?

12. Whether the physicians of penitentiaries should be chosen, preferably, from

among those who have devoted special attention to the study of insanity, and had special experience in that department of practice, and how far their service should extend in the disciplinary management of the prisons, to the end that not only due observance may be maintained of the general laws of health, with special application to each individual, but also that the mental condition of every prisoner may receive the consideration which it demands?

III. TITLE OF THE CONGRESS.

The full title of the proposed conference, adopted after careful consideration, and in view of the wide range of questions which it might be deemed desirable to submit to the discussion of the body, is as follows: "International Congress on the Prevention and Repression of Crime, including Penal and Reformatory Treatment." This designation is broad enough to let in all questions in any way bearing on the agencies designed to restrain and contract the swelling volume of criminality—such as criminal law reform, police action, preventive measures and institutions, the reformation of juvenile delinquents, prison discipline, etc., etc. The full title being too long for ordinary citation, the following has been adopted as a convenient short one, viz.: "International Penitentiary Congress."

IV. PLACE AND TIME OF THE CONGRESS.

London has been definitely fixed upon as the place for holding the International Congress, and Wednesday, the 3d of July, of the current year, as the time for opening its sessions.

V. NATIONAL COMMITTEES.

National Committees have been formed in various countries, and will be, no doubt, in others; which committees will be charged with whatever in each country pertains to preparation for the Congress. More particularly, the functions of the National Committee will be: 1. To serve as an organ of correspondence with other similar committees. 2. To prepare a memorandum to be submitted to the Congress on prisons and reformatories of its own country. 3. To issue invitations to such persons as it may judge competent and desirable to take part in the Congress as members. 4. To suggest topics for discussion and invite suitable persons to prepare papers.

The following persons, holding severally the position of chairman or secretary of the committees in their respective countries, may be addressed on matters pertaining to the Congress, viz.:

- ← EDWIN PEARS, Esq., No. 1 Adam Street, Adelphi, London, W. C., England.
- ← Mons. VICTOR BOURNAT, Avocat, No. 20 Rue Jacob, Paris, France.
- ← Mons. J. STEVENS, Inspector-General of Prisons, Brussels, Belgium.
- ← Mons. M. S. POLS, Avocat, The Hague, Netherlands.
- ← Signor F. CARDON, Director-General of Prisons, Rome, Italy.
- ← Dr. GUILLAUME, Director of the Penitentiary, Neuchâtel, Switzerland.
- ← Señor JOSÉ MARIA VILLAMIZAR GALLARDO, Bogota, Colombia, South America.
- ← Dr. E. C. WINES, 46 Bible House, New York, United States.
- ← Herr STEINMANN, Privy Councillor of the Government, No. 8 Langrafen Strasse, Berlin, Prussia. N.B.—At latest dates, the committee had not been, but was on the point of being, formed for Germany. Meanwhile, letters relating to the Congress may be addressed to Herr STEINMANN, who has been specially deputed by the Minister of the Interior to look after this business.

Señor ANTONIO MARTINEZ DE CASTRO, México, Mex.

Special circumstances have delayed action in Austria; but it is hoped that definitive steps in reference to participation in the Congress may be taken soon; and, in the meantime, letters may be addressed, unofficially, to Dr. Eduard Ritter Von Liszt, Procureur-Général, Vienna, who takes a warm interest in the Congress.

VI. INTERNATIONAL OR GENERAL COMMITTEE.

An International Committee will be constituted from the several National Committees, by each designating such number of its members as it may think fit, not exceeding five. This Committee will meet, at 12 o'clock meridian, ten days in advance of the Congress, in the Rooms of the National Association for the Promotion of Social Science, No. 1 Adam Street, Adelphi, unless some other place be, in the meantime, designated for the meeting by the National Committee for England.

The functions of this General Committee will be: 1. To examine and pass upon the papers that may be offered for the purpose of being read in the Congress. 2. To draw up a series of propositions, designed to express the general conclusions of the Congress, which propositions are to be, at the proper time, submitted to the consideration and, if approved, the adoption of the body, with or without amendment. 3. To arrange and cause to be printed a programme of proceedings. 4. Generally, to have all things in readiness for the work in hand as soon as the Congress shall have been organized.

It will have been noticed that the National Committee for Italy, in its reply to the circular of December 12th, questions whether the time allowed for the labors of this Committee be sufficient for the due performance of the work assigned it. This criticism would seem to rest upon the assumption that the Committee will, throughout its labors, act always as a unit; whereas, it is presumed that, in point of fact, it will divide itself into various sub-committees for the details of the required work, and will, in general session, but pass upon the reports of these smaller committees. In this way it is believed that, using the proper diligence, it will readily accomplish, in a satisfactory manner, the task committed to its hands.

It will have been further observed that Count Sollohub, of Russia, suggests an informal preliminary conference at Frankfort. The objection to this is: 1. That, if generally attended, it would add materially to the expenses of the Congress, which the countries participating will no doubt find sufficiently onerous without this added burden. 2. That, if not generally attended (as it would not be likely to be), it might give an undue advantage to the countries adjacent to the place of meeting. The true preparatory conference will be the sessions of the International Committee, where the representatives of all nations are invited, desired, and expected to be present, and where all nations, therefore, will have an equal chance, and none can possibly complain of unfairness.

VII. COMPOSITION OF THE CONGRESS.

The Congress is to be constituted of two classes of delegates, viz.: Official members, designated by Governments, and non-official members, appointed by boards of prison or reformatory managers, by patronage or aid societies, etc., or invited by the National Committee of each particular country. What is specially desired and sought is, that the Congress shall embody, representatively, all the experience, knowledge, and wisdom of the world, theoretical and practical, on the questions which are to come before it. Though semi-official in its character, the body is to be simply a consultative assemblage. Its conclusions will be of no *binding* force, but will have only such weight, and no more, as may be given them by the dignity and authority of the body itself; but this, from the constitution of the Congress, is likely to be greater than has belonged to any similar assemblage ever heretofore convened.

VIII. DURATION OF THE CONGRESS.

This must be determined by the body itself. Its title indicates the breadth of its labors. It can hardly get through with its work in less than a fortnight; possibly a longer period will be required. In any case, the Congress should come together with the determination to take all the time, be it less or more, which is really necessary to do the work proposed, and to do it thoroughly and well.

IX. PAPERS DESIGNED FOR THE CONGRESS.

Papers designed for the Congress must be brought within the briefest compass compatible with an adequate discussion of the topics treated. Each writer must furnish a short printed abstract of his essay, embodying its main points, and must forward several copies. The International Committee will hold itself at liberty to reject, without examination, any paper sent without the required *résumé* of its contents. The reading of papers will be limited strictly to a half-hour each; and if, in any case, the paper is too long for a full reading within the half-hour, it must be condensed in the reading to a compass not exceeding the specified limit. Papers, unless forwarded by some member of the International Committee who will be at his post at the opening session of that Committee, must be dispatched by post to London, in time to reach that city, *at the latest*, by the 20th of June. Although certain persons will be specially invited to furnish papers on given subjects, this is not intended to exclude volunteer essays; and all who feel an inward impulse to use the pen for the benefit of the Congress are free to do so. But all papers, whether invited or not, will be at the absolute disposal of the International Committee for acceptance or rejection, according to the judgment formed of their merit or want of it; as they will also

afterwards be at the disposal of the Congress to print or not to print, in full or in part, as shall be determined by such Committee or Commission as may be appointed to superintend the publication of its transactions. Papers designed for the Congress, unless sent, as above suggested, by the hands of a member of the International Committee, should be addressed:

INTERNATIONAL PENITENTIARY CONGRESS,
No. 1 ADAM STREET, ADELPHI,
LONDON, W. C.,
ENGLAND.

The English Committee has suggested that the essays furnished in any given country should be examined and passed upon by the Committee for that country. There can be no objection to this, although it is doubted whether it ought to be made imperative, since the case might arise that a writer would not have his paper ready in time for submission to the National Committee, while he might have it completed in time for transmission to the International Committee at London.

X. MEMORANDA ON THE PRISONS AND REFORMATORIES OF THE COUNTRIES AND COLONIES REPRESENTED IN THE CONGRESS.

One aim of the Congress is to obtain a general view of the actual state of prisons throughout the world. To this end it will be necessary that each country or colony furnish such view of its own penal and reformatory institutions. But as the countries and colonies represented will undoubtedly be too numerous to allow an extended report to be made on each, it follows that, in each case, the paper offering the desired information should be a mere memorandum, covering only points of vital importance, and restricted to quite moderate limits. To secure a certain degree of uniformity in the information sought, it may be well to indicate some of the points to which the Committees may direct their attention in preparing their memoranda, without however intending to confine them to these points, or wishing at all to dictate the form they shall give to their papers.

1. *The Prison System*: Whether the cellular system or that of association prevails in your country, or if both, in what proportions? Classification of prisons as regards the classes of prisoners received into them? The number of prisons of each class? The average number of inmates in each class of prisons last year?

2. *General Administration*: Whether there is a central authority having control of the whole prison system? If such central authority is wanting, where is the managing power lodged? In either case what is the result?

3. *Discipline*: Whether the discipline is intended mainly to be deterrent or reformatory? In either case, what are the agencies mainly relied upon? Whether, and if so, by what means, it is sought to plant hope in the breast of the prisoner, and keep it there? Whether punishments or rewards are most relied upon in administering the discipline of your prisons? What kinds of each are employed?

4. *Religious and Moral Agencies*: What agencies of this sort are employed by the administration? Whether or not volunteer visitors are admitted into the prisons to labor for the moral improvement of the inmates? The results in either case?

5. *Secular Instruction*: General condition of criminals, in point of education, on their commitment? Provision made for their mental improvement during their imprisonment by way of schools, libraries, lectures, readings, etc., etc.

6. *Prison Labor*: Whether a distinction is made in your prisons between penal and industrial labor? The kinds of penal labor, if any, employed, and the results yielded by it? The kinds of industrial labor in use? The principle on which the industries of your prisons are organized—that is to say, whether the labor of the prisoners is let to contractors, or managed by the administration? Which of these systems do you prefer, and what are the grounds of your preference? Are the proceeds of prison labor in all or any of your prisons sufficient to meet their ordinary expenses? If not, how far do they fall short?

7. *Prison Officers*: How appointed, and for what length of time? Whether political influence enters as an element into their appointment, and if so, its effect? Their average qualifications and competency? Whether there are any special training-schools for prison officers? Do you regard such special education as essential to the highest efficiency of the penal administration of a country?

8. *Sanitary State of the Prisons*: General scale of prison dietaries? Ventilation? Drainage? Cleanliness? Sickness? Death-rate?

9. *Reformatory Results*: Whether the reformation of criminals is made a primary object of their treatment while in prison? Whether, as a matter of fact, prisoners in general, in your country, leave the prison-house better or worse than they entered it? Whether there are any probationary homes or other means of furthering the employment and continued good behavior of well-conducted prisoners on release—as the payment of gratuities, etc.?

10. *Sentences*: Whether it is the practice of the criminal courts in your country to give short sentences for minor offences, and to repeat them often in the case of the same person? If so, what do you find to be the effect of this practice as regards the increase or diminution of crime?

11. *Kinds and Causes of Criminality*: What is the prevailing character of crime in your country? And what are found to be its leading causes?

12. *Juvenile Reformatories*: The number, character, and general results of this class of institutions in your country, including all institutions that rightfully come under this designation, whether technically so named or not? The average aggregate number of inmates? Whether parents are held responsible for the support of their children in reformatories, and, if so, to what extent such responsibility is enforced?

13. Returns of the well-doing of liberated prisoners, showing the authority on which they are based, and the mode in which they are collected?

The National Committees are respectfully referred to the response to the former circular by the Committee for Italy, for additional questions under the several heads embraced in this section. Points of much importance are suggested by the Italian Committee.

The several National Committees will not, it is hoped, in making out their memoranda, fail to remember two suggestions offered by Baron Von Holtzendorff—first, that they furnish the Congress with plans of their most recent prison constructions, and likewise a model of their oldest prison still in use, as an aid to the science of comparative prison discipline; and, secondly, that they accompany their reports with copies of the criminal codes of their respective Governments, as also the existing legislation relating to the prisons of their several countries.

XI. PROGRAMME OF PROCEEDINGS.

The question of separating the Congress into sections for certain parts of its work was raised in the preceding circular. A marked difference of opinion has been developed on this point, the English Committee contending strenuously for general sessions throughout the entire proceedings, while the Italian Committee regards the division into sections as indispensable to the successful prosecution of its labors by the Congress. Evidently this is a question which cannot be definitively settled at the present time, and it is accordingly remitted to the International Committee, as being in itself the body most fit to make the decision, and also as being in a position to enable it to come to a conclusion that will be at once wise and satisfactory.

Various questions for consideration by the Congress, in addition to those contained in the former circular, have been suggested in the replies made to said circular by the National Committees to which it was addressed. These questions are here brought together in one view, not because it is supposed that all of them will or can be treated by the Congress, but as showing the actual current of thought and inquiry at the present moment, and as a general guide to preparation for the work in hand. There appears to be no better, and indeed no other, plan than that each National Committee invite competent persons in its own country to prepare papers on such topics as it may judge most important and most suitable, and that the International Committee, using its best judgment, arrange, from the material furnished, the entire programme of proceedings, taking and rejecting such portions as to it may seem fit.

1. Whether the prison system of a state should be a unit—that is, whether there should be a supreme central authority, charged with the general control and administration of the system; and if so, whether the central administration should absorb all the powers of government, or leave a certain residuum of power to the local authorities of the several prisons, and, in that case, how the powers of the central and local administrations should be adjusted to each other, so as to work harmoniously together?

2. How far the reformation of the criminal may and ought to be combined with the punishment meted out to him for the protection of society?

3. Assuming the reformation of criminals to be the most effective protection of society, and therefore a primary end of public punishment, whether such reforma-

tion can be best effected by the system of separation or association, or by a combination of the two, in which there shall be a system of progressive classification, based on character and merit, so that an imprisonment highly penal at the beginning shall be little more than moral at the end, and the intense restraint of prison life, instead of being broken suddenly and without preparation, shall gradually and almost imperceptibly melt into freedom?

4. How far the prisoner's fate may be placed in his own hands, that is, whether he should only have the power of gradually improving his condition during the continuance of his imprisonment, and of abridging the duration of a fixed sentence, or whether his sentence itself should be indefinite, so that his liberation, instead of being effected by mere lapse of time, shall be made to depend upon satisfactory evidence given by him that, if permitted to go at large, he will no longer prove a dangerous member of society?

5. The comparative value of hope and fear as agents in a system of prison discipline, and in what ways the principle of hope may be made most operative and effective towards accomplishing the reformation of imprisoned criminals?

6. The relative position of rewards and punishments, and the proportionate prominence to be given to each, in a system of prison management intended to be reformatory?

7. How far, and in what ways, moral forces may be made to take the place of physical agencies in the management of prisoners?

8. Whether prison officers should receive a special education and training for their work, thus raising the business of prison-keeping to the dignity of a profession, and giving to it a scientific character, such as belongs to the other great callings of society?

9. Whether restitution, where the imprisonment is for a violation of the rights of property, ought to be, and may be successfully, applied in a system of criminal treatment?

10. Whether compulsory education has proved, or is likely to prove, a useful agent in the diminution of crime?

11. Whether penal labor, as distinguished from industrial labor, is a valuable element in a system of prison discipline? Is its deterrent power conspicuous, and what are found to be its effects on the minds and health of prisoners?

12. How far, and in what directions, should industrial and productive labor be developed in prisons?

13. Whether there is any just ground for the complaint, widely prevalent among mechanics or tradesmen, that skilled prison labor creates an unfair competition with free labor? If yes, how can it be removed? if no, how can the complainants be convinced of their error?

14. How far, if at all, and under what conditions, may agricultural colonies be employed to advantage in the treatment of adult criminals?

15. The true place of education in a prison system: how far should education be carried, and by what agencies conducted? particularly, may the aid of the better instructed convicts be utilized in this way?

16. Religion as an agent in the reformation of criminals: its proper position and value in this regard?

17. Whether, and if yes, how far and under what restrictions, volunteer visitors may be admitted to labor among prisoners for their moral regeneration and amendment?

18. The policy of repeated short sentences in a prison system: are they beneficial or the reverse?

19. The great problem of putting a stop to crime subdivides itself into two special problems, the problem of prevention and the problem of cure. What is the true position, what the relative importance, and what the solution of the preventive as distinguished from the curative problem?

20. The duty of society towards its liberated prisoners: what is it, and by what agencies may it be most effectively discharged; more particularly, by what means may the distrust, so widely felt towards the released prisoner, be best overcome, and he himself most readily reabsorbed into virtuous society, so as to become a worthy and useful member thereof?

21. How far society itself, by its omissions and its permissions, may be held responsible for the vices and crimes with which it is afflicted?

22. How far, in adopting and carrying out certain great and universal principles of prison discipline, allowance must be made for the condition of each country, and to what extent each may properly introduce such variations in details as may natu-

rally, and will perhaps even necessarily, result from its special institutions, laws, history, traditions, manners, customs, topography, etc., etc.?

23. In what ways may the prior convictions of criminals be most effectively ascertained, and made matter of record?

24. Whether society ought to make reasonable indemnification to persons wrongfully imprisoned?

25. What are the best kinds of punishment to inflict on criminals?

26. As relates to the punishment of imprisonment, on what principle should the duration of the punishment be determined?

27. How far is it desirable that prisoners should be kept individually separate, and how far in association? And when in association, how far is it expedient to enforce silence among them?

28. On what principle should labor in prisons be regulated? How far ought it to be of a productive character, and how far, if at all, merely penal? How much work should be exacted from prisoners, and should they be allowed the value of any overwork they may perform, or be allowed, in some other way, to have a share of their earnings?

29. In what way and to what extent should direct moral and religious instruction be given in prisons?

30. How far should visits from members of a prisoner's family be allowed, or correspondence with them permitted?

31. How far should co-operation in the treatment of prisoners be invited from benevolent members of society, to extend not only during the period of imprisonment, but afterwards?

32. What arrangements should be made for the gradual preparation of prisoners for their liberation?

33. How far should liberated prisoners be subject to supervision?

34. How far is the principle of volunteer management, which in reformatories has been applied to the young, applicable to adults? †

35. The abnormal moral condition of prisoners, and their proper treatment as determined by such anomaly? ‡

36. General principles and national peculiarities in prison reform? §

37. Is the object of public punishment retaliation, deterrence, or reformation, or should it combine them all? And if so, how far may they severally enter into the design of punishment, and what is the order of their importance?

38. Should the system of cumulative sentences, depending more on previous convictions than on the special criminal act for which conviction is had, be adopted as a principle of penal administration?

39. Ought not the lighter offences, such as riotous drunkenness, assaults, etc., to be punished on a system which, if less rapidly cumulative than in cases of theft, shall yet prevent any long-continued habit of setting the law at defiance?

40. What is the true definition of "habitual criminals"?

41. Crime being a business which, like every other craft, requires, for its successful prosecution, the combination of capital and labor, how can it be most effectively assailed in its capitalists, viz., those who furnish dwellings and flash-houses for criminals, those who purchase their booty, those who make the implements they require, etc., etc.

42. Would it not be expedient and useful to organize the police force of large cities into special departments—for example, one for discovering and recording all houses used for harboring criminals, one to discover and record all houses and persons engaged in the booty traffic, another for discovering and recording all trainers of criminals, etc.—all to be held to a strict responsibility for letting no person or house escape their search, that ought to be discovered and marked by them?

43. Might not the police, under proper restrictions, perform the duty of watching

* The questions, so far, are those submitted at a public meeting in London, held November 3, 1871, by the Commissioner of the United States. They are here printed as originally offered, simply as suggestions, and not because the Commissioner fails to see or declines to recognize the force of the criticisms made upon them by the English Committee.

† Several of the questions from 25 to 34, inclusive, suggested by Mr. Frederic Hill, relate to topics embraced in those by which they are preceded, but they view them from a different standpoint, and are therefore, though involving some repetition, given here in full.

‡ This question was suggested by Dr. Despine, of Marseilles, who, it is understood, will prepare a paper upon it.

§ This question, suggested by Baron Von Holtendorff, is substantially the same as No. 22, but better expressed. A paper upon it is hoped for from the Baron.

and befriending discharged prisoners who are living honestly, and of watching and restraining those likely to relapse?

44. Is it better that the police be used only for the detection and punishment of crime, or might it with advantage and economy be employed in public service of other kinds—for instance, as health officers, as inspectors of weights and measures, as inspectors of lodging and dwelling houses, in finding employment for men out of work, and the like?

45. As regards children not yet criminal, but hovering on the verge of criminality, what are the most effectual agencies to save them from the threatened danger?

46. What is the best organization of reformatory institutions for juveniles, that which rests on the congregative or the family principle?

47. Are such institutions best managed by the State, or by private citizens, who are aided in their work by contributions from the State Treasury in proportion to the number of inmates?

48. Is the Nautical Reform School a desirable institution, and if so, what is its true ideal?

49. Is it within the scope of reformatory schools to educate those who are not under proper care and control, or are such schools to be used simply for the reformation of offenders?

50. Ought society to hold parents responsible for the full or partial support of their children in preventive and reformatory institutions?

51. What is the duty of society to juvenile delinquents on their liberation from reformatory schools, and in what ways can that duty be best discharged?

52. Ought the death-penalty to be abolished? What has been the result of its abolishment in countries that have adopted that measure? In case it is abolished, what substitute should be provided?

53. How far is it desirable that all who are engaged in the repression of crime—whether judges, magistrates, heads of prisons and reformatories, the managing boards of such institutions, police, etc.—should be paid for their services, and how far, if at all, is it desirable to associate with government officials the voluntary aid of private citizens?

54. What reforms are needed in the criminal codes?

The foregoing list of questions may appear formidable at first view, and would be so in effect, if it were proposed to go through and debate the entire series. Such, however, is not the intention. They are questions that have been suggested by different Committees and persons, and are given here as a general guide to the various National Committees in selecting such topics as to them may seem most fit and important for treatment by the persons whom they may severally designate in their own countries for the preparation of papers for the Congress. Here is the first sifting process; and the second will be by the International Committee when, out of the abundant material furnished, it comes to arrange the order of business and adjust the programme of proceedings.

While it is assumed that the International Committee will be ready with a series of propositions, prepared by itself, at the opening of the Congress, entire freedom will be allowed to any and all members to offer, within a specified period during the sessions of the body, such additional propositions as to them may seem fit, it being understood that such propositions shall be referred, without debate, to the International Committee, which should be required to submit, some days in advance of the adjournment, a final report, amending, curtailing or enlarging the Declaration of Principles, originally offered by it, agreeably to the light derived from the papers read, the discussions had, and the special resolutions or propositions submitted by individual members, during the continuance of the conference.

The illustrious English philanthropist, JOHN HOWARD, began his labors in the field of prison reform in the year 1773—ninety-nine years, therefore, prior to the Congress of 1872. It has been judged fit that the occasion should be signalized by a discourse on the "Life and Labors of Howard, and the Progress of Prison Reform during the Century succeeding the commencement of his Work as a Prison Reformer." The Rev. Dr. Henry W. Bellows, of New York, has kindly consented to undertake this service.

XII. LANGUAGES TO BE USED IN THE CONGRESS.

There is no restriction upon the languages that may be employed in preparing

papers for the Congress. It is, however, suggested that writers confine themselves to such languages as are more generally known and used.

XIII. CENTRAL BUREAU OF INTELLIGENCE.

There can be no doubt that a large amount of information on all points connected with prison discipline and the repression of crime will have been collected by the Congress, that certain general principles will have been agreed upon, and that a strong impulse will have been given to the cause of penitentiary reform throughout the world. But if the matter stop here, the labors of the Congress will have been comparatively barren of permanent results, because the momentum gained will soon have expended itself. It seems, therefore, in the highest degree desirable, that some means should be devised to continue and, if possible, multiply the benefits flowing from the Congress, as from a living fountain. No better agency to this end occurs to us than the creation of a central bureau, to which intelligence relating to this interest and the progress made therein shall be regularly communicated every year from all parts of the world, and from which, in a digested and printed form, it shall be again distributed to all the civilized nations of the earth. Thus every part of the world will be kept informed of what is doing in every other part, in reference to this vital interest of society—the treatment of crime and criminals, with a view to the repression of the one and the reformation of the other. In this manner a continual circulation of ideas will be maintained; the nature and result of experiments in penitentiary and reformatory discipline, undertaken in any given country, will be promptly made known in all others; and an honorable rivalry will be kept up between nations, in which each, while rejoicing in every instance and at every proof of progress elsewhere, will yet strive to outstrip its fellows in the race of improvement. With National Committees or Associations actively at work in the different countries, with a great central organization performing the double function of a receiver and distributor of intelligence, and with international penitentiary conferences renewed from time to time, it is a reasonable presumption that, within the next half century, progress, not hitherto so much as dreamed of even by the most sanguine, will be made in the knowledge and application of processes for the prevention of crime and the reformation of criminals.

XIV. TRANSACTIONS OF THE CONGRESS.

The work of the International Penitentiary Congress will not be completed, nor its influence and power duly diffused and exerted, except through the publication of one or more volumes of transactions. The work of editing the transactions can only, as it seems to the American Committee, be fitly done by a Commission, as suggested by Baron Von Holtzendorff, which shall sit after the close of the conference not only to select, arrange, and condense the papers and debates, but also "to digest the experiences accumulated in the Congress, and to report thereon."

XV. CONCLUSION.

It will not be possible, nor indeed will it be needful, to issue any further general circular prior to the meeting of the Congress. It only remains, that the National Committees, both those already formed and those still to be created, address themselves vigorously to the work of preparation in their several countries. Let them enlist the general and hearty co-operation of the press throughout the civilized world in this great and beneficent movement. It will not be difficult for them to do so, for everywhere the conductors of the public journals and the great reviews are in the van of all enterprises directed to the progress of man and society. Let them call public meetings, or gather more private reunions, to discuss the Congress, to impart information in regard to it, to wake up an interest in the project, to strengthen public opinion in its support, and, in this way, to do whatever lies in their power to promote its success. Let them secure the ablest, the wisest, the best pens in their respective nationalities in the preparation of papers which may enlighten and guide the assemblage to the most just and salutary conclusions. Let them exert themselves to the utmost in endeavors to secure large and competent representations from their several countries, both official and non-official—representative men, aye, and women too, for this cause recognizes no distinction of sex, but invites to its ranks and the honor of its victories the brains, the hearts, and the hands of all who, by the use of thought, sensibility, or action, can accelerate its progress, and bring it to the goal towards which it is advancing a day or an hour earlier than it would arrive there without their assistance. Let them, in

all these ways, or any others that may occur to them, seek to secure the complete success of the projected Congress; and it cannot fail to show itself an assemblage more numerous, more enlightened, more dignified, more influential, more potent for good, than any similar body of men ever heretofore convened in any part of the world.

It has been suggested, as will have been observed in the replies of some of the National Committees, that the time for preparation is short, and that it might have been well to postpone the meeting of the Congress till 1873. There is force in this view; but as it is now too late to change, it will devolve upon the Committees to make up for the want of time by increased energy in their preparations. Let no moment of the time which remains be lost. Let the Committees gird up their loins for the work in hand, and address themselves to it with a zeal that knows neither interruption nor flagging. Industry will be found an equivalent for months, yes, even for years. Time presses, it is said. Be it so; then let it be diligently, vigorously, nobly improved.

By order of the National Committee of the United States of America;

E. C. WINES,

*Secretary of the American National Committee and
Commissioner of the United States.*

POSTSCRIPT.

[PERSONAL.]

European Correspondents may continue to direct communications to me at my usual New York address, No. 46 Bible House, till the 15th of May; after that date, as I have taken passage for Europe on the steamer of June 8th, they will please address me, "Rooms of the Social Science Association, No. 1 Adam Street, Adelphi, London, W. C."

E. C. W.

APPENDIX.

THE following series of questions by Count Sollohub of Russia, to which reference has already been made in the foregoing circular, embodies a profound philosophical study. Doubtless, there are points and leanings in the questions which will not carry all votes; but they are the production of a vigorous and enlightened mind; are highly suggestive; and will furnish abundant food for thought to those who contemplate a participation in the labors of the Congress.

QUESTIONS PROPOSED IN VIEW OF THE APPROACHING INTERNATIONAL PENITENTIARY CONGRESS.

1. Do you consider it the aim of the Congress to secure, among civilized nations, a unanimous judgment on the most desirable legislative and administrative plan for the general management of prisons?

2. To avoid the loss of precious time, do you not think it desirable that the Congress engage neither in abstract discussions nor in studies relating to what is peculiar to each several country, but that it seek to come to an understanding on fundamental principles, on practical axioms, which every civilized State should henceforth have in view in the management of its prisons?

3. Do you not think that these axioms should be divided into:

(a) General principles applicable to all countries;

(b) Local considerations necessitating exceptional measures?

4. In determining principles, do you not consider it necessary to avoid confounding questions of detail with general questions, so as to avoid confusion in the discussions?

5. Do you not think that general questions are summarily comprehended in the principles of classification and organization, and questions of detail in the principles of discipline and practice suited to the different aims which they should have in view?

6. Do you think it proper that the Congress decline all discussion of the death penalty, as having no connection with its special aim?

7. Do you judge it proper that the Congress decline all discussion on political rights, social order, bail, fines, &c., it being impossible to treat these matters thoroughly in a first meeting?

8. Ought not the Congress to recognize from the start, as a binding principle, the fundamental proposition of Rossi's Treatise on the Penal Code: "*Imprisonment is punishment, par excellence, among all civilized people?*"

9. Should not the Congress add to this the following declaration: "*Preliminary imprisonment is a necessary evil, imposed from considerations of social security?*"

10. Should not the general principles, applicable to all countries, lead to the following declarations:

(a) All imprisonment ought to have a special aim, and that strictly determined;

(b) The same prison cannot serve different ends;

(c) Prisons of different kinds cannot serve the same end?

11. This being admitted, do you think that all the prisons of a civilized country must belong to one of the four well-marked following forms: (a) detention, (b) amendment, (c) correction, (d) punishment?

12. Do you think that detention prisons (*maisons préventives*) should be made the object of a special solicitude, and that prisoners awaiting trial (*détenus préventifs*) ought not to be subjected to the humiliations and servitudes which should be applied only to persons found guilty by the courts?

13. Are you of opinion that the theory of detention prisons ought to be made the

object of special deliberations and categorical decisions on the part of the Congress? Will you not give special thought to this subject, which, as being the most difficult point in penitentiary science, requires the convergence of all the lights that can be directed towards it?

14. Do you think it absolutely necessary to fix a definite minimum period for the custody of arrested persons prior to their transfer to the detention prison?

15. What would this period be in principle, apart from local considerations?

16. Do you think it indispensable that the examinations be continued subsequently to those of a preliminary character, within the precincts of the detention prison itself, and that, in this view, there be established in all these prisons offices of committing magistrates and of deputy attorneys general?

17. Do you think it necessary to establish strict regulations touching the proceedings of committing magistrates, with a view to shortening as much as possible the period of preliminary imprisonment?

18. Are you of opinion that detention prisons should be adjacent to the court-rooms (*palais de justice*), so as to spare the prisoners needless humiliation and loss of time, and save to the administration the expense of carriage hire and police escort?

19. Would you be able to suggest any means to accelerate the progress of justice?

20. What in your opinion are the best styles of architecture and modes of discipline for detention prisons?

21. Do you not think that a uniform rule for all prisoners awaiting trial would lead to needless vexations, and that we might properly recognize three classes of this sort of prisoners:

- (a) Those who should be in complete isolation;
- (b) Those who should be subjected to certain restraints;
- (c) Those who might properly enjoy comparative liberty?

22. Do you not regard as equitable the following principles:

Every prisoner awaiting trial has the right:

(a) To an apartment for himself individually;

(b) To the preservation of his clothing and his ordinary modes of life as far as possible;

(c) To purchase for himself better food than the customary fare of the prison;

(d) To smoke, read, and occupy himself in manual labors without being subject to a detention of his earnings;

(e) To receive visits authorized by the committing magistrate;

(f) To exercise in the open air, except in cases of absolute isolation, where cellular yards should be provided;

(g) To be free from every privation, every humiliation, every inconvenience, other than those required by the order of the prison and the necessities of the preliminary proceedings?

23. Do you not think that, nevertheless, it would be useful to neutralize the evil influences which the prisoners might have on one another? What would you propose as the best means to this end?

24. Will you please trace the normal plan for a prison construction uniting the several localities requisite for trial, preliminary proceedings, and detention?

25. Do you think it necessary to establish separate detention prisons for the two sexes, or may such prisons consist of two separate sections in the same establishment?

26. What would be the maximum number of prisoners that might properly be confined in a detention prison?

27. What are the special exigencies of the country or city, in which you happen to reside, for the improvement of detention prisons?

28. What would be the proper discipline to be introduced for the maintenance of order in the establishment without being irritating to the prisoners?

29. Are you of opinion that it is not logical to admit into the codes only two degrees of guilt, when there are three?

30. Do you not think it necessary to treat this subject in the Congress in a manner very exact? Does it not appear to you that confusion in prison discipline has proceeded from confusion in the penal laws, which admit two forms of guilt, *misdemeanor* and *crime*, whereas there are three forms of guilt corresponding to the three forms of comparison—minimum, medium, and higher—which may be designated as misdemeanor, crime, and felony (*delit, crime, et forfait*). Would not this classification draw after it the corollary that against each form of guilt there should

be established a special system, which should not be confounded with the others? The system for misdemeanors would take for its aim amendment; for crimes, correction; for felonies, punishment.

31. Do you not think it of great importance to ordain that each degree of penal imprisonment, answering to a particular aim, be rigidly determined by the minimum and maximum of the duration of detention, so that the classification of prisons shall be controlled by the continuance of the imprisonment?

32. Do you consider it necessary that all existing penal prisons be modified in this sense, and that all those which are not conformed to the above classification be regarded as abnormal?

33. Do you accept as logical the following propositions:

(a) The house of amendment has for its aim, to inflict on the prisoner a salutary terror, to arrest him at the moment in which he is entering upon an evil course, and to withdraw him from the bad influences to which he might be subjected as well outside of the prison as among his prison comrades;

(b) The house of correction has for its aim to give to the prisoner a new education, and to prepare him for a return to society under conditions which would render his return safe. In this view, the correctional system should use its best efforts to the end that the prisoner on his liberation may carry with him a capital of good habits, a capital of newly-acquired knowledge, and, above all, a capital of money, without which the other two might remain inefficacious. This capital would be acquired under the form of wages, agreeably to principles to be hereafter explained;

(c) The convict prison (*maison de force*) or galley (*bagne*) has for its aim to positively cut off from society its members, recognized as unworthy to re-enter it, to the end that they may serve as an example and to protect the general safety. The galleys must not, in any case, be confounded with deportation. Distant or near, they ought to contain individually convicted criminals, and to release them only at the end of the sentence fixed by the laws for their imprisonment;

(d) The system for the convicts would be the same as for the correctionals, but the discipline more severe. The money gained as wages would not be given unconditionally to the liberated convicts as to the liberated correctionals, but would be applied to a system of colonization, based on capital, landed property and family, the only principles which can assure the future of a colony. The place chosen for colonization would depend upon the topographical conditions of each country;

(e) The architecture and discipline of each class of penal prisons would be determined by special considerations?

34. The houses of amendment having for their object to inspire delinquents with a salutary terror, thereby leading them to avoid pernicious influences, ought they not to be rigidly cellular, although for short imprisonments?

35. Do you not think that it would be useful to discuss at the Congress the following motion:

The Congress declares that cellular imprisonment is to be recommended only in the following cases:

First. For short sentences in the houses of amendment.

Second. As a disciplinary punishment in the houses of correction and convict prisons.

Third. It would be desirable that all existing cellular prisons be reorganized in this sense.

36. Do you not think that the duration of detention in the cellular prisons of amendment ought not to exceed three months, a term sufficient for the end proposed while a longer captivity might offer serious inconveniences?

37. Would you not think it necessary to propose to all governments adopting the cellular system for houses of amendment to eliminate from their legislation all penal detentions from three months to a year, on the ground that that period would be too prolonged for repressive and too short for correctional action.

38. Guilt of the first degree being divisible into infractions and delinquencies (*contraventions et délits*) do you think it necessary to establish, besides houses of amendment, houses of arrest for persons guilty of the first of these offences, or do you think it would be sufficient to establish, for this purpose, sections in the houses of amendment, or, in short, do you think that such a distinction would be useless, and that a slight degree of culpability should only draw after it a minimum term of detention in the house of amendment?

39. Admitting that the houses of correction should have for their object the regeneration of the prisoner, do you think it wise to enact that no one shall be detained

in a house of correction less than one year, or more than five years, and that the penal laws should be modified to conform to this principle?

40. Do you think that every penal detention should have in view, above all, the time of the prisoner's liberation, and that the entire discipline of prisons should be organized with a view to prevent relapses? If by short imprisonments it is important to give an energetic notice so as to hinder the propagation of evil, is it not important by means of sentences of a longer duration to prepare, in a manner more sustained and efficacious, the correctional prisoner for his re-entrance into society?

41. Does it not appear just that every penal imprisonment should be executed rigorously and without the least feebleness, but that the epoch at which the punishment shall end be made the object of a special solicitude? In admitting, to the fullest extent, the utility of moral instruction, it is impossible to deny that this alone is insufficient, where a man finds himself, without defence, exposed to misery, scorn, and temptation, when the gates of the prison are opened for his egress. Is not, then, what follows the prison more grave than the imprisonment itself, and is it not true that in nearly all cases of relapse, the cause is found rather in the prisons than in the recidivists? Is it not the object of correctional detention, while maintaining the rigor of the punishment, to impart to the liberated correctional the means of earning a livelihood, and to afford him the opportunity of laying by such a portion of his earnings as will be sufficient for the new struggles which he is about to encounter?

42. Is it not at the same time highly useful to point out without ceasing to the prisoner the end which he may gain, to arouse in him a regenerative aspiration, to enable him to gain a constant victory over himself, and thereby to accomplish his complete reformation?

43. Inasmuch as labor affords a constant occupation to the mind, and constitutes besides the sole source of income possible to prisoners, do you not think that the theory of prison labor ought to be made an object of special attention by the Congress?

44. Do you think it would be an error to confound under one general signification the three forms of labor which may serve either as punishment, or as a mechanical occupation, or as a means of regeneration?

45. Are you not of the opinion that this third form of labor should be liberally remunerated in order to form a *peculium* for the prisoner, since this must serve as a safeguard to him after his liberation?

46. Do you regard as equitable the following regulations respecting correctional prisoners:

(a) Every prisoner, received into a correctional prison, is under obligation to work without remuneration, ten hours a day at rough manual labors, the product of which belongs to the administration;

(b) Every prisoner has the right, if he so elect, to redeem himself in part from labor unproductive as regards himself, and to be subjected to the rough occupations only four hours a day; if he express the desire to pass to mechanical occupations, the product of which shall be divided in the following manner—one-third for the laborer, two-thirds for the administration;

(c) If the prisoner manifests the desire to learn a trade, he is subjected only two hours a day to the rough work, but receives no wages so long as he remains an apprentice. On becoming a master-workman, he receives two-thirds of his earnings for himself, and the administration only one-third;

(d) The prisoner who is already master of a trade at the time of his incarceration receives but a moiety of his wages, the other moiety goes to the administration;

(e) No prisoner has the right to touch his money before the day of his liberation;

(f) Every prisoner has his little book, in which is inscribed, each week, the sum that he has earned by his labor;

(g) The money of the prisoners is placed in a particular case, enclosed within the strong box of the establishment, but the key of the case is in the hands of a cashier, whom the prisoners choose from among themselves, and who is always present when the money is deposited in the case, and when it is paid out to the prisoners;

(h) The trades taught to the prisoners should be simple and not requiring any great expenditure of funds, such as tailors, shoemakers, hosiers, book-binders, weavers, &c. The trade should be taught as a whole, and not in part;

(i) The wages should be distributed in such manner that the same degree of application would secure the same benefit;

(j) The infraction of a disciplinary regulation should involve a fine, to be deducted from the *peculium* of the workman;

(k) The prisoners should have the right to establish their own tribunal, whose acts must be ratified by the director of the establishment;

(l) The cantine should be rigorously prohibited;

(m) If the customary rations of the prison are not sufficient for the support of the prisoners, a fourth part of the wages might be devoted to the expense of a more substantial nutriment, but only on the request of the prisoners themselves, and under their inspection. The purchases for this purpose should, nevertheless, be confided to the overseer of the establishment. It is a matter of course that only master-workmen should be permitted to enjoy this privilege;

(n) The superintendence of the work should be in the hands either of the authorities of the prison or of manufacturers by profession; but no contractor should be in charge of several branches of business at once?

47. Might not the Congress resolve that in countries which offer vast productive forces and few arms, the labor of prisoners cannot be too much encouraged as an auxiliary to private industry; but that where population exceeds the productive forces, it is impossible not to recognize the possibility of competition between prison labor and free labor?

48. What would be your opinion in this last case? How could the injustice be avoided that would be done to the free and honest laborer in favor of the criminal, whose crime would thus become a title to public assistance?

49. Do you not think that this question ought specially to engage the solicitude of the Congress?

50. Since the principle of reformation should effect a reconciliation of the prisoner with himself, are you of opinion that the cellular system and the law of silence can only lead to a result diametrically contrary to that which is proposed? It would then be rational to prevent the irritation occasioned by both systems by replacing the cells with separation at night in common dormitories, and the law of silence with a discipline by day which would prevent dangerous conversations, cabals, or even orgies. The regulations for the night should require that all the dormitories be lighted, that attendants circulate through them, and that silence be enforced in them, in order not to disturb the sleep of the prisoners—an arrangement which in no case could be regarded as a cause of irritation. The discipline of the day should require a triple *surveillance*, viz.: on the part of the overseer of the shop, the regular monitor, and an old man chosen by the prisoners themselves from among his comrades.

51. The rations of the prisoners being fixed by law, do you not think that the prisoners ought to have delegates, whose duty it would be to be present at the reception of the provisions, and even to be responsible for their good quality?

52. Do you think it would be unwise to confine the education of prisoners to the mere elements of learning, and that it would be desirable to establish in correctional prisons two courses of instruction—one for beginners, the other for prisoners who already possess knowledge of a higher order? Do you not think it also indispensable that men specially qualified give to the prisoners, every Sunday, lectures on scientific subjects, having relation to history, geography, chemistry, physics, the natural sciences, and, in general, to everything that can enlarge the intellectual horizon of persons who are rather ignorant than guilty?

53. Do you not think that prison libraries ought to be the object of special solicitude on the part of the Congress, and that it would be desirable that the Congress offer a premium for the best work which might be written for the use of prisoners?

54. Since the Congress will contain representatives of different religions, do you not think that it should content itself with resolving that religious instruction ought to be made obligatory in every prison, without enlarging on the mode and nature of such instruction?

55. Do you not think that to establish order in a prison, it is indispensable to pay special attention to its architectural arrangements? Do you accept as desirable the following principles:

(a) Every correctional prison should have a large kitchen-garden to serve as the base of a system of labor, being made at once a branch of revenue for the administration and a centre of unremunerated manual labor;

(b) No one, except the director and the chief keeper, should have lodgings within the prison itself;

(c) There should be a special court outside of the prison to contain the residences of the chaplain, the surgeon, the assistant-surgeon, the schoolmaster, the midwife (for female prisons, which should be central like those of the men, but established at a distance, although under the same administration), the monitors, and the keepers. This court of service should contain also the magazines of provisions, the stables, the garden tools, &c. The overseers of the prison should go there only to discharge the

duties of their service, and, beyond the time of their service laid down by the regulation, should not have the right to remain there;

(d) The hours of rising and retiring, of labor and rest, should be announced by the bells of the establishment;

(e) The building of the correctional prison should be divided into three courts in the following manner:

First Court: Wicket, guardhouse, chancery, kitchens, laundry, store-rooms for the effects of prisoners. The main building, facing the court of entrance on one side and the second court on the other, should contain the residences of the director and the chief keeper, and the apartment where prisoners are allowed to see their friends.

Second Court: Chapel, refectory, store-room for clothing furnished by the administration, school and library, dungeons, dormitories.

Third Court: Workshops for trades. N.B.—The hospital and baths should be placed in the kitchen-garden to avoid the danger of contagion and fire, but within the general enclosure of the establishment, which should be marked by a deep fosse, and, if necessary, by a wall. The prison for females should be established near by; its bases should be the same as that for the men; but the wash-house should there replace agricultural labors?

56. What would be your objections to this plan?

57. Do you not think that the utmost cleanliness ought to be maintained in an establishment of this kind, and that cleanliness has also its reformatory side?

58. Do you not think that military discipline in an establishment of this kind would be too rigorous?

59. Do you not think it desirable to offer an international premium to the architect who shall furnish the best plan for a house of correction?

60. Do you not think it highly desirable that the Congress offer an international premium to the engineer who shall propose the best system for the ventilation and the water-closet (*lieu d'aisance*) of prisons. Cheapness should be one of the absolute conditions of this premium.

61. In general, are you not of opinion that cheapness in the construction of prisons ought to be a constant aim of penitentiary science, and that establishments requiring large expenditures of funds deform the action of justice by applying it only to privileged prisons, to the detriment of the great principle of equality, which ought to make men equal even in the presence of punishment and the benefits which may come in its train?

62. Do you not think that houses of correction, as they ought to be central, should contain not more than six hundred inmates?

63. Is it not your judgment that the Congress ought to occupy itself specially with the question of legislation for young criminals? Do you not think that short and medium terms of imprisonment ought to be avoided, but that society, on assuming the charge of a minor who may have committed a crime, should be bound to charge itself with his entire education to the day of his majority?

64. Would not the system of the agricultural colony, in the vicinity of a model farm, be the best means to this end, as an agency both of instruction and of profit? What are your views upon this subject as regards the country of which you are a citizen?

65. Do you think that deportation, pure and simple, without regard to the time passed in the convict prison, and without the principles of a rational colonization, can be of any utility whatever? If such is your judgment, are you not of opinion that the Congress might make the following declaration: The deportation which should only cause criminals to be transported from one place to another, would but shift the danger of impunity, and therefore would have no reason for its existence.

66. Do you not think that we should be careful not to confound exile for political causes with deportation inflicted for crimes, since exile is but a banishment with liberty of locomotion, while deportation should be admitted only with the clause requiring the convicts to undergo the punishment which they may have deserved, affording them, however, at a later period, the opportunity of colonizing by means of the money which they should have been able to lay up during their imprisonment?

67. Do you not think that the Irish system might be applied, wholly or in part, to the management of convict prisons in other countries?

68. Do you think that the galley slaves might be admitted to a participation in their earnings from the moment of their entrance into the bagnio, or should they remain a certain time without the right to any remuneration whatever, in order to increase the severity of their punishment?

69. Do you not think that the disciplinary severity of the bagnios ought to admit :

- (a) That separation by night should be effected in little cells of brick or stone ;
- (b) That the prisoners be compelled to wear chains during a certain time, and that they be permitted to lay them aside only after the time prescribed, and not even then unless they should have deserved such indulgence by their conduct and their application ;
- (c) That for a violation of discipline they be subjected to corporal punishment, which could not be tolerated in any other class of prisons ?

70. Do you not think that the bagnios should be placed near the localities in which the criminal acts have been committed, in order to avoid the useless expense of transportation, and to serve as a continual example in sight of the people; and that the establishment of bagnios in distant colonies is admissible only when the topographical conditions of a country show a too great agglomeration of inhabitants in view of a marked insufficiency of the productive forces of that country ?

71. The want of money being always the great objection which is urged against the establishment of a complete system of rational prisons, do you not think that the financial problem relating to this important branch of the administration of each country would find its solution in the following proposition :

(a) The houses of detention, connected with the centres of preliminary proceedings and of judicial sentences, should be established and maintained at the expense of the municipalities, as having relation to the civic rights of the citizens whom justice has not yet declared guilty, and for that reason having a right to the protection of their fellow-citizens ;

(b) The houses of amendment (cellular, from one day to three months) should be established and maintained at the expense of the State ;

(c) The houses of correction (separation by night, labor stimulated, from one year to five) should be established by the aid of a loan reimbursable from the product of the labor of the prisoners. The maintenance of the correctionals would devolve upon the State until the formation of capital funds, which the prisons of this category would have to provide ;

(d) The convict prisons or bagnios, with sentences from five years to life, remissible conditionally, should be established by joint-stock companies, as great enterprises are set on foot, or by the State in a similar manner. The formation of an obligatory capital, realizable only by the participation of the prisoners in the profits of the enterprise in view of their colonization, should take for their base the principles proposed for the correctional prisons ?

72. Are you not of the opinion that the ideas above set forth might be made the object of the special attention of the Congress ? Do you think that questions of colonization, being outside of what relates specially to prisons, could not be properly debated by the Congress ?

73. On the other hand, do you think that the question of prison administration ought to be the object of an unanimous judgment ?

74. Do you think that every prison, in order to maintain all the rigors of discipline, ought to be conducted on a war-footing, like a regiment in service or a vessel in commission ?

75. Do you think that the prisons of a country ought to depend on the Ministry of the Interior or on the Ministry of Justice, or that the detention prisons alone ought to depend on the Ministry of Justice, and the others on the Ministry of the Interior ?

76. Do you not think that the topographical features of the different countries should have an influence on the mode of administration of their prisons ; that a country of little extent may centralize the inspection of its prisons, while countries covering vast territorial regions must parcel out the inspections, yet uniting them in a general administrative focus ?

77. Do you not think that since the immediate directors of certain prisons are called upon to exercise rights of great importance, and to accept obligations no less grave, it would be essential to raise the dignity of directors of the central prisons ? The houses of preliminary detention and amendment might be confided to officers of a scrupulous probity, but the houses of correction and the bagnios ought, evidently, to be entrusted only to men of a high civilization, whom it would be unnecessary to subject to the complications of a too minute administrative machinery. Should they not be subjected simply to an Inspector General, who, on his part, would be obliged to have recourse to the central administration placed in charge of the prisons ?

78. Do you not think that the directors of the great prisons should be chosen from among the officers of the prisons of a lower order, and that the inspectors, whether of arrondissement or general, according to the necessity of different countries, should be chosen from among the directors of the great prisons? Might not this order of things create a new specialty of administration, the absence of which is now widely felt?

79. Do you not think that the assistance of philanthropic prison societies might be of an indisputable utility, but that it would be desirable that the Congress sanction the following proposition, enunciated in one of the works of Mr. Charles Lucas: "The action of philanthropic societies begins where that of the administration ends?"

80. Should not philanthropic societies take for the object of their efforts:

- (a) The establishment and embellishment of prison chapels;
- (b) Aid to their schools and libraries;
- (c) The moral instruction of the prisoners by ecclesiastics chosen for this end;
- (d) The establishment of asylums for the children of prisoners;
- (e) The guardianship of liberated prisoners;
- (f) The observations and propositions for ameliorations which they should have the right of proposing to the authorities?

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