

distorted, in their day to day life, the Catholic Church, the Orthodox Churches and the Reformation Churches, each in their separated existences as institutions. The other is the realisation, to be kept always in mind, of the radical difference between ourselves and our separated brethren in the West, a difference only a gift of faith can overcome. Unless the unity of the Church is, and it must be, analogous to that of a living organism, unless its inner life is maintained, consistent with itself at every stage, by a visible organic structure, undivided and indivisible, it can possess no ultimate and absolute criterion of truth. Apart from this organic unity the Church can have no single mind and voice to judge and proclaim as genuine its developing insights into the revelation committed to its care.

Crime and Punishment in the United States

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The first discovery one makes about America—and this affects the subject of crime just as much as any other—is the great variety that exists from state to state, and how strong is the resistance to any encroachment of federal government on state rights, which certainly include disposing of the vast majority of criminal offences committed. The importance of local loyalties is real and enduring. They have their roots in American history: have indeed made America what it is. And this is most certainly true, not only of the state laws themselves (the differences in the matter of divorce from state to state is an obvious example) but of the enforcement of the law and the treatment of offenders. Indeed Mr James Bennett, Director of the Federal Bureau of Prisons, can say 'the penal statutes of this country are a mishmash of conflict and variation'.

That is why any statistical account of crime in America must be inadequate. The annual report issued by the Federal Bureau of Investigation in Washington, which gives a detailed analysis of crimes committed

in the various states, has been described as the cheapest work of fiction in existence. This is a serious libel on a most valuable work, but of course it would certainly help in making a true picture if there were uniformity—or at least consistency—in the penal offences themselves as well as in the punishment they attract, quite apart from widely varying police standards which obviously affect the issue. And this, in the nature of the case, is impossible. All the same, the F.B.I. figures for 1962, for instance, do enable us to have an idea of the dimensions of the problem. In that year 2,048,370 serious offences were reported—showing an increase of 6 per cent over 1961. Crime continued to outstrip the population growth by over 4 to 1; city arrests were three times the rate in rural areas: arrests of persons under eighteen have more than doubled since 1950. The greatest increase was in the rate of robbery and of auto thefts. In view of the discussion in this country concerning capital punishment for murder, it is interesting to note that there is little significant difference in the rates of murder in states that still have capital punishment and those which have abolished it. The number of executions in the United States did in fact sharply decline from 199 in 1935 to 57 in 1960. And this process continues.

Now these figures do not tell us a great deal, except that in the United States, as in every western country, the rate of crime is rising—especially among young people, with a marked rise in crimes of violence. But it is significant to see how dramatic is the contrast between the metropolitan areas and the rural ones: in the former areas (large cities such as New York and Los Angeles) the rate of crime per 100,000 is 1,328: in rural areas it is 423, or less than one third. It is little use trying to speculate on the causes of such an increase or on the reasons for its distribution. But it is surely becoming very evident that the factors which are significant in the causality of crime are to be found in large cities, where the sense of community is small and where young and imperfectly assimilated immigrants are to be found in large numbers. There is no need to insist that these factors are not peculiar to the United States; the decline in moral standards and sanctions, the weakening of family ties and certainly of parental discipline—all the familiar details of this melancholy litany are with us, too. In American they are more marked, and American cities have of course a tradition of organized crime and of actual violence which once more must be related to the facts of America's history. The freedom with which in many states firearms can be obtained¹—and the

¹And the assassination of President Kennedy provided a tragic example of what the effects of that can mean.

fact that the police are everywhere armed—all this, too, has to be remembered.

When we come to consider what happens to offenders on conviction we find that the United States has the highest commitment rate in the whole world. No less than 120 adult prisoners for every 100,000 of the general civilian population. (This is rather less than double the figures for England and Wales.) The population explosion, of which we hear so much nowadays in another context, is certainly impending in American prisons and penitentiaries. Institutions intended for 3,000 men are having to house 5,000 or more, and any serious attempt at rehabilitation is hindered by overcrowding and the sheer weight of unmanageable numbers. It is important to realize at once that part of the problem—and again this is just as true here—is the sentencing policy of the courts. Mr James Bennett, whom I quoted earlier, points out that imprisonment is often unnecessary. ‘However you view it,’ he says, ‘prison is tough medicine and appropriate only for those who require tough medicine.’ The reform above all others that is needed now, in this country just as much as in America, is to devise alternative forms of punishment, for too often it is assumed that imprisonment is the only means, when we know very well that for many men it does no good at all, may do much harm—and can certainly achieve very little that is constructive or of lasting good in conditions of gross overcrowding if not of virtual degradation. Mr Bennett goes on to say that judges are often unaware of the limitations of the institutions to which they commit men for years of captivity. They speak of ‘treatment’ when often none exists: for instance, of the thirty-five institutions of the federal system (which is far more advanced in its methods than most of the state systems) only seven have psychiatrists on their staffs.

Of course many alternatives to imprisonment exist in America, and imprisonment itself is, in principle, everywhere subject to a system of parole. And here perhaps something should be said about how, in general, sentencing works. Apart from probation, which is widely used (though, as always, with extreme variations from state to state — in some states in the South it seems scarcely to be used at all, and this is largely due to the lack of trained officers), practically all sentences are indefinite because of the possibility of parole or of conditional release. In general, an indeterminate sentence means that after the minimum term has been served the prisoner becomes eligible for parole. Those sentenced to definite terms become eligible after a specific part of the sentence has been served. Parole, of course, only exists in Great Britain

for very restricted categories of prisoners, and English law has always viewed the indeterminate sentence with great suspicion. In one large state penitentiary I spent an afternoon with a group of long-term prisoners, most of whom had broken their parole and had been returned to the penitentiary. Some had been refused parole; others were still awaiting their appearance before the parole board (and I had the opportunity in another state of sitting in at a session of the parole board, composed of officers appointed by the state Governor, and—in principle at least—independent of the local prison administration.) I was interested to find that all the prisoners said they would prefer the English system: you would know where you were, they said; you would have a definite date to look forward to, and when you went out you wouldn't feel that you had someone breathing down your neck the whole time. They were of course amazed to hear how comparatively short English sentences are compared with theirs, when thirty years can mean exactly what it says, and life can mean the term of your natural days.

But, before discussing parole, it may be useful to give some idea of one's impressions of the prisons themselves. (It should be explained that in America the term 'prison' or 'jail' is usually applied to the local county place of detention for short sentences: 'penitentiary' is used of state institutions for long sentences—and Americans don't mind calling things by their true names, so that 'reformatory' is still generally the term for institutions for younger offenders.) For the most part the state penitentiaries are old, if not decaying, buildings, monuments to a discarded view of incarceration—with a tremendous emphasis on sheer security, which remains the first consideration and is made very plain with the outside observation posts, manned by armed guards with their floodlights. It was interesting to see that at the annual American Correctional Convention there were many stands advertising all sorts of new locks and bars and anti-riot devices, with a particularly impressive display by Colts revolvers showing the very latest thing in tear-gas equipment. Electric devices—invisible eyes and so on—check your entry, and a friend of mine set off a very loud alarm because a metal detector detected his artificial leg as he passed through the gate to visit a prisoner.

Now it is scarcely surprising that the penitentiaries should reflect so great a concern for security. There is a long history of trouble and violence in American penal institutions, and one warden spoke to me with some bitterness of starry-eyed reformers who deplored his stiff security measures. 'They forget', he said, 'that six years ago there was a riot here, and for ten days the prisoners ran the whole show, kept the chaplain as a

hostage and poured paraffin on him, so that they could set fire to him at the right moment, locked in most of the guards—and I had to clean up the mess. Do you wonder that I feel just a little doubtful about trusting these men?’ But, once within the walls, in most American prisons you have a curious impression of a relaxed and rather casual régime. You see men sauntering about, often smoking cigars; the armoured gladiators are being coached on the football field; there is a good deal of hanging around, an extension of the drug-store counter or the Greyhound bus waiting room. Of course this is to generalize too freely, but in general one has a distinct impression of the contrast between the fierce requirements of external security and the comparatively slack tempo within—slack, that is, apart from the *routine* duties of the place, which are vigorously imposed.

I soon learnt that in visiting penitentiaries, whether in Pennsylvania or in New Mexico, Michigan or California, there were two questions which could indicate (or, rather, the answers could) what was really happening. The first was: ‘What is the training programme for the prison guards?’ and the second, ‘What is the situation with regard to the employment and payment of prisoners?’. One soon gets accustomed to the pattern of prisons—the workshops, the showers, the chapel and the canteen. And even the hygienic standards can deceive. As is well known, cells in American prisons are invariably open cages in long rows, sometimes three or four storeys high. ‘And every man has his own toilet’, I was told very often. ‘Something your prisons never have in England’. True: but one warden was surprised when I pointed out that privacy, too, can be valuable: that being always exposed to the eye of inspection can create an attitude of de-personalization: you haven’t even a cell that is really your own.

As to the first question—the training of the guards—the answers varied, as one would expect. In some states training is minimal: the guard is regarded simply as a custodial official: his pay by American standards is poor, and the recruitment will in consequence rarely be among men devoted to a real work of rehabilitation. In other states notably Wisconsin, which has an admirable record in this field—there are excellent schemes, with promotion by merit. And this matter relates to a general difficulty, namely the political influences which affect prison administration, as so much else. In his presidential address to the American Correctional Association in September 1961, Mr Sanger Powers, himself the Commissioner for Correction for the state of Wisconsin, emphasized that it was imperative that prison administration should be

taken out of the area of political conflict. When appointments, sometimes right down the line, are largely a matter of patronage, it is hardly surprising that programmes of training are slow in starting and uncertain in operation. Unless the guards are themselves personally concerned with the positive work of training and rehabilitation, they can scarcely be other than keepers—the guy with the gun.

The second question is even more important—and especially when one considers the enormous number of men serving very long sentences in American prisons. Too often prisons can simply become barracks of organized idleness, with all that implies in terms of corruption and discontent. Once more, there are the widest discrepancies imaginable in the matter of prison labour and payment. In one state penitentiary I visited—a new building, with all the latest custodial devices, there was virtually no work being done at all—except for the simple upkeep of the institution itself. And the reason was that the state legislature would make no funds available at all for the purpose, and would countenance no work projects that could even remotely be regarded as competitive with the labour market outside. Here I found men building a small house only in order to pull it down again: here was a printing shop which could only print material used in the institution itself. (In most states all the official printing is done in the penitentiaries, and, for some reason, motor-car number-plates, which in America have to be renewed each year, are always manufactured in prisons.) And the men were paid nothing at all. In other states, there are quite ambitious workshops, with schemes of vocational training that are related to work on release, and with rates of payment that provide a measure of incentive. In the federal administration in the U.S.A., which has of course many advantages over the state systems and is much less under political pressure, in the year ending 30 July 1959, out of a prison population of about 22,000, just over 4,000 prisoners were employed in industrial work and received an average payment of 33 dollars a month: over 7,000 were employed in non-industrial work and received about 38 dollars a *year*—i.e., about three dollars a month. Half the prison population received no payment at all.²

The American Correctional Association has stated that, unless the present situation is improved, 'it will be necessary to abandon the idea that prisons are institutions of correction or reform', and that adult prisoners can be released from them better and not worse than when they

²Figures quoted in the Report of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, London 1960.

entered. Prison industries have in general been a dismal failure, and for a number of complicated reasons which can all be reduced in effect to a lack of public acceptance of the proper function of prisons. If they are seriously intended to reform, then work—and hard work at that—is essential, not only to keep the prisoner occupied, but to enable him to earn his own keep, to make some restitution to the victim of his crimes and to save for his release. The failure of public opinion, as reflected in most administrations, to recognize the necessary place of proper work and remuneration in any sane penal system, is a matter that calls everywhere for urgent consideration. It was Abraham Lincoln who pointed out that ‘Public sentiment is everything; with public sentiment nothing can fail; without it, nothing can succeed’. In America, because of the enormous numbers of men involved and the long sentences that are general, this matter of work and remuneration is of vital importance, and it is inconceivable that a great nation which has such unlimited resources in industrial planning cannot find a way to transform its great penitentiaries into places where the primary work of rehabilitation, namely useful work, can be done. The United Nations Conference on the Prevention of Crime and the Treatment of Offenders, in London, 1960, had some excellent recommendations to make on this question (for it is one that affects every country) but nothing can be accomplished until the community at large—and perhaps the trade unions in particular—realize their responsibility. The cost of setting up effective work programmes would be trivial compared with the astronomical bill for merely keeping open these huge Bastilles of idleness. It is easy to be deceived by the moccasins and wooden toys displayed in the glass cases at the entrance to any penitentiary: hobbies are a good idea, but not a substitute for an economically sound system of employment which relates directly to the purpose of the sentence a man is undergoing.

That is why so many other efforts at improving the structure of imprisonment have such disappointing results. Psychological testing, systems of classification and the rest are not much use unless they are directed towards a positive programme of rehabilitation within the institution itself. Again and again prisoners will tell you that they had learnt all they knew about crime in prison. One learns to make allowances, of course, when prisoners talk: how can they be expected to be objective? But it *could* be true: and unhappily very often it is. One recalls so many huge institutions, with hundreds of men so apathetic and unconcerned, with virtually nothing to do but to wait for the next meal, to be locked up for the night—and so another of the thousands of days

is over. A young man I met, having served a year of a life sentence for first-degree murder (and in that particular state he would have to wait for fifteen years before there could be question of parole) told me that he was lucky, because he worked as a dental mechanic in the excellent prison hospital. The work interested him—and, he said, ‘you may think it funny, but I’m really happy because I guess I’m about the only man out of 5,000 here who is doing something he thinks to be worthwhile’. His rehabilitation had in fact already been achieved; and I wondered whether fifteen years, at least, of imprisonment could do anything but harm him. Murderers after all are often (if not usually) first offenders: they are there, I suppose—however unfashionable it may be to say so—to expiate their crime. Do they really need to do so in circumstances that could corrupt them altogether?

And here one should say something about the place of the chaplain in American prisons. Because of the large numbers, every penitentiary has at least one full-time Catholic priest and a Protestant minister (who may be of any denomination.) Rabbis rarely need to be full-time because Jews are never a large element in the prison population. Attendance at chapel is voluntary in all American prisons, unlike the usual English practice. I am inclined to think this is a good thing. The chapel should be a *free* place: the one place in the whole set-up that has nothing to do with legal punishment. The chaplain, although he ranks as a prison official, is primarily a pastor, and American chaplains are, in my experience, very aware of their special function. For one thing, they are well organized, and the American Catholic Correctional Chaplains Association, for instance, has an excellent programme of meetings, produces a journal and has published a valuable Manual for the use of chaplains, which has much that is useful to say on such matters as the chaplain’s role in relation to the institutional staff. This is important, because many chaplains feel that their true function is being increasingly invaded by the army of psychologists and social workers nowadays at work in prisons (at work, that is to say, if they can be found—for they are hard to recruit). In fact, the increasing use of psychological treatment is in no sense a threat to the chaplain’s work so long as he and the psychiatrist recognize the limits of each one’s proper field.

In preaching in American penitentiaries, one is specially interested to find that the audience is not necessarily all Catholic. The freedom in relation to church attendance means that the Catholic chaplain is often concerned with non-Catholic prisoners, and in one large penitentiary a chaplain had managed to attract over two hundred men for a quite stiff course in

ethics, with weekly lectures and essays—and they represented all religions or none. Within the prison itself, in fact, life is much freer than we are accustomed to in England. This accounts for such extraordinary things as prisoners being allowed to write whole books and to conduct campaigns indeed—the case of Chessman is the best known. There is a good deal of latitude, but always within the framework of a rigid external security. But such experiments as those of home leave before the end of a sentence seem extraordinary to Americans. It is only parole that can let a man out, though of course there are prison camps and open prisons comparable to our own—affecting, it must be admitted, far smaller numbers, and in practice only available for first offenders or carefully selected men. After all, escape from an American prison is itself a felony and can attract a very heavy additional sentence. The whole custodial emphasis lies heavy over all the institution.

But, even for the great majority of men serving very long sentences, the day of release will come, and here lies the cardinal difference between the American system and our own—namely the provision for parole, and hence the preparation for it. In general men are already under conditions of minimal security when they become available for consideration for parole. In that sense they are part of a pre-release system, with its emphasis on preparation for life in freedom—or, rather, the comparative freedom which parole implies. In some states—in Michigan and Wisconsin for example—there are special pre-release camps, with not more than fifty to one hundred men, where courses of re-orientation are directed to the new life of freedom. Men wear their own clothes, and the parole authority supervises the camp—at least in Michigan. There is much criticism, in many parts of the United States, of the immense disparity in the operation of parole, with one state only using it for five per cent of its prisoners, and, at the other extreme, a figure of 95 per cent. In any case, it is a frequent complaint that parole is too long delayed, and in California a research unit has shown that there is no significant difference in parole violation by a group released much earlier than usual and that of a control group awaiting the usual time. Another complaint, made with some force by the group I have already mentioned, is that prisoners with an insecure background, with no families to return to—and many prisoners are divorced during their sentence, especially in states in which incarceration is a ground for divorce—stand less chance of getting early parole. They feel victimized, their resentment grows, and their continuing presence in the institution can contribute nothing to the harmony of the community.

When a man is finally paroled, he is responsible to a parole officer—and here, once again, the quality and experience of such officers vary enormously. In some states the turn-over of parole officers is huge, and the parolee may feel little sense of communication with a changing series of officials. For the parole is likely to be a long process, when, as in the federal system and in most state systems too, the period lasts until the expiration of the original sentence—which can mean, and often does, for life. Here a great deal will depend on the relationship between the parolee and his officer: if the man feels he is being constantly watched and suspected, then it is unlikely that he will respond with enthusiasm. He is deprived of many of his rights as a citizen: he is in a sense free, but is he free? He is constantly unsure of himself. Nevertheless, a humane parole system, granted the length of American sentences, is an essential remedy, for the alternative is hopeless institutionalization.

After-care, in the English sense, scarcely exists—or rather, it is almost entirely a statutory responsibility, as part of the parole system. Of course voluntary agencies exist, and in some respects their rôle is very important because of the limited social agencies that exist in America, and much excellent work is done by such organizations as the Catholic Charities Board of New York, and the many institutions for juvenile offenders looked after by a number of voluntary bodies—and in particular such fine achievements as Youth House in New York. One thing that may be of special interest is a scheme that was started by Fr Dismas Clarke, a Jesuit priest, of St Louis.³ (A rather sensational film was made about his work called *The Hoodlum Priest*.) Father Clarke became deeply concerned about the prospects of prisoners awaiting parole, for whom parole indeed had been denied because they had no job or anywhere to go. In his own words: 'I was shocked by what I saw. Men with no hope in life; no home, family, or friends; men who returned to crime because they couldn't see any other way to go'. He discovered that 65 per cent of the men who served out their full term in prison returned there after fresh convictions, whereas only five per cent of the men paroled to his personal custody did so. After years of work among prisoners and ex-prisoners, he earned their friendship and, it must be admitted, the suspicion of many people because of his unusual methods. (He complained that a newspaper reporter had quoted him as saying that the judges were as bad as the prisoners. 'I didn't say that: I said the judges were worse than the prisoners, because they knew what they were doing'.) He decided that what was needed was a half-way house, to which men

³Fr Clarke died last year, but his work continues.

without families could come for the difficult first few days or weeks. With the help of a local Jewish lawyer, Fr Clarke bought an old school, and today Dismas House is firmly established, and Fr Clarke had planned to open similar houses in other cities. But any parallel with, e.g., our own Norman House in London would be false, for Dismas House only takes men on parole (the parole officers attend each evening to interview their men) and Fr Clarke only accepted 'straight' crooks, that is to say murderers and thieves. He found that the problems of the mentally or emotionally unstable cannot be properly dealt with in this sort of house. So, in a sense, he had good material to work with. The house is cheerful, wholly uninstitutional in atmosphere—and characteristic is the chapel (dedicated to St Dismas, the penitent thief) with a crucifix on one wall and the star of David on the other, for Dismas House makes no distinction of colour or creed.

As is so often the case, Dismas House is very much the creation of one man's mind and reflects his own methods. 'A man needs soap not sermons after prison walls', he said, and, further, he rejected altogether the idea of a charitable institution. 'We won't take them unless they want to work—and, believe me, by the time they get here, they *do* want to work. We give the boys a sponsor and a job—and a fighting chance for a normal life in our society'. It may seem that Fr Clarke's achievement is not very remarkable, but in terms of American attitudes to crime and rehabilitation it is revolutionary. He accepted the potential good that a parole system undoubtedly has—and he had a genius not only for understanding criminals, but for converting the community to a sense of its responsibilities. ('Leave it to me to con the squares', he said to his convict friends when they got anxious about jobs or clothes.) He had even got a committee of ladies, 'Dames for Dismas', to help him raise funds. But perhaps his greatest achievement was to show, by practical example, that unless the paroled prisoner be given the chance to find his place in a free society, then it is idle hypocrisy to talk about rehabilitation.

It is important to realize that in penal treatment, as in so much else besides, America is inevitably at the mercy of its own history and constitution. It is useless for the European visitor to pay a fleeting visit to the United States, judging everything by his own inherited categories and finding little to praise. But, now that America is assuming such huge responsibilities towards the world at large and her old isolationism is gone for ever, what happens even in the domestic field is of vital importance for her international mission. It is useless for America—or

indeed for this country as well—to moralize about injustice in other lands and under other forms of government unless first a little examination of conscience is undergone at home. And what is altogether encouraging in America is that, despite all the legacy of her history and the fierce regionalism that will, it sometimes seems, tolerate and even justify some local abuse rather than submit to federal interference—that, despite all this, there is a real generosity of opinion which, allied to the admirable work being done by academic studies in criminology, can gradually transform the penal picture.

I referred above to the American Correctional Association's Convention. It is, to me, an astonishing revelation of the seriousness with which responsible American opinion is now regarding these problems. It is very easy for society to develop an attitude of complete dissociation where crime is concerned: to regard it as something that happens to other people in other places and not as in fact a symptom of society's own weakness, not to say sickness. At the Convention there were sectional meetings on every sort of subject—from statistical studies to 'packaging and warehousing as they affect correctional industries', from the abolition of capital punishment to designing sanitary appliances for jails (with a paper by the President of the Aluminium Plumbing Fixture Corporation.) It even included a paper by me on the ethics of punishment—a much less interesting subject, no doubt—but I was listened to with patience. And—something which I suspect would be inconceivable here—former prisoners spoke quite frankly in one session about their problems of readjustment and were listened to with respect and, I hope, with a willingness to learn.

There is, then, a great need for informing public opinion, for without its good will no advance can be made. And, such is American publicity, the image that is transmitted by so many films and thrillers is simply one of violence and horror. Violence certainly exists, and the horror of many American prisons is a terrible reality. At the great Californian penitentiary of San Quentin it was assumed that one would certainly want to see the gas-chamber in which Chessman was executed. It was obviously thought that a visit would be incomplete without inspecting this green painted room, with its glass cage in which were two iron chairs, awaiting the next victims. Around were the benches for the spectators—more than fifty of them could be present to see the actual execution. One's first reaction must be of indignation—but in fact this reflects a provision of the law; that executions must be witnessed, so that justice is done not secretly but with the due processes of law. I quote

this example—in which a provision intended to safeguard the public interest becomes simply a sight for the morbid, another hideous instalment in the dramatization of the criminal. It is only through a patient realization that crime is not simply a sensational horror on the fringe of society, but is in fact a mark of society's own failure—calling for a much deeper understanding of the failures, of individuals and communities alike—that progress can come.

Socialism and the Encyclicals

GERARD PURNELL

From Pius IX to John XXIII, Popes have stated that a person, to be consistent, cannot, at the same time, be a sincere Catholic and a true Socialist. To many, this attitude seems to evince sheer clerical cussedness towards positive measures intended to right economic injustices, and to dismiss the great improvements in social conditions won through the efforts of Socialists: an examination of what is meant by 'Socialism' in the encyclicals may accordingly dispel some misunderstandings. It should be remembered that the Church's teaching is not an attack on all the demands of Socialists or their criticisms of Capitalism, that the meaning of the term 'Socialist' varies in the encyclicals depending on the circumstances of the time and that the personal attitudes of the Popes towards Socialism are reflected in the encyclicals and the timing of their publication.

1. *The meaning of Socialism in the earlier encyclicals.* In the encyclical *Quod Apostolici Muneris* (1878) Leo XIII, who groups Socialists, Communists and Nihilists together, was referring to revolutionary Socialists such as the Anarchists who had sprung a minor revolt in Romagna in 1878. The proximity of this doubtless affected Leo XIII. What was unfortunate was that he did not appear to discern the effect of an attack against Socialism on the German Socialists who, unlike their Latin brethren, were not burning for revolution and the rank and file of whom