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## SOME EUROPEAN COMMENTS ON THE AMERICAN PRISON SYSTEM.

BY UGO CONTI AND ADOLPHE PRINS.<sup>1</sup>

### I.

Prior to the Congress, the foreign delegates were hospitably conducted on an instructive tour of visits to the principal penal institutions of the United States. The tour began on Sunday, September 18, 1910, leaving New York City for the first stopping place, Elmira.

The Elmira reformatory is a superb building, pleasantly located on a hill. Our guide was the superintendent, Joseph F. Scott. The ample dwelling of the superintendent, the varied work buildings, the splendid schools, the gymnasium, the covered exercise ground, the refectory, the chapel, the baths, the infirmary, the guardhouse and the cells—all were inspected rapidly and excited sincere admiration. We attended the interesting gymnastic exercises and a brilliant military drill. We took special pleasure in shaking hands with the celebrated veteran, Brockway, who created the modern American reformatory system by the New York statute of 1869 and founded the Elmira institution in 1876, and was its superintendent till 1900.

We found at Elmira 1,165 inmates (including about 250 Italians and many negroes), but the average number rises to 1,500. As a reformatory, Elmira takes convicts between 16 and 30 years of age, but youths of 16 to 20 form the majority. They are first offenders, and their offenses are crimes against property, against the person and against public order. Their sentences are indeterminate, i. e., with unfixed minimum, but with a maximum not to exceed the periods fixed by law. They are divided into three classes, according to their merit marks in connection with their personal history. While the legal maximum may reach 20 years, a conditional discharge is possible in as short a

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<sup>1</sup>[Two of the printed reports by delegates to the Eighth International Prison Congress held in Washington in October, 1910, have come to hand, and the following article is a translation of passages describing the impressions received on the tour of American prisons which preceded the Congress.

The first passage is by Professor Ugo Conti of Rome, delegate from Italy, and a distinguished penologist. It is extracted from his report to the Italian Minister of the Interior, Luigi Luzzati.

The second is by Professor Adolphe Prins of Brussels, director of prisons, chairman of Section I of the Congress, and president of the International Union of Criminal Law, and is an extract from a public address delivered on his return. The first extract is translated from the Italian for this JOURNAL by Mr. John H. Wigmore.—Eps.]

period as one year. Thus, the indeterminate sentence, as here employed, does not apply to the extremes of the most trifling or of the most heinous offenses. Though no complete records of detailed results have yet been attainable, the general result is said to be good, for only 25 per cent relapse. On discharge, a helpful system of "patronage" is employed. The inmates publish a weekly journal, dating from 1883, called the "Summary," and we were given copies to take away.

On Monday afternoon, September 19, we visited hurriedly the celebrated "Junior Republic" at Freeville, N. Y., under the direction of its founder, William R. George. It is an interesting colony of boys and girls who live under self-government. The institution is maintained by private contributions. Its motto is, "Nothing without labor." It has existed for fifteen years, and it publishes a fine little journal called "The Citizen."

Tuesday morning, September 20, we visited the famous Auburn penitentiary, under the guidance of its superintendent, George W. Benham. This institution dates back to 1817, when even at night it did not maintain the separation of sexes. Now it has 1,282 separate cells, besides six for those under death sentence, and 14 for punishment. The inmates, among whom we found Italians, include persons sentenced for fixed periods and for life, and also persons sentenced for an indeterminate minimum-maximum period under rules less flexible than at the reformatories. The work buildings are really admirable; there is a princely garden, a chapel, a refectory and kitchen, with a careful dietary system, a library and a school with seven grades. The woman's department dates from 1893, and contains about 100 persons (including many negroes). They are lodged and supplied with every comfort, fine workshops, schools, etc. Those who are liberated on conditional discharge number about 500.

On Tuesday afternoon we visited the correctional school at Industry, N. Y., under Superintendent Franklin H. Briggs. It is conducted as a model agricultural colony on the family system for delinquents under sixteen. They are sent here from the Juvenile Court, to be liberated not later than at 20 years of age, if not discharged earlier on parole or finally. There are 30 cottages at Industry, each with its "family" of 25 or less. Twenty families are devoted to farm work and ten to industrial work, the youths being classed according to age and conduct. On the occasion of our visit they were having the annual festival exhibition of the colony's products. Our admiration for the fruits of the soil was equaled by our admiration for the moral products, fine healthy, happy youths, bearing in their faces the signs of a gratify-

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ing transformation of nature. And here, too, we found one or two little Italian fellows. In the evening we attended a banquet at the Iroquois Hotel in Buffalo, one of the leading American cities. Senator Pierantoni, who was among the speakers, made a felicitous address.<sup>2</sup> After a sight of the marvelous spectacle of Niagara Falls, we proceeded onward to the state of Ohio.

On Thursday, September 22, we visited the large new reformatory at Mansfield, under Superintendent James A. Leonard. Its methods differ somewhat from those of Elmira. In appearance it is more sumptuous, and gives the impression (from without) of a royal castle, but the inmates here seem to be less strictly disciplined. To be sure, the regimental evolutions which we witnessed at Elmira (whatever may be their penitentiary value) could not be excelled. The inmates at Mansfield number 869, including, as usual, some Italians. We noted the ingenious automatic system for closing, worked from a central office, dominating the entire cellquarters. The night cells seemed rather cramped, and some of them held not one, but two cot-beds.

We also visited at Mansfield a county jail. It had three stories of small dark cells, with from one to three persons in each! In this respect it was plain that offenders sentenced for less than a year, and still worse, accused persons awaiting trial are in America less fortunate than offenders sentenced for long terms. There are county jails where men and women are kept together and children are reprehensibly left to mingle with adult offenders. And these jails, furthermore, even apart from their crude conditions, do not satisfy our idea of the proper method for a brief deterrent detention, much less for detention pending trial. Of course, it is not to be expected that all the penal establishments could be model institutions, nor that a perfect disciplinary system could be found everywhere. But the contrast here was certainly depressing.

As we took leave of the superb castle-reformatory at Mansfield we read the news of the lynching of two Italians in Florida. Quite apart from the feelings of national sensitiveness which this might have touched, we could not help lamenting that in a country so big-hearted, so bountifully hospitable, we should find the most exalted ideals of penal correction co-existing with a tendency to such brutal outbursts of the primitive spirit of vendetta.

From Ohio we passed next to Illinois and visited first (September 23) the House of Correction in Chicago—the jail of an enormous city, housing men and women punished with short periods of confinement for minor offenses. Its daily population is about 1,800; its new cell-

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<sup>2</sup>[This lamented leader of Italian thought has since passed away.—Eds.]

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quarters were worthy of special notice, as also its excellent system of prison work. Nearly was the John Worthy Reform School, an extensive establishment for juvenile offenders. But its city location and its nearness to the jail are not satisfactory, and the inmates are soon to be transferred to a rural location.

On September 24 the delegates separated into groups and divided their visits. My visit was first to the State Reform School at Geneva, containing some 500 girls, under Superintendent Ophelia L. Amigh, I shall always recall with pleasure the hearty and polite welcome given by these girls, the recitation of moral maxims and the singing (which was chiefly in religious themes). In the afternoon I visited the Boys' Reform School at St. Charles, under Superintendent C. W. Hart. It has 470 boys living in cottages, as at Industry, N. Y., and quite as marvelous, with its family system.

On Monday, September 26, we arrived at Indianapolis, where I visited the Marion County Jail, and attended sessions of the Marion county criminal court and the Indianapolis police court. At both jail and court I noticed numerous negro offenders. I visited also the juvenile court of Marion county. Five boys, charged with throwing stones at railroad trains, were being tried as I entered; then sundry other offenders took their places, and it was interesting to note some little rascals being brought in by their own parents. The judge, George W. Stubbs, is a specialist in penitentiary science, not a regularly trained judge. The law gives him very wide powers and does not hamper him by rules of procedure. And so he gives judgment rapidly (too much so) on boy after boy, placing one on probation, remanding another to his parents, sending a third to the Reform School, dismissing the charge or suspending decision for further inquiry. On the day I happened to be there a numerous and disrespectful crowd of auditors was in the court, and this seems hardly proper.

This juvenile court was opened on April 17, 1903, and in seven years has handled 5,875 cases, including 5,141 juvenile (mostly boys), 211 adults for contributory delinquency and 523 parents for failure to support. Of the 5,141 juveniles, 807 were abandoned children, 283 were vagabonds and 4,051 delinquents. The work of the judge is supplemented by two paid probation officers and numerous volunteer probation appointees. To us it would seem that a regular judge would be preferable (with lay assessors, perhaps). But certainly the judge for a juvenile court is not called upon for judgments of law based on the usual principles; his function is rather that of a paternal police, where educative oversight is required for youths not yet responsible by

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ordinary penal standards. Many of them are merely social waifs, who can be rescued by the judge work from becoming criminals if he is not hampered by the strict rules of ordinary procedure.

On the same day I also visited the Girls' School at Clermont, Indiana, under Superintendent Charlotte Dye; this, like the one at Geneva, is a model reform school on the family and farm-colony system. It is only three years old and contains 327 girls, 250 others being placed out with individual families. In the colony itself the girls are distributed in large "families," 30 to each cottage. In summer they are given cheerful outdoor work; in winter they follow indoor courses of study.

On September 27 we went to Louisville, Ky., and in the morning visited several city institutions. Without stopping at the county jail or the state penitentiary or the ordinary criminal courts, I spent some time, with much interest, at the juvenile court of Jefferson county. The judge is Muir Weissenger, and there are five probation officers and a special advisory board. Between 1906 and 1909 its records show 1,589, 770 and 825 cases in the successive years. In the first year the figures for delinquents and dependents were, respectively, 1088 and 501; in the second year, 605 and 165; in the third year, 640 and 185. A necessary complement to the juvenile court is supplied by the Louisville Industrial School of Reform and the Kentucky Children's Home Society (with its little newspaper, "Kentucky's Little Citizen." Both institutions merit admiration.

Next day (September 27) we returned from the genial Kentucky city and paid a visit to the magnificent state reformatory at Jeffersonville, Indiana. The state constitution declares that "the penal code shall be founded upon the principles of reformation, and not of vindictive justice." Whether American justice is never vindictive may be a question, but this reformatory is certainly a model institution of its kind. It dates back to 1897, and is intended for persons between 16 and 30 years of age, excepting those under a life sentence. The relative indeterminate sentence here as elsewhere, is the form authorized by law. The inmates number 1,300, and the superintendent is David C. Peyton. It is certainly a magnificent institution, though the passing impression is that, in respect to perfection of arrangement, it is not equal to Elmira nor perhaps to Mansfield.

On the day of our visit some of the delegates attended an operation upon which I feel moved to express my views even in this brief report. I refer to the sterilization of criminals by the surgical process of vasectomy. The state law of February 10, 1907 (whose constitutionality is open to doubts), authorizes it "to prevent procreation of

confirmed criminals, idiots, imbeciles and rapists." The superintendent is authorized to subject the person to a special examination by two surgeons not belonging to the staff. If the decision of this committee and the superintendent is that procreation by that person is inadvisable, and that improvement in his mental and physical condition is improbable, then the superintendent is authorized to cause to be performed upon him an operation in such manner as is most safe and is suited to prevent procreation. The law prescribes no further details. No criterion, scientific or practical, for the psychiatric examination, nor for the person's condition, nor for the desirability of preventing procreation, is laid down by the law. Nothing is required beyond the affidavits of the medical director and "two skilled surgeons of recognized ability." There is no appeal against the decision of this committee. The law extends this measure also to include idiots and imbeciles, though we should suppose, that such persons, even if delinquents, would naturally be placed in asylums. The law applies to habitual offenders and to rapists on the professed theory of heredity as the motive for preventing "the transmission of crime, idiocy and imbecility," and the expert examination is designed to ascertain "the mental and physical condition of such inmates" as to the advisability of preventing procreation. What the law has in mind, therefore, is a peculiar and irremediable defect constituting an incapacity of procreating normal progeny, that is, not to forbid procreation to delinquents, idiots and imbeciles in general, but to those who are inherently "degenerates" or "defectives" in the above sense (as explained in the pamphlet by Dr. Sharp, medical director, and the originator of the law).

Thus the title and preamble of the law are fortunately broader than its actual provisions. And in practice the law is not put in force anywhere in the state outside of Jeffersonville—not in the large state prison at Michigan City; not in the Woman's prison at Indianapolis, nor in the asylums; and the only method used at Jeffersonville is that of vasectomy or "sterilization." At Jeffersonville there are more likely to be persons having procreative possibilities, yet in reformatories ordinarily (at Jeffersonville recidivists are received contrary to the general rule) the true habitual offender (i. e., one who has been thrice convicted) and the rapist are not likely to be found; hence, it will usually be idiots or imbeciles on whom the operation will be called for, but as they will also be delinquents, both of the conditions which make the law applicable will be present. Moreover, though castration in the strict sense (a more

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<sup>3</sup>[Under the administration of the Governor, it is no longer allowed to be applied even at Jeffersonville.—Eds.]

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serious and dangerous operation) is permissible under a broad interpretation of the law, the only operation actually used is that of sterilization, so-called. This operation is approved by Dr. Sharp (in his pamphlet) as a simple, rapid and painless one, successfully performed by him (since October, 1899) in 236 cases, and he assures us that the subject is after the operation more sprightly (or more delinquent?) than previously. It is not stated whether the convicts themselves have sought to be thus rendered sterile, or whether at least they have consented freely; we may well assume that they do not ordinarily consent.

In our own opinion, it is not to be conceded that the state, in the name of race-purity, has the right to take away a person's virility, and prevent him from procreation. Only in his own personal interest, and to avoid some greater harm to himself, can he be so treated. When a person shows himself to be a harmful influence, the state, by way of punishment or self-protection, may segregate him and may thus deprive him of all power of human influence on others, but it may not injure or nullify his very personality. And all the more then does this follow when the harmfulness which is sought to be checked is not a personal activity, but merely the possibility of harmfulness in his progeny; in other words, to avoid the danger of a danger. The death penalty, to be sure, is still recognized in some countries, but that rests on grounds of necessity. It does not follow that in a civilized country and in modern times the penalty of mutilation may be resorted to. It is obvious, too (quite apart from the object of punishment or social protection), that to destroy virility is to do an irreparable harm to the person's moral integrity, and this, even though the person himself consents or even seeks to be so treated. We cannot concede a person's right to destroy his power of procreation and thus to renounce the possible continuity of his life in a future generation, for the individual does not possess such a right of disposal over his own body, either in respect to his honor, his liberty or his life. Physical and moral integrity, liberty and existence do not belong exclusively to the individual; he is a part of society, and is united to it by the very fact of his birth in it. And only by some event of nature, not by his own act, can it be conceded that either his life can be terminated or any one of his attributes of personality be eliminated. Moreover, if indeed the operation is simple and safe, it might be sought by persons free and of sound mind from the mere desire of not being responsible for progeny, a consequence which can hardly be considered permissible, for it involves a moral degradation contrary to the interest of society in the increase of the population.



The notion of an artificial selection for human propagation is as old as the world. But this modern medico-legal form of the idea (which originated not in America or England, but in France and Italy) to prevent the multiplication of degenerates has now arrived at the point of actual legislation, not merely in laws forbidding marriage between certain classes of persons (as in some American states), but in this Indiana law authorizing desexualization, and in the similar Connecticut law of August 10, 1909. These bold experiments force us to call attention to the doubtful nature of the theory on which they rest, namely, the heredity of degeneracy. Are we certain of the fact of this heredity and are we certain of the sociologic fact of the practical efficiency of the prophylactic measure proposed for the purpose? Is there no doubt, among medical men themselves, that the nerve which is thus destroyed is incapable of reproducing itself in the individual (especially if young) and thus of rendering the process a vain one? Outside of pathology, pure and simple, it is certain that the hereditariness of a human quality, and specifically of a criminal disposition, is by no means acknowledged. The Indiana law itself does not assume this as a general proposition, but leaves it to be determined by a psychiatric examination in each instance.

Furthermore, when Dr. Sharp, in his pamphlet cited, recommends sterilization as "an additional punishment in certain cases," he falls into a lamentable self-contradiction. Sterilization has never been proposed except as a means of prevention of degenerate progeny, entirely apart from any notion of penalty. The argument for it as a penalty is advanced solely because the subject is in a penitentiary or reformatory, but such institutions, though originating in penalties, are intended also to effect cures. To propose sterilization as a penalty is to revert to barbarous and primitive notions.

And finally, since rapists are one of the classes named in the law, can we contemplate practically such an absurdity as to free the rapist by a simple operation, from the risk of having children while leaving him the full power of intercourse?

From Jeffersonville we returned at night to Louisville, leaving thence for Washington, where we arrived on Wednesday, September 28, and our tour was at an end.

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Hasty as was our visit to the United States, it filled us with admiration for that great country. It is young, and it has the virtues and the defects of youth. Its resources and its capacities are enormous. It has a hearty faith—a faith in God, in humanity, and, above all, in the

glorious destiny of the American people. What faith can we, the older civilizations, show to match it? The penal institutions echo with this optimism. A Continental visitor naturally inclines to compare them with the institutions of England, but such a comparison would be idle. They are unique. All America, the North as well as the South, tends to be pervaded with a common idea, and this American idea is felt even in the prisons, the reformatories and allied institutions. The major part of the prison population comes from European immigrants, but the American spirit has penetrated them all potently and without discrimination.

It is well known that in America arose the Philadelphia system and the Auburn system of prison discipline, after which the Irish system was modeled, and that in this country also originated the idea of prison congresses. And now in these latter days America is producing for us model penal institutions which are splendid and marvelous, animated by one common principle—the principle of the reformation of the offender. Reformation, to be sure, as the sole basis of a penal system, is an untenable principle. And even in the aspect of an incidental object to be aimed at, we Italians are apt to place little faith in it. Yet this principle the Americans (mistakenly, if you like, but it is noble and high-minded mistake) make the main support of their prison system. Moreover, as a people practical before aught else, they follow the excellent plan of first showing us their prisons and then inviting us to express our opinions freely. And it was these prison visits which more than anything constituted the importance of this congress.

(If I may be permitted to add a remark, our tour of inspection was perfect in its organization, but the arrangements for the discussions were not equally so, perhaps unavoidably. On the tour itself, moreover, there was one regrettable shortcoming—there were not enough guides knowing French and German to make explanations to the delegates unable to speak English.)

The care of dependent children is another field in which America can teach us much—even though it has yet a long road to travel before it has perfected the indispensable protective measures. In the treatment of delinquent children, even more positively, it can be asserted that America offers us an admirable example, with its juvenile courts, its probation system and its reform schools. We have, indeed, already taken advantage of this example, and are importing such institutions; but for us the problem is, how to get the means to establish those wonderful family-colonies. The reformatories, too, or schools of supplementary correction, made a remarkable impression on us; in these the indeter-

minate sentence seems to work ideally and fruitfully. The penitentiaries (for long sentences) are noteworthy; but luxury of the buildings and their arrangements is a thing difficult for us to approve. We hardly see an adequate justification either in the richness of the national resources or in the special educative purposes, or in the general principle of reformation. The comfortableness of the prisons is, perhaps, due to an anachronistic sentimentalism; at any rate, it is downright harmful.

The jails (for short sentences and accused persons awaiting trial) are defective, as we have above explained. In particular, there is lacking an organic system of institutions for protection of the community against dangerous characters, habitual delinquents and incorrigible tramps and rascals. I note, also, with surprise the unlimited powers conceded (in free America!) to the individual prison officers—for example, to the superintendent. To us this seems extremely dangerous. And still another defect (which does not exist with us, I am glad to say) is the frequent change of the official personnel of the prison with the change of partisan politics at every election, which must result in the offhand appointment of incompetent persons.

If I turn now to the conditions in our country and the lessons to be drawn by us, I must first record my satisfaction that so much has already been achieved, under the wise direction of Hon. A. Dorie, especially in the last few years. Much new legislation, indeed, is still needed; and, even more than legislation, the means for carrying into effect the existing laws. Above all, we must have measures for protecting our dependent juveniles; at this moment, indeed, a law is being drafted, but it will be useless if the means for making it effective are not guaranteed. Furthermore, we ought to keep up and extend our system of reformatories in connection with the new draft laws on juvenile courts and dependents. And, again, we ought, as speedily and as extensively as possible, to put into effect our law for employing convict labor on the improvement of uncultivated lands. And, finally, we should push on the draft legislation for habitual and relapsed offenders.

And so, on the whole, the example of America, while it leaves us indeed filled with admiration, need by no means dishearten us, but only fortifies us with new faith and courage for our own tasks.

## II.

As you know, America has its detractors and its admirers. Since my visit to that country I am among its admirers, and I must inform you at the outset that I am going to praise it at the risk of seeming paradoxical to those who see in America nothing but a machine to make

money, or who judge it only from certain American men and women, who come sometimes to display their ignorance or their vanity in our European palatial hotels; as if ignorance and vanity were American products and were not, on the contrary, essentially international products. Besides, when one generalizes thus, it is exactly as though one said that France is a country of barnstormers, Germany a country of boors, and Belgium a country of Philistines who spend their time in disparaging one another, because there are found in these three countries barnstormers, boors and Philistines. As regards America, the generalization would be all the more imperfect, since America is a country of contracts.

. . .  
 Next I shall have something to say to you of penal institutions. I have seen many of them. You know that America is the classic country of experiments in prison management. In the eighteenth century it was the cradle of the system of cells which we have preserved. We have remained faithful to the ideals of the Quakers—that is, of regeneration by solitary reflection, by solitary work, and by solitary walks in walled-up courts. The Americans themselves have renounced this system. They seek regeneration, not in reflection, but in action, and they believe in the value of action in common, of life in common, of work in common, and of exercise in common.

There is a fundamental difference between our two systems. In our case the man who directs an institution disappears behind a system of uniform rules. There the rules disappear behind the personality of the directors. Each institution has its own character. I have seen some that are magnificent—such, for example, as the prison of Auburn, where the workshops are really factories fitted up with the most perfect tools and in which intensive production is carried on. I may also cite the prison of Chicago, where the convicts can work in an immense quarry and in a large brickyard. I have also seen detestable institutions—jails in which there prevailed promiscuity, idleness, and gambling, just as in the most horrible common-rooms under the old system. I have seen glaring contrasts; on the one hand, astonishing conditions of luxury, of comfort in prison, of kindness for the convicts; on the other hand, species of barred cages in which convicts condemned to death awaited for months their execution. I have seen evidences of great respect for the person of the convict, who remains a citizen and can claim his rights under conditions which seem to us astonishing. I have also found evidence of a very different feeling; for instance, the practice of an operation called vasectomy, the details of which I need not go into, having for its object the prevention of the propagation of a degenerate race.

The difference between America and Europe results from other causes as well: in the first place, from the pessimism of our civilization, which distrusts the criminal, because we have not room enough for our respectable classes, and furthermore, from the optimism of the new world, which does not distrust the criminal, because all the men available can be made useful, even criminals. This optimism has another source in the religious feeling which makes it a duty for the American to help his neighbor, and in a humanitarian feeling analogous to the confidence of the French eighteenth century and of the encyclopedists in the goodness and perfectability of human nature. One must add a scientific tendency which takes account of heredity and environment, which holds that the man who has fallen is never wholly responsible for his fall, but that fatality has had a certain share in determining his destiny, and that, consequently, the criminal is still deserving of pity.

These religious and humanitarian feelings and this scientific tendency have produced a penal code different from ours; a very liberal penal code, which our ancient civilization could not imitate. It does away entirely with the system of vengeance, and often takes away from punishment any intimidating effect. The old system is replaced by the enthusiastic, superstitious, exaggerated faith in the effect of education upon the convict; that one can change the physical and moral nature of the convict and cause the germs of a new life to spring up in him. But if this is exaggerated in the case of adults, it is not exaggerated in the case of children and young criminals, and here the educative effects have proved admirable and really effective.

I have visited lordly parks in superb sites, in which there followed one another buildings of imposing or picturesque architecture. I shall mention three types of them in the state of New York: the Elmira Reformatory, the Industry Colony, and the George Junior Republic. Elmira is a gigantic institution which covers, together with its agricultural department, more than 250 acres. There are 1,400 inmates, young criminals guilty of first offenses, ranging from 16 to 30 years of age, and divided into three classes. Many factors work together for their regeneration. Not a moment is lost. From the moral point of view they are steadily kept up to the mark by the system of liberation on parole, which is an essential feature of the institution. From the intellectual point of view they receive a complete education. There is even a course in sociology. The convicts have a journal called the *Summary*, which they edit, print, and distribute among the convicts, and which serves as a means of communication with the world at large. As regards professions, they are permitted to choose from among thirty trades,

which are all taught in the most thorough way by picked instructors. Each convict has his account and is required to pay for his support. As regards physical well-being, exercise plays a most important part in the work. A considerable time each day is devoted to it. Those who enter are measured upon their arrival, in order to determine which part of their bodies is in special need of development. These exercises have nothing in common with the elementary physical exercises which are carried on here.

I have witnessed in the great court yard at Elmira what is called a military drill. Eight hundred young men performed various evolutions with a precision, correctness, a perfection, and a discipline recalling the drills of the crack regiments at Berlin. When these young men passed before us to the sound of music, very proud, very happy in their khaki uniforms, with flags flying at their head and cannons in their rear, it was difficult not to consider their physical attitude, so full of dignity, as the symbol of a moral awakening.

*Industry* is situated on a vast plateau, from which one can survey an immense horizon. It is based on a different plan—that of education in family groups. It is called in Europe the *système à pavillons*. Some twenty young people from the age of 10 to 16 are placed in homes or cottages under the direction of a married couple who are called the “father” and “mother” of the children. There are some thirty of these cottages under the direction of a married couple, who are called the sexes give varied instruction. Each pupil receives a professional or an agricultural training. He can choose that which is best adapted to his ability and to his tastes.

In each group the child lives in a family. He passes his evenings with the “father” and his “mother” as though he were in his own family. Each one has his field, his farm, his garden, which he cultivates; his flowers, his favorite animals, dogs, birds, pigeons, cattle. There are two churches—one Catholic and two Protestant. There is likewise a theater. Nowhere does one see bars, cells or penitentiary walls. There is no corporal punishment. The young criminals who are not willing to work are placed in a separate home where the work is harder, but everywhere they are entirely free. They do not run away, for they are happy. At the time we were at *Industry* they happened to be celebrating an autumn festival. The children had organized an exposition of their work with prizes awarded for the best plants, fruits, vegetables, flowers, manufactured objects and cakes. They had also arranged with much taste an agricultural procession with wagons groaning under sheaves of wheat and drawn by fine animals.

In looking at this scene we forgot that these children had been sent there by the courts. In the bright sunlight and invigorating breeze of this beautiful scene of nature, these smiling faces reminded one rather of an idyl of Theocritus or of an eclogue of Vergil rather than of a section of the criminal code. It was not only poetic; it was very impressive. We felt that here there was something serious which took hold of the child's whole nature—his soul, his mind, his heart—which blotted out the impressions of a regrettable past and of a harmful environment and surrounded him with new, good, and salutary impressions. I am convinced that this is the only way in which children who have lived in a contaminated atmosphere may be regenerated, and Europe will have to imitate the *Industry* system if serious results are desired.

*Freewill*, or the George Junior Republic, is an American eccentricity of some fifteen years of age. Its success seems to me doubtful. It is a republic in miniature, whose citizens are boys and girls from the ages of 14 to 18 who are sent there either by the courts or at the request of their parents. They are taught the value of work. In order to make a living they must practice some trade, and if they do not wish to work they are treated by their comrades just as we treat our beggars and vagabonds. They are placed in an institution where they are obliged to work for the common good. They keep shops and must provide themselves with a stock in trade. They must pay their rent, and they have better or worse houses in accordance with what they make, and, consequently, in accordance with the quality of their work. They have a system of tin money and a bank.

They are taught, in the second place, the value of law. They make their laws, in fact, and punish those who violate them. They have a village assembly. They name their president and the members of the government. They choose their officials. There are two attorneys, one boy and one girl, and two judges, likewise a boy and a girl. They have trials, a jury, a police, a prison, and prison-keepers.

There is also a system of cottages which are inhabited by groups of six children, the sexes being, of course, separated. However, under the free conditions in which they live during the day, and considering the environment from which they come, it seems to me that there may be danger in work in common. I visited, for instance, a laundry where good-looking young men and pretty young girls were working side by side, and I asked the founder of *Free Will*, Mr. George, Jr., if he did not see any disadvantages in this promiscuity. He replied: "They are kept very busy, they are watched as closely as possible, and breaches of

morality must be rare." I think, however, that in Belgium this confidence would be rather misplaced.

I may tell you, furthermore, that at the station preceding *Free Will* some young men entered the train with pamphlets explaining the organization of their republic. The one who handed me the pamphlet was a young man of 20 years of age. He had an air of culture and distinction and he expressed himself very well. I asked him what was his rank in *Free Will*, and he replied, with much simplicity: "Sir, I am the President of the Republic." Inasmuch as during my stay in the United States I have also had the honor of exchanging several words with Mr. Taft and Mr. Roosevelt, I am able to state that this young convict was more modest than these eminent statesmen (as he certainly should have been), but not less impressed than they were with the high dignity of the office of president.

I might tell you of many other peculiar establishments, as, for instance, of the means used to help the feeble-minded, to discover in them indications of intelligence, to find out abilities which are later to be developed. They are put to all kinds of work. Their occupation is changed every half hour or every hour, and from time to time a faculty awakens, a chord vibrates, and it is exercised. The process is most interesting, but, unfortunately, I have not the time to dwell upon it. I wish to emphasize only the social aspect common to all these undertakings, the fluidity, the intense life, so far from the fixity of our rigid systems of rules.

I may mention, for instance, the freedom which the judge has to treat criminals in accordance with his own ideas or in accordance with the circumstances of the case, and to send, for example, young criminals either to Elmira, to *Industry* or to *Free Will*.

I must mention, also, the value of the moral stimulus characteristic of all these institutions, thanks to certain measures of fundamental importance which upon the continent are still shrouded in haze. I mean stays of judgment, liberation on parole, indeterminate sentences, and juvenile courts. We speak of them in Europe and we think we are acquainted with them, but we only know their skeleton. We do not know their spirit.

Their spirit is determined by an army of auxiliaries, men and women, paid or unpaid, but who are always engaged in active personal service. They are called probation or parole officers. They make of the judicial decision an instrument of great social value. Madame Carton de Wiart has insisted very properly, in a report presented to the recent congress for education in the family, upon the point that juvenile courts



are of no value without these probation officers. Here the pivot of criminal justice is the court trial; the judge decides, then the matter is over with. The bench and the public take no interest in what is to follow. There, this is the point at which everything begins. The auxiliaries of whom I have spoken concern themselves with the children or the adults before, during, and after their condemnation or acquittal. They are watched, they are followed up, their environment is investigated, inquiries are made, advice and support given. The steps to be taken are indicated to the authorities and to charitable institutions, and these steps are taken. These activities are thus useful in a very different way from those of the lawyer. Aside from the lawyers who are members of the committee for the defense of accused children, the lawyers here are occupied only with pleading. Their pleas are words, and words soon cease to be heard. The effect of action, on the other hand, is permanent, and probation officers perform such action. They represent the people at large taking part in the work of the courts. They also represent society charged with the duty of protecting and elevating the condition of the culprits. In Boston there is every month a meeting of the central organization of the probation officers. There all questions in regard to the fate of the convict and of the child are discussed. The pivot of penal justice has been removed, and instead of the dead formula of the judicial decision there is a warm and living movement, full of devotion and of the apostolic spirit.

If you ask me now what are the results of these immense efforts, I cannot reply in figures, for they have no court statistics in America, and some claim that there is a great deal of crime there. In any event, as regards those states that I have visited, I can sum up my impressions in the following fact: Sixteen years ago M. Waxweiler admired the peaceful and attractive charm of country life in the United States. I have received the same impression. I have seen America at rest by the side of America at work. I have seen around noisy cities, encumbered and sullied by traffic and by smoke, poetic roads bordered with beautiful homes. I have seen, under the shade of old maples, in the midst of green lawns, homes, villas and cottages scattered over the green. No hedge separated them, no wicket protected them, no wall enclosed them. Through half-open gates one could see family gatherings, and white terraces, over which ivy and wistaria were climbing, were visible to passersby. We said to ourselves that people living thus could have no great fear of robbers and that the institutions which we had been shown could not be mere "bluff."

I restrict myself, then, to bringing you back from across the sea a few

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flowers that I have gathered. These flowers are called the spirit of tolerance, self-respect, idealistic optimism, moral energy, and the sense of duty. I have breathed the penetrating perfumes of these flowers. I recollected they have their roots in the Anglo-Saxon soil, and I thought of the virtues of this race which has a feeling for human dignity and understands the seriousness of life, of this race for which man is not an indifferent and skeptical spectator witnessing the incidents of a light comedy as they pass before his eyes, but a sincere and earnest actor thoroughly determined to play his part upon this planet as well as he can.