

PRISON LABOR.*

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LABOR.

THE prison-labor question is ethico-economic in its character. It is to a greater degree ethical than economical. This is true both from the point of view of the State treasury and from that of the producer of goods and the wage-earner.

The only statement for the whole country as to the relation of the earnings of State prisons to the expense of running and maintaining them fully is for 1885, as given in the Second Annual Report of the United States Commissioner of Labor. At that time, taking all the institutions of the country into account whether conducted under one system or another, the total labor income was 49 per cent. of the running expenses and 35 per cent. of the total expenses. By "total expenses" is meant all expenses for repairs, construction, etc., beyond the purely current running expenses. If the expenses and income under the lease system, which has been a source of profit, be eliminated, the labor income under all other systems was 46 per cent. of the running expenses and 32 per cent. of the total expenses. Therefore, while here and there a prison has been made to pay, in the sense of bringing into the treasury more money than was taken out of it, the rule is, and has been for many years, practically as shown in the federal report cited. At the present time the

*The official reports consulted are the Tenth and Eleventh Annual Reports of the Massachusetts Bureau of Statistics of Labor (1879, 1880); Second Annual Report of the United States Commissioner of Labor (1886); Eighth Annual Report of the United States Commissioner of Labor (1892); Report of the Commissioner of Labor for Michigan (February, 1884); Fourth Biennial Report of the Bureau of Labor Statistics of Illinois; State reports on convict labor of New York, Ohio, Pennsylvania, New Jersey, Connecticut, Iowa, Wisconsin; recent reports of Hon. Austin Lathrop, Superintendent of State prisons for the State of New York; "The Unavoidable Uselessness of Prison Labor," by Sir Edmund Du Cane (*Nineteenth Century*, October, 1896); "Condemnation of Criminals not Punishment," address by Edward F. Brush, M. D. (*Popular Science Monthly*, February, 1897).

proportion of expenses derived from prison labor is less, undoubtedly, than ten years ago.

Considering the labor and product account, we find that in 1885 the total product of all the penal institutions amounted to \$28,753,999, which was $\frac{54}{100}$ of 1 per cent. of the total value of the products of the manufacturing industries of the country in 1880, while the total product of the higher penal institutions only, that is, prisons of the grade of State penitentiaries, was \$24,271,078, equivalent to $\frac{45}{100}$ of 1 per cent. of the total value of all manufactured products in 1880. In 1895, as shown by Bulletin No. 5 (July, 1896) of the Department of Labor, the total product of the higher penal institutions only in the United States was \$19,042,472, being a little over $\frac{20}{100}$ of 1 cent. of the total value of the products of the manufacturing industries of the United States in 1890. These values, both for 1885 and 1895, are for the value of the goods after the materials have been manipulated by the prisoners. They do not represent the value which has been added by them, but the value of the materials on which work has been bestowed and the work itself. From a wage point of view, the labor of convicts in 1885, from which resulted a product of the value of \$28,753,999, amounted to only \$3,512,970, or \$1 of convict-labor wages to \$8.19 of finished product of the labor of convicts. The ratio at the present time is probably less. The total value of the labor expended by the convicts in the State penitentiaries and prisons of like grade at the present time does not much exceed \$2,500,000, or a little more than $\frac{1}{10}$ of 1 per cent. of the total wages paid in the manufacturing industries of the country in 1890.

Thus it will be seen that, whether the State treasury is considered or the competition with labor taken into account, the prison-labor question, from a purely economic point of view, need not excite much attention. It is perfectly true that here and there the products of prison labor enter into sharp but very brief competition with goods made outside, and the fear that prices may be lowered and wages affected injuriously by throwing prison-made goods on the market is thus created. In the many investigations which it has been my privilege to make in relation to the prison-labor question I have found few instances where prices have been affected in the least, and never a case where wages have been lowered in consequence of the employment of

convicts in productive industry. Nevertheless, the moral effect of the supposed competition and of whatever real competition has occurred has been sufficient to create a demand in nearly all the States of the Union for some regulation of the employment of convicts under which competition can be entirely or largely removed, and for the last twenty years or more political platforms have often contained a paradoxical plank demanding that convicts should be employed, not only as a matter of health but as a source of revenue to the State, but in such a way as to relieve honest industry of competition. It is an absolute impossibility to prevent competition if convicts are to be employed in any way whatever. It must be admitted by all sane men that they should be employed and constantly employed upon intelligent labor. The problem, therefore, so far as the economics of the question is concerned, is either to reduce the competition to the lowest point or to manufacture goods in such a way and under such conditions that prices and wages can in no sense be affected. This is the whole of the economic side of the question from the productive point of view.

The ethical side of the problem is far more important, not only in the interest of the community at large, but in the interest of the wage-earners. It is also the more important side of the question when the prisoner himself is considered. No State, under the ethical aspect of government, has any right to expect to make profit, or to permit contractors to do so, out of the labor of prisoners when this profit is at the expense of their reformation. No man with a particle of humanity in him would, for a moment, demand that prisoners should be employed in the old, cruel and barbarous systems known as penal labor, such as running a treadmill or turning a crank. The revolt from these methods, however, carried prison reformers to the opposite extreme, and they assumed that men in prison should be set at work in the same industries and under the same methods existing outside of prisons.

Their position was plausible, their theory fine and probably sound if it had been possible to reduce it to practice, but the reformatory elements came in to defeat their purely theoretical plans, and it is now considered by intelligent penologists that the whole system of prison labor should be adapted to the reformation of men.

In the address of Doctor Brush,* it is stated that: "All men of a scientific turn of mind who have made a study of criminal anthropology are fast approaching the physicians' position regarding such questions. Every criminal is more or less a diseased portion of the body politic; some can be saved, some must be removed, and some must be destroyed; but the notion of punishment should not complicate the judgment in deciding what disposition is to be made in either case. The insane were formerly regarded with feelings of hatred and vindictiveness, but to-day this is only a shameful recollection." Dr. Brush might have added that the notion of making profits out of the diseased members of the body politic should be relegated to the regions of shameful recollection.

The prisoner must be approached now from the physician's point of view. The convict is a morally sick man, and society's rights and duties are limited to his cure, or if incurable, to such treatment as shall not debase him. This is the attitude of the public toward the mentally and physically ill, and why it should not be, to a certain degree, the attitude toward the morally ill is a question that will be discussed more in the future than it has been in the past. The criminal is an undeveloped man in all his elements, whether we consider him as a worker or as a moral and an intellectual being. His faculties are all undeveloped, not only those which enable him to labor honestly and faithfully for the care and support of himself and his family, but all his moral and intellectual faculties. This being the case, he should be treated in all respects in such a way as to develop his blunted moral and intellectual faculties. It is this position which makes the return to purely penal labor absolutely impossible under modern thought. Our civilization will not tolerate it; but in assuming this attitude the rights of others should be as carefully guarded as the rights of the prisoner.

The various systems which have been adopted have thus far proved ineffective from the ethical and unsatisfactory from the economic point of view. The contract system is the most profitable one which can be applied to prison labor, but the necessary presence of the contractor and his men in the prisons and among the convicts has been found to work disadvantageously

* Presidential address delivered before the Society of Medical Jurisprudence at its annual meeting, held January 13, 1896.

when reformatory measures were being carried along at the same time. The piece-price plan was thought to be a remedy for the evils of the contract system, but the prisoners themselves soon learned that their labor was being exploited for the profit of a private contractor, and that the State was getting only the minimum results. The public-account system was then resorted to, under which the institution carries on the business of manufacturing like a private individual or firm, buying raw materials and converting them into manufactured articles, which are sold in the best available market. A few years ago many labor reformers insisted upon the adoption of this public-account system, on the ground that all profits would then accrue to the State and the irritation resulting from the contract or the piece-price system be avoided. The contrary proved to be true. Under the public-account system the State or the county sold goods in the open market; but the State could not fail, and therefore it was not necessary at all times to dispose of the goods even at cost. The private contractor, in order to preserve his solvency, was obliged to get back at least the cost of his goods. The State was not under such necessity. The irritation coming from competition, therefore, was increased, and the public-account system found to be inadequate from an economic point of view, although it had some advantages from the ethical standpoint, for whatever profit was derived from labor under it was for the benefit of the public treasury. The lease system, now rapidly going out of vogue, played no part in the ethical question involved, but it was a most profitable system to the States which employed it. The abuses under it have brought it into disrepute.

There is now a system of labor, which is advocated very largely and which has been adopted in the State of New York as an experiment, with the motive behind it of reducing competition or practically removing all competition. Under this modified public-account system now being used in that State, goods are made for the use of the State itself in its various institutions, whether penal, reformatory, or eleemosynary, on the theory or the supposition that the State needs goods enough of various kinds to keep its prisoners practically employed. Should this prove true, the new method will probably be a solution of the economic problems involved, while the ethical demands will be

as well satisfied as under any system that can be adopted. There are two reasons, however, to my own mind why this method may, in some degree at least, prove to be a failure. The first is that the requirements of the State of New York can be supplied through the labor of only a portion of its prisoners. A calculation for one of the States for which the facts were obtainable leads to this conclusion, for the amount of employment which could have been utilized in that State in one year was less than \$50,000, if its prisons had been managed under the present New York system. An examination of the wants of the United States government a few years ago for furniture, clothing, mail bags, harnesses, wagons, infantry, cavalry and artillery equipments, clothing for the Indian service, etc., shows their value to be a little less than \$4,000,000, while the total product of the prisons of the country in 1855 amounted, as already stated, to very nearly \$29,000,000. The labor, then, of a very large proportion of the prisoners of the country, if this system had been used generally, would have been exhausted in a very few months, and idleness would have been the rule for the remainder of the year. If our State governments supported large bodies of troops and the Federal government had a large standing army, the plan might have some force in it, although in some European countries, where the consumption of goods of the coarser grades, such as shoes, army clothing, camp equipage, etc., is very large, the plan has not been made to work very successfully, for the reason stated, and because of the objections of army officers to the manufacture in prisons of the goods they require for the equipment of their forces. These objections arise not only on account of the quality and make of the goods, but on account of the impracticability of massing a force in any way so as to supply goods upon emergencies.

The second reason why the manufacture of goods for the State will not succeed to the fullest degree anticipated by its advocates has been pointed out by Sir Edmund Du Cane in the *Nineteenth Century* for October, 1896. Although that writer, one of the most intelligent and experienced in the whole world on the subject of prisons and prison labor, believes in this method of employment, he very frankly points out the difficulty arising from the great variety of patterns of articles to be made, etc. This, perhaps, may be the least of the obstacles in the way of the success

of the system. He states that, however desirable industrial labor for prisoners may be from a moral point of view, it is impossible to apply it to more than a small proportion of those sentenced to imprisonment, both on account of the law applicable to prisons and on account of the shortness of the sentences of the large majority. He thinks the difficulties of the state-manufacture method are of much the same kind as are found in utilizing convict labor for the construction of public works.

Whatever the difficulties, they must be met and will be met, either successfully or unsuccessfully, in the interesting experiment now being conducted by the State of New York. It is to be hoped that success will follow such experiment, for while the manufacture of goods for the use of the State does not avoid competition—for outside manufacturers would be deprived of business *pro tanto*—the element of price is entirely removed. The value of the goods made can in no sense whatever affect the price of goods manufactured outside of prisons, nor can there be the slightest influence upon the wages paid in the regular industries of the State.

Mr. Lathrop, Superintendent of Prisons for the State of New York, wisely insists that work must be found for the prisoners, and he feels that the question of the employment of convicts is practically solved by the adoption of the method described. Nevertheless, Warden Sage, of Sing Sing, has adopted some measures which he thinks may be applicable for furnishing employment to idle prisoners, and so he is following some of the methods adopted at Elmira, which has been called a "technological university." A good deal has been said of late against the introduction of technological studies into prison life. An examination of some of the facts pertaining to prisons, however, may lead to the conclusion that such methods are wise from every point of view. The average age of the convicts of the United States is not far from 26 years. Therefore, the men constituting this body are undeveloped men, so far as age is concerned, and, as already stated, they are undeveloped in their moral and intellectual faculties—in fact, they are undeveloped in all directions, except to a certain extent in the criminal tendency which comes from their environment. They are also, to a very large extent, short-term men. A careful classification of the convicts of the country shows that six-eighths are short-term prison-

ers, one-eighth incorrigibles, and one-eighth amenable to reformatory efforts. These proportions are fairly correct; they may be a little too large or a little too small, but practically they may be admitted. It cannot make very much difference what system is employed, so that prices and wages are not affected, when the short-term men are considered. There is not much to be gained, whether in the interest of the State, or of the community, or of the convicts, in putting them at work under one system of labor as against another. They must be employed; their minds must be occupied, and their hands utilized. It cannot, from the very nature of things, be worth while for the State to erect costly plants for the sake of employing them under one or another system of labor. No one can argue with reason that the short-term prisoner himself is to be particularly benefited by any such employment. The chief point to be insisted upon is that his labor shall not be debasing. If he can be employed in making blankets, furniture, coarse boots and shoes, and the infinite variety of things that may be needed in the State institutions, without the introduction of power machinery, not only the State will be the gainer, but also the prisoner himself. He does not stay in prison long enough, as a rule, to be taught in the higher methods of manual training, and what little he can learn by running some machine is of little consequence in his after life. If he stays long enough in prison, the State should see to it that he comes out better equipped to earn a living than when he entered it.

Looking at the one-eighth representing the incorrigibles, composed of men who should never be returned to society under any circumstances whatever—men of purely criminal minds, released from prison only to again return to it—it must be conceded that it matters little what method or system of labor is employed, so long as they are kept steadily at work in the interest of the State, and in labor that shall not debase them. Crime is their only element, and the whole interest of society is that they should be incarcerated for life. It cannot be argued reasonably that there is any necessity, in any direction whatever, of employing them under one system as against another; they should be kept in honorable and skilful employment; their intellectual and moral powers, so far as they are susceptible of development, should be strengthened, and they should be made to live their lives in an orderly, systematic, and honorable

way. There can be no question, however, in regard to the method of their employment as a method, for they are not to be returned to society. If they can be kept at work making goods for the State, that is the very best thing that can be done with them, and in doing this they may learn how to use their minds and hands. The incorrigibles should not be employed, however, to the detriment of the short-term men, nor of the remaining one-eighth, which may be called the reformable portion. This one-eighth consists largely of young men supposed to be in prison as the result of some spree, or through indiscreet action, accident, or the lack of understanding the ways we call right and wrong. They are not supposed to have become convicts through criminal minds or through tendencies which they prefer to retain. Such men should not only be sentenced on the indeterminate principle, but every effort which the State is capable of making should be made to bring them into harmonious relation with law-abiding citizens. The manufacture of goods for the State, with all their variety, is the very best work on which this reformable body can be employed. If there be not work enough to keep the whole body of prisoners employed steadily, it should be concentrated upon the incorrigibles and the short-term men, while the reformable fraction of prisoners should be given the benefits of the training which Warden Sage proposes to introduce.

From a mere modernized penitentiary the Elmira Reformatory has been developed into a great compulsory educational establishment for employing felons and corrigibles. Moral, mental, and manual training have been systematically coordinated, with the end in view of turning out practical, self-helping, self-controlling citizens. As the editor of *The Summary*, a periodical published at the Elmira Reformatory (the editor himself being an inmate of the institution) puts it, the reformatory prescription consists of a trinity of M's—mental, moral, and manual training—and these ingredients have been used in varying proportions, according to the needs of the patient. The reformatory has firmly established itself as something more than an experiment, although its wise manager, Dr. Brockway, continues to rank it as an experimental station, inasmuch as opportunity is constantly afforded for the trial of plans that offer promise of aid in accomplishing the ends aimed at.

Looking at the matter squarely, then, the economic side of the question is not of sufficient importance to demand drastic treatment. The question of profits has been lost sight of by the force of necessity. It is the State's duty to treat its moral invalids with the same fairness in recognizing their illness that it shows to its mental and physical invalids. It certainly has no right to expect to make profit out of either. Its whole duty, then, is to approach all three classes, the dependent, the delinquent, and the defective, from the point of view of the physician. Their bodies must be kept in the best condition, and their moral and mental attributes trained and strengthened. By giving more attention to this ethical side of the problem the best economic results will be reached sooner or later.

Prisons have not been so effectively deterrent as it was formerly supposed they would be; punishment has not accomplished the ends sought. Revenge is not a part of the State's duty, but the protection of society is its sole duty, and criminals are a part of society. That method of treatment, therefore, which will reduce the number of criminals and bring them back to society as cured and industrious citizens will also eventually reduce the expense to the State and the annoyance and irritation and danger which come from the presence of a body of criminals. Whatever conduces to this result, whether it be the employment of prisoners solely for the benefit of the State or teaching them how to employ their minds and hands when they leave the prisons, must be the true course; the size of the deficit in the State treasury resulting therefrom or the trifling competition which follows are of but little account. In place of the old rule for the running of prisons—profits, with incidental reformatory results, the new rule will hold sway—reformation, with incidental profits.

CARROLL D. WRIGHT.

THE HISTORY OF A POEM.

BY EDMUND GOSSE.

COVENTRY PATMORE died, at the age of seventy-three, on the 26th of November last. In another place I have endeavored to recall the personal characteristics of this extraordinary man, and something of his conversation. To-day I hope to make some additions to the knowledge of his famous poem, *The Angel in the House*, the history of which has been almost without a parallel for its vicissitudes. There have been published exaggerated statements as to the sale of this book, but I believe it is well within the mark to say that 200,000 copies have, during these forty years, been circulated in England and America. It has been extravagantly praised and unjustly scorned, but it certainly has not been neglected by the great public, and some account of the circumstances in which so popular a poem was produced may not be unwelcome to the readers of this review, especially as Patmore lived a life of extreme seclusion, and rigorously barred his doors against interviewers. With the statement that for sixteen years I enjoyed the intimate friendship of this great writer, I close these words of necessary introduction.

In his twenty-third year Patmore became acquainted with the lady who was to become his wife and his Muse. At this time he was a thin and hungry-looking youth, the author of one small volume of unsuccessful poems. A lady who recollects him at this time tells me that she never saw him eat a mutton chop without wondering if it would be the death of him, so starved and haggard did he appear. In point of fact, however, although frail and sometimes hypochondriacal, Patmore had then, and preserved through life, a fund of muscular and constitutional health. Like many men of imagination, he was a tireless walker and a voracious eater, but indulged in no manner of games or athletic