New Spirit in Old Prisons

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WHEN THE AVERAGE citizen in Germany hears talk of prisoners, he thinks immediately of prisoners of war, political internees or war criminals. But if he is told that roughly one out of every thousand of his fellow citizens is in jail for such ordinary offenses as burglary, forgery or fraud, he is likely to shrug his shoulders with an indifferent “Ach wirklich?” (Oh, is that so?). Early in the 20th century, penologists found that this strict confinement necessarily made the former inmates unable to readjust themselves to life in a more rapidly changing world. Statistics proved that many prisoners who had been in prison once returned, because their confinement had completely alienated them from normal living.

One difficulty is evident to anyone who has once seen a typical German prison: there are practically no modern institutions in the country. Some of the buildings are former monasteries, more than 500 years old. Others were medieval castles, later converted into prisons because they offered a maximum of security. The great majority, however, were built during the last century after the 1790 model of the Eastern State Penitentiary in Philadelphia, Pa., birthplace of a penal system which became known as the “Pennsylvania system.” The essential factor in the administration of this system is segregation.

TODAY THE principles of this old system have been practically discarded. Modern penology aims at removing the cause of delinquency, which often enough is the result of lack of proper training for life. In the last 30 years, prison administrators have abolished the laborious, unproductive prison work in the cells. Instead, large, modern shops have been built, in which the inmates are usefully employed and where they can learn a trade, enabling them to earn a living after their release. Along with this development have come classes in basic education and citizenship, sports, limited prisoner self-government, and the introduction of individual casework as an aid to rehabilitation.

Most of the old institutions in Germany lack the facilities required for this modern system. The primary prison rule at the time they were built was security, not reformation. Their architects, therefore, thought a few offices, a kitchen and a small hospital in addition to as many cells as possible would be all the space an institution could require. The cells necessarily were very small.

When progressive penal methods called for shops, mess halls and classrooms, German prison administrators had to resort to makeshift arrangements. Some wardens set up shops in the courtyards, ‘others used the basements of cell blocks. For classrooms, they took out the walls between two or three cells, until overcrowding put an end to that. The unhygienic practice of eating in the cells is still followed in many prisons without mess hall space. Lack of rooms for group work is a continuous problem in these institutions.

Plumbing systems were unknown when many prisons were built, and the thickness of their two-foot walls makes it practically impossible for their installation now. A modern alarm system could have made unnecessary many of the excessive security devices which call for more personnel and maintenance.

SEEING these bleak prisons today, it is hard to believe that sixty years ago they were considered outstanding models which experts from many countries studied.

Postwar sign outside the Bernau Prison in Bavaria warns outsiders in four languages — German, English, Polish and Russian — to keep off the work grounds of the prison.
and copied. At that time, Germany was also a recognized leader in penology, keeping abreast of development in this field through the 1920’s.

The great setback in the prisons field, as in many others, came with the Nazis’ advent to power in 1933. The Nazi philosophy of punishment was one of atonement and vengeance. Their aim in sending offenders to prison was to isolate them from society for as long as possible and at a minimum cost to the state, while at the same time ruthlessly exploiting their manpower. The indiscriminate confinement of enemies of the Nazi system and habitual criminals in the same institution and cell block put an end to educational prison work in favor of hard labor and longer hours.

The Nazis did not hesitate to exploit the weaknesses of the German penal code which dates from 1870. For example the section on “work houses” permitted dictatorial abuses. These “work houses” served originally as internment places for vagrants and prostitutes without legal residence, and were under supervision of the police. Nazism exploited the provision that persons could be sent there merely by order of the administrative authorities; no court sentence was required. When Military Government abolished the “work houses” after the war, it found that in one state 1,400 inmates had been held in them without due process of law.

IN THE SPRING of 1945, Military Government took over badly damaged and almost empty prisons. Most of the inmates had been released in the closing days of the war, and the buildings were used for a variety of purposes, from the housing of refugees to the storing of military stocks and equipment.

The groundwork for a new prisons system in Germany was laid in November 1945, with the enactment of Allied Control Council Directive No. 19. Abolishing the “vengeance” attitude in favor of education and reformation, it emphasized “recognition of the principle that no human being shall be considered as abandoned or per-
verse beyond redemption.” This quadruplicate directive is one of the few Control Council laws still in force. Its principles were later incorporated into the new prisons administration laws of the US Zone states.

The next step of Military Government was to close and abolish the work houses. The supervision of prisons was withdrawn from the jurisdiction of the prosecutors and established as an independent branch of the administration of justice. Regular prisons inspections were initiated to ascertain conditions and to check on recognition of the inmates’ rights.

Prison education in accordance with modern standards, however, had to wait for some time after the war. The pressing immediate problems, which fully occupied Military Government and German prison staffs, was that of supplying the barest necessities needed to keep the institutions operating. At a time when the number of calories in the average German ration hardly met minimum nutritional standards, the food situation was even worse for prisons. Heating systems in most of the old buildings had broken down, and adequate clothing for inmates was not available.

All officials with Nazi party affiliation had to be released under denazification orders, leaving the prisons staffs greatly depleted. Through 1947, the administrations were busy setting up prison schools and training new personnel.

WITH THE CURRENCY reform in June 1948 the material shortages vanished. The new problem, however, was a critical shortage of funds. German legislatures had to care for so many thousands of homeless and refugees that prisons appropriations were held to the minimum. This is still the case. Salaries in the German prisons service are below those in the police department and substantially below the wage standards of the German economy. In many cases, this has proved a deterrent to promising young officials.

In practical prison work Germany has caught up again rapidly. The German prisons of today are making remarkable progress in the reformation of their inmates, within the bounds set by existing facilities. Educational work has been resumed, and vocational training in a limited number of trades is open to unskilled prisoners in all institutions. Upon completion of their apprenticeship, inmates receive certificates from the local trade organization, without any reference to the fact that it was served in prison.

Sports clubs have proved to be the answer to many of the problems of spare-time activity for prisoners. In addition to physical exercise and healthful outdoor activity, they afford the convicts a chance to practice self-government by electing club managements and adopting their own constitutions. The inmates of the Bruchsal penitentiary worked overtime voluntarily to prepare the ground for a soccer field and tennis court.

Postwar reforms in prison work include introduction of spare-time sports activities. Inmates of Bruchsal Prison (shown below) voluntarily helped to build sports field.
The penitentiary has also introduced a public address and radio system with individual headsets in each cell. Carefully selected radio programs are transmitted every night from 8 to 10 o'clock and all afternoon on Sundays. Church call on Sunday morning is by means of a loudspeaker sounding the ring of church bells. Teachers frequently use the system for lectures when they cannot assemble the prisoners in one room for lack of space. The warden relays instructions over it, and by an interceptive device can cut off certain cell blocks as a disciplinary measure.

The productive work done in German prisons today is a study in contrasts. While in one cell block inmates may be found punchng buttons by hand, plaiting baskets or even doing traditional gluing of paper bags, other prisoners in the same institution perhaps work in a well equipped carpenter or blacksmith shop, operating modern machines and turning out precision products. Prison-manufactured items are either used within the institution or sold through regular commercial channels, the proceeds supplementing appropriated funds of the prisons system.

Prison supervision by the occupation powers practically ceased with the inception of the Federal Republic in the fall of 1949, and has since then been restricted to the control of the care and treatment of prisoners sentenced by Military Government or Allied High Commission courts. However, since the US Zone these prisoners are scattered over some 30 institutions, HICOG prison officers have access to all major prisons and have developed a cordial relationship with German wardens and their staffs.

For prisoners sentenced in US courts American parole procedures were introduced in 1949 with a dual structure: a German board to handle parole hearings and to recommend either the release or continued detention of the prisoner, and an American board with a German advisory member to act on its recommendation. Release on parole as an educational measure and as a last step in the rehabilitation of a convict was previously unknown in German penal practice. German authorities effected releases before expiration of sentence either as an act of clemency, or by the so-called interruption of sentence. Under this procedure a prisoner could be released and put on probation for any time the prison authorities saw fit, even beyond the expiration of the original sentence.

There is strong hope now that the forthcoming revision of the German penal code will include provisions for a parole system with the decisive characteristic of release to full freedom upon expiration of the original sentence.

The second outstanding American contribution to German progress in prisons administration was the inauguration of an interchange of ideas and experiences, a particularly important factor in a field where personal ideas may govern the lives of hundreds of people. Under the State Department's exchanges program, 17 German prison officials have, since 1949, gone to the United States for three months to study the American federal and state prison systems. Plans are also being made to have seven German students of penology study one term in the United States.

On the other leg of this program, five American prison experts, including State Commissioner of Correction Richard A. McGee from California, came to Germany to survey existing conditions and offer their advice. Mr. McGee wrote an extensive report on the administration of German prison system which, German officials admit, "could be the magna charta of our future work, if there were more money."

A SIMILAR State Department sponsored exchanges program sent six German prison officials to Switzerland and another six to England for one month, while a Swiss reformatory director visited German institutions for a like period.

Within Germany, HICOG prison officers have approached the exchanges idea in a less formal, but equally effective, way. Hearing clemency cases in the many institutions of their areas required them to be "on the
file of prison staffs, rather than on high-sounding theories. Since guards and foremen have the closest contact with the prisoners, HICOG has striven to give these minor officials a better understanding of their task within the overall rehabilitation of the convict. HICOG initiated, and for two years published, a magazine known as "Zeitschrift fuer Strafvollzug" (The Prison Journal) as a "platform" for discussion of day-to-day prison problems.

Another essential HICOG assistance project is still in the planning stage. A conference on prison architecture, being sponsored by HICOG, will bring together prison officials, architects, representatives of the state finance ministries and foreign experts in an effort to prepare a long-term building program for new prisons. One objective is that the old fortress-like German jails will gradually disappear or serve only as maximum security institutions, while fenced barracks camps will be built to house the majority of prisoners. Some German states, Hamburg, for instance, have already found this new-type prison better for educational purposes, more hygienic and less expensive.

The German prisons system still have a long way to go. The architectural conference will plan in terms of 25 or perhaps 30 years. The average citizen will have to realize that the prisoners of today will inevitably be his free fellow citizens of tomorrow. Some day it may make all the difference to him whether the convict has been rehabilitated to be a useful member of society, or whether he has experienced the vengeance of authority and once in freedom turns to vengeance of his own.


War of Words
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Irving Brown brought greetings of the American Federation of Labor "in this spirit of the ideological offensive", and stated that the "support and solidarity of the great masses of peoples of my country" were behind the current struggle. "I am also quite certain", he said, "that the newspapermen of America join with me in my personal salutations to your courage and determination in having held aloft the torch of liberty".

Reminding his listeners that "the more Stalin has, the more he wants", Raymond Aron of Le Figaro, Paris newspaper, warned that the Russian dictator's demands must be met with firmness and resolution, not by war. "We are here in Berlin, richer in symbol than any other European city — symbol of Hitlerite aggression, symbol of totalitarian war, and now symbol of a free Germany — not by compulsion but from a desire to be the companion of other European countries. Europe will not have to chose between Hitler and Stalin, but between a free Germany and Russia — the Germany of Goethe, let us say, and the Russia of Tolstoy."

Declared Malcolm Muggeridge of the Daily Telegraph, London newspaper: "It is often said that we have no positive position to offer as an alternative to the fanaticism which our enemies are able to generate among their adherents. This is not true. We have the most splendid of all causes. All that is required is to expend it; to stand by it; to be ready, if necessary, to die for it. What we stand for — all of us, irrespective of nationality, religion, race or class — represents the dynamo out of which all that is greatest and most enduring in human achievement has emerged."

The congress unequivocally told the world: "No man can live at peace while his brother lives in fear of an unexpected knock at his door."