

Benevolent Repression



Social Control and the American
Reformatory-Prison Movement

ALEXANDER W. PISCIOTTA



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To My Parents

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Benevolent Repression

Introduction

This book is the product of an accidental discovery. In the fall of 1978 I was doing research in the New York State Archives for a history of the American juvenile reformatory movement. While reading the correspondence of one of the turn-of-the-century parole officers at the Western House of Refuge, Rochester, New York, I came across a puzzling entry. Parole officer Lewis Haas made notes on a conversation he had with Zebulon Brockway, superintendent of the highly acclaimed Elmira Reformatory.

Brockway ... never let an opportunity pass to speak slightly of this institution [Western House of Refuge], its methods and leniency and expressing our great mistake in dealing so kindly with these boys [noted Haas. Brockway would] sneer most contemptuously at our Sunday-school training and ask me if I brought some more of my good little Sundaschhol-boys [sic] down to him to train. "Do you know" said he, "what I do with them? Put them in red suits and lock them up and let them stay there until their time is out."¹

The tone and substance of Brockway's comments seemed odd. I knew that Brockway had been the first superintendent of the Elmira Reformatory—completed in Elmira, New York, in 1876—probably the most important penal institution ever opened in the United States. Elmira was the world's first reformatory-prison for "youthful offenders": first-time male offenders between

1. Records of the New York State Agricultural and Industrial School, *Chaplain and Parole Officer Correspondence*, Lewis Haas to Superintendent F.H. Briggs, 21 January 1903.

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the ages of sixteen and thirty. Brockway was and still is widely regarded as the father of the “new penology” and the “rehabilitative ideal.” The Elmira system introduced “prison science” and the “medical model” into American corrections. Historians have credited him with developing some of America’s most significant and long-lasting penal innovations, including indeterminate sentencing and parole.

Brockway’s new penology served as the ideological foundation of the American correctional system for over a century. Punishment-oriented conservatives did not make headway in undermining the rehabilitative ideal until the 1970s. Why, I thought, did the “Father of Rehabilitation” speak so harshly? Why was the most important penal reformer in American history, the architect of many contemporary treatment programs, advocating punishment for juvenile offenders? Did Haas misinterpret, misquote, or perhaps misunderstand Brockway?

I could not pursue these questions. Although my interest was piqued, my topic was a history of juvenile—not adult—reformatories. Moreover, New York’s archivists informed me that even though they had found inmate case histories and conduct ledgers from Elmira’s early years, these records were housed in a cold, unlit, and abandoned building on the institution’s grounds. These fascinating records were totally disorganized, impossible to work with, and not to be transferred to the archives for at least another year. Given the lack of primary data sources, I decided to stick to the task at hand. The story of Elmira had waited for more than a century. Would several additional years matter?

However, as I reviewed the literature on the history of corrections and social control, I tried to learn more about the new penology.² To my amazement, I discovered that historians had little to say about Brockway, Elmira, the adult reformatory movement, or the birth of American prison science. For instance, David J. Rothman’s seminal works on the history of American corrections from colonial times to the 1940s, *The Discovery of the Asylum* (1971) and *Conscience and Convenience* (1980), discuss the Elmira Reformatory and adult reformatory movement only in passing or in footnotes. Outstanding works on juvenile justice history, most notably Robert M. Mennel’s *Thorns and Thistles*

2. Reviews and critiques of American correctional historiography include: Takagi, “Revising Liberal Conceptions”; Conley, “Criminal Justice History”; Hindus, “The History of Crime”; Pisciotta, “Corrections, Society and Social Control”; idem, “Theoretical Perspectives”; Ignatieff, “State, Civil Society, and Total Institutions”; Mennel, “Attitudes and Policies”; see generally pieces in Cohen and Scull, eds., *Social Control and the State*; Bellingham, “Institution and Family”; Weiss, “Humanitarianism, Labor Exploitation, or Social Control.”

(1973) and Steven L. Schlossman's *Love and the American Delinquent* (1977), examine the care of delinquent and dependent children and, accordingly, provide little analysis of the treatment of young adults.³ Historians have focused their research efforts on either adult prisons or juvenile reformatories, not on the "in-between institutions" which comprised the adult reformatory movement. The evolution of the new penology and the birth of America's "third penal system"⁴ have been ignored.⁵

The few studies that have been made of Elmira, the adult reformatory movement, and Brockway are descriptive chronologies and hagiographies which promote, with a few isolated exceptions, an uncritical march-of-progress theme.⁶ Blake McKelvey's *American Prisons: A History of Good Intentions* (1977), for example, concludes that Elmira was "the model for other reformatories, demanding imitation rather than originality," and that Brockway "stands

3. In defense of Schlossman and Mennel, their purpose was to examine juvenile institutions, not adult reformatories. I do not mean to imply that their analyses are in any way flawed. Rothman's *Conscience and Convenience*, in contrast, purports to provide an analysis of key late nineteenth- and early twentieth-century penal movements. Excluding adult reformatories within this context is a serious oversight.

4. Criminal justice historians commonly refer to the adult prison movement as America's "first" penal system, the juvenile reformatory movement as the "second" system, and the adult reformatory movement as the "third" system. These terms are chronologically, ideologically, and programmatically based. Historians generally cite the Walnut Street Prison, which opened in Philadelphia in 1790, as the nation's first prison and the foundation of the "first system." The New York House of Refuge, which opened in New York City in 1825, introduced the juvenile reformatory movement and the "second system." The opening of the Elmira Reformatory in 1876 introduced the "third system."

5. I was, to be sure, perplexed by this gap in the literature. Why have leading criminal justice historians not examined America's most important penal institution and penal reform movement? Two explanations seem plausible. First, criminal justice historians generally study the development of social control institutions chronologically. Adult prisons and juvenile reformatories opened in the late eighteenth and early nineteenth centuries; hence, they received priority attention. Second, state archives also gave priority attention to the records of longer-established adult prisons and juvenile reformatories. In New York, for example, the records of the Auburn and Sing Sing Prisons and New York and Western Houses of Refuge were on deposit before the records of Elmira. The paucity of records on adult reformatories, coupled with a lack of discussion in prior literature, has contributed to this historical blind spot.

6. Histories of the Elmira Reformatory, the adult reformatory movement, or the new penology are: Nalder, "The American State Reformatory"; Robinson, *Penology in the United States*, 120-52; Gillin, *Criminology and Penology*, 621-44; Barnes and Teeters, *New Horizons in Criminology*, 547-68; Putney and Putney, "Origins of the Reformatory"; Hawes, *Children in Urban Society*, 146-57; Eriksson, *The Reformers*, 98-106; McKelvey, *American Prisons*, 64-115, 161-69, 234-66; Gill, "State Prisons in America"; Jenkins, "The Radicals and the Rehabilitative Ideal"; idem, "Temperance and the Origins of the New Penology"; Pisciotta, "Scientific Reform"; B. Smith, "Military Training"; Waite, "Penitentiary to Reformatory"; Currie, "Managing the Minds of Men."

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without rival as the greatest warden America has produced.” Torsten Eriksson’s *The Reformers: An Historical Survey of Pioneer Experiments in the Treatment of Criminals* (1976) describes Brockway as a “creative genius” and a “gifted man of action.” Herbert Johnson’s *History of Criminal Justice* (1988)—a recent text that will serve as a primer for many students of American correctional history—praises Brockway and concludes that Elmira was “a sterling example of successful application of rehabilitative techniques.”⁷

The failure of historians to examine critically the adult reformatory movement leaves a significant gap in our understanding of the history of American corrections and social control. More important, it distorts our understanding of the historical roots of current criminal justice system policies, practices, and debates. I have tried to remedy this failure by providing a history of the American adult reformatory movement from Elmira’s opening in 1876 to the close of the Progressive Era (1900–1920).

This book addresses the following questions: When, where, and why did the American adult reformatory movement start? How did the opening of Elmira and the diffusion of reformatory-prisons transform America’s approach to thinking about crime and treating criminals? Did adult reformatories fulfill their stated goals and objectives by providing kindly treatment and reform? How has this movement and its underlying ideological foundation—rehabilitation—shaped current criminal justice policies, practices, and debates?

My arguments are grounded on two concepts: benevolent reform and benevolent repression. The twenty adult reformatories opened in the United States between 1876 and 1920 promised benevolent reform: humane, constructive, and charitable treatment. In fact, they delivered benevolent repression. So-called “prison science” attempted to instill youthful offenders with the Protestant ethic and American values: the habits of order, discipline, self-control, cheerful submission to authority, as well as respect for God, law, country, and the principles of capitalism and democracy. These institutions were designed to transform the “dangerous criminal classes” into Christian gentlemen and prepare them to assume their “proper place” in the social, economic, and political order: hard-working, law-abiding lower-class citizens. America’s new reformatory-prisons were, quite simply, aimed at taming and training criminal elements of the working class.

However, I will demonstrate that adult reformatories did not achieve their overt goal of benevolent reform or their covert aim of benevolent repression.

7. McKelvey, *American Prisons*, 138, 169; Eriksson, *The Reformers*, 98; Johnson, *History of Criminal Justice*, 225.

Most of these highly acclaimed institutions were, in fact, ineffective and brutal prisons which did not provide kindly reform or “Christian treatment.” But the state’s failure to reform did not, ipso facto, translate into effective coercion. Nineteenth- and early twentieth-century reformatory-prisons did not, as Michel Foucault has argued in *Discipline and Punish* (1975), succeed in their attempts to manage the minds, bodies, and souls of men; despite their grand aims, these institutions did not effectively discipline the dangerous classes.

However, the reformatory movement had an enormous impact on Americans’ approach to thinking about crime and treating criminals. These institutions invented a new criminal class: the dangerous youthful offender. The opening of reformatory-prisons added a new layer to the nation’s network of social control. Indeterminate sentences lengthened prison terms; parole extended the new penology and the coercive arm of the state into the community. The diffusion of prison science contributed to the professionalization of penology and the creation of “scientific criminology.” Perhaps most important, the founding of America’s third penal system enhanced the status of the nation’s correctional system and legitimized the repression of the dangerous, criminal classes.

The adult reformatory movement is not merely a historical curiosity. Modern correctional institutions continue to serve as dumping grounds for society’s human refuse—now unskilled, uneducated, lower-class blacks and Hispanics. Contemporary reformatories and prisons still try to instill offenders with the Protestant ethic and transform them into “Christian gentlemen.” Even today, core treatment programs (academic and vocational education, religion, mark and classification systems, military drill, indeterminate sentencing, parole), the most vexing problems (overcrowding, underfunding, escapes, riots, violence, drugs, suicide, arson, predatory homosexuality), as well as explanations for failure (lack of money, inadequate staffing, uncooperative inmates), disturbingly reflect the past. Like our nineteenth-century predecessors, we continue to balance the conflicting aims of benevolent reform and benevolent repression—with as little success.

This book is structured to provide a systematic overview of the adult reformatory movement and to develop these themes. The first three chapters focus on the Elmira Reformatory from its 1876 opening to 1899. Chapter 1 identifies factors which led to the founding of this path-breaking institution. I analyze the Elmira system in detail and demonstrate how the new penology transformed the entire American criminal justice system and was widely hailed as an international model. Chapter 2 provides a detailed look at Elmira’s internal opera-

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tion. I demonstrate that this “model institution” was one of the most, if not the most, ineffective and brutal correctional institutions in the United States. Chapter 3 explores the human dimension of incarceration; seven case histories provide the inmates’ perspectives on the Elmira system and highlight the problems that Brockway encountered in attempting to implement prison science and the new penology.

Chapter 4 traces the diffusion of the adult reformatory movement to the close of the nineteenth century. I examine the origin, aims, structure, population, programs, and problems of ten reformatory-prisons opened between 1877 and 1899. These institutions adopted Elmira’s central aim: to instill their charges with the Protestant ethic and transform them into productive citizens. However, they did not blindly copy the Elmira system. Other reformatory-prisons developed unique organizational personalities which reflected state-specific penal cultures. However, there was a wide disparity between the theory and practice of these institutions; like Elmira, they promised reform, delivered repression, but generally failed to socialize their charges.

Chapters 5 and 6 examine Progressive Era penal reforms. In chapter 5, I return to Elmira and demonstrate how and why scandals forced Brockway to resign in 1900. Elmira’s new keepers went on to discover a new class of criminal, the mentally defective offender, and to introduce a new approach to reform, eugenic prison science. Chapter 6 examines the operation of the adult reformatory movement from 1900 to 1920; by the latter date, twenty reformatory-prisons were operating in the United States. Drawing on systems and organizational theory, I explain how this movement fractured, splintered, and eventually self-destructed. By 1920, the adult reformatory movement was no longer the central focus of the American penal system. Incapacitation and social defense had become the new aims of the American criminal justice system. Finally, chapter 7 summarizes my major findings and themes, compares and contrasts past and present correctional practices, and presents some unsettling predictions for the future of American corrections and social control.

My purpose in writing this book is to call attention to the new penology, outline the contours of the adult reformatory movement, and ponder linkages between past and present social control systems. I demonstrate, with much regret, that America’s search for “reform” has been a long and painful experience. Why do we continue to repackage programs and ideologies which have been tried and failed? Why do we continue to promise benevolent reform but deliver benevolent repression?

Chapter One

Making Christian Gentlemen: The Promise of Elmira, 1876–1899

The Elmira Reformatory led America's search for methods of reform in the late-nineteenth century. This chapter provides an overview of the origin, development, and operation of this institution during its "golden age of reform." The first section examines forces that led to the founding of the Elmira Reformatory in 1876, explains how the Elmira system evolved, and describes how the new penology was, in theory, supposed to rehabilitate inmates. The second demonstrates how the opening of Elmira and the introduction of prison science sparked a paradigmatic revolution which transformed America's approach to thinking about crime and treating criminals. Finally, there is the career of America's most important penologist—the father of the new penology, the Elmira system, and the adult reformatory movement—Zebulon Reed Brockway. Brockway was, in the eyes of many, the arm of the state, the hand of God, and a penological genius.

The kindly rhetoric of Elmira's highly successful public relations and marketing campaign masked a repressive class control agenda. These findings support many of the central themes presented by Michel Foucault in *Discipline and Punish* and by David Garland in *Punishment and Welfare*. The Elmira Reformatory, much like the adult prisons and juvenile reformatories which preceded it, attempted to build "docile bodies" and "manage the souls of men." The Elmira system was designed to instill youthful offenders with the habits of

8 *Making Christian Gentlemen: The Promise of Elmira, 1876–1899*

order, discipline, and self-control and to mold obedient citizen-workers. The “socialization” and “normalization” of offenders was aimed at controlling the lower classes and, on a practical and symbolic level, contributing to the development of an orderly society. America’s new medical model legitimized the social control of the dangerous classes and attempted to fit the lumpenproletariat into their “proper place” in the social, economic, and political order: namely, law-abiding and hard-working proletarians.

Origins of Elmira: Crime, Criminal Justice, and the Crisis in Corrections

The post-Civil War era was one of the most dynamic periods in American history. Unparalleled demographic, social, economic, and political changes shook the nation. The relative decline of agriculture and the rise of industrialization were the primary catalysts of change. The influx of millions of immigrants contributed to the growth of America’s industrial complex by supplying inexpensive labor. New production, distribution, consumption, and exchange networks formed, and the United States rapidly emerged as a world economic, political, and military power. But industrialization and urbanization resulted in increases, or at least perceived increases, in a variety of “city-related” problems: crime, delinquency, poverty, moral decay. America became, as historian Robert Wiebe puts it, a disorganized and distended society. Traditional American values—the rural, Protestant village-farmer lifestyle—crumbled. “America in the late nineteenth century,” concludes Wiebe, “was a society without a core.”¹

Post-Civil War New Yorkers were firmly convinced that crime, deviance, and social disorder were skyrocketing and that New York City was rapidly degenerating into a moral cesspool and den of iniquity. Edward Crapsey, a police reporter, expressed the sentiments of many fearful observers in his analysis of “the nether side of New York.” The city was rife with crime and delinquency. Seven thousand grog shops, five thousand prostitutes, three thousand profes-

1. Wiebe, *The Search for Order*, 12. More radically oriented historical works focus on class, racial, ethnic, or religious conflict and the economic exploitation of the lower classes during this period. Some of the standard works in this tradition include Williams, *Contours of American History*; Baran and Sweezy, *Monopoly Capital*; Dowd, *The Twisted Dream*; Braverman, *Labor and Monopoly Capital*; Boyer, *Urban Masses and Moral Order*. I will not attempt to critique Wiebe’s thesis or consider alternate interpretations of the Progressive Era. Link and McCormick review the literature in *Progressivism*. Irrespective of the historical accuracy of Wiebe’s thesis, one point is clear: many Americans were convinced that social disorder was increasing; they launched a war on crime and vice based on that perception.