

**THE PENNSYLVANIA SYSTEM OF
SEPARATE CONFINEMENT
EXPLAINED AND DEFENDED;
REMARKS ON CELLULAR
SEPARATION**

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The Pennsylvania System of Separate Confinement Explained and Defended; Remarks on Cellular Separation by William Parker Foulke

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WILLIAM PARKER FOULKE

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THE

PENNSYLVANIA SYSTEM

OF

SEPARATE CONFINEMENT

EXPLAINED AND DEFENDED.

By the
Philadelphia Society for Improving the State
of Prisons

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1867.

INTRODUCTORY REMARKS.

THE Philadelphia Society for Ameliorating the Miseries of Public Prisons, has from its foundation (more than eighty years ago) labored towards the object set forth in its title. Its members have reason to felicitate themselves in the belief that their labors have been beneficial, directly, in their immediate vicinity and in many parts of this Commonwealth, and reflectively and as imitable examples in other parts of the United States and even in Great Britain, and on the Continent of Europe.

In attempting to ameliorate the condition of prisoners, consideration has been given not merely to the punishment which is ordered by the Court, but to the construction of the building used as a prison, and to the character of the discipline to which the convict is submitted.

To the last branch, namely, the discipline for prisoners especial attention has been given by the Society, and that has led to a consideration of the mode of construction best adapted to the form of discipline approved.

The separate system of confinement is that which in the opinion of the Society is best adapted to the purposes of punishment and improvement, as indeed being the only system which secures the convict from the evil

association with others of his class, leaves him to the ministrations and moral suasion of those who take an interest in his present condition and his capabilities, and allows him at the completion of his term of imprisonment to go forth into the world, without having his plans of good imperilled by the accidental or premeditated contact with those who had been his contemporaries in prison.

This system of separate confinement has been fully and satisfactorily tested in the Eastern Penitentiary of Pennsylvania, where the construction of the building and the character of the discipline were adapted to the system, and serve to give it efficacy and ensure its success.

Attempts to adopt the system of separate confinement without adapting the building and the discipline to the requirements of the system, have failed in some places; and a want of satisfaction has been expressed in others, because the labor of the convicts did not meet the cost of their maintenance.

For this "Separate Confinement" (not solitary imprisonment) this Society has earnestly labored, and it has in various ways sought to ensure, in the alterations of existing jails and in the erection of new prisons and penitentiaries, the proper means of securing health, employment, and correction to the convict, and in these prison houses the Society has endeavored to place its volunteer agents to instruct the prisoner and lead him to resolves of amendment.

But the want of a general system has retarded the progress of all efforts to make the prisons and peniten-

tiaries places of moral reform; and the Society in the progress of its labors has sought to procure from the Legislature of this State enactments that will systematize the administration and discipline of the penal and pauper institutions of the Commonwealth, and secure to each the benefit which may flow from improvements in the other.

In order to show the views of the Society in regard to a general system for the administration of the pauper and penal institutions of this Commonwealth, reference is here made to a letter addressed in December, 1864, by the Society to His Excellency A. G. Curtin, then Governor of this State. The letter is reprinted and constitutes a part of this pamphlet.

That letter was the result of deep conviction as to the necessity of an organization of the general system proposed, and that conviction resulted from continued observation and the reports of members of the Society sent forth to examine the situation of our prisons and almshouses, and to see what was the result of a want of system, and what would likely be the consequence in this State, of such provisions for Commissioners or Agents as are made in some other States and in Europe.

We leave this part of the subject to the statement and arguments set forth in the letter to Governor Curtin, and especially to the report of the Joint Committee of the Legislature to whom that letter was referred, having been transmitted to the Legislature with his Annual Message by the Governor, adding only that if any illustration of the advantage of such a commission or agency or controllership should be desired it is only to look at

the benefits which have resulted to the school system of this State from the employment of a State Superintendent of the Public Schools, to whom the reports of the various school divisions of the State are directed, and by whom the administration of the laws is secured and the people made acquainted with the progress and extent of the Public School system.

The report of the Joint Committee of the Legislature to which reference is made, accompanies in this pamphlet the letter to Governor Curtin. "

But it is necessary to have appropriately constructed prisons if we would desire all the advantage which is proposed by moral persuasion. We will not here anticipate the statement and argument presented in a valuable paper prepared by the late W. Parker Foulke, Esq., as we have felt it a duty to present also, in this pamphlet, that Essay as most happily illustrative of the views of the friends of improved prison discipline.

We have already stated that certain motives and certain want of motives, have lead to serious and most injurious misrepresentations of the "Separate System" of imprisonment, and it seems a duty at the present time to remove if possible, some wrong impressions resulting from these misstatements, and to defeat if possible, the attempts now being made to lessen general confidence in a system which is the *only* one yet put in practice to ensure to the convict reflection, instruction, and a valuable use of the term of imprisonment, and save him from the danger of continuing abroad the evil companionship of convicted felons, established in penitentiaries and jails conducted on the "Associate System."

We know of no better Essay on that subject than the one prepared at the request of the Society, by its valued member the late W. Parker Foulke, Esq., and to that Essay, forming a part of this pamphlet, attention is earnestly requested.

At the present time public attention is, in almost every part of the Union, directed to the condition of the County and State Prisons, and practical men and philanthropists are engaged in discussing the various theories of discipline, while in some States a system is established and administered with a spirit which has procured an approval that is far less due to the system than to the administration.

Our county prisons and our penitentiaries are now crowded. How shall the number of convicts be diminished? That is a very important question, but one not likely to be satisfactorily answered for some time.

How may these prisons be made places as much for improvement as for incarceration? The answer to this interrogatory may be difficult also, but the accomplishment of such a work may be much more easily approached than the immediate lessening of crime and its punishment. Nay, until that approach is made, we cannot hope for any permanent diminution in the number of convicts.

It is not enough to have one Penitentiary or one or two County Prisons well conducted. If a system of treatment proves highly beneficial in one prison, that system, with its means of administration, ought to be adopted in all that are less favored.

But what is needed now, besides the protection of the

great system of "Separate Confinement," is the adoption of a system by which all the prisons in the State can be made accountable to the State for their administration, and such a central officer secured as will not only *enable* all, but *compel* all prison authorities to make known to him, and, through him, to the people of the Commonwealth, the character and condition of the prisons, and the results of the administration of all the Penal and Pauper Institutions in the Commonwealth, with all the statistics of the institutions.

Let there be a thorough centralization of all the proceedings of our criminal courts, and all the statistics of public charities. Officers of courts and of prisons have a concern in this, and it should be made their duty, by Act of Assembly, to assist in the work in which they have an interest as citizens, and an obligation as officers.

We add, also, a bill reported to the Legislature of the State, but which, for various causes, did not become a law. And we respectfully invite all those in whose hands this pamphlet may be placed, to give its contents careful perusal, and to give to the object which it proposes a hearty support.

JAMES J. BARCLAY, *Pres't.*

JOS. R. CHANDLER, *V. Pres't.*

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