

# DESIGN AND FUNCTION OF ASYLUMS AND PRISONS

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COLLECTED WRITINGS OF

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## ARCHITECTURE AND CONFINEMENT

### FOREWORD

Arthur Allen, 07 June 2014

In rarified air, where architecture competes with art, highly regarded designers are occasionally given (or take) license to create heroic works as they see fit. In Frank Lloyd Wright's Guggenheim Museum in New York, the creativity of that great architect challenged two important issues. Critics stated that the art of the building should not overshadow that of the exhibits, and that a spiral, sloping floor is not a suitable platform on which to show works of art. The great majority of architects are less presumptuous, and design in tandem with their clients who invariably hold veto power on functional issues.

I doubt that any architect has ever been asked to prepare a statement of purpose for a new facility. This issue becomes interesting where social change is embodied in the design and operation of the building. Where a client and architect agree on social objectives, harmony is likely to prevail, but the architect will still work to the satisfaction of the client. If a tolerant client permits dialogue, change may be negotiated as

the work proceeds. If not, the architect can only accept orders and proceed on the business principle that the client is always right. The result is that architects, contrary to their fondness for technical and aesthetic invention, tend to be indifferent or resistant on social innovation. According to British architect Cedric Price, they are always at the tag end of social change.

Architects can make their views known on social issues outside the framework of their own practices by criticism of specific projects. In 1968, TAR, The Architect's Resistance, did just that by protesting the design of an apartheid housing project for South Africa then being designed by Skidmore, Owings, and Merrill, Architects, in New York. The membership of TAR was an assemblage of students, practitioners, and educators that urged architectural participation in anti-war and civil rights activity in the United States. Presumably any practitioner involved was willing to take business risks from exposure of views that might antagonize potential clients.

In the 1950s and 1960s, as a young architect I was privileged to be involved in dramatic changes to public psychiatric service in Saskatchewan, where buildings were seen and used as one agent of those changes. My interest in psychiatric confinement dates from 1957. By 1977 I began to write, expanding the scope of



work to include the architecture of civil imprisonment. I have found some success in publication, and now offer the articles collected here as a record of my efforts to understand myself and the profession in what is perhaps its most difficult area of work.

Running through the articles there are two issues at the centre of my concerns on the architecture of asylums and prisons - the immoral treatment of inmates, and second, where architects serve public institutions that fail to fulfill their assigned functions, architects face a conflict of fees earned without return of benefit to the public. In addressing these difficulties I try to keep my feet on the ground. I have emotional commitment to the work, but practicality of application demands a sensible approach. I want my work to be taken as constructive criticism that will challenge social and educational practices in architecture without shaking confidence in professional and legal controls of architectural service and design.

When an architect accepts a commission for design of a prison that requires spaces for capital punishment, torture, or long-term solitary confinement, there is no doubt about the client's intentions, or their consequences in practice. Before starting work the architect will know what the client intends to do, and will have a choice to make, depending on his or her point of view

regarding those activities. In the 19<sup>th</sup> and 20<sup>th</sup> centuries when an architect accepted a commission for design of a large asylum to be used for crowded storage of untreated patients, similar questions could have been asked about the architect's share of responsibility for failure of those institutions.

The difficulty of moral choices regarding the denial of human rights in prisons may be resolved in the foreseeable future. The American Institute of Architects *Code of Ethics and Professional Conduct* already has a clause suggesting respect for human rights, but the institute is now facing a strong petition from architects (see website of *Architects Designers and Planners for Social Responsibility*,) urging prohibition of design of spaces for execution, torture, and long-term solitary confinement. World-wide resistance, including United Nations action on all three practices, leads to the likelihood that international law will put these brutal activities out of action. Whether the AIA and other architectural bodies will support the efforts of the United Nations remains to be seen.

The provision of architectural service to institutions that aggravate rather than resolve the problems they are asked to manage is a complex issue arising in the operation of confining buildings. It appeared in the design of

asylums and prisons in the late 19<sup>th</sup> century by which time both building types had grown far beyond their recommended sizes and populations, and were widely known for storage of occupants rather than treatment and rehabilitation. In Canadian asylums, hospital inspectors frequently warned that endless boredom, due to the lack of occupational therapy and other activity, was maintaining mental illness at high levels. Boredom of incarcerated felons is a mental health problem of its own, and makes more trouble by contributing to the personal and organized violence of life in prison.

The initial idealism and high hopes for both asylums and prisons did not last long. By the late nineteenth century the institutions were criticized for increasing the burdens of mental illness and crime. Some asylum superintendents and prison wardens protested, but I have found no record of published architectural concern on the subject prior to the appearance of the March 1973 issue of the magazine, *Architectural Forum*. In a rare article, editor William Marlin presented a thorough discussion of the state of American imprisonment at that time, including assertions that the nation was building too many prisons. The article suggested that incarceration of dangerous offenders calls for maximum security

quarters for 15% of prison populations, and urged that architects consider withdrawal from design of prisons for non-violent inmates in favor of alternative community management of those offenders.

The proposition that architects can and should consider the record of success or failure of their clients' intentions and operations is at the heart of this problem. The situation becomes acute when a public penal institution as client asks an architect to design for inhumane treatment of occupants which some citizens and politicians demand, but which critics claim provides only the illusion of public safety. For example, where public fear and anger seek brutal punishment in deprived and crowded conditions known to aggravate violence and criminal activity, even a well-designed and constructed building that accommodates and facilitates immoral and ineffective operations cannot be credited with public benefit. On a prison project, an architect may satisfy all requirements of a code of conduct. If a project is well managed, and the building well built, safe, secure, and comfortable, the architect can claim a good job, well-done. Should the institution operate the building with immoral, racist, and ineffective activities made possible by its walls and locked doors, the designer's good work will be nullified and fees



will be wasted. The architect may have honored a narrow code of professional conduct, but cannot pretend innocence as to the conflict of professional and social ethics in the work.

I respect existing codes of professional conduct where they insist on integrity, honesty, and diligent design in matters of structural and life safety of building occupants. I differ where they are used to manage the internal affairs of the profession for its own benefit, ignoring the broader field of external social ethics in relation to services provided by architects and their clients in design and operation of buildings intended for public benefit. Canadian architectural codes of professional conduct say and do nothing regarding the abuse of forcibly restrained occupants in buildings of confinement, nor do they address the predicament of architects in the service of failing institutions. It can never be too soon to ask, or too late to hope, that the profession will extend its ethical concerns to everyone who builds to provide shelter. Our dreams of high social service will not come true until we officially support the efforts of a growing number of architects now working world-wide to establish the right of every human being to a safe and comfortable place in which to dwell, and until we resolve the

dilemmas of design and operation of brutal and ineffective prisons.

.....  
*Within the attached articles and letters I have suggested that the profession undertake to share cost-benefit studies on the design and operation of prison buildings, and to support behavioural research on the effects of incarceration. I have had no response to these suggestions from any Canadian or international architectural institution. Objections will no doubt be raised, noting the high level of time and costs involved, and the unreasonable expectation that architecture investigate the performance of psychiatric and correctional institutions under which architects play supporting roles. To be sure, architecture is not solely responsible for the invention or the failure of asylums and prisons. Study of those institutions should be led by experts in psychiatry and criminology, with architects contributing to the process. That such a collaborative effort, with private funding, might be impossible to organize and manage leads me to suggest that impartial evaluation of the failure of important institutions and their buildings might be best undertaken by public investigators and auditors dealing with efficiency and waste in government operations.*



## THE LANGUAGE OF ARCHITECTURE

Arthur Allen

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On the contrary, it is frequently objected that the decorative use of the Orders so conspicuous in Renaissance architecture did *not* express structure, that it was contrary to construction, and, for that reason, vicious." (1)

Considering architecture's long history of service to clients with evil as well as good intentions, it is interesting and a little amusing to find that architecture, at least in print, invariably uses polite language when discussing its clientele, reserving strong words for quiet issues like the decorative value of the orders. This practice is not new; architectural writings – particularly in the 19<sup>th</sup> century – are full of harsh language on the styles of architecture. During that century, a dispute concerning the revival of classic and of gothic design was waged over several decades with such vigour that it was named the "Battle of the Styles." Phrases like "foul torrent of the Renaissance" and "barbarous violence" (of Renaissance garden design) were commonly used in the

battle of the styles. That struggle was full of bitter words and strong moral and ethical terminology, yet it reads like a mock battle compared to 20<sup>th</sup> century debate within other arts, sciences, and professions on their own moral and ethical struggles.

When physicists are asked to produce nuclear weapons, they are immediately faced with tough decisions concerning the moral and political character of their client. If psychology and psychiatry are asked to modify the behaviour of deviant individuals, similar difficulties arise. The medical profession is often confronted in direct and dramatic fashion with issues of conscience surrounding abortion, euthanasia, and more recently, life support systems. The moral and political consequences of all these issues raise powerful debate in pertinent sciences and professions. In the 20<sup>th</sup> century, even visual artists (often paid to flatter questionable patrons) have taken rebellious positions. The Dada movement especially, in its bitter disillusionment, used some very bad language in describing its clientele and itself.

The architectural profession is unusually silent, even evasive, concerning the moral character of its clients. It is my opinion that this state cannot continue if we consider the relationship of the architectural profession to the institution of imprisonment. If architects design prison cells, which in their dreadful simplicity are designed for solitary confinement, then surely architects and architecture are implicated in the mental and physical destruction which occurs in these cells. If there is any doubt about the cruelty of solitary confinement, or of imprisonment, I suggest that architects read social, rather than architectural, criticism.

I do not think that architecture will be able to evaluate this issue by its usual method, the examination of visual design in architecture. In recent years some architectural publications have referred to prison design (2) with sincere doubt expressed in the fine print of editorials. In these articles I suspect that the visual message carried by photographs of many new prison buildings will overpower the editorials, leading most architects to believe that the best prison is a beautiful one, of modern design of course. It is understandable that architects hope that their works will help, even in the lives of prisoners, yet I believe the hope to be a hollow one. From Piranesi's rusticated classic Carceri, to simple Quaker designs, to gothic and classic Revival prisons, and now to designs of our own times, the feeling persists that

architectural style and delight are futile in such angry places. The feeling is even more futile, historically speaking, when we see that delights of style were usually placed for view by outsiders, with interior designs left to the deprivation of harsh and plain cells and corridors. Rather than taking yet another look at the visual design of architecture with endless discussions on the meaning of architecture as we view it in our work, I think that some brief, non-scholarly words, including some impolite observations the language of architecture, are in order.

In the current literature of architecture, the first issue of a new magazine *International Architect* contains an article linking literary theory with architectural practice. The article explains that literary criticism (The New Criticism) treated a written text "...as a structured and autonomous entity something akin to a building..." (3) and further that architects Agrest and Gandelsonas now "ask one to consider architecture as a text and its practice as writing." (4) Given some fascination with this project and agreement that architects need contact with non-architects, the intricate ideas and complex language of this approach would seem to limit it to the already mysterious worlds of architectural and literary criticism.

The idea that architecture speaks its own



nonverbal language is developed in two recent books on the subject: *The Language of Post Modern Architecture* by Charles Jencks (5) and *The Classical Language of Architecture* by John Summerson. (6) Both authors undertake to explain the thesis that visual elements of buildings can be treated as components of language. In terms of modern and classical architecture, Jencks and Summerson contend that columns, beams, arches and other building components are the words, the vocabulary, of the language of architecture. Phrases and sentences are made up by combining building elements, and the rules and principles of construction and aesthetic arrangement constitute the "grammar" of architecture. Summerson states that the language of classical architecture is the "Latin of architecture" and that an understanding of it will help in understanding other architectures. These books work for the development of special languages of architecture, visual in terminology, and verbal in translation. If these languages continue in use for some time, I will be most interested to see how they cope with the deliberate distortion of buildings now seen in the work of James Wines. Will these works be described as light-hearted relief from the boredom of an overly serious and moralistic modern style or will they be compared to the Dada movement in art, with its self-mocking and insulting statements of sadness and anger? I suggest we label deformed buildings

"Dada-tecture" and observe carefully how the languages of architecture treat them.

Renowned architects are often involved in special and very personal uses of language. Frank Lloyd Wright in a note to his book *The Living City* explains his earlier paper "When Democracy Builds" and his attempt to achieve emphasis by placing capital letters wherever he chose to place them. In response to confused critics he defended his liberties but confessed "I did find the affair with capitalization fantastic, far too capitalistic." (7) Charles Jencks in his book *Le Corbusier and the Tragic View of Architecture* wonders whether Le Corbusier was an architect, prophet or "one of the great writers of the twentieth century who couldn't spell and committed all sorts of syntactical outrages?" (8) Buckminster Fuller and Paolo Soleri are spellbinding speakers in the design professions. Their verbal specialties are word coinage, rapid fire monologue and rambling, mystifying discourse on the metaphysical meaning of their work.

The use of moral and ethical terminology in relation to architecture is of particular interest. John Ruskin's work is filled with references to "good" and "right" design and great emphasis is placed on the social benefits to be derived from the design and construction of good artifacts and buildings. In *The Seven Lamps of Architecture*, Ruskin asserts that false



representation of materials or labour in architecture " ...is, in the full sense of the word, wrong; it is as truly deserving of reprobation as any other moral delinquency..." (9) Siegfried Gideon's *Space Time and Architecture* contains a chapter entitled "The Demand for Morality in Architecture" which effectively carries 19th century moral discussions forward into twentieth century work. Geoffrey Scott's *The Architecture of Humanism* attacks ethical concepts in architecture and works to expose the inadequacies of an ethical approach. In a recent book, Bruce Allsopp's *A Modern Theory of Architecture*, a very clear statement is given concerning architectures' special and limited use of ethical terminology;

" But in using the words good and bad we are not making a moral judgment: we have moved out of the broadly classified field of human thinking which is defined as *ethics* into *aesthetics* where the word good refers to quality. (10)

The subtitle (Ethic or Aesthetic ?) of Reyner Banham's book *The New Brutalism* asks a question central to architecture's endless debate on ethical and aesthetic issues. At the conclusion of the book Banham states:

I make no pretence that I was not seduced by the aesthetic of Brutalism

but the lingering tradition of its ethical stand, the persistence of an idea that the relationship of the parts and materials of a building are a working morality – this, for me, is the continuing validity of The New Brutalism. (11)

If architecture needs a non-verbal dictionary I think it also needs a lexicon explaining its special definitions of words. Many terms including "good design", "pure, crisp and clean design," and "visual logic" are used in very special ways by architects. Where communication between architects is involved these imprecise expressions are common, and usually used for entertaining argument. Because they are based on a professional mystique, in public communication they foster confusion and isolation.

It seems that architects avoid plain speech and expend much effort in the development of special languages. These languages, used in many and varied searches for the meaning of architecture, generally avoid reference to the moral or political character of the patrons of architecture. Just how the meaning of architecture can be understood by aesthetic analysis alone is a mystery – it seems obvious that the dominant aspects of architectural form, scale particularly, are determined more by the patron's social and political ambitions than by the architect's love of beauty. I also contend that architects avoid contact with

writers of plain speech because these writers sometimes have uncomfortable things to say about architecture and its patrons. Those writers, playwrights, poets, and actors who choose to criticize and ridicule institutions and their leaders cannot talk easily with architects whose works almost always flatter and support the same institutions and leaders. A clear and harsh example of this situation is apparent in a wide language gap between architects and writers on the issue of imprisonment.

Prison protest, with centuries of comment by writers (some of them eminent authors), has for centuries vigorously attacked the institution of imprisonment using the words, "cruel," "vengeful," "vicious," "self-defeating," "wasteful," "sadistic," "racist," "barbarous," and "immoral" to describe that institution. Architecture, on the other hand, refrains from comment on the moral and ethical character of captives and captors, and flatters the institution with limited moral and ethical comment on the nature of its prison designs. In this regard a particularly sharp contrast existed in North America in the 1970s. Throughout that decade, during a tremendous boom in prison construction, North American architects liberally used an architectural style, The New Brutalism (the term was coined long before this style became popular for prisons) in the construction of a great many new prison buildings. (12) Architects generally (except

those who have recently espoused the amoral terminology of Renaissance and Post Modern work) will assert that New Brutalist designs are good, clean, and pure designs.

The fact that the architectural profession can serve an institution of such dubious morality and at the same time praise its prison buildings in ethical – even sanitary – terms, clearly shows the lack of communication between architects and writers on this issue. This language gap and the unwillingness of architects, including theorists, to cross it, is clear in Charles Jencks' comment;

"Because, for instance in architecture, a prison may be a great work even though designed by a madman and containing an inhuman program – that is a great failure. The critic must be able to make this distinction if he is to keep his own morality." (13)

Moral and ethical terminology is not the only area where special architectural language is involved. Euphemism is much in use by correctional authorities, and their architects, in their difficult public relations tasks. The re-naming of institutions, including parts of buildings and functions within, can be useful in distracting public attention from difficult issues. I have, for instance, seen an architectural proposal for a new prison design wherein the architect labeled groups of cells "villages,"



attempting, I suppose, to convey something of domestic comfort in his designs. The corridors between villages (each loaded with television cameras, electric doors and locks, and various security and riot control devices) were labeled "streets" and "walks." Much recent publicity on the continued violence of life inside modern prisons should convince the profession that in using these labels we are only fooling ourselves. For a potent discussion on euphemism in relation to imprisonment, I refer readers to Robert Sommer's book *The End of Imprisonment*. (14)

If architecture continues to support questionable institutions and movements, and to defend them with euphemistic and specially constructed ethical languages, then the profession's part in deception and its self centred indifference to moral and ethical issues involved cannot be defended on moral and ethical grounds. At the same time I find no reason to believe that involvement with ethical problems of human conduct will in any way weaken architecture's aesthetic contributions to societies. Other arts, literature and theatre particularly, do not avoid man's moral and ethical troubles – why should architecture ?

I can understand that practitioners and teachers of architecture may be hard pressed if they do not draw pretty pictures and use pleasant words in relation their clientele. I find

it lamentable that critics, theorists and historians in architecture should follow the same practices. It seems to me that freedom of thought is essential and that architectural criticism should not be separated from social criticism. I can agree with the point that some social benefit arises from the good design of buildings no matter what the purpose of the building, and I know that architects, contractors, and workmen can enjoy pride in careful work. The point, however, is that any benefit arising from construction of a so called "good" design will be far outweighed by negative forces where architects and craftsmen are engaged in buildings of futile and immoral purpose.

It would be unfair to say that architects are alone in the misuse of moral and ethical terminology. Judging by public comment, media advertising and public relations campaigns, most people refer to "the good life" as a life of relative ease filled with fine and aesthetically pleasing things and situations. Little if any reference is made in this scheme to man's continual and difficult struggle for improvement of his conduct. I do not propose architecture abandon its role in the good life in favour of a puritanical role of severe self-discipline and restraint. I do urge that we expand our awareness of uses and abuses of architecture, and work toward senses of meaning in architecture that are more



satisfying than the aesthetic, pseudo-ethical constructions that we now build and defend like castles in the mock battles of architectural debate.

Since 1973 when the March issue of *The Architectural Forum*, and 1976, when Robert Sommer's book *The End of Imprisonment* turned my attention to architecture and imprisonment, I have found great interest in the complex relationships of ethical, aesthetic and political issues in architectural design and history. Most urgent in my awakened interest is the conviction that architects are quite hard of hearing when anyone talks about buildings for captive people and suggests that we need fewer, not better, prisons. To anyone interested in this issue I acknowledge my indebtedness and recommend a study of the work of Robert Sommer, a social psychologist with an inquisitive and compassionate interest in art and architecture. Sommer's understanding is highly relevant to the prison industry's abuse of architecture, but it is also pertinent to any rigid structure ("Hard Architecture" in Sommer's words) where social and personal development are inhibited by unyielding institutional and architectural rules and practices.

Since 1973 I have lost respect for the feeble language of architects. It seems that too often we have been compliant artists, speaking on

social matters in courtly, flattering, and sometimes servile languages. Only on matters of taste and style do architects debate with passion. I think that the architectural profession would gain immeasurably from close contact with language artists who at least mix their words using blunt, irreverent and even rude expressions on appropriate occasions.

Date written and published, 1981

Notes:

1. Scott, Geoffrey, (1914), *The Architecture of Humanism*, London: Constable and Company Ltd., p 30.
2. Pushing Prisons Aside; *The Architectural Forum*, March 1973. p. 29.  
  
Correctional Facilities; *The Architectural Record*, June 1978, pp125-140  
  
See also Architectural Periodicals Index; *RIBA Publications Ltd.*, January-December 1978, p 268 for other articles on prisons.
3. Indyk, Ivor, (1979) Literary Theory and Architectural Practice; A Note on Agrest and Gandelonas' 'On Practice'. *International Architect*, No 1, Vol 1, Issue 1.
4. Ibid
5. Jencks, Charles, (1977), *The Language of Post Modern Architecture*, New York: Rizzoli International Publications Inc.
6. Summerson, John, (1978), *The Classical Language of Architecture*, Cambridge: MIT Press.
7. Wright, Frank Lloyd, (1970), *The Living City*, New York: Horizon Press, p xvi.
8. Jencks, Charles, (1976), *Le Corbusier and the Tragic View of Architecture*, Cambridge: Harvard University Press, p 12.
9. Ruskin, John, (1974) *The Seven Lamps of Architecture*, New York: Noonday Press, p 38.
10. Allsopp, Bruce, (1977) *A Modern Theory of Architecture*, London: Routledge and Kegan Paul Ltd., p 10.
11. Banham, Reyner, (1966), *The New Brutalism, Ethic or Aesthetic ?*, New York: Reinhold, p 135.
12. Pushing Prisons Aside; *The Architectural Forum*, March 1973, p 29  
  
Correctional Facilities; *The Architectural Record*, June 1978, pp 125-140
13. Jencks, Charles, (1969), History as Myth, from *Meaning in Architecture*, London: Barrie and Rockliff, p 252.
14. Sommer, Robert, (1976), *The End of Imprisonment*, New York: Oxford University Press, p42.

## NEW DIRECTIONS IN ARCHITECTURAL ETHICS

Arthur Allen

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On May 5<sup>th</sup>, 2002, *The Edmonton Journal* (1) published a trenchant article, "Hard Time, Hard Cons", by Dan Gardner, reporting on controversial "super-max" prisons developed in the United States and now in use or under review in two Canadian provinces. Gardner's article prompts questions about the functional, moral, and ethical implications of the architecture of confinement. In considering these questions, I conclude that both enhanced ethical education and behavioral research will be needed if the architectural profession is to deal adequately with some difficult decisions ahead.

In 1957, when I graduated and went to work, I was anxiously, yet naively, optimistic about my new profession. My youthful idealism lasted for three months, was badly shaken by an encounter with an old asylum, then improved slowly during five years of work on innovative

mental hospital design and construction. In the 1970's I read "Pushing Prisons Aside" (2), and Robert Sommer's 1976 book, *The End of Imprisonment*. (3). Both publications discussed prison reform, and challenged architects on possible abandonment of incarceration as a response to crime; but since that time prison construction in North America has boomed.

I did not wait for September 11<sup>th</sup>, 2001, to be shaken by that escalation of public fear and its impact on my profession. I was ready, and remain more convinced than ever that the architecture of confinement, in its several forms, poses moral and ethical dilemmas for architects. These concerns are comparable to those faced by doctors dealing with genetic testing and the use of placebos in drug trials, as well as by scientists grappling with the moral complexity of biotechnologies, such as therapeutic cloning.

In designing facilities for confinement - for use by psychiatric, juridical, immigration, refugee, security and military agencies - architects face difficult moral decisions. When public pressure demands tough treatment, we will often be



confronted with the morality of providing spaces for officially sanctioned brutality, including solitary confinement, execution, and torture. How far should we bend to authority and public anxiety in this work? Will we avoid responsibility, or will we place professional decisions beyond the reach of anger and revenge, and design on the basis of empirical evidence and humanitarian values?

I believe that architects must face this future with the conviction that all their work supports and represents the clients who commission the work. It follows that if we are proud to represent the moral successes of benign clients, then we must be ready to share the burdens of those who are less benign in intention. For example, if excessive use of imprisonment under brutal conditions aggravates the incidence and severity of crime, then architects ought to work for changes in prison design programs, or refrain from serving dysfunctional institutions.

Architects have long been concerned about the ethics of sound building and business practice, and for 150 years they have talked as if good, clean, pure design would alone improve human behavior. In the 19<sup>th</sup> century John Ruskin said that "Taste is not only a part and an index of morality - it is the ONLY morality". (4). Since that time architectural aestheticism has prevailed seemingly accompanied by moral

indifference to the failure of massive asylums, housing projects, and prisons.

But times keep changing; the demolition of the dysfunctional Pruitt-Igoe housing project in St. Louis, along with recent developments regarding the ethical and legal responsibilities of architects in relation to preserving natural environments, have pointed out new directions for architectural ethics. The way will not be easy, but I am optimistic, based on the following observations:

1. In 1990 the Royal Institute of British Architects prepared a report recommending research and post-occupancy evaluation of the performance of prisons. It suggested that "prison conditions .... could be considerably and speedily ameliorated if fewer people were sentenced". The report also regretted the absence of data-sharing among prison architects, and urged community and international consultation on prison design and operation; (5)
2. Intense criticism continues regarding excessive use of civil incarceration. In a CBC radio interview, June 10<sup>th</sup>, 2002, criminologist David Garland, author of *Culture of Control*, predicted that the overuse of imprisonment will fail in the

United States, because of its ineffectiveness and high cost, and because it contradicts ideas of justice dear to the American people;

3. Corrections Canada and European jurisdictions prefer to operate small institutions based on a "direct supervision" model rather than on the anti-social model of super-max design and operation. A few American authorities are testing the direct supervision concept. Corrections Canada also publishes articles by environmental psychologists on architectural design and human behavior in its institutions;
  
4. Some American architectural educators now use the methodology of applied ethics in architectural training. Recent publications in this area include *The Ethical Architect*, by Tom Spector, (6), and *Ethics and the Practice of Architecture*, by Wasserman, Sullivan, and Palermo, (7). The latter provides comprehensive guidelines and case studies applicable to a wide variety of ethical problems, and was supported by the American Institute of Architects. Aided by environmental psychology, this new work in ethics is relevant to the architecture of confinement, and will go

far in preparing students to meet their challenging world.

At this end of my career I still worry, but I find encouragement in the words of Margaret Somerville, an educator in medicine, law, and ethics at McGill University. Her presentation at a Montreal symposium, (published in *Architecture, Ethics, and Technology*, (8), edited by Pelletier and Perez-Gomez, challenged architects' preoccupation with the idea that "good aesthetics mean good ethics", and urged us to travel on with hope, optimism, and courage. I agree, and this time believe that my aged optimism will turn out to be wisdom.

Date written, 2002  
Published, 2003

Notes

1. Gardner, D., (2003), Hard times, hard cons, *Edmonton Journal*, (May 5<sup>th</sup>), pages D4, D5
2. Martin, W., (ed), (1973), Pushing Prisons Aside, *The Architectural Forum*, (March), Vol 138, #2, pages 29-51
3. Sommer, R., (1976), *The End of Imprisonment*, New York: Oxford University Press.
4. Ruskin, John; Quotation not located in Ruskin's writings, taken from; Barzun, J., (1975), *The Use and Abuse of Art*, Princeton and London: Princeton University Press, page 42
5. Report on Prison Design, for Lord Justice Woolf (*November 1990 R*), London: *Royal Institute Of British Architects*, page 1, Report obtained from the RIBA, publication unknown.
6. Spector, T., (2001), *The Ethical Architect*, New York: Princeton Architectural Press.
7. Wasserman, B., Sullivan, P., and Palermo, G., (2000), *Ethics and the Practice of Architecture*, New York: John Wiley and Sons.
8. Somerville, M., (1994), Ethics and Architects: Spaces, Voids, and Travelling-in-Hope, in Pelletier and Perez-Gomez, (eds), *Architecture, Ethics, and Technology*, Montreal and Kingston: McGill-Queens University Press, page 67.

Addenda, August, 2011

**June 20<sup>th</sup>, 2005; The Christian Science Monitor**

Sara Miller, staff writer, wrote that California had built 33 new prisons from 1984 to 2005; no more were planned. Only 12 had been built from 1852 to 1984. She added that the end of prison expansion ...“is also symbolic of a departure from the tough-on-crime mind-set that has dominated the politics of prisons for the past 30 years.....states are placing greater emphasis on rehabilitation....to help prisoners transition back to society,”.....

**June 3<sup>rd</sup>, 2009; Toronto Globe and Mail;**

Howard Saper, Canada's federal correctional investigator, warned that .....“the Harper government's tough-on-crime agenda could swamp already strained prisons”.....

**November 2010; the Canadian Centre for Policy Alternatives** published a report; *The Fear Factor; Stephen Harper's Tough on Crime Agenda*. The author, Paula Mallea, indicated that 13 new federal prisons were

contemplated, with a budget of 5 billion dollars, and that numerous new laws would have cumulative effects on financial costs. Mallea wrote;

Tough measures do not produce public safety. Longer sentences, harsher prison conditions, and the incarceration of more Canadians will return the system to a time when prisons were extremely violent, and when the end result was more rather than less crime.



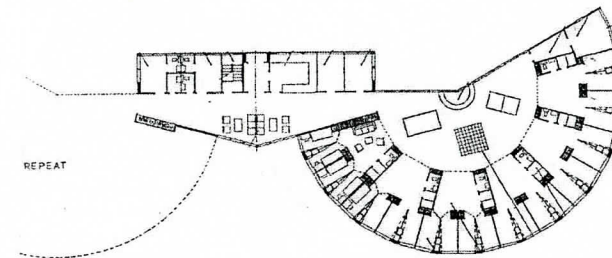
## FRIENDLY CIRCLES

Arthur Allen

In April, 1957, the American Psychiatric Association magazine *Mental Hospitals* published an article by Dr Humphry Osmond, then Superintendent of the Saskatchewan Hospital, Weyburn, in Saskatchewan. The article was titled *Function as the Basis of Psychiatric Ward Design*, and it was accompanied by a drawing of a circular plan for a small psychiatric hospital building. The drawing was the work of Kiyoshi Izumi, Architect, of Regina.

The story goes that the plan was conceived when Izumi and a supplier, Clifford Bradley, met with Dr. Osmond to discuss new hardware for renovations to the hospital. Over a cup of tea someone teased Bradley about the small order for locks for open ward functions in portions of the building. Bradley lamented the "good old days" when locks were numerous, expensive, and very heavy duty. Dr Osmond sketched on a scrap of paper, possibly a napkin at the table, and drew three concentric rings. The outer one was labeled "private", the middle ring "small group" and the centre of the circle was titled "social space." Izumi took the sketch, and elaborated its details to produce the plan shown below. A movable nursing

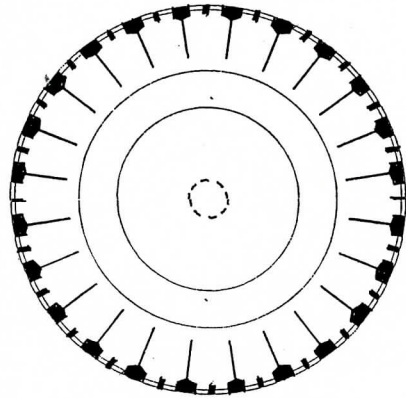
station was shown at the centre of the circle on one drawing, but omitted on others.



**Osmond/Izumi plan, 1957** enlargement follows

The concept had two nicknames - the Osumi, or the Izmond plan. Its theoretical function was to reinforce social development on a psychiatric ward.

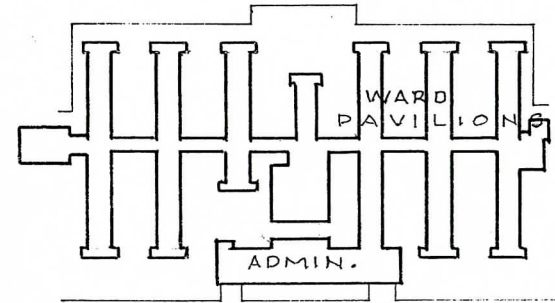
Not all circular buildings are known for friendly intentions. Temples with altars at the centre do bring people together, but communion with diety is their primary function. Circular fortifications are definitely unfriendly, and Bentham's Panopticon (originally planned for many kinds of buildings for confinement and surveillance) was arranged to keep occupants separated in cells at the perimeter of a circular space and in full view of a central observer.



**Panopticon, 1787.**

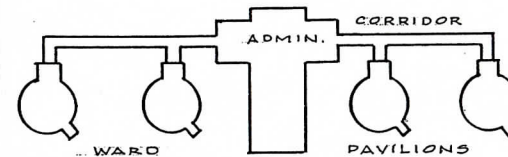
Circular plans have been tried on buildings for schools, general hospitals, and a variety of dwelling places. Some have domestic and sociable intent, others seek novelty of form. Specialty industrial structures use round shapes for specific operations, and Fuller's geodesic ideas propose shelter for almost anything under a domed roof.

In the nineteenth century, before the discovery of the bacterial origins of disease, general hospitals were built as groups of separate buildings, called "pavilions". The idea was that breezes between pavilions would prevent the spread of foul air and disease (miasma) between the wards. Pavilions were usually rectangular in plan, but in 1878 an English



**Rectangular Pavilions, Herbert Hospital, 1860**

doctor, John Marshall, proposed that ward units be built in round form because their windows would better receive fresh air from wind in any direction. I know of no buildings completed for that reason.



**Marshall's design**

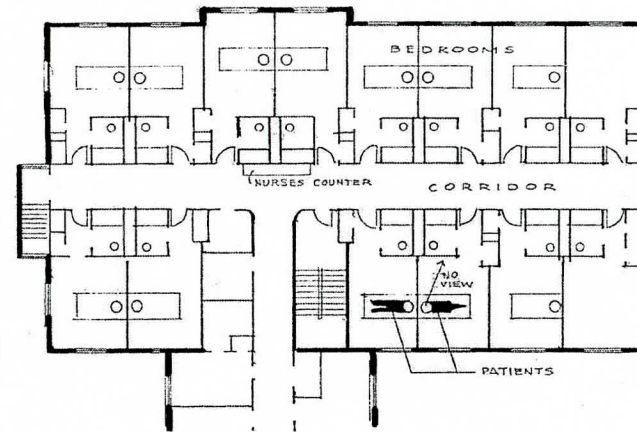
Drawings by Arthur Allen, except the Sociopetal Plan

The American Hospital Association in 1960 published a book, no. 8 in its Hospital Monograph Series, titled; *Comparisons of Intensive Nursing Service in a Circular and a Rectangular Unit*. It reports on a research study undertaken at the Rochester Methodist Hospital, in Rochester, Minnesota. For that study the hospital built an Intensive Care Unit, (ICU) based on a circular plan, and compared it with service in an existing traditional unit of rectangular plan.

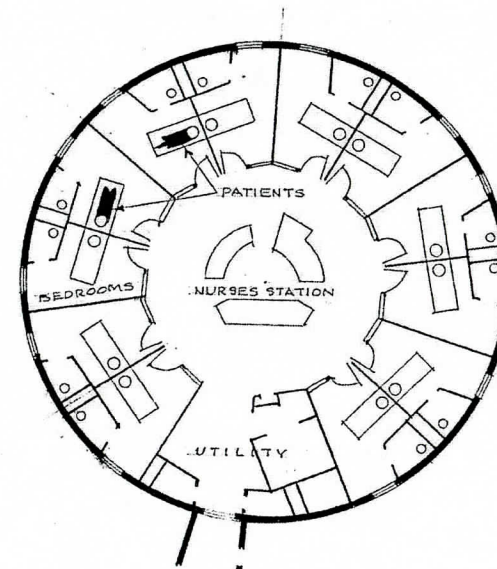
The architectural layout of the two plans produced an important difference. In the RU (rectangular unit) no patient in bed could see or be seen by a nurse without a special and usually routine visit by the nurse to the room. In the CU (circular unit) patients in bed could see nurses in the central space and at the central station. Nurses could see patients easily through open doors, or through windows in and beside the doors. (Note that in the CU the washrooms at the outer wall do not obstruct views into the room).

In this setting, where critically ill people urgently needed close and constant attention, the study concluded with highly significant statistics in favor of the circular plan;

It was agreed that the lack or availability of visual contact was the essential difference between RU and CU, as far as supervision was concerned.



**Rectangular Unit**



**Circular Unit**



Advantages to nursing service in the CU included quicker response time to patient distress, patients enjoyed the diversion of watching nurses at work, feelings of isolation and loneliness were reduced, and increased awareness of events by supervisors and staff led to increased volunteer co-operation of nurses as needs appeared. The importance of patient reassurance by visual contact in CU was obvious, and stated by patients, staff, visitors, and doctors. One patient said of the nurses;

They can see me and I can see that they see me.

.....

Throughout the 1950s the Weyburn Hospital was a lively place. Humphry Osmond was a brilliant and energetic leader. His work with Abram Hoffer on possible biochemical origins of schizophrenia attracted world-wide attention. Research on LSD attracted similar notice. Osmond supported research work by Thaddeus Weckowicz on abnormalities of visual perception in schizophrenic patients, and on the influence of architectural environments on patient well-being undertaken by Bob Sommer. Osmond and Izumi pursued the functionality of innovative hospital buildings, for which Osmond coined the term "sociopetal design". (He loved word-play, and was the man who invented the word "psychedelic", from the Greek; psyche=mind, delic=manifesting).

In the words "sociopetal" and "sociofugal" Osmond proposed the Greek suffixes, "petal" (toward a centre) and "fugal" (away from a centre) to refer to the influence of building forms on behavior of occupants. A principal argument in his paper on architectural function concerns his insistence that building design for psychiatric use must encourage the social development of patients who are prone to withdrawal and isolation.

The semicircular cottage plan drawn by Izumi arose in response to Osmond's idea that patients need the opportunity to make social decisions and move as they choose between private spaces, small parlours, and larger open spaces, selecting various levels of companionship in the process. This was a dramatic departure from corridors and dayrooms of the old hospital where furniture was fixed for nursing and janitorial convenience in unfriendly patterns and rows, sometimes back to back, inhibiting or preventing interaction of patients.

I was employed as a junior architect by Izumi at the time, and was interested in the sociopetal idea and in Izumi's use of LSD as an aid to studies of architectural perception of mental patients. Izumi advised that his part in the design was influenced by his experience with LSD, but that the geometry of the circular plan arose from its social essence and function, not from any interest in visual form. He was,

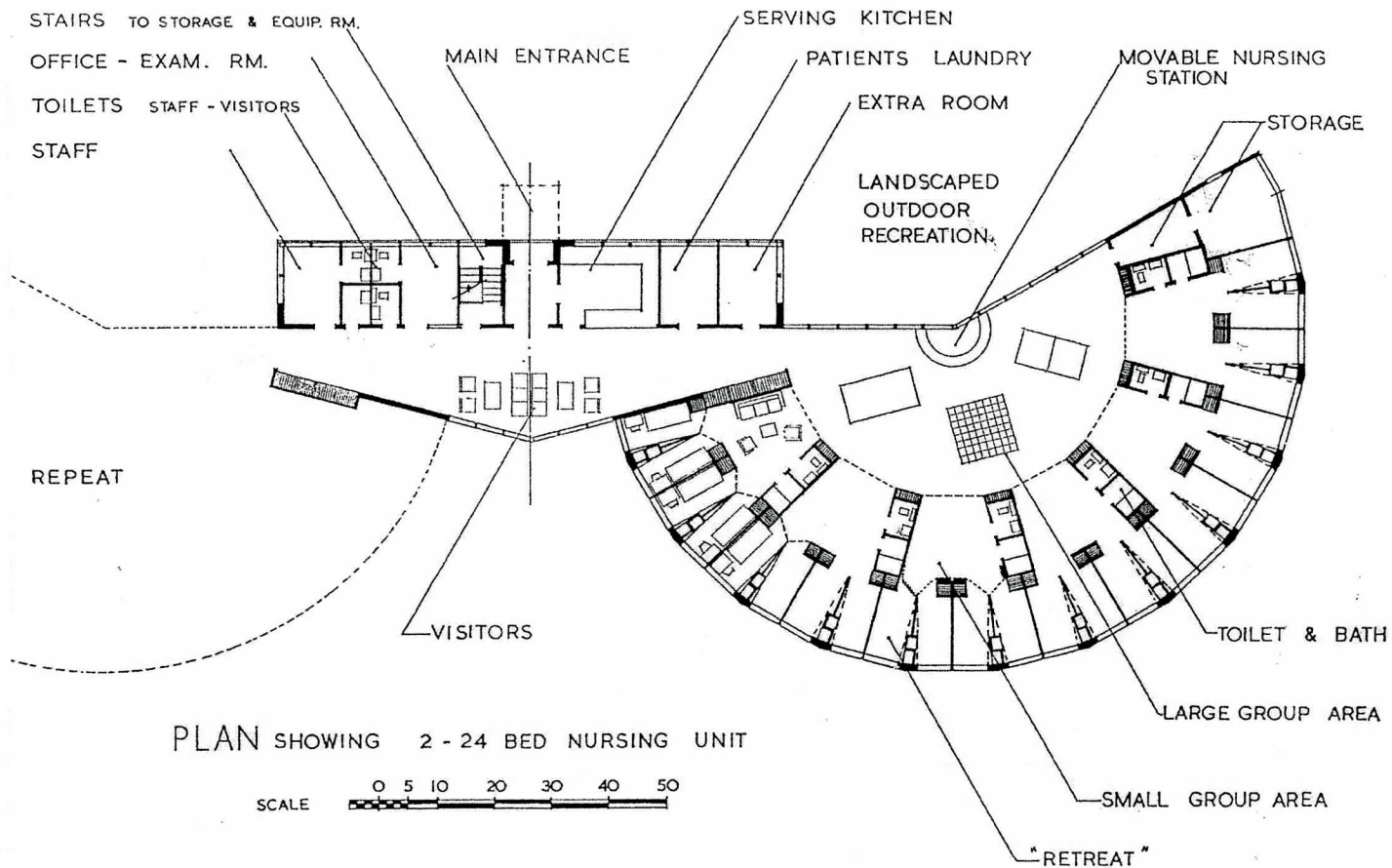
nonetheless, interested in the possibility that the absence of corridors in the round plan might be comfortable for people suffering visual complications as a result of their illness.

The publication of Osmond's paper and Izumi's drawings of April 1957 produced reactions from six American psychiatrists and seven architects invited to respond. In May 1957 their responses were published by *Mental Hospitals*. Osmond's objectives were lauded. Reactions to the circular plan were cautious on medical and architectural grounds. Unusual shapes of rooms concerned doctors and designers, cost of building circular structures was noted. A few writers agreed with the wisdom of building an experimental round ward for research purposes, others opposed the cost involved. One architect compared the circular plan to; ..."the old roundhouse type of prison which was built thirty or so years ago".....and went on to verbally sketch a suitable rectangular unit. Dr. Jack Ewalt, Commissioner of Mental Health in Massachusetts, advised that his state had built round wards in 1900, based on English precedents. At that date nursing functions were at the centre to allow constant surveillance. Ewalt advised that those wards have not been popular with patients or nurses in recent times, and continue in use as dormitories for patients who are able to come and go as they please.

Now, as a retired architect, I have time to remember and write about special events in my own career. I remember the excitement of the Weyburn Hospital, and often think about the circular building. The Osmond/Izumi concept presents the same opportunity for visual contact of patients and nurses as did the circular ICU unit in Rochester. The probability that many, if not all, psychiatric patients would avoid that contact makes an important difference.

The sociopetal plan was drawn before I began work in Izumi's office. If asked to contribute to it, I would draw a nursing station at the side of the unit, near the entry. From that point nurses and a supervisor could see all activities in the open space without the sense of dominant control implied by a desk at the centre of the circle. Their work, as in an ICU, would be aided by visual contact with patients, but would focus on social relationships taking place on the floor, not on urgent attention to critically ill individuals.

I urge that a circular psychiatric ward be built and tested in operation to determine if the sociopetal form is a friendly circle.



**Sociopetal Hospital**  
**Kyoshi Izumi, Architect.**

Saskatchewan Archives Board  
 Gordon Arnott Collection



## SILENT WITNESS

Arthur Allen

It has long been known that architects have created beautiful buildings for people and institutions of dubious character. Usually that fact is quietly noted on or near the surface of architectural conversations, then ignored. Recent publications and museum displays of drawings on the work of architects at the death camps of Auschwitz and Birkenau will hopefully bring the issue to full professional and public attention. In a similar vein, a few thoughts have recently appeared concerning the ethics of international architects now engaged by distant despotic rulers. Another instance, the design of prisons equipped for capital punishment, occurs at home in some nations.

It seems so simple. The walls, bars, and locks of cells on death row are not just silent witnesses to the application of Hammurabi's Code; they actively carry out the function of physical restraint leading to execution of the convicted. How can that fact be considered as anything but a fundamental moral issue for architects who design rooms for such a purpose?

Yet architects, including practitioners, critics, historians and educators, avoid discussion of

the issue and continue to seek ethical and moral value in their work by endlessly looking for connections between ethics and aesthetics. In the process writers also focus on ethical bonds of architecture to sound construction, technology, and environmental design. Some explicitly avoid discussion of activities planned to take place within a building.

According to architectural educator and historian, Bruce Allsopp;

Our problem is to discover an acceptable basis for qualitative assessments in the making of architecture. In order to do this we must exclude consideration of the ethicality of the programme, not, it must be emphasized, because the ethicality of the programme is unimportant, but because it is irrelevant to our present task. (1)

Theorist, landscape architect, and designer Charles Jencks dramatically divorces quality of architectural design from activities within a building, using a prison as his example. In explaining what he calls a moral component of architectural experience, Jencks wrote;

Because, for instance in architecture, a prison may be a great work even though designed by a madman and containing an inhuman program - that is a great failure. The critic must be able to make this distinction if he is to keep his own morality. (2)

It still seems obvious. An architect who designs death row cells cannot claim ignorance of the intentions behind the design, or of the moral issue posed by the building programme. Because architects in this situation know the intentions and consequences of their work, they cannot deny their share of responsibility for the treatment of people within the walls.

I can understand the reluctance of practicing architects to speak openly about this problem. If an architect challenges public authorities and fellow professionals on substantial moral issues, public relations and business prospects will suffer. The silence of educators, critics, and historians is hard to understand. Since caves, stone quarries, cages, and pits in the ground were abandoned as places for detention of criminals, architects, by that or any name, have been designing secure places on behalf of penal institutions. Yet, with the exception of the ADPSR \* Prison Boycott of 2004, during my 60 years as a student and practitioner I have found no recent or historical account that has identified deliberate gross negligence, brutal treatment, and execution of confined criminals

as issues in the ethics and morality of the profession.

Architecture often attracts the attention of philosophers and other scholars. Sociologist Norman Johnston concludes his history of the prison with the comment that architects must share responsibility for the "...indignities made possible by their works." (3) Ethicist Margaret Somerville is well aware of the persistence of architectural discussion on the relationship of ethics to aesthetics. At a symposium in Montreal in 1991, she noted that architects present were preoccupied with the belief that "...good aesthetics mean good ethics.".... In reply she stated; "I suggest that this is not necessarily so and that one must consider whether, in some instances, giving predominance to the value of aesthetics could indeed turn out to be bad ethics." (4)

It goes without saying that beauty, sound construction, environmental responsibility, and professional behavior are good things. Beauty on its own needs no ethical props, but does have difficulties due to its uneven social distribution. Intentionally brutal and careless treatment of occupants of restraining buildings needs the ethical and moral attention of architects. Our conversations will not mature until we openly discuss these matters and establish that the most important values of a building arise from its functions, not its forms.

Date written, 2011

Sent as printed above to;

United Nations High Commissioner for Human Rights  
International Union of Architects  
Royal Architectural Institute of Canada  
Architectural Institutes of Great Britain, Australia, New  
Zealand, South Africa, India, and the United States.  
Architects, Designers, Planners for Social Responsibility

02 November 2011

Notes;

1. Bruce Allsopp, *A Modern Theory of Architecture* (London: Routledge and Kegan Paul Ltd., 1977), 10.
  2. Charles Jencks, "History as Myth," in *Meaning in Architecture*, ed. Charles Jencks and George Baird, (London: Barrie and Rockliff, 1969), 252.
  3. Norman Johnston, *The Human Cage* (New York: Walker and Company, 1973), 54.
  4. Margaret Somerville, "Ethics and Architects: Spaces, Voids, and Travelling-in-Hope", in *Architecture, Ethics, and Technology*, ed. Louise Pelletier and Alberto Perez-Gomez, (Montreal: McGill-Queen's University Press, 1994), 67
- ADPSR; Architects, Designers and Planners for Social Responsibility, Berkeley, CA



02 November 2011

The Royal Architectural Institute of Canada  
330 - 55 Murray Street  
Ottawa, Ontario, Canada K1N 5M3

Re; Architecture and Imprisonment

Announcement of Canadian intentions to expand its prison facilities will be welcomed by architects and builders interested in that work. Criticism heard to date states that if American practices of the late 20<sup>th</sup> century are followed, then overbuilding of prisons under "tough-on-crime" policies will end in failure with waste of public funds. I write to record my concern about the place of architecture in that kind of work, and to urge that the profession look hard at the ethics of its service to an institution where public benefits are not commensurate with funds expended.

In some penal facilities there is another fact confronting architecture's dream of expressing the highest aspirations of humankind. The design and building of spaces for lethal confinement, the holding and execution of condemned prisoners, is a situation that demands the attention of architects. I find it remarkable that during my 60 years of listening and reading I have found only one trenchant critique of prisons written by architects, the Prison Boycott of 2004 by Architects, Designers and Planners for Social

Responsibility, ADPSR. My position comes from moral philosophy and professional ethics, and will be relevant to architectural history and practice. If architects are to be trained to set a good example for human development, there is no moral issue more clear and pertinent to their education than design for capital punishment.

I enclose my essay, "Silent Witness". Copies of this letter and the essay go to the International Union of Architects, to various national associations and institutes of the English speaking world, and to the United Nations High Commissioner for Human Rights. The UN has campaigned for many years for universal abolition of capital punishment. Although Canada does not invoke the death penalty at this time, I write in the hope that the architectural profession everywhere will support the United Nations efforts, thereby adding considerable force to the abolition movement.

Respectfully

Arthur Allen, retired architect.  
6040 Marine Drive  
West Vancouver, B.C. V7W 2S3  
[artallenarchitect@gmail.com](mailto:artallenarchitect@gmail.com)

copies to; IUA, RIBA, AIA, RAIA, NZIA, SAIA,  
IIA, ADPSR.  
Office of the High Commissioner for Human  
Rights, OHCHR, Geneva.

## UNDUE RESTRAINT

Arthur Allen

The Correctional Service of Canada has used two terms with reference to confinement in single occupancy cells - "punitive dissociation", and "administrative dissociation". In this article I use the words "isolation", "seclusion", and "segregation", to indicate confinement as a form of punishment. The words "solitary confinement" are widely used in various ways. This article uses it to refer to single occupancy cells used for several purposes - protective custody, psychiatric or medical separation, or other non-punitive uses. Terminology in this field is changeable, and euphemism is common. In Millhaven, an Ontario maximum security prison, isolation cells have been called "environmental control areas".

In a modern prison cell designed for punitive isolation, there are no devices, ancient or modern, for the torment of the occupant, no guard is present to threaten or abuse the prisoner, and no other human contact is allowed. There are only bare ceilings and walls, with a toilet, and a mattress on the floor. Prisoners call an isolation cell "the hole". It is the most feared place in a prison, notorious for sickness, depression, and the suicides that take place within. Some writers, Canadian and

American, describe isolation cells as concrete or steel boxes, with no window, and artificial lighting night and day. The cell door is of steel plate with a covered observation slot operable on the exterior. In these cells prisoners come face-to-face with destructive architecture that can help destroy sanity and take a life.

Howard Saper, Correctional Investigator for Canadian federal prisons, in a recent talk in Vancouver, (1) showed a Canadian isolation cell with bare walls and ceiling, a small window, a mattress on a steel bed with tie-down straps, and a solid door with vision and food slots. Conversations with guards and nurses, if allowed, take place through the food slot low on the door. It was not intended to be this way. In the late 18<sup>th</sup> century the penitentiary was devised wherein solitary confinement was planned to allow time for remorse and divine forgiveness to do their work. That hope is long gone; complete isolation, especially for long time periods, has often been tried and judged as cruel and unusual punishment.

In recent years the rapid increase in numbers of mentally ill people in Canadian penitentiaries adds pressure to this issue. Confinement using

physical restraints for mentally ill people is coming into sharp focus in the context of Bill C-10, the Canadian Omnibus Crime Bill now moving rapidly to parliamentary consideration. Regarding prisoners' access to mental health services, the Annual Report of the Office of the Correctional Investigator (OCI) for 2010-2011 is not entirely clear on the distinction between solitary confinement and punitive isolation in management of mental health situations. OCI has advised that solitary confinement with psychiatric restraints is generally, but not always, reserved for Regional Treatment Centres (psychiatric prisons). I suspect that administrative discretion in regular prisons uses a mixture of solitary confinement and punitive isolation for the alleged good order of the institution. The OCI Report notes concern that under Bill C-10;

....."Segregation remains all too often the only alternative to house offenders with acute mental health symptoms."  
.....(2)

The report goes on to refer to cases of ...."almost continuous use of seclusion and restraints in depriving environments to manage self-injurious behavior. This approach is inconsistent with research and experience on protective factors for preventing self-injury in prison", .....(3) These practices contravene United Nations and Canadian Bills of Rights, and effective mental health policy. They now

arouse nation-wide protests from professional associations of psychiatry, law, and psychology, and from humanitarian and civil rights institutions.

Architects are not responsible for the social and administrative separations that place an offender in prison, or in seclusion. But in the interior design of these cells, architects follow instructions and provide surroundings known for the psychological distress caused by sensory deprivation. Extensive experiments on this subject in the 1950s showed that even normal subjects were prone to hallucinations within hours in the utter solitude of a lonely, silent, dim and visually barren environment. The effects of sensory deprivation are now so widely known that I doubt any architect can claim ignorance of the consequences of isolation in a deprived environment. It follows that a designer shares responsibility for any damage caused by the use of such a place. The architectural profession needs to distinguish between necessary and counterproductive restraint in prison design, and to take firm ethical positions on the practices of solitary confinement and punitive isolation, especially for mentally ill inmates.

It seems unlikely that architects involved in prison design could negotiate changes to inhumane aspects of a correctional client's building programme. National and provincial



associations and institutes of architecture have no such problem, and they ought to be concerned about some things that architects are asked to do. North American architects have been involved in the failure of seclusion cells for more than 200 years. I urge that the Canadian profession take a stand on punitive isolation and unattended psychiatric separation, and add its voice to advocates now asking for abandonment of such cruel and futile practices.

Date written, Nov 2011

Sent as printed above to Canada's Minister of Justice, Director of Corrections, Correctional Investigator, and Associations and Institutes of Architecture in Canada;  
23 Nov 2011.

#### Notes

1. Saper, Howard, Nov. 2011, *Mental Health Concerns in Corrections*, Public address to the Schizophrenia Society, West Vancouver Public Library.
- 2, 3. Annual Report, 2010 - 2011, *Issues in Focus, Lessons Learned*, Office of the Correctional Investigator.
4. Johnston, Norman, (1973), *The Human Cage*, New York: Walker and Co. p 30.
5. Dickens, Charles, (1842) *American Notes*, Ch. 7. From "The Victorian Web", transcribed to html by Phillip V. Allingham

Addendum, December 2011.

In 1842 Charles Dickens toured the United States. In his travels he visited and inspected the Eastern State Penitentiary, near Philadelphia, and was granted liberty to talk with anyone in the building. Designed by John Haviland, the prison was completed in 1836. The form was radial, with 7 wings containing generous, heated, single occupancy cells, each with water supply and toilet. It operated on the Pennsylvania System, hopeful of penitence and reform in utter solitude; inmates stayed in their cells throughout their sentence, except for serious illness. (4)

In his letters Dickens included "Philadelphia and its Solitary Prison" (5) His thoughts included;

I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body: and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay.

23 November 2011

The Honourable Rob Nicholson  
Minister of Justice  
Houses of Parliament  
Ottawa, Ontario,

Re; Bill C-10, Omnibus Crime Bill

Dear Minister Nicholson

Regarding the noted legislation, I write to state professional concerns about expansion of prison facilities and measures proposed for dealing with mentally ill inmates in Canada's federal penitentiaries.

The attached article, "Undue Restraint", identifies isolation of people already struggling with mental illness as barbarous and counter-productive. It will aggravate their condition and increase the danger they pose to themselves and others. Humanitarian advocacy, including United Nations statements on cruel, inhuman, and degrading treatment or punishment, has advised that no mentally ill person should ever be deprived of human contact.

Many predict that excessive incarceration in prison buildings under harsh treatment practices will aggravate rather than solve our problems. The failure of public policy and services in this area in recent American experience extend to architecture and the possibility of over-building in Canada.

By copy of this letter to its associations and institutes in Canada, I ask that the architectural profession advocate and participate in ethical, functional, and cost-benefit analyses of projects undertaken pursuant to Bill C-10.

Respectfully



Arthur Allen

Retired Architect  
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V7W 2S3  
[artallenarchitect@gmail.com](mailto:artallenarchitect@gmail.com)

Encl; "Undue Restraint", 2 pages.  
Cc -The Director, Correctional Service of Canada.  
-Office of the Correctional Investigator.  
-Royal Architectural Institute of Canada.  
-Provincial Associations and Institutes of Architecture.

**FAMILY VISITING**

01 October 2012

The Honourable Vic Toews  
Minister of Justice  
Parliament Buildings  
Ottawa, Ontario.

Dear Minister Toews,

I am disappointed to read the negative opinion of private family visiting at the Saskatchewan Penitentiary. (Regina Leader Post, 21 Sept 2012). I prefer the explanation of the Correctional Service, especially the comment that these visits .... "support public safety by assisting inmates to maintain their familial relationships".... As a citizen, I share the latter point of view.

As an architect, I extend this concept to my profession. It appears that disruption of family visiting in Canadian penitentiaries intends to separate people rather than help them live together. Architects who design in support of that effort will bear their share of the consequences.

Architecture is not noted for designs that separate and isolate people. Great buildings and small homes all celebrate togetherness of occupants. In monasteries, asylums, and prisons, individuals and groups are separated for different reasons, but the primary purpose even of those buildings is to gather people in

one place. Separation of groups and individuals within a prison can be necessary for medical or psychiatric reasons, or to control ethnic, gang or personal violence. Isolation of offenders may also be a form of retribution. If future prisons do not provide spaces for family visiting, that deficiency may function as vengeful punishment that will adversely affect all family members and do nothing for public safety.

In the 1960s and 70s, architects designed comfortable prisons described as aids to rehabilitation. They were often attacked by critics as "country clubs". With correctional policy in Canada now reversed, there can be no better time for both politicians and architects to ask environment-behaviour research what it knows about the facts and the value of family visiting.

Respectfully

Arthur Allen, retired architect  
6040 Marine Drive, West Vancouver, B.C.  
V7W 2S3  
Email [artallenarchitect@gmail.com](mailto:artallenarchitect@gmail.com)

cc Architecture Canada, (RAIC)  
The Director, Canada Correctional Service  
Howard Sapers, Correctional Investigator  
The Regina Leader-Post



THE ARCHITECTURE  
OF CONFINEMENT

**DESIGN FOR HUMAN RIGHTS**

**PART 2**

Arthur Allen **25 Oct 2013**

rev. 31 Oct 2013

14 April 2015

Prepared for the 2013 Annual Conference , **SEA CHANGE – Architecture on the Crest**, presented by the Architectural Institute of British Columbia, **AIBC**, and the American Institute of Architects, Northwest and Pacific Region, **AIA NW&PR**, in Vancouver, B.C., October 23 to 26, 2013.

For delivery by ;

**Raphael Sperry, PART 1**, concerning the campaign now underway by Architects, Designers, Planners for Social Responsibility, **ADPSR**, advocating observance of human rights in design of prisons.

**Arthur Allen, PART 2**, concerning professional responsibility and the architecture of confinement.

## CONTENTS

**PART 1** Sperry's delivery illustrated and discussed the intent and progress of **ADPSR** in preparing a petition to the American Institute of Architects urging prohibition of design of spaces for execution, long term solitary confinement, and torture. Visit the ADPSR website for information on prison history, prison design and control, and prison towns.

**PART 2** Allen's address gave a short verbal delivery of this document, with a copy given to each guest.

Issues;           The Failure of Imprisonment

Prison Construction Activity in Canada, 1835 - 2013

Architectural Silence on Human Rights and Failure of Prisons

Codes of Professional Conduct

End Notes

Research notes attached;

History of Protest on Capital Punishment, Solitary Confinement, and Torture.

Canadian Federal Penitentiaries, by date of construction.

Rates of Incarceration

*Early Asylums of Western Canada*, a historical sketch.

List of other publications and current writing of Arthur Allen

**Introductions;** by Tom Lutes, AIBC legal counsel.

**Part 1; Raphael Sperry, AIA,** San Francisco, for Architects, Designers and Planners for Social Responsibility **ADPSR**, on American prisons and design for human rights,

**Part 2; Arthur Allen, AIBC,** retired, Vancouver, on architecture, the failure of imprisonment, and architects' silence on that situation.

## **Part 2 OBJECTIVES**

To relate observations and opinions of critics who maintain that the history of imprisonment in North America is a story of persistent failure.

To present an outline of prison construction in Canada.

To consider the silence of architect's on design for human rights and the failure of prisons.

To suggest appropriate responses and changes to architectural service and scholarship regarding confinement.

The design of prison buildings per se is not at the centre of these talks. Concern of both speakers focuses on social and political uses and abuses of architecture in the service of penal institutions. The speakers argue that where built spaces are intentionally designed for activities that defy human rights of occupants, architects must resist designing for inhumane activities. Where alternative measures for management of non-violent offenders are proven and available, it becomes ethically necessary for architects to question their record and present practices in service to penal institutions.

The comments above do not apply to the design of prisons for dangerous or fraudulent offenders. In those cases prisons must be designed and built, with attention to humanitarian standards. A brief comment on psychiatric confinement is appended to this paper. It is relevant to the possible return of secure asylums for those who need them but are now unsheltered or improperly held in prisons.



## **PART 2, BACKGROUND**

The words "penitentiary" and "asylum" have not always conveyed the anger, violence, and fear associated with those institutions through the 19<sup>th</sup> and 20<sup>th</sup> centuries. Both were initially charged with high hope and idealism, and architecture was essential to the good things expected at their creation. The penitentiary did bring to an end the public celebrations of hanging, decapitation, mutilation and dismemberment of criminal offenders. The tragedy of both institutions was that they lost touch with their origins, and in time operated for storage rather than recovery of the people committed to their control and care. Both became known for brutality of keepers, and for the endless boredom of life in confinement without social activity. Hopes for full- time solitude in early penitentiaries failed. The continued use of solitary confinement, especially as punishment, has only replaced old horrors with a new one –the depression and suicide of prisoners suffering social and sensory deprivation in isolation cells.

This presentation proceeds with the conviction that prisons in Canada and the United States, while a few may always be necessary for restraint of dangerous offenders, have otherwise become ineffective and immoral institutions that deliver only illusions of public safety in return for massive investment in their promises: In search of effective management of crime and punishment, the extent of imprisonment, and the nature and number of buildings so essential to it, are in need of reconsideration. In Canada, since 2012, expansion of prisons and a return to harsh conditions of confinement make this an urgent matter.

## **THE FAILURE OF IMPRISONMENT.**

How is it that an institution that has failed so badly for so long continues in the face of criticism from every side." Bob Sommer, 1976 **1.**

We need to ask if historical and current practices of penal confinement have ever realized the high hopes and justified the huge investments made in the construction and operation of prison buildings. Architectural writings on the ethics and morality of prison design are hard to find. Results of my own readings indicate that architectural books and articles generally avoid the question of failure, and continue to promote the idea that all will be well if prisons are given humane design with attention to the comforts and beauty expected of works of architecture. The thoughts of non-architects are not so optimistic.

### **Observations on the Failure of Imprisonment in the Western World.**

- 1777, England      John Howard published "The State of the Prisons", reporting crowded congregate prisons, inhumane treatment, and poor conditions of health and building operation prevalent under brutal British justice of that time. Numerous addenda followed, reporting on his wide- spread travels and prison inspections.
- 1818, England      Thomas Fowell Buxton, MP in the British Parliament, reacted to increasing crime by visiting British prisons. He concluded that prisons produce rather than prevent crime, and reported on overcrowding, idleness, poor food, recidivism and a heterogeneous population which taught petty offenders to become more proficient in crime. According to Buxton, ..... "Crime and misery are the natural and necessary consequences of our present system of prison discipline."

- 1931, USA The Wickersham Commission report *Social Factors in Juvenile Delinquency*, concluded that .....“The prison does not reform the criminal. It fails to protect society.”
- 1968, USA During civil unrest in the 1960s, Karl Menninger, psychiatrist, examined and reported on the entire American system of justice. In 1968 he published a book, *The Crime of Punishment*, and wrote;
- It is a well-known fact that relatively few offenders are caught, and most of those arrested are released. But society makes a fetish of wreaking “punishment” as it is called, on an occasional captured and convicted one. ....Enough scapegoats must go through the mill to keep the legend of punitive “justice” alive and to keep our jails and prisons, however futile and expensive, crowded and wretched. **2.**
- The jacket of the book notes that in Menninger’s view ....“The crime of punishment is that punishment aggravates crime. Quick and appropriate penalties are required – not a spirit of vengeance.” .... Republication of his book is underway; visit [www.citizensforeffectivejustice.org](http://www.citizensforeffectivejustice.org) for details.
- 1976, USA Robert Sommer, psychologist, published *The End of Imprisonment*, in which he asked; ....“how is it that an institution that has failed so badly for so long continues in the face of criticism from every side.”.... see end note 2.
- 1977, USA Menninger published an article, *Doing True Justice*, and remarked; ...“Imprisonment is a dirty, cruel, expensive method of handling scapegoats. Only vengeance could blind us to its inherent wastefulness .....We atone for our reliance upon it by spending much valuable time and energy discussing the problem, while continuing to let architects and contractors commit us to a vicious practice. **3.**
- 2011, Canada, USA, On March 3, 2011, the *Toronto Globe and Mail* reported that Asa Hutchinson, a Republican Congressman from Arkansas, had addressed a House of Commons public safety committee. He supported a Republican re-evaluation of America’s incarceration policies, saying; ....“We have made some mistakes and I hope you can learn from those mistakes’....



In the United States, following urban troubles of the 1960s, a Presidential Committee on Causes and Prevention of Violence was advised that only a small proportion of the estimated criminal population goes to prison. Carl Rauh, advisor to the Attorney General's office, estimated that of 100 crimes committed, 50 are reported, 12 suspects are arrested, 6 convicted, and 1.5 are sent to prison.

In Canada, a *Corrections and Conditional Release Statistical Overview*, (15 May 2013) issued by the Canadian Department of Public Safety, stated that ...."relatively few crimes result in sentences to federal penitentiaries." ..... The report noted that of 2,277,258 crimes reported to police in 2011, 5,115 went to federal prisons, and 74,471 to provincial institutions; a total incarceration rate of 3.49 %

For cautious interpretation of the statistics quoted, the *Statistical Overview* noted above should be consulted on definitions, scope and limitations of reporting processes. The numbers shown do appear to confirm that the enormous effort and expense of building and operating prisons, especially in the United States after 1980, has dealt with a very small portion of the criminal population. The low percentage of offenders confined also sharpens the point of Sommer's 1976 question; how can it be that the North American public, and its professional and political agents, will tolerate ineffective incarceration that leaves over 95 % of criminal populations at large and presumably happy at their work? Among the answers to his own question, Sommer wrote;

There is something basically wrong with the idea of forcibly removing lawbreakers from society, bringing them together in a single location, and placing them under the domination of keepers for long periods. **4.**

In his proposed reduction of the use of imprisonment, Sommer estimated (in 1976) that 25 percent of inmates could be released immediately, that another 25% could leave within a year, and that prison populations could be reduced to 10 % of their present levels with no decrease in public safety.

Menninger and Sommer are persuasive. The feelings of people, particularly members of a victim's family outraged by a heinous crime, arouse passionate cries for direct, personal revenge. In addition, when we are able to catch and confine only a small number of criminals, the majority of whom are the unskilled or unlucky ones likely to be caught and/or unable to defend themselves due to poverty or racial discrimination, we treat them as scapegoats, abusing them in place of the successful criminals we have not caught. In this drama of direct and indirect vengeance it seems that people who favor

harsh punishment want prisons, and are willing to accept high moral and monetary costs as the price of vengeful satisfaction.

Retaliation in search of revenge has been with us for a long time. It was 1800 B.C. when Hammurabi carved ... "an eye for an eye, a tooth for a tooth"... into stone pillars in Babylon. That code of law became known as Lex Talionis, The Law of Retaliation. It is still in use in codes of honour of criminal gangs, and its spirit remains in favor with people who feel satisfaction when an old score is settled in this way and the victim can say that justice has been done.

Less obvious desires for revenge appear to cycle through the processes of crime and punishment. A person abused by an indifferent or unjust society may break the law to even the score. If the society then demands its own revenge and scapegoats the offender, the cycle can continue through a number of offences and re-incarcerations. I know of no more pressing instance in Canadian affairs than the plight of aboriginal people from Northern Canada. They form an unduly high portion of prison populations based on problems of race, health, education, substance abuse, and family and community disruption. (*Aboriginal people comprise 3.6% of the general population, but 20% within prisons.*) Destruction of their means of survival by petro-chemical and mining industries, and by global warming, is now at a disastrous scale. Architects and builders do have it both ways; they profit from the industrial growth of our times, then design prisons for those who do not quietly submit to that unkind new world.

The consequences of crowding large buildings with mentally ill or criminal people has a precedent in the history of general hospitals. In 1765 the Hotel-Dieu, in Paris, was in a terribly crowded and filthy condition. It was commonly called the most dangerous hospital in Europe. Waste removal was primitive; sewage and medical wastes were collected in containers, and dumped through windows or floor openings into drainage channels below, thence into the Seine. Denis Diderot, philosopher, resisted the development of large and crowded hospitals, and wrote: ...."to mingle the sick in the same place is to use them to kill each other."..... **5.** Crowded asylums did not kill patients, but they did leave many in a vegetative state from the endless boredom of their inactive lives. The walls of prisons separate offenders from their families and communities, which are replaced by inmate social structures that foster anti-social behavior. Bullying is rife, as is protection of traffic in drugs and homosexual favors. The resulting mayhem of personal, racist, and gang violence literally uses prisoners to maim and murder each other.

I have never heard even a rabid proponent of harsh justice claim that violence among prisoners is an intentional substitute for corporal or capital punishment. Tolerance of unintentional consequences however, is common, as in the popular phrase..... *lock 'em up, and throw away the key!.....* In this case, any attempt to split hairs over responsibility for intended or unintended consequences is irrelevant. The violence of life in prisons has been known for so long that architects cannot deny knowledge of the fact that their restraining walls make possible the official and unofficial brutality of life in prison.

### **Recent Political and Official Responses to Crime and Imprisonment**

- 1968 USA                      Omnibus Crime Control and Safe Streets Act was initiated by Lyndon Johnson. It was seen as part of Johnson's "war on crime", and created The Law Enforcement Assistance Administration. By 1971 LEAA had established the National Clearinghouse for Correctional Programming and Architecture at the University of Illinois, School of Architecture. Led by Frederick Moyer, architect, and Edith Flynn, sociologist, a staff of 45 provided technical assistance and review pending LEAA grants for a wide range of building projects. Community facilities were included but no large prison buildings. The progressive work of LEAA was short lived. By 1980 the war on drugs had been proclaimed by Rockefeller in New York, and the Reagan administration announced the tough on crime policy along with the enormous program of prison building that prevailed to the end of the 20<sup>th</sup> Century.
- 1993, USA                      Washington State announced the first 3 strikes law. It spread rapidly, but was soon seen to crowd prisons without reducing crime. California drastically reduced its 3 strike statute in 2012.
- 2004 USA                      George W. Bush conceded the failure of tough justice and began efforts to create a Second Chance Act. It became law in 2008-2009, and provided funds for community re-entry programs for qualified non-violent offenders.



- 2007, USA Janet Reno, U S Attorney General, and officials, announced re-assessment of indeterminate sentencing and rehabilitation as ways of reducing recidivism and lowering prison populations that had grown so large under "tough on crime" legislation.
- 2012 Canada Canada is not following the recent American reversal of severe justice, and is now carrying on with its own tough on crime agenda. Bill C10, an omnibus bill formally known as the Safe Streets and Communities Act, was passed into law in March, 2012. It faced heavy opposition on many counts, especially accusations that it was a copy- cat of the American precedent now acknowledged as a failure. Its provisions include funds for expansion of prison facilities, and for solitary confinement and physical restraint of mentally ill prisoners without qualified attendance and for extended periods of time.

Architects in prison design have it both ways. In the political swings of our democratic nations, conservative governments ask for more prisons, of large size and severe design. When the next liberal government arrives, we are asked to build smaller, more comfortable ones. Prison construction periodically booms, but seldom busts; architects always oblige.

## **PRISON CONSTRUCTION ACTIVITY Outlines of Canadian and American Prison Construction**

### **The United States**

In Part 1, Raphael Sperry has delivered his outline of American prison construction. See the ADPSR websites, under "*Prison History*", "*Prison, Design and Control*", and "*Prison Towns*". The following thoughts on Canadian institutions include notes comparing the two national experiences, as seen from a Canadian point of view.

**Canada** *See research notes attached for a list of Canadian federal prisons, by date of construction.*

The first penitentiary in Canada was built in 1834, in Kingston, Ontario. It was a hybrid plan, referring to Pennsylvania's Eastern State Penitentiary, and to the radial (T) plan in Auburn, New York. It was first intended as a reform school, but opened as a prison. In 1835 Kingston engaged two high officers from Auburn, and operated using the silent work system. Cells were 2.5 x 8 feet, and immediately criticized as "pigeon holes." By 1870 the Rockwood Asylum was operating within the prison to house mentally stricken inmates, including those damaged by solitary confinement in the prison. Kingston functioned for maximum security, with a rated capacity of 386 male offenders, and was formally closed on 30 Sept 2013. Labeled "The Prison Capital of Canada", 8 additional facilities were built in the Kingston region, including Millhaven, (1971) a maximum security prison intended to replace the original buildings.

Prior to 1958, Canada, (by then including Newfoundland), operated only 7 federal prisons, with Kingston the flagship of the Canadian system. Construction had been slow, with long intervals between construction of new institutions. Designs were based on 19<sup>th</sup> century buildings of British and American precedent. After 1959, until 2006, a series of Liberal and moderate Conservative governments developed a steady program providing new medium and minimum institutions, with 4 new maximum security prisons, and 3 psychiatric facilities constructed in the 1970s and 1980s. Designs followed and developed variants of cottage and podular structures, sometimes called "enlightened" designs. They were motivated in Canada and the United States by a desire to soften the severity and intimidating scale of earlier designs, and to give attention to the new science, Environmental Psychology, and what it had to say about behavioural and social impacts of design for confinement.

At present the largest federal prison in Canada is the 1911 Saskatchewan Penitentiary, holding 659 inmates. A provincial prison, the new Edmonton Remand Centre, is designed for 1952 occupants. It is the largest and most sophisticated remand prison centre in Canada. The 1915 Guelph Correctional Institution was once Canada's largest prison, confining 660 prisoners in 1916. Guelph was closed in 2001. Sources for the occupancy statistics noted do not clarify the historical use of double or even triple bunking contemplated by Canadian authorities in their present prison expansion plans.

Comparison of American and Canadian prisons shows remarkable contrasts. In all respects the American approach is gigantic, notwithstanding the 10 fold difference in population of the two nations.

The present rate of incarceration is 6.4 times higher in America. The scale of its penal system, and the number, size, and population of specific prisons greatly exceeds that of Canadian experience.

Public awareness of prisons in the USA appears to be much higher than in Canada. It is tempting, but beyond the scope of this discussion, to examine the history of American literature, film, and television, each medium frequently using prisons for documentary and fictional material to feed an apparently endless appetite for dramas of law and order. With high attention to American media, I venture to say that with the exception of Kingston, Canadian citizens are most familiar with the prisons named "Sing-Sing", "Alcatraz", and "Leavenworth".

### **Cost of Recent Prison Construction Expansion Programmes in North America**

**USA;** After 1980 the American prison system undertook the biggest boom in its construction history, driven by the "tough on crime" and "war on drugs" approach initiated by the Reagan Administration and Governor Rockefeller of New York State respectively. According to U.S. General Accounting Office statistics from 1980 to 1994, expenditures averaged \$1.42 billion /year , a total of \$19.88 billion over 14 years, for all state and federal facilities. Since approximately 2006 Federal and State authorities have acknowledged the failure of tough justice, and are reconsidering rehabilitation programs, reduction of prison populations, and decommissioning or demolition of excess prison buildings.

**Note on alternative programs.** In 1976, Milton Rector, president of the National Council on Crime and Delinquency, noted that alternatives to incarceration for non-serious offenders, including electronic monitoring, day reporting and work release programs, drug treatment, and drug courts, had all been successfully tried in New York, Florida, Texas, and California. In 2010, the National Institute of Corrections, NIC, updated the Rector essay, advising that in 2008 the use of the noted alternatives, in nationwide prisons and jails, would have produced estimated savings of \$ 9.7 billion. **6.**



**Canada;** Starting in the late 1990s, the growing political power of the reactionary Conservative Party announced intentions to follow American precedent with "tough on crime" policies. Little action was taken under minority governments until 2011, when a majority in parliament was achieved. Since then Conservative Government under Stephen Harper has moved to return to severe justice, with expansion of prison facilities, and has passed into law the *Safe Streets and Communities Act* of March 2012.

The present program of Federal prison expansion will build 2700 new cells, using prototype (cookie cutter) plans for new cell blocks at 30 existing institutions. Cost is estimated to be \$ 630 million. I have seen no indication that this budget includes renovation or improvement of the existing facilities. Provincial and territorial expansion of their buildings will add another 7000 cells, at a cost estimated to be \$ 4 billion. The cost of the Edmonton Remand Centre is \$580 million.

The fact that Canada is now pursuing the discredited American path to tough justice should be of concern to tax-paying citizens, and to all business and professional groups involved with the construction and operation of Canadian prisons.

### **Crime and Incarceration in Canada – 1980-2013**

In Canada, media reports in 2006 indicated that peaks in crime of the early 1990s had declined, with statistics showing lowest incidence of all crimes reported in 25 years. From 2003 to 2008 reported crimes declined each year. In July 2013, CTV News reported that the Canadian crime rate was at its lowest in 26 years, with homicide at its lowest in 40 years. These figures are supported by Corrections Canada research papers (2013) that report a peak in Canadian prison populations in 1995, followed by declining occupancies since that time.

Reduction in rates of incarceration, and declining rates of crime, are not necessarily related. In any nation, rates of incarceration may rise or fall with changes in actual criminal activity, with revised sentencing policies, or with changes in definition of criminal activities, for example the recent legalization of marijuana in several of the United States. Since the 2006 election of a majority Conservative government in Canada, jail time for previously non-indictable activities has been

suggested by the Stephen Harper regime. That this would raise prison populations even when rates of serious crime are at record lows, and crowding is not a pressing problem, leads Canadian critics to the suspicion that cells are now being built in advance to accommodate as yet unidentified occupants in a coming new era of tough justice. Apparently incarceration can follow construction, based on the principle that crime and confinement may rise or fall to suit the number of cells available.

**Note on Recidivism** Return to prison after release is widely studied in evaluating the effects of incarceration. From its *Forum on Corrections Research*, Vol 5, #3, Corrections Canada posts an overall rate of recidivism of 37.1 %. (consult the Forum for rates under various circumstances). A Public Safety Canada report, printed 20 Oct 13, from *The Effects of Prison Sentences on Recidivism*, by Gendreau, Goggin and Cullen, discusses the analysis of fifty studies dating from 1958 that concluded that excessive use of incarceration has enormous cost implications, and that ***prisons should be used to incapacitate high risk offenders without expectations that crime will be reduced.***

## **ARCHITECTURAL SILENCE ON HUMAN RIGHTS AND FAILURE OF PRISONS**

### **Background**

The ongoing struggle for civilized treatment of criminal and mentally ill people in confinement comes from humanitarian ideals of high order. During millennia of barbaric treatment of people wandering at large or in primitive confinement, architects were not asked to create buildings designed for long-term restraining shelter. It was the Enlightenment that gave birth to the penitentiary and the asylum, along with hope for better treatment. Architects were given much new work with high responsibility to attend to civilized conditions of confinement then brought to expanded public attention.

In the early nineteenth century buildings were small or moderate in size, hope prevailed, and architects could be proud of their part in the new era. Original intentions wanted prisons (and asylums) limited in size to the point that those in charge could maintain personal relations and know

all inmates by name. In the 1850s asylums were to hold a maximum of 250 patients. As late as 1929 the American Prison Association recommended limiting occupancy to 1200 inmates. In time, immigration and natural population growth in North America changed the picture. Wardens and superintendents have regretted that both institutions grew to enormous size . According to William Nagel, former deputy warden, American correctional officials know this best. In his work in the 1970s, with the Law Enforcement Assistance Administration, Nagel asked wardens what change they would make if starting afresh. The majority answered; ..... "make it smaller." The practice of crowding troubled people into storage buildings that grew to very large size became a disaster in the era of the asylum; hopefully that story will not be repeated. It continues to this day as a major contribution of architecture to the failure of imprisonment.

With this background in mind, it is clear that the Enlightenment asked the architectural profession to carry out two important tasks in the provision of prisons and asylums. This portion of our presentation asks to what extent has the profession considered its performance regarding human rights issues in design of prisons, and to what extent has it publicized its thoughts on the subject.

### **Architectural Silence**

The architectural profession has not responded to observations on the failure of imprisonment, nor has it reacted to the broad-based, long, and distinguished history of protest on capital punishment, solitary confinement, and torture. The silence of the profession has been long and profound. In my lifetime of interest I have found no book, and only one magazine article, that openly discusses the failure of imprisonment. It was the March 1973 issue of *Architectural Forum* which printed a searching article, "Pushing Prisons Aside." It provided a frank discussion of the architectural implications of a proposed moratorium on prison construction pending provision of alternative penal programmes and reform of the justice system of the United States. Other than my own work, and the publications of ADPSR, I have yet to find an article or book, *written by an architect*, that challenges architects on their role as contributors to immoral activities where they occur in prison operation.

Architects and prison authorities have published on prison design, mainly in terms of functional matters including the importance of design to prison operation as it is now practiced. *Prison Architecture*, edited by architect Leslie Fairweather and legal scholar Sean McConville, contains a Foreword, by Lord (Douglas) Hurd, who wrote;



....one might expect the issue of prison architecture –and the philosophies it reflects – to have been the subject of much academic, professional, and lay debate. In recent years, this seems not to have been the case. As Home Secretary in the 1980s, I do not recall ever being asked to adjudicate on matters of design. Nor was it a subject raised in official reports or in presentations by the pressure groups.

Lord Hurd of Westwell, 2000, former Home Secretary  
in charge of all British prisons. **7.**

I find this inattention to design surprising; it leads me to wonder if the silence of architects has been entirely voluntary. In his essay, *Does Design Matter?* Fairweather replied to Hurd;

....architects are not encouraged to enter into any sort of meaningful discussion about the wider questions of the purposes of imprisonment and the attitudes of society. **8.**

Leslie Fairweather, architect

Personal conversations I have had on professional silence have been invariably met with the opinion that practicing architects, notably specialists in penal service, would find themselves out of work if they dared question and talk openly about the morality of a client's programme. Architectural educators would be under similar restraint in teaching students how to deal with moral issues in future practice. Regarding the silence of architectural scholars, I am disappointed. Are they not free to think and say what they will about people and institutions that alone have the wealth and/or power to patronize architecture? Or is it possible that the power and beauty of magnificent works of architecture has all of us, patrons, architects, and scholars alike, enthralled to the point that we lose sight of simpler yet vital objectives?

Architectural involvement in the morality and ethics of prison operation and its human rights problems has not escaped the attention of non-architectural scholars. Before offering my own thoughts on this matter, I present a list of comments from writers familiar with this work, and from a few magazine publications after 1980. A longer list on the history of human rights protests is printed in the attached research notes.

## Direct Criticism of Architects in Penal Service

Norman Johnston, **Sociologist**...."Architects in the future must share some responsibility for the unintended indignities made possible by their works" **9.**

William Nagel **Former deputy warden and consultant to government agencies**

Nagel held that civil libertarians will argue for new prisons that guarantee constitutional rights, and wrote; ...."Architects and contractors, with their edifice complexes, will be quick to oblige." **10.**

Jessica Mitford, **Prison activist**... quotes William Nagel who said that the American prison building program of the 1970s had become; ...."a huge bonanza for architects, contractors, hardware companies who are cashing in on building all these better mousetraps with the latest in electronic gadgetry." **11.**

Bob Sommer **Psychologist**....in discussing prison reform ..."This is an area where, apart from a very few hardware suppliers and architects, there are no winners, even among the ranks of reformers." .. ... **12.**

Cedric Price **British architect**; ....stated that architects are hypocrites ...." They talk in platitudes about improving the quality of life, then get out the drawings of the prison they're working on." **13.**

## Architectural Publications on Prison Design and Construction.

August 1971 **Architectural Record**, Correctional Architecture, " The Symptoms of Neglect, The Signs of Hope." Optimistic comments argue that ...." reformers are gaining ground."... Architect Herbert McLoughlin states that ..... "We are learning from the newly emerging discipline of socio-physical design how environments give behavioural clues. These lessons must be applied to jails".

March 1973 **Architectural Forum**, " Pushing Prisons Aside," reported on calls for a prison moratorium. The National Council on Crime and Delinquency, in 1972, asked for a ...."halt on construction of all prisons, jails, juvenile training schools and detention homes until the maximum funding, staffing, and utilization of non-

institutional corrections have been provided for.".. All facilities, including those of recent "enlightened" design, were to be halted.

The American Correctional Association estimated that 15 % of inmates need maximum security, 52 % are pre-trial detainees without funds for bail or qualified for release on recognizance. The American Trial Lawyers Foundation stated that prison populations could be reduced by 50% if only fraudulent and violent crime remained subject to imprisonment.

- February, 1978 **The Canadian Architect** published an article on Metro Toronto Detention Centre
- June 1978 **Architectural Record**, an article "Correctional Facilities," reported on recent smaller facilities in a trend to ..... "locate facilities in areas close to families, to professional resources, and to employment opportunities....once prisoners are released."
- March 1989 **The Architects Journal** published an article; "Prisons, A New Generation." It reported a 1984 visit of British Home Office officials to America, to view institutions labeled as "new generation prisons." Illustrations show small facilities, designed with central 2 or 3 storey atria, (dayrooms), with cells on the peripheral walls, always in full view. They bear no resemblance to the large super-max institutions that appeared in America after 1984. The author, Leslie Fairweather, produced recommendations for British consideration, and, reviewed a recently released update of the Prison Design Briefing System.
- 1990, Britain Following riots in British prisons in the late 1980s, Lord Justice Woolf requested a report from the **Royal Institute of British Architects**. The report, dated November 1990 (R), stated among its conclusions that crowding and violence could be managed by reducing the number of offenders sentenced to prison. It also urged; ... "there must be architectural influence at high level in all design decisions, from strategic policy to the day-to-day running of the programmes." The report decried the lack of research, monitoring and feedback on the design and operation of prisons, and urged use of the Prison Design Briefing System by all officials and architects involved with prisons in the United Kingdom. The RIBA stated; ... "There is overwhelming evidence, not only from the prison sector but from all other building types.....of the need for continuous monitoring and



evaluation of results in the UK and elsewhere." I have asked about the fate of the Woolf Report, but the RIBA has declined to discuss it.

- Sept 92, Britain The ***Architect's Journal***, following the riots noted above, published "Prisons", and reported on the Prison Design Briefing System.
- Nov 98, Canada ***The Canadian Architect*** published three articles, "Institutional Innovation," "Healing Circle," and "Instituting Domesticity," They presented new, small, medium security facilities with specialized programmes, including one for aboriginal male offenders and one for women. An accompanying opinion by editor Marco Polo was titled "Reforming the Prison."
- Jun 2012, Britain The ***Architects Journal*** reported that the Prison Reform Trust, against Conservative opposition, was urging a moratorium on prison building, on grounds that more prisons would be expensive, and do nothing to reduce recidivism and overcrowding.

Considering the lengthy history of protest on violation of human rights in prisons, (see the attached list of research notes provided with this paper), it is astounding that architectural historians have not said a word in that struggle. The reluctance of architectural scholars to engage themselves has ignored centuries of opposition to the death penalty, solitary confinement, and torture. Since China temporarily abandoned the death penalty in the 8<sup>th</sup> century, to the widely publicized objections of Cesare Beccaria in the 18<sup>th</sup>, Charles Dickens in the 19<sup>th</sup>, and numerous protests since then, architectural thinkers have steadfastly ignored the problem.

I know of only 3 architectural scholars who have considered prisons in their published books. Nikolaus Pevsner, venerable critic and historian, included a short passage on prisons in his book, *A History of Building Types*. His treatment is so brief that it is of little value. Its silence on human rights and social function is not surprising. Helen Rosenau's book, *Social Purpose in Architecture* presents 120 pages on prisons in France and England from 1760 to 1800. Rosenau notes design and programme innovations of those early years in prison development, but does not deal with architectural ethics regarding human rights. Thomas Markus' book, *Buildings and Power* includes sections on prisons,

asylums, hospitals, and school buildings since approximately 1600. Markus alludes to moral issues in the design of a death camp or racist housing project, but he does not elaborate on human rights violations and the ethical and moral problems of architects involved. His thorough discussion and illustration of prison design is challenging, and he concludes his work with thoughtful comment ;

...the creation of order which is the point of all architecture has a paradox at its core. The rules, classifications and systems needed are alienating and imprisoning. .... **14.**

Markus, (an educator), ends his book with eloquent and deeply felt concern for the disillusionment of his students moving from school to the world of architectural practice.

One architect, critic, and theorist, Charles Jencks, has commented plainly on this subject. In his 1969 essay, *History as Myth*, he denied that human rights are relevant of prison design;

Because, for instance in architecture, a prison may be a great work even though designed by a madman and containing an inhuman program.....The critic must be able to make this distinction if he is to keep his own morality. **15.**

Any architect who holds the popular view that artistic freedom cannot operate in company with moral values can only agree. It remains to be seen whether humane prison operations will give a new generation of prison designers a chance to create works of moral and aesthetic merit.

In spite of architectural indifference, respect for human rights keeps growing, in and out of prisons. The 1862 Geneva Conventions have been followed by the Universal Declaration of Human Rights, documents on rights of prisoners, (both civil and military,) and various efforts of the United Nations in opposition to torture, solitary confinement and capital punishment. In recent decades, UN efforts have urged a total ban on the death penalty, including cases of war crimes.

Progress in North America and Europe has been slow and steady. In 1847 the State of Michigan became the first democratic government to permanently abolish the death penalty. Canada abandoned corporal punishment in 1967, followed by capital punishment in 1976. By 2007, 12 American States and the District of Columbia had banned capital punishment. In 2013, 32 States are using it, 13 are considering abolition, and 3 are considering re-instatement. By 2013 all member nations of the Council of Europe and The European Union have been required to abolish the death

penalty. Only Belarus refuses to do so. At the year 2007, 88 countries had abolished the death penalty for all offences. 11 had abolished it except for special circumstances, 68 nations retained the penalty, but 30 had not used it for 10 years or more. Humanitarian efforts will not go away. Will the architectural profession join the struggle, or will it continue to pretend that it has no part in the performance of institutions that it serves ?

**PROFESSIONAL CODES and REGARD FOR PUBLIC INTEREST** revised April 2015

Codes of Canada, (provinces only), The United States, United Kingdom, and larger nations of the British Commonwealth typically call for attention to public interest in brief and generalized statements, usually in the form of recommendations. I have found no reference to mandatory attention, backed by discipline, other than that in the Australian Code ( 2006) which commits members to; .....upholding of commonly agreed values of social justice.....", and states;

.....The Code defines ethical standards.....which address obligations to the public, the client, profession and colleagues. Violation of any of these standards is grounds for disciplinary action, .....

More typically, the American AIA Code (2004) prohibits knowingly breaking the law, and urges that;

...Members should embrace the spirit and the letter of the law, and should promote and serve the public interest in their personal and professional endeavors. Canon II

AIA, United States	Canon 1, E.S. 1.4 2004 "Human Rights: Members should uphold human rights in all their professional endeavors."
RIBA, Great Britain	Article 7.1, 2004 "If members are faced with an instruction from a client or employer which presents them with a personal moral dilemma, they should withdraw from the situation if at all possible and explain their reasons for doing so to the client or employer. Where members are the 'conscientious objectors' employer, agreement to the withdrawal should not unreasonably be withheld."
Architecture Canada	No national code of ethics exists, see provincial codes below;



Union of International Architects	Principle 2; Architects .."...must protect the health, safety and welfare of the public and,.....Above all..... respect the needs of society.... "
AIBC, British Columbia	Upon professional registration, new members make the following declaration, from Bylaw 9.0, 2013; ..... "I promise now that my professional conduct as it concerns the community, my work, and my fellow architects will be governed by the ethics and the tradition of this honourable and learned profession."
OAA, Ontario	From "Architects and the Public" - "Members should embrace the spirit and the letter of the law governing their professional affairs and promote the public interest. "

The Architect's Act of British Columbia and AIBC Bylaws do not precisely name building types that by law require architectural services, but do list a few types where architects are not required. Prisons are not on the excluded list, leaving no doubt that the architectural profession is legally required to serve penal institutions. In a democracy an individual architect may decline to work in that field, but this does not relieve the profession of its duty.

Unfortunately, existing codes that I have seen (including that of the AIBC) are not equipped to deal with architecture for penal confinement. When public emotion and political ideology periodically demand harsh justice, architects comply and design for extreme punishment in deprived surroundings, contradicting professional ethics and civic morality. In functional terms, where harsh design and treatment can be shown to aggravate criminal behaviour, it follows that architects involved have been partners in deterioration of public safety and waste of money. In a democracy, for architects to go along with the tyranny of an elected majority, in its abuse of impoverished and minority citizens, confirms that the profession has no objection about members serving with little or no concern for the ethics, morality, and effectiveness of their clients' activities within buildings.

Buildings for forcible restraint present a wider range of powerful ethical and moral issues than any other. They involve activities seeking vengeful retaliation, from executions and cruel and unusual punishments, to programs of social rehabilitation with hopes for spiritual change. Architectural codes are self-centred, too narrow to be effective in this struggle. There is urgent need to organize all participants in the prison business under ethical principles of responsible professional and business

effort. Prisons must work to improve public safety; their design and operation under the principles of evidence based design now promise to lead us to that goal. The intensity of public emotion, and its connections to political authority, is another matter. At the moment I have no idea how it might be managed, but Scandinavian precedent in recent decades is worth examination. During and after World War 2, Finland faced problems of high levels of incarceration, and harsh sentencing. Its remarkable success to date involved new sentencing processes that reduced political pressure, and public media willing to refrain from sensational reporting of crime and punishment. Of one thing I am now certain. In the interests of humanity and for its own sake, architecture can open its ears and participate in public discussion of its work in this vital field.

**ACTION PROPOSED;** (items 1 and 2 for the attention of Canadian architects.)

1. That Canadian architects support the ADPSR Petition by signing it, and/or by joining ADPSR as international supporters
2. That Architecture Canada undertake the following measures;
  - a. Publicly endorse and promote observance of human rights relating to design and operation of all buildings
  - b. Advocate reduction in construction of prisons in step with implementation of alternative management of non-violent offenders.
  - c. Establish a permanent programme to gather and commission behavioural research on the effects of incarceration, capital punishment, torture, and solitary confinement on the incidence and severity of crime. Give particular attention to mentally ill prisoners now harshly treated in Canadian prisons.
3. That education in environment-behaviour research relevant to prisons be enhanced in architectural training. Inaugurate courses for examination of public institutions and their intended building operations. Provide consultations with actual clients and pertinent experts to prepare students for career choices.

4. That architectural scholarship undertake the history of North American asylums and prisons, using a new approach to include commentary by writers qualified to consider the functional performance of institutions and their buildings.

### **CONCLUDING REMARKS**

Architects are required, under enabling legislation and their own bylaws, to act in the public interest. In cases where citizens and/or politicians want something that does not provide public benefit, an architect cannot satisfy both wants and needs, and must choose. To design buildings knowing that walls and locked doors restrain prisoners in preparation for execution, or drive them to madness in isolation cells, makes architects accomplices to the immorality of prison buildings in operation. If we ignore the unstated intentions and the consequences of correctional policies - if we quietly design prisons as microcosms of the unjust societies in which they are spawned - we will continue to support forces destructive to society, our profession, and ourselves.

Future architects must vigorously enter public discussions on the purposes of imprisonment. In the process, they will understand that architecture has allowed itself to be badly used in this field. The profession can change course. Realizing that some level of confinement is essential to civilized and effective management of crime and punishment, architects can design humane prisons where they are necessary, and abandon them where they perpetuate archaic rituals of racism and retaliation. In this way they will help their correctional clients find a better way forward.

**THANK YOU** In search of effective design, *Environment-Behaviour Research*, starting in the 1950s, added empirical evidence to moral consideration, and continues to assist in pursuit of justice for confined people. In 1964, ARCH, *the Architects' Renewal Committee for Harlem*, organized to improve conditions for low income people threatened by commercial rejuvenation. *The Architects Resistance* in 1968 publicly protested apartheid housing for South Africa, designed by Skidmore, Owings and Merrill in New York. My own first effort on prisons was published in 1977. In 1981 ADPSR (and affiliated Arc.Peace) organized to pay attention to architecture on issues of peace and war. In their book, *Ethics and the Practice of Architecture*, (2000), educators Wasserman, Sullivan, and Palermo deal with ethical troubles embedded in programmes and practices of industrial and military clients. In 2004, ADPSR announced its Boycott of Prison Design, and continues to lead that field in support of design for human rights. The efforts of *Samuel Mockbee, Cameron Sinclair*, and other



designers working on behalf of underprivileged and disaster stricken people dispense with argument, and go straight to work. Recent work on *Evidence Based Design* continues the mission of Environment- Behaviour Research, and will always be relevant to design for confinement. See Appendix 1, *Notes on Architectural Activism* for more details.

Sperry and I both speak from the conviction that design for human rights in prisons will be added to the widening agenda of a kinder and wiser profession. We both feel that the recent appearance of ethical and humanitarian advocacy asks architects to reconsider their use of the term "good design", and to do more than create beautiful places in an ugly world. We hold that moral and ethical concern about architectural performance will have an important place in the "Sea Change" at the heart of this conference. For accepting our offer to give this presentation we give thanks to AIBC and AIA-NWPR.

We are grateful for research assistance by Howard Sapers, Correctional Investigator for Canada, and Ivan Zinger, Executive Director of that office. Personal gratitude is due to old friends Bob Sommer, mentor, and Don Fairbrother, architect and former prison officer. I offer best wishes, and personal thanks to Raphael Sperry for adding his voice to this presentation.

**Postscript,** *added 31 October, 2013.*

*In 2006, Graeme Bristol, an architect originally based in Vancouver, established a **Centre for Architecture and Human Rights, CAHR**, in Bangkok, Thailand, arising from his work with students of architecture in the slums of Bangkok. To our surprise, both Raphael and I had known Graeme for some time, and were delighted that he attended our session. Visit [www.architecture-humanrights.org](http://www.architecture-humanrights.org) This presentation was attended by 16 people, with equal numbers of Canadian and American practicing architects of middle age. One woman and one student were present, but no educators or scholars. Our ideas were quietly received to modest applause, and raised thoughtful questions. During open and private discussion neither Raphael nor I heard any objection or concern on the ADPSR petition on human rights regarding its principles or implementation. One guest suggested to Raphael that alternatives to solitary confinement for hard -to-manage inmates should be considered. On the issue of reducing numbers of prisons for non-dangerous offenders in favor of restorative, community measures, no strong concern was heard, but one mildly skeptical guest implied privately to me that the design of humane and comfortable prisons is the best that can be expected of architects.*

## Selected End Notes

31 Oct 2013

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5. Diderot, Denis, (1765), from Stevenson, Christine, (2000), *Medicine and Magnificence*, New Haven and London: Yale University Press, P 202
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11. Mitford, Jessica , (1974). *Kind and Usual Punishment*, New York: Vintage Books, P 205
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## RESEARCH NOTES

### History of Protest on Capital Punishment, Solitary Confinement, and Torture. 31 Oct 2013

The following notes are not collected for historical study per se. They have been selected to support and assist with discussion of human rights in prison design

- 8<sup>th</sup> Century CE      China withheld capital punishment from 747 to 759, in the Tang Dynasty.
- 12<sup>th</sup> Century CE      Moses Maimonides, Sephardic legal scholar, wrote that it is better ..... "to acquit a thousand guilty persons than to put a single innocent man to death."
- 1395, England      The Lollards, followers of John Wycliffe, protested use of the death penalty.
- 1682, Pennsylvania      William Penn developed a penal code based on Quaker idealism. It reduced use of the death penalty, but did not change the law. The Quaker Society of Friends has since been highly visible in resistance to capital punishment. John Bellers, a social commentator in 18<sup>th</sup> century Britain, was the first Quaker abolitionist.
- 1723, England      The *Black Act* created 60 capital offences designed to deter theft and poaching on private land. In 18<sup>th</sup> century Britain there were 222 capital crimes on the statutes. It was called "the bloody code", and included death for cutting down a tree or stealing an animal. At that time Britain was not alone in this practice. In 1770, Sir William Meredith urged that "more appropriate punishments" be considered.
- 1764, Tuscany      Marquis Cesare Beccaria published a book *On Crimes and Punishments*. It was influenced by English and French Enlightenment thinkers of the time, and was warmly received throughout Europe. Beccaria opposed the brutality and futility of the death penalty, sharply attacked torture as a way of extracting confessions, and argued that punishment must be swift to be effective.
- Leopold II, Habsburg ruler of Tuscany, and Joseph II, Emperor of the Austro-Hungarian Empire, abolished the death penalty in 1785 and 1787 respectively. Following Leopold's succession to the throne in 1790, the penalty was reinstated



to control riots in Vienna The Austro-Hungarian Empire continued the death penalty through the 19<sup>th</sup> century but with the number of executions sharply reduced by clemency that was decided by the emperor alone. It was abolished in 1968. In support of Beccaria, Catherine the Great temporarily abandoned the practice in Russia.

As early as 1907, a statistical study, "Homicide and the Death Penalty in Austria-Hungary" by Maynard Shipley of the American Statistical Association, studied the effect of Austrian clemency on the incidence of capital crimes in the 19<sup>th</sup> century. Shipley concluded that; ..."there is no ground for the contention that capital crimes have increased as a consequence of the decline of capital executions."

1835, USA & France Alexis de Tocqueville and Gustave Beaumont toured American prisons, and wrote of the death penalty; ..."Must we not ardently wish that the last traces of such barbarism should disappear from all the United States." Their observations included approval of the Pennsylvania system of constant solitary confinement.

1842, USA & England Charles Dickens visited prisons in America, and in his letters wrote a scathing denunciation of solitary confinement;

...."because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay. "

Dickens visited Eastern State Penitentiary, completed in 1836 and itself an experiment in full time solitary confinement. The practice was attacked from the beginning; *The London Times* called it; ..."maniac-making"...

1847, USA The State of Michigan became the first democratically elected government to permanently abolish the death penalty.

Europe 19<sup>th</sup> and 20<sup>th</sup> Centuries -Death penalty abolished in Roman Republic, 1849, Portugal, 1867; Iceland, 1928. By 2013 all member nations of the Council of Europe and The European Union have been required to abolish the death penalty . Only Belarus refuses to do so. The Vatican City abolished the death penalty in 1969.

Latin America	19 <sup>th</sup> and 20 <sup>th</sup> Centuries - Death penalty abolished; Venezuela, 1863; Panama, 1903; Ecuador, 1906; Uruguay, 1907; Colombia, 1910; Paraguay, 1992; Mexico, 2005, Bolivia, 2007; Argentina. 2009;. Peru and Chili abolished the penalty for civil crimes in 1979 and 2001 respectively. Brazil maintains the penalty in law, but its last execution was in 1876. Nations of the Caribbean and Central America are approximately equal in use and abolition of capital punishment.
1913, USA	Pennsylvania system of solitary confinement officially terminated, but continued in some institutions for undetermined periods
1944, USA	Use of torture during interrogation terminated at San Quentin Prison
1965, Great Britain	Capital punishment abolished for murder, followed by Northern Ireland in 1973.
1973, USA	Executions suspended in 1973, reinstated in 1977
1972, Canada	Corporal punishment abolished.
1976, Canada	Capital punishment abolished. Last executions in 1962.
1981, France	Capital punishment abolished. It had been debated and defeated several times after 1791.
1994, United Nations	An Italian resolution proposing a global moratorium on capital punishment failed at the UN General Assembly. Supporting resolutions continue, with the ultimate objective the abolition of the death penalty under any circumstances including war crimes.
1998, Great Britain	Capital punishment abolished under all circumstances.
2001, Canada	Extradition of persons facing death penalty abolished.
2007, USA	By 2007, 12 states and the District of Columbia had banned capital punishment. In 2013, 32 states are using it, 13 are considering abolition, and 3 are considering re-instatement.
2007, Worldwide	88 countries have abolished the death penalty for all offences. 11 have abolished it except for special circumstances. 68 nations retain the penalty, but 30 have not used it for 10 years or more.

- 2011, Canada In January Prime Minister Stephen Harper, Conservative, stated that he felt the death penalty was appropriate in some circumstances, but he had no intention of reviving the issue. Wide protest followed during which it was noted that Canada had reduced its efforts to support the United Nations moratorium on capital punishment.
- 2011, USA In organized resistance to indiscriminate and long term use of solitary confinement at the Pelican Bay Prison, approximately 6600 inmates in California prisons began a series of hunger strikes. Some prisoners had been in solitary for decades. In 2012 a lawsuit was launched on behalf of those held in solitary for more than 10 years. This American action has not yet affected Canada, where a few hunger strikes are occurring due to personal grievances.
- 2013, Canada In May, 2013, an Angus Reid poll suggested that 63 % of Canadians favored reinstatement of the death penalty. When the same respondents were asked to compare life imprisonment (with no chance of parole) to capital punishment, 45% favored life sentences, 39% the death penalty.
- 2013, Canada *Porte Ouverte*, the Review of the Association for Social Rehabilitation Services of Quebec, published an article by Ivan Zinger stating that ...."the gradual hardening of conditions of confinement has become a human rights issue."



List does not include all minimum security prisons and healing centres built after 1960.

Levels of security abbreviated, **max.**, **multi.** - **bold type** , med., min - fine type

- 1835 **Kingston, Ontario, max** , originally a provincial penitentiary. Closed, 30 Sept 2013.
- 1859 **Her Majesty's Penitentiary, Newfoundland and Labrador**, provincial institution that takes some federal inmates., **multi.**
- 1877 Stony Mountain, Manitoba, med
- 1878 **B.C. Penitentiary, max**, decommissioned 1980, demolished, site now housing development.
- 1880 Dorchester, New Brunswick, med
- 1911 **Saskatchewan Penitentiary**, max-med
- 1930 Collins Bay, Ontario, med.
- 1959 **Regional Treatment Centre**, forensic unit at Kingston Penitentiary, **multi.**
- 1959 Joyceville, Ontario, med. min
- 1959 William Head, B.C., min
- 1962 Mountain Penitentiary, B.C. med
- 1963 Pittsburgh, Ontario, med, at Kingston
- 1966 Matsqui, B.C. med
- 1966 Cowansville, Quebec, med
- 1967 Springhill, Nova Scotia, med

- 1967 Warkworth, Ontario , med
- 1969 Archambault, Quebec, med, includes forensic institution
- 1971 **Millhaven, Ontario, max.**
- 1973 Ferndale, B.C. min.
- 1973 **Regional Reception Centre**, forensic unit at Archambault, **multi**
- 1974 Bowden, Alberta, med.
- 1977 Mission, B.C. med. Paired with Ferndale
- 1978 **Edmonton, Alberta, max**
- 1979 **Kent, B.C. max.** Paired with Mountain
- 1986 **Donnacona, Quebec, max.**
- 1987 **Atlantic, New Brunswick, max**
- 1995 **Nova, Nova Scotia**, for women, **multi.**
- 1995 Okimaw Ohci, Saskatchewan, for aboriginal women.
- 1997 Pe Sakastew, Alberta, for aboriginal men.
- 2004 **Regional Treatment Centre**, forensic unit at Matsqui, **multi.**
- 2013 Remand Centre, Edmonton

## Rates of Incarceration

31 Oct 2013

Source; *The World Prison Population List* **WPPL** ( 9<sup>th</sup> edition, to May 2011.)

National rates, per 100,000 *estimated* national populations;

USA,	743	up from 645 in 1997.	Italy	92
Rwanda	595		Germany	85
Russia	568		Switzerland	79
S. America,	191	average	Sweden	78
Spain	159		Denmark	74
England	Wales	153 up from 124 in 2000	Norway	73
China	122		Iceland	60
Canada,	116	down from 151 in 1997.	Finland	59
France	96		Japan	58
Europe, ave	95	in South and West Europe,	Pakistan	40
Netherlands	94		India	32

The **WPPL**, 9<sup>th</sup> edition, notes that prison populations are rising worldwide. Nations recording increases include ; 71 % of the nations in Africa; 82 % in the Americas; 80 % in Asia; 74 % in Europe; 80 % in Oceania.



## ON PALACES AND PRISONS

Arthur Allen 31 Oct 2013

The sound of a new uproar in architectural affairs tempts me to pay attention. This time the controversy concerns global practice where architects based in democratic nations are accused of betraying their art and profession when they design imposing structures that are seen by critics as supporting despotic regimes. A Palace of Peace in Kazakhstan, (2006) and new headquarters for China Central Television (CCTV) in Beijing, (2012) are now on the front line of a struggle involving social and professional ethics, and freedom of artistic and political expression. Now in my 7<sup>th</sup> decade as a student, practitioner, and observer of architecture, including four as a writer, I have heard similar debates, but none as frank as this one. With its direct interjection of political issues into the stew of aesthetics and ethics common to these events, it may be unique in the history of architecture.

Freedom of artistic expression notwithstanding, architecture is not now, nor has it ever been, an autonomous profession, able to shape the built environment as it sees fit. We are high level servants eager to give aesthetic and material substance to the dreams and plans of people and institutions in control of wealth and power. Our authority exceeds that of our clients only in matters of life safety in

design and construction, where we are ethically and legally required to ensure that our work is well done. In the process we do achieve high levels of safety in buildings of the developed world.

Language used by architects, including critics and historians, is interesting. Euphemism and exaggeration are common, jargon using special definitions is well known, and strong language on delicate aesthetic issues can be amusing. In the nineteenth century a Battle of the Styles referred to "the foul torrent of the Renaissance", and the "barbarous violence" of Renaissance garden design. In 1906 Adolf Loos described ornament as "smearing" on lavatory walls, and to decoration as a degenerate and "criminal" practice. The political element in the current conversation has the potential to use stronger language, but participants might consider George Orwell's position on the matter before proceeding. In 1946, in an essay on culture and politics, *The Prevention of Literature*, he noted that writers would be denied freedom of expression under dictators, but that "...certain arts or half arts, such as architecture, might even find tyranny beneficial..... "

Palaces of Peace, wherever they may be found, deserve a chance to do their work, but I decline to go further in this conversation,

reluctant because I believe that our fascination with eminent designers and their celebrated clients reinforces the popular idea that a deep understanding of architecture can only be found at the level of their work. I disagree, and argue that the design and operation of the built environment demands attention to all buildings – from palaces to prisons - with glances back to the asylum and the zoo, and forward to the slum, in itself a prison of sorts. At issue is architecture in the service of tyranny, occasionally at the symbolic level of monuments and great buildings, but routinely in civil and military prisons and interrogation centres as well known for inhumanity in democracies as under despotic rule.

Can any architect be surprised to hear of the close link between architecture and tyranny? Should any be dismayed to find themselves perceived as half artist, half tyrant? I think not. Regardless of the aesthetic opportunity to create new forms open to a few designers, our work is more about control than freedom. The walls, passages, colonnades, and magnificent, crowded promenades of political and religious spectacle reinforce powerful emotions that overpower individuality, for better or for worse, depending on one's point of view. The walls and doorways, pretty fences and gardens, walks, boulevards and streets of quiet domestic comfort are planned and designed to direct people in ways that set limits, with rules and

bylaws for control of private and public activities. A better question asks whether architects are benign or malignant in their controlling ways, and whether the intentions and outcomes of their designs follow suit. On that issue architects must consider their own ethical codes, and the ethical and moral intentions of their clients. There is no benefit, public, professional or private, when a conscientious and careful architect honours his or her narrow code of professional conduct, but in the process serves a client whose project works to public disadvantage.

Traditional codes of ethics in architecture do not and cannot be expected to regulate the intentions or activities of an architect's clients. To avoid the charade of "ethical" architects serving unethical clients, the future profession and its clients will need to agree that their work will create buildings that satisfy humanitarian standards, and produce the functional success and social benefits expected of buildings in operation. I argue that this can and must be done, and believe that the majority of architects do not hold faith in the idea that a beautiful world for affluent people is a sufficient reason for their existence. Architects will be useful for their variety of talents in the search for universal human rights and social justice.



## CONCLUSION

When routine activities within confining buildings are known to harm occupants, or are intentionally programmed for that purpose, architecture as a form of physical restraint needs moral examination seldom undertaken by architects. The Prison Boycott of Architects, Designers, and Planners for Social Responsibility is a notable exception. In Britain, Fairweather and McConville have edited a book on prison design that raises hard questions. In North America, the teachings of Wasserman, Sullivan, and Palermo set out case studies for moral consideration by architects on many building types. These documents propose that architects consider the ethical intentions and consequences of proposed building functions before accepting commissions for service.

Architectural contribution to correctional institutions faces opposing arguments. One side urges harsh and punitive treatment in tight confinement on the grounds that those measures will deter criminal activity, and lower the costs of crime. The other side proposes community corrections with humane confinement, arguing that segregation and severe punishment will aggravate criminal activity and increase costs.

## ON ARCHITECTURE AND CONFINEMENT

Written in 2013 as conclusion to the article *Design for Human Rights*.

Most architects of my acquaintance hold that they should not presume to enter that debate, but accept social changes and political directions as given. Architectural periodical magazines that I have watched since the 1970s have not been so indifferent. In that time I have not seen a printed article in support of harsh treatment in deprived surroundings. Several publications in the 1960s and 1970s were enthusiastically in favor of comfortable design for confined prisoners, and hoped that architects could help rehabilitation of offenders with social opportunity built into their designs. Opponents recorded dismay at such soft treatment, comparing prisons to resort hotels. In any case, architects have it both ways, profiting from building booms regardless of periodic changes in penal policy. In that history, there is a cost-benefit argument that I find useful.

Media and official sources on rates of crime in Canada are under hot debate at this time. General comments, however, state that as many as 30% of committed crimes are not reported, and that the number of criminals caught, tried and imprisoned is very low compared to the total number active at a given time. American records agree on this issue. In



the early 1970s a President's Commission on Causes and Prevention of Violence noted that ...."for an estimated nine million crimes committed in the United States in a recent year, only 1 ½ % of the perpetrators were imprisoned".....**1.**

When a recent Canadian political announcement said that the cost of imprisonment is a bargain, far less than the cost of crime, it was not noted that since the costs of building and operating prisons are attributable to only 1.5 % of the estimated criminal population, those costs can only be compared with 1.5% of the total cost of crime.

Inmates in prison are the unsuccessful offenders, the ones who get caught. They include an undue number of people whose arrest and ability to defend themselves is jeopardized by race, poverty, and mental illness. If only 1.5 % of its criminals are incarcerated and punished, it is argued that society, frustrated by failure to catch and convict the successful 98.5 %, unloads all of its anger onto the minority. Psychiatrist Karl Menninger argued that inmates are scapegoats, their abuse driven by vengeance and concealed by the rhetoric of,.. "a wish to see justice done"....**2.** Justice is not well served when a minority of offenders is blamed for the entire cost of crime, and takes all the penalties.

Some prisons may always be needed for dangerous offenders, but the public interest is not served by environments where design is indifferent to its effects on the majority of inmates. I have not yet seen any plans or programmes for design of new facilities, but some provisions of Bill C-10 are regressive, and seem likely to create prisons that are crowded, multi-purpose, catch-all facilities that will not provide manageable confinement for mentally ill, aged, and other inmates with special needs. Present intentions to enlarge 30 existing prisons is worrisome, possibly indicating a return to large, crowded, and non-specialized facilities well known for difficult management and inmate unrest.

In this area of vital public interest, architecture has much to lose by remaining silent. I urge that Architecture Canada / RAIC establish a permanent committee on the architecture of confinement, and offer independent advice to politicians and the Correctional Service of Canada.

1. Mitford, Jessica, 1974, *Kind and Usual Punishment*, New York: Random House Inc. page 301
2. Menninger, Karl, M. D., 1966, *The Crime of Punishment*, New York: The Viking Press Inc. page 190.

## ARCHITECTURE AND CONFINEMENT EPILOGUE

Arthur Allen, 06 June 2015, Rev 15 Oct 2015

The articles and letters in this collection record my concerns on the architecture of prisons, with a few pages from earlier work on asylums. The entire work can now be found on a website, [www.academia.edu](http://www.academia.edu)

The framework of these thoughts comes from moral and ethical interest in the effects of architectural spaces and their operation on the well-being of forcibly confined occupants. At this point I am convinced that the architectural profession will not effectively protest design for abuse of human rights on the basis of professional ethics and civic morality. Even if it did, I doubt the efficacy of that approach to criminal behavior where prisons are operated as extensions of the societies that create them.

In December 2014, when the American Institute of Architects declined to prohibit design of spaces for capital punishment, long-term solitary confinement, and torture, it became clear that professional ethics does not have the power to deal with this issue. Intentional abuse of human rights in prisons is carried out by the institution and its operating staff. Architects

play a supporting role; their codes of proper conduct do not extend to their clients' activities. It makes sense to suggest that architects can do something positive by supporting legal action that outlaws abusive and degrading treatment. There is now a case before the Supreme Court of Canada that seeks abolition of long-term solitary confinement as a constitutional issue. Internet sources now show vigorous legal opposition to that practice in the United States. Support of legal actions will address intentional abuse of human rights, but may not apply to the unofficial self-punishment of prisoners when they abuse, rape, and attack each other in the murderous environs of crowded prisons.

Scandinavian experience suggests another option - to change the law and administrative structures that go with it, and in the process limit the impact of adversarial politics on matters of crime and punishment. After World War 2 Finland was troubled by poverty and discord, with severe crime and sentencing, and high incarceration. Its story of success in the following decades is presented in a paper, "Imprisonment and Penal Policy in Finland", by Tapio



Lappi-Seppala, published in *Scandinavian Studies In Law, 1999-2012*

The primary objective in changing laws and the operation of penal policy would be reduction of the influence of punitive ideology in the administration of criminal justice. Politicians in a democracy could not be removed from this arena, but their use of such important and divisive matters for political advantage is not in the interest of criminal or social justice. A different socio-legal-political structure is needed, one with broad representation to balance political power. It would recognize the destructive potential of excessive confinement under harsh conditions, and tackle injustices within prisons as part of our humanitarian struggle outside the walls.

There are architects working internationally who have the idealism to take on this kind of work. They act most often on issues of shelter for people stricken by poverty, disease, and disaster. Some are world-wide organizations, but even there I doubt that any has the size and experience to tackle the architecture of confinement, involved as it is with massive bureaucracies and political regimes deeply interested in crime and punishment

Lappi-Seppala does not indicate whether architects in Finland were involved in changes to that justice

system. In Canada I urge the architectural profession to participate in the necessary social and political discourse. To do so, it faces a complex challenge. Canadian provincial laws require that prisons be designed by architects. It follows that provincial institutes of architecture, as regulatory bodies, may be reluctant to question legal and political authority while member architects willing to design prisons continue to do so under provincial law. I understand that a similar situation applies in the United States, where some facilities must also be equipped for capital punishment.

Contributions by architects to a process of justice that respects the need for a reasonable quality of life for people in confinement requires action from official institutions of the profession. If my memory serves well, the RAIC/Architecture Canada has generally supported prison construction for various reasons. I found no problem with that idea in the late 20<sup>th</sup> century when Canada accepted new ideas for design of modest and manageable prisons.

In 2011, a Conservative majority government in Canada decided to imitate American "tough justice". Many asked why we should repeat that well-known failure. Under these conditions, I urge Architecture Canada to initiate talks with politicians in a search for



non-partisan agreement that penal policy and imprisonment will be placed and kept at arms-length from direct political influence. The consequence for architects would see emphasis on evidence based design directed toward the provision of humane and effective prisons that provide more than illusions of public safety.

**Added, 15 Oct 2015.**

Under democratic rule, when a newly elected government changes penal policy and initiates a regime that favors punitive justice, barbaric treatment, and confinement under crowded, savage conditions, the architectural profession is challenged. Professions are created by public authority, and are granted significant concessions of self-management, in return for their promises to always act in the public interest. When penal practices of a harsh nature can be shown to aggravate the incidence of crime, an architect designing to those policies breaks a promise to act in the public interest. In this service, architects must deny their codes of ethics which suggest, require, or imply effective design and observance of human rights and (rarely) social justice. In this case it is ironic that professions and their codes of ethics were granted and are sustained by legal authority, yet it is a government client that asks architects to defy those codes.

When a change in government requires architects to work in this way, it is easy to say that the trouble is all on the government side, and that a profession cannot challenge the authority that created it. As a result, architects in North America and elsewhere have long been free, and remain so, to follow the clients instructions, do the work, and take the money. Is that good enough? Is that professional, or is it avoidance of responsibility in anticipation of the profits of the prison business? Is an architect still bound to honor ethics and morality, and effective design, in spite of a public client's abuse of its own obligations?

To be fair, these troubles arise on the public side, in the poverty, racism, indifference and ignorance of people who maintain that violence can be overcome by more violence. The failure of architecture in this case lies in its silent service in the prison business, during which it has designed prisons for any political regime in power, with no serious attempt to validate effectiveness and resolve humanitarian issues in their operation.

In this service architects are in a hard space. In North America they are required by law for design of prisons that at times will require design for brutal activities offensive to codes of ethics of the profession. These

troubles come from social and political failures that in democracies demand the attention of any profession dedicated to service in the public interest. I argue that architects can follow the example of other professions known for advocating changes in law and the administration of justice that will deny majorities the power to abuse confined and vulnerable people. That this can be done while a profession continues its normal work is shown in recent protests to the federal government by the Canadian legal and psychiatric professions concerning the inhumane treatment of prison inmates proposed by Bill C-10, passed into law in March 2012.

Recent American extravagance in building new prisons; (19 billion dollars for state and federal prisons, 1980-1994), places high stakes on this discussion. The same thing, at reduced scale, is now happening in Canada. Official American authorities have conceded the failure and the waste of their experiment with tough justice. For architects to remain silent during and after such fiascos, is not professional conduct. While they take instructions, and continue with reasonable prison design and construction, I urge Canadian architects to end their long silence on these issues, and publicly advocate and work for civilized and effective prison

design and operation under a balance of civil and political authority in affairs of justice and penal policy.

Democracies claim that to improve their management of poverty, racism, and indifference, they need citizens willing to participate in democratic processes. They also need professions that will refrain from exploiting political and social injustices, and be willing to let their clients and societies know what they think about the destructive things they are sometimes asked to do.

cc To Architecture Canada,  
Provincial Ass'ns of Architecture in Canada  
Minister of Public Safety, Canada  
Minister of Justice, Canada  
Commissioner, Correctional Service of Canada  
American Institute of Architects  
Architects, Designers and Planners for Social  
Responsibility (Raphael Sperry)  
Howard Sapers, Correctional Investigator,  
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