

Changing Lives Through Literature*

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THIS EVENING I am going to share with you the origin and nature of a program that, in my opinion, is a genuine revolution in the field of criminal justice. It is a revolution that requires serious criminal offenders to be brought to college and university campuses to read and discuss some of the great masterpieces in literature and some of the classic texts in philosophy. This program is also revolutionary in its rejection of the prevailing paradigm regarding the reasons or causes that explain why these persons commit criminal offenses. In my concluding remarks I will explain why I truly regret that I did not have the vision to create this program in Texas nearly 10 years ago when I was hired as an adjunct professor for the University of Houston at Clear Lake. All of my students are prison inmates.

The genesis of this program was in 1991 during a discussion between two friends following their completion of a game of tennis. More specifically, District Court Judge Robert Kane of New Bedford, Massachusetts (the location of the early pages in Melville's *Moby Dick*), and Professor Robert Waxler of the University of Massachusetts at Dartmouth were discussing Judge Kane's frustration with the lack of meaningful sentencing options for repeat offenders. Professor Waxler ventured a suggestion in the form of a daring challenge, namely, sentence some of those bad guys to me at the university and I will direct them to the transformative power of the humanities and great works of literature. Judge Kane accepted the challenge and the experiment of "Changing Lives Through Literature" was born. "Go to school and read books or go to jail" was soon to become a new choice for repeat criminal offenders in New Bedford, Massachusetts. My commitment to this program is best understood in the context of the time in my life when I was directed to the transformative power of the humanities.¹

In 1960, I was a freshman in college, and near the completion of the first semester I was giving serious consideration to quitting and making an attempt to become a professional bowler. During an afternoon walk to class, I encountered one of the recognized campus intellectuals. In response to my greeting of "Hello, what do you know?," he made an abrupt stop in front of me and said, "Mr. Jablecki, I do not know anything, I am simply attempting to understand." He then marched past me. Not having a clue as to the meaning of his curt remark,

I probably articulated a response in very unscholarly language. Several days later, I asked a senior who was majoring in something called philosophy to explain to me the distinction between knowing and understanding. After his learned discourse, most of which I failed to comprehend, he suggested that in the spring semester, I should take Introduction to Philosophy. I decided to remain in college for at least one more semester, and I enrolled in Introduction to Philosophy. In that class I was introduced to the life and teachings of a man named Socrates. Consequently, in the spring of 1960, I learned the meaning of the distinction between knowing and understanding, my thinking, my conduct, and my ambitions changed and I sold my prized black beauty bowling ball and purchased some philosophy books.

Sixteen years later, I was a resident of Texas and seeking employment as a classroom philosopher or an opportunity to bridge the enormous gap between theory and practice. The opportunity, in 1979, to make the transition from theorizing about the concepts of justice and punishment to participating in their creation and administration was a totally unanticipated new chapter in my life.

Now, as I remarked earlier, the Changing Lives Through Literature program involves the rejection of the prevailing paradigm regarding the reasons or causes that explain why persons commit criminal offenses. More specifically, the paradigm is the medical model of human conduct, and using nearly 18 years of experience in dealing with thousands of criminal offenders, I will unpack the reasons why I believe this model to be false. In 1988, I wrote an article that was published in *The Houston Post* under the title of "Why Criminals Can't Be Rehabilitated." I remain persuaded of the truth of the following:

I am going to expose a myth by telling a closely guarded secret that should have been released to the public long ago: Criminals cannot be "rehabilitated." To "rehabilitate," according to *Webster's New Collegiate Dictionary*, is to "restore to a former capacity" or to "restore to a condition of health or useful and constructive activity." Using this definition, my experiences with several thousand criminal offenders on adult probation and many hours of discussion with a significant number of inmates in two of our prison units confirm the absence of a prior healthy or constructive condition to which to restore them. More specifically, due to a combination of their total environment and voluntary decisions, they

*This is the text of Dr. Jablecki's presentation on November 20, 1997, to the Houston Philosophical Society, Rice University.

have never learned to think clearly and live responsibly. This means that it would be a serious mistake to restore or to “rehabilitate” them to what they were.

This claim can be illustrated by describing the typical felony adult probationer in Texas, who is an Anglo male between 17 and 26 years of age. This individual does not give a hoot over the loss of his rights to serve on a jury, to vote, or to hold an elected public office. He becomes indignant, however, and thinks he should be allowed to withdraw his plea when we inform him (his attorney did not bother to do so) that when the next deer season rolls around he will not be able to participate unless he does so with a bow and arrow.

This young high-school dropout, who is abusing himself with alcohol and/or drugs, has no real appreciation for or understanding of the words “rights” and “obligations” and their crucial role in our system of government. He is restricted to manual labor, has no concept of the future beyond tomorrow, and has an immediate need for the kind of material possessions that it has taken 20 years for the rest of us to accumulate. His father taught him the Archie Bunker view of the world, failed to teach him to respect the rights and feelings of others, failed to encourage him to read and think clearly about significant issues, and failed to emphasize the importance of education and becoming a genuinely civilized person.

In addition to the fact that the rehabilitative ideal presupposes an unrealistic view of the majority of criminal offenders, it involves a commitment to the equally false model of human behavior advocated by some psychiatrists, psychologists, and so-called behavioral scientists. Criminals are not “mentally ill” or “sick,” and they are not “determined” by causes over which they have no control to commit crimes.

The basic assumptions of our society and legal system are that individual citizens can make free choices and that they ought to be held responsible for the consequences of any decision involving unlawful conduct. More specifically, our society operates on the assumption that the individual human is a moral agent capable of initiating occurrences or actions, and this capacity is what is meant by freedom.

Joined with the idea of freedom is the idea of responsibility, which, in practice, involves approval and disapproval, rewards and punishments. Moral judgments and the application of legal rules assume that the individual is free and the burden of proving in any specific case the absence of freedom rests upon the individual to produce some excusing conditions or prove a state of abnormality. We assume, therefore, that people who commit a criminal offense could have acted otherwise—that they were not forced or coerced to commit a crime.

Criminal offenders are in conflict with the norms of society; they are not suffering from psychological disorders that both explain and excuse their conduct. They have

consciously and deliberately chosen to commit a crime, or, in numerous cases, they consciously and deliberately set themselves up for committing a crime by altering their normal mental and physical capacities. They were free to do otherwise and should be held responsible.

I am not advocating an insensitive and unmerciful punishment of criminal offenders, many of whom have very real and serious psychological problems. In numerous cases, their conduct and degree of personal happiness have been adversely affected by poverty, lack of education and job skills, peer pressure, racial discrimination, broken homes, physical or sexual abuse, drug addiction, and alcoholism.

My experiences, not theories, have led me to the following views. A seasoned adult probation officer has supervised people who are mentally retarded, mean and violent, chronic liars, profoundly ignorant, highly educated and sophisticated, wealthy or in the upper income bracket, economically and culturally impoverished, drug addicts, alcoholics, sexual deviants, and con artists. All of these individuals make free choices and should be held accountable. All of the factors, however, that constitute their unique environment produce a wide variation in the number of choices and options that are available to them.

This means that the degree to which they are free and responsible must be determined on a case-by-case basis. For example, the highly educated and upper income offenders, regardless of the nature of their crimes, possess more freedom or options of conduct from which to choose, and this involves a greater degree of accountability for their actions. It is, in my opinion, a sad and tragic contradiction that multitudes of people who are less free and responsible receive the harshest punishment.

Now that I have told our secret—criminals cannot be rehabilitated—the question is, what (if anything) can be done to change them? We should use every available resource to assist in the process of “habilitation”—in other words, a civilizing process in which they must voluntarily accept the responsibility for developing new habits of thinking and conduct.

Popular myths do not die easy deaths. But unless we abandon the myth of rehabilitation in favor of a realistic account of the causes of criminal behavior and the actual character traits of the people we attempt to help, our alleged failures will continue to be magnified in the news media. We cannot perform miracles, and it is time to point the finger of blame in the direction of a chaotic society and an educational system that is graduating uncivilized illiterates.

I have discussed and debated my arguments with hundreds of criminal offenders, many of whom are prison inmates. With few exceptions, even those with vivid memories of the lowest depth of their struggle with drug and alcohol abuse acknowledged that they were always making choices, i.e., their alleged addic-

tion did not force or compel them to commit a crime. I hasten to make it abundantly clear that I am not advocating a cavalier dismissal or minimization of the value of the services provided to numerous persons by professional substance abuse counselors and other professional counselors. At the same time, however, I must insist that if they counsel any of their clients as if they are victims of society or of a mental disease or illness over which they have no control, they are wrong. I am very cognizant of the fact that my academic credentials impose a definite limit on my ability to critique what has been described as the invasion of contemporary psychiatry and psychology into the area of criminal justice. That critique, however, is being articulated by an increasing number of psychiatrists and psychologists, notably, Thomas Szasz and Stanton Samenow. My position, for the most part, is a restatement of the arguments in Szasz's *Law, Liberty, and Psychiatry* and Samenow's *Inside the Criminal Mind*. Szasz, as some of you know, is a psychiatrist who has focused his career on attempting to demolish what he calls the myth of mental illness.

According to Szasz, the concept of mental illness which lies at the core of virtually all psychiatric theories and practices ". . . is a metaphor which we have come to mistake for a fact."² We call people physically ill when their body-functioning violates certain anatomical and physiological norms; similarly, we call people mentally ill when their personal conduct violates certain ethical, political, and social norms. This explains why many historical figures, from Jesus to Castro and from Job to Hitler, have been diagnosed as suffering from this or that psychiatric malady.³

Psychiatric maladies or problems, Szasz insists, are not medical problems, and psychiatry is not a branch of medicine. Instead, psychiatric interventions are directed at the universal, moral problems in daily living, e.g., personal needs and wants, social aspirations, and the formulation of opinions and values. Calling mental illness a "myth" or metaphorical disease, therefore, is not calling it a fairy tale. Rather, as the British philosopher, Gilbert Ryle observes, a myth is the "presentation of facts belonging in one category in the idioms belonging to another. To explode a myth is accordingly not to deny the facts but to re-allocate them."⁴ As indicated in my earlier comments on why criminals can't be "rehabilitated," I agree with Szasz's claim that almost the entire range of human problems studied by psychiatrists, psychologists, and counselors is best described as universal moral problems in living, i.e., the "human situation."

The relevance of Samenow's views to *Changing Lives Through Literature* is located in the preface to his *Inside the Criminal Mind*, where he says:

The essence of this approach is that criminals choose to commit crimes. Crime resides within the person and is "caused" by the way he thinks, not by his environment. Criminals think differently

from responsible people. What must change is how the offender views himself and the world. Focusing on forces outside the criminal is futile. We found the conventional psychological and sociological formulations about crime and its causes to be erroneous and counterproductive because they provide excuses. . . . From regarding criminals as victims we saw that instead they were victimizers who had freely chosen their way of life.⁵

I believe that Samenow is committed to the erroneous position that choices are made in a causal void and that he fails to give due recognition to the fact that the majority of criminal offenders have a small number of choices or options available to them.⁶ I am in complete agreement, however, with his view that they make real decisions, and it is through a process of "habilitation" in which they must develop new patterns of thinking in order to act responsibly in society.⁷

In July 1996, while attending the American Probation and Parole Association annual conference in Chicago, I was surprised by the joy of learning of the existence of the program of *Changing Lives Through Literature*. My instant perception was that this bold and unconventional initiative is an application, in practice, of every key concept in my philosophy of crime and punishment. Fired with a fresh burst of enthusiasm, I discussed the program with Judge Robert E. May, of the 149th District Court in Brazoria County, and in September he agreed to accompany me to Massachusetts to meet with Judge Kane and Professor Waxler.⁸ It is doubtful if one can exaggerate the passion and reasoned conviction with which Judge Kane and Professor Waxler explained the experiment they created in 1991. Recalling his friend's challenge to discover if reading and discussing significant issues, ideas, and concepts in an academic environment could cause criminal offenders to change their thinking and conduct, Judge Kane told us that this program has proved to be the most rewarding and successful sentencing initiative in his career as a judge.

Who to allow in the program, the number and duration of the classes, and the selection of texts were major decisions to be made during the birthing process. Judge Kane agreed to Professor Waxler's request that the participants be 8 to 10 male offenders with a history of serious criminal conduct, the only exclusions to be active drug users, sex offenders, and murderers. A screening procedure was developed in which probation officials, prosecutors, defense counsel, and victims were invited to consider the attitude, risk, and criminal history of the candidates. Verification of at least an eighth grade reading ability is also a part of the screening process. To provide the reality of a major accomplishment, the course was designed to span a period of 12 weeks, with meetings every other week and the sessions 2 hours in length. The six classes are discussions of short stories and major works of literature in which the characters demonstrate and struggle with the issues of male identity, violence, and the individual in society and author-

ity. The required readings include *The Old Man and the Sea* by Ernest Hemingway, *Of Mice and Men* by John Steinbeck, *The Bluest Eye* by Toni Morrison, *Deliverance* by James Dickey, and *Animal Farm* by George Orwell. Those who complete the program are honored at a graduation ceremony to which family and friends are invited, they are given a framed certificate signed by Professor Waxler, and Judge Kane reduces their sentence by 6 months.

In response to the obviously critical question if this program really works to reduce the recidivism rate of criminal offenders, Judge Kane and Professor Waxler gave us copies of an independent study by Professor G. Roger Jarjoura of the College of Criminal Justice at Northeastern University in Boston. In April 1993, "the program had been operating for two years, graduated five classes and had forty graduates."⁹ Professor Jarjoura focused his "data analysis on the first four classes or thirty-two students."¹⁰ Making large claims for the success of a program dealing with criminal offenders is a risky and potentially embarrassing business. Cognizant of these facts, Professor Jarjoura compiled a comparison group¹¹ for the 32 men (the study group) who completed the first four classes. Selected from the list of active probation cases in the New Bedford District Court, 40 men were placed in the comparison group. Documenting the similarities and the significant differences between the two groups,¹² Professor Jarjoura concludes that the "program is successful when the outcome being measured is number of convictions."¹³ More specifically, 18 of the men (45 percent) in the comparison group were convicted of new charges, compared to 6 (18.75 percent) of the men in the study group who were convicted of new charges.¹⁴

Acknowledging that the majority of the men in the study group had probably reached "a point in their lives when they were ready to make a change to a non criminal lifestyle"¹⁵ and that it is not feasible to argue that their success is a direct result of the literature program, Professor Jarjoura correctly observes that "a recidivism rate of less than 20% is quite impressive and certainly not a common finding in evaluations of alternative sanctions in adult corrections."¹⁶ What he implies, but does not explicitly state, is that it is undeniable that the timing of their success is the direct result of the opportunity to participate in the program. In our discussion with him, Judge Kane made it abundantly clear that he would have sentenced all 32 men to prison if they refused to volunteer for the program.

Another critically important dimension in the effort to change lives involves the perception by the offenders that their identity as a person and their thoughts and beliefs are of genuine meaning to those who created and actively participate in the classes. More specifically, in the classroom environment, the power of ideas and concepts to grab a human mind and shake the

foundation of a person's life requires the inspired communications of a person who has experienced that transforming power. During his interviews with the men in the study group, Professor Jarjoura became cognizant of the positive influence of Judge Kane, Professor Waxler, and Wayne St. Pierre, the probation officer who attends the classes. Professor Jarjoura comments that they "left their mark on the program and its graduates," i.e., "they have combined their creativity and dedication and shown the participants genuine interest and concern."¹⁷

Reflecting on the genesis and development of their creation, particularly the vital role of Judge Kane, Professor Waxler says:

No doubt it took considerable courage on the part of the judge, a feared prosecutor in an earlier phase of his life, to agree to such an apparently soft idea, but once we got going we realized that the judge himself was not only an important administrator in the process, but a central participant in the drama of changing the lives of all those seated around that seminar table. He too claims that it's been one of the best experiences of his life.

As a professor of literature, I could engage in discussions with these men as part of my expected role, but this judge, Bob Kane, proved unusual in this context. For the criminal offenders, a judge traditionally represented the enemy, a criminal justice system that punished them. Ordinarily the image of the judge confirmed their alienation from the mainstream of society. He was an authority figure that menaced them, one who refused to validate their humanity; he was the dark robe that simply passed judgment on their criminal behavior, often with only a few perfunctory words.

Judge Kane rewrote that story for these men though. Not only did he give them another chance by recognizing their promise, but he often sat at the table with us, contributing his insights and interpretations of the literature. He became a voice equal to the other voices around the seminar room. For the criminal offenders, the judge became a man among other men, still a representative of the authority of the criminal justice system, but a representative with a human heart ready to certify and validate these other men as part of a group that included him. In open court, as part of a final graduation ceremony, these men received praise and certification of their work from the judge. As a result, the story of the relationship between these men and the criminal justice system changed its meaning.¹⁸

Standing in front of a high bench facing a person usually clothed in a black robe and who possesses the authority to sentence them to prison or jail or control their lives during a period of probation gives criminal offenders good reason to perceive the judge as an enemy. This inherent reality of the criminal justice process means that Judge Kane's decision to attend the final three sessions of the class, to read the assigned texts, and his ability to convey a genuine concern for the lives of the participants is a very notable accomplishment. It also means that it will be no easy task to duplicate his accomplishment.

The New Bedford experiment that I have called a bold revolution¹⁹ in the field of criminal justice is now a reality in 10 district courts in Massachusetts, and 62 seminars, some for female offenders, have been com-

pleted with 434 graduates.²⁰ In 1992, following meetings with Judge Kane and Professor Waxler, a program for female offenders was created by Jean Trounstone, professor of humanities at Middlesex Community College in Lowell, Massachusetts. Currently, this is a 14-week literature seminar with meetings every other week and a 6-week self-reliance seminar that meets every week. I was somewhat astonished to learn that the commitment of District Court Judge Joseph I. Dever is such that he reads all of the assigned readings and attends every meeting of the class. Professor Trounstone informed me that the female offenders are very appreciative of his participation and his concern for their success.²¹ Programs for female offenders are now available in four district courts in Massachusetts.

The readings for the female literature seminars focus on the major issues of women's struggles in the 20th century, e.g., female identity, the family, and domestic violence. The required readings include *The House on Mango Street* by Sandra Cisneros, *The Bluest Eye* by Toni Morrison, and *Their Eyes Were Watching God* by Zora Neale Hurston. Reflecting on her first class with six female offenders, Professor Trounstone says of them:

Women, without much formal education, without transportation or support, they had been arrested over and over, been in and out of jail. They came armed only with hope. They had a desire to try once and for all to find a way out of crime through a deceptively simple program that I had the nerve to think might actually do what it advertised, change their lives. They all had done some prison time and had knocked around the criminal justice system, having served sentences for crimes such as drugs, prostitution, assault and battery, shoplifting, and theft. But these women were different from their male counterparts. They had no support from worried wives and no encouragement to find jobs. Their drinking and drugging had often brought them abusive boyfriends who threatened their lives and parents who kicked them out of the house. Most had managed their pregnancies and young children alone. They all had lives of failed commitments, longings and unfulfilled dreams. They all had ceased to believe in themselves.²²

Having met and heard presentations by Judge Dever and Professor Trounstone, I am confident that their influence is the decisive factor inspiring many of these women to take control of their lives.

In January 1997, the politically courageous decision of District Court Judge Robert E. May allowed the birth of the Texas version of Changing Lives Through Literature. Greatly impressed by its creators in Massachusetts and its documented success, he permitted the writer to screen and select 8 to 10 male felony probationers from his court to participate in a pilot project. Judge May's decision was an act of political courage because, in Texas, district court judges are elected every 4 years, and the elections take place in the heat of partisan politics, i.e., many judges are elected or voted out of office simply because of the changing perceptions of the words Democrat and Republican.

Exercising political prudence and caution, offenders selected for the program were not obliged to volunteer

in lieu of being sentenced to jail or prison. Although all of them were guilty of committing serious felony offenses and some of them had a fairly extensive criminal history, they were chosen because their probation officers were persuaded of their genuine desire to change the direction of their lives. Verification of at least an eighth grade reading level was required and, like the Massachusetts program, active drug users, murderers, and sex offenders were not eligible.

The *Texas Code of Criminal Procedure* contains too many roadblocks for a timely and inexpensive procedure to reduce a probated sentence by 6 months. The attractive carrot capable of eliciting volunteers was located in one of the standard conditions of probation. Unless there is good cause to waive the requirement, all probationers are judicially ordered to complete a minimum of 24 and a maximum of 1,000 hours of unpaid community service work. The range for felony offenders is 120 to 1,000 hours. Calculating the number of hours in the classroom and the time required to read the assigned texts, the decision was made to extend the generous offer of 75 hours of community service work to those who complete the seminar. Potential students were eager to volunteer as most of the available community service work involves physical labor. The controversial aspect of this decision is the argument that all offenders should perform all of their community service work in the publicly demeaning tasks of picking up litter from the highways and beaches. The reasoning and hope of the author and Judge May were that, regardless of their motive for attending the class, it will change their thinking and conduct and reduce the number of new victims of crimes.

Fortunately, the finding of a qualified and successful educator and a college or university that would allow the use of a classroom and the issuance of an official certificate to criminal offenders proved to be relatively easy. The writer contacted a graduate of this university who had retired recently after many years of greatly acclaimed teaching of literature in a local high school. Described by her former students, two of whom are local judges, as a tough, demanding, and inspiring teacher who guided them to college-level performance, Ms. Carolyn Huff graciously agreed²³ to be the teacher for our first literature seminar. I received a very positive reception from Dr. Millicent Valek, the president of Brazosport College in Lake Jackson. With no hesitation, she approved my requests for the use of a classroom and an official college certificate for the participants. She requested and I readily agreed to a minimal fee of \$10 per student.

Adopting the format of six classes of 2 hours, meeting every other week, Ms. Huff chose four short stories and two novels. The short stories included "Greasy Lake" by T. Coraghessan Boyle and "Barn Burning" by William Faulkner. The novels were Steinbeck's *Of Mice and Men* and Morrison's *The Bluest Eye*. Given the lim-

ited educational accomplishments of the participants, Ms. Huff was understandably somewhat skeptical of their ability to read, comprehend, and critically evaluate the issues and characters in the texts. To her great surprise and delight, most of them evidenced a good grasp of the issues and were able to articulate a reflective evaluation of the strengths and weaknesses of the major characters. The writer read all of the assigned material and attended all of the classes. Judge May read the texts for the last three classes and attended them.²⁴ Eight of the nine members of our first class completed the program. A graduation ceremony attended by spouses, parents, and others was held in Judge May's courtroom, and he and Dr. Valek presented the eight graduates with framed certificates from the college. Comments of appreciation from the graduates and family members allow the claim and hope that their accomplishment will mark the beginning of a permanently changed life.

For more than 30 years, I have taught a variety of courses in philosophy to college/university students in this country and in England. Greatly inspired by what I observed in our first literature seminar, I decided to discover if I could succeed in playing the role of a Socratic mid-wife with a similar group of offenders. I chose two works containing some of the most influential thought in the history of Western philosophy: four of Plato's dialogues documenting the life, death, and teachings of Socrates, namely, the *Euthyphro*, *Apology*, *Crito*, and *Phaedo*, and, second, the *Enchiridion* by Epictetus, the former slave and Stoic philosopher. These writings address the paramount issues and concepts in the human quest for meaning and purpose in this life and the desire to know what significance, if any, we have in the life of the universe. More specifically, these writings describe our struggle with the questions, what does it mean to be pious or religious, why should we obey the law, why and to what extent should the state have authority to limit and control the freedom of the individual, what is justice, what is the nature of what we call the soul and does it survive our bodily death, what are the principles of right conduct, in what sense do we make free choices and are we responsible for their consequences, and is the universe the handiwork of one or more divinities or is it a cosmic accident.

Three days ago, my humanities or philosophy class had its last meeting and I am very pleased to be able to claim that using the Socratic method of defining and discussing the above issues and concepts with a group of criminal offenders was a major success. At this point, the word success is unpacked as follows; I am reluctant to invoke the word "magic" due to the unnatural and non-human baggage in its definition, but one must be present to witness the revelations and insights that enter the untrained and undisciplined minds of persons who are guided through a reflective analysis of the

"human situation." At the outset of the first class, I challenged them to analyze and evaluate the admittedly problematic assertion that people who believe that criminal offenders suffer the emotional pain of a poor self-image or low self-esteem are completely wrong. Instead, criminal offenders think and act as if the rest of humanity should passively gratify their needs and desires and all the rules in the serious game of life are to be created and changed by them. In short, they view the universe through the eyeglasses of total selfishness.

I perceived that some of them were offended by this assaultive generalization, but during the final class in which they were asked to express their thoughts and feelings about the program, I was persuaded that most of the nine students had been brought to realize the extent to which it described them. Fully cognizant of the fact that their future conduct will in large measure verify or falsify their statements, I experienced a bolt of profound joy as I listened to their comments. A man with a long history of alcohol abuse stated that our discussions had helped him more than all of the drug and alcohol treatment programs he was obliged to attend, and several others expressed their agreement. Another voiced his view that his active participation in our discussions was of far greater help to him than all of the individual and group counseling sessions he was made to attend. This claim elicited a collective agreement from the entire class. A remark by another was that his mandatory attendance at an anger management course was a total waste of his time compared to the assistance he found in our discussions dealing with anger, violence, and self-control. His claim caused brief verbal applause from three or four others. Not "throwing caution into the wind," it appears that most of these men have reached a genuine understanding of the Socratic dictum that "the unexamined life is not worth living." More specifically, it is not unrealistic to believe that from this point in their lives they will reflect frequently and control their course of action by pondering "What would Socrates or Epictetus think and do?"

We have now completed five seminars with 43 graduates and two more will conclude by the end of this month. Knowing that the march of time will take its toll, to date, none of the 43 graduates have been placed in jail for a violation of probation or the commission of a new crime. All of my seven bosses, four district court judges and three county court-at-law judges, have endorsed the program. Last month our second graduation ceremony was held in Judge May's courtroom, and the 24 graduates were given their framed certificates by the presidents of two colleges.²⁵ Four seminars are scheduled to begin in January 1998, two for females and two for males.²⁶ I am especially pleased and proud to announce that in 1998, Dr. Charles Henry, the vice-provost and librarian of this university, will teach a literature seminar on this campus.²⁷

To begin my closing comments, I will provide a brief explanation of my introductory lamentation. In 1974, the University of Houston at Clear Lake established an undergraduate program for inmates at the Ramsey I prison unit, and in 1988 a master's program was created. Since 1989, I have taught under-graduate and graduate courses in philosophy to several hundred inmates, many of whom have been released on parole. Several studies verify that of those who graduate with one or both of these degrees and are released on parole, 10 to 12 percent return to prison. Within 3 years, 50 to 60 percent of parolees without advanced education are back in prison. Hindsight persuades me that in 1989,²⁸ I should have conceived the idea of a program called Changing Lives Through the Humanities for probationers.

Changing Lives Through Literature is not a panacea or magic bullet capable of curing the thinking and conduct of every probationer, prison inmate, or parolee. I am unequivocally convinced, however, that if this kind of program was an available option to jail or prison to the population of more than 400,000 adult probationers in this state, that in addition to changing numerous lives, it would reduce the enormous size and costs of our prison system. The single indisputable fact concerning the massive problems of crime and punishment is that building more and larger prisons is not the most effective long-range solution. In Texas, however, during the 5-year period from 1990–95, the state led the nation in prison population growth with 127.9 percent. The state also has achieved the status of having the highest incarceration rate in the nation, specifically 653 per 100,000 residents in 1995. Viewed in the global context, the Department of Justice reports that the incarceration rate in Texas is eight to 10 times higher than that of other industrialized nations in Western Europe and is higher than Russia's. The facts of nearly 140,000 inmates in approximately 100 prison units make Texas a national and international embarrassment. The Texas Department of Criminal Justice has an annual budget in excess of \$2 billion, the lion's share of which is consumed by the prison system. In fiscal year 1995, the annual cost of one inmate was \$16,206, and this figure does not include the construction and maintenance of prison units. This expense to feed and house a single inmate for 1 year is close to the amount my wife and I are paying for our son to attend this prestigious university.²⁹

Violent predators and many career criminals deserve to be incarcerated for many years, and some should be sentenced to life without the possibility of parole. I also believe that many of our prison units are functioning as toxic waste dumps occupied by many thousands of non-violent and relatively petty criminal offenders who were not afforded the quality of consideration called for in the following eloquent comments by Winston Churchill:

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of any coun-

try. A calm, dispassionate recognition of the rights of the accused, and even of the convicted criminal, against the State—a constant heart-searching by all charged with the duty of punishment—a desire and eagerness to rehabilitate in the world of industry those who have paid their due in the hard coinage of punishment: tireless efforts towards the discovery of curative and regenerative processes; unfailing faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols, which, in the treatment of crime and criminals, mark and measure the stored up strength of a nation, and are sign and proof of the living virtue within it.³⁰

Considered in isolation from any specific issues in a moment of history, Churchill's words are an unequivocal rejection of a penal philosophy the motto of which is "if we build them, they will be sent." Instead, they embrace the belief that an introduction to the gadfly of Athens and a guided ascent from the cave of ignorance can reduce the rate at which we are effectively destroying multitudes of lives.

NOTES

¹The writer is obliged to point out that his views regarding the causes of criminal behavior have not been discussed with Judge Kane or Professor Waxler.

²Thomas S. Szasz, *Law, Liberty and Psychiatry*. London: Routledge and Kegan Paul, 1974, p. 17.

³*Ibid.*

⁴Gilbert Ryle, *The Concept of Mind*. London: Hutchinson & Co., 1963, p. 8.

⁵Stanton E. Samenow, *Inside the Criminal Mind*. New York: Times Books, 1984, p. xiv.

⁶The majority of contemporary scholars in the field of criminal justice have an unfounded aversion to the word "causation" in human behavior. More specifically, believing that the word "cause" contains too much deterministic and excusing baggage, they argue that there is a "correlation" rather than a "causation" between crime and poverty, lack of education, racism, and unemployment. In his persuasive analysis "Of Liberty and Necessity," David Hume articulates the sense in which all choices are causally determined:

For what is meant by liberty, when applied to voluntary actions? We cannot surely mean that actions have so little connexion with motives, inclinations, and circumstances, that one does not follow with a certain degree of uniformity from the other, and that one affords no inference by which we can conclude the existence of the other. For these are plain and acknowledged matters of fact. By liberty, then, we can only mean a *power of acting or not acting, according to the determinations of the will*; that is, if we choose to remain at rest, we may; if we choose to move, we also may. Now this hypothetical liberty is universally allowed to belong to every one who is not a prisoner and in chains. Here, then, is no subject of dispute.

It is universally allowed that nothing exists without a cause of its existence, and that chance, when strictly examined, is a mere negative word, and means not any real power which as anywhere a being in *nature*. But it is pretended that some causes are necessary, some not necessary. Here then is the advantage of definitions. Let any one define a cause, without comprehending, as a part of the definition, a *necessary connexion* with its effect; and let him show distinctly the origin of the idea, expressed by the definition; and I shall readily give up the whole controversy. But if the foregoing explication of the matter be received, this must be absolutely

impracticable. Had not objects a regular conjunction with each other, we should never have entertained any notion of cause and effect; and this regular conjunction produces that inference of the understanding, which is the only connexion, that we can have any comprehension of. Whoever attempts a definition of cause, exclusive of these circumstances, will be obliged either to employ unintelligible terms or such as are synonymous to the term which he endeavors to define. And if the definition above mentioned be admitted; liberty, when opposed to necessity, not to constraint, is the same thing with chance; which is universally allowed to have no existence.

See Hume's *Enquiries Concerning the Human Understanding and Concerning the Principles of Morals*, edited by L.A. Selby-Bigge, Oxford: At the Clarendon Press, 1963, pp. 95–96.

⁷Although the writer is persuaded that Samenow fails to give enough explanatory significance to degrees or levels of freedom (choices) and responsibility in human conduct, he has acknowledged such in a public discussion. Specifically, on February 24, 1995, in Austin, Texas, the writer asked Samenow to respond to the following question: "If Dr. Samenow commits a crime and a 17-year-old person with no criminal history commits the same kind of crime, should the former receive a more severe punishment than the latter? If so, why; if not, why not?" Prefacing his reply with the comment that this was the first time he had been asked this question, he unequivocally stated that he should receive a more severe punishment because of his extensive education and high level of accountability.

⁸Before our separate meetings with Judge Kane and Professor Waxler, the writer and Judge May were generously received by Dr. Ronald P. Corbett, Jr., the deputy commissioner of probation for the State of Massachusetts. During a luncheon discussion with Dr. Corbett, he expressed his commitment to the program, commented on the important fact that the state legislature has appropriated some funding for the statewide implementation of the program, acknowledged that it is a target of criticism by some judges and chief probation officers, and noted that there is empirical data verifying the success of the program in reducing significantly the recidivism of the participants who completed the course.

⁹G. Roger Jarjoura, *An Evaluation of the Changing Lives Through Literature Program*, October 1993, p. 1.

¹⁰*Ibid.*

¹¹*Ibid.*, p. 4.

¹²*Ibid.*, pp. 4–7.

¹³*Ibid.*, p. 8.

¹⁴*Ibid.*, p. 6.

¹⁵*Ibid.*, p. 9.

¹⁶*Ibid.*

¹⁷*Ibid.*, p. 10. Michael J. Leahy, a probation officer in Fall River, Massachusetts, was present during our meeting with Judge Kane. He reads the assigned texts, attends the classes, and is an obviously committed advocate of the literature program.

¹⁸Robert P. Waxler, *Men in the Changing Lives Through Literature Program*, McGraw Hill, Instructor's Guide, 1995, p. 37.

¹⁹On April 25, 1997, I was privileged to attend and participate in a Changing Lives Through Literature training program in Weston, Massachusetts, near Boston. It was the most rewarding and intellectually stimulating day of my career in criminal justice. Most of the state was represented by district court judges, professors, chief pro-

bation officers, line probation officers, and others. Inspired by the history of the location and enlightened minds, I told the group that another revolution had started in their state, this one in criminal justice. I was delighted by enthusiastic applause.

²⁰Ms. Linda Romano of Romano and Associates graciously provided the writer with the above information.

²¹During the previously noted occasion of April 25, 1997, the writer met Judge Dever and Professor Trounstine.

²²Jean Trounstine, *Women in the Changing Lives Through Literature Program*, McGraw-Hill, Instructors Guide, 1995, pp. 32–33.

²³It is well worth noting that Ms. Huff is currently teaching her fourth literature seminar and refuses to accept any financial compensation.

²⁴A touch of humor is deserving of notice. The morning after our first class, an official at the college called me and stated that she and several others were certain that they could easily identify the probationers by their physical appearance. On the contrary, "they looked like the rest of our students."

²⁵The presence and comments of Dr. Millicent Valek of Brazosport College in Lake Jackson and Dr. A. Rodney Allbright of Alvin Community College in Alvin were much appreciated.

²⁶The female class at Brazosport College in Lake Jackson will be taught by Carolyn Huff, and the writer will continue to teach the male class. Appreciation is due to the contribution of Richard Wilcher, chairman of the Division of Communication and Fine Arts. He conducted a successful class for male offenders in the summer of 1997. Bill Lockett is teaching the male class at Alvin Community College, and Beverlee Jill Carroll, Ph.D. (Rice University), will teach the female class. The presence of the literature seminar on the campus of Alvin Community College was authorized by its president, Dr. Allbright. His decision approved the positive recommendations of Dr. D.R. Potter, dean of instruction, and Dr. Bill Crider, chairman of the Division of English and Fine Arts. The writer and Bill Lockett met with them to discuss the program in the spring of 1997.

²⁷Several months ago, during a luncheon discussion in this room, the writer described the program to Dr. Henry and his immediate response was a request to learn more about its origin and content. Following his reading of a paper by Judge Kane and Professor Waxler and a meeting with me, Dr. Henry decided to offer the literature seminar on the campus of Rice University.

²⁸It is also possible to ponder why I did not think of this kind of program in 1986, my first full year as director of the department. On the adjunct faculty of what was then Brazosport Junior College, I had taught two courses of Introduction to Philosophy to prison inmates. My presentation of the Socratic identification of knowledge and virtue generated some lively discussion. Initially, most of them thought he was a crazy old man because they knew what they were doing when they committed a murder, raped a woman, robbed a store at gunpoint, or cut a drug deal. Once they really grasped what Socrates meant by knowledge or wisdom and the link with his view that immoral and unlawful conduct are involuntary acts of a faulty judgment or ignorance, most of them realized that Socrates was a very smart man.

²⁹See the writer's "Real Battle Against Crime Starts with Education," *The Houston Chronicle*, September 20, 1996.

³⁰The only information available to the writer is that Churchill made these remarks during his tenure as Home Secretary to the House of Commons.