

# JEW S IN PRISON: THE INMATE AND HIS COMMUNITY

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*. . . the starting point for effective service to Jewish prisoners is a determination by the organized Jewish community that these people can, once again, be an active and valued part of the ancestral community . . .*

Full integration of Jews into North American society has meant that Jews are now appearing where there were significantly fewer in previous times.<sup>1</sup> Jews as inmates of penal institutions are a relatively new phenomenon, not because Jews were not in former times persecuted for their beliefs and subject to the dungeons of all kinds of powers and states, but because today Jews have been fairly convicted of common crimes and sentenced to terms in prison. The implications of this phenomenon are being explored in the present essay.

As a Jewish chaplain working in Ontario prisons, the author has been able to witness some of the social and psychological dynamics of the Jewish prisoner's situation. Among the major elements of the relationship between the Jewish convict and his significant others "on the outside" is the shame that he and they feel about his present situation. This shame tends to be a steady and overshadowing phenomenon in many of these cases, preventing the inmate from either seeking or receiving the kind of help and support that would be his if he were in a hospital suffering from very severe medical conditions, or if he were in almost any other kind of trouble. Although not all Jews in prisons have strong links to an extended family or to the organized Jewish com-

munity, those who do are aware that their capacity to call on the help and support of these networks is somewhat under the shadow of the fact that "he got himself into the trouble" in which he now finds himself, and it is not clear that the help and support that relatives, or the Jewish community, might provide are going to be as available as they would to those who are "unfortunate" and have needs not brought about by their own choices and actions.

Before we go too much further in discussing some of the issues and problems regarding Jews in prison, it is no doubt useful to present a few basic definitions and distinctions which underlie much of the present essay. Although we don't always use terms with philosophical exactitude, it may be important to clarify the following points.

## INSTITUTIONAL CONTEXTS

The term "jail" and "prison" are generally thrown about as if they were totally synonymous, but properly they are somewhat different things. Jail refers to a secure institution in which people are kept for more or less short periods of time,<sup>2</sup> either because they have been sentenced

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1. Albert Fried has chronicled the Jewish underworld of pre-Depression days in his *Rise and Fall of the Jewish Gangster*. New York: Holt, Rinehart, 1980, but we are looking at the 1980s, when the Jews have become established in North America.

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2. See the *Encyclopedia of Crime & Justice*, ed. by Sanford H. Kadish. New York: Free Press, 1983, Vol. 3, entry "Jails", pp. 915-22; also, Ministry of Correctional Services, Ont., *Glossary of Correctional Terms*. Toronto: The Ministry, 1983, p. 10; John Irwin, *The Jail*. Los Angeles: University of California Press, 1985.

to a very brief punishment period such as thirty days for a minor offense—or because they are awaiting disposition of their case (i.e., they either have not yet come to trial or the trial has not been concluded).

This means that people locked up in jails are either fairly small criminals—from the standpoint of the severity of loss or harm caused by their actions—or that they are, technically speaking, still “innocent”; after all, it is a basic tenet of Anglo-American justice that everyone is innocent until proven guilty. Thus someone being held in jail until his trial is completed cannot yet be considered guilty, for one is not proven guilty until the trial process has run its course. This, of course, has important theoretical or philosophical implications with regard to the harsh conditions that people in jail should be exposed to, or how far their requests for consideration or privileges should be given any real weight.

On the other hand, prison is a closed place to which people are assigned upon conviction in a criminal court, generally for more serious offenses and with periods of full-time residence ranging up to decades. While some people are in and out of prison in a few months, others have been convicted repeatedly of substantial offenses, and therefore may be put into prison for many long years. In many systems, the long term, high-security institutions are known as “penitentiaries” (or the “pen,” in short/vulgar form).<sup>3</sup>

The inmates in a prison, therefore, are not “innocents” by any means, but are themselves serious or “hardened” criminals, and are extensively mixed with others in

the same category while confined to a prison. (That is why separate facilities are built for women and for younger convicts, who might still be saved from the “prison culture” and a lifetime of crime.) The atmosphere there might be thought necessarily more severe and depriving than in jails, but in many instances life in prison is in fact easier to endure, or more productive from an educational standpoint, than life in jail.

Whereas schools and other facilities with long-range benefits to the prisoners are generally not available in jails, they are available in many of the prisons. The paradox that emerges, therefore, is that people convicted of serious crimes and assigned to prison for long periods of time may find themselves, either from the beginning or after some institutional transfers, in an environment which is not that full of fear and frustration as some local, transient institutions are. In prison, they may be obtaining an extension of their education, a chance to engage in body-building or learn a job skill, which they have not managed to accomplish while in the free community nor would be possible while in jail. However, a large proportion of those in jail will be released once their case has been dealt with, but have nevertheless suffered a very difficult environment while they were confined in the jail.

#### WHO IS A JEW?

It should be pointed out here that the term “Jew” can refer to a number of different things. In a prison context, as in other institutions, one creates a religious status by self-declaration upon entry: if you tell the authorities that you are a Jew when you come, then you will be so registered and retained on the records indefinitely. If one prefers not to identify as a Jew, he is perfectly at liberty to do so and can escape any dealings with the hard-to-bear label of “Jew” and with other Jewish inmates. On the other hand, it is also very

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3. On prisons, there is a large literature available. For the Canadian background, one might well read *Crime and Its Treatment in Canada* ed. by W.T. McGrath. Toronto: Gage, 1980, Chapters 11-12-13; also, the excellent, more popular overview by A.M. Kirkpatrick & W.T. McGrath, *Crime and You*. Toronto: Macmillan of Canada, 1976, Chapter 6. On “penitentiary” vs. “prison”, see Ministry of Correctional Services, *Glossary*, pp. 2 & 14-15.

easy for someone who has no Jewish descent or background whatsoever to decide that, in a particular context, he will declare himself a Jew and will play that game for whatever reasons. The odd inmate may be attracted to such a course of deception because he believes that he will then qualify for kosher food which is believed to be, in some manner, better than the common prison fare, or because he believes that eventually the Jewish community might assist him when he is released from the institution.

The choice to identify publicly as a Jew or not is itself a major issue when someone becomes incarcerated in a penal institution. Since Jews have a reputation among many elements of the lower class as universally rich and well educated, regardless of whether these beliefs have any factual basis or not, someone who declares himself a Jew in the context of the prison is exposing himself to considerable harassment or even outright violence both from unsympathetic staff and from other inmates.

The Jew in prison is necessarily part of a very tiny minority, and may be exposed to ill will from a population which contains many hostile and violent people; a prison is not exactly a church picnic, and the people in the prison are not there because they engaged in excessive piety and meditation. It is only when the prisoner feels that there is more to gain by identifying as a Jew than not that he is likely to do so, if he has the possibility of concealing his ethno-religious origin. Although there may be people with a name like Goldberg who find themselves in a prison and have little choice about whether to identify as Jews, a very large number of inmates I have met in Ontario do not have distinctly Jewish names, and therefore the identity option is something that they can choose.

#### JUDAISM "ON THE INSIDE"

Kosher food is often a focus of controversy, rather than a right automatically pro-

vided. While North American prison systems generally acknowledge in principle the right of prisoners to maintain their existing religious beliefs and practices, kosher food is more expensive than the common prison fare and creates a certain administrative as well as financial burden for the managers of the institution. In addition, demands for kosher food are sometimes heard from people who neither have Jewish-sounding names nor appear to be Jewish in any visible respect. Since many prisoners are into "game-playing" when they find themselves behind bars,<sup>4</sup> requests for kosher food are not automatically granted but may become the subject of complicated negotiations and fact-finding processes. Here again, things that are taken for granted "on the outside" are subject to a great deal of energy-consuming work when they come within the context of prison.

The same thing applies to the observance of holidays and festivals, which within the prison context may be unavailable as special days at all. Even the setting up of Rosh Hashana and Yom Kippur observance becomes a challenge and arena for negotiation in a prison situation, although the prisoner may have previously been quite meticulous in attendance at synagogue, at least for these special occasions. With goodwill shown by the non-Jewish chaplains, who are actually present in the institution (on these High Holidays) while the Jewish chaplains/rabbis are in synagogue, some worship arrangements for Jewish inmates do usually occur.

#### INMATES AND THE JEWISH COMMUNITY

A number of questions arise in regard to the relationship of the organized Jewish community to the Jewish prisoner group. In cases where a large community becomes

4. "Conning" by inmates is a fundamental reality that one can hear about in conversations with correctional staff anywhere. See John Irwin, *The Jail*, p. 76.

aware that at any given time there are likely to be some dozens of Jews behind bars, what kinds of services and supports should those "fallen brethren" be entitled to? Can the leadership of the community overcome their understandable distaste for the lifestyle that has brought the Jewish prisoners into their present situation and, nevertheless, give them the kind of ongoing service which will help them upon release to reintegrate not only to the larger society but also to the Jewish community? Here again, there are problems in relation to sorting out Jews from those who may claim Jewish status because it seems to them a jolly or useful thing to do when they are behind bars. However, after all the qualifications and denials are expressed, there is a real issue to be confronted.

It was in 1986 that these needs were openly recognized by the Jewish "establishment" in the founding of the "International Coalition for Jewish Prisoner Services." B'nai Brith has taken on a leadership role in this area, and hosted the initial conference on April 7, '86. As the Coalition's leaflet states, concerned people from the United States, Canada and Israel will work together in trying to improve conditions for Jewish inmates and their significant others. This is to be done by educating all relevant communal bodies (e.g. federations, boards of rabbis, volunteer organizations, family and children's service agencies) in this area, and by strengthening or establishing coordination, referrals, information and consultation, advocacy, etc.; they also plan to offer "pre-incarceration counselling for future prisoners and their families."<sup>5</sup>

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5. From the leaflet on the "International Coalition for Jewish Prisoner Services" (no date). B'nai Brith's pioneering efforts in this area are described in "Reaching Out to Jews in Prison", published in B'nai Brith's *Jewish Monthly* of March 1985, pp. 39-41 as an "Inside B'nai Brith Feature" (no byline). Julia Mack, at B'nai Brith headquarters in Washington D.C., is the lone staffer for the fledgling International Coalition, which is not yet on a strong, permanent footing.

Although many questions remain open with regard to resources—financial and human—to implement such a multi-faceted programme, at least the main questions and needs are being recognized, giving reason for some optimism about future service to Jewish inmates.

It is appropriate next to spend a few moments to consider what it is that the Jewish community might indeed be called upon to do for Jews in prison. If we accept the basic notion that a Jew behind bars remains nevertheless a part of his community and is entitled to some regard or support, what specific services are feasible and realistic here?

#### SERVICE TO JEWISH PRISONERS

Essentially, the options for assistance or service to Jewish inmates can be divided into three areas:

1. while the inmate is confined, and not close to his release date;
2. when the parole or expiry of sentence is near;
3. after release from the institution, when just starting reintegration with free society.

The needs of Jewish inmates while enduring incarceration are not that different from those of others in the same situation, except for the large differences in the nature and timing of the special holidays observed by Jews when compared with members of the general population in North America, and matters such as kosher food. While there are occasionally Jews in confinement who are accustomed to praying on a daily basis and fulfilling other demanding religious practices, those cases are so few that we shall not spend much time looking at those issues here.

Suffice it to say that when a really pious Jew finds himself behind bars, he is also likely to be the object of very great concern and involvement by others whom he has known at the synagogue before getting into trouble, and these worship

brothers—if we may use that expression—are likely to do whatever they can for this person. So will his rabbi, in the vast majority of such instances. Hence, the response of the organized Jewish community is probably much less relevant than it might be for the Jew who has had very little community involvement while on the outside, and who now will find himself friendless if there is no systematic programme to assist people who are in his circumstance.

1. Services to Jewish inmates while they are serving time tend to be of the conventional sort that chaplaincy services are able to deliver. These include the celebration of certain ceremonies and festivals within the walls; religious adult education (such as bible classes or study of the prayer book); counselling of a general sort which will respond to the perceived interests of the inmates; and facilitating contacts between and among Jewish inmates, who will find some support mutually if they are aware of each other.<sup>6</sup> Where the Jewish chaplain is a part-timer, many of these functions are carried out with the cooperation of full-time colleagues, Roman Catholic or Protestant. (If the inter-faith relationship is not strong, then the Jewish inmates may suffer.)

Anything beyond religious activities would occur in response to specific requests from the prisoner, such as phone calls to be made to relatives when the chaplain has returned to the city. I have, understandably, made such phone calls many times on the request of Jewish inmates.

Relationships between inmates and their families in the free community are an increasingly acknowledged area for social /

spiritual work. Many problems arise for parents or a wife when someone is incarcerated, and these innocents are usually overlooked completely in examining corrections from a policy, therapeutic, or pastoral standpoint. Yet, family bonds may be the key to successful rehabilitation and re-entry to the upperworld upon release, despite the debilitating impact of the prisoner's absence on his ties with close kin.<sup>7</sup> Here, too consciousness-raising must precede action; if we don't even perceive these relationships, we will not be helping to maintain them, nor using them as resources to help the prisoner later on.

Once a Jew is sentenced, much needs to be done to contact the next of kin, assess their new situation, help them adjust to his absence (and loss of income), and keep them in touch with the convict throughout his time behind bars. When the release date approaches, they should be both counselled and consulted, given whatever aid and encouragement is feasible to "survive" the adjustment period and to be a stabilizing, supporting influence for the newly-released man. All this does not happen automatically; if the community and its service agencies are not mobilized for such work in advance, all the necessary steps will not occur, and we are likely to pay for this sin of omission in the long run.

2. When an inmate is approaching the date of his release—whether going out on parole or because the sentence is over—there is a great deal that could be done. Release is sometimes formally dependent on making residential and employment arrangements ahead of time; in other cases this is not officially specified, but it is quite ob-

6. On prison chaplaincy work, one may read "A Mission of Reconciliation" (no author listed), *Liaison* of Feb. 1986. (Vol. 12—No. 2), pp. 16–20; J.T. Lowery *et al.*, *Task Force Report on Chaplaincy*. Ottawa: Correctional Service of Canada 1980; also see *Canadian Jewish News* of Jan. 1, 1987, p. 13.

7. Scattered evidence on this is not hard to find, but the literature agrees that the family is too often ignored when considering corrections and rehabilitation. See the book by L. Alex Swan, *Families of Black Prisoners*. Boston: G.K. Hall & Co., 1981, esp. Chapter 3, pp. 36–46; "A Neglected Resource" (no author listed) in *Liaison* of Oct. 1985 (Vol. 11, No. 9) pp. 11–15; and p. 76 of Kirkpatrick & McGrath, *Crime & You*, paragraph starting: "Too often it is the family which suffers . . ."

vious that a home to live in and sufficient income to maintain oneself legitimately are necessities.

Therefore, the Jewish community may be able to do a great deal in finding temporary or quasi-permanent lodging for prisoners who are about to re-enter free society, in addition to what can be done with regard to job training or job placement. Recent discussions in Toronto have looked at the concept of a Jewish-sponsored "halfway house" for Jewish inmates,<sup>8</sup> who are on their way out of the prison system but are still in a vulnerable situation until they have re-established themselves, especially with regard to a legitimate job. It is well known that someone who has been released from prison but does not find suitable work within a short period of time is at high risk to commit further crimes and therefore lose his freedom again.<sup>9</sup>

Given the particular structures of each community in regard to counselling and other support agencies, one of the tasks of a prison chaplain is to connect the inmate to these helping facilities. Referral can be done not only by describing the various agencies and organizations that the Jewish inmate may call upon as soon as he is released, but also by providing specific pamphlets, phone numbers with contact people to speak to, and the like. Very small communities may not have much to offer the Jewish parolee, but if there is

any sort of community, there will at least be a rabbi or some other Jewish professional whom the person can turn to if he wants someone sympathetic to talk with, who can also direct him to other possible sources of advice and support. With those prisoners who have no Jewish background, there is likely to be little interest in working specifically within agencies or organizations of the Jewish community; however, it is obvious that for those who have more Jewish culture in their own upbringing and who may perhaps have some Hebrew or Yiddish facility, referral to specifically Jewish agencies would be most appropriate.<sup>10</sup>

3. As to those who have left prison some time ago and are now part of free society again, it is a matter of establishing policy guidelines to reach out to these people and seek both to serve them in the longer run and to add whatever strengths and talents they might contribute to the Jewish community. While it would not be necessary to give special services and facilities to ex-convicts forever, it may be necessary for the first year or two after they have rejoined society to have a particular concern for them, including their social difficulties in the difficult early period of transition. The re-establishment of good family relationships may also require professional support.

This demands good coordination between chaplains, who have become familiar with Jewish inmates during the time of incarceration, and other agencies and services of the Jewish community which can carry on work with these people after they have been released. This kind of

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8. References to this idea appear from time to time in the *Canadian Jewish News*; see the write-up in *CJN* of July 3, 1986, by Mark Dodick. See also its Feb. 5, 1986 issue, p. 11, for a Jewish inmate's letter from "Joyceville Institution"; the man pleads for help, visits, any positive contacts, and writes: "I know the Jewish community has the finances and people power needed to help . . . Do something. We are waiting here."

9. In this enormously difficult area, see A.M. Kirkpatrick's remarks on pp. 451-55 of *Crime & Its Treatment in Canada*, ed. by W.T. McGrath. Toronto: Gage, 1980, in Chapter 15; also see the John Howard Society's guidebook for people coming out of correctional institutions, entitled *Street Steps*. Toronto: The Society, no date, pp. 10-11, 60-66.

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10. The relevance of ethno-religious factors in helping people is discussed in several works on mental health, and culture; see *Ethnicity & Family Therapy* ed. by Monica McGoldrick *et al.* New York: Guilford Press, 1982, esp. Chapter 17 on "Jewish Families", pp. 364-92; W. Tseng & J.F. McDermott, *Culture, Mind & Therapy*. New York: Brunner-Mazel, 1981; and Vol. 34, No. 4 of *Canada's Mental Health* (Dec. '86) for various articles relating to "Transcultural Issues in Mental Health Services."

programming involves hardly any additional cost, but there has to be a fundamental goodwill and determination to carry through the communication and follow-up required to do the job. Jewish ex-prisoners could rank among the best volunteers for this kind of help to newly-released parolees.<sup>11</sup>

### CONCLUSION

Summing up some of the facts and ideas that we have dealt with, it is clear that the starting point for effective service to Jewish prisoners is a determination by the organized Jewish community that these people can be, once again, an active and valued part of the ancestral community, and that service to them is not only well justified in its own terms, but is likely to

see some of these people "making it" in general society and recognizing some debt of gratitude to the Jewish community. Failures or disappointments will be taken in stride; they do occur in any field of the helping professions.

This communal attitude is likely to have good effects for the reintegration of the troubled persons who have gone through a prison experience, will aid the spouses (and children) of such Jews, and prevent recidivism, as well as benefit the community in the long run.

Failure to help is common because various agencies and facilities do not coordinate with each other as well as they might, including a lack of contact between chaplaincy services which deal with Jewish prisoners while "on the inside," and other agencies or organizations in the Jewish community. A great deal can be accomplished with small effort if the mechanisms are established to forward case files in an effective manner, if the key contact persons are made known to all concerned, and if the former Jewish prisoners are involved in the process of helping others who are proceeding on the same road that they have travelled.

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11. See the Joyceville inmate's letter (note 7 herein) re helping others: "I am willing to spend as much time as required to help Jews in prison—not just up to my release, but after they have closed the books on me." See the interesting remarks on prison "alumni" and their specialized knowledge, etc. in John Irwin's *The Jail*, p. 93.