The Prison Journal
http://tpj.sagepub.com/

Frank Tannenbaum: The Making of a Convict Criminologist

Matthew G. Yeager

The Prison Journal 2011 91: 177 originally published online 8 April 2011
DOI: 10.1177/0032885511404382

The online version of this article can be found at:
http://tpj.sagepub.com/content/91/2/177

Published by:
SAGE
http://www.sagepublications.com

On behalf of:
Pennsylvania Prison Society

Additional services and information for *The Prison Journal* can be found at:

Email Alerts: http://tpj.sagepub.com/cgi/alerts

Subscriptions: http://tpj.sagepub.com/subscriptions

Reprints: http://www.sagepub.com/journalsReprints.nav

Permissions: http://www.sagepub.com/journalsPermissions.nav

Citations: http://tpj.sagepub.com/content/91/2/177.refs.html

>> Version of Record - May 3, 2011

OnlineFirst Version of Record - Apr 8, 2011

What is This?

The Prison Journal
91(2) 177–197
© 2011 SAGE Publications
Reprints and permission:
sagepub.com/journalsPermissions.nav
DOI: 10.1177/0032885511404382
http://tpj.sagepub.com
SAGE

Frank Tannenbaum: The Making of a Convict Criminologist

Matthew G. Yeager[1]

Abstract

Frank Tannenbaum (1893-1969) is best known in criminology for his depiction of the dramatization of evil, an early precursor of labeling theory which caught on in the 1960s. Less well known is the fact that Tannenbaum was a convict criminologist. In 1914, he served a year on Blackwell's Island (New York City) for labor disturbances involving a group of 200 unemployed and hungry men on the lower west side of Manhattan. At that time, Tannenbaum, who was only 21, was a fledgling member of the International Workers of the World (IWW). In 1922, Tannenbaum published *Wall Shadows* (Tannenbaum, 1922b) on his experiences with the American penal system. He served as the official reporter to the Wickersham Commission's study on Penal Institutions, Probation and Parole (Volume 9) in 1931. Two years later, he published a biography on prison reformer Thomas Mott Osborne, a former warden of Sing Sing prison. This article discusses the career of Frank Tannenbaum as an early American convict criminologist, focusing on his personal papers in the custody of the Butler Library at Columbia University.

Keywords

Frank Tannenbaum, history of American criminology, convict criminology, penology

---

[1] King's University College at the University of Western Ontario, London, Canada

Corresponding Author:
Matthew G. Yeager, King's University College at the University of Western Ontario,
266 Epworth Avenue, London, Ontario, Canada N6A 2M3
Email: myeager@uwo.ca

Introduction

In the history of criminological thought, particularly its American version, we sometimes forget the contribution of historical figures, especially in the context of the current crisis of mass imprisonment, capital punishment, and even the crimes of the powerful. Frank Tannenbaum[1] is not a name that readily comes to mind among most students of crime. While this author was attending the School of Criminology at University of California–Berkeley beginning in 1970, Tannenbaum was not mentioned, not even in courses on corrections or gang delinquency. Among some criminologists, he is probably best known for his book *Crime and the Community* (1938, pp. 19-20) and his oft-cited quotation concerning the dramatization of evil, an early precursor of labeling theory:

> The process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits that are complained of.

Equally interesting was Tannenbaum's view of criminological positivism. "The assumption that crime is caused by any sort of inferiority, physiological or psychological, is here completely and unequivocally repudiated" (p. 22). Tannenbaum reached these conclusions not solely on the basis of his academic research but because he had been convicted and jailed in his early 20s and had spent jail time among the so-called dangerous classes.

This is an effort to resurrect the work of an early convict criminologist who had important things to say about the origins of crime and penology. It relies on body of published work by Frank Tannenbaum himself, much of which is not well-known, as well as the Tannenbaum Papers housed at Columbia University. In addition, I obtained a copy of Tannenbaum's relatively small, Federal Bureau of Investigation file (24 pages) under the Freedom of Information and Privacy Act, 5 U.S.C. 552/552a.

Background

Tannenbaum was one of three children born to Abraham and Anna Tannenbaum on March 4, 1893, in Galicia, then part of Poland. Both sides of the Tannenbaum family came from numerous rabbis and other learned people. Nevertheless, his father, Abraham Wolf Tannenbaum, was a farmer. His sister was Estelle Tannenbaum, and brother was named Louis. In 1899, the elder Tannenbaum left for America without his family trying to establish himself in North Dakota. By 1904, the rest of the Tannenbaum family joined their father in the United States, settling in a farm in Massachusetts (Tannenbaum Papers, Box 56, Butler Library, University Archives, Columbia University). As the eldest child, Frank Tannenbaum was expected to do a full day's chores on the farm in addition to his school work. He was bright, a bit mischievous, and learned English quickly. His father wanted young Frank to remain on the farm and not attend any further school. When Frank announced his intention to go to New York City to pursue an education, his father administered a beating. Shortly thereafter, Frank left and supported himself as a dish washer, elevator operator, and waiter. In 1909, he managed to become a naturalized American citizen before the King's County Court, Brooklyn, New York City (Federal Bureau of Investigation, 2008). He also developed ties with anarchist Emma Goldman (1931). Indeed, he apparently spent hours in Goldman's office of *Mother Earth*, and she was quite fond of him. Tannenbaum began leading the homeless, unemployed, and hungry into New York City churches. There, they demanded food and shelter. His first foray succeeded, and he convinced leaders of the First Presbyterian Church to give his motley group 30 cents each (Maier & Weatherhead, 1974).

On March 4, 1914, Tannenbaum—only 21years of age—led a small army of unemployed men into the Roman Catholic Church of St. Alphonsus on West Broadway and demanded shelter (Delpar, 1988; Maier & Weatherhead, 1974). His arrest and subsequent trial was extensively covered in the press. After a 3-day trial for what was then a misdemeanor—unlawful assembly—Tannenbaum was convicted. At the end of his trial, Tannenbaum gave a defiant speech, "that was my crime—telling the producers of bread to get a bit of it for themselves" (quoted in Delpar, 1988, p. 155). The judge felt otherwise and sentenced this first offender to 1 year's incarceration on Blackwell's island (now renamed Roosevelt's Island) and a fine of US$500.00. His jailing on Blackwell's Island resulted in a virtual "cause célèbre" among radicals. Previously, he had joined the International Workers of the World (IWW)—an indigenous American labor organization which borrowed some Marxist principles but was probably more anarchist in orientation. On his release in March of 1915, a reception was held in his honor attended by several hundred people and a rally at Union Square "to welcome Frank Tannenbaum back to the ranks of the I.W.W. agitators" (*New York Times*, March 14, 1915, Sec. 2, p. 10; March 10, 1915, p. 6). He would later write a series of articles in *The Masses* about his experiences on Blackwell's Island that eventually led to a formal investigation by the State Commission on Prisons and the resignation of the then warden (Tannenbaum, 1915a, 1915b, 1915c, 1916). Tannenbaum (1915a, 1915b, 1915c, 1916) alleged that he had seen unsafe and unsanitary conditions, including men dying of tuberculosis locked up with healthy young convicts; sick men working in the bake shop, kitchen, and dining room; blankets never fumigated; and various beatings he either witnessed or could document. Indeed, Tannenbaum spent 2 months of his sentence in solitary confinement for alleged labor agitation.

He also described a riot which occurred when the warden elected to punish more than 100 prisoners for the loud and boisterous behavior of a few who were celebrating the 4th of July. This meant no privileges and lockup in their cells. Later, a full-scale riot broke out in the mess hall, with inmates attacking guards and throwing objects (Tannenbaum, 1915c). The riot was put down through the firing of live warning shots from several guards, and the group was escorted into lockup. However, other inmates decided to strike in solidarity against the policies of the warden. This resulted in a work stoppage by that part of the reformatory not confined to their cells. Fires soon broke out in the various shops, destroying quite a bit of machinery. Windows were broken as well. Tannenbaum became a spokesperson for the disturbance and was promptly sent to the cooler. After 4 days, the inmates were so hungry that many returned to work, and slowly, the institution resumed its normal functioning.

By this time, Tannenbaum had made contact with progressive prison reformer Thomas Mott Osborne, who was then the warden of Sing Sing Penitentiary.

Osborne himself came from a well-to-do background, had graduated from Harvard University, was a former mayor of Auburn, New York, and became interested in prison reform. He was subsequently appointed to head New York State's Commission on Prison Reform and spent 1 week as prisoner Thomas Brown (Prisoner 33333X) in Auburn penitentiary circa September 29, 1913.[2] He would later write a book on this experience titled *Within Prison Walls* as well as another monograph in 1916 and 1924 on the subject of prison reform. Tannenbaum (1930a, 1930b, 1930c, 1931, 1933) felt so highly of Thomas Mott Osborne that he wrote a biography of this progressive reformer and several articles in the magazine *The Survey*.

Osborne was well aware of Tannenbaum's (1915a, 1915b) articles in *The Masses* and allowed Tannenbaum to spend a short stay as an anonymous prisoner in the fall of 1916. By 1917, however, Osborne had been deposed of his position at Sing Sing and had taken over as superintendent of the U.S. Naval prison located in Portsmouth, New Hampshire. He had secured this position through the help of Franklin Delano Roosevelt, who was then under secretary of the navy. Indeed, it was Osborne who first forwarded Tannenbaum's (1920) article on prisons to the editor of *The Atlantic Monthly*, who agreed to publish it. Toward his death in 1926, Osborne was working on a book of his experiences as warden of Sing Sing, which was never completed. Osborne would also underwrite Tannenbaum's tour of southern prisons in 1922.

Several well-to-do supporters felt that Frank Tannenbaum's future actually lay in the university, and he was encouraged to enter Columbia University in the fall of 1916.[3] He would take a slight detour in his studies to serve in the U.S. Army from 1918 to 1919 and ultimately received his bachelor's degree in economics and history (highest honors, Phi Beta Kappa) at Columbia University in 1921. Although some observers argued that Tannenbaum had finally converted to the Establishment, Tannenbaum felt otherwise. In a December 19, 1919 letter to the editor of the New York *Evening Mail,* Tannenbaum wrote,

> The implication in the article was that I have accepted the present economic regime and have become a defender of it. This is simply not true.
>
> My interests in Mr. Osborne's work which are centered about the humanitarian aspect of decency for weak and helpless men behind prison bars on one hand and the interesting social experiment which he is carrying on, on the other have no bearing and have had no influence upon my political and social views. I have not been reformed in the sense that I have abandoned them. Substantially my opinions today are the same as they were in 1914, when I was sentenced to prison. I am just as firmly convinced as I ever was that the whole capitalist system must ultimately go by the board and that a new and better world must and will be built by the workers . . . (Tannenbaum, Box 2, Butler Lib., Columbia University, Folder C[1])

Tannenbaum would keep up his interests in prison reform even while an undergraduate at Columbia University. In 1917, he testified before the New York State Prison Commission into conditions at Clinton penitentiary in upstate New York, revealing various inhumane and brutal conditions (Leary, 1917).

Two years later, in 1921, Tannenbaum published *The Labor Movement: Its Conservative Functions and Social Consequences* (Tannenbaum, 1921a). Here, he called for the reorganization of capitalist market society under a form of industrial government dictated by democratic labor groups pursuing community interests. As a further illustration of his legendary industry, Frank Tannenbaum started publishing a series of articles in the *Atlantic Monthly* on the subject of prisons, a matter he knew well.

The first article, titled “Prison Cruelty,” was published in 1920, as Tannenbaum was finishing his undergraduate degree at Columbia University. In this article, Tannenbaum observed that “cruelty has always marked prison administration. We have records of brutality in prisons stretching over all written history, and including practically every nation of which we have written records” (p. 433). Sub rosa, prisons inflict cruelty because of the assumptions we make about criminals. Here, Tannenbaum borrows from the positivist school in criminology to conclude that to the ordinary person, the criminal “is thus bad, unsocial, a violator of law, and a sinner as well” (p. 435). The primary function of prison, according to Tannenbaum who was there at one time, is to keep the convicts confined. The warden’s mission is primarily that of a jailer.

At Blackwell’s Island, Tannenbaum delves into the personal to indicate that convicts were not allowed to have pencils or paper or thread in their cells, so as to reduce the potential threat of communication (and therefore escape). Isolation cells were used for many disciplinary infractions, and the Auburn silent system was still in vogue, albeit then under attack by various prison reformers. This led to the constant violation of prison regulations and a preoccupation with disciplinary infractions by the keepers.

Over time, variations in brutality came to include the use of the dark cell, starvation for days at a time, beatings, strait-jacketing, handcuffing, hanging to a door, or lifting from the floor. Invoking social psychology, Tannenbaum contends that this prison cruelty is facilitated by notions of difference between the convicts and their keepers.

Convicts, according to Tannenbaum, reject this notion of inferiority and simply believe that what distinguishes them from the “average Joe” in the community is that they have “been caught and the rest are still to be caught” (1920, p. 440). Important to Tannenbaum was the notion that isolation in prison “works in a vicious circle leading on to greater isolation and to more cruelty and more isolation” (1920, p. 444). The reverse phenomenon of greater social cohesion among convicts through Osborne’s program for prisoners’ self-government reduces pressures in prison life that give rise to prison cruelty.

Tannenbaum (1921b) had been on a tour of some 70 prisons during the summer of 1920[4] and concluded that this picture of spiritual stagnation was typical of prisons he had seen.

> There is no spiritual life in the average American prison. There is no hope, no inspiration, no stimulus, no compulsion of the soul to better things. It is hard, cold, frozen, dead. (p. 580)

Tannenbaum recounts how one warden accused him of being “one of them damned reform committees who believe in coddling the prisoners.” In this warden’s view, he treated the convicts fairly but woe to the prisoners who is “going to rough-house it.” The method of fixing this lapse in discipline was to strap the prisoner over a barrel and “cane him.” After that a 70-pound ball was chained to his ankle and he was returned to the shop from where he caused the trouble.

In fact, Tannenbaum searched in vain for the “model” prison—unique, exceptional, a pride to that state. Not surprisingly, he never found such an institution.

He also talked about the issue of prison labor, finding that a great percentage of men were functionally idle. These convicts either sat in their cells during the day or occupied an “idle-house” in which they all sat facing one way while under guard. Very few of the prisons paid convicts for their labor, to which Tannenbaum inquired, “And yet, it is asked why the men are not interested and ambitious!” (p. 588).

Tannenbaum (1921b) further described the cells, stating that most prisons at that time were built on the Auburn model. “A cell is not larger than a good-sized grave stood on end” (p. 586). In the older systems, buckets were used for toilets and ventilation in a cell was poor, if not nonexistent. Tannenbaum describes his own imprisonment on Blackwell’s Island in 1914.

> In my own case—and this is typical of the old prison—the old cell-block in Blackwell’s Island was bug-ridden. In my day, there were thousands of bugs in my cell. I struggled valiantly, constantly, and industriously. But it was a hopeless fight. I had some books, and the bugs made nests in them. They crept over me when I slept—they made life miserable. (p. 587)

Likewise, most of the prisons surveyed made no serious attempt to educate their convicts. The same was true for health concerns. Although Frank Tannenbaum held out some hope with respect to reforms, mentioning parole, education, self-government, and farm labor, he was not optimistic. As written in 1921, “all of these are negligible and limited” (Tannenbaum, 1921b, p. 588).

The following year, Tannenbaum (1922a) published another article in the *Atlantic Monthly*, titled “Facing the Prison Problem.” Here, Tannenbaum concluded that the prison was a failure but insisted that properly conceived, it “should be a healing ground for both the spirit and the body, where the unsocial should be socialized, the weak strengthened, the ignorant educated, the thwarted made to grow. . . .” (p. 207). Tannenbaum called for the abandonment of the old cell-block style penitentiaries and instead favored prison farms, road crews, and supervision outside the dank walls of the modern American prison.

> A large tract of land, a big farm, small barracks, plenty of sunshine and air, and the money for education and for health, for the building of character—these are substitutes for the raising of useless and perverting stone and iron cages . . . (p. 211)

He lamented that most wardens were incompetent and recommended a center where prison officials could be properly trained. Indeed, Tannenbaum (1922a) doubted that any kind of penal agency was preferable, suggesting that the “function of the state should be, not to punish, but to educate. The place of the penal department ought to be taken by a new bureau, dedicated to health, education, and industry—entrusted to experts in these respective fields” (p. 211).

On the question of work within prisons, Tannenbaum (1922a) considered most prison labor essentially slave labor produced under a regime of fear and loathing. Instead, he advocated training that could be transferred to the outside community and commensurate wages to give the convicts “some basis for zest and interest, for ambition and motive” (p. 213). Admittedly, this would require “freedom from the politician,” a relationship for which neither Tannenbaum nor others had a feasible solution as it was the state that financed the building of prisons and wished to run them as cheaply as possible.

Finally, invoking the wisdom of his mentor, Thomas Mott Osborne (1914, 1916, 1922), Tannenbaum strongly endorsed the creation of prisoner welfare leagues within the confines of the penitentiary, where convicts were given a great deal of authority over their own affairs, including the all important question of penal discipline.

In 1923, Tannenbaum had published an article in *The Century* magazine, which he included in his upcoming monograph, *Darker Phases of the South* (1924). He described the various forms of torture used on the chain gang, in prison farms, by the convict-lease system (coal mining) and within the southern penitentiary—all parts of institutional policy and culture. Most of these penal facilities were disproportionately occupied by southern Blacks, or “the color line” as Tannenbaum (1923a, p. 390) described it. Hunger and unsanitary conditions were structural components of the southern prison system. Tuberculosis and syphilis were common medical conditions among the inmates. Tannenbaum had no real solution for reform except to reiterate the work of his mentor, Thomas Mott Osborne—who by then had been relieved of his prison reform work. He lamented the absence of a national program for prison reform but did not indict the very nature of state's rights which generated many of the dismal conditions he had seen in his visits.

By 1923, Tannenbaum (1923b) had already made two trips on behalf of *Century Magazine* to Mexico to study labor organizations and what he deemed a "miracle school" located in a Mexico City slum. Since 1910, Mexico held a special place of interest among American radicals who followed the Revolution intently. He would later obtain his doctorate from the Brookings Institution in 1927 under the general subject of "The Mexican Agricultural System." His dissertation was later published as *The Mexican Agrarian Revolution* in 1929. Even during this period, Tannenbaum was still speaking to various groups on the subject of prison reform. One speech before Syracuse University faculty and the League of Women Voters was recorded by the Syracuse *Post-Standard*, November 22, 1926. The paper noted,

> American prisons, instead of reforming convicts, turn out men, the majority of whom return as "repeaters" at some time in their later lives, according to Frank Tannenbaum, student of crime and labor conditions. . . .
>
> Tannenbaum declared statistics show 70 percent of those released convicts return to prisons on new charges later. The treatment a man receives from police, courts, and prison attendants makes him more rather than less likely to commit further offenses, he said.
>
> Thomas Mott Osborne of Auburn who died recently, Mr. Tannenbaum praised as a rare example of a man who was able to treat criminals as men fundamentally and not to look down upon them.
>
> The speaker made the point that the difference between a criminal and a respected citizen is often slight and declared that "if everybody who had ever committed a deed for which someone, sometime, has been sent to prison, most every person would have served behind bars at some time or another."

At about this time, Tannenbaum had also come into possession of the personal papers of his penological mentor, the late Thomas Mott Osborne. The original book manuscript had been titled *The Ordeal of Thomas Mott Osborne*, in which Tannenbaum acknowledged to a colleague in Lawrence, Kansas, that he had thousands of letters from convicts to Mr. Osborne (Tannenbaum Collection, Box 2, Folder E, Letter of March 2, 1932). That work would later be published as *Osborne of Sing Sing* in 1933. Devotees of criminological history will be interested to know that Edwin H. Sutherland, then at the University of Chicago's Department of Sociology in 1931, actually reviewed the Osborne manuscript (Tannenbaum collection, Box, Folder S[1], Letter from Sutherland dated November 14, 1931). Sutherland would observe, "I do not agree that there is a contrast between Osborne's institutions and all other institutions and that all others were entirely Black and his entirely White. I do not for a moment think that you would make a statement to that effect. But it has that effect when you present the first three or four chapters as contrast to Auburn under Osborne." Feisty as usual, Tannenbaum would reply that it was unlikely he would "undertake a comprehensive change in the organization of the book." Ultimately, however, Sutherland replied that he would endorse the book as "an important contribution" to the University of Chicago Press. Of significance, Sutherland took the position that "my hypothesis is that prisons are hopeless and nothing can make them decent. Yours seems to be that a method and personality like Osborne's can reform them." (Tannenbaum Collection, Box 4, Folder S[2], Letter from Sutherland to Tannenbaum, dated December 9, 1931).

However, starting in 1929, Tannenbaum was looking for another project and asked his friend, Felix Frankfurter, then at the Harvard University Law School, to make introductions on his behalf to the secretary of the Wickersham Commission, Mr. Max Lowenthal. This resulted in Tannenbaum becoming the actual reporter of Volume 9 of the Wickersham Commission reports, titled *Report on Penal Institutions, Probation and Parole* published in 1931 (Box 1, Correspondence of Felix Frankfurter, June 3, 1929). Of great relevance, on the release of this report, Tannenbaum created a furor at the annual congress of the American Prison Association, then meeting in Baltimore, Maryland on October 23, 1931 (Associated Press, 1931). At that meeting, Tannenbaum characterized the report as "a mild, friendly document when it ought to be a severe and unrelenting indictment of the present penal system and all its doings." To quote a copy of Tannenbaum's actual speech to the congress (Tannenbaum collection, Box 31),

> I am saying nothing new, but merely repeating what has been said a thousand times before by people of all degrees and in a thousand places, that imprisonment makes people worse rather than better. Not only should no man be sent to prison except as a last resort, but no man ought to be kept in prison a day longer than is absolutely essential for the

> safety of society. And the prison which stands between the convicted man and his ultimate return to society ought to be an institution that is dedicated to the reconstruction of individual character.
>
> I agree with Dr. George W. Kirchway in his statement that the report of the Wickersham Commission on Penal Institutions suffers by being too conservative, too generous, in its estimate of the present penal institution. I agree with him that the report is a mild, friendly document when it ought to be a severe and unrelenting indictment of the present penal system and all of its doings. I am therefore going to amend the report. I am going to add some of the elements which he finds lacking in it.

Frank Tannenbaum went on to describe various prison riots and tragedies in the United States, including a fire at an Ohio prison that killed 317 convicts, describing the situation as political jockeying, indifference, and incompetence. It was vintage Tannenbaum, the Tannenbaum of his youth when he was a member of the IWW. He described various means of torture inflicted on some 200 prisoners in segregation at the prison in Clinton, New York, in 1929, after a riot. A similar riot had occurred at the state prison in Missouri in March of 1930 in which beatings were administered by guards to about 75 convicts. As a result, the American Prison Association ended up approving a resolution endorsing the Wickersham report, when originally there had been rumblings by various "progressive" wardens to protest the findings.

This necessarily delayed publication of his work in *Osborne of Sing Sing*. In fact, Tannenbaum had some difficulty finding a publisher for this work, until the University of North Carolina Press agreed to its printing. He complained that due to the Depression, "it has been impossible so far to find a publisher for the book." (Tannenbaum Collection, Box 4, Folder S[2], letter of October 26, 1931 to Mrs. J. J. Storrow).

By the onset of the 1930s, Tannenbaum no longer associated with his comrades from the IWW and seemed more content to pursue the life of an academic, speaker, and contract researcher, particularly on issues affecting Mexico and land reform. As we will see below, this quite naturally created a theoretical void in his work on criminology. Indeed, in the 1946 issue of the *Political Science Quarterly*, Tannenbaum would be highly critical of communist societies and Marxism in general and instead endorsed market democracy in which there is a "balance of the social institutions" (Tannenbaum, 1946, p. 501; 1969). "Conflict, strife, divergence, difference of interest and opinion over many things for many reasons, and in varying degrees of intensity, are the conditions of social peace. The conflicting processes of democracy are consistent with and essentially a part of the stresses and strains of life itself" (p. 504).

He secured a lecturer position at Columbia in April of 1935 and, from the very beginning, opted to specialize in Latin American history. Only 2 years later in 1937, he was promoted to [tenured faculty] associate professor in the Department of Political Science. In 1945, he was made full professor of Latin American history and, by this time, had moved to the history department. He would stay at Columbia until retiring in 1961 as professor emeritus of Latin American history and continued as director of the university seminars which he originated in 1944.[5] He would host in Spanish, a weekly Latin American seminar attended by many intellectuals, writers, ambassadors, and journalists until his death in 1969.

In 1925, Tannenbaum was interested in explaining the development of professional criminality. Here he argued that "the community gives the criminal his materials and habits, just as it gives the doctor, the lawyer, the teacher, and the candlestick-maker theirs" (Tannenbaum, 1925, p. 577). In an early precursor to Sutherland's theory of differential association, Tannenbaum expounded on the nature of habit formation.

> It is significant that the professional criminal comes from an insufficient home. It is frequently a broken home. Frequently, there is a dead father, a dead mother, sickness, disease, drunkenness, poor moral standards, internal conflict, lack of family discipline, lack of family interest. Where the home is insufficient, the child takes the street as a substitute for the home. The street gang become the place for more than adventure; it becomes the place of escape from the home. (Tannenbaum, 1925, pp. 580-581)

Tannenbaum further observed that the two distinguishing features of the early career of professional criminals were (a) a breakdown in their family circumstances and (b) early imprisonment in a reformatory. For Tannenbaum, the real story of what happens in juvenile institutions "is yet to be told." Burdened by large populations and few resources, the common denominator for institutional discipline becomes the infliction of corporal punishment. On his return to his nuclear family, nothing has changed. Except for now, the young lad has picked up a neighborhood label to the effect: "Don't play with Billy. Billy is a bad boy. He has been up at the juvenile" (Tannenbaum, 1925, p. 583). This entire process results in the formation of subculture networks, often around gangs. The police, the courts, and the prisons become not only a regulatory system but also one which keeps “the man bound to his world of crime” (Tannenbaum, 1925, p. 586).

> It is perhaps not too much to say that the prison is the chief reason for the continuance of the criminal career, for the return of the criminal to his previous haunt. The fact that approximately seventy-five percent of the professional criminals are known to be recidivists . . . is sufficient proof that confinement does not keep them from returning. (Tannenbaum, 1925, p. 586)

In the mid-1930s, Tannenbaum now devoted himself to this project, incorporating portions of previous research into a book which ultimately became *Crime and the Community* (1938). We now know that Sutherland was extremely critical of the proposed book and wrote a 5-page diatribe to Professor Seba Eldridge of the University of Kansas on August 4, 1935 (Tannenbaum collection, Box 31).

In that letter, Sutherland stated that the most serious objection was a lack of balance on the part of Tannenbaum. “[T]he student will get no appreciation of many of the approaches to the causation of delinquency and crime; he will get an appreciation only of the particular approach which Tannenbaum favors.” Sutherland observes that Tannenbaum places almost exclusive emphasis on the “developed gang boy” and then suggests that—a clear precursor to his famous work on white collar crime—“the most dangerous ‘criminals’ in America are of the Insull-Mitchell-Wiggins-VanSweringen type, who were characteristically well behaved as boys, but developed their fraudulent methods in the culture of the business world” (p. 1). Sutherland further complained that the proposed manuscript was too wordy, badly written, and not up-to-date with respect to certain facts about the U.S. prison system.

After providing detailed notes about various manuscript corrections, Sutherland abruptly changes his tone:

> I wish to say in general that this manuscript contains the best statement I have seen of the social psychology of crime; this appears especially on page 18 where it is subordinated to the analysis of the gang. The same statements would apply in much more general sense to any kind of delinquency.
>
> I wish to state, also, that Tannenbaum is always a very stimulating and suggestive writer. Some parts of this book remind me more of a book of essays than of a text book. I doubt whether it will appeal to many

> teachers and especially whether it will hold the interest of teachers for very long. But it will certainly, if published somewhat as present, be read with much interest and parts of it will be regarded as extraordinarily good.

The reaction to Tannenbaum's *Crime and the Community* was quite favorable among the criminological community (Bain, 1938; Schulman, 1938; Vold, 1938). Joseph Lohman (1939), then of Chicago, wrote to request permission to use an excerpt from the book, and there was favorable reaction from Hans W. Mattick, then director of the Chicago Youth Development Project. To quote Mattick's commentary on the 1938 edition, reprinted in 1951 and 1957 without change (Tannenbaum Collection, Box 31, Memorandum dated February 15, 1963),

> The book *Crime and the Community* is, in my opinion, the best single text in criminology available today, and it is one of the best preparatory texts for those who would understand the social forces that shape the lives of youth in the inner-city.
>
> So do not be put off by sources and quotations that are dated in the 1920s. Many of the same points made by Cloward and Ohlin, Edwin Sutherland, Al Cohen and Walter Miller were already present in this early text, and some of them have never been stated better than they were by Tannenbaum.

In 1943, Tannenbaum was invited to write the foreword to Barnes and Tetters' *New Horizons in Criminology*. Here, Tannenbaum (1943) repeated his previous position dating back at least 25 years:

> Under these circumstances our problem becomes not the search for the impossible—the abolition of crime—but the quest for some possible means for its diminution and for the reshaping of the habit-patterns of individuals who become criminals. We have failed in both of these. Our methods of punishment . . . do not reduce the number of crimes committed nor improve the way of life of the imprisoned. Recidivism is conspicuous, especially in those who were the first to be "reformed" by an initial incarceration. The prison is not a reformatory, and the reformatory is essentially a prison in spite of its name. (pp. v-viii)
>
> The repudiation of imprisonment as the chief and almost the only method of dealing with the criminal is the only logical position to take.

> The prison does not solve the problem of crime—it only aggravates it and increases the number of practitioners addicted to illegal behavior as a way of life.

A decade later, beginning in 1953, Frank Tannenbaum was one of the featured speakers at the 22nd Annual Governor's Conference on "Youth and Community Service," sponsored by the State of Illinois. The invitation to speak originated from none other than Clifford R. Shaw, Director of the Chicago Area Project. At this conference, he reiterated many of his historic positions. First, there are no good penal institutions. "The effect of the institution is to make the criminal less competent to return to a normal community and be as he was before he was sent away" (Tannenbaum, 1953b, p. 49). In answer to a question as to whether we can abolish the penitentiary, Tannenbaum answered, "no, obviously, because there is probably no alternative. But we can reduce the role of the penal institution within our world." In this regard, Tannenbaum endorsed efforts to avoid first arrests on juveniles, the use of probation, the expanded use of fines, and a distinction drawn between the professional criminal and the accidental offender. "I would take the drug addict, for instance, and treat him as a sick man, not as a criminal" (p. 50). He even endorsed the regulation of certain then illegal behaviors, referring specifically to the amount of criminality created by Prohibition. As to the residue of men left in the prison system, Tannenbaum again pointed to the work of his mentor, Thomas Mott Osborne. He recommended the creation of "convict communities" within the prison walls, with their own constitution, executive, and judicial system.

> The experiment didn't last long because of political interference, but the influence of Osborne on American penal institutions was very great. For eight or ten years, I attended an annual dinner given for Thomas Mott Osborne by the men who had been discharged from Sing-Sing and Auburn prisons. These were men who had committed all kinds of crimes and who had long criminal careers, but something had happened to them in this process, and they weren't ashamed of the fact that they had been in prison. They testified at this dinner not of their past criminal careers but of their present membership in an ordinary community. (p. 52)

As to why Frank Tannenbaum discontinued any further research into the subject of criminology, perhaps a quote from a letter he wrote to Hans W. Mattick on November 5, 1964, will suffice (Tannenbaum Collection, Box 31):

> I tried to explain to Father Taylor last spring that I have not done any writing about crime or prisons since I published my *Crime and the Community* which was a long time ago. I have completely lost touch with the problem and have during the last thirty years been involved in Mexico, Latin America, labor and political theory and unfortunately I am one of those people who cannot write at all unless he is deeply involved emotionally and psychologically.

Of tangential interest, Frank Tannenbaum was a victim of a robbery in 1966 in which he was slashed with a knife by one of the two assailants (*New York Times,* June 29, 1966). He would pass away from cancer on June 1, 1969—the 25th anniversary of the Columbia University Seminars.

Conclusion

Frank Tannenbaum has already been described by criminologist Imogene Moyer (2001) as a nontraditional voice in American criminology. Indeed, his contributions to labeling theory, the group process in delinquency, the origins of professional crime, and the concept of the dramatization of evil remain historically important to the field.

But it was his role as a convict criminologist and critic of the American penal industry that remains largely unrecognized. Tannenbaum used his personal experiences in the American gulag to become a leading reformer of prisons and an academic who wrote on the subject with a sense of outrage. It is regretful that the field of penology has not bothered to resurrect his critique of the entire system. With mass imprisonment still in full swing in America, we all are experiencing the sad results of this failed experiment (Pattillo, Weiman, & Western, 2004). Tannenbaum's critique, informed by his convict status, remains largely valid to this day.

That Tannenbaum (1974) did not continue to write about criminology is partly due to his long-time interest in the politics of Mexico and Latin America. By the republication of *Crime and the Community* in 1951 by Columbia University Press, the book had not been updated and what could have been a major contribution to the field faded away as well (Vold, 1952).

One issue that may represent a failing on the part of Frank Tannenbaum was his abandonment of a class analysis of prisons and their function in American society (Davis, 2003, 2005; Quinney, 2000; Reiman, 2007; Rusche & Kirchheimer, 1939; Shelden, 2001; Taylor, Walton, & Young, 1973; Western, 2006). Starting out as a young anarchist with ties to none other than Emma Goldman, Tannenbaum slowly abandoned this perspective and his radical associates for a more liberal analysis of society.[6] To quote labor radical Elizabeth Gurley Flynn (1955 p. 169),

> He was sentenced to a year on Blackwell's Island and $500 fine, with the proviso that if the fine was not paid the sentence was to be increased by another year and a half. He served the year, the fine was paid and that ended the labor career of Frank Tannenbaum. Some philanthropic-minded people aided him to complete his education and he ultimately became a professor at Columbia University, where he now is. The poor and lowly remained with us.

In fact, toward the end of his remarkable career, Tannenbaum adopted a kind of structural pluralism that never explained either the creation of the penitentiary in America or why it continued to function despite its many failings. One can only speculate as to why Tannenbaum abandoned an anarchist perspective on prisons and criminology. At the time he had entered Columbia University as an undergraduate, the U.S. Department of Justice had inaugurated the famous Palmer raids (1919-1920) in which at least 10,000 so-called leftists were arrested, deported, or prosecuted under various espionage and sedition acts (Avrich, 1996; Murray, 1955; Stone, 2004). Tannenbaum was clearly on the list of former IWW supporters, but his previous imprisonment and the Palmer raids may have convinced him to abandon risky thinking.

Nevertheless, Tannenbaum probably would have agreed with Nils Christie (2000) that it is the punishment industry, rather than street crime itself, which now constitutes the greater threat to social welfare in advanced, market-dominated societies.

Acknowledgments

The author would like to thank Ms. Jocelyn K. Wilk, Public Services Archivist with the Columbia University Archives, stored at the Butler Library on campus. Also assisting was Ms. Tara C. Craig, Reference Services Supervisor, Rare Book and Manuscript Library, at the Butler Library. The author was also very grateful to have two senior members of the criminological fraternity, who agreed to read this article: Professor Emeriti Gilbert Geis and James Short, Jr. My colleague and mentor on all things dangerous also read and edited this article, Prof. Michael Petrunik, now retired from the Department of Criminology, University of Ottawa.

Declaration of Conflicting Interests

The authors declared no potential conflicts of interest with respect to the authorship and/or publication of this article.

Funding

The author received a small stipend to cover travel costs for this article from the Research Grants Committee, King's University College at the University of Western Ontario.

Notes

1. Tannenbaum did not like the terms *penology* and *criminology* because he was "not at all certain that I know what they mean when examined in the light of practices and procedure that are covered by those names" (cf. Tannenbaum Collection, Box 2, Folder E. Butler Lib. Columbia University, letter dated November 12, 1928 to Prof. S. Eldridge at the University of Kansas).
2. In the Tannenbaum collection (Box 57), there is a file with Thomas Mott Osborne's actual prison admission records to Auburn, including his prison photo (he was 54 at the time), measurements, and the like. Obviously, Mr. Osborne gave this material to Tannenbaum as a gift.
3. Tannenbaum acknowledged the help of Mrs. Grace H. Childs in the foreword of *Wall Shadows*. She apparently helped Tannenbaum financially on his entrance into Columbia University circa 1916 (cf. Tannenbaum Collection, Box 2, Folder C[1], Butler Library, Columbia University).
4. He was working that summer for the National Committee on Prisons and Prison Labor, headquartered in New York City (Tannenbaum Collection, Box 5, Folder T[1]). One of the reasons for the trip was to generate interest in prisoner self-government among American prison wardens.
5. The Columbia University seminars were actually founded by Professor Tannenbaum (1953a, 1965) in 1944 as a means to facilitate dialogue on special topics by bringing together a host of individuals, academics, diplomats, politicians, and students to keep abreast of special topics (Jaquith, 1973).
6. Indeed, Max Horkheimer and other members of the Frankfurt School of critical theory had immigrated to the United States around 1934, eventually settling at Columbia University as the International Institute of Social Research (McCole, Benhabib, & BonB, 1993, p. 7). Columbia University Press published Rusche and Kirchherimer's *Punishment and Social Structure* in 1939. At this juncture in my research, I have been unable to document any contact between Tannenbaum and members of the Frankfurt School.

References

Associated Press. (1931, October 24). Wickersham report is called too mild. *Miami Herald*, p. 17.

Avrich, P. (1996). *Anarchist voices: An oral history of anarchism in America*. Princeton, NJ: Princeton University Press.

Bain, R. (1938, June). Review of *Crime and the Community. American Sociological Review, 3*, 414-416.

Christie, N. (2000). *Crime control as industry* (3rd ed.). London, UK: Routledge.

Davis, A. Y. (2003). *Are prisons obsolete?* New York, NY: Seven Stories Press.

Davis, A. Y. (2005). *Abolition democracy: Beyond empire, prisons, and torture*. New York, NY: Seven Stories Press.

Delpar, H. (1988, October). Frank Tannenbaum: The making of a Mexicanist, 1914-1933. *The Americas, 45*, 153-171.

Federal Bureau of Investigation. (2008, September 17). *File on Frank Tannenbaum under FOIPA No. 1117024-000*. Washington, DC: Author.

Flynn, E. G. (1955). *I Speak My Own Piece*. New York, NY: Masses and Mainstream, Inc.

Goldman, E. (1931). *Living my life* (Vol. 2). New York, NY: Alfred A. Knopf.

Jaquith, L. P. (1973). *The university seminars at Columbia University: A living monument to Frank Tannenbaum* (Unpublished doctoral dissertation). Columbia University, New York.

Leary, J. J., Jr. (1917, March 4). Transferred inmates tell of Clinton brutalities (Part I). *New York Tribune*, p. 10.

Lohman, J. D. (1939, September). Book review of *Crime and the Community*. *American Journal of Sociology, 45*, 280-281.

McCole, J., Benhabib, S., & Bonss, W. (1993). Max Horkheimer: Between philosophy and social science. In S. Benhabib, W. BonB, & J. McCole (Eds.), *On Max Horkheimer* (pp. 1-24). Cambridge, MA: MIT.

Moyer, I. L. (2001). *Criminological theories: Traditional and non-traditional voices and themes*. Thousand Oaks, CA: SAGE.

Murray, R. K. (1955). *The red scare*. Westport: University of Minnesota Press.

Osborne, T. M. (1914). *Within prison walls*. New York, NY: Appleton.

Osborne, T. M. (1916). *Society and prisons: Some suggestions for a new penology*. New Haven, CT: Yale University press.

Osborne, T. M. (1922). Introduction. In *Wall shadows: A study in American prisons* (pp. v-xii). New York, NY: G. P. Putnam.

Osborne, T. M. (1924). *Prisons and common sense*. Philadelphia, PA: J. B. Lippincott.

Pattillo, M., Weiman, D., & Western, B. (Eds.). (2004). *Imprisoning America: The social effects of mass incarceration*. New York, NY: Russell Sage.

Quinney, R. (2000). *Bearing witness to crime and social justice*. Albany: State University of New York Press.

Reiman, J. (2007). *The rich get richer and the poor get prison* (8th ed.). Boston, MA: Allyn & Bacon.

Rusche, G., & Kirchheimer, O. (1939). Punishment and social structure. New York, NY: Columbia University Press.

Schulman, H. (1938, September). Review of *Crime and the Community*. *National Lawyers Guild Quarterly, 1*, 346-348.

Shelden, R. G. (2001). *Controlling the dangerous classes*. Boston, MA: Allyn & Bacon.

Stone, G. R. (2004). *Perilous times: Free speech in wartime from the Sedition Act of 1978 to the war on terrorism*. New York, NY: Norton.

Tannenbaum, F. (1915a, May). What I saw in prison. *Masses, 6*, 8-9.

Tannenbaum, F. (1915b, June). The Blackwell's island hell. *Masses, 6*, 16-17.

Tannenbaum, F. (1915c, July). A strike in prison. *Masses, 6*, 16-18.

Tannenbaum, F. (1916, April). Blackwell's revisited. *Masses, 8*, 24.

Tannenbaum, F. (1920, April). Prison cruelty. *Atlantic Monthly, 125*, 433-444.

Tannenbaum, F. (1921a). *The Labor Movement: Its conservative functions and social consequences*. New York, NY: G. P. Putnam's.

Tannenbaum, F. (1921b, November). Prison facts. *Atlantic Monthly, 128*, 577-588.

Tannenbaum, F. (1922a, February). Facing the prison problem. *Atlantic Monthly, 129*, 207-217.

Tannenbaum, F. (1922b). *Wall shadows: A study in American prisons*. New York, NY: G. P. Putnam's.

Tannenbaum, F. (1923a, July). Southern prisons. *Century Magazine, 106*, 387-398.

Tannenbaum, F. (1923b, August). The miracle school. *Century Magazine, 106*, 499-506.

Tannenbaum, F. (1924). *Darker phases of the South*. New York, NY: Putnam.

Tannenbaum, F. (1925, September). The professional criminal: An inquiry into the making of criminals. *Century Magazine, 110*, 577-588.

Tannenbaum, F. (1930a, October 15). The vision that came to Thomas Mott Osborne. *Survey Magazine, 65*, 7-11, 52-53, 55.

Tannenbaum, F. (1930b, November 15). When Osborne came to Sing Sing. *Survey Magazine, 65*, 156-158, 182-183, 189, 192.

Tannenbaum, F. (1930c, December 15). The community that Osborne built. *Survey Magazine, 65,* 266-270, 301, 303-304.

Tannenbaum, F. (1931, March 15). The ordeal of Thomas Mott Osborne. *Survey Magazine, 65*, 614-616, 623-625.

Tannenbaum, F. (1933). *Osborne of Sing Sing.* Chapel Hill: University of North Carolina Press.

Tannenbaum, F. (1938). *Crime and the Community*. Boston, MA: Ginn.

Tannenbaum, F. (1943). Foreword. In H. E. Barnes & N. K. Teeters (Eds.), *New horizons in criminology* (pp. v-viii). New York, NY: Prentice Hall.

Tannenbaum, F. (1946, December). The balance of power in society. *Political Science Quarterly, 61*, 481-504.

Tannenbaum, F. (1953a, June). The University Seminar Movement at Columbia University. *Political Science Quarterly, 68*, 161-180.

Tannenbaum, F. (1953b). The place for the offender in proceedings. In *22nd Annual Governor's Conference on Youth and Community Service* (pp. 49-53). Chicago, IL: Illinois Youth Commission.

Tannenbaum, F. (Ed.). (1965). *A community of scholars: The university seminars at Columbia*. New York, NY: Praeger.

Tannenbaum, F. (1969). *The balance of power in society and other essays*. New York, NY: Macmillan.

Tannenbaum, F. (1974). *The future of democracy in Latin America*. New York, NY: Alfred A. Knopf.

Taylor, I., Walton, P., & Young, J. (1973). *The new criminology*. London, UK: Routledge & Kegan Paul.

Vold, G. (1938, July). Review of *Crime and the Community*. *Annals of the American Academy of Political and Social Science, 198*, 242.

Vold, G. B. (1952, May/June). Review of *Crime and the Community. Journal of Criminal Law, Criminology & Police Science, 43*, 86-88.

Western, B. (2006). *Punishment and inequality in America*. New York, NY: Russell Sage.

Wickersham Commission Reports. (1931). *Report on penal institutions, probation and parole* (No. 9). Washington, DC: U.S. Government Printing Office.

Bio

Matthew G. Yeager has published more than 30 articles and studies in theoretical and applied criminology, specializing in research on dangerous offenders, convict and critical criminology, and political economy. Carrying a caseload of lifers and dangerous offenders in the Canadian federal penal system, he is a faculty member in the Department of Sociology at King's University College, University of Western Ontario, London, Canada.