
December 1968

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Alex K. Gigeroff

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Citation Information

Gigeroff, Alex K.. "Book Review: Thoughts on a Prison Play: Fortune and Men's Eyes, a play by John Herbert." *Osgoode Hall Law Journal* 6.2 (1968) : 335-340.

DOI: <https://doi.org/10.60082/2817-5069.2372>

<https://digitalcommons.osgoode.yorku.ca/ohlj/vol6/iss2/12>

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THOUGHTS ON A PRISON PLAY—FORTUNE AND MEN'S EYES.
A play by JOHN HERBERT. Grove Press, New York: 1967.

"Clear the Court."

No one who remained in Lambton Mills Magistrate's Court on that October morning could have predicted that the trial and conviction of the accused, a frightened nineteen-year-old boy, would give rise to what is rapidly becoming Canada's most famous play, *Fortune and Men's Eyes*.¹ The inmates and staff of the reformatory, where John Herbert spent the next four months, provided the seering experiences, which now, twenty years later have been depicted on the stages of New York, Toronto, Montreal, Honolulu, Chicago, San Francisco and Sydney. Even the students at Acadia University in Wolfville, Nova Scotia, have produced the play and won regional drama festival awards. The list of productions in other parts of the world grows monthly.

What is the play about? The central character Smitty, a first offender, sentenced to jail for 6 months for joy-riding, is placed in a dormitory with three other inmates: Rocky, an aggressive "hay-wire" trouble-maker; Queenie, an overt homosexual (as his name implies) who has influence with the prison "politicians"; and, Mona, who is treated with derision, brutally and sexually attacked because he refuses to become part of the prisoner's system of alliances. The

¹ Among the more significant contributions are Erwin O. Smigel, *The Wall Street Lawyer*, and Jerome Carlin's two works, *Lawyers on their Own*, and *Lawyers' Ethics*.

only other character is the guard, depicted as the abrasive face of the unseen administrative wheel. In this setting Smitty is transformed. Rocky frightens him with threats into submission; Queenie cons him, with gifts and promise of status, into dumping Rocky and taking over the control of the dorm. Subsequently, Smitty tries to force Mona into accepting him as an "old man," offering physical protection, better clothes and contraband in exchange for companionship and a sexual relationship. Mona refuses and makes Smitty face what he is becoming. But too late, for Queenie and Rocky start a fight and Mona is dragged off to be strapped. At the end of the play, Smitty, no longer the frightened "chicken" he was when he entered the prison system, has become a hardened "politician" who "knows how to make things go his way."

There are many age-old themes running through the play, the corruption of innocence, coercion and control through force and the threat of force, seduction through materialism and power, physical degradation but spiritual survival in man. The play can be interpreted on many levels. What is horrific is that it presents itself initially on the level of the realities of prison life as seen by an ex-inmate. Never has that view been more openly presented on stage.

Many ex-offenders have said that the play is so real for them that they felt they were back in prison and that nothing that the play depicted had not either been witnessed by them or heard about while in prison. A guard confided that there were moments during the play when he felt he was at work while his wife, who attended the same performance, said that she had lived beside prisons for over 10 years and that prisons were not like that at all. One prominently placed investigator of our correctional system was visibly shaken and troubled by the play, another doubted that it could occur or that it occurred often enough for any great concern. A judge recommended it to professional colleagues. There was no official refutation of the play although there was privately expressed resentment at what was taken as misinformation and distortion at panel discussions with audiences following the play. Professionals and laymen were disturbed and their emotional reactions can be taken as evidence, I think, that there was something more than a grain of truth in what was presented. The critical reviews mirrored these reactions and ranged from "the strong stuff out of which great theatre is made" to "a sickening dip into depravity." But one did not find those who were simply indifferent to the play, or talked of it as a fantasy or fiction. Undoubtedly the play drew a sharp rasp over the sensibilities and conscience of the community.

What are the elements which were so disturbing? Some would say it was the frank dialogue and action depicting the homosexual aspect of prison life. Here again opinions vary about the amount of homosexual activity in prison. One sociologist reports his findings that 10 per cent of prisoners are involved, while other writers place the figure higher at 40 to 50 per cent. The ex-offenders themselves disagree, one stating that it occurs predominantly among the young

and that almost all become involved through consent. Another denies this saying older offenders play an important role and that coercion plays a large part. He estimates that 90 per cent of prisoners are involved. Some say officials try to prevent it when it is flagrant while others say that it is condoned. The truth lies somewhere, but where? Can we find out and how? Referring to sociologists and other investigators, an ex-offender asks, "Do you really think that a prisoner would tell you if he had become involved in a homosexual act?" Most prisoners themselves abhor the label. The solution of conjugal visits so hopefully grasped at as a humane measure, which it is, ignores the fact that a large proportion of prisoners are young and unmarried.

But it is another theme, more basic and frightening, at once more chilling and repulsive, which compels one to run for a rationalization or shocks one into sobriety. It is the coercion and violence which the prisoners exert on each other. Lying just beneath the surface of the banter and the one-up-manship played between and among the prisoners is the reality of a brutal struggle against each other. Who will control whom, how and to what end? It is conducted, yes, with the fists and the feet, with threats and fears, but also with a cunning manipulation of personalities and situations, with the bargaining power of seemingly petty privileges and the overblown value of food and other articles, issued, stolen or sneaked in as contraband. What on the outside would be regarded as trivia becomes in prison the coin of the realm. It is true that the guard attempts to intervene and the authorities to exert their own control through the rules, the warnings, the strap, the "hole" and threats of the same. But one gains the impression that for everything they know about and try to prevent there are dozens of events and forces at play that they do not know about, that occur beneath the surface, that they cannot effectively control or stop.

One begins to realize that prisons have not developed into the hygienic operating theatres and critical wards of hospitals where the treatment methods and healing forces have the maximum chance of succeeding. One begins to understand that the powerful treatment methods are those used by the prisoners on each other and the destructive forces kept alive in the prison "culture", in diads, triads or larger groupings, are the prime motivating elements at work. One begins to despair that the ancillary laying on of psychiatric assistance, or psychological testing, or social work methods, so hopefully looked to as a way of improving prisons, can ever cut into and effectively challenge and disperse these forces. However well-meaning moves in this direction may be, it is difficult to overcome the realization that the odds are against success. Add to this the knowledge that the majority of offenders in our prisons are young males and at a stage of maturation, psychiatrists tell us, when the psychological mechanisms of self-control are far from developed. Consider that the flow of offenders into the prison pool is at the rate of about

246 per hundred thousand of our population and one can begin to have a measure of the enormous problems confronting the prison systems.

The prison authorities do not have any control over who or how many come into the prison. Whether particular individuals should or should not be there is something on which they have had no say for that is for the courts to decide. How long they remain, unless the term of sentence expires, is for the parole boards to decide. The most difficult and anxiety provoking function of the courts is that of sentencing. It is not that they are severely restricted in what options are open to them but the very opposite, for they have been given an extraordinary wide range of sentencing powers. But how to use them? Who provides them with information about what form of disposition works best with which group of offences? The courts administer a code which gives so little guidance in this all important function. The code itself is the most neglected potent instrument in our social system. And who has neglected it? The problem is not simply the correcting of corrections and that the many Royal Commissions and Committees who have looked only at that end of the problem have not been able to achieve much of what they intended. From this perspective one sees that the prisoners and the prison officials have been locked into a system of criminal justice, each playing out a role, each fearing and blaming the other, each group working out its own ways of survival. Almost all the participants I speculate, beneath the surface, are convinced that nothing positive can ever come out of it. This long-standing frustration, hardens the defences against despair and creates a psychological atmosphere that borders on paranoia.

It is time to stop short for an appraisal. This cannot be done without an appreciation of the larger framework of the historical developments of methods of punishment. Very briefly, for most of history the common form of punishment for felonies was death by hanging and it was but 130 years ago that we began the process of eliminating most offences from capital punishment and that process is all but completed. Transportation introduced in the late 1600's endured for 200 years in one form or another until it was transformed into Penal Servitude (served outside the country in Bermuda and Gibraltar) about a century ago. It was not until 1877 that some 1500 jails in England were reduced to about 100 and placed in the hands of prison commissioners. Canada, emerging at the end of this process has relied primarily on imprisonment as its most common form of punishment. A hundred years is not a long time as history goes, but along the dimensions of individual human lives who have been imprisoned during that period even a term measured in months can be sufficient, the author of *Fortune and Men's Eyes* has said, to affect a lifetime.

What have been the results of our recourse to imprisonment as our major form of punishment? It is here that we run into a blank wall. Although we have spent millions upon millions building and running the system of corrections we still do very little if anything

in the way of follow-up studies. With all the difficulties involved with this kind of research it at least holds the possibility of giving information on which to decide what results from the process. It is one thing to become absorbed in the processing of individuals through a correctional system, it is another stage of development to be as equally concerned about building into the system the means of discovering the effectiveness, or otherwise, of that process. It is a stage we have not reached. How can we improve the product when we do not know yet what the product is? How do we evaluate the changes we have been making? In our collective ignorance about the results, our conversations are laced with as much talk of "treatment" and "humaneness" as we require to swallow our participation in what is surely one of society's most disagreeable tasks. The process involves thousands of lives and we could not bear to admit, even to ourselves, that we were less than "humane." In my opinion it is only in our willingness to examine what we have been doing, in our willingness to look at the impact our efforts have had on those individuals who have been on the receiving end of our "punishment" or "treatment" that we can come to a more honest appraisal and a more creative response to what we discover.

It is here that the playwright throws out his greatest challenge, for in effect he says, "with your system of justice you judged me of wrong and confined me in a place of punishment, but look at what you have set up to correct me and others." It is in the response made to that statement that the possibility for creative change lies. We can fall back on our common human defences and deny that these experiences ever occurred, or argue that an ex-offender could never be trusted to tell the truth, or by ignoring the statement as a mere play, as entertainment divorced from reality or in defence argue that although this may have been true twenty years ago it no longer is so to-day. It is much more difficult to listen hard to what the playwright says, as painful and disagreeable as it is for us to hear it. If we can collectively admit our relative ignorance, admit that we do not have *the* answers; nor have yet formulated the information which may lead to better solutions; that society too has made mistakes of commission as well as omission; that the voice of the ex-offender can be a legitimate part of the social dialogue on these problems and that he is not forever excluded from public acceptance; that he can have a chance at making a positive contribution in this area: it is in these shifts in attitude and outlook which make possible creative change.

At the end of the play, Smitty, straining, listens to Mona receive the strap and contorts in pain at what he hears and also because he knows that in part he too was responsible. His pain turns to anger and full of hatred he vows we will "pay them back." The play ends as follows:

“ . . . Looking coolly out to the audience [as though through them he was addressing society at large] with a slight, twisted smile that is somehow cold, sadistic and menacing, he speaks his last line.

I'll pay you all back.

Curtain”

ALEX. K. GIGEROFF, B.A., LL.M.
Research Associate,
Social Pathological Research Unit
Clarke Institute of Psychiatry