

1872 London Congress and the Nineteenth Century Prison Reform Movement: An Inquiry into the Discourse of Punishment

1872 Londra Kongresi ve Ondokuzuncu Yüzyılda Cezaevi Reform Hareketleri: Cezalandırma Söylemlerine Dair Bir Çalışma

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Abstract

This paper is an attempt in understanding the first penal conference in world history. The meeting took place in 1872 in England, the Congress of London was a groundbreaking meeting of professionals, state officials, reformers of the penitentiary system, and interested philanthropists. The Congress was the culmination of a century's efforts instigated by John Howard in the late eighteenth century. The meeting would prove to be the first of a long series of professionalized conferences on the practices of punishment. There were attempts in gathering the professionals of the penal system before, that is for sure, however, in convening and legitimizing both the state authority and the philanthropy of the upper classes it was an insightful examination and a critique of the state penitentiary system hitherto existed.

Keywords: Sociology of crime and punishment, nineteenth century social reform movement, 1872 London Prison Congress, history of punishment

Öz

Bu makale dünya tarihinin ilk cezaevi konferansını tarihsel ve düşünsel açıdan kavramayı amaçlar. 1872'de İngiltere'de toplanan Londra Cezaevi Kongresi, uzmanlar, bürokratlar, ceza reformu üzerine çalışan farklı alanlarda hayırseverlerin katılımıyla sosyolojik ve tarihsel bir dönüm noktasını temsil eder. Londra Kongresi, onsekizinci yüzyılda John Howard tarafından başlatılan ceza reformlarının bir meyvesidir ve müteakip konferansların da ilki olacaktır. Bu makale açısından önemi, ceza reformlarının ondokuzuncu yüzyılın son otuz yılında vardığı noktayı, bu noktanın ne raddede beynelmil bir karakter taşıdığını, modern devletin inşası açısından taşıdığı belirleyici rolü ve bununla beraber zenginlerin ve ayrıcalıklı kesimlerin hayırseverliğiyle devletin cezalandırma mekanizmalarının kesiştiği toplumsal olarak yirminci ve yirmibirinci yüzyılların kriminolojik ve ceza yaklaşımlarının kurucu paradigmasını teşkil etmesindedir.

Anahtar Kelimeler: suç ve ceza sosyolojisi, Ondokuzuncu yüzyıl toplumsal reform hareketleri, 1872 Londra Cezaevleri Kongresi, cezalandırma tarihi

The Congress of London has passed into history. It is a fixed fact, irrevocable and unchangeable. It only remains to tell its story and gather its fruits. The first is simple, and may be quickly done; the last will be manifold, and the harvest, it may be hoped, will be gathering for years, if not generations, to come. (Wines, 1873, p. 1)

Introduction

Enoch Cobb Wines, the United States Commissioner on Prison reform and the secretary of the International Prison Congress, defined The Congress of London with marked self confidence as underlined in his above words. The congress, first of its kind in its scope of participation as well as its esteem in its high expectations in the global prison reform, had, for sure, become a fixed fact. But not a fact in terms of prison reform, though few of its agenda held sway in the challenging decades of the first half of the twentieth century. It has at least established one thing surely and thoroughly: prison as a global system of punishment.

The prison reform movement, the eventual builder of the global system of punishment, and its embodiment in the International Prison Congress of 1872, held in ten days between July 3 and July 13, now stands as a representation of a universal achievement. As the culmination of this movement, the Congress represented some defining aspects of the reform movement.

It tells us that it was born out of modern capitalism, indeed, hitherto existing penal regimes shared peculiar similarities with modern capitalism. Penitentiary, above all, knows no

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boundaries, inasmuch as capitalism, its main deed can be found in the tendency for moving beyond all forms of borders: national, cultural, and religious. Whilst commodity portended the main underlying form of societal relations under capitalistic modernization, penal systems came to represent a striking interest in time and rehabilitation. Hence, the same feature of geographical expansion inherent in capitalism reveals itself in the form of the global incarceration system. The reason for this is complex, and requires an elaboration of the relationship between capitalism, law, and the prisons. However, suffice it to say, as an historical fact, the Congress, for the sake of analysis in this paper, was telling of phenomena that defined the subsequent century of the failures and successes of the prison reform, as well as the universal trajectory of capitalism and class domination. Thus, in its purest form, this paper tries to shed light to the relationship between modern state-making and its revelations in the form of penitentiary discourse.

In a sense, the Congress could be juxtaposed to the aim of this paper; it was a product of a hitherto unseen coalition of professional and administrative class fractions. The meeting was first of a long series of professionalized conferences on the practices of punishment. There were attempts in gathering the professionals of the penal system before, that is for sure, however, in convening and legitimizing both the state authority and the philanthropy of the bourgeoisie it was both an examination and a critique of the state penitentiary system hitherto existed. Charles Lucas explained the *differentia specifica* of the Congress of London as that “it is to be, a *semi-official* conference, combining, the initiative of governments and of individuals.” (Wines, 1873) In other words, christening the particular Protestant spirit and its ensemble values, and the spirit of capitalism, it was the official recognition of a century long fermentation of the carceral ideology which blossomed first in the minds of the petit bourgeois of the dissenting sects. The aristocracy, its representation in the state apparatus, and several bourgeois fractions shared the responsibility to build a new scaffold for law and punishment.

The London Congress

The Congress opened on the evening of the 3rd of July, 1872 with Earl of Carnarvon’s speech, who was already in London and working with the organization committee since the 24th of June. The original task of the organization committee was to prepare a list of questions on the particulars of the national penal systems to be answered beforehand by each of the national delegates. At the same time to create an official recognition of the Congress within the officials of the host country and to obtain the support of the English government required another committee, which is well-connected within the circuits of power. Only after naming Earl of Carnarvon as the permanent president of the executive committee of the congress they succeeded in gaining official recognition by the British state. (Wines, 1873)

Twenty nationalities were represented; in addition to that several representatives for the colonial possessions of the British Empire was present. Almost all of the continental countries were present with their upper echelon bureaucracy; *inspecteur-generale* M. Lucas from France –the arch-ego of Foucault’s *Discipline and Punish*- was there. (Foucault, 1995) The newly unified German states were represented by several delegates from each single state, Wurttemberg, Saxony, Prussia, Baden, and Bavaria. Theirs was an uneasy legal alliance, since almost all of their penal code and practices were different from each other. The only thing that united them was the new penal code of the German Empire, which was then recently introduced. The Scandinavian states, Norway, Sweden, and Denmark, had a symbolic existence; their prison populations was either too small to draw an analysis, or a penitentiary system was not yet established. So was the situation in Russia; Count Sollohub was appointed by the Tsar to draft a new penal law, where transportation to Siberia was still the predominant form of punishment. Not only Germany and Russia announced that the congress would have reflections

in their penal reform, but also Italian delegate was eager to join the ranks of reform. Mexico, similar to Russia, was devoid of a modern penitentiary system, and unable to appoint its own representatives to the Congress, thus it was represented by the American delegate. The better prepared part of the Congress was certainly the delegates from the United States and the United Kingdom. They were not only more experienced than the others, but also their agenda of prison reform was adopted as the Congress' own agenda. (Wines, 1873)

The weight of Anglo-Saxon presence in the Congress appeared more so in the case of the occupational background of the participants. While the main body of participants from the continental Europe was almost completely from the state bureaucracy, or among the ranks of an intellectual elite with organic connections to the state, the American and English delegate represented a well integrated distribution of professionals and upper-middle-class reformers. One prominent example was Enoch Cobb Wines, a reverend and an educator who had dedicated his life for the prison reform, as well as Mary Carpenter, an English reformer who was running a reform school for juveniles. In addition to them there were a number of prison officers, and administrators of several prisons, who had direct links to the charities or organizations of reform. Zebulon R. Brockway, for instance was one of the most prominent reformers, who was at the same time running the Detroit House of Correction, and would soon to be appointed as the head of Elmira Reformatory as an exemplary institution of reform deeds. Sir Walter Crofton, the retired head of the Irish Convict Prison system which laid the basis for his namesake Crofton system, was also among the attendees. (Carpenter, 1967; Wines, 1873, 1879)

The Congress was designed to be a melting pot for the official state ideologies and the bourgeois reform organizations with its variation within participating membership. Its main topics of debate were the practicalities of prison administration: What should be the optimum size of a prison? What should be the maximum amount of cellular confinement? What should be the basis of convict classification? Would the repetition of offenses result in a longer sentence? Would corporal punishment be employed in prisons? If not, what would be the basis of punishment in prison? What would be the proper way of punishment for women, or for juvenile delinquents? What would be the basis of labor in prison? Should labor be penal, as in the case of tread-wheels, or would it be industrial instead? If industrial labor is to be adapted, what should be the ideal way of putting convict labor into work, whether through leasing to the private enterprise or by cultivating it in public works? What would be the ideal education of the prison administrators, to what extent would they be responsible of financial affairs of the penal institutions? (Wines, 1873, pp. 1–7)

Such were the questions to be answered during the ten-day congress. However, E.C. Wines and the reformers had a separate agenda other than simply sharing the penal experiences of several countries. Their aim was to promote a specific form of prison "management" in order to harvest the best possible reformatory results from the convict. It was called the Irish system; derived from Walter Crofton's practices in Irish Convict Prisons. In its essence it was hardly anything but a reformed form of Howard's solitary confinement, however its language and logic was drawn from the logic of factory management in order to commensurate to the *Zeitgeist*, the industrial revolution. Howard's initial ideas of classification and separate confinement were elaborated by "good management" of the prison administration, and had the mooring of continuous supervision and surveillance. Wines definitely saw an immense chance in the congress to boost his effort of prison reform, and consequently expected that the delegates' reports to their own governments would reveal a tendency toward the separate system of Crofton. (Carpenter, 1967)

The long run of almost a century and a half provided us with but a litmus test of Wines's expectations, and the prison reform movement; it did neither end with the Congress, nor could the inevitable failure have been avoided. It was the third among a long line of Protestant

reformist movements from Anglo-American tradition. Naturally it was followed by a series of subsequent interventions, by several congresses, and with countless prescriptions for the most effective and reformatory punishment. The lynchpin of Wines's system, the separate confinement, had vanished by 1920's, by the ultimate failure, and to some extent abuses inherent in its application. ("Three Years in the Elmira Reformatory: Ex-Convict Tells of his Daily Life while serving a Three Years' Punishment at the Big Reformatory," 1907)

History of Punishment and Social Reform

The 1980's and 1990's, the age of great neoliberal backlash, saw the end of industrial labor in prisons (Melossi & Pavarini, 1981), the return of the penal work in some southern states, and the decline of the educative element in prisons. Once more, prison reform is called into action, to fulfill its role in the capitalist punishment machine; to adjust the overheated friction between the ruling class and the subaltern. Apparently, a focus directed towards the inevitable forward march of the humanity towards more tolerable practices of punishment would cloak the cyclical and structural role of the reform movement. Even then, as Michael Ignatieff successfully showed in his study of the 19th century English prison reform movement, *A Just Measure of Pain*, reform as a movement was barely far from being a cyclical turn of events. He argued that it is tempting to read the history of prison reform as consecutive waves of failure and success, and overall as a movement toward more humane solutions. (Ignatieff, 1978)

Following this idea, one can argue that the International Prison Congress of London was the culmination of three successive waves of reform. Each was more or less a response by the ruling classes to the discontent among the working class, and each added new elements of control to the one before. The first, in this respect, should be seen as the most genuine one. It was initiated almost by a mere man's efforts: John Howard. Howard, until his forties in 1770s, was an ordinary Bedfordshire squire who was living on his Nonconformist family wealth gained through commerce. He found his spiritual vocation when he first visited the Bedford county jail, and from 1773 on devoted his life entirely to the cause of prison reform. For that reason he ran for county legislature of Bedfordshire, he traveled all of England, Wales, and Scotland. He extended his prison visits to Europe, he saw the rasp houses of the Netherlands, Maison de Force of Belgium; and very much inspired by the harsh prison organization entwined with an unbreakable work ethic. (Howard, 1791)

The times of John Howard is widely recognized as the era of the birth of the modern prison. Michael Ignatieff dates the exact birth of confinement as a modern form of punishment to the beginning of the War of American Independence. Until then imprisonment was hardly a form of legal punishment, his evidence is that the imprisonment was either limited to the debtors, or to the felons who are waiting for transportation. Even in the early 1770s the imprisoned were not more than two percent of the all punishments in England. His point is supported by Randall McGowen, Pieter Spierenburg, and Miles Ogborn, albeit they differed greatly in terms of reasons of this change. McGowen argued that it is the rationalization of the institutional life that brought the well-ordered prison. (McGowen, 1995)

Spierenburg, on the other hand, brought a new dimension to this perspective. What he termed as the privatization aspect gave rise to the proliferation of private life wedded to the new importance attached to the body had ultimately transformed the predominant form of punishment. (P. Spierenburg, 1995; P. C. Spierenburg, 2007) While Ogborn extended his analysis to the level of nation-state formation, and explains the dissemination of the modern prison in terms of centralization of the state authority, Spierenburg limited his analysis to the micro-level relations within a constellation of similarly modernizing communities. (Ogborn, 1995)

Regardless of the cause, incarceration came to take a central place in the lexicon of penal regimes and modern state-making only during the last quarter of the eighteenth century. Until then, a modified version of medieval punishment, banishing, was the predominant method of punishment. It was following the logic of exclusion from one's community, it was an ancient idea, and worked as an alternative to the retributive punishment. (Pauley, 1994) Transportation played an enormous role until 1860s, until the eventual closing of Australia as a penal colony. Even after 1780s with the introduction of incarceration it lost its predominant role as a form of punishment, until the break-up of the American Colonies the overwhelming weight was on transportation, comprising almost two thirds of the punishments. (Morris & Rothman, 1995)

After transportation, the second most frequently practiced form of punishment was the capital punishment, or as it is called back then: *primary* punishment. Rising steadily with the end of transportation as a means of punishment to the egregious extent of one fourth of all punishments, it came to a halt due to enormous reaction against the apparent injustice. According to E.P. Thompson and Peter Linebaugh, it grew as a direct response to growing effectiveness of Jacobin methods of punishment during the heady days of French Revolution. However, juries refrained from accepting it, as in the politically charged case of the London Corresponding Society and its secretary Thomas Hardy. Thomas Hardy, John Horne Tooke, and John Thelwall were charged with high treason in 1794 for organizing a movement around the right to vote. They were acquitted and both capital punishment and transportation began to rapidly fall as means of punishment due to the emergent public discontent. Of course a corollary to the decreasing levels of capital punishment and banishment must be sought in the introduction of relatively humane methods of imprisonment. It is these hangings, which as a form of class struggle contains the main plot of Peter Linebaugh's *The London Hanged*, (Linebaugh, 2003) and an important section in E.P. Thompson's monumental work, *The Making of the English Working Class*. (Thompson, 1968)

The third form of punishment was indeed the oldest extant form: *lex talionis*. (Durkheim, 1972, pp. 124–5) The physical punishment method colloquially known as the *eye for an eye*, had also vividly –perhaps, to the point of grotesque- been depicted by Michel Foucault in the opening paragraphs of his magnum opus: *Discipline and Punish*. (Foucault, 1995, pp. 1–3) The corporal punishment, i.e. whipping, branding, public torture, etc. had existed since time immemorial. (Peters, 1995)

It should be noted that at the time of American War an old practice of punishment made its return. Similar to the habit of putting the mad in vessels, in the ship of fools, and letting them sailing by themselves during the times of the early modern Europe, (Foucault, 1988) sea had become the “temporary” solution to replace transportation for the English government. The British Government set up hulks to house the convicts that could not be transported to the colonies due to the closure of America in 1779. Once again the sea had become the refuge of the outcasts, and it became the safe haven for the prisoners. They were working at the docks during the daytime, and at nighttime they were left in the vessels alone. None of the navy officers was bothering to visit the hulks, and the convicts were pretty much left to their own means of survival. (Henriques, 1972; Mayhew, 1851)

However, it was not only the hulks that lacked a well-defined order, and elaborately designed system of punishment. Also several county jails were in the same grave conditions. When John Howard visited these places what he saw was hardly more than bare misery, and marked immorality in his Puritan world view as an excruciating pain of hunger, contagion of countless diseases, and vices. There was no separation of the ordinary petty thief from the hardened professional criminal; women were living and sleeping with men; debtors, as well as all sorts of prisoners, having outside visitors and family all the time. In sum, the prison was

anything but a scene of punishment. The prisoners were paying for much of the cost of their own confinement. (Peters, 1995)

John Howard and the Birth of Confinement

Michael Ignatieff dated the exact birth of confinement as a form of punishment to the beginning of the War of American Independence. Until then imprisonment was hardly a form of legal punishment; imprisonment was either limited to the debtors, or to the felons who are waiting for transportation. (Ignatieff, 1978, p. 80) Even in the early 1770s the imprisoned were not more than two percent of the all punishments in England. The overwhelming weight was on transportation, with almost two thirds of the punishments until the break-up of the American War. After transportation comes the capital punishment, rising steadily with the ending of transportation as a means of punishment event to the extent of one fourth of all punishments. Also it grew as a direct response to growing Jacobin effectiveness, and then rapidly falling as a result of public discontent, and in direct relation with the introduction of imprisonment. The abolition of the corporal punishment, i.e. whipping, branding, public torture, etc. was strongly appealing to the humane vein of the philanthropic ruling classes firmly allied to the aristocratic circles. John Howard was among the first to see that corporal punishment was not enough punishment. It was the disappearance of public executions, and the waning effectiveness of torture as a spectacle that faced the ruling classes with new options. The reaction from the people was so unfavorable, that by the end of eighteenth century the Tyburn procession, the festival ride of the condemned from the Newgate prison to their scaffold, was already abolished. (Linebaugh, 2003) Unmistakably, physical pain lost its haunting grasp on the minds of the masses. That was what John Howard set his task against, inventing new forms of pain that is just and efficient. His dream was the invention of a punishment which is capable of creating a new man, a man free from his sins. (Howard, 1791)

According to Michael Ignatieff, Howard's main source of influence was John Wesley, and his writing and elements in his thought was following the style of John Bunyan's revelations. Though, the influences on his thought were not limited to the English Methodism. The London philanthropy, as well as the Catholic monasticism, and the Dutch protestant asceticism had their share in his ideas. However, the linchpin of his vision of penitentiary was the Bunyanesque idea of sin. For Ignatieff, Howard himself was already under the unbearable weight of being a sinner. So, his was a simulation; if he can repent from his sins, through his conscience, everyone's conscience would be appealed to, since the sin was common, an ancient burden of mankind, even the poor would be able to repent, and reform. (Ignatieff, 1978, pp. 55–58)

Transportation and the second wave of social reform

The second wave of reform began soon after the end of Napoleonic Wars. The British Empire, victorious at the end of the war and controlling almost half of the world, had to face turmoil at home. The years of high military spending began taking its toll on the working class, especially on the rural labor, which had to immigrate to the cities for fear of famine and the situation only deteriorated with the return of dismissed soldiers, and their addition to the army of unemployed workers in England. Thus, the second wave was a direct response to the booming crime rates. Robert Peel admitted that his government was unable to provide enough punishment to the flocks that were filling the hulks and gaols. (Hirst, 1995) The initial solution was to intensify the severity punishment again, and as in the case of the late eighteenth century even the tiniest crimes against property became subject to capital punishment. Since the judges were already aware of the unpracticality of the capital punishment, transportation was drawn again as an alternative. After the initial failure of a penal colony in Africa, Botany Bay and later

Van Diemen's Land was picked as the primary destinations for transportation. (Ignatieff, 1978, pp. 92, 233, 239)

Soon, prisons began to feel the strain. True, it was no longer the prison that John Howard inspected years ago. Nevertheless the upper-middle class philanthropy could not refrain from the appalling inordinance, filth, and the lacking of hygiene. Elizabeth Fry had come to the public view during this boom in imprisoned population. (Fry, 1847)

Elizabeth Fry and Robert Owen were the two symbols of the middle class reform movement during 1810s. When Elizabeth Fry, a philanthropist from a wealthy Quaker family, introduced knitting and sewing –albeit under harsh discipline- at the Millbank Prison women's section, she was celebrated as the promoter of progress among the working class. Her ideas around prison reform suggested a thorough categorization of all inmates and stipulated confiscating all kinds of jewellery, marks, and enforcing prison uniforms. This harsh uniformity was oriented towards the end goal of setting the perfect environment for work in the prison. While Robert Owen undertook the New Lanark experience as a new form of patriarchal factory, Fry set out to bring the factory discipline into the prisons. (Corder, 1853; Fry, 1847) They were both trying to tame and discipline the workers, the former attempted to teach the women to be obedient and to serve as good domestic servants, the latter was shaping the modern worker, as docile, disciplined, rational, and self-controlled.

The second wave reformers inherited from John Howard the necessity of strict classification of prisoners according to age, sex, and delinquent background. They saw that classification alone was not enough to prevent contagion within the prison population. Hence they advocated collective and productive work. Gone were the treadwheels or hand cranks, penal labor was despised by the reformers; they were struck by such pejorative treatment of work. For them, honest and valuable work must be enshrined as the ultimate goal in one's life. However, their success did not last long; by early 1820s a new wave of radicalism first stirred society, then the Police Act set the scene for the backlash. Solitude in Millbank was soon discarded, due to lack of space, and corporal punishment returned. (Ignatieff, 1978, p. 102)

Enoch Cobb Wines and the Third Wave of Social Reform

The third wave of punishment reform was instigated by the efforts of two professional prison administrators: Whitworth Russell and William Crawford. They took their task seriously to finalize and rationalize a long series of reform attempts. During their time first the change of terms took place, no longer cells were called apartments, or the warders as turnkeys, and no more would the prisoners be named as a family, they were simply a criminal population. (Ignatieff, 1978, p. 190)

In the 1840s, after long inspections in several countries, Russell and Crawford proposed that Philadelphia system as exercised in the Cherry Hill State Penitentiary must be adopted as the architectural model for the new national prison: Pentonville. A crucial distinction was brought forward though, the solitary confinement, much supported and prescribed by the first wave reformers, was replaced by a more moderate and lenient version, that is separate confinement. (Henriques, 1972) Confinement in a cell, was first limited to eighteen months, and then further reduced to twelve, finally to nine months. Furthermore, it was amended that its use should be limited to certain situations and would be persevered under the scrutiny of prison inspectors. One crucial mark that they left in the prison system was the role they gave to the chaplains. For them chaplains must have extraordinary power; the isolation of the prisoners should be interfered by chaplains teachings. In other words, an inmate's psyche must be the subject of chaplain's sovereignty. (Ignatieff, 1978, pp. 197–198)

As the inspirational source for Pentonville and for much of the English reform movement, the Pennsylvanian prison system would not be late to articulate the basic tenets of the carceral regime. The reform movement, after its wane in England at the end of 1840s, was actually revived in America, and carried further into 1870s by the efforts of men and women from similar middle class backgrounds as to John Howard and Elizabeth Fry from the United States.

Enoch Cobb Wines was one of the most prominent of them. As the first secretary of American Prison Association, and the builder of the Prison Congress of London he had brought forward the American penal system from the simplistic debate of Philadelphia vs. Auburn into a level of rationalized and highly professional discourse. His life story was almost typical. As an ideal prison reformer, like John Howard, or Elizabeth Fry, he came from a religious background, and found a late calling in the cause of penitentiary reform. He was born in 1806 in New Jersey. After his graduation from college he worked as a teacher for midshipmen aboard U.S.S. Constellation, where he got his first notions of how a reformatory education should be. He reflects this experience in his book *Two Years and A Half in the Navy* in detail. (Wines, 1832) After 1840s he purchased a seminary in Princeton, New Jersey, and began a style of education following the German Gymnasia. Then he wrote his second book *Commentaries on the Laws of the Ancient Hebrews* which aimed to reveal the origins of democracy and civil government in biblical texts. (Wines, 1855) He served as a pastor in Congregational churches of Cornwall, Vermont and East Hampton, Long Island. In 1859, he was appointed as the president of the City University of St. Louis, though his educational career came to an abrupt end when the university was closed by the Civil War. He left South and returned back to east. There he found his “calling,” and in giving his efforts to the cause of prison reformation from 1862 until his death he became the founding figure of American prison system. Serving as the secretary of first the Prison Association of New York, and then the National Prison Association, he laid the basis of the correctional system of the United States. (Wines & Dwight, 1973, pp. 1–10) He was appointed by President Ulysses Grant as the commissioner for the drafting of a report on international penal systems, and for representing the United States –and Mexico- in the International Prison Congress of London. E.C. Wines, apparently is just another in the series of religious educators who towards the end of his life came to the conclusion that the calling of the duty to better the lives of the convicts is above everything else.

His concept of confinement was historical, as well as biblical. He sees the first form of confinement as a punishment in a Chinese legend. Then, he argues that we should investigate the Ancient Greek civilization. He asks the question: Did the prison exist in Athens? The answer is positive, and illustrative. Wines in his treatise on the origins of the prison, refers to Platonic prison system with three parts, one for keeping persons for trial and sentence, one for vagrants and disorderly persons, and the third for the punishment of offenders. Hence, he says, the American system is almost a perfect replica of the Platonic prison: The detention prison, the municipal prison, and the convict, state, or central prison comes from this idea. Again, horrible were the prisons of Peloponnesus, as well as the Roman prisons. The Roman prisons were the sites of Christian suffering. However, in Wines’ view “Christianity” was “ever quick to discern and as quick to relieve human wrong and misery, did what it could...to ameliorate the condition of prisoners under the emperors who succeeded Constantine.” (Wines, 1879, p. 5)

Mary Carpenter and the Crofton System

One other prominent name of the 1872 London Congress was Mary Carpenter. Almost exactly in the mold of Elizabeth Fry, she was an outspoken critique of the contemporary penal regime. She was born in Exeter, in 1807. As the daughter of a Unitarian minister she taught in her father's school and went on to work as a governess on the Isle of Wight in 1827. Later she

opened a small school for girls with her mother in Bristol. Her interests on the welfare of the youth extended to the poor, and she began working for poor children. Soon she founded a Working and Visiting Society, and as its secretary continued her charitable work. In 1846 she opened a school in a Bristol slum, which was designed to educate juvenile offenders. From this school she has developed her ideas on criminality, and its possible solutions. She thought that the criminal behavior was acquired in the young ages. While she was writing on the possibility of reforming the dangerous classes of England through strict discipline and education, she extends her focus to the situation in other reform programs practiced in several other countries, and especially in India. Furthermore, her work influenced the writing of Youthful Offenders Act in 1854 and subsequent legislations of Industrial Schools throughout 1860s, in which her reform schools were legally recognized as a model. (Rappaport, 2001, pp. 131–132)

In her book, *Reformatory Prison Discipline: As Developed by Rt. Hon. Sir Walter Crofton in the Irish Convict Prisons*, Mary Carpenter bluntly puts that the object of punishment “is to transform offenders into honest self-supporting men and women and eventually to minimise crime in society,” even though “no mere mechanism, however excellent, can affect, the moral nature of human beings; unless this is changed, no reformation can be real and permanent.” (Carpenter, 1967, p. 9)

However, it is no easy task to touch the moral nature of the criminal, mere bribery or detention would not affect the inner nature of them. She warns the reader that this might lead to a belief in the incorrigibility of the “dangerous class.” Thus, she offers a different principle of “management;” a management which is eloquently built to assure the long awaited reformation of the “dangerous class.” The management she proposes is a well integrated set of gradual moral progress, repentance, and tactful application of pain. First,

[T]he will of the individual should be brought into such a condition as to wish to reform....the state of antagonism to society must be destroyed....it is only when his heart is touched by the Christian sympathy of those around, it is only then that he repents of his sins. (Carpenter, 1967, p. 11)

Then, through a well mixed application of pain, of solitary confinement –what Bentham calls incapacitations, and sticking always to the reformatory principle- there exists a hope for the reformation. And she puts it bluntly that the main objective of prison reformation should be the education of the convicts as useful, law-abiding, and self-respective individuals for the labor market; that reformation has “to facilitate the absorption of the well-intentioned convict into the labour market.” (Carpenter, 1967, p. 3)

In order to achieve this reformation, she asserts that Walter Crofton’s method of Irish Convict Prison system is the most suitable, and effectively practiced one. Deriving from Capt. Machonochie’s Norfolk Island experiences in 1840s, Crofton’s method dwells upon basic principles. The first principle is that the only direct object of punishment is reformation. The second principle is that punishment should be for the past, while training must take place for the future. These two principles would be supported by the continuous cultivation and imposition of social virtues. At the same time the ground for the voluntary restraint of social vices should be prepared. (Carpenter, 1967, p. XII)

Crofton system was composed of three stages; at the first stage a nine months of separate confinement in a cellular prison at Mountjoy, Dublin takes place. At this stage a diet for the bare survival of the prisoner was provided. For the first three months of separate confinement absence of work would be created in order to feed a spiritual craving for work in the prisoner’s psyche. At the end of eight or nine months, of which its duration depends on the governor’s discretion, the prisoner would be moved into another prison. This prison differed from Mountjoy, here one can not only work in collective workshops, but also can attend classes. And all his activities would be graded by the prison wards, his social behavior, his willingness to

work, enthusiasm for his own reformation. In the classes the most important subject taught is the inner working of the prison system, how marks are earned, what should be done to move within the prison hierarchy, how to obey the police arrangements when they are released; in other words they were taught the intricacies of delinquency. Moreover, the mark system was based upon industriousness, not in the degree of attainment. This meant that it did not matter how well or how soon you learned something, but how much you worked for it. The idlers were to be penalized by a reduction in food, and the violent ones were kept in chains. (Carpenter, 1967, p. 18)

The final destination within this system was an intermediate prison. Only the prisoners with good marks and in advanced classes were admitted in here. The third stage represents the ultimate point of reformation, thus it resembles more of a monastery, or of a factory than a prison. One of the defining aspects of the intermediate prison was that everyone had to work, there was a minimal number of prison guards, and the life inside was organized by prisoners themselves. Though, Mary Carpenter sees the best achievement of the Crofton system in Lusk Common. It was one of the intermediate prisons, built in a rural area, and had no weapon guards. It was completely left to the conscience of the prisoner, either to flee or to stay.

[T]hey were to have nothing to confine them but *la chef des champs*, as Demetz terms it, -they were to be placed in the midst of an open country with nothing to prevent them from absconding, and thus forfeiting the position they had gained- but their own resolute will. (Carpenter, 1967, pp. 38–39).

And apparently months of solitary confinement and years of teaching proves worthy; in the first years of the prison only two attempts of escape took place out of thousands. The invincible Crofton system breaks even the most stubborn soul, and creates a Panopticon by means of marks, classes, work, isolation, and through management. Carpenter would not hesitate on claiming the results should be attributed to *good management*, “rather than to any antecedent superiority in the character of the Irish convict.” (Carpenter, 1967, p. 44)

She furthermore argued that one can trace the Crofton system to the Mettray reformatory. Interestingly enough, Michel Foucault, after almost a century, argues that the perfection of the carceral idea was to be found in the Mettray reformatory for juvenile delinquents. Mettray, for him, represents the completion of the carceral idea. Opened on 22 January 1840, under the supervision of Fredrique Demetz, it is “the disciplinary form at its most extreme, the model in which are concentrated all the coercive technologies of behaviour.” (Foucault, 1995, p. 293) The main form of punishment was solitary confinement in a cell, and “God sees you” was written on the cell walls. Not only its strictness, its ghastly exerted power, or its absolute dependence on personal isolation was of interest to Foucault, but also its regime of government was determining. It was a school in the “art of power relations.” And it is this “normalization of the power of normalization” that marked the novelty of the Carceral regime. (Foucault, 1995, p. 296)

E.C. Wines, Z.R. Brockway, as well as Charles Lucas over and over emphasize the importance of the education of prison personnel. Indeed a sizable portion of E.C. Wines’s report to the Congress and the president was actually consisting of the necessary steps to employ and educate the required workforce for the penitentiaries. (Wines, 1873) Michael Ignatieff similarly referred to the prison reform movement’s unanswered search for qualified workforce. He points to the fact that the working class was not competent as a tool of subordination of the working class. As in the case of Metropolitan Police in London, where the initial police force was composed either of NCOs, of half-pay military officers –who were left jobless after the end of Napoleonic Wars- or of unemployed artisans, the prison wards also did come from a similar working class background. Whatever the material gains were, the working class prison ward, or police, for a long while at least, was not useful in crushing his fellow class members. The

desired orderliness, hygiene, and detachment were not achieved even under the strictest and toughest prison governor. The turnover rate was either very high, as in the Metropolitan Police, or as in the case of Cold Bath or Millbank Prisons corruption was commonplace. (Ignatieff, 1978, pp. 185–190)

Conclusion

One of the most crucial aspects of the birth of prisons is its almost complete dependence on the creation of new methods, new forms of application of punishment, a totally new body of knowledge; a knowledge determined by the power relation, which in turn determines the power relations. It is not merely apt to recover the connections between the knowledge of prison and the modern social sciences, as Michel Foucault does, but also absolutely necessary to position it vis-à-vis the professionalization of prison administration. Thus, the Prison Congress of London represents just another step –albeit an important one– in the series of the production of knowledge necessary to develop and expand the carceral archipelago.

Even though it is intellectually attractive to detail the history of prisons as successive waves of reform, and even though it has gained a hegemonic position among the academic interpretations of punishment (Morris & Rothman, 1995), it is rather self-serving to ground an analysis merely on such premises. First, it is apparently teleological to explain the history of prisons as a succession of progressive attempts towards the single attainable point of humane punishment. Second, it is inherently a translation of the hegemonic discourse that built up the language of imprisonment. In other words, it is based upon the negativity of punishment, of delinquency, and of crime. It is always the function that punishment serves is underlined, and emphasized, not the punishment itself.

Though, these waves, following Foucault, were necessarily serves as negativity in form; prisons, from the inception of the idea, were based upon failure after failure, a profound exercise in trial and error. In other words, divergent modes of punishment and the ill-fated attempts in penal reforms were what the 1872 London Prison Congress foretold, tried to prevent, and ultimately, dwelled upon. It was pitted at the convergence of the state wrought by the law and delinquency as the anti-thesis of illegality. Although Foucault was quick to point out that the state-making was one of the ulterior motives for developing new modes of punishment, (Foucault, 1995, p. 277) in our brief analysis of the contradictory and complementary mutuality of law and criminology that culminated in the latter half of the nineteenth century, what we may refer as the tides of dysmmetry between knowledge and economic structures were definitely an underlying aspect of the modern system of punishment.

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