The Rise and Decline of the Separate System of Prison Discipline

Required Annotations		Student-Created Annotations		Summary / Questions / Reflection	

Comprehension	Comments

The separate system of prison discipline was the product of no mere whim. Its origins can be traced right back to the beginnings of the prison reform movement.

In the seventeen seventies the squalor of the gaols was being intensified by overcrowding due to the rise in population and the numbers of convicts reprieved from death sentences under an insouciant parliament's rapid augmentation of capital offences. British prisons were traditionally horrible; but at a time when imprisonment was beginning to emerge as a regular form of punishment, not merely of confinement pending trial and sentence, they seem to have been affected by the same sort of decay in administration as the eighteenth-century poor law and other social services. This situation became critical with the American revolt and the sudden closure of the mainland colonies as dumping grounds for British criminals. At the same time, conditions in these prisons were being brought to public attention by the poems of Dr. William Dodd, the well-known London preacher who lay in Newgate awaiting execution for forgery, and the pleas of his influential friends. More systematically they were publicized, in the same year, 1777, by the first edition of John Howard's *State of the Prisons*.

Many of the worst abuses in prison administration were accounted for by the eighteenth-century habit of farming out houses of correction to private enterprise, as well as by the corruption and apathy of the **borough** corporations. Private enterprise gaolers, out for profit at the minimum expense, made crumbling and insecure buildings an excuse for heavily ironing their prisoners. Those who tried to escape were sometimes chained to an iron bar on the floor. Prisons were places of privilege and extortion. Everything could be bought, from a private room to visits from friends, food, drink and women. Every **means** could be used to extract from the comparatively poor any money they had, from the denial, even before trial, of letters and visits, to heavy ironing and starvation. Fees to the gaolers allowed the prison authorities, as Howard discovered, to drag acquitted men back to gaol for impossible debts. Most prisons had taps for the sale of hard liquor, and new arrivals were compelled to pay "garnish" or money for drinks to the older prisoners who held, by selection or purchase, the office of prison wardsmen. Turnkeys, for a consideration, would admit visitors, or women to spend the night. Such was the chaos in Newgate that the prisoners were ironed to distinguish them from the visitors. Meantime the penniless starved on a county allowance of bread and water (denied to debtors), sometimes supplemented by begging or a local endowment. New arrivals not already known to the thieving fraternity who constituted the regular residents could expect to be attacked and robbed. In Newgate unpopular prisoners were subjected to mock trials, complete with judge and jury, and punished by having their heads thrust through the bars of a chair to which their hands were tied. In Coldbath Fields, the House of Correction for Middlesex, they had to run a gauntlet of knotted ropes.

The filth, squalor and vermin of the prisons were notorious. In Newgate forty prisoners slept on the floor of wards built for twenty-four. All the people sentenced to transportation, with their children, slept in one bed. The gaol fever **engendered** by vermin (a form of typhus) had been known to emerge into the courts, killing witnesses, jury and judge. There was no adequate sanitation, no provision for keeping the inmates occupied by work or education, no separation of new or old offenders, petty thieves or violent criminals, young or old, sane or lunatic.

These abuses were ingrained in every type of gaol and house of correction, not only in London, but all over the country, and to reform them was a Sisyphus's task. It entailed conceptions of the purpose of punishment (through which it was linked with the equally Herculean task of reforming the criminal laws) and a sense of public

purpose alien to the eighteenth century. It also required a machinery of centralized control which did not exist. Therefore reform was extremely slow and intermittent. For instance, almost at the same time as the first Penitentiary Act of 1779 was passed, the government set up hulks as a "temporary" solution to the closure of America to convicts, which became a by-word for brutality, squalor and indiscriminate association until the middle of the nineteenth century.

Newgate, rebuilt on its old associated plan after the Gordon riots of 1780, was never really reformed, despite several attempts, until it adopted the separate system within twenty years of its closure in 1881. As late as 1837 a Home Office inspector reported that Louth borough gaol was a dark and unventilated dungeon nine feet six inches square, furnished with two straw-covered wooden beds and one pail. Between ten and twenty prisoners were confined there for hours at a time, and, "When the door is opened, a stream of heat and **effluvia** pours forth which is insupportable".

The development of prison reform has to be seen against the background of persistent eighteenth-century abuse, which extended into the transportation system with which the prisons were linked. It was hardly possible to do anything effective without a degree of determination attainable only by fanaticism.

The pressure for reform was a product of the growing humanitarianism of the later eighteenth century, but it was not inspired only by detestation of the horrors and injustices of the prisons or by pity for their victims. The demand for hygiene and ventilation arose from the growing consciousness, fostered by the Miasmatic theory of infection, that dirt produced smells which produced disease. The puritanism of both evangelical pietists and rational **utilitarians** was affronted by the idleness, corruption, drunkenness and profane jollity in the prisons. The reformers did not want less punishment (there seems little evidence that the anti-coercive views of the Godwinians exercised any influence on prison reform) but more refined and effective punishment. **Overt** **retributive** theory was almost nonexistent in later eighteenth-century British penal thought, and prison reform was subsidiary to a penal philosophy which advocated a graded system of deterrence. The principles of reform in criminal law were adapted and extended from Beccaria by Jeremy Bentham, but the campaigns for the reform of punishment were promoted both by utilitarians and evangelicals. This was the uneasy combination which, in co-operation or conflict, lay behind every branch of social reform in the early nineteenth century. While **Benthamites** were primarily interested in example and the deterrence of others from crime, evangelicals were more concerned with the reformation of the criminal himself. When utilitarians turned to the possibility of reformation in prison they thought of creating industrious citizens **habituated** to honest labour. Evangelicals hoped to convert sinners. **Utilitarians** therefore tended to advocate industrial prisons where convicts would support themselves by productive labour with the least possible expense to the public. Evangelicals tended to stress separation with solitude, reflection and prayer as the essentials of reform. This was true, for instance, of Howard, although he was prepared while pressing for solitude at night to tolerate associated labour by day; his statements were thus ambiguous and could be quoted both by advocates and opponents of complete separation. These differences lay at the bottom of most later controversies about prison management and discipline.

Questions
1. What is the connection of this article to *Great Expectations*?
2. Provide three pieces of evidence for the claim that British prisons in the eighteenth century were particularly brutal.
3. How does the prison system described in this article compare to the American system? How do they differ?
4. What can you infer about Jeremy Bentham? (Do not do any research on him—rely solely on the article.)
5. What can you infer about the "Miasmatic theory of infection." (Do not do any research on him—rely solely on the article.)
6. What was the difference between the utilitarians' motivation for reform and that of the evangelicals?