An aerial, black and white photograph of a historic castle complex, likely the Tower of London, situated on a riverbank. The castle features several prominent towers with crenellated roofs and a large, circular structure in the foreground. The surrounding area is densely packed with buildings, and a river flows through the scene.

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Special Edition

Understanding from the past

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Dr Alana Barton is a Reader in Criminology at Edge Hill University.
Alyson Brown is a History Professor and Associate Head of English, History and Creative Writing at Edge Hill University

Allan Brodie is a Senior Investigator in Historic England

Rhiannon Pickin, is a PhD researcher in crime history and heritage at Leeds Beckett University.

Dr Craig Stafford is a lecturer in History, University of Liverpool.

Chris Holligan, is Professor in Education at the University of the West of Scotland.

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Editorial Comment

Dr Alana Barton is a Reader in Criminology at Edge Hill University. Alyson Brown is a History Professor and Associate Head of English, History and Creative Writing at Edge Hill University

Beginnings are tricky. The search for origins can seem like such an existential task that it is best evaded or perhaps given a cursory metaphorical nod. Historians assert that we evade thinking about past evolutions, developments and roots at our peril. So, what are the risks in ignoring the past? We might lapse into thinking about our past like another country where others thought and felt and experienced very differently to us. We might walk blindly into supposedly 'new' ideas and policies without caution, reserve or safety nets. Forearmed historically, we are better placed to acknowledge when a genuinely different perspective or advance is being offered. We can be better placed to comprehend the development of existing social structures, processes, systems and institutions, as well as their achievements and deficiencies. Historians endeavour, but can struggle, to obtain clear perspectives on the past among complex and contradictory voices and the eccentric survival of records. The attainment of understanding is a common and collaborative endeavour between those who seek to know the past and those who seek to know the present. It is a task never completed and never perfected. This edition of the *Prison Service Journal* offers a contribution to historical perspectives on the prison and criminal justice issues locally, nationally and indeed internationally. The range of articles included here which covers over three centuries, even by itself, highlights abiding, longstanding and determining influences: ideological forces and what 'reform' can mean in practice; financing systems that primarily punish and incarcerate the most socially deprived; the pains of confinement; and distortions within representations of an institution that a minority of the population experience first-hand.

In the lead article, **Allan Brodie** presents his analysis of English prison planning in the 1700s, examining the significant social and penal changes that took place between the late 18th and mid-19th centuries. Focusing specifically on the years between 1780 and 1850, he argues that growing urban populations and new forms of government during this time, led to the transformation of England's prisons

from small scale, locally (and inconsistently) managed institutions to larger, centrally administered organisations. Moreover, significant changes took place in terms of prison architecture and geographical location, with new prisons being built on the outskirts, rather than in the centres, of towns and cities, where they had traditionally been situated. However, in some instances old historic castle sites, within the centre of towns, remained in use. Brodie explores the practical, fiscal and symbolic factors that shaped judgements about the location of prisons and the decisions to abandon or retain and redevelop castle prisons.

Maintaining the focus on historic castle prison sites, in the following chapter **Rhiannon Pickin** examines the everyday experiences of prisoners in the 19th century York Castle gaol, discussing suicides in the prison during the period 1824 to 1836. As Pickin rightly notes, there is a lack of research on historical prison suicides, mainly due to scarcity of original source material. By drawing on both contemporary newspaper articles and the York Gaoler's journals — written by two gaolers, James Shepherd and John Noble — Pickin explores the emotional experiences of those incarcerated in York gaol, the ways in which suicides were reported by gaolers and the media, and how the bodies of prisoners were treated in the aftermath of self-inflicted deaths. Despite the denial of Christian burial rites afforded to those who committed suicide, she concludes that there was often genuine sympathy from both prison gaolers and the broader public for those who took their own lives in prison.

Keeping with the theme of vulnerable prisoners, **Craig Stafford** discusses the cases of female drunkenness in Strangeways Prison, Manchester, between 1869 and 1875. During the 19th century there was considerable disquiet around the problem of drunkenness in the growing towns and cities, and female drunkenness specifically was the cause of heightened concern. Drawing on Strangeways Prison Registers for females and using the borough of Salford as a case study, Stafford analyses how these concerns were manifest at a local level. He looks at the impact of committals for drunkenness for the prison system and, moreover, at the social and economic factors that impacted on those women who were imprisoned for drunkenness related offences. Despite the fact that

women's insobriety was constructed as a moral issue, in reality their incarceration was driven by the combined factors of poverty and intensive policing.

Bringing the discussion of women prisoners into the 20th century, **Chris Holligan** examines the experiences of suffragette prisoners in Perth Prison, Scotland, between 1909 and 1914. Historical studies have tended to focus on the suffragette movement in London, effectively 'silencing' the experiences of suffragettes outside of the capital. Using prison files for Scottish suffragette prisoners Holligan focuses on the cases of four women — Maude Edwards, Arabella Scott, Frances Gordon and Janet Arthur — discussing other ways through which suffragettes were 'silenced' by the state. 'Physical' silencing occurred via their imprisonment and the communicative isolation (ie. the denial of the right to associate with other prisoners and the withholding of written communication with family and comrades outside the prison) that was imposed upon them. Additionally, the construction of the suffragettes as degenerate and threats to the national wellbeing, served to symbolically isolate and silence them further.

The focus then shifts from experiences of incarceration, to popular *representations* of imprisonment. In his article **Alex Tepperman** discusses the importance of Hollywood portrayals of prisoner uprisings, during the 1930s, in shaping a collective memory of prisoners as (a)political actors. Whilst many Hollywood writers attempted to present 'real life' depictions of prison life, Tepperman argues that, aside from a small number of exceptions, they misrepresented prison disturbances as apolitical actions instigated by escape attempts, rather than as meaningful efforts by prisoners to improve standards and conditions within the prison. Further, he discusses how this misrepresentation had a significant impact

upon cultural understandings, obscured prisoners' appeals for systemic improvements and absolved state officials of responsibility.

The penultimate article in this edition, by **Thomas Guiney**, examines the 1959 white paper, *Penal Policy in a Changing Society*. Guiney argues that this paper represented the pinnacle of the 'rehabilitative ideal' in post war criminal justice policy in England and Wales. He looks in particular at the impact of the rehabilitative focus on the subsequent prison building programme during the late 1950s and 1960s. He examines the policy making process, from the practical and ideological considerations that justified investment in new prisons, to the penal policy debates and socio-economic conditions that shaped the delivery of the building programme in practice.

Helen Elfleet's article on gender responsive governance in women's prisons provides a fitting conclusion to this edition. She examines both the work of 19th century penal reformer Elizabeth Fry and the 21st century report on women prisoners with vulnerabilities by Baroness Jean Corston (2007), providing an analysis of the ideological and discursive continuities between the proposals of these two influential female reformers. Specifically, she identifies: how women prisoners were, and are, constructed as having intrinsic deficiencies that must be addressed for reform or rehabilitation to occur; how gender specific reformist / rehabilitation regimes were and are presented as 'gentle' or 'benign'; and that women prisoners were, and are, expected to take personal responsibility for their own reformation by embracing and endorsing these regimes. She concludes that such regimes, whilst rendered as 'personally empowering' for women, in effect serve broader social, economic and political interests.

The Castle or the Green Field: dilemmas and solutions in English prison planning, 1780-1850.

Allan Brodie is a Senior Investigator in Historic England

Introduction

Life in England underwent a profound series of transformations between the late 18th and mid-19th centuries. The country witnessed a shift from rural to urban and small-scale to large-scale, with the country's rapidly growing population increasingly being concentrated in towns and cities. There was also a greater organisation of places, with new forms of local government and new legislation beginning to have an impact on the size, shape and character of settlements. By the mid-19th century services such as gas, water and sewerage were beginning to transform the lives of urban residents. England's national wealth was growing rapidly and an increasingly large part of the country's population found itself with disposable income and time to enjoy leisure and luxury, stimulating the creation of spa towns and seaside resorts.

No aspect of life in the country was immune from the changes taking place. Between 1780 and 1850 England's prisons were transformed from small-scale, often haphazard, locally managed institutions to larger, more structured and more centrally directed complexes. Their architectural form was transformed and their status shifted from being at the heart of the civic life of a town to being almost industrial structures often on the edge of a settlement. However, having made that sweeping generalisation, the reality was more complex. In some counties, the historic castle site that had traditionally been used as the site of the prison continued in use, posing a series of issues and challenges.

Within the past six years, the last working prisons in England still occupying recognisable historic castle sites have closed, bringing to an end the almost 1000-year-long link between military authority and civil justice. This paper describes the thinking about the location of prisons in towns and cities at this date and

seeks to identify how changes in their regime and architecture influenced their location.

Prisons in the late 18th Century

By the 1770s and 1780s there was a crisis in England's prisons. There was a lack of a clear legal framework for the management of prisons, the buildings provided were more or less poorly maintained by a bewildering array of responsible bodies, the experience of imprisonment in one town or county was different to the next one, and there were only a handful of purpose-built facilities. Some counties maintained separate Houses of Correction and County Gaols, while others combined the institutions. And to further complicate matters, transportation to the USA as a punishment had ended with the American War of Independence.

To remedy this situation, new legislation was passed and transportation to Australia replaced the trans-Atlantic punishment. The pioneering work of John Howard and his many followers led to the appointment of full-time, salaried staff, who were no longer dependent on levying fees from inmates. Hygiene was improved, and a chapel and infirmary would be constructed on each site to cater for the spiritual and physical well-being of prisoners. A system of classification was introduced in which inmates were held according to their age, gender and crime. Criminality was seen as a contagion and there was a desire to separate hardened, older offenders from younger, impressionable prisoners. New buildings were created to achieve this, often with individual cellblocks that were subdivided longitudinally to allow two classes of offender to share the same building yet be separated from each other. By day prisoners worked alongside other offenders in their class in yards or in day rooms created on the ground floor of the prison blocks, while by night they slept in small cells on the floors above.

1. Brodie, A, Croom, J and Davies J. (2002) *English Prisons: an architectural history*. Swindon: English Heritage, chapter 2, chapter 3 - available as a download. https://archaeologydataservice.ac.uk/archives/view/eh_monographs_2014/contents.cfm?mono=1089057 accessed 6 June 2019.

Supervision of the external spaces and day areas was more significant than observing the landings at night and so a tower or a tall central building was often incorporated into the design to oversee the activities taking place in the yards.¹

Transforming England's Prisons 1780-1850

By the end of the 18th century, purpose-built courthouses and prisons had become a feature of some castles, but at the same time the process was beginning to get under way of moving prisons to new sites on the edge of towns, out of sight of the lives of most residents. This was necessitated by the growing size of these institutions, their increasing complexity and the consequent lack of space available on historic sites in an already densely urbanised area with little or no room for expansion.

A series of micro and macro geographical processes had an impact on the form of England's prisons and their location between the late 18th century and the mid-19th century. At the macro level, this included its industrialisation, the growing prosperity of the country and the increasing size of its towns and cities. The population of England in 1790 was estimated to be around 8.5 million; the 1841 census enumerated 15.9 million people, while a decade later a further 2 million lived in the country. Towns and cities were growing in terms of their population, but equally in the area that they covered. New industrial centres grew by three to four times between the first census in 1801 and 1851. For instance, Leeds grew by 325 per cent from 53,000 inhabitants to 172,000 50 years later, Liverpool from 82,000 to 376,000 (459 per cent) and Manchester increased by 404 per cent from 75,000 to 303,000. Historic county towns, often the traditional locations of prisons, also grew significantly, if not quite so quickly. Norwich was populated by 36,000 people in 1801, but half a century later it was home to 68,000 residents, a

rise of 189 per cent. Oxford grew from 12,000 to 28,000 (233 per cent), Wakefield 11,000 to 22,000 (200 per cent) and York increased its population by 212 per cent from 17,000 to 36,000.

As well as more people, there was inevitably more crime and therefore also more prisoners, hence larger buildings were needed to house them. In 1777 John Howard estimated that there were 4,000

prisoners, probably a serious underestimate, while an 1819 report suggested there were 16,000 local prisoners; convicts were counted separately. By 1878 there were 21,000 people held in local prisons and 11,000 in convict prisons, though figures for both were dropping, surprisingly quickly and consistently.²

These factors were leading Justices of the Peace and local and national government officers to consider whether their renewed or rebuilt prison should continue to be on the historic prison site or should a new greenfield, effectively suburban, site be chosen. This would allow a necessarily larger, new prison to be constructed, while the old prison remained functioning. This was sometimes a solution to the issue of prison reform in the late 18th century, but by the mid-19th century, this had become almost the standard approach to new prison construction.

At the other end of the scale, the micro geography of prisons was being transformed during the late 18th and early 19th century. The haphazard architecture and organisation of

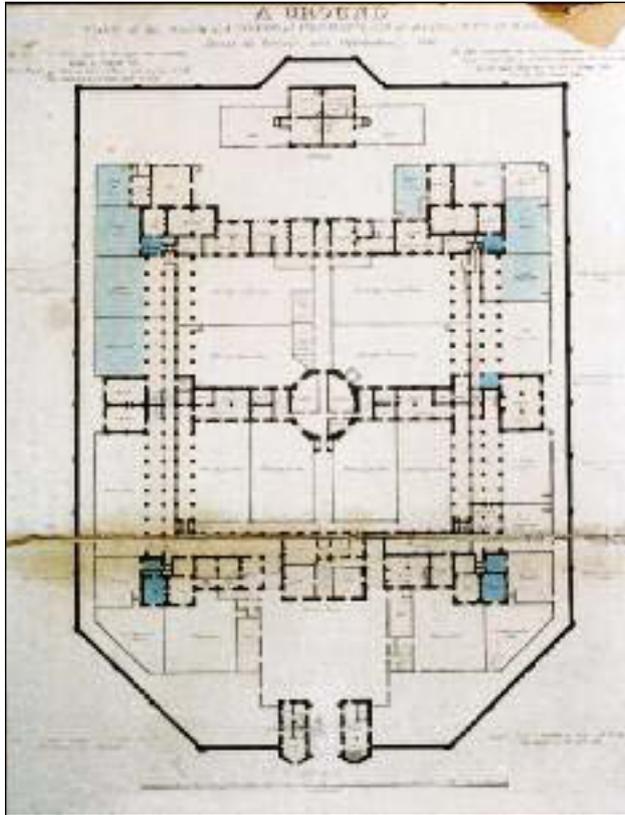
imprisonment of the 18th century became more systematic following the reforms advocated by John Howard, but the experience of imprisonment during the late 18th century was still almost 'sociable', though not quite in the sense of the Company visiting a spa or a seaside resort. There was a presumption that groups of offenders classified by age, gender and seriousness of their offence could live and work together.

By the 1830s the situation was very different: the simple classification system introduced in the 1780s was in crisis; in fact, it had become almost farcically

A series of micro and macro geographical processes had an impact on the form of England's prisons and their location between the late 18th century and the mid-19th century. At the macro level, this included its industrialisation, the growing prosperity of the country and the increasing size of its towns and cities

2. Brodie, Croom and Davies. *English Prisons*, 54, 147, 139.

complex to administer as the broad categories had been increasingly subdivided over decades. Where once inmates were divided into male and female, young and old, felon and misdemeanant, by the 1830s there might be over 30 classes of inmate, each requiring separate yards, cells and workrooms. The prison at Shrewsbury was to have thirteen classes in 1786, but this had risen to seventeen by 1797 and by 1834 twenty-six categories were specified (Fig 1).³ Most large county



All images © Crown Copyright. Historic England
Figure 1 HMP Shrewsbury in 1831. AA96/02667

gaols had more than ten categories by the 1820s while the extreme example is Maidstone that could detain thirty categories of male prisoner and eight female classes.⁴ Although classification might appear to be a desirable aim, the effect of this more complex system was to duplicate facilities and to fragment the layout of yards and buildings. This effect is clear at Stafford where a plan of the prison shows that there were approximately 36 yards or gardens serving adjacent small sections of the prison (Fig 2).⁵ Prisons built in the late 18th and early 19th centuries to enforce a simpler

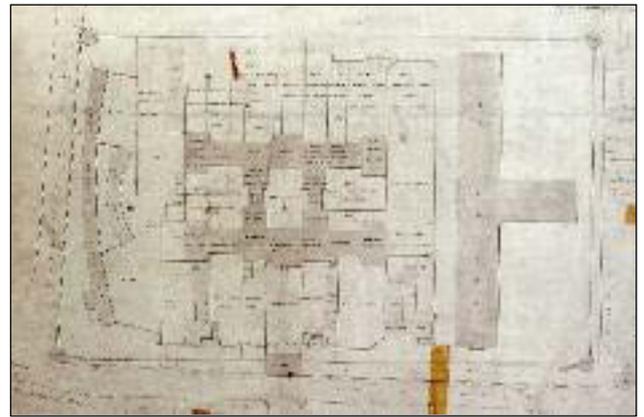


Figure 2 HMP Stafford in the mid-19th century. AA95/05846

system were to prove incapable of such endless subdivision, and this was one factor that prompted a wholesale re-evaluation of prison discipline and therefore penal architecture in the 1830s.

A new almost industrialised approach to imprisonment evolved, in which the individual was highly separated, the prisoner being held in a cell in an increasingly large, more uniform penal machine. In June 1832 a Select Committee of the House of Commons recommended imposing solitary confinement with hard labour along similar lines to the silent system practised in Auburn prison in USA because it allowed human contact, rather than the absolute solitude of the separate system practised in other American prisons.⁶ The Select Committee also recommended that dormitories and dayrooms in existing prisons should be converted into separate sleeping cells and new cell blocks should be erected. Following the Committee's report William Crawford (1788-1847) was sent to America to examine their state prisons and produced a report on American penitentiaries and the two rival systems of discipline. Contrary to the conclusions of the 1831-2 Committee, he condemned the silent system since it was maintained by corporal punishment and he criticised the design of Auburn because it did not allow central inspection.⁷ Instead, he praised the system of discipline imposed at Cherry Hill and recommended the adoption of a modified form of the separate system in England.⁸ Every prisoner should have his own cell in which to sleep and eat and certain classes of offender should be held in solitary confinement, with or without work. A Select Committee of the House of Lords was appointed in March 1835 to examine again the

3. Shropshire Record Office, Minute Book of Gaol Building Committee, QA/11, 348/10. General Rules, Orders, Regulations & Bye-Laws for the Inspection & Govt of the G & House of correction for the county of Salop (1797) Shropshire Record Office, QA/2/3, 154/1, pp.94-95. Rules & Regulations for the Government of Salop Gaol & House of correction (1834), Shropshire Record Office, 265A 139/10; QA/2/3, Order of QS, Dec 30 1833.
4. Brodie, Croom and Davies. *English Prisons*, 62.
5. Brodie, Croom and Davies. *English Prisons*, 62.
6. *Secondary Punishments 1831-2*, PP 1831-2 (547), VII, Report 3-20; *Secondary Punishments 1831-2*, PP 1831-2 (547), VII, Minutes of Evidence, 43-8.
7. Crawford, W (1834) Report of William Crawford, Esq. on the Penitentiaries of the United States, PP 1834 (593), XLVI, 19; Appendix, 23.
8. Crawford, Report of William Crawford 19, 31, 36-41.

question of prison discipline.⁹ It concluded that there should be a uniform system of discipline because: 'Entire Separation, except during the Hours of Labour and of Religious Worship and Instruction, is absolutely necessary for preventing Contamination, and for securing a proper System of Prison Discipline.'¹⁰

These recommendations were implemented by the 1835 Prisons Act, which required that each prisoner should sleep and work alone in a large cell that contained all the necessary facilities for prison life including lighting, heating, ventilation, a toilet and basin, and the means to call an officer.¹¹ The cells should be constructed so as to prevent communication between prisoners and separation should be extended to the chapel and exercise yards. The cellular solitude intended to induce reflection was to be broken by religious worship, daily exercise and frequent visits from officers, in particular the chaplain.

The Home District Inspectors produced a series of plans of model prisons, with the assistance from September 1837 of Joshua Jebb, a captain in the Royal Engineers. Ultimately this thinking would give rise to HMP Pentonville (1840-2), the model prison that set the standards for purpose-built prison designs for a generation. It was also a prison on a new site, at what was the outer edge of London at the time that it was constructed. London's population in 1801 was 1.1 million and by 1851 had risen to 2.65 million, an increase of 240 per cent. When London's new 19th century prisons are plotted on a map, it is obvious that they were located at, or just beyond, the edge of the city as it existed when they were constructed. This assertion applies equally to Millbank and Brixton in the 1810s, Pentonville, Wandsworth and Holloway in the 1840s and Wormwood Scrubs in the 1870s (**Fig 3**). These once semi-rural/suburban sites were soon engulfed by London's rapid expansion, but in the case of smaller county towns, such as Aylesbury and Winchester, the nature of the prison's location could still be appreciated for much longer.

Joshua Jebb discussing general principles for prison design in 1844, began by discussing the ideal site, which should be 'in a dry and airy, and, if possible, in an isolated situation'. His reasoning was such a location was conducive to the health of prisoners, while at the same time providing them with 'quiet and seclusion', as well as making it easier to prevent communication from outside. Jebb's discussion of location concerns health and security, but interestingly he did not address the issue of sewage and water supply.¹²

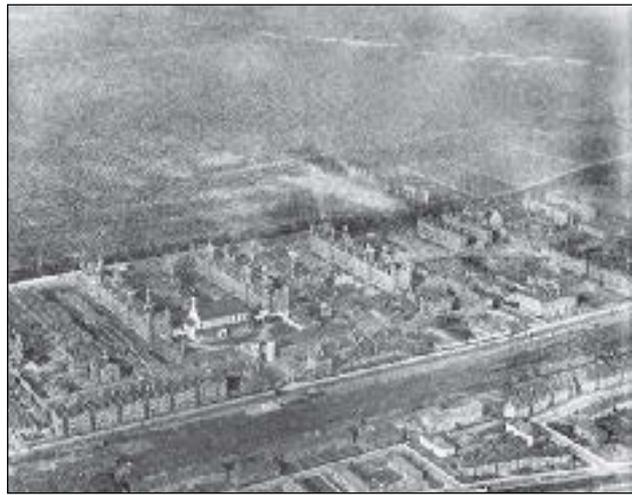


Figure 3 HMP Wormwood Scrubs in 1931, with new housing built in the previous decade. EPW034914

By the mid-19th century, towns were becoming more complex; they provided more amenities and more unpleasant functions, including industrial sites, hospitals, a workhouse, gas works and later sewage treatment facilities. Many towns began to develop zones of unpleasantness, ideal places for prisons and often these were close to where the railway station was located. The 1850 Ordnance Survey map 1:1056 scale shows Leeds Borough Gaol, now HMP Leeds, standing in fields set within triangular area hemmed by railway lines on two sides (**Fig 4**). A few industrial concerns and a gasworks was present, but in the course of the



Figure 4 HMP Leeds in the centre of this 1951 photograph, with the various industrial concerns and workers housing around. EAW035544

9. Journal of the House of Lords, 1835, LXVII, 60, 245, 283.

10. Journal of the House of Lords, 1835, LXVII, 259.

11. 5 & 6 Will. IV, c.38.

12. Jebb, J. 'Modern Prisons: their construction and ventilation.' Papers on Subjects connected with the duties of the Corps of Royal Engineers, VII, London, 1844, 2-3. Part of the Aerofilms collection has been digitised and can be consulted at <https://www.britainfromabove.org.uk/> accessed 26 June 2019.

second half of the 19th century, they were joined by other ironworks, forges, mills, a larger gasworks and the cemetery. A photograph of Winchester taken in 1920 by Aerofilms Ltd still shows clearly the prison's original suburban location; the same image also shows that the county hospital was located across the road, while a short distance away was the substantial union workhouse of 1836-7, the first of the city's large institutions to find a home in this area (**Fig 5**).¹³ By the



Figure 5 HMP Winchester in 1920 with the County Hospital in the foreground and the workhouse and railway in top right distance. EPW000693

time the Ordnance Survey map was surveyed in 1874, these institutions had been joined by the railway station, gasworks, the county police station and the cemetery, and this zone measuring only about half a mile by half a mile was conveniently separated from the historic town by the railway line.

Co-location with railway stations would have been ideal and could make the movement of offenders easier and safer. Many serious offenders were tried at the Old Bailey and after a short journey in a wagon found themselves on a train to prison. The most famous example was probably Oscar Wilde who described his humiliating train journey from HMP Wandsworth to Reading Gaol via Clapham Junction, where he was the focus of unwelcome public attention.¹⁴

As well as the desire to construct a new prison on a new site for architectural, transport and security reasons, the shift out of town centres also probably helped to improve the sanitary hygiene of towns and

cities. The urban population of Georgian England was hardened to the stench of human and animal waste, with night-soil carts and cesspools being common features.¹⁵ Epidemics of typhoid and cholera were all too common, and by the 19th century their relationship to poor sanitation was becoming better understood.¹⁶ By the early 19th century sewers were being installed in towns and cities, though the cesspool would remain a prominent feature through much of the century. An 1849 survey of Lincoln to prepare the town for a new sewerage system showed that the prison's cesspool was set within the castle's walls, while the nearby asylum and hospital each had a cesspool near their location.¹⁷ A treatise on the drainage of towns and buildings, coincidentally also published in 1849, recommended that 20 gallons of water per day would be needed by each occupant of a workhouse, prison or lunatic asylum, so that prison with 500 inmates would require 10,000 gallons of water per day, a huge demand to make on a primitive system.¹⁸ Rogers Field, writing later in the 19th century, discussed water supply, drainage and sewage disposal at lunatic asylums. He also tackled the thorny issue of dealing with the waste produced by large numbers of inmates. Wisely, he recommended that cesspools should be kept apart from where the institution got its water supply if that was by a well, and ideally a rural location for an asylum would allow the solid waste to be used on adjacent farmland.¹⁹ Therefore, it is perhaps no surprise that there was pressure to move prisons from crowded urban sites, to sites where a purpose-built building with adequate drainage and water supply to be created.

Conclusion

Between the 11th and 18th centuries the castle of each county town often served as a place of imprisonment and a location to dispense justice. Until their closure, HMP Oxford (closed 1996) and HMP Lancaster (closed 2011) still had recognisable mediaeval buildings within their walls, while prisons at Dorchester and Gloucester, which closed in 2013, were located on former castle sites (**Fig 6**). Therefore, HMP Maidstone is now the only active prison located on the site of a former castle.

England retained a rich and enduring penal legacy located in its mediaeval castles at the heart of historic

13. <http://www.workhouses.org.uk/Winchester/> accessed 25 April 2019.

14. 'Clapham Junction' in Selected Prose of Oscar Wilde <http://www.gutenberg.org/cache/epub/1338/pg1338.txt> accessed 6 June 2019.

15. Ellis, J M. (2001) *The Georgian Town 1680-1840*. Basingstoke: Palgrave, 92-3.

16. Girouard, M. (1990) *The English Town*. New Haven: Yale University Press, 204.

17. Mills, D R. (2015) *Effluence and influence: public health, sewers & politics in Lincoln, 1848-50*. Lincoln: Society for Lincolnshire History and Archaeology, 2015, maps at rear.

18. Dempsey, G Drysdale. (1849) *Rudimentary treatise on the drainage of towns and buildings suggestive of sanitary regulations that would conduce to the health of an increasing population*. London: John Weale, 130.

19. Field, R. (1892) *Practical Suggestions ... as to the water supply, drainage and sewage disposal for Lunatic Asylums, etc*. London: Stationery Office, Page 15-16.

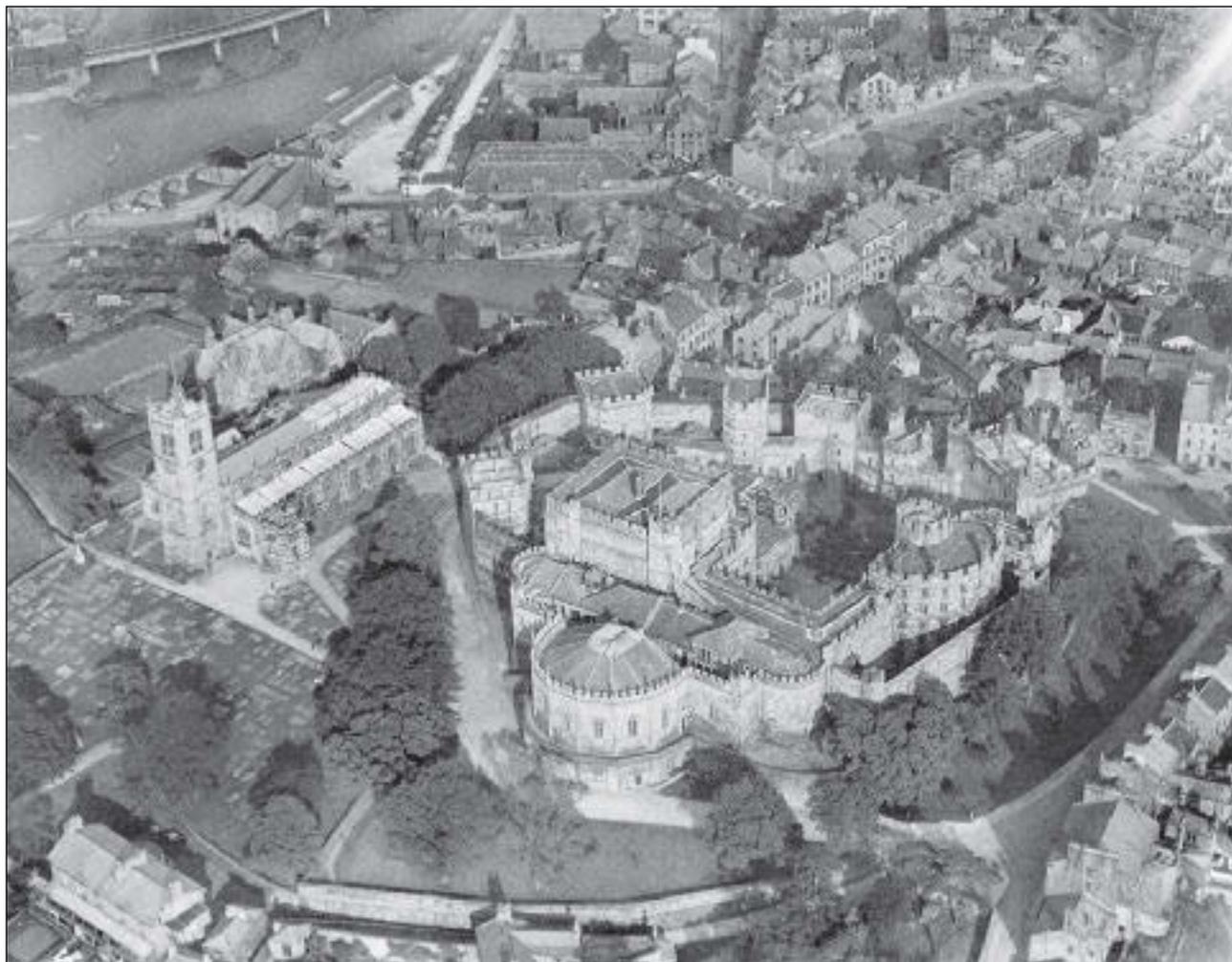


Figure 6 HMP Lancaster in the medieval castle in 1929. EPW029178

towns because of decisions taken two centuries ago. Factors in the decision-making revolved around the practicality of development on the castle site compared to the opportunities of a new semi-rural/suburban location. A new, larger site could undoubtedly more easily meet the architectural, security and hygiene needs of a new generation of prisons. Nevertheless, a number of counties simply redeveloped their historic castle sites, despite a lack of space, potential security risks and possible concerns about hygiene. Undoubtedly, cost may have been a factor in this decision, but there may have also been a desire to

continue to co-locate the symbolic seat of local government, with new courthouses and places of imprisonment. As well as symbolism, there may have also been an element of convenience at least for the Justices of the Peace.

Some former castle prison sites have already been redeveloped and their sites have become used for housing, museums and even a hotel in the case of Oxford. The future of the recent closures remains to be decided, but some lucky urban house buyers will be getting the chance to spend time inside, but at least they will have their own keys.

Prisoner Suicides at the York Castle Gaol, 1824-1863

Rhiannon Pickin, is a PhD researcher in crime history and heritage at Leeds Beckett University.

Introduction

The York Gaoler's Journals offer a glimpse into the everyday events that occurred at the York Castle Gaol. It provides details of how debtors and prisoners were treated during the nineteenth century, as it recorded new entries to the prison, births, deaths, illnesses, burials, misbehaviour and attempted escapes. The surviving source material was written by two gaolers during the nineteenth century, James Shepherd, between 1824 and 1840, and John Noble, between 1840 and 1863.¹ Both sources are useful for examining the nature of prisoner suicides during this period, nineteenth-century attitudes towards this type of death, and the prevention methods that were implemented by prison staff. Whilst prisoner experiences of the gaol are difficult to completely uncover, there are newspaper articles and entries in the journals that suggest how these prisoners were feeling before they committed suicide.

Prison suicides have been a topic of considerable interest for criminologists, although the study of historical prison suicide has not been researched in as much depth due to the lack of historical evidence on this subject, particularly prior to the Second World War.² Recent research has examined the subject of inter-war prisoner suicide. This includes the work of Alyson Brown, whose micro-historical research on Ernest Collins, who committed suicide in 1934 due to his fear of being flogged, has provided valuable insight into prisoner suicide during this period.³ On the topic of nineteenth-century prison suicides, Catherine Cox and Hilary Marland have examined the impact of the separate system on prisoners' mental health.⁴

For the most part this article focuses on the death of David Smirfit as a means to explore the suicides that were recorded within the York Gaoler's

Journals between 1824 and 1863. His suicide at the York Castle Gaol on 18th April 1840 can be seen to highlight three issues that will be explored in this paper. Firstly, how prisoner deaths were reported within the Gaoler's Journals and newspapers; secondly, how their bodies were treated after death, and finally, what their last writings reveal about their emotional experiences of the nineteenth-century prison. Other cases of prisoner suicide at the York Castle Gaol are also alluded to in this piece to aid comparative analysis. Additionally, it leads onto an examination of how journal entries relating to prisoner suicides changed after 1840 as prevention methods were detailed within the source. The findings have been drawn from the York Gaoler's Journals held at the York City Archives, and newspaper reports on prisoner suicides that took place at the York Castle Gaol. This research has also been informed by academic studies of nineteenth-century prisons and this type of prisoner death. It discusses the nature of prisoner suicide during this period and examines how contemporary understandings of suicide and prisoner insanity influenced how these deaths were treated and written about in the source materials.

1824-1840

The ways in which suicides were recorded within the Gaoler's Journals usually followed certain patterns. They detail who had died, what they were imprisoned for, where their body was found, how they had died, the coroner's decision concerning 'why' they had died, and how the body was buried. In total, seven suicides took place between the years covered in the Gaoler's Journals at the York Castle Gaol. Five of these suicides took place earlier in the period, between 1824 and 1840, with journal entries that detail prevention methods appearing more often between 1841 and 1863. It was during both periods that a lack of separate

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1. Eames, M., (2012), *York Castle, the county gaol of Yorkshire 1823-1877*, London: Borthwick Institute, pp.21-22.
 2. See Liebling, A. (1995), Vulnerability and Prison Suicide, *British Journal of Criminology*, 35.2, pp.177-187, and Brown, A. (2018), The Sad Demise of z.D.H.38 Ernest Collins: Suicide, Informers and the Debate on the Abolition of Flogging, *Cultural and Social History*, 15.1, p.101.
 3. Brown, (2018), pp.99-104.
 4. Cox, C. and Marland, H. (2018) "He Must Die or Go Mad in This Place": Prisoners, Insanity, and the Pentonville Model Prison Experiment, 1842-52, *Bulletin of the History of Medicine*, 92.1, pp.78-109.

facilities and specialist staff made it difficult for prison staff to address prisoner mental health issues.⁵ As a result, prisoners who showed signs of 'insanity' had to be placed alongside other prisoners, who were to watch over them. Whilst local jurisdictions were authorised to build specialist mental health institutions from 1808 onwards, it was common for 'insane' criminals to be inappropriately detained in prisons like York Castle.⁶ There was a perceived link between insanity and suicide during this period, as can be seen in the journal entries that detail these prisoner deaths that occurred at the site. Not all suicides were seen to be caused by insanity but for the most part it was understood to be cause of a number of these deaths.

David Smirfit, Private of the 7th Hussars, was sentenced to one month's solitary confinement for breaking out of his barracks on 9th April, to which he did not return until the morning of 14th April.⁷ He was described as twenty years of age and 'a fine looking young man'.⁸ On 18th April 1840 he was found dead at six o'clock in the evening, having strangled himself in his cell using a brace strap. After the usual notices were given, an inquest held the next morning resulted in the jury and coroner concluding that David Smirfit 'did wilfully and feloniously kill and murder himself'.⁹ He was buried at the expense of his relatives between nine and ten o'clock at night within the cemetery at St Mary's Church.¹⁰

His case is described with a certain amount of sympathy within the newspapers from the time, which described the 'melancholy circumstances' that led to his death.¹¹ Another example of a sympathetic report of prisoner suicides during this period includes the

'melancholy affair' of a prisoner's 'dreadful suicide' in Shoredich, London, in 1840.¹² From the eighteenth-century onwards, suicides were often reported in newspapers and the topic received considerable commentary.¹³ The growth of newspaper publications in Britain during this time led to more liberal ways of thinking and is argued to have done much to secularise and normalise suicide.¹⁴ This took place because the newspapers detailed the circumstances of the suicides and the causes of them.¹⁵ They also published suicide notes, even to the point of inventing them if need be, and published letters from readers on their opinions of suicide, which 'helped remove suicide from the realm of myth and made it need a more natural act'.¹⁶ Despite the newspapers having been generally opposed to self-murder, their reporting of some suicides suggest that there was an element of sympathy and pity for those who committed suicide.¹⁷

Whilst local jurisdictions were authorised to build specialist mental health institutions from 1808 onwards, it was common for 'insane' criminals to be inappropriately detained in prisons like York Castle

Similarities can be drawn here to other prisoner suicides at the York Castle Gaol. This includes Elizabeth Read, who was brought before the North Riding Sessions in July 1837 accused of murder, where she was acquitted on the grounds of insanity.¹⁸ She was imprisoned at the York Castle Gaol, where, at the age of sixty-nine years old, she was under confinement as an insane

person. On 1st December 1837 she was found dead at half past eleven o'clock 'with her head in a pail of partially filled with water in one of the female yards'.¹⁹ An inquest was held before Mr Wood, the coroner, and a jury was summoned for the purpose of deciding upon the cause of death. It was decided she was suffering from 'insanity', and her remains were arranged to be

5. See Wright, D. (1997), *Getting Out of the Asylum: Understanding the Confinement of the Insane in the Nineteenth Century*, *The Society for the Social History of Medicine* 10.1, pp.137-155, and Eames, M. (2012), pp.19-20.

6. Ibid.

7. Noble, J., 18th April 1840, in *The York Gaoler's Journals*, York City Archives, Accession Number: Y/O/R/D/1-4.

8. *Leeds Intelligencer*, Saturday 02 May 1840, British Newspaper Archive Online.

9. Noble, 18th April 1840.

10. Ibid.

11. *Leeds Intelligencer*, Saturday 02 May 1840, British Newspaper Archive Online.

12. *The Evening Chronicle*, Wednesday 29 July 1840, British Newspaper Archive Online, and

13. Minois, G. (2015), *History of Suicide: Voluntary Death in Western Culture*, London: The John Hopkins University Press, pp.293-294.

14. Ibid.

15. Ibid.

16. Ibid.

17. Ibid.

18. *Bell's Life in London and Sporting Chronicle*, Sunday 10 December 1837, British Newspaper Archive Online.

19. Shepherd, J., 1st December 1837, in *The York Gaoler's Journals*, York City Archives, Accession Number: Y/O/R/D/1-4.

interred at St Mary's Church Castlegate York on 5th December. Newspaper articles described her as a 'poor creature', showing that there was a degree of sympathy afforded to her.²⁰

David Smirfit's case also highlights the practice of burying those who committed suicide at night-time without Christian rites.²¹ This common practice was embedded within religious understandings of self-destruction that pre-dated the nineteenth century.²² Similar burial practices would have been implemented for other prisoners who committed suicide at the York Castle Gaol, although there was a growing debate during this time about whether Christian burial rites should be afforded to individuals who committed suicide under temporary insanity.²³ Despite these increasing concerns, George Birkenshaw, another prisoner who committed suicide at the York Castle Gaol, would have also been buried without Christian rites. George Birkenshaw, a thirty-nine-year-old grocer from Wakefield, was held in custody at the Gaol for feloniously cutting and stabbing.²⁴ He was found dead in his cell on 5th September 1837, having suspended himself by the neck with a silk handkerchief from the bar of his cell window whilst being 'temporarily insane'.²⁵ Following the inquest his body, money and clothes were delivered to his two brothers for interment in Wakefield. The mental state of George Birkenshaw was brought into question at the inquest, where the testimonies of fellow prisoners and the deputy gaoler John Noble were taken into account.²⁶ John Noble found that there 'was always rather a gloom on his countenance', and he was described by fellow inmates as having appeared 'very uneasy'.²⁷ A few days before his death he was described by a fellow prisoner as

This common practice was embedded within religious understandings of self-destruction that pre-dated the nineteenth century.

having been in 'very low spirits' after signing a piece of paper that was brought to him by two men from outside of the prison, which he said was 'his death warrant'.²⁸ Whilst the source material does not detail what this piece of paper was, it clearly had a psychological impact upon George Birkenshaw. Due to the evidence of his mental state provided by other prisoners, it was decided that he killed himself whilst he was 'temporarily insane'. Conversely, David Smirfit was not found insane because he was not seen to have showed symptoms of this. Both cases show how evidence of prisoner 'insanity' was explored during the inquest, as witness statements were brought before a jury.²⁹ This jury was made up of prisoners and individuals who lived outside of the prison, this was a recommendation made in the *The Practice of the Office of Sheriff, and also of the Office of Coroner*, which was published as a guidance for those working as a sheriff or coroner during this period.³⁰

The 'thoughts' of David Smirfit were also detailed within newspaper reports from the time of his death. They mention how he was originally sentenced to one month's solitary confinement, but was removed to a larger cell with more light after spending one night in the prison.³¹ He was also said to have commented to another prisoner that he had found the sentence particularly 'hard'.³² This would have been understood to some extent by contemporaries of this period as the negative effects of solitary confinement on the prison population. Solitary confinement was thought to be the cause of prisoner self-harm and mental illness.³³ In addition to these witness statements, David Smirfit was thought to have written down lines from Bogatzky's *Golden Treasury for the Children of God* prior to his death:

20. *Bell's Life in London and Sporting Chronicle*, 1837.

21. *Leeds Intelligencer*, Saturday 02 May 1840, British Newspaper Archive Online.

22. Lee, D. (ed.) (2013), *The History of Suicide in England, 1650-1850, vol. 7, 1800-1850: Legal Contexts, Religious Writings and Medical Writers*, London: Pickering and Chatto, p.xi.

23. *Ibid.*, pp.85-111.

24. *Ibid.*

25. Shepherd, 4th September 1837.

26. *Sheffield Independent*, Saturday 09 September 1837, British Newspaper Archive Online.

27. *Ibid.*

28. *Ibid.* Although the word 'depression' began to be more commonly used during the nineteenth century, the term 'low spirits' was commonly used to describe a person's sadness during this period. This is due to the prevalence of religious terminology to describe people's emotional states. See Solomon, A. (2014), *The Noonday Demon: An Atlas Of Depression*, London: Simon and Schuster, p.285, and Daly, R. W. (2007), *Before depression: The medieval vice of acedia, Psychiatry: Interpersonal & Biological Processes*, 70.1, pp.30-51.

29. See Impey, J. (1812), *The Practice of the Office of Sheriff, and also of the Office of Coroner*, 3rd ed, London: W. Clarke & Sons, p.433.

30. *Ibid.*

31. *Leeds Intelligencer*, 1840, British Newspaper Archive Online.

32. *Ibid.*

33. Cox, and Marland (2018), pp.85 and 101, and *The Ipswich Journal*, Saturday 03 December 1842, British Newspaper Archive Online.

'God will have me to be faithful:- and should not he be so himself? Am I to trust in his word? Then surely he will not forsake me, but be as good as his word. Heaven and earth must pass away, but His word will not; he is ever faithful. If I do not believe this, I think blasphemously of God, and can have no held or comfort from his word, but if I truly believe him to be faithful, I believe enough'.³⁴

This passage was said to not include the final line of the original text, which was as follows:

'This is what he only desires, and if I really do my faith will not be moved even in the hottest trials; the word will hold me up though I receive it even in weakness. But my faith must be attended with continual prayer'.³⁵

Whilst it is difficult to understand David Smirfit's exact thoughts with regards to this passage prior to his death, it can be seen to reflect his emotional state to some extent. Within the study of historical emotions William Reddy has asserted that emotions are socially and culturally constructed and consequentially have meanings imposed onto them.³⁶ This is agreed upon by Margrit Pernau and Imke Rajamim, who have stated that emotions change at different times and are products of societies in as much as societies are the product of emotions.³⁷ In this sense, David Smirfit's emotional understanding of this religious passage can be seen to be affected by his own emotional state as well as social and cultural understandings of religion and suffering. Those who would have read the newspaper that contained a transcript of his writing may also have interpreted this in a number of ways.

Similarities can be drawn to the case of Mary Ann Stayce, who hanged herself in the prison washhouse on 31st May 1836. Born around 1807 to a 'respectable'

family in Sheffield, Mary Ann Stayce was charged with the wilful murder of Elizabeth Marsden on 13th May 1836.³⁸ Upon entry to the prison she was placed in the care of two unconvicted females, who were charged with making sure she did not harm herself.³⁹ Similar measures can be identified in other prisons during this period, as the Surgeon at the Nottingham Shire Hall also attempted to confine prisoners in their cells under the watch of other inmates.⁴⁰ Mary Ann Stayce informed her fellow prisoners that she was going to hang a piece of washing in the washhouse, where her body was later found by the other prisoners. At her feet other prisoners found a piece of slate, upon which Mary Ann Stayce had written a letter to her husband, it read:

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'My husband was deceived — he thought I was insane when I killed Elizabeth, but I was not; she stole my combs, and I thought that she should steal no more, but I have repented ever since. I have acted insane at home a long time to them; they did not know what insane people were at all but the doctors, but I can't deceive them no longer; and when my husband asked me when he came to see me, he said you would not have done it if you had been right in your mind, I said, No. Foul deceiver to him that had been so kind to me ever

since I knew him; he would have done anything for me. My father and mother and all of them they are deceived; Miss Salt and all. My husband said I was not right, but he is deceived. I should be happy if that I could get off and go to my husband again, but I see I cannot, therefore I will plunge myself into ruin. I might have been happy as any one living. He was the best of men. I wanted nothing. If I could get home again I would be content, but I cannot. Adieu, adieu. Take warning from me, give my husband his money, I have deceived him. Take pity'.⁴¹

34. *Leeds Intelligencer*, Saturday 02 May 1840, British Newspaper Archive Online.

35. *Ibid.*

36. Reddy, W. M. (2001), *The Navigation of Feeling: a Framework for the History of Emotions*, Cambridge: Cambridge University Press, p.114.

37. Pernau, M. and Rajamani, I. (2016), Emotional Translations: Conceptual History Beyond Language, *History and Theory* 55, pp.46-65.

38. *Yorkshire Gazette*, Saturday 04 June 1836, British Newspaper Archive Online.

39. *Ibid.*

40. *Surgeon's reports of the Nottingham County Gaol*, Nottinghamshire Archives, Accession numbers: C/QAG/2/3-4.

41. *Yorkshire Gazette*, Saturday 04 June 1836, British Newspaper Archive Online.

Her wish to leave the prison and to return home to her family can be seen to have contributed towards her death. As prisons are places where people are detached from family and friends, with their routines eliminated and their image of the world shattered, it has been argued that prisons 'may prompt those who spend time in them to take their own lives', as was the case for Mary Ann Stayce.⁴² Her thoughts on the nature of her insanity and the crime she committed provide a rare 'direct and personal' insight into the experience of a prisoner who committed suicide.⁴³ The letter can be seen to highlight her remorse for committing the crime and her sorrow for confinement. She states that she 'acted insane', and so through her writing she attempted to set the record straight. She also fears how the crime has affected the lives of her family, particularly her husband. Whilst this fear can be felt and experienced in different ways by different people, the fear or anxiety of how crime will affect the families of those who committed them are also expressed by other prisoners at the York Castle Gaol. For instance, George Birkenshaw mentioned to another individual under custody that he wished he 'could see our folks, and then I should be ready for hanging... I find I have brought a scandal on both myself and all my kinsfolk.'⁴⁴ During this period it was commonly understood that some suicides were committed because a person was feeling remorse for having committed a crime. For instance, this supposed cause was included in a survey of recorded suicides that occurred in London between 1770 and 1830.⁴⁵

1841-1863

By the middle of the 1840s extra facilities had been established in Yorkshire that sought to care for those prisoners who were mentally ill, for example, the North and East Riding Lunatic Asylum had increased their

By the middle of the 1840s extra facilities had been established in Yorkshire that sought to care for those prisoners who were mentally ill, for example, the North and East Riding Lunatic Asylum had increased their patient capacity.

patient capacity.⁴⁶ Despite this, a number of 'insane' prisoners remained in the York Castle Gaol, as can be seen from the Gaoler's Journals. Whilst the newspaper reports of previous suicides that occurred at the site detailed how prisoners were watched over prior to 1841, the journals began to specifically mention how these at-risk individuals were identified and watched over by other prisoners after this time. These would have been convicts who showed 'symptoms of insanity', as well as prisoners who actively attempted to commit suicide. For instance, the gaoler thought that prisoner George Howe, who was under sentence of death for committing murder, was thought to be at risk of committing suicide. The journal entry from 30th March 1848 details how he was placed within a cell with two others, who were ordered to 'keep a close eye upon him'.⁴⁷ Between 1841 and 1863 there were twenty four journal entries that described the preventative measures that were in place for prisoners who had attempted suicide.⁴⁸ Oppositely for the period covering 1824 to 1840 there were no journal entries that detailed how attempted suicides were dealt with.⁴⁹

This change may have occurred for a number of reasons. It may have been because John Noble took over as Gaoler after 1840, and his reports may have been more detailed than his predecessor's. Alternatively, the gaoler may have been attempting to raise awareness in the courts of the number of prisoners who showed symptoms of insanity as the journals were read out at each court session. This was an issue that John Noble was arguably concerned about, as he thought that the prison should be 'more adapted to there [sic] state of mind...' as 'with kind and proper treatment they might be restored to a sound mind and become useful members of society.'⁵⁰ The number of 'insane' prisoners was also a concern for the prison surgeon at the Nottingham Shire Hall, who raised his concerns about

42. Barbagli, M. (2009), *Farewell to the World: The History of Suicide*, Cambridge: Polity Press, p.139.

43. Similar comments were made about the final testimony of prisoner Ernest Collins in Brown (2018), p.101.

44. *Sheffield Independent*, Saturday 09 September 1837, British Newspaper Archive Online.

45. Lee (2013), pp.210-211.

46. Eames (2012), p.20.

47. *Ibid.*, 30th March 1848.

48. Noble, 1840-1863.

49. *Ibid.*

50. *Ibid.*, 23rd May 1846.

the number of 'insane' prisoners within the prison in his 1870 surgeon's report.⁵¹ Similar issues were raised by the Directors of Pentonville prison in 1852, signifying that there was a nation-wide concern with regards to prisoner mental health.⁵²

Conclusion

Through focusing on the York Castle Gaol, a number of aspects relating to nineteenth-century prisoner suicide have been outlined. This includes how some sympathy was afforded to prisoners who committed suicide, as was found from examining contemporary newspaper reports. Despite the debates that took place during this period, which questioned whether temporarily insane individuals should be granted Christian rites, the burial of these individuals took place after dark and without religious rite. The journal entries also demonstrate how the staff at the York Castle Gaol were ill-equipped to deal with prisoner mental health. Additionally, the thoughts and feelings of prisoners who committed suicide are highlighted to some extent within their personal writings and in the witness testimonies that described their perceived

emotional states. These sources provide a unique insight into how prisoners who committed suicide were emotionally affected by their crimes and subsequent imprisonment. It is in this way that the research puts forward an original contribution to the study of historical prisoner suicide, as it is not often possible to find prisoner testimonies that uncover personal feelings and emotions in the ways they have been outlined in this article. It is important to consider however that these testimonies may have been fabricated by the newspapers they were featured within. Whilst this may be a possibility, the newspaper sources still represent wider understandings of prisoner suicide during this period, and how there was an element of sympathy that was afforded to those inmates who took their own lives.

This article has addressed the gap within the academic literature that has explored historical prison suicides. Whilst it has examined the nature of these deaths that took place at the York Castle Gaol during the nineteenth century, it presents opportunities for future research within this subject area. This includes more in-depth research on prisoner suicides in relation to the history of emotions, both in the context of the York Castle Gaol as well as other historical prison sites.



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51. *Surgeon's reports of the Nottingham County Gaol*, 19th October 1868 and 5th April 1869, Nottinghamshire Archives, Accession numbers: C/QAG/2/3-4.

52. Directors of Convict Prisons (1852), Reports on Discipline and Management of Pentonville, Parkhurst, Millbank, Portland, Portsmouth and Dartmoor Prisons, and Hulks, *Parliamentary Papers*, 1656 v LI.385.

The evil is one of the utmost gravity: female drunkenness and Strangeways Prison, 1869-1875

Dr Craig Stafford is a lecturer in History, University of Liverpool.

Introduction

In his annual report of October 1876, the protestant chaplain of Strangeways Prison, John Galbraith, bemoaned the number of women imprisoned in the gaol for drunkenness. Noting that there had been a yearly increase of such committals since 1870, he stated that ‘the evil is one of the utmost gravity.’¹ He had been drawing such conclusions since the beginning of his tenure.² Two years previously, in October 1874, he reported that, of the 3978 people committed for drunkenness that year, 1324 (33.3 per cent) were women.³ Such views were not uncommon amongst Victorian social commentators. The 1870s were a period which saw increased concern about drunkenness in general, and female drunkenness in particular. Examining data from Strangeways Prison’s registers for females between 1869 and 1875, and using the Lancashire borough of Salford as a case study, it is possible to judge how such concerns played out at a local level. The data examined related to 11693 summary committals between 30 September 1869 and 29 September 1875.⁴ This article will begin by examining concerns about drunkenness, before exploring the impact of committals for the offence on the prison system. Thereafter, it will argue that it was marginal, working-class women who were vulnerable to imprisonment for drunkenness. Social and economic factors played a key role in increasing this vulnerability, rather than moral failing on the part of the individual.

Mid-Victorian concerns about drunkenness

Drunkenness was linked to a variety of social problems in mid-Victorian Britain, particularly crime,

poverty and health. Furthermore, the issue of female drunkenness was bound up in the sexual double standard, amid fears for the sanctity of the home and the welfare of the family. In addition to moral and social concerns, the 1870s saw drunkenness discussed ever more frequently in Parliament, resulting in the introduction of the 1872 Licensing Act. Judicial statistics were used by contemporary commentators to justify their assertions that drunkenness was increasing. These figures showed that the number of persons summarily proceeded against for drunkenness and drunk and disorderly behaviour rose from 105,310 in 1864-5 to 122,310 in 1868-9. Between 1866 and 1869, drunkenness comprised approximately a fifth of all summary prosecutions.⁵ By 1870, this had risen to a quarter.⁶ The number of persons proceeded against for drunkenness rose steadily in the years preceding the 1872 Licensing Act, then rose sharply in the first year of the Act’s operation, from 151,084 to 182,941, before dropping equally sharply in mid-decade before rising again to peak at 205,567 in 1876.

As the number of people proceeded against for drunkenness rose, so did the prison population. In 1869, committals on summary conviction numbered 123,552, an increase on the previous year of 11.4 per cent.⁷ In many cases, drink was blamed. In Liverpool, it was reported that ‘drunkenness apparently flourishes more than ever’ in the town, after a weekend which saw 270 cases of drunkenness appear before the magistrates. Many arrested women were stated to have been kept in local bridewells due to overcrowding in Walton Gaol. Although no proof was forthcoming, this problem was attributed to drink.⁸ Elsewhere in Lancashire, Oldham’s Liberal MP, John Tomlinson Hibbert, reported that the number of committals for drunkenness to Strangeways Prison had risen by 10 per

1. Manchester. Chaplain’s Report on Salford Hundred County Prison, 23 October 1876, Quarter Sessions Petitions, Lancashire Archives (hereafter LA), QSP/3996/9.
2. Galbraith was protestant chaplain of Strangeways from 1870 to 1877.
3. Manchester. Chaplain’s Report on Salford Hundred County Prison, 26 October 1874, Quarter Sessions Petitions, LA, QSP/3950/16.
4. 30 September to 29 September was the annual reporting period for judicial statistics. Furthermore, availability of the prison registers is limited, as only those from 1868 to 1875 survive.
5. *Judicial statistics*. 1869. Parliamentary Papers (hereafter PP) England and Wales [C.195], p. xvii.
6. Morrison, B. (2005) ‘Ordering disorderly women: female drunkenness in England c. 1870-1920’. Unpublished Ph.D. thesis, Keele University, p.109.
7. *Judicial statistics*. 1869. PP England and Wales [C.195], p.xxix.
8. *Liverpool Mercury*, 15 August 1871.

cent from 1866 to 1870.⁹ There was, moreover, a gendered view of prisoners. Women were reported to have comprised the majority of committals to Ripon Prison, where the governor, William Smith, declared that they had 'more frequent habits of drunkenness than men' before adding 'We have a great deal of trouble with them.'¹⁰ Ripon's prison was much smaller than either Walton or Strangeways, but the perceived problem of drunkenness, especially amongst women, was prevalent in both rural and urban prisons of varying sizes.¹¹

Strangeways Prison

Strangeways was the county prison for the Hundred of Salford, and received inmates from the towns and boroughs of south-east Lancashire. These were predominantly urban and industrialised, although rural townships were also represented. Opened in 1868, Strangeways replaced the aging New Bailey Prison in Salford, which had been built in 1787. Initially, it possessed the capacity for 1100 prisoners, of whom over 300 were women. Men and women were separated within the prison itself, with the *Manchester Guardian* reassuring its readers that between the male and female areas of the prison 'there is the completest isolation.'¹²

The prison registers help to explain why the likes of Galbraith were so dismayed at the number of women committed for drunkenness. Between 1869 and 1875, out of 11693 summary committals, 6319 (54.0 per cent) women were summarily committed for drunkenness. This was by far the most common offence for which women were gaoled. The second highest offence, that of causing a nuisance, comprised only 1452

(12.4 per cent) of committals. The female population of Strangeways Prison, therefore, was dominated by women committed for drunkenness. These conclusions correspond with other findings for the UK and Ireland.¹³ The number of drunkenness committals, especially female committals, to Strangeways caused concern amongst the authorities. In 1873, they provoked Galbraith to note that, 'It is deplorable that this steady annual increase has chiefly taken place amongst the females of whom the drunkards during the past year numbered more than half those committed.' Additionally, he stated that drink was a direct cause of imprisonment for a number of women who had been committed for assault.¹⁴

His concerns were reflected elsewhere. In 1869, Edmund Ashworth, a Rochdale magistrate, stated that the newly opened Strangeways Prison was being overwhelmed by the number of inmates, especially those convicted of drunkenness, or who had committed crimes whilst drunk. 'Nine-tenths of the prisoners in the county gaol', he argued 'could trace their fall, directly or indirectly, to the use of strong drink.'¹⁵ One anonymous temperance advocate was also scathing about the impact of drink on the population of Strangeways. 'We have in Manchester a gaol built at a cost of £40,000' they argued 'which would not have been required if we had been without drinkshops.'¹⁶ In commenting on the rising number of committals

The number of drunkenness committals, especially female committals, to Strangeways caused concern amongst the authorities.

for drunkenness, Hibbert criticized the short sentences which were handed down for the offence. He felt that the results were that 'those sent in for three days only got a good washing and were made clean and respectable-looking, after which they were turned out again ready to resume their old habits.'¹⁷

9. *Pall Mall Gazette*, 14 January 1871.

10. *Report from the Select Committee on Habitual Drunkards; together with the proceedings of the committee, minutes of evidence, and appendix*, 1872. PP 1872 (242), p.2.

11. Ripon had approximately eighty committals, for all offences, annually by 1872, compared to 6624 committals to Strangeways that year. See *Ibid*, p. 3 and Manchester. Chaplain's Report on Salford Hundred County Prison, 21 October 1872, LA, Quarter Sessions Petitions, QSP/3902/41. As befitted Victorian gender ideology, the penal regime believed female sexuality to produce 'unruly and deviant behaviour', especially in working-class women, see D'Cruze, S and Jackson, L.. (2009) *Women, Crime and Justice in England since 1660*. Basingstoke: Palgrave Macmillan, p. 122.

12. *Manchester Guardian*, 17 June 1868. Strangeways became a male-only prison in 1963.

13. See Zedner, L. (1991) *Women, Crime, and Custody in Victorian England*. Oxford: Oxford University Press, pp.156-7; Turner, J. (2005) 'Offending women in Stafford, 1880-1905: punishment, reform and re-integration'. Unpublished Ph.D. thesis, Keele University; Turner, J. (2012) 'Summary justice for women: Stafford Borough, 1880-1905', *Crime, History and Societies*, 16.2, pp. 55-77; Curtin, G. (2001) *The Women of Galway Jail*. Dublin: Arlen House, p.71; Curtin, G. (2002) 'Female prisoners in Galway gaol in the late nineteenth century', *Journal of the Galway Archaeological and Historical Society*, 54, pp. 175-182.

14. Manchester. Chaplain's Report on Salford Hundred County Prison, 20 October 1873, Quarter Sessions Petitions, LA, QSP/3926/25.

15. *Liverpool Mercury*, 14 April 1869.

16. *Rochdale Observer*, 15 April 1871.

17. *Pall Mall Gazette*, 14 January 1871.

Anxieties about the effect of drunkenness on the prison population were by no means restricted to Strangeways. In Liverpool in 1871, Walton Gaol was considered to be full to capacity. It was reported that, as a result, some 900 women had had to be imprisoned in local bridewells. The prison's Catholic chaplain, and temperance campaigner, Father James Nugent 'declared his conviction to be that the gaol is overcrowded more by drunkenness than by crime' and he stated that longer sentences needed to be handed down to 'women who showed a tendency to become habitual drunkards.'¹⁸ Further afield, in Yorkshire, committals for drunkenness to Wakefield Gaol more than doubled between 1867 and

concentrations of inns and public houses in the Manchester conurbation during the 1870s. Nearby, Manchester's Deansgate, another key thoroughfare, also had many such establishments. In 1869, Chapel Street had nearly thirty licensed premises, Deansgate had thirty-two. By 1873, these numbers had decreased slightly, to twenty-nine and twenty-seven respectively. Importantly, both Chapel Street and Deansgate were a short distance from each other and inhabitants of both areas would have had easy access to both streets. Additionally, Salford had a large number of beerhouses, which numbered 336 in 1869, with neighbouring Hulme having 416, the highest number in Manchester.²²

Table 1: Number of women committed to Strangeways Prison, for drunkenness, from Salford, 1869-1875

Year	1869-70	1870-71	1871-72	1872-73	1873-74	1874-75	Total
Number committed	238	211	340	410	512	514	2225

1873. That year, 31 per cent of the prison population had been convicted of drunkenness.¹⁹

Salford

Through the lens of a local case study, the borough of Salford, it is possible to examine national concerns about female drunkenness at ground level. The borough court committed 2225 women to Strangeways for drunkenness between 1869 and 1875, the highest number from all the boroughs in south-east Lancashire. The proximity of Manchester, Briggs' 'symbol of a new age', here, was crucial, due to the large number of people living in the area.²⁰ The 1871 census stated that, in the conurbation containing Manchester, Salford and Chorlton, there were nearly 600,000 people.²¹

Furthermore, the boundary between Manchester and Salford was easily crossed by the number of bridges spanning the River Irwell, which allowed the inhabitants of both boroughs to reach the large number of public houses in the two. One of the key thoroughfares in Salford, Chapel Street, had one of the highest

Sir John Iles Mantell, Salford's stipendiary magistrate, was the sole committing magistrate for the majority of committals for drunkenness from Salford's borough court.²³ As Table 1 shows, the number of women sent to prison from Salford more than doubled from 1869-70 to 1874-75. The majority of these women had been sentenced by Mantell. His abhorrence of alcohol was due, in no small part, to his belief that drink and violence were inextricably linked.²⁴ Magisterial prejudice in Salford, therefore, played a major role in the number of women sent to prison for drunkenness.

Vulnerability to imprisonment

So, who were the women who were caught up in the authorities' drive against drink? They were, overwhelmingly, the poor, marginalised working-class. Also, not all of them lived in Salford. The borough's proximity to Manchester had a large influence on the number of women who were processed through its magistrates' court. Although the majority of women committed, 1451 (65.2 per cent), did live in Salford, nearly

18. *Liverpool Mercury*, 27 October 1871.

19. Jennings, P. (2012) 'Policing drunkenness in England and Wales from the late eighteenth century to the First World War', *Social History of Alcohol and Drugs*, 26.1, pp.69-92.

20. Briggs, A. (1977) *Victorian Cities*. Harmondsworth: Penguin, Ch.3.

21. *Census of England and Wales. 1871. (33 & 34 Vict. c. 107.) Preliminary report, and tables of the population and houses enumerated in England and Wales, and in the islands in the British seas, on 3rd April 1871.* PP 1871 [C.381], p. xv.

22. Woodman, D. (2011) 'The public house in Manchester and Salford, c1815-1880'. Unpublished Ph.D. thesis, Leeds Metropolitan University, Ch 2.

23. Mantell was the sole committing magistrate for 1955 (51.9 per cent) committals from Salford. These included 1097 (49.7 per cent) committals for drunkenness. William Goulden had the second highest number of committals, with 120 (5.4 per cent). As a lay magistrate, he would have sat with two colleagues.

24. *Second report from the Select Committee of the House of Lords on Intemperance; together with the minutes of evidence, and an appendix, 1877.* PP 1877 (271), p.33.

a quarter, 523 (23.5 per cent), lived in neighbouring Manchester. Homeless women comprised the third highest category here but the percentage was low, with 150 (6.7 per cent) women stating that they had no settled home. Not surprisingly, the districts of Manchester closest to Salford appeared prominently in the prison registers. The Deansgate area was heavily represented here, with Deansgate itself and the streets surrounding it often featuring in the addresses of women committed for drunkenness. As noted above, Deansgate was a densely populated area, with a large number of public houses. The population of the district alone, in 1871, was 24,173.²⁵ The licensed premises of Salford's Chapel Street, therefore, were easily accessible to a large number of people. Indeed, the streets nearest to Chapel Street were heavily represented, with Wood Street, Cumberland Street, Dolefield, Bridge Street, Trumpet Street, Garside Street, Spinningfield and Hardman Street appearing regularly in the registers. Also within walking distance of Salford was the Manchester district of Angel Meadow, a notorious slum. Addresses of women from this area included Millers Lane, Rochdale Road, Charter Street and Angel Street. Another Manchester district within easy reach of Salford was Hulme, an area which also provided a number of women to Salford's borough court. In total, fifty women committed from Salford had an address there. Furthermore, the manufacturing district of Ancoats was also within close proximity of Salford, and was home to a number of women committed for drunkenness in the borough, although not to the same extent as Deansgate. Hulme, Deansgate, Angel Meadow and Ancoats were all poor, slum areas, with densely packed housing and poor sanitation. It was areas like these which contributed the large majority of women arrested and committed for drunkenness.²⁶

Some of these women were persistent offenders. For example, Maria Riley had twenty-three previous committals by August 1875 and continued to be re-committed after this date. She was committed twenty-one times between 1869 and 1875, with all but one of the offences taking place in Salford. A young widow, she was aged thirty in 1875. Riley gave an address in Hulme for all but her last committal, when she had become homeless. Additionally, Catherine Atkinson was committed twenty-two times during this period, with all the offences taking place in Salford. She lived in the Angel

Meadow district before also becoming homeless. Similarly, Mary Ann Haughton, who lived at various addresses around Deansgate, was committed sixteen times and continued to be committed after September 1875. She was also widowed. All three women lived within walking distance of Salford and were repeat offenders. It was habitual offenders such as these who helped to increase the number of women prosecuted at Salford's borough court. Furthermore, these persistent offenders helped to ensure that, statistically, incidences of female drunkenness appeared to be increasing.

Salford's press was content to apportion blame for any rise in crime rates on people who had migrated, for whatever reason, to the borough. Those displaced by the slum clearances in Manchester's Deansgate were accused of increasing the amount of crime. As Walton, *et al*, have discovered in their comparative study of the Spanish Basque country and north-west Lancashire, such comments were not unusual.²⁷ In Salford, disorderly behaviour at the annual Eccles Wakes was blamed on people travelling to the celebrations from Manchester, whilst the clearances in Deansgate led to an influx of new residents in Salford.²⁸ They had 'greatly swelled the drunkards list', noted the *Salford Weekly News*, in horror, and were 'notable for nothing but drunkenness, vice, and cruelty'.²⁹ The borough's elites, in an attempt to prove their moral standing, were keen to apportion blame for criminality on the shoulders of migrants and outsiders.

The poorer districts of Salford also helped to swell the number of female committals to gaol. The most common addresses of the imprisoned were in areas such as Greengate, Regent Road, Adelphi and the streets and courts on and around Chapel Street. These were densely populated areas and, in the case of the Adelphi, home to a significant number of Irish-born women. These areas were constantly associated with criminality. It was these areas, for example, and those noted above in Manchester, which saw the birth and growth of youth gangs, the scuttlers, from the 1870s onwards.³⁰ As in Manchester, it was the residents of the poorer areas of Salford who figured most prominently in the prison registers.

Moreover, homelessness played a role in increasing a woman's vulnerability to imprisonment. Throughout south-east Lancashire, 640 (10.1 per cent) women committed for drunkenness stated that they had no settled home. In Salford this number was 150 (6.7 per

25. *Census of England and Wales, 1871. (33 & 34 Vict. c. 107.) Population tables. Area, houses, and inhabitants. Vol. II. Registration or union counties.* PP 1872 [C.676-I C.676-II], p. 383.

26. A reporter from the Manchester Evening News produced a series of articles on 'criminal Manchester' in 1874, in which Charter Street and Deansgate were extensively covered. These were reprinted in the 1880s in a bound volume, see *Criminal Manchester, Experiences of a Special Correspondent*. (1874) Manchester: G. Renshaw, reproduced at <<http://library.chethams.com>>[accessed 3 April 2018]. Charter Street was described as 'the headquarters, practically, of the thieving fraternity', p. 1, whilst drunkenness amongst women in Deansgate was deemed to be 'nothing more than an every-day occurrence', p. 11.

27. Walton, J.K, Blinkhorn, M, Pooley, C, Tidswell, D and Winstanley, M.J. (1999). 'Crime, migration and social change in north-west England and the Basque country, c. 1870-1930', *British Journal of Criminology*, 39.1, p. 107.

28. *Salford Weekly News*, 27 September 1873.

29. *Salford Weekly News*, 29 August 1874.

30. Davies, A. (2008) *The Gangs of Manchester, The Story of the Scuttlers, Britain's First Youth Cult*. Preston: Milo.

cent). These figures, while portraying the number of homeless women, do not present their personal experiences. Close analysis of these women shows how either their use of alcohol, their experiences of imprisonment, or both, impacted on their lives. Women who claimed they had no settled abode were often committed from more than one borough court, which reflected their transient lifestyles. Others lost their homes and their families after repeated committals. Through close analysis of the data, it is possible to judge how women's lives changed over time. For example, Warrington-born Mary Warburton was committed twice for drunkenness, the first time in November 1872 in Salford and then in August 1873, in Oldham. Warburton stated that she was married at the time of her first committal, although she did not provide a next of kin. She was widowed by the time of her second committal but did provide her brother's name as next of kin.

Women with no settled abode may have moved around in order to avoid detection by the police, especially if they were well known to them. Elizabeth Carter, of Salford, was one homeless woman who may have moved from the borough in an attempt to avoid prosecution, although she was not successful. She was committed to prison six times between March 1870 and May 1875. Four of these committals were for drunkenness, one for using threatening language towards her husband whilst drunk and one for assaulting her husband, William. Reporting on this latter offence, the *Salford Weekly News* stated that Carter had separated from her husband and had attempted to cause grievous bodily harm by throwing vitriol at him.³¹ Her relationship with her husband was fractious, at least three of her committals were for offences against him. All but two of her committals came from Salford, the final two being from Bury and Stalybridge respectively.³² She stated that she had an address only once, in Greengate, Salford, otherwise she had no settled home. Carter may have moved from town to town to escape the attention of the police or to find employment. She appears in the registers as a factory worker but it is unknown whether she actually had an occupation. By her sixth committal her marriage appears to have broken down completely, as she gave no next of kin.

As well as moving from town to town, homeless women were often estranged from their families. In Salford, 109 (72.7 per cent) homeless women gave no next of kin. Only seven (4.7 per cent) gave the name of a husband. Many of these women were widowed, however, so this is not surprising. The majority of these

women had no settled home, no familial support and appeared to live alone and in extreme poverty. Drinking could well have been a release, the 'shortest way out of Manchester', for them. They would have also been more susceptible to a prison sentence, having few funds to be able to pay a fine, or having no one to pay it. It is also possible that prison provided, an albeit meagre, respite to life on the outside. For instance, Zedner has noted that many destitute women would treat prison as a refuge, a place they treated as a welfare agency rather than a place of punishment.³³ Furthermore, Turner has stated that, in Stafford, homeless women had no means to stop offending and there was little possibility to reform themselves without help.³⁴ There is little doubt that this was also the case for homeless women in Salford. These women appeared to have no roots and no familial support, either from their husbands or other family members. Due to this lifestyle, they were more vulnerable to being arrested by the police for vagrancy and drunkenness.

Conclusion

To Galbraith, the rising number of women committed to Strangeways Prison in the first half of the 1870s was an evil, an indication that these women were becoming increasingly immoral and open to corrupting influences, temptation and sin. Like many of his contemporaries, Galbraith did not associate social and economic factors with a woman's vulnerability to imprisonment. Far from being the morally corrupt 'fallen women' denounced by the Victorians, many offenders had no access to support, were desperately poor and in many instances had been widowed. Therefore, grief and poverty were important triggers in a woman's life, which could lead her into drink and, ultimately, imprisonment.

The poverty of incarcerated women was apparent from their addresses. They came from the poorer areas of Salford and Manchester, especially the slum areas. These districts had appalling sanitary conditions which meant that many residents would have spent a great deal of time on the streets. Moreover, they were districts which were perceived, by the press and the police, as being particularly criminal. Therefore, they were policed heavily, which led these women into direct contact with authority on a regular basis. During a period in which drunkenness was perceived as a particular social problem, a combination of police activity, popular prejudice and poverty would have increased a woman's chances of imprisonment for the offence.

31. *Salford Weekly News*, 12 March 1870.

32. Carter was sentenced to three months in Strangeways in July 1870, for using threatening language against her husband. She also appeared in the female description book for New Bailey Prison in July 1867 but there is no record of her offence. She gave an address in Red Bank, Manchester whilst in the New Bailey but was homeless in 1870.

33. Zedner, 1991, p.171.

34. Turner, J. (2011) 'Punishing women, 1880-1905', *The Howard Journal of Criminal Justice*, 50.5, pp. 505-515.

Stigmata of Degeneration

Suffragette Experience in Scotland's Perth Prison

Chris Holligan, is Professor in Education at the University of the West of Scotland.

Introduction

Secrecy constructs knowledge by determining what is known. This article argues that female suffragettes held in Perth prison between 1909 and 1914 were silenced materially and symbolically: negative labelling of them as enemies legitimated their punishment in the eyes of the British establishment including dominant political constituencies in the House of Commons. Isolating suffragettes through incarceration protected the state and government ministers, allowing legal discretion to be exercised to ensure the effectiveness of the state's morally dubious underbelly contained in its contested penal practices.

Historical context

The surviving prison files of Scottish suffragette prisoners, archived by the National Records for Scotland (NRS), are the primary sources upon which this paper is developed.¹ Four case studies are subjected to a qualitative analysis — Maude Edwards, Arabella Scott, Frances Gordon and Janet Arthur; their files are the only files of suffragettes imprisoned in Scotland with contents adequate to support a research analysis. Why this historical content remains in its current form, whilst similar material about other militant suffragettes appears to have vanished, is an issue which cannot be resolved. It may illustrate serendipity in prison service practices, policy secrecy, mere bureaucratic indifference, or a combination of these.

The sample of women prisoners examined in this article were all forcibly fed multiple times in Perth Prison. Pedersen argues the women's suffrage movement in Scotland is ignored by historians of this militant wing of the suffragette movement, who have focussed on the fight for the franchise in London where

its leadership and supporters were concentrated.² Holloway prison in north London was notorious for forcible feeding; located in the metropolitan centre of the country, the nature of the state's tactics against the militant suffragettes in Holloway prison could readily become public knowledge and a source of political and moral rebuke, domestically and internationally. Controversial custodial 'treatments' could be more easily concealed from the press and public in distant Scotland, although, despite official secrecy, vocal public demonstrations occurred outside Perth prison.³

In this article it is argued that imprisoned suffragette women were treated as degenerates. Degeneration is characterised by progressive decline in moral, mental and physical qualities leading to sterility. It is a pathological deviation.⁴ Ideas about degeneration were used by Victorian and Edwardian elites to frighten society into believing it was threatened by decline and evolutionary regression unless it took radical remedies. Degeneration themes are found in the work of the English psychiatrist Henry Maudsley (1835-1918) and Italian criminologist Cesare Lombroso (1835-1909), and later adopted by the Nazis in their murderous 'sterilisation' programmes. By othering suffragettes as 'degenerate' and therefore outside the protection afforded by legal capacity and moral acceptance, the state not only gained moral authority to hold them in captivity and 'treat' their revolt as illustrative of individual pathology, but also a degree of legal impunity. Their custodial 'treatment' illustrates the state's broader intersectional concerns with the maintenance of inherited social class privilege and gendered hierarchies favouring men, upon which Edwardian capitalism relied.⁵

Degeneration as a pan-European condition was understood to be a 'ubiquitous fact' of Victorian and Edwardian nature, and, Haeblerle argues, for nineteenth century psychiatrists, degeneration was the cause of

1. National Records of Scotland (NRS) HH16/39-47.

2. Pedersen, S. (2017) *Hunger-Strikers, Anti-Suffragists and Celebrity*. London: Palgrave Macmillan.

3. Crawford, E. (2005) 'Police, Prisons and Prisoners: the view from the Home Office'. *Women's History Review* 14(3 & 4) 487-505; Smitley, M.K. (2002) *Women's mission: the temperance and women's suffrage movements in Scotland, 1870-1914*. Unpublished PhD, University of Glasgow, 2002; Pedersen (2017), see n. 1.

4. Liegeois, A. (1991) Hidden Philosophy and Theology in Morel's Theory of Degeneration and nosology, *History of Psychiatry*, 419-427.

5. Woodman, C. (2018a) *Spycops in context: A brief history of political policing in Britain*. London: Centre for Crime and Justice Studies.

sexual nonconformity.⁶ Women who deviated from Edwardian conventions about gender risked losing their legal capacity as well as their reputation.⁷ The feeding technologies used to control ‘lunatics’ in asylums were deployed with considerable impunity against the female suffragettes, the majority of whom were without criminal histories and from highly-educated middle-class backgrounds. Fletcher argues that from 1909 the Liberal government’s struggle against suffragette militancy departed from the impartial rule of law in terms of how the law classified and punished their offending.⁸ The Under-Secretary of State for Scotland, for example, wired Prison Commissioners and Governors on 21st October 1909 permitting discretion towards resolving the protest made by hunger-striking suffragettes.⁹ His weight of authorising power was enhanced by Britain’s patriarchal class structure which, he would have assumed, endorsed his policies unquestionably.

Biographies of contemporary politicians compiled by *Hansard*, the British Parliamentary institutional resource, demonstrate that the majority of serving Members of Parliament during the years of Edwardian suffragette militancy belonged to a shared male cultural stock: they had in common elite Clarendon public school backgrounds, membership of prestigious London clubs and, often, careers in the legal profession before entering Parliament. The zeitgeist of which they were part presented the illusion that it was merit, not class privilege that bestowed this socially elevated status. Bourke reports that in the Victorian and Edwardian periods male dominance, even in the home, was unquestioned.¹⁰ The influential sexologist Havelock Ellis argued women were naturally docile and their ‘natural interests’ lay in seeking fulfilment through domestic and caring opportunities. Female sexuality was constituted around care giving and motherhood.¹¹

The influential sexologist Havelock Ellis argued women were naturally docile and their ‘natural interests’ lay in seeking fulfilment through domestic and caring opportunities

Through opposing this resilient status quo in deliberately unconventional forms aimed at deconstructing masculine authority and its putative governing superiority, the suffragettes risked validating the othering they experienced in the national press and courts as mentally aberrant. In a letter dated 22 October 1909 Mr Stalker, a prison medical officer, told the Governor of Dundee Prison, which was holding Adela Pankhurst, that:

‘...Miss Pankhurst...is undersized (5 feet in height) slender of build and altogether fragile in appearance. She is outwardly calm and indifferent, but the pulse is 112 and the heart’s motion violent and laboured. Mentally she is peculiar, morbid, and twisted. ‘Sturrock, the superintendent of Perth Criminal Lunatic Department was impressed with her extraordinary appearance and bearing and did not hesitate to say that she was of a ‘degenerate type’.’¹²

The degenerate human type was characterised as having an uncontrollable lustful sexuality and a criminogenic biological propensity. That negative characterisation was attributed to suffragettes in popular postcards depicting them as disingenuous. Their arrest by the police was projected in this popular medium as resulting from sexual desire to fall into the arms of burly male law enforcers.¹³ Suffragette women forced entry into the male world of mass political meetings, disorientating all-male audiences and speakers; cabinet ministers were harassed as they pursued hobbies, for example, Prime Minister Herbert Asquith (1852-1928) was harassed by the suffragette Miss Mitchell whilst on holiday in 1912 playing golf in Lossiemouth, near Elgin, Reginald McKenna, the Home Secretary stepped in to protect him.¹⁴ Other sporting contexts and events that

6. Pick, D. (1989) *Faces of Degeneration: A European Disorder, c.1848–1918*. Cambridge: Cambridge University Press; Lawrence, C. (2009) ‘Degeneration under the Microscope at the fin de siècle’. *Annals of Science*, 66(4) 455-471 (p. 455); Haeberle, E.J. (1981) ‘Stigmata of Degeneration’. *Journal of Homosexuality*, 6(1-2) 135-139 (p. 136).
7. Skipp, J. (2007) ‘Violence, Aggression and Masculinity During the Eighteenth Century’. *Cultural and Social History*, 4(4) 567-573.
8. Fletcher, I.F. (1991) *Liberalism and the rule of law: Protest movements, public order and the Liberal government, 1905-1914*. Unpublished PhD thesis: John Hopkins University (p. 2).
9. Leneman, L. (1993) *Martyrs in Our Midst*. Dundee: Abertay Historical Society.
10. Bourke, J. (2008) ‘Sexual Violence, Marital Guidance and Victorian Bodies: An Aestheticsology’. *Victorian Studies*, 50(3) 419-436 (p. 426).
11. Delap, L. (2004) ‘The Superwoman: Theories of Gender and Genius in Edwardian Britain’. *The Historical Journal*, 47(1) 101-126, (p. 105).
12. NRS HH55/323.
13. Crawford, E. (2005), see n. 2 (p.488).
14. <http://historylinksarchive.org.uk.s3.amazonaws.com/document/11271.pdf> - downloaded 22/6/19.

were perceived to be male sporting bastions, such as horse racing, were, in Ayr and Kelso, subjected to arson attacks.¹⁵ Suffragettes, together with Fenians, were perceived as political threats to the state.¹⁶ Furthermore, the European zeitgeist hypothesised that the evolutionary regression illustrated by a trend towards degeneracy posed a grave threat to social stability within the British Empire, and the proposed radical solution, to which elites assented, involved forced sterilisation and institutional confinement.¹⁷

Scotland's political representation made it a target for strategic insurgency; senior figures in the Liberal government represented Scottish constituencies: Winston Churchill was the MP for Dundee from 1908 to 1922; Campbell-Bannerman, MP for Stirling, was the leader of the Liberal Party from 1899, holding office as Prime Minister from 1905 to 1908, while Herbert Asquith, his successor as Prime Minister from 1908 to 1916, had a constituency in East Fife. Asquith was deemed by the suffragettes to be a torturer of women.¹⁸ A conspiracy to assassinate him was uncovered in 1909; in January 1913 the suffragette Margaret Morrison sought to disrupt Asquith's speech in Leven, Fife, and after violent struggles with police she was arrested then transferred to Dundee prison. She persistently refused to have her photograph taken and disrespected penal rules. The prison medical officer concluded she was 'a weak-minded person defective of self-control...Altogether her conduct was not like the conduct of a person with a sound mind'.¹⁹ The normative vernacular of institutionalised patriarchy struggled to conceptualise the politics which these prisoners embodied in their defiance.

Gendered intimidation

Women who did feature in the public sphere typically bolstered rather than undermined the inherited

gender hierarchy: militant suffragettes were a shocking exception. For example, their conformity to a stereotype of a women is illustrated in the 1910 general election where 'normal' women spoke out only in the role of housewives defending their household budgets and speaking in support of conservative unionist candidates.²⁰ Contrastingly the Secretary for Scotland was attacked with a dog whip in London by two suffragettes who yelled 'You Scotch pig', and threatened to beat him unless he desisted from implementing his government's forcible feeding policy.²¹ A petition entitled 'Praying that the torture of women by forcible feeding in prison may be stopped' was lobbed into the King's car as he paraded in Perth in 1914.²² Activism against male elites was a novelty, demonstrating a rejection of a supplicant and compliant status. The demands of suffragettes challenged a 'natural order' — anti-feminists, for example, argued equality would result in 'masculine mothers'.²³

Activism against male elites was a novelty, demonstrating a rejection of a supplicant and compliant status.

A narrow recognition of female agency was inscribed in the objectifying scientific prose style of reporting by medical staff on the behaviour and wellbeing of these prisoners. The Home Office instigated a policy of tersely-expressed written reports on forcibly-fed female prisoners, suggesting this minimal auditing was a medical safeguard, but it also constructed them as biological objects

without individual human status.²⁴ The forcible feeding in Calton Prison, Edinburgh, of Ethel Moorhead was described by her supporters as a 'medieval barbarity'.²⁵ Gendered intimidation entailed that notes composed by prison medical staff recording the 'treatment' of suffragettes gave no clue about its lack of humanity and the pain it inflicted.

Suffragettes resisted processes of imprisonment, disobeying orders and refusing to be photographed as acts of political and moral revolt. Male prison staff were intolerant of their opposition to authority. In response

15. Kay, J. (2008) 'It Wasn't Just Emily Davison! Sport, Suffrage and Society in Edwardian Britain', *The International Journal of the History of Sport*, Vol. 25 (10) 1338-1354.
16. Radzinowicz L. and Hood R. (1986) *A History of English Criminal Law: Vol. 5 The Emergence of Penal Policy*. London: Stevens and Sons.
17. Churchill, D. (2016) 'Security and visions of the criminal: technology, professional criminality and social change in Victorian and Edwardian Britain'. *British Journal of Criminology*, 56 857-876; Pick (1989), see n. 4.
18. Aldrich, R.J. and Cormac, R. (2016) *The Black Door: Spies, Secret Intelligence and British Prime Ministers*. London: William Collins.
19. NRS HH16/40/2
20. Thackeray, D. (2011) Rethinking the Edwardian Crisis of Conservatism. *The Historical Journal*, 54(1) 191-213.
21. Leneman, L. (1991) *A Guid Cause: The Women's Suffrage Movement in Scotland*. Aberdeen: Aberdeen University Press (p. 181).
22. Watson, N. (1990) *Dundee's Suffragettes*. Perth: N. Watson.
23. Weeks, J. (1981) Sex, Politics and Society: *The Regulation of Sexuality since 1800*. London: Routledge.
24. Crawford (2005), see n. 2.
25. Leneman (1991), see n. 18.

they imposed extra-judicial punishments: in 1912 Ethel Moorhead, convicted for malicious mischief in Aberdeen, wrote to the Chairman of HM Prison Commission for Scotland complaining of being held in police 'drunk cells', without the oversight of female warders. She described sleeping without a mattress and being under 'constant observation' by male warders.²⁶ Women suffered domestic abuse outside prisons; Scottish crime statistics for 1899 record 'unexampled proportions' of assaults by husbands against wives which were attributed to alcohol.²⁷ It is within the context of this routine brutality by intimate partners against women that suffragette bourgeoisie and working-class women in custody were subjected to less public violation: at the request of the Home Office male prison doctors organised forcible feeding beneath the cover of medical rhetoric about the protection of life.²⁸ Historians argue the British Government's policy illustrated a hegemonic masculinity against suffragette prisoners, exemplified by the Cat and Mouse Act of 1913 where they were released on licence to recover their health and then re-arrested.²⁹ Most suffragettes were denied the status of political prisoners, with its attendant privileges, and were allocated instead, by male magistrates, Third Division criminal prisoner status where conditions were harsher.³⁰ Once in custody dietary preferences were ignored: many suffragettes were vegetarians, repulsed by fatty meat products or Bovril entering their bodies during feeding.³¹ That the First Division was rarely used suggests a denial of political status and that it was sought by suffragettes indicates their attempt to differentiate themselves as political, not criminal prisoners.

The bodily invasion of forcible feeding disrupted communication. Painful cries and physical struggle disrupted prison silence. Staff physically restrained resistant women. Some suffered nightmares as a result

Forcible feeding was usually conducted by a tube inserted into the nostrils and running down into the stomach. This event provoked fear of suffocation, vomiting, exhaustion and trauma.

of these harrowing experiences in their cells. The stomach tube used in forcible feeding was introduced in 1868, initially for medical diagnosis and research. Its institutional history lies with asylum patients whose refusal of food was not tolerated by their physicians. Forcible feeding was usually conducted by a tube inserted into the nostrils and running down into the stomach. This event provoked fear of suffocation, vomiting, exhaustion and trauma.³² It damaged the mouth, broke teeth and damaged soft tissue.³³ The absence of friends and supporters could only intensify this victimisation.

Charged by the police for 'house-breaking with intent to set fire' Margaret Morrison and Dorothea Smith were described in a letter dated 19 October 1913 sent by the Governor of Duke Street Prison, Glasgow to his superiors in the Prison Commission. By restricting his observations to medical indicators, he conjures a political neutrality:

'Morrison shows considerable enfeeblement ... her pulse is not of good quality, her extremities are cold, her lips show slight sign of lividity, there is a tendency to sickness. Mrs Smith, through weak, is not so feeble...early liberation is urgently called for ... both are in an enfeebled physical condition as the direct result of complete abstinence of

*food and water since their Reception... We are firmly convinced that further imprisonment under such condition will undoubtedly within a comparatively short period of time induce serious effects.'*³⁴

Margaret Morrison is presented as a patient on the verge of death. Her health decline was induced by forcible feeding, but the responsibility for her deterioration is attributed to her own decision to refuse food. Throughout the period of hunger-strikes the

26. NRS HH16/41.

27. HMSO (1899) *Prison Commissioners for Scotland: Annual Report*. Pub. 1900. Glasgow: Hedderwick and Sons.

28. Geddes, J.F. (2008) 'Culpable complicity: the medical profession and the forcible feeding of suffragettes, 1909-1914'. *Women's History Review*, 17 (1) 79-94; Purvis, J. (1995) 'The Prison Experiences of the Suffragettes in Edwardian Britain'. *Women's History Review*, 4(1) 103-133.

29. Kilgannon, A. (2012) *The Cat and Mouse Act: Deconstructing Hegemonic Masculinity in Edwardian Britain*. MA Thesis. Canada: Simon Fraser University.

30. Crawford, (2005), see n. 2 (p. 498).

31. Joachim, M. (1908) *My Life in Holloway Gaol. Votes for Women*, 1 October.

32. Purvis, (1995), see n. 26.

33. Miller, I. (2013) *A History of Force Feeding: Hunger-Strikes, Prisons and Medical Ethics, 1909-1974*. London: Palgrave Macmillan.

34. NRS HH16/40.

Home Secretary, Reginald McKenna and other conservative M.P.s argued the suffragette's own mistaken volition led to their declining health. This elite establishment blamed the suffragette prisoners for the suffering they experienced. The medical prognosis and observations recorded in their prison files dehumanizes, whilst calibrating an abstracted alarm.

Expertise in forcible feeding was exported into Scottish prisons from the Criminal Lunatic Department within Perth prison and from the Edinburgh Royal Lunatic Asylum.³⁵ Mary Richardson described her experience in custody as follows:

*'One struggles ... for forcible feeding is a spiritual assault as well as a painful physical one, and to remain passive under it would give one the feeling of sin; the sin of concurrence. One's whole nature is revolted: resistance is therefore inevitable.'*³⁶

Whilst the policy of forcible feeding extended to include several British prisons a conspiracy of silence pertained among most of the medical profession, fuelled by strong anti-suffragette sentiment in the Home Office, the aristocracy and political elite.³⁷ J.A. Hobson (1858-1940) a progressive thinker, academic author, Liberal Party supporter and Labour Party activist warned that democracy was being corroded by a culture of secrecy in domestic and foreign policy. Ethel Moorhead's allegations about forcible feeding appeared in an Edinburgh newspaper, forcing a question in the House of Commons.³⁸ Embarrassing leaks to the press forced the government to defend its tactics. Yet the authorities appeared determined to break the wills of these women and undermine their capacity to persist in their political campaign.

Communicative isolation

Holding conversation with other prisoners without permission, was the most common offence in the historic Scottish prison.³⁹ Maude Edwards's correspondence was withheld, and she was allowed no association with other prisoners. Despite her suffering, the Prison Visiting

Committee concealed her plight, noting on one visit that she was sitting up in her bed 'enjoying a very nicely served tea.' A memo written on 5 July 1914 assessed her condition of resistance as indicative of insanity. Two days later, after further 'treatment' the prison doctor remarked 'She was very sick for the greater part of the afternoon yesterday' and yet concluded she was ready for 'further treatment' until she 'begins to behave in a different manner'.⁴⁰

Arabella Scott, aged 29, was sentenced to nine months in Perth in July 1914. By profession she was a school teacher in Edinburgh and held an MA from the University.⁴¹ The medical officer, Dr. Watson, refused her permission to petition the Prison Commission about the terms of her custody, arguing that her request could only be considered if he judged that writing would not interfere with her treatment; he also withheld correspondence addressed to her at the prison. Perth's Governor agreed and informed the Prison Commissioners who responded: 'Please detain the letter for prisoner til discharge.' An attempt by a friend to visit her in early July was refused on the grounds that it would have 'an exciting effect'. Letters to friends, which she could write only with the assistance of a medical officer due to her poor health, were withheld from posting on the ostensible grounds

they would cause anxiety to her friends who 'would probably think that she is too ill to write herself'. Dr. Watson argued that preventing her having visitors would aid him in carrying out the treatment.⁴²

Arabella's mother irritated the authorities, seeking reassurance about her daughter's health in mid-July 1914. The brief acknowledgement reply of the Prison Commission to her was that her daughter was held in Perth, and, should she become 'seriously ill', her mother would be informed. The authorities argued Arabella's illness through hunger striking was her own responsibility. Her mother tried again, appealing to the Prison Commission for her 'immediate release'. Hoping to elicit compassion her mother conveyed her mood of frustrated desperation to the Secretary of Scotland:

'...I can get no knowledge of her health although I know that she must be seriously ill,

Ethel Moorhead's allegations about forcible feeding appeared in an Edinburgh newspaper, forcing a question in the House of Commons.

35. Watson, N (1990) Dundee's suffragettes: their remarkable struggle to win votes for women. Perth: N. Watson; L. Leneman (2000) The Scottish Suffragettes. Edinburgh: National Museums of Scotland.

36. GB 389 Suffragette Fellowship Collection. Museum of London Library.

37. Geddes, (2008), see n. 26.

38. Leneman (1993), see n. 8 (p. 19).

39. HMSO (1899), see n. 21 (p. 22)

40. NRS HH16/47.

41. NRS HH/16/44/4.

42. Leneman, (1993), see n. 8 (p. 24).

her heart is in a very weak condition as this is her fifth hunger strike almost within a year. She is the daughter of an officer to the Government of India for twenty years on the burning plains of Bengal and I am a widowed mother. I feel she is being tortured by forcible feeding. I want an explanation of this diabolical treatment of my young and winsome daughter...I request you to order her immediate release.'

Despite her personal connections with the British establishment, the prison authorities ensured she remained ignorant of her daughter's state. Her brother, a serving officer in the British Army, reminded the Prison Commission of an entitlement to a visit under Prison Rules as she had been held for one month. The Secretary for Scotland opposed any humanitarian leniency, arguing that forcible feeding was a positive intervention:

'I see no reason why the demand for release should be granted and as for forcible feeding the prisoner has the remedy in her own hands. This prisoner is being regularly fed. The Medical Officer reported on 1st after full details. Her health is in my opinion entirely satisfactory and she is fit for further treatment...She sleeps well, from 7 to 8 hours. Temp. 98.2'

A rhetoric of patient care also characterised the secrecy evident in the case of Frances Gordon, tried in Glasgow and sentenced to twelve months in Perth.⁴³ Prison medical staff withheld her personal letters in June 1914, a decision endorsed by the Governor and Prison Commission. Requests by friends for prison visits were denied; prison medical officers saw no need for 'such a purpose' and would allow them only 'if she became seriously ill.' Fearing death in custody of a hunger-striking suffragette, the Secretary for Scotland telegraphed permission to the Prison Commission for her forcible feeding, arguing 'it would be rather absurd to let this woman out after a few days.' Her legal agent was denied answers to questions about her ordeal. It was claimed that while she was asleep and 'without her knowledge' a 'tincture of opium XXX to an enema' was administered, enabling prison staff to overcome her resistance, and they also snatched a mugshot while she was under sedation.

Janet Arthur (alias Fanny Parker), Lord Kitchener's niece, was convicted of attempting to destroy, with explosives, the cottage in Ayr in which the poet Robert Burns had been born.⁴⁴ Whilst on hunger strike in Ayr prison her health deteriorated; covered in blankets,

having refused to dress, she had to be carried to a waiting car then driven at speed to Perth prison in July 1914. Her ribs had been injured from violent struggles with prison staff while a steel gag was inserted into her mouth to keep it open as they fed her. Her resistance was remarkably undiminished: in Perth prison she refused to give the prison medical superintendent Dr. Watson a blood sample. Her brother Captain Tarker, a serving army officer, enquired about his sister's health, but was rebuffed. The authorities advised the Governor to limit communication with her, commenting 'she is not any worse than since we received her', and her 'condition is as good as can be expected in view of her conduct'. Janet's request to see her own London doctor, Mabel Jones MD, was denied. She became dangerously ill in prison, and on release spent weeks in Queen Mary's Home, Edinburgh, convalescing. Undaunted, on liberation she published a newspaper article about being slapped, held down and her head put into painful grip by prison attendants in Perth. Her experience paralleled that of asylum patients: in both cases technical discourses about feeding methods and processes, rather than care of the individual, pre-occupied physicians.⁴⁵ Communicative isolation shielded the government and bought it time to punish and debilitate the prisoners, deterring some from protest following liberation, and hurting their families who lived in the shadow of incarceration.

Conclusion

Challenging the status quo politically and sociologically, militant suffragette women confused the government. That several prisoners were otherwise respectable members of society and belonged to elite family networks would undoubtedly have added to the pressure to ensure they did not die in custody. In their prison files their exceptionality as persons is missing, together with their voices. It is the insistent and unrelenting nature of their medical 'treatment' that we learn about, and the readiness of the prison medical service to act in unison with government by supporting it with the necessary expertise to forcibly feed and assess. In 1857 Morel had argued that hereditary links began with defective parents.⁴⁶ By 1900 biological degeneration was perceived as a grave threat to national wellbeing.⁴⁷ As Hurley concludes, degeneration provided a scapegoat during a problematical period of social and economic instability.⁴⁸ By dehumanising suffragette women as degenerate, state authorities were able to justify suppression through Enlightenment discourses of law and medicine.

43. NRS HH/16/46.

44. NRS HH/16/43.

45. Williams, E.A. (2008) 'Gags, funnels and tubes: forced feeding of the insane and of suffragettes. *Endeavour* 2(4) 134-140.

46. Cited by Hurley, K. (1990). 'Hereditary taint and cultural contagion: The social aetiology of fin de siècle degeneration theory'. *Palgrave Studies in Nineteenth-Century Writing and Culture*, 14(2) 193-214 (p. 196).

47. Haeberle (1981), see n. 5. Lawrence (2009), see n. 35.

48. *Ibid.* (p. 206)

Hollywood Rewrites: Popular Film and Prison Rebellions, 1930-1939

Dr. Alex Tepperman is an Assistant Professor of Criminal Justice at the University of South Carolina Upstate

This article considers the importance of mass media in shaping collective memory and suggests that subtle misrepresentations of the carceral world in popular film may yield significant long-term cultural effects. Following a review of the political radicalism and uprisings that gripped Great Depression-era American prisons, I survey 43 Hollywood films of the 1930s and consider the role of the burgeoning prison film genre in shaping Americans' collective understanding of prisoners as political actors. I conclude that Hollywood writers frequently claimed to reflect real-world prison unrest with journalistic objectivity, only to consistently misrepresent prisoner uprisings as fundamentally apolitical attempts at escape. Only Hollywood's most politically radical screenwriters framed prison rebellions as organized efforts at improving living conditions. The result of most writers positing escape as the dominant motivation for prison uprisings was that Hollywood films minimized real-life prisoners' desires for larger systemic change and exonerated prison administrators of malfeasance. These choices set the trajectory for future prison films to similarly diminish prisoners' historical legacy as political agitators.

Prisons are at once ubiquitous in our political discourse and hidden from public view, a state of limbo that produces a paradoxical feeling of distanced familiarity. The reality that most members of the public will never see the inside of a prison only solidifies this paradox. In questioning why the general public, members of government, and academics alike assume the validity and permanence of the prison as a social institution, Angela Davis singles out the importance of mass culture, noting that 'the way we consume media images of the prison, even as the realities of imprisonment are hidden from almost all who have not had the misfortune of doing time,' is one of the primary explanations for the public's assumption of penal

inevitability.¹ The sociologists David Wilson and Sean O'Sullivan echo Davis's notion, explaining that 'fictional presentations of prison are an important source of [the public's] ideas and understandings,' shaping collective notions of prison life.² These are important considerations for penal historians, as they reaffirm the notion that, if those mass media images of imprisonment that serve as the public's primary *entrée* behind prison walls do not accurately reflect the realities of incarceration, society's subsequent discussions about prison life will filter through an ahistoric gaze.

This article considers the effects of Hollywood mythmaking on popular and academic notions of American prison inmates as political actors. At present, academic discussions of organised penal activism's origins in the United States overwhelmingly focus on the nascent collective agitation of the latter-1940s and 1950s, an era most scholars position as the seed of the more famous American prison radicalism of the 1960s and 1970s.³ The twelve-year period stretching from 1929 to 1941 that constituted the United States' Depression Era, however, was as rife with inmate-led penal radicalism as any in American history. This article considers one plausible explanation for the collective amnesia regarding the 1930s, a decade with more filmic depictions of prison life than any other in history, according to Paul Mason.⁴ Following a content analysis of Depression-era Hollywood prison films and a review of contemporary prison uprisings, I conclude that, inadvertently or not, American moviemakers stripped inmates of their political identities, presenting stories of organised discontent as mere escape attempts, thereby marginalising inmates' critiques of unjust treatment. This practice likely began with the prototypical prison film of the age, 1930's *The Big House*, which reimagined real-world uprisings against intolerable conditions as non-ideological efforts to escape.

This article does not claim that escape itself is apolitical, as it is often spurred by radical impulses in

1. Davis, A. (2003) *Are Prisons Obsolete?* New York: Seven Stories Press, 17.
2. Wilson, D. and S. O'Sullivan. (2004) *Images of Incarceration: Representations of Prison in Film and Television*. Winchester: Waterside Press, 14.
3. King, D. (1995). *Separate and Unequal: African Americans and the US Federal Government*. New York: Clarendon Press, 149, 160-161; Gottschalk, M. (2006). *The Prison and the Gallows: The Politics of Mass Incarceration in America*. New York: Cambridge UP, 171; Berger, D. and T. Losier (2018). *Rethinking the American Prison Movement*. New York: Routledge, 46.
4. Mason, P. (2016) 'Relocating Hollywood's prison film discourse.' In: Mason, P (ed). *Captured By the Media*. Abingdon: Willan, 197.

the real world. Hollywood filmmakers, however, overwhelmingly portray escape attempts as driven by impulse, not philosophy. For the purposes of this study, then, I will use the term 'uprising' to refer to any effort on the part of ten or more prisoners to systematically ease the pains of imprisonment via strikes, riots, or other coordinated efforts. I label such rebellions 'inner-directed,' by which I mean they are acts of resistance that hold substantive changes to living conditions within the prison world, or within the justice system more broadly, as their ultimate goal. This stands in contrast to 'outer-directed' resistance, or acts of agitation based in a desire to escape the prison's physical structure, thereby alleviating the most obvious and immediate pains of imprisonment without challenging the penal system itself in any meaningful way. Hollywood filmmakers almost exclusively portrayed escape as outer-directed, apolitical opportunism, rather than as collective, inner-directed efforts aimed at bettering the conditions of life inside American penitentiaries.

The Forgotten Era: 1929-1941

On the eve of the Great Depression, American prisons grappled with critical levels of overcrowding and administrative instability. Between 1923 and 1930, prison populations expanded 32.4 per cent, thereby destabilising inmate life around the country. In the spring of 1929, New York state prisons at Auburn and Dannemora exploded into full-scale rioting within six days of each other, followed just a few days later by a large-scale uprising at USP Leavenworth Penitentiary in Kansas, which had more than tripled in population since 1915 and was the country's most populous federal penitentiary. In October, a takeover at Colorado State Prison at Canon City wrought the deaths of seven guards and five inmates. Two months later, Auburn saw another uprising, as state militia killed eight prisoners and an administrator. In all, these revolts involved more than

On the eve of the Great Depression, American prisons grappled with critical levels of overcrowding and administrative instability.

7,000 inmates who laid siege to their institutions, razed buildings, and demanded specific changes to their living conditions, all at the cost of 27 lives and millions of dollars in property damages. Furthermore, these were not the only uprisings that year, as prisoners undertook smaller, but still significant, agitations in Arizona, Pennsylvania, California, New Mexico, and Alabama.⁵

The events of 1929, along with a further 13 prison uprisings around the nation in 1930, captured political leaders' attentions. Both the *New York Times* and the *Washington Post* covered the events closely, relaying both state and federal government efforts to understand and alleviate the crisis.⁶ President Herbert Hoover, who had already appointed the National Commission on Law Observance and Enforcement in 1929 to address the nation's ongoing penological troubles, moved for immediate answers in 1930, organising a National Emergency Committee to reform the prison system and stem future violence.⁷ The famously cost-conscious Hoover even pressed Congress to allocate \$6.5 million for federal prison construction to ease overcrowding, joining 37 state governments who, in late 1929 and early 1930, rushed to approve over \$200 million in prison extensions and improvements with the hope of stemming prisoner rebellions.⁸

Heavy public spending and administrative reviews did little to tamp down prisoners' efforts, as the country experienced at least another 75 major incidents of penal destabilisation from January 1931 to December 1941, when the United States formally entered World War Two. Time and again, prisoners organised coordinated efforts to push back against what they considered appalling and monotonous food, occasionally winning real concessions.⁹ Inmate communities also organised against dangerous or unfair working conditions, demanding less work, better jobs, or more pay.¹⁰ Most problematic for administrators

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5. Tepperman, A. (2018) *Strange Bedfellows: Convict Culture in the First Era of Mass Imprisonment, 1919-1940*. U Florida (PhD dissertation), 201-212.
 6. Five Prison Revolts Make Nation Wonder (1929, December 15). *Washington Post*, M21; Criminologists Vary in Ascribing Cause of Prison Revolts (1929, August 4). *Washington Post*, M13; Riots a Result of Many Causes (1930, April 27). *New York Times*, 135; Governor Lays Prison Riots to Rigor of Baumes Laws (1929, July 30). *New York Times*, 1.
 7. Organize to Survey Prisons of Nation (1930, June 21). *New York Times*, 19.
 8. McGirr, L. (2015). *The war on alcohol: Prohibition and the rise of the American state*. New York: WW Norton, 201; Drastic Parole System Blamed In Prison Riots (1930, January 17). *Christian Science Monitor*, 1.
 9. Prison Camp Strikers Win Food Victory (1941, October 8). *Daily Boston Globe*, 10; Waupun Prison Inmates Strike (1941, July 29). *Green Bay Press-Gazette*, 1.
 10. 40 leaders in Prison Mine Riot Face Solitary Cells in Kansas (1935, June 20). *Washington Post*, 1; Prisoners End Sit-Down; Resume Work at Old Pay (1937, June 5). *New York Times*, 19.

and politicians, though, was the fact that prisoners frequently agitated against the system itself, which Edwin Sutherland and C.E. Gehlke described in 1933 as 'an organised expression of resentment against various conditions believed to be unjust, of which the most important is the increased severity of penalties.'¹¹ Mostly, this radical resentment took the form of sit-down or hunger strikes, with rebels frequently numbering in the hundreds or even thousands.¹²

While the inmates of the Great Depression could not, as the famous Attica rebels of 1971 did, draw on the larger organising notions, tactics, and language of the Civil Rights Movement, the political activism of that decade nonetheless spoke indirectly to larger societal questions regarding rights and privileges in a modern multicultural society. When Colorado inmates laid siege to their own prison as a means of lashing out against Ku Klux Klan-inspired chauvinism amongst the staff; when 170 Jewish inmates at USP Lewisburg went on a hunger strike to protest the absence of kosher food during Passover; when convicts at Pennsylvania's Eastern State Prison sat down and refused to work out of sympathy with their neighbors at nearby Graterford Prison, who they believed had suffered unjust administrative rebuke for appealing for greater privileges; or when interracial coalitions struck against dangerous living conditions and low pay at Ohio Penitentiary and USP Leavenworth, respectively, prisoners transcended the immediate pains of imprisonment and declared their actions were tied to concerns larger than themselves.¹³

The Hollywood Prison

It was in this unique moment of inmate radicalism, prison overcrowding, and national economic crisis that Hollywood invented the prison film genre. As the most powerful medium in American popular culture, dozens of silent pictures and animated shorts had shared

It was in this unique moment of inmate radicalism, prison overcrowding, and national economic crisis that Hollywood invented the prison film genre.

images of penal life on American screens before the onset of the Depression.¹⁴ However, it was Metro-Goldwyn-Mayer's 1930 feature *The Big House* that set the standard for Hollywood depictions of prisoner rebellions, establishing the stylistic and narrative parameters for future filmmakers wishing to portray imprisonment on screen. The hugely successful work emerged from a short treatment by director George Hill, who was aghast at the 1929 uprisings at Leavenworth, Auburn, Dannemora, and Canon City. He wished to craft a popular film with a reformist message and, along with screenwriter Frances Marion, sought to tell a 'story of only one of thousands of boys whose lives are thrown away on a criminal and ineffectual system which can be righted and will be if the eyes of the world are turned upon present day conditions.'¹⁵ As Hill's own words attest, Hollywood's prototypical prison film began as a reasoned reflection of concerns and interests in changing the system itself, even if the final product strayed from this sentiment.

Ultimately a story about the poisonous social structure of the prison and the difficulties of acting morally in an amoral environment, *The Big House* openly laments the 'dead time' resulting from an absence of productive work for willing inmates; the terrible food and amenities provided to otherwise-redeemable men; and, perhaps most importantly, extreme overcrowding. As the Warden laments 'we have 3000 here and cell accommodation for 1800. They all want to throw people in prison, but they don't want to provide for them after they are in.'¹⁶ In an instance of art deviating from life, however, the crescendo of *The Big House* sees prisoners storming the wall in an attempt to escape, only for the administration to meet them with tanks and gunfire. What the film does not meaningfully explore is inmates' desires to overturn the administrative practices the movie spent two hours critiquing. Setting the model for future filmmakers, Hill and Marion split from prisoners'

11. Sutherland, E. and C.E. Gehlke (1933). *Crime and punishment*. In: Mitchell, W. *Recent Social Trends in the United States*. New York: McGraw-Hill, 1163.
 12. *Where Prison Reform Begins* (1931, March 20). *Christian Science Monitor*, 16; *14 Eastern State Prison Rioters on Hunger Strike* (1935, September 3). *NY Herald Tribune*, 28.
 13. Tepperman (2018), 198-246; *Convicts Strike In Second Prison* (1934, August 29). *New York Times*, 36; *Klan Politics Held Prison Riot Cause* (1929, November 29). *Washington Post*, 3; *Jews Announce Hunger Strike in Federal Pen* (1934, March 30). *Shamokin* (PA) *News-Dispatch*, 2.
 14. Querry, R. (1973). 'Prison Movies.' *Journal of Popular Film*, 2:2, 182. Mason, P. (2016), 197.
 15. Beauchamp, C. (1997). *Without Lying Down: Frances Marion and the Powerful Women of Early Hollywood*. New York: Scribner, 254-255
 16. *The Big House*. Dir. George Hill. MGM, 1930.

real-life stated rationales for rebelling, namely securing better food, more privileges, and lighter sentences.¹⁷

Cinema scholar David Gonthier has referred to *The Big House* as the ‘real granddaddy of prison movies,’ while Kevin Kehrwald has characterised the film’s influence as ‘difficult to underestimate.’¹⁸ *The Big House* found both box office and critical success, and it set off a wave of imitators throughout the 1930s. Paul Mason has identified over 80 prison films that American studios released over the course of the decade, even before considering the flood of serials, radio shows, and animated shorts that also graced American audiences throughout the Depression.¹⁹

For the sake of clarity, this study only considers American-made, studio-produced, feature-length films in which life in an adult men’s carceral setting is central to the plot. While this excludes animation; British, Canadian, and foreign-language films; and representations of southern plantations or chain gangs, the resulting group of 43 films provides important insights into the ways in which Hollywood framed prisoner uprisings.²⁰ Within these parameters, one finds near-unanimity in the portrayal of large-scale prison violence or instability as stemming from prisoners’ insurgent desires to escape. Only five films of the period portray a large-scale uprising as based in something other than a desire to escape.²¹

approximately half of prison films claim to have origins in true stories.²³ It does make sense within the context of the studio system, however, as full-time screenwriters frequently relied on prison officials and administrators for first-hand knowledge and source materials. Hollywood scribes constantly turned to media-friendly wardens, particularly Sing Sing’s Lewis Lawes and San Quentin’s James Holohan, to serve as interlocutors between prison life and free society. Wilson and O’Sullivan note that wardens provided ‘screenplay ideas, acted as consultants on films, made their prisons available to filmmakers who wanted to use them and on some occasions even appeared in the films themselves.’²⁴ In the course of writing the script for *The Big House*, Frances Marion even visited San Quentin, modeling her vision of penitentiaries in toto on what she saw within that institution, despite the fact that the major uprisings that inspired *The Big House* erupted thousands of miles away from northern California. In exchange for accepting Warden Holohan’s offer of access to the building and its inhabitants, Marion produced a sympathetic, administrator-centered vision of prison life.²⁵

Lewis Lawes was especially adept at drawing positive attention, in large part because his own best-selling memoir, *20,000 Years in Sing Sing*, received two high-profile film adaptations in the 1930s and because

Title	Year	Writer(s)	Cause	Result
The Criminal Code	1931	Niblo Jr. and Miller	New warden	Aborted
Penitentiary	1938	Niblo Jr. and Miller	New warden	Aborted
Road Gang	1936	Trumbo	Cruel warden	Success
San Quentin	1937	Bright and Tasker	Favoritism	Quelled
Prison Break	1938	Davenport and Parker	Canceled recreation	Aborted
Prison Break	1938	Davenport and Parker	Poor food	Aborted

Chart 1: Depression-era Hollywood films featuring inner-directed prison rebellions and the nature of each rebellion.²²

This misrepresentation of the broader reality of penal agitation in the 1930s is remarkable insofar as the criminologist Nicole Hahn Rafter found that

he provided the source material for two other major film releases, *You Can’t Get Away With Murder* and *Over the Wall*.²⁶ Like many prison officials and

17. These uprisings often did result in escapes, of course, but they were largely incidental. It was rare for a Depression-era uprising of a thousand or more prisoners to see more than a half-dozen inmates breach the prison’s borders.
 18. Gonthier, D. (2006). *American Prison Film Since 1930: From The Big House to The Shawshank Redemption*. Lewiston: Edwin Mellen, 33; Kehrwald, K. (2017). *Prison Movies: Cinema Behind Bars*. New York: Columbia UP, 23.
 19. Mason, P. (2016), 197.
 20. Please see the appendix at the end of this article for a list of films this paper reviewed.
 21. Because *The Criminal Code* was reproduced as *Penitentiary* by the same writing team and with the same beats and set pieces, it is functionally the same film.
 22. The film *Prison Break* features two uprisings, with different causes, and hence is cited twice in the table.
 23. Wilson and O’Sullivan (2004), 478.
 24. *Ibid*, 478.
 25. Kehrwald (2017), 24; Beauchamp (1997), 255.
 26. Blumenthal, R. (2004). *Miracle at Sing Sing: How One Man Transformed the Lives of America’s Most Dangerous Prisoners*. New York: St. Martin’s, 254.

politicians, Lawes viewed the media as an important tool for not only shaping policy, but also for burnishing one's own professional reputation.²⁷ Movies based on Lawes' writings characterised the pains of imprisonment as anchored in monotony and sameness, not in cruelty or deprivation. This belief that the worst elements of incarceration came from within stressed the need not for major changes to sentencing or parole policies, or for heavy investment in better food and safer workspaces, but in distractions, such as Lawes' own highly publicised varsity prison baseball and football teams.²⁸

Ultimately, the Hollywood writers accordingly portrayed wardens from California, New York, and other non-Southern states as honorable and paternalistic, capably managing inmates' petty squabbles and personal grudges. This meant that the very informants who were supposed to provide insight into the underlying causes of national prison unrest served only to misdirect filmmakers, intentionally or not, by portraying prisoners who had clearly stated concrete demands for change as undisciplined simpletons, violent thugs, or Faginesque hustlers in need of structure, routine, and occasional frivolity. This view, based in a firm resistance to engaging inmates on their own terms, stressed an ethos of incremental change and, perhaps ironically, left more representative depictions of penal unrest in the hands of Hollywood's most radical storytellers.

Hollywood Radicals and Realists

Of the five Depression-era films that present images of mass prisoner uprisings based in an impulse other than escaping, two came from the writing team of Fred Niblo Jr. and Seton Miller, who received an Academy Award nomination for their 1931 prison drama *The Criminal Code*, which they revised for the 1938 remake *Penitentiary*. In both films, the 'uprising' in question takes the form of inmates heckling their new warden, who they dislike for having previously served as an effective District Attorney. The films stress the importance of a strong, fatherly prison head, as the new warden ends the heckling with a short speech

littered with moralistic platitudes about fairness. Ultimately, Niblo and Miller's scripts communicated the same messages of prisoner impulsivity and shortsightedness as films depicting outer-directed resistance.

Only in the second half of the 1930s, deep within the protracted Depression, did Hollywood screenwriters even begin to depict inner-directed, highly organised strike efforts in prisons. *Prison Break* (1938) featured two such attempts, portraying the planning of a sit-down strike on the recreation yard to protest the cancelation of a baseball game and, later in the film, a campaign to arrange a work stoppage in opposition to intolerable food. While the prisoners abandoned both efforts, the vignettes did reflect some

Davenport was no radical, but rather an inheritor of the Progressive tradition of vigorously denouncing social ills in the public sphere.

of the actual stated causes that real-world prisoners offered for rebelling. The presence of these agitations within the plot was likely due to the role Dorothy Davenport played in co-authoring the screenplay. A prolific writer of silent morality pictures in the 1910s and 1920s, Davenport joined other Hollywood reformists in a spirit of municipal housekeeping by authoring scripts that focused on the dangers of white slavery, political corruption, and, in drawing upon her own struggles with morphine dependence, drug addiction.²⁹

Davenport was no radical, but rather an inheritor of the Progressive tradition of vigorously denouncing social ills in the public sphere. Early century middle-class Progressives like Davenport did not tend to look to radicals for moral guidance, and the *Prison Break* script presents a deeply conventional solution to penal strife. She portrays the prison strikers as almost pre-political, unaware of the larger implications of their behavior and destined to fail in the face of administrative power. Her sympathetic depiction of Joaquin Shannon, a humble fisherman patiently serving out his sentence for a crime he did not commit, upholds a liberal, middle-class, Protestant worldview, stressing the virtues of patience over revolution. By having Shannon secure his early release by foiling an escape attempt, she suggests that an inmate may find his deliverance within the strictures of a deeply flawed correctional system by upholding the rules and, perhaps, changing penal failures through legislative reform.

27. Spillane, J. (2014). *Coxsackie: The Life and Death of Prison Reform*. Baltimore: Johns Hopkins UP, 239n15.

28. Blumenthal (2004), 197-200.

29. Parchesky, J. (2006). 'Women in the driver's seat: the auto-erotics of early women's films.' *Film History*, 8.2, 182.

30. Dick, B. (2016). *Screen is Red: Hollywood, Communism, and the Cold War*. Oxford: UP of Mississippi, 8; Hanson, P. (2007). Dalton Trumbo, Hollywood Rebel: A Critical Survey and Filmography. Jefferson: McFarland, 18.

Only two Hollywood films of the 1930s depict large-scale, inner-directed mass prison uprisings that also feature identifiable philosophies. The earlier of the two, Dalton Trumbo's *Road Gang* (1936), is an explicitly political commentary on penal authoritarianism, drawing clear inspiration from Robert E. Burns' muckraking memoir and its' celebrated film adaptation, *I am a Fugitive From a Chain Gang*, both from 1932. *Road Gang* portrays prison as a totalitarian mini-state in which the cruel Warden Parmenter forces inmates to abide by his whims by working as miners under the threat of physical violence. Jim Larrabee, a Chicago journalist sent to investigate living conditions by posing as a prisoner himself, finds inmates electrocuted, flogged, and otherwise brutally cowed into submission. At one point, Barbara, Jim's colleague and romantic interest, tells Parmenter 'I know how you treat them. You torture, beat, and brutalise them until they're half-mad.'³⁰ As a result of the warden's cruelty, the inmates barricade themselves in the mine, thereby protecting Jim from Parmenter's retribution. Following a pitched battle between the prisoners and the guards, the film ends with the prisoners refusing to return to work or lie about their terrible living conditions on the warden's behalf, thereby reaffirming their rights to humane treatment and helping the journalists expose the savagery of Parmenter's regime.

Road Gang was Trumbo's first major film, as the young playwright and novelist penned the script for Warner Brothers' B-picture division at the age of just ²⁹. Embedded with messages about the importance of free press and social justice, *Road Gang* is occasionally clumsy, but it nonetheless stands as the only prison film of the 1930s to portray a prison population successfully rising up to secure more humane treatment.³¹ In its celebration of grassroots resistance to administrative brutality, the film fit with the socialistic sympathies of both Trumbo and his close friend John Bright, who, like Trumbo, found himself blacklisted from working in Hollywood following the mid-century House on Un-American Activities Committee investigations into Communist influences in Hollywood.

Perhaps fittingly, Bright co-wrote the only other Depression-era film to portray a coordinated, inner-directed prisoner uprising. His script for *San Quentin* (1937) was less overtly political than Trumbo's, instead

portraying inmates organising in the yard in opposition to perceived favoritism when it came to work assignments. The film shows the angry inmates howl with discontentment and clamber on their cell bars to little effect, as the film's firm-but-fair protagonist, Captain Stephen Jameson, handily rides out the strike. In portraying the rebellion as both understandable and of marginal value to changing penal policy, Bright's film was not only decidedly less revolutionary than Trumbo's, but it also had greater fidelity to real life, wherein prison uprisings overwhelmingly failed to force desired changes.

That the glossy, well-financed *San Quentin* was more true-to-life than *Road Gang* may be partly attributable to Bright's co-author and frequent collaborator Robert Joyce Tasker who, along with Robert E. Burns, was one of the very few former prison inmates to serve as a consultant during Hollywood's prison film boom of the 1930s. Arrested in 1924 at the age of 20 for holding up a series of cafes in Oakland, Tasker wrote a short piece called 'The First Day' that attracted the attention of H.L. Mencken's *American Mercury*. Mencken mentored Tasker through the publication of the *San Quentin* resident's novel, *Grimhaven* (1928), which received critical and popular acclaim and served as *San Quentin*'s source material.

A personal and critical appraisal of the dehumanising character of life in prison, the novel resulted in the institution banning Tasker from writing throughout the rest of his sentence, lest he bring more negative attention to the institution.³² Within a few years of his 1929 parole, however, Tasker moved to Hollywood and, by 1932, produced the screenplay for *Hell's Highway*, a feature that explored the brutal treatment of Southern convict road workers. His co-writer on that project was Samuel Ornitz, who joined Trumbo as one of the 'Hollywood Ten,' the American film industry's first group of blacklisted suspected Communists, in 1947.³³

Tasker and Bright wrote two other prison films together, *The Accusing Finger* (1936) and *Back Door to Heaven* (1939), both of which focused on the weaknesses and insufficiencies of the American criminal justice system. Collectively, Tasker, Bright, Trumbo, and Ornitz consistently portrayed the prison as a receptacle for society's discarded men, a microcosm of Depression-

Only two Hollywood films of the 1930s depict large-scale, inner-directed mass prison uprisings that also feature identifiable philosophies.

31. Hanson (2007), 16-17.

32. San Quentin Author Freed on Parole (1929, December 9). *Oakland Tribune*, 23; Books Out of Folsom Prison (1931, April 13). *Kokomo Tribune*, 7.

33. Suber, H. (1979). 'Politics and Popular culture: Hollywood at bay, 1933-1953.' *American Jewish History* 68.4, 530.

era society, wherein large portions of humanity struggled to maintain their sense of self within the deadening confines of an environment overseen by a ruling, privileged caste afforded near-total power. This was not the common political tenor of prison films, however. Escape served as a far more common storytelling trope, perhaps because outer-directed explanations of prison rebellion focused on prisoners' moral failures and shortsightedness, a standpoint toward which both ultra-wealthy Hollywood executives and image-conscious prison administrators more readily gravitated.

Conclusion

A soft liberal ethos dominated Depression-era Hollywood prison films, as filmmakers consistently pushed the notion that prison uprisings were attributable to an ennui among inmates who simply wanted to leave the confines of the penitentiary structure itself. This is undoubtedly fair, insofar as prison is nobody's idea of paradise, but it elides the political importance of the national prisoner uprisings of the 1930s by ignoring the fact that prisoners often sought to better their lives behind bars. Hollywood filmmakers readily ignored the fact that riots, hostage takings, and sit-down strikes were political weapons of a class that, in many instances, considered itself wildly over-punished in the aggregate and railroaded by a system that did little to protect them. That it fell to only the most radical of Hollywood's screenwriters to represent

these very real frustrations meant that studio films of the 1930s presented an image of prison uprisings to the public that mostly stripped those events of their larger political meanings.

Such filmmaking choices have had long-ranging consequences. The movies of the 1930s forged tropes and clichés that ripple into present-day filmmaking, a significant fact given that popular film still plays a central role in shaping society's collective imagination of what a prison is or may be in the era of mass incarceration. Wilson and O'Sullivan note that 'people are much more receptive to arguments about things outside of their own experience if they possess a cultural model or metaphor which helps them to visualize it,' and prison films act as 'imaginative resources' which serve to 'set the limits of what we take to be the plausible range of interpretations of the world.' One of the ways they do this is through 'sins of omission,' leaving out those facts about the prison world that they do not want the public to know.³⁴ By leaving out the political dimensions of prison rebellions in the 1930s, Hollywood filmmakers created a vision of a pre-Prisoners' Rights Movement reality in which inmate agitation was almost totally outer-directed, a belief that carries into the present, as the most famous historical prison films of the last three decades — Mrs. Soffel (1984); *Shawshank Redemption* (1994); *Murder In The First* (1995); *The Green Mile* (1999) — have withheld from prisoner communities even the most elementary of political identities.

Appendix: List of films consulted for this study

Title	Released	Studio/Distributor
The Big House	1930	MGM
Up the River	1930	20th Century Fox
Shadow of the Law	1930	Paramount
Pardon Us	1931	MGM
20,000 Years In Sing Sing	1932	Warner Bros.
The Menace	1932	Columbia
Hold 'Em Jail	1932	RKO
Hell's Highway	1932	RKO
The Last Mile	1932	Monogram
The Penal Code	1932	Monarch
Day of Reckoning	1933	MGM

34. O'Sullivan and Wilson (2004), 14-15.

Sing Sing Nights	1934	Monogram
Whirlpool	1934	Columbia
Woman in the Dark	1934	RKO
Circumstantial Evidence	1935	Chesterfield
Daring Young Man	1935	Columbia
Motive For Revenge	1935	Majestic
Hitch Hike Lady	1935	Republic
Bridge of Sighs	1936	Chesterfield
Prison Shadows	1936	Puritan
Road Gang	1936	Warner Bros.
The Accusing Finger	1936	Paramount
The Walking Dead	1936	Warner Bros.
Alcatraz Island	1937	Cosmopolitan
San Quentin	1937	Warner Bros.
The Outer Gate	1937	Monogram
You Only Live Once	1937	United Artists
Over the Wall	1938	Cosmopolitan
Penitentiary	1938	Columbia
Prison Break	1938	Universal
Prison Nurse	1938	Republic
Those High Grey Walls	1938	Columbia
Up the River	1938	20th Century Fox
6,000 Enemies	1939	MGM
They All Come Out	1939	MGM
Behind Prison Gates	1939	Columbia
Blackmail	1939	MGM
Convict's Code	1939	Crescent
Dust Be My Destiny	1939	Warner Bros.
Each Dawn I Die	1939	Warner Bros.
Mutiny in the Big House	1939	Monogram
Outside These Walls	1939	Columbia
You Can't Get Away With Murder	1939	Warner Bros.

Constructing the ‘rehabilitative ideal’:

Revisiting the legacy of the 1959 prison building programme

Thomas Guiney, Lecturer in Criminology, Oxford Brookes University¹

It is now 60 years since the publication of *Penal Policy in a Changing Society*,² a landmark White Paper widely regarded as the high—water mark of the ‘rehabilitative ideal’ as an expression of official policy in England and Wales. The embrace, and subsequent decline, of this policy framework has been the subject of considerable scholarly interest, drawing attention to the interconnectedness of punishment and the emergent welfare state, the influence of professional elites and the transformational potential of criminological research.³ In contrast, we know very little about the significant investment in prison building which became the capital expression of this ethos, or how this uncertain inheritance in steel and concrete continues to shape the prison system we experience today.

Drawing upon detailed archival research, this article offers an extended historical case—study of the 1959 prison building programme, the first major capital investment of its kind in post—war Britain. It will trace the opening stages of the policy—making cycle, from the arguments marshalled within the Home Office to justify investment in new prisons, to the complex ‘geography of administration’⁴ that shaped the delivery of the 1959 prison building programme in practice. It will demonstrate how the policy ambitions first articulated by Home Office planners were gradually diluted within a system of collective decision—making predicated upon negotiation and compromise.

Context

Let’s be frank about it; most of our people have never had it so good... What is beginning to worry some of us is, ‘Is it too good to be true?’ or perhaps I should say, ‘Is it too good to last?’

Harold Macmillan, 20 July 1957

Macmillan’s famous dictum captures the many contradictions of late—1950s Britain. For a growing number, the decade represented a period of unprecedented prosperity as the country emerged from the shadow of the Second World War.⁵ A renewed sense of optimism was apparent in public discourse, and the post—war determination to build a better future was reflected in the politics of the age. After 1945, the main political parties began to converge around a settled policy framework premised upon the central institutions of the welfare state and a mixed political economy sustained by a Keynesian economic strategy.⁶ This ‘Whitehall consensus’, as it became known, would prove remarkably resilient to change, but it was by no means immune from the uncertainties of the post—war era. The Suez crisis challenged the settled narratives of the British Empire and, as the Cold War intensified, many questioned the United Kingdom’s role in a changing world.

Domestically there were also signs of strain, and nowhere was this more apparent than in relation to criminal justice. Many had believed that growing affluence would lead to a gradual diminution in the incidence of crime but, in reality the picture proved far more complex.⁷ Recorded crime—one possible measure of criminality for which we have comparable historical data—rose from approximately 460,000 offences in 1950 to nearly 745,000 offences in 1960.⁸ Driven in large part by volume property offences and the easy availability of consumer goods, the changing contours of crime in Britain’s post—industrial society had significant implications for prison administration. Records reveal that the average prison population in England and Wales increased from 20,000 at the end of 1956 to more than 25,000 by late 1958.⁹ While this headline figure may appear low by modern standards when the population regularly exceeds 80,000, in practice this placed huge pressure upon a prison estate that was simply ill—equipped to absorb a 25 per cent

1. The author is grateful to Alice Gerlach for her comments on an earlier draft of this paper.
2. Home Office. (1959a), *Penal Practice in a Changing Society: Aspects of Future Development* (England and Wales). London: HMSO.
3. See Garland, D. (1985), *Punishment and Welfare: A History of Penal Strategies*. Aldershot: Gower
4. Hennessy, P. (1989), *Whitehall*. London: Secker & Warburg.
5. Hennessy, P. (2007), *Having It So Good: Britain in the 1950s*. London: Penguin.
6. Kerr, P. (2001), *Postwar British Politics: From Conflict to Consensus*. London: Routledge.
7. Young, J. (1986), “The Failure of Criminology: The Need for Radical Realism”, in R. Matthews and J. Young (eds). *Confronting Crime*. London: Sage.
8. Home Office. (2012), *Offences recorded by the police in England and Wales by offence and police force area from 1990 to 2001/02*.
9. Home Office. (1959b), *Report of the Commissioners of Prisons for the Year 1958*. Cmnd 825. London: HMSO.

increase in the prison population over a two—year period.

In this context, the central institutions of the penal system, particularly the prison, became central in the 'war against crime'.¹⁰ This observation may seem axiomatic, but when viewed in comparative historical perspective, it is revealing that the dominant political response largely eschewed a punitive posture in favour of more inclusionary measures. Since the late nineteenth century, and the highly influential *Gladstone Committee Report on Prisons*¹¹, the arc of penal policy in the United Kingdom had been towards the rehabilitation of offenders. Similar trends were observed in many jurisdictions, and over time these guiding assumptions crystallised into an enduring policy framework, the American criminologist Francis Allen described as the 'rehabilitative ideal',

*... the primary purpose of penal treatment is to effect changes in the characters, attitudes, and behaviour of convicted offenders so as to strengthen social defence against unwarranted behaviour, but also to contribute to the welfare and satisfaction of offenders.*¹²

A detailed review of this policy framework, and the socio—economic context which ultimately sustained it, is beyond the scope of this paper. Rather, the key point here is that these penological assumptions were not purely ideational, but over time, came to be grounded within, and transmitted through, concrete physical spaces. In this way, detailed historical excavation allows us to peel back the layers of past penological practices and explore how these enduring totems of the 'rehabilitate ideal' shaped the everyday experiences of staff, prisoners and the wider community in the years that followed.

Building the case for investment

On the 9 January 1957, Sir Anthony Eden resigned as Prime Minister owing to ill—health and the continued political fallout from the Suez crisis. He was succeeded as Prime Minister by Harold Macmillan and Richard Austin Butler was subsequently appointed

Home Secretary. Butler was personally interested in the prison system—a policy arena he first encountered whilst Chancellor of the Exchequer—and quickly identified modernisation of Britain's ageing Victorian prison estate as a key priority for his department.¹³

Unlike cognate areas of public policy which had seen considerable capital investment, no purpose—build prison facilities had been constructed in England and Wales since 1945. In part, this reflected the easy availability of surplus military facilities, but it also spoke to the economic realities of post—war Britain. As one senior prison administrator would later note, 'for obvious reasons it was difficult to get a satisfactory prison building programme going after the war, since we could hardly argue that prisons should take priority over schools, hospitals and roads'.¹⁴ Modernisation of Britain's ageing infrastructure was now a priority and it

In this context, the central institutions of the penal system, particularly the prison, became central in the 'war against crime'

was against this broader macro—economic backdrop that Butler inherited a number of capital works from his predecessors. Construction was almost complete at Everthorpe, Yorkshire and Treasury authority had been granted to build a new adult prison in Hindley, Greater Manchester as well as a secure psychiatric prison at Grendon Hall, Buckinghamshire.¹⁵ These projects, alongside a number of smaller borstal facilities, were in various stages of development

and Butler worked closely with his officials to reposition prison building as the centrepiece of a wide—ranging penal reform programme.

In July 1958 the Home Secretary wrote to Cabinet setting out his proposals for comment and approval. Marshalling his case for investment, Butler drew attention to rapid demographic change driven by the post—war baby boom, and skilfully wrapped this basic administrative problem within a penal reform narrative which drew heavily upon the reformative potential of prison to contribute to a wider civilising project,

The constructive contribution that our prisons can make is to prevent the largest possible number of those committed to their care from offending again. Since the report of the Gladstone Committee in 1895 it has been accepted, at least in principle, that this end will not be reached by a harsh and repressive

10. Home Office. (1959a) *op cit*, p.2

11. Home Office. (1895), *Report from the Departmental Committee on Prisons* (Gladstone Committee). C.7702. London: HMSO.

12. Allen, F.A. (1981), *The Decline of the Rehabilitative Ideal*. New Haven: Yale University Press.

13. Butler, R.A. (1971), *The Art of The Possible*. London: Hamish Hamilton, p.197.

14. The National Archives (TNA): HO391-457. Home Office: Prison Building Programme.

15. TNA: T221-856. Treasury: Prisons. Building of new prisons in England and Wales.

*regime designed simply to deter through fear. The object must be in the words of that committee, to send the prisoners out 'better men and women, morally, mentally and physically, than when they came in.' For a generation past our prisons have sought increasingly to give practical effect to these conceptions.*¹⁶

Butler's hand was strengthened by a constructive relationship with the Prime Minister who granted his close political ally what is described as a 'completely free hand with my reforms of the Home Office'.¹⁷ In advance of Cabinet, Harold Macmillan, indicated his approval for the proposed reforms noting in typically phlegmatic style that, 'no doubt it will cost money, but I do not suppose the money will be spent very quickly.'¹⁸ Cabinet support duly followed, and the Home Office moved to publish a White Paper setting out its proposals for penal reform in more detail.

Penal Practice in a Changing Society

The publication of *Penal Policy in a Changing Society* was intended to provoke a 'fundamental re—examination of penal philosophy' in England and Wales on the basis of cutting—edge research and scientific knowledge. The White Paper made clear that the government's responsibility for tackling crime did not end with the powers of the police, or the sanctions available to the criminal courts, but extended through to the penal system which had a key role to play in the 'counter—attack' on crime.¹⁹ A new Institute for Criminology would be established at the University of Cambridge, and the Home Office was committed to the implementation of new evidence—based penal methods. It was in this context that the Prison Commission, a forerunner to the Prison Service, had concluded that it was faced with a prison building programme of 'formidable dimensions and urgency'. This claim rested upon two principal justifications: First, the Home Office expressed considerable scepticism about the prospects for substantive reductions in the

The object must be in the words of that committee, to send the prisoners out 'better men and women, morally, mentally and physically, than when they came in.

prison population and made clear that further growth was likely to result in 'a degree of overcrowding which cannot be tolerated and which makes effective classification and training quite impracticable'.²⁰ Second, the White Paper observed that conditions in many prisons had deteriorated to a level Prison Governors now considered a serious obstacle to the effective rehabilitation of inmates.

A largely Victorian system premised upon penance and control was ill—suited to the demands of a modern penal system and the Prison Commission was authorised to embark upon a wide—ranging prison building programme intended to deliver an additional 8,000 prison places at an expected cost of £650m over a ten—year period (2018 prices).²¹ While it was hoped that additional capital investment would contribute to

the eventual alleviation of prison overcrowding, it was also accompanied by an ambitious vision to drive greater specialisation within the prison estate. New borstal institutions and secure adult prisons were identified as a priority and the White Paper set out plans for a prison building programme that would be delivered in two discreet tranches: 'Part A' would see the acceleration of existing projects approved by HM Treasury, while 'Part B' would operate as a rather more aspirational programme of rolling investment:

- A. *Present Programme*
 - 2 security prisons each for 300 men (one completed).
 - 1 psychiatric prison hospital.
 - 1 remand and observation centre.
 - 3 secure borstals each for up to 200 boys.
 - 1 secure borstal for 96 girls.
 - 4 open borstals for boys.
 - 1 borstal reception centre for 350 boys.
 - 6 detention centres for boys (four completed).
 - 1,000 new houses and modernisation of 625 houses.
- B. *Future Programme*
 - Security prisons sufficient to accommodate at least 1,800 men serving long sentences.
 - A security prison for dangerous prisoners serving long sentences.

16. TNA: T221-863. Treasury: Prisons. Papers leading up to White Paper on penal reform.

17. Butler 1971 *op cit*, p.197.

18. As cited in Windlesham, L. (1993), *Responses to Crime. Volume 2: Penal Policy in the Making*. Oxford: Clarendon Press, p.72.

19. Home Office (1959a) *op cit*, p.4

20. *ibid*, p.21

21. TNA: T221-863, *op cit*

Accommodation for women in place of Holloway. Remand and observation centres sufficient to accommodate all untried prisoners and such convicted prisoners as require observation before being classified.

6 detention centres.

Such additional borstals, open and closed, as the needs disclose.

A programme of reconstruction for the local prisons.

Reconstruction of Dartmoor prison.

2,000 new houses.²²

As Butler would later note in a memorandum to the Chancellor of the Exchequer, 'I think you should know, privately, that I attach the very greatest importance to getting on with this sort of programme'.²³ His wish was granted and following the publication of the White Paper, the translation of these commitments into a workable programme of capital investment would become a key priority for the Prison Commission.

Constructing the 'rehabilitative ideal'

Delivery of the building programme rested upon a complex network of delivery agents, both central and local. New prison establishments could be undertaken by either the Ministry of Works, a Central Government Department established during World War II, or the Home Office, who in turn vested operational responsibility in the Prison Commission. In general, the Ministry of Works were responsible for the construction of purpose—built prisons, youth offender establishments and ancillary housing. This left the Prison Commission to focus on new prison places 'where building work has to be done within the perimeter, and by the adaptation of ex—service camps, where the scheme is carried out in whole or in part by direct labour involving the use of inmates'.²⁴ Minor capital works, such as the refurbishment of existing establishments, were typically managed internally by the Prison Commission.

To promote greater coordination between these various decision—makers a 'development group', was established in 1958 with a broad terms—of—

Delivery of the building programme rested upon a complex network of delivery agents, both central and local.

reference to examine the design of penal establishments, with a view to 'improving their efficiency as an instrument of modern penal methods, and controlling their cost'. The group was chaired by Arthur Peterson, then Deputy Chairman of the Prison Commission, with representatives from the Scottish Home Department, Ministry of Works and HM Treasury.²⁵ Preparatory work was constrained by a pressing shortage of in—house real estate expertise, but this process did yield innovations in cell block planning and training facilities, many of which were incorporated into the design of HMP Blundeston.²⁶

Treasury officials initially expressed satisfaction that the design of Blundeston would deliver 300 places at a cost of just over £47,000 per place, per annum (2018 prices). However, costs began to escalate as design changes were made to the plans for Stoke Heath (£59,900 per place) and Market Harborough (£58,000).²⁷ The Home Office and HM Treasury were often at loggerheads over the desirability of bespoke and standardised design plans. While officials from the Prison Commission and Ministry of Works clashed repeatedly on everything from the location of dining facilities to the variety of tiles to be used in communal bathrooms, leading one senior Treasury official to lament that,

...it is clear enough that the Prison Commission and the Ministry of Works between them are not giving economical construction a sufficiently high place among their objectives. The Prison Commission are engaged in building new prisons for the first time for decades and they are dealing with astronomical figures far beyond their previous experience... If criticised, they retreat behind the argument that building costs are going up. The Ministry of Works have no previous experience in the building of prisons either and, when costs go up, they blame the Prison Commission for having made them conform to too elaborate requirements.²⁸

22. Home Office (1959a), *op cit*, p.22

23. TNA: T221/863 *op cit*

24. TNA: HO 391-305. Home Office: Annual Conference 1970; statement on prison building programme.

25. TNA: T227-1883. Treasury: Prison building programme: England and Wales.

26. Peterson, A.W. (1960), 'The Prison Building programme'. *British Journal of Criminology* 1(4): 307-316.

27. TNA: T221-856, *op cit*.

28. *ibid*

Despite such concerns planning work was accelerated at sites in Hindley, Ashford, Risley and Styal, however inter—agency working remained a source of considerable friction.²⁹ The programme was subject to continued delay, and the Home Office would later estimate that, on average it took four years to conclude the planning process, followed by a typical build time of approximately two to three years. By this time the demands placed upon the prison estate had changed beyond all recognition and the initial dynamism of the Prison Commission began to ossify.³⁰ Outmoded prison establishments earmarked for closure, such as HMP Dartmoor, remained open and the eventual shape of the capital programme, set out in Appendix 1, was altogether different from that envisaged in the White Paper.

The legacy of the 1959 Prison Building Programme

In many respects the events described in this paper foreshadow the challenges, tensions and conflicts that have come to define the construction of new prisons in England and Wales.³¹ First, the events documented in this paper offer an early example of what has come to be known as ‘penal momentum’³²; a policy posture defined by a belief that prison population growth was inevitable, and the primary function of the prison service was to meet that demand. From the point of view of a spending department such as the Home Office this was an understandable position. The annual Public Expenditure Survey has always provided powerful institutional incentives for policy—makers to inflate the benefits of capital investment. However extant records indicate that by the early—1960s, HM Treasury had also concluded that the 1959 prison building programme would not provide a definitive solution to the problem of prison overcrowding. In March 1961, the Financial Secretary, Sir Edward Boyle, wrote to the then Home Secretary to express his concern at recent growth in the prison population and the financial implications of accelerating Tranche 2 of the prison building programme. In response, a joint Treasury and Prison Commission ‘working party’ was set up in April 1961, under the chairmanship a senior Treasury knight. The group reached the ‘unhappy conclusion’ that more, rather than less penal expansion was required and additional requests for capital investment quickly followed from the Prison Commission. While the HM Treasury is often characterised as institutionally hostile towards new spending initiatives, internally it conceded that:

*... we must consider further the question of this continually growing expenditure, before we can approve the full long—term proposal which is now before us. On the other hand, it seems hopeless to expect, given the increase in crime, that we can avoid having to approve a considerable part of this programme, in the long run.*³³

Second, the arguments marshalled within the Home Office to justify additional capital investment should counsel against an overly reductive analysis of prison building programmes. While the overall capacity of the prison estate was a significant motivating factor for many prison administrators, it was by no means the only consideration. From a financial standpoint the construction of larger generic prisons was attractive to the Exchequer, but as Butler would later remind his Cabinet colleagues, the prison building programme was not simply designed to achieve human containment. Penal policy was increasingly orientated towards the demands of rehabilitation, therapeutic treatment and the personalisation of punishment, and this demanded a modern, functionally adaptive prison estate, offering greater specialisation in the following areas:

- a) adequate facilities for the examination of prisoners charged with offences, ‘so that the courts may be properly advised on the choice of treatment, combined with adequate arrangements for examination and classification after sentence’;
- b) adequate facilities for providing the treatment ordered by the courts, and;
- c) a specialised system of treatment for all young offenders ‘based on a re—assessment of the present systems provided by law, i.e., detention centres, imprisonment and borstal training.’³⁴

This is not to promote an overly nostalgic reading of recent British penal history. As these records should make clear, the ‘rehabilitative ideal’ was a fundamentally coercive system underpinned by a series of deeply problematic penological assumptions. However, it is to suggest that it is impossible to understand the repeated clashes over finance, design and construction that defined the 1959 prison building programme without some reference to this overarching policy vision.

29. TNA: T221-859. Treasury. Prisons: Building Programme.

30. TNA: HO391-457 *op cit*

31. See Guiney, T. (forthcoming), *Solid foundations? Towards a historical sociology of prison building programmes in England and Wales, 1958-2015. Howard Journal of Crime and Justice.*

32. Home Office. (1979), *Report of the Committee of Inquiry into the United Kingdom Prison Services (May Committee)*. London: HMSO.

33. TNA: T227-1883, *op cit*

34. TNA: T227-1883 *op cit*

Conclusion

In keeping with the historical focus of this volume, this article has offered a detailed case—study of the 1959 prison building programme. It has situated penal policy—making at this time within a broader socio—economic context associated with the ‘rehabilitative ideal’ and demonstrated how the policy commitments set out in *Penal Practice in a Changing Society* were gradually mediated through the complex ‘geography of administration’ which continues to characterise the British machinery of government. In this respect, the 1959 prison building programme fell short of the lofty ideals espoused by the Home Office. Many establishments from this period have now been

decommissioned, and it is perhaps ironic that a prison building programme designed to modernise the existing Victorian custodial estate, would itself present serious operational challenges to a future generation of prison administrators.³⁵ And yet, despite its many failings, the events described in this paper should remind us that public scrutiny of prison building cannot be reduced to headline capacity figures alone. At a time when prison building is once again high on the policy agenda, it is surely desirable that new capital expenditure decisions flow from a broader strategic debate about the overarching objectives of the penal system and the internal culture and configuration of the prison estate required to realise these policy ambitions.

Appendix 1: Delivery of the 1959 Prison Building Programme³⁶

Location	Projected Capacity	Establishment Type	Estimated Date Completion	Approximate Completion Date (If known)
Hindley, Lancashire	300	Secure prison (male)	End—1961	1961
Blundeston, Suffolk	300	Secure prison (male)	End—1962	1963
Shroud Heath, Shropshire	300	Secure prison (male)	Early—1963	/
Market Harborough, Leicestershire	300	Secure prison (male)	TBC	1965
Grendon, Buckinghamshire	350	Secure prison hospital	Early—1962	1962
Thorp Arch, Yorkshire	250	Open prison (male)	April 1959	1965
Ford, Sussex	600	Open prison (male)	March 1960	1960
Kirkham, Lancashire	450	Open prison (male)	End—1961	1962
Appleton Thorn, Cheshire	300	Open prison (male)	Mid—1960	/
Ashford, Kent	350	Secure borstal (boys)	Early—1961	/
Swinfen, Staffordshire	180	Secure borstal (boys)	Early—1962	1963
Wellingborough, Northamptonshire	340	Secure borstal (boys)	/	1963
Barby, Northamptonshire	250	Secure borstal (boys)	/	1968
Everthorpe, Yorkshire	300	Open borstal (boys)	1958	1958
Finnamore Wood, Buckinghamshire	80	Open borstal (boys)	Mid—1961	1961
Shaftsbury, Dorset	250	Open borstal (boys)	Early—1962	1960
Risley, Lancashire,	610	Remand and Observation Centre	Early—1963	1964
Low Newton, County Durham	/	Remand and Observation Centre	/	/
	300	Remand and Observation Centre	1963	1965
	/	Observation Centre	/	/
Styal, Cheshire	225	Semi—secure prison (women)	End—1961	1962
Thornwood, Essex	250	Semi—secure prison (women)	TBC	/
Bullwood, Essex	96	Secure borstal (girls)	Early—1962	/
Moor Court, Staffordshire	25	Detention Centre (women)	Mid—1962	/
New Hall, Yorkshire	75	Detention Centre	End—1960	1961
Medomsley, County Durham	75	Detention Centre	End—1960	/
Aylesbury, Buckinghamshire	275	Detention Centre	End—1960	1961
Kirklevington Grange, Yorkshire	75	Detention Centre	TBC	1965
Erlestoke, Wiltshire	75	Detention Centre	Early—1962	1960
Aldington, Kent	75	Detention Centre	Early—1962	1961
Haslar, Hampshire	75	Detention Centre	Early—1962	1962
East Clandon, Surrey	/	Detention Centre	TBC	/

35. Fairweather, L. and McConville, S. (eds). (2000), ‘Prison Architecture: Policy, Design, and Experience’. Oxford: Architectural Press.

36. TNA: T227-1883. Approximate completion dates are based upon Ministry of Justice webpages and Inspectorate Reports.

Gender Responsive Governance: From Elizabeth Fry To Baroness Jean Corston

Dr Helen Elfleet, Lecturer in Criminology, Edge Hill University

This article provides an analysis of gender responsive discourses governing female offenders in England and Wales, from the 19th century penal reform endeavours of Elizabeth Fry to the 21st century proposals of Baroness Jean Corston. Despite a gap of nearly 200 years between the work of Fry and Corston, and some clear differences between their conclusions and recommendations, there are significant ideological and discursive continuities that should be addressed in order to illuminate the construction and impact of gendered penal strategies for women. Three discursive continuities are discussed here. First, that women who offend have intrinsic problems or deficiencies that must be addressed in order for reform/rehabilitation to occur. Second, that these 'deficiencies' require (what are presented as) 'gentle' or 'benign' gender specific institutional regimes. Third, that offending women must take personal responsibility for their own reform/rehabilitation by engaging with, and endorsing, these regimes. Finally, it is also argued that these regimes, whilst presented as individually beneficial and personally empowering, in reality reflect and serve broader social, economic and political interests.

Constructions of Femininity in the 19th Century

Over time stereotypical depictions of femininity have been informed by the dominant discourses of pathology, respectability, domesticity, motherhood and sexuality, all of which have been continuously utilised to explain women's behaviour, and to identify non-conforming 'deviant' women.¹ During the 19th century two stereotypical depictions of femininity were evident. First, was the ideal of the respectable, 'virtuous', middle

class wife and mother, who adhered to the norms associated with acceptable female behaviour; docility, passivity, asexuality and morality. Second, in direct opposition, was the idea of the 'fallen woman', who was constructed as corrupt, polluted, and entirely without innocence. The descent of the 'fallen woman' was usually attributed to 'inappropriate' sexual behaviour, criminality and alcohol consumption, and thus whilst the Christian doctrine espoused the idea that we all had fallen from an original state of grace, the fallen woman was considered to have fallen into a state of depravity that exceeded this to a far greater extent.²

Such notions were evident in the literature of the time. For example, Ryan in the opening statement of his text *Prostitution in London*, considered prostitution to be a 'monstrous crime' alongside seduction, bastardy and adultery.³ Prostitutes were depicted as the 'army the devil keeps in constant field service, for advancing his own ends'.⁴ Sexual naivety was therefore regarded as a vital trait of respectable womanhood, and sexual relations were considered appropriate for women only within marriage for the procreation of children.⁵ Women were thus required to adhere to normative, idealised, depictions of femininity in order to prevent their construction as 'immoral' and thus 'fallen'.⁶ For unmarried women a loss of chastity had a multitude of negative outcomes, primarily expulsion from 'moral' society.⁷ Indeed, during the 19th century women who bore illegitimate children frequently found themselves in the workhouse, mental hospital or asylum.⁸

One significant notion associated with women is that they are best suited to roles placing them firmly in the domestic realm. As Heidensohn has highlighted, the idea that women are more caring than their male counterparts derives from the biological differences between men and women, primarily women's capacity to bear children.⁹ Therefore notions of care,

1. Barton, A. (2005) *Fragile Moralities and Dangerous Sexualities: Two centuries of Semi-Penal Institutionalisation for Women*. Hampshire. Ashgate.
2. Zedner, L. (1991). *Women Crime and Custody in Victorian England*. Oxford. Oxford University Press.
3. Ryan, M. (1839:vi) *Prostitution in London*. London. H. Bailliere.
4. Logan, W. (1871:221) *The Great Social Evil: It's Causes, Extent, Results and Remedies*. London. Hodder and Stoughton.
5. Conversely, explicit sexuality in men was encouraged and accepted as part of normal male behaviour.
6. Barton (2005).
7. Zedner (1991).
8. Barton (2005).
9. Heidensohn, F. (1985) *Women and Crime*. London. Macmillan. These biological differences further informed the idea that 'criminal' women were inherently inferior, and physically and mentally weaker than their male counterparts. These views were prevalent in the work of positivists, for example Lombroso and Ferrero who claimed that 'criminal' women were morally deficient and less evolved than men. See Lombroso, C. & Ferrero, W. (1898) *The Female Offender*. New York. D. Appleton & Co.

responsibility and an innate predisposition to nurturing tendencies have typically been associated with dominant constructions of femininity.¹⁰

A focus on motherhood/maternalism was prevalent throughout the late 18th to early 20th centuries, and the presumed moral and spiritual power of motherhood was used for social influence purposes. Throughout the 19th and early 20th centuries the 'sanctity' of motherhood was utilised to enable female reformers to enter institutions that had typically been dominated by men in order to 'better' correct 'deviant' women through gender specific 'corrective' regimes.¹¹

19th Century Gender Specific Institutional Regimes

Prison reformers, administrators and politicians, at various points, have all attempted to meet the specific needs of women in conflict with the law by implementing seemingly 'soft' and 'gentle' techniques.¹² Given the existence of an idealised notion of femininity and womanhood, these attempts were not surprising. Indeed, whilst female 'offenders' were frequently regarded as depraved and wretched,¹³ their roles in the home, or as domestic servants, rendered them worthy of some specific attention and protection, primarily to ensure that they were better able to fulfil these important duties.

The reformist critique of state responses to women's deviance, and the perceived inability of the state to appropriately provide for 'fallen sisters', prompted reformers to attempt to accomplish this themselves through 'their own good will and charity'.¹⁴ Elizabeth Fry was one of the first reformers to devote her attention to the situation of women in prison. Her ideas would initiate significant changes in the

Women were regarded as corruptible and as such the separation of women prisoners from men was vital in order to prevent the potential contaminating impacts of male prisoners.

administration of women's penal regimes. As Hannah-Moffat has argued, Fry identified what she considered to be core problems with women's prison regimes, primarily that they did not respond to the needs of women.¹⁵ The task for Fry, therefore, was to instate a programme of woman centred governance, and she thus created the Association for the Improvement of Female Prisoners in Newgate. Women were regarded as corruptible and as such the separation of women prisoners from men was vital in order to prevent the potential contaminating impacts of male prisoners.¹⁶ Fry further argued that women in prison should only have female attendants and proposed the development of institutional regimes that would 'normalise' criminal and 'deviant' women.¹⁷

Many of Fry's ideas and methods were founded on Quaker principles so, primarily, her methods utilised religious instruction¹⁸ and an emphasis on self-correction and paternalistic forms of governance, whereby women inmates were governed by men in authority. However, Fry also utilised *maternal* governance strategies, through the advocacy of female attendants in women's prisons.¹⁹ She argued that the matron could be considered 'a wise and sympathetic friend',²⁰ and was an effective means of 'correcting' unruly women:

Much attention has been successfully bestowed by women on the female inmates of our prisons; and many a poor prisoner, under their fostering care, has become completely changed, rescued from a condition of depravity and wretchedness, and restored to happiness, as a useful and respectable member of the community.²¹

It was deemed that the involvement of middle-class women and, particularly, 'respectable' working class women, would be an effective means of

10. Koven, S. & Michel, S. (1993) *Mothers of a New World: Maternalist Politics and the Origins of the Welfare State*. London. Routledge & Kegan Paul.
11. Hannah-Moffat, K. (2001) *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*. Toronto. University of Toronto Press.
12. Hannah-Moffat (2001:19)
13. See Fry, E. (1827) *Observations on the Visiting, Superintendence, and Government of Female Prisoners*. Piccadilly. Arch, Cornhill & Son.
14. Hannah-Moffat (2001:49)
15. Hannah-Moffat (2001).
16. Carlen, P. & Worrall, A. (2004) *Analysing Women's Imprisonment*. Devon. Willan Publishing.
17. Hannah-Moffat (2001).
18. Dobash, R. P., Dobash, R. E. & Gutteridge, S. (1986). *The Imprisonment of Women*. Oxford. Basil Blackwell Ltd.
19. Hannah-Moffat (2001).
20. Fry (1827) cited in Barton, A. (2011:5) 'A Woman's Place: Uncovering Maternalistic Forms of Governance in the 19th Century Reformatory', *Family & Community History*, Vol. 14 (2) 3-18.
21. Fry (1827).

reforming 'deviant' women back to acceptable standards of femininity through providing an example of appropriate female behaviour.²² The governance of women by women was considered to reflect 'normal/natural' relationships found in the home (such as between parent and child), maternal power was therefore deemed to be caring and gentle, and penal institutions for women were considered to lack the harsher characteristics associated with institutions for men.²³

In her influential text *Punishment in Disguise*, Kelly Hannah-Moffat highlighted that maternal forms of power have generally been disregarded in analyses of women's imprisonment, stating that typically analyses have relied on a 'masculinist' model of power, whereby power within institutions, organisations, or from individuals, flows solely in a 'top-down direction'.²⁴ Hannah-Moffat has thus acknowledged that whilst this may fit well with an analysis that examines relations of power within patriarchal and paternalistic frameworks, it does not allow for an analysis, and understanding, of power relations within seemingly benevolent relationships, such as between women.²⁵ She has therefore argued that a Foucauldian analysis of power is fruitful, since it acknowledges that power is dispersed widely in society and is imminent to everyday relations and, as such, the 'complex set of relations that emerge when women play a role in the discipline and governance of other women' can be appraised.²⁶

Whilst Fry's efforts did result in improved living conditions for women prisoners, women's prisons evidently did not become 'benign institutions, organised primarily for the 'gentling' of recalcitrant 'hussies' or the 'training' of 'unfortunate' women'.²⁷ As Carlen and Worrall have argued, Fry's concerns expanded from a desire to improve the living conditions of women prisoners and the provision of useful work and education to 'developing a technology of reform which would involve constant surveillance, the erasure

of individuality, and strict programmes of discipline', marking a movement from prison reform to prisoner reform.²⁸ As such, the perception that the involvement of women in the governance of female prisoners resolved the coercive and disciplinary functions of imprisonment was misguided, instead 'the disciplinary aspects of maternal strategies are concealed'.²⁹ Whilst maternal strategies appear less invasive, they are nonetheless an exercise of power. As Barton highlights, maternal governance involved instilling self-discipline in prisoners, with regard to behaviour, mind and body, and 'its primary aim was to produce self-regulating and self-reliant women'.³⁰ Elizabeth Fry advocated the disciplining of women prisoners through training, with the expectation that they should become good mothers. Women working within the prison were

encouraged to use their status to influence the behaviour of prisoners, invariably infantilising them in the process. Thus, like young women leaving the family home, women prisoners were expected to adopt the responsibilities placed upon them in order to demonstrate the 'autonomy and *self-sufficiency* necessary for their future domestic/maternal roles'.³¹ Importantly, as Barton has further argued, this did not mean that women were encouraged to foster aspirations of self-determination, instead they were encouraged to be accepting of

their roles as 'docile' wives and/or servants. As the following section discusses, these modes of maternal disciplinary governance have persisted alongside contemporary neoliberal feminized strategies of governance.

21st Century Gender-specific Governance: The Corston Report (2007)

What has remained consistent within gender specific reform programmes, regardless of whether deviant behaviour has been considered a product of a faulty mind or body, is the idea that it is the individual

The governance of women by women was considered to reflect 'normal/natural' relationships found in the home (such as between parent and child),

22. Barton (2011).

23. Hannah-Moffat (2001).

24. Hannah-Moffat (2001).

25. Barton (2011:5).

26. Ibid.

27. Carlen & Worrall (2004:7).

28. Carlen & Worrall (2004:8).

29. Hannah-Moffat (2001:21).

30. Barton (2011:9).

31. Barton (2011:10).

woman who is 'faulty'. What has further remained evident, in contemporary neoliberal society, is a lack of focus on the socio-economic factors that impact the lives of women in conflict with the law. One significant contemporary example of this is the highly influential Corston Report, which was published in 2007 in response to a number of controversial self-inflicted deaths of women in prison in a 12-month period (between 2002 and 2003).³² The self-inflicted deaths of six women in HMP Styal had compelled the government to reflect upon the number of women in prison, and to consider the significant impacts that this had on them and their families.³³

Corston's 2007 *Review of Women with Particular Vulnerabilities in the Criminal Justice System* made some important, albeit longstanding, acknowledgements about the women's prison population.³⁴ She highlighted that women in prison had experienced a range of difficulties, noting that they were often drug users and/or alcoholics, that they had experienced sexual, emotional and physical abuse, that they were often poor, and that they had experienced difficulties with their mental health. She further acknowledged that women in prison were disproportionately drawn from black and minority ethnic groups. Her report thus repeated what feminist researchers had been highlighting some thirty years prior to its publication, that women in prison are socially and economically disadvantaged.³⁵

As part of her review Corston highlighted that her consideration of women's vulnerability focused on three 'core' areas, which comprised several risk factors. These were: domestic circumstances, such as domestic violence; personal circumstances, such as low self-

esteem, mental illness, eating disorders and substance misuse; and finally, socio-economic factors such as isolation, unemployment and poverty.³⁶ It is important to acknowledge here that she primarily focused on domestic and personal circumstances. As Kendall has highlighted, Corston paid very little attention to socio-economic factors, nor did she fully draw attention to the ways in which socio-economic disadvantage impacts upon domestic and personal circumstances.³⁷ Nonetheless, Corston provided 43 recommendations to address these vulnerabilities, which she considered to

be a blueprint for 'a distinct, radically different, visibly led, strategic, proportionate, holistic, woman-centred approach'.³⁸ This approach, for Corston, did not mean that men and women should be treated the same, but instead she argued that equality could only be achieved when the differential needs of men and women in conflict with the law were met, this she argued constituted a gender responsive approach.³⁹

Some of the main recommendations of her report included the implementation of the gender equality duty, stating that this duty would ensure that men and women were treated with equal respect, according to need. She argued that the duty should encompass notions of fairness and inclusivity.⁴⁰ Corston

also recommended that a mainstreaming of services for women would be more fruitful in reducing their risk of re-offending, arguing that agency partnerships would be more effective and efficient in providing services for women.⁴¹ Corston also argued that the government should immediately establish an Inter-Departmental Ministerial Group for female offenders, and those at risk of offending. This, she stated, should also be of cross departmental structure.⁴²

The self-inflicted deaths of six women in HMP Styal had compelled the government to reflect upon the number of women in prison, and to consider the significant impacts that this had on them and their families.

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32. Moore, L. & Scraton, P. (2014) *The Incarceration of Women: Punishing Bodies, Breaking Spirits*. Hampshire. Palgrave Macmillan.
 33. Hedderman, C. (2011) 'Policy Developments in England and Wales'. In: Sheehan, R., Mclvor, G. & Trotter, C. (2011). *Working with Women Offenders in the Community*. Oxon. Willan.
 34. Elfleet, H. (2017) 'Empowered to be Resilient: Neoliberal Penal Rhetoric and The Corston Report' *Prison Service Journal*, no 230. 33-38.
 35. See Smart, C. (1976) *Women, Crime and Criminology: A Feminist Critique*. London. Routledge; Carlen, P. (1983) *Women's Imprisonment*. London. Routledge; Heidensohn (1985); and Worrall, A. (1990) *Offending Women*. London. Routledge.
 36. Corston, J. (2007: 15) *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London. Home Office.
 37. Kendall, K. (2013) 'Post-Release Support for Women in England and Wales: The Big Picture'. In Carlton, B & Seagrave, M. (2013). *Women Exiting Prison: Critical essays on gender, post-release support and survival*. London. Routledge.
 38. Corston (2007: 82).
 39. Elfleet (2017).
 40. Corston (2007:24).
 41. Elfleet (2017).
 42. Corston (2007:48).

One of Corston's most radical, and progressive, proposals was her suggestion that the government should announce, within six months, a strategy to replace current women's prisons with, in her view, more suitable, well dispersed, small, multifunctional custodial units within a ten year period.⁴³ Corston envisaged that these smaller units would offer a clear alternative to custody through the provision of support to women at risk of offending, and the supervision of community sentences for those who had offended.⁴⁴ Her proposals for these centres adopted long standing misconceptions regarding the presumed benign nature of maternal governance. Like Elizabeth Fry, Corston contended that these centres should be staffed by women only, as part of a woman centred programme of governance. Her presumption, also, therefore was that the governance of women by women produces a less austere and coercive environment.

Whilst these gender specific proposals were no doubt well intentioned, the implications and limitations of Corston's woman centred approach become apparent when analysing the rhetoric of her report. Indeed, as Elfleet has argued, the rhetoric of Corston adhered to the two core tenets of neoliberalism; individualism and responsabilisation.⁴⁵ For example, whilst making her proposals, Corston cited the work undertaken by existing women's centres. Drawing on the work of two centres Asha and Calderdale, she argued the following on their role for women in conflict with the law:

Their broad approach is to treat each woman as an individual with her own set of needs and problems and to *increase their capacity to take responsibility for their lives*.⁴⁶

Whilst the assertion that taking responsibility for one's action may not appear wholly problematic, the

Gender specific technologies of reform therefore evidently reflect, and serve, broader social, economic and political interests.

notion of assigning sole responsibility to marginalised women is, especially when considering the role of the state in generating and exacerbating poverty and social exclusion. It is further problematic when one considers that predominantly, the subjects of punishment are derived from those experiencing such deprivations.⁴⁷ This construction of women's crime and deviance as a moral problem, as opposed to a structural one, has long been in existence, as was evident in the work of Elizabeth Fry.⁴⁸ Gender specific technologies of reform therefore evidently reflect, and serve, broader social, economic and political interests. Primarily whilst hardship is acknowledged, the primary solution to it is presented as a matter of personal/individual responsibility. Inequalities are thus regarded as inevitabilities, as opposed to the products of state manufactured social and economic inequality.⁴⁹

Hannah-Moffat⁵⁰ has argued that what has become increasingly evident in analyses of the contemporary neoliberal governance is the governance of individuals from a distance. One of the main aspects of this is self-governance, whereby individuals are constructed as rational, free, responsible consumers, who are capable of negotiating and reducing risk to themselves and indeed others.⁵¹ Of importance to this mode of governance is the idea that the exercise of authority is the outcome of freedom of choice. It has therefore been argued that the responsabilisation of individuals is integral to such notions.⁵² As such, Bell has highlighted that neoliberalism should be considered not only in terms of its economic dimensions, such as market deregulation, lowering levels of corporate income tax for the wealthy, and the privatisation of national assets, but also in terms of its social, political, legal and cultural aspects.⁵³ Crime is constructed as a moral problem, as opposed to a structural one and, as a result, it is regarded to be the outcome of the behaviour of an

43. This recommendation was however rejected by the government. See MoJ (2008a) *Delivering the Government Response to the Corston Report: A Progress Report on Meeting the Needs of Women with Particular Vulnerabilities in the Criminal Justice System*, London: Ministry of Justice.

44. For a full consideration of the proposals of this report, and the government response to it, see Elfleet (2017).

45. Elfleet (2017).

46. Corston (2007:10, emphases added).

47. For a detailed consideration of the politics of imprisonment as a politics of punishing the poor and powerless, see Sim, J. (2009) *Punishment and Prisons: Power and the Carceral State*. London. Sage.

48. Hannah-Moffat (2001).

49. Elfleet (2017).

50. Hannah-Moffat (2001).

51. Rose, N. (1993) 'Government, Authority and Expertise in Advanced Liberalism', *Economy and Society*, Vol 23 (3), pp. 283-300.

52. Garland, D. (1996) 'The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society', *British Journal of Criminology*, 36(4), pp. 445-471.

53. Bell, E. (2013) 'The Prison Paradox in Neoliberal Britain'. In Scott, D. (2013) *Why Prison?* Cambridge. Cambridge University Press.

irresponsible minority of the population who, it is deemed, should take responsibility for their actions. Indeed, political agendas, from the 1980s to the present have repeated and reinforced 19th century anti-poor, 'social residuum' discourses, through the presentation of those in receipt of support as idle, evoking notions of a category of persons unable to assimilate a work ethic, and who were happy to live idly off the labour of others.⁵⁴ Individuals have therefore continuously been constructed as rational actors who were able to divert themselves from poverty through perseverance and determination to succeed.⁵⁵

Whilst the Corston Report acknowledged the hardships experienced by women in conflict with the law, and asserted that a combination of vulnerability factors were likely to lead to imprisonment, the 'solution' to these hardships for Corston was the endorsement of a neoliberal gender responsive approach that asserted that women should be supported, or empowered, to develop 'resilience, life skills and emotional literacy'⁵⁶ to ensure that they were able to 'take responsibility for their lives'.⁵⁷ Thus, as acknowledged previously, whilst she argued that there were three core factors contributing to women's vulnerabilities (personal, domestic and socio-economic), her report focused on domestic and personal circumstances to a far greater extent, with very little attention paid to socio-economic, structural factors, which reduce life opportunities.⁵⁸ As Elfleet has argued, a sole focus on individual/personal responsibility draws attention away from the role of the state, and indeed markets, in generating and exacerbating inequalities.⁵⁹ The main concern with this assertion is that women's difficulties are presented as surmountable through the adoption of key neoliberal principles, adaptability, resilience, self-sufficiency and individual responsibility.⁶⁰ As such, it can be argued that Corston, like Fry before her, considered women's social and economic difficulties through a narrow lens of personal failure and social inadequacy.⁶¹

Conclusion

As is evident throughout this article, the construction of women's crime as a result of individual

deficiencies has long been in existence. What has further remained evident is the idea that the solution to these 'deficiencies' are gender specific reform strategies, which have consistently been presented as 'soft' and 'gentle' responses. There is ample evidence highlighting that welfare policies and penal institutions have combined to form a systematic mode of gender responsive governance, that has largely been directed at those who are socially and economically marginalised. Whilst these strategies may have been well intentioned, they have nonetheless presented the profound social and economic inequalities experienced by women in conflict with the law as surmountable through the internalisation of stereotypical gendered norms, through engagement and compliance with gender specific governance programmes. A key feature of these strategies has been the presumption that 'offending' women should take individual/personal responsibility for their 'reform'. This responsabilising function of gender specific governance has been present throughout the history of regulating women's crime and 'deviance'.⁶² Offending women have consistently been presumed to lack responsibility, which has often been linked to their roles as wives and mothers, and they have been deemed abnormal not only for disregarding the law but for having transgressed the 'norms' of their gender.⁶³ Finally, this article has highlighted that whilst gender specific strategies have been presented as benign, caring and individually/personally empowering they have, in reality, served broader social, economic and political interests. Therefore, whether gender responsive governance is regarded as a mechanism to train women to be domestic servants or mothers, and/or to instil resilience to ensure that they become compliant neoliberal subjects, the broader/structural agenda that underlies the seemingly 'benign' nature of it must be acknowledged. Primarily gender responsive governance strategies have reinforced and maintained the perception that those most vulnerable women are responsible for their social and economic marginalisation. They have thus paid little, to no, attention to the role of the state in generating and exacerbating the profound social and economic disadvantages that women subject to gender specific governance experience.⁶⁴

54. Cooper, V., & Sim, J. (2013:189) 'Punishing the Detritus and the Damned: Penal and Semi-Penal Institutions in Liverpool and the North-West. In Scott, D. (2013). *Why Prison?* Cambridge: Cambridge University press.

55. Bell (2013); Cooper & Sim (2013).

56. Corston (2007:2, para.1).

57. Corston (2007:10, emphases added).

58. Kendall (2013).

59. Elfleet (2017).

60. Elfleet, H. (2018) 'Women's Centres: Gender Responsive Services for Formerly Imprisoned Women Post Corston Report (2007)'. *The Howard League for Penal Reform ECAN Bulletin*, Issue 35, April 2018. Available at: <https://howardleague.org/wp-content/uploads/2018/04/ECAN-bulletin-April-2018.pdf>.

61. Kendall (2013).

62. Hannah-Moffat (2001); Carlen & Worrall (2004).

63. Smart (1976); Carlen (2004); Sim, J. (1990) *Medical Power in Prisons*. Milton Keynes. Open University Press; Worrall (1990); Carlen & Worrall (2004).

64. Elfleet (2017; 2018).



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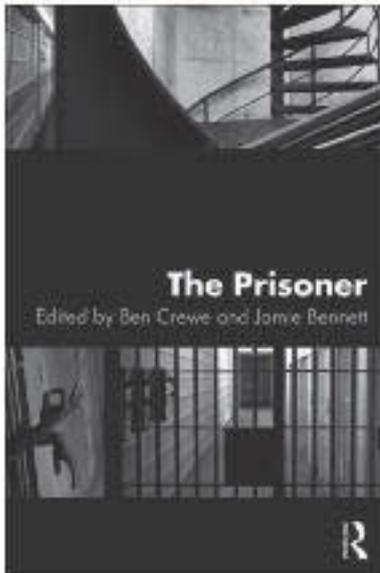
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PRISON SERVICE JOURNAL

Purpose and editorial arrangements

The *Prison Service Journal* is a peer reviewed journal published by HM Prison Service of England and Wales. Its purpose is to promote discussion on issues related to the work of the Prison Service, the wider criminal justice system and associated fields. It aims to present reliable information and a range of views about these issues.

The editor is responsible for the style and content of each edition, and for managing production and the Journal's budget. The editor is supported by an editorial board — a body of volunteers all of whom have worked for the Prison Service in various capacities. The editorial board considers all articles submitted and decides the outline and composition of each edition, although the editor retains an over-riding discretion in deciding which articles are published and their precise length and language.

From May 2011 each edition is available electronically from the website of the Centre for Crime and Justice Studies. This is available at <http://www.crimeandjustice.org.uk/psj.html>

Circulation of editions and submission of articles

Six editions of the Journal, printed at HMP Leyhill, are published each year with a circulation of approximately 6,500 per edition. The editor welcomes articles which should be up to c.4,000 words and submitted by email to **jamie.bennett@hmps.gsi.gov.uk** or as hard copy and on disk to *Prison Service Journal*, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge, Gloucestershire, GL12 8BT. All other correspondence may also be sent to the Editor at this address or to **jamie.bennett@hmps.gsi.gov.uk**.

Footnotes are preferred to endnotes, which must be kept to a minimum. All articles are subject to peer review and may be altered in accordance with house style. No payments are made for articles.

Subscriptions

The Journal is distributed to every Prison Service establishment in England and Wales. Individual members of staff need not subscribe and can obtain free copies from their establishment. Subscriptions are invited from other individuals and bodies outside the Prison Service at the following rates, which include postage:

United Kingdom

single copy	£7.00	
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Overseas

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