

# Contents

<i>Acknowledgements</i>	vii
<i>List of Abbreviations</i>	viii
<i>Notes on the Contributors</i>	ix
Introduction: Histories of Punishment and Control <i>Helen Johnston</i>	1
<b>Part I Theoretical Perspectives</b>	<b>13</b>
1 Modernity, The New Republic and Sing Sing: The Creation of a Disciplined Workforce and Citizenry <i>Michael Fiddler</i>	15
2 Reconceptualising Social Control: A Case-Study in Gender, Punishment and Murder <i>Anette Ballinger</i>	34
3 An Honourable Regime of Truth? Foucault, Psychiatry and English Criminal Justice <i>Tony Ward</i>	56
<b>Part II Penal Policy, Prison Practice and Discourses on Offenders</b>	<b>75</b>
4 Moral Guardians? Prison Officers, Prison Practice and Ambiguity in the Nineteenth Century <i>Helen Johnston</i>	77
5 The Man, the Machine and the Myths: Reconsidering Winston Churchill's Prison Reforms <i>Jamie Bennett</i>	95
6 The Paradox of the 'Respectable Offender': Responding to the Problem of White-Collar Crime in Victorian and Edwardian England <i>John P. Locker</i>	115
7 Controlling the 'Hopeless': Re-Visioning the History of Female Inebriate Institutions c. 1870–1920 <i>Bronwyn Morrison</i>	135

8	Punishment, Reformation, or Welfare: Responses to 'The Problem' of Juvenile Crime in Victorian and Edwardian Britain <i>Heather Shore</i>	158
<b>Part III Confinement, Discipline and Resistance</b>		<b>177</b>
9	Prisoner Memoirs and Their Role in Prison History <i>Sarah Anderson and John Pratt</i>	179
10	Challenging Discipline and Control: A Comparative Analysis of Prison Riots at Chatham (1861) and Dartmoor (1932) <i>Alyson Brown</i>	199
11	Resistance, Identity and Historical Change in Residential Institutions for Juvenile Delinquents, 1950–70 <i>Abigail Wills</i>	215
	Concluding Remarks: The 'Punitive Turn': The Shape of Punishment and Control in Contemporary Society <i>Helen Johnston</i>	235
	<i>Bibliography</i>	242
	<i>Index</i>	262

# **Part I**

## **Theoretical Perspectives**



## 1

# Modernity, The New Republic and Sing Sing: The Creation of a Disciplined Workforce and Citizenry

*Michael Fiddler*

...not only is modern society a cage, but all the people in it are shaped by its bars (Berman, 1982: 27).

## **Central, marginal and adjunct: three periods of the modern prison**

Where do we locate the beginning of modern imprisonment? For Durkheim (1973) and Foucault (1977) modernity and the origin of the prison were synonymous. The early prison arose out of 'the beginnings of the industrialised urban society' (Garland, 1985: 4). Rusche and Kirchheimer (1939), and latterly Melossi and Pavarini (1981), imposed a Marxist reading locating the prison in relation to developing modes of production. Specifically, they made explicit the parallels between the factory and the prison. Alternatively, Cohen (1996) and Mathiesen (1974), envisaged new patterns of imprisonment and penalty, typified by the "'hidden discipline" of community corrections' (Garland, 1985: 4). Whereas, for Ignatieff (1978: 62), the prison would not simply stop 'the bacillus of vice', but also the radicalism of the nascent nineteenth century workers' movements. Subsequent writers looked to the post Second World War 'epoch of rehabilitation' (Garland, 1985: 4). In Garland's terms, this saw the move from paternalism and the spiritual to 'a more technical form of social engineering' (1985: 4).

The argument that I elaborate here incorporates these perspectives into a wider whole. I propose that imprisonment, from modernity to late-modernity, can be divided into three over-lapping periods: central, marginal and adjunct. This first period of 'centrality' incorporates Foucauldian notions of discipline, in addition to the work of Rusche and Kirchheimer (1939) and Melossi and Pavarini (1981). The second

sees the prison taking on a marginal or 'monumental' aspect that foreshadows current 'warehousing' discourse. As we shall see, each of these stages had important, but differing implications for prison labour and inmate citizenship more broadly. The scope of this piece looks at Sing Sing across the first two stages before briefly looking to its third contemporary role as an adjunct to the urban.

The 'central' period figuratively, geographically and visually located the prison as central to the developing modern, industrial city. A useful analogy to make is that during this period, ranging from the early to late nineteenth century, the prison was as central to the construction of the modern Western state as the gulag was to Stalinist, Soviet Russia (Piacentini, 2004; Pallot, 2005). As Bosworth and Sparks state, the prison played a special role in the 'great political experiments of modernity – liberal democracy, colonialism, fascism and state socialism' (2000: 260). This first period of centrality was

...a landscape of steam engines, automatic factories, railroads, vast new industrial zones; of teeming cities that have grown overnight, often with dreadful human consequences... (Berman, 1982: 18–19).

It was a time of immense socio-economic and political change. The prison's function was to produce a citizen capable of the labour necessitated by modern, capitalist systems. The prison was a utopic site, a site of ordering that would act as a disciplining beacon for the rest of society. This was to be a 'strange kind of model community' (Evans, 1982: 198) whose effects would radiate throughout the social body.

I contend, following Rusche and Kirchheimer (1939) and Melossi and Pavarini (1981), that the prison was a vehicle by which a modern workforce-cum-citizenry could be moulded and, by extension, assist in the creation of the modern state. The periods following this initial one saw the prison take a trajectory away from societal centre towards, initially at least, the margins and latterly a hybridised space running in parallel to the contemporary urban environment. What I label the 'marginal' period, spanning the early to mid-twentieth century, saw the development of the Big House style of architecture in the United States. Conversely to the earlier central period, the penitentiary and its population were marginalised from society, both geographically and socially. It would no longer hold its 'central' position. The adjunct period, ranging from the late twentieth century to the present, has emerged out of this marginality. It sees the carceral space of the prison leech out into the urban. The prison and the urban have come to act as

adjuncts to each other. They are not simply parallel sites, but of one another. Yet what is the importance of Sing Sing in examining these processes?

Sing Sing's popularity as a film location in particular has seen it seep into popular consciousness. Its name has become synonymous with the prison experience. We can use it, as Soja (1996: 18) (acknowledging Proust) would put it, as a 'geographical madeleine'. To put this differently, lacunae of meaning build up in space over time. As they do so, some elements are lost whilst others remain visible. An analysis of the space of a prison in the early twenty-first century will reveal glimpses of the spaces of the generations of penal regime, architecture and philosophy that preceded it. Likewise, an examination of those earlier prisons can illuminate our understanding of contemporary concerns. By peeling back the layers of this spatial palimpsest we can see the ongoing development of key phenomena (Fiddler, 2006). Namely, the progression and changing demands of modernity can be mapped onto the space of the prison. Indeed, the periodisation I outline here maps onto Sing Sing as it does the history of imprisonment more broadly. We can use Sing Sing as a lens to view the production of a modern (carceral) space. In so doing we can position the penitentiary in its wider socio-economic and political context. This illuminates these broader processes to a greater degree than a simplistic chronological recounting of a given institution's history. More pertinently, it causes us to rethink the prison's relation to modernity itself.

## Examining the history of Sing Sing

My analysis of the history of Sing Sing takes its lead from de Certeau (1988). Specifically, one cannot recount a narrative of the past 'as it really was'. In looking back we apply filters of present day thinking onto what we perceive to have occurred. Yet, de Certeau did not think of history as a simple 'construction' of the present. He described a tension between the 'real' and 'known'. In other words, that which the historic wishes to 'bring back to life' and the 'modes of comprehension', the models, to be applied to it (de Certeau, 1988: 35). Weymans cogently describes de Certeau's (1988) metaphor of the 'staging of the past through historiography' as being like 'the work of a museum guide':

On the one hand, the guide organizes the paintings on the wall; he or she relates a story about them, following a set route that connects all the pictures together. On the other hand, the guide cannot speak

definitively... [T]he museum guide must also refer to what he or she cannot fully describe in words: the picture itself. The museum guide and the pictures are dependent on each other: the picture receives its meaning through the tale that the museum guide tells about it, while the museum guide cannot tell anything about the picture without showing it (Weymans, 2004: 176).

This then links models and events. So, the 'text is always held together by various concepts and organising structures that enable historical understandings' (Weymans, 2004: 175). I pick out what I consider to be 'key' events in Sing Sing's history before offering my analysis of them and overlaying an 'organising structure'. As such, my selections are like the paintings of de Certeau's metaphor, and my concepts and organising structures are the 'museum guide' to these 'paintings'.

I will frame this chapter by examining the role of three wardens (Elam Lynds, Thomas Mott-Osborne and Lewis Lawes) and their varied influences upon the creation of a 'modern' Sing Sing. Their periods of wardenship map onto key passages of centrality and marginality. This periodisation brings with it epistemological issues (*inter alia*, Kelly, 1977; Bentley, 1996). That said, I do not claim that these are discrete periods apprehended as such by actors at given points. Instead, they emerged, organically, from the processes of modernity. Themes relevant to one stage in this model can appear in another stage, albeit in a subtly different form. There are echoes, repetitions and circularities. It is Sing Sing itself that we turn to now and, as Beaumont and De Tocqueville put it, 'the way in which it was executed is of a kind that deserves to be reported' (1833/1979: 43).

### **Central: the wardenship of Elam Lynds (1825–1830)**

Elam Lynds, the former warden of Auburn penitentiary, was given the responsibility of finding a site and building a 'new, more modern prison' in 1825 (Gado, 2004: 1). He 'explored sites at Manhattanville on the Spuyten Duyvil', Staten Island and the Bronx (Panetta, 1986: 39). However, it was a location at Mount Pleasant on the banks of the Hudson in Westchester County that was selected.

There was a small village near the site called 'Sing Sing'. Sing Sing was derived from 'Sint Sincks', the name of a local native American tribe. Sint Sincks itself was taken from an earlier phrase, 'Ossine Ossine' which meant 'stone upon stone' (Lawes, 1932). This is oddly prescient given that the penitentiary would be built by inmates from the stone from the



quarry next to the prison site. Once the plan was approved, the state legislature provided \$20,100 for the purchase of the land. The regime and building itself would be based on the Auburn model, the latter being 'the latest word in penal institutions' (Lawes, 1932: 78). The aptly named John Carpenter was appointed by Lynds as Sing Sing's architect. The cells were positioned back-to-back in a freestanding, central core. This distance from the exterior walls afforded a greater degree of security and represented the then 'unique contribution' of the Auburn-Sing Sing design (Johnston, 2000: 78). Sing Sing further drew upon the regime established by Lynds and others at Auburn's northern wing in the early 1820s. This saw the prisoner work silently in association during the day and then return to their cell at night. This was known variously as the congregate, silent or Auburn system (for use in England, see Chapter 4). As Lynds would state, '[t]he point is, to maintain uninterrupted silence and uninterrupted labour' (Beaumont and De Tocqueville, 1833/1979: 162).

Sing Sing was some thirty miles north of New York. Its location next to the Hudson ensured that there was a route for supplies and products could be sent either down river to New York or up river to Albany. The river formed one side of the compound and was useful as a security barrier. The other elemental force was seemingly Lynds himself. Beaumont and De Tocqueville describe Lynds as 'having no other means to keep [the prisoners] in obedience, than the firmness of his character and the energy of his will' (1833/1979: 43). The English Captain Basil Hall visited Sing Sing during its construction and described his 'astonishment' at seeing 'only two sentinels pacing along the height, from whence I looked down upon two hundred convicts at work' (1832, cited by Gura, 2001: lxiv). There was a 'perfect feeling of security, though we were walking around unarmed amongst cut-throats and villains of all sorts' (*ibid.*: xi).

There was also a more brutally practical aspect to his wardenship of Sing Sing. When asked if it were possible to manage without resort to corporal punishment, Lynds replied 'I am completely convinced of the opposite' (cited by Conover, 2001: 177). Levi Burr published the splendidly titled *A voice from Sing Sing, giving a general description of the state prison, a short and comprehensive geological history of the Quality of the Stone of the Quarries; and a synopsis of the Horrid Treatment of the Convicts in That Prison* in 1833 (Conover, 2001: 177). In the book he describes the 'cat-ocracy', whereby a cat-o'-nine-tails was used for a range of offences. On the ground floor of the completed cellblock was an area called the 'Flogging Post' (*ibid.*). Here '[t]wo irons had been fastened to the wall' and the cat-o'-nine-tails hung nearby (*ibid.*). An 1841 legislative

report offered the following gruesome detail: '[t]he whipping post was never dry' (*ibid.*: 178).

These then were the means by which Lynds was able to control the early prison population and construction of Sing Sing. Once the prisoner-cum-builders had completed the first two tiers the convict population of New York's Newgate transferred into the prison. This influx of new inmates meant that each cell was swiftly inhabited. By 1830 the population was some 800. In those first few years the prison simply consisted of the enormous cellblock. In contrast to Auburn there was 'no administrative center; no main entrance' (Panetta, 1986: 39). All there was, in Lawes's (1932: 82) telling phrase, was a 'mausoleum with niches arranged in galleries'. Plates that remain also depict the warden's house, styled after a large colonial house, stood at one end of the block. Industrial shops were latterly built close to the river. Cheli (2003: 17) notes that, before the exterior wall was eventually erected, the prison '*looked like an industrial village* on the banks of the Hudson river' (emphasis added).

In many ways the Sing Sing of the first half of the nineteenth century could be deemed a success. The system originated in Auburn was further refined in Sing Sing. It then became the template upon which other state penitentiary systems were based. The ill-effects of association between criminals; which 'renders their moral reformation impossible, and becomes even for them the inevitable cause of an alarming corruption', had been countered through rational, yet cost-effective means (Beaumont and De Tocqueville, 1833/1979: 55). A report of the Prison Commissioners concerning Sing Sing stated that '[n]o better penitentiary prison was ever built at any time in this or any other country' (cited by Lawes, 1932: 82). This then was a state-of-the-art prison and a symbol for the utopic project of the New Republic.

### **Central: discipline and labour**

It is the confluence of modernity, industrialisation and the prison that I turn to now. Simply put, industrialisation required workers. As Faucher (1838, cited by Melossi and Pavarini, 1981: 99) stated:

...labour is the fate of the modern peoples...Labour must become the religion of the prisons. A society-machine requires purely mechanical means of reform.

The prison became the central site where the discipline of repeated micro-actions on the body of the prisoner produced a modern labourer.

The repetitious gestures and actions of the prisoner inculcated the physical skills needed to work in the industrialised workplaces of the eighteenth and nineteenth centuries. Inculcating industrious patterns of behaviour and 'the habits of society' became the 'principal object[s] of punishment' (Beaumont and De Tocqueville, 1833/1979: 58).

Foucault's description of the importance of these measured (in both senses) movements focuses attention on what I argue is the true essence of the centrality of this period. It is the importance of the small gesture (or rather, as Foucault (1977: 152) corrects, 'the best relation between a gesture and the overall position of the body, which is its condition of efficiency and speed') which arcs out and up, across the social body. As Wright suggests,

[i]deology is not merely produced in written texts but inscribed in and on the flesh, in the ritual moving of the body in social settings... (1997: 60–1).

In this way, prisoners themselves took on an 'abstract exchange value'. As Melossi and Pavarini (1981: 185) elaborate, the prisoner is denied a '*quantum of liberty*' (original emphasis). This represents 'the most simple and absolute form of "exchange value"' in a capitalist society (*ibid.*). The denial of liberty is achieved in its most powerful and abstract form in the prison. The labourer/prisoner is not simply alienated 'from/by the means of production', but is also expropriated 'from his own body' (*ibid.*: 187). Melossi and Pavarini's (1981) reading follows on from Rusche and Kirchheimer's (1939) influential, if not now somewhat simplistic, work. Whilst it has been argued that to place heavy emphasis upon the training of workers to populate factories is misguided (*inter alia*, Garland, 1990; Rothman, 1990), this writer would suggest that re-evaluating their work with reference to that of Pashukanis (1980) is valuable.

Pashukanis's (1980) idea of crime and its punishment was premised on them being part of the capitalist system of contracts and exchange. Crime was a 'contract concluded against one's will' (Pashukanis, 1980: 112). The punishment, it then followed, is a contract which is an act of exchange in relation to the harm inflicted upon the victim. The systems of punishment then became a means, if not *the* means, by which the class system is maintained. For Pashukanis (1980: 116), '[e]very historical system of punitive policy bears the imprint of the class interest of that class which realized it.' The relation of the prisoner to the space of the prison, be it mediated by labour or architecture, is directly linked to

22 *Punishment and Control in Historical Perspective*

the prison's location amidst changing systems of capital. During this initial period of the prison 'experiment', the disciplining aspect of the prison grew out of the requirement for a workforce. Pashukanis (1980: 115) points to the changing character of justice as society moved from a natural economy to the 'development of commerce and the organisation of a class state' and with it 'the concomitant increase in the exploitation of the peasantry.' Through these systems, the subordinated class was kept 'in obedience' (*ibid.*).

The exchange value that is manifest in the prisoner is their capacity to work. Applying a quantum of time to be 'taken' in exchange for a crime is related to the amount of labour to be achieved during that period of time. The prisoner is thought of in terms of 'the abstract man' and of 'abstract human labour time' (*ibid.*: 120). For Pashukanis (1980) it was not coincidental that such a system should develop and be normalised during the nineteenth century, a period which saw the consolidation of bourgeois society. Thinking of the prisoners in terms of abstract human labour time is a reductive device. Simplifying and abstracting reduced the individual to their most base level. One need not consider them as anything other than their abstract capacities.

There are dissenting voices to the ideas espoused here. Rothman (1990) dismisses the link between industrialisation and the role of the prison. Preferring to draw upon the apparent collapse in social ties rather than an explanation borne of the changing demands of modes of production, Rothman (1990: xxxviii), citing Sutton's (1988) stance, airily dismisses the work of Rusche and Kirchheimer (1939) and Melossi and Pavarini (1981):

The reformatory is not efficiently explained either as a functional outcome of modernization or as a simple instrument of class control and industrial discipline.

Further, he uses Ignatieff's (1978) claim that the factory and prison came to resemble one another not out of a simplistic reading of class control, but

...because both public order authorities and employers shared the same universe of assumptions about the regulation of the body and the ordering of time (cited by Rothman, 1990: xxxvii).

The fear that prompted the birth of the penitentiary was itself not a reaction to 'the aggressive demands of a submerged labouring class', but

a sense of 'moral dissoluteness' at the collapse of the imagined communities that had characterised America a century before (Rothman, 1990: xliii). Thus, it was the institutions of family and church that informed the Jacksonian-era prison, not the factory.

Cheli's (2003) comments as to the superficial likeness of Sing Sing to an industrial village aside, my intention here is not to provide evidence for a 'simple translation' of the prison to the factory (*ibid.*: xxxvii). Such a uni-dimensional response would not take us much further than Rusche and Kirchheimer's work. However, it is clear that Rothman and Sutton selectively ignore the impact of the broader processes of industrialisation and modernity itself. Rothman (1990) becomes entangled in the argument that questions whether the modern prison was profitable (*inter alia*, Durham, 1989). The material benefits to the prison system of inmate labour were of secondary importance. At one point Rothman (1990: 105) does stumble across the fundamental point that '[t]he idea of labour, even more than the calculations of profit and loss, made it central to the penitentiary'. I propose that, with reference to Pashukanis, the importance lay in the *practice* and not necessarily the *product* of labour. Indeed, it is *the idea of labour* that is the key. As Lynds stated, the importance lay in the message to be taken from 'uninterrupted labour' (Beaumont and De Tocqueville, 1833/1979: 162). Sutton's criticisms entirely ignore the pivotal role of the modern prison in the construction of industrialised America. The construction of the prison and the discipline of the prisoners held a position of ideological centrality. It is a rather simplistic rebuttal to Rothman, but the following quote from Beaumont and De Tocqueville neatly encapsulates my argument:

Perhaps, leaving the prison [the inmate] is not an honest man, but he has contracted honest habits. He was an idler; now he knows how to work (1833/1979: 90).

There was indeed a syncretism between factory and prison (and the other 'total' institutions such as the workhouse, hospital or school) as Ignatieff (1978) rightly suggests. I am not suggesting that the prison and factory's relationship was unique. They did, indeed, exist within an atmosphere, a 'universe of assumptions'. The same new sciences of the body impacted on institutions throughout the social body. This was a function of the broader processes of modernity. To deny the importance of these as Sutton and Rothman do (and which, arguably, produced the very conditions that they highlight as producing the

prison) is grossly remiss. The docile body was constructed in numerous ways, but most evidently within the prison walls.

### **Central: discipline and citizenship**

...the emergence of the penitentiary in the United States was a project constitutive of liberal democracy. That is, the penitentiary system formed the epistemological project of liberal democracy, creating conditions of knowledge of self and other that were to shape the political subject required for liberal and democratic values to be realised in practice...we could in a sense say that the American penitentiary was erected by the Founding Fathers of the Nation as an imposing and monumental Gateway to the Republic (Dumm, 1987: 6).

The production of these docile, compliant bodies was achieved within the individualised space of the cell. This was a function of the broader development of a 'science of the individual' (Foucault, n.d., cited by Mills, 2003: 105). The individual became 'the object of possible knowledge' (Foucault, 1988, cited by Mills, 2003: 104). The emergence of 'Man' as an area of study marked an 'episteme shift, a dramatic change in the way that societies conceptualise' (Mills, 2003: 104). Broadly, it was the 'carceral texture of society' that allowed for the surveillance of the body (Foucault, 1977: 304). More narrowly, it was the prison that was the main instrument in this new constellation of power-knowledge that took the body as its focus in the late eighteenth and early nineteenth century. The core unit of liberalism is the individual. The penitentiary project was constitutive of individuals and the cell was the central component in these individualising processes. However, it is not entirely correct to talk about the docility of these incarcerated individuals. To paraphrase Dumm (1987: 90), these selves were to rule as much as be ruled. The penitentiary, working at the level of the individual (and democratically so given that 'the same operations applied to each individual' (*ibid.*)) saw the inculcation of the practices and understandings of 'government', as Foucault (1993: 203–4) put it. Its end point sees 'the modern sovereign state and the modern autonomous individual co-determine each other's emergence' (Lemke, 2002: 2). In other words, the penitentiary was intended to produce the conditions and the capacity for citizenship.

As such, the American penitentiary was central in constituting the New Republic. This centrality is not a retrospective piece of artifice

recognised by Dumm or argued by this writer. Its importance was recognised at the time. As Rothman (1990: 81) states, by ‘the 1830s, the American penitentiary had become world famous.’ Talking of ‘asylums’ as a whole, which he takes to have included institutions for the mad, bad and sad, Rothman goes on to state that ‘[r]ather than stand as place of last resort, hidden and ignored, these institutions become *the pride of the nation*’ (emphasis added, *ibid.*: 79). Indeed, we might be reminded of the words of the Prison Commissioners who stated that Sing Sing was the pinnacle of prison design, not simply in America, but globally.

In no small part, *On the Penitentiary System in the United States*, as well as the broader scope of De Tocqueville’s (1835) *Democracy in America*, served to highlight the place of the penitentiary in American society for European readers. Prisons were a vehicle by which they could explore the broader concerns of the political, social and economic. I would contend though that the prison was the most logical point of departure for such broad themes. As Dumm proposes, the penitentiary was a ‘project constitutive of liberal democracy’ (1987: 6).

### **Marginal: the wardenship of Mott-Osborne (1914–1916)**

...the quickest way out of Sing Sing is to come in as a warden (popular joke of the 1910s, cited by Gado, 2004).

Just as Elam Lynds was the central figure around which the newly built Sing Sing revolved, so Thomas Mott Osborne and Lewis Lawes loom large in the history of Sing Sing. Both men brought a reforming agenda to their position, but with varying degrees of explicitness and success.

Osborne’s tenure as warden was brief although not atypically short. Between 1900 and 1919, for example, there were ten wardens, some of whom ‘stayed as little as a few weeks’ (Gado, 2004: 7). He was a major political figure in Auburn, being its mayor and chairman of the State Commission on Prison Reform, as well as a newspaper publisher and manufacturer. His entry into Auburn’s penitentiary in September 1913 is best described as unusual. He elected to go in as an ‘inmate’. Going under the name Tom Brown, he spent a week inside Auburn:

...to learn what I can first-hand...I am coming here to live your life; to be housed, clothed, fed, treated in all respects like one of you. I want to see for myself what your life is like, not as viewed from the

outside looking in, but from the inside looking out (Osborne, 1913, cited by Conover, 2001: 196).

Although his intention had been to remain anonymous, his identity was revealed to staff and inmates the day before his arrival. Conover (2001: 197) describes Osborne's account, published as *Within Prison Walls*, as being one of sentimental naivety. His fellow inmates were depicted as a 'swell bunch of guys', whereas those guards who were not actively brutal were likened to the 'honorable and kindly...slave owners before the Civil War' (*ibid.*: 197–8). His sense of the oppressiveness of prison rules and the possibility of finding 'something far better to take [the] place' of the penitentiary enamored him to inmates and distanced him from guards (*ibid.*). It also led to Osborne's later position within the penitentiary system becoming increasingly precarious.

Osborne was made warden of Sing Sing on 1 December, 1914. His major achievement was the establishing of the Mutual Welfare League (M.W.L.). This had taken on nascent form during his wardenship at Auburn. The M.W.L. was a means of allowing inmates a degree of self-governance. In a public address in 1905 he had criticised the penitentiary system for forcing men to work in a system that 'brutalizes the men and the keepers' (cited by Conover, 2001: 196). He declared, quite simply, 'this is not reformatory' (*ibid.*). Under the M.W.L. system inmate representatives were allowed input on the regime under which the penitentiary operated. His thinking was that responsabilising the inmates would inculcate those sentiments that the congregate system and its like had manifestly failed to do. Inmate representatives advised the prison authorities on matters of discipline in addition to organising sporting events and a commissary. Two stores were opened by the league in 1919 and used their own currency. The notes carried Osborne's motto: 'Do good, make good'.

As Lawes (1932: 115) puts it, a warden must be a 'benevolent despot as well as the understanding leader'. Whilst conceding that Osborne's wardenship 'ended too soon', Lawes (1932: 115) does condemn it as resulting in 'chaos.' Principally, Lawes criticises Osborne's weak leadership, seen as a function of devolving power to the inmates, and a fatal misunderstanding of the prison population. Indeed, Osborne's political grandstanding, 'coddling' of the inmate population and anti-capital punishment pronouncements had done little to endear him to his political rivals. Conover (2001) describes a series of conspiratorial plans designed to discredit him. In 1915 he was accused of committing 'various unlawful and unnatural acts with inmates' (*ibid.*: 199). An



inmate ('Fat Alger'), who had been labelled as an informant for the Superintendent of Prisons and been transferred away from the prison, had made the allegations. Osborne was indicted on the charges, but they were subsequently dismissed. He returned to the prison, but resigned in 1916. As Lawes (1932: 114) argues, whilst Osborne's influence diminished in the following years, he had nonetheless 'introduced the prison to the public. He made it a subject of free and popular discussion in the Press and on the platform.'

### **Marginal: the wardenship of Lewis Lawes (1920–1941)**

Lewis Lawes's (1932) book, which encompassed the history of the prison, his somewhat self-aggrandising reminiscences over his time as Warden and his own progressive thoughts on penal thinking, was entitled *Twenty Thousand Years in Sing Sing*. The title was derived from the aggregate sentence facing the 2500 men contained within the prison walls at his time of writing. As Lawes powerfully put it,

[w]ithin such cycles worlds are born, die and are reborn. That span has witnessed the evolution of the intelligence of mortal men (1932: 244).

In 1920 Lawes became warden of Sing Sing. He would stay in the post for some 20 years and became 'America's most famous and admired warden' (Conover, 2001: 199). His initial course of action was the steady dismantling of the M.W.L.. Lawes withdrew the element of self-government from the prisoners, replacing it with the administration's 'despotism', albeit 'an enlightened one' (Conover, 2001: 200). Initially there was one cell block and a dormitory. Lawes then presided over an extensive building program in the 1920s that would radically change the shape and face of Sing Sing.

In 1926, the state approved a budget of \$2,775,000 for the construction of two colossal new blocks (A and B). They had a combined capacity of 1,366 and were the largest cellblocks in Western prison systems. A visitor in the 1930s described them as 'beautifully finished and very light and airy' (Cox, 1986: 50). By 1930 a mess hall, chapel, new Death House, laundry, bathhouse and barbershop had been built whilst the industrial plant workshops were rebuilt. Between 1920 and 1932, some eight million dollars had been spent on construction at Sing Sing and cell capacity stood at 1,752. During Lawes's wardenship, the acreage of the site rose from 14 and a half to 47 and a half.

Sing Sing remains the only prison in the world where commuter train tracks run through prison grounds. The train tracks act as a marker, dividing the old cell block from those constructed under Lawes's wardenship, further up the hillside. It became evident in the early 1900s that the original, century-old cellblock was fast approaching the end of its usefulness. Overcrowding made living conditions untenable. The State Prison Improvement Commission had described it in 1905 as 'verily...far worse than living in a sewer' (Conover, 2001: 202). A bid in 1917 to demolish the cellblock led to the removal of a 'floor and a half' (*ibid.*). However, the demolition remained incomplete and prison numbers dictated that the partially demolished cellblock remain open. Conover (2001: 202) quotes the official departmental history as describing how, in a wonderful turn of phrase, the old cell block 'continued to swallow thousands of inmates into its malevolent, malodorous maw.' By 1943 the old cell block was finally closed. The bars and doors, 'of which there were many,' were melted down for the war effort (Gado, 2004: 8). The roof burned down in 1984 leaving an outer shell. It has since been 'listed on the National Register of Historic Places and can never be removed' (Cheli, 2003: 126).

During Lawes's wardenship there was an intriguing juxtaposition of the construction of the brute monumentality of the prison buildings and the work of a number of inmates to improve their environment (the celebrated 'Roseman of Sing Sing' being a notable example). In a way, this echoes the juxtaposition of prison and landscape. As Lawes poetically states,

[o]ne can follow for miles the wide sweep of the Hudson, as it eddies its endless flow and disappears around a distant bend, majestically unconcerned with the problems of the variable human who clings to its shore in intermittent cycles of its countless years (1932: 209).

The old cellblock was built on 'a foundation of crushed rock, trodden cinders and old scrap iron' (Lawes, 1932: 232). It was built, in other words, on (and by) the exhaust of industrialisation. With no apparent irony, Lawes wrote, '[i]t is scarcely the sort of thing to support plant life' (1932: 232). Nor, we might imagine, to support the countless lives of the prisoners housed there.

Sing Sing took its place in popular culture by appearing as the backdrop to several Hollywood gangster films. *The Big House* (dir. G. W. Hill, 1930), *Angels with Dirty Faces* (dir. M. Curtiz, 1938) and *20,000 Years in Sing Sing* (dir. M. Curtiz, 1932) used the penitentiary as a character.

The trailer for the latter describes Lawes as '[t]he man who lives on the volcano of human passion!' The cinematic countenance of Sing Sing 'helped to form an image of the prison in the public mind that exists even today' (Gado, 2004: 13). During and after Lawes's wardenship film stars and entertainers were brought into Sing Sing and encouraged to speak to the inmates. These included James Cagney (the lead in *Angels with Dirty Faces*), Spencer Tracey (star of *20,000 Years in Sing Sing*) and Harry Houdini (we might wonder what *his* talk concerned). Lawes allowed filming within the prison and Warner Bros. reciprocated by paying for a gymnasium to be built in 1934. It was, apparently, 'on par with any collegiate gym of the time' (Cheli, 2003: 75). The building now stands idle. Curiously it resembles a sound stage and so expresses rather neatly the syncretic relationship of cinema and location.

Where the Lawes era had been one of a perverse prosperity with the popularity of the prison on film allied with the 1920s/30s building boom, the post-war period marked a down turn. Symbolically this is reflected in the use of the industrial shops and power plant. The power plant was built by inmates and represented a \$1 million 'state-of-the-art' venture (Cheli, 2003: 64). For Lawes it had embodied the 'spirit of the new Sing Sing' (1932: 209). Down by the river's edge it rose up 'in a commanding gesture toward the heavens' (*ibid.*). Lawes used Beaumont and De Tocqueville's reference to 'honest habits' a century earlier to describe its utility:

[t]o me it is a symbol of what we hope to make of Sing Sing – an industrial plant where men will labour willingly and hopefully; where they will learn to perfect themselves in the ways of honest toil (1932: 209).

During the 1960s 'most of the industrial shops and buildings in the lower yard were torn down to make way for a proposed new state road' (Cheli, 2003: 68). The new road never materialised. The now vacant power plant has become yet another layer of industrial sediment on the shore of the Hudson.

### **Marginal: defining the 'monumental' prison**

The first half of the twentieth century saw the beginnings of what I will refer to as the 'monumental' prison. I wish to focus here on the meanings that we can take from the cell blocks that were constructed under Lawes's wardenship. The 'look' of the monumental prison, as I

shall refer to it, was typified by the telegraph pole and self-enclosed designs. The former consisted of a central spine or corridor off which cell blocks and other services were located at right angles. The latter saw the cellblocks themselves form part or all of the prison enclosure. The first telegraph pole design in the United States was at the Minnesota State Prison (completed 1913–14). Subsequently, the 1930s saw the ‘enthusiastic’ adoption of the design by the federal government (Johnston, 2000: 141). Sing Sing’s A and B blocks offered a truncated version of this.

Rotman (1995: 165) bluntly refers to the ‘superficiality of Progressive reforms in recreation, work, and assimilation with the open society’ within the Big House. This was another failed penal experiment. Instead of reform, ‘in the world of granite, steel, and cement, the dominant features were stultifying routines, monotonous schedules, and isolation’ (*ibid.*). This description encapsulates the starkly functional, monolithic nature of the Big House with its huge, elongated cell blocks. The irony of the term itself is acute. There is little sense of domesticity in the vast blocks at Sing Sing. Yet, this world also describes that outside the prison walls. Aside from the Depression, this was a time of the construction of an entire world of granite, steel and cement. Incarceration, on the grand scale of the Big Houses, simultaneously distanced the prison population from this swiftly developing world whilst locking them within one of its vast symbols.

Jencks (1993: 75) uses the term ‘mono-architecture’ to describe those buildings that are ‘reduced, exclusive...sealed off from life and change’. These are the properties I envisage the monumental building to possess and, by extension, so too the monumental prison. The blankness of the monumental prison contrasts starkly with that of the elaborate gatehouses of prisons built in the late eighteenth and early nineteenth centuries during the ‘central’ period. What I mean by the ‘monumental’ prison is that it combines the extreme functionalism of New York’s tenement buildings of the late nineteenth century with the scale of the City Beautiful ethos and the modernist utopia of Le Corbusier’s Ideal City. Let us start with Le Corbusier. I do not wish to add to the ‘monotonous regularity with which Le Corbusier has been represented as a malevolent, all-powerful force for evil’ (Sudjic, 1993: 18). Rather, I wish to simply illuminate the similarities between the Corbusian living block and the filing cabinets of stone of the Big House. Hall, P. (2002: 226), for example, describes the plans of Soviet architects, the urbanists, who had been influenced by Le Corbusier: ‘[t]hey wanted to

build new cities in open countryside, in which everyone would live in gigantic collective apartment blocks...'

For Le Corbusier, the house-machine would consist of 'cells' and be one amongst many other mass-produced 'units'. Each would be like the last without 'any kind of individual idiosyncrasy' (*ibid.*: 224). The cell would be the base form with nothing 'more or less than the minimum necessary for efficient existence' (*ibid.*: 225). This echoes, of course, the rigorous equality of the prison. We also see in Le Corbusier's designs, the same metaphor of the machine and the regimented, disciplined life that had been applied to the prison. These were to be machines for living in, representing a 'normalizing morality that seeks to reduce all differences to an economic order of the Same' (Smith, 2001: 31).

The Big House looked back to Burnham's 1893 Chicago World's Fair designs and forward to those of Speer's Berlin and Lutyens and Baker's New Delhi. Yet it was not in any elaborate detail of design that the Big House spoke, rather it announced itself through its scale. It took on an 'iconic role' (Lefebvre, 1974/5, 2003: 152). It acted to produce consensus by offering 'each member of a society an image of that membership' (Lefebvre, 1991: 139). The monumental prison projected for those people outside of its walls the message of inclusion or rejection thereby imposing consensus upon those outside. Lefebvre (1991: 225) points to the 'two "primary processes"' of the monument: it displaces and condenses. In the instance of the monumental prison, it condenses the incarcerated into an undifferentiated mass. As such, they are deemed fit to be housed in these gigantic housing blocks.

Yet why should we not also consider those prisons of the earlier 'central' period to be 'monumental'? It is the stripping of the architectural artifice, what Benjamin (1936) would refer to as the 'aura', and the simultaneous leap in scale that lends it this monumental characteristic. The prison no longer needed those accretions to tell the massed throng how to react to it. Indeed, their own 'folk' readings of the prison carried with them elements of the 'Gothic' (see Fiddler, 2006, 2007). This was a blank canvas upon which condensing and displacement could occur. This is what made it so powerful on film. The scale was imposing, but the blank façade made it susceptible to displacement by the mass audience. The 'monumental' prisons were not just physically marginal in that they were increasingly constructed away from cities. They also distanced the incarcerated from those outside by the messages that they projected and that were, in turn, projected upon them.

Further, we can use Bauman (1995) and Young's (1999) reading of phagic and emic strategies to describe the difference between the periods of centrality and marginality. The initial period of centrality could be seen as an attempt to assimilate the unreasoned, unproductive Other into the productive labour force. As the nature of capitalism and modes of production altered, so the requirements of industry changed. A disciplined workforce of the type, in part, created by the prison was no longer required. The inclusive strategy of the prison had ended. So that waste would be minimised, the inclusive strategy (of the prison) swung around to an exclusive one. Alternative inclusive strategies were employed that ran in parallel with the prison (Simon, 1995). The workforce could now be placed in reserve. Those individuals representing disorder would remain in the monumental space of the prison.

The prison no longer occupied its central position in relation to factories and similar such institutions. A modern workforce was no longer going to be disciplined or created within its walls. The offender was to be removed from society and stored in the 'Big House'. Berman (1982: 19) powerfully states that the processes of modernity are 'capable of the most spectacular growth, capable of appalling waste and destruction.' So it is that the marginal prison was produced to contain those 'left behind'. The prison became an essential feature in channelling this human waste, this exhaust of modernity.

### **Adjunct: a prison *and* urban population of redundant 'republic machines'**

Berman talks of the various 'symbolic expression(s) of modernity': the Brooklyn Bridge, Times Square and the Bowery (1982: 289). It is quite possible to add Sing Sing to such a list. Penitentiaries were, as one contemporary critic put it, 'grand theatre[s], for the trial of all new plans in hygiene and education, in physical and moral reform.' (unknown, cited by Rothman, 1990: 84). Certainly during the central period discussed earlier, the penitentiary (and Sing Sing more narrowly) was envisaged as just such a 'grand theatre' to demonstrate the 'project of Enlightenment' (Dumm, 1987: 5–6). The marginal period that saw the development of what I have called a 'monumental' aesthetic, also saw the purpose of this 'theatre' change. As a marginalised space, the prison acted as the end-zone repository for the 'Other(s)' of society.

The marginal space created a 'segregated and insulated institution [making] the actual business of deviancy control invisible, but it did make its boundaries obvious enough' (Cohen, 1996: 401). Now we might

talk of a continuum where it is difficult to define 'where the prison ends and the community begins' (*ibid.*). It is no longer the case that these populations are subject to either-or phagic and emic strategies. Rather they encounter varied and alternating types of both from a range of institutions. Where Garland (1985) described the positioning of the prison at a terminus point, the far end of a continuum of institutions of punishment and welfare, the twenty-first century prison is an adjunct to the contemporary urban environment. To appropriate Lefebvre's (1991) metaphor of the permeability of the space of a house, so the prison is a node in a series of outward and inward energies, carceral and otherwise. The prison walls give the 'appearance of separation', but there is also an 'ambiguous continuity' (*ibid.*: 87). There is now an uncanny confusion of interiority and exteriority.

It is not simply that the urban and carceral mimic one another's aesthetic or that contemporary 'Metropolitan Detention Centers' bring the penitentiary back toward the city (Fiddler, 2006, 2007). Wacquant (2001) talks specifically of the socio-cultural syncretism of ghetto and prison (where once we would have spoken of the socio-economic syncretism of prison and factory, also see Concluding Remarks). As such, instead of the discipline of the 'central' period or the deskilling of the 'marginal', we presently see the *undisciplining* of this population in the 'adjunct'; a stripping away of expectations. The urban and incarcerated populations are no longer required to participate in the labour market (save for perfunctory 'workfare requirements now imposed upon the free poor as a requirement of citizenship' (Wacquant, 2002: 54)). As such, the disciplining of the workforce is a redundant concept. We see a gravitational pull between these adjunct or "'residual" spaces' of the urban and prison, between that of welfare/workfare and incarceration (Allen, 1999: 250). In essence, this is a type of training, but only to be stationary in a late-modern period that values mobility. The goal is no longer to produce 'republic machines', but merely to contain (Dumm, 1987: 95).

# Index

- Administration of Justice Act 1914, 109
- adolescence, *see* social constructions, of adolescence
- agency,  
     women and, 49–54  
     juvenile delinquents and, 216–32
- Allen, Ada, 40–6, 47–54
- alternatives to custody, *see* probation
- Approved schools, *see* residential reform homes
- Asquith, H., 105
- Beaumont, G. De  
     and Tocqueville, A. De, 18, 19, 20, 21, 23, 29
- Benevolence, *see* humanitarianism
- Bentham, J., 4, 60, 78, 161, *see also* Panopticon
- Big House prisons, 16, 28, 30–2, 237
- Birth of the prison, 2, 77  
     Whig accounts of, 2, 77  
     Revisionist accounts of, 3–6, 15–16, 77
- Boer War, 95
- Borstals, 105, 112, 152, 172, 173, 205, 209, 226
- British Society for the Study and Cure of Inebriety*, 140
- capital punishment, 2, 5–6, 71, *see also* public execution
- ‘carceral continuum’, 4, *see also* Foucault, Michel
- Carlen, P., 6, 36–7
- Carlyle, T., 180
- Carnarvon Committee, *see Report from the Select Committee of the House of Lords on the Present State of Discipline in Gaols and Houses of Correction 1863*
- Carpenter, M., 160, 164, 166, 167
- centralisation of local prisons, *see* local prisons, centralisation of; *see also* Prison Act 1877
- child-saving movement, 5, 215, *see also* juvenile offender, philanthropic strategies
- Children Act 1908, 108
- Children and Young Persons Act 1933, 163, 172–4
- Churchill, W., 95–114  
     prisoner of war, 95–6  
     prison reforms, 100–14  
     sentencing, 106–10
- class, *see also* respectable offender;  
     lower class crime  
     as precursor of crime, 115, 118–19
- Cohen, S., 3, 7, 15, 24, 33, 102
- Cooper, D., 2
- convicts, *see* prisoners
- convict prisons, *see* prisons by name
- criminality,  
     as pathological, 8, 39, 60, 62, 225, *see also* criminality, biological  
     causes of; degeneracy and;  
     eugenics; positivism;  
     criminology, positivist  
     approaches in  
     biological causes of, 64, 121, 140, 147, *see also* criminality, as  
     pathological; degeneracy and;  
     eugenics; positivism;  
     criminology, positivist  
     approaches in  
     classical approaches to, 115–18, 121, 123, 124, 126–30, 131, 133, 134, 135  
     degeneracy and, 64, 142, 153, 154  
     drunkenness, *see* inebriates;  
     inebriate reformatories  
     embezzlement, *see* respectable offender  
     fraud, *see* respectable offender



- juvenile, *see* juvenile offender  
 positivist approaches to, *see* positivism
- criminal classes, 83, 120, 196
- Criminal Law Amendment Act 1885, 169
- criminology, *see also* criminality  
 feminist approaches in, 6, 36  
 historical approaches in, 1  
 positivist approaches in, 5, 99
- crime history, 1
- dangerous classes, *see* criminal class
- Davenport-Hill, M., 166
- Davitt, M., 180, 182, 183, 185, 186, 187, 188, 190, 194
- Dickens, C., 180
- drunkenness, *see* inebriates; inebriate reformatories
- Du Cane, E., 92, 118, 119, 123, 179, 192, 194, 196
- Du Parcq, H., 208
- Du Parcq report, *see Report of the Circumstances connected with the Recent Disorder at Dartmoor Convict Prison 1932*
- Duxhurst Women's Inebriate Retreat, *see* inebriate reformatories
- Education Act 1876, 159, 169
- Elias, N., 5
- embezzlement, *see* respectable offender
- emphasised femininity, 47–8, 49–53, *see also* social constructions of femininity
- epilepsy, 64–5
- eugenics, 99, 106, 153, *see also* crime, biological causes of; degeneracy, criminology, positivist approaches in; positivism
- feeble-mindedness, *see* mental deficiency; *Royal Commission on the Care and Control of the Feeble-minded*
- female drunkenness, *see* inebriates; inebriate reformatories
- female violence, *see* violence, women's
- feminism, 35–8, 49  
 challenge to criminology, 6, 36  
 postmodern, 37–8  
 second wave, 35, 37, 49
- forcefeeding, *see* prisons, force feeding in; hunger strikes
- Foucault, M., 3–4, 7–8, 15, 21, 24, 56, 74, 77, 87, 179, 180, 199  
 'doctor-judge', 67–70  
 'doubling', 8, 71  
 psychiatry, 56–74  
 'rule of common truth', 58–60, 70–2
- gaols, *see* prisons
- Gaols Act 1823, 79, 80, 164
- Galsworthy, J., 100, 103, 112
- Garland, D., 5, 9, 15, 21, 33, 95, 98, 99, 118, 135–6, 138, 139, 158, 160, 161, 163, 179, 200, 236, 239
- Gatrell, V., 5
- 'gentlemen' prisoners, *see* prisoners, gentlemen
- Gladstone Committee, *see Report of the Departmental Committee on Prisons 1895*
- Goffman, E., 89, 102
- Gordon, M., 142
- Habitual Drunkards Act 1879, 143
- habitual drunkenness, *see* inebriates; inebriate reformatories
- habitual offender, *see* recidivism
- hard labour, *see* prison, hard labour in
- Hay, D., 5
- Holmes, T., 118, 122, 126, 141, 142
- Horsley, J. W., 121, 126, 140
- houses of correction, *see* prisons
- Howard Association, 194
- Howard League for Penal Reform, 160, 174, 207, 210, 212
- Howard, J., 81
- hulks, 203–4  
 juveniles in, 162
- humanitarianism, 2, 206–8, 215
- hunger strikes in prison, *see* prison, hunger strikes in

- Ignatieff, M., 3, 4–5, 15, 22, 23, 77, 79–80, 83–4, 159, 179
- imprisonment, *see* prison
- incarceration, *see* prison
- industrial disputes, 97, 111
- industrial schools, *see* Reformatory and Industrials Schools
- Industrial Schools Acts, *see* Reformatory and Industrial Schools Acts
- inebriates,
  - female, 135–57
  - gender and, 137–8
  - reformatories for, *see* inebriate reformatories
- Inebriates Acts 1888, 1898, 138–45
- inebriate reformatories, 135–57
  - closure of, 154–5
  - diet, 149
  - Duxhurst Women's Inebriate Retreat, 140
  - employment in, 150–1
  - escapes from, 150
  - establishment of, 143–5
  - gendered nature of, 145–8
  - Langho reformatory, 136, 148–54
  - regime in, 148–54
- insanity, 60–5, *see also* McNaughton (or M'Naghten) rules; mental deficiency, psychiatry
- Irish Home Rule campaign, 97, *see also* prisoners, political
- Jebb, J., 83, 203–4, 208, 210
- juvenile crime, *see* juvenile offender
- juvenile delinquent, *see* juvenile offender
- juvenile offender, 158–76, 215–34, *see also* residential reform homes; permissive shift; youth culture
- charitable and state homes for, 162
- colonial emigration, 161–3
- in hulks, 162
- in Parkhurst, *see* prisons by name, Parkhurst; Parkhurst Prison Act 1838
- philanthropic strategies, 160–3
- reformatories and industrial schools, *see* Reformatories and Industrial Schools
- residential reform homes for, *see* residential reform homes
- responses to, 158–76
- separation from adults, 164
- summary justice, 159–60
- trainings ships, 169–72
  - Akbar mutiny, 170–1
  - Akbar scandal, 171
  - Clarence disturbance, 171
  - excessive violence, 171
  - regimes on, 169–72
  - resistance on, 169–72
  - transportation of, 162, 164–5
- Kimberley Commission, *see Report of the Commissioners appointed to inquire into the Working of the Penal Servitude Acts 1879*
- Lawes, L., 27–9
- Licensing Act 1872, 138, 144
- Linebaugh, P., 5
- Lloyd-Baker, T. B., 166
- Lloyd-George, D., 100, 111
- local prisons, *see* prisons; prisons by name
  - centralisation of, 78, 86, 139
  - closure of, 92, 210
- lower class crime, 115–19, 123–5, 130
- Lynds, E., 18–20
- Magdalen homes, 152
- magistrate as 'doctor-judge', 69–70, *see also* Foucault, M. 'doctor-judge'
- Magistrates Association, 69, 70, 210
- Malicious Damage Act 1861, 210
- Malicious Trespass Act 1827, 159
- Mannheim, H., 201
- masculinities, 46–9, *see also* social constructions of masculinities; social control and masculinities
- hegemonic masculinity, 47–9
- mass imprisonment, 235, 236–8
- Mayhew, H., 119, 123, 126, 128, 130
- and Binny, J., 123, 130
- McConville, S., 85, 86, 90, 164, 165, 194, 204
- McGowen, R., 6, 120, 121

- McNaughton (or M'Naghten) rules, 61, 63, 68, 71
- Melossi, D.  
and Pavarini, M., 3, 4, 15, 16, 20, 21, 22, 77
- Medical-Psychological Association, 65
- mental illness, *see* mental deficiency;  
*see also* prisons, mental illness in
- mental deficiency, 65–9, 71, 155
- Mental Deficiency Act 1913, 68, 155
- middle class reform movements, 35, 46, *see also* Philanthropic Society; philanthropy
- middle class values, 133
- Midland Railway Company, 125, 129
- Molesworth Committee, *see Report of the Select Committee on Transportation 1837*
- moral imbecility, *see* mental deficiency
- Morrison, W. D., 98, 123, 194–5
- Mott-Osborne, T., 18, 25–7
- Mutual Welfare League, 26
- Napoleonic Code, 59, 61
- National Society for the Prevention of Cruelty to Children* (NSPCC), 147–8
- nationalisation of local prisons, *see* centralisation of local prisons
- 'new punitiveness', 235, 238–40
- orthodox history, *see* Birth of the prison, Whig accounts of
- 'Panopticon', 4, 60, 78, 161, *see also* Bentham, Jeremy
- Parliament Act 1911, 97
- Pashukanis, E., 21–2, 23
- Parkhurst Prison Act 1838, 161, 165
- Paterson, A., 172, 200, 205–6, 208, 209, 210
- pathology, *see* criminality
- penal servitude, 11, 104, 108, 168, 181, 186, 187–8, 192, 193–4, 196, 203–4, 208, 210
- Penal Servitude Act 1853, 203
- Penal Servitude Act 1857, 203
- Penal Servitude Act 1864, 204
- Penal Servitude Act Commission 1863, *see Report of the Committee appointed to inquire into the Operation of the Acts relating to Transportation and Penal Servitude 1863*
- 'penal-welfare' complex, 5, 9, 98, 239, *see also* Garland, D.
- penitentiaries, *see* prisons
- 'permissive shift', 229–32
- Philanthropic Society, 158, 160, 161, 163, 166
- School of, 160
- philanthropy, 4–5, 70, 160–3, *see also* humanitarianism; middle-class reformers; reformer, motives of
- positivism, 5, 8, 39, 60, 62, 64, 99, 118, 121, 140, 142, 147, 153, 154, 225, *see also* criminology, positivist approaches in; eugenics
- Pratt, J., 5, 6, 78, 99, 138, 196, 205, 236, 237, 238, 240
- Prevention of Crime Act 1908, 107
- preventive detention, 67, 107–8, 239
- prison,  
architecture, 16–17, 21–2, 30, 82, 183, *see also* prisons; separate system; silent system; solitary confinement
- cellular conditions in, 79–81, 101, 181–4, 196, 236, 241, *see also* prison, regimes
- closure of, 92, 210
- corporal punishment in, 19, 101, 103, 113, 190, 208, 210, 211
- diet in, 78, 86, 184–7, 190, 192–3, 196
- disturbances in, *see* prison riots
- doctor/surgeon, 190–1
- flogging in, *see* prison, corporal punishment in
- force feeding, 103
- hunger strikes, *see* force feeding
- 'in crisis', 98, 138, 179–81, 235
- legitimacy in, 110, 138, 179–80
- mental health, 92, 109, 195, *see also* prison, mental illness
- mental illness, 87, 187–9, 239
- population, 106, 110, 112, 114, 141, 159, 205, 235–8, 241

prison – *continued*

- physical deterioration in, 181–7
- regimes (1830s–1840s), 79–81, *see also* Sing Sing (US) prison regimes (1850s–1895), 86–91, 179–98, 199–205, *see also* Sing Sing (US) prison regimes (1910s–1930s), 97–106, 199–203, 205–12, *see also* Sing Sing (US) prison reform, 2–6, 79–81, 101–6, 194–7
- self-harm in, 66, 123
- separate confinement in, 101, 103, 183, 237
- separate system in, 79–81, 83, 84, 85, 86, 238
- silent system in, 19–20, 79–81, 84, 86, 238
- solitary confinement in, 81, 100, 103, 171, 181, 187
- staff, *see* prison officers
- suicides in, 66, 194
- Prison Act 1839, 77, 82, 83
- Prison Act 1865, 179, 196
- Prison Act 1877, 91, 179, 190, 196
- Prison Discipline Society, 160
- prison mutinies, *see* prison riots
- prison officers, 77–94, 110–11
  - disciplining of, 84–6
  - moral conduct/example, 79–91
  - role of, 79–91
  - training schools for, 92
- Prison Officer's Magazine*, 110, 211
- prison staff, *see* prison officers
- prison riots, 199–214
  - Chatham, 199–205, 210–12
  - Dartmoor, 199–203, 205–12
- prisons by name (includes gaols, houses of correction, penitentiaries, convict prisons, local prisons)
  - Auburn (US), 18–19, 20, 25–6
  - Bedford, 90–1
  - Birmingham, 87, 89, 90
  - Carmarthen, 81
  - Chatham convict, 187, *see also* prison riots, Chatham
  - Chelmsford, 92, 210
  - Coldbath Fields, 79, 81, 90, 161

- Dartmoor convict, 109, 182, 183, 190, *see also* prison riots, Dartmoor
- Gloucester, 164
- Grendon, 224
- Holloway, 141
- Hull, 90, 91, 92
- Leicester, 87–9
- Lincoln, 85, 91
- Liverpool, 85, 137, 152, 240
- Manchester, 92, 152
- Millbank penitentiary, 78, 80, 82–3, 182, 184, 187
- Minnesota State (US), 30
- Nottingham, 91
- Pentonville, 81, 84, 107, 180, 184, 186, 188, 240, 241
- Parkhurst, 161, 164–5, *see also* Parkhurst Prison Act 1838
- Portland, 182, 186, 203
- Portsmouth, 203
- Reading, 195,
- Shrewsbury, 85, 240
- Sing Sing (US), *see* Sing Sing Surrey, 191
- Tothill Fields, 161
- Wakefield, 90, 91
- Wandsworth, 90, 98, 195, 240
- Warwick, 80, 90
- Winchester, 90
- Worcester, 164
- Wormwood Scrubs, 92, 187–8
- Prisoner Aid Societies, 104
- Prisoners,
  - 'gentlemen', 180, 192
  - memoirs, 179–98
    - response of prison authorities to, 192–4
  - political, 180, 192
  - relations with doctors, 190–1
- probation, 5, 70, 105, 112, 173, 196, 205, 212
- Probation homes, *see* residential reform homes
- Probation hostels, *see* residential reform homes
- psychiatry,
  - criminal justice and, 56–74
  - juveniles, 70

- psychiatric evidence, *see* psychiatry  
and criminal justice
- public execution, 2, 6
- R. v. Turner*, 57
- Radzinowicz, L.  
and Hood, R., 2, 99, 103, 106, 107,  
108, 109, 135, 136, 151, 154,  
155, 159, 161, 162, 163, 164,  
165, 168, 169, 170, 171, 195
- Rafter, N. H., 6, 36–7, 151, 153
- recidivism, 5, 8, 9, 11, 65, 104, 107,  
122, 130, 135–9, 140, 142, 143,  
144, 146, 147, 151–3, 154–5, 200,  
203, 207, 211
- reform, *see* prisons, reform;  
Reformatories and Industrial  
schools; residential reform  
homes; Churchill, W., prison  
reforms
- Reformatories and Industrial Schools,  
163–9
- Reformatory and Industrial Schools  
Acts, 163–9
- reformatories,  
Albion (women, US), 36  
juveniles, 163–72, *see also* juvenile  
offender; residential reform  
homes
- Langho (inebriate), *see* inebriate  
reformatories
- Mettray (France), 3
- Refuge for the Destitute, 160, 163
- rehabilitative approaches to  
punishment 5, 9, 15, 92, 98, 99,  
136, 239, *see also* penal-welfare  
complex; Garland, D.
- Report of the Circumstances connected  
with the Recent Disorder at  
Dartmoor Convict Prison 1932  
(The du Parcq Report)*, 202,  
208–9
- Report of the Committee appointed to  
inquire into the Operation of the  
Acts relating to Transportation and  
Penal Servitude 1863*, 204, 208
- Report of the Committee of enquiry into  
the conduct of Standon Farm  
Approved School and the  
circumstances connected with the  
murder of a master at the school on  
15<sup>th</sup> February 1947*, 221
- Report of the Committee on the Dietaries  
in County and Borough Prisons  
1864*, 184
- Report of the Committee for Investigating  
the Causes of the Alarming Increase  
in Juvenile Delinquency in the  
Metropolis 1815*, 160
- Report of the Commissioners on the  
Treatment of Treason-Felony  
Convicts 1867*, 192–3
- Report of the Commissioners on the  
Treatment of Treason-Felony  
Convicts 1871*, 192–3
- Report of the Commissioners appointed  
to inquire into the Working of the  
Penal Servitude Acts 1879  
(Kimberley Commission)*, 192–3
- Report of the Departmental Committee  
on Prisons 1895* (Gladstone  
Committee), 92, 98, 100, 102,  
105, 112, 195, 196, 235
- Report of the Departmental Committee  
on the Treatment of Young  
Offenders 1927*, 173
- Report of the Departmental Committee  
on the Treatment of Young  
Offenders 1933*, 163
- Report of the Departmental Committee  
on Reformatory and Industrial  
Schools 1913*, 171
- Report of the Departmental Committee  
appointed to advise as to the  
Regulations for Inebriate  
Reformatories to be made under  
Inebriates Act 1898, 1899*, 148,  
149, 150
- Report of the Departmental Committee  
as to the Operation of the Law  
relating to Inebriates and their  
Detention in Reformatories and  
Retreats 1908*, 154
- Report of the Select Committee of the  
House of Lords on the Present State  
of Discipline in Gaols and Houses of  
Correction 1863* (Carnarvon  
Committee), 89, 182

- Report of the Select Committee of the House of Lords on Gaols and Houses of Correction 1835*, 80, 164
- Report of the Select Committee on Transportation 1837* (Molesworth Committee), 164
- Report of the Select Committee on Secondary Punishment 1831*, 164
- Report of the Select Committee on the State of the Police in the Metropolis 1816*, 160–1
- residential reform homes (juvenile delinquents), 215–34
- agency in, 216–18
  - corporal punishment in, 226
  - legitimacy, 219, 225
  - limits of control in, 226–9
  - resistance in, 215–32
    - types of, 218–26
  - self harm in, 225
  - solitary confinement in, 226
  - suicide in, 225, 230
- residential reform schools, *see* residential reform homes
- resistance
- in prison, *see* prison riots
  - in residential reform schools, *see* residential reform homes
  - criminological accounts of, 216
  - historical accounts of, 215–16
  - on training ships, *see* juvenile offender, training ships
- respectable criminals, *see* respectable offender
- respectable offender, 115–34
- emergence of, 117–18, 119–23
  - responses to, 123–34
    - estrangement and unrespectable offender, 125–9
    - exoneration and respectable non-offender, 129–33
- respectability, 119–23, 125–34
- revisionist history, *see* birth of the prison
- riots in prison, *see* prison riots
- Rothman, D. J., 3, 4–5, 21, 22–5, 77, 159
- Royal Commission on the Care and Control of the Feeble-minded 1908*, 66–9
- Royal Commission to inquire into the Condition and Treatment of the Prisoners confined in Leicester County Gaol and House of Correction 1854*, 87–9
- Ruggles-Brise, E., 91, 98, 100, 105, 106
- 'rule of common truth', *see* Foucault, M.
- Salvation Army, 98
- scientific discourses on crime, *see* positivism
- self harm, *see* prisons, self harm in; residential reform homes, self harm in
- separate system, *see* prisons, separate system in
- semi-penal institutions, 151–2, 239, *see also* inebriate reformatories
- silent system, *see* prisons, silent system in
- Sing Sing (US) prison, 15–33
- as adjunct (21<sup>st</sup> century), 32–3
  - as central (1820s onwards), 18–27
  - discipline and labour, 20–4
  - discipline and citizenship, 24–5
  - as marginal (1910s–1940s), 25–32
  - as monumental (1910s–1940s), 29–32
- social constructions of,
- adolescence, 172–3
  - femininity, 35–40
  - masculinities, 46–9
- social control, 1–3, 7, 34–40, 46–54, 77, 179, 196, 235
- definitions of, 34–5
- demise of, 37–40
- feminism and, 35–40
  - masculinities and, 46–9
  - psychiatry and, 56
  - women and, 35–40
- solitary confinement, *see* prisons, solitary confinement in
- Spierenburg, P., 5
- Stephen, J. F., 59
- Stockdale, E., 2, 204
- Suffragettes, 103, 109, 113
- suicide in prison, *see* prison, suicide in
- Summary Jurisdiction Act 1879, 109

- supermax (supermaximum security prisons), 237–8
- Sykes, G., 89–90, 102, 199
- Symons, J., 166
- Taff Vale case, 111
- Tocqueville, A. De, 18, 19, 20, 21, 23, 25, 29
- ‘total institution’, 23, 89, 102, 228, *see also* Goffman, Erving
- Tonypandy, *see* industrial disputes
- trade unions, 111
- transportation, 10, 203, 212
- of juveniles, 162, 164–5
- turnkeys, *see* prison officers
- underclass, *see* criminal class
- Vagrancy Act 1824, 159
- violence, women’s, 49–54
- Wacquant, L., 33, 237
- warders, *see* prison officers
- warehousing of prisoners, 16, 237
- Webb, S. and B., 2
- welfare approaches to punishment, *see* rehabilitative approaches to punishment; penal-welfare complex; Garland, D.
- Whig (or orthodox) history, *see* birth of the prison
- white-collar crime, *see* respectable offender
- Whiting, J. R. S., 2
- Wiener, M., 5, 60, 61, 64, 97, 98, 101, 105, 106, 117, 118, 135, 136, 139
- Wilde, O., 195–6
- workhouses, 4, 5, 23, 168, 204
- youth culture, 229–32
- young offender, *see* juvenile offender; residential reform homes for
- Zedner, L., 6, 84, 135, 136, 139, 141, 142, 151, 154

