Contesting the Legacy of Separate Treatment: Prisoner Health During and After the Pentonville Prison Experiment, 1842–9

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Declaration of originality

I certify that the intellectual content of this thesis is the product of my own work and that all assistance received in preparing this thesis and sources have been acknowledged, nor has this thesis been submitted for any degree or other purposes.

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Abstract

The Pentonville Prison Experiment took place from 1842–9, when over 2,500 prisoners sentenced to transportation passed through an innovative prison disciplinary practice known as "separate treatment". Analogous to twenty-first century solitary confinement, separate treatment required prisoners to be confined, alone and in enforced silence, for 22 hours a day. In Pentonville, where sentence lengths averaged 18–20 months, prisoners were taught trades to better their chances in the Australian colonies, and received pastoral care from the prison chaplains, who wanted to help prisoners reform and remake themselves into useful members of society. A motivating factor of the Pentonville Prison Experiment was a desire to address the perennial problems of recidivism, criminality, and prison disease. Pentonville was a modern, experimental institution that promised the Victorians an inoculation against these issues.

However, distinguishing between the allegedly reformative qualities of separate treatment and the punishment of solitary confinement was difficult, and in both Britain and Australia the two were often confused in public debates. Muddying the topic were claims of prisoner madness, which emerged just months into the Experiment. Despite official refutation, these charges proved resilient, and eventually the sentence lengths at Pentonville were shortened in 1848, and again in 1853. This drove home the view that Pentonville was a misguided and short-lived experiment in penal reform.

The idea that separate treatment drove prisoners mad has an enduring legacy, one that persists in the Pentonville Prison historiography. Yet, no studies have undertaken a forensic examination of this institution to determine the veracity of these claims; and no studies have considered the transnational link between Britain and specifically Van Diemen's Land (now Tasmania), the southernmost Australian colony that received the bulk of Pentonville prisoners between 1842 and 1849. As every prisoner sent to Pentonville was bound for Australia to complete their sentence, this is a significant historiographical oversight.

This thesis examines the nature of ill-health during the Pentonville Prison Experiment. My central question is not whether prisoners became sick during their confinement under separate treatment, but the degree of their illness, and whether separate treatment had an extended effect

on their mental and physical health. In taking a long-term view of the impact of separate treatment, this thesis challenges the prevailing historiographical perspective that separate treatment made prisoners insane, and in doing so, calls for a more nuanced, fine-grained consideration of historical health in institutions.

This thesis is comprised of five chapters that range from Britain to Van Diemen's Land. Existing studies on Pentonville Prison have been primarily qualitative. However, a strictly qualitative approach risks reinscribing the contemporary debates on separate treatment without considering the more complex reality of institutional living. To counter this view, and to review existing historiographical claims, this thesis employs a mixed methods approach that draws down in the final chapter into a quantitative examination of prisoner outcomes in Van Diemen's Land, in order to demonstrate measurable insight into the impact of separate treatment on transported prisoners.

Undertaking a mixed methods approach called for a body of archival material that was significant in scope. This largely included transcribing sources that have previously been used superficially in other studies, such as the Pentonville Prisoners' Register (1842–8); the Pentonville Chaplain's Journal (1848–51); Pentonville Minute Books (1843–8); and Surgeon-Superintendent Ship Journals (1844–9). Official records like the Reports of the Commissioners for the Government of Pentonville Prison (1843–50) were also used. Rounding off this selection of material are the transcriptions of 150 convict conduct records of the first transported Pentonville prisoners to Van Diemen's Land in 1844. Additional sources, such as British and colonial census and BDM records, assisted in verifying or expanding prisoner biographies for the purpose of microhistorical case studies.

This thesis contrasts existing work on Pentonville by challenging the blanket assumption that all prisoners under separate treatment became mad as a result of their confinement. Significantly, the mixed methods approach of this thesis raises fresh questions on separate treatment and sheds light on the impact of this discipline on the minds and bodies of those exposed to it. This thesis finds that instead of passive bodies who became ill, prisoners were far more resilient than has been previously thought.

Publications during enrolment

Referenced in Chapters 2 and 5:

Honey Dower, "Inverting the Panopticon: Van Diemen's Land and the Invention of a Colonial Pentonville Prison", in Tim Causer, Philip Schofield, and Margot Finn (eds.), *Bentham and Australia: Convicts, Utility and Empire* (London: UCL Press, 2022).

Not referenced in thesis:

Honey Dower, "'Roared like maniacs': Separate Treatment and the Fear of Female Madness", in Dianne Snowden and Jane Harrington (eds.), *Voices at the New Norfolk Asylum* (Hobart: Convict Women's Press, 2021), 29-38.

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List of Abbreviations

ADB	Australian Dictionary of Biography
CON	Convict Department
DNB	Dictionary of National Biography
HO	Home Office
LSE	London School of Economics
PAHSMA	Port Arthur Historic Site Management Authority
TA	Tasmanian Archives
TNA	The National Archives, Kew
VDL	Van Diemen's Land

Introduction

In November 1841, eight months before the construction of Pentonville Prison in London was complete, the English *Examiner* published a condemnation of the cruelties still suffered in Britain's prisons:

> While the punishment of imprisonment is so inflicted as to produce either bodily or mental ruin to the imprisoned, it is idle to talk of the maintenance of discipline. The prison whose hospital is filled with the sick, and whose dark cells are peopled with the refractory, cannot be well regulated. The system that inevitably induces loss of health, and a sense of injustice not created by the terms and tenor of the sentence, is not an enforcement of the law, but a violation of its first principles.[1]

After decades of penal reform, Britain in the 1840s was still at a crossroads. Convincing the public of the great strides made towards progress was an unenviable task, not least because the latest shift in penal reform concerned a new form of prison discipline known as "separate treatment" that, to the untrained eye, appeared little more than a rarefied version of prolonged solitary confinement. Separate treatment consisted of cell-bound confinement for 22 hours a day, with an hour spent in chapel and one at exercise in a private yard. Prisoners had to be completely silent and wore hoods when outside of their cell to mask their identity from other prisoners. The pastoral focus was on moral reformation; it was theorised that prolonged isolation afforded the prisoner an opportunity to self-reflect and meditate on his past misdeeds. After a period of probation of 18–20 months, a prisoner was transported to the Australian penal colonies to serve out his sentence.

Pentonville Prison was intended to be a blueprint for a system of new institutions across Britain. Between 1842 and 1849, over 2,500 prisoners sentenced to transportation passed through what was termed the "portal to the penal colony".[2] The object of the Pentonville Prison Experiment was to examine how meditated isolation could break through a prisoner's defences to remodel them as a useful member of society. Such idealism also demonstrated how ingrained science

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[1] *The Examiner*, 13 November 1841, 722-3.

[2] Letter from Sir James Graham, 16 December 1842, Second Report of the Commissioners for the Governor of the Pentonville Prison, Command Papers (536), Vol. XXVIII.71 (1844), 24.

had become to the theory of penal reform: only by testing the limits of an experimental prison discipline could the process of reforming criminals be refined, and Britain could take centre place on the international stage as a modern authority in matters of carcerality. Though the public may have struggled with the difference between separate and solitary confinement, at the time of Pentonville's opening in 1842, there was hope that separate treatment just might be the answer to the historic problems of crime, punishment, and prison disease. According to one Australian commentator, Pentonville was "an academy for purification, not … a gaol of oppressive or vengeful punishment".[3] Similarly, as one English magazine put it in 1843:

> Many modes of secondary punishment have failed, but the one to be pursued at the Model Prison is an experiment founded on past experience of the deficiency of other systems, and promises at length to be successful.[4]

However, such unmitigated isolation had drastic effects on the minds and bodies of prisoners. Claims of madness in particular soon condemned the Experiment, and in response the duration of confinement in Pentonville was shortened to 12 months in 1848, and to 9 months by 1853.[5] In 1851, eminent psychiatrist Forbes Winslow claimed that 1.4% of Pentonville men suffered mental disorders.[6] After a sustained war of attrition by the London *Times* and the persuasive opinion of author Charles Dickens, Pentonville Prison was thereafter viewed disparagingly and as yet another costly experiment in penal reform.[7] This was especially felt by the families tasked to care of prisoners unable to withstand separate treatment. For instance, in 1845 the father of a recently released prisoner, Baptist Minister Isaac Lingley, contacted the Pentonville Board of Commissioners to inform them that after a short decline, his nineteen-year-old son

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[3] *The True Colonist,* 8 March 1844, 4.
[4] *Penny Magazine of the Society for the Diffusion of Useful Knowledge,* 9 September 1843, 107-8.
[5] U. R. Q. Henriques, "The Rise and Decline of the Separate System of Prison Discipline," *Past & Present* 54, no. 1 (1972): 86.
[6] Forbes Winslow, "Prison discipline," *Lancet* 57, no. 1439 (29 March 1851): 359.
[7] Catherine Cox and Hilary Marland, "Creating Troubled Minds in Prison: The System of Separate Confinement," in Alice Mills and Kathleen Kendall (eds.), *Mental Health in Prisons: Critical Perspectives on Treatment and Confinement* (New York: Springer, 2018): 29.

had died.[8] His son prisoner was James Lingley, alias Habakuk Cartwright.[9] James was a habitual petty thief who, in 1844, had been sentenced to transportation on a charge of larceny, and thereafter sent to Pentonville Prison to undergo a 20 month probation period before he left for Australia.[10] While in prison, James first complained of an illness in June 1845; by July he had contracted pulmonary consumption.[11] Shortly afterwards, the Pentonville Prison Board of Commissioners proposed his removal on medical grounds; he was granted a free pardon and "given unto charge of his father", who met James at the Pentonville gates with a view of returning him home to Lincolnshire.[12] Had a reading of the Pentonville archive stopped at these gates, we might not have known of James' fate. It is partly for this reason that I intend to push beyond this boundary to take a long-range view of the subjects of the Pentonville Prison Experiment, and to consider, in particular, the sustained mental or physical effects of separate treatment after their confinement.

This thesis assesses the Pentonville Prison Experiment through the lens of health. Current criminological studies have consistently demonstrated how detrimental solitary confinement is to prisoner health, with associations to increased psychological trauma and distress.[13] The

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[8] "I write to inform you of an event which I am sure you will not be surprised at hearing, viz., the death of my poor dear boy, which took place on the afternoon of Saturday last. The voyage down and entire change appeared to check the progress of his disease, so that he continued for some time much as he was at the time of leaving Pentonville, sitting up some hours every day until within a week of his death. He always appeared happily resigned to the Divine will concerning him, and I never once heard him express a wish to recover, or lament his being so soon taken off. He talked but little; but I trust his mind was rightly fixed, and he was resting upon the only foundation for salvation. Thus, after a few weeks illness, ended the career of one, who though not 19 years old, had travelled nearly all over the three kingdoms; had been in several prisons, and in nearly half the Union houses in England; had endured great hardship, experienced much privations, and been the subject of many narrow escapes" (Anonymised letter, Fourth Report of the Commissioners for the Government of the Pentonville Prison, Command Papers [751], Vol. XX.97 [1846], 31-2).

[9] Isaac Lingley, Census Returns of England and Wales 1841, The National Archives Kew (hereafter TNA), HO107/1035/11/39, 8; Birth Certificate of James Lingley (17 Dec 1826), General Register Office, Birth Certificates from the Presbyterian, Independent and Baptist Registry and from the Wesleyan Methodist Metropolitan Registry, vol. 5, TNA, RG5/129, 167.

[10] Habakuk Cartwright (James Lingley), Home Office Criminal Registers, England and Wales, HO27/73, 252.

[11] Fourth Report, Command Papers (751), 34.

[12] 596 Habakuk Cartwright, Pentonville Prisoners' Register, Records of the Prison Commission, 1842–9, Australian Joint Copying Project (hereafter AJCP), PCOM2/61/5977, 50-51.

[13] This is a field with a large scholarship. Some timely and relevant pieces include Craig Haney, "The Psychological Effects of Solitary Confinement: A Systematic Critique," *Crime and Justice* 47, no. 1 (2018): 365-416; Keramet Reiter et al., "Psychological Distress in Solitary Confinement: Symptoms, Severity, and Prevalence in the United States, 2017–2018," *American Journal of Public Health* 110, no. S1 (2020): 56-62; Justin D Strong et al., "The Body in Isolation: The Physical Health Impacts of Incarceration in Solitary Confinement," *PloS one* 15, no. 10 (2020): 1-20; Sonja E Siennick et al.,

ongoing COVID-19 global pandemic has also shown prison institutions to be vulnerable to disease and in need of more coherent emergency medical guidelines.[14] Current studies find that COVID death rates in British prisons are three times the rate of the regular population, with some early pandemic modelling predicting a 76.1% rate of intra-prison infection without interventions.[15] While conditions under solitary confinement and its mode of operation vary at local, national, and international levels, it generally refers to imprisonment for 22 hours a day, with little to no outside social contact, and mediated solo exercise. In Britain, 500 prisoners out of the national total of 85,000 incarcerated people live in sustained solitary confinement.[16] This form of current solitary confinement is analogous to Victorian era separate treatment, making comparisons apt.[17] Pentonville Prison was codified in an era of persistent health issues in prisons, with existing national institutions like Millbank riddled with endemic disease. Pentonville intended to address these issues through architecture, staffing, and a new form of prison discipline with separate treatment. However, cases of mental and physical illness soon manifested during the Experiment, and despite actions taken to remove suffering prisoners, this thesis finds that many sick men ended up being transported to the Australian colonies regardless.

The focus of this thesis is the duration of the Experiment from 1842 to 1849, which encapsulates the most heightened version of separate treatment experimented with in Britain at the time. Unlike existing studies on Pentonville Prison, this thesis goes beyond prison walls to

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"Revisiting and Unpacking the Mental Illness and Solitary Confinement Relationship," *Justice Quarterly* 47, no. 1 (2021): 1-30.

[14] Thomas Hewson et al., "Effects of the COVID-19 Pandemic on the Mental Health of Prisoners," *The Lancet Psychiatry* 7, no. 7 (2020): 568-70; David H Cloud et al., "Medical Isolation and Solitary Confinement: Balancing Health and Humanity in US Jails and Prisons During COVID-19," *Journal of General Internal Medicine* 35, no. 9 (2020): 2738-42; Ashleigh Stewart, Reece Cossar, and Mark Stoové, "The Response to COVID-19 in Prisons Must Consider the Broader Mental Health Impacts for People in Prison," *Australian & New Zealand Journal of Psychiatry* 54, no. 12 (2020): 1227-8; Pauline Brennan, "Responses Taken to Mitigate COVID-19 in Prisons in England and Wales", *Victims & Offenders* 15, no. 7 (2020): 1226.

[15] Data drawn from March 2020 and February 2021. See Isobel Braithwaite et al., "High COVID-19 death rates in prisons in England and Wales, and the need for early vaccination", *The Lancet* 9, no. 6 (2021): 569-70; Declan Bays et al., "Insights gained from early modelling of COVID-19 to inform the management of outbreaks in UK prisons", *International Journal of Prisoner Health* (2021): 7, 13-4.

[16] Daniella Johner, "One is the Loneliest Number: A Comparison of Solitary Confinement Practices in the United States and the United Kingdom," *Pennsylvania State Journal of Law and International Affairs* 7, no. 1 (2019): 250.

[17] See Katherine McLeod and Ruth Martin, "Solitary Confinement, Post-Release Health, and the Urgent Need for Further Research," *The Lancet Public Health* 5, no. 2 (2020): e74; Johner, "One is the Loneliest Number", 250.

consider the health of prisoners during their transportation voyage to Australia, and their experience of assimilation in Van Diemen's Land, the southernmost Australian colony.[18] In doing so, a number of questions are addressed. How did separate treatment affect prisoners? In what ways did they suffer as a result of their confinement? What were the short-, mid-, or long-term effects of separate treatment on the minds and bodies of those exposed to it? Lastly, how did existing ideas on criminality and contagion influence the way suffering prisoners were treated? These questions intend to find nuance in the enduring scholarly and public idea that Pentonville was universally detrimental to prisoner health. While there is little doubt that separate treatment materially affected the prisoners exposed to it, the actual extent of their suffering remains unclear.

This introduction is divided into four sections. Section 1 is a review of the Pentonville Prison historiography, namely how historians have interpreted its role in the scheme of Victorian era penal reform over time, and how, if at all, prisoner health is featured in these studies. Section 2 outlines the methodology employed throughout this thesis before segueing into Section 3, which surveys the significant body of archival material consulted for this research. This introduction ends with Section 4, which sets out the thesis' chapter progression by briefly summarising the purpose of the following five chapters.

Section 1: Literature review

Throughout, this thesis uses rolling literature reviews to ground each chapter in a relevant historiography. However, to understand the premise of my research, this literature review sketches a more general snapshot of Pentonville Prison, and in doing so, seeks to establish an epistemological foundation to support the arguments made in this thesis. As indicated above, a central question to this thesis is not necessarily whether separate treatment made prisoners insane – as contemporaries purported to be true – but what the extent of this mental distress was, and whether prisoners suffered in any other ways. As such, this literature review is concerned not only with how the history and role of Pentonville Prison has been treated by scholars, but whether prisoner health featured in these histories at all.

[18] Van Diemen's Land was renamed Tasmania in 1856. This thesis is contextually specific, and so uses "Van Diemen's Land" to refer to pre-1856 events, and "Tasmania" after that.

What follows is a largely chronological account of contemporary and secondary work on Pentonville Prison. In reading the historiography chronologically, I intend to show that Pentonville has become emblematic of the perceived failures of nineteenth century prison reform and has not consistently been considered as a historically located establishment helmed by reformers with contextually specific and arguably good intentions.[19] While this thesis is not the place for it, I contend there is a bigger question to be asked about the Whiggish undertone to prison studies, even in the recurrent carceral narrative of cyclical decline, in which waves of penal reform are doomed to repeat historic mistakes despite evidence to the contrary.[20] Traces of this thinking can be found across the following studies, particularly from the mid-twentieth century. While this is by no means a wholly comprehensive survey, as the Pentonville historiography deserves independent scrutiny for reasons that will be elucidated, this literature review illustrates that from its inception, it has often been easier to imagine Pentonville than understand it.

The earliest work on the Pentonville Prison Experiment was published in 1845 by reformer Joseph Adshead (1800–61). In a weighty tome titled *Prisons and Prisoners*, Adshead surveyed the landscape of British, European, and American penal reform, including as part of it a valuable case study on Pentonville Prison, by then in its first year of operation.[21] Upon the departure of the *Sir George Seymour* (1844), the first ship to transport Pentonville men to Australia, Adshead relayed an interview with one of the men in question:

> Another convict observed, 'They say it's the solitary system at Pentonville which makes people mad; I know what the old prisons are, and I call it a boarding school in comparison with them'.[22]

Aware that claims of madness were one of the strongest charges made against the separate system, Adshead took care to refute these allegations of "maniac-making" by quoting official

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[19] This is an argument made by numerous scholars on matters of social reform or missionising figures, however, in the context of penal change, see Neil Davie, *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850* (Oxford: Bardwell Press, 2016).
[20] Ernst Mayr sketches a useful approach to determining whether a study is Whiggish or not. See Ernst Mayr, "When is historiography Whiggish?", *Journal of the History of Ideas* 51, no. 2 (1990): 301-9; On progress, see Robert Nisbet, *History of the Idea of Progress* (New York: Routledge, 2017), 5.
[21] J. Adshead, *Prisons and Prisoners* (London: Longman, Brown, Green, and Longmans, 1845), 225-53.
[22] Ibid., 243.

statistics and iterating prison reports.[23] Adshead concluded that the "excite[d] public clamour against the adoption of separation at the Model Prison" went against the evidence that it was a discipline "both sound in principle and safe in practice".[24] He also quoted extensively from a letter sent to him by German political philosopher Francis Lieber (1798–1872) who argued in favour of separate treatment because its restorative effects would eventually have a generational influence.[25]

Commentaries made by those involved with the Pentonville Prison Experiment itself were infrequent, though powerful. In 1844, Colonel Joshua Jebb (1793–1863), Surveyor General of Prisoners and Royal Engineer, the architect of Pentonville, published a rather technical account of the experience of designing a separate institution.[26] In 1847, Jebb published a commentary on the nature of separate treatment. In it, he advocated for a "judicious application" of the separate treatment system so that "its injurious consequences be avoided".[27] He essentially argued for a proportionate measure of isolation to avoid prisoners becoming "habituated to solitude".[28] In this, Jebb strongly resisted extending any period of imprisonment beyond 18 months, claiming that 12 months imprisonment appeared to produce the greatest result in prisoners.[29] Similar caution was echoed by Reverend John Burt, the assistant Pentonville chaplain, who in 1852 published a book on the Experiment's "results".[30] Reverend Burt observed that, although the separate system was wildly popular, both in Britain and throughout Europe, its "superiority" as a prison discipline should not be assumed, as "considerable uncertainty exists as to the exact method for rendering the discipline most effective".[31]

The question that both Jebb and Burt elucidated was whether separate treatment was "advantageous" beyond 12 months; in this, Burt had doubts.[32] Importantly, Burt rested his case

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[23] Ibid., 241.
[24] Ibid., 252.
[25] Ibid., 252-3; Adshead later published the letter in full, see F. Lieber, J. Adshead, and E.G. Fry, *Prison Discipline* (London: Cave and Sever, 1848).
[26] See Joshua Jebb, *Report of the Surveyor General of Prisons on the Construction, Ventilation and Details of Pentonville Prison* (London: William Clowes, 1844).
[27] Jebb, *Observations on the Separate System of Discipline Submitted to the Congress Assembled at Brussels, on the Subjects of Prison Reform, on the 20 September 1847* (London: William Clowes, 1847), 29-30.
[28] Ibid., 29.
[29] Ibid., 23.
[30] John T Burt, *Results of the System of Separate Confinement: As Administered at the Pentonville Prison* (London: Longman, Brown, Green, and Longmans, 1852).
[31] Ibid., vi.
[32] Ibid., vi-vii.

on the nature of convict health and future prospects: "A great error will be committed if the merits of the Separate System are discussed solely upon the ground of reformation".[33] He claimed that too much emphasis had been placed on the prospect of prisoner reformation, and that early advocates of the system did not have the "data" to consolidate opinions on, for example, the length of imprisonment most beneficial to prisoners.[34] I contend that Burt had made an interesting and poignant observation: that *theory* had driven the bulk of debate on separate treatment. The "assumption" that 12 months of confinement imparted "excessive injury to the mental and bodily health" was:

> Not only based upon theoretical grounds, but upon theory opposed to experience; every theory involved … had already been tested by actual experiment, had been proved erroneous, and had been abandoned.[35]

Burt argued that comparisons between Pentonville and other institutions were useless, for if conclusions could not be drawn from the original model of separate treatment, what use was the Experiment more generally?[36] Burt's work underscored the science of penal reform in this period, strongly recommending that any conclusions made on the efficacy of separate treatment had to be quantifiable.[37] Both Burt and Jebb were concerned with the future health and happiness of prisoners, arguing above all for mediated and experimental models of prison discipline that would, over time, result in the most ideal mode of imprisonment.

While Reverend Burt disagreed that prisoner reformation was the most important aspect of separate treatment, primarily because it was used too often as a rhetorical tool and could not be measured in any meaningful way, in 1849 Reverend Joseph Kingsmill (1806–65), senior chaplain at Pentonville Prison, published an account of the Experiment that claimed the opposite.[38] He pointed out the irony in previous reformers who held up the reformatory process of separate treatment "while [shrinking] in general from acknowledging the power of the grace of God in turning the sinner from the error of his ways".[39] Kingsmill noted that critics of Pentonville tended to treat both the system and its religious underpinning as "ridiculous"; his

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[33] Ibid., 235.
[34] Ibid., 238-9.
[35] Ibid., 242.
[36] Ibid., 254.
[37] Ibid., 260.
[38] J. Kingsmill, *Prisons and Prisoners* (London: J.H. Jackson, 1849).
[39] Ibid., 181.

point was that one could not exist without the other, largely because the Quaker influence was integral to Pentonville's conception.[40] Kingsmill cited the Christian feeling of reformer and philanthropist John Howard (1726–90) as a core motivation in his charitable works – namely his 1777 treatise *The State of Prisons in England and Wales,* a foundational text for eighteenth and nineteenth century penal reformers – and argued that this made religion inextricable from the purpose of separate treatment generally.[41]

Such esoteric concerns did not often hold water with other public views of Pentonville Prison. Perhaps most famous of these is London journalist and social commentator Henry Mayhew (1821–87), who from 1862 published several instalments of *The Criminal Prisons of London,* which were investigative dives into Pentonville Prison and other contemporary institutions.[42] The value of hindsight permitted Mayhew to observe that changes were made in the discipline at Pentonville at the close of the Experiment in 1849, with the average period of imprisonment reduced over time to just 9 months.[43] Mayhew made the important remark that there was a difference between "loathsome artistic ideality [sic]", meaning the version of separate treatment put forward in common parlance, "and the almost humane-looking reality before us".[44] "At Pentonville", Mayhew wrote, "the same mental conflict between vulgar preconceptions and strange matter of fact ensues; for the prison there is utterly unlike all our imaginary pictures of prisons".[45] Nothing illustrated this more than the interior of the prison, which was light, airy, warm, and well-ventilated, bringing to mind, "on first entering it, as a bit of the Crystal Palace".[46]

These remarks aside, Mayhew likened the experience of confinement at Pentonville to a "long sickness", where prisoners could "only fret and chafe under their terrible imprisonment".[47] Indeed, the image of the ground-floor and upper levels of the prison contrasted sharply with the underground refractory ward, which was a narrow space lined with individual cells that were "pitch dark … the very air seemed as impervious to vision as so much black marble, and

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[40] Ibid.
[41] Ibid., 182-91.
[42] Henry Mayhew and John Binny, *The Criminal Prisons of London, and Scenes of Prison Life* (London: Griffin and Bohn, 1862).
[43] Ibid., 115.
[44] Ibid., 118.
[45] Ibid.
[46] Ibid., 120.
[47] Ibid., 128.

the body seemed to be positively encompassed with the blackness, as if it were buried alive".[48] Despite Mayhew illuminating the various ailments suffered at Pentonville, he "confessed" that the prisoners due for release "appeared to be perfectly healthy, and to be in no way subject to any depression of spirits".[49] Though Mayhew suggested that it ought to be up to "the public to decide" whether separate treatment induced madness, he contended that, while the rate of lunacy among prisoners during the Experiment was more than ten times the amount reported at other institutions, "it must be admitted that the separate system is the best of all the existing modes of penal discipline", even if it did leave prisoners susceptible to "religious and other grave impressions".[50]

The primary question on separate treatment during this period seemed to be whether the risk (prisoner madness) was worth the reward (reformation). To this there was no straightforward answer. Further complicating matters was the abolition of colonial transportation in 1853, meaning prisoners ordinarily confined to a period of probation in Pentonville prior to being transported were instead drafted onto public work projects in Britain, and otherwise expected to assimilate through programs analogous to parole.[51] With the exception of some robust denouncements of separate treatment, such as essayist Thomas Carlyle's (1795–1881) tirade against "model prisons" in 1850 – a colloquialism for Pentonville, which was intended to be a model for other prisons – by this time interest in separate treatment institutions was naturally beginning to wane.[52]

Interest returned in the last decade of the century. The 1895 imprisonment of poet and playwright Oscar Wilde (1854–1900) in Pentonville once more roused the public imagination, particularly in Wilde's depictions of hard labour by treadmill, oakum picking, the "inadequately ventilated and ill lit" cell, and the prison's obsessive focus on religious and ascetic texts designed to temper criminal habits.[53] Many of these hardships were popularised

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[48] Ibid., 136.
[49] Ibid., 143.
[50] Ibid., 145, 68, 71.
[51] Edmund Frederick Du Cane, "The Duration of Penal Sentences," *Fortnightly Review* 33, no. 198 (1883): 856-63; Clare Anderson, "Transnational Histories of Penal Transportation: Punishment, Labour and Governance in the British Imperial World, 1788–1939," *Australian Historical Studies* 47, no. 3 (2016): 382.
[52] See T. Carlyle, *Latter-Day Pamphlets* (London: Phillips and Sampson, 1850), 1-50.
[53] Important changes were made to the Pentonville cells in the 1890s under the du Cane regime. This included removing the cell bathing facilities and restructuring the prison to be a communal rather than

by Wilde's two letters on the subject, which were published in the *Daily Chronicle.*[54] In addition to the image of a dank, dark cell, older ideas on madness returned. For example, it was alleged that a month after his imprisonment, Wilde was reported insane, and in September 1895 he was purported to be starving.[55] The *Prison Act* (1898) had renewed interest in British penal reform and claims of insanity and starvation had an uncomfortable air of déjà vu.[56] It is around this time that articles on the "cruelty" of imprisonment gained momentum, with one of Wilde's supporters writing to an acquaintance that it was a duty not to "forget the horror of the [prison] system".[57]

Whether popularised images of madness at Pentonville have contributed to subsequent interpretations of it ought to be a central topic for another thesis. My main point here is that even forty years after the Pentonville Prison Experiment, the idea that separate treatment induced madness was a vivid one. This is in evidenced even in tangentially historical work such as that by sociologists Terence Morris and Pauline Morris, whose 1962 study on Pentonville Prison included an observation on the contemporary prevalence of mental distress and depression among prisoners.[58] The Morrises pointed out that while Pentonville had been an architectural marvel, there was little that was impressive about its historic reformative regime.[59] In 1969, historian Ernest Teagarden made some attempt to interrogate the popular charge of madness in Pentonville during the years of the Experiment, using official statistics to conclude that this claim "was not borne out by the facts".[60] Needless to say, Teagarden's reliance on the official statistics iterated the narrative put forward by prison officials at the time. Further echoing the reformers of the previous century, Teagarden argued that the experimental nature of the institution "contributed" to the fiction that separate treatment was

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individual confinement experience. Carol Schnitzer, "Oscar Wilde in Prison," *The Wildean*, no. 26 (2005): 65; John Sloan, *Authors in Context: Oscar Wilde* (Oxford: Oxford University Press, 2003), 27.

[54] K. Powell and P. Raby, *Oscar Wilde in Context* (London: Cambridge University Press, 2013), 56-7; M. Sturgis, *Oscar: A Life* (London: Head of Zeus, 2018), 589-90.

[55] A.F. Havighurst, *Radical Journalist: H. W. Massingham (1860-1924)* (Cambridge: Cambridge University Press, 1974), 67-8.

[56] Victor Bailey, *Nineteenth-Century Crime and Punishment* (New York: Routledge, 2021), 233.

[57] Havighurst, *Radical Journalist*, 67.

[58] Pauline Morris, "The Experience of Imprisonment," *British Journal of Criminology* 2, no. 4 (1962): 342.

[59] Terence Morris and Pauline Morris, *Pentonville: A Sociological Study of an English Prison* (London: Routledge, 1963), 12, 20.

[60] Ernest Teagarden, "A Victorian Prison Experiment," *Journal of Social History* 2, no. 4 (1969): 364.

detrimental to health, namely as Pentonville was such a radical departure from what had gone before.[61]

Writing in 1972, historian Ursula Henriques set down the first chronology of the "great age" of the separate treatment system in Britain.[62] Henriques positioned the prison chaplain as a "key figure" in the role of the separate system and drew heavily on chaplain writings to support her argument.[63] She questioned their sincerity in observing remarkable prisoner transformations, and suggested that chaplains "may sometimes have misinterpreted the phenomena they saw".[64] Perhaps for this reason, although Henriques does not acknowledge this dichotomy, she found that chaplains reported higher rates of mental distress than the official statistics and reports suggested.[65] Henriques also ascribed the reason for the ultimate failure of separate treatment to an inability to target crime in a wide-ranging and practically impactful way. However, in this she failed to account for the fact that all Pentonville Prison inmates were sentenced to colonial transportation: the object of reformation during the Experiment was to reform men bound for Australia.[66]

In many ways, Henriques' observations on Pentonville Prison are among the few uninfluenced by French poststructuralist Michel Foucault's *Discipline and Punish* (1975), which, arguably, represented a shift in how scholars thought about the rise of the institution as a whole, and, by proxy, influential and infamous prisons like Pentonville.[67] So great has Foucault's thoughts been on the nature of nineteenth century institutionalisation that to avoid mentioning him would be an oversight. However, as this is a historical, not philosophical, thesis that does not subscribe to Foucauldian theory, an overview of his impact will be sufficient.

The post-Foucauldian historiographical shift can be explained by Foucault's focus on English philosopher Jeremy Bentham's (1747–1832) infamous "panopticon", which Foucault appropriated for his theory of "panopticism".[68] Panopticism is best unpacked and contested by

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[61] Ibid.
[62] Henriques, "The Rise and Decline of the Separate System of Prison Discipline," 78.
[63] Ibid., 79-80.
[64] Ibid., 81-2.
[65] Ibid., 86.
[66] Ibid., 91-3.
[67] *Discipline and Punish* was first published in 1975 and translated into English in 1977.
[68] A. Brunon-Ernst, *Beyond Foucault: New Perspectives on Bentham's Panopticon* (Surrey: Ashgate Publishing Limited, 2013), 2; David Wood identifies three ways that "panopticism" is treated by scholars: "Appropriation and application; rejection; and qualified acceptance subject to empirically-

scholar Anne Brunon-Ernst, who sophisticates the familiar argument that Foucault fundamentally misinterpreted Bentham's intentions.[69] As there is an intellectual legacy between panopticon and Pentonville Prison I contend that this conflation between the panopticon and separate treatment has, to some degree, been internalised by historians interested in Pentonville, that to return focus to Pentonville as an *institution* rather than an *idea* seems slightly unfashionable. As one penal reformer put it in the context of separate treatment: "Separation, watchfulness, and restraint, are, or ought to be, the grand cardinal objects to be sought for in all good systems of prison discipline".[70] This was certainly a theory – historic penal reformer John Howard's theory. But as Chapter 2 will establish, Bentham's panopticon was troubled by its lack of practical utility and, indeed, it was never even built. Foucault capitalises on this static quality to render panopticon a *mis en scene* of power and control, imagining it to impart an actor-like self-consciousness in those unfortunate enough to be under its sway.[71] Historian Philip Schofield suggests that Bentham would have thought of Foucault's "panopticism" as "very odd", for the historical panopticon was "humane, and an enormous improvement of the criminal justice system at the time".[72] Bart Simon also posits that as the panopticon was "somewhat nebulous", it was precisely this quality that made it "a perfect fulcrum for social theorising as it is arguably also prone to iconic simplification".[73] Putting aside Janet Semple's 1992 "defence" of panopticism, few historians of either prisons or particularly Bentham give credence to Foucault's interpretation.[74]

Foucault's central thesis – that a wave of "great confinement" swept Europe from the seventeenth century, capturing swathes of people and placing them in new institutions like the prison and asylum – has been rebuffed by historians whose debates are well known and well-worn.[75] Foucault suggests that the majority of criminal or pauper populations were

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dependent limitations". See David Wood, "Foucault and Panopticism Revisited," *Surveillance & Society* 1, no. 3 (2002): 236.

[69] Brunon-Ernst, *Beyond Foucault*, 40-1.

[70] James Boyd quoted in J. Syme, *Nine Years in Van Diemen's Land* (London: J. Syme, 1848), 361.

[71] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Allen Lane, 1977), 201.

[72] Phillip Schofield, *Bentham: A Guide for the Perplexed* (London: Bloomsbury Publishing, 2009), 70.

[73] Bart Simon, "The Return of Panopticism: Supervision, Subjection and the New Surveillance," *Surveillance & Society* 3, no. 1 (2005): 2.

[74] Janet Semple, "Foucault and Bentham: A Defence of Panopticism," *Utilitas* 4, no. 1 (1992): 105-20.

[75] See Roy Porter, *Mind-Forg'd Manacles: A History of Madness in England from the Restoration to the Regency* (Cambridge: Harvard University Press, 1987), 95-8, 261-70; Andrew Scull, *Psychiatry and Its Discontents* (Berkley: University of California Press, 2019), 9-45.

institutionalised, though historical studies find that the opposite was true.[76] In their 2006 work on the politics of madness, scholars Joseph Melling and Bill Forsythe suggest that Foucault "gives us a limited resource for understanding the complex social environment in which insanity was apprehended or the intricate institutional politics which defined access to treatment during the nineteenth century".[77] Melling and Forsyth argue that an "interplay between different groups of actors … determined the functions" of institutions, fusing "a doctrine of public utility" with "a vision of compassionate responsibility".[78] Similarly, in an 1981 retrospective published after his landmark book *A Just Measure of Pain* (1978), Michael Ignatieff emphasised that where he and Foucault mainly differed was on the motivations of reformers: while Foucault posited a form of Marxian social control as the impetus for asylums, prisons, workhouses, and other institutions, Ignatieff resisted this view on the basis of "social reductionism" and a lack of common humanity and religious feeling among reformers.[79] Ignatieff maintained that:

> Historical reality is more complex than the revisionists assumed, that reformers were more humanitarian than revisionists have made them out to be … The real challenge is to find a model of historical explanation which accounts for institutional change without imputing conspiratorial rationality to a ruling class.[80]

While it is worth asking why Foucault's interpretation holds such imaginative power – perhaps a grand narrative that foregrounds class-based subjugation is more interesting than the piecemeal and imprecise nature of reform and politics – this thesis is not the place for it. From a historiographical perspective, Foucault's legacy is profound. However, there is a degree of ahistoricism and even anthropomorphism in such interpretations of separate treatment, an implication that this was a discipline that governed itself and was somehow subject to a higher abstract power. Indeed, this tension between theory and reality was acknowledged by some studies published after the 1970s, namely those with a strong historical interest in the

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[76] Peter Spierenburg, *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe* (Amsterdam: Amsterdam University Press, 2007), 10.
[77] Joseph Melling and Bill Forsythe, *The Politics of Madness: The State, Insanity and Society in England, 1845–1914* (New York: Routledge, 2006), 5-6.
[78] Ibid., 8.
[79] For the thrust of Ignatieff's early argument, see Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London: Macmillan, 1978), 210-20; Ignatieff, "State, Civil Society, and Total Institutions: A Critique of Recent Social Histories of Punishment," *Crime and Justice* 3 (1981): 171-2.
[80] Ignatieff, "State, Civil Society, and Total Institutions," 157.

development of Pentonville and nineteenth century prisons more broadly. Yet, many of these studies became vulnerable to what might be termed a meta-narrative of madness in prisons; in other words, it may be that the more it was repeated that Pentonville made people insane, the more it was assumed to be true.[81]

Following loosely in the style of Henriques, Heather Tomlinson in 1980 outlined the life course of separate treatment through prison architecture, though she barely engaged with prisoner health, not even the incendiary claims of widespread madness by way of context.[82] Robin Evan's 1982 survey of prison architecture from 1750–1840 argued that surveillance became part of penal rhetoric and practice "primarily as a means of avoiding disorders, riots, and escapes".[83] To do this, Evans gave agency to the design of prisons like Pentonville, suggesting that the "reformed prison … vested in a place properties that had hitherto vested in persons".[84] While Evans astutely remarked that Pentonville "turned an issue of psychology into an issue of mechanics", he did not populate his prisons or consider the impact of architecture on prison discipline or, indeed, its inmates or staff.[85] As Chapter 3 in this thesis shows, prison officials debated the architecture of Pentonville Prison precisely because it was believed to have a detrimental effect on prisoner health. Like Tomlinson, Evans only briefly considered madness in his analysis, and this formed part of the conclusion.[86] In this, Evans presented Pentonville as a finished enterprise, not a project that necessitated changes over time.[87] This approach was mediated somewhat by the work of Eric Stockdale, who in 1976 and 1983 conducted a close

[81] On the rise of the historian's meta-narrative and tradecraft, see Barbara Weinstein, "History without a Cause? Grand Narratives, World History, and the Postcolonial Dilemma," *International Review of Social History* 50, no. 1 (2005): 71-93; On anti-Victorian sentiment, see K. Mitchell, *History and Cultural Memory in Neo-Victorian Fiction: Victorian Afterimages* (New York: Palgrave Macmillan, 2010), 42.
[82] Heather Tomlinson, "Design and reform: the 'separate system' in the nineteenth century English prison", in A.D. King (ed.), *Buildings and Society: Essays on the Social Development of the Built Environment* (London: Routledge & Kegan Paul, 1984), 51-65.
[83] Robin Evans, *English Prison Architecture, 1750-1840* (Cambridge: Cambridge University Press, 1982), 419.
[84] Ibid.
[85] Ibid., 363.
[86] Ibid., 386-7.
[87] Ibid., 346-87.

reading of administrative archives to highlight the practical complications of designing and enacting Pentonville Prison, albeit from a top-down perspective.[88]

Contributing to the absence of prisoners and a generalisation of madness was Christopher Harding's 1985 co-authored history on British imprisonment.[89] This study suggested that the reason for Millbank Penitentiary's closure was high instances of insanity and the lack of reformative discipline.[90] This statement is not borne out by the archival evidence, which finds that it was endemic disease that hastened Millbank's decline as a national penitentiary. Oddly, Harding attributes the disciplinary changes made at Millbank to William Crawford and Reverend Whitworth Russell, both in fact progenitors of Pentonville Prison with little influence over Millbank, largely, as Chapters 1 and 2 show, on account of traveling in America in the 1830s during Millbank's decline. Harding states that the failure of Pentonville "marked the failure of religious reformation and also the failure of penal architecture".[91] He also argues that criticism of Pentonville rested on the claims of prisoner insanity and its inability to address recidivism; however, in a manner consistent with existing historiography, Harding does not mention that prisoners sent to Pentonville were intended to be transported to Australia, which made recidivism – to put it bluntly – not the purview of the Home Office.[92] While Harding addresses the topic of prisoner rebellion in Pentonville, he includes in this category "madness", an inadvertent echo of Pentonville prison staff, who were concerned that some prisoners imitated insanity to procure lighter sentences or, better yet, a medical pardon.[93] Across the work of Harding, Evans, and Tomlinson, it appeared that historians were more interested in the mechanism and bureaucracy of Pentonville Prison than the prisoners intended to populate it.

An important exception to this is Philip Priestley's *Victorian Prison Lives* (1985), an attempt to marshal prisoner narratives and understand their experience of imprisonment.[94] Priestley's foregrounding of prisoner voices was path-breaking, largely as it flipped traditional prison studies in focusing on those that populated, rather than designed, the space they were confined

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[88] Eric Stockdale, "The Rise of Joshua Jebb, 1837-1850," *British Journal of Criminology* 16 (1976): 164-70; Stockdale, "A Short History of Prison Inspection in England," *British Journal of Criminology* 23 (1983): 209-28.
[89] Christopher Harding et al., *Imprisonment in England and Wales: A Concise History* (London: Croom Helm, 1985).
[90] Ibid., 151.
[91] Ibid., 154.
[92] Ibid., 153.
[93] Ibid., 173.
[94] Philip Priestley, *Victorian Prison Lives* (London: Random House, 1985).

in. Though Priestley accessed several primary sources for his work, namely prison reports, he drew only on one prisoner diary held in the archives, and otherwise relied on published prisoner accounts that were, generally speaking, retrospectives.[95] Subsequent studies have highlighted the problem of truth and transparency in nineteenth century prison accounts, particularly claiming that a post-Foucauldian legacy robbed prison studies of giving prisoner voices their due, preferring instead to deal in abstraction.[96] Nevertheless, Priestley's work represented a new effort to understand Victorian prison experiences, though his efforts were not to be repeated for some years.

On the surface, Janet Semple's 1993 work is an extension of the prisoner absence. However, her study significantly bridged the uncomfortable and as-yet unbroken silence between Jeremy Bentham and the development of nineteenth century prisons.[97] Semple was the first to state that it was reformer John Howard's views on sanitation and solitude that influenced Pentonville Prison; and she pointed out that Pentonville was, in fact, "radically different from the panopticon".[98] Perhaps most famously, Semple wrote:

> It must be reiterated that neither Howard nor Bentham advocated solitary confinement for long-term prisoners. Neither would have tolerated the penitentiary regimes of the next century. The responsibility for Pentonville must lie with the men who approved, built, and administered it.[99]

Semple drew a comparison with Bentham's vision of "man as a creature responsible for his actions", and Foucault's man, "who is a plaything of forces beyond his comprehension, a victim of circumstance, fated to suffer and sin without remedy".[100] There is something to be said about

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[95] See ibid., 296-304.
[96] See Sarah Anderson and John Pratt, "Prisoner Memoirs and Their Role in Prison History," in Helen Johnston (ed.), *Punishment and Control in Historical Perspective* (New York: Palgrave Macmillan, 2008), 179-80; John Pratt, "The Acceptable Prison: Official Discourse, Truth and Legitimacy in the Nineteenth Century," in George Gilligan (ed.), *Crime, Truth and Justice* (Devon: Willan Publishing, 2013), 83-100.
[97] Janet Semple, *Bentham's Prison: A Study of the Panopticon Penitentiary: A Study of the Panopticon Penitentiary* (Oxford: Clarendon Press, 1993).
[98] Ibid., 87, 120.
[99] Ibid., 133.
[100] Ibid., 323.

the glaring absence of the prisoner in all these studies, how focus on disciplinary forces and architectural power renders these prisoners bastard puppets of Bentham and Foucault.

We can see a connection here to Peter Sinnema's 1994 work which noted that of the six illustrations of Pentonville Prison published in the *Illustrated London News* in 1843, only two featured human figures.[101] In this isolated incident, the impression that prisoners were an unfortunate addendum to penal reform might have been promulgated by Pentonville contemporaries; however, this thesis finds that the prisoner figure was big and central to all formal or informal debates on the matter. As I demonstrate, there were certainly metaphors of cleanliness, contagion, and criminality arising in this period and before, which may explain the rare depictions of "unclean" prisoner bodies that Sinnema highlights, but this absence also acts as a reminder that Pentonville was as much a product of the nineteenth century as it was the preceding one. A similar observation was made in 1997 by Allan Brodie, who emphasised the Georgian legacy of Pentonville and other contemporary institutions.[102]

Up to the 1990s, the Pentonville historiography presented a vision of a building that acted as something of a rabbit-hole, with faceless and nameless prisoners disappearing into the ether. These scholars mostly focused on the architecture, legacy, and discipline of Pentonville Prison, and had not yet interrogated historic claims that separate treatment made prisoners unhealthy. This began to shift with the emergence of transnational histories and with studies that, like Phillip Priestley's 1985 work, considered Pentonville in increasingly creative ways.

Writing in 1999, Kenneth Kirkby was the first scholar to definitively state that prisoners sent to Pentonville were to be transported to Australia.[103] He also documented the 1852 construction of a "Model Prison" at the Port Arthur penal settlement in Van Diemen's Land, the southernmost Australian colony, which intended to blueprint Pentonville Prison.[104] Kirkby argued that cases of occasional insanity were "particularly attributed to social isolation and confinement", leading to recommendations to restrict the length of sentences in

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[101] Peter Sinnema, "Constructing a Readership: Surveillance and Interiority in the Illustrated London News," *Victorian Review* 20, no. 2 (1994): 144.
[102] A. Brodie, J. Croom, and J. Davies, "England's Prisons: the Georgian Legacy," *Prison Service Journal* (1997): 1-8.
[103] Kenneth C Kirkby, "History of Psychiatry in Australia, Pre-1960," *History of Psychiatry* 10, no. 38 (1999): 195.
[104] Ibid.

imprisonment.[105] While Kirkby pivoted the study's focus to the concept of madness in the Australian colonies, it is notable that the first link between Pentonville and Van Diemen's Land is in the context of health.[106]

Some of these studies echoed the by-now familiar arguments by other scholars. For example, historian Alyson Brown's 2003 study on the development of the English prison drew on the work of Priestley, Henriques, and Seàn McConville in stating that by the mid-nineteenth century, it was clear that separate treatment was not the "panacea for criminality and that the 'model prisons' were not going to bring about wholesale reform".[107] McConville had, particularly, emphasised that Pentonville had "sunk under the weight of public disapproval" by the end of the 1840s.[108] However, in 2004, scholar Norman Johnston traced the national and international influence of separate treatment, remarking that, despite the problems associated with separate treatment, it was nevertheless a remarkable case of intellectual transference and durability.[109]

In the realm of creative approaches, Helen Johnston published a 2005 study on representations of separate treatment in the Victorian media.[110] Her work drew on primary sources to interrogate how separate treatment and institutions like Pentonville Prison were understood by the Victorian public.[111] While Johnston's approach was innovative, she drew on the newspaper reports from the London *Times* and author Charles Dickens, both of whom were vehement opponents of separate treatment, thus somewhat skewing her analysis.[112] In the same year, Priestley contributed a short chapter to an edited collection on "touch", describing the sensory experience of confinement at, among other institutions, Pentonville.[113] Like his 1985 work,

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[105] Ibid.
[106] Ibid., 195-7.
[107] Alison Brown, *English Society and the Prison: Time, Culture, and Politics in the Development of the Modern Prison, 1850-1920* (Suffolk: Boydell Press, 2003), 83.
[108] Seàn McConville, *A History of Prison Administration, 1750–1877* (London: Routledge, 1981), 209.
[109] Norman Johnston, "World's Most Influential Prison: Success or Failure?," *Prison Journal* 84, no. 4 (2004): 20S-40S.
[110] The first edition was printed in 2005. See Helen Johnston, "'Buried alive': representations of the separate system in Victorian England", in P. Mason (ed.), *Captured by the Media* (Milton Park: Taylor & Francis, 2013), 103-20.
[111] Ibid., 103.
[112] Ibid.
[113] Philip Priestley, "In a Victorian Prison: Privations of the Flesh", in C. Classen (ed.), *The Book of Touch* (Oxford: Berg Publishers, 2005), 294-99.

Priestley drew on published retrospectives by prisoners usually imprisoned in the latter half of the century.[114]

Evidently, the historiographical lens was slowly shifting to one that, while no more or less critical of the nature of separate treatment, focused on aspects other than architecture or bureaucracy. This historiographical turn also saw a transition away from the use of official to "unofficial" sources, as in Johnston or Priestley's approach. Further, a growing awareness of what I term "prison canon" directed a series of assumed facts that underwired institutions like Pentonville Prison. Take, for example, Yvonne Jewkes and Helen Johnston in 2007, who quoted Semple in stating that Pentonville "was designed along the lines of Jeremy Bentham's 'panopticon'".[115] This disregarded the architectural legacy of Pentonville itself, which owed more to the American institutions designed by architect John Haviland (1792–1852) or even Gloucester Gaol, opened in 1791 and inspired by Howard's principles of separation, than to Bentham's panopticon.[116] I use the term "canon" in this instance to allude to a historical version of "literary canon", that is, a collection of texts that constitute a cultural legacy and act as a tool of individual and collective identity formation. In other words, the way that history is written reflects the time in which it was written.[117] As mentioned previously, while this thesis is not the place to linger on the canonisation of Pentonville Prison in prison histories, it remains that once a historiographical narrative emerged, it could only be consolidated by the studies that followed.

An enduring distaste for solitary confinement has driven many of these arguments. For example, in 2016 Margaret Charleroy and Hilary Marland published a paper that interrogated prisoner health in Pentonville Prison.[118] Their central argument was that historical accounts of prisoner distress "adds significantly to the weight of evidence and force of argument on the

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[114] Ibid., 294-5.

[115] Yvonne Jewkes and Helen Johnston, "The evolution of prison architecture", in Y. Jewkes (ed.), *Handbook on Prisons* (Devon: Willan Publishing, 2007), 184-5.

[116] See Chapters 1 and 2. Some pertinent, though older, literature on Haviland includes Norman B. Johnston, "Pioneers in Criminology V--John Haviland (1792-1852)," *Journal of Criminal Law, Criminology, and Police Science* 45 (1954): 509-19; Norman B. Johnston, "John Haviland, Jailor to the World," *Journal of the Society of Architectural Historians* 23, no. 2 (1964): 101-5.

[117] For a deeper discussion on this topic, see Antonis Liakos, "The Canon of European History and the Conceptual Framework of National Historiographies," *Transnational Challenges to National History Writing* (2013): 315-42.

[118] Margaret Charleroy and Hilary Marland, "Prisoners of Solitude: Bringing History to Bear on Prison Health Policy," *Endeavour* 40, no. 3 (2016): 142-3.

destructive impact of isolation" in contemporary prisons.[119] Writing in 2017, Jewkes similarly argued that the historic cycle of retribution and reformation in penal reform needed to be reversed for good, with contemporary institutions returning to a "humane and imaginative approach [in] designing prisons".[120] Marland published again in 2018 with Catherine Cox, influenced by a *Guardian* newspaper article that claimed prison practices were "recreating Bedlam", an infamous London asylum that was purported to admit large numbers of prisoners from Pentonville.[121] A similar argument on humanity was put forward in 2019 by Barry Godfrey and Kim Price, but they emphasised the need to foreground historical context to better understand the long legacy of penal reform.[122] By drawing on contemporary feelings on the barbarity of solitary confinement, Marland, Cox, and Charleroy, were directly positioning historical research as a way to inform and supplement policy changes – a decision that, whether intended or not, nested their work on the fringe of activist scholarship.[123]

Putting aside this caveat, it is undeniable that Marland and Cox have broken new ground in their studies on Pentonville Prison. In their 2018 article, Marland and Cox endeavoured to bring together the advances made in histories of madness to revisit Pentonville with fresh eyes.[124] Importantly, they elected to access archival sources otherwise ignored by existing studies, such as using the Pentonville Prison Chaplain's Journal and the Pentonville Minute Books to question the veracity of official statistics, namely the figures on "mad" prisoners.[125] Though

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[119] Ibid., 147.

[120] Yvonne Jewkes, "Prison Design and the Need for Reform," *Nature Human Behaviour* 1, no. 12 (2017): 846.

[121] Catherine Cox and Hilary Marland, "'We Are Recreating Bedlam': A History of Mental Illness and Prison Systems in England and Ireland," in Alice Mills and Kathleen Kendall (eds.), *Mental Health in Prisons* (New York: Springer, 2018), 25.

[122] Kim Price and Barry Godfrey, "Victorian Systems Will Not Solve Modern Prison Health Problems," *Lancet* 393, no. 10169 (2019): 312-13; see also Pamela Cox and Barry Godfrey, "The 'Great Decarceration': Historical Trends and Future Possibilities," *The Howard Journal of Crime and Justice* 59, no. 3 (2020): 261-85.

[123] Arguably, this brought prison histories back around to Foucault. Though this is a burgeoning field, some pertinent arguments include Laurence Cox, "Scholarship and Activism: A Social Movements Perspective," *Studies in Social Justice* 9, no. 1 (2015): 34-53; Frances Fox Piven, "Reflections on Scholarship and Activism," *Antipode* 42, no. 4 (2010): 806-10; Douglas Bevington and Chris Dixon, "Movement-Relevant Theory: Rethinking Social Movement Scholarship and Activism," *Social Movement Studies* 4, no. 3 (2005): 185-208; David Croteau, "Which Side Are You On? The Tension between Movement Scholarship and Activism," *Rhyming Hope and History: Activists, Academics, and Social Movement Scholarship* (2005): 20-40.

[124] Catherine Cox and Hilary Marland, "'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, no. 1 (2018): 78-109.

[125] For an outline of primary sources used, see Cox and Marland, "He Must Die or Go Mad", 107-9.

they did not seek to understand necessarily the individual cases of mental distress, their work was the first since Priestley to return focus to the prisoner. Marland and Cox concluded that:

> Far from being a place of order, rationality, discipline, and unchallenged state power, the prison was marked on a day-to-day basis by the struggle to manage mania, delusion, depression, and despair. And in the end, the worryingly high incidence of mental disturbance … was a key factor in the rejection of the purest form of separation.[126]

While Chapter 3 unpacks Marland and Cox's findings in great detail, it is sufficient to state that their work is a touchstone for this thesis. While our conclusions may differ, the work of Marland and Cox represents a significant shift in how the archive of Pentonville Prison has been interpreted. However, many of the issues raised in their studies indicate the limiting nature of restricting the scope of an analysis to the bricks and mortar of a single institution. In many respects, this has been the limiting factor of most studies on Pentonville and can only be remedied by casting our gaze outwards and beyond, to Australia, and in considering Pentonville as it was intended: as the "portal to the penal colony".[127]

Section 2: Methodology and Scope

The above historiographical review indicates that there are three key questions on the prison that are yet to be answered. First, to what measurable extent did Pentonville prisoners suffer health related problems as a result of separate treatment? Second, how did they suffer, and how were they treated? Lastly, as the prisoners admitted to Pentonville during the Experiment (1842–9) were sentenced to transportation, what happened to those men once they arrived in Australia? As the Pentonville Prison Commissioners determined in 1847, the only way to understand the impact of separate treatment was to take a long-term view of it.[128] Existing studies have made little effort to trace the flow of prisoners from Britain to Australia, thereby weakening scholarly claims of persistent prisoner illness. In addressing this gap, this thesis evidences an inherently transnational quality that illustrates the depth and meaning of penal

[126] Ibid., 105-6.
[127] Letter from Sir James Graham, Second Report of the Commissioners for the Governor of the Pentonville Prison, Command Papers (536), Vol. XXVIII.71 (1844), 24.
[128] Seventh Report for the Governor of the Pentonville Prison, Command Papers (1101), Vol. XXVI.349 (1849), 4.

reform and influence across the British Empire. If isolated confinement is detrimental to health, as contemporaries from the nineteenth to the twenty-first centuries have claimed, how are we to fully explore this claim without following it through from its British nucleus to its Australian conclusion?

To avoid echoing the patterns of previous studies, I have elected to use a qualitative and quantitative methodology, or mixed methods approach. This is a historical criminological thesis in that it is concerned with thinking historically about an enduring issue: the health effects of confinement.[129] From a methodological perspective, this thesis takes note from scholar Paul Knepper, who advocates for an "embrace" of the archival craft of the historian, which, in concert with quantitative practice, results in a blended or mixed methods approach that plays out in work by Barry Godfrey, Pam Cox, and Heather Shore.[130] From an Australian perspective, this approach has also been used to great effect by historians Victoria Nagy and Alana Piper.[131] The final chapter thus focuses on the 150 convicts on board the *Sir George Seymour*, which left Pentonville Prison in 1844 and arrived in Hobart, Van Diemen's Land, in 1845. The shift from a macro to increasingly micro perspective is intentional and seeks to balance what Barry Godfrey identifies as the problem in striving for "quasi-scientific rigor" in historical criminology, namely, that the nature of the historical record cannot fit neatly into quantitative frameworks, and some "fall-out" is to be expected.[132] Applying life course approaches to select cohorts is a technique increasingly applied by crime historians, even if this is more "ecumenical in its approaches than social science research".[133] In short, while a tension exists between the 150 convicts analysed to understand the long-term effects of separate

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[129] David Churchill, "What Is 'Historical Criminology'? Thinking Historically About Crime and Justice," *British Society of Criminology Newsletter* 82 (2018): 9.
[130] P. Knepper and K. Passmore, *Writing the History of Crime* (Bloomsbury: Bloomsbury Academic, 2015), 233; Barry Godfrey et al., "Using historical artefacts, records, and resources, in criminological research", in P. Davies and P. Francis (ed.), *Doing Criminological Research* (Newbury: SAGE Publications, 2018), 180-95.
[131] Victoria Nagy and Alana Piper, "Imprisonment of Female Urban and Rural Offenders in Victoria, 1860-1920," *The International Journal for Crime, Justice and Social Democracy* 8, no. 1 (2019): 100-115; Alana Piper and Victoria Nagy, "Risk Factors and Pathways to Imprisonment among Incarcerated Women in Victoria: 1860-1920," *Journal of Australian Studies* 42, no. 3 (2018): 268-284; Alana Piper and Victoria Nagy, "Versatile Offending: Criminal Careers of Female Prisoners in Australia, 1860-1920," *Journal of Interdisciplinary History* 48, no. 2 (2017): 187-210.
[132] Barry Godfrey et al., *History and Crime* (Newbury: SAGE Publications, 2007), 8.
[133] Barry Godfrey et al., *Young Criminal Lives: Life Courses and Life Chances from 1850* (Oxford: Oxford University Press, 2017), 7; Barry Godfrey, "History and Archival Research Methods", in D. Gadd, St. Karstedt, and S. Messner (eds.), *The SAGE Handbook of Criminological Research Methods* (Newbury: SAGE Publications, 2011), 159-161.

treatment on minds and bodies, this is the first attempt to trace ex-separate treatment men beyond the institution.

Lastly, to help clarify the scope of research, I am inspired by David Churchill's assertion that periodisation should be central to historical criminology.[134] As such, this thesis is focused on a contested era of penal reform: the duration of the Pentonville Prison Experiment from 1842 to 1849. Geographically, this thesis spans Britain to Australia, namely the Van Diemen's Land colony, where in 1845 the first cohort of separate treatment men were landed.

Section 3: Sources

As Section 1 showed, there is historic issue with the way the Pentonville Prison official narrative has been understood and subsequently interpreted. To mitigate this problem, this thesis uses both public-facing and internal archival sources to unpick the Gordian knot as to whether separate treatment had an adverse effect on prisoner health. To do this, I draw on a significant range of primary source material to support a mixed methods approach.

Chapters 1 to 3 are situated in the British context. A source used only generally by scholars is the Pentonville Prisoners' Register, digitised in 2018 by the Australian Joint Copying Project (AJCP).[135] I transcribed 1,597 entries from the Register, capturing prisoners admitted to the Experiment in the years 1842–8, and gaining valuable biographical information, such as family names, previous addresses, and prior convictions.[136] To help uncover the moral and religious slant of the prisoner experience, I transcribed the Pentonville Chaplain's Journal, held at The National Archives, Kew (TNA).[137] Though the contents only date from 1848, it nevertheless provides valuable insight into how members of the clergy connected with prisoners. Lastly, until recently some 25,000 volumes of UK Parliamentary Papers were in physical form. Since its digitisation, sources such as the eight Reports of the Commissioners for the Government of

[134] Churchill, "What Is 'Historical Criminology'?", 10.
[135] Pentonville Prisoners' Register, Records of the Prison Commission, 1842–9, AJCP, PCOM 2/61/5977.
[136] The full number is 1,620 but as the original microfiche is incomplete in places, some data cannot be verified and so has been omitted.
[137] Chaplain's Journal – Pentonville Prison, 1846-1851, TNA, PCOM2/353.

Pentonville Prison, dating 1843–50, have become available.[138] Prisoner names are frequently anonymised in the Reports, however, it is possible to trace individuals across the aforementioned archives, thus scaffolding an idea of institutional living as caught by formal record keeping.[139] An integral source to this process was the Pentonville Prison Minute Books held by TNA.[140] Transcribing the years 1843–8 shed light on the internal workings of the Experiment and revealed just how fraught daily processes could be. Taken together, this thesis is the first to examine the Pentonville Prison Experiment critically and closely through an archive independently consolidated and cross-referenced specifically for this purpose.

The second half of this thesis pivots to Australia. Chapters 4 to 5 transition from the transportation voyage to Van Diemen's Land. The sources consulted include the five Surgeon-Superintendent Ship Journals of those voyages from Pentonville Prison to Van Diemen's Land, which were accessed online through the Ancestry archive.[141] As these five vessels were the only to transport prisoners from Pentonville to Hobart, this makes them particularly important in understanding the long-range effects of separate treatment on health. To further this line of inquiry, I transcribed the convict conduct records for 150 men disembarked from the *Sir George Seymour* (1844), the first Pentonville convict transportation vessel.[142] These 150 records were inputted into an Excel spreadsheet for the purpose of quantitative analysis. To supplement this quantitative element, other digitised archival material dating 1845–9 was consulted, such as hospital, asylum, and pauper institutions in

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[138] Report of the Commissioners for the Governor of the Pentonville Prison, Command Papers (449), Vol. XXIX.377 (1843), 1-14; Second Report of the Commissioners, Command Papers (536), Vol. XXVIII.71 (1844), 1-56; Third Report, Command Papers (613), Vol. XXV.53 (1845), 1-42; Fourth Report, Command Papers (751), Vol. XX.97 (1846): 1-48; Fifth Report, Command Papers (818), Vol. XXX.481 (1847), 1-56; Sixth Report, Command Papers (972), Vol. XXXIV.59 (1847-8), 1-58; Seventh Report, Command Papers (1101), Vol. XXVI.349 (1849), 1-24; and Eighth Report, Command Papers (1192), Vol. XXIX.125 (1850), 1-26.

[139] This approach is supported by recent work on the complications and benefits of using Victorian record sets. See Robert Shoemaker and Richard Ward, "Understanding the Criminal: Record-Keeping, Statistics and the Early History of Criminology in England," *British Journal of Criminology* 57, no. 6 (2016): 1442-61.

[140] Pentonville Prison Minute Books, 1842-48, TNA, PCOM 2/84-89.

[141] Henry Baker, Surgeon's Journal on Convict Ship "Stratheden", Royal Navy Medical Journals, TNA, ADM101/69/6; John Hampton, "Sir George Seymour", TNA, ADM101/67/10; Robert Stevenson, "Anna Maria", TNA, ADM101/3/1; Frederick Le Grand, "Adelaide", TNA, ADM101/1/4; Robert Beith, "Eden", TNA, ADM101/22/5.

[142] All convict conduct records are digitised and available online through the Tasmanian Archives (hereafter TA).

Van Diemen's Land.[143] Throughout the thesis, I engage with British and colonial census records; birth, marriage, and death records; and other British prison admissions and arrest records, to verify or expand prisoner biographies for the purpose of microhistorical case studies.

Section 4: Thesis Structure

The object of this thesis is to understand not only the ways in which prisoners suffered during the Pentonville Prison Experiment, but to analyse the somatic experience of separate treatment on an individual level, and its geographic and temporal endurance more broadly. Only by tracing prisoners from Pentonville Prison to Van Diemen's Land can this question be answered. This approach intends to contest existing studies on Pentonville Prison by shifting focus from a generalised narrative to one that is historically located, and sensitive to the suffering and experience of individual prisoners.

Chapters are organised chronologically. Chapter 1 concerns penal theory and reform from 1750–1830. This chapter contextualises the theoretical and intellectual intentions of penal reformers in this period and highlights the areas that drew the most concern from a practical perspective. Following on, Chapter 2 draws through the emerging trends of penal reform from 1831–42 and considers milestone moments in the consolidation of separate treatment in Britain, the development of the Pentonville Prison, and the Experiment. This chapter emphasises how powerful individual penal reformers could be to the greater scheme of Victorian era experimentation and scientific inquiry, namely that once the promise of separate treatment was put forward, little could stop the momentum of Pentonville itself. Chapter 3 closes in on Pentonville Prison and examines the nature of health throughout the Experiment (1842–9). The aim of this chapter is to return focus to individual prisoners by reading across the archival records to find consistent threads of illness or wellbeing during their imprisonment. It also

[143] Patient Records Admission Register, 1 January 1830 to 31 December 1900, TA, HSD247/1/1; "Male – Mental", Patient Records Case Books, Vol. 7, TA, HSD246/1/3 (1845-7), 1-160; "Male – Physical", Patient Records Case books, Vol. 8, TA, HSD246/1/4 (1846-7), 1-158; "Male – Mental", Patient Records Case Books, Vol. 11, TA, HSD246/1/7 (1847-9), 1-252; "Male – Physical", Patient Records Case Books, Vol. 10, TA, HSD246/1/6 (1847-8), 1-248.

answers several basic questions on the organisation of separate treatment, showing that the Experiment was far more innovative and flexible than has previously been considered.

The second half of the thesis shifts towards Australia. Chapter 4 considers the health of prisoners onboard transportation vessels to the Australian colonies. This thematic reading spans the five ships bound from Pentonville Prison to Van Diemen's Land, dating 1844–9. I find that prisoners continued to suffer after their release from Pentonville, indicating that separate treatment had a sustained effect on minds and bodies, at least for the short- or mid-term. The latter part of Chapter 4 focuses on the *Sir George Seymour* (1844), the first convict transportation vessel to carry men from Pentonville to Hobart, Van Diemen's Land. This focus sharpens in Chapter 5, which questions whether *Sir George Seymour* men continued to suffer once they arrived in Hobart. In the midst of an economic and labour depression, and rumours as to their presumed madness and recidivist tendencies, the arrival and assimilation of the *Sir George Seymour* was critical to the success of the Pentonville Prison Experiment. A qualitative reading finds these concerns to bear out. However, a quantitative examination of 150 convict conduct records finds that the reality faced by and the endurance of former separate treatment men was quite different.

Chapter 1:
Penal Theory and Reform, 1750–1830

Introduction

This chapter contextualises the theoretical and intellectual intentions of penal reform between 1790–1830. I argue that in addition to changing notions of crime and criminality, ideas around health and illness, informed by visions of criminal "contagion", subsequently underpinned the development of institutions like the prison. In the British context, health and illness as metaphysical and literal threats bolstered arguments in favor of solitary confinement, even as influential penal reformers later critiqued its use.

Section 1 gives a broad contextual discussion from 1750 to 1790 when the idea of a "criminal class" crystallised.[1] This picture of crime that Georgians felt they were confronting came to shape subsequent Victorian ideas around how crime was addressed and punished, and what types of people were more likely to commit crime.[2] These ideas were often conflated with other emerging ideas around predisposing and exciting causes of crime as it related to ill-health, which had its roots in metaphysical notions of "sickness" and the threat to the body politic.[3] This concept more broadly will be examined with reference to the "predecessor culture" of the eighteenth century, for many of the ideas, if not all, around confinement in the age of the Pentonville Prison Experiment (1842–9) were generated decades before.[4]

Section 2 traces the eighteenth-century discussion on penal reform, specifically as it related to "solitary confinement". In this period, solitary confinement consisted of imprisonment in

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[1] Helen Johnston, "Prison histories, 1770s-1950s: Continuities and contradictions", in Yvonne Jewkes, Ben Crewe, and Jamie Bennett (eds.), *Handbook on Prisons* (Milton Park: Taylor & Francis, 2016), 25-6.

[2] Johnston, *Crime in England 1815-1880: Experiencing the Criminal Justice System* (Milton Park: Taylor & Francis, 2015), 1-2.

[3] David Taylor, "Beyond the Bounds of Respectable Society: The 'Dangerous Classes' in Victorian and Edwardian England", in J. Rowbotham and K. Stevenson (eds.), *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage* (Columbus: Ohio State University Press, 2005), 4.

[4] B.W. Young, *The Victorian Eighteenth Century: An Intellectual History* (Oxford: Oxford University Press, 2007), 1-2.

a dark, isolated cell, usually on a diet of bread and water, for a minimum of twenty-four hours and upwards of a fortnight. The British discourse on penal reform is informed by a close reading of the work of Jonas Hanway (1712–86), Dr John Jebb (1736–86), and Reverend Samuel Denne (1730–99), all of whom were contemporaries of luminary reformer and philanthropist John Howard (1726–90), whose 1777 treatise on the state of prisons in Britain garnered national and international acclaim.

Section 3 maps the development of penal reform in the first half of the nineteenth century and draws a line from philosopher and aspiring reformer Jeremy Bentham's "panopticon" to the first national penitentiary, Millbank Penitentiary. This chapter rounds off by surveying the momentum of subsequent humanitarian causes enshrined in legislation, and concludes in 1835, when a Select Committee on Gaols and Houses of Correction was brought forward to formalise the use of imprisonment on a national scale.

Section 1: Flickers of Penal Reform, 1750–90

Between 1688 and 1815, an unprecedented number of punishable offences was added to the British statute book.[5] Known as the Bloody Code, the increase of capital statutes signalled a return to the violent deterrence of crime; it was the response of a society concerned with protecting the wealth and gains of an expanded economy.[6] This coalesced with the expansion of the British imperial world, such as the establishment of the Australian penal colonies from 1788.[7] Such forceful acquisition of people and places relied on systematic violence and subjugation. This violence, however, did not just happen abroad. From 1770 to 1830, the population of England and Wales nearly doubled to 14 million people.[8] Increased social mobility and economic opportunity drew flocks of colonial and rural subjects to the

[5] Frank McLynn, *Crime and Punishment in Eighteenth Century England* (Milton Park: Taylor & Francis, 2013), xi.

[6] Ibid., xi-xii.

[7] Clare Anderson, "Transnational Histories of Penal Transportation: Punishment, Labour and Governance in the British Imperial World, 1788–1939," *Australian Historical Studies* 47, no. 3 (2016): 382-3.

[8] V.A.C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford: Oxford University Press, 1994), 19.

metropole and this ostensibly resulted in higher rates of crime.[9] In response, some 7,000 executions by hanging occurred in those decades, leading some contemporaries to remark that England would soon be known as the "Bloody Country".[10]

In this period, there were three ways to punish offenders: corporal punishment; short-term imprisonment; or monetary claims, such as seizure of property or payment of fines.[11] Corporal punishment could encompass the stocks, pillory, flogging, or branding.[12] Public displays of corporal or capital punishments like hanging were logical steps towards deterring crime; the gallows, after all, were a potent symbol of state power.[13] This dovetailed with a significant role given over to the public to bear witness to pain and death, become fearful, and, so it was hoped, deter from criminal acts themselves.[14] However, each of these three punishment methods incurred different problems that, when interrogated by contemporary reformers, illuminated the intricate connection between severity, retribution, and morality. In other words, the whims of those in power echoed through these punishment processes, rendering them, as contemporaries argued, legally unstable and largely ineffective in managing crime.[15]

This was further complicated by emerging ideas about progress, civility, and, in the latter half of the century, empire. The expansion of territory led the British to stylise themselves as authorities of European civilisation.[16] These notions necessarily demanded definitions of who and what constituted the "civilised". In a broad sense, a growing middle-class distaste for the "spectacle of suffering" appeared to determine what was socially and culturally appropriate.[17]

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[9] Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London: Bloomsbury Academic, 2007), 15; David Jones, *Crime, Protest, Community, and Police in Nineteenth-Century Britain* (Milton Park: Taylor & Francis, 2015), 4-5.

[10] Gatrell, *The Hanging Tree*, 20, 32.

[11] David J. Cox, *Crime in England 1688-1815* (Milton Park: Taylor & Francis, 2013), 213.

[12] Ibid.

[13] Eamonn Carrabine, "The Iconography of Punishment: Execution Prints and the Death Penalty," *The Howard Journal of Criminal Justice* 50, no. 5 (2011): 458.

[14] R.M. Ward, *Print Culture, Crime and Justice in 18th-Century London* (London: Bloomsbury Publishing, 2014), 158.

[15] Greg Smith, "Violent crime and the public weal in England, 1700-1900", in R. McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Milton Park: Taylor & Francis, 2013), 209.

[16] Clive Emsley, *The English Police: A Political and Social History* (Milton Park: Taylor & Francis, 1996), 12.

[17] John Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (Newbury: SAGE Publications, 2002), 17-8.

Taking offence at public executions represented a certain refined sensibility, "the essence of an advanced civilisation".[18] Peter Spierenburg posits that by the 1780s the decline of ritual public punishment coincided with "a fundamental change of sensibilities".[19] This was most clearly exemplified by the idea of the penitentiary, where behind looming walls criminals could be remade into useful members of society. But from 1783 the new Prime Minister William Pitt (1759–1806) proved reluctant to take a leading role in "aggressively promoting the spread of the penal institution".[20] In the same year London's infamous Tyburn gallows were moved to outside Newgate prison, therefore eliminating the procession of the damned through the busy city streets.[21] This shift from the visible to unseen was reflected elsewhere, such as in the 1787–8 expansion of the Portsmouth-Woolwich convict hulk establishment.[22] Taken together, the mounting unease around what constituted civility might be taken as evidence of a retreat from visual forms of violence to the invocation of "what remained unseen but imagined".[23] The gallows might have relocated to Newgate, but there was no meaningful reduction in the scale of executions until the mid-1790s, when large-scale convict transportation returned in force. [24] Rather, from 1785–7 more people were hanged in London than in the last two centuries.[25]

While historians have found that some areas of Britain resisted implementing the Bloody Code in full, as some civilian reformers and leading statesmen preferred transportation as an answer to problems on crime, capital punishment remained a fixture of everyday life.[26] In 1785, Britain lost their trans-Atlantic link with America: it was noted "with regret … that the

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[18] Ibid., 18.

[19] Peter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984), vii-xii, 205-7.

[20] Simon Devereaux, "Inexperienced Humanitarians? William Wilberforce, William Pitt, and the Execution Crisis of the 1780s," *Law and History Review* 33, no. 4 (2015): 883.

[21] Steven Wilf, "Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England," *Yale Journal of Law and Humanities* 5 (1993): 53.

[22] Seán McConville, *A History of English Prison Administration* (London: Routledge, 2015), 109.

[23] Wilf, "Imagining Justice", 51; P. Griffiths and S. Devereaux, *Penal Practice and Culture, 1500–1900: Punishing the English* (London: Palgrave Macmillan, 2003), 22.

[24] Devereaux, "Inexperienced Humanitarians?", 851, 69, 77.

[25] Simon Devereaux, "England's 'Bloody Code' in Crisis and Transition: Executions at the Old Bailey, 1760–1837," *Journal of the Canadian Historical Association/Revue de la Société historique du Canada* 24, no. 2 (2013): 86.

[26] Devereaux, "Inexperienced Humanitarians?", 842; Peter King and Richard Ward, "Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery," *Past & Present* 228, no. 1 (2015): 205.

ports of the United States have been shut against the Importation of Convicts".[27] After a scramble to find an alternative, in the summer of 1786 New South Wales emerged as a colonial opportunity, with its distance from the metropole, trading links, and naval advantage all attractive options, not least in light of Britain's desperation to replace America.[28] Importantly, in establishing a new colony, some of the complicated social factors relating to indentured labour in the American context could be clarified: the more tightly controlled the space, the less likely confusion would arise around the convicts' purpose and place.[29] In other words, this marked an audacious – and auspicious – attempt to harness unfree labour as part of the creation and sustainment of what Clare Anderson terms the "carceral archipelago".[30]

However, while transportation was an alternative to hanging, it was not yet available on a scale large enough to meet demand.[31] Along with experimenting with various forms of policing, questions continued to be raised around the efficacy of corporal and capital punishment.[32] This prompted a vigorous debate that had its origins in the seventeenth century, when philosopher John Locke (1632–1704) described the human mind as a blank sheet, whereupon character was formed through "impression and ingrained custom, or habit".[33] Taken up by eighteenth century contemporaries like Italian theorist Cesare Beccaria (1738–94) and British philosopher Jeremy Bentham (1748–1832), a lively conversation around crime and punishment was carried on until well into the following century, even until the penitentiary was at last perceived to have succeeded. But what were these debates, and how

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[27] A. Roger Ekirch, "Great Britain's Secret Convict Trade to America, 1783-1784," *American Historical Review* 89, no. 5 (1984): 1291.

[28] McConville, *A History of English Prison Administration,* 109.

[29] Bruce Kercher, "Perish or Prosper: The Law and Convict Transportation in the British Empire, 1700-1850," *Law and History Review* 21, no. 3 (2003): 541-2; Hamish Maxwell-Stewart, "Convict Transportation from Britain and Ireland 1615–1870," *History Compass* 8, no. 11 (2010): 1228; Alan Atkinson, "The Free-Born Englishman Transported: Convict Rights as a Measure of Eighteenth-Century Empire," *Past & Present* 144, no. 1 (1994): 108-9.

[30] Anderson's "carceral archipelago" differs from Michel Foucault's use of the term by extending the "breadths of infrastructural and institutional practices" of Foucalt's "more constricted parameters". See Clare Anderson, *A Global History of Convicts and Penal Colonies* (London: Bloomsbury Publishing, 2018), 375, 78.

[31] Devereaux, "Inexperienced Humanitarians?", 852.

[32] A.T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus: Ohio State University Press, 2004), 38.

[33] J. Tully et al., *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993), 223-5.

did they shape the actions taken by government to mediate the growth of population and empire?

Theories on Crime and Punishment

This section ties together the arguments set out by John Locke, Cesare Beccaria, Jeremy Bentham, Henry Fielding (1707–54), Patrick Colquhoun (1745–1820), William Eden (1745–1814), and Samuel Johnson (1709–84), to illustrate that, while there were some dissenting voices around the nature of crime and punishment, taken together these works contributed to a growing body of knowledge around what it meant successfully to understand and combat crime, and this set up the framework for figures like philanthropist John Howard to expose the lived reality of punishment as it played out in prisons all across Britain.

"Men enslaved are more voluptuous, more debauched, and more cruel than those who are in a state of freedom", observed Italian legal theorist Cesare Beccaria in 1767.[34] At the core of eighteenth century theories on crime and punishment was the beating human heart of the prisoner, and this was well understood by Cesare and his contemporaries. Broadly, these theories retained three main points of contention over the origin of crime. One that it was effectively a problem of law and government, where only a legitimized system of criminal justice could target crime. The second viewed crime as a general fear around disorder and dissent, heightened by anxieties around class and wealth in an expanding British society.[35] The final point conceptualised crime as a "sickness", and therefore a metaphysical threat, to the nation's body politic. For this chapter's purpose, the body politic is understood to be the emerging idea of a public sphere that constituted public authority but came to include private citizens to regulate the individual and the collective.[36] In the eighteenth century, the body politic was understood as "a metaphor to refer to processes of public life".[37] As described in 1702: "A corporation or incorporation is a body framed by policy or fiction of law, and it's therefore called a body politic … a capacity to take, hold, and enjoy, and act as a natural

[34] Cesare di Beccaria, *An Essay on Crimes and Punishments* (London: J. Almon, 1767), 149.

[35] Emsley, *The English Police*, 16.

[36] See J.M. Hess, *Reconstituting the Body Politic: Enlightenment, Public Culture and the Invention of Aesthetic Autonomy* (Detroit: Wayne State University Press, 1999), 106-7.

[37] Francis Dodsworth, "Police and the Prevention of Crime: Commerce, Temptation and the Corruption of the Body Politic, from Fielding to Colquhoun," *British Journal of Criminology* 47, no. 3 (2007): 441.

body".[38] When placed in the context of increased urbanization and mechanization, the liberalisation of Christianity, and the influential political and philosophical thought of the Enlightenment, the identification and prevention of crime in this century was increasingly viewed as indispensable to managing a new, expanding society.[39]

To start, while philosopher John Locke is largely read in reference to his theory of property to "justify the claims of empire", it is his work on habit that expands the view of crime and responsibility and influenced the emerging idea of the criminal character.[40] Lockean discourse emphasised the human potential for goodness: it assumed an original human nature characterized by reason.[41] As scholar Dana Rabin observes:

> The explanation for crime that pointed to a diseased self was much more compelling than a depravity model because it presented crime as deviance from an assumed, good norm rather than a corroboration of an inherent, essential evil.[42]

Reform, then, was entirely possible.[43] Locke's theory resonated in the work of contemporary reformers, many of whom argued that this meant governing authorities had a crucial role to play in habituating citizens to correct behaviour.[44] As the growth of modern society opened up opportunities for the indulgence of vice, and thus criminal opportunity, the government was tasked to intervene in this process by "shaping the spaces of social interaction" to stop vices becoming habits, and, if possible, reform the sinner through moral education.[45] When it came to crime, Locke's concept of habit was useful in understanding people's motivations: "A settled habit, in things whereof we have frequent experience, is performed so constantly,

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[38] P.D. Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650-1730* (Cambridge: Cambridge University Press, 2003), 31.

[39] Ashley T. Rubin, *Prison History* (Oxford: Oxford University Press, 2018), 4-5.

[40] Mark Finnane, "Crimes of violence, crimes of empire?" in B. Godfrey and G. Dunstall (eds.), *Crime and Empire 1840 - 1940* (Milton Park: Taylor & Francis, 2013), 43.

[41] P.A. Schouls, *Reasoned Freedom: John Locke and Enlightenment* (Ithaca: Cornell University Press, 2018), 70; Lucia Dacome, "Noting the Mind: Commonplace Books and the Pursuit of the Self in Eighteenth-Century Britain," *Journal of the History of Ideas* 65, no. 4 (2004): 605.

[42] Dana Rabin, *Identity, Crime, and Legal Responsibility in Eighteenth-Century England* (New York: Springer, 2004), 162.

[43] Francis Martin Dodsworth, "Habit, the Criminal Body and the Body Politic in England, C. 1700–1800," *Body & Society* 19, no. 2-3 (2013): 86-7.

[44] Ibid., 100.

[45] Ibid., 100-1.

and so quick, that we take that for the Perception of our sensation, which is an *Idea* formed by our judgment".[46] However, despite Locke's influence on the British intellectual legacy, the eighteenth century grasped this idea is its broadest form, as a vague "lack of feeling and foresight in the individual criminal, which hardened them to the commission of crime by diminishing their sense of the consequences and impact of their actions".[47] The crucial aspect of eighteenth century criminality was that an individual was not driven by insanity or desperation; rather, they lacked feeling and understanding.[48]

This view, however, was not initially widespread. First published in 1764 and translated into English in 1767, Cesare Beccaria's *On Crimes and Punishments* remarked that individuals did not "commit great crimes deliberately, but rather in a sudden gust of passion".[49] Thus, Beccaria perceived capital punishment to be too remote for the individual to conceive, therefore diluting its efficacy in deterring crime.[50] Severity was self-defeating.[51] As such, punishment should "exceed the benefit of the crime to the criminal".[52] Religious compassion was at the centre of his theory: it was not man's place to attempt what should only be left to divine power.[53] Beccaria also warned against the self-interested motives of those in power: "Any action … will not be called a crime, or punished as such, except by those who have an interest in the denomination".[54] This system of morality was in conflict with the law, which rendered "the ideas of vice and virtue vague, and fluctuating, and even their existence doubtful".[55] In essence, Beccaria found no justification for violent punishment; he determined that deterrence was a key principle in combating crime; that crime itself should be separate from "ideas of sin"; and that any punishment should be in proportion to the crime

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[46] Quoted in John Wright, "Ideas of Habit and Custom in Early Modern Philosophy," *Journal of the British Society for Phenomenology* 42, no. 1 (2011): 21.

[47] Dodsworth, "Habit, the Criminal Body and the Body Politic in England," 85-6.

[48] Lincoln Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (Cambridge: Cambridge University Press, 1987), 55.

[49] di Beccaria, *An Essay on Crimes and Punishments*, 77.

[50] Ibid., 75-77; Mark D White, "On Beccaria, the Economics of Crime, and the Philosophy of Punishment," *Philosophical Inquiries* 2, no. 2 (2014): 123-4.

[51] McLynn, *Crimes and Punishments*, 250.

[52] White, "On Beccaria", 125.

[53] Anthony J Draper, "Cesare Beccaria's Influence on English Discussions of Punishment, 1764–1789," *History of European Ideas* 26, no. 3-4 (2000): 189.

[54] di Beccaria, *An Essay on Crimes and Punishments*, 23.

[55] Ibid., 23-4.

committed.[56] Beccaria argued not just for "the principle of equality before the law", but for "an egalitarian distribution of benefits and burdens".[57] Despite these clear retributivist aims, Beccaria was often interpreted otherwise; in the British context, this was due to contemporaries like Jeremy Bentham and, later, his disciple, legal reformer Samuel Romilly (1757–1818), who instead interpreted Beccaria's work as a utilitarian tract.[58]

Bentham praised Beccaria "for being the first to introduce precision, clarity, and the indisputable nature of mathematical calculation into moral questions".[59] In Bentham's view, the primary role of legislation should be to defend the security and welfare of the individual, as it was the "duty of the law to accommodate such variables before inflicting pain".[60] This was a call for "rational" governance of crime and punishment, as clearly these problems were representative of broader societal conflicts between the balance of order and control.[61] Deterring crime thus demanded a scientific study of it, with ordered systems that could create a "legitimised system of criminal justice based on equality and proportionality".[62] Bentham twice refuted the use of capital punishment as it offended utilitarianism: in 1775 and 1831.[63] In contrast, Romilly did not think that capital punishment should be avoided because he did not believe "death the greatest of evils".[64] Bentham believed that the chief object of punishment was general prevention and this could only be achieved through control.[65] In his view, only rational or justifiable punishments ought to be adopted by society, so long as they most efficiently produced the "greatest-happiness principle".[66] An ideal punishment achieved

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[56] Draper, "Cesare Beccaria's Influence", 181.

[57] David B Young, "'Let Us Content Ourselves with Praising the Work While Drawing a Veil over Its Principles': Eighteenth-Century Reactions to Beccaria's on Crimes and Punishments," *Justice Quarterly* 1, no. 2 (1984): 159.

[58] Jean-Pierre Cléro, "Penal Theory without the Panopticon" in A. Brunon-Ernst, *Beyond Foucault: New Perspectives on Bentham's Panopticon* (Farnham: Ashgate Publishing Limited, 2013), 86.

[59] Ibid., 91-2.

[60] Anthony J Draper, "An Introduction to Jeremy Bentham's Theory of Punishment," *Journal of Bentham Studies* 5 (2002): 2.

[61] M. Lee, *Inventing Fear of Crime* (Milton Park: Taylor & Francis, 2013), 28.

[62] Keith Hayward, "Situational Crime Prevention and Its Discontents: Rational Choice Theory Versus the 'Culture of Now'," *Social Policy & Administration* 41, no. 3 (2007): 233.

[63] Hugo Adam Bedau, "Bentham's Utilitarian Critique of the Death Penalty," *The Journal of Criminal Law and Criminology* 74, no. 3 (1983): 1036.

[64] Samuel Romilly, *Memoirs of the Life of Sir Samuel Romilly* (London: J. Murray, 1840), 278.

[65] Jeremy Bentham and John Bowring, *The Works of Jeremy Bentham* (London: William Tait, 1843), 211; Bedau, "Bentham's Utilitarian Critique", 1038.

[66] Bentham and Bowring, *The Works*, 277.

"the maximum in social benefit at the cost of minimum social harm".[67] With this in mind, it is perhaps little wonder Bentham came to expand the idea of the penitentiary – then in the form of bridewells or debtor gaols – with reference to a contemporary agenda of moral reformation, central inspection, and invigorated industry.[68] Most famously, this was realised in Bentham's controversial 1791 "panopticon", which will be discussed in detail later in this chapter.[69]

Both Beccaria and Bentham were concerned with larger philosophical questions around crime and punishment. Bentham and Romilly attributed much of the problem to the law. The desire for systematic punishment processes was an accessible idea, and it garnered attention from a myriad of lay reformers interested in the problem of crime as a social pathology.[70] One of the earliest reflections of this is the work of magistrate Henry Fielding, who at least by 1751, determined that "habit" as it related explicitly to criminal enterprise was connected to the idea of contagion.[71] In Fielding's view, crime was a kind of social illness: "For Diseases in the Political, as in the Natural Body, seldom fail going on to their Crisis, especially when nourished and encouraged by Faults in the Constitution".[72] Henry Fielding identified poverty as the impetus for widespread crime, which he saw most often among what he called the "vulgar" – common people.[73] Crime was "an intrusion on hard-won political liberties", and therefore "un-English".[74] Fielding's tract appeared at the same time as a House of Commons committee was appointed to examine the matter of crime and criminal administration.[75] Together with his brother, John (1721–80), the Fieldings sought to legitimise the detection

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[67] Bedau, "Bentham's Utilitarian Critique", 1038.

[68] Phillip Schofield, *Bentham: A Guide for the Perplexed* (London: Bloomsbury Publishing, 2009), 71.

[69] See Jeremy Bentham, *Panopticon: Or, the Inspection-House. Containing the Idea of a New Principle of Construction Applicable to Any Sort of Establishment, in Which Persons of Any Description Are to Be Kept under Inspection, Etc* (London: Thomas Byrne, 1791).

[70] J.M. Beattie, *Policing and Punishment in London 1660-1750: Urban Crime and the Limits of Terror* (Oxford: Oxford University Press, 2001), 1.

[71] G.J. Durston, *Whores and Highwaymen: Crime and Justice in the Eighteenth-Century Metropolis* (Sherfield Gables: Waterside Press, 2012), 535.

[72] Henry Fielding and Malvin Zirker (ed.), *An Enquiry into the Causes of the Late Increase of Robbers and Related Writings* (London: Clarendon Press, 1988), 75.

[73] A. Barrett and C. Harrison, *Crime and Punishment in England: A Sourcebook* (Milton Park: Taylor & Francis, 2005), 136.

[74] Ibid.

[75] J.M. Beattie, *Crime and the Courts in England 1660-1800* (Oxford: Oxford University Press, 1986), 520-5; Hugh Amory, "Henry Fielding and the Criminal Legislation of 1751-2," *Philological Quarterly* 50, no. 2 (1971): 175-92.

and prevention of crime; this was realized a year after Henry's death with John Fielding's 1755 blueprint on metropolitan policing.[76] In it, John lamented that there "is not some provision made for these outcasts" and supported transportation as the best way to "break them of their haunts, and to inure them to a life of labour".[77] He observed:

> Indeed, after a man has appeared at the Old Bailey as an evidence, he does not, when he is discharged, find a very easy admission among the industrious part of society; and the motive of his turning evidence being rather the fear of death than remorse for his guilt, there is very little hope of his reformation under the circumstances abovementioned.[78]

The Fieldings, of course, had a vested interest in promoting the problem of crime as they were positioning themselves as authorities in addressing it. Though historian John Walliss in his quantitative examination of the Bloody Code demonstrates that conviction rates were in decline from at least the final decade of the eighteenth century, contemporaries like Henry Fielding perceived an increase in crime, and so massaged and directed public debate towards what constituted criminality.[79] This digression is important, as it shows the extent to which fear and imagination could shift the discourse and, ultimately, legislation, on penal reform – a pattern familiar to us today.

In 1771, William Eden (1745–1814), later Lord Auckland, published *Principles of Penal Law*, in which he echoed Beccaria's thoughts and argued two points: that "vengeance belongeth not to man", meaning retributive punishment was unethical and immoral; and that punishment should be proportional to the crime.[80] Eden was a religious man – an unfashionable "superstition" in an age of reason.[81] His objectives were to plead for the cause

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[76] Beattie notes that after the Fieldings policing had "a fractured history thereafter", and only became a "legitimate activity" in the 1829 Metropolitan Police Act. See Beattie, *Policing and Punishment in London 1660-1750*, 422.

[77] J. Fielding, *A Plan for Preventing Robberies within Twenty Miles of London: With an Account of the Rise and Establishment of the Real Thieftakers : To Which Is Added, Advice to Pawnbrokers, Stable-Keepers, and Publicans* (London: A. Millar, 1755), 11-2.

[78] Ibid., 11.

[79] J. Walliss, *The Bloody Code in England and Wales, 1760–1830* (New York: Springer, 2018), 171.

[80] W.E.B. Auckland, *Principles of Penal Law* (London: B. White, 1771), 6, 8, 22.

[81] L. Throness, *A Protestant Purgatory: Theological Origins of the Penitentiary Act, 1779* (Farnham: Ashgate Publishing Limited, 2008), 125.

of humanity, and to advocate for a change in political direction towards one of "sensible" and "good minds".[82] His work was hugely successful, and achieved its aim in diverting rhetoric on capital punishment towards alternatives. For instance, one inspired liberal Whig urged for penalties that would render prisoners useful to their community, essentially the seeds for an early form of prisoner rehabilitation.[83] All of this appealed to Eden, and fitted with his desire that individual liberty and rights should be accounted for in criminal processes.[84] Eden, as well as contemporaries like Henry Fielding, drew from the neo-classical idea that one could not be truly free "if one's actions had the potential to be governed by the arbitrary will of anyone else".[85] Fielding argued that only by increasing the regulation of public morality could Britain be rescued from "enfeeblement, decline, and its consequent defeat and enslavement".[86] By drawing down the universal responsibility in caring for the health of the nation to the individual level, an explanation for a criminal "character" began to form.

This was, however, a tricky knot to untangle. Fielding had struggled to reconcile the "ethics of sensibility" with the punishment of crime: compassion and pity were to be celebrated in the abstract, but they should not interfere with the state's responsibility to the body politic.[87] In other words, he worried that human compassion could undermine the efficacy of the law.[88] In contrast, contemporary Samuel Johnson (1709–84), author and theorist, believed that compassion could temper the severity of the law: "Whatever epithets of reproach or contempt this compassion may incur from those who confound cruelty with firmness, I know not whether any wise man who would wish it less powerful, or less extensive".[89] Fielding perceived the body politic in the 1770s to be in a state of illness that only an assertion of public duty could solve.[90]

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[82] Ibid., 124.
[83] Beattie, *Crime and the Courts in England 1660-1800*, 550-8.
[84] Anthony J Draper, "William Eden and Leniency in Punishment," *History of Political Thought* 22, no. 1 (2001): 127.
[85] Dodsworth, "Habit, the Criminal Body and the Body Politic in England," 442.
[86] Ibid., 443.
[87] Fielding, *An Enquiry*, 154; Rabin, *Identity, Crime, and Legal Responsibility*, 54.
[88] Rabin, *Identity, Crime, and Legal Responsibility*, 55.
[89] Samuel Johnson, *The Rambler*, Vol. 3 (Dublin: Gilbert & Hodges, 1806): 64.
[90] Dodsworth, "Habit, the Criminal Body and the Body Politic in England," 443.

By the 1770s, the idea of reforming the individual character of the criminal had become a factor when assessing the "value of penal options available".[91] Thus, the concept of imprisonment, specifically with hard labour, reinforced the idea that forced work could deter offenders, provide a means for reform, and eventually return them to their community.[92] Justifications for punishment were shifting from a basis of retribution to deterrence and reform.[93] However, enlightened ideas around progress contrasted sharply with the lived reality across Britain and Europe, which was often brutal, cruel, and decidedly *un*civilised.[94] After all, criminals continued to be imprisoned without measure to rehabilitate and to be hanged, even while competing debates on retributive severity, deterrence, and reform, played out.[95]

A complementary sentiment was shared by philanthropist Jonas Hanway, who in 1780 observed that: "To say we are a *free* nation, but not *sufficiently* mindful of the state of the lower classes of people, is a contradiction".[96] To enjoy liberty, "our *customs* must harmonize with our *laws*".[97] In Hanway's view, the possession of liberty presupposed a portion of virtue; if Christian duties were neglected in the face of the needy, "what becomes of their fine-spun ideas of freedom?"[98] This interjection marked an important distinction between the theory of crime and punishment and the lived reality of it. Best known for his philanthropic efforts, Hanway built his reputation on compassionate action and social policy, a combination he termed "political humanity".[99] His philosophy emphasized that human beings constituted the

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[91] Draper, "William Eden and Leniency in Punishment," 127.

[92] Ibid.

[93] Ibid., 106.

[94] John Hostettler, *Cesare Beccaria: The Genius of "on Crimes and Punishments"* (Sherfield Gables: Waterside Press, 2011), 27.

[95] Simon Devereaux, "In Place of Death: Transportation, Penal Practices, and the English State, 1770-1830," in Carolyn Strange (ed.), *Qualities of Mercy: Justice, Punishment, and Discretion* (Vancouver: University of British Columbia Press, 1996): 52-54, 58-59.

[96] Emphasis original. J. Hanway, *The Citizen's Monitor: Shewing the Necessity of a Salutary Police ... For the Preservation of the Lives and Properties of the People ... With Observations on the Late Tumults, the Merits of the Soldiery, and the London Volunteer Police Guard. In Twenty Nine Letters* (London: Dodsley, 1780), v.

[97] Emphasis original. Ibid., iii.

[98] Ibid., 7.

[99] Isaac Land, "Bread and Arsenic: Citizenship from the Bottom up in Georgian London," *Journal of Social History* 39, no. 1 (2005): 96.

wealth of nations, and a "wise society" would ensure their wellbeing.[100] This sensitivity can also be found in Hanway's aesthetic objection to public executions, where he suggested that instead of a public procession to the gallows, the condemned would ride in a separate coach and use the time to contemplate his fate.[101] He also suggested partition boards to separate one hanging from another.[102] Hanway's suggestions aimed to return to the prisoner a sense of decency, instead of leaving them to hang by the neck "as if they were so many dogs".[103] Hanway's pleas, while unrealised, reinforced the emerging sense that reforming and respecting the individual character of the condemned should be a factor in punishing them.

This idea was expanded by Glasgow merchant and policing reformer Patrick Colquhoun, who went a step further in laying the foundation for the coalescing of crime and morality. Writing in 1795, Colquhoun agreed with Eden in that compassion and liberty could only be secured by good laws – the accumulated wrongs of modern immorality "have tended in so great a degree to abridge this Liberty".[104] Collective – meaning material – and individual prosperity, were in constant danger when "Public Morals are too long neglected, and no effectual means adopted for the purpose either of checking the alarming growth of depravity, or of guarding the rising generation against evil examples".[105] Colquhoun was largely convinced that rates of crime rose in proportion to commercial success.[106] Influenced by Beccaria and as a disciple of Henry and John Fielding, Colquhoun believed that a community could not prosper, or even survive, if there was a high crime rate.[107] As crime was so often linked to poverty, Colquhoun divined that the problem stemmed from a want of labour, and in this he emphasised personal

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[100] Ibid.; This was a reference to the Malthusian conception of the law of population, a foundational idea of nineteenth century social theory. See T.R. Malthus, *An Essay on the Principle of Population: Or a View of Its Past and Present Effects on Human Hapiness* (London: Reeves & Turner, 1878).

[101] Wilf, "Imagining Justice", 63-4.

[102] Ibid.

[103] J. Hanway, *The Defects of Police the Causes of Immorality and the Continual Robberies Committed: Particulary in About the Metropolis* (London: J. Dodsley, 1775), 245.

[104] P. Colquhoun, *A Treatise on the Police of the Metropolis: Containing a Detail of the Various Crimes and Misdemeanors by Which Public and Private Property and Security Are, at Present, Injured and Endangered: And Suggesting Remedies for Their Prevention* (London: H. Fry, 1796), xxviii.

[105] Ibid., 4.

[106] Ibid., xxviii, 4, 396.

[107] M.J. Palmiotto and N.P. Unnithan, *Policing and Society: A Global Approach* (Boston: Cengage Learning, 2010), 167; John McGowan, *A Tale of Two Cities: Concerning the Robbery in July, 1811 of the Paisley Union Bank at Glasgow* (East Lothian: Turlough Publishers, 2013), 251.

responsibility, specifically a lack of morality.[108] Between 1795 and 1806, Colquhoun's work "effectively redefined the poor as a predatory presence".[109] Along with his practical addresses on the problem of crime, he was conceptually preoccupied with the character of those in authority and those who were subjects of it. In this respect, Colquhoun's work represented the interest of reformers in changing how crime was understood, addressed, and micro-defined. Regardless of the crime committed, meting out judgement should not be retributive, and could not be random. Instead, it was to be tempered with firm sensitivity – an oxymoron embraced by the nineteenth-century reformers to come.[110]

In this *milieu* the abuses that riddled the country's penitentiaries were revealed by Bedfordshire sheriff turned reformer John Howard (1726–90).[111] The sole inheritor of his father's estate in 1742, Howard spent his early- to mid-life occupied with para-charitable aims, such as improving the cottages of the labourers who tended his estate. A religious man, Howard was a dissenter – he refused to acknowledge the supremacy of the established church – and a committed Christian.[112] By and large, he was an ordinary, if slightly eccentric, figure. As some have pointed out, Howard may well have become an "anonymous figure in history" had he not decided to accept the position of High Sheriff of Bedfordshire, which he did in 1772.[113] Part of this "largely ceremonial" role was to inspect local gaols, which he commenced with the utmost solemnity.[114] Between 1773 and 1777 Howard visited hundreds

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[108] L.H. Lees, *The Solidarities of Strangers: The English Poor Laws and the People, 1700-1948* (Cambridge: Cambridge University Press, 1998), 60, 92.

[109] J. Marriott, *The Other Empire: Metropolis, India and Progress in the Colonial Imagination* (Manchester: Manchester University Press, 2003), 68.

[110] Just as Jonas Hanway urged gentleness in coaxing prisoners from crime, Samuel Johnson wrote that only with "the breath of counsel and exhortation" could a criminal's "spark of heaven, though dimmed and obstructed … be kindled into flame". Both Samuel Johnson and Hanway believed that criminals were good people misplaced by vice. Sustained physical punishments simply hardened their hearts to goodness, thus returning them to the road of wrack and ruin. See Johnson, *The Rambler*, 5-6; Rabin, *Identity, Crime, and Legal Responsibility*, 140.

[111] Tessa West, *The Curious Mr Howard: Legendary Prison Reformer* (San Diego: Waterside Productions, Incorporated, 2011), xxv-xxviii.

[112] Tom Vander Beken, *The Role of Prison in Europe: Travelling in the Footsteps of John Howard* (New York: Springer Publishing, 2016), 10.

[113] David Chapman, "The Legendary John Howard and Prison Reform in the Eighteenth Century," *The Eighteenth Century* 54, no. 4 (2013): 547.

[114] Ibid., 548.

of prisons, and the observations made on 553 of them formed the basis for his most famous and influential work, *The State of the Prisons in England and Wales* (1777).[115]

While Howard was no "prophet in the wilderness" by venturing into prisons and reporting on them, his account on British imprisonment was condemnatory.[116] As Neil Davie points out, it was precisely the mundanity of the prisons' horrifying descriptions that so shocked contemporaries.[117] Howard's aims were clear: to abolish the debtor system, which damned prisoners into cycles of poverty and imprisonment; to create clean and well-ventilated cells, which would assist in exterminating "gaol fever", a form of typhus; to reduce associated fees and bureaucracy; to introduce "a habit of industry" among prisoners and prison staff alike; and to segregate based on sex, to mitigate the "debauchery and immorality which prevail in our Gaols and other Prisons".[118] For Howard, a prison's sick list represented several ills, not least the dubious healthcare of inmates.[119]

The offensive prison conditions Howard observed moved him greatly. When it came to reforming prisoners, Howard suggested those confined to houses of correction should be inducted into a regime of "solitary reflection, piety, and labour".[120] Nothing could be done, however, unless there was a thorough parliamentary inquiry into the state of British prisons.[121] Encouraged by Howard's pathbreaking work – and with his assistance – William Eden and jurist and politician Sir William Blackstone (1723–80) began work on a piece of legislation in 1774, which became the *Penitentiary Act* or *Hard Labour Bill* of 1779.[122] The Act, greatly modified from its original bill, sought to construct two national penitentiaries, one each for men and women, which would operate under a regime of solitary imprisonment, hard labour, and religious instruction, all of which was designed to deter prisoners from

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[115] Neil Davie, "Feet of Marble or Feet of Clay? John Howard and the Origins of Prison Reform in Britain, 1773-1790," *XVII-XVIII. Revue de la Société d'études anglo-américaines des XVIIe et XVIIIe siècles*, no. 76 (2019). http://doi.org/10.4000/1718.3446.

[116] Roy Porter, "Howard's Beginning: Prisons, Disease, Hygiene", in R. Creese et al. (eds.), *The Health of Prisoners: Historical Essays* (Amsterdam: Rodopi, 1995), 5, 9.

[117] Davie, "Feet of Marble or Feet of Clay?", http://doi.org/10.4000/1718.3446.

[118] John Howard, *The State of the Prisons in England and Wales: With Preliminary Observations, and an Account of Some Foreign Prisons* (London: Cadell, 1777), 488.

[119] Porter, "Howard's Beginning", 11.

[120] George Fisher, "The Birth of the Prison Retold," *The Yale Law Journal* 104, no. 6 (1995): 1236-7.

[121] Howard, *The State of Prisons*, 489.

[122] Robin Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840* (Cambridge: Cambridge University Press, 1982): 119; McConville, *Prison Administration*, 107.

further crime, and to guide them into "habits of industry".[123] The 1779 Act made it possible to substitute imprisonment for transportation.[124] A architectural competition was held, and Howard's friend William Blackburn (1750–90) won with his radial prison plan.[125] In response, Jeremy Bentham published *A View of the Hard Labour Bill* (1778).[126] In this, Bentham broke down the Act and made observations on the proposals put forward for prison design. He had assisted Eden in the Act, and through this work Bentham began to further contemplate the future of punishment in Britain.[127] In his view, "punishment and reformation required a domestic system of incarceration, hard labour, and close surveillance", and he believed that religion might also go some way in improving the "good behaviour" of prisoners.[128]

However, much to Howard, Eden, and Blackstone's frustration, by September 1782 the Treasury refused to release the funds necessary to commence construction for Blackburn's prison, vaguely stating that "new measures were about to be taken with respect to Felons, which made the Hastening of the Penitentiary Houses less necessary".[129] Even after Blackburn revised the plan and reduced the cost by over £100,000, it was clear the Act was dead in the water. Once Tory statesman William Pitt (1759–1806) took office a few months after the end of the American Revolutionary War in December 1783, it was only a matter of

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[123] McConville, *Prison Administration,* 108.

[124] Evans, *The Fabrication of Virtue,* 120.

[125] Blackburn's plan later became the Liverpool Borough Gaol in 1785. Robert Alan Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," *Journal of the History of Ideas* 42, no. 4 (1981): 676; Evans, *Fabrication of Virtue,* 129.

[126] Jeremy Bentham, *A View of the Hard-Labour Bill; Being an Abstract of a Pamphlet, Intituled "Draught of a Bill, to Punish by Imprisonment and Hard-Labour, Certain Offenders; and to Establish Proper Places for Their Reception." Interspersed with Observations Relative to the Subject of the above Draught in Particular, and to Penal Jurisprudence in General* (London: T. Payne and Son, 1778).

[127] James Burns, "'From a Good Scheme to a Better': The Itinerancy of Jeremy Bentham, 1769-1789," *Utilitas* 24, no. 4 (2012): 445.

[128] L.C. Boralevi, *Bentham and the Oppressed* (Boston: De Gruyter, 2012), 85-6; Tim Causer, "'The Evacuation of That Scene of Wickedness and Wretchedness': Jeremy Bentham, the Panopticon and New South Wales, 1802-1803," *Journal of Australian Colonial History* 21 (2019): 4.

[129] "Report from the Committee appointed to enquire what proceedings have been had in the Execution of an Act, passed in the 19th Year of His present Majesty, Intitled 'An Act to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment, of certain Offenders' 22 March 1784", House of Commons Papers (1784), Vol. XLIX (1784): 5.

political maneuvering until the 1784 *Transportation Act* was ushered onto stage, and the idea of a national penitentiary was shelved.[130]

This was not to say that the idea of the new penitentiary was doomed entirely. The 1780s "proved to be a period of intensive prison reconstruction amongst local authorities", many of whom sought to echo the system set out by the *Penitentiary Act*.[131] One instance is Gloucestershire magistrate George Onesiphorous Paul (1746–1820), who made use of a local gaol fever outbreak to enliven a platform of county penal reform.[132] While Paul had never met Howard, in 1784 he suggested that: "By Reform I mean nothing less, than a general and entire Correction of the *Principle* of Prisons".[133] Paul and others like him took heed of Howard's three requirements for a prison: security, salubrity, and reformation.[134] Some sixty institutions were built at the end of the century and most were dedicated to John Howard.[135] In sum, prison reform in the eighteenth-century was not achieved on a mass, centralized scale; instead, these efforts were county-level initiatives and should be considered, in Peter King's words, as reform from the margins.[136]

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[130] Paul Kelly, "The Pitt-Temple Administration: 19-22 December 1783," *The Historical Journal* 17, no. 1 (1974): 157; Ian R Christie, "The Anatomy of the Opposition in the Parliament of 1784," *Parliamentary History* 9, no. 1 (1990): 50; P.J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America C.1750-1783* (Oxford: Oxford University Press, 2005), 353; P. Mackesy, *The War for America: 1775-1783* (Lincoln: University of Nebraska Press, 1992), 519.

[131] Simon Devereaux, "The Making of the Penitentiary Act, 1775–1779," *The Historical Journal* 42, no. 2 (1999): 432-3.

[132] Evans, *Fabrication of Virtue*, 140-1; Robert Alan Cooper, "Ideas and Their Execution: English Prison Reform," *Eighteenth Century Studies* 10, no. 1 (1976): 73-4.

[133] Emphasis original. G.O. Paul, *Considerations on the Defects of Prisons, and Their Present System of Regulation, Submitted to the Attention of the Gentlemen of the County of Gloster, in the Course of Their Proceedings on a Plan of Reform. To Which Are Added, Some General Reflections on the Subject; Addressed to the Members of the Legislature. By Sir. G.O. Paul* (London: T. Cadell, 1784), 5.

[134] Evans, *Fabrication of Virtue*, 142.

[135] These included institutions in Bodmin, Lancashire, Oxford, Winchester, Dorchester, Chester, and Middlesex. See Philippa J Hardman, "The Origins of Late Eighteenth-Century Prison Reform in England" (unpublished PhD thesis, University of Sheffield, 2007), 141-2.

[136] P. King, *Crime and Law in England, 1750–1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), 13.

Section 2: Salubrious Solitary

> As he went through Coldbath-fields, he saw
> A solitary cell;
> And the devil was pleased, for it gave him a hint
> For improving his prisons in hell.[137]

First printed in September 1799, Samuel Taylor Coleridge set down in *The Devil's Thoughts* a popular view of the solitary confinement cell, which had become a "keystone" of British penal thought in the mid- to late-eighteenth century.[138] Reformer and philanthropist John Howard himself wrote that the power of a solitary cell was such that even criminals "who had affected an air of boldness during their trial … were struck with horror, and shed tears when brought to these darksome solitary abodes".[139] By 1789, Howard recognized the dangers of solitary confinement, and rejected its application in penal reform.[140] But his association with innovative penal reform was legendary, and, despite his later objections, Howard was synonymous with the use of isolation-based confinement from then on.[141] The same can be said of Jeremy Bentham, who originally accepted solitary confinement in 1778, but by 1790 expressed his doubts on the advantages of "absolute solitude" over "mitigated

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[137] Samuel Taylor Coleridge and Robert Southey, *The Devil's Thoughts* (1799). Quoted in C. Parolin, *Radical Spaces: Venues of Popular Politics in London, 1790 - C. 1845* (Canberra: ANU E Press, 2010), 54.

[138] Coldbath Fields Prison, originally built as the Middlesex House of Corrections from 1788–94, was a direct intellectual descendent of John Howard. Intended to model his ideas on cleanliness and contemplation, Coldbath Fields was undercut from the start and suffered accusations of mismanagement, brutality, and incompetence. Despite drawing from one of the great luminaries on penal reform that century, Coldbath Fields was doomed to wallow in corruption well into the 1820–30s, where it was joined by another venture, Millbank Penitentiary, intended to be Britain's first national penitentiary, which was eventually replaced by Pentonville Prison in 1842. See Jonathan Simon, "The Return of the Medical Model: Disease and the Meaning of Imprisonment from John Howard to Brown V. Plata," *Harvard Civil Rights-Civil Liberties Law Review*, 48 (2013): 226; Philip Temple and Andrew Saint, *A Survey of London: Northern Clerkenwell and Pentonville* (New Haven: Yale University Press, 2008), 38-42; P. Collins, *Dickens and Crime* (London: Palgrave Macmillan, 2016), 54.

[139] Howard, *The State of Prisons*, 152.

[140] John Howard, *An Account of the Principal Lazarettos in Europe* (London: J. Johnson, C. Dilly and T. Cadell, 1791), 169, 92.

[141] Mark Goldie, *The Cambridge History of Eighteenth-Century Political Thought* (Cambridge: Cambridge University Press, 2006), 568.

seclusion".[142] Despite both Howard and Bentham's retreat, the imaginative power of solitary confinement to subdue criminals loomed large in the minds of contemporary reformers, such as Jonas Hanway, Dr John Jebb, and Reverend Samuel Denne.

Taken together, their work foregrounded health in the debate on penal reform. Mark Goldie perceives their concern was "partly inspired by the desire to keep prisoners apart to prevent prisons becoming seminaries for thieves or other criminals, partly by a desire to save Christian souls, and partly to protect prisoners from intimidation by other prisoners".[143] Yet, this does not account for what Francis Dodsworth argues was the late eighteenth century's increased invocation of the "health" of the body politic.[144] Mark Neocleous similarly reminds us that the significance that "the social body contained the body of the people should not be underestimated".[145] The introduction of various institutions – like workhouses – to police the criminal poor represented the view that the cause of crime and its effects on the social order exceeded "the capacity of individual will to resist".[146] As Anthony Page observes, contemporary issues such as penal reform could be and were used as vehicles for adjacent agendas.[147] Instead of couching their arguments in the vein of controlling the uncontrollable criminal poor – as suggested most popularly by Michel Foucault – Hanway, Jebb, and Denne, drew on Howard's observations on prison-related illnesses and institutional cleanliness to motivate penal reform.[148] For context, between 1775 and 1782 influenza became epidemic in Britain.[149] Over this period and beyond into the 1790s, the idea of gaol fever developed more fully into what would consolidate as the nineteenth century belief of criminal contagion. In this sense, it becomes clear that a motivating factor in the development of systematic

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[142] Jeremy Bentham, *The Works of Jeremy Bentham, published under the Superintendence of his Executor, John Bowring,* 4 (Edinburgh: William Tait). Accessed 7/9/2020. https://oll.libertyfund.org/titles/1925#Bentham_0872-04_842

[143] Goldie, *The Cambridge History of Eighteenth-Century Political Thought,* 568.

[144] Dodsworth, "Habit, the Criminal Body and the Body Politic in England", 441.

[145] Mark Neocleous, "The Fate of the Body Politic," *Radical Philosophy*, no. 108 (2001): 33.

[146] Dodsworth, "Habit, the Criminal Body and the Body Politic in England", 452.

[147] Anthony Page, *John Jebb and the Enlightenment Origins of British Radicalism* (Westport: Praeger, 2003), 235.

[148] Michel Foucault, *Technologies of the Self: A Seminar with Michel Foucault* (London: Tavistock, 1988), 71.

[149] Margaret DeLacy, *Contagionism Catches On: Medical Ideology in Britain, 1730-1800* (New York: Springer, 2017), 181.

isolation-based confinement was its benefits in eradicating threats to public health, both figurative and literal.

Writing in 1786, Howard's close friend Jebb argued that only tandem reforms of criminal law and the construction of new places of confinement could address the high rates of crime in Britain.[150] At its core, Jebb advocated for the protection of health and the promotion of order.[151] He expressly wrote that prisoners should be kept in sex segregated separate cells.[152] Jebb also believed that prisons should be kept under the control of magistrates and gentlemen of the districts and should be regularly inspected by members of the clergy and dedicated committees.[153] In this, he advocated for an institutional transparency Howard believed indispensable to mediate systems of imprisonment. Aside from these general Howardian claims, Jebb also emphasised the importance of prisoner health. He opened his 1786 treatise with a question on the ventilation of air in prisons.[154] In his view, preventing "improper communication" between prisoners was necessary, "but the main improvement to be expected in the state of prisons seems to me to consist in a judicious mode of conducting their internal polity".[155] Tellingly, he advocated for an on-site infirmary.[156] He suggested:

> Fresh and sweet air – open windows and apertures for a thorough draught of air – prisoners made to go out and air themselves at proper times – privies properly situated – the sewers spacious.[157]

Jebb stipulated that prisoners should bathe regularly; have their heads shaved; frequently receive clean clothes and linen; and the prison itself, including individual cells, should be washed, swept, and "lime-whited" twice a year.[158] Jebb's suggestion of "lime-whiting" came

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[150] Joshua Jebb, *Thoughts on the Construction and Polity of Prisons with Hints for Their Improvement* (London: C. Dilly, 1786), xi; Margaret DeLacy, *The Germ of an Idea: Contagionism, Religion, and Society in Britain, 1660-1730* (London: Palgrave Macmillan, 2016), 166.

[151] Jebb, *Thoughts on the Construction and Polity of Prisons,* xii.

[152] Ibid., 21-3.

[153] Janet Semple, *Bentham's Prison: A Study of the Panopticon Penitentiary: A Study of the Panopticon Penitentiary* (Oxford: Clarendon Press, 1993), 83.

[154] Jebb, *Thoughts on the Construction and Polity of Prisons,* 3.

[155] Ibid., 7.

[156] Ibid., 21, 26.

[157] Ibid., 20.

[158] Ibid.

directly from Howard, yet other contemporaries affirmed its use in purifying and cleansing spaces. For instance, surgeon Sir William Blizard (1743–1835) agreed that lime-washing refreshed the air, and actively destroyed "the power of contagious matter, wherever it may be lodged in crevices, and part, not exposed to currents of air".[159] It was also, coincidentally, a durable and cheap way to maintain buildings.[160] Jebb's level of detail, along with the suggestion that prisons should be built from brick rather than stone as it was materially beneficial to health, evoked a Bentham-like interest in the fine-grain of institutional living.[161]

Jebb was interested in health partly because it was his profession, but he and other contemporaries such as Henry Fielding had previously identified the overlap between health and criminality and presented it as a danger to the body politic.[162] Take, for instance, Quaker physician Dr John Coakley Lettsom (1744–1815), acquaintance to both Howard and Jebb, who perceived that individuals "immersed in, and habituated to, the foul air of a prison, may carry about them all the contagion … sufficiently to infect other persons fresh from the air, who come within the morbid effluvia of the former".[163] Lettsom pointed out that the diseases spread by discharged prisoners challenged the nature of state imprisonment on a fundamental level.[164] Only through state-sponsored financial aid and moral improvement could the social and physical health of the criminal poor be restored for a greater social good.[165] Taken together, it is clear that such theory and proposed reform indirectly placed the prison as regulating the health of society.

This is most expressly felt in Reverend Samuel Denne's *A Letter to Sir Robert Ladbroke* (1771), in which he drew from the work of Fielding to advocate rebuilding Newgate Prison

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[159] William Blizard, *Suggestions for the Improvement of Hospitals, and Other Charitable Institutions* (London: M.L. Galabin, 1796), 47-8.

[160] J. Plaw, *Sketches for Country Houses, Villas, and Rural Dwellings* (London: S. Gosnell, 1800), 8-9; C.B. Allen, *Rudimentary Treatise on Cottage Building, or, Hints for Improving the Dwellings of the Labouring Classes* (London: John Weale, 1854), 38-42.

[161] Jebb, *Thoughts on the Construction and Polity of Priosns*, xiii-xiv, 7.

[162] Lee, *Inventing the Fear of Crime*, 30; Malcolm Ramsay, "John Howard and the Discovery of the Prison," *Howard Journal of Penology & Crime Prevention* 16 (1977): 6.

[163] J.C. Lettsom, *Hints Respecting the Prison of Newgate*, 4 (London: Darton and Harvey, 1794), 10-11.

[164] Cooper, "Ideas and Their Execution: English Prison Reform," 85, n58.

[165] J.C. Lettsom, *Of the Improvement of Medicine in London, on the Basis of Public Good* (London: James Phillips, 1775), 25-6.

on a cellular pattern.[166] Denne wrote: "If a tenth, if a fiftieth, part, if only one in a hundred of the thousands who are committed to gaol were to be reclaimed by it, you would so far lessen the number of rogues; and restore so many useful members to the public".[167] He vividly described how inmates corrupted one another and, when released, how they proceeded to infect the rest of society: "For these rank weeds thrive fast in this hot-bed of vice; and, when grown to maturity, they scatter a large quantity of their noxious seed, which can hardly ever be eradicated".[168] The most "pernicious effect of the mismanagement of our prisons" was "pestilential distemper" (gaol fever) which raged across the imprisoned population of Britain.[169] Denne viewed the "noxious vapors" that arose when people were housed together as fundamentally unhealthy, yet when prisoners were put in separate cells, they would enjoy purer air and thus not fall ill.[170] To illustrate his point, Denne pointed to the medical advancements made in combating epidemics such as small-pox, which flourished when patients were crowded together, but diminished when ward capacity was reduced.[171]

The sickness that came from over-crowding prisons, which were usually populated by the poor and unfortunate, was increasingly, if not historically, attributed to class. As Kevin Siena masterfully explores in his research, class and disease were inextricably linked in the eighteenth century.[172] This perception arose not only in regards to poverty more generally but also circumstances that arose from poverty, such as low hygiene, poor nutrition, and inadequate housing.[173] Siena writes that these "class-based contagion anxieties influenced the general public", and the treatises of the 1770s shined a harsh light on the "dense concentration of plebian bodies in a filthy, tight space" and the dangers of association.[174]

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[166] Semple, *Bentham's Prison*, 80.

[167] Samuel Denne, *A Letter to Sir Robert Ladbroke, Knt. Senior Alderman, and One of the Representatives of the City of London: With an Attempt to Shew the Good Effects Which May Reasonably Be Expected from the Confinement of Criminals in Separate Apartments* (London: J. and W. Oliver, 1771), 80.

[168] Ibid., 21.

[169] Ibid., 6.

[170] Ibid., 7-8.

[171] Ibid., 8.

[172] K. Siena, *Rotten Bodies: Class and Contagion in Eighteenth-Century Britain* (New Haven: Yale University Press, 2019), 228-31.

[173] Sara Horrell, Jane Humphries, and Hans-Joachim Voth, "Destined for Deprivation: Human Capital Formation and Intergenerational Poverty in Nineteenth-Century England," *Explorations in Economic History* 38, no. 3 (2001): 347.

[174] Siena, *Rotten Bodies*, 2-3, 109.

Contemporary physician John Pringle (1707–82) drew comparisons between the close air of the prison and the large and crowded city – which was well understood as the landscape of modern crime.[175] Howard too ruminated as to why wealthy people were "less liable to the plague than the poor", and supposed it was down to their fortunate lifestyle, namely their diet and spacious accommodation.[176] Physician Dale Ingram (1710–93) wrote in 1755 that "the poor in general are first subject to receive the original attacks of any contagious distemper, for a depravity of the blood, coarse diet, uncleanliness, &c. contribute not a little to such disease".[177]

This view was informed, in part, by the historic tendency of stratifying the lower classes by different levels of respectability, and by the emerging tradition of distinguishing between the "honest" and "rough" poor.[178] Denne also theorised that the reason criminals were more likely to be insane was due to their devotion – or addiction – to vice, which was itself "a kind of madness".[179] Failing to separate prisoners from one another, therefore, led to "the complete corruption of the morals of almost all the persons" sent to prison.[180] For Denne and his contemporaries, "madness" – and to an extent, sickness – had its origins in moral failure.[181] Only by separating prisoners could they be free from corruption from their fellow criminals and from the environmental dangers associated with unregulated and unclean mass imprisonment. Moreover, dirt was increasingly "stigmatised as having a harmful physiological action … this new concept, the pathological action of dirt, was coupled with stress of the *moral* qualities of cleanliness".[182] This emerging view that the labouring poor "demand our constant attention … To inform their minds, to repress their vices, to assist their labours, to invigorate their activity, to improve their comforts", was linked directly to the

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[175] John Pringle, *Observations on the Nature and Cure of Hospital and Jayl-Fevers. In a Letter to Doctor Mead* (London: A. Millar and D. Wilson, 1750), 2-3.

[176] Porter, "Howard's Beginning", in Creese et al., *The Health of Prisoners,* 14.

[177] D. Ingram and I. Clemens, *An Historical Account of the Several Plagues That Have Appeared in the World since the Year 1346 ... To Which Are Added a Particular Account of the Yellow Fever ... And an Abstract of Isaac Clemens's Voyage in the Sloop Fawey, from Their Arrival in the Mould of Algiers, to the Sinking of Her ... Taken from His Log-Book* (London: Baldwin & Clark, 1755), 26.

[178] Keith Thomas, *In Pursuit of Civility: Manners and Civilization in Early Modern England* (Lebanon: Brandeis University Press, 2018), 69.

[179] Denne, *A Letter to Sir Robert Ladbroke,* 58-9.

[180] Ibid., 10, 15.

[181] Throness, *A Protestant Purgatory,* 187.

[182] Christopher Lawrence, "Priestley in Tahiti: The Medical Interests of a Dissenting Chemist," in R.G.W. Anderson and C. Lawrence (eds.), *Science, Medicine and Dissent: Joseph Priestley (1733-1804)* (London: Wellcome Trust and the Science Museum, 1987): 6.

revival and reclamation of spaces with moral underpinnings, such as the prison.[183] As Page points out, it is no wonder products of the Enlightenment like Jebb and his contemporaries were interested in medical and penal reform, for it directly encouraged "the formation of rational, autonomous, self-regulating individuals".[184]

Another "fervent" advocate for solitary confinement was Jonas Hanway.[185] Staunchly religious and frequently moved by the plights of the criminal poor, Hanway perceived crime as a direct contributor to the destruction of liberty, and the cause of it was "reckless hedonism".[186] This indulgence he described as the "flutter of the mind".[187] For many, life in a commercially prosperous country produced temptations that led to vice, shame, and, in some cases, a conviction. To remedy this excitement, a solitary cell could change a prisoner through "affliction, the truest friend to repentance: solitude will create affliction, such as arises from a *consciousness of guilt*".[188] He argued that, "solitary imprisonment is the most terrible … the most humane, religious, efficacious, method, that can be adopted".[189] Hanway determined that such a system would calm even the most unrepentant criminal. It was the perfect blend of "judicious severity" with "such mercy and compassion as will operate on the natural ingenuousness of the mind".[190] Put another way, the threat of a punishment like solitary confinement worked alongside the physical experience of imprisonment: "The fear of the dungeon would keep him in awe".[191]

But Hanway was not a cruel man, and he did not advocate unmitigated solitary confinement. He also rejected corporal punishment like whipping as an unethical practice.[192] Hanway

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[183] Contemporary physician Dr James Currie (1756-1805) quoted in Page, *John Jebb and the Enlightenment,* 164.

[184] Ibid.

[185] Semple, *Bentham's Prison,* 83-4.

[186] Ibid., 84-5.

[187] Rabin, *Identity, Crime, and Legal Responsibility,* 138.

[188] Jonas Hanway, *Solitude in Imprisonment: With Proper Profitable Labour and a Spare Diet, the Most Humane and Effectual Means of Bringing Malefactors, Who Have Forfeited Their Lives, or Are Subject to Transportation, to a Right Sense of Their Condition; with Proposals for Salutary Prevention* (London: J. Bew, 1776), 42.

[189] Hanway, *The Defects of Police the Causes of Immorality and the Continual Robberies Committed: Particulary in About the Metropolis*, 213.

[190] Hanway, *Solitude in Imprisonment*, 38.

[191] Hanway, *The Defects of Police*, 228.

[192] Hanway, *Solitude in Imprisonment*, 47-8.

wrote in 1775 that a sentence in solitary confinement should be in proportion to the crime committed: above all, he suggested that "the characters of offenders; the occasion; the temptation; and the variety of circumstances attending the crime and the criminal; with the probability of his becoming a good subject" be taken into account.[193] Indeed, Hanway believed it was not so much a civic responsibility to reform criminals but a divine one, as no one who believed in the "immortality of the soul" could deny an opportunity to "preserve a prisoner from being infected by the poisoned breath of companions in wickedness".[194] Thus, Hanway wrote that the call for "proper prisons for solitude" was great.[195]

The observations made by Howard, Hanway, and others, were shifting attention to the individual soul of the prisoner.[196] Howard's *The State of Prisons* succeeded in spotlighting the prison and reframing it not as a problem, but as a solution to the troubles that faced the country.[197] While Howard eventually retreated from the use of solitary confinement, Hanway persisted in advocating its role in enlightening prisoners through reflection and religious intervention.[198] This was picked up in popular discourse, with the *Times* outlining a reform agenda in 1785:

> Solitary imprisonment, with a perpetuity of hard labour, or otherwise their being obliged to work at some operation of general utility, are the principal modes that might be devised to accomplish so salutary a plan, and which would be pregnant with the spirit of philanthropy and justice.[199]

Hanway agreed that solitary confinement, undertaken in the modern way, was "the most terrible penalty short of death that a society could inflict *and* the most humane".[200] While it would take until the following century for Hanway's vision to become reality, the idea that solitary confinement could remake criminals was starting to gain traction. When presented

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[193] Hanway, *The Defects of Police*, 228.
[194] Hanway, *Solitude in Imprisonment*, 70.
[195] Ibid.
[196] Randall McGowen, "The Problem of Punishment in Eighteenth-Century England" in Griffiths and Devereaux, *Penal Practice and Culture*, 227.
[197] Davie, "Feet of Marble".
[198] Cooper, "Ideas and Their Execution: English Prison Reform," 78-80.
[199] Quoted in Hugh Cunningham, *The Reputation of Philanthropy since 1750: Britain and Beyond* (Manchester: Manchester University Press, 2020), 74.
[200] Hanway, *Solitude in Imprisonment*, 141.

in the context of the body politic and criminality's threat to public health, the metaphor of society's dirt and filth being made clean was a powerful and lasting image. At the same time, critics of transportation to Australia played on the description of the colony as a "cesspool" and "a sink of wickedness" with the convicts as "sewage" and "human refuse".[201] Bentham himself described transportation as the act of projecting "an excrementitious mass".[202] In other words, whether by imprisonment or transportation, Britain could be cleansed. Woven together, the colonial enterprise, the self-stylisation of the British as arbiters of civilisation, Enlightenment ideas on self-betterment, and a real desire to eradicate the so-called "gaol" or criminal fever that plagued the land, all reinforced the prison as an institution of hope.

Section 3: Enacting Reform, 1790–1830

Howard had called for a *lasting* reformation of British prisons, and this was on the mind of every individual invested in improving English imprisonment.[203] Though the *Penitentiary Act* (1779) had not succeeded in building William Blackburn's radial model based on Howard's principles, its intentions did not fade away for those interested in and motivated by the prospects of widespread penal reform. Other attempts to punish British offenders also fell short. For instance, it soon became apparent that the introduction of Australian transportation was not without issues. Notably, the 1790 Second Fleet – known as the "Death Fleet" – suffered unprecedented rates of illness.[204] This led to further reform of the Australian system of transportation, which, over time, increased the flow of unfree labour to the colonies.[205] The end of the century was, in some ways, defined by mortality: the cursed journey of the Second Fleet; British involvement in the wars against France (1793–1815); and the death of John Howard.[206] Michael Ignatieff observes that Howard's demise marked

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[201] Robert Hughes, *The Fatal Shore: A History of Transportation of Convicts to Australia, 1797-1868* (London: Collins Harvill, 1987): 355.

[202] Quoted in Martha Grace Duncan, "In Slime and Darkness: The Metaphor of Filth in Criminal Justice," *Tulane Law Review* 68 (1993): 730.

[203] Howard, *The State of Prisons,* 5.

[204] Michael Flynn, *The Second Fleet: Britain's Grim Convict Armada of 1790* (Sydney: Library of Australian History, 1993), 734.

[205] David Meredith and Deborah Oxley, "Condemned to the Colonies. Penal Transportation as the Solution to Britain's Law and Order Problem," *Leidschrift* 22, no. 1 (2007): 31; Anderson, "Transnational histories of penal transportation", 386-7.

[206] Meredith and Oxley, "Condemned to the Colonies", 38; West, *The Curious Mr Howard,* 314-8; Richard W Ireland, "Howard and the Paparazzi: Painting Penal Reform in the Eighteenth Century," *Art Antiquity & Law* 4 (1999): 61-2.

him as "the symbol of the philanthropic vocation, canonised by a middle class seeking representatives of its best virtues".[207] Against the backdrop of the deserving and undeserving poor emerged a strong sense among self-styled philanthropists and reformers that "the wretchedness of the lower orders in all countries is principally produced by the errors or defects of Government" – in other words, it was up to individuals to enact change.[208] The future, then, was in the hands of enlightened individuals under whose guidance human improvement could be attained through legislative means.[209]

As such, a series of individual penal reformers crossed the threshold between the eighteenth and nineteenth centuries in their quest for humanitarian change. These included Jeremy Bentham and his disciple Samuel Romilly, Quaker Elizabeth Fry (1780–1845), and statesman Sir Robert Peel (1788–1850). While this may appear an eclectic arrangement of figures, when read together, their respective ventures each sought to define health and imprisonment by Howard's ideals, to their own ends.

Panopticon

The imaginative power of the "panopticon" will be explored further in the next chapter, however, an overview of the panopticon's history will help contextualise the atmosphere of penal reformatory thought in the last decades of the eighteenth century. By 1791, Jeremy Bentham realized his plan for "a mill grinding rogues honest and idle men industrious".[210] It was against the backdrop of an emerging Australian colony, the reluctance of the Pitt government to commit to penal reform, and the failure of realizing a system of national penitentiaries under Howard, Eden, and Blackstone's *Penitentiary Act* (1779), that Bentham conceived of his "inspection house", or "panopticon", as it came to be known – one of many

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[207] Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London: Macmillan, 1978), 57; J. Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (New Haven: Yale University Press, 1996), 57; Phil Handler, "Forgery and the End of the 'Bloody Code' in Early Nineteenth-Century England," *The Historical Journal* 48, no. 3 (2005): 687.

[208] G.M. Ditchfield, "English Rational Dissent and Philanthropy, c.1760-c.1810" in Hugh Cunningham and Joanna Innes (eds.), *Charity, Philanthropy and Reform: From the 1690s to 1850* (New York: Springer, 1998), 199.

[209] Ibid., 202.

[210] Jeremy Bentham to Jacques Pierre Brissot de Warville, 25 November 1791, in A.T. Milne, and J.R. Dinwiddy (eds.), *Correspondence of Jeremy Bentham, Volume 4: October 1788 to December 1793* (London: UCL Press, 2017), 342.

different panopticons he thought of, the others including workhouse-panopticons and self-sustaining communities. Bentham had been contemplating prison architecture since the radial prison design put forward by William Blackburn in 1779, which was chosen but never constructed.[211] Bentham based the panopticon around the idea that the more strictly an individual was observed, the better he would behave.[212] Despite emerging alongside the debates and work by eighteenth century humanitarian reformers, the panopticon showed little in the way of religious or altruistic motives, yet the ideas set out by Bentham endured.[213]

The administrative history of panopticon is well known and has a vast legacy; only an overview will be useful here.[214] In February 1786, Bentham visited his brother, Samuel, in Russia, where Samuel was engaged on the estate of Prince Grigory Potemkin, advisor to Queen Catherine II.[215] Here Samuel conceived of an institution – essentially a workhouse – that would make Krichev, one of the Prince's estates in the Ukraine, a center of industry and "a source from which technical knowledge might be diffused to the relatively undeveloped surrounding areas".[216] This panopticon principle hinged on a centralised superior who controlled a large number of surrounding workers.[217] This idea proved a wealth of inspiration to Bentham, who immediately saw the "manifold uses to which such a design could be adapted".[218] Yet, quite apart from workhouses, hospitals, or schools, the panopticon appeared to Bentham best suited as a prison.[219] The hook was that the panopticon could achieve the objectives contemporary prison design could not. Importantly, the panopticon as Samuel

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[211] Jeremy Bentham to Jeremiah Bentham, 18/29 December 1786, *Correspondence of Jeremy Bentham*, 510.

[212] G. Claeys, *Mill and Paternalism* (Cambridge: Cambridge University Press, 2013), 19.

[213] Throness, *A Protestant Purgatory*, 147.

[214] A mere handful of key work includes Schofield, *Bentham: A Guide for the Perplexed*, 83, 109-38, 256; Brunon-Ernst, *Beyond Foucault: New Perspectives on Jeremy Bentham's Panopticon*, 1-16; Leonard John Hume, "Bentham's Panopticon: An Administrative History—I," *Australian Historical Studies* 15, no. 61 (1973): 703-21; Leonard John Hume, "Bentham's Panopticon: An Administrative History—II," *Historical Studies* 16, no. 62 (1974): 36-54.

[215] Schofield, *Bentham: A Guide for the Perplexed*, 71-2; Alessandro Stanziani, "The Traveling Panopticon: Labor Institutions and Labor Practices in Russia and Britain in the Eighteenth and Nineteenth Centuries," *Comparative Studies in Society and History* 51, no. 4 (2009): 715.

[216] Matthew S Anderson, "Samuel Bentham in Russia, 1779-1791," *American Slavic and East European Review* 15, no. 2 (1956): 166-67.

[217] Anderson, "Samuel Bentham in Russia", 166-67; Simon Sebag Montefiore, "Prince Potemkin and the Benthams: The Project to Create an English Village with Modern Factories in Belorussia," *History Today* 52, no. 8 (2003): 38-43.

[218] Schofield, *Bentham: A Guide for the Perplexed*, 72.

[219] Ibid.

devised it for Prince Potemkin had a strong current of "Russian theatricality" running through it, typical of the late-eighteenth century court life Potemkin was accustomed too – indeed, Bentham would acknowledge that theatricality was a central component of the panopticon as he interpreted it.[220] In this sense, panopticon was an inversion of the public spectacle of execution.

Bentham began work on the panopticon plan while still in Russia, and by 1790 he was already seeking English allies to help realize the project.[221] Published in 1791, the "prison-Panopticon" depicted a prison where inmates were "securely kept under lock and key, with the aim of rooting out their ingrained criminal habits and setting them to work".[222] This circular building revolved around a central inspector, who could oversee every prisoner in their cell, and was thus perceived as an invisible omnipresence, "an utterly dark spot".[223] As Maša Galič argues, the idea was not to create a "society of control", as set out by Foucault's "panopticism" – a very different concept from the actual panopticon – but to create a discipline that would be internalised by the prisoner, "and the need for the inspector, the watching itself, would be eventually exhausted".[224] Bentham was particular that the "watching" should go one way: only the warders in the tower could observe the prisoners.[225]

However, the panopticon design had several logistical problems. First, the central watchtower was surrounded by cells, effectively rendering it the most vulnerable space in the penitentiary.[226] Second, the radial or cylindrical design was spatially inefficient, leaving swathes of floor space unoccupied, and indeed Bentham referred to some of these places as "the dead part" of the prison.[227] Finally, by 1791 Bentham had abandoned the idea of solitary

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[220] Simon Werrett, "Potemkin and the Panopticon: Samuel Bentham and the Architecture of Absolutism in Eighteenth Century Russia," *Journal of Bentham Studies* 2 (1999): 11-15.

[221] C. Welzbacher and E. Lauffer, *The Radical Fool of Capitalism: On Jeremy Bentham, the Panopticon, and the Auto-Icon* (Cambridge: MIT Press, 2018), 31.

[222] Brunon-Ernst, *Beyond Foucault,* 22.

[223] M. Božovič and S. Zizek, *An Utterly Dark Spot: Gaze and Body in Early Modern Philosophy* (Ann Arbor: University of Michigan Press, 2000), 11.

[224] Brunon-Ernst, *Beyond Foucault,* 20-1; Maša Galič, Tjerk Timan, and Bert-Jaap Koops, "Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation," *Philosophy & Technology* 30, no. 1 (2017): 11.

[225] This was later altered in the design of Pentonville Prison, where the peephole, or method of observation, was moved instead to the cell door. See Philip Steadman, "Samuel Bentham's Panopticon," *Journal of Bentham Studies* 14, no. 1 (2012): 16, 25.

[226] Ibid., 17-21.

[227] Ibid.

confinement and as such the panopticon cells intended to house three or four inmates.[228] This, of course, meant it was impossible to stop prisoners communicating, which reformers like Hanway and Howard believed contributed significantly to the transmission of crime and criminality.[229] Phillip Steadman points out that, while Bentham thought of the prison panopticon as a machine, he "did not think so clearly about the prison as a functioning institution, in which the different classes of occupants had on occasion to move about and interact".[230] Arguably, Bentham was more interested in the minutiae of daily prison life than its architectural coherency, devoting himself to several tracts on the nature of prison labour, profitability, regimen, and discipline.[231]

Once the panopticon idea was in the public domain, Bentham soon busied himself with securing a site for construction. As Philip Schofield shows, Bentham's efforts were inexhaustible.[232] At last in 1799 Bentham acquired an estate in Millbank, London, although he determined the site was too small and so asked the government for a larger land package and another grant.[233] This back and forth came to a head in 1801, when it was proposed Bentham build a trial panopticon for 500 prisoners, although extenuating difficulties ended this plan.[234] In retaliation, Bentham published *Letters to Lord Pelham* (1802) and *A Plea for the Constitution* (1803), which lambasted the government for what Bentham argued was the illegal occupation of Australia.[235] He intended to cajole the government into accepting his panopticon scheme, but the maneuver backfired, and by mid-1803, Bentham's panopticon was little more than a thought experiment.[236]

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[228] Bentham, *Panopticon: Or, the Inspection-House. Containing the Idea of a New Principle of Construction Applicable to Any Sort of Establishment, in Which Persons of Any Description Are to Be Kept under Inspection, Etc*, 62-66; Steadman, "Samuel Bentham's Panopticon", 21.

[229] "In Some Gaols you see (and who can see it without pain?) boys of twelve or fourteen eagerly listening to the stories told by practiced and experienced criminals, of their adventures, successes, stratagems, and escapes." See Howard, *The State of Prisons*, 16.

[230] Philip Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," *Journal of Bentham Studies*, no. 9 (2007): 18-19.

[231] Schofield, *Bentham: A Guide for the Perplexed*, 78-9.

[232] Ibid., 88-91.

[233] Ibid., 91.

[234] Ibid.

[235] Ibid.

[236] Ibid.

While the panopticon was widely discussed in ruling circles until the first two decades of the following century, Richard Follett points out that the philosophy guiding active penal reform remained that of John Howard.[237] Indeed, despite the post-Foucauldian legacy of "panopticism", nineteenth century contemporaries appeared more swayed by practical, demonstrable examples of penal reform. This was evidenced quite clearly in the first two decades of the new century.

A Tale of Two Decades

In 1810–11, the Holford Committee, named for its Evangelical Tory chairman George Holford (1767–1839), revisited the possibility of establishing a government penitentiary.[238] Its primary issue was the lack of centrality in the system of imprisonment as it existed.[239] Critically, this was the first official conversation on the nature of imprisonment, and it took a broad view in capturing what a national system of imprisonment would look like. Effective imprisonment needed to be in proportion to a prisoner's degree of criminality and the seriousness of their charge. Thus, the *type* of system they were imprisoned under was of the utmost importance.[240] Historian Neil Davie posits that the Holford Committee represented the contemporary clash between penal theorists like Bentham and a more practical reformer like Holford, who would go on to become the chair of the management committee for Millbank Penitentiary.[241] Bentham, however, believed that he had gained some ground in reviving the panopticon project, for Romilly was part of the committee, and Bentham himself gave evidence supporting his plan.[242]

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[237] Richard Follett, *Evangelicalism, Penal Theory and the Politics of Criminal Law: Reform in England, 1808-30* (London: Palgrave Macmillan, 2000), 91.

[238] The Holford Committee produced three reports on the matter, these being: "Report from the Committee on the Laws Relating to Penitentiary Houses", House of Commons Papers (199), Vol.III.567 (1810-11); "Second Report from the Committee on the Laws Relating to Penitentiary Houses", House of Commons Papers (217), Vol.III.691, (1810-11); "Third Report from the Committee on the Laws Relating to Penitentiary Houses", House of Commons Papers (306), Vol.II.363 (1812).

[239] "Report from the Committee on the Laws Relating to Penitentiary Houses", House of Commons Papers (199), 4.

[240] Ibid., 4-7.

[241] Neil Davie, *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850* (Oxford: Bardwell Press, 2016), 195.

[242] Cooper, however, suggests that Romilly was half-hearted in his support. See Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," 678; Hume, "Bentham's Panopticon: An Administrative History—II", 48.

Although Bentham systematically refuted the committee's objections to the panopticon, concern over the cost and management of the scheme won out.[243] Howard had declared in his 1777 treatise that no prisoner should be subject to the demand of fees, for he determined that corrupt gaolers were, in fact, one of the biggest problems facing reformers.[244] Indeed, a high point of the committee was Bentham's testimony on matters of economy.[245] This was hardly surprising, given how fiscally-focused the reality of penal reform truly was, and, by necessity, had to be.[246] Bentham tried to assure the committee that the panopticon would operate entirely self-sufficiently, as the "economic viability" of the scheme was one of his "obsessions".[247] The economy of the prison panopticon was presented positively: it put prisoners to work, and it lightened the burden of expenditure.[248] But Bentham wanted to be both governor *and* owner of the prison, technically putting the panopticon in private hands.[249] Eventually, Holford, being unfriendly to contracting in penal policy, diverted the committee's inquiries away from the panopticon design for this reason.[250]

In comparison, when Gloucestershire magistrate Sir George Paul was questioned, his "meritorious exertions in correcting and improving the state of imprisonment" of Gloucester Gaol, which opened in July 1791 and operated under the principles set down by Howard, claimed the spotlight.[251] The Gaol itself owed its design to William Blackburn. Gloucester Gaol classed and separated prisoners: in the first term of their sentence they were confined

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[243] Letter from Jeremy Bentham to George Holford, 6 May 1811, in "Second Report from the Committee", House of Commons Papers (217), 124-131; Hume, "Bentham's Panopticon: An Administrative History—II", 48.

[244] Howard, *The State of Prisons*, 57.

[245] For example, see Jeremy Bentham examined by George Holford, Appendix, "Report from the Committee", House of Commons Papers (199), 75.

[246] Nicola Phillips, "A Case Study of the Impact of Wealth on the Criminal Justice System in Early Nineteenth-Century England," *Crime, Histoire & Sociétés/Crime, History & Societies* 17, no. 1 (2013): 31, 49-50.

[247] Marco E.L. Guidi, "'My Own Utopia': The Economics of Bentham's Panopticon," *The European Journal of the History of Economic Thought* 11, no. 3 (2004): 408-9.

[248] Guidi, "'My Own Utopia'", 408-9; Massimo de Angelis, "Hayek, Bentham, and the Global Work Machine: The Emergence of the Fractal-Panopticon", in Ana C Dinerstein and Michael Neary (eds.), *The Labour Debate: An Investigation into the Theory and Reality of Capitalist Work* (Surrey: Ashgate Aldershot, 2002), 120-22.

[249] David Wilson, "Millbank, the Panopticon and Their Victorian Audiences," *The Howard Journal of Criminal Justice* 41, no. 4 (2002): 369.

[250] Hume, "Bentham's Panopticon: An Administrative History—II", 48.

[251] "Report from the Committee", House of Commons Papers (199), 4; Sir George Paul examined by George Holford, Appendix, "Report from the Committee", House of Commons Papers (199), 23-32.

in isolation; the second term was mediated; and during the third term prisoners laboured communally.[252] In all, there were 203 separate cells: 164 for the first and second stages of isolated confinement; and 39 for the final labouring stage.[253] Paul's focus was as much on the prison as it was on prisoners: the quality of a prison system meant little if it did not effectively aid those imprisoned by it.[254] In this sense, Paul and the Howard-inspired Gloucester model emphasised the role the prisoner played in penal reform, and used their reformation as a measure of success. As Philippa Hardman argues, while Enlightenment ideas generated by Beccaria and his contemporaries did motivate penal commentators in the eighteenth century, by the 1780s and into the next century, common utility usually won out.[255] An undercurrent of such common utility was the spectre of prison disease, the dangers of which played a not insignificant role in imagining a new future for British carcerality.[256]

The Gloucester model appealed to the Holford Committee, and in 1811 it recommended that the government build a national penitentiary capable of holding 1,000 prisoners.[257] The report stipulated that Bentham's claim on the site at Millbank was to be reversed, and the new prison built there, in the heart of London.[258] It was to reflect Howard's principles of penal reform: prisoners were to be confined separately; washed and examined by a surgeon; kept at regular labour for an average of 9-10 ½ hours a day; classed according to the severity of their crime; receive pastoral care from an onsite chaplain; and for the prison itself to be inspected by a committee.[259] The cost of removing prisoners to Millbank was placed on the county where they were charged and sentenced; and any indication of corruption on part of officers or warders was to be swiftly dealt with.[260] Lastly, in an inadvertent invocation of the panopticon, the governor of Millbank Prison was to have the same power over convicts as a

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[252] Appendix, "Report from the Committee", House of Commons Papers (199), 23.

[253] T. Rudge and R. Atkyns, *The History of the County of Gloucester* (London: G.F. Harris, 1803), iv.

[254] Philippa Hardman, "Fear of Fever and the Limits of the Enlightenment: Selling Prison Reform in Late Eighteenth-Century Gloucestershire," *Cultural and Social History* 10, no. 4 (2013): 514-5.

[255] Ibid., 528.

[256] Ibid.

[257] Helen Johnston, "'The Solitude of the Cell': Cellular Confinement in the Emergence of the Modern Prison, 1850–1930," in Jennifer Turner and Victoria Knight (eds.), *The Prison Cell* (New York: Springer, 2020), 26; Wilson, "Millbank, the Panopticon and Their Victorian Audiences", 369.

[258] Hume, "Bentham's Panopticon: An Administrative History—II", 48-9.

[259] *Bill to regulate the General Penitentiary for Convicts at Millbank*, Bills and Acts (383), Vol.I.417 (1816): 1-16.

[260] *Bill to regulate General Penitentiary for Convicts at Millbank (as amended by the committee)*, Bills and Acts (393), Vol.I.433 (1816), 6, 9-10.

sheriff, with the prison his own domain.[261] Instead of using the term "panopticon", Millbank contemporaries rather self-consciously styled the new building as a "pentagon".[262]

George Holford oversaw the design, construction, and opening of Millbank between 1812–22, with the first female prisoners received in June 1816 and male prisoners from January 1817.[263] It is the historiographical consensus that Millbank was dogged with problems. To start, the prison was built on marshland, resulting in poor building ventilation and persistent damp which often led to fever.[264] This fever was later described in 1829 by a convict ship surgeon as "the Millbank disease", which illustrates how prison-born illness could take on new meanings that reinforced images of the criminal body.[265] Aside from epidemics, riots, and structural issues, rumors also swirled that officers and warders were corrupt.[266]

Writing in 1818, parliamentarian, social reformer, and relation by marriage to Quaker Elizabeth Fry, Thomas Fowell Buxton (1786–1845), described the admission of a prisoner to Millbank:

> When a prisoner is brought here, he is first placed in the reception room, and examined by the surgeon; he is then bathed, and his clothes, if unfit to be preserved, are burnt; if decent, they are sold, and entered to his credit, in the "Prisoner's Property Book". He then is placed in the first class; and while he remains in it, he works in the cell in which he sleeps, separate from all other prisoners. When he is advanced to the second class, he performs his work in the larger cells in company.[267]

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[261] Ibid., 7

[262] George Holford is responsible for this. See G. Holford, *An Account of the General Penitentiary at Millbank ... To Which Is Added an Appendix on the Form and Construction of Prisons, Etc* (London: C. & J. Rivington, 1828), 48, 54, 84-7.

[263] Wilson, "Millbank, the Panopticon, and Their Victorian Audiences", 369.

[264] Ibid., 370.

[265] Quoted in Katherine Foxhall, "From Convicts to Colonists: The Health of Prisoners and the Voyage to Australia, 1823–53," *The Journal of Imperial and Commonwealth History* 39, no. 1 (2011): 6.

[266] Rubin, *Prison History*, 11; Herman Franke, "The Rise and Decline of Solitary Confinement: Socio-Historical Explanations of Long-Term Penal Changes," *British Journal of Criminology* 32, no. 2 (1992): 126.

[267] Thomas Fowell Buxton, *An Inquiry, Whether Crime and Misery Are Produced or Prevented, by Our Present System of Prison Discipline: Illustrated by Descriptions of the Borough Compter. Tothill Fields. The Jails at St. Albans, and at Guildford. The Jail at Bury. The Maison De Force at Ghent. The*

Upon discharge, a prisoner received "the per-centage to which he is entitled, decent clothing, and suitable tools; or money to the amount of £.3 [sic]".[268] In all due diligence, Buxton also interviewed the chaplain, who reported that this system showed great improvement among prisoners, and that he believed "the general state of our jails is a principal cause of the increase of crime".[269] In this, at least, Howard was vindicated. Buxton also interviewed Holford, who was reported as saying:

> That the grand secret was *employment.* Labour was the right hand of the police; that while the prisoners were employed, they were decent in their behaviour and language; but that if they were not engaged in work, they would be in mischief; in fact [he found], by repeated experience, that when work ended, his troubles began.[270]

Holford's views were characteristic of penal reform genealogy. The idea that labour was the "right hand of the police" reiterated how important reformers viewed industriousness as a pathway to reform. In Buxton's words, an unstimulated prisoner served "an apprenticeship to idleness".[271] The way that both Buxton and Holford interpreted their individual responsibility to the criminal poor did not develop in isolation. As will be discussed later in this section, these ideas were translated into government actions, such as the *Vagrancy Act* (1824), *Reform Act* (1824), and the *New Poor Law* (1834). These Acts pincered the urban and rural poor into meaningful states of being.[272] In the context of Millbank Prison, it is evident that the development of prison systems presented an opportunity to address moral problems representative of wider society. However, this ideal did not figure in the painful reality that the death rate at Millbank remained consistently high from its inception, leading *Punch* to ironically describe Millbank as "a capital substitute for capital punishments".[273] Despite the negative response, Holford remained a staunch advocate for Millbank, going so

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Philadelphia Prison. The Penitentiary at Millbank. And the Proceedings of the Ladies' Committee at Newgate (London: J. Butterworth & Son, 1818), 111-12.

[268] Ibid., 113.

[269] Ibid., 113-14.

[270] Original emphasis. Holford quoted in Buxton, *An Inquiry*, 114.

[271] Ibid., 118.

[272] A.W. Ager, *Crime and Poverty in 19th-Century England: The Economy of Makeshifts* (London: Bloomsbury Publishing, 2014), 131-39; Nigel Goose, "Poverty, Old Age and Gender in Nineteenth-Century England: The Case of Hertfordshire," *Continuity and Change* 20, no. 3 (2005): 353.

[273] Collins, *Dickens and Crime*, 151; Peter Higgins argues that the aetiology of most Millbank deaths was gastro-intestinal. See Peter McRorie Higgins, "The Scurvy Scandal at Millbank Penitentiary: A Reassessment," *Medical History* 50, no. 4 (2006): 533-34.

far as to suggest that the press were responsible for public doubt over the prison's efficacy.[274] While Millbank might not have succeeded in achieving the aims set out by it, "there was enough confidence in what had been achieved to expand the State's carceral influence and control", and the quest to find a model penitentiary continued.[275]

Quaker Elizabeth Fry first visited Newgate Prison in 1813 and again in 1816.[276] Fry was accompanied on this first trip by Thomas Fowell-Buxton's sister, Anna Buxton.[277] Fry had been encouraged to visit Newgate by Quaker missionary Stephen Grellet (1772–1855), who had been so moved by the plight of imprisoned women and children that he enlisted Fry's help.[278] This proved fateful. Although almost forty years separated Fry from John Howard, she discovered that the filthy prison conditions of 1813 had not changed much in the interim: women remained crowded in dungeon-like, filthy rooms, fought over meagre scraps of clothing, ate poorly, and had no means to occupy themselves.[279] Fry's home duties interrupted this trajectory, but by 1817 she had created the Association for the Improvement of Women Prisoners in Newgate, primarily consisting of fellow Quaker women.[280] Her work in clothing, feeding, and teaching female prisoners and their children, quickly attracted the attention of contemporary reformers. In February 1818, she gave evidence to a parliamentary committee on the state of prisons in London, where she described her work, such as the working regime of women under sentence; how the proceeds went towards supporting the women and their children; the religious education they received; the general state of health, and the lack of an infirmary; and how she helped the women keep clean under such conditions.[281] Fry described the sense of community that had developed in the prison, like

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[274] Holford, *An Account of the General Penitentiary at Millbank,* 634-5.

[275] Wilson, "Millbank, the Panopticon, and Their Victorian Audiences", 380.

[276] Anne Summers, "Elizabeth Fry and Mid-Nineteenth Century Reform," in R. Creese et al. (eds.), *The Health of Prisoners* (Amsterdam: Brill Rodopi, 1995), 84.

[277] Elizabeth Fry and R.E. Cresswell (ed.), *Memoir of the Life of Elizabeth Fry: With Extracts from Her Journal and Letters* (Cambridge: Cambridge University Press, 2011), 205.

[278] Stephen Grellet and Benjamin Seebohm, *Memoirs of the Life and Gospel Labours* (London: Benjamin Seebohm, 1867), 224.

[279] Russell L Craig, "Women in Corrections: Elizabeth Gurney Fry," *Journal of Correctional Education* 57, no. 2 (2006): 142.

[280] Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," 682.

[281] "Select Committee on the State of Prisons in City of London and Borough of Southwark, and on Dartmoor Prison. Report (Newgate and Dartmoor), Minutes of Evidence, Appendix", House of Commons Papers (275), Vol.VIII.297 (1818), 34-46.

the women putting aside extra clothing and some money for those destined to Botany Bay.[282] Importantly, she highlighted how emotional the imprisonment process was: men and women both were often compelled to commit crimes to join their loved ones in the colonies.[283] Her observations were corroborated by evidence given by Buxton, who also noted the prevalence of typhus that emerged when prisoners were housed in close association.[284]

In a short space of time, Elizabeth Fry made her cause "eminently respectable".[285] This was evolutionary evidence of Howard's middle-class philanthropism. Alan Cooper labels Fry as "an activist rather than a theoretician", yet it is clear she operated within the appropriate gendered boundaries of her segregated life as a woman, wife, and mother, and as such could not theorise as her male counterparts could and did.[286] In fact, Fry was perceived as a philanthropist by the public and was frequently referred to as such by newspapers.[287] As Anne Summers points out, Fry's advocacy work was not unusual for her social position, yet her involvement in masculine debates on social issues was.[288] At a time when morality underpinned reformative action, Fry's emphasis on warmth and gentleness reinforced the Georgian masculine ideal of contemporary reformers, such as independence, politeness, and rationality.[289] It is important, therefore, not to denigrate Fry as a woman merely moved by

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[282] Ibid., 36, 40, 42, 44.

[283] *Northampton Mercury,* 29 Aug 1818, 2.

[284] "Select Committee on the State of Prisons", House of Commons Papers (275), 113-14.

[285] Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," 684.

[286] Ibid., 685; Jane Hamlett, "'The Dining Room Should Be the Man's Paradise, as the Drawing Room Is the Woman's': Gender and Middle-Class Domestic Space in England, 1850–1910," *Gender & History* 21, no. 3 (2009): 576; E. Langland, *Nobody's Angels: Middle-Class Women and Domestic Ideology in Victorian Culture* (Ithaca: Cornell University Press, 1995), 56; Dror Wahrman, "'Middle-Class' Domesticity Goes Public: Gender, Class, and Politics from Queen Caroline to Queen Victoria," *The Journal of British Studies* 32, no. 4 (1993): 423-27.

[287] *Morning Post,* 9 Sep 1818, issue 14864; *York Herald,* 12 Sep 1818, issue 1463; *Leeds Mercury,* 3 Oct 1818, issue 2786; *Morning Chronicle,* 27 Jan 1819, issue 15520.

[288] Anne Summers, "'In a Few Years We Shall None of Us That Now Take Care of Them Be Here': Philanthropy and the State in the Thinking of Elizabeth Fry," *Historical Research* 67, no. 163 (1994): 134.

[289] M. McCormack, *The Independent Man: Citizenship and Gender Politics in Georgian England* (Manchester: Manchester University Press, 2005), 12-31; John Tosh, "Gentlemanly Politeness and Manly Simplicity in Victorian England," *Transactions of the Royal Historical Society* (2002): 458-59; Joanne Bailey, "Masculinity and Fatherhood in England C. 1760–1830," in J. Arnold and S. Brady (eds.), *What Is Masculinity?* (New York: Springer, 2011), 167-86; William C Barnhart, "Evangelicalism, Masculinity, and the Making of Imperial Missionaries in Late Georgian Britain, 1795–1820," *The Historian* 67, no. 4 (2005): 712-32; Henry French, "'I Tremble Lest My Powers of Thought Are Not What They Ought to Be': Reputation and the Masculine Anxieties of an Eighteenth-Century Statesman," in Christopher Fletcher, Sean Brady, and Rachel Moss (eds.), *The Palgrave Handbook of Masculinity and Political Culture in Europe* (New York: Springer, 2018), 265-83; Alun Withey,

maternal impulse to care for female prisoners; as Annemieke van Drenth argues, this does not suffice as a historical explanation for the rise of women's social care and its significance in larger welfare shifts.[290] Fry's primary motivation was religious, with social consciousness a close second: in this, she was no different to her brother-in-law Buxton, who too participated and helped shape the rise of caring power as it intersected with religion and public sensitivity and compassion.[291]

Fry engaged with Buxton's publications on prison reform and positioned her work alongside his.[292] She joined her young brother in law on visits to prisons in Scotland and in the north of England.[293] She also successfully championed many prominent members of society to her cause, like Independent politician William Wilberforce (1759–1833).[294] Mounting concern with matters of punishment as they intersected with religion also helped motivate Fry's cause.[295] These concerns drew on and capitalized on the sensibilities of a humane middle class, and called for changes to law that employed attributes they assigned to themselves: dignity, firmness, and authority.[296] Above all, however, was the undeniable fact that prison reform was fashionable. Fry and her coterie positioned themselves as authorities on change: Buxton, for instance, became a minister in 1819 and "gave a great boost" to reformers; and her brother-in-law, banker and abolitionist Samuel Hoare (1751–1825), was key in

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"Shaving and Masculinity in Eighteenth-Century Britain," *Journal for Eighteenth-Century Studies* 36, no. 2 (2013): 225-6;. D. Gorham, *The Victorian Girl and the Feminine Ideal* (London: Routledge, 2012), 209.

[290] A. van Drenth and F. de Haan, *The Rise of Caring Power: Elizabeth Fry and Josephine Butler in Britain and the Netherlands* (Amsterdam: Amsterdam University Press, 1999), 170.

[291] A complementary argument is made in Alana Barton, "A Woman's Place: Uncovering Maternalistic Forms of Governance in the 19th Century Reformatory," *Family & Community History* 14, no. 2 (2011): 97; van Drenth and de Haan, *The Rise of Caring Power,* 170.

[292] Buxton is alluded to in the preface of this work by Fry and her brother, Joseph John Gurney (1788-1847). See J.J. Gurney, *Notes on a Visit Made to Some of the Prisons in Scotland and the North of England, in Company with Elizabeth Fry: With Some General Observations on the Subject of Prison Discipline* (London: A. Constable and Company, 1819), v-vi.

[293] Ibid.

[294] Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," 684.

[295] See, for example: Society for the Diffusion of Knowledge upon the Punishment of Death and the Improvement of Prison Discipline, *On the Effects of Capital Punishment as Applied to Forgery and Theft, Including the Sentiments of Some Eminent Authors; with Some Account of Recent Occurrences and Proceedings* (London: John McCreery, 1818), 17-18.

[296] Randall McGowen, "A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain," *The Journal of British Studies* 25, no. 3 (1986): 315.

organizing the Society for the Improvement of Prison Discipline (SIPD) in 1818.[297] The Society marked an important divergence from the kindness Fry advocated in that it slowly began to shift to more hardline approaches to penal discipline.[298]

Between 1818–32, the SIPD published eight reports. Hoare was chairman while Buxton served as treasurer.[299] Wilberforce was an active member, along with philanthropist William Crawford (1788–1847), who became the Society's secretary.[300] Its patron included, among others, His Royal Highness the Duke of Gloucester.[301] In the Society's view, the objects of the law ought to be the repression of offences, and the reformation of prisoners.[302] These two points were "inseparably connected with the prevention of crime".[303] Rather surprisingly, they noted that fear was not always effective in influencing offenders: "No wise government would wish to rely solely upon one cause of prevention, when so many additional inducements to virtue may be secured".[304] This expressly positioned the prison as the means to retrieve society from debasing depths. The Society outlined ten prerequisites for an ideal prison: security; salubrity; classification based on age, sex, and crime; employment; means of instruction; exercise; appropriate diet; clothing; and cleanliness and healthfulness.[305] While the Society acknowledged that meaningful change took time, in effect they set themselves up as a para-political pressure group.[306]

The reports of the SIPD should not be read as a general reflection of the changing landscape around penal reform and philanthropy, but as an example of the concerns nominated by a concentrated, largely Quaker coalition, of interested, self-styled penal reformers. Understood

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[297] Robert Alan Cooper, "The English Quakers and Prison Reform 1809-23," *Quaker History* 68, no. 1 (1979): 13-15.

[298] Ibid., 18.

[299] D. Bruce, *The Life of Sir Thomas Fowell Buxton: Extraordinary Perseverance* (Minneapolis: Lexington Books, 2013), 101.

[300] J. Ward, "Crawford, William (1788-1847)", *Dictionary of National Biography*, vol. 13 (London: Smith, Elder, and Co., 1888), 57.

[301] *The Philanthropist, or, Repository for Hints and Suggestions Calculated to Promote the Comfort and Happiness of Man*, Richard Taylor and Arthur Taylor (eds.), vol. III (London: Longman and Company, 1819), 249.

[302] *Report of the Committee of the Society for the Improvement of Prison Discipline, and for the Reformation of Juvenile Offenders*, William Phillips (ed.), (London: J. and A. Arch, 1818), 6.

[303] Ibid.

[304] Ibid., 7.

[305] Ibid., 23-24.

[306] Ibid., 27-28; Cooper, "The English Quakers and Prison Reform 1809-23," 16.

in this way, they evince the paucity of Howardian ideals, and reformers' prioritisation of morality, health, and, to an extent, "civilization", through the twin focuses of education and labour. Importantly, the presence of their upper-class patrons gave the Society a platform to present their aims as entirely objective, and therefore legitimate, to the ongoing process of meaningful and lasting reform. To penal reformers in the 1820s and 1830s, the influence of the Society cannot be overstated.

A measure of this was the passing of the *Gaols Act* (1823). This first step towards effective progress was due to Sir Robert Peel (1788–1850), Secretary of State from 1821, whose "able and energetic" abilities as an administrator were buttressed by "a strong sense of the politically practicable".[307] Contemporaries noted the influence of the Society on Peel, whose interest in penal affairs spanned from Howard to Bentham to Fry, and who had no difficulty in accepting the Society's analysis of the disastrous state of the nation's prisons.[308] Peel was also guided by other contemporary forays into reform, such as the 1819 Select Committee on the Criminal Laws, otherwise known as the Mackintosh Committee, which asserted that punishment had to be "certain, proportionate, and in harmony with public feeling".[309] The *Gaols Act* rationalized that as prisoners corrupted one another, segregation based on sex and offence was essential.[310] The Act also required, for the first time, the attendance of physicians or surgeons, although they were appointed on a part-time basis and usually only attended in emergencies or for a few hours a day.[311] This Act was an attempt at a national policy on prisons.[312] However, despite the efforts of local magistrates, the nature of imprisonment continued to be disparate, as with no centralised system or authority to regulate the standard

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[307] L.W. Fox, *The English Prison and Borstal Systems: An Account of the Prison and Borstal Systems in England and Wales after the Criminal Justice Act 1948, with a Historical Introduction and an Examination of the Principles of Imprisonment as a Legal Punishment* (London: Routledge, 1998), 34.

[308] John Headlam, *A Letter to the Right Honourable Robert Peel, One of His Majesty's Principal Secretaries of State, &C. On Prison Labour* (London: J. Hatchard and Son, 1823), 2-62.

[309] Phil Handler, "Forging the Agenda: The 1819 Select Committee on the Criminal Laws Revisited," *The Journal of Legal History* 25, no. 3 (2004): 250; Philip Handler, "James Mackintosh and Early Nineteenth-Century Criminal Law," *The Historical Journal* 58, no. 3 (2015): 757.

[310] Heather Tomlinson, "Design and reform: the 'separate system' in the nineteenth century English prison", in A.D. King (ed.), *Buildings and Society: Essays on the Social Development of the Built Environment* (London: Routledge & Kegan Paul, 1984), 51-2.

[311] T.A. Jenkins, *Robert Peel* (London: Palgrave Macmillan, 1998), 29; Anne Hardy, "Development of the Prison Medical Service, 1774-1895", in Creese et al., *The Health of Prisons*, 59; William Cornish, Stephen Banks, and Charles Mitchell, *Law and Society in England 1750-1950* (London: Bloomsbury Publishing, 2019), 558-9.

[312] E.J. Evans, *Sir Robert Peel: Statesmanship, Power and Party* (Milton Park: Taylor & Francis, 2006), 17.

across the country, scenes such as those that so offended Fry remained all too common.[313] Given this, the Act was largely ineffective, because there was no way to enforce the changes meted out in the subsequent reports.[314]

This lack of a standardised body would be addressed in the next decade, as would several other social reforms that illustrated a concentrated effort to pincer the labouring or – as they were more commonly decried – the *criminal* poor. From at least 1799, welfare relief had ballooned to account for higher rates of disenfranchised people displaced by economic crises and war-related unemployment, which, naturally, implied higher rates of criminal activity.[315] For instance, the *Vagrancy Act* (1824) – which remains in motion in England – codified existing vagrancy legislation and permitted policemen to pre-emptively arrest an individual on the suspicion that they might commit an offence.[316] The 1820s were particularly concerned with vagrancy, passing no less than three successive Acts aimed at regulating begging and rough sleeping.[317] Growing tension around the continued commission of the Poor Laws and industrialisation led to high points of rebellion between 1815 and 1837, most famously the Swing riots in 1830.[318] Other reforms like the *Poor Law Amendment Act* (1834), generally known as the *New Poor Law*, exposed the conditions of institutions intended to accommodate the dependent: the state of workhouses, for example, was severe enough that only the most desperate could ask for assistance, leaving the poor but able-bodied to fend for themselves.[319] Those who flocked to the metropole were often too impoverished to seek good accommodation, and so congregated in unhealthy, crowded conditions.[320] A few contemporaries perceived this widespread distress as symptomatic of a "general dislocation in the economy", and economist Thomas Robert Malthus, author of the influential *An Essay*

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[313] Tomlinson, *Buildings and Society*, 52.

[314] See "Reports and Schedules pursuant to Gaol Acts", House of Commons Papers (1824), Vol.19.

[315] S. Williams, *Poverty, Gender and Life-Cycle under the English Poor Law, 1760-1834* (Woodbridge: Boydell & Brewer, 2011), 160.

[316] Ciarán McCabe, *Begging, Charity and Religion in Pre-Famine Ireland* (Liverpool: Liverpool University Press, 2018), 29.

[317] Paul Lawrence, "The Vagrancy Act (1824) and the Persistence of Pre-Emptive Policing in England since 1750," *British Journal of Criminology* 57, no. 3 (2017): 516-7; A. Eccles, *Vagrancy in Law and Practice under the Old Poor Law* (Milton Park: Taylor & Francis, 2016), 22, 55.

[318] C.J. Griffin, *Protest, Politics and Work in Rural England, 1700-1850* (London: Palgrave Macmillan, 2013), 168; R. Rees, *Poverty and Public Health, 1815-1948* (New York: Pearson Education, 2001), 25.

[319] Ager, *Crime and Poverty*, 130-33; Pat Thane, "Women and the Poor Law in Victorian and Edwardian England," *History Workshop Journal* 6, no. 1 (1978): 30-1.

[320] Ager, *Crime and Poverty*, 130-33.

on the Principle of Population (1834), determined that social relief only encouraged poverty.[321]

The importance of legislation like the *Poor Laws* to the trajectory of penal reform was its tenets of centralisation and inspection: commissioners appointed under the *Poor Laws* were to establish a national system of relief for the "dependent" poor.[322] This was precedent for what would occur in the realisation of Pentonville Prison. In this sense, the 1830s focus on social reform was "concerned as much with government as it was with poverty", meaning questions of administrative efficiency were brought in direct line with wider, more serious issues facing England's disenfranchised population.[323] Put another way, the "labour" of the workhouse was symbiotically connected to the "labour" of the prison inmate: their commonality was the institution tasked to shape and care for them. Indeed, much of the work carried out in a workhouse assumed a penal character.[324] This intimately ties social and penal reform together. It is perhaps no coincidence that in the *milieu* of the *New Poor Laws* and the *Reform Act* (1832), which gave new energy to parliamentarians to "continue to push for the reform of the criminal justice system", by 1835 a Select Committee on Gaols and Houses of Correction was brought once more to grapple with the problem of imprisonment.[325]

Conclusion

This chapter has surveyed the nature of penal reform and its philosophies from 1750–1830, contextualising the intellectual and practical intentions of those involved. In addition to changing notions of what constituted crime and criminality, it is apparent that the health

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[321] N.C. Edsall, *The Anti-Poor Law Movement, 1834-44* (Manchester: Manchester University Press, 1971), 15; G.R. Boyer, *An Economic History of the English Poor Law, 1750-1850* (Cambridge: Cambridge University Press, 2006), 59.

[322] Peter Dunkley, "Whigs and Paupers: The Reform of the English Poor Laws, 1830-1834," *The Journal of British Studies* 20, no. 2 (1981): 124; D. Englander, *Poverty and Poor Law Reform in Nineteenth-Century Britain, 1834-1914: From Chadwick to Booth* (Milton Park: Taylor & Francis, 2013), 6.

[323] Verna Care, "The Significance of a 'Correct and Uniform System of Accounts' to the Administration of the Poor Law Amendment Act, 1834," *Accounting History Review* 21, no. 2 (2011): 122; F. Driver, *Power and Pauperism: The Workhouse System, 1834-1884* (Cambridge: Cambridge University Press, 2004), 198.

[324] M.A. Crowther, *The Workhouse System 1834-1929: The History of an English Social Institution* (Milton Park: Taylor & Francis, 2016), 198.

[325] Harriet Evans, "The Bloody Code," *Manchester Student Law Review* 2 (2013): 37.

concerns of traditional imprisonment models subsidised visions of criminal “contagion”. Thus, health and illness as metaphysical and literal threats underpinned debates on penal reform and, to an extent, bolstered arguments for isolation-based confinement. By the 1830s, increased surveillance of the “criminal” or poor called for new institutions designed to help reform such populations. In this, the new idea of what prisons could or should be was key.

Chapter 2:
Separate Treatment and Pentonville Prison, 1831–42

Introduction

This chapter examines the practical follow-through of various legislative changes made in Britain from 1831 to 1842. As the previous chapter found, debates on penal reform highlighted the prison as the best institution to combat various ills – social or otherwise – in society. These debates soon focused on how best to implement isolation-based confinement, and this took the form of two competing prison systems: "silent" and "separate" treatment. While silent and separate treatment were similar, nation-specific ideas on reform and punishment eventually stipulated why, for example, American penal reformers preferred silent treatment, and the British reformers opted for separate treatment. In Britain, this debate was stage-managed by two figures central to the legacy of what would become the "Pentonville Prison Experiment": SIPD member William Crawford, and Reverend William Whitworth Russell (1795–1847), who was also chaplain at Millbank Penitentiary. Both men were integral to the development of Pentonville and sustained its original institutional model until their untimely demise in 1847.[1]

I argue that, in many respects, Crawford and Reverend Russell sustained the model of separate treatment adopted in Britain, yet their influence has been somewhat understated in previous studies on Pentonville Prison; no prison, after all, can operate without human intervention. Nestled in the context of Victorian change and innovation, Pentonville Prison was as much an arbiter for change as it was a symbol of it. This chapter finds that the efforts made to institute Pentonville Prison indicate a willingness to engage in scientific enterprise; this is most keenly felt in designing the Pentonville Prison Experiment, an innovative attempt to formalise reformation among British prisoners.

[1] Revered Russell and Crawford died months apart in the same year. See John Murray, *The Quarterly Review*, vol. XCII (London: William Clowes and Sons, 1853), 488; Eric Stockdale, "The Rise of Joshua Jebb, 1837-1850," *British Journal of Criminology* 16 (1976): 169.

Section 1 examines international interest and efforts in separate and silent treatment in the American carceral landscape. This section includes two perspectives: the French, through the eyes of diplomat Alexis de Tocqueville (1805–59) as he traveled through America in 1831–2 to study their prison reform; and the British through Crawford, who traveled through America in 1833. Crawford's observations and subsequent report confirmed the allegedly superior system was separate treatment and his findings were used in the 1835 Select Committee on Gaols and Houses of Correction, which authorised an annual inspection of English and Scottish institutions and founded a new national penitentiary in 1842: Pentonville Prison.

Section 2 briefly diverges to survey the nature of colonial penal reform, namely in Van Diemen's Land, the southernmost Australian colony. These changes occurred in parallel to the shift in British thinking, yet these instances have rarely been considered together. The purpose of Section 2 is to indicate the influence of separate treatment theory across empire. Section 3 considers the 1835 Select Committee and its subsequent influence in planning and instituting Pentonville Prison. This section focuses on the roles played by Crawford and Reverend Russell in establishing a national institution, which was the first in the country to operate on the strictest measure of the separate treatment system. Section 4 covers the process of establishing not only Pentonville Prison proper, but the "experiment" to be conducted there from 1842–9.

Section 1: The American Carceral Landscape

This section gives a brief overview of penal reform in Antebellum America, focusing on what scholar Ashley Rubin identifies as two of three reform shifts in this period: 1790–1810, and 1820–60.[2] Subsequent tours of American institutions by French and British representatives came to divide international opinion on the best mode of prisoner management. The purpose of this overview is to establish the American context, and to show that, while the British

[2] The Antebellum era is typically periodised from 1820-60. For the purpose of this chapter, only these two shifts are relevant; the third shift Rubin identifies focuses on the late nineteenth-century and beyond. See J.M. Volo and D.D. Volo, *The Antebellum Period* (Santa Barbara: Greenwood Press, 2004), xi; Ashley T Rubin, "Three Waves of American Prison Development, 1790–1920," in Mathieu Deflem (ed.), *Punishment and Incarceration: A Global Perspective* (Bingley: Emerald Group Publishing, 2014), 139-40.

would derive much inspiration from the Americans, their prisons would become very different in shape and purpose from their American counterparts.

To start, the America that emerged free from its colonial shackles took care to distance itself from the laws of "barbarous usages, corrupt society, and monarchial principles", rejecting, for example, the use of capital punishment in the state of Pennsylvania from 1786.[3] In the last decade of the eighteenth century a burst of enthusiasm for incarceration as the substitute for capital punishment saw several institutions built across the country.[4] As scholars Norval Morris and David Rothman explain, Americans were mostly concerned with the "certainty of punishment".[5] By the nineteenth century, the lack of meaningful legal reform as it related to matters of criminal justice dovetailed with the scenes of disorder that pervaded the country's prisons: institutional life was "casual, undisciplined, and irregular".[6] It appeared that the elimination of capital punishment had not eliminated crime. Thus, Americans turned their attention to reforming prisons as sites of deterrence and reform, even as they expressed confusion that crime continued to disturb an otherwise new, liberated society.[7]

The "cradle of the penitentiary" was in Philadelphia, Pennsylvania, where the Walnut Street Jail was made the first and only state penitentiary in 1790, and remained so until 1818.[8] Inspired by English reformer John Howard, members of the contemporary Philadelphia Society for Alleviation of the Miseries of Public Prisons advocated for a regime that balanced daytime associated labour with isolated nightly confinement; a precursor to what would soon morph into "silent treatment".[9] This system had three goals: public security, reformation, and humane treatment of prisoners.[10] The Society's members actively toured prisons and

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[3] N. Morris and D.J. Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford: Oxford University Press, 1998), 103.

[4] Ibid.

[5] Ibid.

[6] Ibid., 104.

[7] Ibid.

[8] M.P. Roth, *Prisons and Prison Systems: A Global Encyclopedia* (Santa Barbara: Greenwood Press, 2006), 292-3; J. Manion, *Liberty's Prisoners: Carceral Culture in Early America* (Philadelphia: University of Pennsylvania Press, 2015), 10.

[9] Roth, *Prisons and Prison Systems*, 293.

[10] Manion, *Liberty's Prisoners*, 34.

frequently reported their findings.[11] It is in this context that Walnut Street Jail became famous – increasingly for the wrong reasons. Sickness, filth, inadequate food and clothing, dissolute and corrupt warders, and rioting prisoners, all contributed to a "terrible, calamitous, and tremendous disorder" that undermined the jail's purpose and intent.[12] Overcrowding also led to struggles over labour distribution, with many prisoners left idle.[13] When the problems proved too numerous to ignore, the establishment was denounced by the prison inspectors and its keeper, who blamed the failures on the structure of the prison, thereby disavowing responsibility and directly linking failure to one institution instead of the system as a whole.[14]

Instead of slowing the pace of the penitentiary movement, the scandals at Walnut Street Jail proved galvanizing, partly because of a drive to improve on and experiment with what had come before. The Auburn State Prison in New York opened in 1819; Sing Sing in 1825; a Connecticut penitentiary opened in 1827; and Massachusetts opened a penitentiary in 1829, the same year as Baltimore's Maryland Penitentiary and the eminent Eastern State Penitentiary.[15] The idea that "every convict shall be industrious" permeated penal reform ideology of this period.[16] Hard labour, principally trades like shoe making, were commonplace, and served to both offset maintenance costs and to occupy and exhaust prisoners.[17] Of these new institutions, the system modelled at Auburn State Prison became the blueprint of prisons that followed. This was a system of modified solitude – what became the Auburn or "silent" system because prisoners lived in silence yet laboured in association – rather than the new Pennsylvanian system of complete solitude – the "separate" system – where prisoners were isolated day and night. The type of confinement used in post-twentieth century institutions is largely built on the separate treatment line.[18]

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[11] Kaelyn Considine, "'The Tragedy of the Penitentiary': The Philadelphia Society for Alleviating the Miseries of Public Prisons and the Formation of the Eastern State Penitentiary," *CONCEPT* 32 (2009): 3.

[12] M. Bosworth, *Explaining U.S. Imprisonment* (Newbury: SAGE Publications, 2010), 27.

[13] L.K. Gaines and R.L.R. Miller, *Criminal Justice in Action* (Boston: Cengage Learning, 2008), 413.

[14] Manion, *Liberty's Prisoners*, 190.

[15] Ibid., 24.

[16] David K Sullivan, "Behind Prison Walls: The Operation of the District Penitentiary, 1831-1862," *Records of the Columbia Historical Society, Washington, DC* 71 (1971): 246.

[17] Ibid.

[18] While there is no consistent definition of contemporary solitary confinement – it is occasionally referred to as "disciplinary confinement", "administrative segregation", and "restrictive housing" – it typically involves an inmate spending an entire day (upwards of 20 hours) by themselves. For an

By the 1820s, the Auburn (silent) model became the standard form of incarceration.[19] This was due to several factors. As there was no centralised body of prison administration, the initial and operational costs of an institution fell to state governments – as the silent system did not have to accommodate the expensive, highly individualized cells of the Pennsylvanian (separate) system, this soon became the favoured model.[20] On the whole, the Auburn system was cheaper to build and run, with inmate labour offsetting ongoing expenses.[21] Discipline under the Auburn system, however, proved controversial. A tenet of the Auburn system was constant surveillance, especially in eradicating any communication between prisoners.[22] Noise, for instance, was a common problem across both silent and separate systems.[23] Despite contemporary resistance to corporal punishment, the "unbroken silence" in these prisons "could, in most instances, be maintained only by the inflicting of severe corporal punishments", and "floggings became so atrocious in Auburn … as to stagger public opinion when finally revealed".[24] In other words, while corporal punishment was elsewhere falling from favour, the American silent system insisted upon flogging to maintain order, thereby setting it far apart from its British equivalent.[25] This British response is unsurprising, given

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overview of definitional problems, see Daniel Mears, "Critical Research Gaps in Understanding the Effects of Prolonged Time in Restrictive Housing on Inmates and the Institutional Environment," in US Department of Justice, *Restrictive Housing in the US: Issues, Challenges, and Future Directions* (Washington: National Institute of Justice, 2016): 236-8; Joshua C Cochran et al., "Solitary Confinement as Punishment: Examining in-Prison Sanctioning Disparities," *Justice Quarterly* 35, no. 3 (2018): 382.

[19] R.M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776-1941* (Cambridge: Cambridge University Press, 2014), 63.

[20] Ibid.

[21] Ibid., 63-4.

[22] W.D. Lewis, *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796-1848* (Ithaca: Cornell University Press, 2009), 81.

[23] Jason Haslam, "'They Locked the Door on My Meditations': Thoreau and the Prison House of Identity," *Genre: Forms of Discourse and Culture* 35, no. 3-4 (2002): 453.

[24] Quoted in Haslam, ibid.

[25] See, for instance, the account given by a judge in an 1826 case on convict brutality: "That confinement with labour merely had no terrors for the guilty. That the labour which the human body was capable of performing, without endangering its health, was but little more than many of the virtuous labouring class of the community daily and voluntarily performed for the support and maintenance of their families. That to produce reformation in the guilty, or to restrain the vicious from the perpetration of crime by the terrors of punishment, it was absolutely necessary that the convict should feel his degraded situation, should feel that he was actually doing penance for his wilful violation of the laws of his country. That he must, in his own person, be made to feel the difference which should exist between the situation of the upright and honest freeman, who labours for his daily bread, and the vile and degraded convict, who, by fraud or robbery, has deprived that honest freeman, or his family, or the hard-earned rewards of his industry". See Appendix G. de Beaumont, A. de Tocqueville, and F. Lieber, *On the Penitentiary System in the United States: And Its Application in France; with an Appendix on Penal Colonies, and Also, Statistical Notes* (Philadelphia: Carey, Lea & Blanchard, 1833), 59.

the problems issuing from the Australian colonies on the dangers associated with flogging convicts. American penal reformers, however:

> wanted to teach the unencumbered male convict to adhere to the norms of hegemonic manhood prior to restoring his liberty and citizenship. Initially, the inmate's incarceration, isolation, silence, and hard labor were to produce in him the sense of emasculation … The inmate lost his manly independence; he lost his patriarchal authority; he lost his voice; he was forced into grueling labor; and he was even whipped at his keeper's whim.[26]

The primary difference between the old prisons and the new penitentiaries was in the name: the root of the word "penitentiary" is "penitent".[27] Under a largely Quaker influence, penal reform in the American Antebellum period reflected a religious ethos that rehabilitation could be achieved through reflection and, preferably, prayer.[28] As such, the way American prisons developed from 1790 was in proportion to the need for pious, hard-working, citizens of a newly liberated society. The distinguishing characteristic of these new prison systems was its perceived ability to change not only the external world of the prisoner, but the internal as well.[29] This was a significant breakthrough to those who toured America's institutions at this time, particularly given the growing interest in carceral reform in Europe and beyond.

The French on American Prisons

As early as 1791, a French prisoner was "locked up *alone* in a place, into which daylight shines, without irons or fetters; he shall not have any communication with other convicts or with persons without, as long as his imprisonment lasts".[30] While this was never enacted in

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[26] M.E. Kann, *Punishment, Prisons, and Patriarchy: Liberty and Power in the Early American Republic* (New York: NYU Press, 2005), 264.

[27] C.G. Bates, *The Early Republic and Antebellum America: An Encyclopedia of Social, Political, Cultural, and Economic History* (Milton Park: Taylor & Francis, 2015), 554.

[28] Ibid.

[29] As Tocqueville observed: "Monarchs had, so to speak, materialised oppression: the democratic republics of the present day have rendered it as entirely an affair of the mind, as the will which it is intended to coerce." (A. de Tocqueville, H. Reeve, and J.C. Spencer, *Democracy in America* [New York: George Dearborn & Company, 1838], 245).

[30] Emphasis original. Quoted in John H Cary, "France Looks to Pennsylvania: The Eastern Penitentiary as a Symbol of Reform," *The Pennsylvania Magazine of History and Biography* 82, no. 2 (1958): 187-8.

any systematic way, nor did it involve prison labour, moral intervention, or religious instruction to break the monotony of imprisonment, the seeds of such extensive solitary confinement were sown in the minds of Alexis de Tocqueville and his intellectual companion, Gustav de Beaumont, some years before their interest in penal matters was officially piqued.[31] Nearly four decades later, in early August 1830, Tocqueville toured the prison at Versailles, France, "where all classes of criminals – thieves, murderers, debtors – were mixed in together".[32] Then in September, he and Beaumont visited the prison at Poissy and observed the "evils of the cantine system there" – a charge that would have been familiar to reformer John Howard, who had also warned against the issue of debtor gaols in Britain.[33] Their interest in prisons was part of a broader "penitentiary question" that had attracted the attention of French social theorists and public commentators since the Revolution; philanthropy was fashionable, and Tocqueville was "not immune to this trend".[34] While penal reform was a pretext for Tocqueville and Beaumont to visit America, their interest in penology soon proved genuine.[35]

For context, the France Tocqueville and Beaumont left coloured their perspectives on America; as Roger Boesche points out, the "political uneasiness" of the 1830 July revolution sharpened their search for democratic government.[36] While Tocqueville and Beaumont have been criticized by some scholars for their occasionally "paradoxical" observations on American society, this ability to perceive many possible truths helped Tocqueville tease out the motivating factors in American penal reform, especially the influence of Quakerism.[37] The differences he divined between America and France became enshrined in the two volumed *Democracy in America* (1838).[38] In many ways, the text on democracy and that on

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[31] Ibid.

[32] G.W. Pierson, *Tocqueville in America* (Baltimore: Johns Hopkins University Press, 1996), 34.

[33] Ibid.

[34] Richard Avramenko and Robert Gingerich, "Democratic Dystopia: Tocqueville and the American Penitentiary System," *Polity* 46, no. 1 (2014): 61.

[35] Ibid., 62.

[36] Roger Boesche, "The Prison: Tocqueville's Model for Despotism," *Western Political Quarterly* 33, no. 4 (1980): 550; G. Lefebvre, R.R. Palmer, and T. Tackett, *The Coming of the French Revolution* (Princeton: Princeton University Press, 2019), 107-21; D.H. Pinkney, *French Revolution of 1830* (Princeton: Princeton University Press, 2019), 109-96.

[37] R.W. Dworkin, *The Rise of the Imperial Self: America's Culture Wars in Augustinian Perspective* (Washington: Rowman & Littlefield, 1996), 31; Boesche, "The Prison: Tocqueville's Model for Despotism", 56; Avramenko and Gingerich, "Democratic Dystopia", 62.

[38] Tocqueville, *Democracy in America*, 245.

prisons worked in harmony, as Tocqueville and Beaumont endeavored to uncover the social, cultural, philosophical, and, perhaps most importantly, the religious centre of American penal reform.[39]

Tocqueville's preparation for his trip to the United States included reading the works of Cesare Beccaria, Jeremy Bentham, and John Howard.[40] He had sworn an oath of allegiance to the new constitutional monarchy following the July revolution, and, seeking to gain a more advantageous political position, proposed that he and Beaumont, a fellow lawyer, would undertake a study on the American penitentiary system.[41] France needed reform, and America "was then at the forefront of such improvements".[42] With French institutions failing to reform the morality of criminals, the journey to America seemed imperative.[43] With their research mission arranged, Tocqueville and Beaumont left France for America in April 1831; traveled through many of the large cities, such as New York, Boston, Philadelphia, Baltimore, and Washington; and returned to France in February 1832.[44]

The extent of Tocqueville and Beaumont's research was considerable, consisting of official reports, interviews with prison officials, and documents on inspections, legislation, and essays on the penal codes of America, the earliest of these dating from 1817.[45] They found that prison associations were thick on the ground – proof that penal reform was in vogue – and membership of these organisations cut across the middle class, including local businessmen, administrators, teachers, and members of the clergy.[46] They identified two active systems of confinement in America – the silent and separate systems – and of the two, Tocqueville and Beaumont generally favoured isolating prisoners from one another.[47] However, achieving the right balance between punishment and reform was difficult.

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[39] J. Graber, *The Furnace of Affliction: Prisons & Religion in Antebellum America* (Chapel Hill: University of North Carolina Press, 2011), 4.

[40] Anne Brunon-Ernst, "Bentham and Tocqueville on Pauperism," *The Tocqueville Review/La revue Tocqueville* 28, no. 2 (2007): 129-52.

[41] J.T. Schleifer, *The Chicago Companion to Tocqueville's Democracy in America* (Chicago: University of Chicago Press, 2012), 15.

[42] Ibid.

[43] E.K. Ferkaluk, *Tocqueville's Moderate Penal Reform* (New York: Springer, 2018), 32, 49.

[44] Schleifer, *The Chicago Companion to Tocqueville's Democracy in America*, 15-6.

[45] Beaumont and Tocqueville, *On the Penitentiary System*, xl-xliv.

[46] Kaitlyn Woltz, "Democracy in the Age of Mass Incarceration" in P.J. Boettke and A. Martin (eds.), *Exploring the Social and Political Economy of Alexis De Tocqueville* (New York: Springer, 2020), 138.

[47] Beaumont and Tocqueville, *On the Penitentiary System*, 20.

Tocqueville and Beaumont noted that the use of labour in silent institutions alleviated its absolute solitude, and it was economically efficient to have prisoners offset the cost of their imprisonment.[48] Importantly, Tocqueville and Beaumont found that "those prisoners [under silent treatment] who have not become insane or did not die of despair, have returned to society only to commit new crimes".[49] This finding lambasted anything less than a discipline that strictly combined labour and silence to reformative ends.

Tocqueville had been a mild advocate of the Auburn or silent system prior to their trip to America, but his observations on the ground strengthened his opinion.[50] By the end of their time in America, Tocqueville determined that the silent system was superior to the separate system. Importantly, this judgement rested on the "most fatal consequences upon the health of prisoners".[51] In his view, the silent system was, "all things considered, less damaging than any other prison system and could be used in France as well".[52] Accompanying Beaumont and Tocqueville part of the way was Francis Lieber (1798–1872), political philosopher, who clarified to the pair that the principles of "silence, labour, and immediate punishment" would "produce proportionately the same effect everywhere" – these new systems were, therefore, democratic, egalitarian punishments, fitting for a democratic, egalitarian society.[53]

In 1831, Tocqueville observed that America's "monomania of the penitentiary" was doggedly pursued because it was a "remedy for the ills of society" – increasingly, it appeared that these ills were quite literal.[54] Tocqueville and Beaumont observed that the detrimental effects of these systems were known in America by at least 1823, making the American experiments on par with the troubles faced by the British Millbank Penitentiary in the same

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[48] Ibid., 21-22.

[49] Ibid., 22.

[50] Boesche, "The Prison: Tocqueville's Model for Despotism", 551.

[51] "This absolute silence imposed upon the prisoners, this perpetual isolation, and the inflexible uniformity of a system, which cannot be alleviated for one without injustice to others, do they not altogether constitute a rigor which is yet full of humanity? The contagion of mutual communications, which in our prisons corrupts the inmates, is not more fatal to their souls than their bodies." (Beaumont and Tocqueville, *On the Penitentiary System,* 80).

[52] A. Craiutu, and J. Jennings (eds.), *Tocqueville on America after 1840: Letters and Other Writings* (Cambridge: Cambridge University Press, 2009), 22.

[53] Sara M Benson, "A Political Science of Punishment: Francis Lieber and the Discipline of American Prisons," *New Political Science* 37, no. 3 (2015): 387.

[54] L.J.D. Wacquant, *Prisons of Poverty* (Minneapolis: University of Minnesota Press, 2009), 59.

period.[55] They found that American reform was a fickle thing that was susceptible to the changing whims of those in power.[56] This was something that author Charles Dickens later divined: "I am persuaded that those who devised this [separate treatment] system or Prison Discipline, and those benevolent gentlemen who carry it into execution, do not know what it is they are doing".[57] In Tocqueville's view, the struggle between the two systems – the silent and the separate – was in constant danger of becoming political rather than meaningful.[58] The result was something that became highly localised, dependent upon the carceral needs of individual states. In other words, what worked for Philadelphia did not work for New York. Indeed, as Rebecca McLennan finds, despite the confidence in the Auburn system that emerged in the 1820s and 1830s, it was not "an entirely stable, or popularly legitimate, system of legal punishment" to face a growing share of "disorders".[59] Tocqueville and Beaumont thought as much when they concluded their study on American prisons thus:

> If this discipline should be introduced among us, pains ought to be taken to remove everything which is of a nature to impede its success in this country … We may, on this occasion, remind our readers of a truth which cannot be neglected without danger, viz., that the abuse of philanthropic institutions is as fatal to society as the evil itself which they are intended to cure.[60]

Tocqueville and Beaumont ultimately presented a neutral front on the matter of penal reform in France, though their findings, as with Crawford and Reverend Russell in Britain, ignited a

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[55] Beaumont and Tocqueville, *On the Penitentiary System,* 5.

[56] "The impulse of improvement is given. Those states which have as yet done nothing, are conscious of their deficiency; they envy those which have preceded them in this career, and are impatient to imitate them." (Ibid., 18).

[57] Charles Dickens, *American Notes for General Circulation* (Carlisle: Applewood Books, 2007), 68.

[58] "Besides, let us not blame these people for advancing slowly on the path of innovation. Ought not similar changes to be the work of time, and of public opinion? There are in the United States a certain number of philosophical minds, who, full of theories and systems, are impatient to put them into practice; and if they had the power themselves to make the law of the law, they would efface with one dash, all the old customs, and supplant them by the creations of their genius, and the decrees of their wisdom. … This prudent and reserved reform, effected by a whole nation, all of whose customs are practical, is, perhaps, more beneficial than the precipitated trials which would result, had the enthusiasm of ardent minds and enticing theories free play." (Beaumont and Tocqueville, *On the Penitentiary System,* 16-17).

[59] McLennan, *The Crisis of Imprisonment,* 69.

[60] Beaumont and Tocqueville, *On the Penitentiary System,* 130.

national debate which endured well into the 1840s.[61] The February Revolution in 1848 put a pin in Tocqueville and Beaumont's preference of silent treatment; instead, in 1849, it was decreed that "model prisons" based on separate treatment would become the national standard.[62] Still, the basic reform they hoped for did not occur in their lifetimes: by 1853, the construction of cellular prisons in France ceased, and convict transportation was introduced a year later.[63] The importance of Tocqueville and Beaumont's reports to the greater legacy of penal reform is their insistence upon a scientific study of it. This was the period of experimentation – even if such experiments ultimately failed.

The British on American Prisons

A British reform tradition was well underway by the time Crawford departed for America. As such, he brought with him predetermined views on what constituted successful confinement. Since the last century in Britain there had been mounting aversion to the use of corporal punishment on prisoners. One belief that was proving painfully accurate in the Australian colonies was that, while physical punishment could beat a prisoner into submission, it also hardened their heart against reformation, and thus had the potential to push them further into a life of crime. There is little doubt that Crawford was cognizant of this concept, given he had been a member and the secretary of the London Society for the Improvement of Prison Discipline (SIPD) for over a decade and a half by that point, and continued to be involved with the Society until his death.[64] Indeed, it was partly the use of corporal punishment in the silent institutions that persuaded Crawford against supporting silent treatment.

In the wake of the *Reform Act* (1832), Britain's philanthropists and social reformers were once more enlivened on the topic of national penal reform. It was in this heady brew that, at the behest of the Whig Home Secretary Viscount Melbourne, by August 1834 William Crawford had produced and published a tome-like report on fifteen American

[61] Sellin Thorsten, "Tocqueville and Beaumont and prison reform in France", *International Annals Criminology* 12 (1973): 41.
[62] Ibid., 42-3.
[63] Ibid., 43.
[64] J. Ward, "William Crawford (1788-1847)", *Dictionary of National Biography*, vol. 13 (London: Smith, Elder, and Co., 1888), 13, 57.

penitentiaries.[65] Within a year, Crawford and his companion, Reverend William Whitworth Russell, were "zealously committed" to the system of separate treatment.[66] As a Crown Commissioner, Crawford had been tasked to study the American penal system and to make recommendations based on his findings.[67] This report was significant in two key ways. First, it represented a national commitment to pursuing a single philosophy of prison discipline.[68] Second, it starkly represented how a burst of penal reform could irrevocably shape a nation's carceral future. While Australian colonists struggled with the nature of corporal punishment, and Tocqueville conceptualised a distinction between revolution and democracy and how they related to carcerality, Crawford perceived both issues and identified an emerging trans-Atlantic and transimperial tension in old and new ways of punishment and reform.[69] As he wrote in his 1834 report:

> The discipline of Auburn is of a physical, that of Philadelphia [the separate system] of a moral character. The whip effects immediate pain, but solitude inspires permanent terror. The former degrades while it humiliates; the latter subdues, but it does not debase.[70]

Crawford's report on the Eastern State Penitentiary, which operated under separate treatment, ran to fourteen pages.[71] He described the architecture and design of the institution, specifying the cell dimensions, materials, and the method of heating, cooling, and lighting the cells.[72] In a manner that predated journalist and social commentator Henry Mayhew in his investigations into London prisons, Crawford described the admission process for a new inmate, detailing how he was stripped, washed, and clothed in his uniform, then taken to his

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[65] "Report of W. Crawford, on Penitentiaries of United States", House of Commons Papers (593), Vol.XLVI.349 (1834).

[66] WJ Forsythe, "The Beginnings of the Separate System of Imprisonment 1835–1840," *Social Policy & Administration* 13, no. 2 (1979): 105.

[67] Stockdale, "A Short History of Prison Inspection in England", 165.

[68] Ruby E Cooley and William Banks Talyor, "Anglo-American Penology in Transition: The Triumph of the Separate System," *New England Journal on Prison Legislation* 7 (1981): 49.

[69] On Crawford and trans-Atlantic debates on penal reform, see Tom Crook, "Model Institutions and the Geography of Social Reform in Early Victorian Britain," *The Historical Journal* 62, no. 3 (2019): 801-2.

[70] "Penitentiaries", House of Commons Papers (593), 19.

[71] Appendix: Pennsylvania, Eastern State Penitentiary, in "Penitentiaries", House of Commons Papers (593), 1-14.

[72] Ibid., 1-2.

cell, where he was confined for the duration of his sentence.[73] However, solitude without employment was only practiced "for a few days only, and occasionally at the furthest for a fortnight", to ensure the solitude "had produced its effect in subduing the temper, and bringing the prisoners to a proper sense of his situation".[74] Crawford found that an abrupt initial period of unmitigated solitude shocked the prisoner into submission. This could be enhanced, in his view, by two other tenets of separate treatment:

> 1st, The entire separation of the convicts both by day and night, and seclusion from all others except the officers of the prison and the visitors authorised by the legislature; and, 2d, The deprivation of all intercourse with the world, and of any knowledge respecting their family or friends.[75]

Crawford felt that this system afforded the prisoner more privacy, as this way he could not be observed by random prison visitors.[76] As Janet Miron points out, institutional visiting was an important element of Victorian public life, suggesting that prisons were in some ways "porous and permeable institutions characterised by complex and multilayered social interactions".[77] With prisoners so secluded in this manner, Crawford continued, they "cannot corrupt or be corrupted" either mentally or physically.[78]

When it came to punishments in the separate system, the Eastern State Penitentiary was unique: "When any breach of discipline takes place, the offender is corrected, not by the lash, but in such a way as to convince him of his error without degrading him either in the

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[73] Ibid., 2; See Henry Mayhew and John Binny, *The Criminal Prisons of London: And Scenes of Prison Life* (London: Griffin and Bohn, 1862), 150-51.

[74] Appendix: Pennsylvania, in "Penitentiaries", House of Commons Papers (593), 2.

[75] The official visitors were as follows: "The Governor, Speaker and Members of the Senate, the Speaker and the Members of the House of Representatives, the Secretary of State, the Judges of the Supreme Court, the Attorney-General and his Deputies, the President, and Associate Judges in all the Courts of the State; the Mayor and Recorder of the cities of Philadelphia, Lancaster, and Pittsburgh; the Commissioners and sheriffs of the several Counties, and the Acting Committee of the 'Philadelphia Society for the alleviation of the miseries of public prisons'" (House of Commons Papers [593], 2, 10).

[76] In Crawford's view, this was "an evil common in all the American penitentiaries … where the convicts are viewed as objects of curiosity, not unlike animals in a menagerie" (House of Commons Papers [593], 2, 10).

[77] This notion is particularly relevant to Pentonville Prison, as will be explored in the next chapter. J. Miron, *Prisons, Asylums, and the Public: Institutional Visiting in the Nineteenth Century* (Toronto: University of Toronto Press, 2011), 5.

[78] Appendix: Pennsylvania, in "Penitentiaries", House of Commons Papers (593), 2.

estimation of himself or of his fellow prisoners".[79] This was accomplished in various ways, such as reducing rations, taking away items of comfort (employment, a prisoner's bed), or placing the prisoner in a darkened solitary cell.[80] The distinction between "solitary confinement" as a *punishment* and separate treatment as a *reformative system* distinguished both concepts from the dungeon-like conditions first encountered by Howard the previous century. Crawford predicted that public resistance to separate treatment would hinge on the fact it was, essentially, imprisonment in isolation, which was usually understood as solitary confinement. However, the distinction between such punishment and reformative discipline was ultimately a spatial one: the presence of sunlight. In the words of Jeremy Bentham: "The chief circumstance by which a dungeon is calculated to answer this purpose, is the exclusion of daylight".[81] Light could be prevented without risking much-needed fresh ventilation. Therefore: "By these means the prisoner's ordinary apartment, or any other apartment, may be made as gloomy as can be desired without being unhelpful".[82] Light was a central element in the system of separate treatment, relating to both a literal presence and the manifestation of a higher divine being: a lack of solitary reflection only undermined a prisoner's chance to find "inner light", a core concept in Quaker ideology that referred to an individual's access to the divine, or "Christ's work in the human heart".[83] Both ideas worked in concert to fashion a monastic cell fundamentally different to the type of dark, collective confinement warned against by Howard.

The final issue that Crawford addressed in his report on the Eastern State Penitentiary was prisoner health. He quoted at length the observations of the institution's physician, who claimed that the mortality and morbidity rates in the prison depended heavily on the state of a prisoner's health upon his admission; and that the high rates of alcohol-related health

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[79] Ibid.

[80] Ibid.

[81] Jeremy Bentham, *The Works of Jeremy Bentham, published under the Superintendence of his Executor, John Bowring,* 4 (Edinburgh: William Tait). Accessed 16/9/2020. https://oll.libertyfund.org/titles/1925#Bentham_0872-04_164

[82] Ibid.

[83] Cary, "France Looks to Pennsylvania: The Eastern Penitentiary as a Symbol of Reform", 192; entry for "Light: Inward Light, Light of Christ, Inner Light" in M.P. Abbott, *Historical Dictionary of the Friends (Quakers)* (Lanham: Scarecrow Press, 2011), 202-3; Thomas D Hamm, "The Problem of the Inner Light in Nineteenth-Century Quakerism'," *The Lamb's War: Quaker Essays to Honor Hugh Barbour* (1992): 110-12; William C Kashatus, "The Inner Light and Popular Enlightenment: Philadelphia Quakers and Charity Schooling, 1790-1820," *The Pennsylvania Magazine of History and Biography* 118, no. 1/2 (1994): 102-3, 106; E. Bischoff, *Benevolent Colonizers in Nineteenth-Century Australia: Quaker Lives and Ideals* (New York: Springer, 2020), 39.

problems among new admissions proved a close correlation between "the vice of drunkenness and the commission of crime".[84] Most interestingly, however, was the doctor's view on mental health:

> The effects of the separate confinement on the mind have been attentively watched. No instance has occurred of the production of mental disease. Its moral effects are encouraging, and are in strong contrast with the contaminating influences arising out of the association of criminals.[85]

One way to safeguard against confinement-related illness was to inspect prisoners at least three times a day.[86] If they were found to be suffering a mental or physical complaint they were to be immediately reported and the physician called.[87] The physician typically visited the institution twice a week and provided monthly reports.[88] During his visit, Crawford visited several inmates privately to perceive the effect that separate treatment had on them: he could find no indication that the solitude had "injured their health or impaired their understanding".[89] The prisoners he met were serious-minded though not depressed; they all told Crawford that this type of punishment was frightening, and declared "that if ever they were liberated they should never be found again within those walls".[90]

Crawford reported that the doctor argued that separate treatment was more favourable to the health of prisoners than confinement in older institutions.[91] In the first three years of the prison (1831–3), the doctor observed no particular physical or mental disease to take hold, excepting rheumatism and catarrh in the colder months, and intermittent fevers and bowel issues in the warmer months – all typical, in his view, and not unique to a prison.[92] By 1833, the doctor was confident that "the isolated state of the prisoners defends them in great degree from the invasion of epidemic and contagious diseases".[93] In the rare instances that prisoners

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[84] Appendix: Pennsylvania, in "Penitentiaries", House of Commons Papers (593), 3.
[85] Ibid.
[86] Ibid., 9.
[87] Ibid.
[88] Ibid.
[89] Ibid.
[90] Ibid.
[91] Ibid.
[92] Ibid., 4.
[93] Ibid., 5.

were reported to suffer mental illness, the blame did not rest with the institution, but rather with the intemperate life of the inmates, their habits of "drunkenness and debauchery" that retained a grip on their mind, body, and soul.[94]

Overall, Crawford believed that separate treatment was an inspired discipline, although he did state that the prisoners ought to receive more moral and religious instruction.[95] Needless to say, Crawford had a vested interest in presenting separate treatment in its best possible light. As he perceived the moral and religious instruction in the Eastern State Penitentiary to be lacking, his observations on the matter can be understood as an attempt to construct the "moral universe" of the institution, which he could then judge by his own criteria.[96] In many ways, Crawford's report fitted within the wider emerging context of institutional visiting, which was "designed to limit custodial discretion" – in other words, abuse.[97] Given separate treatment was so fraught with potential pitfalls, namely around the health of inmates, Crawford's report showed a genuine concern for inmates and a broader social ideal, and was a natural extension of the philanthropic enterprise, even if it is tempting to interpret his position in a less flattering light.[98]

Crawford's report on the State Prison at Auburn, which operated on the silent system, was a mere five pages.[99] The cells were seven and a half feet long compared to the Eastern State Penitentiary, where cells ranged from eleven to fourteen feet in length.[100] The guards at Auburn wore moccasin slippers so they moved entirely silently.[101] In comparison to the

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[94] Ibid., 5, 7.

[95] Ibid.

[96] Jonathan Reinarz, "Receiving the Rich, Rejecting the Poor: Towards a History of Hospital Visiting in Nineteenth-Century Provincial England" in G. Mooney and J. Reinarz (eds.), *Permeable Walls: Historical Perspectives on Hospital and Asylum Visiting* (Leiden: Brill Rodophi, 2009), 35.

[97] Ibid., 21.

[98] In Geoffrey Ginn's words: "Considered in isolation as 'missionary aestheticism' this mode of reforming activism is easily misunderstood or caricatured. We find it easy to marvel at the apparent naivety of these social workers and their quixotic mission". See Geoffrey Ginn, *Culture, Philanthropy and the Poor in Late-Victorian London* (Milton Park: Taylor & Francis, 2017), 2; Nicholas Deakin, "Charity and Philanthropy: Towards a New Perspective" in D. Campbell (ed.), *Promoting Participation: Law or Politics?* (Milton Park: Taylor & Francis, 2012), 184; Also see J Douglas Holladay, "19th Century Evangelical Activism: From Private Charity to State Intervention, 1830-50," *Historical Magazine of the Protestant Episcopal Church* 51, no. 1 (1982): 53-4.

[99] Appendix: New York, State Prison at Auburn, in "Penitentiaries", House of Commons Papers (593), 23-8.

[100] Ibid., 1-2, 23.

[101] Ibid., 24-5.

separate system, life in Auburn was far more mobile, as prisoners often moved between cells to work-rooms, divine service, and Sunday school.[102] They were, however, not permitted to receive visits from friends and family, and could not send or receive letters.[103] This constant system of mobility naturally resulted in noise-related infractions as prisoners tried to communicate with one another. If a prisoner broke the regulations, he was punished by flogging: a "stripe" represented an infraction, with every stripe punished by a raw-hide whip.[104] More serious cases warranted the cat o' nine tails, which was applied to the lower back.[105] No senior officer was required to be present when punishment was meted out.[106] With regards to health, Crawford reported that the physician at Auburn Prison visited every morning.[107] In the case of a prisoner suffering a mental illness, he was to be confined either in the prison hospital or in a separate cell.[108] As to the different types of illness present in Auburn, or the rates of mental illness, Crawford likely knew the statistics but decided not to include them in his report, inadvertently limiting an already limited account.[109]

Crawford's final view on silent and separate treatment was remarkably mixed. He took care to articulate the benefits and pitfalls of each system. However, he maintained that, while the Americans had made distinctive progress in penal affairs, Britain was far more advanced. For example, he pointed out that the systematic use of "solitary confinement" had been in play at the Gloucester Gaol under the charge of magistrate George Onesiphorus Paul since 1791, thus predating American institutions by some years.[110] Crawford also wrote that, excepting the Eastern State Penitentiary, Auburn, and Sing-Sing:

> There is nothing valuable in the discipline of the prisons of America. Defective as is the condition of the gaols in England, they are superior to those of the United States, especially in the observance of order, the space allotted to the untried, the correction

[102] Ibid., 23-6.
[103] Ibid., 26.
[104] This was to be applied to the back "in a manner as not to expose the head, face, eyes, or in any way to put the convict's health or limbs in danger" (House of Commons Papers [593], 26).
[105] Ibid.
[106] Ibid.
[107] Ibid., 27.
[108] Ibid.
[109] Ibid.
[110] Ibid., 50.

> of minor offenders, the treatment of females, and the administration of moral and religious instruction.[111]

Crawford concluded that there were some aspects of American carcerality that were distinct from the British context. For one, America had an inexhaustible demand for labour, which its "unappropriated territory affords of providing for her increasing population".[112] Thus, extensive prison labour for the sake of production made sense.[113] Prison labour had long been a contentious issue in Britain, namely as economic conditions were frequently noted as a motivating factor in committing crime.[114] While the SIPD – and, by proxy, the Quaker contingent – argued in favour of enforcing "hard labour, strict silence, and a judicious plan of solitary confinement", as the penal system had a duty to "encourage men to love labour", there remained an undertone that, as colonial penal reformer Alexander Maconochie (1787–1860) would later articulate, "compulsory labour is always rude" in that it carried "the taint of *Slavery*" – a powerful charge.[115]

Labour had been a feature of British imprisonment since the *Penitentiary Act* (1779), however, this called for "labour of the hardest and most servile kind in which drudgery is chiefly required".[116] In this context, prison labour had to be punitive – it did not have to be productive. Tellingly, British prison labour proved inconsistent and never reached any substantive level of manufacturing potential.[117] However, perspectives on labour *in* prison did change by 1819, when William Cubitt (1785-1861) developed the prison treadwheel or treadmill.[118] As David Shayt points out, the treadmill succeeded in "creating a form of work that did not require training or give the appearance of harming the free-labour market at a

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[111] Ibid.

[112] Ibid.

[113] Crawford perceived the economic focus of American institutions to be quite remarkable and unique to its system of criminal justice, such as the expectation that reparations were paid to victims of crime. See House of Commons Papers (593), 6-7, 50.

[114] As discussed in Chapter 1, Patrick Colquhoun is a notable advocate of this argument.

[115] Emphasis original. Alexander Maconochie, *On the Management of Transported Criminals* (London: C. Whiting, 1845), 9; Maconochie quoted in JM Moore, "Labouring out of Adversity: Maconochie, Political Economy and Penal Labour," *The Howard Journal of Crime and Justice* 57, no. 2 (2018): 189-90; Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," 689.

[116] David H Shayt, "Stairway to Redemption: America's Encounter with the British Prison Treadmill," *Technology and Culture* 30, no. 4 (1989): 910.

[117] Ibid.

[118] Ibid., 910-11.

time of falling wage rates and rising levels of crime".[119] The SIPD praised the treadmill largely because it was a nonviolent punishment.[120] American critics had already bemoaned the depressing effect prison labour had on local economies. To mitigate this problem, the British had developed a system of an arguably more depressing nature, though it was in concert with historic British views on penal labour.

While prison labour was really a form of physical punishment – and it *was* considered a punishment, particularly later in separate institutions – a stark difference remained between flogging and the treadmill. As Miles Ogborn points out, the treadmill was made legitimate by formal legal rationality, and could be applied "equally, impersonally, predictable, and often by the state itself".[121] Flogging, on the other hand, was variable, inconsistent, and heavily dependent upon the character of the flogger – this was a punishment frequently criticised by Australian colonists for its ability to draw out the worst in those in power.[122] In other words, to reformers the difference between something impassionate like the treadmill, and something violent like flogging, was significant. This insight was shared by Crawford's contemporaries like Tocqueville and Beaumont. Irishman William Benjamin Sarsfield Taylor (1781–1850), Honourable Secretary of the Society for Diffusing Information on Capital Punishment, produced a severely abbreviated English version of Tocqueville and Beaumont's prison travels which insisted flogging as it was practiced in American prisons could never be part of the English system.[123] Interestingly, he suggested that the persistence of flogging was related to America's slave culture, the implication being that to flog British prisoners was un-English.[124] Put in the context of stirring British abolitionist sentiments, and

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[119] Ibid., 917-18.

[120] Ibid., 918.

[121] Miles Ogborn, "Discipline, government, and law: separate confinement in the prisons of England and Wales, 1830–1877", *Transactions of the Institute of British Geographers* (1995): 302.

[122] This has a significant historiography that will be explored in Chapter 4. See, for example: Isaac Land, "Customs of the Sea: Flogging, Empire, and the 'True British Seaman', 1770 to 1870," *Interventions* 3, no. 2 (2001): 169-85; Amanda Nettelbeck, "Flogging as Judicial Violence: The Colonial Rationale of Corporal Punishment," in Philip Dwyer and Amanda Nettelbeck (eds.), *Violence, Colonialism and Empire in the Modern World* (New York: Springer, 2018), 111-30; Penelope Edmonds and Hamish Maxwell-Stewart, "'The Whip Is a Very Contagious Kind of Thing': Flogging and Humanitarian Reform in Penal Australia," *Journal of Colonialism & Colonial History* 17, no. 1 (2016): 1-17.

[123] Gustave de Beaumont, Alexis de Tocqueville, and William B. Sarsfield Taylor, *Origin and Outline of the Penitentiary System in the United States of North America* (Philandelphia: J. & A. Arch, 1833), 21-2; C. Emsley, *Crime, Police, and Penal Policy: European Experiences 1750-1940* (Oxford: University of Oxford, 2007), 173.

[124] Beaumont, Tocqueville, and Taylor, *Origin and Outline*, 21-22.

it is unsurprising that penal reformers like Crawford would resist barbarism over enlightened ways of thinking.

While the SIPD was largely under Quaker influence, Crawford himself was not a Quaker, though he was well acquainted with the leading philanthropic figures of the day, such as Samuel Hoare and Thomas Fowell Buxton, both of whom were linked by marriage to the eminent Fry family.[125] Nevertheless, "moral" reform held as much interest for Crawford as it did for his Quaker compatriots, as they were bound by "common cause".[126] Put simply, moral reform intersected with the larger political, social, and cultural implications of economic change.[127] This was heavily dependent on "perceptions of good order".[128] Once normal forms of conduct were established, moral regulation was but a step away.[129] As Amanda Moniz points out, the more British reformers sought to control domestic affairs, the more they were put in contact with the broader imperial mission, thus connecting them to wider British networks strengthened by state legitimacy.[130] For instance, the rise of evangelical religion in the early- to mid-nineteenth century influenced public culture and spurred activism in both Britain and America, thereby linking them intimately with one another.[131] With this in mind, the reason why Crawford centered moral reform in his investigation into silent and separate treatment becomes clear: it illustrated the disconnect between a perceptibly American institution based on punitive, violent punishment, and an inward-facing, regulatory style of British imprisonment, which acted for Crawford not just as a point of differentiation, but as a broader reflection of Empire.[132]

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[125] Cooper, "The English Quakers and Prison Reform 1809-23," 15, n59.

[126] A.R.B. Burns et al., *Rethinking the Age of Reform: Britain 1780-1850* (Cambridge: Cambridge University Press, 2003), 24.

[127] M.J.D. Roberts, *Making English Morals: Voluntary Association and Moral Reform in England, 1787–1886* (Cambridge: Cambridge University Press, 2004), 290.

[128] Ibid., 290-1.

[129] Heidi Rimke and Alan Hunt, "From Sinners to Degenerates: The Medicalization of Morality in the 19th Century," *History of the Human Sciences* 15, no. 1 (2002): 60.

[130] Amanda B Moniz, "Reforming Expectations: Parliamentary Pressure and Moral Reform," *Parliamentary History* 37 (2018), 102-18.

[131] Ibid.; Follett, *Evangelicanism, Penal Theory, and the Politics of Criminal Law,* 56.

[132] Uday Mehta describes this as the liberal "global vision". See U.S. Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 2018), 195; William Barnhart also describes how the moral and physical attributes of religious men who travelled the Empire as prefiguring the archetypal male image "found in Victorian writings that

In sum, Crawford preferred the separate system for its emphasis on moral and religious instruction. While he thought that the Eastern State Penitentiary, which operated on the separate plan, could stand to emphasise its moral reform program, its overall system harmonised with the objectives set out by the SIPD. In concluding his report, Crawford took the extra step of compiling a general estimate of the expense of altering existing county prisons in England and Wales to meet the separate plan.[133] He painstakingly estimated that to alter every existing county prison it would cost £267,761.[134] This did not include the expense of altering borough gaols, which would cost an additional £28,108.[135] Crawford's decision to include alteration costs are important, as they indicate how practical utility – as during the Holford Committee – could win out.

The publication of Crawford's report nested in the golden decades of penal reform, marking his American journey not as par for the course, but representative of a larger, more sincere hope that society could ultimately be remade from the bottom up.[136] Crawford himself was "particularly struck by the mild and subdued spirit which seemed to pervade the temper of the convicts [under separate treatment], and which is essentially promoted by reflection, solitude, and the absence of corporal punishment".[137] Indeed, how better to combat the debauched and drunken than with the all-encompassing light of a solitary cell?

Section 2: Colonial Reform

There is a degree of uniformity in penal reform movements at this time. As Tocqueville and Beaumont's findings played out in France, and Crawford and the SIPD had successfully lobbied for national change, similar tensions and resolutions brewed in the southernmost Australian penal colony, Van Diemen's Land. These tensions mounted over how to properly punish convicts without endangering either the convicts themselves, or in inciting convict

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emphasised similar qualities". See Barnhart, "Evangelicanism, Masculinity, and the Making of Imperial Missionaries", 731.

[133] "Miscellaneous: England and Wales", House of Commons Papers (593), 156.

[134] Ibid., 163. Equivalent to £32,111,590.24 in 2019.

[135] House of Commons Papers (593), 167. Equivalent to £3,370,888.88 in 2019.

[136] J. Holladay suggests that the plethora of reform movements in these decades represented a "general dissatisfaction with the circumstances born of industrial advance and a deterination to alter its disagreeable aspects". See Holladay, "19th Century Evangelical Activism", 53.

[137] "Penitentiaries", House of Commons Papers (593), 12.

rebellion.[138] The first problem was a colony-wide decline in corporal punishment. As one colonial clergyman remarked in the late 1830s: "Treat a man like a brute and he will become one".[139] Colonists already knew what Crawford was discovering for himself: that corporal punishment like flogging hardened a convict to reformation. In contrast, punishments like solitary confinement persuaded him to self-reflect. However, in the colonial context, punishments based on isolation had the added benefit of separating convicts from one another, ostensibly eradicating social, moral, and physical contamination. In this period, this tension was highlighted by the arrival of Quaker humanitarians and missionaries James Backhouse and George Washington Walker as they journeyed through Van Diemen's Land in 1832–4.[140] When Backhouse reflected on the types of punishment employed in the colony, he divined a difference between coercive discipline and subjective conformity.[141] Punishment had to be weighed against the necessity of suffering.[142] Coercion, Backhouse wrote, excited feelings of resistance and revenge, while engendering conformity "not to injure, much less kill, the body, but to mend the mind".[143] His opinion was that the more severe the punishment, the more crime increased.[144]

Backhouse and Walker were not entirely unique in their findings – similar sentiments were shared by colonists. For example, historians find that the rate of flogging in the colony was in decline before Backhouse and Walker's critique of corporal punishment.[145] Flogging was a cheap way to punish convicts – but it also carried the danger of rebellion.[146] With a tension

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[138] For a fuller examination on this topic, see Honey Dower, "Inverting the Panopticon: Van Diemen's Land and the invention of a colonial Pentonville Prison", in Tim Causer, Phillip Schofield, and Margot Finn (eds.), *Bentham and Australia: Convicts, Utility, and Empire* (London: UCL Press, 2022).

[139] W.B. Ullathorne, *The Catholic Mission in Australasia* (Liverpool: Rockliff and Duckworth, 1837), 25.

[140] Penelope Edmonds, "Travelling 'under Concern': Quakers James Backhouse and George Washington Walker Tour the Antipodean Colonies, 1832–41," *The Journal of Imperial and Commonwealth History* 40, no. 5 (2012): 779.

[141] James Backhouse, *A Narrative of a Visit to the Australian Colonies* (London: Hamilton, Adams, 1843), xlix.

[142] Edmonds and Maxwell-Stewart, "Flogging as Judicial Violence", 5.

[143] Backhouse, *A Narrative of a Visit to the Australian Colonies,* xlix; J.G. Bevan and J. Forster, *Extracts from the Letters and Other Writings of the Late Joseph Gurney Bevan: Preceded by a Short Memoir of His Life* (London: William Phillips, 1821), 213.

[144] Backhouse, *A Narrative of a Visit to the Australian Colonies,* xlviii.

[145] Edmonds and Maxwell-Stewart, "Flogging as Judicial Violence", 12-13.

[146] This is an area with large historiography. Some pertinent studies include David Andrew Roberts, "The 'knotted hands that set us high': Labour history and the study of convict Australia", *Labour History* 100 (2011): 33-50; Hamish Maxwell-Stewart, "'I could not blame the rangers…': Tasmanian bushranging, convicts, and convict management", *Papers and Proceedings: Tasmanian Historical*

between the flogger and the flogged, the degradation of a convict contrasted with brutalisation of the punisher. If there was a problem with a convict learning nothing from his punishment, there was also the issue with a flogger deriving "gratification in inflicting and witnessing human misery".[147] These were binary problems on the same spectrum of morality. As Chartist John Frost declared, such brutal injustice could only lead to "the descent of man into a permanent state of immorality and bestiality".[148] Indeed, as "hardened, degraded, and dehumanised" as male convicts were made by corporal punishment, their suffering was further imagined to induce them to "indulge in 'unspeakable' depravity" because they had nowhere lower to fall.[149] Backhouse and Walker were touching on an issue that would arise as a part of the fallout of the Pentonville Prison Experiment, when in 1853 the prison's architect Colonel Joshua Jebb warned that it was "not the *use* but the *abuse* of separate confinement that is to be guarded against".[150]

Another element that furthered colonial penal reform was the rise of the anti-transportation movement, specifically the actions of the Molesworth Committee. Named after its chair and advocate, Sir William Molesworth, the Molesworth Committee of the British House of Commons met over two sessions in 1837–8, conducting interviews on the state of the Australian colonies with an anti-transportation slant.[151] The inflammatory report blamed the system of transportation for the prevalence of sexual misconduct, specifically sodomy, in the colony.[152] Broadly put, the ideological justifications for convict punishment ranged from the concept of innate criminality to the central demand for exploited labour; transgressive convict behaviour could therefore be portrayed as bestial in a variety of ways. For example, the Macquarie Harbour surgeon John Barnes remarked that male convicts found whipping "a

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Research Association 42, no. 3 (1995): 109-29; Michael Gladwin, "Flogging parsons? Australian Anglican clergymen, the magistracy, and convicts", *Journal of Religious History* 36, no. 3 (2012): 386-403; William Murray Robbins, "Management and resistance in convict work gangs, 1799-1830", *Journal of Industrial Relations* 45, no. 3 (2003): 360-77.

[147] John Frost, *The Horrors of Convict Life* (Hobart: Sullivan's Cove, 1856), 30.

[148] Frost quoted in Kirsty Reid, "The Horrors of Convict Life: British Radical Visions of the Australian Penal Colonies," *Cultural and Social History* 5, no. 4 (2008): 482.

[149] Catie Gilchrist, "Penal Flogging, Convict Morality, and the Colonial Imagination", *Journal of Australian Colonial History* 9 (2007): 16.

[150] "Report on the Discipline and Management of the Convict Prisons and Disposal of Convicts", Command Papers (1846), Vol. XXXIII.1 (1854), 9.

[151] Mark Peart, "Sodom Island: Pandæmonium and the Botany Bay of Botany Bay," *Journal of the History of Sexuality* 28, no. 2 (2019): 273.

[152] See I.B. Meyering, "Abolitionism, settler violence and the case against flogging: A reassessment of Sir William Molesworth's contribution to the transportation debate", *History Australia* 7, no. 1 (2010): 1-18.

most unmanly kind of punishment".[153] In Van Diemen's Land, a colonial administrator observed in an 1830s sodomy case that: "Scourging on the breech [is] a disgraceful punishment, and therefore better suited to repress a disgraceful crime".[154] In other words, the Molesworth Committee played on the idea that sex was "well placed" to undermine a variety of reform efforts across colony and empire.[155]

To address the issue of sexual impropriety, many of the reforms made across the system of colonial discipline and punishment would come to carry an air of separate treatment theory. In 1846, for instance, the superintendent of the Hobart Barracks employed surveillance tactics such as separation boards in the sleeping quarters, bright lamplight, and random evening patrols to quell "any irregularity" – meaning sex.[156] Similarly, when reports emerged from the coal mines at the Tasman Peninsula of convict gang rape and a culture of sexual coercion, the Port Arthur Commandant ordered the construction of 18 solitary confinement cells and 200 separate apartments.[157] He explained that "in order to prevent crime, even where remedy does not appear to be called for" separate apartments were "indispensably necessary" to eliminating unnatural crime.[158] One-off medical examinations were also ordered, implying that vice could be embodied and was therefore diagnosable.[159]

These decisions made in different sites across the colony expressly confer that a form of separate treatment was first tried in the colony as a way to combat convict immorality, even criminal contagion. Indeed, as early as 1846 an ambitious ex-warder and aspiring colonial penal reformer from Pentonville Prison called James Boyd published a column in the *Launceston Examiner*:

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[153] Evidence given by John Barnes, "Select Committee on Transportation, Report, Minutes of Evidenve, Appendix, Index", House of Commons Papers (669), Vol. XXII.1 (1837–8), 38.

[154] Quoted in Richard Davis, *The Tasmanian Gallows: A Study of Capital Punishment* (Hobart: Cat & Fiddle Press, 1974), 32.

[155] See "Select Committee", House of Commons Papers (669), 30; Kirsten McKenzie, "Discourses of Scandal: Bourgeois Respectability and the End of Slavery and Transportation at the Cape and New South Wales," *Journal of Colonialism and Colonial History* 4, no. 3 (2003): 3.

[156] Catie Gilchrist, "Male Convict Sexuality in the Penal Colonies of Australia, 1820-1850" (unpublished PhD thesis, University of Sydney, 2004), 108.

[157] Emphasis mine. Letter from Mr. Champ to Lieutenant-Governor Sir E. Eardley Wilmot, 14 March 1846, in House of Commons Papers (785), Vol. XLVIII.93 (1847), 47.

[158] Ibid.

[159] Out of 1200 men examined only one was found "diseased" and he had recently come from the coal mines. See Letter from Eardley-Wilmot to Lord Stanley, 6 February 1846, House of Commons Papers (785), 34.

> What a blessing it would be to society, as well as to the convicts themselves, if the thousands of prisoners subjected to the demoralising influence of gang association, were instead brought within the pale of reformatory prisons such as Pentonville.[160]

The colonial perspective was that separate treatment, particularly at the "model" Pentonville Prison, was "an academy for purification, not … a gaol of oppressive or vengeful punishment".[161] In 1842, when news of the cutting-edge new London institution first reached the colony, some colonists thought that such an undertaking would be "extremely useful for a Van Diemen's Land prison".[162]

This section has demonstrated three points. First, that the problems facing the colony were place-specific and required local innovation. Second, that the shift from corporal punishment to isolation-based punishment in separate treatment can be attributed to religious, moral, and class colonial sensibilities on violence and corruption; the first whisper of separate treatment in the Van Diemen's Land colony was used to address convict immorality. Therefore, in the colonial context, the reformative moral qualities of separation were heightened. Third, that while British penal reformers embraced separate treatment and sought to institute it after the findings of the 1835 Select Committee, Van Diemen's Land colonists were conducting similar debates at the same time. This finding reinforces the transnational links from colony to metropole and sharpens the focus on the development of penal reform in Britain, not just as a seat of empire, but in direct and mutual connection to her colonies.

Section 3: The 1835 Select Committee

While tensions in the Australian colonies heightened over how best to manage convicts, the 1835 Select Committee on Gaols and Houses of Correction was underway, where William Crawford's report on American prisons was a vital piece of evidence. The object of Crawford's findings was the apparent superiority of the separate treatment system, which complemented historic British, namely Howardian, perspectives on crime and punishment. The aim of the Committee was to commit to "One uniform System of Prison Discipline" and

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[160] *Launceston Examiner*, 30 December 1846, 7.
[161] *The True Colonist*, 8 March 1844, 4.
[162] *The Austral-Asiatic Review, Tasmanian and Australian Advertiser*, 10 March 1843, 3.

to institute this system in every gaol and house of correction across the country.[163] Whether by accident or design, the result of the Committee was the creation of a canon of institutional issues that culminated in the Pentonville Prison Experiment, and ultimately set the tone for debates on penal reform until the end of transportation to Australia in 1853. With the Duke of Richmond in the Committee chair, the stakes were high.[164]

The importance of the 1835 Select Committee to British penal reform is often overlooked by existing historical studies, which tend to summarise its findings without reviewing them in detail.[165] The exception to this is Neil Davie's research on pioneering penal reformers.[166] For example, Heather Tomlinson writes accurately, though with little detail, that at the close of the inquiry the Committee came out in favour of the separate system.[167] The Committee did endorse the use of separate treatment in institutions across Britain, and it went a step further in basing many, if not all, of its recommendations on proposals made by the SIPD. However, these somewhat surface views of the Committee disregard two points. First, once the Committee met, the SIPD had become a powerful political pressure group, making William Crawford, by proxy, a sheer force. Indeed, Crawford would subsequently become one of two Home Inspectors of Prisons on the Committee's recommendation. Second, that the evidence put forward to the Committee was vast in scope, relentlessly surveying the numerous overlapping concerns of penal reformers, such as juvenile delinquency, the persistent use of crime-as-disease metaphors, and the vital importance of moral re-education. As such, this

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[163] "Select Committee of House of Lords on Gaols and Houses of Correction in England and Wales. First Report; Second Report; Third Report; Fourth and Fifth Reports, Minutes of Evidence, Appendices, Index", House of Commons Papers (438 439 440 441), Vol. XI.1, 495, XII.1, 57 (1835), iv.

[164] The Duke of Richmond at this time was Charles Gordon-Lennox (1791-1860). The Duke was closely tied to the issues of penal reform and was among the first to tour Pentonville Prison when it was complete. This event is captured in Section 4 of this chapter. See W.P. Lennox, *Memoir of Charles Gordon Lennox, Fifth Duke of Richmond* (London: Chapman and Hall, 1862), 254.

[165] Some examples include Catherine Cox and Hilary Marland, "'We Are Recreating Bedlam': A History of Mental Illness and Prison Systems in England and Ireland," in Alice Mills and Kathleen Kendall (eds.), *Mental Health in Prisons* (New York: Springer, 2018), 28-9; Margaret May, "Innocence and experience: the evolution of the concept of juvenile delinquency in the mid-nineteenth century" in John Muncie, Gordon Hughes, and Eugene McLaughlin (eds.), *Youth Justice: Critical Readings* (Newbury: SAGE Publications, 2002), 100; Bill Forsythe, "Loneliness and Cellular Confinement in English Prisons 1878–1921," *British Journal of Criminology* 44, no. 5 (2004): 760; U. R. Q. Henriques, "The Rise and Decline of the Separate System of Prison Discipline," *Past & Present*, no. 54 (1972): 72; Cooley and Talyor, "Anglo-American Penology in Transition", 49.

[166] On the 1835 Select Committee and Crawford, see Davie, *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850*, 382-90.

[167] Tomlinson, *Buildings and Society*, 52-3.

section closely relates the Select Committee's findings to further contextualise the penal landscape that Pentonville Prison would come to inhabit; and to illustrate how pervasive certain problems were perceived to be.

Crawford returned from America in 1834, and his report on the penitentiaries there was printed in August. By July 1835, the first report from the Select Committee on the Gaols and Houses of Correction in England and Wales had been brought forward to print, and in its pages Crawford was the star witness. He appeared before the Committee with the aim to present separate treatment as the system on which a national model of penitentiaries should be built. From the outset he argued that: "Silence is an Approximation to Solitude … and that Fact had left to a very strong Impression that nothing short of Solitude will have the Effect of deterring Men from the Commission of Crime".[168] He criticised the American use of the whip in chastising prisoners, pointing out that it did little to reverse recidivism rates, instead appearing to antagonise men further.[169] He took care to note how this punishment was abused by those in positions of power.[170] When it came to barriers, Crawford stated that the only difficulty in unifying the national system of imprisonment was the cost.[171] He insisted that the want of moral and religious instruction in American prisons was significant; if the separate system was to be adopted in Britain, this ought to be its focus, with a chaplain permanently attached to every prison.[172] Similarly, he argued for specially-trained gaolers to mediate the system, claiming that the fine balance of this type of confinement required "a prudent man".[173] As to the effect of solitude on mental health, Crawford answered:

> I have conversed with a Number of Persons who have been confined in Solitude in the Penitentiary at Philadelphia for Four Years, and where the Solitude so perfect, and I have never discovered in any single Case that the Seclusion has affected the Mind or Reason.[174]

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[168] "Select Committee on Gaols and Houses of Correction", House of Commons Papers (438 439 440 441), 4.
[169] Ibid., 9.
[170] Ibid.
[171] Ibid., 4.
[172] Ibid., 5, 7-9.
[173] Ibid., 14.
[174] Ibid., 6.

When Crawford's colleague from the SIPD, Samuel Hoare, gave evidence, he expanded on Crawford's line of reasoning by suggesting that if a prisoner became insane during his confinement, he ought to be transferred to an asylum as soon as possible.[175] This suggestion departed from the usual procedure of sending "criminal Lunatics" to poorhouses.[176] Hoare objected to current practice on the grounds that "many of them are considered criminal, but are not Criminals in fact, because a Lunatic cannot commit a Crime".[177] This was an emerging perspective among contemporary reformers, some of whom argued that: "When the Poorhouse shall be relieved of the insane, the respectable magistrates will then find it easier to extirpate vice, disorder, and guilty idleness, from this great family of the lowest and most ignorant class in society".[178] Thus, "lunatics" were disruptive and undermined the "usefulness" of spaces, from the desultory workhouse to the quiet prison.[179] Separating them from "real" criminals was therefore vital to maintaining institutional equilibrium.

Hoare, like other conscientious and ambitious reformers, took care to emphasise the difference between solitary confinement – which in the common imagination conjured an image of a medieval dungeon – and separate treatment, which took place in "roomy Cells" with adequate distraction from unremitting solitude:

> [Chair] What Degree of solitary Confinement do you contemplate in an Arrangement of this Kind?
> [Hoare] I would rather use the Word separate than solitary.
>
> - You mean that a Man should be by himself in a cell, and work there?
> - Yes.

[175] Ibid., 18.
[176] Ibid.; Englander, *Poverty and Poor Law Reform in Nineteenth Century Britain*, 34-7.
[177] House of Commons Papers (438 439 440 441), 18.
[178] Quoted in Andrew Scull, *The Most Solitary of Afflictions: Madness and Society in Britain, 1700-1900* (New Haven: Yale University Press, 1993), 39.
[179] Ibid., 38-9.

- Your preceding Observations do not apply to what is more properly called solitary Confinement?
- No; I would rather use the Word separate than solitary.[180]

Ensuring that the public – and those in power – understood that the two systems were distinct was critical for the success of separate treatment. This theme ran throughout the inquiry. When Millbank prison chaplain Reverend Whitworth Russell came before the Committee, he insisted that there was an important difference also between silent and separate treatment, and the latter had the advantage of essentially eradicating communication – contamination – between prisoners.[181] The difficulty in keeping prisoners quiet while at labour was well understood; Reverend Russell took care to furnish the Committee with observations from existing county gaols to illustrate this point.[182] He believed wholeheartedly that the communal labour system advocated by silent treatment was detrimental as it permitted convicts to socialize; separate treatment mitigated this issue entirely.[183]

When Quaker reformer Elizabeth Fry testified, she stated that the subject of "solitary Confinement was a very serious one, and one that requires much Consideration".[184] She believed that "it required great Care not to go too far".[185] Reverend Russell made similar observations: "It [separate treatment] would be considered a very severe Punishment by the depraved; but I think it would be considered a very great Diminution of Punishment by Men of good Habits and not of depraved Minds".[186] While Fry refuted the suggestion that separate treatment induced insanity, there *was* something equal to it: "The Vacancy of Countenance evidencing a Vacancy of Mind".[187] These perspectives emphasised the prisoner's part to play in their own redemption arc by explicitly delineating between hopeful and hopeless

[180] House of Commons Papers (438 439 440 441), 19.
[181] Ibid., 32.
[182] Ibid., 63-5, 195-224.
[183] "It is for the Safety of the Individual and for the Security of the Public, that Places of Confinement for Prisoners before Trial should not be converted into Schools for Crime. If a Man is innocent, it is our Duty to take every possible Precaution that he may remain so. I should therefore argue that Silence is a necessary Part of that Punishment which is necessarily inflicted" (House of Commons Papers [438 439 440 441], 33).
[184] Ibid., 338.
[185] Ibid.
[186] Ibid., 33-5.
[187] Ibid., 339.

criminals.[188] As scholar Oliver Liang writes, this indicated a new notion of reformation, for "instead of 'uplifting' the entire prison population, those capable of 'redemption' had to be selected from those who were 'incorrigible'".[189] Separate treatment was not intended to reform habitual criminals – the incorrigible – but, as reformers argued, if it was used effectively, it could potentially turn someone's life around.[190]

As the inquiry progressed, a more sophisticated model of separate treatment emerged. Echoing Crawford, Reverend Russell called for subtle changes to the American model to make it more practicable for Britain.[191] Part of this necessarily touched on the nature of colonial transportation, and how confinement might figure in a new carceral system. Hoare believed that a period under separate treatment – for example, six months – followed by transportation, would be a sufficient punishment which might even give the prisoner an advantage.[192] He did not, however, agree to sending prisoners to the Australian penal colonies, as "it would be throwing a Degree of Stigma upon him, and expose him to injurious Associations".[193] Numerous other issues were elucidated by the inquiry, such as the bad reputation of the hulks on the River Thames, the discipline aboard convict ships, and the indiscretion of gaolers when a prisoner was to be flogged, all of which appeared injurious to the aims of government.[194]

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[188] "I think the London Thieves are much more impracticable; I anticipate much more favourable Results from the County Thieves than from the London Thieves" (Ibid., 62).

[189] Oliver Liang, "The Biology of Morality: Criminal Biology in Bavaria, 1924-1933" in P. Becker and R.F. Wetzell (eds.), *Criminals and Their Scientists: The History of Criminology in International Perspective* (Cambridge: Cambridge University Press, 2006), 429.

[190] "Many behave ill with a view to be reported incorrigible, that they may be removed from the institution; and we endeavour to represent to them the Condition in which they will be, but they cannot be persuaded to believe the Statement; they think that they will be placed in the Circumstances in which they hear that others have been – that they get good Places, get good Masters, get Liberty Tickets after a short Time, and we cannot reason the Prisoners out of that Conviction" (House of Commons Papers [438 439 440 441], 61); George Pavlich, "The Emergence of Habitual Criminals in 19th Century Britain: Implications for Criminology," *Journal of Theoretical and Philosophical Criminology* 2, no. 1 (2009): 8.

[191] House of Commons Papers (438 439 440 441), 37-47.

[192] "[Q] You would send him to another Country, where he might lead a new Life? / [A] Yes, where he might begin again with a good prospect of Success" (Ibid., 27).

[193] Ibid.

[194] Samuel Hoare specifically noted the inconsistent nature of flogging, pointing out that different whips were used by different prisons; that there was no specific number of lashes to be administered; senior staff members did not have to be present; and all was left to the discretion of the head gaoler (Ibid., 29).

Another problem was what happened to prisoners upon their release. As one SIPD member iterated, if a prisoner had no safety net, it mattered little how reformed they were as they could only backslide into prior associations.[195] Contrary to Hoare's objection that the penal colonies were not suitable for vulnerable, newly remade convicts, it was suggested that the colonies, "which afford ample means of beneficial employment to labourers and artisans", could be places of opportunity for shrewd convicts.[196] For instance, in the case of boy convicts sent to Point Puer in Van Diemen's Land, a juvenile penal establishment adjacent to the infamous Port Arthur settlement, one witness pointed out that while it was "a certain result of the social state of [colonial] society that a portion of the community will be criminal, a few from inclination, but the greater part from the necessity of circumstances", moral training and appropriate education went a long way towards ingraining good habits.[197]

The Committee ultimately deviated little, if at all, from the suggestions made by the SIPD. These were ideas that had been refined now for some time and relied on existing comparisons between criminality and disease. Generally, the Committee discerned that almost all problems in the current system was down to prisoner association. Separation, therefore, "will do much to prevent personal Contamination".[198] Over the course of the inquiry the analogy of crime-as-disease had been used often: one witness described the "Germ of Vice".[199] Whenever debate on penal reform referred to the health of prisoners, this idea was perpetuated. Viewed through the lens of separate treatment, a prisoner made "ill" by the cycles of criminal activity was to be confined alone, where they could be attended to, monitored, and hopefully healed, by moral superiors in the form of warders, physicians, and clergymen. In short, historic crime-as-disease metaphors underwrote the emerging vision of what British separate treatment ought to be.

The Committee summarised its 1,306-page report with six provisions recommended to the House.[200] They recommended that "a system of Uniformity" – the separate system – overseen by the Secretary of State should be implemented throughout England and Wales; that two

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[195] Ibid., 481-2.
[196] Ibid.
[197] Ibid., 509-10, 513-4.
[198] "Suggestions by the Committee of the Prison Discipline Society", in Appendix, Part IV, House of Commons Papers (438 439 440 441), 395.
[199] Ibid., 511.
[200] Ibid., iv, 395-6.

Inspectors of Prisons be appointed and report to the Secretary of State; that "entire Separation, except during the Hours of Labour and of Religious Worship and Instruction, is absolutely necessary for preventing Contamination"; that total silence be enforced; and that any prisoner found insane during their confinement be removed from gaol and transferred elsewhere.[201]

Given the findings of the Committee, the influence of the SIPD and, by proxy, William Crawford, cannot be overstated. In many ways, the findings reflected concerns first highlighted by the SIPD some decades before, when Millbank Penitentiary was falling from favour as the cutting-edge institution. The extent to which the SIPD developed a series of talking points that formed a canon of perceived institutional issues is a matter for further research. What is clear is that a tradition of trans-Atlantic intellectual tension partly facilitated a desire to develop an improved competitive model of British imprisonment and punishment, one that was articulated by Crawford and put into practice through the Committee's recommendations. This mounting sense that Britain ought to not only excel in prison reform but become a leader in it led rapidly to Crawford and his new colleague, Reverend Whitworth Russell, in using their positions as Home Inspectors to push a separate treatment agenda. As the next section finds, this agenda was extremely successful.

Section 4: Planning the Pentonville Prison Experiment, 1836–42

In October 1835, a fire broke out at Millbank Penitentiary.[202] What first appeared to be an overheated chimney flue quickly turned into a fire in the laundry, where it spread over the course of several hours, engulfing the whole infirmary and the female wing.[203] While there were no casualties the damage was considerable – enough to prompt the new Inspectors of Prisons, William Crawford, Reverend Whitworth Russell, and Francis Bisset Hawkins (1796-1894), to propose a wholescale refurbishment of the damaged "pentagons", the term used for the unusual pentagonal shaped wings of Millbank.[204] The fire appeared an opportunity to

[201] Ibid., 395-6.

[202] *Morning Post*, 10 Oct 1835, 6.

[203] *Sherborne Mercury*, 12 Oct 1835, 3; *Staffordshire Advertiser*, 17 Oct 1835, 4.

[204] Letter to Lord John Russell from Inspectors of Prisons, 3 November 1835, "Select Committee of House of Lords on Gaols and Houses of Correction in England and Wales. First Report; Second Report; Third Report; Fourth and Fifth Reports, Minutes of Evidence, Appendices, Index", House of Commons Papers (438 439 440 441), Vol. XI.1, 495, XII.1, 57 (1835), 155-57.

make serious alterations to the design of Millbank, which, in the two decades since its inception in 1812, had not met the expectations placed upon it as the national penitentiary, being dogged with problems and taking the brunt of public criticism.[205] This event was also deeply symbolic.

At the time of Pentonville Prison's opening in 1842, it had been a decade since the innovative Liverpool-Manchester railway, five years since the young Queen Victoria ascended the throne, and in a year, a pedestrian tunnel would be completed beneath the Thames.[206] Just as this period was described as the "great age of the separate system of prison discipline", culminating in Pentonville Prison, it also marked an epoch of invention and innovation in Britain.[207] The "engine of growth", to borrow a term from histories of technology and invention, requires "technological competence and the incentives of those people who were the practical carriers of technological progress" in an era.[208] That separate treatment was a marvel is not the subject of debate – rather, it is the Pentonville Prison Experiment that, in many respects, represented a national effort to reinvigorate, reinvent, and reimagine the carceral future of Britain.

This section demonstrates that focusing on the symbolism and theory of what would soon become Pentonville Prison underestimates "the problems with which the administrators were grappling".[209] Pioneering was not straightforward. As Crawford had observed in America, the practicalities of building an institution that could wholly facilitate the type of strict separation discussed during the 1835 Select Committee were challenging. This section spans 1836–42 and surveys the planning and building process of the "Model Prison", or Pentonville, as it came to be known.[210] While Eric Stockdale observes that Crawford and

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[205] Ibid., 157.

[206] H.L. Sussman, *Victorian Technology: Invention, Innovation, and the Rise of the Machine* (Westport: Praeger Publishers, 2009), xvi, 1-3.

[207] Davie, *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850*, 477-8; Alessandro Nuvolari, "Collective Invention During the British Industrial Revolution: The Case of the Cornish Pumping Engine," *Cambridge Journal of Economics* 28, no. 3 (2004): 349.

[208] Ralf Meisenzahl and Joel Mokyr, *The Rate and Direction of Inventive Activity Revisited* (Chicago: University of Chicago Press, 2011), 444-45; Benoît Godin, "Invention, Diffusion and Linear Models of Innovation: The Contribution of Anthropology to a Conceptual Framework," *Journal of Innovation Economics Management*, no. 3 (2014): 11-12.

[209] Margaret DeLacy, *Prison Reform in Lancashire, 1700-1850: A Study in Local Administration* (Manchester: Manchester University Press, 1986), 172.

[210] *Bill for Establishing Prison at Pentonville*, House of Commons (210), Vol. III.424 (1842), 1-10.

Reverend Russell's success was largely due to a penchant for self-promotion, there is little doubt that without their assertive characters Pentonville might not have become such a symbol for change.[211] Certainly, the rise of Pentonville despite various bureaucratic hurdles is evidence of the zealous focus nurtured by penal reformers.[212]As Davie points out, Pentonville was presented as a sort of "anti-Millbank", and this was evident in every crevice of its design.[213] The 1837 appointment of Royal Engineer Joshua Jebb (1793–1863) to the enterprise reinforced how serious a business this had become.[214]

The 1835 Select Committee had recommended a national model of incarceration, which was put forward as two Bills shortly thereafter.[215] With Millbank Penitentiary literally on fire, attention soon turned to developing a new institution: Pentonville. In April 1837, Crawford and Reverend Russell furnished Home Secretary Lord John Russell with their second report as Inspectors.[216] Conscientiously, they chose to foreground their report with a refresher course on the nature of separate treatment, its general principles, how it differed from the silent system, and a series of sample architectural designs of ideal prison models.[217] These designs had a Bentham-like attention to detail, illustrating everything from the proposed staircases in the chapel to the type of horse-drawn van used transport prisoners to the prison.[218] The impulse to include so much detail was likely inspired by their first report, where, emboldened by their new positions, Crawford and Reverend Russell presented a tireless account of the various defects of Newgate, now emblematic of a severely old-fashioned style of imprisonment.[219] Crawford and Reverend Russell drew disparaging comparisons between either outmoded prisons – like Newgate or Cold Bath Fields – and

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[211] Stockdale, "A History of Prison Inspection in England", 165-66, 68.

[212] J. Pellew, *The Home Office, 1848-1914, from Clerks to Bureaucrats* (Vancouver: Fairleigh Dickinson University Press, 1982), 4.

[213] Davie, *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850*, 459.

[214] Ibid., 457.

[215] These were the *Bill for better Ordering of Prisons,* House of Commons (353), Vol. V (1837-8), 1-14; and *Bill for extending Act for effecting greater Uniformity in Government of Prisons of England and Wales, and for appointing Inspectors of Prisons,* House of Commons (39), Vol. IV (1837), 2.

[216] "Inspectors of Prisons of Great Britain I. Home District, Second Report", Command Papers (89), Vol. XXXII.1 (1837).

[217] Ibid., 1-32.

[218] "Inspectors of Prisons of Great Britain I. Home District, Third Report", Command Papers (141), Vol. XXX.1 (1837-8), 114-95.

[219] "Inspectors of Prisons of Great Britain I. Home District, First Report", Command Papers (117-1), Vol. XXV.1 (1836), 1-160.

American ones, mainly to illustrate the newness of their designs. They also challenged international interest in the separate system to highlight penal reform as a demarcation of British modernity.[220]

The Inspectors' Third Report (1838) continued in a similar vein. Part of it took care to emphasise how important it was that those in power of future institutions had a morally sound and just character.[221] Aside from standard qualifications around previous experience and literacy, certain characteristics of wardsmen, monitors, and governors, were also prescribed; these individuals had to evince "alertness, temper, vigilance, firmness, industry, habits of obedience, and moral integrity".[222] Bill Forsythe suggests that Crawford and, later, Reverend Russell "summoned up the authority of such pioneers of prison reform as John Howard".[223] Neil Davie similarly writes that Reverend Russell's image of a perfect prison chaplain looked "suspiciously like a would-be self-portrait".[224] While neither Forsythe nor Davie examine these ideas further, it is evident that part of the moral education of separate treatment intended to stretch far, to encompass not just the prisoners but those tasked with overseeing them. With Reverend Russell and Crawford explicitly established as figures of authority, being Inspectors, they were implicitly modelling what John Tosh argues was an entrenched knowledge of what it meant to be "manly", where emerging masculine attributes were summoned and applied at will.[225] This Venn diagram of morality, masculinity, and character was intimately superimposed on the aims and beliefs held by reformers.[226] This is reinforced by the male-dominated sphere in which the SIPD grew and flourished; and, naturally, the primarily working or criminal class boys and men were the objects of their attention.[227]

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[220] "Inspectors of Prisons, Second Report", Command Papers (89), 16-7.

[221] "Inspectors of Prisons of Great Britain I. Home District, Third Report", Command Papers (141), Vol. XXX.1 (1837-8), 8.

[222] "Inspectors of Prisons, Second Report", Command Papers (89), 6.

[223] Forsythe, "Loneliness and Cellular Confinement in English Prisons", 760.

[224] Davie, *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850*, 390.

[225] John Tosh, "Masculinities in an Industrializing Society: Britain, 1800–1914," *Journal of British Studies* 44, no. 2 (2005): 331.

[226] Rimke and Hunt, "From Sinners to Degenerates", 62-3; Michèle Cohen, "'Manners' Make the Man: Politeness, Chivalry, and the Construction of Masculinity, 1750–1830," *Journal of British Studies* 44, no. 2 (2005): 312-13.

[227] Martin Francis queries the extent to which working-class men were "domesticated" through these institutional processes, though it remained a facet of reform at this time. See Martin Francis, "The Domestication of the Male? Recent Research on Nineteenth-and Twentieth-Century British

Crawford and Russell were successful in their ideological war of attrition. By July 1839, the Secretary of State had endorsed the pursuit of a "Model Prison".[228] By their own admission, it was SIPD-derived information on separate treatment that laid the foundation.[229] Importantly, they insisted that any cell that was appropriated for the use of separate treatment should be refigured to match their precise designs, to mitigate the problems faced by the Americans.[230] While Crawford and Russell had so far drawn on the designs by architect George Thomas Bullar in the 1837–8 reports – who used the work by John Haviland, architect of the Eastern State Penitentiary – by 1839 Jebb's position had been made permanent, and he became the chief architect for the new prison.[231] A mere year later it was reported that significant progress had been made at the Pentonville site.[232]

As Crawford and Russell had intimated from the start, the importance of style and design to the success of separate treatment could not be overstated. This was reflected in the numerous letters and receipts sent and received by Jebb that illustrated, for example, that external bids were often accepted because of the quality of the items (like bedding, coal, and candles), and that outfitting the prison was a costly venture: one receipt totaled £8,829.[233] Nevertheless, by 1842 several borough gaol administrators had already examined the architectural plans of Pentonville Prison with the purview of mimicking its design.[234] As Crawford and Russell

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Masculinity," *The Historical Journal* 45, no. 3 (2002): 642; J.E. Adams, *Dandies and Desert Saints: Styles of Victorian Masculinity* (Ithaca: Cornell University Press, 2018), 61-107.

[228] "Inspectors of Prisons of Great Britain I. Home District, Fourth Report", Command Papers (210), Vol. XXI.1 (1839), i.

[229] Ibid.

[230] "We cannot, therefore, too strongly urge on the Magistracy throughout the kingdom … that no cell be used for the separate confinement of any prisoner which is not of such a size, and be lighted, warmed, ventilated, and fitted up in such a manner, as may be required by a due regard to health, and furnished with the means of enabling the prisoner to communicate, at any time, with an officer of the Prisoner; and also that the prisoners shall have the means of taking air and exercise at such times as shall be deemed necessary by the surgeon; and shall be furnished with the means of labour and employment; moral and religious instruction, and suitable books" ("Inspectors of Prisons, Fourth Report", Command Papers [210], ii).

[231] Davie, *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850*, 457.

[232] "Inspectors of Prisons. Great Britain I. Home District, Fifth Report", Command Papers (283), Vol. XXV.1 (1840): iv.

[233] Equivalent to £922,833 in 2019. See Letter from Captain Joshua Jebb to T.F. Edgington, 11 July 1842, London School of Economics Archives (LSE), JEBB/7/3/2; "Collection of vouchers of receipts for the clerk of works at the prison Thomas Lawrie, 1841", LSE, JEBB/7/3/13; "Model Prison First Abstract for Works done during the Michaelmass Quarter, 1840-1", LSE, JEBB/7/3/22.

[234] "Inspectors of Prisons of Great Britain I. Home District, Seventh Report", Command Papers (422), Vol. XX.1 (1842), 21, 23.

reflected in their seventh report, this event marked Pentonville as "exhibiting that [separate] system in full operation, originated in the suggestions contained in our Reports".[235] Flush with success, they were "deeply interested in, and responsible for, its results".[236] How portentous this sentence would come to be.

By 1841, Crawford and Russell had gently lowered Pentonville Prison in the trans-imperial current, connecting an experimental penal system directly to the fringe of Empire: "We venture to suggest the expediency of taking such measures as might facilitate the emigration of liberated prisoners to one or other of Her Majesty's colonies".[237] This was subsequently addressed in the *Pentonville Prison Bill* (1842), which directed that any convict under a sentence of transportation was to be removed to Pentonville, where he would serve a term of probation before he left the country.[238] This cleaner system of removal coincided with an increase in imprisonment rates, but also with the "improved manner" of prison register keeping.[239] In other words, though higher rates of offending were cause for concern, there was no longer a sense that imprisonment did little to rectify it: after all, this new generation of prisoners were not only bound for a new, experimental prison system, but they were also subjects in a new form of colonial transportation devised by Colonial Secretary Lord Stanley, and were therefore to be shipped to the other side of the world.

Conclusion

On 27 July 1842, the aging Duke of Wellington visited Pentonville Prison. The building was complete yet stood empty. Rows and rows of roomy, clean cells were lit by gas lamps and heated by an "ingenious" underfloor pipe system.[240] The Duke roamed the echoing halls in the company of the clerk, Thomas Lawrie, who recorded the Duke's intent concentration as he inspected the chapel, tested the exercise yards, peered over the corridor balconies, and ascended the warder's watchtower, where he remarked: "This is very fine, I have not seen

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[235] Ibid., iii-iv.

[236] Ibid.

[237] "Inspectors of Prisons of Great Britain I. Home District, Sixth Report", Command Papers (347), Vol. IV.1 (1841), iii.

[238] *Bill for Establishing a Prison at Pentonville*, 5.

[239] "Inspectors of Prisons, Sixth Report", Command Papers (347), iv-vi.

[240] "Memorandum of the Duke of Wellington's inspection of the Model Prison July 27th 1842", LSE, JEBB/6/21/2, 1.

anything like this in all my life, very good indeed".[241] As Lawrie escorted the Duke back through the halls, he was reported to say: "I am exceedingly pleased with this beautiful arrangement. The inspection is so perfect".[242] Pentonville was quite clearly a wonder. A few days after the Duke's visit, the Earl of Shaftsbury called in: "Indeed, he [the Duke] has talked about nothing else ever since, and it is in consequence of what he has said that I am come up".[243]

I contend that the role the SIPD played in bringing separate treatment to Britain cannot be overstated. Between 1833–42, largely through the efforts of William Crawford and his Quaker colleagues, the British government not only turned its head towards separate treatment but began hurrying towards it with gusto. The Pentonville Prison that the Duke of Wellington visited was a marvel – an empty one. But by December that year the first group of prisoners would arrive and commence a period of probation before they were transported to the Australian colonies. As Crawford and Reverend Russell themselves insisted, they took full responsibility for Pentonville Prison. In this instance, it is no surprise that their hope for, and confidence in, a radically new style of prison system would take so long to fade.

This chapter has shown that debates on penal reform, namely the competing silent and separate systems, took on nation-specific characteristics intended to model modernity to international audience. French politics and internal strife ultimately affected the development of a unified prison system, although Tocqueville and Beaumont lived to see both silent and separate treatment tried in their country. From the British perspective, restraint and control characterised separate treatment, which was a system vastly distinct from corporal punishment and the problems faced by Australian colonists in their attempt to substitute it. Read together, it is apparent that the seeds of change were sown in the Australian colonies in parallel with instituting separate treatment and Pentonville Prison in Britain, therefore highlighting an innate connection between penal reform in the colonies and the metropole. Lastly, in the context of Victorian innovation, the Pentonville Prison Experiment was a practical and symbolic advancement in addressing a perceived societal weakness. Crime-as-disease metaphors only enhanced visions of a body politic in need of care. But what was the

[241] Ibid., 2.
[242] Ibid., 1.
[243] Ibid., 2.

solution when the institution designed to make prisoners “healthy” would instead see them deteriorate mentally and physically, despite vehement claims to the contrary?

Chapter 3:
Health During the Pentonville Prison Experiment, 1842–9

Introduction

This chapter is a health-focused assessment of the Pentonville Prison Experiment, which ran from 1842 to 1849 on the system of separate treatment. While few studies have considered the Experiment in any great depth, a historiographical assumption is that the disciplinary rigor of the Experiment ultimately had a detrimental effect on the mental and physical health of the prisoners subjected to it. But how can we understand the degree of this suffering if it has not been properly explored? Importantly, given the Experiment was underwired by historic ideas on contagion and criminality, how did this effect the ways sick prisoners were treated?

No existing studies have thoroughly examined the nature of prisoner health during the Pentonville Prison Experiment. This makes my research the first to not only answer some basic questions, but to push beyond to new territory on the nature of historic health in confinement. For instance, I ask what constituted ill health during the Pentonville Prison Experiment; and what differentiated bad behaviour from mad behaviour? What caused either type of behaviour; and how was it managed by prison staff? Above all, how can we understand illness when it is subject to the rigid criteria of health set out by an experimental prison discipline? Despite administrators' dependence on ostensibly objective modes of reasoning in the Experiment, this chapter demonstrates that prisoner health in confinement was vastly subjective and difficult to quantify. Put simply, badness was often confused with madness, and vice versa.[1] As Pentonville Prison was intended to be the "portal to the penal colony", with prisoners slated for transportation after they had served a sentence under separate treatment, these questions must stretch beyond Britain to the very reaches of Van Diemen's Land.[2]

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[1] Felix Schirmann, "Badness, Madness and the Brain–the Late 19th-Century Controversy on Immoral Persons and Their Malfunctioning Brains," *History of the Human Sciences* 26, no. 2 (2013): 35-36.

[2] Letter from Sir James Graham, 16 December 1842, in Second Report of the Commissioners for the Governor of the Pentonville Prison, Command Papers (536), Vol. XXVIII.71 (1844), 24.

For the purpose of this thesis writ large, health is defined as "a state of complete physical, mental, and social wellbeing".[3] However, to understand how a concept like health is interconnected, we must first take it apart. In view of separate treatment, a system where health problems were enmeshed with layers of social and cultural meaning, identifying just which health problems were perceived to be physical, and which mental, helps us understand the way prison staff managed and treated sick prisoners. As such, Section 1 sets out the admission process for the Pentonville Prison Experiment and places it in the context of mid-Victorian innovation and social experimentation more broadly. Section 2 examines physical health under separate treatment, offering some explanation for the high rates of respiratory-based illnesses during the Experiment, while Section 3 covers mental health, death, and suicide. In Section 3 I break down how a diagnosis of "insanity" was constructed by individualising symptoms that were believed to be signals of it.

This chapter considers historian Nancy Tomes' suggestion that "the composition" of an institution's population "tells us more about the … response to insanity than the incidence or definition of the condition itself".[4] To emphasise this point, I employ the method of "medical mapping", or "disease topography", as advanced by Tom Koch, to explore the relationship between health and place in Pentonville Prison.[5] This approach, Koch writes, emphasises:

> The indivisible relations among disease theory, the methods by which disease incidence are studied, and the technologies of research and reportage that are crucial to theoretical discussion and practical application. Medical mapping stands in this telling as one crucial element in a complex mangle of practice that is political, social, scientific, and technological all at once.[6]

Throughout this chapter I engage with historians Hilary Marland and Catherine Cox and interrogate their position on Pentonville Prison. Marland and Cox are among the few historians to study Pentonville beyond theoretical constraints, using its archive to challenge

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[3] Sarah Stewart-Brown, "Emotional Wellbeing and Its Relation to Health: Physical Disease May Well Result from Emotional Distress," *Nature* 372 (1998): 1608.

[4] Nancy Tomes, "The Anglo-American Asylum in Historical Perspective," in C.J. Smith and J.A. Griggs (eds.), *Location and Stigma: Contemporary Perspectives on Mental Health and Mental Health Care* (London: Unwin Hyman, 1988), 14.

[5] Tom Koch, "Mapping the Miasma: Air, Health, and Place in Early Medical Mapping," *Cartographic Perspectives*, no. 52 (2005): 4-27.

[6] Ibid., 5.

the assertions made in the official, published reports.[7] Their work aims to "explore the complex exercise of authority and decision-making within prisons … in gauging and responding to mental illness in prison".[8] They find that "far from being a place of order, rationality, discipline, and unchallenged state power, the prison was marked on a day-to-day basis by the struggle to manage mania, delusion, depression, and despair".[9] From the Pentonville archive they also conclude that "the prison chaplains rather than the medical officers took a lead role in managing the minds of convicts".[10] This chapter does not intend to refute these findings. Rather, I use their findings as a point of comparison for this chapter, partly because no other viable historiographical comparison exists, but also because theirs is a good starting point for deeper investigations into the nature of health during the Experiment.

However, while Marland and Cox have set the standard for meaningful studies on Pentonville, there are some gaps in their analysis, and these gaps prompt questions that this chapter endeavours to answer. For instance, while they cite "mania, delusion, depression, and despair", their work reinscribes the record rather than examines the different environmental, emotional, social, or structural problems that might have contributed to such delusion and despair. Their emphasis on suicide and mental health conflicts with Jack Douglas' contention that it matters less how many suicides or suicide attempts there are, because a death can only be understood as a suicide once it is historically located.[11] This resonates with Olive Anderson's work, in which she interrogates the role of the historian in studies on suicide and argues that death by suicide is "deeply affected by its specific historical context".[12] Indeed, suicide is a complex experience, one that is furthered layered in the context of a prison. In using suicides and suicide attempts as proof that separate treatment was fatally damaging to prisoner health, Marland and Cox are missing a vital point. Suicide, as Barbara Gates reminds us in her work on Victorian suicides, is as much about mentality as it is about the act.[13] Therefore, this section sets out to uncover the experience of mental health in confinement,

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[7] Catherine Cox and Hilary Marland, "Broken Minds and Beaten Bodies: Cultures of Harm and the Management of Mental Illness in Mid-to Late Nineteenth-Century English and Irish Prisons," *Social History of Medicine* 31, no. 4 (2018): 690-91.

[8] Ibid., 691.

[9] Marland and Cox, "'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, no. 1 (2018): 78-109.

[10] Ibid.

[11] J.D. Douglas, *Social Meanings of Suicide* (Princeton: Princeton University Press, 2015), 163-338.

[12] Olive Anderson, *Suicide in Victorian and Edwardian England* (Oxford: Clarendon Press, 1987), 420.

[13] B. Gates, *Victorian Suicide: Mad Crimes and Sad Histories* (Princeton: Princeton University Press, 2014), xiii.

regardless of whether it led to a suicide attempt, which, to emphasise, is the metric by which Marland and Cox measures the impact of separate treatment on prisoner health. As we shall find, pain and suffering were highly subjective – even a suicide attempt could not stop a prisoner from being transported to Australia.

To investigate these issues, this chapter draws predominantly on a new archive of primary material only used superficially by Marland and Cox: the Secretary Minute Books for Pentonville Prison, dated 1842–8.[14] These meetings were typically held twice a month; were attended by members of the prison board; and included a review of the prison's journals, namely those compiled by the warders, medical officer, chaplain, governor, and the visitors. Due to the ongoing COVID-19 global pandemic, these non-digitised records were accessed remotely and photographed by a UK-based research assistant. I then transcribed over 16,000 words, capturing over 200 individual entries pertaining to prison discipline, and the mental and physical health of prisoners. By this process I have systematically compiled seven years of the Pentonville Prison Experiment and independently consolidated an archive in a digital and accessible format.

While this chapter is a thematic assessment of health during the Experiment, I employ microhistorical technique to canvas these archives and spotlight pertinent case studies. As such, this research is further supported by the Pentonville Prisoners' Register, dating 1842–7.[15] This register contains biographical information of every prisoner admitted to Pentonville Prison, and records the outcome of their sentence, such as whether they were transported to Australia or removed to another institution. This register has only previously been accessed superficially by other scholars. I independently transcribed this register, inputting its contents into a digital format, thereby capturing the data of 1,597 prisoners.[16] Many of these prisoners can be linked across other archives, such as the Minute Books, which consolidates their lives in confinement as captured by institutional record keeping.

To further supplement these case studies, where relevant I use the admissions register and casebooks of Bethlehem Hospital (also known as Bethlem), the asylum that received "insane" Pentonville prisoners; and the reports of the Pentonville Prison Experiment, which run from

[14] Pentonville Prison Minute Books, 1842-48, The National Archives (hereafter TNA), PCOM 2/84-89.
[15] Pentonville Prisoners' Register, Records of the Prison Commission, 1842–9, Australian Joint Copying Project (hereafter AJCP), PCOM 2/61/5977.
[16] The full number is 1,620 but as the original microfiche is incomplete in places, some data cannot be verified and so has been omitted.

1842–50.[17] These archives are supported by contemporaneous medical texts, which aid in defining and explaining the diagnoses and management of the illnesses encountered during the Pentonville Experiment. Additional primary material is gleaned from contemporary newspaper and periodicals spanning the years 1832–55: this digitally accessed material reflects the shifting public opinion on separate treatment and notes which elements of that punishment were sustained in debates on mortality and morality. Importantly, this chapter finds that prison officials were more vulnerable to the input of family members and friends of prisoners that has previously been suggested, indicating that the site of the Experiment was not the hermetic environment imagined and evoked by previous penal reformers or, indeed, historians.

Section 1: The Paradox and Parameters of Experimentation

In 1842, an anonymous writer to the *Northern Star* lambasted the Experiment commencing at London's Pentonville Prison:

> You first drive a prisoner mad by your treatment, you restore his reason, and you a second time bring him to the stake. Again, what more inhuman, what more likely, to bring on insanity, than a return to the same cells, the same diet and discipline, the same exhortations from the same zealous chaplain, as those that first engendered the mental malady?[18]

In 1854, a decade later and five years after the end of the Experiment, the Reverend of Pentonville Prison, Joseph Kingsmill (1806–65), made a similar observation:

> Depression of spirits is not contrition; remorse is not repentance; resolutions and vows of amendment, made whilst suffering the penalty of transgression,

[17] These are reports one through to eight. See Report of the Commissioners for the Governor of the Pentonville Prison, Command Papers (449), Vol. XXIX.377 (1843), 1-14; Second Report of the Commissioners, Command Papers (536), Vol. XXVIII.71 (1844), 1-56; Third Report, Command Papers (613), Vol. XXV.53 (1845), 1-42; Fourth Report, Command Papers (751), Vol. XX.97 (1846), 1-48; Fifth Report, Command Papers (818), Vol. XXX.481 (1847), 1-56; Sixth Report, Command Papers (972), Vol. XXXIV.59 (1847-8), 1-58; Seventh Report, Command Papers (1101), Vol. XXVI.349 (1849), 1-24; and Eighth Report, Command Papers (1192), Vol. XXIX.125 (1850), 1-26.

[18] The author was referring to the prison protocol that prisoners who had gone "mad" under sentence were to be sent to an asylum before being returned to prison to carry out the remainder of their sentence. If a prisoner's sentence expired in the time he was at an asylum, he was discharged; if it had not expired, he was assessed by two physicians and remanded back to Pentonville Prison. See *Northern Star*, 22 October 1842, 7; House of Commons (210), Vol. III.425 (1842), 7.

> imply no change of principle - no real reformation of character. The weakening of man's physical and mental energies does not generate piety.[19]

Contemporaries clearly perceived this persistence with a prison system as callous at best, and cruel at worst – wasn't this evidence that the Pentonville Prison Experiment was producing, as the *Northern Star* chillingly put it, a "generation of madness"?[20] The word "generation" was telling. A constant undercurrent in issues around prisoner health was the idea of familial inheritance. Hereditary degeneracy was a terrifying concept to the Victorians, and in the context of a prison, where criminality was perceived to be a branch of moral defectiveness and therefore a form of mental malady, these ideas were compounded.[21] However, here "generation" implied something else: that it was a shared experience of Pentonville Prison as an institution that induced collective illness. This idea was informed by the historic belief that "noxious environments and people's own immorality could seep into the individual body and could then accumulate in subsequent generations".[22]

Something that the Prison Commissioners were yet to discover was the inherent subjectivity of imprisonment. While this was a prison experiment designed to flatten the differences between its subjects to unify its result, even a rudimentary look at two case studies shows the deep problems facing the objective of the Experiment. These two case studies involve two men admitted to Pentonville at the start of the Experiment in 1842. Both were of an age, charged with similar offences, and regarded as viable candidates for separate treatment; they ought to have experienced the discipline in the same way, with the same result. But they could not have been more different.

The first of these prisoners was registration number 83, admitted on 8 February 1843.[23] John Hill Stone was, according to the Pentonville Commissioners, "an exceedingly ignorant and superstitious man, and of very weak intellect".[24] A twenty-seven-year-old labourer from Exeter, Stone was childless and unmarried, and reportedly "bad at home but good in

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[19] Joseph Kingsmill, *Chapters on Prisons and Prisoners: And the Prevention of Crime* (London: Brown, Green, and Longmans, 1854), 501.

[20] *Northern Star*, 22 October 1842, 7.

[21] M. Jackson, *The Borderland of Imbecility: Medicine, Society and the Fabrication of the Feeble Mind in Late Victorian and Edwardian England* (Manchester: Manchester University Press, 2000), 141.

[22] D.W. Jones, *Disordered Personalities and Crime: An Analysis of the History of Moral Insanity* (Milton Park: Taylor & Francis, 2015), 112.

[23] All registration numbers are hereafter indicated in brackets. 83 John Hill Stone, Pentonville Prisoners' Register, AJCP, PCOM 2/61/5977, 27.

[24] Second Report of the Pentonville Prison, Command Papers (536), Vol.XXVIII.71 (1844), 9.

prison".[25] He had been imprisoned for a month once before on a drunk and disorderly charge.[26] According to the Commissioners' reports, Stone had been appointed to the mat-maker's instructor immediately upon admission, where he worked quietly and inoffensively.[27] Deemed "very ignorant", illiterate, and irreligious, Stone appeared to represent the type of man who might benefit from the rigors of separate treatment.[28] However, "he was early noticed as a person of peculiar manners", and began to show symptoms of hallucination in April 1843, and again in June and July.[29] Letters were sent to Stone's family, who confirmed that Stone had previously been "afflicted with insanity, and that the prisoner himself had at times been considered insane".[30] In July it was determined by the chaplain that he was unfit for the discipline of the prison.[31] He was removed to Bethlehem Hospital, London, on 17 August 1843, where he was recorded as being "generally quiet and orderly but always irritable and very excitable particularly when urging his imaginary claims" – Stone laboured under the delusion he had been mistakenly imprisoned and was the heir to several estates in England.[32] He remained in Bethlehem until his death from consumption on 3 June 1848.[33]

The second of these prisoners, and admitted at the same time as Stone, was John Reeves (84).[34] In March, roughly a month before Stone's deterioration was first reported, Reeves "showed symptoms of melancholy, which rapidly gave way to violent religious mania".[35] He was sent to the infirmary to recuperate, and a special meeting of the Commissioners was called to inquire into Reeves' "indisposition".[36] Reeves was considered "quiet and inoffensive, taciturn, obedient, and willing; not apparently low or desponding".[37] An existing study inaccurately relates that Dr Owen Rees (1813-89), the prison surgeon, had attended to

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[25] 83 John Hill Stone, PCOM 2/61/5977, 27.
[26] 7 August 1840, John Hill, England and Wales Criminal Registers, TNA, HO27/61, 253.
[27] Second Report, Command Papers (536), 9.
[28] Ibid.
[29] Ibid.; 22 July 1843, Pentonville Minute Books, PCOM 2/84, 96.
[30] Second Report, Command Papers (536), 9.
[31] 22 July 1843, Pentonville Minute Books, PCOM 2/84, 96.
[32] John Hill Stone, Bethlem Criminal Patient Admission Register, ARD-01 (1848), 21; John Hill Stone, Bethlem Criminal Patient Casebooks, CBC-02/B2-4 (1843), 76.
[33] John Hill Stone, Admission, ARD-01, 22; John Hill Stone, Casebooks, CBC-02/B2-4, 75.
[34] 84 John Reeves, Pentonville Prisoner Register, PCOM 2/61/5977, 27-8.
[35] Second Report, Command Papers (536), 9.
[36] 1 April 1843, Pentonville Prison Minute Books, PCOM 2/84, 19.
[37] Second Report, Command Papers (536), 9.

Reeves in December 1842 for depression, but Reeves was only admitted to the prison in February 1843.[38] Nevertheless, it was apparent that Reeves, like Stone, struggled under separate treatment. He relapsed shortly after the initial report of declining mental health and was removed to Bethlehem Hospital on 2 June 1843, where he was admitted "in a state of considerable excitement and made a great noise by singing and shouting at the top of his voice".[39] Understandable, perhaps, given he had until then spent five months in enforced silence. Reeves was also "very mischievous destroyed his clothes and would now and then strike those about him", although that happened only occasionally.[40] He was "tolerably orderly but generally discontented and complaining" and took the opportunity to sing as often as he could.[41] He remained in Bethlehem until 7 June 1851, when he was released and sent by rail to King's Lynn, Norfolk, the home of his parents.[42]

These two case studies highlight the important fact that the Pentonville Prison Experiment, for all its scientific rigor, was at its core a human enterprise. As the Commissioners were about to discover, prisons are a historically messy business.

Admission

The Pentonville Prison Experiment commenced in late 1842. Its subjects were carefully selected and subjected to an ostensibly rigorous criteria intended to determine whether an individual could withstand a sentence under the separate treatment system. Prisoners had to be between the ages of 18–35, be first time offenders, and be sentenced to transportation for a period not exceeding fifteen years. He also had to be considered medically healthy.[43] Officially, according to the prison rules, if the medical officer had reason to believe that "either the mind or the body of a prisoner is injuriously affected, or likely to be so by the discipline or treatment", the Governor had discretion to "alter or suspend the discipline of such prisoner accordingly" before the Commissioners made the final order.[44] Table 1.1 demonstrates the rate of different outcomes for Pentonville Prison subjects by year.

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[38] Cox and Marland, "'He Must Die or Go Mad'", 78-109.
[39] John Reeve, Bethlem Criminal Patient Casebooks, CBC-02/B2-04 (1843), 76.
[40] Ibid.
[41] Ibid.
[42] Ibid., 75-6; John Reeve, Bethlem Criminal Patient Admission Register, ARD-01 (1843), 22-3.
[43] Report of the Commissioners for the Government of the Pentonville Prison, Command Papers (449), Vol. XXIX.377 (1843), 3.
[44] Eighth Report, Command Papers (1192), 5.

Table 3.1 Outcomes recorded for Pentonville prisoners, 1842–8.

Year[45]	*Transported*[46]	*Removed: Institution*[47]	*Removed: Elsewhere*[48]	*Died*	*Unknown*[49]	**Total**
1844	363	33	6	-	24	**425**
1845	103	5	8	3	-	**119**
1846[50]	4[51]	388[52]	6	4	-	**402**
1847	-	186	8	1	-	**195**
1848	395	34	10	6	11	**456**
						1,597

Sources: Pentonville Prisoners' Register, Records of the Prison Commission, 1842–9, AJCP, PCOM 2/61/5977.

All prisoners admitted to the Pentonville Prison Experiment were done so on the expectation they would be transported to the Australian colonies, namely Van Diemen's Land or Port Phillip, a convict settlement on the east coast of Australia. How staff determined which prisoners to transport directly from Pentonville – rather than, say, an extended period of probation at Millbank Prison – was detailed in 1845 by the Governor:

> We [the Governor and the chaplain] proceed in our duty by considering the prisoners' conduct as evidenced by separate returns, carefully made by the Principal Warders and Trade Instructors, by reference to the prison register of their offences and

[45] Outcome inclusive of the year recorded on departure.

[46] Inclusive of prisoners bound for Van Diemen's Land and the Port Phillip Exiles.

[47] This includes Millbank and other prisons; the Prison Hulks; and asylums.

[48] This includes removal to the prisoner's family; a free, full, or conditional pardon; or pardoning on medical grounds. Prisoners who were pardoned were removed from the Experiment.

[49] This discrepancy is due to the microfiche of the Pentonville Prisoner Register, which is slightly damaged and occasionally omitted the bottom entry of random pages.

[50] A moratorium was placed on the transportation of male convicts by the British government for 1846–8, which explains the lapse in transportation numbers in this time.

[51] Four prisoners were transported via the *Cumberland* (1846) for Western Australia.

[52] In 1846, 377 prisoners were transferred to Millbank Prison. Many of these men were subsequently transported via Millbank, meaning after a period of probation at Pentonville Prison they underwent another period of probation at Millbank.

> punishments, and to their badges or conduct stripes, by considering the results of our own personal observation, and by a due regard to such other sources as enabled us to form the best estimate of their natural characters, dispositions, and habits, and of the manner in which these were likely to be biased by their qualifications for earning their livelihood, by their family ties and social relations, and by exposure to difficulties and temptations in the new scenes upon which they were about to enter. Fully aware of the difficulty of our task, and of our responsibility in the due performance of it, we proceeded anxiously, and as heedfully as we could.[53]

The Minute Books reflect how this process was recorded at the time. In 1847, for instance, five years into the Experiment, a young Scottish prisoner was removed:

> The case of reg no 1292 who has been frequently under the notice of medical Commissioners having been considered, it was Ordered that reg no 1292 John Cameron be recommended for removal he being in a bad state of health and otherwise not likely to derive benefit from the discipline of the prison.[54]

This was meant to be a sensitive approach that intended to consider as many variables as possible and make an educated guess as to a prisoner's success in the colonies. If a prisoner passed this examination, he was ordered to be transported. However, as this chapter illustrates, the criteria by which a prisoner was judged was subject to a manner of influences that became what I contend was a culture of experimentation in Pentonville, where unexpected variables frequently upset daily operations.

The experience of being admitted to Pentonville Prison has been described most memorably by Michael Ignatieff.[55] Though this was a process that differed little in theory from existing prisons, Pentonville employed it most systematically – this was an experiment, after all, and it had to be conducted as rigorously as possible. Upon reception, a prisoner was stripped naked, his possessions retained, and his civilian clothes fumigated. Nude, he was led to a bath and scrubbed by an attendant. Then, the prisoner was interviewed and registered in the prisoner admission book, which recorded all manner of information, while the medical officer inspected the prisoner's body, noting scars, deformities, "other 'visible distinguishing

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[53] Appendix, Governor's Report, Third Report, Command Papers (613), 9.
[54] 17 July 1847, Pentonville Prison Minute Books, PCOM 2/87, 16.
[55] Ignatieff, *A Just Measure of Pain*, 6-7.

marks'", and to check him for signs of physical illness.[56] In his interview, the prisoner was also questioned on the mental health of his family and whether he had ever suffered delusions, mania, and depression, to control for prisoners who might be hereditarily predisposed to mental illness.[57] The final act was to shave the prisoner's head and facial hair and issue him a uniform: a dark woollen tunic emblazoned with "P.P." (Pentonville Prison) on the collar.[58] This included a cloth hood with eyeholes that intended to obscure prisoners' identities from another.[59]

Cutting prisoners' hair and putting them in uniform was a crucial part of the admission process. Shaving, for instance, was simultaneously a way to humiliate a prisoner by removing their bodily autonomy, and a public health measure that was part of institutional hygiene management, such as control of lice.[60] This process culminated in substituting a prisoner's name for his registration number, which he had to respond to for the duration of his sentence. Current carceral studies have illustrated how prison induction, such as the mandatory donning of uniforms, can induce "a psychological feeling of de-individualisation", responsible for transforming individuals into "passive and depersonalised institutional beings", particularly if that uniform is used in an "entirely regulated environment … in which appearance, language, behaviour, and gesture are also subject to a high level of hierarchical control".[61] In the case of Pentonville Prison, in addition to other modes of control – such as restricting and censoring the letters a prisoner received, controlling the access of families and friends to the prisoner, and denying them the use of their name – separate treatment was intended to

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[56] Ibid., 7.

[57] Of course, prisoners were admitted who were subsequently discovered as having "insane" family members. This was a problem that will be discussed later in this chapter. See Second Report of the Commissioners for the Government of the Pentonville Prison, Command Papers (613), Vol.XXV.53, ix.

[58] *Illustrated London News*, 7 January 1843, 7.

[59] This hood was regarded as "a piece of wretched frippery" designed "with every kindness and consideration" to anonymise prisoners "from their shame". See Henry Mayhew and J. Binny, *The Criminal Prisons of London, and Scenes of Prison Life* (London: Griffin and Bohn, 1862), 10-11.

[60] On humiliation, see Joe Sim, *Medical Power in Prisons: The Prison Medical Service in England 1774-1989* (Milton Keynes: Open University Press, 1990), 15; and on health measures, see Victor Bailey, *Policing and Punishment in Nineteenth Century Britain* (Milton Park: Taylor & Francis, 2015), 185; Peter McRorie Higgins, *Punish or Treat? Medical Care in English Prisons, 1770-1850* (Bloomington: Trafford Publishing, 2007), 62.

[61] Piero Bocchiaro and Adriano Zamperini, "Conformity, Obedience, Disobedience: The Power of the Situation," *Psychology–Selected Papers* (2012): 282; Patricia O'Brien, *The Promise of Punishment: Prisons in Nineteenth-Century France* (Princeton: Princeton University Press, 2014), 75; Carrie Hertz, "The Uniform: As Material, as Symbol, as Negotiated Object," *Midwestern Folklore* 32, no. 1 (2007): 44.

dominate a prisoner's life and render them vulnerable to spiritual and moral reformation; this was explicitly outlined in the guidelines of Pentonville Prison.[62]

Set in the context of flourishing Victorian scientific endeavour, these measures highlight how highly regulated an environment the Pentonville Prison Experiment set out to be. That the Experiment was conceived and born when it was is indeed significant.[63] I contend that the issue with these expectations was that those who did not *conform* could not *reform*. This is starkly illustrated in the context of ill prisoners. As other scholars have pointed out, one way to explain why prisoners experience poorer health than the general population is "whether there are health-limiting factors, conditions, or determinants beyond the individual that prevail within prisons and characterise imprisonment".[64] As put in the 1847 inquiry into the management of Millbank Prison by the governor himself: "The most natural conclusion is that if the man was not feigning a fit his conduct was disorderly".[65] As such, we must question the extent that staff intervention and perspective had in aiding or endangering prisoner health, and whether they can be considered as vital a component as, say, the prison's faulty ventilation system, or its issues with chartering ships in a timely manner. That the fate of prisoners was in the hands of prison staff is hardly surprising, yet I highlight that separate treatment relied on people to operate effectively.

Prisoners were not the only part of the experiment that were carefully selected. Scholarship has largely overlooked the role of prison staff, especially the warder, in the nineteenth century prison. As prisoners were believed to have lacked "firm and virtuous familial care", prison staff were to provide "what ought to have occurred at a much earlier stage in life", thereby placing them in the social role of guardian, mentor, and disciplinarian.[66] Warders were to "strive to acquire moral influence over the prisoners" and to "try and raise the prisoner's

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[62] "On Separate Confinement as a Punishment", in Appendix to the Sixth Report of the Pentonville Prison, Command Papers (972), Vol. XXXIV.59 (1847-8), 29.

[63] For more reading on the periodisation of Victorian innovation, see L. Goldman, *Science, Reform, and Politics in Victorian Britain: The Social Science Association 1857–1886* (Cambridge: Cambridge University Press, 2002), 10; Louise Miskell, *Meeting Places: Scientific Congresses and Urban Identity in Victorian Britain* (London: Routledge, 2016), 1-15.

[64] Nick De Viggiani, "Unhealthy Prisons: Exploring Structural Determinants of Prison Health," *Sociology of Health and Illness* 29, no. 1 (2007): 116.

[65] Minutes of Evidence Taken before the Commissioners Appointed to Inquire into the Management of Millbank Prison, Command Papers (768), Vol.XXX.81 (1847), 23.

[66] William James Forsythe, *The Reform of Prisoners 1830-1900* (London: Routledge, 1987), 60-1.

mind to a proper feeling of moral obligation".[67] Indeed, the expectations placed on the warders were rather explicit: they were considered "an auxiliary in the work of reformation".[68]

Warder conduct was standardised by the *Prison Act* (1835), which included, for example, forbidding the use of blasphemous language on duty.[69] The roll out of separate treatment institutions in the 1840s, and the advent of the Pentonville Prison Experiment, further advanced the expectations placed on staff.[70] Indeed, it is no coincidence that by 1842 the usual warder uniform evoked that of a police officer.[71] Police officers were, in fact, often considered for roles inside the prison.[72] Once warders had been selected, their life in the prison became as regulated as the prisoners they were tasked to observe. In an evocation of Jeremy Bentham's self-contained panopticon community, minor servants, warders, and their families had to receive permission from the governor for various liberties; and many, if not most, prison staff lived onsite.[73]

Arguably, the expectations placed on staff were comparable to those made on prisoners. Warders were intended to be men of "intelligence, temper, and courage", with a "calm and constant" demeanour.[74] As social commentator William Hepworth Dixon (1821-79) wryly remarked: "In fact, the 'model prison' is the place exactly for the model warder".[75] While warders have historically been identified as powerful determinants of order and control, some historians contend that the role of the warder to provide security became conflated with the

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[67] Joshua Jebb quoted in Helen Johnston, *Punishment and Control in Historical Perspective* (London: Palgrave Macmillan, 2008), 84.

[68] Third Report, Command Papers (613), 13.

[69] Alyson Brown, "A Disciplined Environment: Penal Reform in the East Riding House of Correction," *Family & Community History* 4, no. 2 (2001): 106.

[70] Neil Davie, "A 'Criminal Type' in All but Name: British Prison Medical Officers and the 'Anthropological' Approach to the Study of Crime (C. 1865-1895)," *Victorian Review* 29, no. 1 (2003): 4.

[71] J. Ash, *Dress Behind Bars: Prison Clothing as Criminality* (London: Bloomsbury Publishing, 2009), 39.

[72] 27 September 1845, Pentonville Prison Minutes, PCOM 2/85, 86-7.

[73] One warder's wife, for example, was granted permission to receive day scholars (15 April 1843, PCOM 2/84, 88); Cynthia Chung, "Panopticism in the Utopian Visions of Ledoux and Le Corbusier: A Comparison of Chaux, Ville Contemporaine and Ville Radieuse," *The Fifth Column* 7, no. 2 (1988): 32-3.

[74] C.B. Gibson, *Life among Convicts* (London: Hurst and Blackett, 1863), 188-9.

[75] William Hepworth Dixon, *The London Prisons: With an Account of the More Distinguished Persons Who Have Been Confined in Them. To Which Is Added, a Description of the Chief Provincial Prisons* (London: Jackson and Walford, 1850), 154.

need for moral guidance.[76] To illustrate this, in November 1845 three Pentonville Prison warders were brought up on charges of indecency, having gone from "alehouse to alehouse [behaving] like Blackguards".[77] This misconduct "brought disgrace upon all that are employed in the Prison" and "discredited … the whole establishment".[78] Another instance involved a warder's "irregular behaviour" and a rumour that his personal debts that led him to "a discreditable means of raising money".[79] Needless to say, in both events the warders were dismissed from the prison.

Like prisoners, staff could be punished if they contravened the rules of the prison, particularly if they did not report prisoner offences.[80] They were usually fined or suspended from duties while an investigation was carried out. In late 1846, for example, it was discovered that a trades instructor had "carried on a communication between reg no 801 … and some person outside the prison", though the charge was later dismissed.[81] Warders were also accused of sleeping while prisoners were in the silent yet communal school room, which tempted prisoners to communicate with each other.[82] In one memorable instance, a warder in the infirmary was suspended for giving an ailing prisoner tobacco and "for improper conduct" – conversation – towards the prisoner.[83] He was found to be guilty by the Commissioners and was duly dismissed.[84]

Though the chaplain had the opportunity to sit privately with prisoners and listen to their troubles, warder testimony was valuable in signalling whether a prisoner was deteriorating as a result of his confinement.[85] This will be considered in greater detail later this chapter, but it is an important reminder that in addition to observing illness, warders were responsible for managing it too: they were at the front line. When a warder recorded only as "Hill" had

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[76] Alyson Brown and Emma Clare, "A History of Experience: Exploring Prisoners' Accounts of Incarceration," in C. Emsley (ed.), *The Persistent Prison: Problems, Images, and Alternatives* (London: Francis Boutle Publishers, 2009), 64; James Edward Thomas, *The English Prison Officer since 1850: A Study in Conflict* (London: Routledge, 1972), xiv, 206.

[77] 12 November 1845, James Archibald Stuart-Wortley Montagu to Joshua Jebb, LSE, JEBB/3/3, 17.

[78] 16 November 1845, JEBB/3/3, 19.

[79] 2 October 1846, Richard Grosvenor to Joshua Jebb, LSE, JEBB/3/4, 16.

[80] 10 June 1843, Pentonville Minute Books, PCOM 2/84, 88.

[81] 21 November 1846, PCOM 2/86, 95-6.

[82] 14 November 1845, PCOM 2/85, 106.

[83] 27 September 1845, PCOM 2/85, 82.

[84] Ibid., 83.

[85] Social commentators and columnists Henry Mayhew and John Binny relied heavily on warder testimony to pad their observations on prison life. See Mayhew and Binny, *The Criminal Prisons*, 266.

been reported for smoking, he "fanc[ied] himself authorised to do so on account of attending the case of smallpox".[86] Similarly, it was the groundsman, "Jones", not one of the Commissioners, who was seized and stabbed repeatedly in the face and sides by a prisoner with a basket maker's knife.[87] The warders were those who could be outright assaulted or put in proximity to prisoners suffering contagious illnesses, potentially risking their own family and friends.[88] Therefore, when we consider "health" in the context of Pentonville Prison, the question should be extended vertically to include staff members whose names and identities are even more shrouded than the prisoners.

This section has outlined the parameters of the Pentonville Prison Experiment, illustrating that every level, from the building design to the admission of prisoners, simmered with scientific intent. However, this section has also shown that those tasked to care for the prisoners – the prison staff – were not automatons, and so from the outset the Experiment was a fundamentally human endeavour vulnerable to individual impulse and interpretation. This pattern carried on throughout the Experiment, particularly as the inherently subjective nature of prisoner health came to the fore.

Section 2: Physical Health

The frequency, duration, type, and treatment of prisoner illnesses has not been considered by existing studies to any meaningful extent. This research finds that Pentonville was exceedingly porous – more than the Commissioners might have imagined – and this had a variety of effects on inmates. Yet, enduring throughout the Experiment was the belief that separate treatment retained healthful properties. For example, despite it being reported that between December 1842–3, 38 prisoners were in ill health upon their admission to the prison, with 15 of these refused by the medical officer, "a large majority of the prisoners [have] been progressively improving in cheerfulness of spirits and resignation to their punishment, and

[86] 28 March 1846, Pentonville Minute Books, PCOM 2/85, 197-8.

[87] 19 January 1846, PCOM 2/85, 159.

[88] For assault, see 25 April 1846, PCOM 2/85, 218; "That he [the medical officer] has requested inquiries to be made as to the existence of smallpox amongst the families of the officers and trades instructors &tc but no case of the kind is to be found amongst the families of the officers &tc. That every precaution is to be taken to prevent the disease spreading" (28 March 1846, PCOM 2/85, 197-8).

since the increase of diet … they had likewise been improving in their bodily health".[89] The perspective that separate treatment was *beneficial* for health was widely held for over a decade, namely since William Crawford's journey through America.[90] Yet, even a cursory glance at the Pentonville archive reveals a *milieu* of ill health, often including epidemic and contagious diseases that have not before been identified.

The phrase "bad state of health" is used liberally in primary Pentonville sources, likely because its vagueness was a virtue, applicable and referring to all manner of conditions. However, a close reading of the prison records finds that, roughly speaking, there were three types of physical illnesses present in the prison: respiratory (like consumption); contagious (like smallpox); and "natural" illness (like kidney disease or brain inflammation). Several prisoners suffering what authorities termed organic or "natural" illnesses were subsequently removed to the Hulks. These illnesses were not serious enough to reject the prisoner from undergoing a term under separate treatment, although it was apparent that accepting them into the prison meant their experience under this system was necessarily different to other prisoners. For instance, John Barnes, a twenty-three-year-old labourer from Preston, had lost an arm when he was a boy, and "could not be taught a trade".[91] After four months at Pentonville, he was removed to the Warrior Hulk at Woolwich.[92] The removal of prisoners like Barnes indicate that, at least on some level, the Pentonville Prison Experiment was as much about moral reformation as it was about healthy, able-bodied convict labour.

An 1844 report stated that "the general health of the prisoners is indeed remarkably good; but few have been attacked with any of the severer forms of disease, notwithstanding that influenza and pulmonary disease have prevailed in and around the metropolis", indicating that Pentonville was as vulnerable to outside ailments as any previous institution, despite its intricate design.[93] Any case of physical illness was investigated by the medical officer and,

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[89] Return of Number of Persons transferred to Pentonville Prison and Millbank Penitentiary from other Gaols, 1842-43, House of Commons Papers (351), Vol. XXXIX.661, (1844), 2; Second Report, Command Papers (536), 10.

[90] Emphasis added. "Report of W. Crawford, on Penitentiaries of United States", House of Commons Papers (593), Vol.XLVI.349 (1834), 3.

[91] Appendix, "Return of Prisoners removed from Pentonville Prison to the Hulks, or Millbank Prison, during the Year 1843", Second Report, Command Papers (536), 49.

[92] 78 John Barnes, Pentonville Prisoners' Register, AJCP, PCOM 2/61/5977, 24-5.

[93] Second Report, Command Papers (536), 8.

if needed, brought before the Commissioners for further action.[94] From the outset of the Experiment it was ordered that no prisoner "with any infections or contagious diseases" was to be admitted to the prison.[95] But ill prisoners – whether they were sick on admission, suffering a "constitutional tendency to disease", or had managed to conceal their symptoms from the medical officer upon reception – were admitted, and did, in some cases, grow worse under the system of separate treatment.[96]

Respiratory Illness

The architectural design of Pentonville Prison was considered integral to its success as an institution. This prompts a question not previously considered: to what extent can illness during the Experiment be attributed to the discipline of separate treatment, and how much to the design of the prison itself? It is worth considering the design of Pentonville in its influence on prisoner health. For instance, in Millbank Prison in the 1830s an explanation given for the high rates of particularly gastro-intestinal related illness was the "close proximity of the marsh or dampness", as the site was located near the Thames, though it was later found to be related to the poor distribution of food rations.[97] But Pentonville Prison, for all its modern fixtures, sought to be a solution to its ill and crumbling cousin. Environmental issues were well-placed as an acceptable explanation for institutional illness. This continued a historic conversation that spanned reformers from John Howard to Edwin Chadwick (1800–90), particularly in evoking Howard's powerful expose of Britain's dungeon-like conditions. In 1842, Chadwick published a path-breaking report on the sanitary conditions of the labouring poor.[98] In it, he highlighted several diseases endemic to the working-class, such as smallpox, scarlet fever, measles, and other "eruptive fevers".[99] He attributed the spread of disease to the filthy living conditions of the poor, like their food, hygiene, and sanitation, and all of

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[94] "Besides the investigation … we instituted a very minute and searching inquiry into all the circumstances of discipline, diet, and other treatment, in order to ascertain whether the system was generally producing an unfavourable effect on the mental or physical condition of prisoners." (Second Report, Command Papers [536], 10).

[95] 31 December 1842, Pentonville Minute Books, PCOM 2/84, 94.

[96] 22 July 1843, PCOM 2/84, 96; 9 December 1843, PCOM 2/84, 99.

[97] Catherine Edwards, "The Millbank Penitentiary: Excavations at the Tate Gallery (Now Tate Britain), City of Westminster," *Lamas: London and Middlesex Archaeological Society* 61 (2010): 170.

[98] See E. Chadwick, *Report on the Sanitary Condition of the Labouring Population of Great Britain: Supplementary Report on the Results of Special Inquiry into the Practice of Interment in Towns* (London: W. Clowes and Sons, 1842).

[99] Ibid., 257.

these observations carried a moral charge.[100] Poverty, after all, was perceived to be a moral failure.[101]

The desire to move away from the historic vision of the dungeon was a motivating force in modern prison design. In the context of the Pentonville Prison Experiment, environmental explanations for disease soon gained a firm foothold and, arguably, proved sources of contentions for prison authorities, given how scientific an institution Pentonville was purported to be. In 1847, for example, the medical officer Dr Owen Rees acknowledged that, while the contemporary opinion favoured the discipline of separate treatment as the perpetrator of prisoner ill health, in his opinion the "excess of pulmonary consumption observed … has been an accidental rather than a necessary accompaniment of the system", and to this he attributed the "dusty state of some of the cells".[102] Dust was, in fact, an accepted source for tuberculosis or consumption, and when considered in the context of, for example, an overcrowded, poorly ventilated slum dwelling, it spoke mainly of the low standard of domestic cleanliness that so bothered Chadwick.[103] However, this was not a poorly ventilated slum dwelling – this was Pentonville Prison, the product of the last decade and a half of rigorous penal reform.

From the outset Pentonville officials intended to mitigate these historic problems by way of a cutting-edge ventilation system designed by Colonel Joshua Jebb.[104] This intricate piping system pumped hot air up through the prison which had been warmed by coal-powered basement fires, and extracted foul air by way of a distinct system that pulled it downwards.[105] The difficulty in keeping the cells at a uniform temperature was acknowledged by Jebb, who suggested that cells above the kitchens, for example, required another set of pipes to further regulate the heating of the cell.[106] Extinguishing the basement fires also did not directly

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[100] Rebecca Gowland, "'A Mass of Crooked Alphabets': The Construction and Othering of Working Class Bodies in Industrial England," in P.K. Stone (ed.), *Bioarchaeological Analyses and Bodies* (New York: Springer, 2018), 156.

[101] James Symonds, "The Poverty Trap: Or, Why Poverty Is Not About the Individual," *International Journal of Historical Archaeology* 15, no. 4 (2011): 566.

[102] Sixth Report, Command Papers (972), 53-4.

[103] D. Rosner, G. Markowitz, and G.E. Markowitz, *Deadly Dust: Silicosis and the on-Going Struggle to Protect Workers' Health* (Ann Arbor: University of Michigan Press, 2006), 14-6.

[104] See Report of the Surveyor-General of Prisons on the Construction, Ventilation, and Details of Pentonville Prison, Command Papers (594), Vol. XXVIII.127 (1844), 1-79.

[105] Ibid., 10-12.

[106] Ibid., 12-3.

correlate to lower cell temperature – in some cases, it took a fortnight for the cells to readjust and thus be rewarmed by fresh fires.[107] In 1844, the average cell temperature was recorded at a maximum of 55 ˚F (12 ˚C), while the temperature of air from outside the prison averaged 40.8 ˚F (4.8 ˚C).[108] The fluctuating temperature may help explain the frequent respiratory illnesses suffered by prisoners.

Another issue was the matter of air extraction. Frequent complaints had been made that "several of the cells … were close and offensive".[109] Early in 1846, Dr Rees recommended that on account of "foul air from the drains", the prisoners in B Division be removed and "an examination of the fresh air flues to be made when a large rat hole being discovered was stopped and the cells again became pure".[110] This issue became so significant, in fact, that later that year Rees tested the ventilation in the cells by experimenting with balloons.[111] He also tried keeping "the summer ventilation fires constantly alight with coke" to try and purify the air, to no measurable difference.[112] Further research might uncover a correlation between keeping fires going in the middle of a London summer and unseasonal rates of respiratory illnesses. In September, Rees, still grappling with the issues around ventilation, ordered air samples to be collected from the cells.[113] This was in concert with a growing trend in the metropole in attempting to measure air quality, especially given industrialisation and the resulting increase of pollution.[114] Scientist Robert Angus Smith, for example, had proved that coal combustion contributed to a higher rate of acidity in rainfall over Manchester.[115] Thus, it logically follows why Rees would investigate air quality as a possible indicator of ill-health – after all, he eventually proposed that cases of consumption in the prison were related to the

[107] Appendix, "Report by the Medical Officer on the Plan of Ventilating the Cells of the Pentonville Prison", Second Report, Command Papers (536), 15.
[108] Average calculated from the "Table of recorded Temperatures for the Month of February, 1844", Second Report, Command Papers (536), 16.
[109] 5 July 1845, Pentonville Minute Books, PCOM 2/85, 29.
[110] 14 March 1846, PCOM 2/85, 187-8.
[111] 24 October, PCOM 2/86, 43.
[112] 28 March 1846, PCOM 2/85, 197-8.
[113] 26 September 1846, PCOM 2/85, 31-2.
[114] Stephen Mosley, "'A Network of Trust': Measuring and Monitoring Air Pollution in British Cities, 1912-1960," *Environment and History* 15, no. 3 (2009): 274.
[115] Ibid.

dirty prison air.[116] The experiments on air continued until December 1846, with no conclusive results.[117]

The question then turns to the types of illnesses this prison design might have inspired. By far, the most common physical ailment suffered at Pentonville Prison was respiratory illness. Ideas on miasma and bodies played out in the ways suffering prisoners were managed. For instance, in June 1845, John Williams (registration number 881) began to deteriorate on account of influenza.[118] Tall by the standard of the day, Williams was a black man originally from Halifax, Nova Scotia.[119] A sailor by trade, he was arrested in Preston on a charge of selling fruit from a wrecked vessel and was sentenced to seven years transportation.[120] Though Williams had "only" been in the prison for three months, he was given extra rations to account for his unusual height and illness.[121] By September, he had complained to the chaplain about the coldness of his cell, fearing "that his suffering here will in winter be even greater".[122] The case was brought to the Commissioners, who resolved that Williams be removed to Bermuda "on the grounds of climate, he being a man of colour".[123] Williams was transferred "on meal pounds" to Millbank on 8 October and removed to the Warrior Hulk for Bermuda on 3 December 1845.[124]

Williams is significant in that he was removed relatively soon from Pentonville and transferred elsewhere. But several prisoners who had been kept at Pentonville for some time ended up deteriorating so rapidly, occasionally in a matter of hours, that there was little that could be done for them. This is particularly felt in the cases of Francis Creech (449) and George Hutchkin (454).[125] Creech had been imprisoned at Pentonville since August 1843.[126]

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[116] 26 September 1846, Pentonville Minute Books, PCOM 2/85, 37-8.

[117] 19 December 1846, PCOM 2/85, 123.

[118] 7 June 1845, PCOM 2/85, 6.

[119] Williams is noted to be 6'3 (75 inches) at twenty-four years old. The average height for a man his age was 5'4 (65 inches). See Paul Johnson and Stephen Nicholas, "Male and Female Living Standards in England and Wales, 1812-1857: Evidence from Criminal Height Records," *Economic History Review* XLVIII, no. 3 (1995): 476.

[120] 881 John Williams, Pentonville Prisoners' Register, AJCP, PCOM 2/61/5977, 65-6.

[121] 7 June 1845, Pentonville Minute Books, PCOM 2/85, 6.

[122] 27 September 1845, PCOM 2/85, 78.

[123] Ibid., 79.

[124] 881 John Williams, PCOM 2/61/5977, 66; 7349 John Williams, Millbank Prisoner's Register, AJCP, PCOM 2/24/5972, 225.

[125] 454 George Hutchkin, Pentonville Prisoner Register, PCOM 1/61/5977, 43-4.

[126] 449 Francis Creech, PCOM 1/61/5977, 43-4.

A thirty-year-old horse dealer from Bristol, he had been brought up on a charge of horse stealing, for which he was sentenced to ten years transportation.[127] He was perceived to be in good health, although it was remarked that he was "a person of low intellect and melancholic temperament".[128] After Creech had been confined for close to two years, he attempted suicide: "He inflicted a wound on his abdomen with a knife, but was fortunately unable to do more than perforate and tear the skin and cellular tissue, owing to the bluntness of the instrument employed".[129] Creech later explained that his reason for doing so was owing to stress over the labour he was assigned to, which he could not do well, and so depressed him.[130] It is unclear whether Creech was put under observation after this unsuccessful suicide attempt. However, on 7 June 1845 it was noted that he "had been confined over time" and was "suffering very much".[131] He was later reported to be consumptive and "suffering an inflammatory attack", which was severe enough to finally alarm the medical officer.[132] Creech had not complained or remarked upon his pain up until that point – the medical officer insisted that his health generally had been excellent – yet one week later he declined seemingly overnight and died on 14 June 1845.[133] It was found that Creech had suffered symptoms of phthisis (tuberculosis) which advanced into "acute pneumonia supervening on a tubercular condition of the lung".[134] Owing to this predisposition, Creech's death was ruled as natural in the inquest report.[135]

While Creech was perceived to deteriorate quickly, arguably his suicide attempt and his overall decline intimated a more sustained health issue. One possibility is that Creech's inability, or reluctance, to give voice to his pain inadvertently subjected him to more of it. As Joanna Bourke writes in her history of pain, "pain narratives" were the sharpest tool in

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[127] Ibid.

[128] Third Report, Command Papers (613), 19.

[129] Ibid.

[130] Ibid.

[131] 7 June 1845, Pentonville Minute Books, PCOM 2/85, 6.

[132] Ibid.

[133] This was not strictly uncommon. Consumptive victims often appeared healthy due to a flushed complexion. See M. Stolberg, *Experiencing Illness and the Sick Body in Early Modern Europe* (London: Palgrave Macmillan, 2011), 148; Appendix, "Fourth Yearly Report of the Physician to the Pentonville Prison", in Fourth Report, Command Papers (751), 34.

[134] Ibid.

[135] 16 June 1845, Pentonville Minute Books, PCOM 2/8, 17.

the arsenal of a medical professional.[136] The ability of a patient to articulate what was wrong with them correlated with their subsequent care, as "patients were expected to give short, unidirectional, biomedical descriptions of pain to their physicians; but the same physicians found these accounts unhelpful".[137] As Bourke discusses in another work, narratives of "people-in-pain" generates a particular language, turning the focus from pain as an entity to ways of expression.[138] While we cannot be sure, the apparent dismissal of Creech's suffering appears at odds in an institution that relied so heavily on prisoner voices to understand the elements of their life.[139] It was reported, for example, that Creech could not receive a medical pardon on account of having no friends or family to take care of him.[140] Creech's prolonged confinement and the difficulty of his personal circumstances likely hastened his demise; equally, the swiftness of his illness took prison staff by surprise.

To explain a situation like Creech's, an initial answer might be that the Pentonville authorities were negligent in their observation of prisoners. However, this perspective denies the complexity of the issue. Take, for example, prisoner George Hutchkin (454), a labourer from Hepworth who was sent to Pentonville Prison in August 1843, a day after Creech's own admission.[141] Hutchkin was reportedly admitted in good health, but in May 1845 "he showed symptoms of phthisis [tuberculosis] and empyema, and was proposed for free pardon".[142] He was extremely ill.[143] On 16 June, "a collection of matter had burst into a bronchial tube", causing him to sink and, subsequently, die the following day.[144] A similarly frightening and quick illnesses struck John Perry (909), who in November 1845 was "seized with pain in the abdomen, and sunk early on the morning of the 15th from perforation of the caecum, caused

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[136] J. Bourke, *The Story of Pain: From Prayer to Painkillers* (Oxford: Oxford University Press, 2014), 135.

[137] Ibid., 135-6.

[138] Louise Hide, Joanna Bourke, and Carmen Mangion, "Introduction: Perspectives on Pain," *Interdisciplinary Studies in the Long Nineteenth-Century* 15, no. 19 (2012): 1.

[139] Relating the admission process to Pentonville Prison, the Governor, Robert Hosking, wrote: "On the same, or following day, the prisoners are examined by the Governor's Clerk, who enters in the Rough Register an account of their persons, former lives, family connexions, religion, state of education, and various other minute particulars" (Appendix, "Reception of Prisoners", Second Report, Command Papers [536], 17).

[140] Fourth Report, Command Papers (751), 34.

[141] 454 George Hutchkin, Pentonville Prisoner Register, PCOM 2/61/5977, 43-4.

[142] Empyema is a condition in which pus gathers in the area between the lungs and chest wall. See B. Bramwell, *The Treatment of Pleurisy and Empyema* (London: Pentland, 1889), 49-55;. Fourth Report, Command Papers (751), 34.

[143] 25 June 1845, Pentonville Minute Books, PCOM 2/85, 16.

[144] Ibid.

by caleuli in the appendix of the intestine".[145] After the fact, the chaplain stated that Perry was "from the first uncommonly depressed and had made little progress in learning, and took no interest in anything".[146]

A number of factors could have contributed to the ostensibly slow reaction to a declining prisoner. For one, there were a large number of prisoners to an incomparable number of warders, meaning it was physically impossible to practice even an echo of surveillance *a lá* Jeremy Bentham. Second, the prison guidelines and underlying penal theory made it difficult to discern the difference between feigning and suffering convicts. Lastly, it is possible that sickness occurred so frequently, that it was a matter of being overwhelmed:

> At the time it is right to observe, that in many of the cases which occurred at Pentonville the symptoms were no more than are frequently met with in private life, and were such as would probably have been overlooked without that strict scrutiny to which the Pentonville prisoners have been subjected.[147]

Implying the usefulness of separate treatment in identifying otherwise invisible illness was a familiar tactic of the Commissioners and remained in keeping with the belief that Pentonville was ultimately beneficial to health. When we consider Francis Creech's presumed inarticulation or John Perry's subdued demeanour, it appears that physical illness was not mismanaged at Pentonville, but so micromanaged that, in an institution designed to study and regulate every part of a prisoner, any disturbance was overprescribed and analysed through the lens of moral reformation. If prisoners were encouraged to conform and reform and were studied by staff given the unenviable task of passing moral judgement, it is probable that any authentic illness was passed over in suspicion of other, more malicious forms of resisting separate treatment, until, of course, it was too late. I contend that this acknowledgement of the unusual set up of Pentonville – and, by proxy, the strangeness of institutional life – alludes to a more self-conscious understanding of the objectives of separate treatment than what other studies have suggested.

Prison staff and authorities were aware that illness manifesting in Pentonville might be related to the prison design, particularly the ventilation system. It may be surprising that older

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[145] In other words, bowel disease. See Fourth Report, Command Papers (751), 34.
[146] 22 November 1845, Pentonville Minute Books, PCOM 2/85, 121.
[147] Fifth Report, Command Papers (818), 12.

ideas around miasma theory and contagion lingered, however, in the context of the Experiment it was perfectly reasonable. This was an experiment obsessed with the idea that criminality, like contagion, could be transmitted. Yet, the extent to which the medical officer explored several avenues of scientific explanation also speaks to a subliminal view that Pentonville Prison was an experimental design and could therefore be perfected. Another way to understand contagion during the Experiment is by way of "contagion" in the most plural way: as literal illness, and metaphysical or social threat.

Contagion

In April 1846, Pentonville Prison suffered a smallpox outbreak, believed to have originated with Robert Rackham (649), a teenage farm labourer transferred from Millbank Prison some eleven months previously.[148] Rackham had a prior conviction and had been sentenced to transportation on a charge of larceny.[149] Under sentence, Rackham proved to be a quiet and obedient prisoner. But he had been confined in Pentonville for ten months when he was attacked with smallpox seemingly out of the blue. The introduction of disease into the prison was a mystery; the Commissioners were assured that "every care had been taken to prevent contagion and that the prisoners are being vaccinated as fast as lymph can be obtained".[150] Inquiries were rapidly made as to "the existence of smallpox amongst the families of the officers and trades instructors &tc." but "no case of the kind is to be found".[151] Rackham was ill for a long while. He was still in the infirmary in July 1846 when his friends sent him books to occupy him.[152] The chaplain considered Rackham a "very hopeful young man".[153] Indeed, the smallpox was not the only contagious thing Rackham experienced in prison. Shortly before he was transferred back to Millbank Prison in the Exile Class, Rackham, who was reported as being an "intelligent, modest, and hopeful profession of Christianity as I [the chaplain] have ever met with in any young person", was baptised.[154] He was "the son of poor and ignorant Baptists, and has received here almost all the knowledge he possesses".[155] On

[148] 649 Robert Rackham, Pentonville Prisoners' Register, PCOM 2/61/5977, 53-4.
[149] Ibid.
[150] 11 April 1846, Pentonville Minute Books, PCOM 2/85, 212-3.
[151] 28 March 1846, PCOM 2/85, 197-8.
[152] 4 July 1846, PCOM 2/85, 284.
[153] 11 November 1845, PCOM 2/85, 109.
[154] Appendix, Chaplain's Report, Fourth Report, Command Papers (751), 29.
[155] Ibid.

12 December 1846, Rackham was put aboard the *Thomas Arbuthnot*, a convict transportation vessel bound for Port Phillip, apparently free from smallpox but full of faith.[156]

Beyond the case of Robert Rackham, evidence of systematic vaccination at Pentonville Prison is thin. In 1845, for example, it was stated in the Second Report on Millbank Prison that: "The precautionary measure has been adopted of vaccinating all the convicts on their first reception who have not already had the smallpox, or who do not bear distinct marks of previous vaccination".[157] Therefore, it is possible that if prisoners were vaccinated at Millbank before their transfer to Pentonville, there was no need for a system of vaccination at Pentonville. Smallpox vaccination began the previous century, when physician Edward Jenner (1749–1823) lay the foundation for the eradication of smallpox with his treatise An *Inquiry into the Causes and Effects of the Variolae Vaccinae* (1798).[158] His experimentation with cowpox eventually led to experiments with variolation, which was subsequently prohibited and replaced with vaccination in 1840 under the New Poor Law.[159] The European smallpox pandemic of 1837–40 made clear the demand for publicly available vaccinations: over thirty thousand deaths from smallpox were recorded in England alone.[160] The vaccination process was described as follows:

> A spot, usually on the upper arm, is scraped by a lancet, so that the outer layers of the epidermis are removed; the spot is then rubbed with an ivory point, quill or tube, carrying the virus. A slight and usually unimportant illness or indisposition follows, and the arm is sore for a time, a characteristic scar remaining.[161]

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[156] 10750 Robert Rackham, Millbank Prisoner's Register, PCOM 2/26/5973, 181.

[157] Inspectors of Millbank, Second Report, Command Papers (666), Vol. XXV.1 (1845), 6.

[158] M. Bennett, *The War against Smallpox: Edward Jenner and the Global Spread of Vaccination* (Cambridge: Cambridge University Press, 2020), 65-66; See Edward Jenner, *An Inquiry into the Causes and Effects of the Variolae Vaccinae: A Disease Discovered in Some of the Western Counties of England, Particularly Gloucestershire, and Known by the Name of the Cow Pox* (London: Edward Jenner, 1798).

[159] Stefan Riedel, "Edward Jenner and the History of Smallpox and Vaccination", *Baylor University Medical Center Proceedings* 18, no. 1 (2005): 23-4.

[160] Olga Krylova and David Earn, "Patterns of Smallpox Mortality in London, England, over Three Centuries," *PLOS Biology* 18, no. 12 (2020): 7.

[161] Edward Belongia and Allison Naleway, "Smallpox Vaccine: The Good, the Bad, and the Ugly," *Clinical Medicine & Research* 1, no. 2 (2003): 88.

At this period, vaccination against smallpox was not a permanent fix, and revaccination was preferred, though ultimately troublesome to implement systematically.[162] Not until 1853 was vaccination of all children made mandatory.[163] As historian Mary Wilson Carpenter points out, Victorians perceived smallpox as a disease of the poor, although members of the upper-class simply had more resources at their disposal and could conceal illness more easily.[164] The work of Gill Davis also prompts us to consider that, just as Pentonville intended to isolate prisoners from their pasts, the presence of smallpox in the prison – a "poor" disease – highlighted how connected still prisoners could be to their old selves.[165]

Returning to Pentonville Prison and the outbreak of smallpox there, we are faced with several new observations on the nature of physical health during the Experiment. On one level, it stands to reason that prison authorities would investigate staff families as carriers of smallpox, as their lives were vastly more mobile than prisoners and had exponentially more contact with the outside world.[166] On another level, this type of investigating ran alongside contemporary theories like Edwin Chadwick's 1842 report, which simultaneously condemned the poor for failing to live up to middle-class standards while suggesting that the poor were fundamentally different.[167] Chadwick's sanitary reforms began in the home and flowed outward, thereby affirming the domestic as the nucleus for meaningful change.[168] If prison staff lived, worked, and even died on site, this lends another layer of meaning to the Pentonville smallpox outbreak, one that drew a sharp distinction between controllable and uncontrollable environments, in this case, inside and outside the prison.[169] With the perception that the mobility of prison staff incited an outbreak of disease, this quite expressly positions them as health regulators of the prison's body politic.

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[162] PP Mortimer, "Ridding London of Smallpox: The Aerial Transmission Debate and the Evolution of a Precautionary Approach," *Epidemiology & Infection* 136, no. 10 (2008): 1297-8.

[163] Krylova and Earn, "Patterns of Smallpox", 12.

[164] Mary Wilson Carpenter, *Health, Medicine, and Society in Victorian England* (California: ABC-CLIO, 2009), 103.

[165] Gill Davies, "Foreign Bodies: Images of the London Working Class at the End of the Nineteenth Century," *Literature and History* 14, no. 1 (1988): 64.

[166] "That … inquires [are] to be made as to the existence of small pox amongst the families of the officers &tc. That every prevention is to be taken to prevent the disease spreading" (26 March 1846, Pentonville Minute Books, PCOM 2/85, 197-8).

[167] Symonds, "The Poverty Trap", 567.

[168] Mary Poovey, *Making a Social Body: British Cultural Formation, 1830-1864* (Chicago: University of Chicago Press, 1995), 117.

[169] D. Lupton, *The Imperative of Health: Public Health and the Regulated Body* (Newbury: SAGE Publications, 1995), 26, 35, 47.

There were several outbreaks of other contagious diseases that struck Pentonville over the course of the experiment. In 1846, for example, the medical officer refused admission to one George Gallant, "strongly predisposed to scrofula", a condition whose contagious qualities were still being debated in the same year.[170] Scrofulous diseases – that is, illnesses linked to tuberculosis – were strongly associated with criminal populations, or so the Commissioners pointed out in their Fourth Report.[171] In fact, one of the biggest issues facing the staff upon the admission process was the difficulty in detecting symptoms of contagious diseases, such as cases of latent consumption.[172] The presence of a disease like consumption further complicated the mission of separate treatment, which intended to prepare a prisoner for a new life in the Australian colonies. As Alex Tankard illustrates, nineteenth century consumptives were "disabled people in the modern sense, even if they had yet to develop a politicised language to protest social injustice", as Victorian socio-economic structures made it difficult for consumptive sufferers conventionally to support their families, thereby often damning them to further misfortune.[173] For example, an 1835 treatise on consumption suggested that the illness hindered the material and moral progress of individuals and, by proxy, the nation.[174]

To the Victorian mindset, the very affliction of consumptive illness and its presence in prison underscored both its connection to poor populations and the debilitating nature of crime and poverty. Indeed, families often featured in this matrix as some prisoners were rejected on the grounds of having "constitutional tendency to disease".[175] There are no recorded instances of prison staff infecting prisoners or becoming infected as a result of their presence in the prison. If a prisoner became infected with or suffered from a contagious disease, their removal from Pentonville primarily relied on whether they had family or friends to take care of them. When William Brazendale (814) became consumptive, his lack of outside support meant he could

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[170] 20 June 1846, Pentonville Minute Books, PCOM 2/85, 268-9; B. Phillips, *Scrofula: Its Nature, Its Cause, Its Prevalence, and the Principles of Treatment* (London: Lea and Blanchard, 1846), 143-7, 313-5.

[171] Appendix to the Physician's Annual Report, Fourth Report, Command Papers (751), 39-40.

[172] Ibid., 39.

[173] Alex Tankard, *Tuberculosis and Disabled Identity in Nineteenth Century Literature: Invalid Lives* (New York: Springer, 2018), 27.

[174] J. Clark, *A Treatise on Pulmonary Consumption: Comprehending an Inquiry into the Causes, Nature, Prevention, and Treatment of Tuberculosis and Scrofulous Diseases in General* (London: Carey, Lea, and Blanchard, 1835), xiii-xiv.

[175] 22 July 1843, Pentonville Minute Books, PCOM 2/84, 96.

not be proposed for a free pardon.[176] He was eventually removed to the Justitia Hulk at Woolwich.[177] Brazendale had in fact been ill since at least June that year, when he had been confined in a dark cell and grown weak as a result.[178] Alarmingly, this turned out to be a trend: the chaplain reported in mid-1846 that "there are now 6 or 7 prisoners in Pentonville threatened with consumptions or some disease not very dissimilar" who had undergone solitary confinement in a dark cell.[179]

For the purpose of this section, it is important to also highlight the notion of social contagion. Brazendale was in the company of several other prisoners in adjacent dark cells, all of whom subsequently fell ill and, in some cases, suffered consumptive symptoms.[180] A similar instance occurred when William Dring (991) died on 5 October 1846 after an illness lasting a few days.[181] A coroner's report was ordered and it was concluded that Dring "died from a disease of the brain, from natural causes".[182] Interestingly, after Dring's death the two prisoners in the cells either side of the deceased "were examined before the coroner and jury".[183] These were William Hutchinson (870) and Evan Prince (885), both prisoners in their twenties who were otherwise as different from each other as it was possible to be.[184] If Dring's death was ultimately ruled as natural, why would staff examine the nearby Hutchinson and Prince, unless a different form of contagion was suspected?

To understand the idea of social contagion in Pentonville, we must first return to Edwin Chadwick. The underlying logic of Victorian illness was that healthy bodies and compliant minds would be produced and sustained if only their surroundings could be made well-ordered, sanitary, and pleasant.[185] Chadwick's arguments for a type of moral sanitation more accurately reflected "the Victorian fear of infection and upper- and middle-class resentment of the working class"; this feeling was "essentially sympathetic to pain but hostile to

[176] 4 July 1846, Pentonville Minute Books, PCOM 2/85, 286.
[177] 814 William Brazendale, Pentonville Prisoners' Register, PCOM 2/61/5977, 61-2.
[178] 5 June 1846, Pentonville Minute Books, PCOM 2/86, 5.
[179] Ibid.
[180] Ibid.
[181] 24 October 1846, PCOM 2/86, 45.
[182] Ibid.
[183] Ibid.
[184] 870 William Hutchinson, PCOM 2/61/5977, 64-5; 885 Evan Prince, PCOM 2/61/5977, 66-7.
[185] Janice Carlisle, "The Smell of Class: British Novels of the 1860s," *Victorian Literature and Culture* 29, no. 1 (2001): 1-19.

deviations from social norms of health".[186] Compliance to social and cultural norms formed an implicit part of these expectations. As shall be addressed later in this chapter, disrupting the rules of the prison resulted in punishment. Yet, in the context of health, this was also as a form of social contagion in the way that crime was believed to be spread through ill association.[187]

Beyond the case of Hutchinson and Prince, social contagion in Pentonville had significant precedent. One prisoner was punished with two days in the dark cell for "attempting to communicate with the prisoners right and left of his cell".[188] Joshua Sharrocks (701) was also punished for "exposing his face to other prisoners".[189] There were several other cases of prisoners attempting to communicate with each other by making signs, passing notes in chapel and in the schoolroom, and, most interestingly, by "communicating through the water taps of their cells".[190] In fact, this sentiment was felt in every part of the prison, with one Commissioner's report remarking that "the frequent daily withdrawal of the prisoners from their cells in bodies, exposing them to temptations to violate the prison rules" was yet another challenge staff had to overcome.[191] When viewed through the lens of Chadwickian conceptions of contagion, the perfectibility of environmental conditions – such as the over-engineered piping system of Pentonville – did little to prevent contagion. Indeed, while by and large combating contagion depended on a "materialisation of infection", the complex reimagining of crime and illness in the context of separate treatment elevated contagion to something that could be readily exchanged, whether by notes and signs, codes tapped onto pipes, a flash of a prisoner's face, or in more predictable ways, as in the case of smallpox or, to an extent, mania.[192] In other words, for such an advanced institution, it appeared that familiar miasmatic theories, which posited that "diseases resides in the ephemeral atmosphere but also, paradoxically, in the constitution of the individual", still had powerful influence.[193]

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[186] Chung-Jen Chen, *Victorian Contagion: Risk and Social Control in the Victorian Literary Imagination* (Milton Park: Taylor & Francis, 2019), 56-7.

[187] Rimke and Hunt, "From Sinners to Degenerates", 61-5.

[188] 12 September 1845, Pentonville Minute Books, PCOM 2/85, 69-70.

[189] 23 October 1845, PCOM 2/85, 95.

[190] 25 June 1845, PCOM 2/85, 13-4.

[191] Third Report, Command Papers (613), 9.

[192] For further commentary on infection, see Lukas Engelmann, John Henderson, and Christos Lynteris, *Plague and the City* (Milton Park: Taylor & Francis, 2018), 6.

[193] Darby Wood Walters, "'A Phantom on the Slum's Foul Air': Jack the Ripper and Miasma Theory," *Victorian Periodicals Review* 52, no. 3 (2019): 589; Felix Driver, "Moral Geographies: Social Science

Section 3: Mad, or Misinterpreted?

At the time, and in the popular imagination ever since, the regime of separate treatment was charged with making prisoners "insane". However, as scholars on "madness" have pointed out time and again, the way we understand madness is necessarily constrained by historical context.[194] In the context of Pentonville Prison, it is perhaps little wonder that confinement-related illnesses were perceived to shift from the body to the mind, which was in concert with the changing nature of punishment and criminality from the late eighteenth century. As I have demonstrated so far, Pentonville Prison was not immune to physical illnesses thought to be endemic to the dark, dungeon-like prisons of days gone by. Rather, this prison environment seemed to be a peculiarly hermetic space in which sickness lingered.

To start, we must note that the narratives of mental illness that emerge from the Pentonville Prison archive are very diverse and, in most cases, defy simple categorisation. I have attempted to do so for the purpose of analysis, however, many of the symptoms and illnesses discussed in this chapter dovetail with each other and with related conceptual concerns such as morality, class, and respectability. I contend that it is impossible to dissect Victorian mental illness without considering these other factors. With this in mind, this section should be read not as an attempted lexicon of the types of mental illness encountered at Pentonville. Rather, I question why some symptoms were deemed more dangerous than others. As scholar Byron Good notes, the language of medicine is a "rich cultural language" that is linked "to a highly specialised version of reality and system of social relations" simmering with "deep moral concerns".[195] Previously, I noted how conceptions of disease and poverty conflated in the prison context. The same can be said for mental illness, which took on another layer of complexity when considered with reference to criminality and the latent Victorian ideal of self-control. This is particularly evident given the number of cases in which a prisoner was believed to be "shamming" or feigning his symptoms of mental illness. From the outset, the definition of mental health as set out by the Pentonville Commissioners was detailed, specifying insanity, hallucination, mania, depression, and nostalgia as possible symptoms of

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and the Urban Environment in Mid-Nineteenth Century England," *Transactions of the Institute of British Geographers* (1988): 279-80.

[194] Catharine Coleborne, *Why Talk About Madness?: Bringing History into the Conversation* (New York: Springer, 2020): 1-13.

[195] B.J. Good, *Medicine, Rationality and Experience: An Anthropological Perspective* (Cambridge: Cambridge University Press, 1994), 5.

"mental disease".[196] But there were caveats to this definition. Prisoners who were believed to be hereditarily predisposed to mental illness were essentially pre-diagnosed, as were prisoners with low intellectual capabilities. If these types of prisoners were perceived to succeed under separate treatment, it was the result of a powerful prison discipline; if they failed, it was, for lack of a better phrase, their fault.

At the start of a prisoner's sentence during the Experiment, his mental health history was ascertained partly through an admission interview with him when his conviction history and so forth was recorded in the prisoner's register, but also through written correspondence with his family.[197] Contacting family was of twofold importance: to navigate the "strong motives for deceit and dissimulation" suspected in prisoners; and to ascertain whether a prisoner was hereditarily predisposed to mental illness.[198] Joseph Melling and Bill Forsythe remind us that there were "a variety of ways in which people who were mentally impaired or insane might be represented or portrayed", and that "the state's growing concern with the experience of family life and childhood and the condition of family life certainly provided an impetus to debate and reform".[199] Catharine Coleborne's lexicon of insanity also demonstrates how observations of madness usually dovetailed with expectations of appropriate behaviour.[200] Coleborne has illustrated that admitting a family member to an institution reflected not the "dumping ground" theory put forward by past scholars like Andrew Scull, but a pragmatic response to what might have been a violent, unruly, or difficult family member whose behaviour inhibited the equilibrium of a working family unit.[201] Family clearly played an instrumental role in not only the management of mental illness, but whether that illness was brought to the notice of public authorities and institutions.[202] Just as family was the deciding

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[196] Second Report, Command Papers (536), ix.

[197] Third Report, Command Papers (613), 12; Fifth Report, Command Papers (818), 47.

[198] Appendix, Sixth Report, Command Papers (972), 52.

[199] Joseph Melling and Bill Forsythe, *The Politics of Madness: The State, Insanity and Society in England, 1845–1914* (Milton Park: Routledge, 2006), 7.

[200] Catharine Coleborne, *Madness in the Family: Insanity and Institutions in the Australasian Colonial World, 1860–1914* (New York: Springer, 2009), 154-5.

[201] Coleborne, "Families, Insanity, and the Psychiatric Institution in Australia and New Zealand, 1860-1914," *Health and History* (2009): 65-82; Scull has since refuted the findings of the following work, however for his "dumping ground" theory, see Andrew Scull, *Museums of Madness: The Social Organisation of Insanity in Nineteenth Century England* (London: Allen Lane, 1979), 252; For commentary on Scull's argument, see Mark Finnane, "Asylums, Families and the State", *History Workshop Journal* 20, no. 1 (1985): 135.

[202] Cathy Smith, "Family, Community and the Victorian Asylum: A Case Study of the Northampton General Lunatic Asylum and Its Pauper Lunatics," *Family & Community History* 9, no. 2 (2006): 110.

factor between a child, sibling, or parent being admitted to an asylum, they were, in the context of Pentonville Prison, also responsible for a prisoner's diagnosis. An individual's response to stress could be relayed as symptomatic of madness, even though, as Roy Porter pointed out in his 1987 work, "we possess no … consensus upon the nature of mental illness – what it is, what causes it, what will cure it".[203]

In 1845, twenty-three prisoners were reported as suffering under some form of inherited illness.[204] The cases ranged from John Hamlet's (59) sister being "rather weak in the mind", to Andrew Arnott's (378) "weak intellect" making him a "sport of by fellow servants".[205] Harris Nash (66) "evinced symptoms of insanity", as did most of his family; and Thomas Newling's (503) whole family was considered "eccentric; and very weak in intellect".[206] There were reports of intellectually deficient siblings, insane parents, suicidal uncles, and several cases of family members confined in asylums.[207] Whether these families *were* insane is not the object of this section. Indeed, this was understood even by the Pentonville Prison authorities, who related that:

> It was above all necessary carefully to avoid the fallacy of considering every mental peculiarity as a consequence, and not possibly an accidental concomitant of the discipline; and, moreover, carefully to guard against the influence so frequently exerted over the mind by a desire to discover something new where something new has been expected.[208]

Clearly, Pentonville staff were not eager to diagnose suffering prisoners lest it reveal the dangers of separate treatment. Equally, they were not blind to such dangers, for Commissioner William Crawford had extensively outlined the problems associated with solitary-like confinement since his tours of America a decade previously. As historian Peter Baldwin notes, "the question of predisposition" was a uniting force, meaning it was not

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[203] See Coleborne, *Why Talk About Madness?*, 1-13; Roy Porter, *Mind-Forg'd Manacles: A History of Madness in England from the Restoration to the Regency* (Cambridge: Harvard University Press, 1987), 8-9.

[204] Third Report, Command Papers (613), 12.

[205] Ibid.

[206] Ibid.

[207] Ibid.

[208] Appendix, Sixth Report, Command Papers (972), 52.

always important why or how someone was sick, only that they *could become* sick.[209] Naturally, this perspective shrouds the multifaceted nature of confinement-related illness, not least because it does away with the simpler signs of mental distress.

It was remarked in 1846 that whenever "any considerable depression of spirits occurred", it was generally the result of a prisoner believing himself to be wrongfully imprisoned, or the misplaced hope that he was to receive a pardon, or that his sentenced might be commuted.[210] Yet, this official perspective rather superficially reflected daily prison life. Prisoners, for example, were not permitted to know any news from the world outside the prison; and if a letter to a prisoner contained any "news likely to depress him", it was withheld.[211] Repeatedly, prisoners were reported to be depressed and, when the issue was investigated, it was revealed that they had been confined for months beyond their removal date, like in mid-1846, when the chaplain noted "that he finds many of the prisoners about to be removed impatient and restless, upwards of 60 here having been here now more than 20 months".[212] This observation is reflected in the data, with many prisoners outstaying their designated probation period (Table 1.2).[213]

[209] Emphasis mine. P. Baldwin, *Contagion and the State in Europe, 1830-1930* (Cambridge: Cambridge University Press, 1999), 526.
[210] Sixth Report, Command Papers (972), 37.
[211] 13 March 1847, Pentonville Minute Books, PCOM 2/86, 226; 12 September 1845, PCOM 2/85, 74.
[212] 24 October 1846, PCOM 2/86, 48-51.
[213] These delays are addressed in Chapter 5.

Table 3.2 Period spent under sentence during the Experiment, 1842–8.[214]

Year	*Number of Prisoners*	Average Sentence Length[215]	
		Days	Months
1844	384	549.79	18.07
1845	113	636.88	20.93
1846	398	558.09	18.34
1847	193	525.59	17.27
1848	444	491.77	16.16
Total	**1,532**	**552.424** (Average)	**18.154** (Average)

Sources: Pentonville Prisoners' Register, Records of the Prison Commission, 1842–9, AJCP, PCOM 2/61/5977.

If a prisoner had been kept beyond his slated departure debate, a simple act of kindness by prison staff could alleviate a prisoner's low spirits. In 1848, it was reported that several cells were missing the usual notice reminding a prisoner to mind his good behaviour on account of his imminent transportation.[216] The absence of such notices were remarked as having "a depressing effect on morale".[217] When William Hazlewood (982), a thirty-two-year-old shepherd sentenced to ten years transportation, requested to write to his wife and child, and his request was granted, his long-standing depression lifted.[218] Other dispensations went an incredible way in improving a prisoner's term of imprisonment. Permitting a sick prisoner to see his friends; allowing prisoners to write extra letters; supplying them with special books, like Bibles, instruction manuals, or, in one case, a French dictionary; outfitting a prisoner with a new pair of spectacles – all of these "trivial requests" spoke volumes to the prisoners involved.[219] Joseph Granger (487) was permitted to make a basket as a parting gift for his mother, whom he might not see for another ten years.[220] When John Young (523) asked for

[214] Only inclusive of prisoners with a recorded departure date. If a prisoner was removed elsewhere, such as to the Hulks or to his family, a date was not always recorded. This is why the total number of prisoners recorded in Table 1.2 is not 1,597.

[215] Calculated using a function that measured time elapsed between recorded admission and discharge date.

[216] 19 February 1848, Pentonville Minute Books, PCOM 2/87, 157.

[217] Ibid.

[218] 16 January 1847, PCOM 2/86, 157-8.

[219] 5 July 1845, PCOM 2/85, 28-9.

[220] Ibid.

and was given a copy of "Chambers on Emigration", this might have helped prepare the teenager for his impending sentence of fifteen years transportation.[221]

Prisoners were also allowed indulgences that were perceived to help them in their new life in Australia, like buying tools or making storage boxes.[222] Prior to the departure of the *Stratheden* (1846), many prisoners requested tools and instruction manuals, evidently believing the promise made by the Commissioners that the trades they learned while in prison – like tailoring, shoemaking, carpentry, tin-plate working, rug and mat-making, basket-making, and weaving – would stand them in good stead upon their arrival in the colonies.[223] Yet, when the men arrived in Australia, they discovered that "with the exception of carpentry, the trades taught at Pentonville were of no value", leaving many men with their newfound skills "virtually useless in the colony".[224] The troubling news that convicts were not assimilating in the colonies was swiftly forwarded by the Commissioners to the government, as they strongly felt that "the evils already referred to are so serious as not only to frustrate altogether the good which the system at Pentonville is intended to effect but are also unjust to the convicts who have been led to expect a different treatment".[225]

Hope was hard to kindle and yet it could be extinguished so quickly. Prisoners suffered through anticipation of transportation alone. In April 1846, it was reported that married convicts with families were "very anxious to know if facilities will be afforded of sending out to them their wives and children".[226] Kidman Stewart (882), for instance, "made himself unwell from anxiety and the hope of being allowed to go abroad"; and John Vincent (578) "has been saying he is certain he is not to go abroad, this allusion to his hallucination he [the

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[221] Young was seventeen at the time of his admission to Pentonville. The book he received might have been William Chambers, *Chamber's Information for the People*, ed. Robert Chambers William Chambers (Edinburgh: W&R Chambers, 1842).

[222] 19 July 1845, Pentonville Minute Books, PCOM 2/85, 38.

[223] Colleen Wood in her unpublished doctoral thesis on Port Phillip Pentonville "Exiles" suggests that the men took little in the way of personal or professional objects, but this is not reflected in the archive. See Fourth Report, Command Papers (751), 13; Colleen Wood, "Great Britain's Exiles Sent to Port Phillip, Australia, 1844-1849: Lord Stanley's Experiment" (unpublished PhD thesis, University of Melbourne, 2014), 139.

[224] 29 April 1845 Letter from Robert Hosking, "Correspondence between Secretary of State for Colonies and Lieutenant Governor of Van Diemen's Land, on Convict Discipline; Reports from Comptroller General of Convicts in Van Diemen's Land", House of Commons Papers (402), Vol. XXIX.363 (1846), 66; Fourth Report, Command Papers (751), 165.

[225] 2 May 1846, Pentonville Minute Books, PCOM 2/85, 229-30.

[226] 11 April 1846, PCOM 2/85, 208.

medical officer] believes is made with a view of avoiding transportation".[227] Transportation was – usually – unavoidable, yet it is clear that the methods of support offered by prison staff were intended, as best as they were able, to help mitigate the strong emotions bound up with leaving home.

As demonstrations of frustration, anxiety, or stress, can be interpreted as signs of mental illness in marginalised groups, it is striking that Pentonville scholarship has skirted the very ordinary sensations related to confinement.[228] Numerous contemporary studies show that the psychological dimensions to incarceration go well beyond punishment-related stressors like solitary confinement, encompassing an array of prisoner concerns.[229] While it is critical to firmly situate the Pentonville Prison experiment in its historical space, this section has demonstrated that many feelings associated with imprisonment remain the same. If we are to understand the nature of mental health and illness at Pentonville, we must consider the entirety of the spectrum, from simple distress to suicide.

Familial Intervention

In 1847, chaplain Joseph Kingsmill observed that:

> Often I have heard young men within these walls, to whom it was my painful duty to announce the death of a parent, exclaim in the bitterness of remorse: 'My Mother has died of a broken heart, and I have been the cause!'[230]

For many prisoners, the knowledge that they might not see England again was a painful thing, amplified, no doubt, by the apparently timelessness and liminality of the confinement experience. When prisoners did suffer mental distress as a result of this knowledge, few could

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[227] 25 April 1846, PCOM 2/85, 220-21.

[228] Marjorie Levine-Clark, "Dysfunctional Domesticity: Female Insanity and Family Relationships among the West Riding Poor in the Mid-Nineteenth Century," *Journal of Family History* 25, no. 3 (2000): 342.

[229] This is a subject with a vast scholarship. Some pertinent texts include Jason Schnittker, "The Psychological Dimensions and the Social Consequences of Incarceration," *The Annals of the American Academy of Political and Social Science* 651, no. 1 (2014): 124-5; Craig Haney, "The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment," *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities* 33 (2003): 77-92; Christine Lindquist, "Social Integration and Mental Well-Being among Jail Inmates", *Sociological Forum* 15, no. 3 (2000): 431-55.

[230] Fifth Report, Command Papers (818), 32.

adequately express these fears without their faculties being brought into question. One group of people, however, could speak on their behalf: families. Epidemiological studies suggest that "social and emotional support can protect against premature mortality, prevent illness, and aid recovery".[231] Close to 2,000 men were subject to the rigours of the Experiment. It would be remiss to undertake a study on mental health without taking into consideration comorbidities or external stressors, such as the inability to receive an extra visit from a family member before embarkation to the Australian colony. In the context of Pentonville Prison, where prisoners were separated not only from each other but also from their families, this arguably created a more pronounced and vulnerable environment in which mental and physical illness could flourish.

While the hereditary predisposition of a prisoner's family to certain illnesses was interrogated in Pentonville, families were nevertheless an essential bridge between staff and prisoners, representing normality in an abnormal context. Current studies highlight how such prison visits are "a bitter-sweet experience".[232] Historical studies on female prisoners have found that contrary to Victorian reformist beliefs on the innate emotionality of motherhood, women were "driven by economics and convenience" to maintain some contact with and control over their children even while incarcerated.[233] Similar feelings of impotence arise in Pentonville Prison, such as when prisoner John Laxford (1045) became extremely aggrieved when he found out his wife was "threatening self-destruction", and it was only on the promise that the Governor would inquire into the family matter that "he became calm".[234]

Philip Priestley's survey of Victorian prisoner lives has also illustrated how family members petitioned on behalf of the imprisoned and provided emotional support.[235] Likewise, a lack of family support could condemn a prisoner, abandoning them to the forces of the institution.[236] The failings of family were often cited as the reason why young people,

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[231] Stewart-Brown, "Emotional Wellbeing and its Relation to Health", 1608; James House, Karl Landis, and Debra Umberson, "Social Relationships and Health," *Science* 241, no. 4865 (1988): 540-45.

[232] Marie Hutton, "Visiting Time: A Tale of Two Prisons," *Probation Journal* 63, no. 3 (2016): 348; For further reading, see Karen De Claire and Louise Dixon, "The Effects of Prison Visits from Family Members on Prisoners' Well-Being, Prison Rule Breaking, and Recidivism: A Review of Research since 1991," *Trauma, Violence, & Abuse* 18, no. 2 (2017): 185-99.

[233] Helen Johnston, "Imprisoned Mothers in Victorian England, 1853–1900: Motherhood, Identity and the Convict Prison," *Criminology & Criminal Justice* 19, no. 2 (2019): 228-9.

[234] 15 August 1846, Pentonville Minute Books, PCOM 2/86, 4.

[235] Philip Priestley, *Victorian Prison Lives* (London: Random House), 42, 207-8.

[236] Ibid.

especially children, turned to crime – a common experience termed the "economy of makeshifts" that, as A.W. Ager argues, was largely facilitated by the systematic closing of public spaces, such as the commons, that might have provided for previous generations.[237] Penal reformers critiqued the influence families had in inspiring criminal behaviour in individuals, lamenting the poor quality of parental morality or inclination for appropriate education – poverty or difficult circumstances notwithstanding.[238] But if a prisoner in Pentonville slated for release did not have family to care for him, he could not leave. While reformers castigated lower-class families for failing to provide adequate moral and economic support, they also relied on those same families to care for prisoners otherwise damaged by institutional life. This rather unfortunate catch emphasises the extent to which family quietly supported the Victorian "locus of care".[239]

Families provided comfort for prisoners, but they were also used by prison staff as a litmus test to ascertain the health of a prisoner's state of mind. For instance, eighteen-year-old Joseph Lees (969) had been punished multiple times for his belligerence, having been confined in a straight waistcoat in March 1846, and confined in a dark cell for "shamming mania".[240] He was also frequently written up for his "impudent" manner, having spoken to Major Jebb in "a most extraordinary and incoherent manner", and done the same to the medical commissioner recorded only as Dr Ferguson.[241] Another medical officer, one "Dr Seymour", was of the opinion that Lees was shamming, believing that he was simply "inclined to be refractory".[242] In September 1846, Lees was visited by his friends, who became "distressed" at the state of him, "and inquired if he were of sound mind".[243] Their concern was so great that with Lees "having impressed his friends with a belief that he is insane", Dr Seymour was once more brought in to investigate the matter, but "he is still inclined to consider him as imposing".[244] Shortly afterwards, Lees was visited by his uncle:

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[237] A.W. Ager, *Crime and Poverty in 19th-Century England: The Economy of Makeshifts* (London: Bloomsbury Publishing, 2014): 131-40.

[238] K. Ittmann, *Work, Gender and Family in Victorian England* (London: Palgrave Macmillan, 2016), 165.

[239] P. Horden and R. Smith, *The Locus of Care: Families, Communities, Institutions, and the Provision of Welfare since Antiquity* (Milton Park: Taylor & Francis, 2013), 90-110.

[240] 14 March 1846, Pentonville Minute Books, PCOM 2/85, 187-88; 28 March 1846, PCOM 2/85, 196.

[241] 16 January 1847, PCOM 2/85, 157-8.

[242] Ibid.; 18 July 1846, PCOM 2/85, 299.

[243] 26 September 1846, PCOM 2/86, 35-6.

[244] Ibid., 37.

> [He] stated that the said [prisoner] had been just in the same eccentric way from a child and he did not consider him out of senses, though his mother who had recently visited him did think so. … He felt sure his nephew was not mad that he had been a thief from his childhood and that the jeering impertinent way of conducting himself had been observed by his friends for many years.[245]

This tension between mental illness and something else was a frequent occurrence. In November 1847, the chaplain remarked that, although Joshua Gregg (1166) "invents nonsense", such as self-declaring himself to be "the Saviour" (presumably Christ), "his conduct and manner are not that of an insane person, but merely impertinent".[246] As in the case of Lees, he was clearly mentally unwell but his symptoms did not manifest in an appropriate way; when Lees at last "[did] not deny the fact" that he has been shamming, medical staff were vindicated.[247]

The case of Joseph Lees demonstrates that the testimony of family and friends could have significant influence over a prisoner's fate. Staff, particularly medical staff, went back and forth on prisoners, often engaging multiple times with prisoners whose behaviour was believed to be out of the ordinary. Lees was removed to Millbank Prison in March 1847, where he was reported as being "not bad tempered, but a man of much low cunning, with a good deal of <u>mother</u> <u>wit</u>, long simulated insanity, ignorant, depraved, incorrigible".[248] Lees remained in Millbank until May that year, when he was once more transferred, this time to Bethlem Hospital; his recorded cause of insanity was "not known", though he was "incoherent" and delusional.[249] He was moved to Fisherton House, a private asylum in Salisbury, in July 1849 where he remained until at least 1851.[250] The number of prisoners like Lees who remained in the charge of institutions even after their release from prison is unclear; such a study would require forensic mapping of multiple institutions. In this instance, the cases of prisoners brought into the care of family or friends appears higher simply because

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[245] 5 December 1846, PCOM 2/86, 116-7.

[246] 20 November 1847, PCOM 2/87, 93.

[247] 14 March 1846, PCOM 2/85, 187-8.

[248] Emphasis original. 11280 Joseph Lees, Millbank Prisoner's Register, AJCP, PCOM 2/26/5973, 247

[249] Lees believed that "the Queen is his mother and that he got money from the bottom of the sea". See Joseph Lees, Bethlem Criminal Patient Casebooks, CBC-02 (1847), 119.

[250] Joseph Lees, Bethlem Criminal Patient Admission Register, ARD-01 (1847), 27-8; Joseph Lees, Census Returns of England and Wales 1851, TNA, HO107/1846/492, 6.

they had to escort the prisoner from Pentonville, and so their contact with prison staff was noted. Otherwise, on first glance, many men appear to "disappear" once they leave the prison.

As scholar Akihito Suzuki finds, the Victorian period consolidated the family's status as "an important agent as matters of lunacy became increasingly well established".[251] Suzuki argues that, later in the century, "institutional psychiatry drew its cultural relevancy from the family", relying on and taking guidance from family members to determine a patient's normalcy and, by proxy, their care.[252] Echoes of this process can be identified during the Experiment. For example, when prisoner Thomas Hockley (897) was recommended for a free pardon on medical grounds, his father wrote a letter "stating that he is both willing to receive his son and to exert himself as well as his family to do for him the very utmost of their power".[253] There is also evidence that prisoners were further institutionalised on such testimony. John Buxton (784) was removed to the convalescent hulk at Woolwich simply because "authentic information had been received of insanity existing in the prisoner's family".[254]

Indeed, even if a prisoner could return home, problems then arose around how to care for them. When young James Baxter's (1223) declining health was brought to the attention of the Board, they resisted discharging him from the prison as "he had no friends to take care of him"; in other words, Baxter's post-release care was explicitly returned to a local level, where the "problem of how to cater for prisoners … was most keenly felt".[255] While community caregiving was commonplace, little could prepare a family for a prisoner's needs in shifting from institution to home life.[256] Just as Baxter needed a family to tend to him, he also needed support in transitioning from a prisoner to an invalid. A question lingers over what exactly families were supposed to do with this institutional flotsam. What is clear is that these sad figures were no longer the responsibility of Pentonville.

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[251] Akihito Suzuki, *Madness at Home: The Psychiatrist, the Patient, and the Family in England, 1820-1860* (Oakland: University of California Press, 2006), 163.

[252] Ibid., 118, 52-3.

[253] 3 January 1847, Pentonville Minute Books, PCOM 2/86, 146-8.

[254] 11 October 1845, PCOM 2/85, 92.

[255] Records of the Prison Commission, Pentonville Minutes, PCOM2/86/5978, 278; JF Saunders, "Criminal Insanity in 19th Century Asylums," *Journal of the Royal Society of Medicine* 81, no. 2 (1988): 73-74.

[256] M. Anderson and A.P.J. Anderson, *Family Structure in 19th Century Lancashire* (Cambridge: Cambridge University Press, 1971), 147.

This section has found that family had a much larger role to play in the diagnosis and management of prisoners than the scholarship on Pentonville Prison has previously considered. In many cases, communicating with and engaging family members in the care of prisoners opened new pathways for prison staff to connect with their charges. However, as the case of Joseph Lees demonstrates, some family testimonies were repurposed or reinterpreted to better serve the object of separate treatment. There is no doubt that further research would uncover the nuance in such complex dynamics.

Defining Mental Health

Marland and Cox do not differentiate between "mania, delusion, depression, and despair", likely using this as blanket evidence for mental unrest among prisoners.[257] Their work indicates a belief that melancholia, mania, and depression were used interchangeably in this period, when I find that these were understood by the Victorians as related but distinct disorders. For instance, it is notable that no case of melancholia was ever recorded at Pentonville between 1842 and 1849. Instead, depression was the most common state reported among Pentonville prisoners. These reports were made with numbing regularity in the Minute Books:

> Reports Reg No 288 to be dull heavy and sullen. Reg no 210 Robt Henshaw to be strongly affected with religious impressions. That Reg No 398 Henry Wright hinted an intention of destroying himself. Reg no 210 suffering from depression.[258]

The first definition of depression recognisable to a contemporary twenty-first century audience was preliminarily established in 1852.[259] Until then, depression was understood as "a morbid diminution of action" caused by low spirits.[260] Temporary depression was believed to be quite common.[261] On the whole, depression was perceived to be an offshoot of a physical illness, likely in the blood, as different parts of the body became irritated and

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[257] Cox and Marland, "'He Must Die or Go Mad'", 78-109.
[258] 23 September 1843, Pentonville Minute Books, PCOM 2/84, 98.
[259] Kenneth Kendler, "The Origin of our Modern Concept of Depression—the History of Melancholia from 1780-1880: A Review," *JAMA Psychiatry* 77, no. 8 (2020): 864.
[260] G.B. Wood, *A Treatise on the Practice of Medicine* (London: Grigg, Elliot, and Company, 1849), 58.
[261] Ibid., 59-60.

"depression" soon followed.[262] Depression could accompany melancholia, which was understood by characteristics like "sullenness, taciturnity, meditation, dreadful apprehensions, and despair".[263] The association of melancholia with mental illness was a relatively new development, having been put forward only in 1817 by a French alienist.[264] By 1838, melancholia was more succinctly "characterised by partial, chronic delirium, without fever, and sustained by a passion of a sad, debilitating or oppressive character".[265] As scholar Åna Jansson illustrates, Victorian physicians applied the term "depression" in a literal way, implying that the afflicted body was being "pressed down", yet in melancholia, "the 'tone' of the mind was slackened and subdued".[266] Victorians used the term "depression of spirits" as an emotional or mental depression with a physical dimension, but this was in contrast to mania, or mental excitement.[267] In short, depression was not used as shorthand for melancholia, or vice versa: they were different terms denoting specific diseases.[268]

It matters little whether prisoners were truly suffering what a current audience would recognise as clinical depression – these prisoners were still suffering. Rather, we ought to question why recent studies have conflated contemporary and historical definitions of depression, blindly emphasising the perceived timelessness of the condition, when it should be evident that different diagnoses speak to different eras. One is not more serious than the other because it is pathologised. Rather, taking a closer look at the nuance in diagnosing Pentonville prisoners tells us more about the awareness, recording, and management of mental health in an institutional context. This inadvertently highlights how closely bound the development of mental health knowledge was to institutions – we might wonder how health in prison contexts had progressed had the Pentonville Experiment not occurred.

Take, for instance, recorded instances of depression among Pentonville prisoners, which was more often understood as a *physical* symptom of the effects of separate treatment. Over the

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[262] Ibid.

[263] Kendler, "The Origin of our Modern Concept of Depression", 864.

[264] Ibid.

[265] E. Esquirol and E.K. Hunt, *Mental Maladies; a Treatise on Insanity* (London: Lea and Blanchard, 1845), 203.

[266] Åsa Jansson, *From Melancholia to Depression: Disordered Mood in Nineteenth-Century Psychiatry* (New York: Springer Nature, 2021), 70-3.

[267] Ibid.; Gerrit Glas, "A Conceptual History of Anxiety and Depression," in Kasper Siegfried, den Boer Johan, and Ad Sitsen (eds.), *Handbook of Depression and Anxiety: Second Edition, Revised and Expanded,* (New York: Marcel Dekker, 2003), 15.

[268] Jansson, *From Melancholia to Depression,* 70-3.

first few years of the Experiment, prison authorities assured contemporaries that separate treatment was a "serious punishment, [but] gradually [it] ceases to inspire the dread it at first causes, and becomes relieved of its depressing character" – meaning prisoners were believed to bounce back – but in reality, this was not the case.[269] John William Green (569), for example, "appeared unduly depressed since he was in the dark cell a fortnight before".[270] Treatises on prison discipline perceived that a period in a dark cell followed by hard labour wore out the mind and body which, in combination with the chaplain's attention, ought to open the prisoner up to self-reflection.[271] A period in the dark cell was believed to be worse than putting a prisoner on a refractory diet of bread and water, yet both had the effect of physically reducing a prisoner until he was compliant.[272] "Sullen and indifferent" nineteen-year-old Harris Nash (66) was removed to Millbank Prison from Pentonville in October 1844, before he was removed to the infirmary a mere four months later.[273] He died on 7 January 1845, his "body was what may be termed a skeleton".[274] This depressive type of physical debilitation "produced a species of decline in which the opposite treatment becomes the best remedy": fresh air and exercise instead of the repressive dark cell.[275]

Records particularly single out younger men as being reduced to shadows of themselves. For example, Hampshire native James Goddard (987), was reported as being "a fresh-looking farm labourer [who] now looks miserable and is too weak for any labour".[276] One 1846 case garnered particular attention. Prisoner William Dring (991), was first noticed when he began talking "strangely" and acting in odd ways: he lay in bed without a shirt; he fouled his bed and offered no explanation; refused food; and would stare at the wall with a vacant expression.[277] Dring was first suspected of faking his symptoms, yet when he showed evidence of catarrh, the medical officer moved him to the infirmary. Dring's physical health proved perfectly fine – only his behaviour was confusing. He was ordered to be under close

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[269] Third Report, Command Papers (613), iv.

[270] 19 January 1846, Pentonville Minute Books, PCOM 2/85, 160.

[271] Anon, "Penal Discipline and Remedies for Crime", *The Law Magazine: or Quarterly Review of Jurisprudence*, Vol. XI (1849): 73-4.

[272] Minutes of Evidence, Royal Commission to inquire into the Management of Millbank Prison, Command Papers (768), Vol. XXX.81 (1847), 56.

[273] 66 Harris Nash, Pentonville Prisoners' Register, AJCP, PCOM 2/61/5977, 24-5.

[274] Appendix A., Royal Commission to Inquire into Management of Millbank Prison, Command Papers (760), Vol. XXX.1 (1847), 21.

[275] 26 September 1846, Pentonville Minute Books, PCOM 2/86, 34.

[276] Ibid.

[277] 24 October 1846, PCOM 2/86, 48-51.

observation. On 5 October 1846, Dring "died having been sinking since the preceding night [his] depression observed the preceding day [having] increased gradually in spite of all remedies".[278] Perplexed, the medical officer considered it "one of the most extraordinary cases he ever saw".[279]

What constituted "health" and "sickness" were loosely set out by the guidelines of the Pentonville Experiment. The problem was that the abundance of prisoners falling ill at Pentonville challenged pre-existing notions of health and criminality. For instance, when Goddard, the "fresh-faced farm labourer", deteriorated under separate treatment, it partly revealed an inherent tension in this state-sanctioned effort to remake criminals into acceptable echoes of middle-class masculinity and morality, especially when such efforts broke down otherwise healthy, working, male bodies. These cases may indicate to a current audience post-traumatic stress disorder (PTSD), as sufferers of this disorder are more likely to deteriorate physically as well as mentally.[280] But to Pentonville contemporaries, the mounting evidence that separate treatment, especially punishment in the dark cell, adversely affected mental health, was becoming clear. It is also apparent that Pentonville authorities struggled to reconcile this knowledge with the accepted understanding that such mental illness had a physical dimension. Arguably, the results of the Experiment illustrated that depression of spirits and of the body could manifest simultaneously and were not necessarily always distinct from one another. When, in February 1848, a cohort of Pentonville prisoners were moved to the Hulks, the medical officer there reported that the men were "enfeebled in mind or otherwise affected in health, the greater part of them suffering from mental depression, and considered by [him] to have been brought on at Pentonville".[281]

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[278] Ibid.

[279] Ibid.

[280] Gergő Baranyi et al., "Prevalence of Posttraumatic Stress Disorder in Prisoners," *Epidemiologic Reviews* 40, no. 1 (2018): 134-45; Jordana L Sommer et al., "Comorbidity in Illness-Induced Posttraumatic Stress Disorder Versus Posttraumatic Stress Disorder Due to External Events in a Nationally Representative Study," *General Hospital Psychiatry* 53 (2018): 88-94; Jordana L. Sommer, Renée El-Gabalawy, and Natalie Mota, "Understanding the Association between Posttraumatic Stress Disorder Characteristics and Physical Health Conditions: A Population-Based Study," *Journal of Psychosomatic Research* 126 (2019): 1-3.

[281] 19 February 1848, Pentonville Minute Books, PCOM 2/87, 157.

Immoral, or Insane?

Prison staff might have been challenged to reframe their understanding of depression in light of the experiment; however, there remained a constant, well-understood threat to prisoner health: insanity. What did happen when a prisoner was believed to have gone "insane" as a result of his confinement? To begin, it is important to outline the types of behaviour that were perceived as symptoms of insanity. I roughly categorise these symptoms as so-called noncompliant or immoral behaviour; nervous afflictions; and mania or hallucinatory states. The following sections unpack these three categories of symptoms with a view to better understand how diagnosing prisoners as "insane" was a highly individualised process, one that has been simplified in previous Pentonville Prison scholarship. Importantly, I contend that perceiving certain prisoners to be "insane" as a result of their confinement is complicated by the very nature of separate treatment, namely its moral overtones.

The first category of behaviour perceived as a symptom of insanity was noncompliant or immoral behaviour. This concept first requires some definition. That bad characters could be mad is a recurring theme in studies on madness.[282] In the context of the Experiment, compliance with institutional guidelines meant adhering to socially appropriate and therefore moral behaviour. As oppositional behaviour was culturally coded as criminal or criminal-like, I argue that it logically follows that noncompliant or immoral behaviour fell at the end of the spectrum with the recidivists and habitual criminals. Moreover, with the medicalisation of morality so prevalent in this period, exploring the link between recalcitrant behaviours and symptoms of insanity is to draw through the Victorian pathology of criminality.

Many of these noncompliant or difficult behaviours can be explained by boredom and frustration. Thomas Griffiths (873) was punished with three days in the dark cell on bread and water "for having been detected in the act of onanism" – masturbation.[283] Masturbation was commonly regarded as "the root of a host of medical and physical disorders".[284] Before the mid-century, "the hypothesis that masturbation was a significant cause of insanity became a prominent tenet in international psychiatric thinking", thus determining the act as

[282] See, for example, Rimke and Hunt, "From Sinners to Degenerates", 59-88; Schirmann, "Badness, Madness, and the Brain", 33-50.

[283] 7 June 1845, Pentonville Minute Books, PCOM 2/85, 3-4.

[284] Ronald Hamowy, "Medicine and the Crimination of Sin: 'Self-Abuse' in 19th Century America," *Journal of Libertarian Studies* 1, no. 3 (1977): 232.

symptomatic of mania.[285] At times, a prisoner's behaviour could be so strange that it defied definition. When John Jones (1151) was caught in the act of melting buttons in the flame of his gas light, he was determined to have shown "some degree of imbecility" and was punished accordingly.[286]

Plenty of prisoners were reported by their warder as acting oddly only to be examined and found physically healthy.[287] Twenty-two-year-old Thomas Hockley (897), a butcher from Braintree, Essex, was reported by the schoolmaster as "speaking in a strange way".[288] The incident was forwarded to the medical officer, who remarked that Hockley was "one of a class of prisoners who are incapable from some mental weakness of receiving advantage from the education offered".[289] For example, John Martin (972) had "been struggling to learn the alphabet now for 12 months", and "considerable pains" had been taken with him, Francis Neave (913), and some others, "to think as well as to read with scarcely any success".[290] Illiteracy was not immorality but it was a symptom of poverty, which was believed to be a harbinger of criminal behaviour. Reformers believed that education was fundamental to the prevention of crime and disorder.[291] Evidently, Hockley, Martin, and Neave, all struggled with the education program at Pentonville. Yet, in the context of separate treatment, their struggles were viewed through the lens of moral reform, which alternately interpreted prisoners as feigning and conniving or victims of their previous circumstances. Tellingly, the distinction lay in the behaviour of the prisoner himself, who could either assuage or confirm suspicions of his noncompliance by conforming to acceptably civil codes of conduct. In this the testimony of the chaplain was paramount, for he alone could ascertain the "truth" in a prisoner's heart. For example, when Joseph Lees (969) was reported to be "much depressed and strange in his manner", the chaplain added that Lees' "disposition [was] very bad and marked by a great deal of low cunning".[292] When Lees was confronted and accused of

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[285] Ibid., 232-3; H Tristram Engelhardt, "The Disease of Masturbation: Values and the Concept of Disease," *Bulletin of the History of Medicine* 48, no. 2 (1974): 242.

[286] 5 December 1846, Pentonville Minute Books, PCOM 2/86, 105-6.

[287] "That reg 887 C King having been reported by his warder as peculiar in manner, he had examined him, but could see no reason to suspect him of mental disease…" (26 September 1846, PCOM 2/86, 37).

[288] Ibid.

[289] Ibid.

[290] Ibid.

[291] Harvey J Graff, "'Pauperism, Misery, and Vice'; Illiteracy and Criminality in the Nineteenth Century," *Journal of Social History* 11, no. 2 (1977): 246.

[292] 14 March 1846, Pentonville Minute Books, PCOM 2/85, 187-8.

feigning symptoms of mental illness, he did not deny it.[293] This noncompliance condemned Lees, who was subsequently punished with three days in the dark cell on bread and water "for shamming mania".[294] Prisoner testimony was useful inasmuch that it confirmed assumptions made about a so-called criminal character.

In sum, while odd or slow behaviour was not itself criminal, moral reform reframed these to include a degree of conscious thought and action, therefore making a distinction between consciously duplicitous behaviour and unconscious, almost naïve, insanity. Paradoxically, just as a hereditary predisposition to disease could make a prisoner's illness their fault, a prisoner could also choose to be mad. At the precipice of these ideas was the concept that to be criminal was to be less than human: degenerate, uncivil, driven by animal urges.[295] While it would not be until the latter half of the century that more formal theories of generational degeneration would emerge, it should be clear that the ideology of moral reform disciplines like separate treatment helped facilitate pre-existing conceptions of criminality and behaviour, and sowed the seeds for what was to come.[296]

To lose control of oneself was to lose one's humanity. This was the essence of moral reform. When prisoners did lose control, there were a few methods at hand for staff to restore that control. A key example occurred in 1846, when John William Green (569), a teenage French polisher sentenced to fourteen years transportation, began acting out – violently. In January, Green had been found in the refractory ward, where he had attempted to strangle himself with his stockings, which were taken from him on his second attempt.[297] Yet, the medical officer believed the act "only pretence on his part".[298] He was promptly removed to a dark cell, where he became "unduly depressed".[299] Green acted out again in March. He "behaved very violently and shammed insanity", causing the medical officer to place Green in a "straight waistcoat and confine him to the wooden bed in one of the refractory light cells to prevent

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[293] Ibid.

[294] 28 March 1846, PCOM 2/85, 196.

[295] See, for example, M.S. Roberts, *The Mark of the Beast: Animality and Human Oppression* (West Lafayette: Purdue University Press, 2008), 177-9.

[296] For an overview of the theory of hereditary degeneration, see W. Hirsch, *Genius and Degeneration: A Psychological Study* (London: D. Appleton, 1897), 118-9.

[297] 19 January 1846, Pentonville Minute Books, PCOM 2/85, 159.

[298] Ibid.

[299] Ibid., 160.

him doing mischief".[300] For context, the straight waistcoat or straitjacket was invented by the Quakers, who intended its use to help the subject regain control over themselves.[301]

At the time of the Pentonville Experiment, the restraint versus non-restraint debate in asylums was well underway, with psychiatrist Dr John Conolly (1794–1866) advocating in 1839 for a complete eradication of mechanised restraint tools.[302] The use of the straitjacket in Pentonville should not be surprising, given the overt Quaker influence over the prison's management, but it *was* an unusual decision in an institution that prided itself on its modernity. After Green's restraint, he was returned to normal prison life and was reported to "no longer sham mania".[303] Subsequent observations found Green subdued "and ashamed of his folly".[304] But in April 1846 Green once more attempted to commit suicide and assaulted the warder who found him.[305] Despite the view of the Commissioners that traditional restraints be avoided in the prison, Green was placed in irons and cuffed in the refractory ward, where he had "given himself up to despondency and recklessness".[306]

There were other instances of prisoners being physically restrained when they did not comply. James Allen (732) had a terribly violent temper and conduct and had to be handcuffed to calm down.[307] The hands of Henry Jones (1025) were bound with flannel after he created "noise and disturbance in the refractory ward".[308] After this event, Dr Conolly himself visited the prison with a Dr Monro Seymour in July 1847.[309] Together they examined Jones but despite his violent ideations, they "could not consider him of unsound mind".[310] Jones was later discretely removed to the York Hulk at Gosport.[311] While physical restraints were an administrative tool to help control unmanageable prisoners, it also had the effect of pathologising noncompliance. In the case of men who were clearly suffering, as with John

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[300] J. Colaizzi, "Seclusion & Restraint: A Historical Perspective," *Journal of Psychosocial Nursing & Mental Health Services* 43, no. 2 (2005): 33.
[301] Ibid.
[302] Ibid.
[303] 28 March 1848, Pentonville Minute Books, PCOM 2/85, 197-8.
[304] 11 April 1846, PCOM 2/85, 212-3.
[305] 25 April 1846, PCOM 2/85, 218.
[306] Ibid., 220-1.
[307] 28 February 1846, PCOM 2/85, 179-80.
[308] 17 July 1847, Pentonville Minute Books, PCOM 2/87, 10.
[309] Ibid., 13-4.
[310] Ibid.
[311] Ibid.

William Green, the use of restraints tied nonconformity to mental illness and explicitly pathologised bad behaviour.

Nervous Afflictions

In 1849, physician William Moseley defined "nervous afflictions" primarily as "confusion", broadly conceptualised.[312] Confusion of mind could "impose heavy loads of silent wretchedness; [create] suspicions that are groundless; … and occasionally causes so much disrelish for life, as to induce them to long for its extinction".[313] One tangible example of this confusion was "hypochondriasis".[314] This was a condition closely aligned with "hysteria" for its tendency to "simulate organic diseases of various parts of the body" – some medical men went so far as to suggest that hypochondriasis was the male equivalent of hysteria, which was perceived to exclusively affect women.[315] Hypochondriasis was a form of confusion namely as the patient believed, "without cause, that he is the subject of serious bodily disease".[316] A patient might become "gloomy, reserved, and wrapped up in himself; or his mental state alternates between a moody silence and high spirits with great loquacity".[317] Hypochondriasis was, in fact, somewhat similar to melancholia, and older physicians were apt to make "the same distinctions" between them.[318]

Cases of hypochondriasis occurred often enough in Pentonville to warrant reporting. In May 1847, three prisoners were flagged under the suspicion that they were showing hypochondriacal symptoms.[319] Another prisoner, James Graham (635) – reportedly a "naturally weak-minded" and "very bad" man – was remarked as being "very hypochondriacal, though he has no hallucination, and his intellect appears just what it was

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[312] W. Moseley, *Twelve Chapters on Nervous or Mind Complaints, Etc. Fourth Edition* (London: Simpkin, Marshall, & Co., 1849), 14-5.

[313] Ibid.

[314] C.H. Fagge and P.H. Pye-Smith, *The Principles and Practice of Medicine* (London: J. & A. Churchill, 1888), 843.

[315] Ibid.

[316] Ibid.

[317] Ibid.

[318] J.H.S. Beau, "New Researches Upon Arterial Murmurs, and the Application of Such Researches to the Study of Several Diseases," *The Medico-Chirurgical Review and Journal of Practical Medicine* 4 (1846), 350.

[319] These were John Tarrant (1229), Robert Johnson (1112), and William Brearley (1203). See 8 May 1847, Pentonville Minute Books, PCOM 2/86, 261.

when first received into the prison".[320] However, just a month after his symptoms were first noted, he suffered attacks of mania.[321] The medical officer rather mildly noted that Graham's behaviour was "commonly entertained by highly nervous patients":

> [Graham has] fears of death and of not being forgiven, and has various fancies that insects have got into his head, that he has seen his mother, and raves about his father's spirit, which he said was inside him…[322]

Overall, it was recorded in the official Pentonville reports that between 1845–9, a total of 29 prisoners suffered hypochondriacal and nervous afflictions.[323] While this number, of course, only reflects those cases that were deemed severe enough to be reported, it is important to note that the distinction was made between those categories and mania or other mental delusions, indicating that these, at least, were understood as distinct by Pentonville authorities.

Mania

The final symptom of insanity that manifested at Pentonville was mania. Marland and Cox have outlined the peculiar type of "religious mania" that some prisoners suffered during their confinement, but we must be reminded that their work focused on the figure of the chaplain in the prison and the intersection of religion with separate treatment.[324] The Pentonville Minute Books reflect only one wave of religious mania, and it coincided with the employment of a particularly zealous chaplain.[325] Aside from that extraordinary case, "mania" was usually used in a general way to capture behaviour indicative of insanity. For instance, convict James Graham alternately oscillated between mania and hypochondriasis.[326] It was only in

[320] 7 June 1845, PCOM 2/85, 6.
[321] 5 July 1845, ibid., 33-4.
[322] Ibid.
[323] See Fourth Report, Command Papers (751), 36; Fifth Report, Command Papers (818), 50; Sixth Report, Command Papers (972), 50; Seventh Report, Command Papers (1101), 21; Eighth Report, Command Papers (1192), 21.
[324] Cox and Marland, "'He Must Die or Go Mad in This Place'", 78-109.
[325] See 16 December 1843, Pentonville Minute Books, PCOM 2/84, 100.
[326] 5 July 1845, PCOM 2/85, 33-4; 15 August 1845, PCOM 2/85, 57, 59.

September 1845, two months after his first symptoms were recorded, that Graham was believed to be "monomaniacal".[327]

From 1780 to 1820, mania was viewed as a disorder of reasoning and judgement; consensus soon shifted, and, until the 1860s, mania was reframed as a mood disorder, specifically of "elevated" moods.[328] This raises two points. The first, slightly lesser point, is that it is evident that the pathologising of behaviour that ran in opposition to the Enlightenment's conception of self-control and self-governance – what historian Jonathan Israel terms the "crisis of the European mind" – resulted in "mania" as an anti-social concept.[329] The second, more important point is that if we pull this thread through to its conclusion, it is unsurprising that, as the Victorian ideal of masculine self-control took hold, the definition of mania expanded. As scholar Woodruff Smith reminds us, one of the "principal elements of respectability as a public construct was the idea that there is a *moral* hierarchy which can and should be laid across any legitimate *social* hierarchy defined by some other means".[330] If mental health was tied to the concept of morality and, by proxy, self-governance, then this helps explain the myriad reports of Pentonville prisoners acting "excitably", a general term used to describe any state of mind in which the patient was not calm.[331] Appropriate behaviour was expected of all prisoners, regardless of class. In fact, a sense of calm was increasingly demanded of the Victorians, particularly as industrialisation accelerated the rate of life all around them.[332] Acting excitably could be read as a precursor to mental illness, like mania, or it could be a symptom of latent insanity.

Though most reports of mental illness in Pentonville had collapsible definitions, mania was, arguably, the most expansive, and was the diagnosis most readily aimed at troublesome prisoners. For example, one convict repeatedly declared he knew three of the warders when he used to live in the country, though staff confirmed this delusion was quite impossible.[333]

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[327] 27 September 1845, PCOM 2/85, 79.

[328] Kenneth Kendler, "The Origin of Our Modern Concept of Mania in Texts from 1780 to 1900," *Molecular Psychiatry* 25, no. 9 (2020): 1975.

[329] Jonathan Israel, *Radical Enlightenment: Philosophy and the Making of Modernity, 1650-1750* (Oxford: Oxford University Press, 2001), 14-22.

[330] Emphasis original. Woodruff D. Smith, *Respectability as Moral Map and Public Discourse in the Nineteenth Century* (London: Taylor & Francis, 2017), 72-3.

[331] D. Peschier, *Lost Souls: Women, Religion and Mental Illness in the Victorian Asylum* (London: Bloomsbury Publishing, 2019), 103.

[332] W.E. Houghton, *The Victorian Frame of Mind, 1830-1870* (New Haven: Yale University Press, 2014), 1-8.

[333] Sixth Report, Command Papers (972), 5.

His onset of mania was short lived, as after exhibiting no other "unfavourable symptoms", he was transported.[334] In those of unsound minds, it was "quite uncertain at what time the disease will reach the period of mania – any circumstance may bring it forth".[335] Despite diagnostic uncertainty, the "biological deviation among criminals" seriously helped explain the symptoms of ill-health.[336] It bears repeating that removing prisoners on the basis of ill-health was explicitly discretionary.[337] The outcome rested entirely with the Commissioners whose decision necessitated considering "the future destiny of the prisoner".[338]

As mentioned above, some prisoners experienced a type of "spiritual exaltation", as John Grundell (776) did in January 1846.[339] Other prisoners, however, directed their feelings of vulnerability and fear outwards: prison staff were frequently the focus of prisoners' fears, especially medical officers. Thomas Sharp (700), for example, expressed "a belief that he was to be killed by the medical officers and dissected".[340] Edward Ockden (486) "was under an impression that castration formed part of his sentence".[341] James Knopsey (39) suspected the warders were conspiring against him; and William Riley (1082) thought the wardens were "speaking about him".[342] Henry Gammon (666) complained "that his food is adulterated and that water and grease are poured upon him through the ventilation grates".[343] As a clinical view of paranoia only emerged in the last two decades of the century, it stands to reason this behaviour instead took on a moral interpretation.[344] After all, these visions or beliefs were difficult for prison staff to engage with, primarily because accusations of institutional

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[334] Ibid.

[335] Alison Johnson, "Haunting Evidence: Quoting the Prisoner in 19th Century Old Bailey Trial Discourse: The Defences of Cooper (1842) and Mcnaughten (1843)," *The Pragmatics of Quoting Now and Then* 89 (2015): 385.

[336] Peter Scharff Smith, "Isolation and Mental Illness in Vridsløselille 1859-1873," *Scandinavian Journal of History* 29, no. 1 (2004): 1060-61.

[337] Report of the Surveyor-General of Prisons on the Construction, Ventilation, and Details of Pentonville Prison, Command Papers (594), Vol. XXVIII.127 (1844), 26.

[338] Ibid.

[339] 19 January 1846, Pentonville Minute Books, PCOM 2/85, 175-6.

[340] Ibid.

[341] 7 June 1845, PCOM 2/85, 5.

[342] 9 December 1843, PCOM 2/84, 99; 24 October 1846, PCOM 2/86, 48-51.

[343] 14 November 1845, PCOM 2/85, 109.

[344] A. Castagnini, "Paranoia and its historical development (systematised delusion)", *History of Psychiatry* 27, no. 2 (2016): 229-40; A.N. Chowdhury et al., "Culture, ethnicity, and paranoia", *Current Psychiatric Reports* 8, no. 3 (2006): 174-8.

mistreatment were what galvanised the prison reform movement in the first instance and in the end resulted in Pentonville Prison.

That prison staff were the focus of prisoners' fears is hardly surprising. Just as they could bring relief to prisoners in the form of extra letters or rations, they were also the foremost representative of prison administration. Daily contact initiated a relationship based on exposure and dependence. But true understanding was difficult to gain, given the layered social, cultural, and class anxieties of the prison, let alone the historical period more generally.[345] While the tenets of separate treatment stressed a homogenous approach to reforming prisoners, this chapter demonstrates that the needs of prisoners were quickly realised on individual levels, and prison staff necessarily had to treat prisoners on a more intimate basis to safeguard against mental and physical illness. In other words, though Pentonville intended to be an oasis of reform, fear, sadness, and anxiety bubbled beneath the surface, often taking peculiarly visceral forms that tended to hover over the prisoner's vulnerable body.

Death

Dying at Pentonville was a loaded issue politically, medically, and spiritually: politically, because the separate treatment experiment was a reformist gamble; medically, because the institution was in the crosshairs of competing medical dialogue and practice; and spiritually, because of the Victorian obsession with the spirituality of death.[346] In such a heady moral and religious space as Pentonville, it was only practical that prison authorities could focus on mortality as a way to measure the success of the experiment. Table 1.3 shows that the mortality rate during the Experiment was remarkably low. However, as indicated earlier in this chapter, there are numerous cases where a prisoner was removed from the prison either before his death or if his condition appeared fatal. For example, prisoners suffering "natural" illnesses (disabilities) were frequently removed to the Hulks; and those believed to be suffering mental illness were removed either to other institutions or to their families. This

[345] As Lara Whelan observes, "true social homogeneity" among the Victorians "was almost impossible to attain". See L.B. Whelan, *Class, Culture and Suburban Anxieties in the Victorian Era* (Milton Park: Taylor & Francis, 2011), 41.

[346] As one scholar puts it: "The taboo of death in the nineteenth century cannot be properly understood without considering the crucial role that religion played in sepulchral matters". See Eliecer Crespo Fernández, "The Language of Death: Euphemism and Conceptual Metaphorization in Victorian Obituaries," *SKY Journal of Linguistics* 19, no. 2006 (2006): 104.

throws into question the reported figures on death in Pentonville Prison, as this was an enterprise with an implicitly political agenda.

Table 3.3 Recorded deaths at Pentonville Prison, 1844–9.[347]

Year	*Prison Population*	*Dead Under Sentence*	*Mortality Rate*
1844	425	-	0%
1845	119	3	<1%
1846	402	4	<1%
1847	195	1	<1%
1848	456	6	<1%
1849	-	8	-
	1,597	**22**	

Sources: Pentonville Prisoners' Register, Records of the Prison Commission, 1842–9, AJCP, PCOM 2/61/5977.

The general view of the Commissioners was that separate treatment "cannot be regarded as unfavourable to human life", though "it is true that a question may still be raised as to the effect which a long-continued separate confinement produces on the health of the convicts afterwards".[348] Compared to other contemporary prisons, the mortality rate for Pentonville Prison appeared low. This may have been because the prisoners selected for the Experiment underwent several stages of medical examination during their sentence. Even so, this diligence did not eradicate mental or physical illness in the prison. By and large, the Commissioners perceived the intervention of separate treatment in the "dissolute lives and habits" of prisoners a "merciful [adaptation] to the correction and restoration of the offender".[349] Sickness or death could not be "altogether avoided under any penal institution

[347] It is critical to note that the Pentonville Prison reports were published a year after its contents were collected. For instance, the figures under 1844 in Table 3.3 are, in practice, inclusive of the year 1843; 1849 is inclusive of the year 1848, and so on. My findings are, however, reflected in the following primary sources: Second Report of the Commissioners, Command Papers (536), Vol. XXVIII.71 (1844), 10; Third Report, Command Papers (613), Vol. XXV.53 (1845), ix; Fourth Report, Command Papers (751), Vol. XX.97 (1846), 24; Fifth Report, Command Papers (818), 4; Sixth Report, Command Papers (972), Vol. XXXIV.59 (1847-8), 4; Seventh Report, Command Papers (1101), Vol. XXVI.349 (1849), 4; and Eighth Report, Command Papers (1192), Vol. XXIX.125 (1850), 19.

[348] Sixth Report, Command Papers (972), 5.

[349] Ibid., 12.

which human wisdom and benevolence can devise".[350] Certainly, in comparison to the workhouses that continued to flourish across the country, Pentonville was utopian.

The first man to die during the Experiment was Charles Shipley (161) in April 1843.[351] He was a twenty-four-year-old clerk from Northwest London, where he lived with his parents, sister, and a handful of lodgers.[352] Charged with embezzlement in January 1843, he was sentenced to seven years transportation and sent to Newgate.[353] In March he was transferred to Pentonville Prison.[354] He was dead by April. In December that year, Reverend William Whitworth Russell spearheaded an inquiry "into the system now carried out at Pentonville Prison with a view of ascertaining the causes which have led to some of the Prisoners having been reported by the Medical Officer as suffering".[355] It was determined that Shipley had died from an "old disease of the brain and kidneys".[356] In other words a "natural" death – though he was only twenty-four.

Most deaths recorded at Pentonville were recorded as natural. These deaths were counted in the yearly report, which was consistently published a year after events – a death in 1843, for example, would be counted in the 1844 report.[357] Prisoners who suffered debilitating physical illness were more likely to be granted a pardon on medical grounds. For example, four prisoners died in late 1843, with three recorded as a natural death, and one from typhus fever.[358] In comparison, seven prisoners were granted pardons on medical grounds, the majority suffering pulmonary consumption.[359] Of these seven, two were later confirmed to have died after an unspecified amount of time.[360] A similar pattern occurred in 1845, with three "natural" deaths recorded and four pardons on medical grounds, either suffering phthisis or consumption.[361] Frequently, prisoners remarked as being "unfit" to continue

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[350] Ibid.

[351] As stated in footnote 347, Shipley's death would have counted in the 1844 report for the year 1843. See 1 April 1843, Pentonville Minute Books, PCOM 2/84, 19.

[352] Charles Shipley, Census Returns of England and Wales 1841, TNA, HO107/722/12, 21.

[353] 161 Charles Shipley, Pentonville Prisoners' Register, AJCP, PCOM 2/61/5977, 29-30.

[354] Ibid., 29.

[355] 16 December 1843, Pentonville Minute Books, PCOM 2/84, 20.

[356] Second Report, Command Papers (536), 51.

[357] See footnote 347.

[358] Third Report, Command Papers (613), 17-8.

[359] Ibid., 18.

[360] Ibid.

[361] Fourth Report, Command Papers (751), 34-5.

confinement under separate treatment were removed, either to Millbank Prison or to the hulks. In 1846, for instance, three prisoners suffering consumption were removed, one with a pardon, the other two to the invalid hulk at Woolwich.[362] The same can be observed in 1847, with two natural deaths recorded, and four consumptive cases removed.[363] The year 1848 had six deaths total, four the result of scrofula.[364] While the official reports stated that the death rate in Pentonville was higher than the free population, it was purported to be far lower in comparison to other prisons.[365]

Were prisoners being offloaded to different institutions to avoid their illness counting towards the Pentonville statistics? I contend that it is highly likely. Officially, any man "unfit" to withstand the treatment at Pentonville had to be removed for his own safety. This open definition afforded prison authorities significant discretion. There were other instances in which official reports obfuscated the state of health in Pentonville. For instance, if a man was removed from Pentonville to Millbank and subsequently died, he was not counted in the Pentonville statistics although his illness might have manifested there.[366] When it came to determining mortality in Pentonville, it was assured that not only was Pentonville below average, but the prisoners admitted were in "the prime of life" – they were a highly selected cohort, subject to rigorous standards of mental and physical health.[367] That the Experiment's mortality rate was lower for this reason should be self-evident, as prison regulations stipulated "weeding out" unsuitable candidates from the outset. But this can be read in another way. Death is not the metric of health: even if the selection process was so strident, the fact remains that mental and physical illness in the prison manifested at a consistent rate. In other words, that Pentonville's mortality rate was below average means very little when the rate of illness remained just as high, if not higher, than comparable institutions. I have found that, though prisoners might not have been dying onsite, they were still falling ill or suffering as a result of their confinement, with many of these men removed if their condition appeared fatal. This raises an opportunity for future scholars to examine the links made to other institutions; to consider just how much contact a prisoner might have had with various

[362] Fifth Report, Command Papers (818), 49.
[363] Sixth Report, Command Papers (972), 49.
[364] Seventh Report, Command Papers (1101), 4.
[365] Fifth Report, Command Papers (818), 10.
[366] Ibid., 52.
[367] Ibid., 10.

prison disciplines over the course of their sentence; and to explore the extent to which Pentonville was a progenitor of illness across potentially thousands of prisoners.

Suicide

Though prisoners could die as a natural result from illness or existing maladies, there was one type of death that warranted special attention by staff: suicide. In 1848, the medical officer called the attention of the Commissioners to what he perceived as unusually and dangerously high rates of suicide attempts.[368] He noted that these attempts could not be classified as symptomatic of hereditary insanity, or, indeed, or any type of insanity at all:

> These attempts … were of a nature indicating a recklessness and desperation never before observed in Pentonville Prison. They did not occur among incorrigible men of violent character, but the contrary; a deep despondency appeared to have been the forerunner of the desperation which prompted the act.[369]

Historian Victor Bailey reveals in his study on Victorian suicide that feelings of powerlessness and fear were common causes of suicide among young male adults at this time – an enduring finding.[370] Indeed, desperation appeared to colour the actions of many prisoners. When prisoner Francis Creech (449) attempted to stab himself with a knife in 1844, staff doubted his intentions to truly destroy himself, on account of him being "a person of low intellect and melancholic temperament".[371] Creech had been confined for quite some time and it was determined that he was "suffering very much".[372] He died in June 1845 from consumption; the inquest held into his death was ruled "natural".[373] Though Creech's death was separate from his suicide attempt, it remains important that he attempted suicide at all. In fact, many prisoners confined during the experiment attempted to harm themselves, although the majority of these attempts were interpreted as opportunistic gains to earn a pardon on medical grounds.

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[368] Eighth Report, Command Papers (1192), 23.

[369] Ibid.

[370] Victor Bailey, *This Rash Act: Suicide across the Life Cycle in the Victorian City* (Redwood: Stanford University Press, 1998), 113-6, 44, 53.

[371] Third Report, Command Papers (613), 19.

[372] 7 June 1845, Pentonville Minute Books, PCOM 2/85, 6.

[373] 25 June 1845, PCOM 2/85, 16; 449 Francis Creech, Pentonville Prisoner Register, PCOM2/61/5977: 23-24.

Over the course of a year, prisoners Henry Moncrieff (869) and William Kent (641) tried, at different times, to suicide by suspending themselves in their cells "at the moment they knew the warders were about to visit them".[374] Nineteen-year-old William James (606) tried to cut his throat with a shoemaking knife that was so sharp he would have succeeded "had he been inclined".[375] When William Baker (768) had been punished, he attempted to hang himself, "but was cut down in time and conveyed forthwith to the dark cell and handcuffed".[376] In May 1847, just under six months since his arrival in the prison, Joshua Mitchell (1233) "threatened to hang himself and subsequently made a Feigned attempt", as had prisoner Miles Land (1523), who "had been found hanging by a rope fixed to his loom … a feigned attempt at suicide".[377] When Ernest Sulty (1642), a Prussian sculptor convicted of larceny, attempted suicide by driving a chisel into the wall and hanging himself from it, the chaplain reported that the "miserable" prisoner had stated that: "He must 'either die or go mad in this prison … that all hope was gone'".[378] The chaplain considered this man "so irritable and with so little self-control or principle that he cannot bear twelve months more of separate confinement".[379]

Determining whether a prisoner was true in his suicide attempt was one of the great challenges facing prison staff. For instance, in April 1846 John William Green, a nineteen-year-old from Bishopsgate, attempted suicide by "strangulation", having been discovered suspended "to the bell handle in his cell".[380] Green was brought down in time, but it was noted that he "did it at a moment when he was aware that he [the medical officer] was visiting the prisoners, and must have heard the doors being thrown open", and that "the ligature about his neck was so arranged that there was no pressure on the windpipe".[381] Green was accused of "previously shamming violent mania", and another attempt at suicide had resulted in confinement in a dark cell.[382] He had also been confined in a straight waist jacket for insubordinate behaviour. He was eventually "degraded to the third class", and a letter was written to the Secretary of State requesting that Green's conditional pardon and ticket-of-

[374] Fourth Report, Command Papers (751), 36; 17 July 1847, PCOM 2/87, 10-11.
[375] Ibid.
[376] 26 February 1846, PCOM 2/85, 179-80.
[377] 8 May 1847, PCOM 2/86, 253.
[378] 22 January 1848, PCOM 2/87, 130-2.
[379] Ibid.
[380] 25 April 1846, PCOM 2/85, 218, 225-6.
[381] Ibid., 225-6; Fifth Report, Command Papers (818), 53.
[382] 25 April 1846, PCOM 2/85, 225-6.

leave be withdrawn.[383] Shortly afterwards, Green was removed to Millbank Prison and thereafter transported.[384]

Hereditary insanity was presumed to explain a prisoner's predisposition to mad behaviour. When a prisoner unexpectedly attempted suicide, authorities blamed the prisoner's neglect in self-reporting any instance of familial insanity.[385] The argument went that if staff were familiar with a prisoner's family history, they could monitor the prisoner properly, therefore guarding against the danger of illness or death. But even in cases where a prisoner had "mad" family members yet did not suffer himself, this was presented as evidence that separate treatment was not that detrimental to prisoner health. For instance, it was reported that the maternal uncle of James Mills (471) had committed suicide by jumping from a window; the father of Job Turner (525), a slight seventeen-year-old from Cheshire, had died mad; and young Robert Ransome's (506) uncle was a raging lunatic.[386] All of them had been confined in Pentonville for at least a year but appeared quite ordinary despite the perceived risk of madness.[387]

Although staff were on the lookout for any sign of mental distress, suicide could come out of nowhere. In April 1848, prisoner Joshua Brown (1491) abruptly hanged himself in his cell.[388] He was, according to official reports, "a quiet well-behaved man, who had not shown depression of spirits at any time, nor any tendency to mental disorder".[389] In ruling the nature of such suicides, the coroner had to consider "the state of the prisoner's mind at the time of committing the act"; true suicides were identified when the prisoner "had never shown any indication of mental disease during confinement".[390] This perspective confirmed both the inoffensiveness of confinement under separate treatment, and absolved staff for having failed to detect suicidal ideation.

Suicide, like crime and mental illness, was an act understood, in part, by its relation to class. Forbes Winslow (1810–74), a British psychiatrist and authority on lunacy, observed in his

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[383] Ibid.
[384] 569 John William Green, Pentonville Prisoner Register, PCOM 2/61/5977, 29-30.
[385] Third Report, Command Papers (613), 19.
[386] Ibid.; 471 James Mills (alias Jas Tucker), Pentonville Prisoner Register, PCOM 2/61/5977, 24; 506 Robert Ransome, PCOM 2/61/5977, 26; 525 Job Turner, PCOM 2/61/5977, 27.
[387] Third Report, Command Papers (613), 19.
[388] Seventh Report, Command Papers (1101), 19.
[389] Ibid.
[390] Eighth Report, Command Papers (1192), 19.

1840 treatise on suicide that "There cannot be a doubt but that the general diffusion of knowledge, and the desire to place within the command of the humblest person the advantages of education, have not a little tended to promote the crime of suicide".[391] Winslow theorised that in the case of criminals committing suicide, they did so as "judge, jury, and executioner", retaking control of their destiny before the criminal justice system could adequately punish them.[392] In other words, suicide, like crime, was social subversion. A similar exhortation had been made some twenty years previously by one Reverend Solomon Piggott: "Let not the wretched and the criminal, to avoid detection, shame, and infamy, resort to suicide, to bury their guilty secret in oblivion".[393] It is difficult to determine how enduring or widespread this view was, however, certainly the intersection between religion, sin, and suicide simmered throughout Victorian culture.[394] In the context of Pentonville, a spiritually and morally idealised space, suicide took on a greater layer of meaning. While a current audience may interpret these suicide attempts as cries for help, in a place where feigning or shamming illness was predetermined to be commonplace, no such reprieve was possible. Tellingly, the majority of prisoners who appear in the Pentonville Prison records as attempting suicide are overwhelmingly punished with further confinement in a dark cell, put on a punishment diet, or removed to other institutions, all of which no doubt exacerbated their health conditions.

Death during the Experiment was layered with cultural meaning, especially in cases of suicide. However, even a suicide attempt could not stop a prisoner being transported to the Australian colonies. This raises an important question around the nature of Pentonville as a "portal". If a prisoner could simply be removed to an adjacent institution like Millbank, to what extent was this process inadvertently compounding the detrimental effects of confinement on minds and bodies?

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[391] Forbes Winslow, *The Anatomy of Suicide* (London: H. Renshaw, 1840), 82.

[392] Ibid., 38.

[393] S. Piggott, *Suicide and Its Antidotes* (London: J. Robins and Company, 1824), 74.

[394] See, for example, Samuel Miller, *The Guilt, Folly, and Sources, or Suicide; Two Discourses, Preached in the City of New York, February, 1805* (London: T. and J. Swords, 1805); Anonymous, *Thoughts on Suicide: A Letter to a Friend* (London: Payne and Foss, 1819); and Reverend George Edward Biber, *The Act of Suicide as Distinct from the Crime of Self-Murder* (London: Joseph Masters, 1865).

Conclusion

The chapter opened with a question: did separate treatment cause madness? The evidence suggests that this is perhaps the wrong question to ask. Rather, I have explored the many different types of mental and physical illness present at Pentonville, demonstrating how separate treatment was altered for different ill prisoners, and how contemporary conceptions of illness and morality inspired the punishment of particular prisoner behaviours. These punishments could worsen a prisoner's health, thus elucidating the profound influence of Victorian moral culture on the practical management of prisons and prisoners at the time of the Pentonville Prison Experiment.

Sections 2 and 3 have identified and mapped an array of variables, from prisoner to staff, that could hinder an individual's reformation as prescribed under the system of separate treatment. A key feature in all this was a prisoner's individual susceptibility to mental or physical illness on the basis of either his familial constitution, or the inherent connection to illness and crime as it was understood by historical and contemporary audiences. Falling ill was, in some respects, believed to be the prisoner's fault. This is why it is exceedingly difficult to measure in any meaningful or consistent way a rate of illness during the experiment. As prison authorities themselves noted, the only way to determine the impact of separate treatment was to take a long-term view of it.[395]

That being said, it is abundantly clear that prisoners suffered frequently and repeatedly during the Experiment. This is most painfully felt in the multiple attempts at suicide. The way that staff interpreted mental illness tells us much about the objectives of the Experiment and the expectations placed on prisoners. I contend that while separate treatment did induce illness in huge numbers of prisoners, it also judged "health" by a very specific criteria, one that championed individuals who were able-bodied, able-minded, and prime subjects for their new colonial life. As Pentonville Prison only imprisoned those sentenced to transportation, a question remains as to whether sick prisoners continued to suffer once they had left the Experiment.

[395] Seventh Report, Command Papers (1101), 4.

Chapter 4:
Health on the Voyage to Van Diemen's Land

Introduction

Early in the Pentonville Prison Experiment, commentators asserted that separate treatment produced unusual rates of mainly mental illness. Author Charles Dickens wrote that "this slow and daily tampering with the mysteries of the brain [is] immeasurably worse than any torture of the body".[1] This observation proved astute when the subjects were due to depart for the Australian colonies. As Henry Baker, surgeon-superintendent of the *Stratheden*, wrote in 1845:

> The prisoners were obtained from three sources: from Millbank, Parkhurst, and Pentonville Prisons. Those from the latter suffered from Convulsive attacks of an Epileptic nature on embarkation which those of the two former Prisons entirely escaped.[2]

Current health studies find that prolonged isolated confinement induces several serious health complaints, including, but not limited to, panic attacks, cognitive disturbances, fits, heart palpitations, hypersensitivity, and psychosis.[3] But to Pentonville authorities, these "epileptic" fits were unlike any seen before. Indeed, that prisoners were falling ill while in Pentonville was bad enough, but for their illnesses to manifest exclusively in such a modern institution was bordering on controversy. While prison staff struggled to understand these fits, attempts at diagnosis relied on existing ideas around contagion and criminality. These ideas continued to compound throughout the century. For instance, thirty years after the Experiment,

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[1] Charles Dickens, *American Notes* (London: Chapman and Hall, 1842), 81; Quoted in Helen Johnston, "'Buried alive': representations of the separate system in Victorian England", in P. Mason (ed.), *Captured by the Media* (Milton Park: Taylor & Francis, 2013), 109.

[2] Henry Baker, Surgeon's Journal on Convict Ship "Stratheden", Royal Navy Medical Journals, The National Archives (hereafter TNA), ADM101/69/6, i.

[3] Sharon Shalev, *A Sourcebook on Solitary Confinement* (London: Mannheim Centre for Criminology, 2008): 17-20.

psychiatrist Henry Maudsley, an eminent English psychiatrist and among the leading alienists of the period, wrote:

> The observations of intelligent prison surgeons are tending more and more to prove that a considerable proportion of criminals are weak-minded or *epileptic*, or come of families in which insanity, epilepsy, or some other neuroses exist … This hereditary crime is a disorder of the mind, having close relations of nature and descent to epilepsy, dipsomania, insanity, and other forms of degeneracy.[4]

Chapter 3 demonstrated that illness in Pentonville Prison was often bound up in visions of a "criminal" mind and body, with symptoms perceived as evidence of an individual's innately degenerate qualities. Previous studies on Pentonville have not strayed past the walls of the prison in their analysis.[5] However, as Pentonville authorities remarked, the only way to understand the impact of separate treatment on health was to take a long-term view of it – how long, exactly, is uncertain.[6] To address this gap in knowledge, I continue beyond the site of Pentonville to the transportation ship, where between 1844 and 1849 the subjects of the Experiment set off for the Australian colonies.

As this thesis has and will continue to demonstrate, the intersection between penal reform and the medical profession is significant, especially in transnational contexts. In this chapter, the intersections between reform, the medical profession, and evolving notions of "criminal" diseases is especially relevant. As such, this chapter asks two questions. First, how large a role did the knowledge of prison diseases, or pre-existing ideas of criminality, have in diagnosing separate treatment men? And second, what effect does the "socio-cultural specificity" of disease have in considering the health of Pentonville prisoners?[7]

This chapter is a chronological and thematic close reading of five convict ships that transported separate treatment men to Van Diemen's Land from the Pentonville Prison

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[4] Emphasis mine. Henry Maudsley, *Body and Mind: An Inquiry into Their Connection and Mutual Influence, Specially in Reference to Mental Disorders. Being the Gulstonian Lectures for 1870, Delivered before the Royal College of Physicians. With Appendix* (London: Macmillan, 1873), 70.

[5] The exception to this is Colleen Wood's PhD thesis, which briefly covers the fits suffered by convicts bound for Port Phillip. See Colleen Wood, "Great Britain's Exiles Sent to Port Phillip, Australia, 1844-1849: Lord Stanley's Experiment" (unpublished PhD thesis, University of Melbourne, 2014): 135-8.

[6] Seventh Report of the Commissioners, Command Papers (1101), Vol. XXVI.349 (1849). 4.

[7] Jon Arrizabalaga, "Problematizing Retrospective Diagnosis in the History of Disease," *Asclepio* 54, no. 1 (2002): 52.

Experiment. These include the *Sir George Seymour* (1844), *Stratheden* (1845), *Anna Maria* (1848), *Eden* (1848), and *Adelaide* (1849). The gap between the *Stratheden* and *Anna Maria* is due to the suspension of male convict transportation to Van Diemen's Land in 1846. Between April 1846 and September 1847, all Pentonville prisoners sentenced to transportation were transferred to Millbank Penitentiary as members of the "Exile Class" intended for Port Phillip, a mainland settlement south of Melbourne. As such, this chapter will not include the ships the *Maitland* (1846), *Thomas Arbuthnot* (1846), *Joseph Somes* (1847), *Marion* (1847), *Hashemy* (1848), *Mount Stuart Elphinstone* (1849), or *Randolph* (1849), as they only held prisoners bound for New South Wales.

Section 1 covers the *Sir George Seymour* and contextualises medical thinking in relation to "epilepsy" – the most common diagnosis of the prisoners' fits – in this period. Section 2 considers the remaining ships from 1845–9 and employs case studies to explore the complex nature of post-confinement healthcare in the context of the Pentonville Prison Experiment. This object of this chapter is to illustrate how surgeon-superintendents attempted to care for "fitting" convicts, and to demonstrate that the ways illness were conceptualised as the Experiment continued at sea. It emerged that when these convicts collapsed on the ship's deck and violently convulsed, they evinced a potentially fatal "institutionalised unfitness".[8] Importantly, every surgeon-superintendent of every ship that carried men from Pentonville Prison reported instances of these fits. The subjects of the Experiment, it seemed, were not just criminal: they were criminally unhealthy. Section 2 also addresses the other types of illnesses present onboard, the presence of which suggests that many prisoners were falling in while confined at Pentonville. This finding underscores the argument that Pentonville was fatally unhealthy despite its innovative qualities.

My research shows that notions of criminality were inherently bound to medical diagnoses made about the mental and physical diseases of prisoners. In many ways, the suffering of convicts recently released from separate treatment represents an important moment in what Katherine Foxhall terms the "medicalisation of punishment" in the nineteenth century.[9] For example, the *Sir George Seymour* (1844) was significant to British authorities because it carried the first criminals exposed in Britain to the experimental system of separate treatment.

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[8] Katherine Foxhall, *Health, Medicine, and the Sea: Australian Voyages, c. 1815-1860* (Manchester: Manchester University Press, 2012), 36.

[9] Katherine Foxhall, "From Convicts to Colonists: The Health of Prisoners and the Voyage to Australia, 1823–53," *Journal of Imperial and Commonwealth History* 39, no. 1 (2011): 2.

It was also significant to colonial authorities in Van Diemen's Land because these men represented a new "type" of convict remade by seclusion and refinement, the antithesis of the thieving and peripatetic figures that had plagued the colonies for decades. Therefore, the health of Pentonville prisoners carried with it political and medical pressure.

To support the arguments set out in this chapter, I engage with literature on the emerging medical profession and its intersection with colonial transportation, and the medicalisation of confinement and the pathologising of criminality. To date, the only substantial study of convict voyages remains Charles Bateson's *The Convict Ships* (1969), which, while unparalleled in terms of scope and detail, stated that surgeon-superintendents were "the inexperienced and drunken dregs of the medical profession" – an assumption that, as Katherine Foxhall argues, has often gone unchallenged in other studies.[10] Kim Humphrey was among the first to remark that surgeon-superintendents were aware of their role in not just an improved system of convict management, but as pioneers for a convict's "new way of life".[11] The professional development of surgeon-superintendents is also contested. As Humphrey points out, the common view of the development of medical authority relies on "professional unity, formalised state patronage, and scientific progress", and does not consider the varying degrees of autonomous improvisation, particularly when faced with unusual medical conditions.[12]

Further contesting Bateson's assumption and drastically expanding the scope of transportation literature is Foxhall's comprehensive work on trans-imperial medical histories, which posits that the transportation voyage was the space in which "convicts became colonists", and unpacks how surgeon-superintendents asserted themselves beyond traditional boundaries to influence larger medical, penal, and social reformatory efforts.[13] However, while Foxhall touches on the epileptic fits suffered by Pentonville prisoners, she only considers them in relation to the power struggle between surgeons and other authority figures, and does not examine the seizures in the context of carcerality and health more generally.[14]

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[10] Charles Bateson, *The Convict Ships, 1787-1868* (Glasgow: Brown, Son & Ferguson, 1969); Foxhall, "From Convicts to Colonists," 2.

[11] Kim Humphery, "A New Era of Existence: Convict Transportation and the Authority of the Surgeon in Colonial Australia," *Labour History: A Journal of Labour and Social History*, no. 59 (1990): 60.

[12] Ibid., 61; Robin Haines, *Doctors at Sea: Emigrant Voyages to Colonial Australia* (London: Palgrave Macmillan, 2005), 81.

[13] Foxhall, "From Convicts to Colonists," 14.

[14] Ibid., 35-6.

John Pearn expands on the problems of power by pointing out that embarking prisoners onto convict transportation vessels was "often protracted and frequently a time of universal seasickness and other drama".[15] For instance, the confluence of many bodies often led to mini outbreaks, or resulted in personality clashes between figures of power.[16] Importantly, Robin Haines and Ralph Shlomowitz take care to illustrate that the range of medical responses across convict ships indicate how highly individualised the medical experience of surgeon-superintendents could be and the degree to which "preventative measures were developed on a trial and error basis".[17] Haines' other work similarly contextualises the expansion of surgeons' roles at sea and shows how central medicine and health was to the oceanic passage.[18] In other words, the sea voyage was also a place of experimentation. Put in the context of the Pentonville Prison Experiment, and it is clear that, while Pentonville was supposed to be the "portal" to the colonies, it might not have been a gateway so much as a funnel linking London to Hobart.

Section 1: "Epileptic" Fits

At a quarter to six in the morning of 18 October 1844, Amos Holtham left his cell for the last time. He was among the first 345 convicts to experience separate treatment during the Pentonville Prison Experiment, where he had been confined for eighteen months.[19] To the prison staff, Amos' behaviour at Pentonville, unlike the other "cheerful and ready" men who now gathered in the reception ward alongside him, had been largely indifferent.[20] Now, however, he had an opportunity for a new life in Van Diemen's Land.

A slightly taller man by Victorian standards, Amos' long, oval face and shock of red hair gave him a serious countenance, one made more striking by his pale blue eyes, the right of which was blind.[21] He and his wife, Sarah, had lived in Coventry, where he shared the same

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[15] John Pearn, "Surgeon-Superintendents on Convict Ships," *The Australian & New Zealand Journal of Surgery* 66, no. 4 (1996): 254.

[16] Ibid.

[17] Robin Haines and Ralph Shlomowitz, "Explaining the Modern Mortality Decline: What Can We Learn from Sea Voyages?," *Social History of Medicine* 11, no. 1 (1998): 16.

[18] Ibid., 56.

[19] 243 Amos Holtham, Pentonville Prisoners' Register, AJCP, PCOM2/61/5977, 33-4.

[20] Ibid., 34; First Report, Command Papers (449), Vol. XXIX.377 (1843), 4.

[21] Amos Holtham, Description Lists of Male Convicts, *Sir George Seymour 27 Feb 1845*, TA, CON18/1/44, 36.

trade as Richard, his late father: ribbon weaving.[22] Charged with stealing a sheep, Amos was sentenced to transportation for ten years.[23] The night before, when he had been informed that the next morning he would depart for Van Diemen's Land, he had been inspected by the medical officer, had his whiskers and hair clipped, and was issued a kit bag that included new clothing and shoes.[24] Some of his peers might have also received permission from the chaplain to take with them handkerchief bundles of hymn-books and bibles.[25] Amos and the other convicts were gathered together in the reception ward where the chief warder called out their names.[26] For eighteen months Amos had only known himself by his prisoner registration number 243. The sound of his voice responding in the still prison air might have elicited a painful realisation: here he was, about to leave England forever. He had, ostensibly, been prepared for this moment. Whether he was medically ready for it was something else entirely.

Prisoners slated for transportation were sent from Pentonville Prison to the nearby Millbank Prison.[27] Contemporary records of this process are scant. However, London journalists Henry Mayhew and John Binny described the departure process after the end of transportation in 1853, observing prisoners entering the prison courtyard in the pre-dawn light and from there boarding omnibuses to their destination.[28] The prisoners, chained together and accompanied by prison officers, could only load onto the vehicle ten or twelve at a time.[29] Millbank governor Arthur Griffiths wrote that prisoners were similarly chained together then marched down to the River Thames and embarked onto tugs, watched over by the deputy-governor and "sometimes as many as thirty warders", whose responsibility it was to ensure safe custody, silence, and soberness, on the downstream trip towards Woolwich Dockyards.[30] As Mayhew poetically observed:

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[22] Amos Holtham (15260), Conduct Record, CON33/1/64: 75; Amos Holtham, Census Returns of England and Wales 1841, TNA, HO107/1153/42, 23.

[23] Amos Holtham Conduct Record, CON33/1/64, 75.

[24] Arthur Griffiths, *Memorials of Millbank, and Chapters in Prison History* (London: Chapman and Hall, 1884), 405.

[25] Henry Mayhew and J. Binny, *The Criminal Prisons of London, and Scenes of Prison Life* (London: Griffin and Bohn, 1862), 126.

[26] Griffiths, *Memorials,* 405.

[27] "Select Committee on Miscellaneous Expenditure, Minutes of Evidence", House of Commons Papers (543), Vol. 543-II (1847-8), 334.

[28] Mayhew and Binny, *The Criminal Prisons,* 126.

[29] Ibid.

[30] Griffiths, *Memorials,* 405-6.

> While jogging in the darkness – for still there was not a gleam of daybreak visible – we could not help thinking, what would the wretched creatures we were about to visit not give to be allowed one half-hour's walk through those cold and gloomy streets, and how beautiful one such stroll in the London thoroughfares would appear to them – beautiful as quitting the house, after a long sickness, is to us.[31]

For a number of Pentonville men, their time in confinement was, indeed, a "long sickness". Some days previously, a military guard would have departed the Deptford or Chatham barracks, some accompanied by their families, and embarked the transportation vessel.[32] They were preceded by the naval surgeon, who had received his letter of appointment to a convict ship, and had arrived at Deptford to receive his surgical instruments, case of medical supplies, a certificate which was to be delivered to the colonial governor to ensure the surgeon's pay and return passage, and to oversee the loading of the ship, which included checking the convicts' rations.[33] After the sailors, military guard, families, surgeon, and captain were all aboard, the vessel proceeded a few miles downstream to Woolwich or Chatham, where the prison hulks – converted warships – lined the banks of the Thames.[34] It was here, on a cool October morning as he arrived at the dockyard, that Amos Holtham might have caught a glimpse of the *Sir George Seymour,* the first convict transportation vessel to carry men exposed to separate treatment out of Great Britain.

While the dark beauty of London at dawn appealed to Mayhew and Binny, the same might not be said for Amos and fellow prisoners. Whether by a tug on the stinking Thames or by omnibus, with the clatter of "iron hoofs and the rumble of the wheels", the prisoners' arrival at Woolwich would have been overwhelming.[35] At the dockyard there were the sounds of distant drumming from the barracks, gulls overhead, the cries of early street hawkers or those of sailors as they prepared the ship, and the crash of waves against ship hulls and the pier.

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[31] Mayhew and Binny, *The Criminal Prisons,* 123.
[32] Foxhall, "From Convicts to Colonists," 21.
[33] Ibid.
[34] Ibid.
[35] Mayhew and Binny, *The Criminal Prisons of London,* 127.

Above all, there was the stench of the "brownish" River Thames – infamously described in 1827 as a "monster soup" – where sewage, pitch, and effluent sluggishly intermingled.[36]

In this atmosphere Amos Holtham and the other 344 *Sir George Seymour* convicts boarded the transportation vessel and were met by surgeon-superintendent Dr John Stephen Hampton (1810–69) and his protégé and assistant, James Boyd (1815–1900), until then a warder at Pentonville Prison. Ten years Boyd's senior and a fellow Scotsman, Hampton had embarked on a career as an assistant naval surgeon. From 1841–5 he served as surgeon-superintendent on three prominent convict transport vessels, notably the *Sir George Seymour*. Hampton was described as a "somewhat tyrannical and harsh" man, prone to behaving "like the white overseer of a slave plantation", a serious insult in abolitionist Britain.[37] Boyd held a different reputation. Born in Stevenston, Ayrshire, in July 1815, he was one of three children.[38] Boyd had enlisted in Edinburgh as a bombardier when he was seventeen, serving for the next twelve years.[39] By then he had married his first wife, Margaret, and together they had three children, though only their eldest, Marion, lived to adulthood.[40] In early 1841 he was appointed as a "discipline warder" at Millbank Prison, and the following year was promoted to the position of warder at the newly-constructed Pentonville Prison.[41] Only twenty-nine at the time of this promotion, Boyd already had an enviable reputation as a "trustworthy and intelligent man of much experience and active habits, and a good disciplinarian"; historian Ian Brand also describes Boyd as "without doubt, the top officer in the Convict Service at the time of his appointment".[42] The decision to promote the young, ambitious, and self-composed Boyd as

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[36] Simon Werrett, "Disciplinary Culture: Artillery, Sound, and Science in Woolwich, 1800–1850," *19th-Century Music* 39, no. 2 (2015): 88; P. Ackroyd, *Thames: Sacred River* (New York: Vintage, 2008), 250-1; Geoffrey William Snell, "A Forest of Masts: The Image of the River Thames in the Long Eighteenth Century" (unpublished PhD thesis, University of Sussex, 2014), 48.

[37] J. S. Battye, *The History of the North West of Australia, Embracing Kimberley, Gascoyne and Murchison Districts,* Matt J. Fox (ed.) (Carlisle: Hesperian Press, 1985), 294.

[38] "Life of James Boyd", unpublished miscellaneous notes compiled by Port Arthur Historic Site Management Authority (hereafter PAHSMA), undated.

[39] Ibid.

[40] Both of Boyd's male children died while the family lived at Pentonville Prison (*The Mercury,* 23 March 1876, 3).

[41] "Life of James Boyd", miscellaneous.

[42] Ian Brand, *Penal Peninsula: Port Arthur and Its Outstations, 1827-1898* (Launceston: Regal Publications, 1998), 109.

assistant superintendent of the *Sir George Seymour* was bolstered by the promise of a permanent post in the colony upon completion of the voyage.

At this point Hampton inspected his human cargo. This was not always straightforward. Both surgeon and convict were anxious for different reasons: accidentally embarking someone concealing disease, for example, was a very real possibility that could have serious implications, such as an onboard outbreak.[43] On another level, the ramifications for transporting a convict that did not properly represent the Pentonville Prison ideal could undermine such an expensive penal and political enterprise. At this junction, naval surgeons like Hampton were well placed to use their medical authority "to carve themselves an important niche as astute and ardent critics of British penal reforms".[44]

On a more general level, Hampton's duties as a surgeon-superintendent were numerous. Sanitation was at the heart of any oceanic enterprise: it was joked that the Navy's motto ought to be "cleanse or die!"[45] A convict surgeon was to attend patients twice a day; keep a daily sick list; regulate the diet of the sick, making demands of the purser for additional rations when needed; adjust the warmth and ventilation of the lower deck; advise on changes of clothing depending on climate; and monitor the hospital space in airing lining, ensuring patients took air on deck, and so on.[46] It was also the surgeon's duty to keep up to date with the most relevant medical literature.[47] He should also make an effort to connect with people emotionally:

> It should be the study as well as the duty of the surgeon to soothe and cheer the afflicted by the most humane attention, and by every expression of consolatory kindness; to hear, with patience, all complaints, and redress all real grievances. Such conduct will at once inspire the sick with confidence, exhilarate their spirits, and materially tend to hasten the restoration of health.[48]

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[43] Foxhall, "From Convicts to Colonists," 23.

[44] Ibid., 2.

[45] Elise Juzda Smith, "'Cleanse or Die': British Naval Hygiene in the Age of Steam, 1840–1900," *Medical History* 62, no. 2 (2018): 177.

[46] W.N. Glascock, *The Naval Service, or, Officer's Manual for Every Grade in His Majesty's Ships* (London: Saunders and Otley, 1836), 120-2.

[47] W. Turnbull, *The Naval Surgeon Comprising the Entire Duties of Professional Men at Sea* (London: R. Phillips, 1806), XXXV-VI.

[48] Glascock, *The Naval Service*, 110.

Emotion was just as central to the moralising mission of Pentonville Prison as it was to the detection and treatment of illness. This was something understood by Reverend Joseph Kingsmill, chaplain of Pentonville. That October morning in 1844, Reverend Kingsmill joined Hampton and Boyd to send off the first group of separate treatment men:

> I held Divine Service on board and delivered a farewell address to the men. The utmost attention was paid to the address and the greatest order observed. One man after another after the service had a fit of some sort…[49]

As Hampton recalled:

> The sudden change from extreme seclusion to the noise and bustle of a crowded ship, produced a great number of cases of convulsions, attended in some instances with nausea and vomiting, in other simulating hysteria, and in all being of a most anomalous character.[50]

Indeed, it was highly possible that the stark contrast between the silence of Pentonville and the sound of the city manifested as sensory overload.[51] Later voyages attempted to rectify this overstimulation by putting cotton in the convicts' ears "in order to allay the violent impression of the sounds on board".[52] The fits were so alarming at the time that doubts were cast over the *Sir George Seymour* even sailing, "not only until the convulsions ceased, but until it was seen whether the men were otherwise in a fit state to commence a long voyage".[53] This event delayed the *Sir George Seymour* at Woolwich until 9 November, where the cold and damp river air resulted in ten cases of catarrh.[54] Small coughs and colds were not necessarily unusual, but together with the disturbing epileptic fits this was threatening to be an unusual voyage. Though Hampton did not record the names or even the number of convicts who suffered convulsions upon embarkation, there was no need: he later told the Commissioners of Pentonville Prison that he believed the convulsions were "propagated by imitation", and as the fits ceased after the third day, "leaving no bad effects of any kind",

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[49] 17 May 1847, Chaplain's Journal – Pentonville Prison, 1846-1851, TNA, PCOM2/353, 58.

[50] John Hampton, Surgeon's Journal on Convict Ship "Sir George Seymour", TNA, ADM101/67/10, 16.

[51] Stefan Scheydt et al., "Sensory Overload: A Concept Analysis," *International Journal of Mental Health Nursing* 26, no. 2 (2017): 111.

[52] Sixth Report, Command Papers (972), 8.

[53] Ibid., 17.

[54] Ibid., 15, 17; Third Report, Command Papers (613), v.

there was little to be concerned about.[55] That the fits could be related to social contagion was consistent with some illnesses that manifested in Pentonville itself, and was in concert with the way illness had been so far conceptualised in the Experiment.

Moreover, diagnosing epileptic fits was complicated by what Maudsley would later engrave as the cultural links between criminality and epilepsy. This was further complicated in that it was understood that isolated confinement like separate treatment had the potential for adverse health effects. At the core of both problems was the concept of individual mental strength: either in responding to moral re-education, thereby breaking free from the shackles of immorality; or in succumbing to the stressors of confinement, thus proving an inherent, inherited, criminal weakness. As a distinction between "idiopathic" epilepsy and "symptomatic" epilepsy was only made in 1854, the surgeon-superintendents' knowledge of what, precisely, constituted epilepsy, is necessarily restricted by time, namely the 1840s.[56] Terminology throughout the century was often unclear: attacks were referred to as "'convulsions', 'fits', 'epilepsies', or 'seizures'".[57] For the most part, epilepsy was understood as "a sudden excessive, rapid, and local discharge of some part of the cerebral hemisphere".[58] Until the latter part of the century, epilepsy was mostly regarded as a mental disorder.[59] In 1805, a British physician, Edward Clarke, determined that the predisposing causes to epilepsy are "a hereditary disposition, temperance, and greater mobility of the system in the early periods of life".[60]

Without written description of the fits suffered by Pentonville prisoners onboard the *Sir George Seymour*, some insight may be gleaned by other accounts of epileptic fits. Writing in 1822, another physician, James Prichard, clearly described a patient's symptoms:

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[55] Fourth Report, Command Papers (751), 10.

[56] Peter Wolf, "History of Epilepsy: Nosological Concepts and Classification," *Epileptic Disorders* 16, no. 3 (2014): 262.

[57] Edward H Reynolds and Ernst Rodin, "The Clinical Concept of Epilepsy," *Epilepsia* 50 (2009): 4.

[58] JC De Villiers, "A Few Thoughts on the History of Epilepsy," *South African Medical Journal* 83, no. 3 (1993): 214.

[59] Reynolds and Rodin, "The Clinical Concept of Epilepsy", 3.

[60] E.G. Clarke et al., *The Modern Practice of Physic* (London: Longman, Hurst, Rees and Orme, 1805), 288.

> His tongue much furred; mouth … beset with frothy mucus: pupils contracted: his face flushed: eyes wild and glistening: pulse rather slow, and full: not particularly strong in the carotid: complains of pain, when pressed, in the region of the liver.[61]

In reviewing a patient before an attack, Prichard observed: "He was not quite well for several days before the attack; was costive; disinclined to take food; restless; complained of occasional headache, with giddiness, and got very little sleep".[62] Théodore Herpin, one of the most influential French figures in the study of epilepsy, described a typical fit as including convulsions, visual hallucinations, head turning, epigastric sensations, repetitive utterances, and, afterwards, potential for a variety of intellectual and behavioural disorders.[63]

At the same time, epilepsy was something of a formless illness that offered "great facilities to the imposter".[64] It was often conceptualised as the "spark" and the "gunpowder" – causes that were "exciting" or "predisposing".[65] This diagnostic uncertainty rippled throughout the underlying suspicion that prisoners were feigning illness. This was perceived to be widespread in Pentonville Prison – indeed, in any prison – but it was made more potent in a naval setting as surgeon-superintendents, themselves products of the British Navy and its medical thought, had educated cause to suspect the convicts' convulsions. Feigning was associated with hysteria, laziness, idleness, vengefulness, greed, desperation, and moral weakness.[66] Characteristics, in other words, that were also often attributed to criminality. Determining the cause of epilepsy, therefore, meant diagnosing a patient against qualities tangentially associated with the criminal.

According to Hector Gavin in 1843, one method of ferreting out actors was to study the peculiar physiognomy of true epileptic patients, who were "quite different from every other".[67] Upon his face was a character of "sadness, shame, timidity, and stupidity": his

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[61] J.C. Prichard, *A Treatise on Diseases of the Nervous System* (London: Thomas and George Underwood, 1822), 306.

[62] Ibid.

[63] J.M.S. Pearce, "Théodore Herpin: Neglected Contributions in the Understanding of Epilepsy," *European Neurology* 54, no. 3 (2005): 136.

[64] H. Gavin, *On Feigned or Factitious Diseases, Chiefly of Soldiers and Seamen; on the Means Used to Simulate or Produce Them; and on the Best Modes of Discovering Impostors* (London: John Churchill, 1843), 179.

[65] Simon D Shorvon, "The Causes of Epilepsy: Changing Concepts of Etiology of Epilepsy over the Past 150 Years," *Epilepsia* 52, no. 6 (2011): 1036.

[66] Gavin, *On Feigned or Factitious Diseases*, 11-2.

[67] Ibid., 182.

features were "generally coarse", with thick lips, unsteady eyes, pale cheeks, premature wrinkles, a pronounced nose, and an underweight body with thin arms and limbs, a peculiar gait, and a harsh, hoarse voice.[68] Writing decades later in 1873, Henry Maudsley, an eminent British psychiatrist and budding phrenologist, determined that people with epilepsy were particularly prone to violence and criminality.[69] These individuals could be both born and made: "They go criminal, as the insane go mad, because they cannot help it; a stronger power than they can counteract has given the bias of their being".[70] Such beliefs could assist the surgeon-superintendents when it came to explaining the illnesses of prisoners, particularly when Pentonville was a place of experimentation, and prisoners were, to some degree, "expendable subjects of research".[71] Thus, by its very definition epilepsy provided scope for diagnoses to include social causes.[72]

What provoked the epileptic fits, however, was another question entirely. An 1827 treatise by Richard Bright concluded that "epilepsy generally depends on the irritation on the surface of the brain, and that is often connected with the unusual thickness of the skull".[73] Physician James Prichard later refuted the encroachment of phrenology for what he perceived as a debasement of humanity.[74] Some forms of madness, Prichard argued, were "in some unknown way ultimately referable to an irritated portion of the stomach or intestines or disease in the liver, and other abdominal viscera", and therefore not the result of a lesion on the cerebral structure.[75] These links between phrenology, epilepsy, and crime were exemplified in the latter half of the century by Cesare Lombroso, an Italian anthropologist, who believed that epilepsy was a common trait among criminals, and determined that "born

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[68] Ibid., 183.

[69] Maudsley, *Body and Mind: An Inquiry Into Their Connection and Mutual Influence*, 70.

[70] Ibid., 127.

[71] Julio Arboleda-Flórez, "The Ethics of Biomedical Research on Prisoners," *Current Opinion in Psychiatry* 18, no. 5 (2005): 514.

[72] Simon D Shorvon, "The Etiologic Classification of Epilepsy," *Epilepsia* 52, no. 6 (2011): 1056.

[73] Richard Bright, *Reports of Medical Cases Selected with a View of Illustrating the Symptoms and Cure of Diseases by a Reference to Morbid Anatomy* (London: Longman, Rees, Orme, Brown, and Green, 1827), 644-5; K Sidiropoulou, A Diamantis, and E Magiorkinis, "Hallmarks in 18th-and 19th-Century Epilepsy Research," *Epilepsy & Behavior* 18, no. 3 (2010): 155.

[74] J.C. Prichard, *A Treatise on Insanity and Other Disorders Affecting the Mind* (London: Haswell, Barrington, and Haswell, 1837), 13-5; Hannah Franziska Augstein, "JC Prichard's Concept of Moral Insanity—a Medical Theory of the Corruption of Human Nature," *Medical History* 40, no. 3 (1996): 317.

[75] Prichard, *A Treatise on Insanity and Other Disorders Affecting the Mind*, 13-5.

criminals" were affected by epileptic seizures throughout their life, but the seeds had been sown long before.[76]

For most of the nineteenth century, debates on epilepsy foregrounded theories on the entanglement of mental illness and criminality. In 1839, Carl Mittermaier argued that, in the context of criminality, insanity and epilepsy could both be responsible: just as a criminal act could be the "offspring of disease accompanied by unequivocal insanity", equally so the diseased epileptic mind could be so enfeebled by fits that an awareness of criminal behaviour was rendered obsolete.[77] Writing in 1840, Alexander Morison explained that, while the combination of insanity with epilepsy was widely accepted, in most cases epilepsy was a separate disease.[78] However, frequent attacks could weaken the mental faculties and result in insanity, thus alleging the epileptic to be insane and the insane epileptic.[79] As it was therefore impossible to preference one diagnosis over the other, it was entirely dependent on the individual physician and their personal beliefs and experience.

By the 1840s, it was understood that epilepsy could be inherited; that the cure was dependent on the cause, though hereditary epilepsy was impossible to cure; it was "peculiarly adapted to the purpose of imposters"; and just one attack could entirely weaken the nervous system and predispose the sufferer to mental and physical impairments.[80] But if physicians struggled with defining epilepsy, it was little compared to what sufferers experienced. A specialist on epilepsy recalled one testimony of a patient after a fit: "The trouble is purely intellectual. I am neither dazed nor giddy; I can still read words, but I no longer grasp their meaning. … This is a most distressing condition; it seems to me that one part of my intellect witnesses the

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[76] Adriano Chiò et al., "Cesare Lombroso, Cortical Dysplasia, and Epilepsy: Keen Findings and Odd Theories," *Neurology* 61, no. 10 (2003): 1413; Francesco Monaco and Marco Mula, "Cesare Lombroso and Epilepsy 100 Years Later: An Unabridged Report of His Original Transactions," *Epilepsia* 52, no. 4 (2011): 686.

[77] C. J. Mittermaier, "Influence of Insanity on Criminal Responsibility," *American Jurist and Law Magazine* 22, no. 44 (1839): 322.

[78] Alexander Morison, *The Physiognomy of Mental Diseases* (London: George Odell, 1840), 33.

[79] Ibid.

[80] J.H. Steinau, *A Pathological and Philosophical Essay on Hereditary Diseases. With an Appendix on Intermarriage and the Inheritance of the Tendency to Moral Depravities and Crimes* (London: Simpkin, Marshall. & Company, 1843), 33; J.G. Spurzheim and A. Brigham, *Observations on the Deranged Manifestations of the Mind, or Insanity* (London: Marsh, Capen & Lyon, 1836), 17; J.G. Smith, *The Principles of Forensic Medicine: Systematically Arranged, and Applied to British Practice* (London: T. and G. Underwood, 1824), 472; G.M. Burrows, *An Inquiry into Certain Errors Relative to Insanity; and Their Consequences; Physical, Moral, and Civil* (London: T. & G. Underwood, 1820), 158, 64; William Gunn, "Case of Epilepsy, Cured by Purgative Medicines," *Edinburgh Medical and Surgical Journal* 27, no. 90 (1827): 78-81.

disorders of the other".[81] In sum, this was a medically subjective and culturally indefinable condition that, regardless of its aetiology, rendered sufferers vulnerable to institutional gazes that believed metaphorical and literal disease could be both visible and embodied.

However, there existed evidence to support the connection between isolated confinement and mental and physical illness. In 1837, John Grant Malcolmson, a surgeon based in Madras, independently observed a litany of medical conditions that arose among soldiers exposed to varying lengths of solitary confinement. These symptoms included: a weak stomach, "uneasiness across the region of the stomach, spleen, and liver", constipation, a tongue that was either swollen or covered in a "mucous membrane of the digestive canal", a pulse that was quick and feeble, clammy skin, pain in the limbs, and "vertigo, debility, headache, and sleeplessness".[82] In time, all of these symptoms would come to be associated with the negative health effects of solitary confinement.[83] Writing in 1840, another medical professional determined that "the nervous system must suffer with the other parts of the body", intimating that physical manifestations of bodily trauma were due, in part, to intense mental distress.[84] In fact, in June 1846, the Pentonville Prison chaplain Reverend Kingsmill, made a similar observation on solitary confinement as a punishment:

> There are now here several prisoners in a dangerous state of health, who have been subjected to the same species of punishment, [it is] his deliberate conviction that the disorders of these men, if not generated by their punishment have in some sense of the cases been seriously aggravated by it; which punishment, he is fully persuaded, is more severe to Pentonville Prisoners, if at all delicate in health, than that which is now become the maximum punishment in the Army for strong men in a state of liberty, in circumstances where severity is required for the sake of example and for grave offence.[85]

This emphasises that Pentonville authorities were aware of the disconnect between solitary confinement as a *punishment* and solitary confinement in the guise of separate treatment. Importantly, this raises an important question: were the fits suffered by prisoners truly

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[81] T. Herpin, *Des Accès Incomplets D'épilepsie* (Paris: J.B. Baillière, 1867), 105; Sidiropoulou, Diamantis, and Magiorkinis, "Hallmarks in 18th-and 19th-century epilepsy research", 154.

[82] *Lancet*, vol.28, issue 71, 164.

[83] Jules Lobel and Peter Scharff Smith, *Solitary Confinement: Effects, Practices, and Pathways toward Reform* (Oxford University Press, 2019): 1-38.

[84] *Lancet*, vol.34, issue 875, 422.

[85] 5 June 1846, Pentonville Prison Minute Books, TNA, PCOM 2/86, 2051-3.

"epileptic", with all its diagnostic uncertainty, or were they suffering a different confinement-related illness, as Malcolmson and Reverend Kingsmill saw it?

Section 2: Fits, Fakes, and Outbreaks

Ten months after the voyage of the *Sir George Seymour*, naval surgeon Henry Baker was given charge of the *Stratheden* (1845).[86] Admitted as a Member of the Royal College of Surgeons in 1833, Baker joined the Royal Navy as an assistant surgeon in 1835, and was promoted to surgeon by 1840.[87] The *Stratheden* was the first of two convict vessels under Baker's supervision.[88] A total of 155 male convicts embarked: 100 from Pentonville Prison, the remainder from Millbank and Parkhurst Prisons.[89] In all, Baker wrote, the initial embarkation was uneventful.[90] The evening following their embarkation, however, was. Unexpectedly, twenty Pentonville prisoners ranging from 19–35 years old fell into epileptic fits. Unlike John Hampton, Baker saw fit to record the names of these men.[91] He ordered the convulsing convicts to be brought up on deck four or five at a time, where he laid them on their backs, rubbed their faces with a wet towel, and spoke soothingly to them: "I also endeavoured to cheer them up, and calm their fears, for many I have reason to believe were much alarmed and excited".[92] Unlike onboard the *Sir George Seymour*, Baker's convicts did not stop fitting after a prescribed period: John Lumsden, a married stone mason from London, continued to have attacks for weeks.[93]

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[86] Foxhall, *Health, Medicine, and the Sea: Australian Voyages, C. 1815-1860*, 36.

[87] Charles Haultain, *The Royal Navy Lis, Containing the names of all the Commissioned Officers in Her Majesty's Fleet; also the Masters, Medical Officers, Pursers, Chaplains, Schoolmasters, and the officers on full pay of the Royal Marines &c. &c.* (Simpkin, Marshall and Co., 1840), 218; John Venn, *Biographical History of Gonville and Caius College, 1349-1897, Containing a list of all known members of the college from the foundation to the present time, with biographical notes* (Cambridge University Press, 1898), 207.

[88] The other was the *Thomas Arbuthnot* (1846). See Henry Baker, Surgeon's Journal on Convict Ship "Thomas Arbuthnot", TNA ADM101/71/6.

[89] "Stratheden", Surgeon's Journal, 8.

[90] Ibid.

[91] The men are as follows: Samuel Burpitt, Charles James Clarke, George Bradbury, George Deeks, Thomas Dollard, Charles Hillier, Thomas Tranter, Robert Ransome, John Woodhall, George Unwins, William Jackson, John Lumsden, David Baker, Thomas Gee, Thomas Corbett, Timothy Coghlan, Thomas Smith, John Inch, and James Sansome. ("Stratheden", Surgeon's Journal, 2).

[92] Ibid., 2.

[93] Ibid., 6-7.

John was convicted of larceny in August 1843 and sentenced to seven years transportation.[94] Upon his admission to Pentonville, John was noted to be severely underweight and had been suffering a venereal disease for some time, though no other information is given.[95] His "low desponding state" had accompanied him from the prison: John had been kept under separate treatment for twenty-one months but had not, in that time, attracted any particular attention from the Pentonville authorities.[96] Once embarked he was "attacked with Epilepsy" and had "five or six fits but they were not very violent".[97] John remained depressed after the episodes and ate little, eventually becoming dyspeptic. Baker prescribed him a daily ration of port wine and some preserved meat, a treatment that brought some improvement.[98] That did not last long:

> On the ship nearing the Cape of Good Hope, he occupied himself in writing to his Friends, and possible [sic] this employment acting upon a very excitable mind, might have been the cause of the return of the fits, for they returned with increased violence, and continued every day or every other day for upwards of a fortnight before they could be checked.[99]

To counter this, Baker bled John from the arm, cupped the back of his neck, and blistered him – a process that included applying a caustic substance to the skin to raise a blister before lancing and draining it, all to expunge the toxins responsible for causing the infection.[100] John remained in the hospital until November, a month after his initial admission.[101] While his weakened state was not ideal, Baker's interventions were successful in stopping John's fits for the remainder of the voyage.[102] As for the remaining nineteen Pentonville Prison men who suffered "epilepsy" upon embarkation, none of them required additional medical assistance.[103]

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[94] 509 John Lumsden, Pentonville Prisoners' Register, PCOM 2/61/5977, 46-7.
[95] "Stratheden", Surgeon's Journal, 7; 509 John Lumdsen, PCOM 2/61/5977, 26-7.
[96] "Stratheden" Surgeon's Journal, 6.
[97] Ibid.
[98] Ibid.
[99] Ibid.
[100] Ibid.; J. Druett, *Rough Medicine: Surgeons at Sea in the Age of Sail* (London: Routledge, 2001), 69.
[101] "Stratheden" Surgeon's Journal, 6.
[102] Ibid., 6-7.
[103] The men who disembarked in Van Diemen's Land are as follows, with their Van Diemen's Land convict registration number included in brackets: James Sansome (17160), Charles Hillier (17107),

Another case was the *Anna Maria* (1848), which carried a blend of Pentonville Prison "Exiles" bound for Port Phillip, Ticket-of-Leave men to Van Diemen's Land, and boys from Millbank Prison.[104] The surgeon was Dr Robert Stevenson, a medical navy veteran and an Edinburgh native, whose career thus far spanned fourteen years.[105] Similarly to Hampton, Stevenson believed in the reformative qualities offered by the system of separate treatment, and he was sympathetic to the potential challenges facing the Pentonville men upon their arrival in the colonies.[106] Stevenson did not describe the fits suffered but four cases of "epilepsy" were recorded.[107] In his view, the fits had an emotional undertone:

> The minds of the Exiles being comparatively freed from their customary restraints, and naturally filled with the prospects of the future, together with the heart-rending conviction of parted friendship, perhaps for the first time brought home to them feelings, not unfrequently produce nervous affections, and sometimes lead to organic disease. Such at least proved to be the case with several of the Exiles on board when first embarked, hysteria, convulsions, palpitations and epileptic fits being prevalent.[108]

Physicians' reports made to the Commissioners of Pentonville Prison similarly emphasised that, "the depressing emotions inseparable from a state of confinement will be constantly in antagonism to every physical advantage which may be brought to bear on the prisoner".[109] It was understood that the emotional rigors of a prisoner leaving, forever, his birthplace, home, friends, and family, to start a new life across the world, would necessarily result in some adverse reactions. For example, in February, shortly after the *Anna Maria* made sail, Stevenson attended to twenty-seven-year-old Thomas Mullins, a married father of two charged in 1846 for stealing a pocket (account) book.[110] Described by Stevenson as a man

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Thomas Tranter (17163), Robert Ransome (17150), Thomas Gee (17098), Thomas Corbett (17085), Timothy Coghlan (17083), Thomas Smith (17156), and John Inch (17110).

[104] Robert Stevenson, Surgeon's Journal on Convict Ship "Anna Maria", TNA, ADM101/3/1, 24.

[105] P.J. Anderson, *Roll of Commissioned Officers in the Medical Service of the British Army* (Aberdeen: The University Press Aberdeen, 1917), 292.

[106] Letter from Robert Stevenson to the Governor of Pentonville Prison, 30 April 1849, in Appendix to the Seventh Report of the Commissioners, Command Papers (1101), 11.

[107] "Anna Maria", Surgeon's Journal, 23.

[108] Ibid., 25-6.

[109] Appendix to Physician's Annual Report, Fourth Report, Command Papers (751), 39.

[110] 1215 Thomas Mullins, Pentonville Prisoners' Register, PCOM2/61/5977, 81-2; Stephen Colclough, "Pocket Books and Portable Writing: The Pocket Memorandum Book in Eighteenth-Century England and Wales," *Yearbook of English Studies* 45 (2015): 159-60.

with "a nervous temperament", Thomas was reported to suffer convulsive fits "doubtlessly the natural result of mental influence and change of life".[111] For twenty-two days Thomas experienced periodic convulsions, a near-constant headache, an "unpleasant feeling at the chest preceding an attack", physical weakness, and a foul tongue.[112] Thomas' epilepsy, according to Stevenson, was "a specimen of the nervous complaints", treatable by time and general remedies.[113] By 19 March, Thomas had no recurrence of the "paroxysms" and was discharged.[114]

Another epileptic convict was Scotsman Daniel Quigley.[115] Only twenty-one when he was sent to Pentonville Prison on a conviction for housebreaking, Daniel spent just over a year under separate treatment before boarding the *Anna Maria*.[116] Shortly thereafter, Daniel was seized with epileptic fits "without any evident cause".[117] Unusually, it was reported that this was not the first time Daniel had fitted: "It may however be necessary to observe that shortly before leaving Pentonville Prison he suffered from similar attacks".[118] Despite complaining of "headache and giddiness and the usual unpleasant exhaustions preceding a paroxysm", by then Daniel had not had a fit for over a week and was discharged on 1 April 1848.[119]

The fits as a medical phenomenon were mysterious, but when careful observation did not reveal any long-standing effects, authority figures relaxed. As the *Eden*'s surgeon Robert Beith remarked:

> 25 of the latter [Pentonville prisoners] were subject, for a few days after coming on board, to fits resembling epilepsy; one man having as many as a dozen, and the others every number below that. They were produced most probably by the noise, bustle, and confusion attendant on first embarkation, acting as a sudden shock on nervous systems weathered and impaired by a long course of solitary prison discipline. These fits proved merely transient, as they had all ceased before I joined the ship; and I may

[111] "Anna Maria", Surgeon's Journal, 10.
[112] Ibid.
[113] Ibid., 25.
[114] Ibid.
[115] Ibid., 20.
[116] 1310 Daniel Quigley, Pentonville Prisoners' Register, PCOM2/61/5977, 86-7.
[117] "Anna Maria", Surgeon's Journal, 20.
[118] Ibid.
[119] Ibid.

> as well promise that I did not observe, during the voyage, *the general health of those men who were affected to suffer in consequence*.[120]

Historian Colleen Wood agrees that in all cases, convicts who suffered fits upon embarkation "responded to treatment and made full recoveries", leading the surgeons to devote their focus to the operation of the voyage ahead.[121] While correct in the abstract, Wood's remark does not consider three key points. First, that only a longitudinal analysis on the health outcomes of Pentonville Prison convicts can determine whether those who suffered fits truly made full recoveries. Second, that the recovery of historical actors was dependent on the way medical authorities recorded it. As Andrew Cunningham puts it: "You die of what your doctor says you die of".[122] In other words, John Hampton, surgeon of the *Sir George Seymour*, might not have used the term "epileptic" to describe the fits suffered by his convicts as Henry Baker did, yet that did not necessarily mean they witnessed different phenomena. Nor, for that matter, did it make prisoners healthy if they were perceived to not suffer after the fact. Third, the decision made by some surgeons to record the fits as epileptic is important when we recall its contemporary cultural connotations. To meaningfully interpret these fits in context, it is useful to expand on Katherine Foxhall's point that "a diagnosis reflects the significance of particular medical signs and theories in any given historical context".[123] Above all, the cultural interpretation of who suffered epilepsy, why, and how, is made potent when read in the context of imprisonment more broadly, and specifically with regards to the Pentonville Prison Experiment.

General Health Onboard

Aside from the fits, there were several diseases that required "very great care".[124] As Chapter 3 demonstrated, Pentonville was not free from contagious diseases believed to be endemic to older institutions like Millbank. The same could be said for the transportation vessel. Table 4.1 shows that catarrh and diarrhoea were the most common complaints, followed by psoriasis and epilepsy. The vast majority of cases (94%) across all ships were discharged as

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[120] Emphasis mine. Robert Beith, Surgeon's Journal on Convict Ship "Eden", TNA, ADM101/22/5, 26.

[121] Wood, "Great Britain's Exiles", 137.

[122] Andrew Cunningham, "Identifying Disease in the Past: Cutting the Gordian Knot," *Asclepio* 54, no. 1 (2002): 17.

[123] Katherine Foxhall, "Making Modern Migraine Medieval: Men of Science, Hildegard of Bingen and the Life of a Retrospective Diagnosis," *Medical History* 58, no. 3 (2014): 355.

[124] "Anna Maria", Surgeon's Journal, 25.

cured, with three deaths, fourteen hospital admissions, and one Hulk transfer recorded. The data break down shows that the *Anna Maria* was the sickest ship, however, a qualitative reading finds that this was due to a nonlethal outbreak of onboard erysipelas (a contagious skin inflammation).[125] Similarly, while the *Stratheden* recorded the highest rate of epilepsy, a review of the surgeons' reports indicates that, while they might have been reluctant to enumerate cases, every surgeon noted that fits occurred among the Pentonville men. It is notable that only the *Stratheden* and *Anna Maria* explicitly recorded these fits as "epilepsy", further underscoring the point that diagnoses could be flexible and highly subjective. In other words, the only existing narrative is that of the surgeons. It is probable that guidelines on reporting illnesses were interpreted subjectively depending on a surgeons' experience: what was epilepsy to one might not have been to another.

[125] These ships did not share a surgeon-superintendent, nor were the respective surgeons particularly similar in age or experience.

Table 2.1 Recorded diseases and outcomes for Pentonville Prison convict transportation ships, 1844–9.

Disease by Recorded Outcome	*Sir George Seymour (1844-5)*	*Stratheden (1845)*	*Anna Maria (1848)*	*Eden (1848)*	*Adelaide (1849)*	***Total***
Cured	58	47	137	77	41	**360**
Antitis	–	–	–	1	–	1
Aposene	–	–	–	1	–	1
Asthma	–	–	–	1	–	1
Bubo	–	–	–	1	–	1
Catarrhus	6	1	39	4	1	51
Colix/Colic	–	–	1	2	1	4
Concmphis	–	–	–	1	–	1
Contusis (bruising)	–	–	1	4	1	6
Cynanche	1	–	5	6	1	13
Debilitas	–	–	2	–	–	2
Diarrhea	13	2	25	3	11	54
Dyspepsia	2	–	6	–	5	13
Edema (dropsy)	–	–	–	–	9	9
Epilepsy	–	20	4	–	–	24
Epistaxis (nosebleed)	–	–	–	1	–	1
Erysipelas	1	–	–	6	–	7
Febris	11	1	1	–	–	13
Fever	–	2	–	–	–	2

Finea	1	–	–	–	–	1
Fracture	–	1	–	1	–	2
Haematemesis (vomiting blood)	–	1	–	–	–	1
Haemorrhoids/hernia	3	–	–	1	–	4
Lumbago	–	–	–	3	–	3
Lumbricus teres (round worm)	–	1	–	–	–	1
Obstipatio (constipation)	13	1	–	3	1	18
Opthalmia (conjunctivitis)	1	3	–	–	1	4
Otitis (ear inflammation)	–	–	1	–	–	1
Palpitation	–	–	1	–	–	1
Parotitis (mumps)	–	–	1	–	–	1
Phlegmon (inflammation)	–	–	–	13	4	17
Phlogosis (chronic inflammation)	2	–	6	2	1	11
Phrentis	–	–	–	1	–	1
Phthisis	–	–	–	2	–	2
Pneumonia	–	–	–	3	–	3
Psoriasis	–	–	36	–	–	36
Rheumatism	1	2	3	10	1	17
Scabies	–	–	–	1	–	1
Scrofula	–	–	–	–	2	2
Ulcer	–	10	4	2	2	18
Vulnus (injury)	3	2	1	4	–	10

Died	–	–	–	2	1	**3**
Febris	1	–	–	–	1	2
Phthisis	–	–	–	2	–	2
Hospital	3	–	1	2	8	**14**
Catarrhus	–	–	–	–	1	1
Contusis (bruising)	–	–	–	–	1	1
Dyspepsia	–	–	–	–	1	1
Edema (dropsy)	–	–	–	–	2	2
Erysipelas	–	–	–	1	–	1
Febris	1	–	–	–	–	1
Fracture	1	–	–	–	–	1
Inflamed auxiliary	–	–	–	–	1	1
Pneumonia	1	–	–	1	–	2
Rheumatism	–	–	–	–	1	1
Ulcer	–	–	1	–	–	1
Vulnus (injury)	–	–	–	–	1	1
Hulks	–	1	–	–	–	**1**
Inflamed eye and worms	–	1	–	–	–	1
Total	62	48	138	81	50	**379**

Sources: Surgeon's Journals for Convict Ships "Sir George Seymour", "Stratheden", "Anna Maria", "Eden", "Adelaide", Royal Navy Medical Journals, TNA, ADM101/69/6.

Among the cases depicted in Table 4.1, contagious illnesses were among the most concerning, not least because an ocean-bound outbreak could have devastating ramifications for all onboard. One such instance was prisoner William Jones, a London lighterman who had been confined in Pentonville Prison for nineteen months.[126] On 23 March, William presented himself to the *Anna Maria*'s surgeon Robert Stevenson with a "scrofulous abscess" on the back of his left thigh.[127] This condition, William told Stevenson, had been treated at London's St Bartholomew's Hospital and in Pentonville.[128] However, his condition was not debilitating enough to delay his transportation: "[He had] so far recovered as to lead to the hope that sea air and a change of life would lead to a perfect cure".[129] Stevenson attended to William for four months until early June, during which his abscess deepened three inches, he developed another sore on his right hip, experienced painful swelling of the extremities, and was bed-bound for long periods.[130] The abscess also oozed a putrid discharge dotted with blood clots and was "of a darkish colour".[131] William's condition was so unpredictable that Stevenson eventually admitted only hospital care could afford "a permanent cure".[132] A scrofulous abscess indicated the presence of traditional contagious scrofula, however, this was also disease that had historic cultural associations with poverty, dirt, and various immoralities.[133] This was linked more broadly to a so-called "scrofulous constitution", the signs of which, according to physician Benjamin Phillips in 1846, were "too indefinite" to truly define.[134] What was clear, however, was that environment, hereditary predisposition, and character had much to bear when it came to its development. It was possible for an individual to have the hallmarks of a scrofulous constitution but, with appropriate intervention, never fall victim to internal tubercular disease.[135]

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[126] "Anna Maria", Surgeon's Journal, 17.
[127] Ibid.
[128] Ibid., 25.
[129] Ibid.
[130] Ibid., 17-20.
[131] Ibid., 19.
[132] Ibid., 20.
[133] Mary Wilson Carpenter, *Health, Medicine, and Society in Victorian England* (California: ABC-CLIO, 2009), 57-8.
[134] Benjamin Phillips, *Scrofula; its Nature, its Causes, its Prevalence, and the Principles of Treatment* (London: Lea and Blanchard, 1846), 95.
[135] Ibid., 96-214.

Surgeon-superintendents were often the unwilling beneficiaries of institutional illnesses.[136] When viewed through the lens of separate treatment and its associated reformatory outcomes, it is evident that a surgeon-superintendent's task in treating "contagious" individuals of a metaphysical and literal nature was presented as a moral responsibility as well as a medical one. The Pentonville Prison regime promised to weed out sick or suffering prisoners from its ranks, yet the "scrofulous abscess" suffered by William Jones is a clear instance that so long as a prisoner was healthy *at the time of inspection by Pentonville authorities,* he would be cleared for transportation. But evidence mounted that some illnesses or injuries manifested while under sentence and worsened over time. This is most evident in the case of the *Eden*, recorded as being the second most unhealthy Pentonville ship.

In October 1848, the *Eden* set sail with 237 prisoners from Millbank, Pentonville, and Parkhurst.[137] The acting surgeon-superintendent, twenty-seven-year-old Robert Beith, had entered the naval medical service in 1841, serving during the First Opium War (1839–42) and in operations "against the Malay pirates in the eastern seas".[138] During this time, Beith had assisted in managing troop epidemics like fever and dysentery, and also had experience with smallpox outbreaks at sea.[139] He was later involved in some reform within the naval establishment.[140] Beith embarked the *Eden* in early October to assist Robert McCrea, an older, more experienced naval surgeon.[141]

In September, McCrea wrote to Reverend Kingsmill, the Pentonville Prison chaplain, to report that the conduct of the convicts had been very good: "[I] am willing to hope that the good seed sown during their confinement in Pentonville Prison will have prepared their minds for future usefulness and enjoyment".[142] A mere week later, however, McCrea was dead. The bizarre chain of events leading to his death left Beith to the autopsy of his superior and the charge of his ship, all of which appeared an omen of what was to follow:

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[136] Foxhall, *Health, Medicine, and the Sea: Australian Voyages, c. 1815-1860*, 36.

[137] "Eden", Surgeon's Journal, 26.

[138] *Lancet*, 1 February 1868, 178.

[139] Ibid.

[140] K. Brown, *Poxed and Scurvied: The Story of Sickness & Health at Sea* (Barnsley: Seaforth Publishing, 2011), 168.

[141] "Eden", Surgeon's Journal, 27.

[142] Letter from Robert McCrea to Rev. Joseph Kingsmill, Appendix to Seventh Report, Command Papers (1101), 17.

> On the 5th of October the "Eden" sailed from Spitalhead and arrived at Madeira on the morning of the 21st. She put in here in consequence of the death of the surgeon-superintendent, which took place at 9 o'clock on the previous evening, and appears to have been caused by the following extraordinary circumstance. On the morning of the 14th of October, Rbt McCrea made some incisions in the leg of a patient who was suffering from an attack of phlegmonous erysipelas, and in doing so received some poisonous matter into his system through a small wound which he had in the point of his right thumb. That same evening pain and swelling of the hand and arm set in attended with considerable constitutional excitement, which (without tracing all the immediate effects) proceeded rapidly towards a fatal termination.[143]

The prisoner McCrea had attended to was one William Breffet, a Nottingham collier twice charged with larceny.[144] Initially admitted for an ulcer on his foot, William's entire leg unexpectedly reddened and swelled up, leading McCrea to make several incisions to drain the leg of fluid, which proved fatal.[145] Robert Beith's first impression of William was that of a weak, shrunken young man with a "pale and anxious" countenance.[146] For two days Beith continued to drain the leg of "offensive discharge" and apply poultices to the numerous incisions now littering William's skin.[147] However, on the afternoon of 31 October William took a sharp downturn: wracked with "a severe rigor … which lasted for an hour", the inflammation spread to his upper left thigh and was accompanied by fever.[148] William was suffering from erysipelas, a contagious skin inflammation "in which some part of the body is affected externally with heat, redness, swelling, and sometimes vesications".[149]

William was so highly contagious, in fact, that in addition to the death of the late surgeon McCrea, five more cases of erysipelas swept the ship, including the equally contagious related disease phthisis (tuberculosis).[150] As a medical man, Beith would have been aware of the difficulty in controlling either an outbreak of tuberculosis or erysipelas, especially in

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[143] "Eden", Surgeon's Journal, 26-7.
[144] 1481 William Breffet, Pentonville Prisoners' Register, PCOM2/61/5977, 30-1.
[145] "Eden", Surgeon's Journal, 7.
[146] Ibid.
[147] Ibid., 8.
[148] Ibid., 9.
[149] Thomas Nunneley, *A Treatise on the Nature, Causes, and Treatment of Erysipelas* (London: E.D. Barrington & Geo. D. Haswell, 1844), 12.
[150] "Eden", Surgeon's Journal, 25; W. Lawrence, "Observations on the Nature and Treatment of Erysipelas, Illustrated by Cases", *Medico-chirurigical Transactions,* Vol.14 (1828): 2.

preventing mild cases deteriorating further.[151] Table 1.1 enumerates three cases of phthisis originating, according to the surgeons' journal, in Pentonville; six other cases manifesting at sea; and one prisoner falling ill upon arrival at Geelong.[152] By his own admission, Beith was alarmed by both outbreaks.[153] Of these, the outbreak of erysipelas was simply a case of bad luck:

> [It was] caused by a coarse kind of marine soap (sent from Pentonville Prison for the purpose of cleansing clothes, but used by these men for washing their faces in salt water) the acid alkaline ingredients of which irritating the skin of the face and causing erysipelatous inflammation.[154]

Taken in conjunction with the medical theory that "local disturbances" such as excitement could upset the circulatory balance of the body and thus lead to inflammation, it was logically coherent to the surgeons so many men, their nervous systems weakened by prolonged confinement and exacerbated by the bustle of the outside world, would succumb.[155] Beith's report made assurances that the ship maintained exceptionally high levels of cleanliness: the prison doors were opened every morning at five; the "personal cleanliness" of every man was strictly enforced, with convicts washing every Tuesday and Friday; the deck was holystoned every morning; the deck and bedding was aired as often as possible; and "dancing, singing, and every description of amusement and exercise were encouraged … in fact every means that I had in my power was taken to promote their health and happiness".[156]

When the men started falling ill, Beith ordered the decks to be sprinkled with a solution of "chloride of zinc", a disinfecting fluid used predominantly in emigrant fever hospitals.[157] This was an 1820s solution that proved so successful it would continue to be used for some decades.[158] It was designed to purify the environment from noxious fumes, and to "materially

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[151] Richard Ross and William Whitla, "Transactions of the Ulster Medical Society," *Dublin Journal of Medical Science (1872-1920)* 64, no. 4 (1877): 326.

[152] "Eden", Surgeon's Journal, 4-14, 16-7, 20-5.

[153] Ibid., 28.

[154] Ibid.

[155] Lawrence, "Observations on the Nature and Treatment of Erysipelas", 28-9.

[156] "Eden", Surgeon's Journal, 29.

[157] Ibid.; Thomas Stratton, "Remarks on Deodorization, Disinfection, and on Sir William Burnett's Disinfecting Fluid, the Solution of the Chloride of Zinc," *Edinburgh Medical and Surgical Journal* 70, no. 177 (1848): 287.

[158] Rebecca Ryan, "Health and Hygiene on Board 19th-Century Sailing Ships: A Functional Analysis of Artefacts from Western Australian Shipwrecks," *Journal of the Australasian Institute for Maritime*

check the approach of devastating epidemics".[159] Diluted zinc chloride, like chloride of lime, had a propensity for freshening air, delaying decomposition, and, when used in a medical sense, could reduce inflammation and hasten healing.[160] Above all, using zinc as a deodoriser gave the impression that disease, or the threat of it, was suppressed.[161] As Edwin Chadwick told a parliamentary committee in 1846: "All smell is disease".[162] In 1844, the same year the *Sir George Seymour* left for Van Diemen's Land, physician Neil Arnott told another commission that:

> The immediate and chief cause of many of the diseases which impair the bodily and mental health of the people, and bring a considerable proportion prematurely to the grave is the *poison of atmospheric impurity* arising from the accumulation in and around their dwellings of the decomposing remnants of the substances used for food and from the impurities given out from their own bodies.[163]

Similarly, it was believed that the Thames water, or at least its surrounding atmosphere, had made some Pentonville Prison men sick in the past. Indeed, as historian Peter Ackroyd points out, the Thames water was "a killer", and responsible for the spread of epidemic fevers so common to East London; the fresh water upriver "contrasted strongly with the odours and effluent of the tidal river", making the mouth of Woolwich Dockyard a veritable slush of city waste.[164] Previous studies have not accounted for such environmental factors and the material effect on the health of Pentonville prisoners. I contend that, to an extent, too much has rested on the discipline of separate treatment as the sole reason for prisoner illness; to what extent

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Archaeology 38 (2014): 19; William Tullett, "Re-Odorization, Disease, and Emotion in Mid-Nineteenth-Century England," *The Historical Journal* 62, no. 3 (2019): 5.

[159] William Alexander, "On the Powers of Disinfecting Agents, as Auxiliary to Sanitary Measures," *Proceedings of the Geological and Polytechnic Society of the West Riding of Yorkshire* 2, no. 1 (1842): 447.

[160] David McLean, "Protecting Wood and Killing Germs: 'Burnett's Liquid' and the Origins of the Preservative and Disinfectant Industries in Early Victorian Britain," *Business History* 52, no. 2 (2010): 287.

[161] Alice Meredith Hodgson, "Learning to Be the Mistress: Convict Transportation, Domestic Service and Family Structure in 19th Century Australia and America" (unpublished PhD thesis, University of Tasmania, 2015), 7.

[162] Chadwick quoted in Stephen Halliday, "Death and Miasma in Victorian London: An Obstinate Belief," *British Medical Journal* 323, no. 7327 (2001): 1469.

[163] Emphasis original. Arnott quoted in Halliday, "Death and Miasma", 1469.

[164] Ackroyd, *Thames: Sacred River*, 251.

did environment, both inside and outside the prison, exacerbate or otherwise make vulnerable prisoners *to* separate treatment?

This is best understood in the context of the final transportation vessel to embark Pentonville subjects, the *Adelaide* (1849). Her surgeon-superintendent was Frederick Le Grand, a Cork-born Irishman educated in Dublin. Le Grand was sixteen when he was first apprenticed as an apothecary in Cork, 1821.[165] He was twenty-nine when he was appointed assistant surgeon of the *Volage* (1834); became a Member of the Royal College of Surgeons in 1837; and a Fellow by 1844.[166] In his later years, he was appointed Deptford Yard's staff-surgeon in 1857.[167] Le Grand was forty-four when he was made surgeon-superintendent of the *Adelaide.* Although this was his first convict vessel, Le Grand's journal reveals a community of knowledge had developed around the business of transportation.[168] Before embarkation, Le Grand ordered the ship's pump to be flushed with a solution of chloride of zinc – the same tincture used by Robert Beith the previous year. Le Grand also urged that the *Adelaide* sail "immediately from the River on receiving the prisoners on board" instead of lingering at Woolwich Dockyard.[169]

Le Grand's conscientiousness was on the heels of the 1848–9 London cholera epidemic, which was one of the worst of four outbreaks over a thirty-year period.[170] Cholera emerged in the capital only five months before the sailing of the *Adelaide* in July.[171] It stands to reason that Le Grand would want to mitigate any threat of cholera onboard by departing Woolwich as soon as possible. He was not alone in managing such risk. In 1844, for instance, the *Sir George Seymour* reported ten cases of catarrh that were the result of a delayed departure.[172] Onboard the *Stratheden* (1845) prisoners came down with typical London coughs and colds

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[165] Return of Persons examined and certified as Qualified by Apothecaries' Hall in Dublin, and Number of Prosecutions, 1791-1829, House of Commons Papers (235), Vol.XXII.491 (1829), 58.

[166] Frederick Legrand, Census Returns of England and Wales 1861, TNA, RG9/397/121, 40; Frederick William Legrand, Census Returns 1871, TNA, RG10/748/12, 17.

[167] Ibid.

[168] "There was much reason to apprehend an outbreak of cholera on board, at the commencement of the voyage, as it had appeared in some of the convict ships that had previously sailed, and I attributed an immunity from the disease … to the attention paid previous to the embarkation of the guards and convicts to the purification of the ship's hold". (Frederick Le Grand, Surgeon's Journal on Convict Ship "Adelaide", TNA ADM101/1/4, 28).

[169] Ibid.

[170] Stephanie Snow, "Commentary: Sutherland, Snow and Water: The Transmission of Cholera in the Nineteenth Century," *International Journal of Epidemiology* 31, no. 5 (2002): 908.

[171] Ibid.

[172] "Sir George Seymour", Surgeon's Journal, 17.

that were exacerbated by the seasonal shift once they passed the equator.[173] The *Anna Maria* reported cases of catarrh and diarrhoea that were "apparently dependent on the season of the year and local causes doubtlessly aided by the great change of life each patient experienced".[174] It was long understood that the time of year in which a ship departed was a factor in the overall health of the voyage, with May, June, and July being preferred months.[175] Taken together, it was made all the more evident that the environment in which an individual was housed or transported had a material effect on their health.

Surgeon-superintendents could control the environment of a ship. They could even control the circumstances surrounding a ship's departure or arrival. But they could not retroactively control the prison environment. In 1848 Robert Beith reported the first death onboard the *Eden*, a convict named William Lainson. As Beith wrote:

> I found this man in a moribund state. There was great protraction and emaciation; features depleted; skin cold and clammy; pulse quick, feeble, intermitting, and at times imperceptible … breathing short and hurried; and the power of articulation almost gone.[176]

Beith questioned the hospital attendants, who stated that upon embarkation William was in a "bad state of health, being of a pale, sickly, and emaciated habit of body; and subject to constant cough".[177] Beith determined that William's death, which occurred literally hours after he arrived onboard, was either rapid onset pleurisy or an attack of pneumonia, "induced by tubercular invitation".[178] In other words, William could only have fallen ill in Pentonville. According to Beith's remarks and those made by the ships' medical attendants, William had evidently been in active deterioration for some time.[179] But he was not the only one.

Benjamin Barker, a young boatsman from Lincolnshire charged with assault and robbery, was twenty-five when he boarded the *Eden.*[180] By his own account, he had been in prison for "nearly two years, during which time he has been under the solitary system of

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[173] "Stratheden", Surgeon's Journal, 8.
[174] "Anna Maria", Surgeon's Journal, 25.
[175] Kathrine Reynolds, "Surgeons' Journals: An Underused Source for Australian Convict History, 1817-1843," *Journal of the Royal Australian Historical Society* 101, no. 2 (2015): 198.
[176] "Eden", Surgeon's Journal, 4.
[177] Ibid., 5.
[178] Ibid.
[179] Ibid.
[180] 1530 Benjamin Barker, Pentonville Prisoners' Register, PCOM2/61/5977, 32-3.

punishment".[181] For several months Benjamin had been subject to a "slight cough and expectoration, with occasional shooting paints in the chest" – symptoms that worsened once on board.[182] Coughing and phlegm were understood to be the first physical signs of phthisis; and if emaciation, paleness, and cool skin were present, these were probable symptoms of tubercular inclination.[183] To make matters worse, Benjamin had suffered scurvy during the latter period of his incarceration in Pentonville Prison.[184] He was anxious, weak, and wracked by a persistent and severe cough that rendered his voice little more than a whisper.[185] On 4 October, twelve days after his initial admission, Benjamin "continued to sink" until he died at dawn.[186] The post-mortem examination was horridly revealing. Benjamin's lungs were "thickly studded with tuberculosis in various stages", the left of which "was almost entirely a map of disease", and his mesenteric glands also contained tubercular matter.[187] This combination of symptoms did have another, more alarming name: pulmonary consumption.[188] Indeed, in Beith's estimation Benjamin was in the final stages of consumption once he arrived onboard.[189]

Consumptive prison illnesses were historically feared – with good reason. As Dr William Baly, physician to Millbank Prison, observed in 1849:

> The proportion of deaths has been much greater among criminals in prison, than amongst persons of a corresponding class out of prison; and the increased mortality is due to various forms of scrofula, and especially tubercular phthisis. … In a great number of cases of phthisis in this prison, apparently hopeless, the disease was immediately checked in the release of the prisoners, many of whom entirely recovered.[190]

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[181] "Eden", Surgeon's Journal, 5.
[182] Ibid.
[183] James Clark, *A Treatise on Tubercular Phthisis or Pulmonary Consumption* (London: Marchant, 1834), 7-8.
[184] "Eden", Surgeon's Journal, 5.
[185] Ibid.
[186] Ibid., 7.
[187] Ibid.
[188] Clark, *A Treatise on Tubercular Phthisis*, 3.
[189] "Eden", Surgeon's Journal, 28.
[190] Quoted in William Addison, *On Healthy and Diseased Structure and the True Principles of Treatment for the Cure of Disease, especially Consumption and Scrofula, founded on Microscopical Analysis* (London: G.J. Palmer, 1849), 48-9.

Indeed, the devastating outbreaks at Millbank Prison throughout the 1820s was a key factor in developing a replacement institution – Pentonville Prison – which emphasised ventilation, warmth, health, and cleanliness.[191] This effort to design and perfect an institutional environment reflected broader public health concerns around contagion, and epidemiological concerns around predisposing or exciting factors.[192] The way surgeons Beith or Le Grand attempted to control for noxious miasmas onboard is evidence of the influence contemporary theory had on the practical control and prevention of illness. For instance, Beith wrote that he was "conscious … of the disagreeable odours which descended from the confined places and polluted the atmosphere of the prison deck", and this was what encouraged him to use the chloride of zinc solution.[193]

How could all this onboard illness happen? Once a Pentonville prisoner was ready for transportation, he had undergone no less than three distinct medical checks: upon his initial admission to the prison; his release; and by the surgeon-superintendent before embarkation. He was also subject to regular medical evaluations by medical staff during his period in prison. Yet, as I demonstrated in Chapter 3, contagious and deadly illnesses in institutional settings were more common than anticipated. In Pentonville in 1848, for example, four cases and subsequent deaths from tubercular-related disease were recorded.[194] Four other prisoners received pardons on medical grounds.[195] According to Pentonville's principal physician, Dr Rees, influenza had "prevailed" in the months leading up to the *Eden*'s departure:

> This certainly must have tended to develop any tendency to consumptive disease in the lungs which might have existed among the prisoners. … Various precautions against the disease were taken in October, principally applying to the clothing and

[191] Emmanuil Magiorkinis, Apostolos Beloukas, and Aristidis Diamantis, "Scurvy: Past, Present and Future," *European Journal of Internal Medicine* 22, no. 2 (2011): 148; Peter McRorie Higgins, "The Scurvy Scandal at Millbank Penitentiary: A Reassessment," *Medical History* 50, no. 4 (2006): 514-7.

[192] George Davey Smith, "Commentary: Behind the Broad Street Pump: Aetiology, Epidemiology and Prevention of Cholera in Mid-19th Century Britain," *International Journal of Epidemiology* 31, no. 5 (2002): 921.

[193] "Eden", Surgeon's Journal, 29.

[194] These included Josh Hoare (pulmonary tubercular phthisis); James Baxter (consumption); William Weaver (tubercular disease of the heart); John Cole (acute phthisis); and Edward Pugh (tubercular disease of the lungs). See Physician's Report, Appendix to the Seventh Report of the Commissioners, Command Papers (1101), Vol. XXVI.349 (1849), 19.

[195] These included William Stokes (pulmonary consumption); Frederick Williams (pulmonary consumption); George Heap (tubercular disease of the brain); and John Benson (pulmonary consumption). See Seventh Report, Command Papers (1101), 20.

> diet of the prisoners. The drainage of the prison was carefully examined; and the result of this enquiry led to several important alterations in construction being made…[196]

The interventions made both by surgeon-superintendents and the medical staff at Pentonville reveal how they separately conceptualised and managed their spaces and the bodies that populated them. In prison and at sea it was evident that convicts were suffering because of their confinement. Yet, the presence of other historic diseases like consumption and tuberculosis indicate that at some basic level, the healthful properties promised by an institution like Pentonville Prison were lacking. Given the number of cases relating to contagious diseases like erysipelas or phthisis – enough to warrant disinfection techniques usually employed during epidemics – their aetiology is called into question. If prisoners became sick in a prison specifically designed to separate them for the duration of their sentence, was it the building's careful design that inadvertently weakened a prisoner's resilience to illness and disease? Or was it, as the Commissioners and several surgeon-superintendents believed, the emotional knowledge that a prisoner would never see England again?

Conclusion

News of the supposedly epileptic convicts from Pentonville Prison's hallowed Experiment became public almost instantly. In a House of Commons debate on the use of separate treatment, Baron Edward Pennefather, Lord Chief Justice of Ireland, decried the lack of appropriate response to the fitting prisoners, and referred specifically to the voyage of the *Sir George Seymour*:

> Will you disregard all this, and persevere, on the plea that the separate system reforms the criminals subjected to it? What is the evidence with respect to the 345 convicts whom you have picked for their health, sanity, and tendency to reform, and sent out from Pentonville in the Sir George Seymour transport? Why, that they had not been on board many hours before many of them fell into convulsions, and that on their arrival at Hobart Town, after a long voyage, Sir E. Wilmot and Mr. Forster report that

[196] These alterations are not specified (Seventh Report, Command Papers [1101], 22).

> their faculties still suffered from the effects of the separate discipline they had undergone. What do you hear of the rest?[197]

To what end did the prison and voyage environment deepen the impact of separate treatment on prisoners' health? As Andrew Cunningham observes, beliefs surrounding filth and disease were "as much a political belief" about how society should be structured and run, "as it was a medical one".[198] This is best understood in layers. As this chapter has found, naval surgeons were responsible for the health of the ship. However, in the context of the Pentonville Prison Experiment, they also became responsible for the detrimental health effects of the prison itself. On another level, notions around health and cleanliness had direct medical ramifications – but cultural perceptions of health and cleanliness influenced how sick people were treated and their illnesses interpreted. What this chapter finds is that prisoners were falling ill at Pentonville and, despite guidelines to the contrary, were transported regardless. An examination of the environmental conditions during embarkation indicates that the contrast between a controlled prison space and the outside world might have resulted in subsequent illness, such as cases of catarrh. This does not explain the cases of contagious illnesses like scrofula, tuberculosis, erysipelas, or even gastric complaints like diarrhoea. However, it does underscore that Pentonville, like all historic and current institutions, was "porous".[199] Chapter 3 hypothesised that Pentonville was not the hermetic environment promised by prison authorities, and this chapter confirms it.

This chapter has demonstrated the convict transportation ship was a highly contested, layered place, that was, in many respects, an extension of the Pentonville Prison Experiment. Through a close reading of the transportation ships bound for Van Diemen's Land, it becomes clear that the convicts onboard embodied the physical effects of separate treatment just as much as they represented what *types* of convicts should be subjected to such treatment. Their health and wellbeing, therefore, could never be understood in strict medical terms, for they were far more than patients: they had become political beings.

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[197] 10 June 1847, House of Commons Sessional Papers, Vol. 93.III, 316.

[198] Cunningham, "Identifying disease in the past", 28.

[199] Gabrielle Beaudry et al., "Managing Outbreaks of Highly Contagious Diseases in Prisons: A Systematic Review," *British Medical Journal Global Health* 5, no. 11 (2020): 1.

Chapter 5:
"Pentonvillains" in Van Diemen's Land

Introduction

Did the subjects of the Pentonville Prison Experiment continue to suffer once they arrived in Van Diemen's Land? This is this chapter's central question. Historical commentators and subsequent scholars have contended that specifically separate treatment made prisoners both mentally and physically ill. As the two previous chapters have illustrated, prisoners fell sick during and after their confinement under separate treatment. Did this pattern continue in the colony?

This chapter follows the *Sir George Seymour* (1844) men as they adjusted to life in the antipodes. The nature of the colony that these men were hoping to assimilate into had faced numerous challenges over the punishment and management of convict immorality. The way that the system of separate treatment came to be used in Van Diemen's Land differed significantly from Britain, as the colony had a distinct set of problems that demanded local solutions. Despite the favourable contrasts between Pentonville Prison and the probation system, there was a degree of stigma attached to the "Pentonvillains". This was a play on the term "Pentonvillian", a moniker that was first used in an Australian paper in late 1844.[1] To be a "Pentonville man", observed former Pentonville convict James Johnston in 1845, was "quite condemnatory" and even mentioning the *Sir George Seymour* inspired "the strongest prejudice" among colonists.[2] The object of this chapter is to examine whether the period of separate treatment these men were exposed to during the Experiment had an adverse effect on their reintroduction to society, specifically on their mental, physical, and emotional health.

Section 1 concerns the arrival of the *Sir George Seymour* men in the colony. This section is primarily contextual and canvasses the responses of the public and other figures, such as *Sir George Seymour* surgeon-superintendent Dr John Hampton and his protégé, former Pentonville warder James Boyd, on the arrival of the convicts in Hobart Town. Primary

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[1] *The Melbourne Weekly Courier*, 21 December 1844, 2.

[2] Letter from James Johnston (Reg 164) to Dr John Hampton, 29 March 1845, Command Papers (402), Vol. XXIX.363 (1846), 67.

evidence indicates that there was some resistance to the Pentonville men among colonists, which possibly hindered their assimilation into society. To support this concept, I draw on existing literature on prisoner reintegration, particularly the embodiment and "inscription" of confinement as markers of carceral experience.[3] However, to avoid echoing the archival record, Section 2 critically evaluates this qualitative approach through a quantitative assessment of the *Sir George Seymour*. This view considers the experience and assimilation process of a group bound by a collective identity, and questions whether a pattern emerges among a cohort made subjects of an experimental prison discipline that sought to universalise the confinement experience.[4] To underpin these findings and to highlight the human element of this data, I include three case studies: Thomas Jennings, Andrew Arnott, and William Bilyard. Each of these *Sir George Seymour* men represent a facet of the post-confinement experience. In employing microhistorical technique, I closely examine the legacy of separate treatment by "altering the scale of observation".[5] The narrative throughout this thesis has shifted slowly from a macro to an increasingly micro perspective. By narrowing the dimensions as the chapter progresses, we can take a close view of a prison discipline that sought to render its subjects indistinguishable from one another. This chapter concludes its findings by suggesting that the *Sir George Seymour* cohort were far more resilient than contemporaries, and even other historians, have presented them to be.

A similar study was the focus of an unpublished 2014 doctoral thesis by Colleen Wood on the convicts sent from Pentonville Prison to Port Phillip, a mainland settlement south of Melbourne. Wood gave greater weight to the Port Phillip context and devoted little to the Pentonville Prison Experiment.[6] Wood finds that sympathy for the "Port Phillip Exiles" among colonists was not forthcoming, and that many men "brought with them unresolved psychological issues" from their confinement in Pentonville and Britain more generally.[7] Wood's thesis is largely a social and labour history, exploring the nature of assimilation

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[3] Dominique Moran, "Prisoner Reintegration and the Stigma of Prison Time Inscribed on the Body," *Punishment & Society* 14, no. 5 (2012): 565-7.

[4] This approach deals specifically with the issues of fragmentary data faced by historical criminologists. See Thomas J Kehoe, Jeffrey Pfeifer, and Jason Skues, "From Prison to Society: Characterising Crime in Colonial Australia Using the Records of the Court of Criminal Jurisdiction," *Crime, Histoire & Sociétés/Crime, History & Societies* 23, no. 1 (2019): 52.

[5] Giovanni Levi quoted in H. Renders and B. De Haan, *Theoretical Discussions of Biography: Approaches from History, Microhistory, and Life Writing* (Leiden: Brill, 2014), 106-7.

[6] Colleen Wood, "Great Britain's Exiles Sent to Port Phillip, Australia, 1844-1849: Lord Stanley's Experiment" (unpublished PhD thesis, University of Melbourne, 2014), 27-100.

[7] Ibid., 156-9, 86-7.

through the lens of employment and social integration. Indeed, she gives little attention to the health problems suffered by Pentonville Prison subjects.[8] This chapter intends to use recorded information on offences and punishments to map how closely bound the process of prisoner reintegration could be to health, particularly in the context of a prison experiment with such an overt anxiety over illness, hereditary or otherwise.

To uncover how the first Pentonville Prison subjects integrated into colonial society, I employ a mixed methods approach. As no existing studies on the Pentonville prisoners in Van Diemen's Land exists, my research is both methodologically innovative and unique in scope and focus. The bulk of research in this thesis has been qualitative with some quantitative support; this chapter does the reverse. The former includes a close reading of primary archival material dating 1845–9, such as the hospital and asylum admission registers and male case books of mental and physical health from individual institutions.[9] These documents are held by the Tasmanian Archives (TA) and were accessed digitally. A qualitative examination is useful as it reveals another facet of the post-confinement colonial experience, although it is limited to a short- and mid-range view of the *Sir George Seymour* men.

The quantitative element was gleaned from transcribing the conduct records of the 169 men disembarked at Hobart Town in 1845 and encoding them to produce numerical data, the first ever gathered on a Pentonville Prison-Van Diemen's Land convict cohort. Such an approach builds the case made by scholar Thomas Guiney for "systematic archival research as a methodological tool of historical criminology".[10] This data gives measurable insight into offending and punishment rates, offence types, reconviction, and further institutionalisation at a hospital or asylum or a place of secondary punishment like Port Arthur. The 169 convicts were checked against the Pentonville Prisoner Register to confirm their identity. This process of cross-checking could not confirm 19 convicts, and so the total number of *Sir George Seymour* men examined in this chapter is 150. As a complement to this chapter's short- and

[8] As mentioned in Chapter 4, Wood briefly sketches out the fits suffered by convicts but does not unpack the phenomena. See ibid., 135-9.

[9] Patient Records Admission Register, 1 January 1830 to 31 December 1900, HSD247/1/1, Tasmanian Archives (hereafter TA), 4-5; "Male – Mental", Patient Records Case Books, Vol. 7, TA, HSD246/1/3, (1845-7), 1-160; "Male – Physical", Patient Records Case books, Vol. 8, TA, HSD246/1/4 (1846-7), 1-158; "Male – Mental", Patient Records Case Books, Vol. 11, TA, HSD246/1/7, (1847-9), 1-252; "Male – Physical", Patient Records Case Books, Vol. 10, TA, HSD246/1/6, (1847-8), 1-248.

[10] Thomas Guiney, "Excavating the Archive: Reflections on a Historical Criminology of Government, Penal Policy and Criminal Justice Change," *Criminology & Criminal Justice* 20, no. 1 (2020): 88.

medium-term qualitative examination, a long-range quantitative survey throws up new and challenging questions as to the impact of separate treatment. Given the exposure and emphasis placed on the outcomes of the first Pentonville Prison men in the colony, these outcomes are valuable to further research on the transnational legacy of separate treatment on Australian convicts.

Section 1: Colonial Context

When news arrived in Hobart of the imminent arrival of the *Sir George Seymour,* then en route with the first load of convicts from the Pentonville Prison Experiment, *The Courier* wrote rather sceptically:

> In reference to the Pentonville prisoners, whose arrival may be expected shortly, we regret that the field of encouragement which this colony presents should not be more favourable to them. Here we have an overstocked labour market just as much as in England, while the moral atmosphere of the place is far worse than that of England. We doubt whether these are fair circumstances for such men to be placed in; or whether, should they relapse again, *any inference reflecting the discipline to which they have been subject can be drawn from the fact of their relapsing*.[11]

As Chapter 2 indicated, concerns over the moral atmosphere of the Australian colonies were frequently roused in matters of penal reform.[12] Some Van Diemen's Land colonists thought landing Pentonville subjects in Hobart was an odd proposition, partly because of the colony's plateaued economy, but also because of the colony's polluted reputation.[13] If men reshaped by the system of separate treatment were landed in Hobart, how could they retain their new characters for long? Most of the contemporary commentary on the "Pentonvillains'" worried over the opportunities (or lack thereof) in the colony. A few commentaries leading up to the arrival of the *Sir George Seymour* mentioned the prisoners' health, although it was noted in passing that predisposition to illness tended to explain why some men deteriorated mentally

[11] Emphasis mine. *The Courier,* 3 December 1844, 4.

[12] For further discussion on these issues, see Honey Dower, "Inverting the Panopticon: Van Diemen's Land and the invention of a colonial Pentonville Prison", in T. Causer, M. Finn, and P. Schofield (eds.), *Bentham and Australia: Convicts, Utility, and Empire* (London: UCL Press, 2022).

[13] *Launceston Advertiser,* 3 January 1845, 2; *The Courier,* 8 February 1845, 4; *The Courier,* 3 April 1845, 2; *The Courier,* 8 April 1845, 2; *The Courier,* 20 March 1845, 2.

or physically while in separate prisons.[14] In other words, colonists dared to consider the *Sir George Seymour* with a mix of caution and hope – after all, the convicts onboard embodied the effects of an experimental prison system, and Van Diemen's Land was to bear witness and benefit.[15] However, no sooner had the *Colonial Times* remarked in May 1845 that the colony should not expect more Pentonville men until it was determined how the "first experimental cargo has been received" that news of a second ship casting off from London – the *Stratheden* – arrived.[16] This essentially ignited colonists' suspicions that Van Diemen's Land would become a "receptacle" for the Pentonville "Exiles". While this was more encouraging than continuing the probation system, "the utter failure of which proofs are so continually and alarmingly multiplying", the reputation of the "Pentonvillains" appeared to change by the day.[17] Reports alternated between the "depraved characters" of Pentonville threatening the moral fabric of the colony, committing offences and causing a ruckus; and the useful and advantageous trades taught to the men, which made them attentive and dutiful workers.[18] These conflicting reports in part reflect the reality faced by the men in the colony.

In March 1845, it was reported that of the 345 men onboard the *Sir George Seymour,* 169 men were to be landed in Hobart, with the rest for Port Phillip. These men were assured to be "of a superior class hitherto sent to the colony", and were reported to be "the first draft from Pentonville", where they were "subjected to the novel and strict discipline of that establishment".[19] The men were reported by Lieutenant-Governor Eardley Eardley-Wilmot to be "in good health" and he was "struck with the cleanliness and order which were prevalent" throughout the *Sir George Seymour* when she arrived.[20] As surgeon-superintendent John Hampton observed of the men at sea:

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[14] *The Courier,* 27 March 1845, 2.

[15] "We shall now have an opportunity of contrasting its practical efficiency, as a penal means of reform, with the system of Probation discipline now in operation here … We shall be able to judge how far the salutary effects, apparently produced, are of a permanent character" (*The Courier,* 18 March 1845, 2).

[16] *Colonial Times,* 13 May 1845, 3; *Colonial Times,* 24 October 1845, 4.

[17] From 1840 the British Government ceased to transport convicts to New South Wales, therefore making Van Diemen's Land the lone colonial destination for convicts. See *The Courier,* 17 April 1845, 2; *The Observer,* 11 November 1845, 2.

[18] *Launceston Examiner,* 28 February 1846, 7; *The Observer,* 13 March 1846, 4; *The Observer,*8 August 1845, 3.

[19] *The Courier,*1 March 1845, 3; *The Courier,* 8 March 1845, 2.

[20] Letter from Sir Eardley-Wilmot to Lord Stanley, 4 March 1845, "Correspondence between Secretary of State and Colony of Van Diemen's Land on Convict Discipline and Relief", House of Commons Papers (36), Vol. XXIX.291 (1846), 32.

> I feel bound to state in the most emphatic terms that [separate treatment at Pentonville Prison] did not produce the slightest mental imbecility in any of the 345 men under my charge, and that … their minds were in a much more healthy state than is usual amongst ordinary convicts.[21]

The only "mental effect" of confinement that Hampton found was "the loss of gregarious habits" among the prisoners, which he later clarified to mean that "the men had lost the habit of acting in concert as prisoners generally do" and that "there was no want of energy amongst them, no lassitude".[22] Given the prisoners had spent upwards of 20 months in solitude and had been punished for colluding with one another, this was unsurprising. Later newspaper reports remarked that the prisoners were "for the most part quiet, inoffensive men, but wanting energy, and frequently listless".[23] As Chapters 3 and 4 illustrated, diagnostic uncertainty of symptoms associated with separate treatment was rampant. This meant that something like listlessness was hard to define. Despite these whispers, or perhaps in spite of them, an air of hope hovered among colonists: there was "great interest … felt 'at home'" as to the future of the Pentonville men.[24]

The portion of men without Tickets-of-Leave were initially to be kept in a house owned by Hobart businessman Judah Solomon at the top of Campbell Street, where they were placed under the charge of one Mr Thomas Holland, a former convict.[25] Here, they were made "eligible for hire, and amongst them are men of every description of trade and calling".[26] Hampton himself wrote that, although an employment depression existed in the colony, he

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[21] Letter from Dr John Stephen Hampton to Sir Eardley Eardley-Wilmot, 3 April 1845, House of Commons Papers (36): 33-4.

[22] Fourth Report for Government of Pentonville Prison, Command Papers (751), Vol. XX.97 (1846): 10.

[23] *Launceston Examiner,* 29 July 1846, 8.

[24] *The Courier,* 8 March 1845, 2.

[25] James Boyd described Holland as "an old convict, and a person, in my opinion, totally unfit for the office" (Letter from James Boyd to Robert Hosking, "Correspondence between Secretary of State for Colonies and Lieutenant-Governor of Van Diemen's Land, on Convict Discipline, Reports from Comptroller General of Convicts in Van Diemen's Land", House of Commons Papers [402], Vol. XXIX.363 [1846], 66). On a related note, Judah Solomon was an influential property owner in Hobart who would later be instrumental in the construction of the Hobart Synagogue in 1845, the first established synagogue in the Australian colony. See S.D. Rutland, *The Jews in Australia* (Cambridge: Cambridge University Press, 2006), 20; J. Levi, *These Are the Names: Jewish Lives in Australia, 1788-1850* (Melbourne: Melbourne University Publishing, 2013), 1829; H. Fixel, *Hobart Hebrew Congregation: 150 Years of Survival against All Odds* (Hobart: The Congregation, 1994), 3-5.

[26] *The Courier,* 8 March 1845, 2.

believed the "appearance, conduct, and qualifications of the men … will tell so very highly in their favour, as to induce the inhabitants to come forward to employ them".[27]

However, things were not so simple. For instance, the information initially relayed to the Commissioners as to the prospects of employment in Hobart proved "inaccurate, and that so far from being entitled to count on a steady and effective demand for labour to an indefinite extent in that colony, it was found impossible … to procure employers for the convicts".[28] Given it was reported that the Pentonville men had had placards in their cells promising them a life of abundance in the colonies, Hobart commentators regarded the situation as an "intolerable evil consequent upon a breach of the public faith".[29] To address such grumbles, Hampton wrote to the Commissioners blaming the state of Van Diemen's Land itself for the difficulties faced by the men. The colony was "surrounded … by contaminating influences of the worse description".[30] The prisoners were also the object of ire, having been

> taunted and jeered by the other part of the convict population as "pets, psalm singers, Pentonvillains" &tc.; invited and tempted, in Hobart Town particularly, to the public-houses while they have either money or clothes remaining.[31]

Hampton implored the Board to "never again, if possible" send Pentonville men to Van Diemen's Land:

> It would be more just and humane to shut up Pentonville prison at once, than to pass men through such a course of training, only to discover on arriving here that their previous expectations are a mockery, their present prospects worse than slavery, and their future moral ruin and contamination nearly a certainty.[32]

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[27] Letter from Dr John Hampton to the Pentonville Prison Commissioners, 1 March 1845, House of Commons Papers (402), 62.

[28] *Launceston Examiner*, 22 July 1846, 8.

[29] "On the cell of each prisoner at Pentonville is affixed the following notice: 'Prisoners admitted into the Pentonville Prison will have an opportunity to be taught a trade, and of receiving sound moral and religious instruction. They will be transplanted to a penal colony in classes…'" (*The Britannia and Trades' Advocate,* 22 October 1846, 4).

[30] Letter from Dr John Hampton to the Pentonville Prison Commissioners, 30 April 1845, House of Commons Papers (402), 62-3.

[31] Ibid., 63.

[32] Ibid., 64.

Given the ongoing contemporaneous British debate around abolitionism, Hampton's comments were damning indeed.[33] It is, however, possible that these remarks were the first seeds planted to establish the idea of erecting a model Pentonville Prison in the colonies – a prospect Hampton, in fact, secured support for in the latter months of 1845. By emphasising the moral ruin of Hobart Town, he could present an alternative that suited the interests of all acting parties, especially as it was "nearly impossible for even the best man from Pentonville prison to resist the deteriorating contamination of the position in which they must be placed here".[34]

This brief introduction to the Van Diemen's Land context reveals three key points. First, that men like Hampton were well-placed to talk out of both sides of their mouths. Hampton was able to shape the conversation on colonial separate treatment from the perspective of an experienced figure in the business of transportation and as a budding penal reformer. Second, that a degree of rumour had tainted the arrival of the *Sir George Seymour,* condemning the "Pentonville Pet-Prisoners" with reference to the lurid, even scandalous nature, of the crimes they apparently went on to commit in droves.[35] Third, and perhaps most importantly, the labour market in the colony had been greatly misrepresented to British authorities; with the absence of enough work to keep convicts in check, they were purported to be vulnerable to a society stained with convict influence. It was also questioned by Vandemonian society whether the blame ought to be put on the offending convict or to Lord Stanley himself: "It is the general opinion, that as much justice is as likely to be obtained from the one as the other".[36] This gave the impression that the Pentonville men were doomed, tied forever to the legacy of separate treatment, one fate sealed to another.

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[33] Anderson, "Transnational histories of penal transportation", 381-97; Nicole K Dressler, "'Enimies to Mankind': Convict Servitude, Authority, and Humanitarianism in the British Atlantic World," *Early American Studies: An Interdisciplinary Journal* 17, no. 3 (2019): 343-76.

[34] Letter from Dr John Hampton to the Pentonville Prison Commissioners, 30 April 1845, House of Commons Papers (402), 64.

[35] See, for example, the case of John Peasnell, "a Pentonville exile", who complained to his master that he had not been paid properly. Yet, as a bottle of wine had gone missing and it was supposed Peasnell was a lapsed drunk, he was dismissed from service. Another instance involved an ex-Pentonville man, then a Hobart constable, who was found in a romantic encounter with a married woman, whom he claimed he had rescued from her husband. The husband, upon discovering the pair, was chased by the Pentonville man, knocked down, apprehended, and "lodged … in gaol". (*The Courier,* 24 May 1845, 3; *Colonial Times,* 3 May 1845, 3).

[36] *Colonial Times,* ibid.

Strictly speaking, it is difficult to ascertain the reality of employment among Pentonville Prison men, largely as the myth of the unemployable separate treatment man tangled with the assurance that such discipline was integral to forming a new workforce in the colony. Holland, for example, compiled a list of wages and occupations secured for the hired Pentonville prisoners, hoping to emphasise to the Commissioners which trades would better assist men in future.[37] However, Holland admitted that even the prisoners with "good characters and dispositions are awkwardly situated in this respect in a colony … as this is".[38] In Hobart, businessman Peter Degraves had employed twelve Pentonville men, which, in Hampton's view, furnished an "indication of the public opinion" as to the advantages of separate treatment. However, as no other names of Hobart employers are given in Hampton's letters, this suggests that Degraves was the exception rather than the rule.[39] The direness of the situation was felt most when it was reported that those men who had not yet been employed were put to work breaking stones. In undergoing this "degrading labour" they were "thus exposed on the public thoroughfares to be jeered and derided by the people passing, and placed on a level with the common road-gangs".[40] James Boyd also wrote to advise that "many of the masters [in Hobart] are persons totally devoid of every good principle (mostly old convicts)" who would "hesitate not in making some paltry charge against [the Pentonville men], for which they are set adrift upon the world".[41] In comparison to Geelong, where half of the *Sir George Seymour* men were landed and apparently went "headlong into ruin", those in Hobart appeared to retain some semblance of self-control.[42] This acted as evidence that, despite "the prejudice of the separate system", those exposed to separate treatment were "the most superior class of prisoners who had ever been brought" to Hobart without "any thing of

[37] Letter from T. Holland to Dr Hampton, 29 April 1845, House of Commons Papers (402), 65.

[38] Ibid.

[39] Letter from Dr Hampton to the Pentonville Prison Commissioners, House of Commons Papers (402), 64.

[40] Letter from James Boyd to Robert Hosking, House of Commons Papers (402), 66.

[41] Letter from James Boyd to Reverend Whitworth Russell, 29 April 1845, House of Commons Papers (402), 66.

[42] "On returning here, I found that several of the [Geelong] men we had left were going headlong into ruin; some had been tried for theft, and sentenced to work in the road-gangs; others, for drunkenness, were on the treadmill; and numbers of the ticket of leave men were lounging about the streets, seeing and hearing all that is demoralising". See Letter from James Boyd to Reverend Whitworth Russell, 29 April 1845, House of Commons Papers (402), 66.

the convict about their appearance" – though why the Hobart contingent were purportedly so different from their Port Phillip counterparts is unclear.[43]

It is vitally important that we recall the arrival of the *Sir George Seymour* coincided with the pitch of the anti-transportation movement, which emphasised Van Diemen's Land as a morally destitute enclave of sex and crime. It is perhaps little wonder that the "pet Pentonvillains" were derided when to the anti-transportationists they represented yet another British attempt to cling to old ways, even if it was in the guise of a prison experiment. Therefore, it is too simplistic to suggest that Hampton was entirely condemnatory and unfeeling towards the Pentonville Prison men, even if he did rather coldly explain that the "want of energy" among the convicts thusly: "Surely if separate confinement produces any good moral change, there must be some prominently evident difference between the demeanour and conduct of men who have been subjected to it and those who have not".[44]

Such mental gymnastics deliberately obfuscated the effects of separate treatment. This discrepancy was evident in the way the conduct of the Pentonville men was recorded. For example, during the voyage of the *Sir George Seymour,* the men put together letters that thanked Hampton and warder James Boyd for their "admirable and mild discipline", their "urbane and impartial manner", and the "almost paternal care with which you have watched over us" during the voyage.[45] These remarks – the only evidence of prisoner voices retained from this period, and a collective voice at that – stand in contrast to the "very distressing situation" the Pentonville men soon found themselves in, "having been suddenly thrown on their own resources, without money, employment, or any one to take an interest in their welfare", a position that was never "intended or expected" by anyone involved with penal reform at the national level.[46]

This disconnect was advantageous to some. In August 1845, Hampton announced that in the interests of the Board, the Pentonville men, "and the ultimate success of the separate system of prison discipline", he would prepare a plan on the colonial management of convicts

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[43] Ibid., 65-6; Letter from Dr Hampton to the Pentonville Prison Commissioners, 7 May 1845, House of Commons Papers (402), 69.

[44] Letter from Dr Hampton to the Pentonville Prison Commissioners, 9 August 1845, House of Commons Papers (402), 70.

[45] Letter from the Exiles to Dr John Hampton, 10 March 1845, House of Commons Papers (36), 35; Letter from the Exiles to James Boyd, 10 March 1845, House of Commons Papers (36), 35.

[46] Letter from Dr Hampton to the Commissioners of Pentonville Prison, 30 April 1845, House of Commons Papers (402), 62-3.

exposed to reformative discipline in Britain, this report being economical and founded on his practical experience.[47] This begat the development of a colonial type of separate treatment that was exclusively shaped to address local problems.[48] But what of the men themselves?

Section 2: Balancing the Narrative with the Data

This section is predominantly a quantitative examination of 150 *Sir George Seymour* men under sentence in Van Diemen's Land. The data is derived from their convict conduct records and so ceases once their freedom was secured. In ascribing a numerical value to a collective Pentonvillain experience in Van Diemen's Land, it becomes clear that the narrative that developed in the colony upon their arrival ran contrary to their lived reality. These quantitative results are further supported with qualitative microhistorical case studies to illustrate that, while a quantitative element is useful in achieving a macro view of the *Sir George Seymour* men, a micro perspective can further sharpen our understanding. Such a mixed-methods approach offers an innovative insight into a hitherto underexamined convict cohort. As the nature of colonial probation in this period is analogous to parole, these findings can further our understanding of recidivism and assimilation in a historical probationer-parolee cohort.

As Section 1 outlined, initial responses to the arrival of the *Sir George Seymour* men implied that trouble was ever imminent, with the throes of an economic depression, a vacuum created by the probation system, and the rumours of separate treatment, all tainting the Pentonvillains in some way. In other words, these were significant hurdles to expose these convicts to. The narrative set out by the colonial newspapers, and iterated by Hampton to the Pentonville Prison Commissioners, presented Van Diemen's Land as a moral wasteland that would do more to corrupt Pentonville men than if they had remained at home in the company of previous criminal associates. This is the favoured narrative of existing studies on the Pentonville Prison Experiment; and it is this narrative that later bolstered mounting opposition to the use of separate treatment in Pentonville and in Britain more broadly. As individuals like Hampton sought to capitalise on the issue by pushing for a colonial separate institution, there was a pervasive sense that the *Sir George Seymour* men had been abandoned

[47] Letter from John Hampton to the Commissioners of Pentonville Prison, 9 August 1845, House of Commons Papers (402), 70.

[48] See Dower, "Inverting the Panopticon", in *Bentham and Australia.*

in the Van Diemen's Land wilderness, and so would naturally fall back into their bad old ways. But this was not necessarily true.

Framing this section with reference to prisoner re-entry is crucial to deepening our understanding of the experience of this convict cohort. Current criminological research soundly demonstrates an array of obstacles faced by re-integrating convicts, not least the tension between an "outsider" identity, breaking away from a "pattern of criminal behaviour", and other, more practical issues, such as securing employment, housing, and support.[49] A key factor in prisoner desistence is security, like work and housing, and developing social ties through communities or family.[50] One way some scholars have attempted to measure convict "success" is by measuring such economic factors.[51] However, historians Janet McCalman and Rebecca Kippen have demonstrated that factors such as literacy and work skills were not significant factors in convict desistence, indicating that historical context such as colonial society and culture must be accounted for in studies on convict reintegration.[52] Scholar Mark Halsey similarly argues that aspects of the imprisonment experience remain historically saliant.[53]

Moreover, criminologists have suggested that prisoner re-entry or reintegration is "not a single event or a short-term episode but a process that unfolds over time … in a nonlinear and bidirectional pattern".[54] These studies perceive different "spatial outcomes of prison release" yet have – self-admittedly – ruminated little on the "spatial processes of prison return".[55] I argue that for a historical criminologist, this problem is moot by virtue of our

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[49] Narayanan Ganapathy, "Rehabilitation, Reintegration and Recidivism: A Theoretical and Methodological Reflection," *Asia Pacific Journal of Social Work and Development* 28, no. 3 (2018): 155.

[50] Mark T Berg and Beth M Huebner, "Reentry and the Ties That Bind: An Examination of Social Ties, Employment, and Recidivism," *Justice Quarterly* 28, no. 2 (2011): 382-410.

[51] Janet McCalman and Rebecca Kippen, "The Life-Course Demography of Convict Transportation to Van Diemen's Land," *The History of the Family* 25, no. 3 (2020): 437-8.

[52] Ibid., 449.

[53] Mark Halsey, "Imprisonment and Prisoner Re-Entry in Australia," *Dialectical Anthropology* 34, no. 4 (2010): 548.

[54] D.J. Harding, J.D. Morenoff, and J.J.B. Wyse, *On the Outside: Prisoner Reentry and Reintegration* (Chicago: University of Chicago Press, 2019), 215.

[55] Katharina Maier, "'Mobilizing' Prisoner Reentry Research: Halfway Houses and the Spatial-Temporal Dynamics of Prison Release," *Theoretical Criminology* 1, no. 18 (2020): 2.

research material: the historical record is at times so scant, our only way of narrativising our findings is by a process of historical supposition which is, by definition, nonlinear.[56]

In conducting the quantitative analysis of the *Sir George Seymour* cohort, a static risk factor – age – was used to underwire an investigation into offending patterns, rates, and further institutionalisation.[57] Prevailing criminological epistemology finds that "there is a strong historical and contextual consistency of the age-crime curve", with the turnover of reoffending rating more highly among younger offenders.[58] While there are some important issues to keep in mind in using convict ages – namely, that low literacy levels in combination with convict self-reporting can skew such data – this dataset uses age "brackets", which allows for some slippage either side.[59] Typically, static risk factors, which only "change in one direction" – such as age, which increases, or past criminal offences, which have already occurred – have "limited utility" in understanding recidivism; to counter this, a working knowledge of dynamic risk factors is "critical".[60] An over-reliance on static risk factors emphasise immutability and present the individual as "unchangeable", and, as the historian is already faced with the "silent problems" of the archive, this issue is deepened in historical research that deals with criminal populations.[61] To address this methodological gap, I have employed microhistorical technique to intimately explore three convict case studies to sketch a longitudinal view of colonial reintegration under sentence.

What emerges from a cursory examination of life course convict literature is that current hypotheses around criminal behaviour cannot be applied wholesale to historic criminal populations. Thus, we can use current criminological work to help see the eddies in the current, and to sift out consistent themes present in the *Sir George Seymour* cohort; yet they may not be able to fully explain the events of a colony over a century ago – nor should we

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[56] Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore: John Hopkins University Press, 2014), 428-9.

[57] James Bonta, "Offender Risk Assessment: Guidelines for Selection and Use," *Criminal Justice and Behavior* 29, no. 4 (2002): 367.

[58] Elaine Doherty and Sarah Bacon, "Age of Onset of Offending Behaviour", in D.P. Farrington, L. Kazemian, and A.R. Piquero (eds.), *The Oxford Handbook of Developmental and Life-Course Criminology* (Oxford: Oxford University Press, 2018), 34-5; Fredrik Sivertsson, "Adulthood-Limited Offending: How Much Is There to Explain?," *Journal of Criminal Justice* 55 (2018): 58-70.

[59] Rebecca Kippen and Janet McCalman, "Parental Loss in Young Convicts Transported to Van Diemen's Land (Tasmania), 1841–53," *The History of the Family* 23, no. 4 (2018): 662-3.

[60] Bonta, "Offender Risk Assessment", 367.

[61] Ibid., 370; D. Thomas, S. Fowler, and V. Johnson, *The Silence of the Archive* (London: Facet Publishing, 2017), 40-61.

expect them to. Some questions come to the fore. Did the *Sir George Seymour* men resist the "temptations" of colonial life? Are we able to map the impact separate treatment had on their colonial experience? Can we determine what that impact even was? Perhaps most importantly: did the *Sir George Seymour* men play out or play against the pre-existing narrative that surfaced in the colony prior to and immediately following their arrival? Can quantitative data show whether separate treatment men were adversely affected in Van Diemen's Land?

Offending

Table 5.1 breaks down when *Sir George Seymour* men first offended upon their arrival in Van Diemen's Land. By a narrow margin, the data shows that 29% of convicts did not offend at all while under sentence, while 26% offended within the first 6 months of arrival. As the largest age bracket (19–25) accounts for just over half (57%) of the cohort, the corresponding 24 men (16%) who offended in the first 6 months is coherent with current studies that suggest the initial period of release is a particularly vulnerable time for offenders.[62]

Table 5.1 First colonial offence by age bracket for *Sir George Seymour* convicts.

First Colonial Offence by Age Bracket at Entry to Pentonville	*16-18*	*19-25*	*26-30*	*31-35*	*36-40*	***Total***
Within 6 months	4	24	8	2	1	39
Within 12 months	2	18	11	3	–	34
After 12 months	2	20	7	2	2	33
Did not offend	4	25	10	4	1	44
Total	**12**	**87**	**36**	**11**	**4**	**150**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

As the data shows, 10.66 % of the *Sir George Seymour* men were either younger or older than the official admission requirements for Pentonville Prison, which stipulated that prisoners should be between 18–35 in age. The 16–18 and 36–40 age brackets comprise of those outliers. Critically, this underscores how imprecise the Pentonville Experiment could

[62] Craig Jones et al., "Risk of Re-Offending among Parolees," *Crime and Justice*, no. 91 (2006): 6.

be. Younger men, in particular, should have technically be classed as juveniles and dispatched as such.[63]

Table 5.2 *Sir George Seymour* convicts and whether reconvicted under sentence.

Whether Reconvicted Under Sentence in Colony	*16-18*	*19-25*	*26-30*	*31-35*	*36-40*	***Total***
Reconvicted	9	75	33	9	4	130
Not Reconvicted	3	12	3	2	–	20
Total	**12**	**87**	**36**	**11**	**4**	**150**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

When this data is examined, we find that within the 19–25 age bracket, 75 men (50%) were reconvicted under sentence (Table 5.2). In fact, there is a strong correlation between general offending rates and further conviction, indicating that, contrary to the intentions behind the Experiment, its subjects were likely to reoffend, particularly in the high-stress period following arrival.[64] While there is no overt qualitative evidence to support this statement, the data suggests that there may have been an atmosphere of "social climate" among the *Sir George Seymour* cohort, meaning a multi-dimensional "set of properties or conditions … the material, social, and emotional conditions of a given unit and the interaction between such factors".[65] This emphasises the Experiment as a collective, binding experience that resonated beyond the constraints of physical confinement.

[63] Susan Magarey, "The invention of juvenile delinquency in early nineteenth-century England", in John Muncie, Gordon Hughes, and Eugene McLaughlin (eds.), *Youth Justice: Critical Readings* (Thousand Oaks: Sage Publications, 2002): 115-21; Margaret May, "Innocence and experience: the evolution of the concept of juvenile delinquency in the mid-nineteenth century", in *Youth Justice,* 99-115.

[64] Pamela Valera et al., "'It's Hard to Reenter When You've Been Locked Out': Keys to Offender Reintegration," *Journal of Offender Rehabilitation* 56, no. 6 (2017): 413.

[65] Katherine M Auty and Alison Liebling, "Exploring the Relationship between Prison Social Climate and Reoffending," *Justice Quarterly* 37, no. 2 (2020): 359.

Table 5.3 Rate of colonial offences by age bracket for *Sir George Seymour* convicts.

Rate of Colonial Offences by Age Bracket	*16-18*	*19-25*	*26-30*	*31-35*	*36-40*	***Total***
Has 1-5 offences	7	56	22	7	4	96
Has 5-10 offences	1	6	2	–	–	9
Has 10-15 offences	1	3	–	1	–	5
Has 15-20 offences	–	3[66]	1[67]	–	–	4
Has over 20 offences	1[68]	–	–	–	–	1
No offences recorded	2	19	11	3	–	35
Total	**12**	**87**	**36**	**11**	**4**	**150**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

In addition to when a convict's first offence was recorded, the number of offences was also important. Table 5.3 shows that 64% of *Sir George Seymour* men were charged 1-5 times, which is consistent with the high rates of offending in the first 6 months of arrival. From there, offence rates steeply decline, plateauing around the five convicts charged with more than 15 offences, these being David Simkins, William Hutchinson, James Forbes, Thomas Smith (alias Hankin), and William Smith. They were mostly charged with general misconduct, though Hutchinson and Forbes were charged at separate times with drunkenness and burglary, and William Smith was charged with fighting and assault. For these recidivist men, at least, the objective of the Pentonville Prison Experiment had failed.

We can tease out the possibility that *Sir George Seymour* men committed similar offences to each other by examining the findings in Table 5.4, which shows that the most common offence was "general misconduct". Misconduct was a vague charge and little has been written about it, probably because it is hard to define and thus extremely subjective. Typically, a charge of misconduct could stretch to encompass several recalcitrant behaviours; this has been explored most thoroughly in studies on female convicts, whose behaviour was filtered through a moral lens.[69] However, given these had been exposed to a prison discipline of

[66] James Forbes (15237), Conduct Record, TA, CON33/1/64, 52; Thomas Smith (15331), Conduct Record, CON33/1/64, 146; William Smith (15332), Conduct Record, CON33/1/64, 147.
[67] William Hutchinson (15255), Conduct Record, CON33/1/64, 70.
[68] David Simkins (15327), Conduct Record, CON33/1/64, 142.
[69] E. Farrell, *Women, Crime and Punishment in Ireland: Life in the Nineteenth-Century Convict Prison* (Cambridge: Cambridge University Press, 2020), 40.

which the key tenet was moral reformation, this observation arguably remains sound. However, the vagueness of a "general misconduct" charge obfuscates the fine-grain reality of offending: it is possible that "misconduct" really meant any of the offences listed in Table 5.4.

Table 5.4 *Sir George Seymour* convicts and offence by age bracket.

Offence by Age Bracket	*16-18*	*19-25*	*26-30*	*31-35*	*36-40*	***Total***
Absent without leave	2	5	2	–	1	10
Alcohol related	1	8	5	–	2	16
General misconduct	7	52	16	6	1	82
Theft and burglary	–	2	1	–	–	3
Violence (assault, fighting)	–	1	1	–	–	2
Violence (sexual)	–	–	–	2	–	2
Did not offend	2	19	11	3	–	35
Total	**12**	**87**	**36**	**11**	**4**	**150**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

Consistent with Table 5.1, most offences (57%) were committed by convicts in their early- to mid-twenties, followed by convicts aged 26-30 (24%). The second highest-rated offence related to alcohol, which will be addressed more closely in the first case study below. Remarkably few convicts were charged as being absent without leave, or with theft and burglary. Fewer still were charged with forms of violence, sexual or otherwise. That the misconduct offences skew towards the younger convicts is in concert with current studies, which reliably reflect a "linear relationship between age and misconduct".[70] What deserves closer scrutiny is the charge of alcohol-related offences, which mainly included drunk and disorderly charges. Existing studies indicate how general misconduct and alcohol-related offences reflected the kind of policing convicts were subjected to in the colony.[71] In the context of this research, this can be best understood in a qualitative way, namely in the life and experience of convict Thomas Jennings.

[70] Colby Valentine, Daniel Mears, and William Bales, "Unpacking the Relationship between Age and Prison Misconduct," *Journal of Criminal Justice* 43, no. 5 (2015): 418.

[71] Stefan Petrow, "After Arthur: Policing in Van Diemen's Land 1837-1846" in M. Enders and B. Dupont (eds.), *Policing the Lucky Country* (Sydney: Hawkins Press, 2001), 176-98; Petrow, "Bagnards ou hommes libres: la police en Terre de Van Diemen, 1847-1858" in Vincent Denis et Catherine Denys (eds.), *Police d'Empires XVIII-XIX siecles*, (Rennes: Presses Universitaires de Rennes, 2012): 29-45.

Case Study 1

Thomas Jennings (senior) and Elizabeth King married on 16 April 1820 in St John's Church, Wakefield, a stone's throw from the West Riding House of Correction, where their son would first be imprisoned some nineteen years later.[72] Thomas Jennings (junior) was born on 27 April 1823 in the larger township of Leeds three years into his parents' marriage.[73] In 1823, the Jennings family were leasing a house attached to a messuage in North-Gate, Bradford, a haphazard working-class area described as among the "worst and filthiest in the whole city".[74] By the time Thomas was eighteen he was a labourer living in Mill Bank, a small village south west of Bradford.[75] Here he met twenty-year-old Catharine Norry, a "drawer" in the mines, and they married on 7 April 1842.[76] Neither Thomas or Catharine were immune to hard work, particularly Catharine, whose working conditions as a drawer were so shocking they would result in the *Mines Act* (1842) and *Factory Act* (1844), both of which worked to protect women in hazardous occupations.[77] We can infer a degree of subsistence living in their marriage, as in 1842 Thomas was imprisoned for six weeks for "stealing a basket and shrimps" in Bradford; and back in August 1839, Thomas had been picked up for being "rogue and vagrant", for which he received three months in West Riding House of Correction.[78]

With an existing criminal record, Thomas was at a disadvantage when he was charged with burglary in March 1843.[79] At this time, Thomas was working as an oyster hawker in Bradford, and was apparently living separately from Catharine.[80] It was reported that in December

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[72] Marriage Certificate of Thomas Jennings and Elizabeth King, West Yorkshire Archive Service, Yorkshire Parish Records, WDP45/1/3/3, 53.

[73] 27 April 1823 Thomas Jennings to Thomas and Elizabeth Jennings, Yorkshire Parish Records, RSP68/3A/4, G20.

[74] *Leeds Mercury,* 14 October 1826, vol. 39, no. 3196; Ittmann, *Work, Gender, and Family*, 102-3; For a discussion on Bradford, see P. Panayi, *German Immigrants in Britain During the 19th Century, 1815-1914* (Oxford: Berg Publishers, 1995), 104.

[75] Marriage Certificate of Thomas Jennings and Catharine Norry, West Yorkshire Archive Service, Yorkshire Parish Records, BDP14, 194.

[76] Ibid.

[77] M. Sanders, *Women and Radicalism in the Nineteenth Century: Specific Controversies* (Milton Park: Routledge, 2001), 27; M. Reynolds, *Infant Mortality and Working-Class Child Care, 1850-1899* (London: Palgrave Macmillan, 2016), 45; K. Gleadle, *British Women in the Nineteenth Century* (London: Palgrave Macmillan, 2017), 18.

[78] *Leed's Times,* 29 October 1842, vol. X, no. 502; 1 October 1842, Thomas Jennings, Leeds Quarter Sessions, 3174 Thomas Jennings, West Riding House of Correction Receiving Book, West Yorkshire Archive Service, C118/99, 48.

[79] *Yorkshire Gazette,* 4 March 1843, vol. XXV, no. 1258.

[80] 3174 Thomas Jennings, West Riding House of Correction Receiving Book, C118/99, 48.

1842, Thomas had broken into a small shop in Grassington, a village north of Bradford, from which fustian, a printed dress, a silk shawl, and other valuables, were stolen.[81] The prosecution found that an acquaintance of Catherine had pledged several of the items and attempted to sell them.[82] Thomas' prior record worked against him, and he was sentenced to ten years transportation.[83]

Thomas' youth, physicality, and the nature of his sentence meant he was an ideal candidate for the experiment underway at the newly opened Pentonville Prison, by then in its fourth month of activity. Aged twenty, standing at 5'5, and weighing nine stone, Thomas was pockmarked and noted to have a slight scar by his right eye.[84] He was described by Pentonville officials as being, "loose, idle, connected with thieves and prostitutes".[85] With his behaviour remarked as "indifferent", Thomas accrued no special interest from prison staff, and was slated for departure onboard the *Sir George Seymour* in October 1844, where he was generically reported to be "quiet and orderly".[86] He arrived in Hobart Town in February 1845, now aged twenty two, and was employed in due course.[87] However, Thomas soon proved troublesome, committing petty theft, absenting himself without leave, and disobeying orders.[88] One of his offences even made the *Colonial Times,* depicting him to be a neglectful and "very stupid" man.[89] For two years, from Richmond to Maria Island, Thomas was moved around the colony – often incurring punishment – before in March 1847 he was admitted to hospital suffering hepatitis.[90]

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[81] *Yorkshire Gazette,* 4 March 1843, vol. XXV, no. 1258.

[82] Ibid.

[83] Ibid.

[84] 3174 Thomas Jennings, West Riding House of Correction Receiving Book, C118/99, 48.

[85] 262 Thomas Jennings, Pentonville Prisoners' Register, PCOM 2/61/5977, 14-5.

[86] Ibid., 15.

[87] 25 March 1845, Thomas Jennings (15268), Conduct Record, CON33/1/64, 83.

[88] See entries for 10-15 April 1845, Thomas Jennings Conduct Record, 83.

[89] "Thomas Jennings, a probationer in the service of Mr. Hull, at Glenorchy, was charged by that gentlemen with gross misconduct and neglect of duty. The man had been sent with a load of wood to Messrs. Meikle's brickfields, on the New Town road, and thence upon another short errand. He left his master's between six and seven in the morning, and did not return till nearly nine at night, and then being stupid, having left the wood at the wrong place, and with the horse ill used. He was remanded for further evidence, and promised, if the charge was proved, something he would not soon forget" (*Colonial Times,* 12 April 1845, 4). The incident is also recorded in his conduct record: "10 Apr 45 Hull Hobt Absent without leave frm his masters horse & dray. Six mos hard labr." See Thomas Jennings Conduct Record, CON33/1/64, 83.

[90] 13 March 1847, Thomas Jennings per Sir George Seymour, "Male – Physical", Patient Records Case books, Vol. 8, TA, HSD246/1/4 (1846-7), 84.

Upon admission Thomas was described as "undersize" with "moderate physical development" – he was also initially recorded as being 45 years old.[91] This description was not uncommon among hepatitis sufferers; one of the few treatises on hepatitis from this period described how one could be "shocked at the general ghost-like appearance of their wan and emaciated countrymen".[92] The doctor relayed that Thomas had "never had any disease in his own country", and had spent "two years and one month in the colony where he has also enjoyed good health".[93] Hepatitis was perceived to be an unusual affliction restricted, so research theorised, to hot climates.[94] Indeed, the aetiology of Thomas' affliction proved difficult to determine. He suffered fits; a stabbing, prolonged pain in the region of the liver; experienced catarrh-like symptoms; and had a coated tongue.[95] To remedy his suffering, Thomas was cupped and bled, and given tinctures.[96] A contemporary explanation for his affliction was that an obstructed bile duct caused jaundice, thus a swelling in the liver.[97] Another explanation associated hepatitis with immunisation against smallpox.[98] This theory might hold water had Thomas developed hepatitis shortly after his smallpox immunisation in Pentonville Prison, but, as he had been in Van Diemen's Land for over two years, it seems very unlikely. More probably, Thomas' ailment was connected to his habitual alcohol consumption.

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[91] There is no doubt this is the correct individual, not least as there was only one Thomas Jennings onboard the *Sir George Seymour*; the record confirms his ship as the *Sir George Seymour*; and it refers to his native place as Bradford, Yorkshire.

[92] Charles Griffith, *An Essay on the Common Cause and Prevention of Hepatitis, or Disorder of the Liver; and of Bilious Complaints in General, as Well in India as in Europe* (London: Highley & Son, 1816), 135.

[93] Thomas Jennings per Sir George Seymour, Patient Records Case Books, TA, HSD246/1/4, 84.

[94] J.M. Da Costa, *Medical Diagnosis, with Special Reference to Practical Medicine* (Philadelphia: J.B. Lippincott, 1876), 529.

[95] Ibid.

[96] Ibid.

[97] R. Hooper and W.A. Guy, *Hooper's Physician's Vade Mecum; or, a Manual of the Principles and Practice of Physic* (London: Henry Renshaw, 1854), 495-7. Christian Trepo, "A Brief History of Hepatitis Milestones," *Liver International* 34 (2014): 30; JL Melnick, "History and Epidemiology of Hepatitis a Virus," *The Journal of Infectious Diseases* 171 (1995): S2; Rakesh Aggarwal, "Hepatitis E: Historical, Contemporary and Future Perspectives," *Journal of Gastroenterology and Hepatology* 26 (2011): 72.

[98] Aggarwal, "Hepatitis E: Historical, Contemporary and Future Perspectives", 72.

Alcohol played a large part in the life of colonists, with incidents of binge drinking transcending the stratifications of colonial society.[99] Previous charges brought against Thomas included fighting, drunkenness, stealing a whale boat, and frequenting brothels, this latter charge resulting in his ejection from Hobart Town for his duration in the colony.[100] As Kippen and McCalman find in their work on convict life courses, 38.3% of England-born convicts had an alcohol-related charge brought against them, making Thomas, with his multiple charges, part of this minority.[101] A degree of deterioration can be seen in Thomas' conduct record, where charges of drunkenness are preceded or followed by charges of petty larceny.[102] Joshua Jebb, the architect of Pentonville Prison, observed in 1850 that part of the issue with convicts struggling to assimilate in Van Diemen's Land was the misrepresentation of colonial life:

> The exaggerated hopes that they have conceived, owing in a great measure, to the representations that were made to them when they embarked, may, to a certain extent, have operated unfavorably for the men, and their disappointment, on still finding themselves subject to a certain amount of control, may have induced them to fall back into their old habits of crime.[103]

Such observations may well have been shared by Thomas too. Faced with a lack of opportunity and, perhaps, a personality that did not bend easily to colonial authority, it is understandable that Thomas acted as he did. He was released from hospital on 20 March 1847, ostensibly in good health.[104] His earliest offence upon discharge was for fighting at the Hamilton depot in April.[105] He was again hospitalised in New Norfolk in November 1848, although no detailed records survive of this event. Shortly afterwards, he received his

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[99] KC Powell, "Alcohol and the Eastern Colonies 1788–1901," *Australian Drug and Alcohol Review* 7, no. 4 (1988): 406; Bruce Hindmarsh, "Beer and Fighting: Some Aspects of Male Convict Leisure in Van Diemen's Land," *Journal of Australian Studies* 23, no. 63 (1999): 152-3.

[100] He received his Ticket-of-Leave in 1850 and was banned from Hobart on 20 May 1851. See Thomas Jennings Conduct Record, CON33/1/64, 83.

[101] Table 1b. See Rebecca Kippen and Janet McCalman, "Mortality under and after Sentence of Male Convicts Transported to Van Diemen's Land (Tasmania), 1840–1852," *The History of the Family* 20, no. 3 (2015): 350.

[102] See June-September 1851 in Thomas Jennings Conduct Record, CON33/1/64, 83.

[103] Letter from Sir Joshua Jebb, 27 March 1850, "Correspondence on Convict Discipline and Transportation", Command Papers (1153 1285), Vol. XLV.11, 155 (1850), 152-3.

[104] Thomas Jennings per Sir George Seymour, Patient Records Case Books, TA, HSD246/1/4, 84.

[105] See 5 April 1847 in Thomas Jennings Conduct Record, CON33/1/64, 83.

Certificate of Freedom in March 1853.[106] Thomas does not appear in any colonial newspapers after 1853, indicating that convicts like him were most likely heavily policed in the colony prior to their freedom, with little interest paid once they were released from the system. Similarly, as Thomas does not appear in records attached to various pauper institutions in the colony at this time, he evidently avoided further contact with colonial authorities and did not rely on state support in any measurable way. Thomas only re-emerges on 6 October 1859, when it was reported that one Thomas Jennings, "a labourer", had died on New Town Road, the cause being "decay of nature", meaning an ostensibly "natural" death.[107]

While Thomas is remarkable within the *Sir George Seymour* cohort more broadly, his general experience in the colony nevertheless reveals some important findings. To reiterate, McCalman and Kippen find that 38.3% of English-born male convicts had an alcohol-related charge made against them while under sentence.[108] Comparatively, 10% of the *Sir George Seymour* cohort had at least one alcohol-related offence, with the bulk of these clustered in the 19-35 age bracket (Table 5.5). This suggests that, on average, the Pentonvillains were marginally less likely than other convict groups to commit alcohol-related offences. A further break down of data shows that most of these charges were made within the first 6 months of arrival (Table 5.5). This finding is consistent with cases of "trauma recidivism", a term used to describe risk-taking behaviours like substances abuse, assault, and so on: 41% of trauma recidivism is linked to alcohol abuse.[109] These charges can be a measurable indication that the impact of separate treatment, or even imprisonment generally, resulted in risk-taking behaviour – an observation that resonates across historic and current prison populations.

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[106] Ibid.

[107] Death Certificate of Thomas Jennings, TA, RGD35/1/6/1731, 24.

[108] This is from a sample of 7084 male convicts. See Table 1b. Kippen and McCalman, "Mortality under and after Sentence of Male Convicts Transported to Van Diemen's Land (Tasmania), 1840–1852," 350.

[109] James Nunn, Mete Erdogan, and Robert S Green, "The Prevalence of Alcohol-Related Trauma Recidivism: A Systematic Review," *Injury* 47, no. 3 (2016): 557.

Table 5.5 *Sir George Seymour* convicts and alcohol offences by age and time.

Alcohol Offences by Age/Time	*16-18*	*19-25*	*26-30*	*31-35*	*36-40*	***Total***
Within 6 months	1	5	4	–	–	10
Within 12 months	–	1	1	–	2	4
After 12 months	–	2	–	–	–	2
Total	**1**	**8**	**5**	–	**2**	**16**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

This section has demonstrated that the *Sir George Seymour* men were most vulnerable within the first 6 months in the colony, and were frequently charged with risk-taking behaviours, with misconduct and alcohol-related offences ranking predominantly in their experience. Yet, the steady decline in offending and offence type over time indicate that these convicts settled the longer they spent in the colony – after all, 29% of the *Sir George Seymour* cohort did not offend at all (Table 5.1). While the limitations of this study prevent this deviation, one way to measure this decline is to cross-reference this cohort with marriage, employment, and housing rates. Future studies on the probationer-parolee experience of separate treatment convicts could also cross-examine other indications of financial and social stability using census and colonial bank records to capture the post-confinement experience more fully, and to consider whether the initial suggestion that offence rates declined after arrival in the colony is consistent in a longitudinal sense.

Offences and Punishments

This thesis has demonstrated that punishment frequently had an adverse impact on prisoners, resulting, as in Pentonville Prison, with higher rates of recalcitrant behaviour or poor health outcomes. The physicality of separate treatment men was a topic of great contemporary interest. Colonists were aware of separate treatment as a prison discipline and worried over its relationship to solitary confinement. Indeed, the similarity between these punishments fuelled most of the colonial resistance to separate treatment more broadly. It is therefore interesting to note that not only were the Pentonvillains initially worked in road gangs, when no other viable employment could be secured, but 64% were punished with hard labour (Table 5.6).[110] Solitary confinement in a dark cell, likely located at the Hobart House of

[110] Letter from James Boyd to Robert Hosking, House of Commons Papers (402), 66.

Correction if the man was in Hobart, comprised 16% of punishments meted out against *Sir George Seymour* convicts. Other punishments included, in descending order: fines, usually for being out after hours or for petty misdemeanours (6.6%); imprisonment in the House of Correction (6%); and reprimand (5.3%).

Table 5.7 further distils the data available on convict punishments. For instance, we find that 50% of men aged 19–25 charged with misconduct were punished with hard labour. Older men (36–40) did not offend at nearly the same rate as the rest of the cohort, being largely charged with alcohol-related offences (Table 5.5). The ways convicts were punished indicate a shrouded reality. Take, for example, the two cases of sexual assault, with one case punished by a fine and the other by hard labour. Presented quantitatively, these results suggest that one case was more serious than the other. However, a qualitative review of evidence refutes this supposition.

Table 3.6 and **Table 3.7 Punishment outcomes by recorded offence/age bracket for *Sir George Seymour* convicts.**

Punishment Outcome by Recorded Offence	*Fined*	*Hard labour*	*Imprisonment*	*Reprimand*	*Solitary confinement*	*No recorded offences*	***Total***
Absent without leave	–	4	1	3	2	–	10
Alcohol related	5	7	1	–	3	–	16
General misconduct	4	50	7	4	17	–	82
Theft and burglary	–	1	–	1	1	–	3
Violence (assault, fighting)	–	1	–	–	1	–	2
Violence (sexual)	1	1	–	–	–	–	2
Subtotal	**10**	**64**	**9**	**8**	**24**	**35**	**150**

Punishment Outcome by Age Bracket	*16-18*	*19-25*	*26-30*	*31-35*	*36-40*	*No recorded offences*	***Total***
Fined	1	4	4	1	1	–	11
Hard labour	7	34	16	5	2	–	64
Imprisonment	1	6	2	–	–	–	9
Reprimand	–	7	1	–	–	–	8
Solitary confinement	1	17	2	2	1	–	24
Total	**10**	**68**	**25**	**8**	**4**	**35**	**150**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

John Huxtable and William James were similar ages: the former thirty-six, and the latter thirty-five.[111] They were both formerly married Protestants from the south of England.[112] Neither of them had been charged with a sexual offence while in England, though this changed once in the colony. On 10 June 1845, William James was fined for "indecently exposing his person"; three days later, he was fined a further five shillings for again "offending against decency".[113] John Huxtable was charged the following year. In October 1846, John was recorded to have been "unlawfully abusing John Boye with intent &tc."[114] After a period of hard labour, John was charged with a separate offence and removed to the Coal Mines, where in April 1848 a discrete addition to his conduct record read: "W/ James, indecent".[115] As Catie Gilchrist argues, "speaking the unspeakable" was a powerful tool colonists' employed to delicately navigate convict sexuality.[116] In the case of John and William, we can ascertain the degree of violence implicit in their offence by considering their punishment. Only in working backwards can we see that, while a charge like "misconduct" was deliberately vague to cover a multitude of sins, the ways convicts were punished for "misconduct" reveal the severity of their offence. In other words, a mixed methods approach reveals the imprecise nature of colonial penal life: just as a quantitative survey can help sift cases like John and William to the surface, a cursory qualitative approach helps straighten some of the wobblier contours.

Contact with Institutions

This thesis has emphasised that the selection criteria for Pentonville Prison was not consistently kept, as despite the stipulation that prisoners had to be first time offenders, the Pentonville Prisoner Register recorded many instances of existing criminal records. Indeed, at least 15% of the *Sir George Seymour* men were noted as having one or more prior convictions. The nature of institutionalisation across Victorian-era prison populations is somewhat unclear, as most historians perceive this issue in relation to mental health and the

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[111] John Huxtable (15252), Conduct Record, TA, CON33/1/64, 67; William James (15261), Conduct Record, CON33/1/64, 76.

[112] Ibid.

[113] 10 June 1845 and 13 June 1845, William James Conduct Record, CON33/1/64, 76.

[114] 20 October 1845, John Huxtable Conduct Record, CON33/1/64, 67.

[115] Potentially "with James, indecent". It is unclear who James is. See 22 April 1848, ibid.

[116] Catie Gilchrist, "'This Relic of the Cities of the Plain': Penal Flogging, Convict Morality and the Colonial Imagination," *Journal of Australian Colonial History* 9 (2007): 24-6.

formation of the asylum, or with reference to poverty and pauper groups.[117] This can be understood with reference to the "social climate" theory put forward earlier in this chapter. Other studies reflect a similar theme. For example, historian Alana Piper demonstrates that female prisoners were often moved between institutions and thus had ample opportunity to get to know each other, and Donald Thomas suggests that the mythology of institutions like Pentonville Prison engendered a degree of sympathy among those in danger of being admitted to it, and so a type of solidarity emerged.[118] Therefore, it is reasonable to suggest that the Experiment itself acted as a form of institutionalisation by inculcating these men into conformist behaviours. With incarceration generally associated with numerous poor health outcomes, including a metaphysical scarring on both mind and body, one way to frame the *Sir George Seymour* cohort is to measure the extent to which they were recorded in other colonial institutions, such hospitals, asylums, pauper institutions, or places of secondary punishment.[119]

Finding cases of contact with other institutions is difficult for a few reasons. First, initial quantitative capture depends on the movement being noted in a convict's conduct record, which, while the only fulsome view of a convicts' life on probation, was not always consistently kept and, by extension, subject to common human error. Second, it is entirely possible to trace a recorded transfer to an institution only to find that the convict does not appear in the corresponding archive. Such is the methodological dilemma of colonial history. To mediate this pitfall, this research incorporated adjacent reading of relevant archives to help plug any gaps in the *Sir George Seymour* convict conduct records, resulting in a survey spanning over 800 pages.[120] This endeavour was critical in testing the theory that exposure

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[117] See, for example, Elvina May-Yin Chu, Joeke van Santen, and Vijay Harbishettar, "Views from an Asylum: A Retrospective Case Note Analysis of a Nineteenth Century Asylum," *Social Psychiatry and Psychiatric Epidemiology* 53, no. 10 (2018); Andrew Piper, "Beyond the Convict System: The Aged Poor and Institutionalisation in Colonial Tasmania" (unpublished PhD Thesis, University of Tasmania, 2003).

[118] Alana Piper, "'I Go out Worse Every Time': Connections and Corruption in a Female Prison," *History Australia* 9, no. 3 (2012): 150-3; Donald Thomas, *The Victorian Underworld* (London: Orion, 2014), 281.

[119] Sonali Kulkarni et al., "Is Incarceration a Contributor to Health Disparities? Access to Care of Formerly Incarcerated Adults," *Journal of Community Health* 35, no. 3 (2010): 168-74; Danielle Wallace and Xia Wang, "Does in-Prison Physical and Mental Health Impact Recidivism?," *SSM-Population Health* 11 (2020): 1-2; Dominique Moran, "Leaving Behind the 'Total Institution'? Teeth, Transcarceral Spaces and (Re) Inscription of the Formerly Incarcerated Body," *Gender, Place & Culture* 21, no. 1 (2014): 35-51.

[120] These being: Patient Records Admission Register, 1 January 1830 to 31 December 1900, TA, HSD247/1/1: 4-5; "Male – Mental", Patient Records Case Books, Vol. 7, HSD246/1/3 (1845-7), 1-160;

to separate treatment heightened the risk of further institutionalisation. Table 5.8 demonstrates that most *Sir George Seymour* men were not further institutionalised in Van Diemen's Land to any noted extent.

Table 5.8 Convict outcomes by age bracket.

Other Outcomes by Age Bracket	*16-18*	*19-25*	*26-30*	*31-35*	*36-40*	***Total***
Hospitalised	1	9	2	1	–	13
Not hospitalised	11	78	34	10	4	137
Total	**12**	**87**	**36**	**11**	**4**	**150**
Admitted to an Asylum	–	1	–	–	–	1
Not admitted to an Asylum	12	86	36	11	4	149
Total	**12**	**87**	**36**	**11**	**4**	**150**
Sent on to Port Arthur	3	11	1	2	–	17
Not sent on to Port Arthur	9	76	35	9	4	133
Total	**12**	**87**	**36**	**11**	**4**	**150**
Admitted to Separate Prison	–	–	–	–	–	–
Not admitted to Separate Prison	12	87	36	11	4	150
Total	**12**	**87**	**36**	**11**	**4**	**150**
Died under sentence	1	6	3	–	–	10
Did not die under sentence	11	81	33	11	4	140
Total	**12**	**87**	**36**	**11**	**4**	**150**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

If a convict committed a serious enough offence while under sentence, he could be sent on to the Port Arthur penal station to undergo a period of probation. In 1848, a "model" Pentonville Prison was built there, subjecting recidivist convicts to a period under separate treatment.[121] However, while 17 men were sent on to Port Arthur, none of them were admitted to a further period under separate treatment. Given separate treatment was, according to one British prisoner, "much dreaded", either the *Sir George Seymour* men knew better than to tempt another stint alone in a cell; or they were not the recidivist bogeymen made out by

"Male – Physical", Patient Records Case books, Vol. 8, HSD246/1/4 (1846-7), 1-158; "Male – Mental", Patient Records Case Books, Vol. 11, HSD246/1/7 (1847-9), 1-252; "Male – Physical", Patient Records Case Books, Vol. 10, HSD246/1/6 (1847-8), 1-248.

[121] See Dower, "Inverting the Panopticon", *Convicts, Utility, and Empire*.

commentators.[122] That "fear" was integral to sustaining good habits in convicts was common knowledge among contemporaries. As one English clergyman implored Earl Grey in 1847:

> The idea of appealing to a convict's feelings will by many be ridiculed; but, nevertheless, I am persuaded (I speak as a man) that more will be reformed by a little confidence than by much severity; that by being subjected to a system of threats and promises, whereby not an inconsiderable number are induced to refrain from actual transgression through *fear of punishment, and not through preference for right*.[123]

It is probable, given the evidence thus far, that the convicts of the *Sir George Seymour* were neither vulnerable bodies made weak by an experimental prison discipline, nor a rabble of ne'er-do-wells. Rather, despite their unique experience, they turned out remarkably unremarkable.

Of the 150 convicts, 13 (8.6%) were recorded as being admitted to a hospital or medical department over the course of their sentence (Table 5.8). A closer qualitative reading of this number reveals that some men received medical treatment within a year of arrival. For example, convicts John Woodcock, William Wilson, Thomas Pearson, William Marsh, and Thomas Owen, all received treatment at the hospital in the Hobart Prisoner's Barracks – where they lived – at least once in 1845, their arrival year.[124] However, with no other information available as to their illness or treatment – available archival material pertaining to the Prisoner's Barracks does not expressly concern convict health and care – we cannot consider these instances to any meaningful depth. Other convicts, like Joseph Sheldon, suffering from pneumonia, and George Allen, a fractured limb, were sent on to the hospital upon arrival.[125]

Naturally, one way to measure health is to rate death. While this approach does risk flattening the contours of health and confinement – demonstrably a complex and multi-faceted issue,

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[122] "Extracts from Evidence taken at Westminster Bridewell", Inspectors of Prisons of Great Britain Home District Second Report, Command Papers (89), Vol. 32 (1837), 105.

[123] Emphasis mine. See Reverend Godfrey Kingsford to Earl Grey, October 1847, in Correspondence on Convict Discipline and Transportation, Command Papers (941), Vol. 52 (1847-8), 139.

[124] 3 September 1845, John Woodcock (15347), Conduct Record, CON33/1/64, 162; 22 April 1845, William Wilson (15346), Conduct Record, CON33/1/64, 161; 9 September 1845, Thomas Pearson (15299), Conduct Record, CON33/1/64, 114; 2 November 1845, William Marsh (15282), Conduct Record, CON33/1/64, 97; 12 October 1845, Thomas Owen (15298), Conduct Record, CON33/1/64, 113.

[125] John Hampton, Surgeon's Journal on Convict Ship "Sir George Seymour", ADM101/67/10, 2-3.

especially in the historical context – recorded deaths under sentence can hint at the depth of convict life.[126] Among the *Sir George Seymour* cohort, 10 men died under sentence (6.6%) and many of these were accidental. Daniel Whiston, for instance, was killed at the Hobart wharf in 1849; James Forbes was crushed by a falling tree at Port Arthur in 1866; and John Fulker drowned in the Swan River, 1848.[127] Abraham Munday was found guilty of attempting to poison a man and was executed by hanging at Oatlands, 1857.[128] William Hook was noted as dying at the hospital in Hobart on 18 May 1845, and was buried in the grounds at the Prisoners Barracks three days later – no cause of death was listed, and he does not emerge in any related hospital records.[129] These cases indicate that just as it is difficult to gain a full qualitative view of the nature of health and death among the *Sir George Seymour* men in the colony, so too can this quantitative element only gesture towards a probable reality. In other words, we can describe, not prescribe, the experience of Pentonvillains in Van Diemen's Land.

This is not to say that authorities did not suspect that Pentonville Prison had a hand in these outcomes. Indeed, this relatively low number of hospitalised convicts runs strikingly contrary to the popular narrative that separate treatment "injures the health and leads to insanity".[130] The quantitative view finds that one *Sir George Seymour* convict was admitted to an asylum, however, a closer reading of relevant archives finds that there were actually two asylum admissions: Andrew Arnott and William Bilyard. It is possible to elucidate the particulars of their respective cases through a qualitative examination of archival material.

Case Study 2

Upon his arrival in Hobart, Andrew Arnott was described as a slightly freckled, dark-haired twenty-six-year-old, who was "quiet and orderly".[131] The two smallest fingers on his left

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[126] A similar point was made in Chapter 3 with reference to Hilary Marland and Catherine Cox's approach to the Pentonville Prison Experiment.

[127] Daniel Whiston (15553), Conduct Record, CON33/1/64, 168; James Forbes (15237), Conduct Record, CON33/1/64, 173; John Fulker (15233), Conduct Record, CON33/1/64, 50.

[128] Abraham Mundy (15285), Conduct Record, CON33/1/64, 100.

[129] William Hook (15253), Conduct Record, CON33/1/64, 68; William Hook, Register of Burials in Tasmania, TA, RGD34/1/2/1395 (1845), 78.

[130] *Port Phillip Gazette*, 26 April 1845, 2.

[131] Andrew Arnott (15193), Conduct Record, CON33/1/64, 8.

hand were crippled and he had some minor facial scarring.[132] Though no records exist of his birth, it was noted that Andrew was a Scotland native, a labourer by trade, and in at least 1841 he had been living in a "South Balfern cothouse" in the "quintessentially rural region" of Wigtownshire with his mother, Agnes, and his two teenage brothers.[133] A "cot house" was a cottage usually leased to working families in exchange for farm labour.[134] Andrew probably grew up in this isolated farming community, one that relied heavily on manual labour and had – so far – resisted industrial intervention.[135] Put in context, this would have made Andrew's crime memorable, particularly given the relative scarcity of rural to urban crimes in this place and period.[136]

Upon his imprisonment in Wigtown Prison in 1842, Andrew was described as: "Morose, sullen, attempted to plan an escape".[137] According to a newspaper that reported on the incident:

> Andrew Arnot [sic], and Francis Small, were severely tried, with closed doors, for criminal assaults upon two children – the one eleven and the other ten years of age. The [defendants] were both convicted and were sentenced each to ten years' transportation.[138]

This was Andrew's first offence. Francis Small, however, had previously been imprisoned for one month for a similar offence.[139] They both pled guilty and were sentenced to ten years transportation. Only Andrew's conduct record indicates the severity of their crime:

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[132] Ibid.

[133] Andrew Arnott, Kirkinner Parish, 1841 Scotland Census, General Register Office for Scotland, ED3/820/1841, 10; R Allenbrook and C Cook, *Agriculture and Its Future in Rural Dumfries and Galloway* (Edinburgh: Dumfries, 1998), 1.

[134] T.M. Devine, *The Scottish Clearances: A History of the Dispossessed, 1600-1900* (London: Penguin Books Limited, 2018), 488.

[135] E.J. Cowan and K. Veitch, *Dumfries and Galloway: People and Place, c. 1700–1914* (Edinburgh: Birlinn, 2019), 259-88.

[136] Ian Donnachie, "'The Darker Side': A Speculative Survey of Scottish Crime During the First Half of the Nineteenth Century," *Scottish Economic and Social History* 15, no. 1 (1995): 5.

[137] Andrew Arnott, Prison Register for Wigtown Prison, Wigtownshire, National Records of Scotland, HH21/61/1 (1842), 3; Andrew Arnott 378, Pentonville Prisoners' Register, PCOM2/61/5977, 39-40.

[138] *Caledonian Mercury*, 6 May 1843, issue 19235.

[139] Francis Small (10827), Conduct Record, CON33/1/45, 199.

> Assault to the effusion of blood and serious injury of the person as also using lewd indecent and libidinous practices and behaviour to a child under the age of puberty … The naïve was … at Kirkinner parish Wigton Cy she was going along the road.[140]

As Louise Ainsley Jackson demonstrates in her path-breaking work on child sexual abuse in the Victorian era, the 1840s were a low for sexual assault trials that involved children; in forty years, through to the 1880s, the offence rate doubled.[141] This is consistent with a parallel increase in the number of child victims of crime in this period.[142] The above quotation is all that remains of one of the victims, and this absence is, as historian Josephine McDonagh writes, a distressing reality that demands "our most sober regard", especially when the narrative focus is on the perpetrator.[143] There is no further evidence as to the identities of the girls assaulted, though Francis Small's conduct record states that the older girl was called Mary Cairns.[144] However, the liminality of the road, likely adjacent farmland or the town outskirts, indicates two possibilities: that the girl and Andrew were of a similar class, and in a small community, possibly knew each other by sight; and that the space in which the crime occurred was deserted or at least absent of adults.[145] Such liminal spaces were usually public access and were thus well placed for impulsive or spontaneous acts.[146]

Only six men who passed through Pentonville Prison from 1843–9 were transported on a serious sexual assault like rape, and three of them were included in the *Sir George Seymour* cohort.[147]Among the few historians to research child rapists who were transported is Tom Dunning, who demonstrates that convict men sentenced on a charge of child rape appeared to be opportunistic individuals and, once in the colony, often continued to live marginalised,

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[140] Andrew Arnott (15193), Conduct Record, CON33/1/64, 8.

[141] L.A. Jackson, *Child Sexual Abuse in Victorian England* (London: Routledge, 2000), 18-20.

[142] A. Clark, *Women's Silence, Men's Violence: Sexual Assault in England, 1770-1845* (Kitchener: Pandora, 1987), 42-50.

[143] McDonagh writes specifically with reference to child murder, although the essential violence in both instances acts as a point of connectivity and, therefore, comparison. See Josephine McDonagh, *Child Murder and British Culture, 1720-1900* (Cambridge: Cambridge University Press, 2003), 13.

[144] Francis Small (10827), Conduct Record, CON33/1/45: 199.

[145] S. D'Cruze, *Crimes of Outrage: Sex, Violence and Victorian Working Women* (DeKalb: Northern Illinois University Press, 1998), 35.

[146] Ibid., 30-6.

[147] These *Sir George Seymour* men, aside from Andrew Arnott, included Andrew Purves (287) and William Raeburn (286). The remaining three include John Lewis (812, moved to Millbank), John Peters (1402, per *Eden*), and William Squire (1496, per *Eden*).

destructive existences.[148] This finding plays out in fragmented ways in the lives of both Francis and Andrew. For example, Francis was charged multiple times in the colony with indecently exposing his person, drunkenness, being out after hours, and gross misconduct (often shorthand for a sex-related offence).[149] He received his Freedom after serving in full his ten-year term.[150] In contrast, Andrew incurred only two charges while under sentence, both for being absent without leave.[151] His Conditional Pardon was first approved in January 1847, and a year later he received his Ticket of Leave.[152] Both Andrew and Francis shared an occupation and a home county, were around the same age, and had committed a violent crime together, but only Andrew was selected for the Pentonville Experiment. Andrew arrived in Van Diemen's Land in February 1845. In May he was abruptly admitted to hospital, although no records remain of this event.[153] By June, however, he had been admitted to an asylum.[154]

This admission is not reflected in the existing archives of hospitals and asylums at this time, so Andrew's reason for admission is unclear. However, the implication was that it related to separate treatment. In August 1845, surgeon William Seccombe (1796–1864), President of the Board at Her Majesty's General Hospital, Hobart, wrote to Dr John Hampton with concern:

> My dear Sir, A Medical Board having been ordered to report upon the state of mind of Andrew Arnott, "Sir George Seymour," and your evidence being very necessary, will you have the kindness to call at the General Hospital about 2 P.M. to-morrow?[155]

Hampton, apparently having attended the above meeting, issued a memorandum in September that year:

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[148] Tom Dunning, "Narrow Nowhere Universes, Child Rape and Convict Transportation Scotland and Van Diemen's Land, 1839-1853," *Scottish Historical Review* 86, no. 1 (2007): 125.

[149] Francis Small Conduct Record, CON33/1/45, 199.

[150] Ibid.

[151] Andrew Arnott Conduct Record, CON33/1/64, 8.

[152] Ibid.

[153] Ibid.

[154] Ibid.

[155] William Seccombe to Dr Hampton, 21 August 1845, "Correspondence between Secretary of State for Colonies and Lieutenant Governor of Van Diemen's Land, on Convict Discipline, Reports from Comptroller General of Convicts in Van Diemen's Land", House of Commons Papers (402), Vol. XXIX.363 (1846), 72.

> Andrew Arnott is now in the Lunatic Asylum. His present state of mind is not attributed to the discipline of Pentonville. I think there is every reason to believe he is labouring under organic disease of the brain.[156]

Andrew was summarily removed to the hospital, where he remained at least until the following year, where he was recorded as living at the Prisoner's Barracks.[157] The first charge brought against him was in December 1847 for misconduct in not reporting to his master's house, for which he received three days solitary.[158] For the remainder of his sentence he appeared, in every other respect, the same "quiet and orderly" man first released from Pentonville. A year or so after his freedom was secured, Andrew left Van Diemen's Land in early August 1852 for Geelong as a "Goldseeker" aboard the *Flying Fish.*[159] After this event, he slips from the archival record.

The case of Andrew Arnott is important because, while no record exists of the meeting held at the hospital over Andrew's admission, Hampton's response indicates that even in the colonial context separate treatment loyalists were still more likely to attribute any ill health conditions to the convict, rather than to their prolonged confinement. This approach was in concert with concurrent Pentonville practice. As Andrew Cunningham puts it: "You die of what your doctor says you die of".[160] In the case of the *Sir George Seymour*, where Hampton was at once a medical doctor, therefore capable of medicalising individuals, and their moral guardian appointed by the Pentonville Commissioners to shepherd them to Van Diemen's Land, these convicts could be diagnosed many times over.

This diagnosing can also be understood in the case of William Bilyard, another one of the *Sir George Seymour* men who was admitted to an asylum. Importantly, a quantitative survey of the *Sir George Seymour* convict conduct records only reveals Andrew Arnott's admission; yet, a qualitative examination of the Derwent Hospital (later New Norfolk Asylum) patient records finds William Bilyard admitted 1 May 1845, four months after his arrival in the colony. We can use William's case to further unpack the arguments put forward in relation

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[156] Memorandum, Dr Hampton, 24 September 1845, House of Commons Papers (402), 72.
[157] Andrew Arnott Conduct Record, CON33/1/64, 8.
[158] Ibid.
[159] Andrew Arnot, Departures from Hobart to Geelong, TA, CUS36/1/217 (1852), 182.
[160] Andrew Cunningham, "Identifying Disease in the Past: Cutting the Gordian Knot", *Asclepio* 54, no. 1 (2002): 17.

to Andrew, namely that the Pentonville Prison men were subject to colonial interpretations of the legacy of separate treatment.

Case Study 3

William Bilyard (or Billyard, Billard, or Bylliard, depending on the clerk) was sentenced to ten years transportation in March 1843 for burglary.[161] He had stolen nine sovereigns from a John Lee in Nottingham, for which he pled guilty.[162] While no previous charges had been recorded against him, it is possible that he attempted to steal a sovereign and thirteen shillings when he was a teenager, but was acquitted.[163] At the time of his 1843 sentencing he was twenty-three, a Nottingham native, a labourer by trade, and still lived with his parents and four siblings in Worksop, a market town adjacent to Sherwood Forest.[164] In April 1843 William was admitted as part of the Pentonville Prison Experiment and there spent 20 months under separate treatment.[165] Described as "indifferent" by prison staff, later reports remarked that he was "of weak intellect and therefore not easily managed".[166]

A glance at William's convict conduct record would indicate he was, in every way, a model Pentonvillain: he incurred no punishments in the colony and no charges were brought against him; and he obtained his Ticket of Leave in December 1846, a little over a year upon his arrival in Hobart.[167] Yet, on 1 May 1845, William was admitted to the hospital, where he remained for a month until he was moved to Lachlan Park Hospital (later New Norfolk Asylum) suffering mania.[168]

Officially, William's record of treatment begins in March 1849, yet according to his convict conduct record he had already been a patient at the hospital for four years.[169] Whatever the

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[161] William Billyard, Prison Register for Nottingham, Nottinghamshire, Criminal Records of England and Wales, HO27/70/413 (1843), 113.

[162] William Bilyard (15206), Convict Conduct Record, CON33/1/64, 21.

[163] *Sheffield Independent*, 31 October 1835, vol. 16, issue 773.

[164] William Billard, Carlton in Lindrick Parish, 1841 England Census, Census Returns for England, HO107/849/10/30 (1841), 30; C. Brown, *A History of Nottinghamshire* (London: E. Stock, 1891), 193.

[165] William Bilyard 208, Pentonville Prisoners' Register, PCOM2/61/5977, 31-2.

[166] William Bilyard (15206), Conduct Record, CON33/1/64, 21.

[167] Ibid.

[168] William Bylliard per Sir George Seymour, Lachlan Park Register of the Mental Diseases and Treatment of Male Patients, TA, HSD246/1/7 (1847-9), 222.

[169] Ibid.; William Bilyard Conduct Record, CON33/1/64, 21.

fragmentary reality of William's archival record, his suffering was all too visceral. He was usually described as "quiet and orderly", but he was occasionally prone to "violence and excitement".[170] William's "irritability" frequently dovetailed with poor health – he was permitted an extra ration of bread – and he oscillated between "attacks of mania and excitement" and falling "quiet but very incoherent".[171] In November 1849, it was recorded that "he is mentally not improved", and by July the following year, he was formally labelled an "imbecile", though fortunately in "good health".[172] By 1851, William was: "An imbecile – quiet and amenable".[173]

His Ticket of Leave was revoked in March 1851 for being "absent from muster", implying that his stay at Lachlan Park was more sporadic than indicated, though he was recorded as being a patient at least until 13 April 1852, and he does not appear in the employment records of the area.[174] Four years later, on 19 July 1856, one William Bylliard per *Sir George Seymour*, then aged 44, was admitted to the Saltwater River, a disused convict probation station repurposed for the care of pauper lunatics from Impression Bay, close to the Port Arthur penal settlement.[175] The remarks received from New Norfolk described William thus:

> Mania. Quiet and harmless, but liable to slight excitement if interfered with, generally employed in the wood yard until lately when his general health became indifferent, has a propensity to keep his face covered.[176]

Scholar Dominique Moran argues that the embodied experience of incarceration can be inscribed on the minds and bodies of released prisoners; this is also known as what Craig Haney terms "prisonisation", or layers of carceral adaptation, that influence how prisoners conduct themselves post-confinement.[177] We can see this in more explicit ways, such as through risk-taking behaviours, but in the case of William Bilyard, his tendency to "keep his

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[170] William Bylliard, Lachlan Park Register, HSD246/1/7, 222.

[171] Ibid.

[172] Ibid.

[173] Ibid.

[174] William Bilyard Conduct Record, CON33/1/64, 21; see Register of Convicts in the Employ of Settlers, TA, POL514/1/1 (1833-53).

[175] William Bylliard per Sir George Seymour, Case Notes, Register of Patients Admitted to the Asylum at Saltwater River, TA, CON127/1/2 (1852), 238; Piper, "Beyond the Convict System", 55.

[176] William Bylliard, Saltwater River Case Notes, CON127/1/2, 238.

[177] Moran, "Prisoner Reintegration and the Stigma of Prison Time Inscribed on the Body," 579; Haney, "The Psychological Impact of Incarceration", 77.

face covered" is reminiscent of the Pentonville Prison mask, as described by London commentator Henry Mayhew:

> Originally designed, it must be confessed, with every kindness and consideration to the prisoners, in order that their faces might not be seen in their shame – [it] cannot but be regarded as a piece of wretched frippery, and as idle in use as they are theatrical in character.[178]

William appeared to withdraw into himself as the months wore on, with "no alteration in the state of his mind".[179] He remained quiet and well-behaved until March 1857, when it was noted he had developed a slight catarrh.[180] Once moved to the Port Arthur hospital by July, his notes read that he "Has been suffering from cough the last two months, expectorates moderately has lost flesh, pulse rather weak and accelerated, bowels regular. Mental affliction the same".[181] After this a discrete postscript was added: "Died Augt 16".[182]

What do the cases of Andrew Arnott and William Bilyard tell us about the post-confinement nature of mental health among the *Sir George Seymour* men? Andrew and William were very different from one another. While Andrew's hospital admission was flagged for the attention of Hampton, who disregarded Andrew's case as stemming from separate treatment, William slipped beneath the radar, being admitted to hospital only a few months after arrival, and shortly thereafter to an asylum institution, where he remained until his death. Strung between them are sinews of their shared confinement experience: it is entirely possible that their status as "Pentonvillains" contributed to a degree of othering that marginalised them in colonial society.

Another way to consider whether recalcitrant convicts had more contact with institutions is to examine offence rates. Table 5.9 shows that 61 men (40%) had contact with other institutions or were compounded into the system by another conviction. Contrary to expectation, a higher rate of offences did not increase the risk of contact with other institutions: only one convict with over 20 offences was sent to Port Arthur (Table 5.9).[183] This test does not account for fine-grain details – death is not necessarily correlated to offence

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[178] Mayhew and Binny, *The Criminal Prisons of London*, 141.
[179] William Bylliard, Saltwater River Case Notes, CON127/1/2, 238.
[180] Ibid.
[181] Ibid.; William Bilyard Conduct Record, CON33/1/64, 21
[182] William Bylliard, Saltwater River Case Notes, CON127/1/2, 238.
[183] This was David Simkins per *Sir George Seymour* (1532), Conduct Record, CON33/1/64: 142.

rates, for example – but such data can indicate whether increased contact with colonial authorities risked higher rates of more frequent or serious punishment. As Table 5.8 shows, the most likely outcome was reconviction (32%), with Port Arthur a close second (27%). With little correlation between offence rates and the prospect of further institutionalisation, another way to reconsider this issue is to account for punishment rates instead. As indicated in Table 5.10, there was no trend between non-invasive punishment (fine or reprimand) and contact with other institutions.

Table 5.9 Outcomes among *Sir George Seymour* convicts.

Outcomes	*Reconvicted*	*Hospitalised*	*Asylum*	*P.A.*[184]	*Death*[185]	***Total***
Has 1-5 offences	10	6	1	6	2	25
Has 5-10 offences	3	1	–	1	–	5
Has 10-15 offences	2	2	–	3	–	7
Has 15-20 offences	3	–	–	2	2	7
Has over 20 offences	–	–	–	1	–	1
Did not offend	2	4	–	4	6	16
Total	**20**	**13**	**1**	**17**	**10**	**61**

Table 3.10 Punishment and institutionalisation.

Punishment and Institutions	*Reconvicted*	*Hospital*	*Asylum*	*P.A.*	*Death*	***Total***
Fined	–	–	–	–	–	–
Hard labour	12	6	–	8	3	29
Imprisonment	1	–	–	–	1	2
Reprimand	1	1	–	1	–	3
Solitary confinement	4	2	1	4	–	11
Did not offend	2	4	–	4	6	16
Total	**20**	**13**	**1**	**17**	**10**	**61**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

[184] P.A.: Port Arthur.
[185] Refers to death under sentence.

Andrew Arnott was the one-off link between solitary confinement and an asylum admission. A larger dataset may be able to tease out whether there was a connection between solitary confinement and an asylum admission, particularly given the historic and current assertion that solitary confinement has adverse mental health effects.[186] Across the punishment spectrum, hard labour (47%) and solitary confinement (18%) rated highly in connection to negative convict outcomes. The rate of hard labour in relation to reconviction rates also indicates that those convicts were committing offences serious enough to warrant such a punishment. This suggests that it was not always the number of offences committed but the type that could further sharpen the attention of colonial authorities. Table 5.11 shows that misconduct charges trended positively towards reconviction and transfer to Port Arthur, indicating that despite its vagary, a charge of "misconduct" could, at times, indicate a more serious offence.

Table 5.11 Offence type and institutionalisation.

Offence Type and Institutionalisation	*Reconvicted*	*Hospital*	*Asylum*	*P.A.*	*Death*	*No offence recorded*	***Total***
Absent without leave	1	1	1	–	–	–	3
Alcohol related	4	1	–	2	–	–	7
General misconduct	11	6	–	9	4	–	30
Theft and burglary	1	–	–	1	–	–	2
Violence (assault, fighting)	1	1	–	1	–	–	3
Violence (sexual)	–	–	–	–	–	–	–
Total	**18**	**9**	**1**	**13**	**4**	**16**	**61**

Sources: Convict Conduct Records for the *Sir George Seymour* (1844-5), TA, CON33/1/64.

Without qualitative intervention, or a larger data set, much can be assumed about the link between antisocial behaviour (absent without leave) and an asylum admission, or alcohol-related offences and a reconviction. What is clear is that far from a systemic process of "othering" among *Sir George Seymour* men, it is possible that the Pentonvillains had

[186] See Peter Scharff Smith, "The effects of solitary confinement on inmates: A brief history and review of the literature", *Crime and Justice* 34, no. 1 (2006): 441-528; C. Haney et al., "Reducing the use and impact of solitary confinement in corrections", *International Journal of Prisoner Health* 13, no. 1 (2017): 41-8; Graham Glancy and Erin Murray, "The psychiatric aspects of solitary confinement", *Victims and Offenders* 1, no. 4 (2006): 361-8.

assimilated enough into the colonial prison population to escape close notice. Rather than, as Hampton and his protégé Boyd predicated, the Pentonville men being spotlighted, they were remarkably unremarkable.

Conclusion

If John Hampton and James Boyd are to be taken at face value, then a statement such as this, which Boyd made in early 1845, intentionally held the Pentonville men in tension:

> Thousands of prisoners are at this moment going about idle, polluting the atmosphere in which they move; is it to be wondered at, then, if the Pentonville men should fall when thus exposed to the deteriorating influence of such abominations as they daily see and hear of?[187]

This chapter has demonstrated that it is not sufficient to pursue either a wholly qualitative or quantitative assessment of the Pentonvillain experience for two reasons. First, that a qualitative view risks playing into the vision of the colony as described by contemporaries like Hampton or Boyd, both of whom intended to feather their nests as colonial penal reformers. Second, a quantitative view suggests that the *Sir George Seymour* cohort were surprisingly ordinary, neither comprising of rabid recidivists or cringing convict workers. To reiterate this, we should review what a quantitative assessment of this cohort has brought to light.

Of the 150 convicts onboard the *Sir George Seymour*, most were likely to commit a punishable offence in the first 6 months of arrival. Hard labour was the preferred punishment meted out against this cohort, with solitary confinement a close second. Importantly, despite a small number of men being sent on to Port Arthur to undergo a period of secondary punishment, no *Sir George Seymour* man was ever admitted to the Separate Prison there. This assessment has, however, found that of all charges brought against this cohort, rates of alcohol-related offences and general misconduct scored marginally higher in comparison to existing data on other convict cohorts. Such a finding raises the possibility that Pentonville prisoners were inclined towards risk-taking behaviours, though by a nominal degree. *Sir George Seymour* men were subject to a very low rate of additional contact with other

[187] Letter from James Boyd to Robert Hosking, 29 April 1845, Command Papers (402), Vol. XXIX.363 (1846), 66.

institutions, such as hospitals, prisons, or asylums. Of those men admitted to a hospital, most cases occurred within the first 6 months of arrival, indicating that any health problems likely arose during the transportation voyage. This finding is coherent with Chapter 4, which demonstrated that the illnesses developed on board were frequently, if not entirely, related to the period of confinement in Pentonville Prison; this is also consistent throughout Chapter 3 on mental and physical health under separate treatment. In other words, if these men were falling ill, it was due to their experience in confinement at Pentonville Prison. Despite the high instances of mental distress recorded in Pentonville Prison and during the voyage, only two *Sir George Seymour* men were ever admitted to a colonial asylum, suggesting that for these men first exposed to separate treatment, their health was more likely to be impacted in the short- and mid-term with a minority suffering beyond that period of time.

This chapter has challenged the prevailing vision of the Pentonville Prison Experiment subjects as vulnerable and abandoned in Van Diemen's Land. In the wake of their arrival, John Hampton and James Boyd capitalised on the vacuum of colonial discipline to develop a localised version of Pentonville Prison at Port Arthur that remained in operation well until the end of the century. To achieve this, an image of a *Sir George Seymour* man had to be developed. A mixed methods analysis has reconsidered this image and found a more nuanced reality. In drawing from current criminology work on reintegration and prisoner re-entry, I have demonstrated that common patterns of adaptation can be found across time and place. I have also found that despite the myriad of health problems suffered while in Pentonville Prison itself and during the transportation voyage, the *Sir George Seymour* cohort were more resilient, flexible, and hardy than penal reformers presented. In this, I suggest that historians have leaned too heavily on florid monologues and neglected a less exciting, but more hopeful possibility: that these men withstood an experimental prison discipline calculated to remake them into an idealised convict worker, and instead emerged dented, but undeniably whole.

Conclusion

A historic social fear of solitary confinement has usually repelled attempts to institute it. Pentonville Prison was an important exception, largely due to its historical context and the nature of scientific inquiry and social experimentation and reform in that period. Not without good reason, reported cases of mental debility among prisoners resulted in contemporary resistance. However, existing studies on Pentonville Prison have echoed the familiar cry of prisoner madness without investigating the veracity of this claim. This thesis has revealed that the reality faced in the Pentonville Prison Experiment was far worse.

Any attempt at understanding the Experiment necessitated a return to the previous century, as many of the ideas that coagulated into separate treatment had roots in the Georgian period. In contextualising the theoretic and intellectual foundations of penal reform from 1750 to 1830, I demonstrated that in addition to changing notions of what constituted crime and criminality, health and illness as literal and metaphysical social threats underpinned the idea of criminal "contagion". The threat of prison disease was a powerful metaphor and motivator in mobilising penal reformers, many of whom drew on the work of philanthropist John Howard to envisage a new type of prison institution.

I pulled these discussions, legislative changes, and new reform movements, through to the nineteenth century, highlighting how penal reformists modelled themselves as arbiters of change. Individuals like Reverend Whitworth Russell and especially William Crawford galvanised national debate and encouraged the wholesale adoption of separate treatment. Nested in the context of Victorian era scientific endeavour and radical innovation, the idea of Pentonville Prison symbolised a particularly British vision of social cohesion aimed at the most troubled and troubling classes of society. I found that a connection between Pentonville and the Australian colonies, especially Van Diemen's Land, was quick to form, especially in the context of health and punishment, thus establishing a transnational link between the legacy of separate treatment in Britain and Australia that has hitherto been underexplored by previous studies.

Drawing down on the nature of health in confinement was critical to understanding the impact of the Pentonville Prison Experiment. The central question was whether we could understand the degree of prisoner suffering, and map how or why prisoners fell ill under separate treatment. My research is the first to push into new territory on the nature of health in Pentonville. Despite the insistence of figures like Crawford and Reverend Russell that

separate treatment was regulated objectively, I find that experimentation was at the heart of the Pentonville enterprise, and the interventions made by prison staff at times had significant effect on the mindset and adaptability of prisoners. Moreover, the sickness felt at Pentonville was more complicated and enduring than the arguably superficial claim that separate treatment caused madness. I uncovered instances of physical illness – like tuberculosis, consumption, and smallpox – in addition to cases of mental distress. Previously encapsulated as "mania, depression, delusion, and despair" by Hilary Marland and Catherine Cox, I evidenced a complex layering of mental illness and criminality that affected how prisoners were thought of and consequently diagnosed.[1] My consideration underscores how illness is intimately tied to historical context, and, on a meta-level, questions whether the historiography has preferred to imagine Pentonville Prison rather than understand it.

I expanded the boundaries of existing studies even further by looking beyond Pentonville Prison to the transportation vessel. A thematic close reading of five convict ships bound from Pentonville to Van Diemen's Land found that ship surgeon-superintendents inadvertently became responsible for the human fallout of the Experiment. Cases of epileptic fits among inmates, particularly on earlier voyages, were interpreted as best as medical knowledge would allow. Current studies show that prolonged isolated confinement results in many of the symptoms evinced by the so-called epileptic convicts, again highlighting how closely knit Pentonville is to a broader history of confinement. By reading across the transportation voyages, I found that if prisoners fell ill in Pentonville, their symptoms frequently continued at sea, thus symbolically extending the reach of the Experiment. Importantly, looking past Pentonville Prison revealed that the impact of separate treatment on inmates was felt most strongly in the short- and mid-term after confinement.

This trajectory naturally led to Van Diemen's Land, the "portal to the penal colony".[2] An important question lingered over whether Pentonville men continued to suffer the effects of confinement once they arrived in Van Diemen's Land. I explored this question by undertaking a quantitative examination of the *Sir George Seymour*, the first convict vessel sent from Pentonville Prison. By drawing on current criminological scholarship on prisoner reintegration and re-entry, I demonstrated that common patterns of adaptation present

[1] Catherine Cox and Hilary Marland, "'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, no. 1 (2018): 105-6.

[2] Letter from Sir James Graham, 16 December 1842, Second Report of the Commissioners for the Governor of the Pentonville Prison, Command Papers (536), Vol. XXVIII.71 (1844), 24.

regardless of context. The data also showed that despite the health problems suffered during the Pentonville Prison Experiment and the transportation voyage, the 150 *Sir George Seymour* men in particular proved more resilient to the long-term effects of separate treatment than what might have been anticipated.

This thesis makes several contributions to the Pentonville Prison historiography. First, I find that in addition to the mental distress, Pentonville prisoners were still vulnerable to historic prison diseases, many of which were bound up in ideas on criminality and metaphysical contagion. That the Pentonville Prison Experiment had a more detrimental and wide-ranging effect on prisoners is critical to future studies: madness is only the tip of the iceberg. My finding emphasises the all-encompassing nature of confinement past and present. Taking into consideration the social, emotional, mental, and physical health of Pentonville prisoners returns their agency; and drawing connections to their families illustrates that the effects of separate treatment did not stop at the walls of the prison, but rippled outward to urban and rural communities across Britain.

Second, a close reading of one prisoner cohort – the *Sir George Seymour* – indicates that prisoners could endure their suffering beyond scholarly assumption. The imaginative power of separate treatment on existing scholarship has strangled meaningful examination of the ability of men to survive, and even thrive after, their confinement. While I have found that many "Pentonvillains" reoffended in the colony, the majority did not; and recorded offences tended towards misdemeanours rather than serious crimes. A preliminary expectation was that asylum admission rates among separate treatment men would be high. However, the data shows the reverse, with most convicts appearing to assimilate into colonial society. The evidence in this thesis suggests that the impact of separate treatment was most felt in the short- and mid-term post-confinement. Further research would no doubt clarify whether the 150 *Sir George Seymour* men examined in this thesis are the exception or the rule.

Finally, the significant transcription work and archival consolidation of primary sources scantily used in other studies proves the importance of what Paul Knepper terms the "embrace" of the historian's archival craft, especially given the mixed methods approach undertaken in this research.[3] I demonstrate that neither a qualitative nor quantitative approach gives depth of meaning to such a contested historical institution as Pentonville Prison. A

[3] P. Knepper and K. Passmore, *Writing the History of Crime* (London: Bloomsbury Academic, 2015), 233.

blend of qualitative and quantitative work sheds new light on the enduring arguments set down by previous studies, particularly in measuring and determining the impact of separate treatment on prisoner minds and bodies.

There are some limitations to this study. A full quantitative examination of outcomes for the five convict transportation vessels from Pentonville Prison to Van Diemen's Land would confirm whether the findings of the *Sir George Seymour* are consistent. Furthermore, the first scope of this thesis intended to analyse the "Model Prison" at the Port Arthur penal settlement in southern Van Diemen's Land, a blueprinted Pentonville Prison in operation from 1848. But it is now evident that such a thesis would only be possible if this thesis existed. A rich avenue for further research would be to trace prisoners from Pentonville Prison to Port Arthur, capturing the outcomes of men confined in both institutions, or to compare rates of mental or physical illness. These are valuable questions that will deepen our understanding of Pentonville Prison and the legacy of separate treatment more broadly.

While a modified form of separate treatment persisted in British institutions until 1922 for sentences of penal servitude, and until 1931 in local prisons for prisoners with short sentences, the terror of solitary confinement remains.[4] Writing in 1981, Seàn McConville famously observed that Pentonville Prison had, by 1849, "sank under the weight of public disapproval" and "its own unfulfilled promises".[5] Opinions had not changed much by 2020 when David Vincent argued that by the mid-1850s, separate treatment had fallen from favour, riddled with doubt over its efficacy and a remnant of an experiment gone awry.[6] However, as historian G.M. Young reminded us in 1953: "Victorian history … is before all things a history of opinion", diverse in perspective and plentiful with criticism and commentary.[7] The question why separate treatment persisted in British institutions, particularly given its association with insanity, is one asked frequently by penal scholars. This thesis has illustrated that *hope* was an important factor in its sustainment. It is just as possible that separate treatment was useful in some respects – for instance, the low recidivist rates indicated by the *Sir George Seymour* convicts – just as it is true that this was a punishment that produced mental, physical, and emotional pain. The question, therefore, may not necessarily be why

[4] David Vincent, *A History of Solitude* (Cambridge: John Wiley & Sons, 2020), 149.
[5] Seàn McConville, *A History of Prison Administration, 1750–1877* (London: Routledge, 1981), 209.
[6] Vincent, *A History of Solitude,* 149.
[7] G.M. Young, *Victorian England: A Portrait of an Age* (London: Doubleday, 1954), vi; Heather Tomlinson, "Prison Palaces: A Re-Appraisal of Early Victorian Prisons, 1835-1877", *Bulletin of the Institute of Historical Research* 51, no. 123 (1978): 60.

the Victorians persisted with separate treatment, but what separate treatment represented for them, at different times, and for different purposes.

In summary, my analysis of health during and after the Pentonville Prison Experiment has confronted and contested many potent assumptions about separate treatment. The most significant finding is that prisoners confined during the Pentonville Prison Experiment suffered more greatly than has been previously considered, with separate treatment affecting more than just their minds. As HMP Pentonville continues in operation today, this leaves a question over the unseen effects confinement can have on inmates in ways not yet quantifiable.

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