A History of Women's Prisons in England

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The Myth of Prisoner Reformation

By

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Paintings by Noriko Hisazumi, watercolour on paper (2019). Created for and with reference to the historical sources used in this study.

Noriko H

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Thank you

INTRODUCTION

Invisibility

This book's first object is to present a women's prison history from a criminological perspective that is, as a historical investigation that focuses on the institutional development of women's prisons from the late eighteenth century up to the early twentieth century. Criminology has been considered a discipline that is not much concerned with the subject of women criminals, as its subject matter is male-dominated or, alternatively, treated as a genderless construct.[1] Academic writings criticise the lack of documentation related to the lives and experiences of women prisoners, thus fostering a discourse suggesting that they have been overlooked in a criminal justice system that has had the male offender as its core interest. Feminist criminologists, such as Heidensohn and Silvestri, consider that the 'invisibility' of women offenders is due to the fact that 'women account for a very small proportion of all known offenders, and as a consequence relatively little attention has been given to them'.[2] This 'invisibility' could be understood on a number of levels. For example, Carlen has examined 'the invisible nature of the social control of women'.[3] Zedner and Gelsthorpe have criticised the lack of attention criminology studies have given to assessing the treatment of female offenders.[4] Priestley, for example, suggests that penal practice itself has largely ignored women prisoners because prison is 'a man's world; made for men, by men'.[5] Indeed, Heidensohn further suggests that women have been 'subjected to regimes designed to deal with the larger and more pressing problems of men'.[6] However, the 'invisibility' of women prisoners could also be attributed to the lack of histories written about women prisoners and women's prisons

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[1] N. Naffine, *Feminism and Criminology* (Cambridge: Polity Press, 1997), p.1.

[2] F. Heidensohn and M. Silvestri, 'Gender and Crime', in *The Oxford handbook of criminology*, ed. by M. Maguire, R. Morgan, and R. Reiner, 5th edn (Oxford: Oxford University Press, 2012), pp.336-361 (p.336).

[3] Carlen, 1983, cited in A. Howe, *Punish and Critique* (London, NY: Routledge, 1994), p.127.

[4] Zedner (2002) and Gelsthorpe (2004) cited in Heidensohn and Silvestri, p.338.

[5] P. Priestley, *Victorian prison lives* (London: Pimlico, 1999), p.69.

[6] F. Heidensohn, *Women and Crime* (London: Macmillan, 1985), p.66.

prior to the 1960s. In 1966, Giallombardo noted that 'the female prison community has been overlooked: it merits study as does any other complex organisation'.[7] Indeed, credit should be given to feminist criminology for spotting a gap in prison historiography; it was only with writings by, for example, Smith (1962), Heidensohn (1985) and Dobash et al. (1986) that a narrative of the history of women prisoners began to develop.

Recognition of women's invisibility in the criminal justice system has brought the issues of sex and gender to the forefront, not only in criminological research but also in penal policy and practice.[8] Historical writings about women prisoners and women's prisons, however, have not been the object of such beneficial progress. In other words, there has been little research shedding new light on or, alternatively, challenging previous claims made by historical studies of women prisoners and women's prisons. Except for Zedner's *Women, Crime, and Victorian England* (1994), the feminist prison historiography has confined its research to a very limited word count (as opposed to books and volumes written on the mainstream [male] prisons and prison population). Additionally, there has been little engagement with primary historical records to understand whether the invisibility of women prisoners represents a real lack of commitment (policy and practical) to addressing women prisoners (and thus scant resources to write histories), or rather, stems from poor criminological historical investigation. The existing work has merely relied upon secondary sources, where one of the latest narratives on women's prison histories in, for example, Carlen and Worrall's *Analysing Women's Imprisonment* (2004) still recites unchallenged historical perspectives formulated in the 1960s, including the discourse of the 'invisibility' of women prisoners.

That women's prison historiographies remain unchallenged has, I argue, brought about stagnation in the discipline. From a historical point of view, drawing upon historical records consulted for this study, I suggest women prisoners and women's prisons would not have been invisible if criminologists had engaged with primary historical sources. This book demonstrates that despite the indisputably small number of women offenders and women prisoners in comparison to their male counterpart, policy and practitioners were just as concerned, at least proportionally, with the woman prisoner as they were with the male prisoner. Different considerations and sometimes separate policies were debated and applied to the female and male prison populations. Of course, research from the 1960s, 1970s and perhaps even

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[7] Giallombardo, 1966, cited in Howe, p.123.
[8] Heidensohn and Silvestri, p.337.

the 1980s might not have had the luxury of using sources that are now largely available in archives and public databases. Still, the 'invisibility' of women prisoners in history is an unchallenged mantra. Therefore, one of the objects of this book is to unveil the extent of the 'invisibility' of women prisoners and women's prisons.

This book demonstrates that the development of women's prisons can have a history in its own right without needing to compare it with what has been constructed as the mainstream prison history, that is, male prison history. Major women's prison and prisoner histories, such as those by Smith, Dobash et al. and Carlen, have provided the first historical examinations that dedicate their full attention to women's experiences within the context of penal policy. As Howe has observed, these examinations, in turn, have 'fundamentally transformed the critical analysis of punishment regimes'.[9] The problem with these historical analyses, however, has been taking the social construct of the well-established mainstream prison historiography at face value. The writing style of these mainstream histories might have been challenged at times (such as in the case of the Revisionist-Whig dispute), but women's prison histories have been written within the contextual knowledge and boundaries created by these mainstream histories. This approach by criminologists has fostered a theoretical understanding, according to Howe, that women prisoners' small numbers 'have simply not been considered to be a "social problem" warranting close attention' by prison administration.[10]

Indeed, historical sources demonstrate that the question of women prisoners might have been considered unproblematic because prison authorities and reformers thought they knew what was best for the female prison population. However, the narrow approach followed by criminologists has denied the construction of an authentic and independent study on this issue. This, in turn, has led to some conflicting historical accounts; for example, Dobash et al. suggested that women's prison regimes were more repressive than those of male prisons, whereas Zedner's study reveals that this might not have been the case.[11] Scratching beneath the surface of an unchallenged prison history by uncovering primary historical sources that solely address the issue of women prisoners helps us to understand the unique historical dynamic of this specific prison population. It would be misleading to state that the development of women's prisons has been unrelated to the

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[9] Howe, p.123.
[10] Ibid., p.155.
[11] Ibid., p.154.

development of men's prisons; and yet, denying the development of women's prisons its own historical ownership would be likewise misleading.

Although at the core of this book is the general question of 'prisoners' reformation', the study is contextualised around women's prisons, thus constructing a women's prison history. Inspired by Zedner's work but moving away from other well-established women's prison histories, I have drawn upon primary sources and critically used secondary sources to unfold the question of the historical 'invisibility' of women in penal practice. Indeed, not only do the historical findings cast doubt on the discourse of women's invisibility (or as Zedner puts it: 'to suggest that they [women prisoners] were simply "not foreseen" is patently implausible'),[12] but the historical sources also suggest that the uncritical assertion of women's 'invisibility' has led researchers to neglect the contribution of policy specifically concerning the female prison population in the shaping of mainstream prison policy.

Experiment

The second objective of this book is to expose the experimental nature of the prison penalty and to understand the extent to which it has caused the prison system to be in a constant and permanent state of crisis.[13] Little has been written on the relationship between the two, and historical sources reveal that prison as a primary penalty was lobbied for as a temporary tool, which eventually—and perhaps inevitably—became permanent. It was the state of emergency caused by the shortcoming of the far more popular transportation penalty that advanced the idea of prison as an 'experiment'– until the mid-eighteenth century prisons functioned mainly as detention centres and were classified as a secondary penalty. However, the system of punishment needed to be revised. The death penalty was increasingly seen as morally disproportionate, and judges were never fully committed to it, using their discretion to avert it; moreover, few of those sentenced to death were ultimately executed, thereby casting doubt on the effectiveness of the legal system. Unlike capital punishment, transportation was a morally and economically conducive penalty, and both the government and the judiciary were fond of it. Inconveniently, however, the colonies were less receptive,

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[12] L. Zedner, *Women, crime and custody in Victorian England* (Oxford: Clarendon Press, 1994), p.100.
[13] The idea of 'crisis' as a concept related to prison discourse is inspired by the perspective of M. Cavadino et al. on 'prison crisis' (*The Penal System*, 5th edn [London: SAGE, 2013]).

first refusing to accept any more women (arguing that they corrupted the morals of the inhabitants mainly because many had to resort to prostitution to survive), then refusing to take any more criminals altogether.

Within this context of uncertainty, suggestions and recommendations were made for a contingency plan, where eventually Parliament had to be persuaded to upgrade imprisonment to function as a primary penalty; Parliament was reassured that this was merely an experiment and that, once the limitations on transportation were lifted, the usual order of things would be restored. However, the plans concerning prison upgrade were not well conceived and lacked coherence and agreement. Indeed, prison as a penalty was born out of a temporary emergency plan where the rationale was not 'confinement' itself, but rather, prisoners' labour and thus imprisonment was perceived as an economic venture. It is exactly this contingency plan which has shaped the foundation of this penalty: on the one hand, imprisonment endured through the centuries and became grounded in the social fabric and penal policy, but on the other hand, the constant search for prison reform from the eighteenth century onwards indicates that the modern prison system has been in a constant state of crisis, which it has never recovered from.

Several authors have explained the state of the prison system as a crisis that began just after the second quarter of the 20th century.[14] Cavadino et al. agree that the prison system has been under a 'moral challenge' and that it is 'now' at a 'critical junction'—where they use the metaphor of an ill person on the verge of either getting better or 'sink[ing] into fatal decline'.[15] It has been suggested that the 'crisis' is an expression of the following: high prison population, overcrowding, poor conditions, understaffing, and poor security;[16] in addition, Carlen highlights the 'legitimacy crisis' of the 1990s in relation to women's imprisonment.[17] However, I maintain that the 'crisis' described by Cavadino and others is not the crisis itself but its consequence. To develop Cavadino's metaphor, a person's illness is a catharsis whereas the actual reason for the illness is the failure of the immune system. Indeed, a critical historical assessment reveals that the modern prison system was

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[14] See, for example, Fitzgerald and Sim, 1980 and Morris 1989, cited in Cavadino et al., p.9.
[15] Cavadino et al., p.12.
[16] Cavadino et al., p.11
[17] P. Carlen and A. Worrall, *Analysing Women's Imprisonment* (Devon: Willan, 2004), p.16.

born without an immune system – that is, the core aim(s) upon which the prison system should operate.

Hence, the 'crisis' discussed in this book refers to a permanent crisis of existence.[18] This 'crisis of existence' is not necessarily due to imprisonment being essentially an experiment; rather, it is a consequence of the rushed passage of the relevant Acts in Parliament accompanied by little critical elaboration and understanding of what the aims of this penalty ought to be and how these should and could be, if at all, materialised in practice. Thus, the crisis reflects a clash between what was perhaps desirable, conceptualised and expressed in penal and academic discourse against the actual reality and implications of such a penalty. In addition, through an examination of the development of the open prison, the book illustrates how reform of the prison system is inevitably interlinked with and affected by the mainstream orthodox closed prison. Therefore, as this mainstream method has been counter-productive from the outset, any change or reform will be superficial and temporary. Indeed, the discussion of HMP Askham Grange (open women's prison) illustrates this drawback; it demonstrates how this project, being part of a wider plan of prisoners' progression (from closed to open conditions, thereby facilitating future social integration), was nevertheless loosely developed in connection with the core penalty, namely, the closed prison. In other words, the open prison was devised to fulfil the 'training in open conditions' agenda, but its success has been deeply dependent on the (in)effective operation of the closed prison.

Despite experiencing a crisis of existence, the prison system has become firmly embedded in the fabric of society; its durability is puzzling and inconceivable. A concept devised by Carlen offers an explanation of this: 'carceral clawback'. Carlen describes it as the 'power of the prison constantly to deconstruct and successfully reconstruct the ideological conditions for its own existence'.[19] In other words, prison policy will re-justify prison legitimacy by reassigning and reshaping its socio-penal role.

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[18] Crisis is defined in the Oxford Dictionary as 'a time of intense difficulty', and although this definition suggests a temporal limitation, 'permanent crisis' is not a new concept (despite its ambiguity) in academic discourse. An example for that, which also examines the notion of permanent crisis, is the article by Hont on 'the Permanent Crisis of a Divided Mankind' (I. Hont, 'The Permanent Crisis of a Divided Mankind: Contemporary Crisis of the Nation State', *Political Studies*, 42, (1994), 166-231; 'Crisis', s.1, Oxford Dictionaries, http://www.oxforddictionaries.com/definition/english/crisis 2015 [accessed 24 Jan 2015]).

[19] P. Carlen, 'The Case of Women's Imprisonment in Canada', *Punishment and Society,* 4, 1 (2002), 115-121 (p.116).

The historical investigation in this book demonstrates how, rather than challenging the legitimacy of the use of imprisonment per se, the effective delivery and fulfilment of the aims of imprisonment were tested against and reshaped to reflect 'spur of the moment' socio-political concerns. The carceral clawback concept is critical of the reformation agenda; thus, the use of this concept, as applied in this study throughout the historical development of the prison penalty, also aids in understanding the drawbacks presented by the 'prisoners' reformation' discourse. Indeed, I see the carceral clawback paradigm as one of the driving forces behind prisons' historical development, where the struggle of the government to align policy with practice is exemplified through its periodical need for reform.

Reformation

This leads to the third objective of this book; that is, the evaluation of the concept of 'prisoners' reformation'. With the introduction of the modern prison penalty, the 'reform[20] of the prisoner' was coupled with the prospect of the prisoner re-joining society at the completion of the prison term. Indeed, prison discourses (policy and academic) have developed the understanding that 'reformation' stands for the process through which the prisoner is 'untrained' from her criminal or deviant tendencies, thereby facilitating social integration as a 'new' law-abiding citizen.[21] However, the concept of 'reformation' as aiming to 'improve the offender's character or behaviour'[22] is, in fact, a myth.[23] First, 'reformation' is coupled with the

[20] 'Reform' c.1300: to convert into another and a better form. In 1413, it was used to refer to people. Having a strong connotation with European religious movements, it was first used by Martin Luther in the early sixteenth century in the dispute with the Roman Catholic Church ('Reform', *The Concise Oxford Dictionary of English Etymology*, T. F. Hoad, ed. [Oxford: Oxford University Press, Oxford Reference Online, 1996]).

[21] Even in the case of those who maintain the 'nothing works' perspective, the critique still relates to the aspect of reformation, suggesting an assumption that reformation is, after all, the desirable aim (see, for example, Cavadino et al. for a discussion illustrating the 'reformation' discourse).

[22] As defined by Cavadino et al., p.38.

[23] The word 'myth' is used in its etymological meaning, in particular, with reference to these two definitions: a widely held but false belief or idea and an exaggerated or idealized conception of a person or a thing ('Myth', s.2, 2.2, *Oxford Dictionaries*, http://www.oxforddictionaries.com/definition/english/myth?searchDictCode=all [accessed 31 Oct 2015]). The use of 'myth' to exemplify the nonexistence or limitation of a widely held concept is inspired by Garland's paper on 'The Limits of the Sovereign State' (D. Garland, 'The Limits of the Sovereign State: Strategies of

paternalistic assumption that the prisoner suffers from certain criminal or deviant tendencies and that she should be helped to grow out of these. However, merely identifying the offender sentenced to prison as a criminal ignores the substantial impact that life in prison might have on the person; an offender might or might not pursue a criminal lifestyle, might or might not have a criminal character or tendencies, but she will inevitably become a 'prisoner' once imprisoned. In practice, imprisonment as a penalty 'suspends' the offender from society; thus, the 'suspension time' becomes an important factor at the core of this penalty. According to penal and academic discourse, the process of reformation should occur within the 'suspension time', thus within the walls of prison. However, this view has long been identified as controversial: the same tool, that is, imprisonment, which brought about the 'ruin' of the girl (as put by Mary Gordon)[24] is also used as a tool to bring about personal and character 'amelioration' and, thus, effective social integration.

Drawing upon primary historical records, this book demonstrates that despite 'prisoners' reformation' having been a recurring theme in prison policy and prison reform (which it still is), the foundational drawback presented by the prison system has meant that, in practice, an effective implementation of the ethos of reformation was never a feasible task. Prison regimes were routinely reshaped and redesigned to better fulfil this aim of imprisonment; yet, limitations related to ineffective prison management and expensive administration as well as the presence of conflicting social aims and penal policies meant that prisoners' reformation could not be taken beyond its theoretical construction. Such recognition contributes to the understanding that prison policy and prison administration have been less systematic than suggested.[25] Too much credit has been attributed to the prison as a social institution striving for social control; moreover, the anomalous relationship between imprisonment and reformation has been merely tested upon the prison's (un)successful endorsement of new and reshaped policies. Prison discourses and prison studies, as well as social perceptions, have been fixated with the imprisonment aim of 'reformation', but this has been taken at face value.

Instead, the 'myth of reformation' perspective draws attention to prisoners' inevitable adaptation to institutional life, rather than 'reforming' for what

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crime control in contemporary Society', *British Journal of Criminology,* 36, 4, (1996) 445-471).

[24] M. Gordon, *Penal Discipline* (London: George Routledge & Sons, 1922), p.99.

[25] See, for example, the Revisionist analysis of prison history.

has been deemed desirable, that is, a law-abiding (free citizen's) social life. Historical records indicate that this recognition was acknowledged at times by penal and academic discourses, but it was only with the 1948 Criminal Justice Act that the alternative prison policy of 'training' was proposed (parallel to the orthodox prison system). The 'training for freedom' perspective embraced the understanding that to reform prisoners to become law-abiding citizens, the training must take place outside the prison walls. Hence, borstals and, later, adult open prisons were conceived to facilitate this purpose. It appeared that for the first time, 'reformation' was a feasible prospect, where the discourse encapsulated the idea that prisoners should be trained, rather than reformed, to acquire those social skills lost through the process of institutionalisation. This part of the study explores the relationship between 'reformation' and 'training' by examining the first open prison for women, HMP Askham Grange. The importance of this discussion is twofold. First, in line with the first objective of this book – that is, presenting a women's prison history – this latter part of the study draws close attention to the relationship between the development of penal policy and the development of an open women's prison. The study reveals that the open prison is not without limitations. The process of institutionalisation, as described by Goffman, affects the 'disculturation' of the person, bringing about their 'untraining' from what could be considered 'normal' social skills,[26] thus hindering effective social integration. Thus, the process of institutionalisation is an almost inevitable one, so much so that even the open prison, which was set up as a measure to abate institutionalisation, could be classified as one of Goffman's Total Institutions. Indeed, the examination of the open prison further reveals the controversial nature of the 'prisoners' reformation' concept.

Meanings

I have adopted an interdisciplinary methodological approach, inspired by criminological and historical research methods. The research follows a predominantly desk-based historical and documentary approach; however, I have also conducted field-observations and interviews at HM Askham Grange women's open prison. The general approach is qualitative, hence aiming at understanding meanings rather than focusing on measurements. In this context, I have used thematic, grounded and critical approaches. Although these are three different qualitative methods, they all aim at generating theory from collected data rather than starting off with a

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[26] E. Goffman, *Asylums* (Middlesex: Penguin Books, 1961; repr 1976), p.23.

hypothesis placed within a theoretical frame to be then tested by the data gathered.[27] More specifically, critical methodology, developed in the 1960s, is understood as aiming at breaking the boundaries of 'formalised domain assumptions', where, according to Scraton and Chadwick, it 'endeavours to locate the experiential realities of individuals […] within their historical […] context'.[28] It could be argued that critical methodology reduces the inquiry to smaller levels of analysis, and by doing so the approach over-simplifies the history told. However, the approach allows a move away from set-in-stone historical frameworks which can deny the subjectivity and ownership of history (for example, in the case of women prisoners and women's prisons).

Similarly, the grounded methodology was developed in the late 1960s and aimed to identify 'general concepts, the development of theoretical explanations that reach beyond the known, and offer new insights into a variety of experiences and phenomena';[29] thus, theory becomes a product of data production rather than a preconceived perspective. In other words, the theory produced is grounded upon the observations made, whether empirical (e.g. field-observations) or historical; the observations are tested and re-tested against findings within the context of the research. Finally, a thematic methodology type of research is aimed at identifying themes within 'narratives that reflect the individual perspectives of the research participants'.[30] As opposed to the other two research methodologies, the thematic methodology is relatively flexible because, as Finch and Fafinski note, there is 'no consensus on how you go about doing it'.[31]

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[27] E. Finch and S. Fafinski, *Criminology Skills* (Oxford: Oxford University press, 2012), pp.384-395.

[28] P. Scraton and K. Chadwick, 'Critical Research', in *The Sage Dictionary of Criminology*, ed. by E. McLaughlin and J. Muncie, 3rd edn *(*London: SAGE, 2013), pp.107-108. Such research could be seen in the works by Stanley Cohen, Jonathan Simon and David Garland as having as their core objective the investigation of inequality and oppression (in that regard, see the discussion in B. Hudson, 'Critical Reflection as Research Methodology', in *Doing Criminological Research*, ed. by V. Jupp, P. Davies, and P. Francis (London: SAGE, 2000, repr. 2006), pp.175-192).

[29] J. Corbin and A. Strauss, *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*, 4th edn (SAGE Publications, 2014), p.6. Such research can be identified with the work of Becker on marihuana use (H.S. Becker, 'Becoming a Marihuana User', *American Journal of Sociology*, 59, 3 (1953), 235-252).

[30] Finch and Fafinski, p.385.

[31] Finch and Fafinski, p.385.

The overall process allowed me to deepen the investigation by drawing upon data that had already been gathered. Hence, I looked for further evidence to support the recurrent themes, and eventually, I generated a perspective which was then evaluated in accordance with a theoretical concept. The unusual nature of these tools lies in their extraction of a particular value from a specific experience. Thus, as explained by Hudson in accordance with feminist methodologies (although not wishing to be compartmentalised as a feminist study), the interpretation of this knowledge, these values and experiences will produce a value-based perspective.[32] In other words, the gathering of information and the perspectives generated will be based upon the ways the subjects of research (whether interviewees or authors of documents) make sense of and relate to their world.[33]

Researching prisons: an iron garden gate, a haircut and my sister

Textbooks sometimes discuss the safety aspect of getting into and around prison[34]—presumably a closed prison—but not much is written about getting around an open prison. Anyone who has ever visited a closed prison might find visiting Askham Grange a strange experience, something that the prisoners themselves may experience too. 'Closedness', 'restriction', 'secrecy' and 'security' are so embedded in our cultural understanding of what prisons are that standing in front of Askham Grange's open iron garden gate with no prison officer stopping me from entering indeed made me roll my eyes, wondering whether I was missing something. However, the gate was unattended during all my visits. Thus, I had to find my way to the prison visitors' reception.

Although the reception appeared to be the usual prison reception (officers talking through a glass partition, taking names, checking identification and retaining mobile phones) to my surprise, I was expected to find my way around by myself. As a result, the inevitable question popped into my head: 'Is no one going to escort me?' The answer to this question came in the form of a prison resident (a prisoner) who was on her way to where I was supposed to go; she accompanied me to my interviewee. Indeed, my

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[32] Hudson, pp.328-342.
[33] L. Gelsthrope, *Doing Prison Research: Doing Interview Research* (Milton Keynes: Open University Press, 1992), p.13.
[34] See, for example, Martin.

experience at Askham Grange challenged my understanding of 'security' and 'safety', placing these in a much wider perspective.

My visits at HMP Askham Grange did not at all resemble Gelsthrope's inspiring account of her experience as a prison researcher. First, unlike Gelsthrope's prison experience in the 1970s, in Askham Grange, I did not feel 'out of place' because of my gender and I certainly did not receive comments such as 'this is not a place for ladies'.[35] Of course, Askham Grange is a female prison, and there is a greater balance between male and female prison staff than there was in Gelsthrope's time. In addition, unlike Gelsthrope's, my research did not involve interactions with the prisoners, and thus, my presence in the prison was less significant. Additionally, it is important to remember that Askham Grange's prisoners are used to laypeople coming in and out, either in relation to the conference facility or the hair salon run in the prison by the prisoners. Thus, whenever I came across prisoners, my presence did not attract particular attention.

One event that exemplifies the unproblematic nature of my presence in Askham Grange was my hairdressing experience. I made an appointment to have my hair cut in Salunique, the hair salon in Askham Grange which is open to the public and run by the prisoners. The salon room was spacious but not particularly large, and it seemed well equipped. The windows facing the luscious garden made me forget where I was, that is, in prison. There were a few trainees in the room, but there was no indication that my presence triggered any interest or was an issue. I had been told that my hairdresser was about to complete the third stage of her training with apparently good grades. We had a brief chat about our studies, as she was doing a sociology degree and was interested in hearing more about my own criminology studies. I said that I was about to meet the prison governor as part of my studies; this did not impress her, and we changed the topic of discussion.

Around the prison, I generally felt welcomed. I certainly felt that my expression of interest to conduct research at Askham Grange was not perceived as problematic, and the smooth access facilitated by the research contact person exemplifies that. In fact, accessibility to Askham Grange (although reaching Askham Grange itself required taking a taxi from York train station) was rather surprising. On my first visit to the prison, I was accompanied by my sister. I left her sitting in a small reception area whilst having my first interview with the deputy governor. To my amusement, on

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[35] Gelsthrope, 'Feminist methodologies in criminology', p.96.

my return I found out that a member of prison staff had given her a tour of the prison…

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The book opens with a discussion on *prison historiography*. This provides a critical analysis of several prison historiographies, focusing in particular on the Whigs and Revisionists. This analysis identifies the gap in scholarship that I profess to fill, at least in part, in Part II of this book, *"Reforming" the Prisoner*, which presents a historical account of the development of women's prisons. The chapter assesses penal and prison policies as drafted within the relevant socio-political context of the time; it addresses the experimental nature of the prison system and its state of crisis. The historical time frame ends with an examination of the Prison Commission's contribution to prison policy development under the chairmanship of Sir Edmond Du Cane (1870s). Although Part III of this study, *"Training" the Prisoner*, chronologically follows Part II, it diverts from the development of the orthodox prison system (hence, the closed prison) to instead consider the chronologically parallel development of the borstal system (1900s). The aim of this chapter is to expand the critical examination of 'prisoners' reformation' by examining the trend of 'training' and 'open conditions' as first developed through the borstal system and later through the adult open prison (1930s). The policy of 'training' comes as a striking contrast to the idea of 'prisoners' reformation'; rather than pressing prisoners to grow out of their supposed criminal tendencies, it recognises institutionalisation as a hindrance to social integration, thus working towards its abatement. Part IV of this study, *Understanding Open Prisons: The First Women's Open Prison, HMP Askham Grange*, takes the first open prison for women as a case study and further develops the discussion of the assessment of 'training' and 'prisoners' reformation'. Although the open prison is analysed in its own right, the study critically considers the role and function of the open prison within the wider context of the prison system and how the open prison has been affected by the orthodox closed prison. The understanding of what is an open prison is also tested against the concept of Total Institution.

PART I

PRISON HISTORIOGRAPHY

Critical review of a historiography is typical of historical writing – less so of criminological studies. And yet, the discipline of criminology is grounded in history; most importantly, it has been shaped by different histories written on its various subjects. Criminologists have not engaged much with the representation of that past, that is, with the historiography of a certain subject of study, and it is only in a couple of not-so-recent works by Zedner and Schwan[36] that we see criminologists, rather than historians, tracing the different approaches taken by prison historiography in its aim to explain the relationship between prison and society, the historical variations of this relationship, and the factors that influence it.

The importance of historiographical reviews should not be underestimated. They not only shape a context for reading; they also emphasise the very delicate and controversial history of prison development. Primarily, the aim of such a review is to reveal to the reader that 'reality' might depend upon the type of 'story' told or, alternatively, that 'reality' could be a combination of different 'stories', outlooks, standpoints, beliefs and ideals. However, the sum of these historiographies cannot provide a complete account of prison history because there are as many prison histories as there are people who have left their mark - in one way or another, virtually or physically - on the walls of English prisons. The aim of this chapter is merely to draw attention to the two main stories that prison historiography has told, or better, constructed, and examine how they have affected the way we understand the development of prisons.

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Prison historiography reveals the manifold aspects of prison 'reality', and the complexity and multiplicity of this 'reality' is what makes the project of writing and reading prison history so fascinating. The 'archaeological

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[36] L. Zedner, *Women, Crime, and Custody in Victorian England* (1994); A. Schwan, *Representing Female Prisons: Women and Crime in England 1813-1870* (Birkbeck London University: unpublished PhD thesis, 2005).

findings' that inform prison histories are drawn mainly from personal writings, penal policies and reports. The reality described, for example, in personal writings is an end product, constructed through the author's first-hand prison experience; such personal narratives, in turn, shape subsequent historical accounts and their interpretations and critiques, very often leading to revisions of these historical realities. Therefore, the discovery of new historical sources or new interpretations of familiar sources might bring about the reassessment of theoretical and critical perspectives. Such was the case, for example, in Ignatieff's change of heart regarding his 'membership' of the Revisionist prison historiography school. Criticising his own work and that of others such as Foucault, Ignatieff backed down from his original assertion, later arguing that, in fact, 'reformers were more humanitarian than revisionists have made them to be' and that the revisionists' fixation with the centrality of the state was far too exaggerated.[37]

Historians themselves have acknowledged the problematic status of the 'real', claiming that 'absolute historical "truth" (is) a chimera';[38] thus, the competition for 'truth' among different prison histories could undermine the discovery of different 'realities' pertaining to this 'truth'. Moreover, critics have classified, categorised and labelled the different approaches to the writing of prison history; each of these approaches has sought to prove itself the most accurate account regarding historical prison development. And yet, each of these approaches stems from different theoretical grounds reflecting different understandings of human and social interaction, thus representing only 'half of the story'. The prison historiography discussed here concerns two broad approaches: traditional prison history (also known as administrative or reformist) and social prison history (also known as revisionist or social control). Alternatively, Cohen defined them as the 'uneven progress' model and the 'it's all a con' model.[39]

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[37] M. Ignatieff, 'State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment', in S. Cohen and A. Scull ed., *Social Control and the State* (London: Basil Blackwell Ltd, 1983; repr. 1986), p.77.

[38] Tosh, 4th edn, p.200.

[39] Cohen (1985) cited in A. Howe, *Punish and Critique* (London, NY: Routledge, 1994), p.54.

Traditional histories have also been labelled 'Whig' histories. Of course, by definition, the Whig label is typically English,[40] and it aimed at constructing a more English-specific historical account as opposed to the 'Tory' global historical inclusive style, which, it was argued, inevitably lacked accuracy; or alternatively, it simply included too much 'social stuff'.[41] In other words, whilst Tory histories narrated current social developments such as commerce, the arts, the law, customs and manners,[42] Whig history developed a liberal 'optimistic' style, aiming at portraying a positive view of current socio-political developments against the 'primitive' past.[43]

The Whig approach was without doubt the outcome of a desire not only to acknowledge English constitutional history over what appeared to be decaying and troubled France and Germany,[44] but it also sought to emphasise the success of the Protestant Whigs over the Catholic Tories. After all, it has been a popular conviction that the Middle Ages were a period of darkness, whereas the Renaissance and the Reformation represented periods of Enlightenment.[45] Burke explains that this new trend meant to provide a more reliable historical account - because it was based on official records - and it was utilised to promote national unity, citizenship, and nationalist propaganda.[46]

A typical example can be found in Blackstone's *Commentaries on the Laws of England* (1765). In the preface, we can find the following:

> […] who of late years have attended the public administration of justice, must be sensible that a masterly acquaintance with the general spirit of laws and the principles of universal jurisprudence, combined with an accurate knowledge of our own municipal constitutions, their original, reform, and

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[40] Although the 'Whigs' were also prominent in America during the reconstruction period (1860s-1870s), Bentley notes that it was only the English 'Whig' historians' writings that were, in retrospective, discredited (p.64).
[41] Bentley, p.64; H. Butterfield, *The Whig Interpretation of History* (NY: AMS Press, 1931; repr. 1978), p.8; and P. Burke, *History and Social Theory* (Cambridge: Polity Press, 2005), p. 6.
[42] Burke, p.3-6.
[43] Tosh, 5th edn, p.20.
[44] Bentley, p.62 (especially related to the period of the second half of the nineteenth century, which included a variety of wars, and constitutional changes from Republic to Imperialism and vice versa).
[45] Butterfield, p.11
[46] Burke, p.5 and Bentley, p.70.

history, hath given a beauty and energy to many modern judicial decisions, with which our ancestors were wholly unacquainted.[47]

However, the labels attached to this historical writing approach, i.e., 'Whig', 'traditional', 'administrative' and 'reformist', are suggestive of the type of criticism attached to it. Bentley notes that the leading doctrines underlying these histories 'were congratulatory', or in other words, 'the story celebrated English liberty and the institutions that it deemed central to the widening of English freedom through the ages'.[48] According to one of its first critics, Henry Butterfield, the Whigs studied the past 'with direct and perpetual reference to the present',[49] and this apparently was counterproductive because it was 'an obstruction to historical understanding'.[50] The 'obstruction' refers to an alleged discretion (abridgement) in choosing the information used to tell the story of history. In addition, this approach excessively and intentionally emphasised the difference between the 'men who furthered progress and the men who tried to hinder it'.[51]

Prison inspector Arthur Griffiths' 1884 work *Memorials of Millbank and Chapters in Prison History* is a good example of this; he chose to depict Elizabeth Fry and the Lady Visitors' work if not pejoratively, then dismissively. According to Griffiths's assessment, Elizabeth Fry's success in the national penitentiary Millbank was not as fruitful as at Newgate; this was because the women prisoners at Millbank had already been well cared for by the prison staff. Hence, Griffiths argued that Elizabeth Fry's work was not only superfluous, but it 'tended to produce hypocrisy rather than real repentance'.[52] Not only this but Griffiths continued to dismiss Elizabeth Fry's work in Newgate by claiming that her 'success' there could be explained by the extremely degrading conditions the prisoners were kept in. It was not surprising that the most microscopic amelioration was immediately noticed, argued Griffiths. The Lady Visitors were 'amateurs, and such as all other unprofessional people, the work they do is imperfect

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[47] W. Blackstone, *Commentaries on the Laws of England,* Vol I (Oxford: Clarendon Press, 1765), p.ii.
[48] Bentley, p.63.
[49] Butterfield, p.11.
[50] Ibid., p.11.
[51] Ibid., p.11.
[52] In his role as Inspector of Prisons, A. Griffiths, *Memorials of Millbank and Chapters in Prison History* (London: Chapman and Hall, 1884), p.202.

and incomplete'.[53] In his view, they not only wasted 'their energy in the wrong direction' but also caused 'serious injury to (prison) discipline'.[54]

Typical of a Whig history aiming at emphasising the efficiency and success of the present policy and reform, Griffiths' account stated that the prison officers at Millbank (male and female) would never make 'errors' such as the one he ascribed to Elizabeth Fry and the Lady Visitors. Indeed, he argued that in the Millbank penitentiary, 'no fault could be found with their [women prisoners'] treatment generally'.[55] Griffiths concluded by saying, with reference to the Lady Visitors, that he would leave it to the 'reader to decide whether the absence of similar outrageous behaviour now does not at least prove a certain superiority in our modern system of prison administration'.[56] However, historical records indicate that Griffiths's account is biased. First, a quick scan of the newspapers of the time reveals a substantial amount of writing related to the work of Elizabeth Fry and the Lady Visitors, even 30-40 years after Elizabeth Fry's death. For example, the work of the Lady Visitors was featured in women's magazines, such as in *The Woman's Signal* in 1884, with an article by Sarah T. Tooley on 'The Prisoners' Friends'.[57] Additionally, the work of women such as Elizabeth Fry was presented to the young generation by, for example, Marianne L.B. Ker in her article 'The Girl with a Mission' (1885) in the *Young England*.[58] The work of the Lady Visitors was even reported to the Third International Prison Congress in Rome in 1885 by Florence Davenport-Hill, and it was well received.[59]

However, it is for another reason that Griffiths's account is deemed to be biased and to have clearly disproportionately glorified the penal policies and reform prevailing in his own time. In fact, throughout the 1870s-1880s, the work of the Prison Commission, which was responsible for prison policy and its implementation, was heavily and constantly criticised for its lack of success in meeting the targets set in terms of prison reform and prisoners' reformation. It is because of this tendency of the Whig approach to

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[53] Griffiths, p.204.
[54] Ibid., p.204.
[55] Ibid., p.204.
[56] Ibid., p.205.
[57] S.T. Tooley, 'The Prisoners' friends', *The Woman's Signal*, 1 November 1884, p.280.
[58] L.B.M Ker, 'The Girl with a Mission', *Young England*, 1 June 1885, p.257.
[59] F. Davenport-Hill, *Art II: Women Prison Visitors*, Paper presented by request to the Third International Prison Congress, Rome, reported in *The Englishwoman's Review,* 15 December 1885, p.536.

emphasise only positive historical achievements that Cohen labelled this type of history 'the uneven progress'. In other words, Cohen suggests that the 'correctional progress' identified as such by Whig history is in fact based upon 'a simple-minded idealist view of history' driven by a 'reform vision'[60] and, thus, it is inevitably biased.

Furthermore, Butterfield explains, the Whig tradition of prison history results in the imposition of 'a certain form upon the whole historical story' aiming at producing 'a scheme of general history which is bound to converge beautifully upon the present'.[61] Therefore, in terms of traditional prison historiography, the accounts provided were not only written from the 'top', but they also described stories of continuous grand and optimistic progress. As a consequence, Zedner explains, not only have 'the professed good intentions of reformers' been 'accepted by many historians at face value' as 'uncomplicated', but the actual application of the penal policies has never been put under scrutiny.[62]

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By the 1960s, history had become an interdisciplinary subject challenging social investigation and theory. The shifting attention to the 'social' has been explained as expressing the need to search for the 'roots' and renew the links with the past. What is known as 'social history' has been developed to rewrite a story 'from the bottom up', examining the 'framework(s) of […] daily lives'.[63] Within the discipline of (critical) criminology, a new approach was taken by those identified as 'revisionists' in a period when the legitimacy of the repressive state-run institutional regime was contested.[64] Cohen labelled the revisionists' approach as 'it's all a con' reflecting the revisionists' sentiments regarding the exaggerated glorification of Victorian penal reformists and their enterprises. Indeed, the revisionists in general have argued that prison development and reform was never linear or continuous, but most notably, it was all part of a set up plan to control the masses: everyone, including the reformists, was mystified to hear that the changes brought about were fair, human and progressive.[65] Unsurprisingly, these new historical writings did not immediately become popular. For

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[60] Cohen (1985) cited in Howe, p.54.
[61] Butterfield, p.11.
[62] Zedner, p.93.
[63] Stearns (1980) quoted in Howe, p.50.
[64] Ibid, p.49.
[65] Cohen (1985), cited in Howe, p.55.

example, traditional historians, such as Radzinowicz and Hood, made a point of dismissing this new trend in their seminal work *The History of the English Criminal Law* (1986). Possibly, the revisionists' accusatory and rather contentious tone did not match the Whigs' much more placid approach.

The range of revisionists' views is wide, and Burke suggests that the variety of their approaches and perspectives derives from the different schools of social theory they engaged with.[66] This is also true for penal revisionists, although they all have in common the study of penal and prison regimes within a social context.[67] For example, in the early 1930s, constructing a social history that drew on a Marxist perspective, Rusche and Kirchheimer explored the historical relationship between penal laws, labour markets and class struggle within the context of capitalism.[68] In the 1970s, this perspective was reshaped, especially by Melossi and Pavarini, who adopted a so-called neo-Marxist approach that assessed the variations in penal policies based on 'changes in the mode of production, fiscal crises, phases of unemployment (and) the requirement of capital'.[69] Although Rusche and Kirchheimer's ideas need to be read with caution - indeed, Melossi provides 15 pages of warnings in the preface to Rusche and Kirchheimer's 2003 edition - they nevertheless managed to break away from the usual historical account of prison development: they provided a specific analysis of a very specific topic tackled from an unfamiliar standpoint. Foucault considered it to be a 'great work' because it 'provides a number of essential reference points.'[70] In fact, Melossi thinks that Foucault's appreciation of Rusche and Kirchheimer's work was triggered by the fact that the study of punishment was grounded 'not in philosophical and legal theories and ideas, but in historically concrete practices of punishment'.[71]

Another Revisionist penal view has been broadly identified with the work of Michel Foucault. Cohen and Scull argue that although style and content

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[66] Burke, p.18.

[67] Howe, p.63.

[68] G. Rusche and O. Kirchheimer, *Punishment and Social Structure* (NY: Russell & Russell, 2003; 1st edn 1968).

[69] Melossi in the preface to the 2003 edition of Rusche and Kirchheimer, p.xxii. See also D. Melossi and M. Pavarini, *The Prison and the Factory: Origins of the Penitentiary System* (MacMillan, 1981).

[70] M. Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1979; repr. 1991), p.24.

[71] Melossi in the preface to the 2003 edition of Rusche and Kirchheimer, p.xxviii.