

Prodigal Daughters: Imprisoned Women, Reform, and the Feminine Ideal in the British
Isles, 1800-1877

A DISSERTATION
SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL
OF THE UNIVERSITY OF MINNESOTA
BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

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December 2013

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Acknowledgements

First and foremost, I owe never-ending gratitude to my family and friends who supported me in countless ways throughout this process. Some provided financial support, others emotional support, still others support in the form of diversion, and finally there were a few who did all of the above and then some. I would not have made it to the finish line without each and every one of you. To my parents, in particular, I would like to say thank you for instilling me young with a love of learning and a belief that if I tried hard enough I could do anything. To Kate, a long-time friend and roommate, thank you for putting up with all that you did as I went through preliminary exams and the dissertation. Thank you for the many nights you lent a friendly ear as I tried to work through new research, new ideas, and frustrations. Thank you as well for distracting me with video games or movies when it was necessary.

To my adviser, Anna Clark, I can never adequately express how much I appreciate all that you have done for me. You supported me even when I struggled most. Having you in my corner at the moments when I doubted myself helped me to persevere. You are a brilliant, generous, compassionate woman who always made me want to strive to be better. There is little else a student can ask for from her mentor.

I would like to thank the other members of my committee for their advice, which I should have sought more often than I did. Thank you to all of Anna's fellow advisees who have, over the years, read countless drafts of chapters and shared their wisdom. This dissertation *is* better for the insight that you all provided to me. Thank you to the previously named Comparative Women's History Workshop at the University of Minnesota for having read an early draft of one chapter. The advice I received from that workshop was invaluable.

I owe gratitude to numerous members of the staff at both the National Archives of Ireland and the National Library of Ireland. I had nothing short of a wonderful research experience at both institutions for which I count myself very lucky. I only hope that I will have the pleasure of returning for future research.

Finally, I must acknowledge the debt I have to Maria Luddy at the University of Warwick. Her work helped inspire my interest in Irish women's history, especially the history of women on the margins. During a brief e-mail conversation years ago about what to do when I realized that studying the magdalen asylums was not going to be possible, Dr. Luddy suggested I might want to look into women in prison. After this conversation, I began to do some initial research and found that she was right about the large gap that existed on this topic. Thank you, Dr. Luddy, for taking the time to reply to my email thoughtfully. This small action on your part made an enormous difference to me.

Dedication

This dissertation is dedicated to my family and friends who supported me on this journey.

Abstract

In *Prodigal Daughters: Imprisoned Women, Reform, and the Feminine Ideal in the British Isles, 1800-1877*, I examine the image(s) of imprisoned women, attempts to reform them, movements for prison reform, and the relationship between England and Ireland. After the 1853 Penal Servitude Acts, convict systems emerged in England and Ireland that built upon changes dating from the mid-1770s. As Foucault detailed in *Discipline and Punish*, the modern prison punishes the mind and not the body of the prisoner. In the case of nineteenth-century English and Irish prisons, this manifested as an obsessive need to reform the prisoner. The English government's attempt to bring Ireland under control justified the testing of new penal theories on Irish prisoners. Also, Irish prisoners of both genders, as well English women prisoners, were assumed to be harder to reform because they were viewed as irrational and hyper-emotional beings. The Irish system struck a balance between punishment and reformation of the prisoner whereas the English system remained primarily punitive. Consequently reformers wanted the Irish system to be implemented in England.

Chapter one tells the story of how Elizabeth Fry influenced the opening of Grangegorman Female Penitentiary outside Dublin in 1836. Chapter Two contrasts the development of the English and Irish prison systems in the first half of the nineteenth century. Prison reformers stressed individualization and intermediate prisons as the greatest contrasts between the two systems but the greatest difference between them was the handling of religious minorities. Chapter three shows how women were perceived to be disruptive to prison order while chapter four shows how that perception shaped the prison system for women. The dissertation concludes with the refuges. These refuges for convicts helped women secure work but also helped reassure the public that their reformation had been tested prior to release from prison.

Prodigal Daughters juxtaposes the neglected topic of Irish women convicts with English women convicts, because the English and Irish systems were inextricably linked. Irish women prisoners deserve more attention because as I have found they were more likely to be imprisoned than were Englishwomen.

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Timeline

1779: First Gaol Act of the modern era

1813: Elizabeth Fry first visits Newgate Gaol (London)

1816: Millbank Penitentiary, the first national prison, opens in England

1820: Richmond Penitentiary, the first national prison, opens in Ireland

1826: The Prisons (Ireland) Act attempts to put a stop to proselytizing in Irish prisons

1836: Grangegorman Female Penitentiary, the first ever all-women's prison in the British Isles, opens just outside Dublin

1842: Pentonville Prison, the model prison, opens

1845-1851: The Great Famine leads to overcrowding in Irish prisons

1850: Mountjoy Prison opens (but only for men initially)

1853: The Penal Servitude Act is passed leading to the formation of the so-called Irish and English convict systems

1853: Brixton Female Prison, the first all-women's prison in England, opens

1857: A second Penal Servitude Act is passed that officially ends transportation as a practice

1857: Mountjoy Female Prison opens

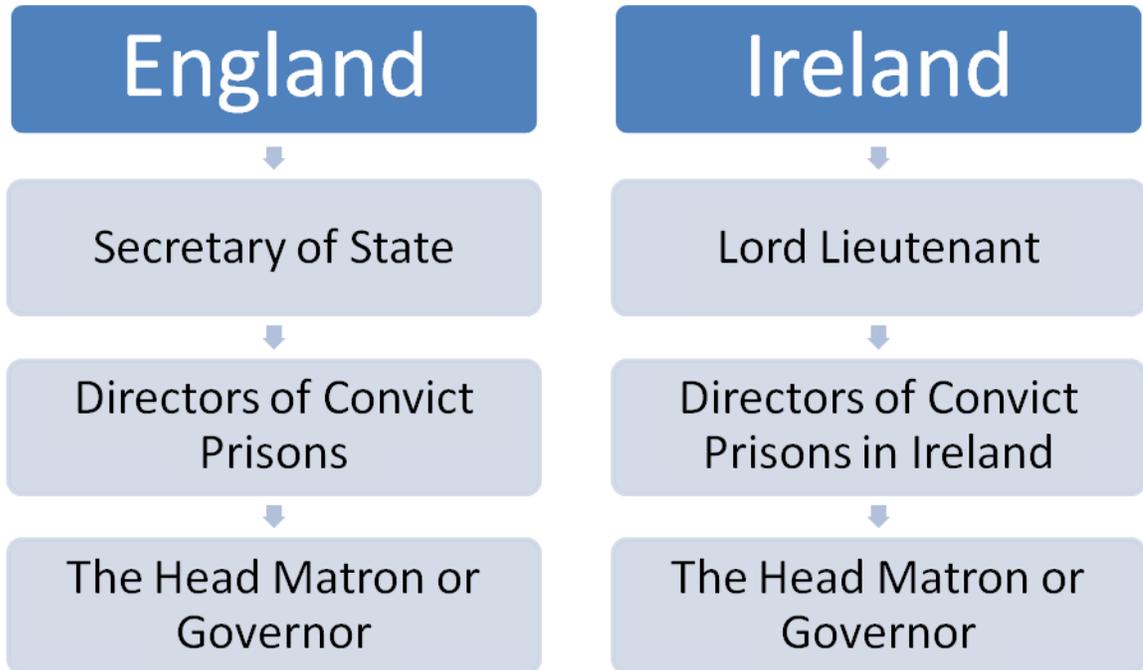
1861: The Social Science Association holds their annual meeting in Dublin. Numerous social scientists and reformers visit Irish prisons.

1863: Prison Ministers Act passes for England and Scotland

The Prison System for Women after the Passing of the 1853 Penal Servitude Act

Convict Prisons (England; both in London)	Convict Prisons (Ireland; all in Dublin except for CFP)	Local Prisons (England and Ireland)
<ul style="list-style-type: none">• Brixton Female Prison• Millbank Penitentiary (housing both men & women)	<ul style="list-style-type: none">• Grangegorman Prison, Newgate Prison, and Cork Female Prison (1853-1857)• Mountjoy Female Prison (as of Feb. 21, 1857)	<ul style="list-style-type: none">• Run separately from the Convict Prisons• Located in most major cities, towns, and boroughs• Centralized control in place from 1877

The hierarchy of the Convict System after the passing of the 1853 Penal Servitude Act



Introduction

When Seán McConville wrote his substantial work on the history of English prison administration in 1981, he dedicated just three pages to women who along with juveniles were included under a sub-heading titled “Special Categories of Convicts.”¹ His continuing to portray women as “special” convicts builds off of the popular nineteenth-century conception of women convicts as among the most problematic of the prisoners.² According to the popular *Female Life in Prison*, allegedly written by a prison matron, female convicts were “desperately wicked—deceitful, crafty, malicious, lewd, and void of common feeling...In the penal classes of the male prisons there is not one man to match the worst inmates of the female prisons.”³ Much of what follows in this dissertation is not a history of who prisoners actually were but rather is a history of how they were perceived and how those perceptions factored into the structure of prisons for women at the moment in the early to mid-nineteenth century when the convict system began to replace transportation as the primary means of punishment. The larger question of this project is not about the women themselves but about how gendered understandings factored into the making of convict prisons, which were a pivotal part of building the liberal imperial state.

¹ Seán McConville, *A History of English Prison Administration: Volume I 1750-1877*. (London: Routledge, 1981), p. 425.

² As a point of clarification, convict and prisoner do not necessarily mean the same thing. All convicts are prisoners but not all prisoners are convicts. The term prisoner is a more general term for anyone kept in a prison. Local prisons continued to house the vast majority of prisoners, especially women, throughout the nineteenth-century. Convicts would have been transported until 1853 when they were put into convict prisons under sentence of penal servitude. Rev. Charles Gibson explained that no one who receives a sentence of less than 3 years “has the privilege of a Government prison, or can lay claim to the term *convict*.” Charles Gibson, *Life Among Convicts*. Hurst & Blackett Publishers: London, 1863, p. 30.

³ As cited in McConville, p. 414.

Yet what drove this dissertation forward was the question of how this project of building and systematizing the prisons in England would compare to this process elsewhere in the United Kingdom. The prisons in Ireland were under the direct control of the English, or Anglo-Irish, government in Ireland. Consequently the convict systems that emerged in the mid-1850s were both English-dominated systems. As such it is possible to compare how the English government constructed a system in England (the metropole) and in Ireland (a semi-colony). This story is not solely about how the liberal imperial state tried to mould full subjects through the mechanism of control that was the prison but also about how that shaping of subjects changed when it was carried out in a semi-colonial setting. Many new prison reforms were pioneered in Ireland first. This dissertation also examines how gender identity and national identity worked together to shape the prison system and the movements for prison reform. What was the relationship between womanhood and Irishness or Englishness? Was one of those identities more important in shaping how these women convicts were imagined, how they were treated, and how they could expect to be treated after being released from prison? Why was there so much focus on reforming them?

By focusing in on gender and on the comparison between Ireland and England, I have found that new prison techniques were first used on women and on the Irish. Among those techniques were individualization and the intermediate stage of imprisonment both of which will be discussed more in depth later on. Shared constructs of womanhood allowed for greater consensus about the handling of women convicts while some stereotypes about the Irish paved the way for those same principles and practices to be used on Irishmen. The violent, emotional, and deceitful nature assigned to the Irish by English stereotypes aligns well with stereotypical images of women convicts

whether they were Irish or English. Such understandings of what it meant to be Irish help explain why the treatment of Irishwomen, Englishwomen, and indeed even Irishmen in convict prisons was more similar than it was different. Even though Englishmen were the assumed subjects of the convict system they were treated more like exceptions than were Englishwomen, Irishwomen, or Irishmen.

The first wave of prison reform began with John Howard in the 1770s. This dissertation will begin after 1800 in order to focus on the period of the Union. The reason for keeping to the period of the Union is fairly simple. Part of the purpose of the Act of Union was to bring the Irish under control in the wake of the 1798 uprising of the United Irishmen. To do so required controlling the Irish legal and penal system. In this era, Ireland occupies a liminal space in which it is neither fully part of the nation, no matter what the law says, but is also not fully outside of it either.

The Convict Prisons that emerged in 1853-1854 had their roots in the period in which England was establishing its control over Irish prisons. Throughout the first several decades of the nineteenth century important groundwork was being laid for the system that emerged out of the passing of the Penal Servitude Acts. After this act passed the convict (or government) prisons were commonly referred to as being part of a convict system (either English or Irish). The term system will be used throughout this dissertation because it mirrors the vocabulary used at the time and not because the prison system was all that systematic. A divide remained between convict prisons, which gradually replaced the practice of transporting the most serious offenders between 1853 and 1868, and local prisons that remained under local control. It was not until 1877 and

the creation of General Prisons Boards in England and Ireland that local prisons, then called ordinary prisons, would come fully under centralized government control. Nonetheless the convict prisons that emerged in the middle of the century were indeed *more* systematic than the prisons that John Howard would have visited in the 1770s or even than Elizabeth Fry first visited in 1813. In the first wave of prison reform, gender concerns were primarily limited to the notion of segregating the genders. Prison reform would become much more highly gendered during the second wave of reform led by Elizabeth Fry (at least as it pertains to women). While the belief that keeping the genders apart would improve prison discipline is hugely important, and did apply to both England and Ireland, the reasons why are not the focus of this project as they have roots even further before the start of the Union. Regardless of the level of systemization English prison reformers and social scientists expressed strong support for the Irish convict system throughout the 1860s, in contrast to their profound lack of support for the English convict system. Examining the writings of reformers, especially as they regard women, sheds a good deal of light on how the two systems were perceived to be different as well as how the prisoners within them were perceived to be and constructed as either similar or different.

Despite the alleged success of the Irish system and calls to bring it to England that did not happen. Colonel Joshua Jebb, the father of the English convict system, neither fully believed in the success of the Irish system nor in its wholesale applicability to England. Rather aspects were transferred from Ireland to England but only those aspects

that seemed best to fit with English prisoners.⁴ By the end of the nineteenth century, the two systems were perceived to be almost identical but in the middle of the century they were seen as opposites. How that difference was constructed, along with what purpose it served, is another major question of this dissertation. Given the interest in understanding how and why the English and Irish Convict systems were imagined as opposites, this dissertation will focus on the period when the two systems were being built, starting around the turn of the nineteenth century, and will continue through the 1860s, which is the decade in which the praise for the Irish system reached its greatest height. This dissertation will end before the two systems came under the control of their own General Prison Boards in 1877. This date is normally given as the point at which the United Kingdom had a national prison system, yet it was not wholly national. A General Prisons Board existed for England and Wales, another existed for Ireland, and a Prison Commission existed in Scotland. There was greater uniformity than there had been a century, or even half a century, before but the idea of a cohesive, unified system that applied to the whole of the British Isles is erroneous.

While women did make up only a small percentage of overall prisoners and an even smaller number of convicts, they loomed large in the work of social reformers who studied the prisons. These women were seen as wild, ruled by their passions, prone to fits of violence against either the property of the prison or even the prison staff, and

⁴ By the 1880s, the Irish system had lost its sheen. When visited by the Cross Commission in 1884, Lusk had just twenty-four prisoners who, the report claimed, were not benefitting from the freedom they found at Lusk. The story of how the Irish system fell so quickly in esteem is a fascinating one but not one that will be focused on in this project.

above all they were seen as unable to be reformed.⁵ The image, and indeed existence, of this wild convict woman created so much tension in the nineteenth century because she fundamentally challenged the gendered order of society. She did not belong to the virtuous sex nor was she the angel of the home. She failed even to meet the standards of the women of the respectable working-class. Part of the reason convict women were so stigmatized by society is because they not only violated the laws of their nation—laws that they did not create or even influence—but they had also violated the laws of nature by acting in ways deemed unnatural to women.

Women reformers like Mary Carpenter fought the image of these women as unable to be reformed while not outright challenging the notion that they had violated their nature as women. Why that argument was so important is, in part, answered by Carpenter when she writes,

Hence the peculiar importance, not only of using every effort to elevate the female sex generally, especially those of low and degraded condition, but of availing ourselves of the opportunity of reformation which is presented by a long term of detention being awarded to a woman has broken the laws of her country.⁶

In the latter part of her argument, Carpenter highlights the link between reformation and the new convict systems. Reformation of prisoners, but also of prisons, had a history of becoming more important when transportation was challenged. Releasing prisoners back into their home society heightened the sense of urgency in reforming them. They could

⁵ Examples of these images of women can be seen in all of the following sources. Mary Carpenter, *Our Convicts*, (London: Longman, Green, Longman, Roberts, & Green, 1864), p. 204. Henry Mayhew and John Binny. *The Criminal Prisons of London* (London: Frank Cass and Co. LTD, 1968 reprint. 1862--original), pp. 186-189, and A Prison Matron, *Female Life in Prison*, (London: Hurst and Blackett, 1862), p. 29. Descriptions of such uncontrollable behavior were not limited to women in prison. For an example see Anna Clark, "Wild Workhouse Girls and the Liberal-Imperial State," *Journal of Social History* vol. 39, no. 2 (2005), pp. 389-407.

⁶ Carpenter, *Our Convicts*, pp. 206-207.

no longer be sent away to be someone else's problem. But the importance of reforming prisoners also stemmed, as Carpenter noted in the above quote, from the length of the sentence. Spending years in prison meant that there might actually be enough time to shape these women into proper, respectable women. However, it is the way that Carpenter connects the status of these women needing reform to the status of women generally. Women convicts were not, in her estimation, a separate species whose reality did not affect law-abiding women but rather they were simply women in a degraded state. A spectrum of different kinds of women thus existed as well as an inextricable link connecting them.

The criminal woman, I would argue, was necessary on some level; she stood as the Other to proper womanhood. The criminal woman was the opposite of what a respectable woman ought to be thus she validated the position of the law-abiding woman. If the criminal woman was left unchecked, she posed a threat to society as a whole (namely through her role as a mother and thus the supposed guiding moral force in the life of her children). An unreformed criminal mother, it was believed, would place her children in a situation in which they would have no chance of improving their own circumstances. Conversely, the danger that the criminal woman and mother posed stood in opposition to the good that a law-abiding woman and mother could do for society. It was in this era that honest, respectable working-class women (and men for that matter) come to be separated from the criminal among their class.⁷ Carpenter referred to the

⁷ Henry Mayhew contributed greatly to this separation of criminals from the honest poor partly through the impact of *London Labour and the London Poor* but also within his tome on the criminal prisons of London. He takes great pains to differentiate types of crimes, prisons, and prisoners. Use of terms such as habitual offenders and criminal class denote that they are set apart even from other types of criminals

criminal women as belonging to a “pariah class” but nonetheless believed their role as women and mothers meant they deserved help to improve themselves.⁸ Criminal women were necessary as a contrast to proper womanhood but an individual criminal woman still deserved to be reclaimed.

Criminal women may have been of a “low and degraded condition,” in Carpenter’s terms, but nonetheless she believed the convict system, with its longer sentences, provided the opportunity to attempt to “elevate” these women. Accepting that women, like men, are flawed beings capable of doing wrong and perhaps improving themselves, is fundamental to feminism and to modern notions of gender equity. To do so requires one to accept the breaking down of women as the virtuous sex—an understanding that was pivotal for the existence of the separate spheres ideology and which cast the non-virtuous woman as an outsider. There can be little doubt that the predominantly middle-class women who wrote about prisoners were carving out a space for themselves in the public sphere by arguing that their lesser sisters needed them in order to be saved. But did they also challenge the very foundation of the notion of women as the guardians of morality by including women who did not fit into that mould? Did their insistence of trying to save these women simply work to reinforce the image of women as merciful and forgiving? In addition the separation of lower class women into honest women and convict women legitimized the position of the honest women by giving them someone above whom even they ranked. Working-class women could not

(some he termed “accidental criminals”) but also from other members of the lower class. Mayhew and Binny, pp. 87-91.

⁸ Mary Carpenter, “On the Treatment of Female Convicts, *Fraser’s Magazine for Town and Country*, Vol. 67, No. 397 (Jan. 1863), pp. 34, 37

be full time angels of the home but yet they could, perhaps, fill that role when they were in the home and not at work. Women of the upper, middle, and (honest) lower classes all had something valuable they could contribute to society meaning their position in society ought to be respected and possibly even broadened. The insistence by the reformers of the middle class that criminal women needed the aid of other women helped to reify the difference between the genders. Women only needed women to aid them if there was something fundamentally unique to their identity that men could not be expected to know about or handle.

Taking into consideration the other aspect of my project, the reason for comparing England and Ireland is because in the latter 1850s and through the 1860s, early social scientists and prison reformers wrote prolifically comparing the new Convict Systems in England and Ireland. They acknowledged what historians thus far have failed to acknowledge: that these two systems were important to and in conversation with each other. These systems were after all created at the same time, in the mid-1850s, by English military officers because transportation was ending. At the time, most viewed the two systems as fundamental opposites. One favored the system created in England by Colonel Joshua Jebb or the system created in Ireland by Captain Walter Crofton; the latter system, by far, was more popular with those who compared the two. The Irish Convict System was fundamentally a function of the colonial government. Unlike the Scots who were allowed to keep their legal system separate when they united with England and Wales, Irish law and consequently its penal system was under the control of the parliament of the United Kingdom or under the government officials in Ireland who

were mostly either English or Anglo-Irish. As Patrick Carroll-Burke effectively argued in *Colonial Discipline* the Irish Convict System was both “designed and controlled by the English government.”⁹

What does it mean then to have two convict systems effectively under the control of the English but functioning on differing populations? One answer is that Ireland was being used as a testing ground for new penal theories. What this meant was that these new theories would be tried in the Irish system with the possibility, but never the guarantee, that they might be introduced into the English system. Only those theories that had favorable results in Ireland could ever hope to see the light of day in England but even favorable results were not a guarantee. As the sources will show, the English system was seen as having fallen behind the Irish system, partly due to the more experimental nature of the latter. The story of English prison reformers was that in England the focus remained on punishment with less effort made at reforming the prisoner while in Ireland a new kind of system was envisaged that came close to balancing the need to punish prisoners and the need to reform them.¹⁰ For many critics of the convict system in England, the Irish Convict System came to be seen as an alternative system that the English should adopt. One critic went so far as to claim, “What is possible in Ireland, is possible in England too.”¹¹ To be clear, the two systems were not

⁹ Patrick Carroll-Burke, *Colonial Discipline: the Making of the Irish Convict System*, (Dublin: Four Courts Press, 2000), p. 233.

¹⁰ Reforming prisoners became absolutely critical in the middle of the century because transportation ended. If the worst offenders could no longer be sent away to become someone else’s problem, they would have to return to English or Irish society. In order to do that, they needed to be reformed or at least be seen as reformed.

¹¹ Anonymous, "Strictures On The Irish Convict System-." *Economist*, 25 Sept. 1858, p. 1067. The Economist Historical Archive 1843-2006. Web. 26 Sep. 2011.

fundamentally different from top to bottom, but there were a few key aspects that distinguished them in the minds of reformers. Ireland was, for example, the first in the British Isles to have police surveillance for prisoners after they were released from prison. In Dublin that surveillance came first in the form of James Organ, who was the first parole officer in the British Isles. Eventually police surveillance and parole officers would be used in England as well.

One of the most notable aspects of the Irish system was the policy of the intermediate prison. Some measure of individualization and the system of classes was implemented in England but it was done on a much more limited scale than in Ireland. The intermediate prison, which is not unlike a half-way house, would never cross the Irish Sea—at least not for men. Englishwomen did have a refuge, like Irishwomen, but it never functioned as well as the Irish refuges were perceived to function. Irishmen would (supposedly) benefit from their time in the intermediate prisons, primarily at Lusk and Smithfield, but Englishmen, according to Jebb, would be satisfied with earning early release for good behavior. In short, Jebb and Crofton simply did not agree, nor did their successors, on what men needed in their final stages of imprisonment in order to be ready for their impending release from prison.

They did, however, agree when it came to women. From 1856 on, many convict women in both England and Ireland would go to a refuge as their final stage of imprisonment. These refuges were not entirely unlike those created for prostitutes and other wayward women but the ones for convict women were separate from those. Why when Jebb and Crofton could not agree on how men ought to be ushered out of the prison

system did they agree about how women should be? Fundamentally both men saw the biggest problem for women being their difficulty (or even impossibility) in re-entering honest society. Women who left the government's prison system did so with such a stigma upon them that they simply could not find gainful, respectable employment. The lack of that employment led them back into a life of crime, even if they might not wish to make that return. Thus when it came to women, on whichever side of the Irish Sea, there was far more consensus on their problems than there was about the problems men might face. This greater uniformity regarding women indicates that the gendered identity of women, be they English or Irish, trumped their national identity in the context of what they needed upon release from prison. It mattered more that they were women than that they were from Ireland or England. Given that English men ran both systems it is perhaps not all that surprising that they had shared gender assumptions. Yet it does alter the notion that the systems created by Jebb and by Crofton were so fundamentally different that a person could only favor one of them. When it came to the treatment of women, they had more in common than they did not, even at a time when the Irish system was believed, by prison reformers and social scientists, to be better at reforming women than the English system.

Further complicating this comparison is the idea that the Irish Convict System functioned so well in part because it adopted the principle of individualization. Precisely what individualization meant is murky at best, but at its core, the idea was that individual prisoners could not all be reformed using the same exact means. The Irish System, it was argued by most that favored it, acknowledged the individuality of its prisoners, which

was vital to its ability to reform them. A progressive classification system built around the idea of engaging prisoners in their own reformation by means of rewards and punishment was usually featured as the key element of individualization by prison reformers. Prisoners through good behavior, good performance in school, and good performance at work moved up through a system of classes that as afforded them more privileges the further they ascended. After reaching the pinnacle of the class system, women were sent to one of the refuges (provided there was space) while men were sent to the intermediate prison.

The English system also used a version of the progressive classification system that partly determined which women would make it to Fulham Refuge, but it was far less developed and less rigidly followed than its Irish counterpart. Englishmen who reached the top of the class system earned early release rather than being sent to an intermediate prison the way that Irishmen were. It is interesting to consider that the subject, Englishmen, who were most likely to be seen as willing and able to participate in their own reformation did not experience a system structured around the idea of them as individuals. They were the most likely to be forced through a system that treated them as cogs in a machine. To explain this seemingly confusing and contradictory situation, one must look to the assumed nature of the prisoners who received this allegedly individualized treatment.

The nature of women and of Irishmen, it was argued, made it necessary to individualize the prison system for them. In both cases, there was an underlying and very often verbalized assumption that they were incorrigible. High rates of recidivism,

especially among women, and stereotypes about the Irish nature contributed to that notion.¹² In a literature review in *The Economist* in 1857, the “Celtic race” was portrayed as lawless in the following excerpt:

....this step [towards making the offender accept the justice of his treatment] is far harder with the Irish than with almost any class of prisoners. The Celtic race has no inherent reverence for law. It is impulsive and lawless in its higher forms. In its lowest, it almost hates law... [The Irish are also] more impressible. We doubt if the stimulus of hope and emulation [through badges and marks] would act so powerfully on the English convict; though we would expect that fewer of them would retrograde who had once given promise of amendment.¹³

Like women prisoners in McConville’s quote from *Female Life in Prison* that opens this introduction, the Irish prisoner is here portrayed as a separate class of prisoner that is worse than others because of inherent traits. His “impulsive and lawless” nature makes him more likely to fall back into old habits, which justifies using the system of progressive classification on this more “impressible” subject. Characterizing the Irish as “impulsive” is important because the term carries with it the idea of a lack of control and of being a slave to one’s whims or even emotions. Someone who is impulsive is not guided by rational thought. That notion is one that was widely applied not only to the Irish but also to women in this era.

The image of the wild woman prisoner held slave to her raging emotions who was prone to fits in which she attacked prison officials, destroyed prison property, and was potentially a threat to other prisoners and to herself was commonplace. In a plea for

¹² There will be further discussion of the high recidivism rates of women later on. For more see Lucia Zedner, *Women, Crime, and Custody in Victorian England*, (Oxford: Clarendon Press, 1991).

¹³ "Literature." *Economist* [London, England] 14 Nov. 1857: 1264. The *Economist* Historical Archive 1843-2006. Web. 26 Sep. 2011. The badges and marks to which the author refers were part of the progressive classification system, which will be detailed in depth in chapter 4.

others to understand the importance of reforming the woman convict, Mary Carpenter shed light on this image of the unruly woman. She wrote,

These women are in a state of rebellion against God; they must learn to be willing and obedient children. They have offended against the laws of their country, they have been unfaithful to their social and family duties; they must receive distinct punishment for their breach of the laws; they must be trained to all domestic and social duties, their violent passions, untutored wills, and irregular habits, must be as far as possible curbed and corrected; and above all the love of God and of Christ must be awakened in their hearts, and made a ruling principle of action.¹⁴

It is the language about these women as rebellious, violent, untutored, and irregular that begs comparison to the image of the Irish prisoner mentioned above. In both cases, these prisoners are problematic and in need of additional, or special, discipline so the system must be adapted to try to manage them.

Thus the Irish of both genders and English women faced the same paternalistic notions of their behavior. They were both imagined to be harder to reform, to be highly impulsive, and to be ruled more by emotion than reason. Consequently, as the author above hints, they were also more impressionable, meaning that if the right impression could be made they could be improved upon or reformed. One question that arises in all this discussion is whether the Irish woman was perceived to be double the trouble. She had not only the lawlessness of the Irish but also the hysteria of the woman to be overcome on the road to reform.

Historiography, Sources, and Methodology

Unlike in American history, the history of women in prison has received relatively scant coverage in British and Irish history. More work exists on women in English prisons than on women in Irish prisons. The omission of women, whether

¹⁴ Carpenter, "On the Treatment of Female Convicts," *Fraser's*, p. 39.

conscious or unconscious, has long been a problem in the study of prisons. One needs only to look to the foundational work on the birth of the modern prison, Michel Foucault's *Discipline and Punish*, to see proof of this problem. Foucault not only assumes a male subject when discussing the prison but he does so in a fashion that appears to have been an unconscious choice. Certainly he does not complicate the notion of the male prisoner by factoring in how understandings of masculinity played a role in shaping the new prisons. The first book on women in English prisons was not published until eleven years after *Discipline and Punish*. Two books published on prisons in England in the intervening years relegate women to the background; women garnered less than twenty pages worth of attention in both of the works put together.¹⁵ The only work published on the subject of the birth of the Irish convict system does mention women, but it privileges colonialism over all other means of interpreting the making of this system.

This dissertation does not seek to overturn Foucauldian understandings regarding the birth of the modern prison, but rather seeks to question how well it applies to women. *Discipline and Punish* lays out a system in which the object of punishment transitions from the body of the prisoner to the mind of the prisoner. The Enlightenment is significant because it brought with it early notions of what are now called human rights and also the concept of the social contract. By acknowledging the humanity of all people, the power of the state to treat criminals like animals being led to the slaughter was no longer acceptable. On the other hand, since the criminal had violated the social

¹⁵ Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*. (London: Penguin Books, 1978). Christopher Harding, Bill Hines, Richard Ireland, and Philip Rawlings, *Imprisonment in England and Wales: A Concise History*. (London: Croom Helm, 1985).

contract by committing a crime, his rights as a citizen could be taken away.¹⁶ The state, acting on behalf of those members of society who obeyed the laws, had only to protect those citizens who held up their end of the bargain under the social contract. Those citizens who violated the terms of the contract were to be placed in prison and thereby stripped of their liberties.¹⁷ A few criminals who committed serious enough crimes would never be released; however, the hope was that for the rest they would be reformed during their time in prison so that they could return to society.

As Foucault pointed out, another new but important facet of the system of punishment was the internalization of societal order. Before the birth of the modern prison in the late eighteenth or early nineteenth century, the intensity or severity of the punishment was to serve as the deterrent for criminal behavior. The new system depended not on the intensity of the punishment but rather on its inevitability.¹⁸ To create a sense of inevitability it was necessary to create a law enforcement system that would instill in people the feeling that they were, or could be, watched at all times. Consequently, full-time, trained police forces came into existence in the era of the prison. In theory, people would not commit crimes because they feared being caught and sent to jail. The new prisons created a rigidly-ordered existence in order to force the internalization of order and discipline; in Ireland the system of progressive classification served a vital part of this process.

¹⁶ For one example of this line of thinking in Enlightenment era work see Montesquieu's *The Spirit of the Laws*.

¹⁷ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. (New York: Vintage Books, 1977), p. 11.

¹⁸ Foucault, p. 9.

Michael Ignatieff, in *A Just Measure of Pain*, published just three years after Foucault's seminal work, begins with the assertion that punishment in the eighteenth century was based on the goal of restoring the power of the government, achieved by punishing the body, but as the century progressed into the next the penal system would center on punishing the mind.¹⁹ Where Ignatieff differs from Foucault is that for him the key development that led to the changing of the penal system was the further entrenchment of a capitalist society. He defines his work as seeking an answer to the question of where the rich would place the limits of their authority over the poor while shaping an industrial society. Ignatieff asserted that the "Study of prison discipline becomes a study, not simply of prisons, but of the moral boundaries of social authority in a society undergoing capitalist transformation."²⁰ His argument is largely persuasive but his focus on the economic implications of the prison diminishes the significance of other modernizing factors such as democratization. A vital part of democratization in nineteenth-century Britain was reform—be it Parliamentary Reform, reform of the legal system, or the reform of individuals (prisoners but others too). There was a growing obsession with the idea of reform (even a so-called Age of Reform) in nineteenth-century England and subsequently Ireland through English rule there. By downplaying this fascination with reform of all kinds, Ignatieff is missing an important piece of the puzzle.

Both Foucault and Ignatieff privilege the male prisoner. Ignatieff describes the creation of a new penal system exemplified by Pentonville Prison, which was exclusively a male prison. The focus on men does not invalidate either Foucault or Ignatieff's

¹⁹ Ignatieff, p. 16.

²⁰ Ignatieff, p. xi.

contributions to understanding how the notions behind imprisonment changed but it most certainly leaves open a whole other field of inquiry. If the female prisoner is factored into the equation, how might understandings of Foucault change? The convict prisons for women were based on Pentonville, but they would have to be adapted to fit the needs of women. As in men's prisons, there were rigid schedules, uniforms, an emphasis on labor and on religion, and limited contact with the outside world or with other prisoners.²¹ If the structure of the prison and daily life within the prison was essentially the same as in all-male prisons, then it would seem safe to assume that the Foucauldian notion of punishment being directed at the mind, not the body, was the same for both men and women. The outcome of punishment in either case was the shaping of a productive member of society.

Perhaps the most significant dilemma raised by using the social contract as the basis of law and punishment is in applying it to women.²² During the period about which Foucault and Ignatieff wrote, women did not have what would be considered full citizenship by modern standards. They were unable to vote. They did not possess the power, influence, or wealth needed to lobby Members of Parliament. Despite the concept of virtual representation, women were not represented in any real sense of the word by those who supposedly did represent their interests (i.e. their fathers or husbands), thus women were rendered essentially voiceless in the formation of the social contract. Of course, this same argument can be applied to other marginalized groups such as the working class and the Irish who moved to Britain. If women were excluded from those

²¹ Mayhew and Binny, pp. 172-196.

²² The same dilemma could be applied to the working-class but since this paper is about women I have chosen to omit that reference.

basic rights of citizens that allowed them a voice in creating the laws of their society, what was the justification for holding them to the social contract? Yes, women could violate the laws created by society, but if they had no voice in making that law or its punishment, why should she be held to the same standard as those men who were a part of the process?²³ In addition, women moving through the criminal justice system did not receive the same treatment as men. For example, a jury of their peers did not try them since women were not placed on juries; nor did they have female attorneys or judges.

While reforming the individual prisoner is the object of imprisonment for prisoners of both sexes, there was more emphasis, and more passion, placed on the redemption of women than men. This need to reform women can be seen from as early as Elizabeth Fry's forays into prison work. In the 1820s, Fry wrote an instruction manual to women of the middle and upper classes about how to handle female prisoners in order to both better their own souls and to provide a guide for how to help redeem them. Henry Mayhew spent whole chapters in *Criminal Prisons of London* categorizing the nature of crime and the criminal, almost always assuming a male subject, but when he wrote of Brixton's female prisoners, he spent several pages focused on the prison officials, namely the chaplain, and how they used both religion and the new structure of prisons to reform the women. Mayhew's approach regarding visits to the prisons for men and those for women did not differ dramatically. In both cases Mayhew sat with the head of the prison as they handed down punishments for the day, he visited the exercise yards, met with the

²³ The assumption of not being able to be judged fairly is based on the legal system's failure to allow women a jury (or judge) of their peers. Women were not judges, barristers, or members of juries. For working-class women, there was the added issue that no member of the legal system was of their class either.

chaplain, and toured as much of the prison as possible. Despite writing long before Lombroso, Mayhew frequently describes the appearance of the prisoners; although he may do so with slightly more frequency for women. In both cases, he links personality traits and character to their appearance, especially to the face. Of a man who had disturbed the church service at Pentonville Mayhew wrote, “His face, which was almost flat and broad, was remarkable for the extreme self-will depicted in him, and he had that peculiar thick bull-neck which is so characteristic of stubbornness of temper.”²⁴ When he writes about women he is more likely to refer to multiple women at once and to describe their failings in moral terms. For example, while in the exercise yard at Brixton, the matron with him tells him that “They are mostly in for thieving, and, generally speaking, they have led the most abandoned lives.” Mayhew responds to that by writing, “The truth of the last remark was evident in the smiles and shamelessness of many; for, as they paraded past us, not a few stared in our face with all the brazen look of the streets, and yet many of their countenances were almost beautiful, so that was difficult to believe that there was any deep-rooted evil in their hearts.”²⁵ Not only are the women treated more collectively than the individual stubborn man was but their near beauty stood in stark contrast to their status as convict. His commentary illustrates further the way in which women convicts were portrayed as far more corrupt than their male counterparts. The two-fold implication of women having evil in their hearts, as opposed to just being stubborn, is that reforming them will be far more challenging but that it is also more urgent.

²⁴ Mayhew and Binny, p. 138.

²⁵ Mayhew and Binny, p. 185.

Due in large part to the work of Foucault, scholars published a good deal of work on prisons in the late 1970s and into the 1980s. There was a strong bent towards sociological studies of the current system in this work.²⁶ At that time a shift also came with the advent of feminist criminology.²⁷ From their work came a new focus on interrogating the role that femininity played in the commission of crimes by women and in how that criminality was understood by those who lived in the societies where the crimes took place. Why women committed crimes, not as individuals per se but in broader terms, remained a prominent question for scholars to ponder. If the focus of studying criminality is to understand why crime is committed it is not illogical that the prison receives less attention as it does come *after* the commission of the crime.²⁸

Two general works on English prisons were published in the early to mid-1980s. McConville's *A History of English Prison Administration* is an exhaustively researched font of information about prison logistics. Of over 400 pages just 3 pages are dedicated solely to the discussion of women convicts; although there are other references scattered

²⁶ For an example see Russell P. Dobash, R. Emerson Dobash, and Sue Gutteridge, *The Imprisonment of Women*. (Oxford: Basil Blackwell, 1986). After introducing the imprisonment of women in a historical context they turn their attention to what were then current events in Britain; namely the twentieth-century controversies over Holloway Prison and the establishment of a new prison for women at Cornton Vale.

²⁷ I am borrowing this term from Frances Heidensohn as a way to represent the new studies of women and crime in a manner that put gender at the forefront, at least of their studies. These scholars, primarily women it would seem, not only questioned the role of femininity in crime but raised the obvious question of masculinity and crime as well. To some degree their project was a feminist one in that was an attempt to recover the story of women that had largely been ignored previously but their greatest contribution is in making gender a factor in the study of crime. Frances Heidensohn, *Women and Crime: The Life of the Female Offender*. (New York: NYU Press, 1996).

²⁸ That is assuming the incidence of crime that has been reported, prosecuted, and punished. Given that this dissertation is about imprisonment and not crime in general when crime is discussed it will be of this variety. Since women prisoners in the British Isles in the nineteenth century did not write prolifically, or really at all, about their lives, a wealth of material does not exist for scholars to mine in search of answers to the nature of female criminality. Consequently and perhaps because it is the more interesting question, studies of the nature of female criminality remain in essence about the nature of women as a whole.

throughout the volume on women. *Imprisonment in England and Wales* was published in 1985. The only mentions of women in this book provide basic background information (Surrey County Prison was handed over to be a women's prison—Brixton—in 1853) or contribute to the idea of women as problematic prisoners. They quote the chaplain of Brecon County Gaol who in June of 1844 reported having to “reprimand” a prisoner named Winifred Morris based on her “irreverent” behavior during chapel. In fact, he claimed that throughout the duration of her imprisonment she “seems to delight in doing things contrary to the rules of the prison.” In January of 1845, this chaplain admonished ‘the Females with regard to their behavior in prison.’²⁹ The author of this particular section of the book, Philip Rawlings, simply moves on from his brief foray into discussing the poor behavior of women prisoners without any comment on the implications of such reports or of their perpetuation.

In 1986, the first book on women in English prisons was published. *The Imprisonment of Women* by Russell P. Dobash, R. Emerson Dobash, and Sue Gutteridge is highly oriented towards understanding the prisons of the era in which they were writing. They begin by claiming, “The imprisonment of women in Britain and the United States today reflects the end product of a process that has its roots in the early nineteenth-century British prisons.”³⁰ The system that existed was largely a composite of these new elements and new theories alongside the surviving pieces of older systems. In their origins, modern prisons treated women differently than men because they were “...more

²⁹ Harding, Hines, Ireland, and Rawlings, p. 175-176. The information about Surrey County Prison can be found on page 220.

³⁰ Dobash, Dobash, and Gutteridge, p. 1. One reason for this focus on the present situation was the concern over rising rates of criminality among women, especially violent crime that was being portrayed as an ever-growing problem at the time they were writing (p. 2).

morally depraved and corrupt and in need of special, closer forms of control and confinement.”³¹ The prison sought to impose physical discipline and moral change in these women first through work and religion and later through therapeutic interventions. While their claims are well-supported their approach is that of sociologists and not historians. Their work is more driven by a desire to understand the current system than it is by any particular interest in what role the prisons played in the past.

The next major work published on prisons in England was Lucia Zedner’s *Women, Crime, and Custody in Victorian England*. It is the historical monograph to which I owe the greatest debt and with which my work has the most in common. Zedner’s 1992 work sought to explain “how Victorians perceived and explained female crime and how they responded to it—both in penal theory and prison practice.”³² Zedner explains the larger significance of her project by arguing that, “by studying attempts to control crime historically, this book has shown how concern about crime is a mirror for the wider problems which preoccupy society at any given time.”³³ Building off of her argument, I argue that the prison is a reflection of the society that creates it—just as any major social institution is. Prison as a corrective institution seeks to shape, or re-shape, those who pass through it in order to make them fit members of society. Making them fit members of society, however, requires that there be some agreement about which social values ought to be inculcated into prisoners while they are held in the prison. Thus debate about how women’s prisons ought to be structured or reformed indicates tension over the proper definition of womanhood, how that definition might relate to the

³¹ Dobash, Dobash, and Gutteridge, p. 1.

³² Zedner, p. 1.

³³ Zedner, p. 297.

woman's class identity, and who has the power to decide that definition. Zedner powerfully argues that by the early twentieth-century female deviance generally came to be seen as a form of feeble-mindedness that may or may not be associated with alcoholism or mental illness. Women no longer committed crimes, as they were thought to do in the middle of the nineteenth-century, because they were morally corrupt but rather because they were mentally ill.³⁴ Incarcerating these women was not just good for the public; it was also for the good of the women in question.

While discussion of crime or of the larger criminal justice system has often been fashionable in Irish history, little attention has been paid to criminals who have been convicted and sent to prison. In 2000, Patrick Carroll-Burke's *Colonial Discipline: the Making of the Irish Convict System* sought to redress that problem. Where Carroll-Burke and I most strongly agree is in his assertion that the centralizing act of 1877 that created the General Prisons Board has tended to be favored over the Penal Servitude Act of 1853-1854 that created the so-called Irish Convict System. In order to understand fully what happened in 1877, one needs to understand what happened in the 1850s and 1860s—at the very least. In so doing, one finds a system in Ireland in the middle of the century that is more “penal *and* therapeutic” than the English system.³⁵ By not addressing gender in his approach he misses the way in which this system was described as soft or as more feminine. He certainly misses Anne Jellicoe's claim that the Irish system, which brought

³⁴ The Mental Deficiency Act of 1913 stands as the pinnacle of this line of thinking. For example, it defined unmarried women who became pregnant while receiving poor relief as mentally deficient.

³⁵ Carroll-Burke, p. 230.

these two methods of treating prisoners together, was balancing the masculine with the feminine.³⁶

Carroll-Burke does pay some small measure of attention to women. His work, however, is fundamentally about men but not masculinity. To a degree he suffers from the same problem as earlier scholars in that he largely assumes a male subject without complicating what that meant for how prisons were run. This dissertation will focus on women but the question of masculinity will come up at times as a contrast. A deeper study of Irish masculinity as seen through the lens of prisons would certainly make for a fascinating project; however, this project is not that one. The assumption of a male subject is also a problem in Tim Carey's popular history called *Mountjoy: the Story of a Prison*. While Carey does discuss the women's prison at Mountjoy, the prison at Grangegorman, and even Golden Bridge, the attention paid to them is limited. In addition, as a popular history his book is written more to please his audience than to provide a structured, rigorous analysis of Mountjoy as an institution. He focuses largely on the more intriguing developments and characters of the prison's history, especially those stories surrounding nationalists who were held and executed there. Carey's work does provide some interesting material for this dissertation since Mountjoy was the sole

³⁶ Anne Jellicoe, "A Visit to the Female Convict Prison at Mountjoy, Dublin," *Transactions of the National Association for the Promotion of Social Science—London Meeting, 1862*. (London: John W. Parker, Son, and Bourne, West Strand, 1862), p. 440.
<http://books.google.com/books?id=8VG85HjkmnEC&pg=PA437&lpg=PA437&dq=Anne+Jellicoe+transactions&source=bl&ots=MtPk9fYSQn&sig=FKUCri3widrM6AUnzvG1oNheDcY&hl=en&sa=X&ei=kID6UcifOueayAGYx4GQAw&ved=0CDOQ6AEwAg#v=onepage&q=Anne%20Jellicoe%20transactions&f=false> (Accessed August, 1, 2013). Much more will be said about Jellicoe's assertion later in the dissertation.

female convict prison in Ireland from its opening as such in the late 1850s through the remainder of the period covered in this dissertation.³⁷

The only book published about Irish women in prison is a fairly short book called *The Women of Galway Jail: Female Criminality in nineteenth-century Ireland*.³⁸

Geraldine Curtin draws on wonderful archival material, including many pictures. Yet this work is of limited utility to this particular project for two primary reasons. First, the vast majority of Curtin's work focuses on the 1880s and later thus it is outside the scope of this dissertation. Second, Galway Jail was a local prison not a convict prison. This dissertation began looking at the question simply of prisoners but has come to privilege the convict prisons. The reason for this is simple—that is where the prison reformers focused their attentions. Despite the fact that the vast majority of women who were ever imprisoned were imprisoned in local jails, the greatest cause for concern was the convict women who had committed more serious offenses and thus further violated the norms of femininity. While it would undoubtedly be interesting to compare the treatment women received at local prisons throughout Ireland, and England as well, that is not the objective of this dissertation.

One final work that is not specifically about prisons but that is important to this project for other reasons is Maria Luddy's *Women and Philanthropy in Nineteenth-Century Ireland*. Luddy's book responds to the pioneering work of Frank Prochaska who wrote *Women and Philanthropy in Nineteenth-Century England*. Luddy convincingly

³⁷ Tim Carey, *Mountjoy: the Story of a Prison* (Cork: The Collins Press, 2000). More will be said about which prisons housed women in Chapter 2.

³⁸ Geraldine Curtin, *The Women of Galway Jail: Female Criminality in nineteenth-century Ireland* (Galway: Arlen House, 2001).

argues that by the middle of the nineteenth century "...it was widely agreed that women had played a major role in providing charity to the poor and outcast."³⁹ As the century wore on that tradition would become even more accepted and pervasive than it had been. The assertion of this right, both moral and spiritual, and the subsequent social activism of the women who claimed it, namely middle and upper class women, had a significant influence on life in Ireland in the nineteenth and twentieth centuries.⁴⁰ It was largely through this claim of moral and spiritual influence that women justified their entrance into the public sphere. Women created institutions to aid the poor, the outcast, the deviant, and most especially children while also providing aid at larger social institutions like workhouses, hospitals, and prisons. Unsurprisingly religion was crucial to this development, in part because such work was portrayed as the Christian duty of women but also because membership in philanthropic organizations was decided based on religion.⁴¹ For example, the refuges established as the final stage of imprisonment for women in the new Irish Convict System were either Catholic or Protestant.⁴² As Luddy rightly argues women did not have much influence on penal policy, nor really did the Catholic population of Ireland, but women did have influence on prisoners in terms of being prison visitors and their work with the refuges.⁴³ In particular, the Sisters of Mercy, who ran the refuge at Golden Bridge, played an important role in shaping how

³⁹ Maria Luddy, *Women and Philanthropy in Nineteenth-Century Ireland*, (Cambridge: Cambridge University Press, 1995), p. 1.

⁴⁰ Luddy, p. 1.

⁴¹ Luddy, p. 2.

⁴² The Irish prison system from very early in the nineteenth century required each prison to have three chaplains on staff: a Roman Catholic, a Protestant (Anglican), and a Presbyterian. The only refuges, located near Dublin, appear to have been either Catholic or Anglican. This recognition of all three versions of Christianity was not also mandated for England. This issue will be discussed more fully in later chapters.

⁴³ Luddy, p. 149.

women experienced prison. They visited women in Mountjoy Prison; some of whom would later come to their refuge already having established some kind of relationship with the Sisters. As will be discussed in the chapter on refuges, part of the perception of their success, especially given its stark contrast to the perception of the utter failure of the government run refuge in England, is based on people's willingness to accept the ability of Sisters to perform the kind of reforming work necessary to reclaim a convict woman.

The writings of prison reformers and government sources have proven to be the most useful and the most accessible sources to answer the questions that this dissertation seeks to answer. Annual Reports from the Directors of Convict Prisons along with various laws have proven to be the richest government sources. These documents work together to show both how the system was supposed to function and to some degree how it was functioning—albeit the latter can only be known from the point of view of the prison hierarchy. The annual reports from the Directors include not only commentary from the Directors but also from key prison staff such as the head matron, the chaplains, and the schoolmistress. This glimpse into the experience of key prison employees illuminates not only how they experienced their work but also what they believed could be improved. In addition, their reports show how they wanted their work and the prison of which they were a part to be perceived by those higher up the hierarchy than they were. There are limitations to these reports. For example, in light of their involvement in punishing particularly recalcitrant prisoners, the Directors were often already aware of special problems these prisons might have faced, especially in Ireland. Consequently the authors of the annual reports often just make scant allusions to those incidents without

providing greater detail of them. Still the combination of these reports and the writings of prison reformers are critical to forming a picture about how prisons and prisoners were socially constructed in this era.

Unfortunately the source base does not exist, at least not for convict prisons, to examine how the women actually in prison perceived their own experience or how they understood the ways in which they were being perceived. Official government documents, the work of social scientists, and even the works of prison reformers almost never gave voice to the women about whom they were writing. To be fair they did not give much voice to men in prison either. One exception to this lack of women's voices comes in some of the reports of the inspector's general of prisons in Ireland. An appendix to the 1836 report includes the answers of prisoners, both male and female, to a set of questions the inspector general asked them about the prison. The prisoners, identified only by their initials and their sex, were quite clearly expected to provide straightforward answers that addressed solely what they were asked. As a result, the information is more useful in understanding what the inspector general considered to be important about the prison experience than what the prisoners did.⁴⁴

The writings of prison reformers did little to elucidate what was important to the women actually in prison but rather showed what was important to reformers. Thus I use the works of reformers not to find factual information about life in prison but primarily for the purpose of examining how they reflect changing ideas about imprisonment, as

⁴⁴ PP, XLII. Newgate Gaol. Copy of a Report Made on 2 July 1836, by a Committee of the Court of Aldermen to that court, upon on the report of the Inspectors of Prisons in relation to the gaol of Newgate; with the minutes of evidence, & c.,. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1836-016489 (accessed 9/26/2013)

well as how they constructed gender or national differences and identities. Prison reformers had an obvious agenda, reform, that reveals both how they saw the system functioning at the time and how they wished it to function. This agenda was both a critique of what existed, which is useful in understanding what was happening in prisons, and a reflection of new ideas about imprisonment, punishment, and reformation. The reformers are also pivotal to this work because they exerted a great deal of energy comparing the English system to the Irish system. While there were some real differences between the two, some of the differences were largely a construction of the reformers and of those who responded to them.

By the early 1860s, reformers had even lured Colonel Joshua Jebb, the founder of the English system, into the debate in defense of his system at the meeting of the National Association for the Promotion of Social Science in London in 1862.⁴⁵ In 1861, the meeting had been in Dublin thus providing some of the over 2,000 attendees of the Congress with a chance to visit Mountjoy and Golden Bridge. Between that meeting and the subsequent year's meeting in London, there was a significant increase in praise for the Crofton system and in criticism of Jebb's system.⁴⁶ This association, also known as the Social Science Association, held annual congresses from 1857 to 1884. It was vital to

⁴⁵ Major-General Joshua Jebb, "The Convict System of England," *Transactions of the National Association for the Promotion of Social Science—London Meeting, 1862*. (London: John W. Parker, Son, and Bourne, West Strand, 1862), pp. 358-369.
<http://books.google.com/books?id=8VG85HjkmnEC&pg=PA437&lpg=PA437&dq=Anne+Jellicoe+transactions&source=bl&ots=MtPk9fYSQn&sig=FKUCri3widrM6AUnzvG1oNheDcY&hl=en&sa=X&ei=kID6UcifOueayAGYx4GQAw&ved=0CDOQ6AEwAg#v=onepage&q=Anne%20Jellicoe%20transactions&f=false> (Accessed August, 1, 2013).

⁴⁶ The Irish Convict System created after the Penal Servitude Act of 1853, is often called the Crofton System after Captain Crofton who served as the first chairman of the Directors of Convict Prisons in Ireland. He had also served on the commission that evaluated the state of Irish prisons on the eve of the passing of penal servitude.

efforts to professionalize the social sciences but was also “an important ally in the middle-class feminist struggle to legitimize a place for single women in the public sphere...”⁴⁷ They were particularly interested in issues of public health, industrial relations, penal reform, and education for women. The London Congress of 1862 included a major debate on penal reform that largely centered on comparisons of the English and Irish systems. Jebb defended his system there while Captain Walter Crofton, founder of the Irish Convict System, argued on behalf of his system. Mary Carpenter, a strong advocate for penal reform, and Anne Jellicoe, who was more interested in issues regarding employment for women, both spoke at the Congress as well, which is important because the Social Science association paid women the most attention in their addresses.⁴⁸ The essays pulled out of this meeting in London then cannot all be treated the same, given that Jebb and Crofton had not only agendas that differed from each other but certainly their intent was not the same as Carpenter’s or Jellicoe’s. Yet it is an important source because it encapsulates most of the debate about what made the English and Irish systems different and what made the Irish system better.

Another important source of information that will be drawn upon is the work of Henry Mayhew, namely his *Criminal Prisons of London*. Mayhew is an important figure in cataloging the lives of marginalized people in London. He is most famous for his

⁴⁷ Eileen Yeo, *The Contest for Social Science: relations and representations of gender and class*. (London: Rivers Oram Press: 1996), p. 129. The Social Science Association was founded by Lord Brougham in 1857 and remained a player in public debates until the mid-1880s when it was dissolved. Most members were professionals of some sort with lawyers forming the largest single occupational group. There were also members of Parliament, doctors, and a strong core of women. From its inception the association followed a policy called “communion of labor” that recognized both the need to and the value of incorporating the masculine and feminine. See more on that in Yeo, p. 25.

⁴⁸ Another major piece of Mary Carpenter’s that will be examined in this dissertation is an article she wrote for the *English Woman’s Journal*, which was the first feminist periodical in Britain.

London Labour and the London Poor, which chronicled the lives and work of working-class Londoners from 1849-1850. Mayhew undertook his study of the poor on behalf of the *Morning Chronicle* for whom he published 82 letters between October of 1849 and December of 1850. Not everything in this investigation made it into *London Labour and the London Poor*, which was the massive three-volume tome that he then published in 1851. Eileen Yeo argues that if historians look beyond just *London Labour and the London Poor* to his letters and other sources, they will see that Mayhew was more than just a gifted journalist; he was a “systematic empirical investigator.”⁴⁹ In another work, Yeo argues “What made Mayhew so different from other investigators was his willingness to make room for the voices of working people in his investigative practices.”⁵⁰ While Mayhew may have extensively interviewed wide cross-sections of the London working-class, his approach in *The Criminal Prisons of London* is a bit different, particularly when it comes to his chapter about his visit to Brixton Prison. He did indeed visit the prison and speak to members of the staff but from his writings he does not appear to have had any sustained contact with the prisoners themselves. If anything, he made room for the voices of the female matrons at Brixton but not for the inmates. This approach does not negate the value of his work but it makes it less useful than it might have otherwise been while also illustrating the extent to which the silencing of women convicts took place. Consequently his *Criminal Prisons of London* will be used less as a source for factual information and more as a means of illustrating the kind of discourse about prisons and prisoners that was common in the early 1860s.

⁴⁹ Eileen Yeo and E.P. Thompson, *The Unknown Mayhew*. New York: Schocken Books, 1971, p. 51.

⁵⁰ Eileen Yeo, *The Contest for Social Science*, p. 85.

Perhaps the most difficult source to know how to use is *Female Life in Prison by a Prison Matron*. The book was attributed to a prison matron, who had supposedly worked at both Millbank and Brixton, which made its initial appeal strong because a matron would have spent more time with women prisoners than just about anyone else inside the prison. Thus while it would not be the same as having an equivalent account from a prisoner herself it might have been the next best thing; however, it was not written by or on behalf of a matron. A novelist and journalist named Frederick William Robinson wrote *Female Life in Prison*. Based on the significance that this work had on debates about and popular images of women in prison it is not fair to throw it out entirely but it cannot be seen as a faithful rendering of a matron's experience as it was upon its release. Rather Robinson's work is most useful for understanding popular discourse about women in prison. A friend of Robinson's, Theodore Watts-Dunton, wrote in 1901 in *Athenaeum* about *Female Life in Prison*. Of this work of his friend's he said,

No one dreamed for a moment but that it was the work of a prison matron who had recorded her real experience. The book was indeed extraordinarily vivid and vital. The Times had a long article upon it, accepting it as a true record, and used it as the basis of discussions on prisons and prison discipline. Not unfrequently donations were sent to the author from benevolent people for him to make use of for the welfare of prisoners. These donations were embarrassing, but they were all scrupulously devoted to that purpose.⁵¹

Watts-Dunton also claimed that the tales told in Robinson's work were at least partially based on the personal record of a real matron. As Anne Schwan points out it is certainly

⁵¹ Anne Schwan, "From Dry Volumes of Facts and Figures to Stories of Flesh and Blood: the Prison Narratives of Frederick William Robinson" in Jan Alber and Frank Lauterbach (Eds.) *Stones of Law, Bricks of Shame: Narrating Imprisonment in the Victorian Age*. (Toronto: University of Toronto Press, 2009) pp. 192-193.

not impossible, but it is impossible to know for certain.⁵² Sean McConville's thoroughly researched and massive tome *A History of English Prison Administration* cited Robinson's work as though it was truly written by a prison matron even as late as 1981.⁵³ Robinson's *Female Life in Prison* will be here used in two ways. First, details of life inside the prison will be used but only when they coincide with what other sources had to say. Second, it will be used on at least one occasion to show how the story of a woman called Edwards constructs a particular image of the woman convict—an image that is shaped by her allegedly being an Irishwoman in an English prison. Robinson's value lies not in the myriad details that he provides but rather in the way his stories are constructed to reflect popular attitudes about women, about convicts, and about the Irish.

The first jail journal published in Ireland, by a man or woman who was an ordinary prisoner, was not published until 1945. A man identified as D. 83222 wrote *I Did Penal Servitude*. His work was controversial, at least among some members of the Dáil, or Irish Parliament, who accused him of slandering prison officials.⁵⁴ D. 83222 was a man called Walter Mahon-Smith who served time for fraud in the early 1940s. The key word above is ordinary because if one looks to subjects who might be considered political prisoners there are earlier contributions. Those women who would define themselves (if not be legally defined) as political prisoners did write about the experience of prison in the early twentieth century. Through their participation in the suffrage movement, Irish nationalism, or even labor disputes, these women experienced prison firsthand—often on

⁵² Schwan, "From Dry Volumes of Facts and Figures," p. 193.

⁵³ McConville, pp. 355 and 414.

⁵⁴ Shane Kilcommins, Ian O'Donnell, Eoin O'Sullivan, and Barry Vaughan, *Crime, Punishment, and the Search for Order in Ireland*. Institute of Public Administration: Dublin, 2004, p. 57 (n).

multiple occasions. They wrote prolifically because they sought to draw attention to their cause and to their treatment at the hands of the government. In addition to that motivation, it is also important to note that they were far more likely to be well-educated and literate. Thus they not only had a reason to write their stories, they had the ability. Through most, if not all, of the nineteenth century the average woman convict lacked cause to publicize her plight, the means with which to do so, and possibly a sense that anyone would have interest in her story.

Unfortunately this gap in the historical source base means that the woman convict will generally be reduced to an object in this dissertation; what I mean is that she will be discussed in depth but no letters or diaries from women convicts will provide any woman convict a direct voice in this discussion. She is not the historical actor whose story can be told, at least not from her own point of view, but she is the figure around which this dissertation is structured. The woman convict or prisoner more generally in the pre-1850s period, was at the heart of intense debate about how prisons should develop, what their role was in society, and how womanhood ought to be defined. The existing source gap renders her as silent as she has ever been. Thus her status as an object has historical basis despite being regrettable.

General History of Imprisonment

The story of modernizing the system of punishment in Britain has generally been told as one in the primary means of punishment transitioned from capital punishment to transportation to imprisonment. None of these forms of punishment existed exclusively for prisons had held minor offenders during the days in which capital punishment was the

dominant punishment. Neither the death penalty nor transportation disappeared overnight simply because a new form of punishment had come to be favored by those in power but each did diminish greatly in the wake of what came “after.”

The era of the modern prison arose from a serious challenge to the practice of transportation in the 1770s. Prison reform became a topic for debate in the 1770s only because of the loss of the American colonies as a place to which prisoners could be sent. Those debates abated after the “discovery” in 1788 of Australia as a new destination for convicts. From at least the 1810s to the final use of transportation in the late 1860s, transportation was under attack from the colonies who received them, modern-day Australia, but also from critics at home. In its heyday supporters of transportation argued that transportation was the best way to handle criminals because moving them to a new locale gave them a chance to start their lives over. One critique from the 1830s shows the cracks in this increasingly outdated way of thinking,

Is it reasonable that virtuous England should find her vicious population suddenly become transmuted into patterns of virtue and innocence the moment they breathe the pure atmosphere of Australia? There is no magic in transportation. Vicious men will remain vicious unless adequate means are provided for their reformation.⁵⁵

⁵⁵ John Russell, “Note on Transportation and Secondary Punishment in Papers Relative to the Transportation and Assignment of Convicts, 1839,” *Papers Relative to the Transportation and Assignment of Convicts*.
<http://books.google.com/books?id=c0hDAAAACAAJ&pg=PA1&lpg=PA1&dq=Note+on+Transportation+and+Secondary+Punishment&source=bl&ots=qNaP0rOA82&sig=jNJR3nXfBu7pKxefjJeC6H8jlf4&hl=en&sa=X&ei=Gof6UaXgOoOHygGvulG4Dg&ved=OCDMQ6AEWAQ#v=onepage&q=Note%20on%20Transportation%20and%20Secondary%20Punishment&f=false> (Accessed August 1, 2013).

Reform, or in more modern parlance rehabilitation, of prisoners would require more than just shipping prisoners to Australia.⁵⁶ Without reform the problem of criminality was being moved around but not solved. As long as the Australian colonies remained part of the British Empire, England would not truly be free of these criminals. By the time the last group of convicts was transported in January of 1869, a total of some 162,000 men and women had been sent to Australia from the British Isles.⁵⁷ The slow death of transportation can and should be largely explained, in terms of colonial resistance to the presence of more prisoners. The loss, or foreseeable future loss, of transportation, increased the interest “at home” of prison reform. If prisons were going to hold more people for longer periods of time, as they would if imprisonment replaced transportation, then prisons had to be better than they were. One reason why would be growing concern with making government institutions more humanitarian in their treatment of prisoners but the primary reason would be that when people left prison they would no longer be released into Australian society but rather they would be released into either English or Irish society. The presence of released convicts on “home” soil heightened the demand that prisons reform prisoners so that members of the public would not be victims of these convicts’ future crimes.

⁵⁶ Reform is the term that was used throughout the nineteenth century when discussing what should be done to (or for) prisoners. I am not altogether certain when rehabilitation became the more accepted term but the difference in meaning is intriguing. Rehabilitation implies restoration, which implies that the person in question once possessed whatever it was that was restored. On the other hand, reform emphasizes the need to make changes to something, or someone in the case of prisoners, in order to improve it.

⁵⁷ Norval Morris and David J. Rothman (Eds.), *Oxford History of the Prison*, (Oxford: Oxford University Press, 1997), p. 121. That last group of convicts included 63 Fenian prisoners from Ireland.

Of particular significance to this dissertation is the way in which women were imagined to be disruptive or problematic to the system of transportation and subsequently to the system of imprisonment. Women were greatly outnumbered upon arrival in Australia, roughly 3:1, thus indicating that they were a relatively small proportion of those transported there.⁵⁸ As it would be later when penal servitude reigned supreme, larceny was the most common crime for which women were convicted. At this point, simple larceny carried a sentence of seven years transportation. For grand (or complex) larceny the sentence could be death, although that was not typically carried out.⁵⁹ Transportation for life was a fairly common substitute for the death penalty. When New South Wales stopped taking prisoners, women were sent to Van Diemen's Land but not without protest from officials there. Western Australia refused to take women prisoners from the very beginning. Colonial governments became loath to take women convicts in because they felt they could not offer the women proper protection. Since there were no particular provisions made for the women convicts who arrived in Australia they were in a more precarious position than were the men who were placed out on assignment. So-called factories emerged in which women could work but they could also be places of exploitation. The factory that opened at Parramatta in 1821 became partly a brothel and partly a place for men to shop for wives. Marriage did, in fact, become a way for women to find protection. The tenuous, poorly planned space that women convicts inhabited in Australia limited the ability of women to be a positive influence on the emerging colonial

⁵⁸ Zedner, p. 175. Obtaining specific numbers for those transported from Ireland is limited by source material. A fire during the Irish Civil War in 1922 destroyed the records of all prisoners transported prior to 1835. Without those records, it simply is not possible to give an accurate count of those transported from Ireland.

⁵⁹ Grand or complex larceny was defined as theft of more than a shilling.

societies. As a result of this situation, Captain Matthew Forster, Controller General of Convicts in Van Diemen's Land, refused to accept any more women convicts in the early 1850s.⁶⁰ The British were officially out of places in Australia to send women convicts so the government no longer had any choice but to come up with a different solution.

The First Wave of Prison Reform

Modern prison reform began in the 1770s after which it was periodically taken up by government officials and social reformers, usually when transportation was under particularly strong attack. The movement for prison reform initially focused on improving the physical conditions of the prison. The first major change to the living conditions of the prison was better ventilation. In the 1750s, typhus was sweeping through Newgate, which became a problem when two infected prisoners contaminated their courtroom at the Old Bailey—killing the judge, the jury, the lawyers and several spectators.⁶¹ This came to be known as the Black Assize of 1750, and led to government funding to build a new prison, one that did not open until 1770, and eventually led John Pringle and Stephen Hales to create ventilators for Newgate Prison.⁶² Before Howard, many of the powerful in England were aware of the unpleasantness of prison conditions. Henry Fielding had referred to prisons as “seminaries of vice and sewers of nastiness and disease.”⁶³ Yet it was Howard's statistical and more scientific approach to describing

⁶⁰ Zedner, p. 177.

⁶¹ Ignatieff, pp. 44-45.

⁶² Pringle and Hales' ventilation system was introduced into hospitals and workhouses as well. Pringle also wrote about hygiene in the army. Along with Doctor James Lind, John Howard was inspired by this work when writing about prison hygiene in the later 1770s.

⁶³ Henry Fielding, *An Enquiry into the Causes of the Late Increase of Robbers & C. with Some Proposals for Remediating this Growing Evil*. (London: A. Millar, 1751), pg. 71.

such known problems that made his 1777 work, *The State of the Prisons*, so widely accepted. His authority could not be questioned because he was the first reformer to not only have visited all the prisons but to have documented the dimensions of the building, the diet, the fee table, the inmate population on the day of his visit, the charitable funds available for relief, the weight of the chains used. The general picture he painted of prison life was of prisoners being cheated in terms of their fees and provisions while being kept in heavy chains and being exposed to disease that could lead to them being further detained when their sentences were complete.⁶⁴

John Howard, the father of prison reform movements in the British Isles, began touring prisons in his position as Sherriff of Bedfordshire in the early 1770s. He began with his county's gaol, Bedford Gaol. He was shocked and horrified by the conditions of the prisons in his county. The first problem he confronted was eliminating, or at least reducing, the onerous fees that prisoners had to pay to jailers for their maintenance.⁶⁵ He asked the justices of Bedfordshire to grant the jailer a regular salary to be paid by the county who in turn requested that Howard find them a precedent for using county money to pay a jailer's salary. That led Howard to begin his journeys to other jails where

http://books.google.com/books?id=RnBKAAAAMAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false (Accessed August 1, 2013).

⁶⁴ Ignatieff, pg. 52.

⁶⁵ These fees were used to provide just about every need a prisoner could have while also paying to maintain the jail and pay the jailer. Numerous accounts exist of prisoners being tried, acquitted, and then having to remain in prison until they could finish paying off the fees that they owed. Jailers were frequently portrayed, by Howard, and those who came after him, as practicing extortion when it came to these fees. An Act was passed in 1774, so just one year after Howard became sheriff that ended jailer's fees and instituted a fixed salary for them to be paid by the county. That legislation was brought by the MP from Taunton. Arthur Griffiths, *Memorials of Millbank and Chapters in Prison History*. (London: Chapman and Hall, 1884), p. 8.

<http://books.google.com/books?id=SxJhPVSEmyUC&printsec=frontcover&dq=Memorials+of+Millbank&hl=en&sa=X&ei=zlj6UZaDPfPlyAGX6oHYDQ&ved=0CC8Q6AEwAA#v=onepage&q=Memorials%20of%20Millbank&f=false> (Accessed August 1, 2013).

quickly found that the practices used in Bedfordshire were to be found in all the surrounding areas, as were the “scenes of calamity” that he saw during his travels around Britain.⁶⁶ These visits spurred him to action, thus beginning the first serious wave of prison reform in modern English history.

Beyond the lack of regular pay for gaolers, Howard found numerous other problems. The first and most important thing to note about the prison system in the eighteenth century is that to refer to a single prison system is wrong. There were city jails, county jails, debtor prisons, and Houses of Correction that lacked any sense of unity or coherence. What Howard found in prisons were appalling conditions that included things such as a lack of proper sanitation, overcrowding, prisoners having to sleep on damp floors with nothing but straw and a blanket to protect them from the cold and the wet, and that fresh air was “conspicuous only by its absence.”⁶⁷ A window tax prevented many prisons from having windows because the gaolers simply did not want to pay for them. Some prisons did not have water while others kept it under lock and key. Howard found instances in which prisons allotted just three pints of water per day to the prisoners. Those three pints were to meet all their needs from drinking to washing. Nothing was provided by the prisons without having to pay for it so some prisoners were emaciated from a woefully insufficient diet. Howard, and later Griffiths, lamented the use of “heavy irons” on prisoners. One of the other great horrors of these early prisons was a

⁶⁶ John Howard, *The State of the Prisons*. (London & Toronto: J.M. Dent & Sons, 1929), pp. 1-2. Howard also had an interest in hospitals. Throughout his work regarding both prisons and hospitals he traveled all over Britain, to Ireland, and around much of Europe. According to Ignatieff, he visited nearly every institution for the poor in Europe; something that cost him both his fortune and his health. Howard contracted Typhus and died in 1791. (Ignatieff, p. 47.)

⁶⁷ Griffiths, pp. 2-4.

disease that was commonly called gaol fever. Howard claimed that gaol fever actually killed more prisoners than the state did through execution.⁶⁸

What Howard helped to enact was improvements in the physical conditions of the prison. While there was certainly concern for the moral corruption and degradation of the prisoners inside, Howard believed that those conditions could not improve until people were physically healthy, were not starving, and could have some measure of separation from other prisoners. The great fear expressed, from the time of John Howard well on into the middle of the next century was that prisoners left prison in a worse condition than when they entered. Among the most egregious practices in prisons at the time, at least according to Howard and others who would follow him, was the complete lack of classification and separation of prisoners. Unlike most of Howard's work, this assertion of the need to segregate prisoners was not based on a desire to improve the physical realities of prison but was instead about the moral state of the prisoners.

When Howard wrote about classification he meant that prisoners of various states of "degradation" should not intermingle. Classification was necessary in order to make separation possible. Men and women were to be separated but Howard wanted more categories than that. Repeat offenders should not be mixing with first-time offenders, those awaiting trial should not be mixing with those who had already been through their trial, and debtors should not be with felons or those guilty of misdemeanors.⁶⁹ Generally men and women were kept in separate wards at night but often they were able to

⁶⁸ Howard, pp. 16-17. Later Howard noted that he did not encounter any cases of gaol fever in travels around Europe (p. 100).

⁶⁹ The mentally ill were also not separated at this point so in Griffiths' estimation they were in the prisons either to terrorize others or to be victimized by other prisoners. Griffiths, p. 5.

communicate even from their locked wards. During the day when they were allowed out of their wards, men and women were free to intermingle.

By publishing his report in 1777 as *The State of Prisons in England and Wales, with an Account of some Foreign Prisons*, Howard became a very public voice for prison reform.⁷⁰ Even after publicizing accounts of his visit, Howard continued to visit prisons; in 1787 he completed his fourth tour of English prisons. It is important to note that while every story of modern prison reform in England begins with Howard, and that legislation was passed as result of his efforts, those new laws were largely ignored by justices and jailers throughout England. From the very start of prison reform a gap existed between what reformers hoped would change, what the laws said, and which changes were actually made. Howard's influence is not limited just to England, however, for he did visit Ireland as well where his work also drew a good deal of attention.⁷¹

Howard's influence could be felt most strongly in Ireland through the work of Sir Jeremiah Fitzpatrick. He was a prison reformer and government official who published a pamphlet called *An Essay on Gaol Abuses* in 1784.⁷² Much like Howard did, Fitzpatrick first focused on the physical conditions in prisons in an effort to improve the health of the prisoners and consequently, he hoped, to improve order in the prison. In 1786, Fitzpatrick was made the first inspector-general of prisons in Ireland. This decision is a pivotal one because the process of inspecting prisons would only grow from here. In

⁷⁰ Some of the content, namely Howard's ideas for reform, were so shocking that the book was not published everywhere. It was not allowed to be published anywhere in France, for example.

⁷¹ Howard did also travel to the continent to visit prisons but for the sake of this dissertation his work in England and Ireland is most important.

⁷² The full title was *An essay on gaol-abuses, and on the means of redressing them: together with the general method of treating disorders to which prisoners are most incident*. It was printed in Dublin.

fact, Ireland had much more regular inspection of prisons before England did. After four years as inspector-general, Fitzpatrick wrote another pamphlet, *Thoughts on Penitentiaries*. By that time, he had toured some of the English prisons as well and seen some of the new experiments in correction. Fitzpatrick believed imprisonment was a good alternative for Ireland because it had no colonies to which it could send its prisoners. Obviously it is significant that he wrote this piece twelve years before the Act of Union made Ireland part of the United Kingdom thus giving her access to a sizeable empire.

Two gaol acts passed in 1779 laid the foundation for the modern prison system in both England and Ireland. Labor, religious instruction and a period of solitary confinement are all integral elements of the system that emerges from this point forward but it is the legislation for state intervention in prisons that is truly significant here. The state's involvement in running prisons was arguably the most crucial factor in the modernization of prisons—not to mention the way that it expanded understandings of the limits of state power. In 1779 two gaol acts, one for England and one for Ireland became the first legislation regarding prison reform in the modern era. Section five of the Irish Act read, “if any offenders convicted of crimes for which transportation has been usually inflicted were ordered to solitary imprisonment, accompanied by well regulated hard labour, and religious instruction, it might be the means, under providence of not only deterring others, but also of reforming the individuals, and turning them to habits of industry.”⁷³ This new legislation was limited. It did not apply to women and was

⁷³A Bill for Consolidating and Amending the Laws Relating to Prisons in Ireland, *Parliamentary Papers* (PP hereafter), (1825), 104.

initially only passed for two years but following the Act of Union was made perpetual. The English act allowed for the building of a state penitentiary that would house 600 men and 300 women. A three-man committee, including Howard, was to oversee choosing a spot as well as the design and construction of the prison. Eventually this prison would be Millbank Prison, the first national penitentiary in England, but bureaucratic in-fighting slowed the process down. Construction of Millbank did not begin until 1803 and its doors did not open until 1816.⁷⁴

With an act in 1786 that centralized the administration of transportation and the “discovery” of Australia in 1788, prison reform stalled for the time being in both Ireland and England. The tumult of the 1790s factored into the equation as well. Seemingly never-ending war with France was a serious preoccupation for the English government as was the rise of the United Irishmen and the eventual Irish rebellion in 1798. Prison reform took a back seat to these larger concerns as well as to transportation. That would not change in Ireland even after the 1798 rebellion when gaols, especially in Leinster, were full of prisoners from the failure at Wexford. Until the 1830s, when transportation to the Australian colonies began to receive real opposition, mainly from the colonies themselves, prisons became much less important. As critiques about the moral condition of prisoners arose in the colonies, debates arose about whether some short reformatory period in prison should be instituted before allowing prisoners to be transported. That debate reignited interest in prisons but even so they were not the end goal, just the means by which the life of transportation might be extended.

⁷⁴ Griffiths, p. 11.

As regards women, however, the 1810s to 1830s are of great importance due to the work of the prominent prison and social reformer Elizabeth Fry. Despite the significance attached over the years by peers, prison officials, government officials, prison reformers, and social scientists to Elizabeth Fry, her work in Ireland has been far less central to her celebrity; however, it was in Ireland that she achieved her greatest accomplishment—the opening of the first ever all-women’s prison in the British Isles in 1836. Chapter one looks mostly at the prison system Fry encountered before examining how Grangegorman Female Penitentiary became the first all-women’s prison in the British Isles. The second chapter is centered on the process of creating the English and Irish Convict systems from the 1830s to the 1860s. This chapter brings in two distinctly Irish concerns: the first is to question what role the Famine had on shaping the new system. The second is to look at how religious sectarianism was handled in the prison setting. Chapter 3 is about how the image of the woman convict came to be constructed. After laying out what that image was generally, it looks to four specific women to expand further how that image played out in the lives of convict women. The chapter concludes with an examination of what is known about the women who were in prison. In the fourth chapter, I attempt to reconstruct what life was like for women in prison by looking at the daily routine, the system of progressive classification, and the treatment of mothers. From there it examines the tools thought necessary for the reformation of prisoners—labor, education, religion, and the positive influence of proper women—that structured life within the prison walls. The final chapter, chapter five, examines the last stage of imprisonment for women—the refuge—and how that was put forth as a solution to the

problem of the woman convict. In addition, it examines the role of the Discharged Prisoner Aid Societies, primarily in England, that took up where the refuge system in England was perceived to have failed. Once again the construction of difference between the English and Irish systems is an important factor.

Chapter 1: The Birth of the Women's Prison: Elizabeth Fry and Experimentation in Ireland, 1810-1836

When John Howard launched the first wave of prison reform in modern British history, he did so by emphasizing the need to improve the physical conditions of the prisons in order to secure a positive influence over the moral condition of prisoners. While not typically specifying that his work was concerned primarily with men in prison, it almost always centered on them. Women only factored into the picture when Howard asserted the need for men and women to be segregated within the prison walls. From this first wave of reform onward, reformers expressed great concern over the freedom of prisoners to intermingle, which in their minds would inevitably lead to further corruption of the prisoners. Allowing men and women to be around each other during the day needed to be abolished in order to prevent that greater corruption. Yet if all that could really be said about women is that they needed to be separate from men, they were clearly not the center of the reform movement. It was not only Elizabeth Fry became involved in prison reform in the 1810s that women received more attention from prison reformers, prison officials, and even government officials. Within studies of prisons and prison reform for women in the British context, Elizabeth Fry is arguably the most prominent woman reformer.

One example of the centrality of Elizabeth Fry to the narrative of prison reform for women comes from the writings of the deputy governor of Millbank Penitentiary. In *Memorials of Millbank*, written in the 1870s, Griffiths reflected on the work that Elizabeth Fry and her Ladies Association with nothing but the highest of praise. He

claimed that, “It was no slight feat to replace within a few months drunkenness, ferocity, and abandoned licentiousness by sober decency of demeanour; loud ribaldry and oaths by silence or edifying talk; squalor and semi-nudity by cleanliness and sufficiency in attire; to convert a den of wild beasts, where only filth, disgusting odours, and all abominations reigned, into a happy home of quiet and decorum.”⁷⁵ Griffiths almost undoubtedly exaggerated the horrors of the pre-Fry prison as well as the order of the post-Fry prison. Nonetheless this characterization of Fry’s efforts is not unusual. For her work at Newgate Prison in London to which Griffiths was referring, she often was and is called the Angel of Newgate. Attempting to quantify precisely how accurate such depictions are has proved challenging but it is clear that Fry, along with the legions of women who joined in the Lady Visiting Societies, did have an irrefutable and tangible impact on prison life for women. Possibly even more lasting than their influence on actual prison conditions for women, however, was the image that Griffiths painted in the above quote because it demonstrated the capacity that women had to help other women. The image of Fry and the lady visitors cemented, in the minds of prison and government officials, the necessity of virtuous women in the reclamation of their fallen sisters.

Fry did most of her work in England but she also made visits to both Scotland and Ireland. Those visits are often treated as little more than a footnote to her story.⁷⁶ Given

⁷⁵ Arthur Griffiths, *Memorials of Millbank and Chapters in Prison History*. (London: Chapman and Hall, 1884), pp. 261-262.

⁷⁶ For examples of how little attention is paid to Fry’s visits to Ireland and Scotland, see J.E. Brown, *Elizabeth Fry: the prisoner’s friend*, (London: Sunday School Association, 1902) or *Elizabeth Fry: Quaker Heroine* by Janet Whitney. (New York: Benjamin Blom, Inc., 1972). Some of the biographies written about Fry in the nineteenth century pay a bit more attention to her efforts in Ireland. For an example, see Emma Raymond Pitman, *Elizabeth Fry*. (London : W.H. Allen, 1889), *The Making of Modern Law*. Gale. 2013. Gale, Cengage Learning. 25 September 2013

what she was able to accomplish in Ireland, despite the shortness of her visit, Fry's impact there deserves far more attention than it has received. Fry's efforts were necessary to establish the conditions in which the first prison for women in the British Isles could be opened in 1836. The reason why Fry's vision for an all-women's prison was first realized in Ireland, and not England, is that even the inspectors who pushed for it saw the prison as experimental. In the first report about Grangegorman, the Inspectors-General of Irish Prisons wrote, "The establishment of this exclusively female prison has been a new and very important experiment."⁷⁷ No one, including Fry or the Inspectors-General, ever stated outright that this experiment could only have happened in Ireland but that it did do so illustrates the willingness that representatives of the English government in Ireland had to try out untested methods of social control on Irish subjects. Similarly to how new theories relating to pauperism were most extensively and strictly tested on the Irish poor in the workhouses, new penal, or more aptly reformatory, theories were tested first on Irish women prisoners. This chapter will provide necessary background on Fry and her vision of prisons for women before moving on to show her accomplishments in England, the limit of those accomplishments, and her influence over the opening of Grangegorman Female Penitentiary just outside Dublin. Before examining Fry and her work, it is important to understand her place in the second wave of prison reform taking place in the early nineteenth century.

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⁷⁷ PP, XXIX. Prisons of Ireland, Sixteenth Report of the Inspectors General on the General State of the Prisons of Ireland, 1837; with appendixes. 1837-1838 (186), p. 20. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1837-017625 (accessed August 8, 2013). Heretofore referred to as the *Sixteenth Report of the Inspectors General*.

The Second Wave of Prison Reform

Following the lull in prison reform that the return of transportation in 1788 brought with it, the late eighteenth and early nineteenth century are quiet on that front. The first major attempt at prison reform in the nineteenth century came in the form of an act passed in 1810 for Ireland. This act applied to the whole of Ireland thus beginning, at least, the process of creating a more uniform and national system of prisons. In an effort to aid uniformity the state had to become involved in administering prisons, which it did in part by providing some of the funding for prisons. At this time most of the funding still came from the prisoners but that was not to last much longer. Ireland's 1810 legislation reflected Howard's earlier concerns in two main areas. First, it sought further amelioration of the physical and sanitary conditions of prison life. Yards for exercise and washing facilities were required. Each yard was to have a water pump and a privy. The prisons were required to provide prisoners with fuel for heating and cooking, food, prison dress, iron bedsteads, beds, straw, and bed clothes. In other words, prisoners were not to freeze, starve, go about half-naked, or sleep on the floor. The allotment for food was not abundant by any means. Prisons were to provide food up to the value of five pence per prisoner per day.⁷⁸ Two other facilities that would remain important to prisons for the remainder of the century were also required as of this act: the chapel and the infirmary. In order to run those areas, a chaplain and physician or surgeon had to be appointed. Available facilities still restricted the means of employment that prisons could provide but this new law required any new prisons to include an area for "the exercise of trades

⁷⁸ This rule about food did not apply to debtors.

and industry.”⁷⁹ Second, there was to be separation of prisoners by class. The divisions provided for in this earliest legislation were fairly basic. Men and women were to be separated at all times as were debtors, petty criminals, and felons. The only specific mention of women in this act was, in fact, the requirement to keep them separated from men.

An 1819 government inquiry into the state of prisons in Ireland sought to determine whether the reforms of 1810 were being put in place. What the inquiry found was that a rather limited amount of change had actually taken place since 1810. The older county gaols, in particular, seemed resistant to change. Henry Grattan reported to the inquiry on the county gaol at Naas that had been opened in 1789.⁸⁰ Much like in Howard’s day, he found there was an overcrowding. Unlike earlier days, the gaol at Naas had beds but a woefully inadequate number of them. When they could not fit prisoners into the beds, the prisoners still had to sleep on straw on the floor. Grattan reported that at times there were as many as 4 women sharing one bed (or 3 men). While his report did seem to indicate that men and women were at least separated at night he noted that the sexes were still free to mingle during the day. A real disconnect existed between reformers, lawmakers, and prison officials that was not aided by the lack of any means by which to hold the gaolers accountable for implementing the changes required by law.

One of the most significant elements of this second wave of reform, which was in many ways paved by the first wave of reform, is the creation of a national penitentiary in England and another in Ireland. England’s first national penitentiary, Millbank, opened

⁷⁹ Prisons (Ireland) Act, 50 Geo. III. C. 103 (1810).

⁸⁰ Patrick Carroll-Burke, *Colonial Discipline: the Making of the Irish Convict System*, (Dublin: Four Courts Press, 2000), p. 48.

in 1816 while Ireland's first national penitentiary, Richmond, opened in 1820. The advent of these new prisons indicates a major shift in the history of imprisonment. Both prisons endured their fair share of criticism and launched further reform movements but they also helped to expand the responsibilities of the central government in creating and maintaining prisons and subsequently public safety. Indeed one could argue that the increasing involvement of the government into the maintenance and management of prisons was a direct result of the work prison reformers who shed light on the dysfunction of the current system. When Elizabeth Fry first entered into the fray of prison reform work, she did so at Newgate Prison (London) from which she would base her efforts for the remainder of her life. The prison that opened at Millbank sought to implement earlier calls for reform so undoubtedly Fry found less desperate need to intervene on behalf of the women in that prison than she did for those in Newgate and other older prisons in the North in Scotland, and in Ireland.

Relatively little will be said about Millbank and Richmond here because of Fry's minimal connection to either penitentiary. There are, however, a couple of significant aspects of each institution that do relate to Fry or her concerns. Given Fry's desire to see entirely separate prisons for women run by women, the relative difficulty that was encountered upon trying to find staff for the women's pentagons at Millbank is important. Mr. John Shearman, Millbank's first governor, toured several jails around England in preparation for his new duties. The only observation he made that applied directly to women was "That the agency of females as to the government of female prisoners had

not been tried.”⁸¹ One reason that may not have been tried was due to the difficulty that the committee ran into while trying to find a suitable matron. A respectable woman had to be found and yet no woman actually applied for the position at first. Mr. Morton Pitt claimed to have known of only two instances of matrons in prisons and in both cases the women were married to men who worked in the prison. The challenge, according to Mr. Pitt was about the nature of women and of the job of matron. He wrote, “How difficult must it be to find a female educated as and having the feelings of a gentlewoman, who would undertake a duty so revolting to every feeling she has hitherto possessed, and even so alarming to a person of that sex.”⁸² Not only was it against woman’s nature to be a criminal it was also imagined to be against her nature to work in a prison, even if that work could be perceived as benevolent in nature.

The woman chosen possessed the respectability those hiring her desired her to have but for reasons out of her control needed to work for a living. Mr. Pitt had known her since she was just fifteen years old. Her father had been “clerk of the peace” for County Dorset but had died insolvent. Mrs. Chambers was indeed married but her husband abandoned her before he died. Between her father’s insolvency and the abandonment by and death of her husband, Mrs. Chambers was “compelled to support herself by her own industry.” Besides needing to work, Mr. Pitt considered her fit for the position because “she has learned how to obey, and since that, having kept a numerous school, how to command.”⁸³ She was religious, had integrity, a steady character, and a heart filled with compassion. In short, Mrs. Chambers was the definition of a respectable

⁸¹ As quoted in Griffiths, p. 50.

⁸² As quoted in Griffiths, p. 51.

⁸³ As quoted in Griffiths, pp. 51-52.

woman, in spite of her unfortunate circumstances. The chaplain was to aid the matron in her duties by getting to know not only the male prisoners, but also the female prisoners, and provide such religious instruction as might prove conducive to their reformation. Of the male staff, the chaplain was the one who would have the most contact with the female prisoners. Indeed he was to keep a so-called character book on all prisoners that described their character and their progression towards reformation.

As for Richmond General Penitentiary opened in Grangegorman, a northern suburb of Dublin, in 1820 it is important to note that total separation of the sexes took place within its walls. Fry does not appear to have had any direct influence over the opening of Richmond but like Millbank it was the government's first attempt at building a new kind of prison that responded to earlier calls for reform. A matron oversaw the female side of the prison while a superintendent oversaw the whole prison including the storerooms. In addition, the appointment of a new governor in 1823, led to the implementation of a rudimentary form of the progressive classification system used in the mid-century convict systems.⁸⁴ Prisoners began in the third or lock-up class during which time they had to labor alone in their cells. They were allowed out to go to meals, school, and chapel. After an indeterminate period of good behavior, they were moved to the second class in which case they were allowed to work in the work-rooms with other prisoners of their class. The only difference between first and second class appears to have been how close the prisoner was to release. Like the later system, prisoners could be moved back down through the classes for poor behavior but usually if that happened

⁸⁴ This system will be discussed in depth in chapter 4 but to clarify the system was one of rewards and punishments meant to teach prisoners a level of responsibility for their own fate.

they were able to move back up through the classes more quickly the second time through.⁸⁵ However, the most important aspect of Richmond General Penitentiary related to a religious scandal there in the mid-1820s that will be discussed in the next chapter.

Elizabeth Fry, the Angel of Newgate

Despite the looming new national penitentiaries, relatively little had actually changed in prisons, regardless of the reforming legislation, when Elizabeth Fry began her work at Newgate Prison in London in 1813. Unlike Howard, whose work she was undoubtedly familiar with, Fry exerted a great deal of energy in regards to women prisoners. While Fry did concern herself with the physical conditions of prisons, as Howard had, her primary concern was in the moral reformation of the prisoner. Fry believed absolutely in the ability of women prisoners to be reformed. A combination of separation, religious instruction, labor, and the influence of benevolent ladies who visited the women in prison could and did, in her experience, alter the character of these women. Her belief in the possibility of reformation was linked to her strongly-held Quakerism. Her family supported her but the Quaker community was at times very cautious about her work. Given the notoriety and respect she gained for her efforts, some fellow Quakers publicly expressed their fears that Fry either was or would eventually become overly proud of her expertise in the field and the way she was consulted by very powerful people.⁸⁶ In excerpts published from her diaries in Skidmore's *Elizabeth Fry: a Quaker*

⁸⁵ PP, vol. XI. 1826-27 (335) Richmond Penitentiary, Dublin. Report of the Commissioners directed by the Lord Lieutenant of Ireland, to inquire into the state of the Richmond Penitentiary in Dublin; together with the evidence and documents connected therewith, p. 5.

http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpps-us&rft_dat=xri:hcpps-rec:1826-010367 (accessed 9/25/2013).

⁸⁶ Gil Skidmore, *Elizabeth Fry: a Quaker Life*, (New York: AltaMira Press, 2005), p. 13.

Life, Fry does mention the pressure she feels from the work she is doing but she also mentions how she feels her cause comes before herself. She routinely passes the praise for any good being done by the prison reform movement to God. In an entry dated December 17, 1817, Fry writes,

A remarkable blessing still appears to accompany my prison concerns; perhaps the greatest apparent blessing on my deeds that ever attended me. How have the spirits of both of those in power and the poor afflicted prisoners appeared to be subjected, and how has the work gone on! Most assuredly the power and the glory is alone due to the Author and Finisher of every good work.⁸⁷

Apart from attempting to keep her pride in check, Fry's views about the role of God in prison reform match up rather well with what she expressed in her instruction manual to women who would volunteer to help those in prison. While she regularly stressed the importance of their efforts, she also noted on several occasions the fact that any good accomplished is done by the will of God.

To understand how Elizabeth Fry became involved in the work that she did, it is important to understand a little bit about her life. Elizabeth Gurney was born in Norwich on May 21, 1780 to John and Catherine Gurney. Her father was a well-established, upper-middle class Quaker businessman with ties to both banking and the woolens industry. Her mother died when Fry was just twelve years old, thus leaving her at a rather young age to care for her younger siblings. As a young woman, Elizabeth was friends with Amelia Alderson whose father was a member of the Corresponding Society. Through this connection, young Elizabeth was exposed to ideas such as universal suffrage and annual parliaments and to thinkers such as Mary Wollstonecraft, Thomas Paine, and William Godwin. Given the strong Liberal principles of her father, it was

⁸⁷ As quoted in Skidmore, pp, 114-115.

likely that she was also exposed to liberal political thought in her own home. At the age of eighteen, Fry heard an American Quaker named William Savery speak in Norwich. After hearing him speak and having dinner with him in her family home, Fry became dedicated to helping those in need. Her first opportunities to help came in the form of collecting old clothes for the poor, visiting the sick, and starting a Sunday school in her home to help teach children how to read. She would move on to become involved in committees dedicated to running schools for the Society of Friends. Elizabeth Gurney met her husband Joseph Fry during the summer of 1799 and married him in August of the following year. She moved from Norwich to London where her husband worked as a banker. Eight of their eleven children were born between 1800 and 1812.⁸⁸ Fry's devotion to her religious beliefs never wavered; in fact, she became a preacher for the Society of Friends in March of 1811. Her visits to Newgate in London began in 1813.⁸⁹

Fry's entrance into prison reform work began during a visit to Coalbrookdale where she met Deborah Darby, a famous minister, who suggested she would become a minister. Darby called on Fry to become "A light to the blind, speech to the dumb, and feet to the lame."⁹⁰ Besides urging Fry to become a minister, Darby had an additional significance. She was the minister who brought the French aristocrat Stephen Grellet to Quakerism. As fate would have it Grellet was a Fry family friend and the man who would peak Fry's interest in Newgate Prison. He told her that he had visited the women's section despite the gaoler's warnings that the women were so unruly that they

⁸⁸ Fry only lost one child in infancy.

⁸⁹ There were prisons called Newgate in both London and Dublin. I will do my best to keep clear which one I am addressing at any given point.

⁹⁰ Skidmore, p. 10.

might do him harm. Fry was so horrified by Grellet's account that she had to go to Newgate to see if what he said was true.

Newgate Prison had undergone some of the reforms of the first wave of prison reform prior to Fry's arrival there. It had been partially rebuilt and then reopened in 1782 after sustaining serious damage in the Gordon Riots of 1780. This later re-building allowed for certain divisions amongst classes of prisoners. Among these divides was a common area for poor prisoners, a state area for those who could afford to pay for better accommodations, an area for debtors and felons, as well as a section for women and their children that usually held around 300 persons. Fry was distressed by the two wards and two cells for women and children because tried and untried women were not separated from each other, neither were felons and misdemeanants, nor were the children of these women. Women used the floor of the cell for cooking, washing, and sleeping; if they had anything to sleep on it would be some straw but often they did not have even that. Many of the women were half-dressed or wearing rags. Fry saw prisoners "swearing, gaming, fighting, singing, dancing, and dressing up in men's clothing."⁹¹ Like in the story Grellet had told Fry, Fry claimed the governor was reluctant to join her when she visited the women's wards. While visiting the prison, the visitors left their watches and other valuables in the Governor's house on his advice. In *Memorials of Millbank*, Arthur Griffiths described Newgate at the time Fry would have begun her visits as a "perfect sink of abomination" and noted that the prison went by the name Hell Aboveground.⁹² Precisely what sources Griffiths was using to characterize Newgate so harshly is not

⁹¹Griffiths, p. 261.

⁹²Griffiths, pp. 260-61.

made clear. Certainly he had a stake as an official of a modern prison to show how prisons had improved thus the harshness with which he treated the older system is at least somewhat questionable.

Fry's efforts at Newgate were aimed both at improving their physical conditions but more importantly the moral condition of the women. To achieve her goal, Fry established the Association for the Improvement of Female Prisoners in Newgate in 1817 along with eleven fellow Quakers. The Society for the Improvement of Prison Discipline was also founded in 1817. That society was largely made up of Quakers and Utilitarians; including William Crawford who would later become one of the first prison inspectors in England. Her brother-in-law, Thomas Fowell Buxton, inspired by Fry, began his own inquiries into Newgate that culminated in his publishing *An Inquiry into Prison Discipline*.⁹³ In 1818, Fowell Buxton was elected as a Member of Parliament (MP) for Weymouth thus lending his sister-in-law an even stronger connection to those in power. In one of his speeches to the House of Commons, Fowell Buxton made note of the fact that there were roughly 107,000 prisoners in Britain—a number he claimed was greater than all the other kingdoms of Europe put together. Her brother-in-law garnered Fry an invitation to give evidence to a committee on London Prisons in the House of Commons; an invitation that would indeed have been quite rare for a woman.

In her testimony Fry spoke of the conditions she saw but also demonstrated her inability to see beyond the rhetoric of moral degradation or commonly held gender expectations. She told there of seeing 30 women sleeping in a single room in Newgate; each woman having about 6 by 2 feet of space to herself. She harshly criticized the lack

⁹³ Thomas Fowell Buxton was also an important part of the abolition movement in Britain.

of separation among women as she objected to old being mixed with young, to hardened offenders being around first-time offenders, and to the lowest of women being with respectable married women and maid-servants. Fry's characterization makes it evident that she absolutely ascribed to the notion that the nature of women's criminality was a moral failing. It is not surprising to find that their socio-economic status or limitations placed on them because of their gender do not register as causal factors for Fry. She assumed older women in prison were hardened women who had been in and out of prison for years yet ever apparently questioned if that was true or why that might be the case. Married women bore the greatest respectability. Fry never states outright that the "lowest of women" were prostitutes but it is difficult to imagine what else she could have meant. Once again Fry seemingly condemned these women without considering the reasons they might have become prostitutes. It is possible that her position as a Quaker pastor caused her to focus in so thoroughly on the moral condition of prisoners, and of their redemption, that she was unable to provide any kind of substantial critical account of who these women were or why they resorted to crime.

After a few years of working at Newgate, Fry expanded her efforts at prison reform. Along with her brother, Joseph Gurney, she toured several jails throughout Northern England and Scotland in 1818. After their first trip around Britain, Joseph Gurney wrote of an account of the prison conditions similar to what Howard wrote about some fifty years earlier. In the preface he gave credit to his sister,

In the course of my work, it has been my particular endeavour to represent and embody the sentiments entertained by my sister Elizabeth Fry, whose experience with respect to prisons is much greater than my own. As I am persuaded of the truth and importance of those sentiments, and as they have been fully confirmed

by my own observation, I hope I shall be excused if I have inadvertent enough, in any part of the work, to press them upon the reader a little too confidently.⁹⁴

This passage illustrates that Gurney seemed to be learning a great deal about prisons due to his sister's influence. He is willing to be deferential enough to her to recognize she had more experience with prisons than did he. It is reasonable to assume that he published this account of their joint visits in an effort to lend his masculine respectability to his sister's cause, which may have become his own to some degree or another. By the time Fry and Gurney published the account of their travels around Ireland in the late 1820s, they shared authorship of their report to the Lord Lieutenant of Ireland. Perhaps this change indicates how much greater Fry's influence had become in the decade between those accounts.

In Doncaster Jail, Gurney described an upper room where all the female prisoners were held regardless of the crimes they had committed; in other words, debtors and vagrants mixed with convicted criminals. As many as fifteen men, in that same jail, were kept in a room that was 13 square feet and had neither ventilation nor light—save that which came under the door.⁹⁵ During the day, the doors of the four prison rooms were left open, allowing men and women to intermingle freely.⁹⁶ Gurney proceeds to

⁹⁴ Joseph John 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: 1819), pp. v-vi.
http://books.google.com/books?id=85sHAAAAQAAJ&printsec=frontcover&source=gbs_ge_summary_r&ad=0#v=onepage&q&f=false (accessed August 8, 2013.)

⁹⁵ Gurney, *Notes on a Visit*, p. 7.

⁹⁶ Taking a page from his sister's writings, Gurney expressed horror at the idea of men and women being able to intermingle freely in prison. Fry herself had written of the need to keep the sexes separate in prison, especially during chapel services. Elizabeth Fry, *Observations on the Visiting, Superintendence, and Government of Female Prisoners*. (London: 1827), p. 152.
http://books.google.com/books?id=ossXAAAAYAAJ&printsec=frontcover&source=gbs_ge_summary_r&ad=0#v=onepage&q&f=false (accessed August 8, 2013).

recount the story of an unnamed Scottish woman who had recently lost her husband and recovered from an illness. While traveling with her small child, she needed to apply for a pass. Through circumstances he left unclear, something about the pass landed her in jail for a week. This woman told Gurney that she had been uncertain what to do in her situation and that she was now locked up with some of the very worst elements of society. Gurney's only comment on the situation was "The case speaks for itself."⁹⁷ By choosing a woman who had been widowed, was ill, and was the mother of small child, Gurney did not have to explain to his readers why her placement in such poor physical, and moral, conditions was a horrible situation. For Gurney, the conditions of this anonymous woman's life set her apart from other women prisoners by making her a victim of tragic circumstances who was further victimized by a broken system. His inclusion of this case could have two potential functions. Either he meant to highlight this woman's story as an illustration of the handful of women who were wrongly imprisoned or he wanted her story to inspire readers to wonder how many other women like her might be languishing in prisons. This anonymous woman was by no means truly exceptional but quantifying precisely how many imprisoned women had similar stories to hers is well-nigh impossible. Almost undoubtedly if one was able to ask each imprisoned woman to tell her story, a substantial percentage would be able to create, whether truthfully or through fabrication, mitigating circumstances that made her imprisonment seem unjust at least in part.

Through her initial association, and those Ladies' Visiting Associations that sprang up all over the United Kingdom, Fry and these volunteer women affected real

⁹⁷ Gurney, *Notes on a Visit*, p. 8.

change in the lives of the women in prison. At Newgate, Fry established a school and a chapel. The ladies would visit, help provide greater supervision of the prisoners, read to them from the Bible, and otherwise seek to exert a positive influence on the women.

Unlike the changes to the physical conditions of the prison, which were likely much more widely appreciated by prisoners, this exertion of moral force was likely much more resented. What the lady visitors were attempting to do under Fry's leadership was mould these prisoners into their image of the proper Christian woman. Not only did they wish to see greater discipline within the walls of the prison, they wanted these women to leave prison with more self-discipline than they had when they entered. One reason would be to prevent further crime. Another reason for many of the women, Fry included, was that they felt it was their Christian duty to spread the word of God. A larger impact of their work, one that was not spoken at the time, was the attempt to reclaim the female sex as the moral sex. These uncontrollable women were casting doubt on the morality of women as a whole. Yet middle-class women who sought entry into the public sphere, something that happened with greater and greater frequency as the nineteenth century progressed, needed to use their position as mothers and as the moral sex to gain that entry. Criminal women challenged their position in society.

Despite her influence and some obvious early success in improving the behavior of women in prison, Fry did face opposition to her ideas. Reverend Sydney Smith, canon at St. Paul's, wrote articles for the *Edinburgh Review*, of which he was a co-founder that expressed criticism for the system as it was developing by the early 1820s. In terms of Fry's approach he was critical of her efforts at education and profitable work because he

felt they diminished the fear that prison could and should strike into the hearts of those who might end up there.⁹⁸ In spite of such criticisms, Fry's legacy has largely been a positive one. As nearly everyone did who wrote about women prisoners after Fry's time, Griffiths described her accomplishments while speaking of the influence of the lady visitors. They had sought to provide the female prisoners with clothing, instruction, employment, and an introduction to Scripture. From his vantage point in 1874, what the ladies initially wanted to accomplish was a matter of history. In terms of these more practical aspects, the women had been successful. Women were receiving better clothing and so on; however, Griffiths continued by saying the ladies had also wanted to begin to impart qualities such as "order, sobriety, and industry" in order to render the prisoners "docile and peaceable in prison" and "respectable" outside of prison.⁹⁹

The extent of their success especially on that last part was and is debatable. Figuring out precisely how to quantify such an elusive set of objectives is difficult. One measure would be whether there was a subsequent decline in the number of women sent to prison or in recidivism. That decline would come but not until the latter half of the nineteenth century. As will be discussed in chapter 5, a vital part of the reformation of women prisoners was the willingness of society to accept them back after they completed their sentences. In other words, society had to allow them to be deemed respectable once again, if indeed they ever had been able to wear that label. The efforts of lady visitors likely had little to no impact on the respectability of women leaving prison because their efforts focused exclusively on the women in prison. Without efforts made to encourage

⁹⁸ Harding, Hines, Ireland, and Rawlings, pp. 136-138. Smith's articles for the *Edinburgh Review* appeared in 1821 and 1822.

⁹⁹ Griffiths, p. 261.

the public to allow these women to regain their respectability, it mattered little how much these women had improved while under the care and tutelage of Fry and her ladies. In addition, it was of little consequence that women prisoners were taught habits of industry if it did not open up more possibilities for work to them. Not to mention the trouble women faced in finding gainful employment because of their status as a former prisoner.

Fry's Views on Prison Discipline

Fry's perspective on prisons, their function, and on discipline for prisoners can be seen most clearly in two works. Her instructional manual to women volunteering in prisons, *Observations on the Visiting, Superintendence and Government of Female Prisoners*, was published in 1827. The second major source of Fry's writings was released after her death. Throughout her life, she kept a journal and was a prolific letter writer. She wrote almost daily in a journal from a very young age. In the early 1800s, she wrote a summary of all her journals from before 1799. Afterwards she destroyed those journals. The remaining journal entries filled forty-six volumes. After her death in 1845, two of her daughters compiled and published *Memoir of the Life of Elizabeth Fry*, which was made up of extracts from her journals and letters.¹⁰⁰ One biographer offers a robust critique of the *Memoir* by claiming that "Her own daughters contributed largely to the myth, editing forty-four volumes of her journals, correcting her curious spelling, improving her grammar and carefully removing all trace of individuality and human

¹⁰⁰ Elizabeth Gurney Fry, *Memoir of the Life of Elizabeth Fry with Extracts from her Journal and Letters in Two Volumes*. (London: 1847).
http://books.google.com/books?id=58pAAAAIAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false (accessed August 8, 2013).

weakness.”¹⁰¹ After reading the entirety of her journals, Rose claimed that the Fry who emerges is a far “more complex and tormented” individual than has traditionally been seen.¹⁰²

One consistent feature in Fry’s writing, along with many others, is the virtual anonymity of the female prisoners. First and foremost, anonymity is assured by making the voice of the prisoner entirely absent. No direct quotes from prisoners are ever used in Fry’s work. Instead her writings focus on the physical conditions of the prison as she saw them, her work, or on instructing other women in how to work with women prisoners. Fry did not tell stories about the lives of the prisoners before or after prison nor did she emphasize individual stories about women prisoners while they were in prison; the latter of which some later reformers would do. In *Observations*, Fry actually instructs those who volunteered in prisons *not* to ask the prisoners about their crimes claiming,

Neither is it by any means wise, to converse with them on the subject of the crimes of which they are accused or convicted; for such conversation is injurious both to the criminals themselves and to others who hear them; and moreover, it frequently leads them to add sin to sin, by uttering the grossest of falsehoods.¹⁰³

By specifically choosing not to ask the prisoners about their crimes, Fry shut down one way for these women to tell their stories. The fact that Fry is not responsible for publishing her own journals and letters also indicates that she did not necessarily intend them to be for public consumption. Presumably her daughters would have not published them unless they believed their mother would have approved but nonetheless that does

¹⁰¹ June Rose, *Elizabeth Fry*. (London: MacMillan, 1980), prologue. The prologue did not have page numbers.

¹⁰² Rose, prologue.

¹⁰³ Fry, *Observations*, pg. 151.

not mean that Fry crafted these journals with the idea of their eventual publication in mind. The above quote from *Observations* was from her instruction manual, however, so that was intended for a wider audience. Thus she was helping to perpetuate the notion that women prisoners were liars. Therefore their own accounts of their lives could not be trusted and thus they should not even be solicited. Of course, there is also the question of Fry's desire to protect the anonymity of these women. She does not expressly state such a desire but given what is evident of her nature in her writings it seems highly unlikely that she would have wanted to make life worse within or without the prison for any of the women she was trying to help.

Despite the limitations of Fry's efforts she did sincerely want to help the women she encountered in prison. They were human and she was concerned about the state of their souls. Unlike some other reformers who would compare prisoners to caged animals, Fry recognized on some level their shared human nature, even if it was only in the most basic of ways. Their shared humanity meant that Fry sought to reach female prisoners not through harsh punishment but through civility and compassion. Punishing women too extremely, whether it was through physical conditions or complete solitude, did not fit with her desire to reform them by showing the prisoners mercy. In *Observations* she argued,

The good principle in the hearts of many abandoned persons may be compared to the few remaining sparks of a nearly extinguished fire. By means of the utmost care and attention united with the most gentle treatment, these may yet be fanned into a flame, but under the operation of a rough and violent hand, they will presently disappear and be lost for ever.¹⁰⁴

¹⁰⁴ Skidmore, p. 151.

Fry puts the agency in the hands of the person fanning the sparks while at the same time using words such as “gentle” to code this reformatory work as feminine. The prisoner is present but only as an object to be cared for by those benevolent women who sought her redemption. It was with mercy, and not judgment, that she instructed other volunteers to enter the prison. Further proof that Fry gave humanity to the women she worked with in Newgate is that she believed mercy would help reform them. Not only did Fry operate on the premise that reform was possible, a theme which definitely carries through all her writings, but that by showing prisoners some basic human compassion reform would be even more possible. She noted that it was appropriate to express a hatred of sin and its consequences in front of the prisoner but that it was better to do so in large groups rather than one-on-one; if expressed to an individual prisoner it would *feel* more judgmental. Showing concern for a prisoner’s feelings certainly gives that prisoner a sense of human individuality but it is also part of the larger plan to better them. If a prisoner felt judged, she would be less likely to listen intently and to consider what these women who visited her were discussing with her. This kind of treatment of women as individuals was something that, especially in England, was not extended to men.

Fry’s instruction manual is centered on the idea of helping women visitors learn how best to reform the prisoners based on her own experience. After pleading with women of her own social standing, or those even higher than her, to take on the vital task of volunteering in prisons, Fry wrote, “The great object which the visitors ought always to keep in view is the reformation of the prisoners.”¹⁰⁵ Accomplishing such reformation aided not only the prisoners but also the pious and benevolent women who visited the

¹⁰⁵ Skidmore, p. 150.

prisons. In the vein of Mary Wollstonecraft, Fry expresses yearning for a day when women would engage not in “trifling and unprofitable pursuits” but instead would engage in “works of usefulness and charity.”¹⁰⁶ From this chastisement, Fry proceeded to extol the virtues of women that made them so well suited for the kind of work she was calling them to do. Among the attributes that Fry gave to women were gentleness, an ability to sympathize with the afflicted, the ability to discern quickly, and openness to religious impressions. According to Fry, the chance to aid “the helpless, the ignorant, the afflicted or the depraved of their own sex” was what was best able to draw women into charity work.¹⁰⁷ A woman who volunteered to help would not only benefit from this work by avoiding wasting time on useless activities or by helping to send gentler women back into society, she would gain the knowledge that she had helped God. It was good for the woman to feel that she was helping “to seek and to save that which was *lost*.”¹⁰⁸

Fry’s faith is a theme that is ever present in her works. It informs her entire way of thinking about prisoners. Her belief that God would eventually work in the hearts of prisoners if she, along with others like her, would only patiently help imprisoned women to become familiar with the tenets of Christianity. Familiarity with those tenets was additionally important because British laws were based upon them. She refused to give up on even those were the most lost, in hopes that her efforts would pave the way for God to enter their hearts.¹⁰⁹ In order to reach the prisoner, Fry believed it was of vital importance that prisoner be taught about the Bible and the fundamentals of Christianity.

¹⁰⁶ Skidmore, p. 146.

¹⁰⁷ Skidmore, p. 147.

¹⁰⁸ Skidmore, p. 154. Emphasis in original.

¹⁰⁹ Such a belief helps explain why Fry adamantly opposed capital punishment. If a woman was killed before God had the chance to work through her, than that woman was lost to the lord for all eternity.

She expressed repeatedly an interest in making sure each prison had a chaplain who regularly visited with prisoners; it was not until the 1823 Gaols Act passed that jails were required to have a chaplain on staff, even though they had been permitted since 1773.¹¹⁰ Those women who volunteered in the prisons were to avoid subjects of a secular nature by drawing the attention of prisoners to “the essential and saving principles of our common Christianity.”¹¹¹ That common Christianity is what would save the prisoner and was also what made them deserving of her efforts and compassion. Christian instruction in prison must be powerful because upon release from prison, the newly freed woman would encounter all kinds of temptation. Fry recognized that some women would fall to temptation but she hoped that with strong enough instruction more women would find that their new found faith was “durable.”¹¹² The brief reference Fry made to the durability of the Christian teachings in prisons is among the only references she made to what women did once they left prison. For Fry the crux of their future success lay not in aiding their return to society after they had left the prison but in using their time in prison to provide prisoners with a new faith to help them fight temptation.¹¹³

Placing such emphasis on the redemption of the soul begs the question of how Fry’s approach to prison reform meshes with Foucault and Ignatieff’s assertions that it was the mind, not the body, being punished in the new prison system of the nineteenth century. When explaining how the new system shifted from punishing the body Foucault wrote,

¹¹⁰ Harding, Hines, Ireland, and Rawlings, p. 169. The 1773 Gaols Chaplain Act allowed Quarter Sessions to pay a chaplain for the jails. While some did have them, not all did. The 1823 Gaols Act would make it mandatory to have a chaplain on staff.

¹¹¹ Skidmore, p. 155.

¹¹² Skidmore, p. 154.

¹¹³ Fry was also concerned about the rampant illiteracy in the prison population. Her solution was to help women learn to read by using the Bible.

Generally speaking, punitive practices had become more reticent. One no longer touched the body, or at least as little as possible, and then only to reach something other than the body itself. The body now serves as an instrument or intermediary: if one intervenes upon it to imprison it, or to make it work, it is in order to deprive the individual of a liberty that is regarded both as a right and as property.¹¹⁴ John Howard back in the late eighteenth century had posited a link between the physical condition of the prison and the moral condition of the prisoner thus recognizing a connection, as Foucault did, between the body and “something other than the body.” For Howard the physical condition of the prison represented the condition of the prisoners’ body. The poor sanitary conditions negatively influenced the body of the prisoner and thus that prisoner’s moral state. In his 1819 *Notes on a Visit*, J.J. Gurney criticized Howard arguing that his emphasis on improving physical conditions was done at the expense of an emphasis on the moral reformation of prisoners.¹¹⁵ Gurney not only downplayed the link between the body and the soul but he calls into question the Foucauldian notion that the body was an intermediary. Gurney’s criticism of Howard implies that he believed the soul could be reached without much emphasis placed on the body thus the thing being acted upon was the “something other” and not the body. In the case of Fry, that “something other” that had to be reached would have been the soul. Like Howard before her Fry seemed to realize that there was some connection between the physical condition of the body and the state of the soul. Regardless she was more concerned with acting directly on the prisoner to secure her reformation than was Howard. Fry emphasized the need to reform the prisoners—not the prisons.

How effective Fry’s efforts were for individual women is all but impossible to know. The late nineteenth-century biography written by E.R. Pitman included two letters

¹¹⁴ Foucault, p. 11.

¹¹⁵ Gurney, *Notes on a Visit*, p. 98.

from women prisoners who had contact with Fry at Newgate (London). Pitman's reverence for Fry and the work she did is made evident when she discusses some of the women who behaved badly against Fry. Of these women she said, "To those who had sinned against, and had been forgiven by her, Mrs. Fry's memory was something almost too holy for earth. No orthodoxly canonized saint of the Catholic Church ever received truer reverence, or performed such miracles of moral healing."¹¹⁶ The letters Pitman chose to include reflect the reverence for Fry that she herself possessed.¹¹⁷ A group of prisoners at Newgate wrote a letter to Fry after she had missed one of her weekly visits to the prison. They expressed concern about whether they would see her again before they were transported (an event that was looming on the horizon). Her absence "...deprived [them] of the heartfelt joy which your presence always diffuses through the prison."¹¹⁸ Their greatest concern was for her health—poor health being the reason they assumed she had missed her visit—thus they issued a prayer for her; "...and may the prayers and applications of the unfortunate prisoners ascend to Heaven for the prolonging of that life which is so dear to the most wretched of the English nation."¹¹⁹

The second letter Pitman included was from a woman, identified at the end only as Harriet S., who had already been sent from Newgate to New South Wales. There she was a prisoner at Parramatta.¹²⁰ Harriet's letter not only thanked Fry (and her society) for her efforts to teach her at Newgate but it also reflected the complicated relationship

¹¹⁶ Pitman, p. 186.

¹¹⁷ Unfortunately Pitman does not elucidate where she found these letters, why she included the ones she did, or whether there were more letters from prisoners she opted not to include.

¹¹⁸ Pitman, p. 186.

¹¹⁹ Pitman, p. 187.

¹²⁰ The Female Factory at Parramatta was opened in 1796 and functioned as a workhouse for women convicts in New South Wales until 1847. It was the first of its kind in Australia.

between the punishment of the body and the soul. Harriet claimed to be grateful to have ended up in Newgate because that event was what brought light (code for God) into her life. Harriet continued by stating, “Believe me, my dear madam, although I am a poor captive in a distant land, I would not give up having communion with God one single day for my liberty; for what is the liberty of the body compared with the liberty of the soul?”¹²¹ Thus for Harriet being in prison may have meant physical restriction but that restriction led her to spiritual freedom.

The Reforms of the 1820s

In more tangible and practical terms, the passing of the 1823 Gaols Act is usually considered the height of Fry’s accomplishments.¹²² Fry’s success came after Robert Peel became Secretary of State. Pressure for reforms to local jails and for greater uniformity among them came also from the Society for the Improvement of Prison Discipline.¹²³ The success that Fry had in influencing the 1823 Gaols Act was largely dependent on the fact that her interests coincided with Peel’s agenda to reduce crime, which he attempted to do in part by reforming the system of punishment. Part of the Act was designed to increase uniformity amongst the jails to which it applied but the Act also sought to implement some of the newer penal thought that had been practiced mostly

¹²¹ Pitman, p. 187.

¹²² That is in terms of her work on prison reform. Despite the fact that prison reform was her main concern, Fry also campaigned on behalf of the homeless in London. She sought improvements in the way patients were treated in mental asylums. Along with prisons, Fry promoted the reform of workhouses and hospitals. She became interested, in particular, in improving the field of nursing. At Guy’s Hospital, in 1840, Fry started a program for training nurses. They had to wear uniforms and were expected to take care of their patients both physically and spiritually. Florence Nightingale, in a letter to Fry, admitted to being influenced by Fry’s views on nursing. When Nightingale went to the war in Crimea she took a group of so-called Fry nurses with her.

¹²³ Harding, Hines, Ireland, and Rawlings, p. 143.

at Millbank to this point.¹²⁴ Of greatest importance to Fry was the provision was requiring regular visits to prisons by prison chaplains and women warders officially being put in charge of women prisoners. Other elements of the Act, such as jailers receiving a regular salary and the prohibition of irons, were less important, but not entirely unimportant, to Fry. This Act, like other reforms that had come before, was largely ignored due to a lack of enforcement.

Irish prisons were more centrally controlled at this point than were English prisons. The process of creating this hierarchy began in 1821 when the position of Inspector-General was created for Ireland.¹²⁵ The Lord Lieutenant sat at the top, below him were the Inspectors-General, below them the county inspectors, and below them were the chaplains, surgeons, and physicians; each branch of the hierarchy being responsible for reporting to those just above him. As important as inspectors were, the Act of 1826 was even more important to the centralization of control over prisons. This Act for consolidating the law relating to Prisons in Ireland reaffirmed the regulations introduced in 1810 while taking into account the findings of the 1819 Commission.¹²⁶ The power of the central government over prisons was greatly extended by this act. The extension of centralized control over prisons came less from funding than from increased regulation and inspection despite a substantial program of building new prisons that was funded in large part by the government who would now also cover the cost of food, fuel,

¹²⁴ The Act applied to prisons in London, Westminster, 17 provincial towns, and 130 county jails but not to debtor's prisons or local jails.

¹²⁵ Ireland was divided into two and an inspector-general was appointed for each part. Inspectors were not introduced in England until the mid-1830s.

¹²⁶ Prisons (Ireland) Act. 7 Geo. IV, c. 74 (1826).

prison attire, beds and bedding.¹²⁷ Part of expanding the power of the central government over prisons was also expanding the powers of the Lord Lieutenant. For example, the Lord Lieutenant was given the power to order new prisons be built, old ones be closed, and any architectural plans were subject to his approval. In addition, the duties of the inspectors-general were expanded. They were now required to look specifically into discipline at the prisons they visited and make report of that to the Lord Lieutenant. The possible exception to the expansion of control by the central government was the creation of boards of superintendence.¹²⁸

Clarification of the duties of the Lord Lieutenant, the Inspectors-General, and the prison chaplain were vital elements of the 1826 act. Gender and religion became clear dividing lines via this act.¹²⁹ As regards gender, women were to take control of the day-to-day running of the women's side of prisons but the overall governance of prisons remained in the hands of men. The act stated that men and women had to be kept separate in all areas of the prison including the chapel, the infirmary, and the exercise yards; all other divisions, such as religion, existed then within both the male and female sections of the prison.¹³⁰ Segregating the sexes was the only particular mention John Howard made regarding women in prison thus the kind of separation encoded in the 1826

¹²⁷ This legislation also ended debtors' fees. Debtors' were now to receive 1/3 of what they earned while the rest went to their maintenance.

¹²⁸ Gaols were now to be overseen by a board that would be appointed and financed by grand juries. The board members would have the authority to visit prisons, to examine them and the conduct of the officers therein, and to make by-laws.

¹²⁹ The religious divide will be addressed in chapter two in a larger section dealing with a proselytizing scandal and the forced religious toleration that resulted from it.

¹³⁰ 1825 (104) (Ireland.) A bill for consolidating and amending the laws relating to prisons in Ireland. (p. 4) Besides gender the other divisions included in the 1826 law separated prisoners along the following lines: debtors and those in for contempt of court, felons, misdemeanants, those charged with a felony, and those charged with a misdemeanor.

law reflects an acceptance of his argument. Fry, on the other hand, preferred the creation of completely separate prisons for women. She would not have argued to keep the sexes together but this law did not go far enough to accomplish her vision. Gender also played a prominent role in shaping several of the twenty-four rules laid out in this act for the governance of prisons. The very first rule was that no women should be allowed to be keeper of a prison. Rule three mandated that any prison with female prisoners should have a matron, who would reside in the prison, for the purpose of superintending the female prisoners.¹³¹ Women's control over women prisoners was further extended by later rules that stated women prisoners should always be attended by women officers and that any male officer wanting access to the female side of the prison would be accompanied by the matron (or a female officer in the absence of the matron).

Elizabeth Fry visits Ireland

The end result of the 1826 legislation was that theoretically a system of imprisonment existed for Ireland. Yet local management was still the norm thus indicating that reality was lagging behind theory. Conditions continued to vary greatly between the various jails as can be seen by the report Elizabeth Fry and her brother, Joseph Gurney, published in 1827 on their visits to many of Ireland's prisons. When Fry and Gurney made their trip around Ireland, it was primarily to visit to the Society of Friends, but they ended up visiting around forty prisons, including some two-thirds of the

¹³¹ 1825 (104) (Ireland.) A bill for consolidating and amending the laws relating to prisons in Ireland. (p. 38) Many of the other rules that did not involve encoding a gendered hierarchy to prison life sought to impose a particular morality on the prisoners. Alcohol was now to be banned from prisons unless a doctor ordered alcohol for a specific prisoner. Another rule banned smoking, gambling, swearing, and indecent language or noises.

county jails.¹³² In a diary entry from December 1826, Fry wrote that she felt called to visit Ireland to meet with and encourage the fairly new Society of Friends there. Others among her congregation supported her decision to visit to Ireland and expressed a desire to encourage the “very babes in Christ.”¹³³ When they arrived they found a couple of organizations already in place that were aimed at improving prison conditions and discipline.¹³⁴ The Association for the Improvement of Prisons and Prison Discipline sought to improve the moral condition of prisoners and instill order in the chaotic and depraved lives of prisoners. In contrast to the emphasis placed on order by this first group, the Association for Bettering the Condition of Prisoners in Wicklow opted to make religious instruction the centerpiece of their attempts to help prisoners become subordinate, orderly, and industrious. The presence of a prison reformer of the renown of Elizabeth Fry only helped to spur the movement forward. Prior to her visit visiting societies existed for ladies at many of the prisons in Dublin as well as in Dundalk, Armagh, Carlow, Cork, Clonmel, Galway, and Sligo.¹³⁵ With the aid of the Inspectors-General, she helped to set up new associations in Trim, Belfast, Carrickfergus, Derry,

¹³² Their sister accompanied them on the trip. She is not, however, included among the authors of the report on prisons. Her place on the trip seems to have had more to do with visiting the Society of Friends in Ireland than with the visits to prisons. The number of institutions visited may well have been limited by the fact that Fry became quite ill while they were in Waterford. Other than a fever her diaries do not mention any specific symptoms so it is hard to ascertain what she might have had. Susanna Corder, *Life of Elizabeth Fry. Compiled from her journal, as edited by her daughters, and from various other sources*, (London: W. and F.G. Cash, 5 Bishopsgate Street without, 1853), p. 367. http://books.google.com/books?id=AdIAAAAYAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false (accessed 30 October 2013).

¹³³ As published in Corder, p. 363.

¹³⁴ Carroll-Burke, pp. 41-42.

¹³⁵ Elizabeth Fry and Joseph John Gurney, *Report addressed to the Marquess Wellesley, Lord Lieutenant of Ireland by Elizabeth Fry and Joseph John Gurney Respecting their Late Visit to that Country* (London: Charles Gilpin, 1847, Third Edition), p. 9.

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Omagh, Enniskillen, Roscommon, Maryborough, Limerick, Wexford, and Waterford.¹³⁶

The reach of Fry's influence can be seen just through the placement of those visiting societies all over Ireland. Perhaps most important of all, Fry helped to establish what she termed a "Central National Institute," which would have the Marchioness Wellesley, the wife of the Lord Lieutenant, as its patroness.

The purpose of the central institute in Dublin was to help expand the movement further but also to practice a form of regulation over the various visiting societies to make sure they were living up to the standards that Fry envisioned for them. Fry commented in her report to the Lord Lieutenant how much of a difference she had seen between the women in prisons where the prisoners had the "privilege" of visits from these ladies and where they did not. To explain the difference she saw in these women who had this privilege and those who did not she wrote, "The order, decency, and civilization, prevalent among the former class [those who had ladies visiting the prisons where they were kept], afford an ample evidence of the salutary influence it is in the power of well educated women to exercise over these degraded and unhappy females."¹³⁷

Beyond helping to establish more visiting societies, Fry's visit is important because of the report that she and her brother wrote to the Lord Lieutenant recording what they found in the various prisons they visited.¹³⁸ It was published under both Fry's and Gurney's names in 1827 and throughout the text they used the term "we" when talking about the writing of the report. In the summer after they returned home Fry and

¹³⁶ Fry and Gurney, *Report addressed to the Marquess Wellesley*, pp. 10-11.

¹³⁷ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 9.

¹³⁸ Their report also included their findings from other institutions, such as mental hospitals, they visited and their comments on the general condition of the people of Ireland.

Gurney sent the report to the Lord Lieutenant and some other unspecified members of the Irish government. The introduction claims that the Lord Lieutenant had issued a “polite request” for their insights as well as making sure that they had unfettered access to the prisons and other institutions while in Ireland.¹³⁹ Besides detailing their visits to prisons, the report also told of visits to other charitable institutions. It concluded with a rather patronizing but well-intentioned view “on the state of the people.”¹⁴⁰ By 1847, twenty years after its original publication, it was on a third edition so it may not have been a top-seller but some demand did exist for it. Other than the early reports of the inspectors-general, Fry and Gurney’s account of Irish prisons is the most comprehensive account of the state of Irish prisons in the 1820s. Perhaps their greatest praise for the Irish system was regarding the local inspectors and the Inspectors General. They referred to the system of superintendence and inspection, with particular attention to the inspectors, as “excellent.”¹⁴¹ The local inspectors visited the prisons “almost daily” and were allowed access not only to all parts of the prisons but also to the prisoners. Fry and Gurney stressed the importance of having someone bear the responsibility of inspecting the prisons that was independent of the Governor and the prisons’ officers. Their presence was vital to promoting the well-being of the prisoners. The influence of the inspectors must have been working because they did find some real improvements from earlier reports of Irish prisons. In general they noted the prisons were clean, provided the prisoners with sufficient food, helped to maintain the health of the prisoners, and that fetters (chains or bonds that fastened around the ankle) were used less than they had been.

¹³⁹ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 5.

¹⁴⁰ Fry and Gurney, *Report addressed to the Marquess Wellesley*, pp. 58-95.

¹⁴¹ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 7.

At the time of their visit to Richmond, there were six women under punishment in solitary confinement. They were handcuffed, which both found regrettable, but Fry and Gurney claimed that all the women admitted to being treated humanely by the governor; although they only admitted that when the Governor was not present.

Despite the established hierarchy and the presence of the inspectors, Fry and Gurney found a good bit of variation between the prisons. They were pleased to see the building of new jails in Meath, Antrim, Armagh, The Queen's County, and Kildare. Certain jails, like those at Carrickfergus, Naas, and Maryborough, were so defective they needed to be torn down. They emphasized the need to have prisoners be able to sleep alone at night. She did not demand solitary confinement twenty-four hours a day but did praise the effect that having solitude at night could have on a prisoner. Being alone at night provided the prisoner with time for "sober, and often painful, reflection on the misery produced by their crimes."¹⁴² Seeing that some prisoners had to share a bed with as many as three other people, she suggested the use of hammocks in order to provide prisoners with some solitude at night without having to incur the cost of rebuilding prisons with individual cells.¹⁴³ In terms of punishments, Fry and Gurney were quick to praise the lack of whipping for in their estimation such punishment served only to harden the prisoner.¹⁴⁴ In earlier writings Fry argued that solitary confinement should only be used in extreme circumstances when it was useful but cautioned that it was "too severe"

¹⁴² Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 13.

¹⁴³ Fry and Gurney, *Report addressed to the Marquess Wellesley*, pp. 12-13.

¹⁴⁴ Fry was critical of corporal punishment and of the death penalty as well. She claimed that both had proven ineffective in instilling the fear of God into prisoners. Witnessing torture and execution, she claimed had the effect of making life seem less valuable to those who witnessed such acts. *Ibid.*, p. 34.

to be used lightly.¹⁴⁵ While Fry would seem to contradict herself here, she is referencing a different kind of solitary confinement in this latter instance; she was referring to using solitary confinement as a punishment, which was most often done through use of the so-called dark cells. It was one thing for a woman to sleep alone in her cell at night but quite another for her to be shut in small, dark space without any contact for days or even weeks. The former allowed the woman some time for reflection on her actions but the latter provided for too much solitude—too much time alone to think and to dwell.

The two prisons of which Fry and Gurney were most critical were the Four Courts Marshalsea and Newgate (Dublin). Howard had visited the Four Courts Marshalsea in 1783.¹⁴⁶ Howard described scenes quite similar to what he had found in England. Nights in prison were characterized by fighting, drinking, gambling, and illicit sex. Wives and “reputed wives” along with children, dogs, and other animals were in the prison, which at the time was entirely self-regulated and financed. Prisoners had to rent their rooms, of which there were different price categories, along with numerous other items. Extortion by the jailers was not uncommon. Some legislation was passed in the 1760s that called for prison to be better regulated and that sought to protect prisoners from extortion. Howard approved of such laws but noted that they had not actually been carried out. What Fry and Gurney found at Four Courts Marshalsea was certainly an improvement over what Howard had found but they believed it had a long way to go yet. The inmates still had to pay for their own food so poor prisoners or those who lacked outside support were often very hungry. Some minor attempt to separate the sexes had

¹⁴⁵ Fry, *Observations*, pg. 152.

¹⁴⁶ Howard, pp. 155-56.

been made but she noted that this attempt had fallen far short of the mark. Even in some of the new jails, they noted that efforts to separate the sexes fell short, especially in the chapels.¹⁴⁷ Newgate (Dublin) now kept men and women in separate wards or cells but according to Fry they were still able to communicate with each other while in them. They said relatively little on Newgate (Dublin), claiming that the Lord Lieutenant had already been made aware of its shortcomings, but she did characterize the prison as “disgraceful and injurious.”¹⁴⁸ At times Fry and Gurney were frustratingly vague in their critiques of Irish prisons such as in their comments about Newgate but also in their comments on the Cork Female Depot. As regards the latter, they noted it was clean, comfortable, and well superintended but nonetheless claimed it did not “conform well.”¹⁴⁹ To what exactly it was failing to conform, Fry and Gurney did not choose to explain.

Besides these individual prisons and the overcrowding in them, Fry and Gurney were most critical of the use of labor in prisons. “Constant employment” was one of four main elements they deemed necessary for the efficacious reformation of prisoners.¹⁵⁰ The others were constant and vigilant inspection, occasional solitude, and religious instruction. Prison labor did not need to produce anything. Instead it should be used as a tool to help prevent prisoners from having too much idle time that they spent in association with each other. In addition, labor could also serve as a deterrent. Prison may have appealed to lazy people who thought they could go in and not have to work. If

¹⁴⁷ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 14.

¹⁴⁸ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 32.

¹⁴⁹ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 25.

¹⁵⁰ Fry and Gurney, *Report addressed to the Marquess Wellesley*, pp. 17-23.

a system of work was implemented in the prisons, then this imagined advantage to being on the inside would vanish. Women were by no means exempt for this labor-driven agenda. They would not be subjected to the same kind of hard labor as men were but they would work. Fry and Gurney claimed, "It is much better that female prisoners should be occupied, under the care of ladies who visit them, with employments of a feminine and domestic nature."¹⁵¹ From the earliest visits Fry made at Newgate (London) and the earliest visiting societies that formed, the ladies brought work, often sewing or needlework, to the women in the prison.

Fry's Vision Realized

After her success with the 1823 Gaols Act Fry remained an important part of the debates about prisons but she did not see any particularly great success as a result of her continued efforts in England. She seemed to be increasingly dissatisfied with the change, or rather the lack thereof that she saw in prisons. Such frustration is displayed in her 1835 testimony to the House of Lords Select Committee in which she very strongly expressed her concerns over the state of prisoners in English local prisons by claiming that they "have no Instruction, no Employment, no Inspection, no Classification, and that they get into a most low and deplorable State of morals, and they may be truly called Schools for Crime."¹⁵² Part of Fry's frustration was surely that change was slow in coming both in terms of legislation and enforcement. A brief examination of Newgate Prison (London) in the 1830s illustrates that while changes had been made there was still

¹⁵¹ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 18.

¹⁵² As quoted in Harding, Hines, Ireland, and Rawlings, pp. 166-167.

a good deal to support Fry's claims that prisons were in a state that only corrupted criminals even more than they already had been corrupted.

Echoing some of Fry's concerns, the prisons inspectors had condemned the management of Newgate prison thus in 1836 a Committee of the London Aldermen investigated the prison. As a general rule Newgate was not violating the law with their management of the prison but they were found to be behind the times. For example, Newgate was still using other prisoners to help guard their fellow inmates. The use of wardsmen (and wardswomen) was not yet illegal but it was looked down upon. The inspectors had been particularly critical of how they were classifying prisoners, especially on the men's side of the prison.¹⁵³ Concern was expressed yet again about the need to limit communication between men and women in the prison, thus implying that they were still not kept entirely separate at all times.¹⁵⁴ The Aldermen were concerned by the difficulty in controlling alcohol consumption among prisoners. One wardswoman, it was noted by the inspectors, did display drunken behavior. According to the aldermen she was reported, subsequently lost her position as a wardswoman, and was then awaiting her sentence of transportation.¹⁵⁵

The separation of the sexes remained the biggest issue regarding the keeping of women in Newgate. For female prisoners one aspect that received particular attention was the reception area where women went to await a visit with the surgeon. Women who

¹⁵³ PP, XLII. Newgate Gaol. Copy of a Report Made on 2 July 1836, by a Committee of the Court of Aldermen to that court, upon on the report of the Inspectors of Prisons in relation to the gaol of Newgate; with the minutes of evidence, & c., (p. 2-3).

http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1836-016489 (accessed 9/26/2013).

¹⁵⁴ 1836 Report of the Court of Aldermen, Newgate Gaol, p. 5.

¹⁵⁵ 1836 Report of the Court of Aldermen, Newgate Gaol, p. 5.

were yet untried as well as those who were convicted were kept separate from men in this area; however, there was a window between the male and female areas through which they could communicate.¹⁵⁶ In fact, the area that women had for washing up was near the window thus they could be watched while they did so. The aldermen quite fervently asserted that should women continue to be received at Newgate; a question they had not previously mentioned was up for debate, the receiving wards would need to be restructured. When women were moved about the prison, at any stage, they were now to be kept separate from men and be guarded by a matron or sub-matron. From their questioning of the keeper of the prison, there was some concern that prisoners were being allowed to move about the prison unguarded or even to have unguarded visits.¹⁵⁷ The Keeper denied it, of course, but regardless the need for greater control by the staff of the prison was made clear in the report. Ultimately the aldermen desired a situation in which men and women were kept entirely separate from each other at all times so that they might not even know the other sex of prisoner was kept at Newgate.

Even within each sex concerned remained about the way in prisoners were segregated. Elizabeth Fry gave testimony to the inspectors in 1836 that indicated she was still unsatisfied by the separation of prisoners at Newgate. She reported that while some improvements certainly had been made since her first visits to the prison, she still saw instances of 20-30 women “for every description of crime” being locked up together in one room.¹⁵⁸ When asked directly if she believed that the present system at Newgate

¹⁵⁶ 1836 Report of the Court of Aldermen, Newgate Gaol, p. 6.

¹⁵⁷ 1836 Report of the Court of Aldermen, Newgate Gaol, p. 13.

¹⁵⁸ PP, XXXV. 1836 (117-I) **Reports of the inspectors appointed under the provisions of the act 5 & 6 Will. IV. c. 38, to visit the different prisons of Great Britain**, p. 152.

allowed for the moral contamination of the women within it, Fry said yes. Still championing the efforts of the lady visitors, Fry claimed they were doing the best that they could in light of the “very bad” system within which they had to work. One specific problem that Fry mentioned in this context was that too many visitors, presumably not of the charitable lady variety, were allowed into the prison. Fry did acknowledge that changes were beginning to be made to the visitation policies so again change was coming it was just coming slowly.

Visiting policies, not just for the lady visitors, were a major issue discussed during the investigation into Newgate with the matron and sub-matron, Grace Kay and Elizabeth Brown respectively. The testimony of the matron, Grace Kay, to the aldermen reveals that the ineffectiveness of the early inspectors, at least as regards female prisoners. She claimed that when they visited they only asked her two or three questions.¹⁵⁹ Certainly any inspector truly interested in the treatment of women prisoners would have had more questions than that. The aldermen asked her several questions geared towards finding out just who was allowed to visit the women in prison. Concern about prisoners’ access to visitors and thus to the outside world grew as the separate system became increasingly popular. Cutting prisoners off from society, from their families and friends, and even from each other was fundamental to the efficacy of the separate system. Women were much freer to visit prisoners but the only men allowed to visit a woman prisoner were her husband, brother, or father; although it was

http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1836-016328 (accessed 9/26/2013). Heretofore referred to as *Report of the Inspectors, Great Britain, 1836*

¹⁵⁹ For the convicted side of the women’s prison at Newgate. There was a separate matron in charge of the untried prisoners named Mrs. Sarah Ruthven.

acknowledged that men faking one of these relationships might gain access to the prisoner. The aldermen even asked the matron about whether she was present when the male chaplains visited the women in prison thus implying that women prisoners should have no visit from any man without some measure of supervision. After a rule change in 1834, rules about visits became much tougher. For example, women were only allowed visitors on Tuesdays and then only one at a time.¹⁶⁰

How women felt about these changes is virtually impossible to know. In the Inspector's Report from 1836, there were reports from their interviews with some prisoners, including a few women.¹⁶¹ Reading the evidence provided to the Inspectors by these women makes one thing very clear. This chance to provide testimony was not a chance for women to discuss openly their impressions or feelings about their time in Newgate. Instead they were asked highly specific questions about their experience at Newgate and were expected to answer those questions as clearly as they could. It does not appear that whoever recorded their testimony took it down verbatim as there are relatively few of the grammatical errors that one would expect from poorly educated, often illiterate women; what is included seems essentially to be a summary of the prisoners' responses. The concerns of earlier prison legislation and earlier reformers are clearly reflected in the questions posed to the prisoner. They were asked similar questions to what the prison staff was asked, although the issue of visitation did not arise

¹⁶⁰ *Report of the Inspectors, Great Britain, 1836*, p. 40. In addition, visitors were now only allowed to bring tea and sugar to the women they visited. Other food items were prohibited, which left some of the poorer women very hungry. Soap had also been brought to some of the women before since the prisoners were given just two ounces of soap. According to the matron that was enough to wash their bodies but not enough to also wash their clothes.

¹⁶¹ Only their initials identified the prisoners but section headers in the margins indicated that the evidence in question was from a female prisoner.

in their interviews. All the female prisoners were asked about how freely they were able to mingle with prisoners of other classes, how often they had contact with male prisoners, what the physical conditions of the prison were like, what kind of availability of alcohol there was, and about their impressions regarding the lady visitors.¹⁶²

In this report there were four women prisoners questioned. The only identifying information given was their initials and age. N.O. was seventeen years old, P.X. was twenty-eight years old, R.S. was forty-one years old, and X.Y. who was under sentence of transportation life had been convicted at the age of twenty-one. With the exception of X.Y. who had spent time working as a servant in the Governor's house, there was relatively little variation in the answers they provided the inspectors. None of them mentioned being kept in an individual cell thus confirming that the separate system was not in effect at Newgate. Some forms of separation desired by the earliest reforms were being practiced. Most of the women mentioned initially entering the prison on the untried side and only being moved over to the tried side once they had been convicted but as N.O. pointed out they could still mingle freely in the exercise yard. One separation that appears to have been more completely in place by this time was the separation of men and women. The only male prisoner any of the women mentioned seeing was the one who came into the women's side once a week to deliver coal. Men and women were in the chapel at the same time but there was a screen that separated them. None of them admitted to witnessing any fights between women prisoners, although N.O. had seen prisoners quarrelling; nor had they seen any prisoner drunk despite some prisoners finding ways to circumvent the rule limiting prisoners to one pint per day. All of the

¹⁶² *Report of the Inspectors, Great Britain, 1836*, pp. 65-68.

women mentioned having to purchase various items from either the wards woman or from the prison store. N.O. for example bought “tea-things” from the wards woman on her entry; she had brought tea, sugar, and butter with her into Newgate.¹⁶³

Regarding the lady visitors, the testimony of these women both supports the fears that critics of their presence had and reinforces that they did do the women some good. On the latter count, P.Q. testified as to how the ladies would bring work in for some of the prisoners, especially those that they knew needed a way to earn money to buy what they needed from the prison store.¹⁶⁴ Most of the women said that while the lady visitors were present the women would do as they asked but once the ladies left they went back to doing what they always had. Governor Nihil of Millbank, who was a Chaplain-Governor from 1837, argued that the Ladies Associations “tended to produce hypocrisy, instead of real repentance.”¹⁶⁵ Griffiths’ work shows another reason why the influence of the lady visitors was viewed with less favor at Millbank. He gave them credit for the work they did at Newgate but notes that the same kind of work was not needed at Millbank; probably because of the work they had already done at Newgate.¹⁶⁶ After all at Millbank the women had decent food, clean cells, and comfortable beds. They were able to bathe regularly, were given employment as well as access to books, and had a zealous chaplain. Making those changes was certainly important, and Fry does bear some of the

¹⁶³ *Report of the Inspectors, Great Britain, 1836*, p. 65. The wards woman was a prisoner, usually one under a sentence of 7 years transportation, who helped run a ward. She was not locked up so that if she needed to get the matron because of any disturbances or medical emergencies, she could. There was also a “gate-woman” who locked and unlocked the gate. She was usually a prisoner under a sentence of 14 years transportation.

¹⁶⁴ *Report of the Inspectors, Great Britain, 1836*, p. 67.

¹⁶⁵ As quoted in Griffiths, p. 259.

¹⁶⁶ Griffiths, pp. 261-262.

responsibility for such changes being made, but once that initial flurry of reform was over it became much harder to continue to improve the prisons. The stark contrast he noted between the conditions of the women's prison at Newgate before and after Fry, that is included here at the start of chapter one, indicates just how bad the prisons were before Fry began her work. While Fry may have been feeling frustrated by the slow pace of change to come to the English prison system (and to the moral well-being of prisoners therein), she was on the verge of seeing her vision for female imprisonment realized in Ireland.

Fry had support in England for her plans but she could never, and did never, fully achieve them there; it would take going to Ireland for her to accomplish "her favorite scheme."¹⁶⁷ In those plans, she imagined a prison created for women, holding only women, and supervised by women that sought the moral reformation of the prisoner through supervision, labor, and religious instruction. This "experiment" of Fry's was supported by the Lord Lieutenant and by the Inspectors-General.¹⁶⁸ Consequently Grangegorman Female Penitentiary, the first prison ever created exclusively for women in the British Isles, opened its doors in 1836. The existence of this prison, its matron, and its system of prison discipline were all largely due to the efforts of Elizabeth Fry. In their first report on Grangegorman Female Penitentiary, the Inspectors-General of Ireland claimed, "Though the experiment of an exclusive Female Penitentiary has been a new one, it has not been adopted without much Consideration; it has been a favourite object with Mrs. Fry; and our Opinion has been long decided as to the Importance of such a

¹⁶⁷ Jellicoe, "A Visit to the Female Convict Prison," p. 437.

¹⁶⁸ Jellicoe, "A Visit to the Female Convict Prison," p. 437.

measure.”¹⁶⁹ Such a statement illustrates that the idea came to the Inspectors because of or at least in large part because of Elizabeth Fry. In their discussion of the Grangegorman, the Inspectors noted the work of the Ladies Committee, likely referring to the Ladies Visiting Society formed in Dublin on the model of Fry’s original committee, in promoting the penitentiary. The Ladies Committee, the Sisters of Charity, the matron, and the officers receive praise for their attempts to “improve” the prisoners.¹⁷⁰ Despite their willingness to credit Fry and others, it is unquestionable that the opening of a women’s prison could have not have happened without the support of the male power apparatus. That support which had convinced them of the importance of opening this prison is never fully explained but their report emphasizes their hopes that Grangegorman will have a “moral effect” on the women imprisoned there.¹⁷¹

Grangegorman Female Prison housed women sentenced to imprisonment within the city of Dublin as well as female convicts waiting to be transported; the latter of which included women from all the counties of Ireland.¹⁷² These two groups of prisoners, or classes as deemed by the Inspectors-General, were to be kept completely separate; both physically and in the books as the central government was only paying for the maintenance of the female convicts.¹⁷³ At the time the Inspectors visited in 1839, there were fifty-six convict women, being held apart from the other women in a part of the

¹⁶⁹ *Sixteenth Report of the Inspectors General*, p. 20.

¹⁷⁰ *Sixteenth Report of the Inspectors General*, p. 20.

¹⁷¹ *Sixteenth Report of the Inspectors General*, p. 20.

¹⁷² The name of this prison is at times a little confusing. Various authors refer to Grangegorman with the title of prison and of penitentiary. In addition, there are two common spellings of the name; either “Grangegorman” or “Grange Gorman.” When quoting I will use whatever the person writing used, otherwise I will use what seems to be the most common spelling (i.e. Grangegorman).

¹⁷³ *Sixteenth Report of the Inspectors General*, p. 19. The government in this case refers to the central government for all of Ireland. The costs of the other prisoners were paid for by the city of Dublin.

prison that would later make up part of the hospital.¹⁷⁴ Further separation of the city prisoners came in the formation of eighteen classes amongst them who each had their own yard and work room. Each class also had their own matron, or class matron, who was in charge of her class' instruction, work, discipline, and cleanliness (both in workrooms and cells). Within just a couple years of opening its doors, it was planned that there would be accommodation for 300 prisoners at Grangegorman. The rear building held 104 single cells, 4 treble cells, and twenty-two dark cells; the latter of which were used to punish prisoners. These cells held twelve of the eighteen classes of city prisoners. The remaining six classes were housed in twenty-four dormitories that held ninety-six beds. Another ninety-four single cells were to come from converting the workrooms in the center building.

Partly due to her own humility, Fry was not one to provide an assessment of the impact of her work. Regardless her diaries do indicate that she grasped how much more she had accomplished for women prisoners in Ireland than in England. Fry, in her diaries from August of 1837, expressed that she was “much occupied about the great female prison in Ireland.”¹⁷⁵ Her concern also extended to the female prison at Parramatta in New South Wales. Of these prisons she said, “Government is wonderfully kind, and I believe much good is likely to be done by steps now being taken.”¹⁷⁶ In a diary entry from January of 1842, she mentioned having the chance to speak with Sir James Graham

¹⁷⁴ PP, XXVI. Prisons of Ireland, Eighteenth Report of the Inspectors General on the General State of the Prisons of Ireland, 1839; with appendixes. 1840 (240) p. 21. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1840-018987 (accessed August 8, 2013). Heretofore referred to as *Eighteenth Report of the Inspectors General*.

¹⁷⁵ As quoted in Corder, p. 468.

¹⁷⁶ As quoted in Corder, p. 469.

who was then the Secretary of State regarding the building of a female prison in England. She also discussed the patronage society; presumably here she means the French one, with Graham.¹⁷⁷ Her comment on this meeting is positive but nonetheless indicates that in terms of England she was still fighting to win approval for an all women's prison, while one had been functioning in Ireland for six years at that point. On her meeting with the Secretary of State Fry commented, "I think it was a very important beginning with him for our British society."¹⁷⁸ To be speaking of a beginning when in Ireland it was already a reality shows just how much more she had been allowed to accomplish in Ireland.

Fry's impact on the structure of Grangegorman can be seen in numerous ways. For example, as one would fully expect from a prison influenced by Fry, there was a Ladies Committee that both helped to form the prison but who also provided "their continued attention to the Improvement of the inmates." The Inspectors also briefly mentioned the presence of the Sisters of Charity who had "afforded their constant and zealous attendance."¹⁷⁹ Together with the influence of the matron and her officers, it was believed that these women could produce a positive moral impact on the imprisoned women. Indeed one of the most important reasons the Inspectors gave for supporting the

¹⁷⁷ Fry went to France in 1838 where she not only visited the prison at St. Lazare in Paris but also the female prison at Montpellier. As an indication of the importance of Fry, on this trip she also met with the King and Queen of France (and the Duchess of Orleans). (Corder, pp. 479, 505).

¹⁷⁸ As quoted in Corder, p. 571.

¹⁷⁹ *Sixteenth Report of the Inspectors General*, p. 20. The work done by the Sisters of Charity was also mentioned in a sermon by Rev. Charles Bardin in which he was pleading with his congregation to donate to the Shelter for Discharged Prisoners. He spoke about going with the sisters to an unnamed prison to act as protection but noting they did not want protection since they trusted in the lord. Reverend Charles Bardin, "A Sermon Preached in St. Peter's Church, Dublin, on Sunday, January 4th, 1824, by The Reverend Charles Bardin, Curate of St. Mary's Parish in Aid of the Shelter for Females Discharged from Prisons," (Dublin: Bentham and Gardiner, No. 40 Westmoreland St, 1824).

whole idea of a female prison in the first place was the way in which women were more susceptible to outside influence, both good and bad, than were men.¹⁸⁰ They argued that “No class of criminals are so easily corrupted and further demoralized by ill-regulated intercourse; nor is there, on the other hand, any class on whom moral government and instruction produce so rapid or so favourable a change.”¹⁸¹ Elizabeth Fry agreed with that basic sentiment, as chauvinistic as it might now seem, as can be evidenced by her own support for the presence of lady visitors anywhere that women were being held prisoner. Given her expressed admiration for the work that nuns did in charitable institutions, Fry would most likely have welcomed the presence of sisters in the prisons so long as they worked with Catholic prisoners thus allowing the lady visitors to work with the Protestant prisoners.

Fry’s influence would long be felt at Grangegorman through the presence of Mrs. Marian Rawlins, the matron. According to the Inspectors-General, Fry was asked by the government to select the first matron for Grangegorman.¹⁸² Choosing a matron was difficult, in part, because the position demanded much from the woman who held it. She would essentially be the governess of the prison while also having responsibilities to oversee the instruction of the women in both their work and their schooling.¹⁸³ Fry selected Rawlins for the position, provided her with instructions and moral support, and then sent her to Ireland to serve as head matron. At the time of her selection, Mrs.

¹⁸⁰ *Sixteenth Report of the Inspectors General*, p. 8.

¹⁸¹ *Sixteenth Report of the Inspectors General*, p. 8.

¹⁸² *Sixteenth Report of the Inspectors General*, pp. 8 and 20.

¹⁸³ The position was, in the mind of the Inspectors-General, to be a rather decently paid position for women. They estimated that the lowest that could be paid for a competent matron would be a salary of £30 plus apartments and a female assistant. *Sixteenth Report of the Inspectors General*, p. 9.

Rawlins was the matron at Coldbath Fields Prison in London. Anne Jellicoe noted that Rawlins was still serving as matron of Grangegorman in 1862, at which point would have meant she had been its matron for 25 years. In their eighteenth report the Inspectors-General recognized all that Rawlins had accomplished; claiming that their only fear for the future success of the institution was regarding whether they would be able to find a successor of her quality to replace her when the time finally came to do so.¹⁸⁴ They note that her feat is particularly impressive given that she had “no precedent in this country or elsewhere to guide her.”¹⁸⁵ Overall they were pleased with Grangegorman whose rules and regulations were somewhat altered to deal with women as best as possible. Unfortunately there was no explanation of what said alterations were. They did, however, posit that these changes to the regulations were able to be carried out more efficiently when women were concentrated in one prison than when they were spread out over women’s wards in a variety of prisons.

Due undoubtedly in large part to the influence of Fry, Rawlins implemented the separate system as much as she possibly could be given the layout of the prison. On the day the inspectors visited in 1837, they found 94 women in separate cells.¹⁸⁶ Three types of women tended to be in those cells: young offenders, first-time offenders, and repeat offenders. Young offenders and first-time offenders could ideally be prevented from any further degradation by being kept separate. It was hoped that for repeat offenders, the loss of the ability to associate freely with other prisoners would discourage them from wanting to return to prison in the future. Prisoners worked in their cells. Unlike other

¹⁸⁴ *Eighteenth Report of the Inspectors General*, p. 20.

¹⁸⁵ *Eighteenth Report of the Inspectors General*, p. 20.

¹⁸⁶ *Eighteenth Report of the Inspectors General*, p. 20.

prisons before and after, women were actually alone in the exercise yards as well.¹⁸⁷ The only respite they appear to have received from their solitude came from the so-called class matron who was constantly moving from cell to cell. Between her visits and the visits of higher officials, the woman prisoner rarely went more than a half-hour without a visit from someone breaking up the monotony of her solitude. These visits were intended to stave off any possible gloom that could set in from having too much time alone for fear that such gloom would negatively impact prison disciplines.

Separation was not possible for all women at Grangegorman. According to the inspectors report in 1839, 260 women were not kept in separate cells and thus were allowed to associate with other prisoners during the entirety of their sentence. Despite the large numbers of prisoners allowed to interact with each other, the inspectors were satisfied that they were classed appropriately. These women were constantly supervised and a rule of silence was imposed in the work-rooms and during meal-times.¹⁸⁸ Silence could not be enforced at night among prisoners who did not have their own cell but regardless the inspectors believed that the behavior of the inmates was improving. They were learning proper rules of behavior, becoming more industriousness, and acquiring necessary skills for industry. The largest source of employment for women at Grangegorman was needlework, which, according to the Inspectors-General, came to the prison in large part from Army contracts.¹⁸⁹ Women also did laundry work and it was hoped that those facilities could be expanded to allow even more work to be done. Some of the women also worked as cooks in the prison, others in the nursery, and some as

¹⁸⁷ *Eighteenth Report of the Inspectors General*, p. 20.

¹⁸⁸ *Eighteenth Report of the Inspectors General*, p. 21.

¹⁸⁹ *Sixteenth Report of the Inspectors General*, p. 21.

wardswomen who helped the matrons to maintain discipline.¹⁹⁰ In discussing these various duties, the Inspectors mentioned only the city prisoners implying that the convicts did not, in fact, contribute to the work of the prison in their time there. Literacy was another product of the prison. Within the first year, the Inspectors noted that forty women, who had come into Grangegorman not even knowing the alphabet, left the prison having learned to read. If one included women who came into prison knowing the alphabet but not how to spell, another sixty women became literate at the prison.¹⁹¹

Elizabeth Fry's vision for female imprisonment came closest to being carried out in Grangegorman but there existed one restriction on that vision: Mrs. Rawlins did not have sole control over the prison. Given the 1826 legislation no woman could be keeper of a prison so a man, Mr. Marques, was appointed as Governor. According to the Inspectors-General, the Governor was responsible for the safe custody of the prisoners and was responsible for managing the stores and the expenditures of Grangegorman Prison.¹⁹² In addition some male guards did work at the prison with the specific duty to keep watch of the prison at night; although some were employed during the day as well. In addition, there was also a board of superintendence that had to approve the regulations that Rawlins set in place for Grangegorman Female Prison. Given Fry's comments about superintendence in relation to the religious scandal at Richmond General Penitentiary, it is unlikely that she would have objected to supervision by a board.

Indeed Fry's objections to the male influence at Grangegorman appear to have been restricted to the position of the Governor. A much later inspector's report included

¹⁹⁰ *Eighteenth Report of the Inspectors General*, p. 21.

¹⁹¹ *Eighteenth Report of the Inspectors General*, p. 21.

¹⁹² *Eighteenth Report of the Inspectors General*, p. 8.

copies of letters written by Fry to Rawlins about this particular issue. In one letter Fry acknowledged that having a male Governor was not something that could be avoided but if his role was limited then they could still achieve their vision. That vision as laid out in the letter is for a “perfect female prison, governed by female officers.”¹⁹³ For that to hold, the governor could not have any interaction with the women under punishment or any control over the female officers. John Lentaigne, Inspector-General in 1871, claims that this “defect in the law” made it impossible to carry out Fry’s vision completely but that her views were later implemented fully in Mountjoy Female Prison, the English Government Female Prisons, and in prisons on the continent.¹⁹⁴ Despite this limitation on Fry’s vision, the role of the Governor at Grangegorman was more restricted than in other prisons. For example, he had no control over the disciplining of prisoners as that task was entirely in the hands of the matron.¹⁹⁵ Mrs. Rawlins had more control than any matron had ever had before her. She not only oversaw a deputy matron and twenty-three class matrons, but she was “made wholly responsible for the internal government of the prison.”¹⁹⁶ Indeed the Inspectors-General hoped that Grangegorman could be used as a training ground for female officers before they went out to work in the county gaols. Consequently, one can still argue that the closest any prison ever came to carrying out Fry’s vision, at least in her lifetime, was at Grangegorman Female Prison in Dublin.

¹⁹³ PP, XXX.1. Prisons of Ireland, Forty-Ninth Report of the Inspectors General on the General State of the Prisons of Ireland, 1870; with appendixes. 1871 (359) p. 582
http://gateway.proquest.com.ezp3.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1871-047154 (accessed August 8, 2013).

¹⁹⁴ *Forty-Ninth Report of the Inspectors General*, p. 583.

¹⁹⁵ *Sixteenth Report of the Inspectors General*, p. 20.

¹⁹⁶ *Sixteenth Report of the Inspectors General*, p. 8.

Conclusion

Prior to the work of Elizabeth Fry in the 1810s, women prisoners were almost entirely ignored in the process of prison reform unless someone was advocating for the segregation of the sexes within prison. While Fry also supported keeping men and women separate, she greatly expanded the discourse on women's imprisonment and drew in many prominent individuals to the prison reform movement. Her work as the so-called Angel of Newgate is absolutely critical to her legacy and to the success she had outside of England. Yet it was not in England but in Ireland that Fry would live to see her greatest success story. The opening of the all women's prison, Grangegorman Female Penitentiary, in 1836 would almost certainly not have happened when it did without her influence. Despite the Inspectors-General of Ireland claiming that they had long supported such an idea, they also indicate that it was Fry's advocating for an all-women's prison that brought the idea to their attention.

Later in her career Fry expressed some frustration over to trying to establish a more reformatory or correctional prison rather than a more punitive one. Fry was less concerned with making people terrified to go to prison than she was with ensuring prisoners that prisoners did not leave prison in a worse state than they entered it. In addition, she found that she could not garner sufficient support for her plan to open an all-women's prison. A mere nine years before Fry's death in 1845 the first all-women's prison in the British Isles opened just outside of Dublin. Fry's efforts were vital to that reality and her influence would continue to be felt into the 1860s through the long career of the matron, Mrs. Rawlins, who she appointed to run Grangegorman. The legacy of

Fry's success in Ireland is also bound up in the history of the relationship between England and Ireland. If the English government in Ireland had not been so concerned with establishing order, part of which entailed decreasing crime, there might not have been anyone in Dublin interested in her idea of an all-women's prison aimed at the reformation of the woman prisoner. The desire of English government officials in Ireland to bring Ireland under control necessitated a belief that doing so was possible, which in turn meant the recalcitrant Irish character was able to be reformed. Fry's insistence that the nature of criminals could be reformed likely made her thoughts about the work of the prison more appealing to English officials in Ireland. In any event it was better to try her new ideas out on Irish women, than it was to test them on English women.

Chapter 2: Creating Difference: the Making of the Irish and English Convict

Systems from the 1830s to the 1860s

Perhaps one reason why scholars have not been overly interested in a study comparing the Irish convict system and the English convict system is because of perceptions that they were not all that distinct. The two systems were strongly linked and bore great similarities. For example, when Pentonville Prison opened in 1842 it became the model prison for the whole of the British Isles and was the prison upon which Mountjoy Prison would be structured. This kind of give and take between what happened in England and what happened in Ireland illustrates how much the two systems depended on each other. Yet there were some practical differences in building a new prison system that related to local circumstances. For example, in Ireland the power structure was more hierarchical and more clearly delineated than it was in England. The ability of the English government in Ireland to restrict the power of local government was stronger than it was at home. By the 1850s and 1860s, the vast majority of people working within the prison system along with prison reformers imagined them to be in opposition to each other. This chapter will consider the question both of how they were different but also how and why they were perceived to be so in the middle of the nineteenth century. The question of where women fit into that debate will be touched on in this chapter but will be addressed more fully in the next two chapters.

The fundamental difference between the Convict System in England and in Ireland, as the debates will show, was the perception about precisely what the objective of prisons was to be. Jebb crafted for England a system that remained more punitive than

the system Crofton crafted in Ireland, which was more focused on reformation than punishment. The intermediate prison, the use of police supervision, and the practice of individualization were the three things reformers and critics most commonly used to distinguish these two systems and favor the system created by Crofton. However, by ignoring women, and therefore gender more broadly, critics reduced the terms of the debate to England versus Ireland when in reality it was more complicated than that. Individualization was seen as a practice better suited to the treatment of women than men, at least until it was perceived to be successful in Ireland for both women and men. Regardless of that success men like Jebb would remain insistent that Englishmen did not require individualized treatment. Those writing at the time also tended to miss the profoundly different way that religious minorities were treated. Religious toleration, in all its incredibly loaded meaning, was more fully realized in Ireland than it was in England, which likely subverts expectation. As the religious minority in Ireland, the English imposed a system that treated religious minorities fairly (assuming those minorities were still Christian) but in England where they were the majority they did not do the same.

Build-up to the new Convict Systems: the 1830s and 1840s

With the exception of the new Grangegorman Female Penitentiary, the last two decades prior to the establishment of the new convict systems are not particularly notable for how they changed the concept of imprisoning women. The major debates that were taking place in these decades applied to male and female prisoners in both England and Ireland. Looming over all other debates about prison reform in the 1830s was the

question of the separate system versus the silent system; ultimately the separate system would reign victorious. The silent system allowed prisoners to work in association but silence was strictly enforced at all times whereas the separate system physically isolated prisoners from one another by keeping them in individual cells. These systems shared a similar objective, the reformation of the prisoner, but sought it via different means. Yet the means they used both supported the notion that in order to secure the reformation of the prisoner it was vital to limit the contact that prisoners had with each other. Ultimately both systems turned on the notion that the corrupting influence of what they termed “association” with other prisoners was something that ought to be avoided as much as possible. Much of the 1840s was spent trying to implement the separate system in prisons around England and Ireland.

William Crawford, one of the first prison inspectors appointed in England, was a vocal proponent of the separate system that he saw modeled in Philadelphia when he visited America at the behest of the English government in the early 1830s for the purpose of touring their new prisons.¹⁹⁷ Based on what he saw in America, Crawford, along with many others, came to believe that the silent system was so impractical as to be fatally flawed. It was too difficult to enforce in that it required constant vigilance and frequently corporal punishment as a means of enforcement. The biggest drawback to the separate system was its cost since at the time very few prisons had been built with this system in mind. Separation was not possible without building new prisons or substantially remodeling existing ones. Despite its cost the separate system won a major

¹⁹⁷ The other major prison in America that Crawford visited was in Auburn, NY. The prison in Philadelphia used a version of the separate system while the prison at Auburn used the silent system.

victory in the 1835 Prison Act that both endorsed it and created the position of prison inspectors. Among the first inspectors were two who supported the use of separation: Crawford was joined by Whitworth Russell who had been chaplain at Millbank.¹⁹⁸ Besides these early inspectors the separate system had come to be favored by Lord John Russell, William Blackstone, and Colonel Joshua Jebb who was instrumental in designing Pentonville Prison and the English convict system that arose in the 1850s. In one of their earliest reports the inspectors argued that any time prisoners were allowed to associate, it could have a detrimental effect. Even more critically they argued that interactions between prisoners never had the capacity to reform the prisoner.¹⁹⁹ The negative impact combined with the lack of a possible one caused the inspectors to believe there was no value in allowing prisoners to intermingle with each other.

Elizabeth Fry did play a part in creating this new piece of legislation in 1835 but ultimately the testimony she twice gave before the parliamentary committee tasked with creating the new law was not followed. Both times she testified she adhered to her earlier beliefs that the foundation of prison work should be to reform the prisoners through means of better classification of prisoners, inspections, productive work, religious instruction, and a general state of healthiness maintained in the prisons.²⁰⁰ Fry did not

¹⁹⁸ By this time Millbank was operating on the silent system so Russell had experience with the challenges that this system of discipline presented. Whitworth Russell was the nephew of Lord John Russell.

¹⁹⁹ PP, XXXV, Reports of the Inspectors Appointed Under the Provisions of the Act 5 & 6 Will IV c. 38 to Visit the Different Prisons of Great Britain. 1836 [117-1], pp. 60-61.
http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1836-016328 (accessed August 9, 2013). Heretofore referred to as "*Report of the Inspectors, Great Britain, 1836.*"

²⁰⁰ PP, XI.1 and XII.1, First report from the Select Committee of the House of Lords appointed to inquire into the present state of the several gaols and houses of correction in England and Wales; with the minutes of evidence and an appendix, pp. 327-328.

shy away from the use of some measure of solitude as part of the system but she did not support the extent to which the separate system relied on keeping prisoners isolated. Critics of her ideas, including other Quaker reformers like William Crawford or Samuel Hoare, were of the school of thought that prisons were becoming too easy a place to be; that prisons no longer were frightening enough to deter would be criminals from committing crime. Building upon the Quaker connection, some of these other Quaker reformers looked to the system implemented in Philadelphia as an alternative to the perceived softness inherent in the prison reforms suggested by Fry.²⁰¹ Fry's primary objection to such a system was not that it was unfair to prisoners but rather she questioned how prepared prisoners would be for a return to social life once they finished serving their sentences. While the objection raised by Fry seems to present a valid quandary, the legislation was passed without provision for any kind of re-socialization plan in place.

Crawford and Whitworth Russell remained influential prison reformers even as they took on the duties of prison inspectors for the metropolitan and the home district respectively—positions they held until they both died in 1847. As with the 1835 Prison Act, their influence can be seen in the Prison Act of 1839. The 1839 Prison Act made it harder for prisons to remain under older systems of punishment by banning the use of

http://gateway.proquest.com.ezp3.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1835-015572 (accessed October 10, 2013).

²⁰¹ Crawford was sent to America in 1833 by Parliament to report back on the state of American prisons. In his report, he greatly praised the Philadelphia System while criticizing the Auburn system. Although the creation of these systems, more commonly known in England as the separate system and silent system respectively, most famously originated in American prisoners, they were first experimented with in England in Gloucester and Southwell. Robert Alan Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," *Journal of the History of Ideas* Vol. 42, no. 4 (1981), p. 690. Zedner, p. 105.

prisoners in prison discipline.²⁰² If prisoners could no longer be used to discipline other prisoners, then more staff would have to be hired to do the jobs that prisoners had previously done. Thus for many prisons who had not switched to the separate system it could well have been just as expensive to hire the new staff as it would be to remodel or rebuild. The 1839 Act did not mandate use of the separate system of punishment but it did make it harder to avoid using that system as well as increasing yet again the amount of intervention from the central government into the affairs of local prisons. While the separate system, as the English called it, or the Philadelphia system, as the Americans called it, had been implemented in many prisons around the nation, it had not been implemented in all. With the exception of two prisons, located in Gloucester and Southwell, no existing prison structure had been created with such a system in mind. Cells were generally meant to hold more than one prisoner at a time and had not been outfitted with a workspace for the prisoner. Further interfering in local prisons, any new separate cells would have to be approved by the inspectors and any plans for new prisons approved by the Secretary of State.²⁰³ All prisons were now required to have a chaplain; this provision, along with that of prison inspectors, was something that was legislated for in Ireland before it was in England.

At the same time that the separate system was gaining favor in England it was also gaining support among prison officials in Ireland. As in England, the separate system did not triumph overnight and its implementation took place from the late 1830s

²⁰² Philip Rawlings, "Reformation or Punishment? Crawford, Russell and Religious Reformation," in *Imprisonment in England and Wales: a Concise History* (London: Croom Helm, 1985), pp. 150-151.

²⁰³ Rawlings, p. 150-151. Making approval of new plans a job of the Secretary of State led to the creation of a position called the Surveyor-General of Prisons in 1839.

to its institution in the post-1853 system. Space, whether new or extensively remodeled, within which the system could be implemented was the biggest hurdle for the separate system to clear, despite approval from the late 1830s of the Inspectors-General for said system. In their eighteenth report, the Inspectors-General wrote about prisoners associating with each other that it was "...clearly proved that this destructive evil is not cut off under the system of silence, the advantage of the separate system above any other system is clearly proven."²⁰⁴ Support for the separate system is one of the reasons that women were removed from Richmond General Penitentiary and placed in Grangegorman Female Penitentiary. In addition to the immense influence of Elizabeth Fry on thinking about the correction of women, the need for more space in Richmond in order to implement the separate system played a part in hurrying along the decision to place men and women into their own prisons.

Pentonville Prison: the clear triumph of the separate system

Perhaps the most important singular development in the history of imprisonment in the 1830s and 1840s was the opening of Pentonville Prison in 1842. Pentonville was the first significant prison, and certainly the first national one, to be built with the implementation of the separate system in mind; it was to function on the basis of one prisoner per cell. Lord John Russell, then Secretary of State, gave his sanction to the separate system and consequently work on Pentonville was begun. Sir Joshua Jebb, who was the first Surveyor-General of Prisons, directed its design but both William Crawford and Wentworth Russell, the two prison inspectors, influenced the design. Jebb had no

²⁰⁴ PP, XXVI. Prisons of Ireland, Eighteenth Report of the Inspectors General on the General State of the Prisons of Ireland, 1839; with appendixes. 1840 (240), p. 7.

choice but to include them as it was the job of the inspector to certify cells for the carrying out of the separate system. If he had not consulted with them it was certainly possible that they would have not certified the cells somewhere down the line.²⁰⁵ Since Pentonville was highly important as a test of the separate system, its management was considered to be of the utmost importance. Consequently a government commission was specially appointed to carry out that duty; the commission included the Secretary of State (Russell), the surveyor-general of prisons (Jebb), two prison inspectors (Crawford and Russell), along with several lords and the Speaker of the House of Commons.²⁰⁶ When it opened it replaced Millbank as the national penitentiary, despite the fact that it did not house women, and it became the new model for prisons in the British Isles.²⁰⁷

Two things are important to point out about Pentonville. First, the model prison for the whole of the British Isles was built without taking women into account. As later legislation will show, the convict system was built for men and then adapted for women. Second, one could argue that Pentonville was an experimental prison of sorts which in turn would seem to undercut the argument of the previous chapter that the English were quicker to experiment on Irish prisoners. However, it is important to note that Pentonville was less experimental than was Grangegorman. The separate system was already being used all around England, two prisons (Gloucester and Southwell) had already been built to accommodate the system, and men like Crawford had seen the system at work in America. Pentonville was experimental to a degree but it was not

²⁰⁵ Rawlings, p. 152.

²⁰⁶ The committee also included Benjamin Brodie and Dr. Ferguson. I have yet to look into who these men were so I opted not to include them in the body of the text for now. The Lords in question were the Duke of Richmond, the Earl of Devon, and the Earl of Chichester.

²⁰⁷ The first prisoners arrived at Pentonville on December 22, 1842.

entirely without precedent. In addition the experimental nature of Pentonville may well have been due to the desperate desire to find a way to save the practice of transportation.

Imprisonment at Pentonville was not an end in and of itself. Rather time spent there was intended to prepare prisoners for their eventual transport to one of the Australian colonies. The legislation that was passed in 1842 to sanction Pentonville allowed prisoners to be selected for an eighteen-month reformatory course in separate confinement at Pentonville. Once the prisoner finished that course, they were then sent to Australia with a ticket of leave. In order for a prisoner to qualify for Pentonville, he had to be between the ages of eighteen and thirty-five and convicted of his first (serious) offense. Prisoners were kept under close surveillance while at Pentonville. Strict surveillance continued on the ship to Australia and then after arrival there by the Geelong Emigration Society. Initial reports did indicate that the men who came to colonies from Pentonville were an improvement on the men who had gone before them. Ultimately the hope was that if prisoners were both better disciplined and given some work skills that the colonies would be more welcoming of them. In short, Pentonville was an attempt to keep transportation alive as a practice.

At least in terms of male imprisonment, Pentonville stands, as Ignatieff has said, as a representation of all the thinking about the science of penology that had gone on since John Howard first raised it to be a major issue.²⁰⁸ It even incorporated the Panopticon dreams of Bentham by being built in a radial manner with a central point in the prison where all the prison doors, located down four wings, could be seen. Silence,

²⁰⁸ Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*. (London: Penguin Books, 1978, p. 3.

though not the official system of discipline employed, was integral to the system. Heavy bricks were used in the construction that made this prison quieter than any that had come before. Guards even wore felt over their shoes so as to muffle the noise they made as they patrolled the prison, which they were forced to do regularly by the presence of clocks placed around the prison that had levers that must be pressed at specific times.²⁰⁹

Thus even the guards at Pentonville lived a life controlled by the machine of the prison.

Prisoners felt that control through constant surveillance but also through the near total separation from all other prisoners. Initially the separate system was implemented in Pentonville in a fashion that was extraordinarily rigid. Prisoners were not only kept in individual cells, where they did their work, but efforts were even made to keep them separate in chapel and in the exercise yards. The chapel was equipped with private boxes, or cubicles, for prisoners. As time went on that separation was eased when, for example, prisoners were allowed to walk in pairs in the exercise yard.²¹⁰ By some accounts, the men at Pentonville spent 23 hours a day in isolation and twelve of those hours were spent in continuous labor.²¹¹ The harshness and rigidity of the system as first practiced as Pentonville did lead to an increasing number of cases of insanity.²¹² Advocates of separation were not deterred by that reality seeing it not as a result of the system but as a result of continued resistance to the system. Whether prisoners were

²⁰⁹ Rawlings, p. 152.

²¹⁰ An illustration of men walking in the exercise yard with their masks on can be seen in Henry Mayhew and John Binny. *The Criminal Prisons of London* (London: Frank Cass and Co. LTD, 1968 reprint. 1862--original), p. 49.

²¹¹ Russell P. Dobash, R. Emerson Dobash, and Sue Gutteridge, *The Imprisonment of Women*. (Oxford: Basil Blackwell, 1986), p. 59.

²¹² Precisely how much insanity increased is unclear but that it did is a regular part of the narrative told about Pentonville. See Rawlings, pp. 152-153 as an example.

insane due to the system or due to resisting the system, the prisoner was in need of his full mental capacity in order for religious or moral reformation to take hold. That need is what convinced supporters of the separate system to relax some of the rules of separation.

While women were subjected to the separate system at Millbank and in various prisons around Ireland, they never experienced it to quite the same extent that the men at Pentonville did despite the fact that women were generally believed to be more impressionable than men. If women were more impressionable it was all the more important that female prisoners be kept apart from each other, especially if they were of different classifications of prisoner.²¹³ One reason women did not experience separation to the same degree as men was that with the exception of Grangegorman, no prison had yet been built to house only them nor was there any national penitentiary yet built around the separate system in England that took women in as inmates. Even within Millbank, separation was not practiced equally among the men and women. Governor Nihil wrote,

On the female side there is a great laxity, no discipline, no attempt to enforce non-intercourse. Instead of a rule by which each individual would be thrown on her own reflections, and secluded altogether, the female pentagon is in fact a *criminal nunnery* where the sisterhood are linked together by a chain of sympathies and by familiar and frequent communications.²¹⁴

As the governor of Millbank certainly he would bear some responsibility for the lax discipline in the women's pentagon so his complaints about the non-enforcement ring a bit hollow. His evocative use of the imagery of a criminal nunnery and sisterhood among the prisoners is unique to women. F.W. Robinson referred to women prisoners in *Female*

²¹³ Lucia Zedner, *Women, Crime, and Custody in Victorian England*, (Oxford: Clarendon Press, 1991), pp. 107-109.

²¹⁴ As quoted in Arthur Griffiths, *Memorials of Millbank and Chapters in Prison History*. (London: Chapman and Hall, 1884), p. 259.

Life in Prison as “sisters in exile.”²¹⁵ Prison officials were concerned with the influence that male prisoners had over each other but that interaction was not imagined as some kind of brotherhood nor was a men’s prison compared with a monastery. The perceived social and impressionable nature of women is part of what was supposed to have made women so difficult to manage in the prison setting.

During the 1840s various prisons that housed women around Ireland would come to operate on the separate system. Legislation passed in Ireland in 1840 laid out the criteria necessary for a prison to be certified for the separate system. The legislation included rules about the size of cells, ventilation, lighting, and a few other things while also increasing the power of Dublin over the prison system as a whole. During the 1840s, Smithfield, Newgate, Spike Island, and Grangegorman were certified. Cork Female Depot, which held women for transportation, was certified as partially separate—what precisely made it only partially separate is unclear. By 1856, the list of certified separate system prisons also included the convict prisons of Mountjoy, the forts at Carlisle and Camden, Philipstown, as well as the local prisons at Antrim, Armagh, Kilkenny Court, and Lough.²¹⁶ Mountjoy was to Ireland what Pentonville was to England; it was the first prison in Ireland specifically built for the purpose of carrying out separation. Besides Mountjoy, Grangegorman, and Cork Female Depot, women were also held in separation in the jails in Laois, Offaly, Westmeath, and both the city and county jails of Cork.

²¹⁵ A Prison Matron (F.W. Robinson), *Female Life in Prison*, (London: Hurst and Blackett, 1862), p. 153.

²¹⁶ PP, XLIX. *Return of the prisons in England and Ireland distinguishing those in which the system of separate confinement is fully carried out; those in which it has been partially adopted, and the classes of prisoners subjected to it; and those in which it has not been introduced*, pp. 8-9.

http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1856-032563 (accessed October 10, 2013.)

Separate cells were also being prepared for women at Down, Derry, and Tyrone. Regardless of whether they received certification as separate prisons, prisons all over Ireland adopted the practice of separation in the 1840s and into the 1850s.

The Famine

In the case of Ireland, all this discussion of systems of punishment and reform, and the disciplinary problems facing the treatment of women prisoners was about to take a backseat to a natural disaster that turned into a social disaster of epic proportions. The Great Famine, as it is in so many areas of Ireland's history, was a turning point. Throughout the Famine, from the first failure of the potato crop in 1845 to the early 1850s, the number of prisoners swelled particularly in local jails and the system of transportation became backlogged. It became evident that changes to the system were necessary. Many of these changes came in an ad-hoc fashion as those on the ground were forced to deal with changing circumstances around them. In 1845, there were just over six hundred prisoners under government custody. By 1853 the number in government custody was approaching four thousand even with the transportation of eleven hundred prisoners in 1849 alone.²¹⁷ While the system was undoubtedly overcrowded and overwhelmed, what happened in this era was extreme because the circumstances were.

Yet it was not a crime spree urged on by violent crime but rather crimes of desperation. A great many of the cases, possibly even a majority of cases, involved people stealing food. In some cases people were stealing potatoes or other fruits of

²¹⁷ Patrick Carroll-Burke, *Colonial Discipline: the Making of the Irish Convict System*, (Dublin: Four Courts Press, 2000), p. 58.

vegetables while others stole fowl, cattle, or pigs. As people struggled to survive, illegal milking also rose as people literally stole milk direct from the cow. If food was not the item of theft then it was likely other basic necessities of life such as clothing, shoes, or blankets; those items had a particular tendency to disappear from workhouses but not as often from jails. As they would have been before the Famine struck, sentences for these crimes were quite short—measurable usually only in weeks. As Maria Luddy has demonstrated, the number of women arrested for prostitution increased dramatically during the era of the Famine, especially in Dublin.²¹⁸ Dublin Metropolitan Police records show that nearly twice as many women were arrested in Dublin for prostitution in 1854 as in 1838. By the 1870s, the numbers arrested had fallen below even the number from 1838 and would stay there through the end of the century. Certainly many of the women who arrived in Dublin during the Famine did so with the hopes it would provide them with other options for survival but they most often found that prostitution was the only option they had. The most serious offense that increased during the Famine was the abandonment of children. Parents who were unable to provide for themselves let alone their children often just left them behind as they moved on in search of food or work. Most parents probably hoped that their children would find protection in some kind of government or charitable institution and many did.

Despite the desperate state many of the local jails and other prisons were in, only two pieces of prison related legislation passed during the Famine. The groundwork was laid for Mountjoy Prison when in March of 1847, a law was passed allowing the

²¹⁸ Maria Luddy, *Women and Philanthropy in Nineteenth-Century Ireland*, (Cambridge: Cambridge University Press, 1995), p. 99.

commissioners of public works in Ireland to purchase land for prisons.²¹⁹ This law specifically mentioned the need for a new prison in Dublin while also acknowledging that other parts of Ireland needed new prisons as well. In response to the problems being caused in jails by the so-called Famine Fever, legislation passed in June 1847 to authorize the temporary removal of prisoners from jails in the case of epidemic disease.²²⁰ Jails simply did not have the proper accommodation to deal with the amount of highly contagious disease that was running rampant around Ireland during the Famine. That was particularly true of the Hulks that had begun being used in this era; as in England the Hulks were ships that were taken over for the purpose of housing prisoners. This law, that was initially only approved for one year, gave the Lord Lieutenant of Ireland or his Chief Secretary the authority to remove prisoners to another location they deemed suitable for the duration of their illness. During their removal from jail the prisoners were still considered to be in custody.

The new Dublin prison that was legislated for in 1847 opened as Mountjoy Prison in 1850 at the tail end of the Famine. Pentonville Prison served as the model for Mountjoy as it would in dozens of cases of new prisons being built or remodeled all over England and Ireland. In fact, Mountjoy was even designed by Joshua Jebb, who had designed Pentonville as well, and it was Jebb who would present the plans for it to the

²¹⁹ 1847 (228) Prisons (Ireland). A bill for enabling the Commissioners of Public Works in Ireland to purchase land for prisons in Ireland. 26 March 1847. 10 Vict.

²²⁰ 1847 (460) Prisoners removal (Ireland). A bill to authorize for a limited time the removal of prisoners from the several gaols in Ireland in cases of epidemic diseases. 2 June 1847. 10 Vict. These diseases were often referred to as famine fever. Among the diseases included in this so-called famine fever were typhus, cholera, dysentery, scurvy, and infestations of lice.

Lord Lieutenant.²²¹ Mountjoy was the first prison built in Ireland using the separate system and the panoptic principle. As Pentonville was in England, Mountjoy was the model prison for Ireland and it would serve as the centerpiece of the new convict system that emerged just three years after the men's prison opened.

Unlike Pentonville, Mountjoy would have a separate women's prison, albeit one that did not open for another eight years. The need for more space for male prisoners, due to the Famine, meant that Mountjoy initially housed only men. By 1851 letters between Dublin Castle and Downing Street described problems with the conditions in female prisons and the subsequent issues that the condition of these women raised on their arrival to Australia. Therefore in June of 1851, the decision was made to open a female prison at Mountjoy.²²² It took two years for plans to be drawn up and another five years before Mountjoy Female Convict Prison was ready to open. When Mountjoy opened its female convict prison it was able to house 450 women. Mountjoy Female Prison became the convict prison for all the women of Ireland. Another major difference between Mountjoy and Pentonville is that the former was never labeled a penitentiary even though it functioned in the same way that other institutions labeled as such did. Given the substantial increase in the number of prisoners as a result of the Famine and the growing tide against transportation, having a model prison, such as Mountjoy, to illustrate what a reformed prison should look like was of the greatest importance. This model prison could not afford to be associated with scandals of the past, if it was to serve its function as a symbol of the future.

²²¹ Tim Carey, *Mountjoy: the Story of a Prison*. (Cork: The Collins Press, 2000), pp. 38-39.

²²² Carey, pp. 80-81,

Convicts (both English and Irish) were becoming less welcome in Australia before the Famine ever struck but the degraded state of Irish convicts who arrived during and after the Famine only served to make Irish convicts even less welcome there. In short, the state of these convicts was not conducive to the project of building the colony. Governor Fitzgerald of Fremantle Prison in Western Australia wrote a dispatch about the condition of Irish prisoners who were being received at his prison. In his 1854 dispatch to George Grey, Governor Fitzgerald expressed a desire that Irish men no longer be sent to Western Australia with tickets of leave or that provision should be made to make certain such men spent at least one full year in Fremantle Prison before sending them out into the community.²²³ His hope was that if they spent time in Fremantle, they would learn habits of “industry and self-reliance,” much like how they should now learn those things in prisons at home.²²⁴ The Superintendent at Fremantle whose concerns were also expressed in the first directors’ report wrote of the “prostrate condition, physically and morally” of Irish prisoners who needed a “course of preparatory discipline.”²²⁵ Women were by no means exempt from similar arguments. Letters written in 1854 between England and Western Australia illustrate that the latter was only willing to accept women who went through a “course of preliminary discipline and industrial training in the prison

²²³ Fremantle Prison only opened in 1850 and was initially limited to convicts coming from the British Isles. A year later a police force was created. The last ship carrying convicts to Western Australia arrived early in 1868. By 1886, the British government handed control of the prison over to colonial authorities. Fremantle remained open until 1991. It became a World Heritage site in 2010.

²²⁴ PP, XXVI. First Annual Report of the Directors of Convict Prisons in Ireland, for the year ended 31st December, 1854; with appendix, 1854-1855 [1958], p. 3. http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1854-031354 (accessed August 9, 2013). Heretofore referred to as the *First Report of the Directors of Convict Prisons in Ireland*. In other words, if prisoners were not going to receive this kind of reformatory instruction in prisons before they left the metropole, they would receive it once they arrived in the colony.

²²⁵ *First Report of the Directors of Convict Prisons in Ireland*, p. 3.

establishments at home.”²²⁶ One thing that stands out in the reports of the Australian officials is that the men and women of whom they spoke were coming out of Ireland on the heels of the Great Famine. Colonists who had the power had begun suggesting preparatory courses for prisoners from both England and Ireland even before the Famine exacted its toll on the people of Ireland. It was certainly possible that the Irish prisoners in 1854 were in a weakened physical state as was claimed. Depending on where the prisoners came from in Ireland, and thus how grave their experiences with the Famine were, it is also certainly possible that these were rather desperate men and women who had needed to eschew normal rules of morality and civil society in order to survive.

The Rise of the Convict System

As the Australian colonies became more powerful and more resistant to receiving convicts, transportation was on the decline. In terms of Irish convicts, the Famine would hasten the end of transportation by giving the Australians proof that the convicts they were being sent were unsuitable. If transportation was no longer an option, one would have to be found. Convict prisons were the solution. Even before the Famine, however, changes were taking place in terms of the usage of punishments. In the period from 1837 to 1844, the sentence of transportation for seven years became the most common sentence. The number of capital convictions dropped from 154 in 1837 to just 43 in 1840. Prison sentences as a rule remained short. Just 82 prisoners received a sentence of one to two years while over 1,000 received a sentence of 6 months to one year and a

²²⁶ PP, LIV. 1854 [1795] Convict discipline and transportation. Australian colonies. Further correspondence on the subject of convict discipline and transportation (in continuation of papers presented July 18, 1853.) Included was a dispatch from the Duke of Newcastle to Governor Fitzgerald from March of 1854. http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1854-030625 (accessed August 9, 2013).

whopping 6,000 plus received sentences of less than six months. In fact, from 1837-1844 not a single prisoner, male or female, received a sentence of over 3 years whereas post-1853 the shortest sentence in a convict prison was to be four years.²²⁷ A new era in the history of imprisonment emerged after 1853 but the “new” convict systems were very much products of the debates that had been taking place since the time of John Howard. The triumph of the separate system, the separation of the sexes, and the required presence of chaplains all predate the “new” convict systems that came into being in the early 1850s but they remained vital components of the new systems. Not only did the new systems build off the changes that had been developing but its creation in The Penal Servitude Acts of 1853 did not abolish the old system altogether. Transportation was not abolished until a new penal servitude act passed in 1857.²²⁸ The most important facet of the 1853 act was to establish equivalencies between sentences of transportation and penal servitude that broke down as follows:²²⁹

²²⁷ Carroll-Burke, p. 50.

²²⁸ Sir George Grey wanted a provision that would allow prisoners who had undergone a period of separate confinement and a period of associated labor to be sent to the colonies. House of Commons Hansard, Commons Sitting of Monday, May 11, 1857, Victoria year 20, Vol. 145, cc. 136-181. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:CDS3V0145P0-0009 (accessed October 10, 2013).

²²⁹ PP, XXXIII. Colonel Jebb, C.B. Report on the Discipline of the Convict Prisons and Operation of the Act 16 & 17 Vict c. 99, by which Penal Servitude was substituted for Transportation, pp. 11-12. http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1854-031349 (accessed August 9, 2013). Heretofore referred to as *Report on the Discipline of the Convict Prisons, 1854*.

Transportation	Penal Servitude
Up to 7 years	4 years
7-10 years	4-6 years
10-15 years	6-8 years
15 years+	8-10 years
Life	Life

There was a notable and quick difference once this act went into effect. In 1852, there were 4,307 convicts sentenced to transportation in the whole of the United Kingdom. By 1855, there were just 409 prisoners sentenced to transportation whereas there were twenty-seven hundred convicts sentenced to penal servitude in that year. All of those sentenced to transportation had been sentenced for fourteen or more years, which makes sense since the law initially provided judges with discretion regarding how to handle sentences of that length.²³⁰ By the late 1850s and certainly into the 1860s, it became more common for judges to give longer-term prison sentences to those who would have previously been given these longer sentences of transportation.

The result of the Penal Servitude Act was both the increased use of imprisonment but also the consolidation and centralization of control over prisons. A divide would continue to exist until 1877 between what were called state, government, or convict prisons and local prisons. In both England and Ireland, the former category of prisons

²³⁰ House of Commons Hansard, Commons Sitting of Monday, May 11, 1857, Victoria year 20, Vol. 145, cc. 136-181.

would be administered by a central government official; in England it was the Secretary of State while in Ireland it was the Lord Lieutenant. A board called the Directors of Convict Prisons was established in both England and Ireland to do the day-to-day overseeing of prison administration. A chairman, who in this case was Captain Crofton, headed the Directors in Ireland. The Irish Convict System formed in the latter half of the 1850s is often known as the Crofton System because of how much influence Crofton had in shaping it. Colonel Jebb held the equivalent position in England; although the system that he developed in England is not usually known as the Jebb System. His influence had been great since the time he developed Pentonville but regardless the system as it shaped up did not bear his name. One explanation as to why Crofton received so much more credit than Jebb in the middle of the century is that the Crofton system was perceived as a new system centered on the reformation of the prisoner while the system Jebb oversaw in England was perceived to be outdated and merely punitive. Regardless of the realities of such perceptions, it is important to remember that Crofton was an English military captain who surrounded himself with other English officials on the board of Directors. Consequently the system known as the Irish Convict System was an English system practiced in Ireland.

The 1854 Act titled the Formation, Regulation, and Government of Convict Prisons in Ireland gave structure to the new prison system.²³¹ After the passing of the 1853 Act, a board of commissioners had been appointed to evaluate the previous prison

²³¹ PP, II. 1854 (207) Convict prisons (Ireland.) A bill [as amended in committee] for the formation, regulation, and government of convict prisons in Ireland. 13 July 1854. 17 & 18 Vict. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1854-030008 (accessed October 10, 2013).

system in Ireland in order to make suggestions; thus the commissioners, including Crofton, had a profound effect on the shape of the 1854 Act. The Commission visited the Dublin prisons of Mountjoy, Smithfield, Newgate, and Grangegorman along with Spike Island, Philipstown, and the forts of Camden and Carlisle.²³² The law of 1854 undid all previous laws regarding prisons and was applied to the existing Hulks, penitentiaries, and convict depots but not any of the local prisons.²³³ The Lord Lieutenant was given the ultimate power over these new public, and thus tax-exempt, institutions; however, the administration of the prisons fell largely to the Board of Directors of Convict Prisons for Ireland from November of 1854 until 1877. The Lord Lieutenant had the authority to appoint up to three members of the board; a chairman, a secretary, and an accountant. The first board consisted of Captain Crofton as the Chairman along with John Lentaigne and I.S. Whitty.²³⁴ Crofton, an army captain involved in administering prisons, retired from military service in 1845. He then proceeded to work as a magistrate in Wiltshire, from which it appears his interest in the penal system developed.²³⁵ The pinnacle of Crofton's career was his time as Chairman of the Directors, which lasted from 1854 to 1862. This board of Directors would report to the Chief Secretary who, of course, reported to the Lord Lieutenant. The Lord Lieutenant could replace any of the Directors

²³² Spike Island is located just off the coast of the city of Cork. The two forts were located at the entrance of Cork Harbor.

²³³ Legislation passed in 1856 and 1859 aimed at making a more uniform and logical system for all the non-convict prisons. The 1856 law impacted women's imprisonment as well by requiring that all female officers now had to be appointed by a board of superintendence just like their male counterparts did. It was a way of further regulating but also legitimizing the position of female officers.

²³⁴ PP, XIII, pt. II. Fifth Annual Report of the Directors of Convict Prisons in Ireland, for the year ended 31st December, 1858. 1859 Session 2 [2531], p. 88. Heretofore referred to as *Fifth Report of the Directors of Convict Prisons in Ireland*.

²³⁵ "Crofton, Sir Walter Frederick (1815–1897)," Lawrence Goldman in *Oxford Dictionary of National Biography*, eee online ed., ed. Lawrence Goldman, Oxford: OUP, <http://www.oxforddnb.com.ezp1.lib.umn.edu/view/article/65325> (accessed August 10, 2013).

if he so perceived a need. Thus from the outset of the new system a very clear hierarchy was in place for the management of these prisons just as before the creation of the Irish Convict System.

The Act delineated the powers of the Lord Lieutenant and the powers of the Directors. Some of the most important decisions, such as the appointment of prison governors, chaplains, and other staff, were controlled by the Lord Lieutenant. Exactly how involved in that process he would be likely varied from man to man but regardless he had the final approval on these key positions in the convict prisons. For their part, the Directors of Convict Prisons for Ireland had control of the Convict Prisons and the convicts therein. They were the ones who made contracts for food, clothing, employment, and anything else deemed necessary to run the prisons. Highlighting both the importance of labor and religion, convicts would work every day, for up to 12 hours, with the exception of Sundays, Christmas Day, and Good Friday. The closing-off of prison from society was also set forth in this legislation. Anyone who was not a Director, officer, or servant of the prison had to obtain permission from the Directors to enter the prison or risk charges of trespassing.²³⁶

Prison discipline was in the hands of the Directors. They made the rules, handled serious violations of those rules, and prisoners who needed additional punishment. Gaolers and Keepers of the prison had the power to exact punishments but only within certain set limits. Only the Directors had the power to broaden those limits when necessary. To that end, the Directors were given the authority to investigate such reports

²³⁶ For the first charge of trespassing on the grounds of a convict prison a person could face either a fine of 40 shillings or one month in county jail.

and mete out punishment. Corporal punishment was out of favor with most prison reformers and was very rarely, if ever, used against women. Women were most likely to endure short periods of solitary confinement or even more likely dietary punishment. Yet the power of the Directors was not unlimited. They had to make an annual report to the Chief Secretary.²³⁷ The annual reports were set to both houses of Parliament after the Chief Secretary received them. At the head of this chain-of-command just described then were the British Parliament and representatives of the British government in Ireland. Thus Irish input into the Irish Convict System rested solely in the hands of the Irish MPs who did not necessarily possess sufficient influence or interest to shape the system.

Within Parliament the two main concerns expressed over passing penal servitude into law had to do with space and how to handle prisoners upon their release.²³⁸ At the time that penal servitude passed there was accommodation for 3400 prisoners in government prisons but there were some 5200 prisoners in Ireland. Overcrowding was already a concern and it was feared the problem would only become worse when transportation ended. As in England the other major concern was the increased competition in the labor market at home. Men released on ticket-of-leave, essentially parole, and those who had completed their sentence would now be home to compete with honest men. While some concern would later be expressed, particularly in the debates

²³⁷ These reports included information about the state of the buildings, the behavior of the officers and the convicts, the earnings of the convicts, the expenses of the prisons, any rules or regulations made by the Directors that year, and any important other information regarding prison discipline. The Chief Secretary had the authority to ask for more information and also to request more frequent reporting.

²³⁸ House of Commons Hansard, Commons Sitting of Tuesday, August 9, 1853, Victoria year 17.

http://gateway.proquest.com/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:CDS3V0129P0-0022 (accessed August 9, 2013).

surrounding the refuge system in Ireland, regarding competition among women for work at this early point that did not register in Parliamentary debates.

The legislation that created the new convict system treated women as an afterthought since men were assumed to be the primary subjects of the system. Women were treated separately through legislation that passed in August of 1853 that did not expressly alter any of the terms of imprisonment that applied to men. The new law stated that,

All the powers and provisions...mentioned for Male Offenders under sentence or order of transportation, and concerning the Removal to or from and Confinement in such places of Confinement of Male Offenders...shall extend and be applicable to and for the appointment by Her Majesty of like places of confinement for female offenders in the like cases.²³⁹

The decision was made by male legislators, executed by male prison officials, and imposed on women prisoners and women prison staff alike. In Ireland, that was also the case. The 1854 Act that made the Irish Convict System made no special mention of women. It frequently used the non-gender-specific term convict and phrased things in such a way as to avoid pronouns. When pronouns were used they were always masculine; that was the case whether the pronoun applied to convicts, to the Directors of Convict Prisons, or to prison staff. The conversion of transportation into prison sentences did not vary between men and women. While on the surface it could be argued that women were being treated the same as men in the new system that is simply not the case.

Colonel Jebb, now the Director of Convict Prisons, saw the length of sentences as a cause for concern. He was uncertain that women would be able to handle spending

²³⁹ PP, III. 1852-53 (875) Female convicts. A bill for providing places of confinement in England or Wales for female offenders under sentence or order of transportation. 4 August 1853. 16 & 17 Vict. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1852-028832 (accessed October 10, 2013).

such a long time in prison. On average women had spent around a year in the convict depots while awaiting their transportation but under penal servitude the minimum sentence was four years. In his discussion of the possible negative effect these longer sentences would have on the health of women, Jebb cited reports from the superintendent, chaplain, and medical officer at Brixton Prison.²⁴⁰ The medical officer claimed that having to remain within the prison walls, unlike men who went outside to work in later stages, took a toll on the women. The chaplain expressed concern that women enduring such sentences would be more difficult if they did not have something to which they could look forward; the refuge would shortly become that thing to which women were supposed to attach hope. Mrs. Martin, the superintendent at Brixton, expressed similar concerns when she wrote,

I venture also to express an opinion on the subject of the unfitness of women to endure long imprisonment; the sore depression of spirit it induces in them, often indeed to the endangering of their reason, irritability of temper leading them often to do wrong when they would feign to do right, the great dread which many suffer from the fear that they will not obtain their liberty until health, strength, and energy, have fled, and with them the means of supporting themselves and their families. Their habits being necessarily so much more sedentary and monotonous than those of male convicts, they are much more subject to these feelings. In every point of view, it seems necessary to lessen the duration of penal discipline, and to lead them to hope for some assistance on discharge.²⁴¹

Unlike some other critics of the woman prisoner, Mrs. Martin did not deny all reason to them but rather posited that the conditions they endured in prison so enflamed their emotions that those emotions overtook their reason. It is intriguing that Mrs. Martin notes the concern of these women as regards their ability to provide for themselves and

²⁴⁰PP, XXXIII. Report on the Discipline and Management of the Convict Prisons, 1853, pp. 275-277. http://gateway.proquest.com.ezp3.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1854-030352 (accessed October 10, 2013).

²⁴¹ *Report on the Discipline of Convict Prisons*, p. 277.

their families. Mrs. Martin did not challenge the idea that these women would need to work. Her implicit acceptance of the class-based realities of these women indicates that she knew the middle-class ideal was not attainable for these women possibly because of their time in prison. She also ends on a note that was particular to women prisoners and that was a special focus on what happens when they are released from prison. The concern surrounding the release of men from prison usually centered on whether they are dangerous to the general public but for women the concern was about how to ensure the reformation these women had undergone would last. Not only did these women need something to hope for while imprisoned but they needed something that would give them hope after they were released.

Prisons for Women

It is important to have a sense of the overall structure of the convict system for women. In England, there were two main prisons used to house convict women. Both of them were located in the greater London area but only one of them would cater exclusively to women.²⁴² Millbank housed both men and women but kept them strictly separated. In the mid-1850s, Brixton was the only prison exclusively used for women in England. Housed in the old Surrey House of Correction it was rebuilt to hold the increasing number of female convicts due to the decline in the use of transportation as a means of punishment. By the end of 1853, roughly 75 cells were up and running at Brixton.²⁴³ In the year 1854-1855, the total number of convicts passing through the London prisons was 5563. Of those Brixton was responsible for just 664 or less than two

²⁴² Pentonville Prison & the Woolwich Hulks were the other convict prisons in the vicinity of London but they were exclusively men's prisons.

²⁴³ Mayhew and Binny, pp. 174-175.

percent. Millbank contributed the highest number of prisoners, 2461, yet Mayhew did not note the number of men or women in that total.²⁴⁴

Those running the system hoped they could make Brixton the only convict prison for women in England but the number of convicts never allowed that to happen. Thus they shaped the system, at least for its first decade or so, around the use of two prisons for women. The first prison to which women were sent upon conviction was Millbank. Consequently it was the stricter of the two prisons since women's time there functioned as the punitive stage of their imprisonment. Millbank used the silent system. It had been built prior to the triumph of the separate system and thus was not built with individual cells. Once a prisoner had behaved well at Millbank for 10 months, she was supposed to be sent to Brixton prison, where the rules were more relaxed and women were allowed to work with a partner. Brixton was, however, often too crowded. Parkhurst Prison on the Isle of Wight was used to house women from 1863 to 1869 to help alleviate problems of over-crowding.²⁴⁵ The one advantage to having more than one convict prison for women was that if women behaved poorly at Brixton, Millbank existed as a threat. Those who caused trouble at Brixton would be sent back to Millbank. Irishwomen, by contrast, went into Mountjoy and stayed there until they were either released or sent to a refuge.

Insufficient space was a problem for Irish prison officials for prisoners of both genders. In his final note upon Grangegorman, the Inspector lamented the overcrowding that faced the prison in 1853 to early 1854. The average number of prisoners in Grangegorman on any day that year topped five hundred with a high of just over six-

²⁴⁴ Mayhew and Binny, p. 83.

²⁴⁵ There were still prisons that housed women, like Holloway Prison for example, in London but they were not convict prisons.

hundred. There were 173 single cells built for the purpose of practicing the separate system but with the kind of overcrowding that was taking place it was not possible to actually use that system since there was a need to put more than one prisoner in a given cell. The presence of infants, insane prisoners, and vagrants only made the problem worse. Inspectors were eager to move the latter two into institutions that would better suit their needs—namely the asylum and the workhouse. That would serve the double purpose of alleviating some of over-crowding in prisons. As for vagrants, the Inspector asserted that the restrictions placed upon entry into the workhouse resulted in some vagrants being forced into prison life when they were better suited to “places of relief than of punishment.”²⁴⁶ His comment both calls into question how much he knew about workhouses if he perceived them to be places of relief and not punishment but also illustrates that some powerful people in the prison system still saw the primary function of the prison as punishment and not reformation.

As previously discussed, Mountjoy Female Prison, was to be the solution to the problem of overcrowding for women convicts in Ireland. Prior to Mountjoy’s opening, women were held at Grangegorman and Newgate near Dublin or at Cork Female Convict Depot. Convict Depots were the name given to the institutions that held prisoners awaiting transportation. Newgate was particularly problematic because its age meant that it was not built for the separate system thus the moral reformation of women was deemed all but impossible at Newgate. Newgate opened its doors to female prisoners on

²⁴⁶ PP, XXXII. Thirty-Second Report of the Inspectors-General on the General State of Prisons in Ireland, 1853; with appendices. 1854 [1803]. http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1854-030350 (accessed August 9, 2013). Heretofore referred to as 32nd Report of the Inspectors-General of Prisons in Ireland.

February 21, 1857.²⁴⁷ As the Directors explained in their report, it was closed in October of 1858, sending its remaining prisoners to Mountjoy.²⁴⁸ The Directors kept Newgate open for awhile until they were certain that Mountjoy would prove sufficient for the needs of housing convict women. Once Mountjoy opened to female prisoners, Grangegorman was closed to convicts.²⁴⁹ It was handed over to the city of Dublin on January 31, 1859 when it would then become a local prison for the city. For the last few months of 1858, prisoners were slowly sent out of Grangegorman to Mountjoy as space became available. Some of the more problematic prisoners had to be left at Grangegorman temporarily while the remaining cells at Mountjoy were completed.

Critiquing the System(s)

In the late 1850s and through the 1860s, government officials, prison officials, prison reformers, and social scientists obsessively compared the English Convict System to the Irish Convict System for the aim of determining which system was working better. Later assumptions of the two systems as nearly identical did not prevail in this era. Rather the two systems were imagined not as complete opposites but as having important differences nonetheless. Among the differences regularly discussed was the intermediate prison for men in Ireland and police supervision for those released on ticket-of-leave. Much more attention will be paid to intermediate prisons in chapter four, which focuses

²⁴⁷ PP, XXX. Fourth Annual Report of the Directors of Convict Prisons in Ireland, for the year ended 31st December 1857. 1857-1858 [2376], p. 103.

http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1857-034151. (Accessed August 9, 2013). Heretofore referred to as *Fourth Report of the Directors of Convict Prisons in Ireland*.

²⁴⁸ *Fifth Report of the Directors of Convict Prisons in Ireland*. p. 98.

²⁴⁹ *Fifth Report of the Directors of Convict Prisons in Ireland*, pp. 99-100. In 1883 Grangegorman would once again house women convicts when Mountjoy was made a men's only prison. Grangegorman was closed as a prison in 1897 when it was made part of the Richmond Lunatic Asylum. At which point, the women held there were returned to Mountjoy.

primarily on the equivalent institution for women—the refuge. Irishmen moved through the intermediate prison to test their reformation just as Irishwomen, and Englishwomen for that matter, would move through the prison refuge in their final stage of imprisonment. Jebb, however, opposed the use of intermediate prisons for men claiming that Englishmen would rather have their good behavior earn them early release than more time in yet another institution. After release from prison, Irishmen were supervised by the police with whom they had to register whereas Irishwomen were supervised by those women who ran the refuges from whence they left the convict system. Thus the most fundamental practical differences between the English and Irish systems can be found in how they treated convicts nearing the end of their sentences or those just recently released. One German supporter of the Irish system saw the difference as being fundamentally about how prisoners would fare upon release. Baron von Holtendorff argued the best part of the Irish system was in its giving a man a fair chance after his release from prison, a chance for which the system should have prepared him well, because it was “better for him and for others.”²⁵⁰

Jebb and Crofton entered the fray on occasion, for example at the meeting of the Social Science Association in London in 1862. Jebb, who probably felt under attack, structured his response more as a defense of his own system than as a critique of Crofton’s. His criticisms of Crofton were not particularly aggressive, indeed he seems to

²⁵⁰ Baron Franz Von Holtendorff, “The Irish Convict System, More Especially Intermediate Prisons,” *Economist*, (June 16, 1860, Issue 877), p. 650. http://find.galegroup.com.ezp3.lib.umn.edu/econ/infomark.do?&source=gale&prodId=ECON&userGroupName=umn_wilson&tabID=T003&docPage=article&docId=GP4100409451&type=multipage&contentSet=LTO&version=1.0 (Accessed September 26, 2011). Baron von Holtendorff held a doctorate in law and was a professor at the University of Berlin.

have respected Crofton, but there was an air of defensiveness to his writing. Crofton, for his part, generally wrote in support of his own ideas without any particular attack on Jebb's system. That he had greater support among prison reformers, journalists, and social scientists probably made it easier to focus just on his own ideas. When Jebb was critical it was not of Crofton but of the practicality of bringing elements of the Irish system to England. He provided little explanation as to why they could not be brought over. For example in reference to the use of police supervision for prisoners out on ticket-of-leave, Jebb claimed simply that while it had been used in Ireland it "...from circumstances, cannot be worked out here."²⁵¹ One author in *The Economist* quoted an attempt of Jebb's to argue against the implementation of the Irish system, namely the intermediate prison, in England. Jebb wrote, "...the character of the convicts in this country and the circumstances differ so much from those in Ireland," but then did not proceed to explain what those differences in circumstance or character were.²⁵² Critics of Jebb, who usually supported the Irish system, found such defenses unsatisfactory. They might have been able to accept his arguments if he had been better able to explain why the Irish system could not work in England without resorting to vagaries and a dismissive tone. Mary Carpenter may have been an exception to that rule, however, for she claimed that "their peculiar nationality does not render any different necessary."²⁵³ The basis for her assertion was the presence of many who were English in Irish prisons and many who

²⁵¹ Jebb, "The Convict System of England," p. 362.

²⁵² As quoted in Anonymous, "Colonel Jebb's Defence of the English Convict System," *The Economist*, (January 25, 1862, Issue 961), p. 90.
http://find.galegroup.com.ezp3.lib.umn.edu/econ/infomark.do?&source=gale&prodId=ECON&userGroupName=umn_wilson&tabID=T003&docPage=article&docId=GP4100861876&type=multipage&contentSet=LTO&version=1.0 (Accessed on March 28, 2013).

²⁵³ Mary Carpenter, "Visits to the Irish Convict System, No. 1," *Once a Week*, 5.128 (7 Dec. 1861), p. 658

were Irish in English prisons but more importantly it was that the Irish Convict System, which she strongly favored, was based on “universal conditions of human nature.”²⁵⁴

The aforementioned author in *The Economist* posited that Jebb simply did not trust the Irish system.²⁵⁵ Ultimately his argument was that if the system worked so well in Ireland, the Jebb had to prove that it could not work with English convicts. Indeed while this author notes that there can be “no doubt” of difference between Englishmen and Irishmen, he proceeds in such a way as to diminish that difference. After claiming that English criminals “are a little more dangerous and stubborn, and less susceptible of personal influence for good or evil, than [the] Irish,” he proceeds to explain that all who are part of the “uncultivated criminal class” are more susceptible than might be imagined by some. The idea that the Irish were more impressionable or susceptible is not new and was a trait that also imagined as belonging to women regardless of their national affiliation. Vice, argued the author, had long since been accompanied by “bad companions, gross ignorance, and blankness of mind” but those latter two at least can be removed by new ideas, which in turn provide prison officials the opportunity to change the character of the prisoner but only if “they are treated according to their individual natures, and not merely *en masse*.”²⁵⁶ Crofton’s system treated prisoners as individuals while Jebb’s system, at least for men, continued to treat them as though the same treatment would produce the same result for all men. For his part Crofton wrote about the experience of creating that system while being told that individualization was not

²⁵⁴ Carpenter, “Visit to the Irish Convict System, p. 658.

²⁵⁵ Anonymous, “Colonel’s Jebb Defence of the English Convict System,” p. 90.

²⁵⁶ Anonymous, “Colonel’s Jebb Defence of the English Convict System,” p. 90. Italics in the original.

possible for men. Men had to be treated “en masse.”²⁵⁷ Alas he never clarifies who was saying it was impossible or why it was thought to be so; however, he did state that he was told modifying the form of prison discipline in Ireland would lead only to full prisons. Thus whoever it was that was challenging his ideas about how to structure the prison system in Ireland presumed his efforts would fail. The other unspoken implication of such a comment is presumably that it was thought possible, maybe even necessary, for women to be treated as individuals. Fewer women convicts may have made it seem more possible to treat women individually just in terms of logistics. It seems more likely that the nature of women played a significant role in determining their ability or need to be treated individually.

Crofton, like Jebb, addressed the meeting of the Social Science Association in London in 1862. His piece in the journal produced out of that meeting largely focused on explaining how the systems were different from each other. According to Crofton his system had stricter enforcement, a sentiment that Mary Carpenter would echo in her scathing evaluation of the failure of England’s Fulham refuge for women.²⁵⁸ It was not just the strictness within the walls of the prison that mattered but perhaps more importantly was the strictness applied to policies regarding tickets-of-leave. Keeping track of prisoners and aiding their return to society were much more fundamental to the structure of Crofton’s system than they were to Jebb’s. In Crofton’s view what truly set his system apart was the marks system that was used to measure a prisoner’s fitness for

²⁵⁷Sir Walter Crofton, C.B., “On the Operation in Ireland of the Penal Servitude Act of 1857, (20 & 21 Vict., c. 3,) with some observations on objections formerly made to the “Irish Convict System,”” *Transactions of the National Association for the Promotion of Social Science*, (London: 1863) p. 375.

²⁵⁸ Crofton, “On the Operation in Ireland of the Penal Servitude Act of 1857,” p. 373.

earlier release, the intermediate stage, and “greater effort to secure the conditions of release.”²⁵⁹ The intermediate prison was in Crofton’s own words a “more natural” way to test the reformation of the prisoner and to prepare him for re-entry into the labor market. Prison was then, not solely a place of punishment in which prisoners remained cut off from society for the complete duration of their stay but it was to become a place where after earning some measure of reprieve prisoners would be given, at least in theory, the aid they needed to re-make their lives after leaving the prison.

The differing approaches reveal something fundamental about the systems in question but also about the subjects in them. The objective of imprisonment is the thing that truly distinguished the two convict systems in the minds of those writing about them in the middle of the century. Intermediate prisons and police supervision were manifestations of a different philosophical approach to prisons and those differing approaches were what were at the heart of the debate about these two systems. The more punitive nature of the English system was seen as increasingly outdated and archaic. One critic referred to it as “a system of drill rather than of individual treatment.”²⁶⁰ Individual treatment was a hallmark of the Crofton system thus it better represented current thinking about the handling of prisoners than did the English system. This dynamic led one author writing for *The Economist* in 1858 to proclaim, “What is possible in Ireland, is possible in England too.”²⁶¹ Ireland was being used as a testing ground of sorts for this new reform-centered approach to the handling of convicts. As the number of persons incarcerated in Ireland declined, the case that the Irish system could be used to reform

²⁵⁹ Crofton, “On the Operation in Ireland of the Penal Servitude Act of 1857,” p. 373.

²⁶⁰ Anonymous, “Colonel Jebb’s Defence of the English Convict System,” pg. 90.

²⁶¹ Anonymous, “Strictures on the Irish Convict System,” p. 1067.

prisoners became much stronger. After all the measure of success for prisons is not in holding more prisoners but rather in holding fewer whether they be first-time offenders or recidivists.

Support for Jebb was fairly limited. F.W. Robinson wrote in *Female Life in Prison* that he did not believe moving the whole of the Irish system into England would work but that there were positive elements about it.²⁶² That view put him in opposition to many English reformers who wanted wholesale adoption of the Irish system. Perhaps the most passionate defender Jebb had was Reverend Charles Gibson who was the Presbyterian chaplain at Spike Island Prison in the early 1860s. While acknowledging differences such as the intermediate prison and police supervision, Gibson minimized the differences between the two systems. He attributed both systems to Jebb. His *Life among Convicts* was dedicated to Jebb who along with his official titles was named by Gibson as “founder of the English and Irish Convict System.”²⁶³ Jebb was, for example, the architect of both Pentonville and Mountjoy Prisons so giving him some measure of credit as the founder of both may well be merited but Gibson’s complete disregard for Crofton’s contribution appears to have been colored by his admiration for Jebb. In addition, his fervent defense of Jebb’s system had the object of diminishing any perceived Irish contribution to the system in order to bolster England’s perceived contribution to Ireland as a whole. When discussing how the government spend 100,000 pounds to manage the men’s and women’s prisons at Mountjoy, Gibson claimed it was proof that “Ireland cannot say, after hearing this, that England does not watch over her

²⁶² Robinson, pp. 290-291.

²⁶³ Charles Gibson, *Life Among Convicts*. Hurst & Blackett Publishers: London, 1863, unnumbered dedication page.

and keep her safe.”²⁶⁴ Therefore Gibson’s defense of Jebb takes on defense of the Union as a whole. He wanted his audience to see Jebb, and the whole convict system, as part of the benevolence of English rule in Ireland. Recognizing the contribution of Crofton diminished the role England was playing in Ireland because, despite Crofton being English, the system he created was the *Irish* Convict System. Regardless of Crofton’s background, the praise being heaped upon his system was fundamentally linked to Ireland and not England.

One of the most interesting insights into Crofton’s thinking comes when he writes, “It was stated that in Ireland we had no criminal class.”²⁶⁵ Who stated it is left unsaid but what Ireland did supposedly have, according to what Crofton said he was told, was agrarian offenders or those who had lapsed from innocence. Crofton claimed that such an image was simply untrue. While Ireland did certainly have agrarian offenders and first-time offenders, Crofton also argued that it had a class of people who were sunk permanently into criminality. In light of the commonly held association of the Irish to violence and criminality this assertion of Crofton’s seems a bit bizarre. As Carolyn Conley demonstrated in her article, the Irish were long thought of by the English as alien, inferior, savage, and barbaric. According to a *Times* editorial, “violence and cruelty...are the standing disgraces of Ireland.”²⁶⁶ In addition, Conley demonstrated how that image of the Irish followed those who fled Ireland for Britain during and in the wake of the Famine. The numerous examples she cites include evidence that the Irish were

²⁶⁴ Gibson, p. 37.

²⁶⁵ Crofton, “On the Operation in Ireland of the Penal Servitude Act of 1857,” p. 374.

²⁶⁶ Carolyn A. Conley, “Wars Among Savages: Homicide and Ethnicity in the Victorian United Kingdom,” *Journal of British Studies*, Vol. 44, no. 4 (October 2005), p. 779. *The Times*, 8 October 1877, 9b-d.

associated with violence—generally of an unprovoked nature—and with attempting to cover that violence by deception.²⁶⁷ These images stood strong even in the wake of evidence that contradicted them. The *Times* claimed “the Irish make up for their innocence at home by an excessive criminality abroad” when statistics showed that crime rates were lower in Ireland than in England.²⁶⁸

This link between Irishness and criminality can be seen in the work of Henry Mayhew who claimed that “...the greater number of the professional thieves of London belong to what is called the Irish-Cockney tribe; and at the boys’ prison at Tothill Fields we can see the little Hibernian juvenile offender being duly educated by the experienced thief.”²⁶⁹ From there he condemned “bigots” who sought to link the higher crime rate among the Irish to the influence of Catholicism.²⁷⁰ Instead of looking to their religion for an explanation of the higher crime rates of the Irish in London, Mayhew looked to their poverty. Labeling the Irish “the poorest portion of our people” he explained how that left their children as “virtually orphans.” The need of their fathers, and mothers, to participate in “some of the ruder forms of labour or street trade” left them without sufficient time to care for their children. Consequently the child grew up without any particular industrial knowledge or indeed even habits of daily work. In addition, the course of these young Irish was set by their exposure at an early age to young thieves in

²⁶⁷ Conley, “Wars Among Savages,” p. 779.

²⁶⁸ As cited in Conley, “Wars Among Savages,” p. 779. *The Times*, 6 January 1876, 3f.

²⁶⁹ Mayhew and Binny, p. 402. Irish-Cockney was a term used to denote people born of Irish parents in England.

²⁷⁰ His debunking of these bigots, who Mayhew also called fanatics, was based not on anything related to Ireland but rather on larger European patterns. He claimed that crime rates in “Papal Belgium” and “Romanist France” were lower than in either England or Sweden. Mayhew & Binny, p. 402.

their neighborhood. The end consequence of this situation was that “a very large proportion of the juvenile prisoners are the children of Irish parents.”²⁷¹

Juveniles were not, of course, the only Irish in Britain to suffer from these same stereotypes. Based on Judicial Statistics for England and Wales for the years 1861-1901, the Irish-born were five times more likely to be committed to prison than the English; although the proportion of Irish-born prisoners was declining throughout this period.²⁷² In 1861, for example, Irish-born prisoners comprised a full 15 percent of all committals to prison. Of that 15 percent, roughly 42 percent were female keeping in line with the higher percentage of Irish women who were imprisoned in Ireland.²⁷³ By 1871, the percentage of total Irish prisoners had dropped by just one percent but by 1901 it had been cut in half. Regardless of the year the percentage of Irish-born prisoners was greater than their proportion of the total population usually by about 5 percent. This punishment out of proportion to their percentage of the population also extended to the death penalty as Carolyn Conley shows. For example, the 1881 census listed the Irish born population of England and Wales at 2.2 percent yet between 1867 and 1892, the Irish made up over 7 percent of those hanged for murder in England.

Given this image of the Irish in Britain as criminal and their greater imprisonment the notion, presented by Crofton, that Ireland lacked a criminal class makes little sense.

²⁷¹ Mayhew and Binny, p. 403.

²⁷² As cited in Roger Swift, “Heroes or Villains?: The Irish, Crime, and Disorder in Victorian England,” *Albion: A Quarterly Journal Concerned with British Studies*, Vol. 29, no. 3, (Autumn 1997), p. 402.

²⁷³ PP, LVI. Judicial Statistics, 1861, England and Wales. 1862, [3025], p. 109. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1862-038742 (accessed August 12, 2013). I use the term female here instead of women on purpose. Under the breakdown by birthplace, the only distinction made was between male and female, and since age was broken down in a separate table, I am assuming that these numbers included both women and girls.

Without more information from Crofton about who told him Ireland lack this class, it is near impossible to explain how such a contradiction could exist. The inclusion of the agrarian offender, who was linked to issues surrounding land ownership, indicates that Irish criminality in Ireland was more readily associated with actions that were, or could be, interpreted as political causes. Whereas the notion of the fall from innocence indicates a sense that criminality was not inherent to the nature of the Irish, a view not all shared by any means. Possibly the strong association between the Irish and Catholicism imbued them with a sense of greater religiosity that could potentially save them from a life of crime.

Religious Strife and Religious Toleration in Prisons

Ironically the most substantive difference in the functioning of Irish and English prisons from roughly the 1830s into the post-1853 era is the treatment of different religious groups. The irony lies in the fact that prison officials and reformers alike almost entirely ignored this difference when comparing the two systems. Irish members of Parliament (MPs) occasionally brought the issue to the floor but in the popular imagining of how these two systems were distinct religion was in the forefront of no one's mind. Both systems used religion as a tool of reformation but how they handled religious differences stood in stark contrast to each other. Given the greater religious contention in Ireland, it might seem a safe assumption that religion caused sectarian tension within the prisons, especially in light of the proselytizing scandal that took place at Richmond in the 1820s. Yet that very scandal created an environment in which religious toleration, or

equity, became rather strictly enforced unlike in England where the Church of England's dominance remained firmly in place.

Before looking at the enforcement of religious toleration in Irish prisons, it is necessary to look at the scandal that led to it. The 1826 Act passed for Ireland, in part, delineated the duties of the chaplain but it also initiated the idea of religious toleration, or perhaps equity, in Irish prisons. Chaplains were supposed to read prayers every Sunday, visit the prisons one other time in the week, visit every room where a prisoner of his faith was being held, and visit any prisoner facing death. Each prison would have a Protestant chaplain of the Established Church as well as a Protestant dissenting minister (i.e. Presbyterian) and a Roman Catholic chaplain each of whom took care only of prisoners of their respective faith. Prisoners were required to declare their faith upon entering the prison and then to remain under the care of officials of that faith throughout their imprisonment. Beyond just providing for various religious leaders, it was suggested that, on alternate days of the week, each chaplain should inspect the bread and other provisions being given to prisoners of all faiths to ensure they were of good quality and that they were the same. It is ironic that this Act was passed at virtually the same moment that its core principles regarding religion were being violated at Richmond General Penitentiary.

Apart from being the first serious attempt at a national correctional institution in Ireland, Richmond General Penitentiary is significant because Catholic prisoners accused the prison, in the mid 1820s, of proselytizing and religious cruelty. In the climate of the 1820s it is hardly surprising that such charges were leveled against the institution. As

Irene Whelan's excellent book *The Bible War in Ireland* details the early nineteenth century in Ireland was a period in which many believed that the Union between Britain and Ireland could be solidified by turning the "native" population of Ireland from Catholicism to Anglicanism.²⁷⁴ Relations between Catholics and the Church of Ireland grew increasingly tense in 1822 after the Anglican Archbishop of Dublin, Rev. Dr. William Magee, delivered his inaugural sermon at St. Patrick's Cathedral. In his sermon Magee proclaimed the Church of Ireland to be the only legitimate ecclesiastical body in Ireland and encouraged the conversion of the entire population, Catholics and Dissenters alike, to the Church of Ireland.²⁷⁵ In light of that sermon and the strong public reaction it drew from Catholic clergy, the accusation of one prisoner seems particularly unsurprising. Bridget Brenan testified that at one point, with plenty of other women around, the Governor of Richmond told her that he was a Protestant, that the prison was a Protestant institution, and that his aim was to convert Catholics to Protestantism.²⁷⁶ The Governor's claim embodied fully the sentiment expressed by Rev. Magee.

The Irish government (i.e. the Lord Lieutenant) established a Commission of Inquiry to look into the charges of proselytizing and religious cruelty after the claims made by Catholic prisoners. Although the Commission did not find that all such claims

²⁷⁴ Irene Whelan. *The Bible War in Ireland: The "Second Reformation" and the Polarization of Protestant-Catholic Relations, 1800-1840*. (Madison, WI: The University of Wisconsin Press, 2005), p. xvi.

²⁷⁵ Whelan, pp. xvii, 155-156.

²⁷⁶ *Minutes of the proceedings and evidence of the commission of inquiry, ordered by the Irish government, into charges of proselytism and cruelty preferred against the officers of the Richmond general penitentiary* (Dublin, 1827, p. 105). http://books.google.com/books/about/Minutes_of_the_proceedings_and_evidence.html?id=o5IqAAAAMAAJ (accessed August 8, 2013). Heretofore referred to simply as *Minutes of the Proceedings*.

were legitimate they did find truth in many of the allegations.²⁷⁷ Catholics in Richmond were indeed mistreated in an attempt to force them to convert to the established church. Among the charges that were proven were handcuffing Catholic prisoners, removing blankets, using the stocks in cold weather, confining prisoners in a cage in winter, subjecting prisoners to lengthy periods on a bread and water diet, using gags, chaining their wrists to their ankles, using straitjackets, and more.

Women were not exempt from this harsh treatment. One woman, Mary Frazer, spoke of being tied down for fourteen weeks; unable to even relieve herself without assistance.²⁷⁸ Eventually she converted to Protestantism to escape such treatment. Another woman was told her husband, who was also in Richmond, would be made uncomfortable if she did not convert.²⁷⁹ Bridget Brenan testified as to some more minor discomforts such as being given a glass of cold milk during the winter instead of getting the cup of warm broth that Protestant prisoners received.²⁸⁰ This particular charge needs further examination because it was only on Fridays that Catholic prisoners were not given the cup of broth that Protestant prisoners were. In their report, the Commissioners state that Catholics did not take the broth thus implying that they were given the choice to take it but refused to do so.²⁸¹ Therefore not giving the Catholic prisoners broth on Fridays was not about depriving the prisoner of something another prisoner received but rather

²⁷⁷ *Minutes of the proceedings*. This claim is not based on one simple page but on my reading of the whole therefore I have not including a specific page number.

²⁷⁸ *Minutes of the proceedings*, p. viii.

²⁷⁹ *Minutes of the proceedings*. p. 273.

²⁸⁰ *Minutes of the proceedings*, p. 106.

²⁸¹ PP, vol. XI. 1826-27 (335) Richmond Penitentiary, Dublin. Report of the Commissioners directed by the Lord Lieutenant of Ireland, to inquire into the state of the Richmond Penitentiary in Dublin; together with the evidence and documents connected therewith, p. 5.

http://gateway.proquest.com.ezp3.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpps-us&rft_dat=xri:hcpps:rec:1826-010367 (accessed 30 October 2013).

was a means of honoring their customs. Brennan's testimony by way of contrast indicates that perhaps religious doctrine (or custom) was less important than perceiving that they were being treated as equals.

Brennan's testimony highlighted ways in which the larger structure of the prison functioned in favor of members of the established church. The matron, a Miss Connolly who later was Mrs. Keppel, along with a warder called Mrs. Butcher, explained the prison to Brennan in starkly religious terms on her first day. They asked her what religion she was, she said Catholic, and they told her that she would be at a disadvantage in the prison as a result for two main reasons.²⁸² First the priest only came on Sundays, Christmas, and Easter whereas Protestants could get out of their cells to go to church once per day during the week and twice on Sundays. Second, Catholics were to be locked up in solitary confinement for eighteen months and could only get out early if they became Protestants. Eighteen months was the initial period assigned to men at Pentonville for solitary confinement; women were not made to endure such a lengthy period in solitary anywhere else. Once the convict systems were in place in the 1850s women spent just four months in solitary. In light of that comparison, eighteen months was a rather harsh sentence. The prisoners were being punished more seriously for failing to convert from Catholicism than for the crimes they had committed. As in England, the earliest prison reform movements were dominated by Protestants; some of whom apparently felt it was their duty to spread their brand of Christianity in an effort to reform prisoners.

²⁸² *Minutes of the Proceedings*, p. 105.

Yet others, like Elizabeth Fry, did not advocate proselytizing in prisons.

Reforming the prisoner was the most important function of the use of religion in prisons according to Fry. When speaking about religious education in Irish prisons said, “While the system thus pursued precludes all religious education of a sectarian, and much more of a proselytizing, nature --the prisoners are led to a knowledge of those fundamental truths of our common Christianity, on which depend at once their moral reformation and their eternal salvation.”²⁸³ Thus the basic, shared tenants of Christianity were what it was vital to convey to prisoners in order that they may become more moral. Very near the end of their report to the Lord Lieutenant, Fry and Gurney expound on the problem of what they term “party spirit.” They wrote,

We lament its [party spirit’s] influence in politics, and we still lament it more in religion; for it cannot fail to be the occasion of infinite mischief, when persons who acknowledge the same heavenly Father, and believe in the same all-wise and omnipotent Redeemer—persons who are professing to obey the same divine law, and to be looking forward to the same eternal inheritance—(a description which embraces both Roman Catholics and Protestants) are opposed to one another in hostile array; and, instead of upholding to the view of all men their main agreement, are perpetually agitated by the discussion of their minor differences.²⁸⁴

Fry and Gurney may well have instigated some mischief of their own by referring to the differences between Catholics and Protestants as minor. Yet their willingness to look at what united Christians rather than what divided them set the two of them apart from most who debated these very issues in their day. On a more practical level Fry praised the charitable endeavors of Catholic nuns. In her *Observations* she praised “the Roman Catholic ladies” in many parts of continental Europe for their efforts in working among the poor and the sick. In fact, according to Fry, their work in hospitals and other

²⁸³ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 22.

²⁸⁴ Fry and Gurney, *Report addressed to the Marquess Wellesley*, p. 95.

institutions had set an example for English women to build upon in their work with the less fortunate of various stripes.²⁸⁵ Of course, singling out nuns for praise may not have indicated any particular respect for their religion but rather may have been about respecting what a group of dedicated religious women could do for their fellow man.

One of the earliest Catholic voices, besides the prisoners, to express a concern about the treatment of prisoners, at least in terms of religious equity, was a member of the famed Catholic Association formed by Daniel O'Connell for the purpose of fighting for Catholic Emancipation. Having heard about the charges and the government's inquiry into them, this unnamed member of O'Connell's organization took it upon himself to attend the commission meetings.²⁸⁶ Given that the commission was ordered by the government he felt it should be public and was able to convince those who objected to his presence that he should stay by agreeing to be the note-taker. After the commission completed its inquiry, and issued their own report, he then published the notes in their entirety. Doing so made the findings of the commission much more widely known than they might otherwise have been. This early run-in with charges of mistreatment due to religious affiliation left a strong imprint on the Irish system because it led to the rigid enforcement of the 1826 act that intended to maintain an individual's religious identity be it Catholic, Protestant, or Presbyterian. Conversion was something to be avoided whether it was coerced or willing. Thus in Irish convict, and local prisons, there was a Catholic

²⁸⁵ Elizabeth Fry, *Observations on the Visiting, Superintendence, and Government of Female Prisoners*. (London: 1827), p. 5.

²⁸⁶ Preface to the *Minutes of the Proceedings*. Unfortunately the individual who undertook this responsibility did not provide a name and I have been unable to verify his identity.

chaplain (or two), a Protestant chaplain, and a Presbyterian chaplain.²⁸⁷ Prisoners declared their faith when they entered the prison. They were only required to attend services of their own faith and to meet with chaplains or lady visitors of that faith. On Sundays services were held by each of the chaplains in their own chapel.²⁸⁸ Prisoners, and staff, of that faith attended the services.

In England, the system remained weighted in favor of the Established Church for much longer. Arthur Griffiths claimed that in the earliest days of Millbank “intolerance was not encouraged” but precisely what that meant in practice he did not elucidate.²⁸⁹ It was true, for example, that prisoners were allowed to request visitations from ministers of their faith but the only chaplain who was a paid member of the prison staff was the Anglican chaplain. Of course, even if prisoners *could* request visits from a Catholic priest, for example, it does not mean they *did*. Prisoners may not have felt comfortable making such requests, which would inevitably draw attention to their difference. Nor did making such requests necessarily mean they were granted. By the time he was writing in the early 1860s, Mayhew claimed that non-Anglican prisoners could obtain permission to skip chapel and that Catholics had regular services performed by a priest.²⁹⁰ Yet in comparison with the Irish system, even those changes show a certain unwillingness to give up the primacy of the Established Church. When writing in the mid-1860s, Fanny Taylor noted this difference after having seen the system at work in Ireland. She

²⁸⁷ Protestant was the term used to describe the Church of England (and Ireland). Simply using this term to describe the Established Church indicates favoritism given that there are many more branches of Protestantism than just this one.

²⁸⁸ Mary Carpenter, “On the Treatment of Female Convicts, Fraser’s Magazine for Town and Country, Vol. 67, No. 397 (Jan. 1863), p. 41.

²⁸⁹ Griffiths, p. 53.

²⁹⁰ Mayhew and Binny, p. 236.

described how the Irish system provided chaplains for Catholics, Anglicans, and Presbyterians thus making sure that there was “ample provision” for the two major Christian minorities in Ireland but that in England there was “little provision” made for English Catholics.²⁹¹ Had Taylor not been focused on Catholics, she might have noted that those little provisions likely also extended to members of the dissenting faiths not to mention anyone who might not be Christian.

From at least the early 1840s, Parliament was faced with the question of how to handle religious tolerance in English prisons largely due to the presence of Irish Catholic members. A Commons debate from March of 1842 illustrated the discrimination that Catholics faced in English prisons. As Mr. [Daniel] O’Connell explained in his comments to the House, it was the case that the only way Roman Catholic clergy could be brought into an English prison was through the express request of a prisoner but that many prisoners were afraid of the consequences they would face from the prison staff if they made that request.²⁹² Yet Catholics, as much as any other prisoner, needed religious guidance and instruction. Some Catholic prisoners, like those in Salford Gaol, claimed that they were made to attend Protestant services. O’Connell used a story from Middlesex County to highlight the hypocrisy that existed when comparing the English system with the Irish one. A group of Catholic ladies had formed a group for the purpose of visiting women in prison. When they sought entry to the prison, which one is unclear, they were denied entry three times by local magistrates. In his estimation, if a group of Protestant ladies had been denied access to their co-religionists in Ireland, even if the

²⁹¹ Fanny Taylor, *Irish Homes and Irish Hearts*, (Boston: Patrick Donahoe), 1867, p. 52.

²⁹² Hansard Parliamentary Debates, House of Commons, *HC Deb 01 March 1842 vol. 60 cc1271-1321* <http://hansard.millbanksystems.com/commons/1842/mar/01/prison-discipline> (accessed August 8, 2013).

majority of prisoners were Roman Catholic, “no language would have been strong enough to have been used by some persons of that persuasion.”²⁹³ Lord John Russell countered O’Connell by admitting that what had happened in that case in Middlesex Co. had been a mistake given the large number of Catholic prisoners there.²⁹⁴ So large was the Catholic population in the county that Russell was willing to concede that maybe there should be a chaplain for Roman Catholic prisoners there but he was not willing to agree with O’Connell that there should be a general rule allowing Roman Catholic priests into all English prisons. After all if they did that for Catholics, they would have to do that for “ministers of all religious denominations.” Thus the English were not willing to enforce a general religious toleration that the English administration was requiring Ireland to enforce.

Another Irish member of parliament, a Mr. Lucas who was a Liberal MP for Meath, once again brought up the systematic differences in religious treatment in a debate within the House of Commons in 1853.²⁹⁵ In his estimation, transportation had been more equal for all religions at least under Lord Derby’s time as Colonial Secretary when he saw fit to send Protestant and Catholic chaplains to Van Diemen’s Land and to Sydney. This was done despite the fact that Irish ships carried not more than ten percent Protestants while English ships at most carried fifteen to twenty percent Catholics. Consequently if the English refused to provide the same kind of measure in the new convict system, it was actually a step backward. Mr. Lucas also pointed to the Irish

²⁹³ Hansard Parliamentary Debates, House of Commons, *HC Deb 01 March 1842 vol. 60 cc1271-321*.

²⁹⁴ Russell noted that many Catholics had gone to Middlesex County looking for work. The Catholics to whom he referred may have been Irish, at least in some part, but with the Famine looming at this point the presence of Catholics in England is only going to rise.

²⁹⁵ House of Commons Sitting on Tuesday, August 9, 1853, cc 1563-1571.

system to support his case. Prisoners confessed their faith when they entered the prison, that confession was recorded in the prison register, and chaplains of each faith were provided for in both the convict prisons and the county prisons. What that system ensured was that “perfect religious freedom” prevailed in Irish prisons and that no temptation, at least in religious terms, towards hypocrisy existed. By way of contrast, English prisons still only employed a Protestant chaplain. Lucas also claimed that some prisoners did not feel comfortable making such a request because they did not want their religion to be considered as a mark against them. Even when the services of Roman Catholic priests were used, they were often done so on an unpaid basis. Unlike their Protestant counterparts who as regular prison staff were given a salary.

Beyond these more practical matters, Mr. Lucas expressed concern about the attitude of prison staff. In particular, he chose to focus in on Rev. Mr. Kingsmill who had served as the chaplain at Pentonville.²⁹⁶ Kingsmill had written a book in which he labeled the Catholic Church the Antichrist and the Pope a “man of sin.” Despite his probable objections to the claims in that book, Mr. Lucas did not object to his publishing the book if he had done so as an individual. Instead Kingsmill had published the book using his title of chaplain at Pentonville. As such Mr. Lucas was arguing that what he said in that book he wrote as an official of the English prison system reflected more than just his own personal views. Lucas believed Kingsmill, at the least, thought he had a duty to make converts to the Established Church and that nothing could be done to reform Catholic prisoners until they had been converted. Such a viewpoint, Lucas argued, was wrong and ought to be considered as such. Unlike Russell’s reply to

²⁹⁶ House of Commons Sitting on Tuesday, August 9, 1853, c. 1564.

O'Connell, the response Mr. Lucas received from Viscount Palmerston was more supportive. He agreed that English prisons should provide not only clergy from the Church of England but Catholic and dissenting clergy as well. His support was based on his belief that it was not advantageous to anyone for prisoners to either lie about their faith or to be involved in debates about theological differences with clergy of another faith. Rather than focusing on converting prisoners, the focus should be on reforming them, especially now that they were to be staying at home.²⁹⁷ That this debate took place in 1853 then changes the tone because once prisoners were no longer leaving England's shores the reformation of them became more important than it ever had been. The often unspoken point about which all these men agreed is that religion was critical to the reformation of prisoners.

It was not until 1863 that greater religious freedom came to English prisons. First, Parkhurst Prison, which had formerly housed juveniles, became a prison primarily for Catholic women.²⁹⁸ The primary reason for opening Parkhurst was to alleviate overcrowding in Millbank, which some still wished to see become a men's only prison. As the report to the Director of Convict Prisons shows, Parkhurst was not exclusively Catholic but had a rather large Catholic population as well as having regular access to a Catholic priest.²⁹⁹ The report even mentions that in November of 1863 some 80 Catholic

²⁹⁷ House of Commons Sitting on Tuesday, August 9, 1853 c. 1569.

²⁹⁸ Zedner, p. 182. It would remain as such until Woking Prison opened for women in 1869.

²⁹⁹ PP, XXVI.209. Report of the Directors of Convict Prisons on the Discipline and Management of Pentonville, Millbank, and Parkhurst Prisons, and of Portland, Portsmouth, Dartmoor, Chatham, and Brixton Prisons, with Fulham Refuge and the invalid prison at Woking. Also of the Criminal Lunatic Asylum at Broadmoor, for the year 1863. 1864 [3388], p. 88.

http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-

prisoners had been confirmed by a Catholic bishop. Possibly the presence of so many Irish within the English prison system contributed to this increased recognition of the Catholic faith. Interestingly the only apparent Protestant services were Church of England thus implying that the slightly greater freedom being afforded Catholics had not yet necessarily spread to dissenters.

The second major event of 1863 regarding religion was the broadening of religious instruction in county and borough prisons in England and Scotland. The Prison Ministers Act of 1863 allowed those in the counties and boroughs who controlled the appointment of chaplains to appoint and give a salary to religious leaders of communities other than the Church of England (or Scotland).³⁰⁰ This decision was to be made if those in power believed that the area had a religious community large enough to require a minister of another faith. Under this act, the Keeper of the prison was to record the prisoner's faith on entry into the jail and no prisoner could be forced to attend a religious service other than that of their own faith. All of the provisions of this act were already in practice in Ireland. In fact, Ireland was still "ahead" of England because there prisons were required to appoint chaplains of the three main branches of Christianity regardless of the population of that area. Indeed the Prison Ministers Act still did not require the appointment of ministers of other faiths but merely allowed for it.

[us&rft_dat=xri:hcpp:rec:1864-040156](#) (accessed August 9, 2013). Heretofore referred to as *Report of the Directors of Convict Prisons (England), 1864*.

³⁰⁰ PP, III. 1863 (24) Prison ministers. A bill for the amendment of the law relating to the religious instruction of prisoners in county and borough prisons in England and Scotland. 17 February 1863. 26 Vict. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1863-038982 (accessed October 10, 2013).

Conclusion

In light of how central religion was imagined to be to the reformation of prisoners it is interesting that men like Jebb and Crofton, who had real power in the prison systems, did not address how differently the issue of religious minorities was handled. Most prison reformers focused their attempts to differentiate the two systems on practical matters like police supervision and intermediate prisons that reflected a tension between conceiving of the prison as a place of punishment or a place of reformation. Crofton's position as an Englishman running an Irish system largely explains his tendency to ignore this religious debate because he was after all a representative of the English government in Ireland. Thus he had a stake in maintaining the Union and England's primacy within it. Highlighting the way in which Ireland's system was supposedly more advanced in terms of religious toleration than was England's would not have served that purpose. In addition, Crofton may not have felt compelled to advertise this aspect of the Irish system since it was in effect well before he began structuring the Irish Convict System. With the exception of Fanny Taylor who possessed the zeal of the convert, even the prison reformers who favored the Irish system did not base that favor on how it handled religious division. Rather their support for the Irish system was based on its perceived efficacy in reforming prisoners. This efficacy was all the more impressive given the perception that Irish prisoners were harder to control—just as women prisoners were. The construction of the Irish convict system as different from the English convict system functioned to differentiate the Irish prisoner from the English prisoner just as the construction of the female prisoner as the Other sought to differentiate her from not only

men in prison but from proper women outside the prison walls. This need to categorize was so imperative because the constructed categories allowed the subject of those categories to be controlled, which was the fundamental purpose of reforming prisoners and not just punishing them.

Chapter 3: Constructing the Image of the Woman Convict

A vivid example of the image of women prisoners comes from a description Arthur Griffiths provides of a breaking-out at Millbank.³⁰¹ At some unnamed moment in the past an unnamed woman laid down on the floor of her cell just far enough away that she could kick her cell door. Her actions inspired other women to do the same; eventually a large number of women lay on the floor of the cells kicking their doors for hours on end. Griffiths described how some women kicked so hard and for so long that they not only wore out their soles of their shoes but some even rubbed the skin off the bottom of their feet. Other women were described having been found on the floors of their cells lying in a pool of their own sweat from the exertion of it all. Griffiths gave no reason as to why any of these women participated in the door-kicking incident beyond a “strange fancy” having temporarily seized the women. It is unclear whether this particular story was true but its veracity does not actually matter much. The image of a group of irrational female prisoners breaking the rules and disrupting the order of the prison was commonplace in the imagination of all those who wrote, and those who read, about women prisoners. These women who were often accused of having lost all the traits of their sex actually demonstrated extreme examples of the worst imaginable female behavior, particularly their emotionality and irrationality. This kind of story was not widely known by the British public until the publication of the *Female Life in Prison* in the early 1860s, but they were known to those interested in reforming the prisons as early as the 1830s and 1840s, if not even earlier for some.

³⁰¹ Arthur Griffiths, *Memorials of Millbank and Chapters in Prison History*. (London: Chapman and Hall, 1884), pp. 256-257. “Breaking-out” is the term used to describe moments when groups of women prisoners disrupt the order of the prison through various rule violations.

From at least the 1830s to the 1870s, prison officials, prison reformers, and social scientists constructed an image of women prisoners as a particular challenge, or even disruption, to the prison system. It is vitally important to understand that image because it had far-reaching consequences, namely it laid the foundation for the Irish and English convict systems that emerged after 1853. This chapter begins by illustrating the image of the woman convict through the writings of various prison officials and reformers before attempting to reconstruct the reality of who the women prisoner actually was. The latter task is immensely more difficult because the records that might provide such information are far fewer in number. To be clear the work of prison officials and reformers is not completely devoid of any realism in its construction of the woman convict but gauging how much is accurate is challenging again because of the issue of sources. Whether the image was real, partially real, or entirely imaginary, it carried immense power. Prison policy and the public debates about it were based around the writings of these individuals. Consequently the image of the woman convict is important not so much for its authenticity, or lack thereof, but for the way it shaped the prison experience for the women who entered those institutions. How the image of women convicts influenced the structure and running of women's prisons is the subject of the proceeding chapter.

Women were perceived to be far worse than men. Some measure of criminal tendency was accepted as part of masculinity; as can be seen in the mantra of "boys will be boys." There was no equivalent for women, even amongst members of their own sex. Fanny Taylor, the English Catholic nun, wrote, "The reformation of the female prisoner has long been acknowledged to be a harder task than that of the male—indeed, many

have deemed it impossible. She has sinned more against the instincts of her better nature, the consequences of her crime have had a more hardening effect upon her, but, above all, the absence of hope has a fatal effect on her character.”³⁰² Mary Carpenter, the most prolific of all women to write about prisoners in this era, thought that it was odd that so much public attention was paid to reforming the convict system for men while so little was paid to women whose hearts had been hardened, who were more “morally degraded” than the men were because their whole nature had been corrupted.³⁰³ Indeed in her estimation the fact that there were fewer women in prison than there were men was actually a sign of their depravity. Women were less prone by their nature to be criminal so those women that were must have fallen further and must be even more lost to society and to shame.³⁰⁴

The most common explanation for criminality in women was their alleged inability to control their tempers. Mr. Stewart, Governor of Cork Female Depot, claimed that when women were “...at all excited, they seem to have little control [over their tempers]; and for acts of violence done while in a passion they appear to themselves excusable.”³⁰⁵ That fewer women were violating the rules shows both that women could be controlled and that those who resisted such control were particularly recalcitrant. This hyper-emotionality, and the violence that it often caused women to do, is not unlike

³⁰² Fanny Taylor, *Irish Homes and Irish Hearts*, (Boston: Patrick Donahoe), 1867, pp. 48-49.

³⁰³ Mary Carpenter, “On the Treatment of Female Convicts, *Fraser’s Magazine for Town and Country*, Vol. 67, No. 397 (Jan. 1863), p. 33.

³⁰⁴ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 33.

³⁰⁵ PP, XXIII. Third Annual Report of the Directors of Convict Prisons in Ireland for the year ended 31st December 1856; with appendix, 1857 session 2 [2214], p. 141.

http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1857-033429 (accessed August 12, 2013). Heretofore referred to as the *Third Report of the Directors of Convict Prisons in Ireland*.

popular images of the Irish (criminal or not). An editorial from *The Times* in 1877 said of all Irishmen, “How often will it have to be confessed that Ireland is England’s enigma? Before we have half understood the meaning of one Irish mood, Irishmen are out of it and well-nigh through another.”³⁰⁶ This reaction calls to mind Griffiths’ response to the foot-stamping breaking-out at Millbank discussed in the opening of this chapter. The behavior of those women was certainly enigmatic to him and driven by some random emotional whim that passed well before it could be deciphered. Given this greater emotionality and irrationality it makes sense that there was greater similarity in treatment of Irishmen and Irishwomen in prison than of Englishmen and Englishwomen. Making prison work for such cases was deemed a particular challenge. The rational subject able to aid in his own reformation was vital to any concept of the prison as a reforming institution and yet women and the Irish were believed to be anything but rational.

Given that the Irish of both genders and women wherever they might be were considered to be more impressionable than Englishmen, a long-held fear existed that prison not only failed to reform these subjects but that it might in fact corrupt them even further. That concern, which had been around since at least the time of John Howard, was strongest in regard to first time offenders. Henry Mayhew expressed concern over the influence that prison had on women when he wrote, “That she entered Newgate innocent, I have no doubt; but who shall answer for the state in which she left it?”³⁰⁷ Convict women certainly were not thought to enter prison as innocents so his comment must be aimed at those who have yet to be hardened thus first-time offenders are most

³⁰⁶ *The Times*, 8 October 1877, 9b-d.

³⁰⁷ Henry Mayhew and John Binny. *The Criminal Prisons of London* (London: Frank Cass and Co. LTD, 1968 reprint. 1862--original), p. 99.

likely the subject of Mayhew's comment. This fear about the capacity of prison to make the prisoner worse is a large part of what drove the movement for the separate system.

One of the biggest debates about women prisoners was whether they were even able to be reformed, which in turn was inextricably linked with debates about their womanhood or possible loss of womanhood. The woman prisoner was harder to reform because she had sinned more against her nature but did that sinning cast her off from the category of woman altogether or was she simply the worst that women had to offer? For Fanny Taylor, as was previously quoted, these women were willfully defying their own natures. The level of moral degradation that Carpenter assigned to these women can be seen in her following characterization of a woman being sent to prison:

A *woman* who is so far from the sphere which the Heavenly Father destined her to fill, that she has been torn from her home and family—dragged, probably screaming and struggling, by men to the police station—carried thence to the tribunal of the magistrates, where she has probably again disgraced herself by a shameless effrontery—committed to the prison cell, where the awful solitude of those four walls forces her in upon herself, her own violent passions her only company—and then brought forth with maddened and excited feelings to public trial, where, as a last farewell to society, she vents on the judge who has pronounced sentence on her, the deepest dregs of her malignity and hatred.³⁰⁸

The above quote illustrates several key points that were common to the rhetoric about women criminals. First, she had broken from the role to which God (or nature) had assigned women. Second, it was commonly assumed that she had a family from whom she would be separated. Third, the woman described above is far from displaying the kind of passivity that was expected of proper, respectable woman in this era. Fourth, she is guided by her emotions that are, like the feet-stomping women of Millbank prison,

³⁰⁸ Carpenter, "On the Treatment of Female Convicts," *Fraser's* p. 31.

overwhelming to her, irrational, and generally speaking fleeting. Finally, that prison with its bleakness and solitude will only make her more a slave to her uncontrollable passions. For Carpenter, if reform was not made the main goal of the prison from the beginning of their stay, the prisoner would simply come out worse than she went in.³⁰⁹ Whether intentionally or unintentionally Carpenter supported the notion that women convicts required a different kind of treatment than their male counterparts yet she has not cast them off from the category of women altogether.

Rather these women who had strayed now possessed a distorted version of the womanly nature. Carpenter claimed, “The very susceptibility and tenderness of woman's nature render her more completely diseased in her whole nature when this is perverted to evil; and when a woman has thrown aside the virtuous restraints of society, and is enlisted on the side of evil, she is far more dangerous to society than the other sex.”³¹⁰ When Carpenter describes these women in other places she does so in terms that represent traits associated with femininity—just traits that were associated with the worst of the allegedly softer sex. The criminal woman was more duplicitous, emotionally manipulative, and prone to outbursts.³¹¹ She also possessed “extreme self-consideration, selfishness, willfulness, excitability, and deception” that in turn made her “ill-regulated.”³¹² Some of the aforementioned traits, such as selfishness, were in direct

³⁰⁹ Carpenter, “On the Treatment of Female Convicts,” *Fraser's*, p. 35.

³¹⁰ Mary Carpenter, *Our Convicts*, Vol. I (London: Longman, Green, Longman, Roberts, & Green, 1864), pp. 31-32.

³¹¹ Carpenter, “On the Treatment of Female Convicts,” *Fraser's* p. 34. Griffiths, p. 255.

³¹² Carpenter, “On the Treatment of Female Convicts,” *Englishwoman's Journal*, Vol. 12, no. 70 (Dec. 1863), p. 258. Carpenter used the same title for this article as she did the one in *Fraser's* but the articles are not identical. For clarity I will cite future references to these articles by her name and the name of the journal.

opposition to the stereotypical image of the good woman. Others, such as the inability to control emotion and deceptiveness, most definitely were more widely associated with women regardless of whether they were corrupted. The picture that emerges then is not so much of a woman who has lost all that makes her feminine but rather a woman that is a heightened, extreme version of all that is stereotypically negative about femininity. Carpenter, however, argued that these women could be saved. Acknowledging how dangerous these women were might cause “deep sorrow” but that in turn should only inspire “us” to work harder to ascertain how they had become “so deeply tainted with moral disease, in the hope of learning how to effect a cure.”³¹³

Some women wanted to cut women convicts out of the category of women completely. Mrs. Owens, who published an anonymous article in *Cornhill Magazine*, repeated some of what Carpenter did but she took her assertions of their corruption even further. She claimed that these women were bold, unblushing, devoid of shame, and “destitute of the instincts of womanhood” so that they were more like wild beasts than women.³¹⁴ In fact, for the honor of women, these “wild beasts” should not even be called women. Unlike other women who wrote about women prisoners, Mrs. Owens’ rhetoric not only described these women as beasts but also used starkly colonial (and racist) terms to depict them. She proclaimed, “Criminal women, as a class, are found to be more uncivilized than the savage, more degraded than the slave, less true to all natural and

³¹³ Carpenter, *Our Convicts (Vol. I)*, p. 32.

³¹⁴ Anonymous, “Criminal Women,” *The Cornhill Magazine*, Vol. 14, no. 80 (Aug. 1866), pp. 153. *The Wellesley Index to Victorian Periodicals* (London, 1966), p. 342 shows that a woman named Mrs. Owens received payment for having written this article according to the magazine’s records.

womanly instincts than the untutored squaw of the North American Indian tribe.”³¹⁵ At no point did Mrs. Owens question how these women became uncivilized, degraded, or unnatural nor did she explain precisely what she meant by their opposites. If these women were uncivilized, what did a civilized woman look like? One differentiation she was careful to make was between these women prisoners and honest women of the working-class. The women of whom she wrote were of a lower class than ordinary, respectable domestic servants or the ordinary poor as she termed them.³¹⁶ Mary Carpenter made a similar distinction when she referred to criminal woman as members of what she termed a “pariah class.”³¹⁷

Whether these women were considered as fully woman or as some other unnamed category, the issue of their ability to reform remained. In order for the work of the prison system to have any merit women had to be able to be redeemed. If they were not redeemable, then why not simply lock them up and throw away the key? Mary Carpenter repeatedly asserted the ability of women to be redeemed while acknowledging both the difficulty and necessity of the task. Redemption was more likely if the woman was younger when she entered the system and thus was presumably less hardened than the older woman.³¹⁸ Female drunks were the exception for Carpenter claimed that she had

³¹⁵ Anonymous, *Cornhill Magazine*, p. 153.

³¹⁶ Anonymous, *Cornhill Magazine*, pp. 153, 156.

³¹⁷ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, pp. 34, 37. This distinction between the regular working class and its criminal elements supports the work of Jennifer Davis on the Garroting Scare of 1862, which in her estimation helped to make this divide clearer. See Jennifer Davis, “The London Garroting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in mid-Victorian England,” in *Crime and the Law: the Social History of Crime in Western Europe Since 1500*, eds. V.A.C. Gatrell, Bruce Lenman, and Geoffrey Parker (London: Europa Publications Limited, 1980), pp. 191-192.

³¹⁸ In light of her work with reformatory schools it is hardly surprising that Carpenter would assert a relationship between youth and redemption as it undoubtedly aided her mission. It may also have appeared true to her based on that work.

never seen one who was reformed.³¹⁹ This question of the woman convict's capacity for change became more contentious in the 1860s after the publication of F.W. Robinson's *A Female Life in Prison*. Writing under the guise of a prison matron, Robinson painted a rather bleak image of the women's prison system. Robinson's work was already on its third edition by 1863, the first it seems was published in 1861, thus indicating its popularity and the influence it had on the public imagination. Mary Carpenter both noted his work for that very reason but also as evidence of the failure of the English convict system for women.³²⁰ She admits that some were probably regretting that his book was ever published but even they did not question the authenticity of the work—an authenticity that is now highly suspect.³²¹

But what did it really matter if women convicts were perceived to be unable to be reformed? Women's ability to be reformed became increasingly important as the centrality of reformation to the success of prison work increased in the nineteenth century. At no point was that reformation tested more than upon her return to society after her sentence had been completed. If the public generally believed these women permanently corrupted either because of their nature or because of the failure of the prison system, then women convicts had little chance of succeeding in turning away from a life of crime after their release from prison. Without hope, Taylor predicted a bleak future for these women—one that saw the patient, rule-abiding prisoner going "...out at the end of her imprisonment with very little prospect for the future, save that of fresh

³¹⁹ Carpenter, "On the Treatment of Female Convicts," *Fraser's*, p. 34.

³²⁰ Carpenter, "On the Treatment of Female Convicts," *Englishwoman's Journal*, p. 257.

³²¹ Carpenter, "On the Treatment of Female Convicts," *Fraser's*, p. 257.

dishonesty.”³²² In contrast to her male counterpart, women left the prison bearing a great stigma. As such and combined with the already limited possibilities for honest work that were open to them, women seemed more likely to return to crime as the only path open to them.

What made the return of women to crime of such great concern, especially given that most of their crimes were not violent? There are two answers to that question. First, as the quote from Mrs. Owens clearly demonstrates female criminality was seen as uncivilized. Thus the assertion that one’s society was in fact civilized was fundamentally challenged by these women who were either untouched by or in open rebellion against that civilization. Indeed the whole shift in the prison system towards greater reforming impulses was a move towards a more civilized means of handling those who had violated the laws of that society. Consequently if women left the prison only to return to their former ways, it was a signal that the new system was not working properly. Second the reform of women was so important because its possibility opened up a space in which middle-class women could operate. Part of arguing for women’s difference, as done by women, was to support their claim that such difference meant only other women could handle their fallen sisters. Rosamond Hill claimed, “But more especially, does it appertain to us, *women*, to stretch forth a helping hand to our unhappy sisters sunk in crime.”³²³ In a similar sentiment, Mary Carpenter wrote, “The Christian women of England are those who must exert themselves to save their fellow women, the female

³²² Taylor, p. 49.

³²³ Rosamond Hill, “A Plea for Female Convicts. A paper read at the Social Science Congress,” *The English Woman’s Journal*, Vol. 23, no. 74 (April 1, 1864), p. 134.

Convicts.”³²⁴ She proceeded to claim that the work would require “personal sacrifice” but that the rescue of these fallen sisters would make those sacrifices worth whatever they cost. Referring to these fallen women as sisters or as fellow women also meant to remind the women who were being called upon to help that these women were still connected to all women and thus women had a duty to aid them.

Mrs. Owens raised the stakes even further when she claimed that whether it was for good or evil women possessed an influence that could be felt by all of society.³²⁵ That influence was strongest on the next generation. In other words, women needed to be saved because they were, or might be, mothers. Rosamond Hill wrote that “...the conduct of the female sex more deeply affected the well-being of the community. A bad woman inflicts more moral injury on society than a bad man; while on the other hand it is undisputed, that if the mother of a family be well-conducted and industrious, her children will almost always grow up respectably, however idle and dissolute the father may be.”³²⁶ The way that Hill transitioned from discussing women in general to mothers shows the pervasiveness of the expectation that all women were or would eventually become mothers. Her assertion about the greater influence of a bad mother is one that Mary Carpenter echoed Hill’s argument when she wrote, “A family may be brought up well by a good mother, even if the father is dissolute; but we have never heard of any instance of children growing up well under a bad mother, however excellent the father may have been.”³²⁷ The arguments made by these women regarding the importance of motherhood

³²⁴ Mary Carpenter, *Our Convicts*, p. 274.

³²⁵ Anonymous, *Cornhill Magazine*, p. 159.

³²⁶ Hill, p. 134.

³²⁷ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 31.

serve not only to show why it was so important to reform women convicts but they further illustrate the ways in which the construct of motherhood was used to open up space for middle-class women in the public sphere. Women were needed to reform other women and reform was vital because they were mothers who would have influence over the next generation. If reform did not happen Carpenter feared the women would, after leaving prison, “form a foul understratum in society, the parents of young vipers that prey upon the very heart of this country.”³²⁸

If the woman convict was a problem, what was the solution? According to Fanny Taylor, “It was in Ireland that the problem of how to reform our female criminals was first solved, and it is mainly owing to the Sisters of Mercy that the solution was accomplished.”³²⁹ While the Sisters of Mercy did work with women convicts in Mountjoy Prison it is the refuge at Golden Bridge, just outside of Dublin, to which Taylor here refers. Other women, like Mary Carpenter, who wrote about the efficacy of prisons for women in England also turned to the Irish system, which at least in terms of the reformation of women was most strongly symbolized by Golden Bridge, as the solution to the problems facing England. How the refuge came to symbolize the solution to the problem of the woman convict is the subject of the fifth chapter so more will not be written about it at this point.

Real Women Who Helped Shape the Image of the Woman Convict

Those writing about women prisoners liked to tell the stories of individual women to illustrate larger points about how problematic women were to the prison system. The

³²⁸ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 31.

³²⁹ Taylor, p. 48.

two most prominent examples of this approach come from *Memorials of Millbank* and *Female Life in Prison*. Arthur Griffiths, then the deputy governor of Millbank, wrote the former near the closure of Millbank as an attempt to memorialize the prison thus he has a vested interest in portraying how far the prison had come in its history. Women appear only in a chapter titled “The Women.” In this chapter Griffiths focused particularly on the late 1830s and early 1840s relying on the journals of Governor Daniel Nihil to elucidate the treatment and position of women prisoners in Millbank’s history. As discussed in the introduction, Griffiths work was published under the guise of being written by a prison matron who had worked at both Brixton and Millbank. In reality it was the work of author Frederick William Robinson. The veracity of his work is highly suspect but nonetheless his work was immensely popular so it influenced the way people thought about the woman convict. He tended towards the more sensational when writing about women prisoners. One possible reason is that he genuinely believed the system to be faulty thus he was attempting to incite enough public outcry that reform of said prisons would be impossible to delay. Peppered throughout *Female Life in Prison* are little sections titled “Prison Characters” that flesh out individual prisoners who are most likely fictional. Robinson certainly did a great deal of research before writing his book so it is possible that these characters were based on real women but if that is the case Robinson never explicitly said it was. There are two women he features in these character sections that bring together both images about women convicts and the Irish so those are the ones that will be featured in this chapter.

Since the women Griffiths' wrote about were imprisoned in the late 1830s or early 1840s, they will be discussed before the cases that Robinson wrote about in the early 1860s. Before delving into the women that Griffiths' details, it is important to have a little background on Millbank at the time and on the governor whose journals were the source material for Griffiths' accounts. Reverend Daniel Nihil became a Chaplain-Governor of Millbank after his predecessor resigned in 1837. Nihil was not the only man to be both chaplain and governor but there were not many of them. The separate system was introduced to Millbank under Nihil's regime with the hope that it would restrict the "evil" of communication between prisoners.³³⁰ The nature of Nihil's regime, however, was so religious that Henry Mayhew would criticize Nihil's regime claiming he was in fact overly reliant on religion. His dependence on religion led to conditions in which, "the most successful simulator of holiness became the most favoured prisoners" and by which "the most desperate convicts in the prison found it advantageous to complete their criminal character by the addition of hypocrisy."³³¹ Simulating holiness, or reformation, was seen by more than just Mayhew as an undesirable outcome of the prison's efforts at reformation. This fear of hypocrisy led to Millbank's superintending committee losing the power to grant early release to prisoners in the 1830s. It was feared that prisoners were only behaving well or claiming reformation for the sole purpose of being released early from prison. If reformation was merely being performed and not actually accomplished, these criminals would likely return to criminal activity once they left prison. Should that happen the public would either cease to have faith in the ability of

³³⁰ PP, XLII. 1837-38 (218) General Penitentiary, Millbank. Report of the Superintending Committee, 1837. (p. 1).

³³¹ Mayhew and Binny, p. 236.

prisons to reform prisoners or would have their assumptions about reformation proven true.

Women remained in this era a relatively small percentage of the population at Millbank. At the end of 1836 Millbank housed 74 women and 319 men.³³² Despite being a small proportion of the prisoners at Millbank, women loomed large in the concerns about discipline within the prison. Griffiths spent over twenty pages detailing three cases of troublesome women whose stories he learned from reading the journals of Governor Nihil. His decision to relate stories from an earlier era was a way to affirm that discipline in women's prisons had improved since the late 1830s; a time when according to Griffiths' reading of the governor's journals the Governor complained that the behavior of the women in their pentagon was always less than acceptable.³³³ This unacceptable behavior frequently led to questions about the mental health of the woman in question. Using Nihil's journals, Griffiths selected three stories to tell about women prisoners. Each of these women was eventually sent from Millbank to Bethlehem Lunatic Asylum.

The presence of what were termed lunatics in the prisons was a problem that was gaining attention by the late 1830s. In their first report on Grangegorman the Inspectors-General mentioned how the Dublin magistrates were sending insane women to the prison; there were six insane women in the prison on the day that they visited.³³⁴ The biggest complaint regarding the presence of these women in the prison did not have to do with

³³² 1837-1838 Report of the Superintending Committee, p. 2.

³³³ Griffiths, p. 258.

³³⁴ PP, XXIX. Prisons of Ireland, Sixteenth Report of the Inspectors General on the General State of the Prisons of Ireland, 1837; with appendixes. 1837-1838 (186), p. 21.

them not receiving the care they needed but rather that they were a disruptive presence in the prisons. One problem was sending women who were clearly mentally ill to the prison while another is the possibility that prison made some women lose their minds or at the least exacerbated existing problems. In all the cases addressed by Griffiths, Governor Nihil questioned the sanity, or lack thereof, of these three women. The case to which he pays the most attention is that of a woman who was sent back to Millbank from Bethlehem when the staff there declared her to be faking insanity. Ultimately what their stories reveal is that the perceived sanity or insanity of these women was hard for the men around them to interpret because they were behaving in ways that were so far out of the bounds of proper womanhood that their sanity was inherently questionable. Yet at the same time their misbehavior was profoundly feminized, particularly in its emphasis on irrationality and uncontrollable emotions. These women were displaying not the positive traits attributed to women in the Victorian era but rather they were displaying extreme versions of the very worst that womanhood had to offer.

The two cases to which Griffiths paid the least attention bear a fair amount of resemblance to each other.³³⁵ Mary McCarthy and Ann Williams arrived at Millbank from Newgate and Bath Gaol respectively with full notice to the staff there that they required special attention. Both women had already attempted suicide on more than one occasion either by attempted strangulation or by jumping out a window at the jail. While at Millbank both McCarthy and Williams were frequently in trouble, they both were declared insane eventually despite Nihil's doubts of their insanity, and then they were sent to Bethlehem from which they did not return to Millbank. Another similarity in their

³³⁵ Griffiths, pp. 265-268.

cases is that both McCarthy and Williams were looked after by other prisoners at some point in their story. McCarthy's story includes a fellow prisoner reading to her while she was in the infirmary while in the case of Williams other women were watching her in her ward; in fact, they held her down when she managed to escape her handcuffs. Each of the women was physically restrained, allegedly to protect them from harming themselves. In Williams' case, the prisoner reportedly continued her attempts to do herself harm so restraints may well have been necessary. She was eventually placed in an invention that had been made for another woman at Millbank, who like Williams repeatedly banged her head against the wall. They put padding on a hat that they likened to a "Turkish cap" in an effort to protect her skull. For her bad behavior, namely using unacceptable language, Williams was put on a bread-and-water diet, a move that seems rather pointless when she was already refusing to eat. Ultimately her story at Millbank ended with her escaping her nighttime restraints, having to be held down "by her hair" by other prisoners. Despite the Governors' doubts about her sanity, she was given the "benefit of the doubt" and sent to Bedlam.³³⁶ The reason why Nihil doubted the mental instability of this woman is left ambiguous.

Where the story of Ann Williams differs somewhat from Mary McCarthy's is in that she not only endangered herself but she attacked a warder in her cell. This attack came despite the fact that Williams had seemingly calmed down and the warder had not in fact feared entering her cell alone. The precise nature of the attack was not specified but the governor did note that Mrs. West, the warder, was bleeding profusely from a

³³⁶ Griffiths, pp. 267-268.

wound on her forehead and behind her ear.³³⁷ Despite this attack, Mrs. West had managed to escape Williams' cell and lock it behind her. When she returned to the cell with help in tow, she found Williams lying on the cell of her floor with a bruise on her forehead and "seeming insensible."³³⁸ In his recounting of this event, Griffiths implies that the governor and other prison staff at the time saw Williams' actions after Mrs. West left her cell as a suicide attempt. Her mental state after the attack and attempted suicide led those who attended her to believe she was insane. After a doctor who was called in declared her insane, Williams was strapped down to a bed in the infirmary. Shortly after she was caught trying to escape her bindings, she requested and was granted a meeting with the Governor. Precisely what she confessed to the Governor when she was supposedly making "a clean breast of it" is never explained clearly but whatever she did say made the governor doubt she was truly insane. According to Nihil's journals, William told him, "I don't think the doctors know much about madness, or they'd understand me better."³³⁹ In the end Nihil's qualms about her mental state did not matter as the doctor did not agree with him. Thus like McCarthy, Williams was also sent to Bedlam.

The final woman, whose sanity or insanity baffled Nihil and others the most, was Julia St. Clair Newman who received a fair amount of attention both during her own time and then in the nearly twenty pages Griffiths dedicates to her story. While the story of

³³⁷ Later it was claimed that the prisoner had found a knife on the floor of the corridor she took on her way back to her cell from the exercise yard. She had stooped down as if to tie her shoe in order to hide the knife in her sleeve. No explanation was provided for why there would be a knife lying in the corridor, Griffiths, pp. 265-267.

³³⁸ Griffiths, pp. 265-267.

³³⁹ Griffiths, p. 267.

Julia Newman has elements that are comparable to the stories of McCarthy and Williams, her story is far more complex. This complexity is obvious, in part, because Griffiths spends around twenty pages discussing her case as opposed to the two or so pages he devoted to the other two women. More is known about Newman because she would have been called “a gentlewoman” if “she had not degraded herself by crime.”³⁴⁰ Her class position was an issue for her throughout her time in the system. The matron at Bethlehem implied in her report that the only reason Newman was sent from prison to the lunatic asylum was due to privilege she received as part of her high birth. Newman was born in Trinidad and Griffiths said she was believed to be of “Creole origins.”³⁴¹ She apparently returned to England when she was fairly young and then was sent to a French boarding school. At the age of 16, she and her mother went back to Trinidad. After their return to Trinidad, funds came through from a guardian that allowed the Newman women to return to England, where they would begin their crime spree. Griffiths indicated that he believed it was either because the money from the guardian was insufficient or due to “natural proclivities” of Julia but they soon began a spree of swindling, fraud, and robbery that was aided in large part by their “rumored gentility.”³⁴²

Julia Newman and her mother were tried at Old Bailey where they were found guilty on two out of the five indictments against them on February 27, 1837. Mary Newman was 40 years old at the time while Julia was just 19 years old. They were

³⁴⁰PP, 3rd Series, vol. 41. House of Lords Hansard. House of Lords Sitting on 27 February 1838 (1 Vict.). Topic: The Penitentiary (columns 189-204).

http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:LDS3V0041P0-0004 (accessed August 12, 2013).

³⁴¹ Griffiths, p. 269.

³⁴² Griffiths, p. 269-270.

found not guilty on the charge of having stolen several items from Rev. Thomas Heathcote in the dwelling house of William Codd. From the records it would appear they were most likely acquitted because when a search of their rooms was conducted none of the items were found. Perhaps the most interesting element of this trial is the repeated claims Mr. William Codd made indicating that he and his wife did not have any servants in their home. They had used a charwoman in the past but not at the time of the theft.³⁴³ The implication of his repeating these claims indicates how pervasive the assumption was that a female domestic servant would have been a viable suspect for theft if one had indeed been present. According to the records from the House of Lords, they were found guilty of the most grievous offenses with which they had been charged regarding their operation of “an extensive system of robbery.”³⁴⁴ Old Bailey records indicate that the Newman women were both convicted on two counts of simple larceny.³⁴⁵ One of the cases involved the theft of a diamond ring while the other involved them stealing from Mary Dobbs in whose home they had been renting space. For their crimes, Newman and her mother were sentenced to fourteen years transportation. Their sentences were commuted to imprisonment in a penitentiary at which point they were sent to Millbank to serve out their sentence. Exactly how long that sentence was is left unclear in the report but it would, from the accounts of Nihil and Griffiths, appear to have been 4-5 years. From Griffiths’ account of the Newmans at Millbank it was only the daughter Julia who presented a challenge to the authorities. Her mother was an “unoffensive old woman”

³⁴³ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 6.0, 26 May 2012), February 1837, TRIAL OF MARGARET NEWMAN JULIA ST. CLAIR NEWMAN (T18370227-806), pp.1-2.

³⁴⁴ House of Lords Sitting on February 27, 1838.

³⁴⁵ *Old Bailey Proceedings Online*. Trial of Margaret Newman and Julia St. Clair Newman.

who did not stir up trouble and who died in prison of natural causes.³⁴⁶ For her part, Julia did not begin her reign of terror in the prison in a violent manner. Rather the earliest charges involved her trying to pass messages to her mother and consequently being caught in the illegal possession of paper and ink. Throughout her stint in Millbank Newman was caught in possession of various items that the rules did not allow her to have. Both Nihil and Griffiths used that fact to show her propensity for cunning behavior.

The reason that Newman's case ended up before the House of Lords is that, as the report claims, she was transferred to Bethlehem "under very suspicious circumstances."³⁴⁷ There is no clarification in the Lords report about exactly what made it suspicious but from Griffiths' use of Nihil's journals and reports, it becomes clear that even at the time of her transfer not everyone believed she was actually insane. Nihil appeared still to have been convinced that she was only pretending to be insane in order to escape her prison sentence. In the report from the Lords, it was also noted that at the time of her trial and of her sentencing no attempt had been made to set up a defense of insanity. Thus they saw it as suspicious that she was suddenly behaving in a manner that indicated insanity. In addition, the complicated nature of the crime she committed made it seem likely to them that she had to be sane when she committed it. They did not believe a sentence that was no worse than what she should rightfully have expected could cause her to become insane all of a sudden. The case rose to the attention of the Lords because Parliament had begun work on a bill relating to the treatment of insane prisoners.

³⁴⁶ Griffiths, p. 270.

³⁴⁷ PP, 3rd Series, vol. 41. House of Lords Hansard. House of Lords Sitting on 27 February 1838 (1 Vict.). Topic: The Penitentiary (columns 189-204).

In 1840, they passed the Insane Prisoners' Act.³⁴⁸ Regarding Miss Newman they had received notice from the matron of Bethlehem asserting that Newman was, in fact, sane and had been all along. She firmly believed that Newman was faking her condition and subsequently she should not be allowed to remain at Bethlehem. Such a claim raised questions both as to why Newman had been sent from Millbank to Bethlehem but also what should be done with her next.

Newman's case would also come to the attention of the House of Commons. In a report by the superintending committee of the general penitentiary dated March 8, 1838, Newman's case was discussed. It was claimed there were two conflicting views about her time in Millbank and Bethlehem. First was that her treatment in prison had driven her insane. Second was that through "indulgence and collusion" she was sent to the lunatic asylum rather than being made to stay in prison for her punishment.³⁴⁹ They claim that neither of those was the case but rather that she was rightfully classed as incorrigible and consequently sent to Bethlehem. All measures for discipline, short of force, had been tried upon her and yet she had not yielded to lower officials or the highest the penitentiary had to offer. Newman had been reported for misconduct on at least 25 occasions, had repeatedly been to the dark cells until such time as it was deemed

³⁴⁸ The 1840 Insane Prisoners Act allowed any prisoner deemed insane to be sent to a lunatic asylum. This act extended laws regarding insanity to those convicted of misdemeanors as well as felonies. It applied to anyone who was facing a sentence of death, transportation, or imprisonment. To be declared insane it was required that a doctor and two Justices of the Peace (JPs) agree that the person in question was insane. When a person was declared insane, the Home Secretary then ordered their transfer to an asylum.

³⁴⁹ PP, XLII. 1837-38 (205) Penitentiary, Millbank. Copy of a letter written by direction of the Secretary of State for the Home Department to the committee for the management of the penitentiary, with the report of the committee in answer thereto, pp. 3-4.

http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1837-017849 (accessed May 25, 2012.)

medically necessary to remove her from them, and yet she refused to see reason as they put it. One assumption made about Newman's behavior is that she was pretending to be insane to manipulate the matrons into treating her better, by which they meant the matrons would indulge nearly her every whim.³⁵⁰ Her feigned insanity was seen as an attempt to regain some control over her fate.

Unlike the other two women Griffiths wrote about, both of whose stories ended with their transfer to a mental hospital, Julia Newman's story ends with her receiving the punishment that women in Millbank were generally supposed to receive and that she had initially been given. Ultimately she was transported to Van Diemen's Land. The ship that carried her, and 132 other convicts, was called the Nautilus and it left England on April 25, 1838. Their journey lasted for 122 days. Unlike what anyone back at Millbank would have said, the surgeon on board the ship claimed she was well behaved and controlled her temper well.³⁵¹

Robinson's prison characters also include questions about the sanity of the women, thus proving that even fictional women prisoners were of questionable sanity. The example that will be featured here is of a prisoner ultimately determined to be insane but one who is also deemed to be Irish by fellow inmates. In his account there is a link between those two facts. Robinson tells the story of a woman in Brixton Prison to whom he gave the pseudonym Edwards.³⁵² Like her counterparts featured in *Memorials of*

³⁵⁰ 1837-1838 Penitentiary, Millbank. Copy of a Letter, p. 4.

³⁵¹ *Founders and Survivors: Australian Life Courses in Historical Context: 1803-1920*.

<http://foundersandsurvivors.org/pubsearch/convict/chain/c40a4881> (Accessed 5/25/12).

³⁵² A Prison Matron (F.W. Robinson), *Female Life in Prison*, (London: Hurst and Blackett, 1862), pp. 152-158. Robinson did indicate to his readers that he was not using the prisoners' real names so I have labeled them pseudonyms. I do not mean to imply that I believe these women were real prisoners.

Millbank she was eventually sent to a lunatic asylum when her behavior could not be controlled by usual means, including time in the dark or refractory cells. In his story, Edwards becomes focused on another prisoner by the name of Mary Ann Love (also a pseudonym) who was giving her grief. After an assault in the exercise yard that had to be broken up by a matron, they were no longer allowed out in the yard at the same time. Edwards then proceeded to destroy the frame and glass of her window so that she could lob things out the window at Love when she was in the yard. That behavior was what prompted the matrons to send her to the refractory cells. She was sent back to her cell only to take up the same behavior. Eventually they moved Love to another part of the prison so as to keep them entirely separate. Edwards seemed to calm down until one day she heard Love outside her cell. At the time a matron was with her and had left the door open a crack. When Edwards heard Love's voice, she ran out of the cell to chase after her. An assistant matron flung herself at Edwards but that did not slow her down. The matrons were able to get Love safely away from Edwards. From the account no one was actually hurt in this attempted attack. It was shortly after this incident that Edwards was sent to a lunatic asylum.

Similarly to the stories used by Griffiths in *Memorials of Millbank*, Edwards was particularly disruptive, showed no regard for prison property, and could not be broken by the means available at the prison—means such as the refractory cells. She like McCarthy, Williams, and Newman was sent to a lunatic asylum as a means, it would seem, of bringing her under control and of understanding her wildness. Several points need to be made about this story. First, its veracity cannot be verified. The use of

pseudonyms makes it difficult to trace whether this woman was real. In addition since the matron's conduct books have not survived the most likely source to have included such an account is unavailable. There is a small chance it could be based on a real woman that Robinson heard about in the course of his research, which likely did include some conversations with at least one prison matron. Second, it was stories like these of recalcitrant women that are peppered throughout *Female Life in Prison*. Given the widespread popularity of his work the notion that Mary Carpenter puts forth that Robinson's work helped fuel the belief that women prisoners could not be reformed does not seem so far-fetched. It is well-documented that Robinson's readers believed his work truly to be that of a prison matron so whether this story is true or fictional is often little consequence. His readers believed it to be so it can still serve as proof of the kind of depictions that the general public had of women prisoners.

Robinson's story about Edwards is important for one more reason. In his description of her Robinson wrote the following, "Edwards was a fair prisoner, as prisoners are in general—a pretty-faced woman, with a high opinion of herself and her personal charms, and with a horror of being considered an Irishwoman, or of Irish extraction."³⁵³ The whole basis for Edwards' feud with Love was about her alleged Irishness. Edwards' attempted attack on Love in the exercise yard began when Love said to her, "'You know you're Irish, Edwards. Why don't you just say so, and be quiet? Everybody knows you're Irish, just as well as I do."³⁵⁴ Robinson described Edwards in the wake of this incident as "nursing her wrongs" and continuing "to brood on the

³⁵³ Robinson, pp. 152-153.

³⁵⁴ Robinson, p. 153.

indignity of being considered an Irishwoman.”³⁵⁵ On the day that she ran out of her cell after Love she was supposed to have yelled, “I’ll learn her to call me Irish!” and “I’ll have her life!—I *will* have her life!”³⁵⁶ This incident was the second time that Edwards had threatened Love’s life but Robinson has the matron who hears the first threat dismiss it because threats like that are so common among women prisoners that she simply does not take it seriously. Robinson never states outright that Edwards was or was not of Irish origins but her whole story is fueled by anger that she should be seen as such. The construction of a female prisoner who rejected her Irish identity is not limited to Edwards. Robinson also wrote of one woman who was rumored both to be using a false name and to being from Limerick. In this case, Robinson seems to confirm her Irishness when he claimed, “. . .and although she had a great objection to be considered Irish, there was a certain look and manner in her, indisputably appertaining to the sister isle.”³⁵⁷ This woman wore not her criminality in her appearance but in her Irishness. That Robinson featured not one but two women in the English prison system outraged to be deemed Irish reveals a great deal about how he viewed the Irish. It was shameful and an affront to one’s dignity to be Irish. Apparently it was also something he would expect his readers to understand because Robinson never explained precisely what made being Irish so offensive.

The Make-Up of the Convict Prison

What is known about prisoners is quite seriously limited but prison registers did include basic information about them such as name, sex, age, occupation, level of

³⁵⁵ Robinson, p. 154.

³⁵⁶ Robinson, p. 158.

³⁵⁷ Robinson, p. 27.

education, and religious identity.³⁵⁸ Most prisoners were young, meaning under the age of 30, and from the lower classes in both England and Ireland. Young men and women made up one-fifth of the total population but were nearly half of the criminal class.³⁵⁹ Unsurprisingly in Ireland, the vast majority of prisoners were Catholic. For the year of 1853, Catholics made up eighty-eight percent of women convicted of a felony and eighty-six percent of those convicted of misdemeanors. Presbyterians for their part made up less one percent of female felons and 1.4 percent of misdemeanants while Anglicans made up the remaining ten percent of the female prison population in 1853. These percentages are not drastically out of proportion to the percentage of each religious group in the population but the percentage for Catholics may have been a little high.³⁶⁰ Thus the number of Catholics in prison is slightly higher than it should be while the number of Presbyterians is lower than it ought to be, based on their percentage of the total population. If one looks at the numbers of vagrants imprisoned in 1853, the percentage of those who were Catholic was even higher at ninety-two percent thus clearly indicating that Catholics were for any multitude of reasons more likely to be sent to prison than their Protestant countrymen.

³⁵⁸ As far as I have been able to ascertain these records exist for various local prisons but not for the Convict prisons.

³⁵⁹ PP, XXXIV. Second Annual Report for the Directors of Convict Prisons in Ireland, for the year ended 31st December, 1855. 1856 [2068], p. 91.

http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1856-032338 (accessed August 9, 2013). Heretofore referred to as *Second Annual Report of the Directors of Convict Prisons in Ireland*.

³⁶⁰ Determining the exact percentage of each religious group within Ireland in the nineteenth century is difficult. This difficulty is due in large part to the loss of census records. The first full census took place in 1821. A census was done every ten years until 1911. According to the National Archives of Ireland, the census records for 1861 and 1871 were destroyed almost immediately after being taken. The records for 1821, 1831, 1841, and 1851 were mostly destroyed during the 1922 fire at the start of the civil war. <http://www.census.nationalarchives.ie/help/history.html> (accessed October 24, 2013).

One of the most important differences between Irish and English convict prisons was the greater number of Irish women committed to such institutions. The rates of Irish women in prison were higher than they were in England, most other European nations, or the United States. On any given day in 1853 in Ireland, there were some 6451 people imprisoned, of which thirty-seven percent were women. Of the total numbers of prisoners in Ireland in 1853, a full 41.8 percent of them were women. Women accounted for 49.6 percent of the total prisoners in Leinster.³⁶¹ In England, by way of contrast, all the women in convict and local prisons at most amounted to one-third of prisoners. In Ireland in 1854, a full 26,000 of the 60,000 prisoners in just the local jails were women.³⁶² Thus the number of Irish women in local jails alone outstripped the total number of women imprisoned in England. Women generally never made up more than two percent of the total number of convicts in England while in Ireland the percentage was regularly much higher.³⁶³ For example, on January 1, 1855 there were 330 women convicts in government prisons out of a total of 3,427 total convicts in the system. That means women accounted for roughly ten percent of the total number of convicts in prison at the start of 1855 but by the equivalent dates in 1856 and 1857 those percentages would rise to nineteen percent and twenty-five percent respectively.³⁶⁴ These numbers had only continued to climb, albeit at a slower rate, by the middle of the 1860s. The Eleventh

³⁶¹ National Archives of Ireland (NAI) IGP REPT 32. Thirty-Second Report of the Inspectors General on the General State of the Prisons in Ireland, 1853, p. xi. Women totaled 34 percent of prisoners in both Munster and Connaught while amounting to 36 percent of prisoners in Ulster that same year.

³⁶² Tim Carey, *Mountjoy: the Story of a Prison* (Cork: The Collins Press, 2000), p. 139.

³⁶³ Lucia Zedner, *Women, Crime, and Custody in Victorian England*, (Oxford: Clarendon Press, 1991), p. 173.

³⁶⁴ The total number of convicts both male and female can be found on page 1 of the Annual Reports for the Directors of Convict Prisons in the case of 1855-1857 in the first through third annual reports.

Annual Report of the Directors indicates a total of 1,776 convicts in custody on January 1, 1865 of which 504 were women making them twenty-eight percent of convicts.³⁶⁵

The higher number of women prisoners in Ireland reflects the harsh economic realities facing Ireland generally and Irish women specifically. As restricted as women's labor was in England, there were even fewer opportunities for women across the Irish Sea. The combined lack of industrialization and decline of the linen industry meant that the two main areas of employment for women were domestic service and agriculture.³⁶⁶ In fact, in the post-famine period, domestic service is the only area of women's employment that expanded; by 1911 one in three women worked in domestic service.³⁶⁷ That reality explains the prison's focus on teaching women skills that prepared them to work as servants, even if, as the evidence suggests domestic service led a fair number of women down the path to prostitution.³⁶⁸ As Luddy and countless others have argued there was a link between poverty and prostitution as there was between poverty and crime more generally. The vast majority of women in prison were young, unemployed or underemployed, and single.

The nature of the crimes women committed helps to prove the underlying socio-economic causes of the better part of the crimes they committed. Theft was the most common crime for women, which may well indicate that women were stealing in order to

³⁶⁵ *Eleventh Report of the Directors of Convict Prisons in Ireland*, p. 1. As late as the start of the year 1876, the last full year before the creation of the General Prisons Board, women still accounted for 22 percent of the total number of convicts in Ireland. *Twenty-Second Report of the Directors of Convict Prisons in Ireland*, p. 1.

³⁶⁶ Maria Luddy, *Prostitution and Irish Society, 1800-1940* (Cambridge: Cambridge University Press, 2007), p. 4. For much more on issues relating to women's employment in Ireland see Mary E. Daly, *Women and Work in Ireland*, (Dublin: Economic and Social History Society of Ireland, 1997).

³⁶⁷ Luddy, *Prostitution in Irish Society*, p. 4.

³⁶⁸ This argument is the basis of chapter 2 of Luddy's *Prostitution in Irish Society*.

survive.³⁶⁹ Among the crimes listed in the second report of the Directors of Convict Prisons for Ireland were assault and robbery, burglary and robbery, cattle stealing, larceny, larceny and felony, and receiving stolen goods. In 1854 at Grangegorman, 208 out of 259 women had been convicted on one of those charges clearly indicating that theft was the crime for which women were most likely to be sentenced to penal servitude.³⁷⁰ Women were capable of violent crimes; namely assault, arson, killing sheep, murder, and stabbing; however, out of the over two hundred women at Grangegorman only twenty were in prison for these violent offenses with arson and sheep killing contributing the largest number of offenders. That women's crimes had a strong socio-economic basis is also supported by one of the Inspectors who, when discussing Grangegorman, noted that the time of year mattered in terms of the number of women who entered the prison. During harvest months when food was more affordable and employment was easier to find there were fewer prisoners, just 417. When the Inspector visited the prison early in the year, there were 611 prisoners, which was the largest number of prisoners that had ever been there.³⁷¹ The timing of his visit coincided with winter when it was presumably much harder to find work and food was scarcer.

The rates of female imprisonment around Ireland both support and call into question the assumptions made above. In 1854, women made up a majority of the prisoners committed in Leinster, which is hardly surprising given that it includes Dublin. The biggest city in Ireland was the crime capital just as the biggest city in England was

³⁶⁹ Theft was also the most common crime for women in England but the issue here is not the crime itself but the rate at which women were imprisoned.

³⁷⁰ *Second Report of the Directors of Convict Prisons in Ireland*, p. 128. That number amounts to 80% of women in the prison.

³⁷¹ *32nd Report of the Inspectors-General of Prisons in Ireland*, p. 35.

its capital of crime. In addition, this reality can in part be attributed to arrests for prostitution connected with the military garrisons at Dublin and Kildare. Connacht and Ulster had the lowest rates of women's imprisonment. Despite the beginning of a substantial decline of the linen industry, Ulster remained Ireland's most industrially developed region thus it likely was able to provide women with the greatest number of options for employment.³⁷² As the least industrially developed area of Ireland, the lower rates of imprisoning women in Connacht are harder to explain. Connacht, along with Munster, was the area hardest hit by the famine and thus had experienced tremendous loss of population due to death and emigration. Perhaps the lower population rates contributed to there being fewer women in prison if only because there were fewer women who could possibly be put in prison.

The Inspectors-General offered another reason beyond the availability of work to explain the high rates of women in prison. They argued,

That percentage of women “argues a very low condition of morality, though not to the extent which the figures would prima facie seem to establish; for it is to be taken into consideration that absorption into labour, emigration, and latterly, enlistment, have tended to reduce the classes from which male offenders are derived; while the first of these causes has but partially benefited the females, and the two latter, by withdrawing those on whom they depend for support, have probably exposed them, for a time at least, to greater trials and temptations.”³⁷³

Thus it was not just the limited opportunities for women that caused them to turn to crime but rather it was also the lack of marriageable men who might provide for them that drove them to criminal activity. Indeed one of the demographic realities of post-famine

³⁷² The 1841 census indicates that over 500,000 of the 600,000 workers in the textile and clothing industries were women. Within forty years that number plummeted to be less than 90,000 women employed in this industry. Luddy, *Prostitution in Irish Society*, p. 3.

³⁷³ *32nd Report of the Inspectors-General of Prisons in Ireland*, p. xi.

Ireland is that the number of single women rose. Fewer women married but those that did marry did so at an older age than was common in the era before the famine.³⁷⁴ The argument of the Inspectors shows that men had more options than women but also illustrates the way in which it was still expected that women were dependent on men despite the changing demographic realities facing post-famine Ireland; in part by not even alluding to the role that limited economic opportunities limited women's ability to care for themselves. In addition, the implication of such an argument was that Irishmen were failing their women by not only failing to provide for them but also by exposing them to circumstances that could corrupt them. It was as much an indictment for Irishmen as for Irishwomen.

Regardless of whether it was two percent or twenty-one percent who were convicts, the majority of women prisoners still were not convicts. Most of the women in prison were either still awaiting trial or were serving sentences for more minor offenses in local prisons. Thus the local prison is important to consider when dealing with the question of female imprisonment. Local prisons were not reformed as quickly as the convict prisons. Particularly in England the shires and boroughs were given more of a free reign over local affairs. Acts such as the 1823 Gaol Act can be seen, and were by some at the time, as the national government intruding on local matters. As a result much of the work of reforming local prisons was left up to the local government so the process was incredibly uneven. In terms of women the main concern was making sure that women were completely separated from men during their time in prison. With the

³⁷⁴ Brendan M. Walsh, "Marriage Rates and Population Pressure, 1871 and 1911," *Economic History Review*, New Series, Vol. 23, No. 1 (April 1970), p. 148.

rise of the notion of reformation, some within the local jails also wanted to adopt reformatory principles.

Local prisons, both in Ireland and England, presented a challenge to the new understanding of prisons as reforming institutions. The short sentences women, and indeed men, served in them did not lend well to reform. By some accounts there were women who went in and out of local prison over 80 times. A woman named Mary Jordan exemplifies this particular problem. She was first arrested for larceny and kept in Newgate Gaol (Dublin). Her second arrest was for soliciting prostitution in October of 1859 for which she was imprisoned for one month at Armagh Gaol. After which she was arrested and sentenced to time in Armagh again for riot and disorderly conduct, then drunkenness, then riot and drunkenness again, and then nine more times for drunk, disorderly, or riotous behavior between 1859 and 1861.³⁷⁵ Given the short sentences, none of which appear to have been more than a month long, Jordan was in and out of prison multiple times without having been given the tools with which to reform or alter her patterns. The longest sentence given to any woman detailed in this register was given to two separate women for the crime of attempted suicide. Maria Killeen was sentenced to six months in Kilmainham in 1862 for attempted suicide. This issue arose after she spent three months in prison for arson in 1859. In 1870, Ellen Gonan was sentenced to six months for attempted suicide in Dublin County Gaol. She was not previously convicted of any crime. It is interesting that women like Mary Jordan who routinely went in and out of the prisons for the same crimes did not receive increasingly longer sentences while women who attempted suicide were imprisoned for half a year.

³⁷⁵ *Second Report of the Directors of Convict Prisons in Ireland*, p. 142.

The shortness of sentences, especially in local prisons, and the subsequent recidivism frustrated prison officials throughout the nineteenth century. From the Quarter Sessions at Naas in County Kildare in 1885 comes the story of a woman named Sarah Wilson who had been imprisoned forty times between April 16, 1878 and June 1, 1885.³⁷⁶ She was standing trial once again for theft. Previously she had been sentenced to prison by magistrates in Naas, Curragh, and Newbridge for charges that included trespassing, drunkenness, drunk and disorderly, escaping from a Lock Hospital, insubordination in the Lock Hospital, and destroying a footpath. For such crimes she had been placed in Naas jail for sentences ranging between three days and three months each. At the same sessions was a woman named Bella Carpenter who was charged with stealing a horse and side car from Patrick Gaul. Miss Carpenter had also been imprisoned under the names of Isabella Carpenter, Isabella Caffrey, and Bella Walford for the crimes of drunkenness, assault on a policeman, and larceny. Her shortest sentence was for forty-eight hours and her longest for three months, which rendered any attempt to reform all but impossible. Cases such as these eventually led to the lengthening of sentences for women at local prisons in order to afford a greater possibility, or really any possibility, of reforming them.

Despite the significantly larger number of women who went in and out of the local prisons, it was the convict prison that dominated the debates about prisons amongst legislators, prison officials, and reformers in the 1850s and 1860s. Because of the

³⁷⁶ National Archives of Ireland (NAI), Circuit Court for County Kildare. Crown and Peace Office, County Kildare. Quarter Sessions at Naas, 6/3/1885: reports on Sarah Wilson and Bella Carpenter.

newness of imprisoning women for multiple years, there was more concern about the impact of such imprisonment on them. In addition, the woman convict had committed more serious offenses and thus deviated even further from her prescribed societal roles so her redemption was more important to achieve. Certainly in the case of Ireland the presence of several hundred women in the convict prisons each year was worthy of attention. As the century wore on, the number of prisoners sentenced to penal servitude declined whereas the number sent to local prisons rose. This change was particularly true for women. Mountjoy had 479 women serving sentences of penal servitude in January of 1866, a number that had already begun to decline from the late 1840s. By 1897, that number had decreased all the way down to 37.³⁷⁷

Conclusion

The notion that women prisoners, especially convicts, were problematic was axiomatic for the better part of the nineteenth century. Images of women prisoners held that they were more morally degraded than men, more driven by emotion than men, and that they behaved in ways that were unnatural to women. Despite multiple claims that women prisoners had lost what made them women, it was rather that they simply possessed all or most of the negative traits associated with women—often to a heightened degree. They stood as a contrast to what proper womanhood ought to be thus opening space for middle-class women to visit them in prison for the purpose of modeling acceptable femininity for them; a tradition that had continued since the days of Elizabeth Fry and the first lady visiting societies. Yet they were still women, and possibly even

³⁷⁷ Carey, p. 139. It is outside of the scope of this dissertation to explain how such a significant change occurred but it is a question worth looking into at a later point.

mothers, so their redemption was crucial for the benefit of all society, especially now that they could no longer be sent to Australia.

Concern about the redemption of prisoners, especially women, did not emerge from nothingness in 1853. Looking at women prisoners in the 1830s and 1840s shows that prison officials, inspectors, and reformers were increasingly concerned with the moral state of prisoners. To help rectify this moral crisis prisoners were to be better classified while also being segregated by sex and ideally the severity of their criminality. Prisons were becoming more cut off from the outside world. While immorality was generally believed to be the source of criminal behavior in this era, mental health was becoming a bigger concern. The presence of insane prisoners in prisons was seen as disruptive to the proper functioning of prisons. Yet as the examples Griffiths and Robinson demonstrate sanity, or the lack thereof, was not always easy to determine, particularly where women were concerned. The behavior of women in prison was so far outside the bounds of proper femininity that to some it likely all seemed insane and yet, of course, could not truly be deemed as such.

Chapter 4: Reconstructing the Convict System for Women

After the passing of the Penal Servitude Act in 1853 discussion about the difficulties women prisoners presented to the system only increased. Despite the fervent desire to reform women, women convicts remained an afterthought, an aside, or a problem to be handled in the context of the new convict system. One of the few vocal supporters of Colonel Jebb, and thus a critic of Captain Crofton, Reverend Charles Gibson obligingly demonstrated the way in which not just women convicts but even the institutions that housed them were diminished. In *Life among Convicts*, Gibson wrote the following about Mountjoy Prison in Dublin: “Beside the male, stands the female prison of Mountjoy, a lion and a lioness, guarding the northern gate of the city. Indeed these prisons may rank among the lions of Dublin, and like lions, the male is the finer of the two.”³⁷⁸ Gibson never explained what makes the lion superior or what made the lioness inferior. The lioness may have been placed beside the lion but her place was more appropriately somewhere below the lion.

This chapter is, however, not primarily about the lioness’ place below or beside the lion but it is about the lioness herself. After examining the image of the woman convict in the previous chapter, it is now time to examine the woman’s prison. While the women incarcerated in them did not leave behind accounts of their life inside its walls, other sources do provide insight into what life was like on the inside or at least what it was supposed to be like. This chapter will attempt to reconstruct key elements of the system like the progressive classification, which was used to greater effect in Ireland and was the key element of individualization that distinguished the Crofton system from its English

³⁷⁸ Charles Gibson, *Life Among Convicts*. Hurst & Blackett Publishers: London, 1863, p. 37.

counterpart. How mothers and children fit into this system will be explained as will the key elements of reformation used to bring about the moral and social redemption of the woman convict.

Daily Life in Prison

Reformers accounts of their journeys into prison often serve as a valuable source to understanding the rigid daily schedule of life within the prison. Such accounts often begin with the reformer describing his or her journey to arrive at the prison. Mayhew provides a strong example of such a rhetorical practice in *Criminal Prisons of London* when he describes his journey to Brixton Prison. Mayhew wrote as follows,

The Female Convict Prison at Brixton lies in a diametrically opposite direction to the “Model Prison” at Pentonville—the former bearing south, and the latter north, of the heart of London; and the one being some six miles removed from the other. It is a pleasant enough drive down to the old House of Correction, on Brixton Hill, especially if the journey be made, as ours was, early one spring morning, without a cloud to dim the clear silver-grey sky, and before the fires had darkened and thickened the atmosphere of the Metropolis.³⁷⁹

Distance from other prisons was important but the way he describes the sky too functions to set the prison apart from the world around it. From the very start of his description of Brixton, Mayhew sets himself at a distance from the prison; a distance that begins literally but which will sustain itself in a metaphorical sense. Distancing the prison from the normal world of his readers also helped to entrench the idea of the prison as separate from society. That separation was desirable even before the new convict systems were in place as can be seen, for example, in the rule changes regarding visiting policies that took place in 1834.

³⁷⁹ Henry Mayhew and John Binny. *The Criminal Prisons of London* (London: Frank Cass and Co. LTD, 1968 reprint. 1862--original), p. 172.

Once within the walls of the prison one pivotal and all-consuming aspect of prison discipline was the rigid daily schedule prisoners, and indeed prison staff, had to keep. The rigidity of this schedule was meant on a more practical level to limit the amount of idle time that women had. On a less tangible level it inculcated into women the value of a having a daily routine so these women would leave prison accustomed to the kind of schedule that would be demanded of them by employers. The daily schedule for women prisoners, at Millbank and Brixton, began at 5:45 am and ended at 9:00 pm.³⁸⁰ Most of the day was passed working with breaks only to eat, attend chapel, and exercise. By 6:00 am the prisoner had to ready to present herself to the matron who would walk up and down the halls to see that the prisoners were all safe, awake, and healthy. As she went, she would unlock the inner door of the cell, which was usually locked at night.³⁸¹ Women were meant to fold up their beds, place their blankets and shawls on them, polish their table and scrub the stone of their floor before breakfast. A few women, under the supervision of a matron, would also scrub the stones of the main wards while the best behaved women dusted the rooms of the matrons and made their beds. Breakfast was served at 7:30 am and consisted of a 4 ounce loaf of bread and a pint of cocoa. Immediately after breakfast, prisoners went to work “silently” and “passively” in their cells.³⁸² New prisoners, and prisoners not past probation, did coir-picking while the others made bags and shirts for the male prisoners. Work continued until the bell rang

³⁸⁰ A Prison Matron (F.W. Robinson), *Female Life in Prison (Volume I)*, (London: Hurst and Blackett, 1862), pp. 23-30.

³⁸¹ At Millbank each cell had two doors: an outer iron grating that was always locked and an inner door that was only locked at night. If a prisoner was in poor health, a doctor could order the inner door to be left unlocked at night to help improve the ventilation of that cell. Brixton's cells had only one door.

³⁸² Robinson, Volume I, p. 22.

for chapel at 9:15 am for a service that began a half-hour later; matrons were responsible for getting prisoners to the chapel in that time span. After chapel some prisoners went back to work in their cells, while others would get their one hour of daily exercise. The prisoners were allowed out for exercise in shifts with one matron responsible for watching over them as they walked round and round the yard. An example of the kind of physical description Mayhew gave of the space along with the schedule can be found here in his description of exercise time in the airing yards at Brixton Prison,

The airing yards at this prison have little of the bare gravel school play-ground characters, so common with those at the other jails, for here there are grass-lots and flower-beds, so that, were it not for the series of mad-house-like windows piercing the prison-walls, a walk in the exercising grounds of Brixton would be pleasant and unprison-like enough.

The prisoners exercise principally for one hour—from eight till nine; the laundry-women, however, whose work is laborious, walk for only half the usual time.³⁸³

Describing the yards as “unprison-like” does indeed make them atypical for most prisons. That trait is usually reserved for the intermediate prisons or refuges that make up the final stage of imprisonment. Quite likely those who designed Brixton incorporated nicer yards because these were women who had moved out of the most penal phase of their imprisonment thus they had earned a slightly nicer place to walk.

The lunch served at 12:45 included four ounces of boiled meat, half a pound of potatoes, and a six-ounce loaf of bread.³⁸⁴ If they had not been out for exercise yet, they would go after lunch, otherwise they would spend the afternoon working their cells. Work would continue until 5:30 when it was stopped for the evening meal—a pint of gruel placed into the pint that the prisoner had cleaned after having cocoa in it for their

³⁸³ Mayhew and Binny, p. 185.

³⁸⁴ Water was served to the women at 12:30 in preparation for their meal.

breakfast. Matrons were allowed this time to have a tea-break in the mess room after which they would head to the center of the wards to read a few prayers before taking roll call for the night. Prisoners would have to work again until 7:45 p.m. when the scissors would be collected for the day. An hour of time set aside for reading was then allowed before the matron would turn off the gas to the cells at 9:00 p.m. The day's end for the prisoner was also the end for the majority of matrons, except for the one known as the night matron. Her job consisted of making hourly rounds of the prison until the day began with the morning bell at a quarter to six. Looking for any prisoners breaking rules, including attempts to communicate with each other, and also for any signs of illness in the prisoners were her main duties. She had also to make sure to pass through the area with the dark, or refractory, cells.

Mayhew appears to have understood that for many of his readers the daily life of prison was very difficult to comprehend. Consequently he makes periodic references to experiences that were familiar to the average person. In the following quote he refers to a market-place and to parades of charity children in an effort to equate his experience at Brixton with something that his reader can imagine. Mayhew described the exercise yards in the following manner,

It is a somewhat curious and interesting sight to see near upon two hundred female convicts pacing in couples round and round the Brixton exercising yards, and chattering as they go like a large school, so that the yard positively rings as if it were a market-place with the gabbling of the many tongues; indeed, the sight of the convicts, filing along in couples, reminds one of the charity children parading through the streets, for the prisoners are dressed in the same plain straw bonnets, and not only have a like cleanly and neat look, but are equally remarkable for the tidiness of the shoes and stockings.³⁸⁵

³⁸⁵ Mayhew and Binny, p. 185.

Mayhew describes his time observing the exercise yards at Brixton not only in terms that were understandable to those who might read his work but again in terms that he kept him at a distance. He was there to observe, not to interfere.

The System of Progressive Classification

One aspect of prison life that Mayhew would have had little exposure to due to his emphasis on London prisons only was the system of progressive classification that is the hallmark of individualization within the Crofton System. Indeed if any measure of the system was in practice at Brixton Mayhew either did not see it or did not think it important enough to include in his account. English prisons had some aspects of this system but it was less well developed and less rigidly followed than in Irish prisons. The origins of such a system stem from one of the oldest critiques of prisons—that prisoners were not properly separated or classified. That the worst elements were able to intermingle with those who were less hardened or not even convicted. Partly to solve this problem, partly to help improve prison discipline, and partly to give the government a way to measure the reformation of convicts, the convict prisons implemented a system of progressive classification. Crofton modified and implemented more completely a system developed by Alexander Maconochie who was the Superintendent of the Norfolk Island penal colony in the 1840s.³⁸⁶ The basic idea behind Maconochie's system was to reward prisoners for their labor & encourage them to make moral progress. In the Crofton System, prisoners were classified based on their overall behavior, their industriousness,

³⁸⁶ Alexander Maconochie was a Scottish naval officer and penal reformer in Norfolk Island, which is a small island located between Australia and New Zealand. For more information see N. Morris, *Maconochie's Gentlemen: The Story of Norfolk Island and the roots of modern penal reform* (Oxford: Oxford University Press, 2003).

and their aptitude in school. If a prisoner wanted to move up a class, she (or he) had to obey the prison rules, work hard, and do well in school. As one moved up the classes there were various rewards that made life in prison easier to endure. Should a prisoner repeatedly break the rules, be lazy, or fail at school, she would either remain in her class longer than was required by the rules or she might even be demoted to a class through which she had already passed. At the heart of the system was the simple lesson that prisoners were, at least partially, in control of their own destiny. While this system may have been useful within the walls of prison, its utility outside the prison is questionable. No matter what a prisoner did upon release from prison, particularly if that prisoner was a woman, she was marked as part of a pariah class to borrow Mary Carpenter's term. Certainly if a former prisoner followed the law, she could stay out of prison; however, that does not necessarily mean that any kind of movement up the social scale was coming. Teaching prisoners the lesson of upward mobility may well have been an unintended consequence—at least as it would have related to life outside the prison system.

In Ireland, classification was first recommended by the Commissioners appointed to investigate Irish prisons after the passing of the 1853 Penal Servitude Act. In 1855, the Directors of Convict Prisons announced their intent to implement it fully, which the Directors claimed had taken place by 1856. Crofton, in particular, supported the system whole-heartedly. In explaining why it worked he said, "I believe that there are few natures upon which the gradual substitution of lighter for heavier work, the concession of small privileges for good conduct, and, above all, the sense that the duration or character

of their punishment depends in a considerable measure upon themselves and their own exertions, will not exercise a wholesome effect.”³⁸⁷ A less elaborate but still similar system was used in England as well although it is less clear precisely when the system went into effect. Some form of it appears to have been functioning since the beginning of the era of convict prisons yet as Crofton noted it was introduced first into Irish prisons and only later into English prisons because there was opposition to the system in England.³⁸⁸ As regards women in English prisons, there were two main concerns about using this system. The first concern was about the limitations on the kind of work women could do. Perhaps the bigger concern was whether women were “rational enough” for the system to be effective.³⁸⁹ Given the depictions of the extreme emotionality of women criminals it is hardly surprising that some believed them incapable of the kind of rational thought necessary to recognize that they could use the system to better themselves and their stay in prison. Ultimately a form of the Irish system of progressive classification was adopted in England. In 1872, the International Prison Congress passed a resolution that adopted progressive classification arguing that it was a system that both held out hope to the prison through a system of rewards but was also punitive enough to teach prisoners that they had sinned against society to which it owed reparations.³⁹⁰ Reformation of the prisoner was not possible without the “will of

³⁸⁷ Sir Walter Crofton, “On Prisons: Some Observations on the International Prison Congress held in London from July 3 to 13, 1872,” *Fraser’s Magazine*, vol. 7, no. 37 (Jan. 1873), p. 103.

³⁸⁸ Crofton, “On Prisons,” p. 103

³⁸⁹ Lucia Zedner, *Women, Crime, and Custody in Victorian England*, (Oxford: Clarendon Press, 1991), p. 179.

³⁹⁰ Crofton, “On Prisons,” p. 108. The International Prison Congress that met included representatives from 23 nations including India, Japan, Hong Kong, Chile, Brazil, Australia, the United States, and several European nations. The list of participants can be found in Crofton, “On Prisons,” p. 101.

the convict.”³⁹¹ This notion that the prisoner had to participate actively in his or her own reformation was truly innovative at the time. It was the foundation of Crofton’s assertion that individualization was necessary for prisons to accomplish their goal of reforming, and not just punishing, prisoners.

When Mary Carpenter wrote about the system of progressive classification as it applied to women in Irish prisons she was highly supportive of its use—as she was of the Irish Convict System as a whole. She began her evaluation by noting that what was used on women was similar to what was used in men’s prisons. Apart from the length of time spent in solitude at the start of the sentence and the kind of labor that could be done at certain stages, the systems were indeed nearly identical. The system began with a penal stage wherein the solitude of the prisoner was relieved only by official visits and in which the bare minimum was provided in terms of food; just enough to maintain a basic level of health. As the prisoner moved up through the system, those restrictions would be eased. Carpenter explained the effect of this system by stating that “her gradual rise into a higher class and greater comforts...will depend solely on herself, not on her simply abstaining from the breach of prison rules, but on her absolute effort to overcome her vicious inclinations, and to co-operate with those placed over her in the work of reformation.”³⁹² As with male prisoners women would have to be active agents in their own reformation. It would not be easy, Carpenter asserted, because her whole life had been ruled by a lack of self-restraint but it was certainly possible in her estimation.

³⁹¹ Crofton, “On Prisons,” p. 108.

³⁹² Mary Carpenter, “On the Treatment of Female Convicts, Fraser’s Magazine for Town and Country, Vol. 67, No. 397 (Jan. 1863), p. 42.

The system that was to teach prisoners the virtue of self-restraint was in itself fairly complex. In their second annual report from 1855, the Directors of the Convict Prisons laid out the intricacies of the system.³⁹³ Two distinct classes of prisoners were separated out of this new system as anomalies. The so-called Invalid Class included those that were labeled weak-minded, mentally deficient, and those who were in the worst physical shape. The other class kept separate was the incorrigibles, who Crofton estimated made up no more than a quarter of all the women in the system. Apart from these two unique groups of prisoners, the vast majority would move through the system from the penal class to third class to second class to first class before finally reaching the advanced class. Prisoners could be moved down a class if need be. They were not sent back to the penal stage but prisoners as far as the advanced stage could drop all the way back down to the third stage for a serious enough offense.³⁹⁴ Initially the advanced class was labeled the exemplary class because to arrive there the behavior of the prisoner would have been exemplary but the label was scrapped when it was deemed inappropriate to ever consider their behavior exemplary. As the century wore on, this highest class was eliminated from the system as were the refuges.³⁹⁵

The distinctions between the earliest classes were more pronounced than they were later on. Convicts entered the convict prison in the penal class. In this stage (or class), prisoners were locked alone in their cells. They spent the day alone in their cells picking oakum. They received the least amount of food of all the prisoners and were not

³⁹³ *Second Report of the Directors of Convict Prisons in Ireland*, pp. 152-156.

³⁹⁴ *Second Report of the Directors of Convict Prisons in Ireland*, p. 153.

³⁹⁵ PP, LIV. 1882 (31-2) Prisons (Ireland). Copy of an order in council made on 12th September 1881, approving of rules made by the General Prisons Board with respect to the classification of female convicts in convict prisons in Ireland, p. 1.

allowed meat. Their diet was just enough to maintain their health but never more than that. This stage, as its name suggests, was truly meant to be the hardest and the most punitive. Little to no real difference existed in this stage between how men and how women were treated except for the length of time spent in this penal class. Men were given nine months in this punitive stage while women were given just four months. If the prisoner was troublesome, she (or he) could be held in this class for longer. Very few prisoners escaped this class because it was the foundational class for the whole system; it was the class where resistance was meant to be broken down. A few prisoners with health problems would be made exempt from the penal class but that was not an easy exemption to obtain. Those prisoners who received this exemption were placed in the probationary class along with prisoners who were troublesome while in the penal class. Medical advice was sought for those in the probationary class, especially for those with health problems, so the diet and other restrictive measures were often relaxed for this class. Sometimes they were even employed in the open air but they were still cut off entirely from contact with other prisoners.³⁹⁶ They would often receive attention, however, from the chaplain and the schoolmaster to get the help that the penal class should have provided to them. Most prisoners moved from the penal class to third class—the first class of the so-called reformatory classes.

Once a prisoner moved out of the penal phase of their sentence, he or she moved into the reformatory stage. The second stage or “reformatory” stage usually saw men transferred to Spike Island. Invalids were sent to Philipstown and those men with trades

³⁹⁶ *Second Report of the Directors of Convict Prisons in Ireland*, p. 152. Since outside work was normally allotted to male prisoners due to its tendency to be considered hard labor, it is unclear was work a female prisoner would be assigned to do outside.

went to Smithfield. Very hard labor, some of which entailed public works projects, accompanied this second stage of confinement for men. Women, who were assumed unable to do any of the harder labor needed for public works projects, remained in Mountjoy for the second stage. If a prisoner went into the penal class and did well, she could be within the reformatory stage of her sentence in just four months. In terms of a four year sentence that clearly means the bulk of her time in prison was aimed at reforming her. From the third class to the first class, prisoners were evaluated and classified monthly by their schooling, industry, and conduct. While in the third class prisoners worked from inside their cells so they still were to have no contact with their fellow prisoners. How long a given prisoner stayed in this class depended on the rating she received for her time in the penal class. If a prisoner had an exemplary rating while in the penal class, she could be eligible for the second class in just two months; very good meant three months, good meant four months, and indifferent meant six months.³⁹⁷ Of all the classes it was easiest to move out of the third. Once a prisoner was in the second class, it would take longer to earn her way up to first. Exemplary marks in the third class meant that a second class prisoner was eligible to move to the first class in six months but in reality a prisoner needed a year to earn their way into the first class. The biggest change that prisoners noted in the second class was that they were allowed to have their cell doors open during the day while they worked.³⁹⁸ Women, who made it to the first class, or even to the advanced class, might also be allowed to work in association with other prisoners. Being allowed to work with their fellow prisoners was considered a

³⁹⁷ *Second Report of the Directors of Convict Prisons in Ireland*, p. 152-153.

³⁹⁸ Fanny Taylor, *Irish Homes and Irish Hearts*, (Boston: Patrick Donahoe), 1867, p. 51.

privilege and thus could be revoked at any time for poor behavior.³⁹⁹ In order to make it to the highest class, women had to receive exemplary marks while within the first class. Once that happened, a woman became eligible to be sent to one of the refuges while a man would have been eligible for the intermediate prisons.

In order to quantify their progress through the classes, a system of marks was created to record information about the conduct, schooling, and industriousness of the prisoner. Each month the prisoner could earn a mark for school, for industry, and for discipline. The marks were very bad, bad, indifferent (or ordinary), good, and very good. Moving up the classes not only required time but it required a certain number of marks. For example, moving from the third to the second class required eighteen marks. A mark of very good in all areas allowed the prisoner to move up in two months. More marks were required to move between the higher classes. It took forty-four marks to move from second to first and 108 marks to move up from first. Receiving a mark of bad or very bad meant that a prisoner lost their marks for that month thus ensuring that she would spend more time in the class she was already in. If the marks became bad enough, she could even be moved back down to the next class below in addition to being subject to whatever punishment was assigned for the rules that had been broken. Once a prisoner made it to the advanced class, she was no longer given marks. Rather it was noted how many months she had been in the class. If the prisoner had met the minimum number of required months in a regular prison, she could be sent to a refuge provided there was space available for her in one. One of the duties of the matrons and the schoolmistress

³⁹⁹ PP, XXX. Fourth Annual Report of the Directors of Convict Prisons in Ireland, for the year ended 31st December 1857. 1857-1858 [2376], p. 9.

was to keep a record of the marks in what was called a conduct book. At the end of every month, the information in the conduct book was transferred into a convict character classification book, which not only kept track of a prisoner's marks but also had information about the prisoner's name, age, offense, sentence, previous convictions, and offenses committed while in prison.⁴⁰⁰ However, the only official written record kept of these marks was kept in books to which prisoners did not have access.

That did not mean that convicts were without means of determining their own progress or indeed that of fellow inmates. Prison uniforms through colors and badges were used to mark a convict's status within the system. If convicts were expected to participate in their own reformation, it would be important for them to have a sense of their progress, but the uniforms also functioned as a means of social control because a convict could not only mark her own position but she would know it relative to other women around her. With the exception of the penal phase, of course, when she was kept in isolation from other convicts. The power of dress to mark one's station was by no means exclusive to the prison. Thus women were having reinforced for them within the prison system, the lesson that one's dress was indicative of one's status—a status that was relative to other people and that included both duties and privileges. Albeit the difference between the dress and cleanliness of the women in the lowest classes of prison and those in the highest were not as dramatic as they would have been between the lowest end of the working class and the aristocracy on the outside.

⁴⁰⁰ Copies of these books along with any records of the convict prisons (at least in England) do not exist. I have encountered this problem but it has also been noted by Zedner, p. 201. I did not find such books for the Irish prisons either.

Grey dresses indicated prisoners in the penal or third class.⁴⁰¹ Light blue on the cuffs and collars indicated a second class prisoner while red indicated a first class prisoner. Women in the advanced class wore a dress of a wholly different color. All women had a badge on each arm as well. On the right arm was the register badge that included the number of the prisoner, the nature of the sentence (penal servitude or transportation) and the length of the sentence. These badges were white with the convict's number in the middle in black lettering regardless of the prisoners' class. On the left arm, prisoners wore a conduct badge that they received each month. Besides indicating their class, the conduct badges indicated how many marks the prisoner had earned the month before, how many were needed to move up to the next class, and how many marks had been earned since the prisoner had arrived.⁴⁰² If the prisoner had received a mark of bad or very bad the month before that would show up on the badge as well. Unlike the register badge, these badges were different colors. Third class badges were yellow with black lettering while badges for the second and first classes were the light blue and red colors that they wore on the cuffs and collars of their dresses.⁴⁰³ Women in the advanced class received a white badge with numbers and letters made of brass. The assumed permanence of their position was thus indicated on the badge they wore. These badges served three main purposes. First, they provided the prisoner with a sense of her own progress. Second, the badges made it easier for prison staff to identify the women, especially those who had the "B" or "VB" of troublemakers marked on their

⁴⁰¹ *Second Report of the Directors of Convict Prisons in Ireland*, p. 153. It was said that these two lowest classes of prisoners would wear the gray dress "for the present" implying that perhaps in the future they might no longer be assigned to wear the same attire.

⁴⁰² *Second Report of the Directors of Convict Prisons in Ireland*, p. 155-156.

⁴⁰³ *Second Report of the Directors of Convict Prisons in Ireland*, p. 156

arm. Finally, the badges made a woman's status public information. Other prisoners could see her status when they were in chapel or in the exercise yard. Through these attempts to make a woman's class clear simply by looking at her, the prison was replicating the way that class identification functioned outside the prison walls.

The final element of the classification system was meant to aid prisoners on their release. Gratuities, which were linked to a prisoner's class, could be earned by prisoners from the third class on up but not by prisoners in the penal stage. Proponents of these payments made it clear that prisoners were not receiving a wage for their industry—that they had no fundamental right to be compensated while they were being punished. Instead these gratuities were a reward for good behavior and hard work. They were a benevolence show by “the state.”⁴⁰⁴ While in the third class a prisoner received 1 d. per week. In the second class, prisoners received 2 d. per week. Prisoners who were particularly productive could earn more but no more than 2 d. per week more. No gratuity could be earned by a prisoner who earned a mark of bad or very bad. Should a prisoner attempt to escape, be found guilty of assault, or be deemed incorrigible she could, at the discretion of the Directors, lose all the money she had earned. Prisoners who were classified as invalids or who were too elderly to work could be given a small sum for good behavior if the Directors so desired. For all prisoners, gratuities were received upon release from prison either in installments or in a lump sum. If the prisoner was planning to emigrate, which was encouraged, she generally took the lump sum to help pay for passage.

⁴⁰⁴ *Fourth Report of the Directors of Convict Prisons in Ireland*, p. 96.

How well this system actually functioned may never be a question that historians can answer but that it was a complex and pivotal element of the attempt to reform women cannot be doubted. This new system by no means solved all the problems of classifying and segregating prisoners. The Roman Catholic Chaplain at Grangegorman in 1857 argued that the most troublesome women needed to be more carefully classified so that they could be kept away from other prisoners until they behaved better.⁴⁰⁵ Whether this was a kink in the system that was worked out with time or whether the physical arrangements at Grangegorman affected the prison's ability to keep the most undisciplined women separate is unclear. Regardless of its limitations this new system of classification was one of the main centerpieces of the new convict system.

At the end of the progressive system, prisoners received what was known as a ticket of leave or what might be called parole today. Tickets of leave were suspended in Ireland from 1853 to 1856 while the previous system of imprisonment was being evaluated.⁴⁰⁶ A public outcry had made it clear that the Irish public had serious reservations about allowing convicted criminals back out into society under the current system of punishment. In England, tickets of leave were not suspended but there was similar concern by the public over the switch to penal servitude as the main means for punishing criminals. In both nations, the public was used to prisoners being sent out of the country. Suddenly having these people being held at home and then released back into society was bound to cause some amount of panic. The Directors of Convict Prisons

⁴⁰⁵ *Fourth Report of the Directors of Convict Prisons in Ireland*, p. 108.

⁴⁰⁶ Sir Walter Crofton, "Convict Systems and Transportation: a lecture delivered to the Philosophical Institution, Bristol, on the 22nd December, 1862, by Sir Walter Crofton, C.B." (London: William Ridgway, 1868), p. 7.

for Ireland explained in second report that they no longer had a choice but to let prisoners out at home as nowhere but Western Australia would take their prisoners anymore and even Western Australia would not take women.⁴⁰⁷ That no one would take these prisoners may have explained the need for penal servitude but it did not assuage public concern over what would happen when these prisoners were released at home.

The Directors in Ireland, largely to calm the public, made the decision to create a system of police supervision for those out on ticket-of-leave. By 1857, a system was in place nationwide that allowed the police to supervise those prisoners out on license. The idea was to create a nationwide network of information about criminals and their location as well as to assure the public that these prisoners were not out in society again without some consequence. Tickets of leave were issued with the caveat that any violations of the law would send the convict back to prison and now the police were there to make sure that happened. In the end, the loss of transportation led to a much greater responsibility and power for police forces in Ireland. That power would not, however, extend to women who were not supervised by police when out on license. Instead those who ran the refuges for convicts took on the responsibility of supervising the women who left their care.

Motherhood in the Prisons

One of the aspects of imprisoning women that was unique to them was the presence of children in the prisons. The presence of these children and what level of interaction the women convicts should be allowed to have with them was a source of great debate that yet again highlighted the special status of women prisoners. Should

⁴⁰⁷ *Second Report of the Directors of Convict Prisons in Ireland*, p. 13.

children be sent into prison with their mothers and if not with who should they reside?

Most reformers seemed to be two minds on this particularly sticky issue. Carpenter, for one, feared the influence of prison upon those children who went in with their mothers claiming that they would be “cut off from all civilized or Christian influences.”⁴⁰⁸ Given the supposed reformatory nature of the work that prison officials were to be doing this assertion seems problematic to say the least. For if the children were cut off from such influence would not their mothers also be and how would that lead to their reformation? In addition, those children who did enter the prison with their mothers usually spent a limited amount of time with their mothers. Prison staff who worked in the nurseries spent more time with the children and presumably those women would not have the effect Carpenter is describing. Indeed in Ireland spending time with one’s child in prison was seen as a privilege that had to be earned. If a woman had behaved well during the previous week she would be allowed to spend time with her child or children on Sundays should they be in the prison with her.⁴⁰⁹ If, however, she had misbehaved during the week that privilege would be revoked temporarily. Thus indicating that even for women convicts who followed all the rules their children were cared for by other women six days out of the week. Jellicoe, in contrast to Carpenter, expresses no particular concern for the state of children in prison with their mothers. She writes,

A little colony of infants, poor prison flowers, to whom even the air of a gaol is pure, if compared to that from which they have mercifully been taken, flourish a corner of their own; children born in prison, and those under two years, being taken. They seem happy, and even joyous, and possess advantages which I

⁴⁰⁸ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 33.

⁴⁰⁹ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 41.

should be sorry to see exchanged for the workhouse school, although poverty is there the only imputed crime.⁴¹⁰

Possibly because Jellicoe focuses on the contrast between the living situations of these children when their mothers are free she sees prison as an improved environment. By discussing how children flourished in their own corner, Jellicoe also highlights the kind of separation that Carpenter was essentially describing. Perhaps if the children had been in the cells with their mothers, her feelings would have been different. Interestingly she also sees the prison as a better environment for children than the workhouse—something that Carpenter would have been unlikely to say was true of the English case.

Taylor for her part acknowledges that the children were happy and well-fed but worries about how soon they would lose their innocence. That loss was due to their mothers of whom she said, “Perhaps raging in some of the cells above, or in the ‘punishment cells,’ tearing about like wild beasts, were the mothers of some of them, to whom their future training would be committed.” However, it was their time in prison that might actually protect them because it was there that they were “taught holy lessons which may linger as fragments in the memories of some.”⁴¹¹ Taylor is thus flipping on its head Carpenter’s fear that children were cut off from Christian influences in prison. It was in prison that one could guarantee some measure of exposure to those very influences that presumably she believed might not have ever reached the children otherwise. When it came to the women who made it to the refuge at Golden Bridge, she saw the time they had with their children, who were apparently sent there to them, as

⁴¹⁰ Anne Jellicoe, “A Visit to the Female Convict Prison at Mountjoy, Dublin,” *Transactions of the National Association for the Promotion of Social Science—London Meeting, 1862*. (London: John W. Parker, Son, and Bourne, West Strand, 1862), pp. 439-440.

⁴¹¹ Taylor, pp. 52-53.

having a “softening effect” upon the women.⁴¹² Whether she saw the potential for that same effect on women in the earlier stages of their imprisonment is unclear but perhaps her failure to characterize the visits as such is answer enough.

The Tools Used to Reform Convicts

Besides the system of progressive classification, the reformation of men and women convicts rested on some shared cornerstones—namely religion, education, and employment. With the exception of the less advanced system of classification in England, the same tools were used to reform convicts there. On both sides of the Irish Sea obvious variations existed, such as in the nature of the labor men and women were allowed to do, but the core ideas were the same. Men and women convicts needed to become literate, hard-working, God-fearing Christians. Yet for women, unlike men, that was not seen as sufficient. Women also needed the positive influence of other women; namely that of the staff and the ladies who visited the prisons. This idea was present from the time of Elizabeth Fry and applied both to Irishwomen and Englishwomen. Proper femininity needed to be modeled for the woman convict but no such calls were made for proper masculinity to be modeled for male convicts. This difference rests on two ideas. First, women were always imagined to be more impressionable than Englishmen but not necessarily Irishmen. Thus showing women proper behavior was more likely to make an impact on their actions than it would for men. Second, the middle-class women who visited prisons from the time of Fry had to make an argument for their involvement in prison life, especially as the new convict prisons were intended to be even more closed-off from good society than earlier prisons were. If they could argue that exposure to their

⁴¹² Taylor, p. 60.

ways had a positive influence of women convicts, then they had a niche all their own within the largely masculine power structure of the penal system.

Whether in England or Ireland religion served as the linchpin for any attempt at reformation of prisoners since without it none of the other tools could function properly. Criminality was a sign of moral failure thus moral correction and education was vital to solving the problem of crime; religion was the way to teach prisoners morality. On the system of religious education in Irish prisons Fry noted, “While the system thus pursued precludes all religious education of a sectarian, and much more of a proselytizing, nature --the prisoners are led to knowledge of those fundamental truths of our common Christianity, on which depend at once their moral reformation and their eternal salvation.”⁴¹³ Learning the basic tenets of Christianity prepared the prisoner for salvation but also for their moral reformation while they still lived. Fry’s reference to the fundamental truths of Christianity also indicates that she was taking a position regarding the possible sectarian issues that could plague religious education in prison—especially in Irish prisons.

Fry argued that sectarian training in religion was not needed to exact reformation and that, in fact, it might even be a hindrance to achieving that goal. Her approach did have its limitations. One big debate that took place in Irish prisons regarding religious education was the reading of the Bible. As it had since the start of the Protestant Reformation, most of the Catholic hierarchy maintained that the Bible should only be read to the people by a priest. If a priest was the one providing the education to

⁴¹³ Elizabeth Fry and Joseph Gurney, *Report addressed to the Marquess Wellesley, lord lieutenant of Ireland, respecting their late visit to that country* (London, 1827), p. 22.

prisoners, which he was not, there would not have been such an issue. As was discussed in *The Bible War in Ireland* one solution that Protestants offered to deal with this problem was that the Bible should be read without comment.⁴¹⁴ That is precisely what Fry suggested when she said that Scripture should be read in the schools but should be done “without note or comment.”⁴¹⁵ Fry said that the Roman Catholic bishop of Belfast supported reading Scripture without comment but that some unnamed others did not. What Fry wanted to emphasize in her comments on this issue is that Scripture was of the greatest importance to reformation so finding a compromise solution was absolutely necessary. To support her argument Fry claimed that in all her efforts at Newgate (London) she did not encounter even one woman who was able to reform herself without “daily perusal of the Holy Scriptures.”⁴¹⁶ Her solution to the issue of reading the Scriptures was to remove the Bible from the library where students could read it on their own; that practice was common and even encouraged in England. Instead a matron, a teacher, or even a chaplain should read Scripture to the prisoners without commenting on it. The issue of reading Scripture makes clear that despite the shared fundamental truths of Christianity real differences in approach made using religion as a reforming tool difficult in practical terms.

Handling conversions was difficult within this new system in Ireland that was aimed at preventing conversion. Despite the system not being intended as a tool for proselytizing some prisoners did change faiths. Thus it was possible to convert within

⁴¹⁴ Irene Whelan. *The Bible War in Ireland: The “Second Reformation” and the Polarization of Protestant-Catholic Relations, 1800-1840*. (Madison, WI: The University of Wisconsin Press, 2005), pp. 134-139.

⁴¹⁵ Fry and Gurney, *Notes on a Visit*, p. 22.

⁴¹⁶ Fry and Gurney, *Notes on a Visit*, p. 22.

the new system but it was not encouraged as it had been. Conversion was sometimes treated with suspicion. One Presbyterian chaplain, Hamilton Magee, discusses in his annual report to the Directors how prisoners were changing religions. He claimed that the more troublesome, or refractory to use his word, women changed religions merely to annoy those in charge and not out of any particular religious conviction.⁴¹⁷ As it had been all along, the idea of false conversion was troublesome to those who spoke of it. For them it simply encouraged the dishonest, duplicitous nature of prisoners, especially of women.

Prison education under the new convict system in Ireland was supposed to be secular. Heavy use of the Scriptures and other religious readings might call the secular nature of such education into question but the intent of such readings was not forced conversion but the spreading of literacy. If the tools used to teach literacy helped foster a certain morality, as some reformers argued it did, then so much the better. In discussing the education of women in prison, Mary Carpenter argued that women began their education in a stunted state with an intellect that had been deadened over time. As these women “became more docile” and rose up to the higher classes, they would reap greater benefits from their education.⁴¹⁸ The Superintendent of Mountjoy’s prison for women, Mrs. Delia Lidwell, said that education for women should “awaken the minds of the prisoners, and improve their natural comprehensions, to make them more docile, more

⁴¹⁷ PP, XXXV. Fourteenth Annual Report of the Directors of Convict Prisons in Ireland, for the year ended 31st December, 1867; with appendix, 1867-1868 [4084], p. 43-44. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1867-044261 (accessed August 9, 2013). Heretofore referred to as the *Fourteenth Report of the Directors of Convict Prisons in Ireland*.

⁴¹⁸ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 42.

easily brought to see the value of cleanliness and order, and to inspire them with a considerable self-respect...⁴¹⁹ In both cases, the value of prison education was related to the notion of an intellect or mind that had been deadened or asleep but also to the notion of docility. Moving up the class system may have applied more to the Irish system but the notion that greater docility was desirable the longer women were in prison was by no means restricted to Ireland.

The Governor of Grangegorman explained the relevance of education by asserting that literacy education was too significant to be ignored because “in this country...the causes of crime are principally ignorance and destitution...”⁴²⁰ That ignorance was often measured, as much as was possible, by literacy rates in the reports of the Directors of Convict Prisons. Looking at the extent of the knowledge of the prisoners upon entry into the prison, the reports categorized prisoners as knowing the alphabet, spelling, reading, and writing. At Cork Female Government Prison for the year 1855, Anna Curtin, the teacher noted 325 students of whom 187 entered the prison knowing only the alphabet; that amounts to roughly 58 percent of the prisoners.⁴²¹ Of her 325 students, only 9 knew how to write. Thus the Governor’s point that ignorance was a problem amongst the prison population seems to be fairly well supported by their own evidence at the very least. Beyond literacy skills that ignorance most likely also included ignorance of the basic tenets of Christianity but that was not directly expressed by these authors.

⁴¹⁹ *Fourth Report of the Directors of Convict Prisons in Ireland*, p. 145. Also quoted in Mary Carpenter, *Our Convicts*, vol. II, p. 257 and Dobash, Dobash, and Gutteridge, p. 66.

⁴²⁰ *Fourth Report of the Directors of Convict Prisons in Ireland*, p. 130.

⁴²¹ *Second Report of the Directors of Convict Prisons in Ireland*, pp. 151.

Yet the notion that docility and education were connected, especially for women, reveals a good deal about how education was viewed. Alongside religion and employment, education was one of the most important elements of the reformatory experience in prisons. An article from *The Cornhill Magazine* claimed that there were almost no educated women in prison but that education could be used as a tool for the redemption of those women who had already fallen as well as preventing others from falling.⁴²² Thus education had the capacity to be both corrective and preventative. Education for women in the prisons served two primary ends. The first was to correct their poor behavior by cultivating their so-called deadened intellect. The second was to help develop them as domestic servants. Men and women both received the corrective aspect of education through the teaching of literacy skills, arithmetic, and even some geography but when it came to teaching employment skills their education differed as much as any education on the outside would have done. Men received education in trades that were considered masculine while women were trained for domestic service. As the author of the aforementioned article insinuated good servants were not born that way but rather they were made.⁴²³ Women were to learn domestic economy while gaining useful skills needed for work as a servant such as cooking, laundry, sewing, and so on.

School officials within Irish prisons most often emphasized the corrective nature of education as can be seen in their annual reports given to the Directors of Convict Prisons. That ability to provide correction was, even within what was labeled secular

⁴²² Anonymous, "Criminal Women," *The Cornhill Magazine*, Vol. 14, no. 80 (Aug. 1866), pp. 152, 160.

⁴²³ Anonymous, "Criminal Women," *The Cornhill Magazine*, p. 160.

education, still largely religious in nature.⁴²⁴ Mountjoy's schoolmistress in 1868 stated that her goal for the women was that they should at least be able to read their book of prayer before they were discharged.⁴²⁵ From her comments it seems that many of the women did achieve that goal. Those that did not were in her words either very old women or had some kind of "mental deficiency."⁴²⁶ Her inclusion of the very old women is important because nearly every reformer who wrote about seeing the prison schools also mentioned the spectacle of gray-haired women in the classroom. For example, Carpenter notes the older women in the classroom before going on to note "...even elderly women in spectacles seemed to feel a new life awakening in them with this use of newly discovered powers."⁴²⁷ Precisely why so many writers felt it necessary to mention the presence of these grey-haired ladies learning how to read is not entirely clear. Yet it would seem, from Carpenter's comments at least, that it was evidence of both how little education these women in prison had received and how powerful its reformatory and rejuvenating powers could be.

To help further literacy, all prisons had a library. Prisoners had little time for reading in any given day but when they did have a short amount of free time at the end of the day reading was one of the few approved of and available ways to spend it. Such approval of using downtime for reading goes back a couple of decades. When presenting their report to Parliament in 1824, the Select Committee on Millbank suggested that there were hours of the day being wasted in prison that could be used to teach reading and

⁴²⁴ Carpenter, "On the Treatment of Female Convicts," *Fraser's*, p. 42. Because secular education was offered in the prisons, the prisons were assigned an inspector from the National Board of Education.

⁴²⁵ *Fourteenth Report of the Directors of Convict Prisons in Ireland.*, p. 42.

⁴²⁶ *Fourteenth Report of the Directors of Convict Prisons in Ireland.*, p. 42.

⁴²⁷ Carpenter, "On the Treatment of Female Convicts," *Fraser's*, p. 42.

writing to prisoners.⁴²⁸ They went so far as to suggest allowing candles in cells in order that prisoners might be able to read when it was dark be used as a reward for good behavior. In addition, they put forth the idea that the chaplain, who would be part of teaching prisoners to read, could not only use sources for moral or religious instruction but that he might also use sources that mixed that with “rational amusement.”⁴²⁹ Generally speaking the collection was not terribly extensive but it certainly was useful to those just learning to read. As was mentioned when discussing the daily schedule, prisoners were given one hour at the end of the day to read in their cells before the gas was turned off. Fears about tedium or idleness had long plagued prison officials as can in part be seen by the rigidity and length of the daily schedule as well as attempts to introduce women to joys of reading.

A vital element in reformation and in defeating idleness was developing a strong work ethic in both Irish and English prisoners. As Dobash and Dobash argued an important aspect of imprisonment in the middle to later part of the nineteenth century was the inculcation of the habits of industry. Industry required workers with certain skills and with good work habits both of which could be imparted in the confined space of the prison.⁴³⁰ Despite the heavily gendered nature of the work that they were allowed to do, that women should work in the prison was not questioned. Rather the question of labor for women was wound up in larger debates about whether the work that prisoners did needed to be productive.

⁴²⁸ PP, IV. 1824 (408) Report from the Select Committee on the Penitentiary at Millbank, (p. 6).

⁴²⁹ 1824 Report on the General Penitentiary at Millbank, p. 6.

⁴³⁰ Russell P. Dobash, R. Emerson Dobash, and Sue Gutteridge, *The Imprisonment of Women*. (Oxford: Basil Blackwell, 1986), pp. 70-71.

Those that favored making prison work productive won out everywhere as the nineteenth century progressed. Due to the purely punitive nature of the penal phase, the first few months in prison, labor was not generally productive in that stage. It was not uncommon early in the century for women in this phase to be confined to their cells all day with no task but to pick oakum. Yet fears arose that if women learned to associate labor with punishment that they would not take in the good work habits it was hoped they would learn in prison. Consequently, by the middle of the century onward it was more common for women to perform needlework in the penal phase. When women progressed through the stages more work became available to them. Women prisoners were used to help keep the prison clean, they were used in the kitchens, and sometimes they were also used in the infirmaries. The level of production that these prisons achieved could be quite impressive. In 1854, the women at Brixton Prison produced 20,000 shirts, 10,000 flannel drawers and waistcoats, 1,200 shifts, 3,500 petticoats, 5,700 sheets, 2,000 caps, 3,700 pocket-handkerchiefs, 2,800 aprons, 2,300 neckerchiefs, 1,200 jackets, and 3,400 towels.⁴³¹ Apart from making these items, prisoners at Brixton also had the largest laundry in the English convict system. They were responsible for providing clean clothing for not only Brixton but also for Millbank and Pentonville.

The work women did in prison became a source of income on which the prisons relied for their maintenance. Using their labor to help support the cost of running prisons was seen as an important tool for lowering the cost of prisons to the public. Mr. Seymour Teulon, a visiting justice in Surrey, noted that the women imprisoned at Ulster Gaol, in

⁴³¹ Mayhew and Binny, p. 194.

Belfast, did washing for the prison and the public at the income of £600 a year.⁴³² The Sisters of Mercy, who ran Golden Bridge Refuge in Dublin, relied on money earned by their inmates in tandem with money they received from the government and from charitable contributions. Such income never fully supported the cost of running a prison, or refuge, but it certainly helped to defray the costs. In addition, Mr. Teulon claimed that many of these women were able to pursue the occupation of laundry work after leaving prison.⁴³³ Of course, others would see this trend as problematic because it threatened to push honest women out of laundry work and thus further limit their options to support themselves.

The final element of the reformation of women was the influence of other women. Prison staff, nuns, and (Protestant) lady visitors were all expected to exert a positive moral influence over prisoners whenever they had the chance to meet with them. In both England and Ireland the resident staff of the prison typically included a governor, a head matron, a deputy matron, and matrons who ran the store, school, hospital, kitchen, and the laundry room. Ireland also had class matrons who each took control of a class of prisoners within the system of progressive classification.⁴³⁴ In addition, there would usually be a couple of servants, a couple of clerks, a storekeeper, a court registrar, and a couple of male guards. Among the staff that did not reside at the prison were the chaplains, the physician, and the surgeon. The duties of the head matron were the most clearly delineated; she had to live at the prison, report to the Governor, and follow all the

⁴³² Mr. Seymour Teulon, "Discussion—Discipline in County and Borough Gaols," *Transactions of the National Association for the Promotion of Social Science*, 1874, p. 288.

⁴³³ Teulon, "Discussion," p. 288.

⁴³⁴ PP, XIII, pt. II. Fifth Annual Report of the Directors of Convict Prisons in Ireland, for the year ended 31st December, 1858. 1859 Session 2 [2531], pp. 39-40.

rules laid down for the Governor unless they were not applicable to the care of female prisoners. It was her duty to be present when food was distributed, to visit every section of the female prison throughout the day, and to see every prisoner at least once a day; her presence should be felt every day all throughout the prison. The Governor was supposed to receive a daily written report from the matron that included the names of any prisoners being punished, any prisoner who missed chapel—and why, plus any prisoner who was in the infirmary or who was in need of seeing the medical officer. As much as possible she should attend the daily service along with the women under her care. The matron's presence was deemed so important that she could not be away from the prison for a night without written permission from a visiting justice nor could she be away for more than three hours without having to note why in her journal. Her journal would keep all the details for the running of her department, reports made to the Governor, and punishments that were given to the prisoners. At any meeting of the visiting justices she should have her journal available to them. Whenever the Governor wanted to visit the female prison, the Matron was required to accompany him. It was also her responsibility to make certain that no male guards or visitors were allowed unescorted by a female officer into the prison. As the Governor did in male prisons, it was her duty to make sure that every women prisoner was searched upon admission to the prison. Any money or other effects brought in by the prisoner would be taken from her and held by the Governor until her release. A copy of the prison's rules should be provided to every literate prisoner within one day of entry to the prison. The Matron, or someone she appointed, should read the rules to any prison who could not read. If she felt it necessary, or if it was ordered by the

Governor, it was her duty to search visitors to the prison. Such searches should only be done in the presence of other women, excluding any of the prisoners.⁴³⁵

In addition to the duties mentioned above the head matron always reported on her staff in the annual reports to the Directors. Primarily the comments focused on the discipline of the prison staff and attempts to reassure the Directors that the prison staff was aiding in the reformation of the prisoners. The schoolmistress was almost always singled out for her work by a variety of prison officials in their reports to the Directors. Chaplains of whatever stripe were the most likely to praise their efforts but praise also often came from the Superintendent and even from the Governor. While there was often a mention made of the willingness of prisoners to be taught, the schoolmistress was routinely praised for her efficiency and for her passionate devotion to her work. In her report about 1857, Marian Rawlins, Superintendent at Grangegorman, wrote “Much praise is due to the zeal and efficiency of the schoolmistresses, for the progress many have made during the period of their imprisonment.”⁴³⁶

The modeling of proper female behavior was by no means limited to the philanthropic women who visited the prisons. Similarly to what Lucia Zedner found in her study of English female prisoners, the staff at Irish female prisons was expected to maintain professionalism while fulfilling the part of role model for the prisoner. As put by the Directors of the Convict Prisons in Ireland in their 1857 report on Newgate, the officers were to treat the prisoners “with firmness, but gentleness” so as to avoid

⁴³⁵ PP, XXV. 1843 [457] Report relative to the system of prison discipline, &c., by the inspectors of prisons, pp. 21-22. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1843-020925 (accessed 9/26/2013).

⁴³⁶ *Fourth Report of the Directors of Convict Prisons in Ireland*, p. 103.

upsetting them.⁴³⁷ It was not, however, a duty necessarily imposed on them from above that was taken on grudgingly. Maria Keon, principal Matron of Newgate on its reopening, wrote the following in her report,

For the better discharge of my duty, I have endeavoured to ascertain the dispositions of each of the convicts, and having found the particle or grain of goodness which will outlive years of depravity, to encourage and develop it by prudently infusing into her mind sentiments of self-respect, and an abhorrence of whatever may tend to debase her character.

I feel happy in stating that the force of good example, and the influence the matrons possess have been sufficient to secure the general discipline of the Prison, and in the few instances where recourse was, from necessity, had to deterrent measure, the ordinary means at my command were amply sufficient to maintain order. It is the study of the officers of the Prison to effect the reformation of those committed to their charge, by not only the aids which religion furnishes, but by use of such humanizing employments as may prudently be introduced.⁴³⁸

Keon's statement demonstrates both the willingness of prison staff to take on the cause of reformation and the acceptance of that as part of their duties. That duty would be carried out in part by the use of religion but also by treating the women as human. Her talk about finding the grains of goodness, harks back to Elizabeth Fry's insistence that sparks of goodness endured in these women. This emphasis on finding and encouraging the good that had survived all the horrors of these women's lives combined with an emphasis on developing their self-respect was not absolutely exclusive to women prisoners but it was particularly fervent when it came to them. Male prisoners, especially in England, were typically treated in a much more regimented, much less individualized manner. Male prison guards observing male prisoners were there to keep order and not to be held up as

⁴³⁷ *Fourth Report of the Directors of Convict Prisons in Ireland*, p. 9.

⁴³⁸ *Fourth Report of the Directors of Convict Prisons in Ireland*, p. 110.

examples of ideal manhood for the prisoners to witness.⁴³⁹ Female officers were expected to do more than just keep order; they were expected to play a vital role in the reformation of the female prisoner, especially in convict prisons where women served terms of a length that opened up the possibility of reformation.

Of course, there was concern in overdoing this approach as well because as the schoolmistresses at Cork claimed in their 1857 report, many of the women in prison had too long practiced self-indulgence.⁴⁴⁰ Lidwill made similar comments when discussing the preferred mode for women to receive instruction from the nuns or lady visitors who came. While complimentary of the help they provided, she expressed concern over there being individual meetings in cells between these women and the prisoners. In her estimation it gave the prisoner an inflated sense of “their own consequence” thus leading them to be presumptuous and overly friendly.⁴⁴¹ Consequently visits to cells had been disallowed despite the continued desire of prison officials to have the positive influence of the women who visited prisoners.

Part of the legacy of Elizabeth Fry was the continued existence of visiting societies in which middle-class philanthropic ladies visited with prisoners along with the notion that such women could, in fact, improve the behavior of the prisoners. In England, The British Society of Ladies for Promoting the Reformation of Female Prisoners that had been formed by Elizabeth Fry in 1821 continued to wield its influence

⁴³⁹ Whether the same was true of Irish male convicts and their guards is unclear from the sources I have read. I suspect that male guards in Ireland faced less expectation of modeling good behavior than women guards did in either England or Ireland but there may still have been more expectations for them to do than there was with Englishmen.

⁴⁴⁰ *Fourth Report of the Directors of Convict Prisons in Ireland*, p. 119.

⁴⁴¹ *Fifth Report of the Directors of Convict Prisons in Ireland*, p. 90.

on how prison visitation was to be structured. While the heyday of the influence of lady visitors on the prisons was the 1810s and 1820s when Fry was active and before the creation of a prison inspectorate, in England, in the 1830s, their presence could still be felt in the convict system that emerged in the middle of the century.⁴⁴² Yet as both F.K. Prochaska and Maria Luddy have pointed out, there had been a notable decline in the attentions towards prisoners of such women who now largely focused their attentions on the workhouses.⁴⁴³ Despite the increasingly axiomatic belief that women should be seriously involved in work with any charities that catered to women and children, their work in prisons became increasingly restricted by latter part of the century. One possible reason for this restriction may well have been the growing professionalization of prison work. Women who dedicated their lives to being matrons may well have resented the interference of volunteer women, especially because their status allowed the visiting women to have a less professional, guarded, and restricted relationship with the women convicts who they visited than the staff could generally have. Charitable women remained most vital to women prisoners through their running of discharged prisoner aid societies that sought to take up the role of the defunct (at least in England) refuge system.

The decline in attention is certainly true of Protestant women visitors and possibly even of Catholic lay women who participated in philanthropic work but Irish nuns played a crucial role in aiding women convicts. By the middle of the century in Ireland it was the Sisters of Charity and the Sisters of Mercy who were the most heavily involved in the work of visiting female prisoners as opposed to the earlier era of prison visitation in

⁴⁴² F.K. Prochaska, *Women and Philanthropy in Nineteenth-Century England*, (Oxford: Clarendon Press, 1980), p. 37.

⁴⁴³ Prochaska, p. 37 and Luddy, p. 156.

which Protestant ladies had dominated the practice. It can be argued that nuns represent the single greatest intervention of Catholic Ireland into the English controlled prison system. The Sisters of Mercy would continue to be frequent visitors to Mountjoy Prison along with managing the refuge at Golden Bridge. The presence of priests as chaplains in the prisons should not be ignored but at least when it came to women convicts; it was the Sisters who would have the most direct and personal influence over the women. That influence will be explored further in the next chapter that looks specifically at the issue of the refuges.

Conclusion

The convict system that emerged for women after 1853 was a variation of what was created for men. It was adapted for the purpose of handling the kinds of concerns that were raised by the image of the woman convict with the ultimate purpose of reforming the women that came through it. The prisons were cut off from proper society as much as possible, they imposed strict rules and a strict schedule on the prisoners, and they sought to engage prisoners in their own reformation through use of the system of progressive classification. All of this applied to both men and women with some minor differences in practice that took understood gender roles into consideration. Women, for example, spent less time in solitary confinement in the penal phase than did men. The tools of reform were the same for men and women. Education, labor, and religion were the pillars upon which this new system would build its reformatory goals. Some differences in how the tools were used existed, of course, but the fundamental notion behind each of those elements was the same. For women, however, there was one

additional tool of reform and that was other non-criminal women. Lady visitors and prison staff were present to model for proper womanhood for the sake of their inferiors who clearly did not understand its definition. Women were perceived to be more impressionable than men thus more open to this approach.

In both Irish and English prisons for women, the system from the mid-century onward was supposedly centered on the concept of reforming women within their walls. Employment, religion, education, and the influence of proper women were all tools used to exact that reformation on both sides of the Irish Sea. Despite that Mary Carpenter, for one, wrote very highly of the Irish Convict System and its impact on women but wrote of government convicts in England as “doomed.”⁴⁴⁴ Mary Carpenter’s overall assessment of the convict system as applied to women in England was scathing. Claiming to have seen just one young woman convict end up in a respectable position in society, she proclaimed the system a total failure.⁴⁴⁵ Her measure for declaring the failure of the system was its inability to churn out women who were truly reformed; for which she undoubtedly looked to the high number of repeat offenders among women. Carpenter denigrated the English system not because the fundamental structure of the system that was broken but rather because of how the principles of the system were carried out in practice. She went so far as to claim that one could find more peace in a lunatic asylum than in a female prison.⁴⁴⁶ Prison only aggravated the worst traits of women convicts

⁴⁴⁴ Carpenter, “On the Treatment of Female Convicts,” *Englishwoman’s Journal*, Vo. 12, No. 70 (December 1, 1863), p. 253.

⁴⁴⁵ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 39.

⁴⁴⁶ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 39.

thus leading them to become repeat offenders in part because in the English system women were not made to follow the rules as strictly as they ought to be.⁴⁴⁷

Yet as the writings of Carpenter, Jellicoe, and Taylor indicate they believed a solution had been found. As mentioned previously Taylor argued that solution had been found by the Sisters of Mercy and it was the refuge at Golden Bridge. Carpenter saw the Irish system and the English system as fundamentally different. In Ireland, the system was accomplishing one of its major goals—the prevention of crime by repeat offenders to be specific. The Irish system exercised better control over the women within it and while insubordination did exist it did so to a lesser extent. Whether the Irish system was actually that much more effective is up for debate but the writings of these women reformers, among others, indicate that the perception of its greater efficacy was well-nigh unshakeable for some. The linchpin of the reformatory aspect of the Irish system was the refuge, which is the subject of the next chapter.

⁴⁴⁷ From the time of John Howard forward one of the most common charges against imprisonment has been its tendency to corrupt the prisoners further. What Carpenter was claiming in the 1860s was hardly new but its particular focus on women was new to a degree.

Chapter 5: Prodigal Daughters: The Refuge as a Bridge Back to Society

In 1861 Mary Carpenter noted, “The English public does not believe in the reformation of prisoners by the system adopted in this country. The contrary is the case on the other side of the channel. There is a belief in Ireland that the system adopted in the convict prisons *does* reform those who are subject of it; and the consequence of this belief is, that masters are ready to receive discharged prisoners into their employment; those who at first, doubtingly, tried some, now confidently apply for more.”⁴⁴⁸ From there she claimed that the majority of convicts were absorbed back into the labor force unless the conditions of their life were such that it was better for them to emigrate. Those emigrants had been prepared by their stay in prison to become useful and productive members of their new societies. Carpenter was writing specifically about men at this moment. Whether she believed the Irish public to be as ready to receive women convicts is not something she addressed quite so directly but her generous praise of the Irish convict system for women indicates that she probably did believe so. Her implied criticism of the English system is supported by John J. Spear, the chaplain of the women’s prison at Parkhurst, who wrote, “Few are disposed to employ prisoners, especially females, no matter how exemplary their conduct in prison may have been; and what is to become of them if none will pity and help them; we must expect that rather than endure the terrible trial of starvation they will return to their former habits of life.”⁴⁴⁹ For his part, the chaplain hoped that the rising tide of Discharged Prisoner Aid Societies,

⁴⁴⁸ Mary Carpenter, “Visits to the Irish Convict System, No. 1,” *Once a Week*, 5.128 (7 Dec. 1861), p. 656.

⁴⁴⁹ PP, XXVI. Directors of Convict Prisons: Reports on Discipline and Management of Pentonville, Parkhurst, Millbank, Portland, Portsmouth, Dartmoor, and Brixton Prisons, 1863, p. 98. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1864-040156 (accessed 9/26/2013).

which were in some ways an answer to the refuge system that was deemed so successful in Ireland, would help to solve the problem he described in his report. Without such aid he wondered, “How are these poor fallen women to be recovered from the depth of depravity into which they have sunk themselves? I do believe that the majority of them would turn out well if a home and maintenance could be provided for them; some there are, no doubt, on whom all our efforts to reclaim them will prove in vain.”⁴⁵⁰

Carpenter and Spear made similar assumptions regarding the aim of the convict prison. That aim was the reformation of the woman, and man for that matter, rather than her punishment. Both also indirectly addressed the highly contentious issue of what caused women to become, or remain, criminals. Neither indicated that a woman’s criminality was based solely on her corrupted nature but that it was the lack of a support system and more generally her environment that led her to a life of crime. In his report to the Directors of the Convict Prisons, the Governor of Grangegorman wrote,

To send forth, from time to time, numbers of discharged convicts, homeless and friendless, with the character of crime still adhering to them, would be, in my mind, to subject them indirectly to the same course of guilt—the same outrages on society, the penalty of which they have already paid by many years’ detention in prison. It is scarcely necessary to observe how probable, how almost unavoidable, relapse becomes under such circumstances.⁴⁵¹

In his view, the cause of criminality in women was not simply a result of some inherent weakness in their character. Women became criminals because they lacked security. Prison could not prevent a relapse into crime if women faced the same circumstances upon release from prison on top of having to bear the stigma of being a criminal. The

⁴⁵⁰ Directors of Convict Prisons: Reports on Discipline and Management of Pentonville, Parkhurst, Millbank, Portland, Portsmouth, Dartmoor, and Brixton Prisons, 1863, p. 98.

⁴⁵¹ *Second Report of the Directors of the Convict Prisons in Ireland*, p. 131.

refuge was created to combat both of those problems. According to Edmond Scully, the Catholic chaplain at Grangegorman, the refuge held out the ability for women prisoners “...to recover their lost character, and regain a respectable position in society, as servants or otherwise.”⁴⁵² The refuge served the extremely important function of helping women to find work after leaving it but of equal importance was the notion that the refuge helped women regain their character.

In the context of convict women, the refuge was the final institution of the prison system. If the convict woman had ascended the various classes to reach the advanced class, she could spend the last year or so of her sentence in a refuge provided there was sufficient space. As with the intermediate prison for Irishmen, the refuge was a much more relaxed and freer environment than the prisons to which these convicts had been confined for a number of years. Prisoners were not locked in cells but instead given rooms that were left unlocked. They were also allowed to intermingle freely amongst each other. At least in the Irish case, the refuge was made to resemble a home. Ultimately the intermediate prison for men and the refuge for women were meant to test the reformation that should have taken place in the earlier stages of imprisonment. At their core the arguments for the refuges were really about the nature of prisons, namely whether they were primarily institutions of punishment or reformation. The creation of the refuge as a means of improving the lives of prisoners calls into question the very purpose of the prison itself. If the prison was meant to be solely a place to punish law-breakers, then the refuge system is questionable because it was clearly not meant as a means of punishment. On the other hand, if the prison was meant to carry out the

⁴⁵² *Fourth Report of the Directors of the Convict Prisons in Ireland*, p. 108.

reformation of criminal women that was so often discussed by prison officials, prison reformers, and government officials, then the need for a refuge system could indicate a failure on the part of the prison system to accomplish its goal of reformation.

Reformation was important to those like Mary Carpenter because society was suffering from the *non*-reformation of the prisoner at that time.⁴⁵³ If prisons became better at reforming prisoners it would benefit both the prisoners and society at large. In Jebb's estimation prisoners would resist reformation and transitioning back into society if they perceived that society was against them.⁴⁵⁴ Women who left prison only to be surrounded by people from their former lives and who were cut off from the assistance of legitimate society would almost undoubtedly relapse into crime.

Bound up in all these debates about the nature of the refuge, and the prison, are debates about the causes of women's criminality. As indicated in earlier comments, some clearly believed that a woman's environment contributed substantially to whether she turned to a life of crime and to whether she could be reclaimed from it. Still others clung to the belief that women turned to crime because they were morally corrupt. The belief that that they were defying both society's laws and God's laws when they committed crime endured. Consequently the refuge was necessary to illustrate the reclamation of these women to society and to God. Fanny Taylor could offer no higher praise of the Sister who ran the main Roman Catholic refuge in Dublin, St. Vincent's Reformatory at Golden Bridge, than to say that she was returning women "to virtue,

⁴⁵³ Carpenter, "On the Treatment of Female Convicts," *Fraser's*, p. 35. Italics in the original.

⁴⁵⁴ *Report on the Discipline of the Convict Prisons, 1857*, p. 29. In a section arguing for refuges for women, Jebb transitioned into a more general reasoning for society to support prisoners. As Jebb does so, he began to use masculine pronouns with no explanation about the change.

society, and God.”⁴⁵⁵ Returning the women to virtue and God dealt with the individual redemption of the convict in question but to return her to society required that redemption be accepted.

Acceptance of the redemption of women convicts became less difficult to achieve if the nature of their criminality lie in their circumstances and not their very natures. The former is far easier to fix than the latter. The acceptance of that redemption may well have been aided by the Irish public’s willingness to believe the Sisters of Mercy were capable of redeeming these women. In England Fulham Refuge remained a government institution. Thus its failure to redeem women, as noted by both Carpenter and Rev. Spear, indicates that the Irish public had more belief in the power of the Sisters to redeem women than the English public had in the power of the English government to accomplish that same task. As will be more fully discussed later in the chapter, the nature of women’s work versus the nature of men’s work played a role in this debate as well. Women, especially in Ireland, were far more likely than men to work in domestic service. Consequently women convicts had to be invited into people’s private homes to work. In order for that to happen, the public had to be convinced that the prison system could redeem its subjects.

These refuges were based on Discharged Prisoner Aid Societies, which had formed by at least the 1820s in Ireland. Colonel Jebb planned a refuge for English women at mid-century despite steadfastly refusing to implement the intermediate stage of imprisonment for men as modeled in Ireland. For men, the dangers in doing so—namely

⁴⁵⁵ Fanny Taylor, *Irish Homes and Irish Hearts*, (Boston: Patrick Donahoe), 1867, p. 53. Taylor has nothing but the highest of praise for Mother Mary Magdalene (or Mrs. Kirwan) but claims to be restricting some of her praise for the lady in question would find too much praise to be impertinent.

the free association of prisoners—outweighed any potential benefit for men. What then caused Jebb to advocate for such a stage for women? If the idea of the prison was to isolate criminals from society for a period of time, then the idea of the refuge was to begin to remove them from that isolation. Indeed the refuge acted as a bridge back to good society for the woman convict who was not only able to make it to the refuge but who behaved appropriately enough inside to merit the patronage that such institutions doled out in terms of employment. These women would no longer be required to complete their sentences with nothing but the prison to recommend them. Now they could get the support of nuns or charitable ladies who had tested their reformation in the refuge and who would, in turn, help the prisoner secure employment. While the intermediate prison for men was also meant to serve as a test of their reformation, there was not the perceived need to make such institutions privately run. Thus the final stage of imprisonment, as with all the others, was structured around social expectations and realities for both sexes.

Pre-cursors to the mid-century refuges

The concept of refuges or reformatories has a couple of different lineages. In the 1820s there had been private refuges established for receiving female criminals discharged from prison. These refuges were wholly voluntary. In Dublin there was an institution known as the Shelter for Females Discharged from Prison that opened on June 6, 1821 with Miss H. Ivie as its matron. Reverend Charles Bardin, who worked with the Shelter, referred to it as a house of mercy. The shelter opened for the purpose of rescuing

“three young and wholly destitute creatures from impending destruction.”⁴⁵⁶ By the time Reverend Bardin gave his sermon in 1824, one of those three young women was still in the refuge, one had returned to her parents, and one had returned to a life of crime. Fifty women had passed through the Shelter in those couple of years. Of those fifty, the Shelter claimed that some had returned to their families, some had been sent to other “suitable situations,” and all were gainfully employed.⁴⁵⁷ Bardin’s 1824 sermon was intended to help raise funds for the Shelter as can be seen when he appeals to his audience on behalf of twenty-five young women who were at that moment praying to be able to enter the shelter, which could only happen if sufficient funds were raised.⁴⁵⁸ He called on them to show mercy to the “wretched outcasts” just as God shows them mercy when they sin.⁴⁵⁹

Another of the earlier refuges was Ulster Female Penitentiary (UFP) in Belfast. This Presbyterian institution was opened in August 1839 under the guidance of John Edgar, D.D. Prior to its opening Edgar visited penitentiaries in Dublin, London, and Liverpool as well as visiting every “den of infamy” in Belfast, which included some 59 brothels.⁴⁶⁰ Edgar was particularly interested in supervising the building of the laundry rooms, which were to serve as the primary source of revenue for the penitentiary. Ultimately, the woman’s labor would provide a profit of roughly ten pounds per woman a year. Unlike

⁴⁵⁶ Reverend Charles Bardin, *A Sermon Preached in St. Peter’s Church, Dublin, on Sunday, January 4th, 1824, by The Reverend Charles Bardin, Curate of St. Mary’s Parish in Aid of the Shelter for Females Discharged from Prisons*, (Dublin: Bentham and Gardiner, No. 40 Westmoreland St, 1824), p. 17.

⁴⁵⁷ Second Report of the Shelter for Females Discharged from Prison, December 31, 1823, attached to Rev. Bardin’s sermon, p. ii.

⁴⁵⁸ Bardin, p. 18.

⁴⁵⁹ Bardin, p. 11.

⁴⁶⁰ W.D.D.D. Killen, *Memoir of John Edgar, D.D., L.L.D.* (Belfast: C. Aitchison, 1867), p. 132. The police joined Edgar on his visits to the jails and brothels.

the later refuges women in the UFP were not paid for their labor nor did they receive any privileges such as better food. Work was used to teach women about industry and about how they could contribute to their own support after leaving the penitentiary. As with the refuges that were created in the 1850s, work, religion, and the home were deemed vital to molding the women who passed through their doors.

After its opening the UFP was run by a matron and a committee of ladies just as the later Protestant refuges in Ireland would be. The UFP did not cater solely to women leaving prison or jail but rather opened their doors to any woman who was looking to change her ways. Within the first twenty years, the UFP had taken care of 47 women. Most appear to have been returned to their families, others were given jobs, and still others emigrated to either Australia or America. An undisclosed portion of the women who left the UFP were sent to the parish workhouse. At least one reference was made to the conversion of souls in Killen's account of Edgar and the UFP. Unfortunately it is not clear from the context whether that simply meant converting souls to Christianity or whether it meant converting souls specifically to Presbyterianism even if they had a different (i.e. Catholic) background. Either way religion played an important role in the redemption of the women who entered this institution.

Religion was used in connection with the home and family. One purpose of the Ulster Female Penitentiary was to teach the women to believe in "...the charmed circle of a Christian family and a Christian home."⁴⁶¹ The ideas of family and home were central to the work of the institution. It was described by Killen in the following manner:

⁴⁶¹ Killen, p. 146.

...that in few private families, are there more peace, harmony, and kindness, more industry, economy and good management, than distinguish the ‘family circle’ of the Ulster Female Penitentiary—strangers though its inmates have been to each other, habituated to crimes, neglected or perverted from earliest infancy, tempted and ruined by seducers, and thrust out and deserted by the world.⁴⁶²

This equation with home and with family is something that does not appear in descriptions of the intermediate prisons for men. To help make it feel more like a home each woman had her own room that included a bed, table, and chair. The rooms were not lavish but the women would hopefully come to think of them as their own—at least temporarily. Women had these rooms in order to have time to read and pray in private and to “commune with her own heart.”⁴⁶³ Home was meant to be one’s refuge from the world.

The Intermediate Prison as the Solution for Men

Before examining the system that was established for women, it is necessary to understand the system that was created for men in Ireland. The Intermediate Prison was the final stage of penal servitude for men who had been sent to Irish convict prisons. Sir Walter Crofton, the first Director of Convict Prisons in Ireland, viewed these prisons as a means of the testing the prisoners’ reformation. Passing successfully through the intermediate prison was to serve as proof to the public that these criminals had been better trained and were fit for release back into that same public.⁴⁶⁴ Proving the fitness of prisoners for release was so important because public resistance to tickets-of-leave was

⁴⁶² Killen, pp. 132-133.

⁴⁶³ Killen, p. 133.

⁴⁶⁴ Sir Walter Crofton, *Convict Systems and Transportation: a lecture delivered the Philosophical Institution, Bristol, on the 22nd December, 1862, by Sir Walter Crofton, C.B.* (London: William Ridgway, 1868), p. 7.

strong enough that the practice had to be suspended.⁴⁶⁵ Tickets-of-leave or being out on license was early parole. The prisoner was required by law to carry their ticket or license with them. If they violated any of the conditions of their release, they were to be sent back to prison to serve the remainder of their sentence.

Despite strong support among many penologists and social scientists, intermediate prisons were never adopted in England. In Jebb's estimation the promise of early release for good behavior was sufficient incentive for male prisoners to be obedient, industrious, and orderly.⁴⁶⁶ Citing a report from Captain Whitty, Jebb endorsed the notion that offering the prisoner privileges, which were one of the hallmarks of the Crofton system, would not improve their behavior if it was not accompanied by the possibility of a serving a shorter sentence.⁴⁶⁷ Irish prisoners did serve longer sentences than their English counterparts as a general rule but if the reformers were right they left prison more reformed. Thus Jebb's approach with men in England suggests he was less focused on their reformation than Crofton was with Irishmen.

There were four prisons that made up the Irish intermediate prison system: Smithfield Prison, Lusk Labour Camp, and the forts at Camden and Carlisle.⁴⁶⁸ At Lusk, which had an attached farm, there were no walls or fences to contain the convicts. In theory, a prisoner could have escaped from these institutions with relative ease; yet

⁴⁶⁵ Crofton, *Convict Systems and Transportation*, p. 7.

⁴⁶⁶ PP, XXXIII. Colonel Jebb, C.B. Report on the Discipline of the Convict Prisons and Operation of the Act 16 & 17 Vict c. 99, by which Penal Servitude was substituted for Transportation, p. 4. http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1854-031349 (accessed August 9, 2013).

⁴⁶⁷ *Report on the Discipline of the Convict Prisons, 1854*, p. 7.

⁴⁶⁸ I have only seen Lusk Labour Camp referred to by that name in Carroll-Burke's *The Making of the Irish Convict System*. In all other cases that I have seen it mentioned, it has simply been called Lusk. Given the nature of the institution I see no reason why the title Carroll-Burke gives it should be doubted.

escapes and escape attempts were rather rare. Part of the practice of these intermediate facilities was to instill in men the understanding that being there was a privilege that could be revoked at any time if the prisoner's behavior did not meet with the expected standards. Men were often sent back for infractions as arguably minor as being idle. Certainly anyone who had attempted to escape would be sent back to the prison from which he had come.

By 1855 when the Directors issued their second annual report, Fort Camden was operating as a testing ground for the system. The directors had selected a small group of men based on their behavior in the first year as test subjects. Here prisoners were set to public works projects under minimal supervision. Although Fort Camden remained as an intermediate prison it was not ideally suited to the ideas of the Directors because it was not in a populated enough area that the prisoners were sufficiently tested.⁴⁶⁹ Lusk, on the outskirts of Dublin, was acquired next for the purpose of putting men to work building a penal reformatory for juveniles. An 1858 Act, however, bowed to pressure from the Catholic Church to control such institutions so that a juvenile institution never opened at Lusk. Instead Lusk became an intermediate prison for men with the land surrounding it being used for farming. In 1856, Smithfield Prison was turned into an intermediate prison.

The intermediate prisons helped achieve their goal of testing the men's reformation by having relatively little staff. Turnkeys were not needed since prisoners

⁴⁶⁹ PP, XXXIV. Second Annual Report for the Directors of Convict Prisons in Ireland, for the year ended 31st December, 1855. 1856 [2068], p. 25.
http://gateway.proquest.com.ezp1.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1856-032338 (accessed August 9, 2013).

were not locked in their cells. Most of the warders and the governor were removed from the staff as well. The previous deputy governor was made the superintendent; however, most of the day-to-day control over Smithfield and Lusk fell to the Directors. This new aspect of imprisonment was their brain child thus they wanted to control its implementation as much as possible. James Organ, who can be characterized as the first parole officer in the British Isles, was appointed to work at these prisons.⁴⁷⁰ He gave lectures and coordinated with the police once the men were released on ticket-of-leave to make sure that they were not in danger of turning back to a life of crime. Once men were deemed ready to be released on license from these intermediate prisons, they were placed under police surveillance.

Police surveillance was the other unique element of the Irish system besides the intermediate prison that prisoners encountered after their release on ticket-of-leave. The police would not only keep an eye on these men but they were also in touch with the prisons and with the employers of the prisoners. It was believed a system such as this one would deter men from returning to lives of crime shortly after their release or that if they did return to crime they could be caught more quickly. If they were caught committing a crime during the time they were on ticket-of-leave they were sent back to the prison to complete the remainder of their sentence. For those convicts who lived outside of Dublin, the police did the direct surveillance. They received forms that gave them a substantial amount of information about the prisoner including information such as a detailed physical description, past convictions, where they used to live, who they associated with previously, where they were (or had been) employed, their birthplace,

⁴⁷⁰ Organ was not called a parole officer but rather a lecturer.

and such. Any claim to privacy by the convict was considered less important than ensuring his reformation and greater public safety. Within the city and county of Dublin James Organ took control of observing the men released from the intermediate prisons. He was directly involved in finding them jobs, he kept in touch with their employers, he advised them on matters of emigration when that was desired, he kept reports on their progress, and kept the police updated.

As one of the most unique elements of the Irish Convict System, the intermediate prison garnered a great deal of attention at home but also abroad. Among the supporters of the intermediate prison was American penologist E.C. Wines who referred to Lusk as “...a magnificent triumph of reason and humanity over coercion and brute force....”⁴⁷¹ Reformers in Switzerland, France, Germany, and the United States all praised the system in various publications. At its 1857 meeting in Frankfurt, the Third International Prison Congress recommended the general adoption of the Intermediate prison.⁴⁷² On the other side of the issue, one vocal critic of the intermediate prison was Reverend Charles Gibson. In describing Lusk he wrote,

What is Lusk? Lusk is a common where prisoners work, like agriculturists, on a farm. Sir Walter Crofton calls it a prison. I call it Sir Walter Crofton’s cocked hat. Sir Walter Scott was accused of stealing a friend’s story, and telling it another way, when he replied, ‘I never thought it would be detected, with the new cocked hat I had put upon it!’ The intermediate prison of Lusk is the new cocked hat of the English system. It is just now in high feather with the public.⁴⁷³

Gibson believed that prisoners in these institutions had far too much liberty and that it was likely the men working at Lusk were actually happier and freer than those who had

⁴⁷¹ E.C. Wines, *The State of Prisons and of Child-Saving Institutions in the Civilized World*, (Cambridge: Cambridge University Press, 1880), p. 237

⁴⁷² Tim Carey, *Mountjoy: the Story of a Prison* (Cork: The Collins Press, 2000), p. 112.

⁴⁷³ As quoted in Carroll-Burke, p. 209.

been released on ticket-of-leave. Those men who were out, after all, had police supervision with which to contend. As to his critique of the intermediate prison as simply the English version in disguise, it places Gibson in the handful of writers who argued there was no fundamental difference between the Irish and English systems. Even Jebb, to whom Gibson was fiercely loyal, disagreed. In his annual report on prison discipline to the Home Office, Jebb, when discussing Fulham, adds the footnote, “This plan [of putting women in an intermediate stage between “close imprisonment” and “release on license] has since been tried in Ireland, and the results are reported to have been satisfactory.”⁴⁷⁴ Granted Jebb is not necessarily attributing the idea to the Irish but they did implement first according to him.

For all of Jebb’s resistance to the intermediate prison for men, he did see merit in such a system for women. Perhaps part of the reason that Jebb was able to see the merit in such a system for women was that he could look beyond Ireland to find another model. The main refuge in Ireland, Golden Bridge, was influenced by similar institutions in France; most importantly by the refuge attached to St. Lazare Prison in Paris. Women were sent to the refuge at St. Lazare after their release from prison for the purpose of having the nuns secure employment for them; primarily as domestic servants.⁴⁷⁵ This *société du patronage* greatly influenced the system that was created in Ireland and the one that was attempted in England. In 1853, Jebb characterized the French system as a

⁴⁷⁴ PP, XXIX. 1857-58 [2423] Reports of the directors of convict prisons on the discipline and management of Pentonville, Millbank, and Parkhurst Prisons, and of Portland, Portsmouth, Dartmoor, Chatham, and Brixton Prisons, with Fulham Refuge and the invalid prison at Lewes. For the year 1857. p. 279. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1857-034148 (accessed 9/26/2013).

⁴⁷⁵ The Directors in their Second Report (1855) cited the work of Bérénger de la Drône, *De La Repression Penal*, pp. 9-10.

“connecting link between the prisoner and society.”⁴⁷⁶ He approved of a group of benevolent individuals coming together to aid worthy prisoners in finding employment even with the caveat that such a refuge would require some measure of government aid. Ultimately, however, the French model was best replicated in Ireland under the guise of the refuge at Golden Bridge likely because nuns ran both. Fulham Refuge, in the vicinity of London, was run under government auspices when sufficient support from charitable women’s societies could not be garnered.

The Refuges

After women convicts passed through probation, third, and second class into first class, it became possible for them to be sent to a refuge before being released from prison. Women were not physically restrained in the refuge. They had un-locked rooms instead of locked cells. The only punishment that existed was being sent back to the prison to complete one’s sentence. One of the greatest benefits of the refuge was that it was “un-prison like.”⁴⁷⁷ When Taylor used that phrase she meant that the building was not like a military building. Part of the reason why it was to be unlike a prison was that it was meant to be a re-training ground for home life. The prison was about the furthest thing anyone could imagine from how the home should be. In England there was just one official government refuge known as Fulham Refuge. In Ireland there were three refuges, two of which were Protestant refuges. The third, St. Vincent’s Reformatory at Golden Bridge, was for Roman Catholic women. These institutions received some support from the government but they were intended to be as independent of the prison

⁴⁷⁶ *Report on the Discipline of the Convict Prisons, 1854*, pp. 31-32.

⁴⁷⁷ Taylor, p. 53.

system as was possible. Part of the reasoning behind making these places private was the notion that convict women would be able to feel the benevolent interest in their well-being coming from outside the walls of the prison as well as there being a sense that a charitable institution was better suited to lessening the stigma these women bore.

Many women who passed through the system at Mountjoy Prison were not just released on licence to resume their lives as members of the public.⁴⁷⁸ When a woman prisoner received a ticket of license it included the name of an institution in which she was to reside. Not all women who were released were sent to the refuge due largely to problems with space and funding. In addition, if a woman did not make it to the first class during her stay at Mountjoy she would not be sent on to the refuge. The refuge was a privilege that had to be earned.

The most significant refuge in Ireland, and by far the largest, was the refuge for Roman Catholic women known as St. Vincent's Reformatory at Golden Bridge.⁴⁷⁹ It was opened in March of 1856 and run by the Sisters of Mercy. Mother Mary Magdalen, or Miss Kirwan as she was more often called, was the Superior at Golden Bridge. Historian E.C. Wines highly praised Miss Kirwan for her intelligence, her enthusiasm, her devotion to her work, and for managing to be both gentle and firm.⁴⁸⁰ Tim Carey cautions his readers to be wary of such high praise but does note that she "...seems to have been a

⁴⁷⁸ The system that existed at Mountjoy, including the system of classification for prisoners, will have been discussed in the previous chapter.

⁴⁷⁹ Golden Bridge was located about three miles from Dublin. Around the same time Protestant women were given two institutions as well; one at Harcourt Road in Dublin and one at Blackrock Road in Cork.

⁴⁸⁰ Wines, p. 237. Miss Kirwan's character was of particular importance because it was hoped by most prison staff from the top down, among others, that the good character of prison staff would positively influence the inmates.

remarkable woman with a strong sense of humanity.”⁴⁸¹ In addition Carey cites Wines who claimed that when work was finished for the day, Miss Kirwan would let the women “dance jigs, sing songs, and amuse themselves just as they please.”⁴⁸² The above quote from Wines is taken from an interview with Kirwan herself and shows just how much life in the refuge differed from the early stages of imprisonment where the only time one was supposed to speak on a daily basis was to say “amen” at the end of prayer time in the chapel.

Golden Bridge received effusive praise from nearly all prison reformers, especially from those who visited it during the 1861 Dublin meeting of the Social Science Association. Some of that praise came from rather unlikely sources. As so many other prison reformers and social scientists did, the Reverend Orby Shipley, an Anglican, visited Ireland for that meeting. After spending a short amount of time at Golden Bridge, he wrote the following of it:

Yet it may be permitted to add, that if there be an institution which he [Shipley] does most religiously, and which the English Church may most justly, envy her Roman Sister, it is in the possession of the Convent of S. Vincent at Golden Bridge. The air of sanctity which pervades, it, the sound basis of Religion which supports it, the quiet order and discipline which govern it, the holy cheerfulness which gladdens it, the rich Christian sympathy which penetrates it, and the very sound results which flow from it, make one trust and hope and pray that through the practical usefulness of the system of which it is a part, and notwithstanding, and in opposition to popular prejudice, clamour, and irreligion, our own beloved Church may yet see reestablished within her Bosom, bands of faithful, fearless, heroic, and devoted women—maids and matrons—who are content to serve their Blessed Lord in ministering to the erring ones of His flock.⁴⁸³

⁴⁸¹ Carey, p. 86.

⁴⁸² Wines, p. 238.

⁴⁸³ Reverend Orby Shipley, *The Purgatory of Prisoners or An Intermediate Stage between the Prison and the Public; being some account of the practical working of the new system of penal reformation*

Shiple's enthusiasm and sense of hope about the refuge, not to mention his willingness to express envy of a Catholic institution, indicate just how successful Golden Bridge was perceived to be. By way of contrast he was far less enraptured by his experience with the Protestant refuge.

The Protestant Refuge in Dublin remains much more of a mystery than Golden Bridge. As was not uncommon among the Protestant population of Ireland, they were defensive and protective of their institutions, including this refuge. In a move that Shiple regarded with suspicion he was denied access to the Protestant refuges in Ireland. He was told that he could look at their books but that he would not be admitted to the refuge or allowed any interaction with the women therein. The reason behind the refusal, as Shiple was told, was that "it would open the door to the admission of those Priests and Nuns, and was forbidden by order of the Committee."⁴⁸⁴ In Shiple's estimation there was no particular justification for such fears. He proceeds to refer to this response as "bigoted."⁴⁸⁵ Perhaps in part because of their attempts to guard the refuges under their purview, the Protestant refuges received relatively little attention from reformers, social scientists, and the like.

The largest and only refuge in England was Fulham Refuge, which opened in May of 1856 under government auspices. Jebb had unsuccessfully sought to find an already existing charitable refuge willing to take on opening a refuge for female convicts. He had in mind the Refuge for the Destitute at Dalton, which was a voluntary refuge for

introduced by the Board of Directors of Convict Prisons in Ireland. (London: Joseph Masters. Oxford: John Henry and James Parker, 1857) pp. 88-89.

⁴⁸⁴ Shiple, p. 89.

⁴⁸⁵ Shiple, p. 89.

discharged prisoners.⁴⁸⁶ Jebb discussed the decision to use refuges in his report for 1854.⁴⁸⁷ He referenced both the system of patronage created at the refuge in France and the benevolent societies in England as precedents for the system. The institutions he mentioned by name were the Royal Female Philanthropic Society at Manor Hill run by Miss Neave and the Elizabeth Fry Refuge. In a letter from December of 1853 to Horace Waddington, Esq. and prison inspector, Jebb revealed discussions with Lord Palmerston regarding the need for an “intermediate condition” that women could be placed in after having completed their sentence of “close” imprisonment.⁴⁸⁸ It appears that Palmerston initially favored placing any such institution created for that purpose under government control but Jebb expressed a strong belief that they should be privately run. His concern in allowing government control was that this intermediate stage would be too closely connected to the prison to aid women in finding employment or in emigrating. The negotiations that Jebb had with the refuge in Dalton ultimately fell apart over the issue of cost. Jebb, like others, argued the cost of the refuge could be defrayed by fruits of the women’s labor but that was not enough to sway the situation in Jebb’s favor. Afterwards the government purchased Burlington House in the town of Fulham and prepared it to take on the role of the intermediate stage for women.⁴⁸⁹ At the time Jebb was writing his report the building was nearly ready to be opened for 40 to 50 of the best prisoners. When it was finished it would hold 150 women. The Deputy Superintendent at Brixton Prison, a Mrs. Harpour, was set to become the superintendent at Fulham. At that time

⁴⁸⁶ Lucia Zedner, *Women, Crime, and Custody in Victorian England*, (Oxford: Clarendon Press, 1991), p. 181.

⁴⁸⁷ *Report on the Discipline of the Convict Prisons, 1854*, pp. 29-30, 34-36.

⁴⁸⁸ *Report on the Discipline of the Convict Prisons, 1854*, p. 33.

⁴⁸⁹ *Report on the Discipline of the Convict Prisons, 1854*, p. 35.

they also had a chaplain, doctor, and lady Scripture reader set to join the staff. Fulham would last as a government-run refuge until 1869 when it became a convict prison for women in the earlier stages of imprisonment.⁴⁹⁰

In the refuge women experienced greater freedom than they had earlier in their imprisonment, would have greater interaction with those around them, but would still have some measure of discipline. Ideally the refuge would prepare women for their imminent release by giving women some freedom but more importantly by giving them the skills they would need to find employment in domestic service. An example of this limited freedom was that in the refuges women were allowed to associate and speak to each other except at a few designated times when silence was enforced. Part of the goal in the refuge was to restore prisoners' sense of civility and also of self-respect. The emphasis on work not only reflects the belief that work had the ability to help reform prisoners but also that it would be necessary for these women to work after they were released thus recognizing the inability of these women to meet the middle-class ideal of remaining solely within the confines of the domestic sphere. Female convicts had to be ready to take care of themselves in order to help reduce the odds of them returning to prison shortly after their release.

In spite of this perceived need the majority of women did not pass through the refuges at least in England. As McConville noted for the year of 1860 the daily average of women prisoners was 1,283 while there were just 174 spots at Fulham. By his calculations that means just 13.5 percent of the total number of women convicts that year

⁴⁹⁰ Zedner, p. 182.

went to Fulham.⁴⁹¹ For the women who did make it to the refuge they came primarily from either Mountjoy Prison or Brixton Prison. From its opening in May to December of 1856, Fulham received 187 women from Brixton Prison.⁴⁹² At the start of 1857, there were 156 convicts in Fulham another 92 were received from Brixton throughout the year. Of the 248 women who were in the refuge that year, 173 remained at the end of the 1857. E.C. Wines estimated that Golden Bridge had roughly twenty women at a time while Reverend Shipley notes that there thirty women present at Golden Bridge when he visited.⁴⁹³ According to the fourth report to the Directors of the Convict Prisons in Ireland, forty women had left Grangegorman Prison that year for the refuges. Almost all, a full thirty-five of them went to Golden Bridge while another 5 went to the Shelter (the name of the main Protestant refuge).⁴⁹⁴ In the same Directors' Report, it was noted that 68 women total had been taken in at Golden Bridge and a total of 11 women at the two Protestant refuges. By March of 1860 a total of 305 women had gone through the refuges. The report claimed only 14 had been returned to prison since their release.⁴⁹⁵ While describing this result the Directors commented that the longer the Refuges were around, the more proof there was that they were able to make convicts ready for release

⁴⁹¹ Seán McConville, *A History of English Prison Administration: Volume I 1750-1877*. (London: Routledge, 1981), pp. 426-427. This number does not take into account the length of sentences and thus how many women were even eligible to move to the refuge that year.

⁴⁹² *Report on the Discipline of the Convict Prisons, 1857*, p. 279.

⁴⁹³ Wines, p. 237. Shipley, p. 87.

⁴⁹⁴ PP, XXX. *Fourth Annual Report of the Directors of Convict Prisons in Ireland*, p. 103.

⁴⁹⁵ PP, XXXVI. 1860 [2655] *Sixth annual report of the directors of convict prisons in Ireland, for the year ended 31st December, 1859; with appendix*, p. 14. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1860-036142 (accessed August 11, 2013). Heretofore referred to as the *Sixth Report of the Directors of Convict Prisons in Ireland*.

but also that the community around them became more “reconciled” to hiring these women.

How do you Solve a Problem like the Woman Convict?

As Taylor claimed, the refuges—namely the one at Golden Bridge—were imagined as the solution to the problem of the woman convict. How and why they came to be seen that way is complex to explain. Calling this final institution of the prison system a refuge is in a way ironic but it also indicates a great deal about the role the refuge was to play within that system. A refuge is a place of safety—an idea that can be seen in the following quote from Anne Jellicoe, “Here [in the refuge] they can be striven with as women—by women won by love to the paths of virtue and respectability, made to feel that justice can be tempered with mercy, and established in a position where the fires of temptation may rage less fiercely and fatally around them.”⁴⁹⁶ That protection from temptation, which is itself a show of mercy, connects well to the idea of refuge. Irishmen did not go to a refuge, but rather to an intermediate prison, thus indicating that they did not need the same kind of protection or possibly even the same redemption.

At least when it came to prison reformers, namely Mary Carpenter, the English attempt at a refuge was seen as a failure. When speaking of Fulham Refuge, Mary Carpenter wrote, “A visit to what is called Fulham Refuge, but which is in reality a prison of a less penal character for those who have gone satisfactorily through the first, might indeed inspire the visitor with admiration of the good arrangement and cleanliness and

⁴⁹⁶ Anne Jellicoe, “A Visit to the Female Convict Prison at Mountjoy, Dublin,” *Transactions of the National Association for the Promotion of Social Science—London Meeting, 1862*. (London: John W. Parker, Son, and Bourne, West Strand, 1862), p. 441.

order pervading all.”⁴⁹⁷ From there she mentions how the diet seems to be of a higher quality than what women of this class would expect to receive on the outside and yet the women did not seem to appreciate what they had at Fulham. She claims that the women “of willful mischief or passion” broke the “crockery of their sleeping-room.”⁴⁹⁸ This behavior led her to make comparisons to the girls in her reformatory schools in whom she would have put more trust to handle themselves out the walls of the school than she would have the women outside of Fulham. The fact that Golden Bridge was described as un-prison like while Fulham was referred to as a prison with a less penal character indicates the fundamentally different way in which these two institutions were viewed.

According to Carpenter the biggest failure of Fulham was that women arrived there not truly having earned their place in it. As was discussed in the previous chapter, a system of classes existed within the female convict prisons in England and Ireland; however the rules for moving through those classes were less developed and far less rigid in England. Without the system of marks that was used in Ireland women were simply moved through the classes after serving a certain length of time. Thus women could arrive at the highest class and make it to the refuge much more easily in England than their Irish counterparts could. The relative ease with which English female prisoners reached Fulham may also help explain the cases of bad behavior Carpenter witnessed there. Carpenter did not detail in depth the bad behaviors she witnessed but those that she mentioned generally included the destruction of prison property. In summation she

⁴⁹⁷ Mary Carpenter, “On the Treatment of Female Convicts,” *Fraser’s Magazine for Town and Country*, Vol. 67, No. 397 (Jan. 1863), pp. 35-6.

⁴⁹⁸ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 36.

expressed a sense of relative hopelessness about the reforming power of all the institutions she had visited in the English system for female convicts.

This hopelessness about the women at Fulham stands in rather great contrast to the hope Carpenter expressed about the Irish system. The Irish Convict System was a highly successful “grand experiment” that demonstrated an understanding of the laws of God and human nature.⁴⁹⁹ The Irish system embraced all the principles that she felt were necessary in the penal system and was more successful than any one dared to imagine it might be. To prove this success she noted the overall convict numbers from 1854 and 1862, which had dropped from 4278 to 1314.⁵⁰⁰ That is quite a significant drop yet the effects of the Famine and its immediate aftermath need to be taken into account when considering this particular period. At the risk of sounding too Malthusian the drop in population and all its subsequent effects was bound to lessen crime. The Census of 1841 put the Irish population at 8 million people. By the start of the Famine in 1845, it had likely increased another half million or so. At the end of the Famine in 1851, some one million had died of starvation or disease while another million or more had emigrated. The 1851 census shows a drop in population of some twenty percent.⁵⁰¹ For Carpenter, however, the explanation for the drop in crime in Ireland was the Convict System; a system she believed carried its principles to great effects thus allowing the public to

⁴⁹⁹Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 45. It is important to note the use of the term experiment as regards the Irish system for that was the same term used to describe what Fry accomplished at the first female prison in the British Isles—Grangegorman. The concept of experimenting on the Irish is hardly new but here we have proof of yet one more social experiment.

⁵⁰⁰ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 41.

⁵⁰¹ Thomas Bartlett, *Ireland: A History* (Cambridge: Cambridge University Press, 2010), p. 281. E.R.R. Green, “The Great Famine,” in *The Course of Irish History* (Lanham, MD: Roberts Rinehart Publishers in association with Radio Telefís Éireann, 2001, 5th edition), p. 232.

believe in it.⁵⁰² Consequently England should adopt the Irish system if it wished to stop wasting its money only to see its streets flooded with female criminals. If England did adopt the Irish system, its women convicts would then be able to re-join society as “self-supporting” members or they could voluntarily emigrate as such.⁵⁰³ Carpenter raises an interesting question about whether a prison system can ever be effective if most of the public does not believe that it is. Despite the best efforts of convict prisons to close the prisoner off from society for a period of time, the prison itself could never truly be cut off from society. It was, and is, a reflection of the society that creates it.

Higher rates of recidivism among women indicate that perhaps neither English nor Irish society was fully prepared to accept convict women back into respectable society. At its most basic the refuge was a desperate, last-ditch attempt to stem the tide of recidivism among women convicts. As historians like Zedner have noted recidivism rates for women in England were higher than they were for men. The same is true for Ireland. At this time thought about the nature of criminality still mostly turned on the idea of moral corruption but what the arguments about refuges proves is that it was beginning to change. The arguments for the refuge were partly moral in nature but they also reveal early recognition that the circumstances of these women’s lives might contribute to their criminality—whether they were new criminals or habitual criminals. These higher rates of recidivism lend credence to the beliefs of those who fought for the refuge. That more women, in terms of percentages, returned to prison than did men indicates that they did have a harder time regaining a footing in society. In his report for

⁵⁰² Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 41.

⁵⁰³ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 45.

1854, Jebb reported that in England 31.6% of men had been recommitted to prison versus 44.8% of women.⁵⁰⁴ The 1878 Commission that investigated how the Penal Servitude Acts were working found that 38% of women had more than one sentence of penal servitude in comparison with 25% of men.⁵⁰⁵ Unfortunately, there does not appear to be a good source for figuring out precisely how many women were re-convicted in Ireland. The reports of the Directors of Convict Prisons do not include statistics on recidivism despite concern about this particular issue. If one looks at Mountjoy Female Convict Prison from the first Directors' report in 1858 through to the mid-1860s, the number of total prisoners at the end of each year holds relatively steady; actually it increases from the low 400s in 1858 to 504 in 1864 but that is an unusually high number.⁵⁰⁶ Grangegorman, Newgate, and Cork had remained opened to a small number of prisoners for awhile after Mountjoy opened so the higher number of women in Mountjoy may simply reflect the other prisons closing their doors once and for all. Regardless the great success of the Irish system seems a bit more questionable based on such numbers.

Another significant justification for creating refuges was debate about the ability of women to endure long terms in prison. Generally women had not spent more than a year or so in the convict depots of England or Ireland before being sent out of the country for their term of transportation. As a result of that lack of experience there was anxiety as to how women would respond to spending several years in prison now that it had become

⁵⁰⁴ *Report on the Discipline of the Convict Prisons, 1857*, p. 23.

⁵⁰⁵ As cited in Zedner, p. 204.

⁵⁰⁶ PP, XIII. *Fifth Report of the Directors of Convict Prisons in Ireland through the Twelfth Report of the Directors of Convict Prisons in Ireland*. The number for 1864 comes from the *Eleventh Report of the Directors*, p. 47. The next highest total was for 1865 when some 479 women were in prison on December 31st of that year. *Twelfth Report of the Directors*, p. 52.

a much more likely possibility. This anxiety was greater in Ireland because convict women went to one prison, Mountjoy, for the whole of their stay whereas most Englishwomen would at least move between Millbank and Brixton. The refuge then was held up to women not only as reason to follow the rules whilst in the earlier stages of imprisonment but also as a reason to endure those earlier stages. Refuges were linked with hope by those who created them. The refuge, in all the imaginings of those who advocated for it, was to serve as a symbol of hope for those women in prison. Taylor claimed "...it [the refuge] is intended strictly as a reward for good conduct, and the *hope* of getting there, the *hope* for the future is the star that rises on the dark night of their despair and recklessness, and leads them on to exertion."⁵⁰⁷

Women would also have to hope that exertion would not go to waste upon leaving the prison due to the unwillingness of the public to hire them. Without means to support themselves even women who had been reformed by their time in prison might be forced to return to a life of crime. Thus any reluctance by the public to hire these women only helped to perpetuate the cycle. A German visitor and commentator on the Irish convict system provided a reason why the public was less willing to hire women convicts. Baron Von Holtzendorff argued for the importance of the intermediate stage for women convicts by claiming that, "The aversion of the public to give employment to discharged female convicts is twice as strong as that with regard to men, because in the great majority of cases female criminals will be regarded as women of abandoned character, and also because female servants come in closer connection with the domestic concerns

⁵⁰⁷ Taylor, p. 51.

and the every-day life of the family.”⁵⁰⁸ The ability of men to work in a wider variety of jobs, particularly those that were not in other people’s homes, made it easier for them to transition back into legitimate society.

Employers were to have some assurance as to the character of a woman leaving a refuge because within the refuge the behavior of women would be so scrutinized that upon her release she could be verified as having been reformed. As such, she should be granted entrance back into respectable society. The Catholic Chaplain at Cork, John Sheehan, mentioned that he knew of many women who spent months at Golden Bridge and were employed after they left the refuge. Sheehan only mentioning the help prisoners received in finding work further highlights just how important a task that was imagined to be for the refuge by those who were creating it. He proceeded to mention that he believed the reformatory would produce the best possible results for both “the spiritual and temporal welfare of the prisoners.”⁵⁰⁹ Yet the refuge could not always produce the desired result since it could not undo the effects that limited employment opportunities had on Irishwomen.

Beyond just limited employment options, women convicts supposedly had less of a social safety net in terms of the poor laws but also their families. One problem faced by convicts was that they lost access to support under the poor laws. Not all women did but those who had been sent to convict prisons in districts other than their own were gone so long that they no longer qualified for support from the poor laws upon release. Women

⁵⁰⁸ Baron Franz von Holtzendorff, *The Irish Convict System, more especially intermediate prisons*, (Dublin and London: 1860), p. 160. Lady Lentaigne translated Von Holtzendorff’s work. Von Holtzendorff used the same title for this book that he used for his article in the *Economist*.

⁵⁰⁹ *Fourth Report of the Directors of the Convict Prisons in Ireland*, p. 119.

who were sent to the county jails were much less likely to face such a consequence given that it was highly probable they were imprisoned in their home districts and given significantly shorter sentences. In his analysis the Governor specifically mentioned the problem of women losing access to the poor laws but certainly men in convict prisons were also disqualified under the same circumstances.

What is perhaps more intriguing is the notion that errant daughters were not welcomed back into the home of their parents. The Governor of Grangegorman noted, "...for it is but a trite observation, that even in the humblest walks of Irish life, the female who has once lost her honour, is seldom, if ever, readmitted to the shelter of the parental home."⁵¹⁰ The implication is two-fold. First is that the stigma of having a convict daughter was strong enough that parents refused to take their daughters back and was something that happened often enough that a prison governor could reasonably know this to be a problem. Second is that the same cannot be said for convict sons. Perhaps fears that their daughter would have substantially lower odds of making a good marriage made some parents turn their daughters away rather than risk having to be responsible for her on a long-term, if not permanent, basis. Yet in nearly all reports from the prisons and the refuges there are references to women returning to their families upon release from prison, even from as early as the 1820s when they were leaving the shelters for discharged prisoners. One problem in assessing this claim is that when reports indicate a return to the family they do not say whether the woman returned to her father's home or that of her husband. Furthermore the governor's assertion fails to take into account the widely, though not universally, held assumption that many women who committed crime

⁵¹⁰ *Second Report of the Directors of the Convict Prisons in Ireland*, p. 132.

did so at the instigation of men in their lives, namely their fathers and their husbands.

When male family members were responsible for driving a woman to crime, their willingness to welcome the woman back after prison might have been greater, or maybe not, but either way the sources simply do not answer this question. Almost undoubtedly the problem of families not welcoming back their errant daughters was one of perception and also one based in reality. Determining the degree to which it is either a problem of perception or a real problem would require sources that likely do not exist.

Opposition to the refuges was far less significant than was opposition to the intermediate prison. The two main criticisms are not all that surprising. The first came from those who wished to see prison remain more of an institution for punishment than for reformation. In their view, prisoners were being coddled in this last stage of imprisonment but this charge was more focused on men in the intermediate prison than it was on women in the refuge further highlighting the differing perceptions of what men and women needed in order to return to society. The other significant charge leveled at the refuge was that it was too expensive. This charge is not entirely without merit. The Irish government did pay the Sisters of Mercy five shillings a week for each prisoner. The government also made equivalent payments to the two Protestant Refuges in Ireland. On the other hand the sum received from the government was insufficient to meet the daily costs of running the establishment. The Sisters took a loan that allowed them to build a large laundry and also to turn some of the smaller buildings like the sheds into proper dormitories for the women.⁵¹¹ The Governor of Grangegorman had in his argument for refuges perceived that one argument against such institutions would be their

⁵¹¹ Carey, p. 86.

cost. In a pre-emptive response to such fears, he noted that the women that would be permitted in the refuge would be able to contribute financially to their own support. The installation of laundry facilities by the Sisters indicates that in fact women's labor did in reality, and not just theory, help defray the costs of running refuges. However the real benefit, in the Governor's estimation, was that the cost of a refuge was less expensive than the cost of re-imprisoning women after releasing them without sufficient preparation or means to help them withstand the pressure to return to crime.

One major problem for the refuges that did not get mentioned in arguments against them but which was a real problem was that most women criminals were in local prisons. The refuges were only for women in convict prisons so the majority of women in prison were never eligible to enter them. Therefore while refuges probably did help lower recidivism among convicts, they had no impact on the majority of women in prison. The report of the Inspector-General of Prisons highlighted the problem local prisons faced regarding women's recidivism. According to his findings, one woman who had been in Grangegorman 180 times since her first committal. Two women had been in 141 times, eight women over 120 times, fourteen women over 80 times, sixty-one women over 40 times, and one hundred and thirty-seven women over 20 times. In 1871, a total of 1691 women passed through Grangegorman but in terms of committals that amounted to 17, 617.⁵¹² With numbers like those it is not hard to see why the women who made up that group were portrayed as incorrigible or why they were depicted as being part of a

⁵¹² Charles F. Bourke. *Report of Inspector-General of Prisons on the County of the City of Dublin Gaol (for Females), at Grangegorman. Statutable Inspection, 29th December, 1871.* (Dublin: Joseph Dollar, 13 and 14 Dame St, 1872) p. 4.

criminal class but also it becomes evident that they were not receiving the same kind of support that women convicts did.

Part of helping women to withstand that pressure was to help them find employment. Unlike the case of men leaving the intermediate prison, women were not released from the refuge until employment had been found for them. For women there was no direct police surveillance as there was for men nor was there a probation officer like Mr. Organ. Instead the women who managed the refuges to which the women had gone would keep an eye on them after their release on license.⁵¹³ If they had suspicions about a particular woman's behavior they reported it to the Directors. According to the Fourth Report of the Directors, "The managers of Refuges for female prisoners favourably account for ninety-six out of ninety-seven Female Convicts up to the 31st of August, 1857."⁵¹⁴ The license of the one woman had been revoked.

Fanny Taylor discussed the difficulties that the Sisters managing Golden Bridge faced in placing women after their release. It was not easy to accomplish but without securing them a place in the world after they left the refuge, all the earlier work of the nuns would be wasted.⁵¹⁵ In part to show the success of the work of the nuns but also to show its challenges, Taylor detailed a few of the stories she learned about when visiting the refuge. Unlike in accounts such as Robinson's *Female Life in Prison* Taylor's

⁵¹³ While using the Sisters of Mercy to supervise women who left their Refuge makes sense it is less clear how the Sisters were used in terms of those women who never made it to their refuge. The sources I have encountered simply say that police supervision was not used on women—nuns were—but none of them has addressed this particular issue. Thus it is unclear whether it was possible the police were used for women who left the system from Mountjoy or whether those women simply left the system un-supervised. The latter seems contradictory to the ideals of the system but given the assumption (and reality) that women were generally not violent criminals perhaps it can be explained that way.

⁵¹⁴ *Fourth Report of the Directors of the Convict Prisons in Ireland*, p. 30.

⁵¹⁵ Taylor, p. 57.

inclusion of such stories does not feel sensationalized. Something Taylor herself recognized when she claimed, “Strange and romantic indeed are many and many of the histories which have come to the ears of the Sister in this refuge, these lives have often been tragedies acted in secret, and would outdo the plot of any sensational novel.”⁵¹⁶ By emphasizing the work of the sisters as opposed to the sordid details of the lives of the convicts, Taylor’s inclusion of their stories seems less exploitative. In all of the stories the women she opted to feature expressed proper gratitude for the work the nuns had done as well as sufficient remorse for their past actions. One young woman who had abandoned her baby after living on the street for some indeterminate amount of time was still weighed down by the guilt of having left her child and claimed she probably always would be. This sense of remorse and responsibility is what ought to make the reader accept her placement in America where “friends, home, honest earnings, a good name were again hers.”⁵¹⁷ Another woman from Cork who had fallen under the influence of two inveterate criminal women, eventually sought to change her ways and begged the nuns at the refuge to help her get away from these other women. She was sent to America where she was found to have respectable friends and where she did well. The nuns knew of her fate because the woman had since written them several letters of gratitude.⁵¹⁸ Interestingly enough the two women who she had met in prison came to meet her (as previously arranged) at the end of her stay in the refuge only to find she was on her way to America. Taylor’s commentary on this was, “For when did Satan ever

⁵¹⁶ Taylor, p. 56.

⁵¹⁷ Taylor, p. 56.

⁵¹⁸ Taylor, pp. 57-58. Taylor, unfortunately, neither named the two inveterate criminal women nor gave a sense of what their crimes might have been.

forget *his* appointments?”⁵¹⁹ Unfortunately she does not detail how the nuns handled them other than to tell them that the woman they were looking for was not there anymore. Not all women were sent to America, of course, but most of the women featured in Taylor’s book were. One exception was a woman who married a brick-layer after leaving the refuge, although not without Mrs. Kirwan telling him of his future wife’s past. He married her knowing her whole story only to lose her when she gave birth to their first child. One reason why emigration became relatively common was that the nuns, of course, had the network in place. The Sisters of Mercy had convents in most of the colonies and in the United States so they could rely on help from other lands when seeking placement for their charges.⁵²⁰ This network was an advantage that the volunteers in Protestant refuges did not have.

Why the Refuges worked or were perceived to work

Anne Jellicoe told the Social Science Association meeting in Dublin in 1861, “The fundamental principle on which the whole mechanism rests is one which must be acknowledged, by all who have studied the causes of human degradation, to be the only sound basis of permanent reform—the intelligent cooperation of the individual herself in the efforts of her own amendment.”⁵²¹ What Jellicoe describes is fully in-line with the governing principle of individualization that permeated the whole of the Crofton system but most especially perhaps the refuge. What precisely any given author meant by individualization is a bit hazy as there was room for interpretation of its meaning—a

⁵¹⁹ Taylor, p. 58.

⁵²⁰ Taylor, p. 58. Taylor says only that “many” women did emigrate. She was not overly interested in using numbers to substantiate her claims so unfortunately it is unclear how many opted for emigration.

⁵²¹ Jellicoe, “A Visit to the Female Convict Prison,” pp. 441-442.

fitting attribute for such a policy. Yet certain elements do generally appear in critiques of both the English system, which was lacking individualization, and the Irish system, which was not. Part of her definition rested on the concept of the progressive system of classification, which has been discussed previously. In the early stages of her imprisonment she would endure solitude, broken up only by official visits, while being afforded as little food and creature comforts as were needed to maintain her health and being made to do a lot of needlework. From these early stages onward, she was told that she could gradually rise from her position and that doing so would depend on her own exertion. The process by which such amendment was to take place was through a sort of moral maturation. Jellicoe asserted that learning new character traits would help to loosen the “moral swathing bands by which she was at first restrained.”⁵²² Swathing bands brings to mind an infant wrapped up by a parent who will likely also be the one to remove those restraints as he or she perceives the need. It is not purely coincidence that Jellicoe refers to Mrs. Kirwan, the superintendent at Golden Bridge as having a “motherly nature.”⁵²³

The traits that women needed to learn in prison were “habits of industry, self-denial, and self-respect.”⁵²⁴ As a woman moved up the classes in prison, she received more variety in her work along with the possibility of working alongside others. In their report about the prisons of Ireland, the Yorkshire magistrates, who had visited Ireland in the early 1860s, noted that they witnessed women working as hard for the good of their

⁵²² Jellicoe, “A Visit to the Female Convict Prison,” p. 442.

⁵²³ Jellicoe, “A Visit to the Female Convict Prison,” p. 441.

⁵²⁴ Jellicoe, “A Visit to the Female Convict Prison,” p. 442.

institution as they would do for themselves on the outside.⁵²⁵ In addition to hard work, learning to exercise self-control was part of what was required of the woman convict. From learning to eat food that might not always be desirable, to eating at specific times, to being clean and orderly, the convict woman had to learn how to control her “vicious inclinations.”⁵²⁶ Self-control and following the rules would see her situation gradually improve but to see the greatest benefits she would have to strive to overcome the darker part of her nature while cooperating with those who sought to reform her.⁵²⁷

In a somewhat contradictory vein, Carpenter (among others) asserted that docility was a sought-after trait in the woman prisoner, as it was generally for all women. Part of the function of the initial period of isolation was to break the spirit of the prisoner, which was undoubtedly perceived to be too strong. As prisoners moved up through the various prison classes it was assumed they became more docile and thus more amenable to reformation. Even the hour of education they received each day would be better received if the women were increasingly passive.⁵²⁸ Jellicoe explains that loosening those swathing bands along with the accumulation of positive traits, such as self-respect, “places her in circumstances to secure herself from a relapse into crime.”⁵²⁹ The inherent contradiction in wanting women to be docile while also asking them to participate in their own reformation is that the latter could not succeed if the woman is too much of the former. In other words, too much docility would limit anyone’s capacity to change their life.

⁵²⁵ As quoted in Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 45.

⁵²⁶ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 42.

⁵²⁷ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 42.

⁵²⁸ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 42.

⁵²⁹ Jellicoe, “A Visit to the Female Convict Prison,” p. 442.

While Jellicoe seemed to be placing the onus on the reformed woman to refrain from returning to crime, the reality was, of course, not that simple. The single most important element for women to stay true to their reformation was respectable employment for without it there were few other options but crime open to the vast majority of convict women. Unfortunately for those women who wished to have good jobs that prevented any need to resort to criminal activity, their job options were limited by their gender, by their class, and by their past. Thus two great unsolvable tensions existed. First women needed to be passive enough to accept attempts to reform them but also be actively engaged in their reformation. Second, women who were reformed had not only to depend on their new-found self-control to remain reformed but they had to rely on other people to give them a chance to be honest, respectable, and productive members of society. Given the utter lack of sources written by the women who needed to be reformed it is near impossible, if not in fact impossible, to know how such a system was perceived by those on the receiving end of it.

Regardless individualization was seen the best way to reform women. Carpenter liked that it required “human sympathy” to be infused “into the sternest treatment.”⁵³⁰ Stern treatment was necessary because suffering was a vital part of any redemption story. Still these women should not be made to endure arbitrary suffering but rather suffering that was in their best interest.⁵³¹ Dissecting the notion of prisons as moral hospitals, Carpenter is somewhat skeptical but ultimately constructs a theory of how that analogy can be made. In her construct the prison official is a doctor who does what is best for the

⁵³⁰ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 35.

⁵³¹ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 35. In her article, Carpenter asserts that suffering must always follow sin.

patient even if the patient attempts to resist that treatment. The doctor will, for example, set a diet for his patient that is good for her health regardless of whether the patient desires that diet. Of course the prisoner could refuse that diet but doing so would only cause her harm. In her own way, Carpenter is intuitively arguing for the role of individualization in the reformatory work of prisons. For reformation of convict women to be successful the individual prisoner had to be reached, had to want to change, and had to fight their circumstances to find another (and better) way. If prisoners were treated only as cogs in a machine, or as a nameless, faceless mass, they were unlikely to be reached and thus make the effort toward reformation that was necessary.

As important as it was for prisoners to participate in their own reformation, other women were vital in making it happen as well. These unfortunate women deserved support from other women because they were fellow subjects, fellow Christians, and the “mothers and sisters of our children.”⁵³² The efforts of women were so necessary because only they could show the true “spirit of Christian love” that was able to reach the criminal woman.⁵³³ Carpenter’s argument hinges on an understanding of the nature of woman as benevolent and self-sacrificing. Working with criminal women was repugnant yet women would overcome their repulsion to help those who were less fortunate than themselves. Reformatory schools, workhouses, and missions of all sorts were her proof that women would “work for their fellow women.”⁵³⁴ The kind of work that she was describing relies on individualized attention. Indeed Carpenter lamented that in a prison of some several hundred prisoners no lady superintendent could possibly exert the kind of

⁵³² Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 39.

⁵³³ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 39.

⁵³⁴ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 40.

“strong individual influence” over the prisoners that they so desperately needed.⁵³⁵

Jellicoe referred to this kind of work as a “labour of love.”⁵³⁶ On top of which she feared that burn-out was possible for those women who worked with convicts. For if they were too exhausted by work that did not provide them with any uplift in their spirits they would be unable to exert “that elevating influence, that human sympathy, that Christian love, which are the most powerful agencies in reformation.”⁵³⁷

This notion of women participating in the reformation of other women led to a debate about the role of government in the work of reformation. The more private nature of women’s work led the directors on *both* sides of the Irish Sea to believe that refuges would be most effective if they were privately run. They believed that women could not go to potential employers with nothing but a recommendation from a prison, which if the refuge was government run is how the institution would be seen by the public. A privately run refuge would be able to provide the women, and those who hired them, with reliable proof that their reformation had been tested by a period of partial liberty and found to be genuine but a government run refuge would not be able to do so. The reasons behind those assumptions are never fully articulated by those who make them. One possible explanation has simply to do with the basis of the authority of voluntary women versus the government. Carpenter directly argued that no government apparatus could bring about reformation on its own but rather that it was cooperation between state and voluntary efforts that could. Jellicoe was of a like mind in claiming that “a mere Government institution does not offer the same advantages as the voluntary system of

⁵³⁵ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 35.

⁵³⁶ Jellicoe, “A Visit to the Female Convict Prison,” p. 440.

⁵³⁷ Carpenter, “On the Treatment of Female Convicts,” *Fraser’s*, p. 36.

management; the stain of the prison would still adhere to the inmates, and the same difficulty, very little modified, would be felt as on discharge from the convict depot.”⁵³⁸

In other words, the government did not have the ability to reform these women because the public did not perceive that it did or possibly that it should.⁵³⁹

One of the aspects most admired about the Irish Convict System was the strong voluntary component of it—a component that was so strong, in large part, because of the work of Roman Catholic sisters. In fact, the respect accorded to nuns is crucial to understanding why the perception of Golden Bridge, in particular, was so strong on both sides of the Irish Sea.⁵⁴⁰ As might be expected because of her later in life conversion to Catholicism, Taylor was passionately supportive of the contribution that nuns made. One of the more interesting comments she made was to associate the work nuns did during the Cholera outbreak in Dublin in 1866 with prison. She claimed that the nuns were “imprisoning themselves in the walls of the hospital.”⁵⁴¹ Connecting their work with the idea of voluntary imprisonment signifies the kind of hardship it was both imagined they endured and that they did endure. In addition, to their suffering their access to the prisoners is also important. The Sisters of Mercy, who ran Golden Bridge, also visited women at Mountjoy. Consequently the nuns were able to begin forming relationships

⁵³⁸ Jellicoe, “A Visit to the Female Convict Prison,” p. 440.

⁵³⁹ Taylor had almost nothing to add to this debate about government versus voluntary efforts. Her only concern was that people in Ireland seemed to be under the incorrect assumption that institutions receiving government aid did not need further financial support. She took care to assure her readers that 5 shillings a week per prisoner was not sufficient to run the refuge. Taylor, p. 60.

⁵⁴⁰ For more on the influence of Catholic nuns in Ireland see Mary Peckham Magray, *The Transforming Power of the Nuns: Women, Religion, and Cultural Change in Ireland, 1750-1900*, (New York: Oxford University Press, 1998).

⁵⁴¹ Taylor, p. 43.

with some of the women who would later come to their refuge.⁵⁴² Somewhat ironic is the fact that a good portion of that respect came not only from Catholics but from Protestant women like Mary Carpenter and Anne Jellicoe who had nothing but praise for the work the sisters did at Golden Bridge. While never explicitly stated there is the implication from Carpenter's praise of the voluntary aspect of the Irish system that she was envious of the ability of the Irish to muster such support.

The prison, for its part, was not always portrayed as a place that women desperately wanted to flee. Even Mary Carpenter succumbed to the notion that some women committed crimes simply to end up in prison where after all they would have a roof over their head, food on the table, increasing access to at least basic sanitation, and some measure of medical care.⁵⁴³ By no means could all that be assumed to be present for non-criminal members of the lower orders. One concern of the mid-century reformers was to make the prison and the refuge less inviting than the workhouse at the very least. Given the harsh conditions of the Irish workhouses, that was a harder task for the Irish to accomplish than for the English. As the standards for basic humanitarian treatment of inmates rose, the inequities of life for the honest poor became more apparent. Life should not be better for the poor inside the prison than it was in the workhouse or outside of any government institution. On the other hand, there was now a humanitarian standard such institutions had to meet but there was not apparently one for the honest poor. A handful came to see the hypocrisy in such standards.

⁵⁴² Taylor, p. 51-52.

⁵⁴³ Carpenter, "On the Treatment of Female Convicts," *Fraser's*, p. 34. Admittedly Carpenter imagined this problem to be greatest when the weather was at its most harsh and still only imagined it applied to crimes that would land the women in prison for just a few months. This kind of choice was not the motivation then of the most serious offenders.

Discharged Prisoner Aid Societies

In 1869, Fulham was changed from a refuge to a convict prison. That name change can be seen in the title of the Directors' annual report, even though the superintendent still refers to Fulham as a refuge. Fulham was not succeeding in its mission to lessen the stigma attached to women convicts. In that same year Brixton was closed to women prisoners, in part, out of a need for more space for male prisoners. Fulham was made into a female convict prison to serve alongside Woking Prison. The concept of the refuge did not disappear from English soil, however, rather it took on a private nature, which is what Jebb had wanted from the start. Throughout the 1860s and 1870s more and more refuges (or shelters) opened for women leaving prison but they were of a private, charitable nature.⁵⁴⁴ DuCane, then the Director of Convict Prisons, followed the Irish model and allowed women to be released into the refuges nine months before the end of their sentence for good conduct.⁵⁴⁵ In addition, they were released on license just as the women in Ireland were so that if they behaved poorly in the refuge they could be sent back to prison to complete the rest of their sentence. The government gave money to the refuges but only an equal amount to that which was privately raised by the institution. Apart from their financial support the government retained no other role in the running of the refuges. They did not even have the right to inspect them. In 1895, a

⁵⁴⁴ Private charities had always been a part of the system but they had been more on the fringe in the 1840s and 1850s then they were to become in the 1860s and onwards. The Superintendent at Fulham noted in her 1857 report that even women leaving her institution sought assistance from the Discharged Prisoners' Aid Society.

⁵⁴⁵ DuCane was the Director of Convict Prisons from 1869-1895. In regards to the treatment of male convicts, DuCane is associated with a harsher, more militaristic phase. Because women were seen as being on the sidelines of the prison system, at least by DuCane, they did not feel the full force of his reforms.

committee on prisons claimed this system of refuges as one of the triumphs of the DuCane era. Whether such success was perceived among those closer to the system is debatable. The Duchess of Bedford found in her role as head of the lady visitors to the new female convict prison at Aylesbury that women were skeptical of the refuges and often refused to go to them.⁵⁴⁶ One criticism of these refuges harkens all the way back to the criticisms made by the likes of John Howard and Elizabeth Fry. Women were allowed to associate indiscriminately in the refuges—presumably as part of the test of their fitness for release. All the way at the end of the nineteenth century this free association of criminals, even ones who had earned their way into the refuges, was feared to have a corrupting influence on those women who were younger, less-hardened offenders.

According to data presented in the Director's Report, the institutions to which women were now sent after serving their time in Woking or Fulham were the London Discharged Prisoners' Association (or D.P.A.), Mission to Women D.P.A. Society, Battery House Refuge in Winchester, and, Eagle House Refuge in Hammersmith.⁵⁴⁷ This number of possibilities is quite the change from 1854 when convict prisons were first introduced. In Jebb's first report the only refuge listed for women in England is the one

⁵⁴⁶ Zedner, p. 215. Aylesbury Prison was opened in 1896.

⁵⁴⁷ PP, XXXVIII. 1870 [C.204] *Report of the directors of convict prisons on the discipline and management of Pentonville, Millbank, and Parkhurst prisons, and of Portland, Portsmouth, Dartmoor, Chatham, Brixton, and Woking prisons for male convicts, with Woking and Fulham prisons for female convicts; also the convict establishments at Gibraltar, Western Australia, and Tasmania, for the year 1869*, p. xii. http://gateway.proquest.com.ezp2.lib.umn.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:1870-046166 (accessed August 11, 2013). The Eagle House refuge was specifically for Roman Catholic women. An exclusively Protestant refuge, the Carlisle Memorial Refuge, was also opened.

named for Elizabeth Fry.⁵⁴⁸ Of the 250 women who were released from prison in England in 1869, a full seventy-six percent went to one of the societies listed above. A mere 59 of 250 women were discharged did not attend any DPA society or refuge.⁵⁴⁹ Numbers such as these are a step up from what Fulham was able to accommodate just nine years earlier.

Men in England, as in Ireland, never received an institution known as a refuge but they were able to avail themselves of the Discharged Prisoners' Aid Societies. As shown in a separate table within the Directors' Report for 1869, men had access to DPA societies in London, Birmingham, Leeds, Manchester, West Derby, Stafford, and Liverpool. Of the 800 men discharged from prison in 1869, only 312, or thirty-nine percent, reported to these various societies.⁵⁵⁰ The majority of those who did report to the DPA societies did so in London. The difference between this kind of system and that which was operating in Ireland for women prisoners is that this system remained purely voluntary.⁵⁵¹ From the 1873 meeting in Norwich of the Social Science Association, it can be seen that there were efforts to link the DPA societies even more closely with all of the prisons in England. In his article John A. Bremner called on there to be "a hearty association" between an aid society and every prison in England.⁵⁵² He also called on the government to give more money to fund these societies who he argued should have

⁵⁴⁸ *Report on the Discipline of the Convict Prisons, 1854*, p. 3.

⁵⁴⁹ The Directors' Report does not indicate what these women did instead of seeking the aid of one of the societies.

⁵⁵⁰ PP, XXXVIII. *Report of the directors of convict prisons on the discipline and management of Pentonville, Millbank, and Parkhurst prisons, and of Portland, Portsmouth, Dartmoor, Chatham, Brixton, and Woking prisons for male convicts, with Woking and Fulham prisons for female convicts; also the convict establishments at Gibraltar, Western Australia, and Tasmania, for the year 1869*, p. xii.

⁵⁵¹ James Greenwood, *The Seven Curses of London*, (London: Stanley Rivers & Co., 1869) p. 191.

⁵⁵² John A. Bremner, "Discipline in County and Borough Gaols," *Transactions of the National Association for the Promotion of the Social Sciences*, 1873 Norwich Meeting (London: 1874) p. 281.

access to prisoners from their very first day in prison. Allowing prisoners to see that the path to an amended life was open, they argued, would lead to actual reformation by giving the prisoner hope instead of despair.⁵⁵³ In addition, the SSA sought to draw attention to the success of the industrial home that Captain Armitage had built contiguous to Wakefield Prison. The home served as a place for men to temporarily stay after completing their prison sentence.

Not unexpectedly the transition from this appeal for greater aid to prisoners after release was to discuss female prisoners who were in even greater need of such aid than their male counterparts. While the number of women in prison was about a third of the number of men, it was still imagined to be much harder to redeem those that had turned to crime. Women who had become criminals were imagined as having a “fatal perversity” that required “the highest philanthropy and the most devoted sympathy.”⁵⁵⁴ The use of such superlative language indicates how high the stakes were perceived to be when it came to the woman criminal. Bremner cited statistics that indicated how much more likely women were to become repeat offenders than men. In looking at prisoners who had been recommitted just once men were three times as likely to be second-time offenders. If one looks at the number of women to men who were recommitted to prison more than ten times, the ratio becomes 4 women to every 2 men.⁵⁵⁵ In a rather useless footnote that includes the statistics mentioned above, Bremner noted that “For obvious

⁵⁵³ Bremner, “Discipline in County and Borough Gaols,” p. 281.

⁵⁵⁴ Bremner, “Discipline in County and Borough Gaols,” p. 281.

⁵⁵⁵ Bremner, “Discipline in County and Borough Gaols,” p. 281. Similar numbers regarding multiple offenders show up in Zedner’s *Women, Crime, and Custody in Victorian England*.

reasons, women are not so amenable to discipline as men are.” Why that was true was so obvious that he never provided any explanation for his assertion.⁵⁵⁶

At the Penitentiary Congress of 1872, Mary Carpenter put forth the notion that educated women with philanthropic intent should be officially permitted to enter prisons to visit with female inmates. Precisely why Carpenter felt the need to put forth such a proposal in 1872, given that lady visitors had been a feature in women’s prisons from the time of Elizabeth Fry, is unclear. What is perhaps most striking here is Bremner’s assertion that no one can deny that the work of reforming women is women’s work. He had internalized the argument put forth by Fry herself.⁵⁵⁷ Fry had repeatedly asserted the value of women working as the officials in women’s prisons as well as noting the value that visits from respectable ladies could have upon the prisoners. Bremner, however, extended such arguments by claiming that while the visits of these women were useful in prison they must be continued after discharge from prison as well. To illustrate their utility Bremner referred to the experience of using women visitors in prisons in America and the Netherlands. The moment of recovering one’s liberty is portrayed here as being “a perilous and trying moment” in which women would benefit from the kind of sympathy and advice they received while in prison.⁵⁵⁸ In his commentary on Bremner’s work, G.W. Hastings expressed his support for lady visitors as well but wished that some women would be appointed to the task. If not, his fear was that unqualified women

⁵⁵⁶ Bremner, “Discipline in County and Borough Gaols,” p. 281.

⁵⁵⁷ Bremner, “Discipline in County and Borough Gaols,” p. 282.

⁵⁵⁸ Bremner, “Discipline in County and Borough Gaols,” p. 282.

would step up to take on the task or that a lack of consistency in the women present would diminished the imagined returns of such work.⁵⁵⁹

Conclusion

In the late 1980s, former prisoner Josie O'Dwyer repeated the justification given for mid-nineteenth century refuges when she stated, "In order to keep them out [of prison] you actually have to give them something outside. Otherwise, a life of surviving in there seems preferable to life out here where there's just nothing."⁵⁶⁰ Obviously precisely what that "something" meant in the context of the late 1980s is not what it would have been to her counterparts living in the middle of the nineteenth-century but it seems likely that those counterparts would have shared the sentiment. Arguments made by prison officials, prison reformers, and social scientists for the refuge rested on the notion that without securing the position of the convict once she had left the refuge, she would ultimately have no choice but to return to a life of crime. Taylor, for one, imagined the most important job the nuns had as finding work for the women in the refuge for if they did not all the work that the nuns had done to reform these women would be undone.

Securing the futures of these women by finding them honest, gainful employment required more than the reformation of the women in question. It required the public, who would be called on to hire them, to believe in their reformation. Unlike the father in the parable of the prodigal son who welcomed his son back without question, simply because he showed up, the English and Irish public acted more like the older brother in the

⁵⁵⁹ Bremner, "Discipline in County and Borough Gaols," p. 285.

⁵⁶⁰ As quoted in Pat Carlen, *Alternatives to Women's Imprisonment*, (Philadelphia: Open University Press, 1990), p. 17.

parable. They were hesitant to accept them back but ultimately they had no choice. If the public refused to accept them back, it risked creating a permanent criminal underclass that would cost the public more in the long run or so the argument went. The refuge then was created, and made distinct from the intermediate prison used for men, for the purpose of solving the problem of the woman convict. That problem as it was imagined is that she bore a permanent stigma that prevented her from fully returning to society as a self-supporting subject. Instead the stigma made it more likely that she would return to crime for her survival, even if she had been truly reformed by her time in the system. In order to remove, or lessen, that stigma women needed to pass through another institution outside the bounds of the government prison that could test her reformation before releasing her back into society.

The role that government should or should not play in the process of reformation was a key element of the debates about the reformatory nature of prison and of the refuge in the 1860s. Carpenter, Jellicoe, and Taylor all supported, to varying degrees, the notion that the government institution—in this case the prison—was insufficient for reforming women. Somewhat frustratingly none of them truly articulated why the government was incapable of doing such work but there appears to have been an underlying assumption at play that they all drew upon whether consciously or sub-consciously. The assumption they seem to have made is that government was not, or should not, be in the business of reforming the moral character of its citizens. Carpenter was willing to ascribe some role to the government in the work of reformation but only if it was done in conjunction with voluntary associations who ultimately bore more of the responsibility. Those voluntary

associations, distinct from the government, had the power to enact reformation, if, of course, one even believed that women convicts were capable of such change. In Ireland, the vast majority of women who passed through the refuge would do so at Golden Bridge just outside Dublin under the auspices of the Sisters of Mercy and thus the Roman Catholic Church. While the Irish Convict System may have been legislated for and structured by the English, the nuns bore undeniable power at least where the female convict was concerned. In part, it would seem, because the Irish public—well that is most of it—was willing to accept that the nuns had the power to transform the lives of the women they aided. When women left the refuge, they did so not with the government's promise of reformation but with the promise of the Sisters who also relied on their extensive global network to aid these women in finding a fresh start.

Conclusion

One of the central questions of this dissertation is how prisons and the movements for prison reform both shaped and reflected notions of womanhood but also how that gender construction intersected with other identities these women possessed---namely their national identity. Englishwomen and Irishwomen shared more in common in their prison experiences, even in the 1850s and 1860s when the two systems were imagined to be profoundly different from each other, than they did not. Whereas Englishmen and Irishmen had a more divergent, albeit not entirely dissimilar experience, than did women. In light of the intermediate prisons for Irishmen and the refuges for women, those categories of prisoners shared more in common than any of them did with Englishmen. The image of the Irish as more lawless, more violent, more uncontrollable, and more prone to be guided by their emotion than reason actually fit remarkably well with the image of the woman prisoner.

Irish women were far more likely to be imprisoned than were English women. In the same year that Penal Servitude went into effect, women amounted to nearly 42 percent of all the prisoners in Ireland. In Leinster that same year, nearly half (49.6 percent) of prisoners were women.⁵⁶¹ Englishwomen in this era never amounted to more than one-third of all prisoners. Consequently being either English or Irish did matter in terms of how likely it was that a woman would spend time in prison but how those prisoners were treated once in prison was more strongly shaped by their status as women. By the virtue of being women, Irishwomen were still part of the moral sex but by the

⁵⁶¹ NAI IGP REPT 32. Thirty-Second Report of the Inspectors General on the General State of the Prisons in Ireland, 1853, p. xi.

nature of their being Irish were also seen as more prone to criminality than were Englishwomen. Even in arguments made by representatives of the Australian colonial system, the Irish—both men and women—were portrayed as worse than their English counterparts.⁵⁶²

Irish prisoners like women prisoners were often conceived of as a special category of prisoner. Sources that discuss either the Irish or women in prison always make specific mention of those identities, as they also do for juvenile offenders. Thus when no specific markers of gender, age, or nationality are made, the prisoner is assumed to be an adult Englishman. The Irish and women both stand as unique cases that can provide contrast for the imagined ‘normal’ prisoner. For the English it was the Irish who acted as the Other, who behaved in ways that the English ought not to and in ways that the English would spend centuries trying to alter. Unlike women, however, Irishmen were simply acting within the understood confines of their nature. For honest, respectable, and proper women, the convict woman stood as her contrast. Convict women were almost always displayed as having betrayed their nature rather than being governed by them. The convict woman also stood as representative of all that was negative about women only to a heightened degree. For example, she was not just irrational, she was hyper-irrational. Given the overlapping elements of understandings about the Irish and about convict women it would seem that the Irish woman convict had to be the worst creature of all.

⁵⁶² *First Report of the Directors of Convict Prisons in Ireland*, p. 3. PP, LIV. 1854 [1795] Convict discipline and transportation. Australian colonies. Further correspondence on the subject of convict discipline and transportation (in continuation of papers presented July 18, 1853.) Included was a dispatch from the Duke of Newcastle to Governor Fitzgerald from March of 1854.

Yet in the works of mid-century reformers, Irishwomen stood as proof that the Irish Convict System worked. Rather than the wild Irishwoman, it was the continuing wild nature of Englishwomen in prison that dominated the narrative of reformers like Mary Carpenter. While it was not argued that Englishwomen were by their nature more wild than their Irish counterparts, it was argued that Irish prisons were doing a better job of reigning in that wildness than were English prisons. Nonetheless, the perceptions of the extreme success of the Irish system may well rest on the notion that the Irishwoman began so much lower than her English counterpart that if the system worked for her surely it would have to work on her sisters in England. Such perceptions were not stated outright, yet they seem to inform much of the work of reformers.

The perceived success of the Irish system and calls to bring it to Ireland rested on the construction of the two systems as fundamentally different from each other. Precisely what differentiated or was thought to differentiate the English convict system and its Irish counterpart is vital to understanding both how the two systems influenced each other and the relationship between England and Ireland. Factoring in women and examining the relationship between these two kingdoms does not fundamentally alter the narrative about how an increasingly uniform, centralized, and national system of prisons based on both punitive and reformatory principles emerged in the British Isles of the nineteenth century. Both do, however, enhance that story. While there was certainly a desire to reform male prisoners, the need to reclaim women who had broken both society's and God's laws drove the prisons even further and even faster in the direction of adopting reformatory work as part of the fundamental mission of the prison system. Indeed by the middle of

the nineteenth-century, the means to measure the efficacy of a prison or the system as a whole was to quantify both its total number of prisoners and its recidivists. Thus one of the main elements of the perceived success of the Irish convict system was that its overall population was dwindling as was its number of recidivists.

Measuring actual rates of recidivism is nearly impossible but certainly the perception, mainly coming from English reformers, was that there was a decline in both overall numbers and in recidivists in Ireland post-1853. At the time, the unspoken factor in this decline was the end of the Great Famine. If the Famine had sparked a sharp increase in the number of prisoners, it stands to reason that its conclusion would spark a reciprocal decline. It is also important to consider the role that emigration played in the decline of prisoners in Ireland. Emigration was certainly a popular option for convicts but quantifying how many convicts took that option is nearly impossible.⁵⁶³ Was transportation continuing, albeit in a voluntary and not forced form, through the practice of emigration? The benefit of emigration was rather similar to the perceived benefit of transportation and that was that it gave prisoners a fresh start. However, there was a stark difference between emigration and transportation, besides the obvious question of consent, and that was the issue of the prisoners' reformation. By the middle of the

⁵⁶³ There is an extensive literature about emigration out of Ireland in the nineteenth and twentieth centuries but as of yet I have not found one that deals with the question of the role of convicts in that process nor have I found any contemporary sources that examined how many Irish women emigrants were convicts. Over 3 million women emigrated from Ireland in the nineteenth century, which was more than the number of women left in Ireland in 1901 according to that year's census. Luddy, *Prostitution in Irish Society*, p. 5. The percentage of emigrants that were women steadily rose throughout the latter half of the nineteenth century until women actually outnumbered men by the decades surrounding the turn of the twentieth century. That shift was not the only one taking place. The majority of women who emigrated were young, single women. The number of girls under age 14 who emigrated declined while the number of young women aged 15-19 doubled. Emigration was no longer the purview of families but of single individuals. Pauline Jackson, "Women in 19th Century Irish Emigration," *International Migration Review*, Vol. 18, No. 4, Special Issue: Women in Migration (winter, 1984), pp. 1006.

nineteenth-century, if not earlier, it was common to see transportation discussed in terms of dumping trash by those who advocated prisons—meaning that they were sending out unreformed prisoners. Griffiths referred to the revolt in the Americas as having “closed the outlet for our criminal sewage.”⁵⁶⁴ Anne Jellicoe described the practice of transporting prisoners as “the practice of purifying this country of crime by pouring out our refuse on other lands.”⁵⁶⁵ Emigration, by way of contrast, was the practice of sending out reformed criminals to begin their lives anew with the hope that their reformation would prove more enduring than if they simply returned to the same atmosphere that had led them to crime in the first place.

Naturally that leads to the question of whether emigration did indeed aid prisoners in their endeavors not to return to crime. Perhaps unsurprisingly the perception was that a fair number of Irish emigrants ended up back in prison. Reverend Gibson citing an 1863 article from the *Edinburgh Review* questions the author’s conclusion that 80 percent of released Irish convicts were “*known* to be doing well.”⁵⁶⁶ His first attempt to debunk that claim comes in the form of his assertion that from his own experience he knows that 28 percent of the men released from Spike Island are known to be doing well as “*re-convicted convicts*.” Here doing well meant that they were generally well-behaved prisoners. Proceeding on he claimed that 50 to 60 percent of those men who had “the advantage of the intermediate prison” had “emigrated to the United States, or the

⁵⁶⁴ Arthur Griffiths, *Memorials of Millbank and Chapters in Prison History*. (London: Chapman and Hall, 1884), p. 11.

⁵⁶⁵ Anne Jellicoe, “A Visit to the Female Convict Prison at Mountjoy, Dublin,” *Transactions of the National Association for the Promotion of Social Science—London Meeting, 1862*. (London: John W. Parker, Son, and Bourne, West Strand, 1862), p. 438.

⁵⁶⁶ Charles Gibson, *Life Among Convicts*. Hurst & Blackett Publishers: London, 1863, p. 4. Italics in the original.

Colonies, or have gone to England.”⁵⁶⁷ The reason Gibson put the word *known* in italics earlier becomes clear when he states that while he hopes the prisoners who had emigrated were doing well he has no idea how that can be “*known*.”⁵⁶⁸ Gibson returns to this question of knowledge but in a rather hypocritical fashion when he claims, “We *know* that more than fifty percent of Irish intermediate convicts are at the other side of the Atlantic and St. George’s Channel. We also know that some twenty-eight or thirty percent of them are safely re-lodged in prison.”⁵⁶⁹ Naturally he never states how anyone would know that for certain. He also fails to address how he can dismiss one person’s claims to know that convicts were doing well but he can know that they were not. It is certainly possible to prove that Irish convicts had been imprisoned in England or the United States but if Gibson had in fact investigated this question he never felt inclined to provide any sources to substantiate his claim.

These previous accounts from Gibson focused exclusively on men. When he looked at the numbers for women he also sought to discredit them. Gibson turned his attention specifically to the claim by Crofton that 96 of 97 women discharged from Golden Bridge were “favorably accounted for.” He then claimed that a report from Golden Bridge provided different numbers. Its report stated that 3 women had been discharged unreformed, 3 had been sent back to prison, one had escaped, and one had been sent to a Magdalen asylum. Gibson then posits that such numbers mean that “about nineteen and not one” woman was not favorably accounted for; although he arrived at the

⁵⁶⁷ Gibson, pp. 4-5. Italics in the original. The phrase “the advantage of the intermediate prison” was also in quotes in Gibson’s text thus indicating that he is probably quote the article from the *Edinburgh Review* even though he does not clearly indicate he is.

⁵⁶⁸⁵⁶⁸ Gibson, p. 5.

⁵⁶⁹ Gibson, p. 6.

number 19 is a mystery.⁵⁷⁰ Either way it seems that both supporters for and opponents of the Irish Convict System were trying to spin the numbers regarding recidivism even among emigrants to their advantage.

One U.S. historian has shown that the Irish-born were indeed imprisoned in not insignificant numbers. According to Mara L. Dodge in the 1850s roughly 75% of female convicts in the state of Illinois were foreign born.⁵⁷¹ Of those three-quarters, approximately 55% were Irish-born women immigrants. In the 1860s, 63% of female convicts were foreign born and of that 47% were Irish. By the 1870s the number of Irish-born female convicts in Illinois had begun to drop. On average only 2% of foreign-born female convicts were Irish-born after 1890—or just at the time that Irishwomen's emigration peaked and began to outnumber that of Irishmen. Obvious limitations on Dodge's utility exist for the purposes of trying to understand how Irish women convicts fared upon their emigration from Ireland. Chief among them is that while she indicates these women as Irish-born she does not provide, because it is not her project, any sense of their lives before they left Ireland. Undoubtedly some of these women she mentions had been convicts in Ireland but what percentage is unknown. Not to mention this is simply the history of Illinois and not the whole United States so whether Illinois was in anyway representative of larger trends is unclear. Even if the reformation of these women upon leaving the Irish Convict System was sincere, the prejudice that they faced in both

⁵⁷⁰ Gibson, p. 5. Counting the eight women that Gibson mentions in his count plus the one that Crofton had conceded I arrived at a count of 9 who were not favorably accounted for.

⁵⁷¹ Mara L. Dodge, "'One Female Prisoner is of More Trouble than Twenty Males': Women Convicts in Illinois Prisons, 1835-1896," *Journal of Social History* vol. 32, no. 4 (1999) pp. 911, 922.

England, as has already been shown, and in the United States, which is well documented, almost undoubtedly played a role in their possible re-convictions.

Despite declining numbers of prisoners due to the end of the Famine and also likely to emigration, the Irish Convict System continued as a success story. In the middle of the nineteenth century, prison reformers in England strongly advocated for the Irish Convict System that had been created by Captain Walter Crofton in 1853-1854. They imagined this system not as entirely different from the one Jebb had created for England but nonetheless as substantially different. Practical differences such as intermediate prisons for men and women, the use of police supervision for those prisoners out on tickets-of-leave, and the policy of individualization were regularly pointed out as aspects that made the Irish system superior to its English counterpart. While these differences are undoubtedly important, one of the biggest differences between the two systems in the middle of the century had to do with the treatment of religious minorities in the prison. That Ireland was forced to treat Anglican and Presbyterian prisoners fairly while Catholics (and others) continued to be discriminated against in English prisons illustrates a hypocritical use of power by the English administration in Ireland. When Englishmen were in the minority the rights of the minorities were protected, when they were the majority they did not protect the minority rights anywhere near as thoroughly. Nonetheless the biggest imagined difference that made the Crofton System preferable was its greater balance between prison as a punitive institution and prison as a reforming institution.

The pinnacle of the reforming aspect of the Crofton System was the prison refuge (or intermediate prison for men). While there was a refuge for women convicts at Fulham in England, it never garnered the respect that the Irish refuges did. English reformers, like Mary Carpenter, saw Fulham as unable to remove from women the stigma of being a government convict whereas the women who left Golden Bridge were better able to leave that stigma behind. Measuring the reality behind these perceptions of success seems an all but impossible task. Regardless the significance of the perceptions should not be undervalued. Not only do such perceptions show the challenge that convict women faced upon leaving prison, they also indicate a power struggle over who ought to have power in reforming institutions and, in fact, who was even capable of effecting the kind of change necessary to lessen the stigma these women bore. In Ireland, the Sisters of Mercy along with Protestant ladies took control of the refuges thus removing from the government's control. Fulham, by way of contrast, remained a government institution. The consensus that emerged was that the government was not suited to the task of reforming prisoners nor should it be.

Part of that consensus revolved around limiting the power of the state but part was also certainly due the need of women reformers to carve out their own place in the treatment of their fallen sisters and thus in the realms of the public sphere. They were asserting their right to advocate on behalf of their lesser sisters while also asserting a fundamental difference between men and women that made their contributions absolutely necessary. This fundamental difference between the genders became woven into the very fabric of the prison system first through the assertion that the sexes ought to be separated

within the same prisons and later that there should, in fact, be entirely separate prisons for the two sexes. The prison system that was created for men was extended to women but with the caveat that it would have to be adapted to suit their needs. Neither Colonel Jebb nor Captain Crofton, the founding fathers of the modern convict systems in England and Ireland respectively, ever imagined that women could or ought to endure precisely the same system that men did. Deciding what women could endure in their time in prison and how best to adapt the system so that it would work to reform them opened up space for debate about the very nature of woman.

Using her conceptions about the nature of women, and men for that matter, reformer Anne Jellicoe posited an intriguing interpretation of what made the Irish Convict System successful. She argued that the balance of the Irish system was not just a balance between punishment and reform but between the masculine and feminine. She posited, “In this great reformatory work the true balance of power is fully admitted. Men and women work harmoniously and helpfully, combining in due proportion the masculine element of justice and the feminine prerogative of influence by love.”⁵⁷² Jellicoe was not breaking fresh ground in associating justice and mercy with the gender that she did, yet the power dynamic implicit in her point is of great significance. Justice was an “element” of masculinity thus implying that is a static and permanent feature of maleness. From one perspective this idea gives power to that trait but in another way it removes from men their choice to be just. It is simply something that is an inherent part of their identity. By contrast the influence by love, which I interpret as equivalent to being nurturing or

⁵⁷² Jellicoe, “A Visit to the Female Convict Prison,” p. 440.

merciful, is a “prerogative” of women.⁵⁷³ The use of prerogative implies that women choose to be this way rather than that their nature chooses for them. While mercy may by some critics be associated with weakness, the idea of choosing to be so carries power of its own. It provides women with agency, with the ability to choose to act mercifully, rather than presuming they do so simply because they are women. The evolution of the Irish Convict System had culminated in a system that balanced punishment and mercy, the masculine and the feminine. It was only when those two halves came together that the system transcended traditional notions of justice into something that illustrated a higher level of civilization. Meaning that one element of civilization, but not by any means the whole, was the concept of justice moving beyond simple retribution to a higher plane in which the good of the whole society was factored into what it meant to seek justice.

The stakes of the debate over which system was better and why raise questions about the nature of the relationship between the two systems but also between the two kingdoms. The narrative of creating a national system of prisons that sought uniformity illustrates the way in which England and Ireland were imagined to be separate parts of a whole by those who had the power to imagine them otherwise. There was not a General Prisons Board (GPB) that oversaw prisons for the whole of the United Kingdom but rather there was a GPB for England and Wales and a GPB for Ireland. Despite this separation, there was even less that distinguished the prison systems in England and

⁵⁷³ Fanny Taylor talks about mercy as well but in a slightly different way. She claimed that for prisoners it must seem like mocking to talk about the mercy of God when “their fellow creatures” do not show them mercy. In other words, being merciful was a reflection of one’s religious beliefs rather than one’s gender. Fanny Taylor, *Irish Homes and Irish Hearts*, (Boston: Patrick Donahoe), 1867, p. 49.

Ireland from 1877 onward than there had been in the middle of the century. It can be argued that the systems were never truly as different as they were imagined to be but there was more difference in the latter part of the 1850s and the 1860s than there would be post-1877. There is a story to be told about how the systems merged to become more similar in the 1880s, and it is an important story, but to understand that answer one must first understand how the systems were developed in the earlier part of the century, which has been the focus on this project. In addition, any examination of prisons in Ireland in the 1880s would undoubtedly require one to tackle the very large issue of the prisoners of the Land Wars.⁵⁷⁴ That issue is quite different from the one being faced in the 1850s and 1860s and it fits better in a history of imprisonment for political causes than it does in this dissertation.

Another important aspect of this relationship that appears in the study of prisons is that England used Ireland as a testing ground for new penal theories from at least 1836 when the first all-female penitentiary in the British Isles was opened just outside Dublin. The Inspector General of Prisons in Ireland referred to Grangegorman as an “experiment” as did the Anglo-Irish reformer Anne Jellicoe at the 1861 meeting of the Social Science Association.⁵⁷⁵ Thus it was not a secret that new theories were being tried in Ireland and if Ireland was testing out these new theories it was inevitably more advanced than its English counterpart. The purpose of testing these new theories on the Irish reveals a good deal about the nature of the relationship between England and Ireland in this period.

⁵⁷⁴ The government opted to keep men arrested for crimes related to the Land War in prison while releasing the women. For more see Virginia Crossman, *Politics, Law, and Order in Nineteenth-Century Ireland*. (Dublin: Gill & Macmillan Ltd., 1996), pp. 142-143.

⁵⁷⁵ *Sixteenth Report of the Inspectors General*, p. 20. Jellicoe, p. 437.

First, Ireland was safe to test out policies on because England was sure of its control over the mechanisms of power. Thus they could be sure that they would control the terms of the experiment. Second, they had to believe that the results they found in Ireland would be transferrable to England itself or possibly to the Empire. English reformers, when they praised the system Crofton created in Ireland, sought it as an alternative to their own broken system. In fact, reformers never mentioned moving the Irish system to the Empire. What all of that implies is that the Irish were seen as similar enough to the English to be valid test subjects, yet still different enough that English sensibilities would not be profoundly distressed to think of them as subjects of experiments. Thus there is yet further proof of the liminal space that Ireland occupied in this era of the United Kingdom of Great Britain and Ireland. It was similar but not the same.

Imagining the Irish system as different but also increasingly similar reflects the increasing uniformity of prison management that emerged in the mid-to-late nineteenth century but also reflects tension about the state of the Union. The assertion of the success of the Irish system was a defense of the Union—albeit one that may have been unconscious for some. Reverend Gibson defended the Union outright when he wrote, “But fine animals generally cost fine prices—these two prisons cost the Government about a hundred thousand pounds. Ireland cannot say, after hearing this, that England does not watch over her and keep her safe.”⁵⁷⁶ Gibson clearly did not understand the nationalist argument that Ireland did not need, or want, England to watch over her.

⁵⁷⁶ Gibson, p. 37. Not to mention Gibson ignored the naming of the prison after Lord Mountjoy who had led the English response to the Ulster Rebellion from 1600 after the Earl of Essex abandoned his troops. Few nationalists would have appreciated this given both Mountjoy’s use of a scorched-earth policy and the fact that the defeat of the Ulster rebels is generally conceived of as the end to the Tudor conquest of Ireland.

Indeed one could also question precisely who England was keeping safe; was it all of Ireland or was it Protestant Ireland? With nearly 90 percent of all convicts being Roman Catholics, it seems rather unlikely that most Catholics would have felt the same kind of protection emanating out of Mountjoy that Gibson did. Still the system was constructed, directed, and principally controlled by the English so if that system failed to keep Irish crime in check, then it challenged the whole basis of the Union. If England could not govern Ireland better than the Irish, why were they there? Therefore the desire to perceive the Union as a success colored the views of the reformers who looked at the Irish system as so successful. Almost no one mentioned the Union but especially given the turmoil of the 1860s it was always in the background.

Fanny Taylor also discussed the Union in fairly direct terms. The stakes of the debate about the Convict Systems could not have been higher according to Taylor. In her book called *Irish Homes and Irish Hearts*, she discusses various Irish homes—not individual family homes but nun-run charitable institutions that served a variety of purposes. Taylor concludes her work thusly,

“The “Irish Homes”...are a witness to what the Irish can do and have done; out of their poverty, and their suffering...They have not... run away from her to follow in the train of English fashion: they have remained in their country, worked for her, lived for her, suffered for her; and the land where hearts such as these can be counted by thousands...I cannot believe is destined to perish...and when the deeds of nations shall be reviewed...Ireland may be found to have played no ignoble part in the world’s history. But surely it is not impossible that the time should come when England will at last generously and entirely repeal the wrongs of Ireland, when the past will be forgotten in the peace and content of the present...⁵⁷⁷

⁵⁷⁷ Taylor, pp. 214-215.

What was at stake for Taylor, then, was the fate of Ireland and of the Union. The Irish spirit, or heart, would save Ireland from perishing and prove that it was, in fact, a nation that had contributed to the history of the world in a positive way. She opted to ignore the presence of millions of Irish immigrants in places like the United States, Canada, and Australia. Instead Taylor focused on the Irish who stayed in Ireland even when doing so was difficult. While what Taylor writes here about the Irish is unfailingly positive, it is also highly paternalistic and a veiled criticism of England who did less with the more that they had than the Irish did with the less that they had.

Yet it presents a far more positive view of Ireland than was common among the English, especially at the time of the rising of the Fenians. An editorial from *The Times* in 1887 shows a very different understanding of Ireland and its contribution, or lack thereof, to the world. The author wrote, "Ireland has not lost her nationality for she never had a nationality to lose. Ireland apart from her connection with Great Britain has either no history or no creditable history. She has done nothing, she represents nothing, and she gives promise of nothing. If she is severed from Great Britain, the change will not be made in response to a genuine national aspiration. The materials for such an impulse do not exist in Ireland."⁵⁷⁸ In this view, unlike Taylor's, Ireland was entirely dependent on England for anything good that might happen or be happening in Ireland. The homes and the hearts that Taylor praises as the saving grace of Ireland have no value in this view. Both authors ultimately want to preserve the Union but they argue for that preservation in very different ways and with a very different relationship between England and Ireland.

⁵⁷⁸ As quoted in Carolyn A. Conley, "Wars among Savages: Homicide and Ethnicity in the Victorian United Kingdom," *Journal of British Studies*, Vol. 44, no. 4 (October 2005), p. 779. *The Times*, 21 March 1887, 6c.

Neither Mary Carpenter nor Anne Jellicoe, outright claimed the future of the nation or the Union depended on these institutions or the reformation of prisoners, yet in their work especially that of Carpenter, there is the sentiment that the good of the nation depends on improving the ability of prisons to reform the women in them. The question of the fate of the nation may have been less pressing for England but there was still a sense that unchecked criminal activity, or even just an inefficient prison system, was a threat to the health of the nation. For example, Carpenter claimed, the influence of a criminal mother might lead her children to become “vipers that prey upon the very heart of this country.”⁵⁷⁹ The heart could, of course, only endure so much before it gave out. Henry Mayhew, however, was much more upfront in his assertion of the threat of unchecked criminality to society but it must be noted he was not singling out women or possibly even meaning to include them. Through the modern prison, the English had

...made rapid advances towards the establishment of a kind of criminal quarantine, in order to stay the spread of that vicious infection which found to accompany the association of the morally disordered with the comparatively uncontaminated; for assuredly there is a criminal epidemic—a very plague, as it were, of profligacy—that diffuses itself among the people with as much fatality to society as even the putrid fever or black vomit.⁵⁸⁰

Describing crime and criminality in terms of disease was not unique to Mayhew; the prison was, after all, imagined by some at least a kind of moral hospital. It is the phrase “fatality to society” that stands out as somewhat unique. The stakes, in Mayhew’s mind, for failing to check criminality were absolutely dire.

⁵⁷⁹ Mary Carpenter, “On the Treatment of Female Convicts, *Fraser’s Magazine for Town and Country*, Vol. 67, No. 397 (Jan. 1863), p. 31.

⁵⁸⁰ Henry Mayhew and John Binny. *The Criminal Prisons of London* (London: Frank Cass and Co. LTD, 1968 reprint. 1862--original), p. 80.

That Taylor's book was published in 1867, the year of the failed uprising of the Irish Republican Brotherhood (or Fenians), is by no means insignificant. She does not make specific mention of the uprising but she does inform her audience that the reason that Mountjoy sounds familiar to them is because it housed Fenian prisoners.⁵⁸¹ That the Union should be on her mind as she traveled Ireland in that tumultuous time only makes sense. Taylor's willingness to recognize that the English had done wrong by the Irish was not unprecedented but it did reveal a good deal about her sympathies; although even more would have been revealed if she had stated what even one of those wrongs was. The reason for England to seek to right these wrongs was not simple justice, however, but rather it was to make the Union stronger; to make a lasting peace between these two kingdoms. Taylor failed to recognize or at least to acknowledge that such a future may not have been possible.

⁵⁸¹ Taylor, p. 49. Taylor's use of the term Fenian is problematic given that when it was used by the English to describe the Irish Republican Brotherhood it was generally considered a derogatory term. The American branch of the movement used the name Fenians but the leaders of the IRB did not. Whether Taylor understood this difference is unclear.

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Appendix A

Separating men and women into separate prisons or at least separate parts of the same prison was an important feature from the time of the first wave of prison reform led by John Howard in the 1770s. The first all women's prison opened outside of Dublin in 1836 after which the path was paved for creating both separate prisons for women. Not all women were kept in prisons made just for them but when a prison contained members of both sexes they were housed in entirely distinct areas of the prison so much so that a prisoner could reasonably not know that prisoners of the other sex were even in the prison. This need to separate the genders and treat them differently as their needs dictate has remained an unshakable idea in the handling of prisoners, even after the various waves of feminism have wrought so many other changes to the lives of women. The only real challenge to this division has been the fight over how to treat transgender prisoners whose presence in the system challenges this gender division in a way that little else has since it became so entrenched.

In the historical sources I have encountered I have found just one clear reference to a prisoner who was transgender. Reverend Charles Gibson wrote of a prisoner named John Weldon who was "better known as Marianne."⁵⁸² Gibson described Marianne as "a pretty, blue-eyed, brown-haired little fellow, fat and rosy."⁵⁸³ Pretty is more often associated with women but the remainder of that description is meant to focus on this individual's masculinity. Yet at other times Gibson attributes feminine characteristics, including physical ones, to this individual that Gibson clearly viewed as a man.

⁵⁸² Gibson, p. 233.

⁵⁸³ Gibson, p. 233.

Marianne was feminized when Gibson described how she “was fond of sewing, knitting, and darning stockings.”⁵⁸⁴ In addition, “his manner of walking” was feminized because Marianne walked “with mincing steps.”⁵⁸⁵ Gibson’s insistence on using masculine pronouns even when attempting to example the traits that made Marianne feminine reveals his obvious discomfort and unfamiliarity with transgender individuals.

In describing the crime that Marianne committed, he tells a tale that highlights how this transgender identity was both duplicitous and sexually threatening. Marianne sang “as a woman in a Dublin theatre” and was later arrested for theft of a 10 pound note. That note was stolen from a “gentleman’s gentleman” (so class was important here) “with whom he [Marianne] had danced at a “housekeeper’s ball.” Stealing a note of that value would certainly have been cause enough to punish Marianne but the inclusion of the dance also indicates that Gibson wish to portray this individual as a greater threat. That threat extended into the court and prison system because Marianne was tried as a woman and then sent to Mountjoy Female Prison.⁵⁸⁶ Marianne may have been able to stay at that the female prison if she had not been detected by a fellow prisoner who had worked as a servant in the house of Marianne’s father. That it took someone who knew Marianne as John Weldon to reveal his “true” identity indicates that Marianne was successfully passing as a woman. Thus possibly the gentleman who had danced with Marianne and been robbed by her did not actually know Marianne had been born a man.

Gibson’s confusion with gender pronouns reaches its peak when he talks about the reveal. Here he uses the name “Marianne” in quotes, which he had not done

⁵⁸⁴ Gibson, p. 233.

⁵⁸⁵ Gibson, p. 233.

⁵⁸⁶ Gibson, p. 234.

previously. From there he describes the moment when Marianne is questioned about the accusations of the other prisoner in which Marianne “with the corner of *her* apron between *her* teeth, to keep *herself* from laughing, denied the charge; but *she* was found out.” After being “found out” Marianne was transferred to the male department of Mountjoy and later to Spike Island “from which *he* was discharged six or seven months ago.”⁵⁸⁷ Gibson uses the female pronouns at a moment when Marianne has just been found out but then switches back to the masculine pronouns after that reveal takes place. Perhaps he did so simply to emphasize the change that had occurred.

Unfortunately Gibson does not provide any detail whatsoever of the time that Marianne spent at Spike Island. He picks up the story again as Marianne is on a boat leaving the island when “he told the boatmen not to sit on his “dress.””⁵⁸⁸ Why precisely Gibson puts the word dress in quotes is not clear but doing so may indicate that Marianne had to create a make-shift dress. Certainly while in the male prison at Mountjoy or at Spike Island it seems unlikely that Marianne would have been allowed to wear anything but the uniform of male convicts. Perhaps the dress she had at her leaving is the one she had come into the prison with at the start. Gibson then addresses the issue of facial hair by having some anonymous person—possibly one of the boatmen—ask Marianne what “he” planned to do about his beard. The implication here is that at the time Marianne had one but that is not stated outright. Marianne replied that “he would retard its growth by the application of gas-water,” which Gibson was unsure would work because “I am not a

⁵⁸⁷ Gibson, p. 234.

⁵⁸⁸ Gibson, p. 234.

chemist.”⁵⁸⁹ The issue of the beard also causes Gibson to speculate about Marianne’s age, especially given that she had been convicted 13 times, and caused him to guess that she must have started her activities before having a beard. Gibson concludes his brief report on Marianne—it lasts just two pages—by noting that since he had begun writing about her he had heard that “Marianne is in again,” meaning that she had come back to Spike Island.⁵⁹⁰

The confusion Gibson experienced with his use of gender pronouns underscores his inability to understand the identity of Marianne because of the dominance of the view that there were only two natural sexes. Certainly the prison system was structured around the idea of two sexes. As long as Marianne could pass as a woman, she was allowed to be in a woman’s prison. Once she was “found out,” that was impossible. Since Gibson ignores completely the time Marianne spent in the men’s prisons there is no sense of how she fared in them other than that she obviously survived if she was released and reconvicted. Besides highlighting the way in which the presence of a prisoner like Marianne created tension around biological understandings of sex, Gibson’s attempts to explain how she could have passed as a woman reveal a limited view of the cultural construction of gender. Marianne was convincing as a woman because of how she dressed but also because she liked to knit and walked in a mincing fashion. Her gender was demarcated by profoundly superficial characteristics. Apart from the obvious anatomical reasons why, Gibson never explains how Marianne, or perhaps in this case

⁵⁸⁹ Gibson, p. 234.

⁵⁹⁰ Gibson, p. 235.

John, was masculine or why Spike Island was a better fit than Mountjoy Female Prison

was.