This paper re-examines Elizabeth Fry's place in British history as well as the role gender norms played in British prison reform in the nineteenth century. Fry advocated for, and demonstrated the viability of, compassionate, restorative justice. Fry's ideas were eventually rejected, largely because she was a woman, in favor of reforms geared towards impersonal institutionalization, which had horrific results. Not only did Fry present a viable alternative system of imprisonment, but she also created an unprecedented degree of influence for women in nineteenth-century British society.

To propose to punish and reform people by the same operation is exactly as if you were to take a man suffering from pneumonia, and attempt to combine punitive and curative treatment. Arguing that a man with pneumonia is a danger to the community, and that he need not catch it if he takes proper care of his health, you resolve that he shall have a severe lesson, both to punish him for his negligence and pulmonary weakness and to deter others from following his example. You therefore strip him naked, and in that condition stand him all night in the snow. But as you admit the duty of restoring him to health if possible, and discharging him from sound lungs, you engage a doctor to superintend the punishment and administer cough lozenges, made as unpleasant to the taste as possible so as not to pamper the culprit.

—Bernard Shaw

In 1818, Queen Charlotte, in one of her last public appearances, met with Elizabeth Fry, whose work with the female inmates of Newgate Prison had rapidly thrust the introverted Quaker into the international spotlight. Fry is one of the most influential figures in British penal history. Yet, she is barely mentioned in works like Michael Ignatieff’s A Just Measure of Pain, which tracks the evolution of the highly regulated, psychological torture chamber that was the Victorian prison. Ignatieff’s Michel Foucault-esque narrative is a largely teleological work wherein the highly regimented, Bentham-esque Pentonville prison is presented as the logical conclusion of seventy years of prison reform. However, Elizabeth Fry’s story, which is glossed over by Ignatieff and many other historians, complicates such an understanding of nineteenth-century prison reform. The way gender and the patriarchy influenced British prison reform has been all but ignored by historians. Examining Fry’s story can help deepen understanding of these influences.

Elizabeth Fry achieved her remarkable success in reforming women’s prisons because nineteenth-century British society believed female prisoners required a more delicate form of punishment than men. Taking advantage of gender norms, Fry found a niche where she could have an unprecedented impact on society. Over the next fifteen years, she travelled across Britain and developed a massive following among women eager to follow in her footsteps. She had a platform to effect institutional change that was unheard of for a woman in her day. Within a generation, however, she was forced from political relevance, in no small part because she was a female challenging male authority; like a female Icarus, she flew too close to the sun. Nevertheless, her achievements demonstrated that a system of reformatory justice had the potential to be remarkably successful. Examining how and why the influential space Fry occupied disappeared is essential to understanding why nineteenth-century British prison reform ended so horrifically.

The story of prison reform in nineteenth-century Britain is filled with convoluted and conflicting ideas. Chief among these was reformers’ and legislators’ desire to create a justice system that could both deter citizens from committing crimes and reform the criminals who committed them. The idea of deterring potential criminals with harsh prison conditions persisted throughout the eighteenth and nineteenth centuries and was detrimental to all efforts to successfully reform criminals. Faith in deterrence flew in the face of evidence that crime levels did not vary significantly with the severity of sentencing. The idea of deterrence came from a misconception among the well-off that criminality was a simple choice rather than a necessity in times of hardship. As Georg Rusche and Otto Kirchheimer argue in Punishment and Social Structure, it was above all else the economic instability caused by the Industrial Revolution that led to a 540 percent increase in the number of convictions in Britain between 1780 and 1830. Rusche’s work demonstrates brilliantly why balancing reform and deterrence was an exercise in futility: reform required that prisoners be kept in decent health and deterrence required that prisoners’ conditions be worse than those of the poorest members of society. If the poor were starving, then prisoners needed to
be pushed to the brink of death. However, Britain’s legislators pursued a system of “punishment which would strike fear even into the hearts of the starving”—solitary confinement. Solitary confinement is psychological torture. As Beatrice and Sydney Webb documented in English Prisons Under Local Government, solitary confinement was “found to be, very naturally, of all punishments, the one most dreaded by criminals.” In short, it resulted in serious mental and physical health issues. Ignatieff’s work centers around the story of Pentonville penitentiary, which opened in 1842 and subjected prisoners to complete solitude upon conviction; every year, fifteen convicts would be taken to the mental asylum, driven mad by the effects of solitary confinement.

The practice was adopted as the only standard for male prisons across Britain in 1865. How and why Britain, the most advanced civilization in the world, adopted a brutal system of torture is a mysterious and troubling problem with which historians grapple. An analysis of how gender dynamics influenced nineteenth-century prison reform can help bring much-needed clarity to this field of study.

The long march of the prison reform movement towards solitary confinement for all male prisoners began in the 1770s with John Howard. Howard, the High Sheriff of Bedfordshire, was inspired to tour prisons across Britain in order to raise awareness about the need to reform Britain’s unregulated and disease-ridden prisons. Howard’s travels, and meticulous detailing of prison conditions, led to the publication of The State of the Prisons, which was a watershed moment for the prison reform movement. His work inspired the Penitentiary Act of 1779, and Howard paid to have the Act printed and sent to the keepers of every county jail in England. However, the results of Howard’s work were more symbolic than substantive. None of the national penitentiaries called for in the Act were ever built. In 1812, a general survey of prisons found that nine-tenths of local prisons were all but unchanged since Howard’s time.

THE STORY OF ELIZABETH FRY

“Since hope is essentially necessary to reformation, the females who compose this most degraded of classes ought—with great care and deliberation—be raised step by step into higher classes, when their conduct merits it.”

—Elizabeth Fry

It was not until the emergence of Elizabeth Fry as a national figure that prison reform actually made a real breakthrough in Britain. Elizabeth Fry, née Gurney, was born on May 21, 1780, and became a devout Quaker in her teenage years. She married at twenty, but only after long consideration of whether marriage could be beneficial to her philanthropic passions. In 1813, she visited the notorious Newgate Prison in London for the first time. There she encountered three hundred women, some still awaiting trial and many with children, all crammed into a space that measured just 190 yards. Three and a half years later, she returned and, along with a dozen friends, established “An Association for the Improvement of the Female Prisoners in Newgate.” By the fall of 1817, Fry’s work had resulted in a transformation among the women of Newgate that garnered significant public interest. Fry travelled across Britain and organized Ladies’ Prison Committees to visit prisons and continued to instruct her disciples through letters for several years. She eventually published a book that would serve as a blueprint for women looking to assist in prison reform. Over the next two decades, “Ladies’ Prison Committees” emerged in provincial towns across Britain. As a result of the movement Fry began, in the words of famous Preston prison chaplain John Clay, “Parliament, which for years had done little beyond the endurance of inconclusive debates, and the appointment of abortive committees, was at last fairly roused to action.” The Ladies’ Committees in Britain were the catalyst for tremendous legislative changes that occurred over the next fifty years, though tragically, women would cease to influence the direction of these reforms after less than twenty years.

An understanding of Fry’s successful method of reformation is necessary in order to amend the prevailing narrative in prison scholarship. Fry advocated for a system of punishment that was based on benevolence towards and communication with prisoners, in stark contrast to the authoritative, institutional model of prisons that eventually became the standard in British prisons. She presented a strict system of rules to the convicts; however, she only implemented them after receiving the prisoners’ unanimous assent. The foundation of her philosophy was “that when prisoners are tenderly treated, there is a general willingness to submit to such regulations.” She instructed her followers to go into prisons with a “spirit, not of judgement, but of mercy.” She showed compassion for the religious ignorance of the prisoners because she understood that this ignorance was the “natural consequence of the disadvantages under which they have been brought up.” In her experience, there was no alternative to the individual attention and mentorship of a person ready to lead by example. The uplifting, hopeful intentions of Fry’s work were vital to her success.

Fry’s method of reformation had a detailed structure that went beyond positive encouragement. In her testimony before the House of Commons in 1818, Fry stated that if prisoners received education, religious instruction, remunerated employment, were divided into classes, and were separated from all men besides doctors and preachers, she had “not the least doubt that wonders would be performed, and that many of those, now the most profligate and the worst of characters, would turn out valuable members of society.” She placed the utmost importance on education for the women and their children. When Fry began the school at Newgate, many of the mothers in the prison cried out of gratitude. The courses

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were so popular that the untried female prisoners at Newgate signed a petition in order to be allowed to participate. The Bible was the primary textbook for reformative education, but writing and arithmetic were also taught along with various marketable skills. Fry’s educational system involved mutual education, wherein the prisoners at Newgate elected a schoolmistress from among them to teach. This allowed female inmates to be the masters of their own fates, in contrast to the male inmates of typical Victorian penitentiaries, who became the faceless subjects of a highly ritualized system of control.

Fry’s method created an incentive structure that rewarded good behavior. The prisoners were divided into classes, so that the most hardened criminals would not corrupt the youngest inmates, who had the greatest possibility to reform themselves. The “higher-class” criminals, those who had been convicted of lesser crimes, would receive some comforts and privileges, as well as more access to remunerated work, including but not limited to teaching the lower-class prisoners. The highest privilege was election to the position of “governess,” which oversaw other prisoners, maintained order, and reported to the prison matron; Fry was adamant that this supervision role should be filled by one of the prisoners. Other prisoners would learn skills, such as sewing or knitting, and their productive output could be sold for personal gain. Good behavior would allow prisoners to progress to the “higher classes.” Hope, even for the most hardened and destitute prisoners, was at the heart of Fry’s philosophy. Also essential to the program was that prisoners would be paid for their work, which would be a “powerful stimulus” to positive reformation; because a portion of income would be set aside for when the prisoner was discharged, women did not have to resort to crime out of financial desperation upon release. The primary form of employment for women outside of prison was domestic work, for which good character was a prerequisite. Thus, a prison sentence effectively prevented access to the most common form of female employment. The desperate need for convicts to learn marketable skills led Fry to declare to the House of Commons Committee on Prison Discipline that reformation was “impossible” without employment. Prison authorities’ belief in individual uplift would disappear when Elizabeth Fry’s followers were forced from positions of influence.

Fry’s final proposal, to separate female prisoners from nearly all male contact, had a dual purpose: first, it allowed female inmates to be given the benevolent treatment that society would never allow male prisoners to receive, and second, it created a space for women to influence reform and legislation and effect positive change in their community. Fry’s efforts to reform women’s prisons were based on her stated belief that female prisoners were “persons of light and abandoned character.” Thus, female inmates needed to be “tenderly treated” and cared for in a way only women could deliver.

Elizabeth Fry, Charles Robert Leslie, date unknown. Source: U.K. National Portrait Gallery (Wikimedia Commons)

Fry almost certainly found authorities more sympathetic to her altruistic efforts to uplift female inmates because of deeply rooted conceptions of natural differences between men and women and the sorts of punishments they could handle. What makes Fry’s efforts to segregate prisons by gender most interesting is how this segregation created a social space for nineteenth-century women. Fry believed that women could have “nearly, if not quite equal, influence on society” as men. In her mind, “it [was] quite obvious, that there are departments in all such institutions which ought to be under the especial superintendence of females.” Her ultimate goal was to make the oversight of public institutions a profession dominated by women. She made a highly pragmatic push to insert women into positions of authority in one of the few spaces where that was possible in her time. She even pointed out that it would be cost effective, given the salary of a female officer would undoubtedly be less than that of a male. As Lucia Zedner points out, the responsibilities Fry created for women in public institutions were unparalleled in society at that time.
Fry’s method of reformative justice achieved unprecedented success. On March 17, 1821, the Royal Cornwall Gazette wrote that the Association for the Improvement of Female Prisoners’ “truly benevolent labours have affected such a reformation in the prison of Newgate.” Her testimony to the House of Commons Committee in 1818 detailed how the school had “prospered beyond all expectation” with “highly satisfactory progress” in all branches of instruction from reading to knitting. The average working inmate was earning eighteen pence a week, which paid for a third of the cost of keeping the women “covered and decent.” Drunkenness had also nearly completely disappeared. The results were drastically different from other prisons where inmates had not been put under the care of a Ladies’ Committee. The results were lasting as well—the 1836 Inspectors Report noted the “highly beneficial” contribution of the Ladies’ Committee to lessening the “depravity of the place.”

The orderly behaviour of the female inmates she worked with who were transported to Botany Bay was an important source of proof for Fry’s success. The Surgeon Superintendent who oversaw transportation called the behaviour of Fry’s inmates “exemplary,” noting especially the quality of work they did on the voyage. The trinkets women made on board the ships were sold for their own profit when they landed in Australia, which helped the women afford housing and a stable lifestyle when they arrived. The earnings were essential because prior to Fry’s intervention, there were no support structures in place for women upon arrival. Several prisoners wrote back to Fry to thank her. One woman wrote from New South Wales to offer her “most sincere thanks for the heavenly instruction I derived from you…during my confinement at Newgate… Believe me, my dear Madam, I bless the day that brought me inside Newgate walls.” Fry’s successes are difficult to quantify, but that a prisoner in nineteenth-century Britain could call her time of imprisonment a “blessing” is staggering in comparison to the traumatic experiences of most prisoners.

Fry’s model was far from dependent upon her direct involvement and was successfully replicated elsewhere in Britain. After Fry’s success at Newgate became public, she received letters from all parts of the country from women who wished to form associations to visit prisons. In 1829, the Inspectors General of the General State of the Prisons of Ireland noted the huge progress achieved by one such Fry-inspired group, the Hibernian Ladies’ Society for Promoting the Improvement of Female Prisoners. After Fry visited Cork, local ladies had followed her advice exactly, and the Inspectors’ Report noted the “permanency of improvement.” In Dublin, Grange Gorman Lane Female Prison was the first female-exclusive prison in the United Kingdom, and its matron, Mrs. Rawlins, was selected and taught by Fry. The experiment was so successful that similar institutions were planned in Scotland and Australia. Vast numbers of women were eager to contribute their time and effort to improving public institutions by following Fry’s lead.

That Fry’s reforms had any success at all was miraculous considering the immense challenges she needed to overcome. At the time of her first visits to Newgate, there were three hundred women, many with children, who stayed in a cramped space regardless of whether they were awaiting trial or already convicted serious offenders; there was no superintendence besides a man and his son, there was no provision of clothing, and most inmates slept on the floor. Her friends, who were acquainted with prison management, told Fry that anything close to what she wanted in terms of individual reformation could never be accomplished; that if we got them work, it should have it immediately be stolen; and that if we formed regulations, they might be obeyed for a week, but they would be broken almost daily, and for a number of ladies to think of ruling women, whom they themselves could not govern, was out of the question.

Another tragedy was that no care or assistance was given to women after transportation to the colonies. Reverend Samuel Marsden of New South Wales wrote Elizabeth Fry to inform her of the conditions that the women she worked with encountered upon arrival. Women told Marsden they “must starve or live in vice.” There was a factory where the women were sent upon arrival, from which women left worse than when they entered. Marsden felt that “the neglect of the female convict in this country is a disgrace to our national character, as well as a national sin.” Fry understood that she did not have a panacea and that the Ladies’ Societies could not cure criminality alone, but the sheer lack of support for women upon release from prison was a major motivating factor in her insistence on paid work for inmates and greater government involvement in the penal system. This type of female lobbying eventually contributed to the abolition of this influential space for women within British prison administration.

Fry’s endeavors lacked adequate funding and support. In the decades after Fry began her work, the ideal matron figure, as Fry had been at Newgate, was rarely a reality because of chronic underfunding, understaffing, and the grueling nature of the work. Matrons were not trained social workers and scientific expertise about mental illness in this era was primitive. The transformation of prisons relied entirely on charitable funds, and the Sheriffs even ceased to clothe prisoners at Newgate after the women began providing clothes themselves. These deficiencies would force the Ladies’ Societies to advocate for stronger government intervention in the prisons, which eventually undermined their benevolent efforts.
To a significant extent, Fry's successes were limited to women's prisons because of pervasive ideas about differences between men and women. The British widely believed that women needed to be subjected to a lesser degree of punishment than men. One newspaper wrote that women should not be exposed to the infamous treadmill because "they then become hardened and horned, and unfit for any of the work that is suited to their sex."\(^6^9\) Whereas men needed to be exposed to hard labour, society could not bear to see a poor creature set to such disproportioned labour, her delicate frame torn and worn down by excess of unnatural exertion, her constitution destroyed, and herself deprived even of the very means of obtaining an honest livelihood after her release, by a systematic, authorized, legalised, torture.\(^7^0\)

A 1825 House of Commons study summarized the general, and misguided, sentiment of the era by saying, "we are by no means opposed to the judicious use of the treadmill, confined to males, and believe that the introduction of hard labour to the prisons has had a considerable tendency to diminish crime."\(^7^1\) Women were also not subjected to solitary confinement nearly to the same extent as men—though this happened in part because many female inmates were prostitutes and men like Reverend Clay thought them irredeemable.\(^7^2\) The 1836 Inspectors' Report demonstrated the limited sphere in which the government felt the Ladies' Committees should be allowed to operate. Female reformers, by being "virtuous and pure," represented feminine ideals and could thus serve as a "powerful...example to the adoption of improved principles and conduct" for wayward women who were too fragile for the harsh punishment their male counterparts required in order to reform.\(^7^3\) Fry utilized these conceptions to create space for women in society by promoting a belief that male prison officers tended to become hardened and were not sufficiently "tender" to work with delicate female inmates.\(^7^4\)

The major motivation to re-examine Fry's place in history is that there was no reason that Fry's successes should have been limited to female prisoners. Her work showed tremendous promise and could have staved off the horrors that befell men in nineteenth-century prisons. Fry's followers made efforts
to educate and uplift female prisoners far beyond what men received. The 1836 Inspectors’ Report noted that there was no provision for instruction of male prisoners at Newgate over the age of fifteen nearly twenty years after Fry had begun her school for the female inmates.75 In 1829, the Hibernian Ladies’ Society noted that the schools for male prisoners in Ireland did not operate with “sufficient diligence to render them of much advantage to the prisoners.”76 The problems facing male and female inmates were not wildly different; when Fry began her work, both the male and female sides of Newgate prison had been overcrowded and disorderly.77 Yet, despite the successes of reform on the female side of Newgate and elsewhere, even by the 1830s Fry had not succeeded in attaining significant access to male prisoners.78

prisons began to frustrate authorities by 1836, who believed through “moral persuasion.”83 The number of visitors to apparently convinced of a “fallacious idea” of reformation benevolence” of Elizabeth Fry and her Societies, who were fashionable as the 1820s went on to deride the “spurious a handloom or in a factory.82 As a result of this, it became imprisonment had lost its terrors for a population already suffering from inadequate diet and twelve-hour days at.

THE END OF BENEVOLENT REFORM

[The prisoner] envies the unfortunate animals in the Zoo, watched daily by thousands of disinterested observers who never try to convert the tiger into a Quaker by solitary confinement, and would set up the most resounding agitation in the papers if the most ferocious man-eater were made to suffer what the most docile convict suffers. Not only has the convict no such protection: the secrecy of his prison makes it hard to convince the public that he is suffering at all.

–Bernard Shaw79

The second reason the power of the Ladies’ Prison Societies disappeared was that they had begun to outgrow their allotted social space. One early instance of this came when Fry raised hell to help spare the life of Harriet Skelton, who was condemned to death for assisting a man she fancied in a counterfeiting operation. The Home Secretary Lord Sidmouth was annoyed at Fry for what he perceived as an attempt to meddle with the Criminal Code; Fry in her journal called the instance a “grievous misunderstanding” where “in the efforts made to save [Skelton’s] life, I too incautiously spoke

Funding for the Ladies’ Societies dried up in the mid-1830s about the time when their oversight roles were taken over by government inspectors.88 The brief window where women led the charge in enacting benevolent prison reform was closed less than two decades after it had begun.

Beginning in 1835, the national government centralized the prison system and excluded female reformers. In 1835, Home Office Inspectors became the main source of information about the British prison system.89 This coincided with the arrival of news from America about the complete ‘silence and separation’ method of incarceration, known as the Philadelphia system, which the Home Office Inspectors embraced wholeheartedly.90 According to Beatrice and Sydney Webb, this began “a new epoch in English prison history.”91 Britain’s prison system became

“The space that Elizabeth Fry carved out for women reformers in early nineteenth-century British society disappeared in the 1830s—and with it the opportunity to improve the entire penal system.”

of some in power.98 Fry was aware of the constraints upon female reformers and went so far as to explicitly advise in her book that visiting ladies should not, except in extremely rare circumstances, lobby for the shortening or pardoning of sentences.96 Nevertheless, the 1836 Inspectors’ Report used the Skelton incident as an excuse to justify the limitation of women’s influence and of legal leniency. The Inspectors made it explicitly clear that women were not to tell their male superiors what to do when they stated that

we consider the exercise, on the part of the Ladies, of any authority within the prison, their using any influence to obtain a mitigation of sentence or a pardon, to be a departure from the object for which alone (as appears to us) they should be permitted to attend—the affording employment and instruction to the female prisoners.87

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progressively more standardized and repressive under the successive regimes of William Crawford, Major Joshua Jebb, and then Edmund Du Cane. The Prisons Act of 1839 “gave explicit approval of separate confinement,” which led to the opening of the infamous Pentonville prison in 1842. In 1865, solitary confinement under the separate system practiced at Pentonville became the standard form of punishment in Britain. Not until after the Ladies’ Societies lost their lobbying ability did the type of penitentiary-style imprisonment that is horrifically detailed in the works of Foucault and Ignatieff really began to dominate. This development left a legacy of secrecy in the British prison system that would last a century.

The disappearance of the influential space Elizabeth Fry and her followers occupied meant that all discussion of benevolent reform was over. The removal of female influence on prison legislation at the very least coincided with the end of critical thinking about prisons. The Webbs call the Prison Act of 1865 “the last occasion on which even an opportunity was allowed for cellular isolation to be seriously treated as an open issue,” but the struggle for benevolent reform was lost long before then. 1835 saw the end of female reformers’ capacity to advocate effectively for the kind of personalized punishment that was essential to Elizabeth Fry’s method, as they were replaced in their oversight role by government inspectors. In Pentonville, and all the other prisons built on the Pentonville model, a prisoner ceased to be an individual and became a number—one of many identical units. The Ladies’ Societies no longer made regular visits to oversee prisons or engage with prisoners; these visits were essential to building public awareness about prison conditions and sufficient sympathy for prisoners. The penitentiary largely disappeared from public consciousness, and the public’s empathy for prisoners evaporated. In addition to this, Reverend John Clay observed that it became “heresy” to “critique the reforming efficacy” of the tread-wheel; the only debate was over how many “revolutions…yielded maximum reforming power.” Reformation was now supposed to be achieved by breaking down prisoners instead of building them up. The network of women who visited prisons had been the last great means to incentivize legislators to support benevolent reform.

**UNDERSTANDING THE STRUGGLES WITHIN THE PRISON REFORM MOVEMENT**

“Something was dead in each of us; and what was dead was Hope”

—Oscar Wilde, The Ballad of Reading Gaol

From the moment John Howard popularized prison reform, there was a battle over the role of deterrence in the penal system; this undying idea of deterrence was ultimately the undoing of benevolent reform. In the eighteenth century, George Onesiphorous Paul, who oversaw the prisons of Gloucestershire, embraced the structural reforms for which Howard advocated and was determined to demonstrate their deterrent value. Paul was adamant that he was not implementing reform out of a “misplaced tenderness of heart,” and could make prisons cleaner and more efficient “places of terror.” Paul was the first of many proponents of deterrence to hijack the reform movement and use the same methods advocated by misled reformers to inflict immense suffering upon inmates. Whig essayist Sydney Smith condemned the “softness” shown to criminals and was an influential advocate of using technology to psychologically torture. This critique of the supposed coddling of prisoners was common throughout the reform movement. In 1821, a member of the House of Lords argued that “gaols and Houses of Correction, are generally considered by offenders of every class rather as a sure and comfortable asylum whenever their better fortunes forsake them, a sort of refuge for the unfortunate of their profession.” This sentiment was behind the invention of the treadwheel, which was praised for facilitating the sentence of hard labour. In 1836, the Prison Inspectors emphasized that the main object of prisons was to deter criminals and others from crime through “endurance of hardship and privation…[and] seclusion.” As Ignatieff notes, it is almost as if Howard succeeded too well in convincing magistrates and legislators of the dangers of association between criminals and the need for seclusion, to the point that the movement he began created prisons that would have horrified his benevolent heart.
Deterrence never ceased to be a priority in prison reform. At times, it was disguised as deprivation, whereby anything deemed a “luxury or comfort” was to “be excluded from the prison altogether.” This included remuneration for work and anything else that could serve as an incentive for good work or behaviour, which was, of course, essential to the Fry method of positive reinforcement. The system of incentives was replaced only by tough enforcement for even minor infractions, such as not paying attention in chapel or speaking to a fellow inmate. Order was maintained through extreme surveillance and repression. Food was also cut to a bare minimum, contrary to the advice of Howard, who hoped to use the possibility of meat during Sunday dinners as “an encouragement to peaceable and orderly behaviour.” Deprivation was just another means to govern prisons through fear.

The idea of deterrence was so powerful that at all stages, benevolent reformers needed to amend and even handicap their plans so that they would fit into the dominant paradigm of retributive justice. Howard justified his recommendations by asserting that he was “not an advocate for an extravagant and profuse allowance to prisoners…I plead only for necessities.” The final line of Fry’s manifesto on prison reform is an attempt to fit her philosophy into the paradigm of deterrence:

Let our prison discipline be severe in proportion to the enormity of the crimes of those on whom it is exercised; and let its strictness be such as to deter others from a similar course of inquiry; but let it be accompanied by a religious care, and a Christian kindness, and let us ever aim at the diminution of crime, through the just and happy medium of the reformation of criminals.

As Shaw wisely pointed out, deterrence “necessarily leaves the interests of the victim wholly out of account.” The persistence of the notion of deterrence undermined all efforts for benevolent reform—before the biggest proponents of deterrence eventually co-opted the methods of reformers as a means to inflict unimaginable psychological suffering on prisoners through isolation and sensory deprivation.

Interpreting the legacy of John Howard has been a focal point for understanding prison reform in nineteenth-century Britain. Overall, there remains a tendency in contemporary scholarship to interpret the prison reform movement as unrealistically monolithic. Michael Ignatieff was too simplistic when he made the teleological argument that “Pentonville represents the culmination of a history of efforts to devise a perfectly rational reformatory mode of imprisonment, a history that stretches back to John Howard’s first formulation of the ideal of penitentiary discipline in 1779.” The late eighteenth and early nineteenth century was an era of struggle over whether kindness or strictness was the central goal of reform. For certain types of reformers—those corrupted by the notion of deterrence—rationality and strictness were always central to their thinking, focusing on the institution first, and the prisoners second—and crucially the idiosyncrasies of imprisoned individuals were all but ignored. The early champions of deterrence were George Onesiphorous Paul, William Blackburn, and to some extent Jeremy Bentham; by the time of Edmund DuCane, well-ordered deterrence was the dominant paradigm in penal philosophy. For the benevolent reformers like Elizabeth Fry, orderliness was a priority; however, order was to be achieved not through standardization and strictness, but through individual attention, respect, and emotional support. Fry’s method was not about the imposition of a system of reform, but a mutual commitment to a cooperative effort at self-improvement. Fry was a rational and pragmatic thinker, but this differs immensely from the rationality in Ignatieff’s narrative, whose main objective was social control. Howard’s legacy was two-fold. There was an easily corruptible technocratic side, wherein prisoners were deprived of indulgences, had their lives perfectly regimented, and were confined to spaces explicitly designed to control their every action. But there was also a genuinely benevolent part of Howard’s work—and Elizabeth Fry represented a continuation of that legacy.

The nefarious kind of reform was predicated on what Foucault referred to as the “scientifico-legal complex.” Ignatieff, in applying a seemingly Foucauldian lens to the evolution of Britain’s prisons, argues that “the originality of Howard’s indictment lies in its ‘scientific’, not in its moral character.” Ignatieff believes Howard’s legacy was carried on by the architect William Blackburn, who designed Paul’s prison in Gloucestershire, and who believed that a rationally organized space, first and foremost, would foster the development of reason and self-regulation in inmates. That same legacy was part of Jeremy Bentham’s notion of the Panopticon, which had many important affinities with the prisons built on the Pentonville model. Ignatieff argues that “if one returns to the pages of Howard, Hanway, and Colquhoun, one encounters the language of ‘police’, not ‘humanity.’” Howard did help craft the Penitentiary Act of 1779, which encouraged sentencing convicts “to labour of the hardest and most servile kind…such as tread in a wheel.” This certainly contributed to William Cubitt’s invention of the tread-wheel in 1818, and the fact that wheels were installed in twenty-six counties by 1824. However, it is inaccurate to say that there is only one language present in Howard’s work; Howard spoke both of “police” and of “humanity.”

Howard advocated for the separation of prisoners only at night and warned against isolation for the entirety of the day; he also encouraged the improvement of bedding, which strongly differed from the “hard labour, hard fare, hard bed” philosophy of the mid-eighteenth century. Howard did truly believe that “gentle discipline is commonly more efficacious than severity.” He also expressed “vigorous...
disapprobation” of Paul’s prison at Gloucestershire.¹²³ There is certainly some truth to the Webbs’ assertion that Howard’s “whole life was marked by a purity of motive, and an ever-present impulse to relieve human suffering.”¹²⁴ Ignatieff himself even acknowledges that Howard did his work because he was “moved by a feeling of brotherhood with the confined” with whom all people were “bound together under the common sentence of sin” that necessitated a “moral obligation” of the state to aid the prisoner.¹²⁵ This was an attitude that was perfected by Elizabeth Fry; she reminded her followers that they must not think themselves superior to prisoners because we are all sinners.¹²⁶

Of course, Howard did not present a flawless philosophy when it came to prison reform. Howard did not claim to be a messiah; he made it clear that he did “not pretend to be qualified for drawing up a perfect system of this difficult business.”¹²⁷ The fact of the matter is that most benevolent reformers were trying something new and to some extent needed to be given the opportunity to learn from their mistakes. Elizabeth Fry’s brother, J.J. Gurney, endorsed a system of silent and highly supervised work in his notes on prisons, but he was also adamantly against forcing prisoners to work out of fear, which would be all but impossible to avoid in a silent labour system.¹²⁸ As McGowen noted, major changes in the evolution of the prison system, such as the Gaol Act of 1823, were actually fairly major compromises between camps with competing ideologies when it came to prisons.¹²⁹ Prison reform was far from a dichotomous issue, and portraying it as either positive or negative, as opposed to a complex blend of pros and cons, is overly simplistic.

ELIZABETH FRY’S PLACE IN PRISON HISTORY

“I desire to live in the fear of God rather than of man, and that neither good report nor evil report, the approbation nor disapprobation of men, should move me the least”

—Elizabeth Fry, April 29, 1818¹³⁰

There were important distinctions between the actions and proposals of Elizabeth Fry and her followers and the misguided or maleficient reforms enacted by the men featured most prominently in Ignatieff’s narrative. While most reformers could never separate themselves from the belief in reformation through fear, Fry looked to instill hope. While most reformers looked to impose their systems upon prisoners paternalistically, Fry sought to govern prisons only with the consent of the governed; her manner of reformation was personalized. Whereas Paul wanted prison officials to be a higher class of person than the criminals, Fry saw all people as equal under God.¹³¹ Fry believed in a mutual instruction system where well-behaved prisoners were given the paid responsibility to oversee and educate other prisoners.¹³² In 1836, the Inspectors argued that “these duties ought to rest solely upon the proper and responsible authorities.”¹³³ The Inspectors also condemned the fact that the Ladies at Newgate appointed and paid a shopkeeper who would sell tea, coffee, and various other articles to the prisoners who had earned money through their hard work. The Inspectors argued this was “productive of much evil” because the things sold were “luxuries or comforts, not necessities, and ought therefore to be excluded from the prison altogether.”¹³⁴ This was similar to Paul, who believed that “the use of money [should be] denied and, by this denial, every means of luxury, or partial indulgence, and of corruption is prevented.”¹³⁵ Contrast this to Fry who believed reformation to be “impossible” without employment because it created such the possibility of incentives.¹³⁶ In 1850, a House of Commons Committee formalized the policy of “hard labour, hard fare, and a hard bed.”¹³⁷ When a new prison was opened in Durham in 1818, Fry “expressed much satisfaction at the prospect of superior comfort which the new gaol was likely to afford to the prisoners.”¹³⁸ Fry’s work opposed and did not contribute to the development of a Victorian prison system based around isolation, discomfort, and deprivation.

Fry’s efforts were also crucially distinct from those of the most famous prison chaplains. Chaplains, like John Clay, were enemies as much as they were allies of Fry’s benevolent reform movement, despite being vocal proponents of prison reform. Not only were chaplains the strongest defenders of the separate system, but Clay believed only the chaplain had the necessary insight into the character of the offender—implying the women like Fry were not well-suited to their work.¹³⁹ Clay was also “disheartened at the effects of ‘profitable employment.’”¹⁴⁰ This contrasted with Fry who, on her first visit to Newgate, said “nothing can be done, or was worth attempting, for the reformation of the women, without constant employment,” because it served as a powerful incentive and provided some safety and stability for prisoners upon their release.¹⁴¹ The chaplains promoted and benefitted from the centralization that removed female influence from prison legislation. They also had much more ideologically-driven views that differed from the pragmatism that was essential to Fry’s work; all too often this meant chaplains believed in breaking prisoners down mentally and attempting to build them back up, whereas Fry’s benevolent reform consisted only in uplifting inmates. Sympathy was much more central to the work of women than to the efforts of the men of God.

Elizabeth Fry’s heroic struggle for benevolent reform did not fail so much as it was defeated. Her ideas were not naïve, nor were they well-intentioned but impractical. She strengthened a number of her claims about reform by placing emphasis on the fact that they were proven by experience.¹⁴² Fry was not, for example, as naïve and boastful as one magistrate from Hereford who saw a drop in the number of people committed to his prison in 1821 as proof that the introduction of hard labour was beneficial.¹⁴³ In her 1818 testimony, the always modest Fry made it clear that officials should not expect “very great results” until more suitable conditions were established in the prison, which would
require significant governmental assistance." When pressed about the recidivism rate at Newgate, she retorted that this would not be a "fair criterion" by which to evaluate her work until the prison was expanded to provide the room necessary for proper classification among other conditions essential to her system of reformation. She also made efforts to temper the expectations of the public, whose interest in her work grew out of "tales of lions being turned into lambs." Fry was under no such delusions; she advised her followers that "the work of reformation [was] a very slow one." The nature of Fry's work forced her to fight against the powers that be. As early as March of 1817, Fry acknowledged in her journal the "very unpleasant necessity" that she needed significant assistance from "men in authority." Simply put, the forces she was struggling against were too powerful to be overcome by a woman in the early nineteenth century.

Elizabeth Fry does not fit neatly into the commonly accepted grand narrative of nineteenth-century British prison reform. Georgina King Lewis' 1909 biography of Elizabeth Fry noted the "ingratitude" with which Fry's remarkable efforts were all too often met. This was not only true of her contemporaries but has been true of most historians as well. Scholars have not recognized the extent to which Fry's movement was frustrated by the rules governing gender in nineteenth-century Britain. By the mid-nineteenth century, prison reform was no longer a significant issue in the public's mind. It was because of this public apathy that, as Ignatieff observes, "the penitentiary slowly inserted itself into the realm of the taken-for-granted." It must be remembered that what made the public care at all in the nineteenth century was the work of women like Elizabeth Fry. Benevolent reform depended entirely upon the public pressure and sympathy that Ladies' Societies led the way in building.

Fry's work is grossly misunderstood by too many historians. McGowen mischaracterizes the disappearance of Ladies' Societies from positions of influence when he writes, "their call for voluntary action as the basis for a permanent penal policy proved utopian, but their organizational flair and zeal for publicity had a considerable impact on political discussions." Fry's vision was not utopian, nor did it intend to depend on volunteers. The positions Fry sought to create for women were voluntary largely out of necessity—voluntary positions were the only positions available to women. Even in 1818, the Ladies' Committee paid the matron of the convicts at Newgate. When Fry pushed for government-appointed inspectors for the prisons, and said it was the "duty of the Government and the people" to instruct the prisoners, she was, without a doubt, attempting to create paid positions for the people most qualified to oversee and teach in the prisons—and most of those people were women. Fry's desire to form a plethora of nationally-linked Ladies' Societies should be seen as an attempt to build a platform designed to create space in society for women.

What is perhaps most disappointing is the extent to which Elizabeth Fry is dismissed or ignored entirely in many intellectuals' explanations of nineteenth-century prison reform. George Rusche falsely asserts that, in the early 1820s, "all agreed that nothing beyond the barest minimum should be supplied to the prisoners." He also claims that "the reformers saw their hopes realized in a strict system of solitary confinement," in a paragraph where he explicitly listed Elizabeth Fry and her two brothers as three such reformers. In 1818 Fry said, "I would think solitary confinement proper only in atrocious cases" and at no time changed that position. Anyone who achieved as much as Fry is deserving of substantially better treatment and significantly more respect by historians.

Elizabeth Fry's story speaks to much of women's history. She was a woman with superior expertise and the solutions to solve major problems in British society—and yet, she was ignored, and eventually denounced, for being an ambitious woman operating in a man's world. Deterrence has long proven to be a morally bankrupt philosophy, as well as ineffective; Elizabeth Fry's work indicates that perhaps there is a viable reformatory alternative to punitive justice. She was the face of a legion of women who were forced out of the policy realm despite having demonstrated the most successful method for reformatory justice, and perhaps proving that the entire concept, which has been denounced as a horrific failure for over a century, had promise. Had she been afforded the respect she was due by virtue of her talents, instead of silenced by virtue of her sex, she may well have saved many of the souls condemned to suffer in the solitude of Victorian prisons.
Gendered Justice

Endnotes


[7] Ibid.


[9] Sir James Fitzjames Stephen, *A History of the Criminal Law of England Vol. 1*, (MacMillan and Co.: London, 1883), 487. The separation of imprisoned men and women was something gradually implemented during the reform period of the nineteenth-century. The work of Fry and other reformers helped create a prison system wherein men and women were subjected to drastically different forms of punishment.


[12] Ibid, 64.


[25] Ibid.


[27] Ibid, 41.

[28] Ibid, 44.


[31] Fry, Fry, and Cresswell, 256.

[32] GK Lewis, 120.

[33] Ibid, 41.

[34] The notion of class here does not directly relate to socio-economic class. Higher-class criminals were low risk and well behaved inmates. A former violent offender could in theory progress to higher-class status over time with good behavior. (Fry, 47).

[35] House of Commons Committee on Prisons 1818, 34.


[37] Ibid, 35.

[38] Ibid, 52.


[40] House of Commons Committee on Prisons 1818, 44.


[45] Ibid, 5.

[46] Ibid, 52.

[47] Zedner, 344.


[49] House of Commons Committee on Prisons 1818, 34.

[50] Ibid, 35.

[51] Ibid, 39.

[52] Ibid, 36.

[53] Ibid, 19.

[54] GK Lewis, 93.

[55] Ibid, 86.

[56] Ibid, 187.

[57] Fry, Fry, Cresswell, 287.


[59] Ibid, 18.

[60] GK Lewis, 185. Female-exclusive is of course distinct from gender-segregated prisons.


[63] Ibid, 34.

[64] GK Lewis, 90.

[65] Ibid, 183.

[66] Ibid, 91.

[67] Zedner, 345.


[70] Ibid.


[74] GK Lewis, 130.

[75] Reports of the Inspectors 1836, 18.


[77] House of Commons Committee on Prisons 1818, 8.


[79] Shaw, x.


[81] Ibid, 98.

[82] B. Lewis, 143.

[83] Ignatieff, 174.

[84] Reports of the Inspectors, 1836, 19.

[85] GK Lewis, 81.


[88] Clay, 92.


[90] Ibid, 94.

[91] Ibid, 96.

[92] Ibid, 127; Ignatieff, 4.

[93] Stephen, 487.


[96] Ignatieff, 7.

[97] Clay, 98.

[98] Ignatieff, 100.

[99] Ibid.

[100] McGowen, 98.


[103] Reports of the Inspector, 1836, 22.

[104] Ignatieff, 103.


[106] B. Lewis, 144.


[108] Ibid.

[109] Fry, 76. No emphasis added.

[110] Shaw, xviii.

[111] Ignatieff, 11.

[112] Ibid.