

Irish Female Criminality in Nineteenth Century London

By

Elizabeth R. Dahl

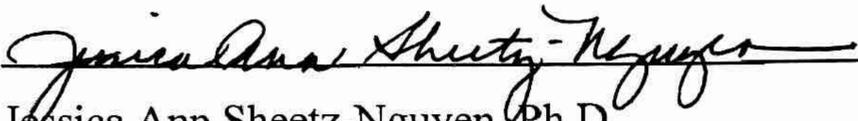
A Thesis Submitted to the Graduate Faculty  
in partial fulfillment of the requirements for the degree of  
**MASTER OF ARTS IN HISTORY**

University of Central Oklahoma  
Fall 2018

THESIS APPROVAL

The abstract and the thesis of Elizabeth R. Dahl for the Master of Arts in History was submitted to the Joe Jackson College of Graduate Studies on 6 December 2018 and approved by the undersigned committee.

**COMMITTEE APPROVALS:**

  
\_\_\_\_\_

Jessica Ann Sheetz-Nguyen, Ph.D.

Committee Chair

Professor of History

  
\_\_\_\_\_

Michael S. Springer, Ph.D.

Member

Professor of History

  
\_\_\_\_\_

Andrew Magnusson, Ph.D.

Member

Assistant Professor of History

TABLE OF CONTENTS		
Acknowledgements		i
Abstract		ii
Introduction		1
Chapter 1:	Crowds of Miserable Irish Darken our Town	19
Chapter 2:	Penal Theory and Legislation	37
Chapter 3:	The Victorian Press and Perceptions of Female Criminality	57
Chapter 4:	Life and Conditions in Prison: “To Rot in Jail was no Figure of Speech but a Dreadful Reality”	72
Conclusions	Conclusion	89
Gallery		92
Bibliography		98

## ACKNOWLEDGEMENTS

It is with an immense spirit of gratitude that I must acknowledge the enormous amount of time, support, guidance and encouragement offered by my mentor and thesis chair, Dr. Jessica Sheetz-Nguyen. I am deeply grateful for her patience as I learned to navigate the intricacies of archival research at the London Metropolitan Archives and the British Library, as well as her unwavering commitment to promoting a truly transformative learning environment. I would also like to extend my thankfulness to Dr. Springer and Dr. Magnusson who both graciously agreed to serve on my thesis committee and provided valued feedback on my work. Finally, I would like to acknowledge the generous RCSA and STLR grants that helped fund my research.

I would like to dedicate this thesis to my wonderful parents and Dr. Jessica Sheetz-Nguyen. I am forever grateful for the skills and lessons each of you have gifted me.

## ABSTRACT

As a consequence of the Great Famine, many Irish were forced to migrate to London in the hopes of finding gainful employment and relief from starvation. A large percentage of these immigrants moved to impoverished neighborhoods or rookeries to join established Irish populations. Inadequate housing, irregular employment, and subsequent health and crime problems arose because of the lack of proper provisions for the poor. These factors led to personal and social maladjustments, which at times found expression in criminal behavior leading to contact with the police and resulting in high proportions of Irish cases in the courts. Of particular interest to this thesis are the understudied female Irish criminals living and operating within central London in the nineteenth century and the subsequent treatment of Roman Catholic Irish women within the best-known London prison, Tothill Fields.

## INTRODUCTION

The nineteenth century Potato Famine in Ireland precipitated catastrophic results, forcing the poor Irish to migrate, first to Liverpool and then to London in the hopes of finding gainful employment and relief from starvation. A large percentage of these migrants moved to impoverished neighborhoods or rookeries to join established Irish populations. Inadequate housing, irregular employment, and subsequent health and crime problems arose because of the lack of proper. These factors led to personal and social maladjustments, which at times found expression in criminal behavior leading to contact with the police and resulting in high proportions of Irish cases in the courts. These small communities became microcosms for nineteenth century investigators including Henry Mayhew and Thomas Beames who connected the squalid conditions of these spaces with the over-representation of Irish migrants on poor law and criminal lists. Of particular interest to this thesis are the understudied female Irish criminals living and operating within central London in the nineteenth century. Depicted in the British press as dangerous social pariahs, these women bore the weight of extreme poverty, racial prejudice, and religious discrimination, placing them outside the confines of Victorian respectability and femininity. This examination of Irish female criminality is discussed in a tripartite manner, beginning first with a demographic overview of the areas in which they lived, the nature of female criminality and the reformatory conditions and experiences of the women upon incarceration. Of specific concern, are the circumstances of Roman Catholic women within the best-known London prison, Tothill Fields. Thematically this thesis investigates the relationship between the lack of sanitation in the urban environment of rookeries, contaminated water and polluted air, and the prejudicial

behavior toward Irish immigrants, and according to the statistical evidence as it appears in the criminal cases at Old Bailey, which reflect a disproportionate number of Irish women in arrest records in comparison to their percentage of the overall population.

#### HISTORIOGRAPHY: REVIEW OF SECONDARY LITERATURE

The general consensus among academics researching the history of criminality and penal theory and practice in Britain agree that prisons operate as a mode of social control, that are “set up to maintain order in a society undergoing rapid urbanization or to impose the social discipline necessary to capitalism.”<sup>1</sup> This commonly held perception of the role of prisons within societies became widely accepted following Michel Foucault's groundbreaking work in the 1970s. *Discipline and Punish* ushered in a new age of historical writing concerning crime and imprisonment.<sup>2</sup> Following its publication, Foucault's work became a barometer of sorts against which subsequent academics would compare and measure their own theories, which is why *Discipline and Punish* created perhaps the biggest stir in the historiography of criminality and punishment in modern day. The second most discernible shift in this field of historiography, especially concerning the English prison system, is arguably Lucia Zedner's *Women, Crime and Custody in Victorian England*.

Prior to Zedner's publication in 1990, there existed no real comprehensive analysis of the role of gender in the development and implementation of prison systems in Britain. This allowed Zedner to introduce important connections into the overarching

---

<sup>1</sup> Lucia Zedner, *Women, Crime, and Custody in Victorian England* (New York: Oxford University Press, 1991), 1.

<sup>2</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1995).

narrative of historiography by developing links between Victorian spheres of female domesticity and respectability juxtaposed with the fiendish caricatures of the renegade female prisoner. Additionally, with increased access to archival materials, different perspectives and focal points began to emerge. For example, Sean McConville's impressive study, *A History of English Prison Administration 1750-1877* incorporates the private and official papers of key prison reformers in the late eighteenth and early nineteenth centuries that previously had not been accessed.<sup>3</sup> These newly referenced materials allowed McConville to introduce new material to question the validity of claims made by Foucault and David Garland who argued against the role of benevolence in spurring more liberal and progressive prison legislation and policy. Finally, the array of methodologies and research questions being posed by academics and historians continues to advance our understanding of a new regime of punishment. Researchers take three primary approaches when addressing these topics, including, social investigations into the role of prisons within societies, the role of prison administrators and reformers and the legislation surrounding penal theory and practice, and finally examination into the lives of the prisoners themselves.

Michel Foucault's *Discipline and Punish: The Birth of the Prison* is the cornerstone for those investigating the role of penal institutions within society.<sup>4</sup> Published in the early 1970s, his work crafts a theoretical framework that examines the evolution of prison discipline and punishment from the eighteenth century to the mid-nineteenth century. As previously mentioned, Foucault's work has been the subject of both intense

---

<sup>3</sup> Sean McConville, *A History of English Prison Administration* (London: Kegan Paul, 1981).

<sup>4</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1995).

critical analysis and praise, yet it remains one of the major works against which academics investigating the role of crime and punishment will continue to measure their own work. A central argument made within his text claims that the relationship between the criminal and the arbiters of justice is rooted in a power dynamic between those who exercise the authority of punishment and those who must succumb to the set punishment. One of Foucault's most dynamic arguments concerns the role of spectacle in punishments in the late seventeenth and early eighteenth centuries.<sup>5</sup>

Following Foucault's 1978 publication, Michael Ignatieff examines the “philosophy of punishment as it emerged in England between 1775 and 1840” in *A Just Measure of Pain*.<sup>6</sup> Ignatieff’s work analyzes Pentonville Prison as a model for life inside a Victorian prison. He relies on Foucault’s same general framework offered in *Discipline and Punish*. Specifically addressing the shift from public forms of punishment “directed at the body,” to sentencing “directed at correction of the mind.”<sup>7</sup> Scholars generally agree that Ignatieff’s argument can be divided into two basic “strands” of explanation.<sup>8</sup> First, he presents several inter-connected events which led to the increase in the prison population in England, including the massive population growth in the late eighteenth century and the end of transportation of prisoners to the American colonies. These events led to a growth of convicted prisoners that subsequently led to outbreaks of gaol fever and further exacerbated poor living conditions within prisons. These factors ultimately spurred

---

<sup>5</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1995), 5-7.

<sup>6</sup> Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London: MacMillan Press, 1978), xiii.

<sup>7</sup> Ignatieff, *A Just Measure of Pain*, 72.

<sup>8</sup> Heather Tomlinson, “Review: A Just Measure of Pain,” *The British Journal of Criminology* 20 (1980), 74.

utilitarians and nonconformists, including John Howard, to rationalize the prison system and to reform the prisoners through methodical religious instruction.<sup>9</sup> Secondly, Ignatieff critically examines the shifts and changes of the development of the penitentiary in England through the lens of class conflict and social control.<sup>10</sup> Ignatieff believes fear of a growing “social disorder” in England cultivated during the rise of industrialization served as a motivating factor for prison reformers.<sup>11</sup> Thus, he introduces a common question posed by historians: to what degree were prison reformers spurred by benevolence in their quest for improving prison conditions?

The 1980s publication, *A History of English Prison Administration 1750-1877* by Sean McConville, stands as one of the most comprehensive scholarly works concerning the British prison system.<sup>12</sup> McConville’s impressive tome is an outgrowth of Beatrice Webb’s 1922 *English Prisons under Local Government* and prior to McConville’s publication, Webb’s work had been regarded as “the best general survey of the development of the English penal system.”<sup>13</sup> McConville’s thorough review of primary sources distinguishes his work from previous scholarship conducted by his predecessors. McConville cites the private and official papers of Joshua Jebb, Edmund Frederick Du Cane, and Jeremy Bentham, all highly influential prison administrators. A central tenet of McConville’s work is an intense analysis of the origin and development of the complex positions of prison administration and staff. While Ignatieff’s *A Just Measure of Pain*

---

<sup>9</sup> Tomlinson, “Review: A Just Measure of Pain,” 75.

<sup>10</sup> Ignatieff, *A Just Measure of Pain*, 150.

<sup>11</sup> Lucia Zedner, *Women, Crime, and Custody*, 96.

<sup>12</sup> Sean McConville, *A History of English Prison Administration* (London: Kegan Paul, 1981).

<sup>13</sup> R.A. Lewis, “Reviewed Work: A History of English Prison Administration: Volume 1, 1750-1877 by Sean McConville,” *History* 69 (1984), 87.

focused primarily on the non-administrative elements of prison, McConville's publication does the opposite as he presents a rich chronological overview of prison bureaucracy.

Also published in the 1980s, David Garland's *Punishment and Welfare: A History of Penal Strategies* breaks with the commonly held idea that the "modern penal complex" begins between 1780/1840, and instead attributes its development to the time frame of 1895-1914.<sup>14</sup> Garland manages to incorporate a new and interesting thread into the examination of penal legislation by juxtaposing the developments of prison reform to the growth of other social institutions in Victorian England. Additionally, Garland successfully introduces what he deems as the "modern penal complex," by revisiting the blueprints given in the Gladstone Report of 1895.<sup>15</sup> Garland echoes Foucault's sentiments that penal reformers were not necessarily spurred by rationality, progressivism and humanitarian efforts but by a "new strategy for the more effective exercise of social control."<sup>16</sup> Additionally, his acknowledgment that the 1890s constituted a pivotal period for shifts in prison reform seems to lack the proper accreditation to Michel Foucault's discussion surrounding this very topic.<sup>17</sup> Garland's work struck a chord with fellow historian Victor Bailey who also commented, "Garland's interpretation underestimates the continued influence of humanitarianism as a causal factor in penal change, utterly ignores the Idealist framework of social and legal thought, and relegates the force of ethical and Christian socialism to a footnote."<sup>18</sup> The concern Bailey expresses in this

---

<sup>14</sup> David Garland, *Punishment and Welfare: A History of Penal Strategies* (London: Aldershot and Hants, 1985).

<sup>15</sup> Bailey, "English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922," 290.

<sup>16</sup> Bailey, "English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922," 291.

<sup>17</sup> Victor Bailey, "Reviewed Work: *Punishment and Welfare: A History of Penal Strategies* by David Garland," *The American Historical Review* 91 (1986): 925. This point was also made in Victor Bailey's review of Garland's work.

<sup>18</sup> Bailey, "English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922," 291.

quote exemplifies the emerging question in 1980s historiography of crime and punishment concerning the complexity and extent of existing “penal cultures,” and the “role of moral character,” in influencing penal thought and practice.<sup>19</sup>

In “English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922,” historian Bailey presents a comprehensive overview of penitentiaries as they developed following the nationalization of prisons in England in 1877.<sup>20</sup> Building on Ignatieff’s example, Bailey also returns to Pentonville as the model Victorian prison, juxtaposing all other English prisons against the regime instituted in there. Additionally, he recognizes the major overarching question guiding the work of academics researching prison policy: “why, between 1780 and 1840, was the penitentiary conceived and constructed?”<sup>21</sup> Bailey notes this question has been at the center of investigations regarding penal reform, beginning primarily in the 1970s and continuing into modern historiography.<sup>22</sup> To answer the question he refers back to earlier publications by both Michel Foucault and Michael Ignatieff, stating, “the origins of this revolution in punishment are to be found less in the humanitarian sensibility of prison reformers, whether evangelical or utilitarian, and more in the desire of elite groups to isolate the criminal class, to shape a disciplined workforce, and to cope with the social dislocations of a new industrial order.”<sup>23</sup> This work maintains the ongoing question of the level of benevolence of prison reformers and their humanitarian deeds as a catalyst for change in

---

<sup>19</sup> Victor Bailey, “English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922,” 305.

<sup>20</sup> Bailey, “English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922,” *Journal of British Studies*, 285.

<sup>21</sup> Bailey, “English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922,” 289.

<sup>22</sup> Bailey, “English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922,” 290.

<sup>23</sup> Bailey, “English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922,” 290.

prison legislation as similarly presented in Foucault's *Discipline and Punish* and David Garland's *Punishment and Welfare*.<sup>24</sup>

By contrast, Robert Alan Cooper's article, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," provides a detailed account of the historical actors at the center of English prison reform and the of influence they wielded on the passage of the Prison Act of 1835.<sup>25</sup> Cooper speculatively addresses commonly held perceptions of Jeremy Bentham and Elizabeth Fry, concluding that neither famed prison reformer held truly revolutionary ideas. He downplays the role of the Benthamites – particularly the influence of the famed Panopticon plan and describes the work and ideas promulgated by Elizabeth Fry as "derivative, and believes her to be more of an activist than a theoretician."<sup>26</sup> Cooper's analysis is important because he successfully questions long held associations between Bentham, Fry and their roles in penal legislation. Hence, his framework formulates new avenues for further analysis.

In the 1990s, Lucia Zedner tackled the question of gender by bringing female prisoners to the fore in her publication *Women, Crime and Custody in Victorian England*.<sup>27</sup> Prior to Zedner's book, there existed few comprehensive histories solely analyzing female criminality in nineteenth century England. Zedner's study explores the connection between incarceration methods for women and the role and perception of women in Victorian society. She investigates Tothill Fields Prison, a local short-term

---

<sup>24</sup> David Garland, *Punishment and Welfare: A History of Penal Strategies* (New Orleans: Quid Pro Books, 2018).

<sup>25</sup> Robert Alan Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," *Journal of the History of Ideas* 42 (1981): 675-90. Public General Act, 6 and 7 William IV, c. 30.

<sup>26</sup> Cooper, "Jeremy Bentham, Elizabeth Fry, and the English Prison Reform," 682.

<sup>27</sup> Lucia Zedner, *Women, Crime, and Custody in Victorian England* (New York: Oxford University Press, 1991).

facility located in Westminster, as a model for analysis. Zedner relies on prison records to derive convincing statistical representations of incarcerated women. Zedner's work is thorough, and within the first chapter she critiques the work of her predecessors including Michael Ignatieff and Michel Foucault - both of whom she thinks "took penal ideology to its logical extreme and missed the reality of continuing administrative chaos and human error."<sup>28</sup> Zedner believes both Ignatieff and Foucault place too much emphasis on the motivating factors of prison reformers and lack adequate coverage of the "day-to-day life" of those incarcerated within the houses of correction.<sup>29</sup> She takes particular umbrage with the work of Foucault, writing, "his cavalier treatment of evidence, the gap between his idealized account and the realities of most nineteenth century prisons, and above all, his failure to account for change over time, combine to restrict the value of his work for historians."<sup>30</sup> She argues that historians must address the issue of gender in the development of prison policy. Diverging from the much talked about prison practice of rigid timetables and militaristic daily schedules as a means of punishment for men, Zedner writes extensively about the gendered treatment women received while incarcerated that focused on reform rooted in "moral regeneration rather than discipline."<sup>31</sup> Zedner's approach, further distinguishes her scholarship from other historians and academics, because it includes the day-to-day realities of prison life for female inmates, rather than broad overviews of administrative issues.<sup>32</sup> Zedner's work

---

<sup>28</sup> Zedner, *Women, Crime, and Custody in Victorian England*, 95. Zedner does note however, Ignatieff's article published years after his publication of *A Just Measure of Pain*, wherein he writes that he "overschematized the complexities of prison history."

<sup>29</sup> Zedner, *Women, Crime, and Custody in Victorian England*, 100.

<sup>30</sup> Zedner, *Women, Crime, and Custody in Victorian England*, 100.

<sup>31</sup> David F. Smith, "Reviewed Work: *Women, Crime, and Custody in Victorian England* by Lucia Zedner," *Albion: A Quarterly Journal Concerned with British Studies* 24 (1992): 683.

<sup>32</sup> Smith, "Reviewed Work: *Women, Crime, and Custody in Victorian England* by Lucia Zedner," 684.

exemplifies the continued changes in historical research in the 1990s, wherein researchers began to take a more interdisciplinary approach, beyond the perspectives of nineteenth century philosophy and ideology.<sup>33</sup>

In the field of nineteenth century English crime and penal theory and practice, there have been few recent publications introducing new or differing perspectives than the widely held and accepted theories presented in the previously discussed works. Recent works concerning female criminals echo the sophisticated arguments established by Lucia Zedner, without challenging or advancing the conversation further. The introduction of new data – afforded by digitization of large sets of documents including those of the Old Bailey Court records has changed this. It seems, the direction of historical inquiry concerned with English crime and punishment has taken a turn toward the digital humanities. In addition, new and exciting projects include the *Old Bailey Online*, *Criminal Lives*, *The Digital Panopticon*, *Kindred London*, and a mapping project that explores the Tower Hamlet borough of Whitechapel and streets roamed by Jack the Ripper. As archival data continues to shift in its levels of accessibility and the tabulation of new data historians can begin to reconfigure their information into more tangible and easily consumed mediums, there is no doubt future emerging scholarship will introduce new points of inquiry into crime and penal theory and practice historiography.

While Foucault, Ignatieff, Bailey, Weiner and Zedner show an evolution of perceptions on crime and the treatment of criminals few have addressed or situated the criminal themselves in time and space and even fewer have attempted to include the

---

<sup>33</sup> Smith, “Reviewed Work: *Women, Crime, and Custody in Victorian England* by Lucia Zedner, 685. Martin Weiner’s *Reconstructing the Criminal: Culture, Law and Policy in England 1830-1914* (1990), is another good example of this.

analytical frameworks of gender, ethnicity, and religious persuasions. On the subject of Irish female criminals in Victorian London, little appears to have been written that adequately assesses the relationship between the impoverished spaces in which many of these women lived and operated and their propensity to wayward behavior. Additionally, Irish women have been left out of the narrative concerning how the passage of critical nineteenth century prison legislation, which directly affected the lives as they moved from the slums of St. Giles in central London to their prison cells. Determining their personal responses to the situations imposed upon them is difficult to ascertain as many of these women were illiterate. They could not give voice to their experiences, so their stories instead, can be told through the reports and ledgers detailing their personal information and accounts, the reports of the Catholic priests who tirelessly petitioned for them in the courts and in the press, and the publications of prison reformers who entered these institutions and interacted with imprisoned Irish women.

#### SOURCES

This thesis departs from earlier works by broadening the thematic elements central to understanding the conditions of life for an Irish female criminal. This has been accomplished through deep analysis of under-utilized sources that better convey the nature of Victorian prison life. Uniquely, the lived experiences of London's convicts can be ascertained through poems, letters, biographies, legislation, sermons, parliamentary debates, meticulously kept logs and investigative journalist's reports. This research is based on manuscript records accessed in the summers of 2016, 2017, and 2018 at the London Metropolitan Archives. Chiefly referenced are the archival records for Tothill Fields Prison including Chaplain, Prison Administrators, and Inspector General Reports,

architectural plans, and correspondence between the prison's visiting priests to construct the overall narrative presented.<sup>34</sup> Tothill's intake records dating from 1840 to 1860 also provide insightful numerical data sets for statistical analysis of inmates with Irish surnames admitted throughout the duration of those years. Additional source material referenced for this thesis included printed primary records including: *Parliamentary Papers*, *Hansard's Parliamentary Debates*, Old Bailey Online Court Records, British Pamphlets and Periodicals, the *London Times*, *Globe and Mail*, *The Morning Chronicle* and various other British newspapers.

This study is situated between 1840 to 1870 because of the increased information gathered by prison administrators regarding the criminal herself, including detailed accounts of her age, physical description, religion, previous convictions, and employment.<sup>35</sup> The process of acquiring the personal information from convicts developed gradually throughout the eighteenth and nineteenth century with the first recordings of prisoner information appearing in the Hulk Registers (1801-79), Old Bailey Proceedings (1740-1913) and the England and Wales Criminal Registers (1791-1892).<sup>36</sup> As noted by historian Phillip Priestly in *Victorian Prison Lives* for the greater part of the nineteenth century, it proved difficult, if not impossible to be absolutely certain of the

---

<sup>34</sup> "Westminster Sessions of the Peace: Administration," WA/G/001-19, London Metropolitan Archives. "Westminster Sessions of the Peace: Sessions Papers, WJ/SP/1840-44, LMA. "Middlesex Sessions of the Peace: Court in Session," MJ/SP/1850, LMA. "Westminster Gatehouse Prison/Westminster House of Correction alias Tothill Fields Bridewell," WJ/CC/B-1, LMA. "Report on the Chaplain at the House of Detention," MA/G/GEN/0799, LMA. "Papers for 1850," MJ/SP/1850, LMA.

<sup>35</sup> A sharply established timeframe is necessary as it is not sufficient to merely state the Victorian era, as noted by James Epstein in *Victorian Subjects*, "1827 to 1901 is not useful for purposes of periodization, missing as it does, the 18<sup>th</sup> century roots of important religious, social and economic forces. The revival of evangelicalism, the forging of middle-class identities and the gradual process of industrialization." All of which are pertinent to this study.

<sup>36</sup> Robert Shoemaker, "Digital Panopticon," [www.digitalpanopticon.org/The\\_Growth\\_of\\_Registers](http://www.digitalpanopticon.org/The_Growth_of_Registers).

identity of a newly arrived prisoner.<sup>37</sup> Inmates would go to extreme lengths in the efforts to conceal their identities, ranging from providing false names to maiming their physical appearance.<sup>38</sup> It is unsurprising perhaps that convicts resorted to providing a false name in the hopes of avoiding additional charges or stricter sentences because he or she had a record of previous incarcerations. In the effort to combat the use of aliases by returning inmates, prison guards relied on their perception and memory. Further, the British government effectively employed a brigade of detectives called “Recognizing Officers,” responsible for scrutinizing and detecting previously incarcerated individuals.<sup>39</sup> Primarily, the officers attempted to “detect among the new chums any old offenders.” According to one former convict’s experience however, “the detectives of London are better known to the criminals than the criminals are to the detectives.”<sup>40</sup> Another measure taken in the progressive effort to expose repeat offenders included the introduction of portraiture. The Governor of Bristol credited himself for pioneering the endeavor stating, “I introduced some years ago (indeed I was the first who introduced them) the daguerreotype portraits of prisoners, and from having succeeded in one or two cases, we introduced it more freely.”<sup>41</sup> This strategy, conceived by Governor Shepherd of Huntingdon, and presented at the 1863 Committee on Prison Discipline, suggested

---

<sup>37</sup> Phillip Priestly, *Victorian Prison Lives: English Prison Biography, 1830-1914* (London: Methuen & Co.: 1985).

<sup>38</sup> Phillip Priestly, *Victorian Prison Lives: English Prison Biography, 1830-1914* (London: Methuen & Co.: 1985), 11. When hoping to conceal their identity, prisoners would often provide a false name or alias. Take for example, a scenario of an incoming prisoner at Clerkenwell, “Oh! So yer name’s James Thompson now is it? Remarked the receiving officer at Clerkenwell to one of the men – ‘a pickpocket to his fingertips.’ It was ‘John Smith’ the last time yer was ‘ere.’ It was a ruse so often resorted to that Governor Chesterton of Cold Bath Fields felt moved to comment on the ‘inexhaustible name of ‘Smith,’ a name, indeed, that perplexed us not a little, so very numerous were its bearers.”

<sup>39</sup> Priestly, *Victorian Prison Lives: English Prison Biography, 1830-1914*, 12.

<sup>40</sup> Priestly, *Victorian Prison Lives: English Prison Biography, 1830-1914*, 12.

<sup>41</sup> Priestly, *Victorian Prison Lives: English Prison Biography, 1830-1914*, 12.

applying a mark to prisoners, to craft a more readily identifiable inmate, in a manner reminiscent of a military deserter who is marked using gunpowder or Indian ink, i.e. tattooing. When questioned on the practical, moral and ethical grounds of inflicting a mark on prisoners, Governor Shepherd retorted, “I have advocated for it at all times. I am sure that it would be of the greatest possible benefit to the class of persons that one is most anxious to punish.”<sup>42</sup>

The dominating theories regarding the identity of the person or persons responsible for initiating the retention of criminal data, and for what purpose, remain a topic of debate among historians. The prevailing ideas are first, narrative centered on bureaucratic institutions deliberately attempting to create new ways to administer governance and control following the Industrial Revolution. The second thought concerns Foucault’s theory of “governmentality,” and the use of knowledge in the hands of state and civil society as a means of “disciplinary power, used to stigmatize, control and normalize the individual.”<sup>43</sup> The most recent studies however, reflect that the initial information gathering within penal institutions started at the behest of local administrators and purely for their own personal use.<sup>44</sup>

---

<sup>42</sup> Parliamentary Papers, House of Commons and Command, Volume 9, 1863, page 277, 3009.

<sup>43</sup> Robert Shoemaker, “Understanding the Criminal: Record-Keeping, Statistics and Early History of Criminology in England,” *The British Journal of Criminology* 57 (2017): 1445.

<sup>44</sup> Shoemaker makes an important distinction within his article noting, “other scholars have turned away from the state (local and national) as a political and social entity and have instead stressed the cultural roots of information-gathering; identifying an emerging positivist tradition marked, first by the growth of political arithmetic in the later 17<sup>th</sup> century and subsequently by the ‘moral statistics’ of the early 19<sup>th</sup> century; both underpinned by the increasing cultural weight of ‘facts’ and empirically collected information.” Shoemaker, “Understanding the Criminal: Record-Keeping, Statistics and Early History of Criminology in England,” 1445.

Recording information about individual criminals evolved across five major stages in Britain. The first development occurred in the late eighteenth century, with the hulk and criminal registers, developed by the sheriffs of London and Middlesex who recorded the age, place of birth, occupation and physical descriptions of inmates at Newgate Prison. The second innovation began following the opening of Millbank Prison, the first national penitentiary, in 1816. The administrators within Millbank recorded basic information about the prisoners, similar to that at Newgate, but also included prisoners' mental state, religion, marital status and the number of offspring.<sup>45</sup> The third major development in record retention came in the early nineteenth century with the release of the first substantial statistics. The national returns published in the 1830s included information recorded by prison chaplains and local officials. The reports contained details concerning prisoner's stay in the infirmary and disciplinary actions. The following stage developed over the 1830s through 1840s and consisted of improvements to the registers already in use within hulk and criminal registers.<sup>46</sup> These updates included an acknowledgment of an inmate's literacy level, previous incarcerations (if known), and the weight of prisoners. Lastly, the final major change in prison record keeping occurred in 1850 as the Home Office and Parliament "began to collate national-level data on a handful of subjects that had long been investigated by some local officials, including convict birthplaces and occupations. National tables summarizing prisoners' religious

---

<sup>45</sup> The marital status was recorded for both sexes, but the number of children was only recorded for female prisoners. Shoemaker, "Understanding the Criminal: Record-Keeping, Statistics and Early History of Criminology in England," 1446.

<sup>46</sup> Shoemaker, "Understanding the Criminal: Record-Keeping, Statistics and Early History of Criminology in England," 1446.

denominations and previous schooling were also published in 1853, but this experiment was not repeated.”<sup>47</sup>

## RESEARCH METHODOLOGY

This research is driven by analysis of both qualitative and quantitative records, which distinguishes this work from scholarly accounts that rely solely on textual materials to build their narratives. The qualitative texts include records detailing and correlating to Irish women and crime, and quantitative records that include information from intake prison rosters from Tothill Fields spanning the years 1840 to 1870. Research for this thesis was conducted through several grant funded projects including two RCSA and one STLR grants. Three hundred case reports of Irish female criminals establish a clear demographic overview of the neighborhoods and the women at the center of this study. The information contained within the Old Bailey court records were tabulated on a spreadsheet, and document the criminal’s name, age, violation of the law, the location of the act and their sentencing. The second research step built on the information collected in the database and focused on mapping the specific locations of the crime, while simultaneously examining the public perception and response to their illicit behavior. This research allowed a better sense of female crime patterns in general and a closer look at the very curious overrepresentation of Irish women as a percentage of the overall London female prison population between 1840 and 1870. Creating a visual representation of the spaces wherein criminal activity occurred revealed additional avenues for analysis including: a comparative assessment of prominent spaces in London

---

<sup>47</sup> Shoemaker, “Understanding the Criminal: Record-Keeping, Statistics and Early History of Criminology in England,” 1447.

for criminal activity, detectable trends regarding the age of women engaging in criminal behaviors and the nature of their crimes. The third and final phase of research analyzed the rich collection of annual reports submitted by prison chaplains and surgeons and correspondence to and from Visiting Justices of prisons obtained in the London archives. These sources helped bring a sense of humanity to the numbers, statistics and street names outlined in the first two chapters.

## CHAPTER SYNOPSIS

### CHAPTER ONE

Chapter One firmly establishes the timeline of this study while incorporating a demographic overview for the period and place in which the narrative takes place. This chapter investigates Irish migration following the Potato Famine, female migrants, and the issue of Irish racism in nineteenth century Britain including prevalent anti-Catholic sentiments.

### CHAPTER TWO

Chapter Two examines the development of penal theory, legislation and administration through the late eighteenth and early nineteenth century as it affected incarcerated women. It provides a brief recap of the trajectory of prison administration in the eighteenth and nineteenth century, and the development of penal legislation.

### CHAPTER THREE

Chapter Three focuses on the nature of female criminality as an affront to Victorian spheres of domesticity and respectability and how these wayward women were discussed in the press and perceived by the public.

#### CHAPTER FOUR

Chapter Four details the lived experiences of Irish female criminals within Tothill Fields Prison during the mid-nineteenth century, including the conditions inside the famed London prison, the women's daily schedules, intake processes, dietary measures and cell descriptions are all discussed. Descriptive accounts from former inmates and prison matrons, surgeons and Catholic priests are used to substantiate and provide a deeper understanding of life within a mid-century London prison.

## CHAPTER ONE: CROWDS OF MISERABLE IRISH DARKEN OUR TOWN

Irish immigration into Britain flourished between the years 1815 to 1845, reaching its climax during the Irish Potato Famine (1845-51). Throughout this time, scholars estimate that nearly 1.75 million fled starvation in Ireland and the number of immigrants entering Britain grew by roughly 308,070. By 1861, the total number of Irish born subjects living in England had reached 806,000.<sup>1</sup> Trends in Irish migration differed significantly in the years preceding and following the Famine. For example, many early movements into Britain consisted predominantly of families with low income levels, many being Catholic peasants.<sup>2</sup> After 1860, migration patterns shifted and consisted of primarily unmarried young adults moving to large towns seeking unskilled labor positions.<sup>3</sup> Specifically, the city of London endured a significant increase in population and by 1881, the total populace had nearly quadrupled. Despite the evident changes in migration patterns, one constant remained: the association of Irish migrants with the lower working classes and Catholicism.<sup>4</sup> In an 1863 Parliamentary debate, Sir George Grey commented on the influx of Irish in Britain and associated their arrival with an apparent rise in crime stating,

Considering the circumstances, the lives these people lead – the ignorance too often, I fear, arising, from inattention to their spiritual and moral interests – it is not surprising that the laboring classes of the population furnish the great bulk of our criminal population, and of the inmates of our gaols; nor is it a matter of surprise that there should be found among them large number of Roman Catholics.<sup>5</sup>

---

<sup>1</sup> Lynn Hollen Lees, *Exiles of Erin: Irish Migrants in Victorian London*, (Ithaca: Cornell University Press, 1979), 39.

<sup>2</sup> Lynn Hollen Lees, *Exiles of Erin: Irish Migrants in Victorian London*, (Ithaca: Cornell University Press, 1979), 16.

<sup>3</sup> M. A. G. Ó Tuathaigh, “The Irish in Nineteenth-Century Britain: Problems of Integration,” *Transactions of the Royal Historical Society* 31 (1981): 152.

<sup>4</sup> HC Deb 20 April 1863 vol. 170 cc401-48 Sir George Grey

<sup>5</sup> HC Deb 20 April 1863 vol. 170 cc401-48 Sir George Grey.

Britain remained a predominantly Protestant country by the mid-nineteenth century and by this time, an association between Protestantism and Englishness had been established. Conversely, the Roman Catholic faith, following a long and taxing history marked by three hundred years of antagonism “was viewed as alien, suspicious and often retrograde.”<sup>6</sup> Historian Frank H. Wallis observed, that “it cannot be a mere coincidence that the era of highest immigration was also the era of the most widespread and zealous anti-Catholicism.”<sup>7</sup> Victorian organizations including the Protestant Association and the Protestant Evangelical Mission and Electoral Union (PEMEU) contributed to anti-Catholic campaigns including the production of pamphlets, books, posters and hearings, denouncing Catholic priests in prisons, rule from Rome and, foundational Catholic liturgy and practice.<sup>8</sup> Tracts produced by these virulent organizations depicted convents as “brothels and torture chambers,” and claimed to expose the clergy of their false vows of chastity while also publishing reports like “The Confessional Unmasked.”<sup>9</sup> This particular pamphlet “crystallized Protestant fears about Catholicism by describing the confessional as a foul blasphemy and worthy to be execrated of mankind.”<sup>10</sup> The propaganda published by these groups contributed to ongoing tumultuous Anglo-Irish relations. The failure of Chartism, the Papal Aggression, the Pope’s decision to restore the Roman Catholic hierarchy in England and Wales, and the influx of migration

---

<sup>6</sup> Timothy J. O’Keefe, “The Times and the Roman Catholics: 1857,” *A Journal of Church and State* 18 (1976): 253.

<sup>7</sup> Frank H. Wallis, *Popular Anti-Catholicism in Mid-Victorian Britain* (Lewiston: The Edwin Mellen Press, 1993), 211.

<sup>8</sup> These groups were also responsible for penning the 1839 rebuttal to the New Prison Act. Donald M. Macraird, *The Irish Diaspora in Britain, 1750-1939* (New York: Palgrave Macmillan, 2011), 174.

<sup>9</sup> Donald M. Macraird, *The Irish Diaspora in Britain, 1750-1939* (New York: Palgrave Macmillan, 2011), 175.

<sup>10</sup> Donald M. Macraird, *The Irish Diaspora in Britain, 1750-1939* (New York: Palgrave Macmillan, 2011), 175.

exacerbated already tense relations and contributed to prevalent anti-Irish feelings.<sup>11</sup> Certain Protestant sects set their aspirations toward crafting a narrative linking Catholics to criminal activity. Moreover, anti-Catholicism did not abate as the nineteenth century advanced into its last quarter.<sup>12</sup> Despite these perspectives, however, Roman Catholicism continued to thrive throughout Britain and the number of Catholics continued to grow, dramatically shifting the demographics of Catholicism in Britain.<sup>13</sup> As outlined by historian Donald M. Macraird, the Catholic Church served as a vital intermediary in helping newly arrived immigrants settle into their host communities.<sup>14</sup>

In addition to anti-Catholic attitudes, many Irish also faced some form of class discrimination. With the number of its occupants continuing to steadily rise, London's infrastructure struggled to accommodate the urban poor with proper housing and the poverty-stricken, many of whom were Irish, moved into crowded living quarters, called rookeries.<sup>15</sup> Vivid descriptions of conditions within London's impoverished living spaces can be ascertained through a wide variety of source material including City Medical

---

<sup>11</sup> The term "Papal Aggression" was coined by *The Times* in its 14 October 1850 edition.

<sup>12</sup> An 1873 report by Reverend G. Divorty titled "Criminal Statistics of Popery," listed and examined Irish Catholic contributions to crime. Reverend Divorty recorded that Catholic crimes comprised nearly five times the number of convicts than other nationalities and used this to promote the idea that Protestants were law abiding citizens in comparison to "the rebellious priest led Catholics." Frank H. Wallis, *Popular Anti-Catholicism in Mid Victorian Britain* (Lewiston: The Edwin Mellen Press, 1993), 223.

<sup>13</sup> "By 1851, when Irish migration was flowing freely in the wake of the Great Famine, the religious census recorded a total of 252,783 Catholic churchgoers in England and Wales." Donald M. Macraird, *The Irish Diaspora in Britain, 1750-1939* (New York: Palgrave Macmillan, 2011), 66.

<sup>14</sup> "Catholicism implied a sense of communal cohesion and mutual identity and in an often-hostile social environment the Church became a beacon of hope." The author is careful to note however the warning of Sheridan Gilley, to avoid viewing Catholicism merely as an "institution if it discharges a secular function or reduce it to an odd form of collective behavior." Additionally, he notes "this secular mentality is unhistorical, for it cannot grasp the self-understanding of a religious people who live not only for this life but for another." Donald M. Macraird, *The Irish Diaspora in Britain, 1750-1939* (New York: Palgrave Macmillan, 2011), 65.

<sup>15</sup> The terms "rookery" and "slum" became synonymous following a publication in *The Times* in 1845. Prior to this, the term rookery was more commonly used to describe pockets of very poor neighborhoods.

Officer Reports, British periodicals, and the writings of nineteenth century social investigators including Henry Mayhew, Thomas Beames, and Charles Booth.<sup>16</sup>

Rookeries throughout London posed as major social, moral and public health threats.

These small communities served as microcosms of society's ills and received intense scrutiny from lawmakers, philanthropists, newspapers, artists, and the newly developed statistical societies of the mid-nineteenth centuries. These organizations, coupled together, believed their work could influence and guide social policy and ultimately improve English industrial society by reducing public health threats and lowering crime rates.<sup>17</sup> They believed the root of these problems lie entrenched in the rookeries where pauperism, crime, poor health, degradation and the Irish abounded.

Thomas Beames' publication *The Rookeries of London*, describes six districts where he witnessed the most severely dilapidated and ramshackle residences of the lower classes. The most notorious London rookery with the largest Irish population was located within St. Giles, and according to Beames, "hordes of Irish seem to come in and go out with the flies and the fruit."<sup>18</sup> The rookery of St. Giles was cordoned off by Great Russell Street, Tottenham Court Road and High Street in a quadrangle shape.<sup>19</sup> Meux's Brewery, a London establishment offered a birds eye view of the rookery's thoroughfares and allowed patrons, with the purchase of a stout and biscuit, to watch with curiosity the

---

<sup>16</sup> "Have they grown out of the wants, or were they shaped by policy, of the age? Are they peculiar to London, to England, to Europe? Are they sinks into which, as Tacitus says of Rome, everything bad and vicious flows? Is vice alone the bond of union among the inmates? Or, as the proverb says, is it necessity which makes men acquainted with strange bedfellows in haunts like these?" Thomas Beames, *The Rookeries of London: Past, Present, and Prospective* (London: Thomas Brettell, 1853), 4.

<sup>17</sup> Felix Driver, "Moral Geographies: Social Science and the Urban Environment in Mid-Nineteenth Century England," *Transactions of the Institute of British Geographers* 13 (1988): 276.

<sup>18</sup> Thomas Beames, *The Rookeries of London* (Gloucester: Dodo Press, 2009), 30.

<sup>19</sup> "St. Giles Rookery," *Cork Examiner*, (1843).

sullen crowd beneath them.<sup>20</sup> Within this district, the shanty buildings rose high above narrow, cobbled streets. Glassless window frames patched with paper and dirty cloth prohibited natural lighting from entering rooms and thin strings stretched across buildings to allow residents to dry their laundered clothing.<sup>21</sup>

Among the many nineteenth century reports detailing the accommodations within homes in London slums, the issue of overcrowding is repeatedly addressed. According to a survey of St. Giles, between fifty and ninety people inhabited the average four-roomed house.<sup>22</sup> In addition to the permanent residents of this area, a floating population of roughly one thousand people would rent whole beds within local residencies for sixpence a night or half a bed for fourpence.<sup>23</sup> Some households offered small boxes filled with straw for those without homes to rent and sleep in for three pence a night. Overpopulation posed an obvious health risk and the spread of diseases ran rampant in these homes. As Victorians associated good physical health and cleanliness with respectability and virtue, philanthropist Mary Carpenter wrote, “a subtle unseen but sure poison in the moral atmosphere of the neighborhood, dangerous as is deadly miasma to the physical health.”<sup>24</sup> With so many people living in crowded spaces with precarious access to clean running water, it seemed impossible that residents could maintain an adequate degree of personal hygiene and cleanliness and therefore would lack a general sense of morality. In addition to the lack of fresh water, the lack of proper ventilation in the homes and access to clean

---

<sup>20</sup> “St. Giles Rookery,” *Cork Examiner*, (1843).

<sup>21</sup> Beames, *The Rookeries of London*, 31.

<sup>22</sup> St. Giles Online

<sup>23</sup> “St. Giles Rookery,” *Derry Journal* (1883).

<sup>24</sup> Mary Carpenter, “Juvenile Delinquency in its Relation to the Educational Movement,” *Essays upon Educational Subjects* (1857): 321. See also Felix Driver, “Moral Geographies: Social Science and the Urban Environment in Mid-Nineteenth Century England,” *Transactions of the Institute of British Geographers* 13 (1988): 279.

air posed additional health risks. An excerpt from an article titled “Dwellings of the Poor” notes, “I know of one place in St. Giles where there are seventy streets close together, without one single thoroughfare through which the residents can get a breath of pure air.”<sup>25</sup>

The district of St. Giles is perhaps the most notorious London rookery of the nineteenth century. Famously immortalized by artist William Hogarth, his prints, including *Harlot's Progress* (set in Drury Lane) Tom Nero in the *Four Stages of Cruelty*, and *Gin Street* are all set in St. Giles.<sup>26</sup> Charles Dickens also referenced this neighborhood in his writings including *The Old Curiosity Shop* and in *Oliver Twist*. Dickens describes the dilapidated buildings and provides a geographic sketch of the area, writing,

The nucleus of crime in St. Giles's consists of about six streets, riddled with courts, alleys, passages, and dark entries, all leading to rooms and smaller tenements, crowded with a population existing in all the filth attendant upon improvidence, and crime, as if the inhabitants by common consent deem themselves only tenants at will, till the gallows or the hulks should require them.<sup>27</sup>

Frederick Engels also reported on the slum like environment of St. Giles in 1844. In his publication *Condition of the Working Class in England*, he wrote,

Here live the poorest of the poor, the worst paid workers with thieves and the victims of prostitution indiscriminately huddled together, the majority Irish or of Irish extraction, and those who have not yet sunk in the whirlpool of moral ruin which surrounds them, sinking daily deeper, losing daily more and more of their power to resist the demoralizing influence of want, filth, and evil surroundings.<sup>28</sup>

---

<sup>25</sup> “Dwellings of the Poor,” *Ragged School Union Magazine* (1849).

<sup>26</sup> “St Giles History Online,” St. Giles Online, <https://stgilesonline.org/history>.

<sup>27</sup> Charles Dickens, *Oliver Twist* (London: Penguin Classics, 2003), 13.

<sup>28</sup> Richard Kirkland, “Reading the Rookery: The Social Meanings of an Irish Slum in Nineteenth Century London,” *University of St. Thomas* 16 (2012): 16.

Detailed accounts about the nature of the individuals living within these districts grew increasingly popular throughout the 1840s because of curious journalists willing to enter to the rookery to see how the “other half” lived. *The Ragged School Union Magazine*, published a scathing account of residents within St. Giles rookery, repeatedly describing them as violent thieves, drunks and habitual criminals. The journalists wrote raising concerns about the children stating, “their earliest looks fell upon scenes of violence, debauchery, and crime. Their fathers were profane and lawless; their mothers unchaste, drunken and cruel; their playmates boys and girls profoundly versed in vice.”<sup>29</sup> By associating filthy living conditions with criminal behavior, the writer expressed fears about the lack of order and believed as the children matured into adulthood they would be unable to develop a sense of morality and respectability. This life would inevitably leave them with no choice but to echo the criminal behavior of their parents. The association between the rookery and the innate criminality of its inhabitants is certainly not a unique or uncommon portrayal. In fact, throughout much of the Victorian era people living within slum-like residential areas were often classified as members of the criminal class.

The development of the term “criminal class,” as noted by Victor Bailey, successfully separated the “respectable” working class from the “rough” working class and those who lived in and perpetuated criminal culture.<sup>30</sup> Additionally, the introduction of this term in the late eighteenth and early nineteenth century reflected the common belief that illicit behavior reflected inherit “moral degeneracy” rather than the result of “material circumstances.”<sup>31</sup> Historian Barbara Weinberger argued that the term ‘criminal’

---

<sup>29</sup> “The St. Giles Rookery, and its Ragged Schools,” *Ragged School Union Magazine* (1853): 125.

<sup>30</sup> Victor Bailey, *Policing and Punishment in Nineteenth Century Britain* (London Rutgers Press, 1981), 23.

<sup>31</sup> A.L. Beier, “Identity, Language, and Resistance in the Making of the Victorian ‘Criminal Class:’ Mayhew’s Convict Revisited,” *Journal of British Studies* 44 (2005): 499.

became synonymous with members of society who lived within the inner-city slums and rookeries, furthermore she states, “at the very least, an address in these parts of town was enough to stigmatize its residents as undesirable neighbors and workmates.”<sup>32</sup> Reports published in British newspapers further stigmatized rookeries as dens of criminality that were impenetrable by goodness, morality and the law. *The Morning Chronicle*, for example, published an account in 1850 stating, “such places are the great facilitators of crime. they give such facilities. The lodging-houses are the policeman's great hindrance. He needn't look for criminals there-they're hidden. The lodging-house beats Scotland Yard.”<sup>33</sup>

In addition to local residents identifying the rookery as a major source of crime, there was also a prejudicial racial component to the public scrutiny of St. Giles. This particular neighborhood contained an established Irish population majority, prevalent since the eighteenth century, and was known as an “Irish district,” gaining the nickname of “Little Dublin.”<sup>34</sup> Following the 1840 wave of immigration, the already overcrowded rookery received hordes of migrants pouring in from their native Ireland with “pestilence on their backs and famine in their stomachs.”<sup>35</sup> In Beames’ publication he acknowledged the large Irish presence within the St. Giles rookery and suggested the implementation of a register requiring migrants to enter their name, address and employment whereby they might be monitored by city officials to track their progress. In the event the immigrants

---

<sup>32</sup> This is an interesting correlation because around the 1840s, the prevailing theories of crime indicated that it was not a product of poverty, but of the weakness in character of the criminal. Barbara Weinberger “The Criminal Class and the Ecology of Crime,” *Historical Social Research* 15 (1990): 123.

<sup>33</sup> “St. Giles Rookery,” *Morning Chronicle* (1850).

<sup>34</sup> Kirkland, “Reading the Rookery: The Social Meanings of an Irish Slum in Nineteenth Century London,” 17.

<sup>35</sup> *Report on Poor Removal*, 1884.

could not find gainful employment within a stipulated time frame, or fell into destitution, Beames advised they be sent back to Ireland, taking their “bad habits” with them.<sup>36</sup>

While the Irish could certainly be considered a minority within their host population they did not necessarily fit the typical mold or, as noted by M. A. G. Ó Tuathaigh, the readily accepted and conventional typology of a minority.<sup>37</sup> E.P. Thompson noted, “it would have been difficult to have made a people who spoke the same language and were British citizens under the Act of Union into a subject minority.”<sup>38</sup> Nineteenth century immigrants fell into two categories of minorities as outlined by Ó Tuathaigh. The first, typically represent immigrants who attempted to assimilate and integrate into the host nation’s society; but believed they were the objects of discrimination by the majority. The second group sought to retain their identity as a European-type minority based on their religious, ethnic or linguistic grounds and tried to retain their distinctiveness and resist assimilation into the majority community.<sup>39</sup> It is the latter classification that foremost Irish historian Sheridan Gilley believes is at the root of Irish discrimination. The Irish adhered to their religion and kept their linguistic tongue.<sup>40</sup> The attempt to retain their cultures and traditions within their new homes is also echoed by Lynn Hollen Lee who states, “the migrant Irish chose to create ethnic subcultures

---

<sup>36</sup> Beames, *The Rookeries of London*, 37.

<sup>37</sup> M. A. G. Ó Tuathaigh, “The Irish in Nineteenth-Century Britain: Problems of Integration,” *Transactions of the Royal Historical Society* 31 (1981): 150.

<sup>38</sup> E.P. Thompson, *The Making of the English Working Class* (New York: Random House, 1963), 429.

<sup>39</sup> M.A.G. Ó Tuathaigh, “The Irish in Nineteenth-Century Britain: Problems of Integration,” *Transactions of the Royal Historical Society* 31 (1981): 150-1.

<sup>40</sup> “Gilley goes on to argue that the English disliked the Irish because the latter rejected English national religious, cultural, political, and economic values, not because they took the latter to be an alien and inferior race.” D.G. Paz, “Anti-Catholicism, Anti-Irish Stereotyping, and Anti-Celtic Racism in Mid-Victorian Working-Class Periodicals,” *Albion: A Quarterly Journal Concerned with British Studies* 18 (1986): 602.

abroad. Rather than adopt the beliefs and customs of their host populations, they adapted their Irish heritage to life in foreign cities.”<sup>41</sup> Gilley maintains the point throughout his work that anti-Irish sentiments throughout Britain in the nineteenth century had little if anything to do with race, “the Irish themselves,” he observes, “formulated their grievances in non-racial terms, demanding political and religious rights, not racial equality. They suffered as Roman Catholic republicans, not Celts; and they could pass the so-called barrier of ‘race’ by a change of idea, apostasy to imperialism and Protestantism.”<sup>42</sup> The anti-Irish sentiments reflected in the British press and the degrees of prejudice they received from the police and within the courts can be attributed to issues of religion, class, nationality and for Irish women, a breach of respectability.

The Irish living within the rookery environment experienced harsher coverage in the local news than their impoverished British counterparts. The degrading coverage by the press, of the lower Irish classes consistently associated them with raucous and illicit behavior, as evidenced by an article in *The Times* noting, “the Irish make up for their innocence at home by an excessive criminality abroad.”<sup>43</sup> Irish men were depicted in caricatures, portrayed as apish drunks looking for a fight, while the women were illustrated as gin seeking prostitutes. Flagrant anti-Irish attitudes flourished in Britain

---

<sup>41</sup> Lynn Hollen Lees, *Exiles of Erin: Irish Migrants in Victorian London*, (Ithaca: Cornell University Press, 1979), 18.

<sup>42</sup> D.G. Paz, “Anti-Catholicism, Anti-Irish Stereotyping, and Anti-Celtic Racism in Mid-Victorian Working-Class Periodicals,” *Albion: A Quarterly Journal Concerned with British Studies* 18 (1986): 602. Gilley’s assertions hold true for well-educated members of Victorian society, however the poor and working classes often perceived Irish migrants in a different light. “Cheap fiction is more a reflection of attitudes than a mold of them; it is said that Edward Lloyd, called ‘The Father of the Cheap Press,’ got servants and workers to read his fiction – if they liked it, he ran it. Moreover, one must remember that Victorians bought periodicals ‘for a few hours’ of pleasure, for ‘temporary satisfaction.’ But it is precisely because the gutter press catered, or pandered, to its audience, in order to extract hard-earned pennies, that it may be taken as a good measure of working-class attitudes. According to Paz, if a periodical departed too far from what its intended audience wanted to read, it would not sell.”

<sup>43</sup> “Irish in London,” *The Times*, 18 July 1866.

most intensely between the Famine years and the Home Rule movement.<sup>44</sup> As noted, these biases stemmed primarily from sectarian divides, religion, the perceived intrinsic criminality of the Irish, class distinctions and political allegiances. The timely arrival of the Irish in Britain coincided with the hardships brought on by rapid industrialization and the migrants served as a scapegoat for the spread of diseases, lack of proper social provisions for the poor, overcrowded housing and crime as highlighted by Carlyle, Engels and *Punch* cartoons. Another chief producer of anti-Irish ideals, J.P. Kay in his publication *The Moral and Physical Condition of the Working Classes* (1832), described the initial immigration of the Irish as a “serious evil.”<sup>45</sup> He casts blame on the Irish for influencing the poor in Britain to live in degradation and relinquish their plight for upward mobility or any semblance of pride in their homes stating,

Debased alike by ignorance and pauperism, they have discovered, with the savage, what is the minimum of the means of life, upon which existence may be prolonged. They have taught this fatal secret to the population of this country...the contagious example of ignorance and a barbarous disregard of forethought and economy, exhibited by the Irish, spread.<sup>46</sup>

Following the works of Kay, less than a decade later, Thomas Carlyle (1795-1881) echoed his disdain for the Irish in his publication *Chartism* (1840).<sup>47</sup> In his most notable excerpt regarding the immigration he remarks,

Crowds of miserable Irish darken all our towns. The wild Milesian features, looking false ingenuity, restlessness, unreason, misery and mockery, salute you on all highways and byways. The English coachman, as he whirls past, lashes the Milesian with his whip, curses him with his

---

<sup>44</sup> Donald M. Macrailld, *The Irish Diaspora in Britain, 1750-1939* (New York: Palgrave Macmillan, 2011), 161.

<sup>45</sup> James Phillips Kay, *The Moral and Physical Conditions of the Working Class* (London: James Ridgeway, 1832), 7.

<sup>46</sup> James Phillips Kay, *The Moral and Physical Conditions of the Working Class* (London: James Ridgeway, 1832), 7.

<sup>47</sup> Thomas Carlyle, *Chartism* (London: James Fraser, 1840), 26-7.

tongue; the Milesian is holding out his hat to beg. He is the sorest evil this country has to strive with. In his rags and laughing savagery, he is there to undertake all work that can be done by mere strength of hand and back; for wages that will purchase him potatoes.<sup>48</sup>

He continues his abasement of the Irish by following Kay's tactic in blaming the Irish for bad habits exhibited by the English and remarked that even in comparable unemployed situations, the Englishman still has not sunk from "decent manhood to squalid apehood."<sup>49</sup>

At the height of the Famine and Irish in-migration, Frederick Engels published, *The Condition of the Working-Class in England* (1844), which significantly contributed to the rhetoric of Anti-Irish attitudes and sentiments during the nineteenth century.<sup>50</sup> building from the work of Thomas Carlyle, Engels' commentary on the Irish character stated,

True the Irish character, which, under some circumstances, is comfortable only in the dirt, has some share in this (the 'hideous and repulsive nature' of Dublin and London's poor districts) but as we find thousands of Irish in every great city in England and Scotland, and as every poor population must gradually sink into the same uncleanness, the wretchedness of Dublin is nothing specific or peculiar to Dublin it is common to all great towns.<sup>51</sup>

Throughout the remainder of *The Conditions of the Working Class*, Engels reiterates the arguments made by Carlyle in Chartism, and lambasts the Irishman's supposed

---

<sup>48</sup> Thomas Carlyle, *Chartism* (London: James Fraser, 1840), 26-7.

<sup>49</sup> Continued descriptions offered by Carlyle of the Irish include, "in his squalor and unreason, in his falsity and drunken violence, as the ready-made nucleus of degradation and disorder." Thomas Carlyle, *Chartism* (London: James Fraser, 1840), 26-7.

<sup>50</sup> Frederick Engels, *The Condition of the Working Class in England in 1844* (London: Ruskin House, 1845).

<sup>51</sup> Frederick Engels, *The Condition of the Working Class in England in 1844* (London: Ruskin House, 1845), 23.

propensity to drink.<sup>52</sup> These monumental works depicting working class lives in the nineteenth century had damaging effects on the public perception of the Irish poor. The degrading caricatures of the physical features and poor character shaped by the plight of immigrants appeared almost daily in the provincial press, solidifying anti-Irish attitudes in the Victorian public mind.

In the final section of Thomas Beames' coverage of the St. Giles rookery he exclusively discusses the nature of women in the neighborhood. Women immigrating to Britain, sought affluent areas within the country that provided the opportunity for possible employment in service positions. As a result, women left Ireland at younger ages than men and relocated to areas like Liverpool and London, which offered the possibility for employment as a domestic servant.<sup>53</sup> As a result, female immigrants outnumbered males within the fifteen to forty-five age group, making them a unique case in the narrative of nineteenth century European immigration.<sup>54</sup> Further distinguishing the female migrants from their English counterpart, many Irish working-class women maintained their paid positions following their nuptials, by performing laundry services, selling flowers, producing textiles and other monotonous jobs.<sup>55</sup> Ordinarily, British women of the

---

<sup>52</sup> "Drink is the only thing which makes the Irishman's life worth having, drink and his cheery care-free temperament; so he revels in drink to the point of the most bestial drunkenness." Frederick Engels, *The Condition of the Working Class in England in 1844* (London: Ruskin House, 1845), 127.

<sup>53</sup> Lynn Hollen Lees, *Exiles of Erin: Irish Migrants in Victorian London*, (Ithaca: Cornell University Press, 1979), 49.

<sup>54</sup> Donald M. Macraill, *The Irish Diaspora in Britain, 1750-1939* (New York: Palgrave Macmillan, 2011), 141.

<sup>55</sup> Nominal Register of Prisoners Female 1866, MJ/SP/XX/728, LMA.

working class ceased employment once they had entered into a marriage, taking on their new role of tending to children and their homes.<sup>56</sup>

Victorian society expected women to abide by certain standards of social conduct and in doing so they could maintain some semblance of respectability. Respectable middle and working class women lived by different standards and “if attaining the ideal of femininity was difficult for the middle-class woman carefully closeted within the home, it was often impossible for poorer women.”<sup>57</sup> Unfortunately, Irish women often bore harsh critiques and commentaries, including particularly unsavory remarks from George Cornwall Lewis in his *Report of the Irish Poor*.<sup>58</sup> In an investigation concerning the effectiveness of Irish Poor Law, Lewis criticized Irish women for exhibiting “unthrifty and dissolute character,” and taking poor care of their homes and families stating,

The Irish Women are likewise, for the most part, not only wasteful and averse to labour, but also ignorant of the arts of domestic economy, such as sewing and cooking. Hence they are unable to make the best of the plain food which they purchase, or to keep their own and husband’s clothes in order, even when they only require mending.<sup>59</sup>

This pointed critique of the Irish woman’s failure to maintain a proper living environment demonstrates the Victorian preoccupation with women’s adherence

---

<sup>56</sup> One article describing the Victorian woman noted, “She had a delightful reserve, the maiden of the middle eighteenth hundreds, though she may have appeared at first sight obvious enough, discharging her little household duties with petty precision and a happy pride.” E.B. Harrison, “The Victorian Woman,” *The Nineteenth Century and After: A Monthly Review* 58 (1905): 951.

<sup>57</sup> Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 10.

<sup>58</sup> George Cornwall Lewis, *Third Report of the Irish Poor Inquiry Commissioners* (London: W. Clowes and Sons, 1837), 4.

<sup>59</sup> George Cornwall Lewis, *Third Report of the Irish Poor Inquiry Commissioners* (London: W. Clowes and Sons, 1837), 4.

to the domestic sphere and the linkage between a woman's respectability and her ties to the home and family.

For Irish female convicts, their place within the bounds of Victorian respectability was nearly unparalleled. As poor, detested and overrepresented in terms of migration and imprisonment, the "criminal woman represented the very negation of the ideal of femininity."<sup>60</sup> This meant these women bore the stigma of being an Irish migrant, the subsequent association with Catholicism, the pauper class, and the shame of contravening criminal codes and female respectability. Generally, their offenses consisted of primarily low-level offences, chiefly petty theft and violence. Criminal reports within newspapers depicted Irish criminal women as drunk and disorderly, consistently spending any additional income on alcohol and vice. Additional commentary from Beames' concerning Irish women stated, "the misery, filth, and crowded condition of an Irish cabin, is realized in St. Giles. The purity of the female character, which is the boast of Irish historians, here, at least, is a fable. Rookeries are bad, but what are they to Irish rookeries?"<sup>61</sup> The *Cork Examiner*, published a detailed account of a night spent in the rookery with a large portion of the article dedicated to the vivid accounts of Irish women seemingly materializing in alleyways after nightfall. For example, "It is then that a few wretched females, shoeless and unbonneted – their matted hair twisted carelessly round their heads, and a coarse, dirty shawl hugged over their shoulders

---

<sup>60</sup> Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 12.

<sup>61</sup> Beames, *The Rookeries of London*, 33.

– emerge into the nearest thoroughfare, in the hope of gaining a half quarter from some idle frequenter of the gin shops.”<sup>62</sup>

The rookery of the nineteenth century represented centralized criminality and presented public health risks, but also had symbolic significance because of its positionality within the city of London.<sup>63</sup> St. Giles and Oxford Street, a bustling center for commerce and wealth, shared a curiously close proximity which Engels addressed in *The Condition of the Working-Class of England in 1844*, he wrote, “the rookery is in the midst of the most populous part of the town, surrounded by broad, splendid avenues in which the gay world of London idles about, in the immediate neighborhood of Oxford Street, Regent Street, of Trafalgar Square and the Strand.”<sup>64</sup> The juxtaposition of these two spaces highlights the rookery’s antithetical relationship to the bright “symbols of capitalism that surrounded it.”<sup>65</sup> These impoverished neighborhoods also invoked feelings of revulsion and fascination by curious onlookers, government officials and social investigators.<sup>66</sup> Fears of miasmatic infection preoccupied the Victorian public mind

---

<sup>62</sup> “St. Giles Rookery,” *Cork Examiner*, (1843).

<sup>63</sup> Kirkland, “Reading the Rookery: The Social Meaning of an Irish Slum in Nineteenth Century London,” 20.

<sup>64</sup> Frederick Engels, *The Conditions of the Working Class in England in 1844* (London: Allen and Unwin, 1943), 18.

<sup>65</sup> In his article “The Rookery: The Social Meaning of an Irish Slum in Nineteenth Century London,” Richard Kirkland distinguishes an important point regarding the perception of the rookery in a modernizing London. He writes, “if the new London was one of movement and haste, the rookery spoke only of stasis and stagnation; if the advancing energies of retail capitalism presented a seemingly infinite variety, then the rookery reflected back mere uniformity, the regularity of a poverty that had forced people into identical templates of suffering. Eventually the remorseless nature of this endless positioning revealed only the vanity of the capitalist project, exposing its inherent lack of substance and its status as mere veneer.” Kirkland, “Reading the Rookery: The Social Meaning of an Irish Slum in Nineteenth Century London,” 19.

<sup>66</sup> “The central location of the rookery meant that it was one of the first slums to be investigated by reformers it became a place of experimentation for those driven by the relentlessness of desire for ‘improvement.’” Kirkland, “Rookery: The Social Meaning of an Irish Slum in Nineteenth Century London,” 19.

and as long as the rookery remained standing it served as an infectious entity that could poison the affluent surrounding areas both morally and physically.

In summary, the St. Giles rookery, stood as a central hub for many Irish immigrants fleeing famine in Ireland. They brought with them their religion, language and the hope of finding better circumstances within an industrialized city. Unfortunately, for some of these Irish, the conditions in which they would find themselves in England were equally as bad as the ones they had left behind. The rookery became a social “state of mind,” according to Kirkland, “it was a metaphor for the survival of what is recognizably an Irish social and cultural presence in London through the following decades.”<sup>67</sup> The predominantly Irish residency of St. Giles gained notoriety within the London press, and served as specimen of investigation for those attempting to alleviate poverty through means of philanthropy and legislation. Because this area was ransacked by extreme urban poverty and a heavy saturation of gin shops, many of its inhabitants resorted to criminal or illicit behavior to make due and provide for their families. The vile conditions of St. Giles in conjunction with the perceived low moral character of its inhabitants sparked fear in the hearts of the public – this fear was often exacerbated by the London press through inflammatory depictions of life within the rookery. Finally, the rookery stood as an antithesis to the efforts of modernization in London and defied developers attempts to impose a sense of order to the disorder of urban poverty and can be defined as “a dynamic ecological space.”<sup>68</sup> Attempts to redevelop this urban setting

---

<sup>67</sup> Kirkland, “The Rookery: The Social Meaning of an Irish Slum in Nineteenth Century London,” 19.

<sup>68</sup> Kirkland, “The Rookery: The Social Meaning of an Irish Slum in Nineteenth Century London,” 19.

also entailed reforming the rookery dwellers who became targets for police officers and prison administrators.

## CHAPTER TWO: PENAL THEORY AND LEGISLATION

## PRISON REFORMERS

The nineteenth century has been dubbed by historians as the “century of the penitentiary” as evidenced by the shifting tide of English prison operations in the Victorian era.<sup>1</sup> The move to reform, however began in the eighteenth century. Efforts to transform incarceration methods echoed the primary competing ideological forces of the Victorian era, evangelical religion and Utilitarian rationalism.<sup>2</sup> Collaborative efforts between early social-minded philanthropists such as John Howard (1726 – 1790) and many other significant historical actors coupled with Parliamentary support helped establish increased regulation and uniform practices within penal institutions throughout England. The efforts of these reformers ushered in a new age of practice and protocol for engaging public interest and participation in alleviating the suffering of criminal classes in London prisons, specifically in Millbank, Pentonville, Cold Bath, Newgate and Tothill Fields Prison. The deplorable conditions within state and local gaols received little to no significant consideration prior to Howard’s methodical attention to detail and his collection of statistical data.

Prominent prison scholar Michel Foucault wrote authoritatively regarding nineteenth century prison practices and shifts that occurred from 1837 – 1901. He argued that throughout the Victorian era, penal institutions focused on implementing a sense of total control with the purpose of molding a more disciplined British subject. These efforts

---

<sup>1</sup> Victor Bailey, "Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922," *Journal of British Studies* 36 (1997): 285.

<sup>2</sup> Robert Tombs, *The English and Their History* (New York: Random House, 2014), 464.

were made possible through the creation of a uniform prison system, which predicated on the need to create penal policies that could facilitate total reformation rather than merely administer punishment to the incarcerated. For example, the incorporation of data collection allowed prison personnel to gain a better understanding of inmates while further establishing a sense of oversight. The precedent of recording information to report back to the state is described by social historian Kirkman Gray as the “first official recognition of the duty of the State to know in detail the vital, cultural and economic condition of the whole nation,” once the information is known by the State it then becomes their responsibility to act upon the knowledge.<sup>3</sup> Statistical analysis also served as an “agitator” to the public, that is, “it discovered new problems and set people on the quest for more adequate solutions,” which is precisely what John Howard accomplished.<sup>4</sup>

Prior to Howard’s seminal 1777 publication *The State of the Prisons in England and Wales*, there existed no comprehensive overview of existing popular theories concerning prison practices or such detailed accounts of the physical conditions of inmates within English prisons.<sup>5</sup> The publication of Howard’s report, ultimately resulted in the passage of the 1779 Penitentiary Act, which recommended imprisonment as an alternative to the death sentence or transportation.<sup>6</sup> In an effort to learn more about continental prison operations, Howard’s work carried him throughout Europe. During his travels, he wrote extensively about the confinement practices he witnessed in jails throughout Britain, recording he, “saw so much that called loudly for reform, that his first

---

<sup>3</sup> Sidney and Beatrice Webb, *English Prisons under Local Government* (London: Archon Books, 1922), i.

<sup>4</sup> Kirkman Gray, *Philanthropy and the State* (London: P.S. King, 1908), 312.

<sup>5</sup> John Howard, *The State of the Prisons in England and Wales*, (Warrington: William Eyres, 1777).

<sup>6</sup> 19 Geo. III, c. 74

design widened and widened until at length he accumulated the wonderful array of facts set out in his printed works.”<sup>7</sup> He considered prisons in Belgium and Holland to be a particularly good example for England to emulate because of their enforcement of a “separate” rather than a “solitary” system.<sup>8</sup> Howard believed separate systems allowed prisoners safe access to chaplains, schoolmasters, and prison personnel, while also stifling riots and the spread of contagious diseases. Additionally, he promoted the idea that keeping prisoners isolated from one another would aid in the process of reforming criminals by limiting their access to fellow inmates, which could potentially cause further corruption.<sup>9</sup> The question of whether English prisons would best operate using a silent versus a solitary system remained a highly contentious issue in the ongoing debate on prison policy throughout much of the nineteenth century.

Inspired by the efforts of John Howard, Jeremy Bentham (1748 -1832) published his first commentary on the state of penal affairs in Britain titled, *A View of the Hard-Labour Bill* in 1778.<sup>10</sup> This work outlines Bentham’s initial support of solitary confinement and hard labor as an effective means of punishment, a position he would later reject with the introduction of his Panopticon plan.<sup>11</sup> Following the English

---

<sup>7</sup> James Blake Bailey, “The Condition of Gaols, Hospitals and other Institutions as Described by John Howard,” *LSE Selected Pamphlets* (1884): 2.

<sup>8</sup> William Tallack, “Summarized Lecture of Prisons and Criminal Treatment,” *LSE Selected Pamphlets* (1890): 3.

<sup>9</sup> Howard recorded, “Which is necessarily and grievously counteracted by association with other criminals. And although this separate system is costly at first, it is ultimately most economical, both by its diminution of crime, and by its enabling shorter sentences to be substituted, instead of long periods of associated detention.” James Blake Bailey, “The Condition of Gaols, Hospitals and other Institutions as Described by John Howard,” *LSE Selected Pamphlets* (1884): 3.

<sup>10</sup> Janet Semple, *Bentham’s Prison: A Study of the Panopticon Penitentiary* (Oxford: Oxford Scholarship Online, 2011): 135.

<sup>11</sup> In Bentham’s later publications, he suggested an average of four prisoners could be held together in a single cell. Additionally, he eventually came to reject the idea of hard labour for a more productive means of employment for prisoners to undertake during their period of incarceration, so as to relieve the financial

penchant to save money and to achieve efficiencies in the operation of public run domiciles, Bentham's subsequent publication, *An Introduction to the Principles of Morals and Legislation* included Jeremy Bentham's theory of Utilitarianism and echoed Howard's argument that punishment must have a positive purpose other than simply inflicting pain.<sup>12</sup> This eminent piece of political philosophy influenced as it was by *The Wealth of Nations* by Adam Smith and by Malthusian principles emerged as a theory that argued it would be necessary to calculate the correct "quantity and type of pain needed to achieve the desired ends, in particular, the object of deterrence."<sup>13</sup> To effectively execute this, Bentham conceptualized thirteen canons, including the stipulation that "the punishment must outweigh the profit of the offence."<sup>14</sup> This was meant to protect against unfrugal punishments and merged into a Utilitarian theory that allowed for the greatest good for the greatest number while also placing a moral weight on policy. If it did not limit, deter, or reform, then to punish was only to add another evil to that of the existing crime.

To execute this, Bentham believed in the importance of incorporating education and religious instruction as necessary pillars of reform for all incarcerated inmates. He considered the inclusion of a chapel within a penitentiary as "more of a point to be assumed rather than argued," and stated that "if religious instruction and exercises be not necessary to the worst and generally the most ignorant of sinners, to whom else can they

---

burden involved in the operation of a prison. Robert Alan Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," *Journal of the History of Ideas* 42 (1981): 677.

<sup>12</sup> Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907), 12.

<sup>13</sup> Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907), 12.

<sup>14</sup> Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907), 12.

be other than superfluous?”<sup>15</sup> In his writings, Bentham also proposed regulations for proper healthcare and hygienic regulations for prisoners, including scheduled bathing, clean, uniform clothing and simple, nourishing food to be provided. One important caveat Bentham included in his works, warned that the condition of inmates, “ought not to be made more eligible than that of the poorest class of subjects in a state of innocence and liberty.”<sup>16</sup> Parliamentary members who opposed providing vastly improved facilities for inmates often cited Bentham’s precaution. In a commentary on the state of English incarceration practices, Bernard Shaw referenced the nineteenth century’s “competition in evil between prisons and the slum,” noting,

If the prison does not underbid the slum in human misery, the slum will empty and the prison will fill. This does in fact take place to a small extent at present, because slum life at its worst is so atrocious that its victims, when they are intelligent enough to study alternatives instead of taking their lot blindly, conclude that prison is the most comfortable place to spend the winter in, and qualify themselves accordingly by committing an offence for which they will get six months...the remedy is admittedly not to make the prison worse but the slum better.<sup>17</sup>

Later in his career, Bentham introduced the architectural plan he is best remembered for: The Panopticon. This design arranged cells in a circular position allowing prison guards to maintain constant supervision of all inmates, while their precise gaze remained undetectable. This form of oversight left prisoners feeling as if they lived under constant and close observation. According to historian Kent F. Schull, Bentham’s brother Samuel first conceptualized the idea and designated its use for a factory rather than a prison with the intent to “facilitate discipline, order, and efficiency through

---

<sup>15</sup> Robert Allan Cooper, “Jeremy Bentham, Elizabeth Fry, and English Prison Reform,” *Journal of the History of Ideas* 42 (1981): 678.

<sup>16</sup> Robert Allan Cooper, “Jeremy Bentham, Elizabeth Fry, and English Prison Reform,” *Journal of the History of Ideas* 42 (1981): 678.

<sup>17</sup> Sidney and Beatrice Webb, *English Prisons Under Local Government* (Archon Books, 1922, x).

maximum surveillance of the subject.”<sup>18</sup> The Panopticon is the penal ideology most frequently attributed to both Bentham and nineteenth century prisons, however it is also the largest failed endeavor of his career. Despite Bentham dedicating a major portion of his professional career and personal income to propagandizing the effectiveness of a prison constructed using the model Panopticon, his efforts were officially shut down in 1811.<sup>19</sup> While Bentham’s concrete plans for penal reform ultimately failed, his ideologies and contributions to penal theory prevailed, specifically, utilizing inmates as a form of profitable labour to help offset the cost of their incarceration. Overall, Bentham managed to incorporate the benevolence and humanitarianism of Howard’s teachings with his own concepts of economic pragmatism.

Another famed prison reformer of the nineteenth century, Elizabeth Fry (1780-1845), a prominent Quaker, began to regularly visit the female inmates house in Newgate Prison. Located by the Old Bailey Courthouse on the Strand, Fry began to regularly visit and deliver sermons on a weekly basis in 1813. Commenting on the women living in Newgate, Fry wrote, “they were of the lowest sort, the very scum both of the town and country; filthy in their persons, disgusting in their habits, and ignorant, not only of religious truth, but of the most familiar duties of common life.”<sup>20</sup> In her journals, Fry recorded that the prisoners lived scantily clad in rags, slept on floors with raised boards to

---

<sup>18</sup> Kent F. Schull, “Disciplining the Disciplinarians: Combating Corruption and Abuse through Professionalisation of the Prison Cadre,” in *Prisons in the Late Ottoman Empire: Microcosms of Modernity*, (Edinburgh: Edinburgh University Press, 2014): 143.

<sup>19</sup> Robert A. Cooper, “Jeremy Bentham, Elizabeth Fry, and English Prison Reform,” *Journal of the History of Ideas* (1981), 679.

<sup>20</sup> “Elizabeth Fry,” *The Sunday at Home: A Family Magazine for Sabbath Reading* 67 (London, 1855): 508.

serve as pillows and no bedding.<sup>21</sup> Fry recognized the plight of children whose mothers were in jail and as a firm believer in the educability of all, she established a school for children living in prison with their mothers. Additionally, Fry formed several women's organizations including the Association for the Reformation of the Female Prisoners in Newgate which became widely publicized and drew crowds to the prison in the hopes that they would witness her positive effect on the inmates.<sup>22</sup> Fry became a spokeswoman and icon for Quaker activists campaigning for religion to take a more prominent role within penal ideology and in reforming convicts.<sup>23</sup> In addition to serving individual inmates, Fry busied herself with attempts to revise the state of criminal discipline in England, which placed punishment as superior to penitence; she dedicated her adult life to transforming "hells above ground into schools of reformation."<sup>24</sup>

Penal reform took a backseat following the Napoleonic Wars and finally in 1818, Thomas Fowell Buxton (1786 – 1845), Elizabeth Fry's brother-in-law and prominent anti-slavery advocate, published a new critique of the prison system. After being elected to Parliament, he became a vocal petitioner, echoing the concerns set forth by Howard and Fry while advocating for wider distribution of facts and statistical data concerning the conditions within prisons. Buxton, like Howard, believed once the public heard of the squalid conditions prisoners lived in, they would call for immediate reformation. They argued that "Great Britain may become in this, as in so many other branches of political

---

<sup>21</sup> William Hanna, "Memoir of the Life of Elizabeth Fry with Extracts from her Journal and Letters," *The North British Review* (Edinburgh 1848): 259.

<sup>22</sup> This organization would later develop into the formation of British Ladies' Society for Promoting the Reformation of Female Prisoners. "Elizabeth Fry," *The Wesleyan Methodist Magazine* 6 (1850): 373.

<sup>23</sup> Randall McGowen, "The Well-Ordered Prison, England 1780-1865," in *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford: Oxford University Press, 1995), 95.

<sup>24</sup> William Hanna, "Memoir of the Life of Elizabeth Fry, with Extracts from Her Journal and Letters," *The North British Review* 9 (Edinburgh 1848): 255.

wisdom, an example to the surrounding nations; instead of being an instructive warning of principles to be rejected, and practices to be avoided, in the management of prisons.”<sup>25</sup>

Buxton’s Parliamentary ally George Holford worked alongside him to advocate for the necessity of appointing a General Inspector of Prisons who would submit regularly written reports to the Secretary of State for the Home Department rather than the periodical reports filed by the Visiting Justices regarding instances of abuse.

Following Howard’s 1779 Penitentiary Act, no additional penal legislation passed until the Robert Peel Gaol Act of 1823.<sup>26</sup> Largely a result of the fervent work done by Elizabeth Fry and her campaign for the separation and welfare of female prisoners, this Act mandated that women be held in isolation from men and that prison staff tending to them be of the same sex. Additionally, it upheld the required Visiting Justices’ review of the prison three times per quarter and required additional reports to be filed with the Home Secretary who would in turn present the reports to both Houses of Parliament. The statements compiled by the Justices included testimonies from the warden, prison doctor and chaplain. An example excerpt from March 1838 from Tothill Fields Prison read,

The prisoners have with few exceptions conducted themselves with propriety and have been reported by The Surgeon to have been healthy. The Chaplain has also reported the general orderly and attentive demeanor of the Prisons during the Divine Service in Chapel, and in his daily visits to them individually, his instruction and advice appear to be willingly and, in many cases, gratefully received.<sup>27</sup>

The information collected by the Justices provided a general review of the overall health and mental wellness of inmates. Additional material provided by the prison staff within

---

<sup>25</sup> Sean McConville, *A History of English Prison Administration* (London: Kegan Paul, 1981) 483.

<sup>26</sup> 4 Geo. IV c. 64

<sup>27</sup> Minute Book of the Visiting Justices for the House of Correction, Westminster, Volume 4. WA/G/003. LMA.

the Justice's dossier included an exact count of Bibles, prayer books and tracts in circulation within the prison, reports of disciplinary measures taken for prisoners and staff and details about cases of illnesses that required a visit to the infirmary. The Act of 1823 ultimately paved the way for the conversion of Tothill Fields into a female only prison in London and marked a pivotal moment in the history of female incarceration in Britain and in the career of Elizabeth Fry who had tirelessly petitioned for the separation of female inmates.

Witnessing the progress made by Fry, another prominent female contributor to penal reform, Mary Carpenter, (1807-1877) began her humanitarian efforts by advocating for the improved treatment of children within the criminal court system. In the mid-nineteenth century, children as young as seven years of age were still appearing before the courts for the seemingly insignificant crime of stealing a penny tart. Her tedious work no doubt influenced the passage of The Youthful Offenders Act of 1854, which establishment reformatory schools for poor and young criminals.<sup>28</sup> Her concern for the welfare of juvenile offenders eventually extended to adults and in 1864, Carpenter published *Our Convicts*, which shed light on the conditions and treatment of inmates held in English prisons, with a chapter dedicated to incarcerated females.<sup>29</sup> Like her predecessors, Howard and Fry, Carpenter's actions were spurred by her fervent Christian faith. The *London Quarterly Review* published a biographical sketch of Carpenter and described her saying,

She dwelt continually on the loveliness of Christ's character. His life was her inspiration and constant study, and following in His footsteps, she 'went about doing good.' It would be well if all who give due honour to

---

<sup>28</sup> Helen Johnston, *Punishment and Control in Historical Perspective* (London: Palgrave, 2008), 158-176.

<sup>29</sup> Mary Carpenter, *Our Convicts* (London: Longman and Green, 1864).

Christ in their creed did as much in their lives to glorify Him as Mary Carpenter.<sup>30</sup>

The humanitarian efforts made by these social activists profoundly affected the situations and conditions within prisons throughout England by spurring politicians and members of Parliament to produce progressive prison legislation. The work accomplished by Howard, Bentham, Fry, Buxton, and Carpenter encompassed the evangelical wave that pushed for prison reform in the form of education and religious instruction until the late nineteenth century when a more severe and rigid approach was taken.

#### PRISON ADMINISTRATORS

As previously stated, pivotal changes within English prisons occurred during the eighteenth and nineteenth centuries, often accompanied by contentious public disagreements concerning methods of penal theory and practice. The most prominent and differing approaches to prison discipline and reform are perhaps best outlined by the careers of prison administrators Sir Joshua Jebb (1793 – 1863) and Edmund Frederick Du Cane (1830 – 1903). Both men served as soldiers and engineers, however, as noted by historian Phillip Priestly, “between the beginning of Jebb’s work in 1839, and the end of Du Cane’s, in 1895, like one of the defensive ditches in the great military fortifications they both designed, lies a chasm that separates irreconcilable differences of both philosophy and method.”<sup>31</sup> Under the leadership of both men, the prisons of seventeenth and eighteenth century England, characterized by loud noises and foul smells emanating from cells, with little semblance of administrative control gradually declined toward the

---

<sup>30</sup> “Carpenter’s Life and Work of Mary Carpenter,” *London Quarterly Review* (1880): 522.

<sup>31</sup> Phillip Priestly, *Victorian Prison Lives: English Prison Biography, 1830-1914* (London: Methuen & Co.: 1985), 6.

final years of the Victorian era. Prisoners who lacked a daily schedule and had previously spent their day's gambling and drinking were given a strict, militaristic style day-to-day regiment.<sup>32</sup>

Sir Joshua Jebb is perhaps best known as the first person to serve as Surveyor-General of Prisons and as the first Chairman of the Directors of Convict Prisons. His responsibilities under this appointment encompassed supervising the construction of government prisons, including Pentonville in 1842, and meeting with local authorities to collaborate on the design of these institutions and the manner of punishment that should be administered. Jebb, like prison reformer John Howard, approached prison reform through a Utilitarian approach and ascribed to the school of penal theory deemed the separate system. Advocates of the separate system, which gained prominence in the 1830s, believed prisoners should be remanded to solitary confinement in individual cells, and that reform could best be wrought through solitude, prayer, contemplation, and the “influence and ministrations of god-fearing attendants.”<sup>33</sup> In his tireless dedication to his belief in the benefit of keeping inmates in isolation, Jebb petitioned for funding to construct Pentonville as a model prison for housing prisoners in individual accommodations. Ultimately, the prison failed in its ability to execute his vision of utilizing solitary confinement to rehabilitate convicts, as the number of inmates outgrew the number of cells and the solitude eventually drove some to madness. For other prisoners, the overall reformatory effects were not sufficient enough to justify the whole of the project and despite Jebb’s best efforts, the reincarceration of habitual offenders

---

<sup>32</sup> Randall McGowen, “The Well-Ordered Prison, England 1780-1865,” in *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford: Oxford University Press, 1995), 79.

<sup>33</sup> Priestly, *Victorian Prison Lives*, 6.

continued to plague London's prisons.<sup>34</sup> The high recidivism rates prompted even the most dedicated supporters of reform to admit that their efforts were failing.<sup>35</sup>

The silent system, the "rival philosophy" to Jebb's separate system, required that prisoners be kept in private cells during the night, but would be permitted to congregate throughout the day with silence imposed during work and worship hours.<sup>36</sup> The ongoing debate between the silent and the separate system emerged in the early nineteenth century largely in response to articles detailing the illicit behavior of prisoners drinking and gambling to excess, and the lack of oversight and discipline on the part of prison administrators. For example, one inmate, formerly housed at Newgate Prison, reported,

I never knew any Limit; as much as you could obtain money for...I have known several purchase as much as eight pints, and it was a common thing to fill two or three buckets, and carry them up into the ward. Always, the night previous to the sessions commencing, it was the rule and had been for years, as I was informed, to have what is called a free and easy, when any person that would not sing was compelled to undergo some little punishment.<sup>37</sup>

Reports of this nature prompted the 1835 Select Committee on Gaols and Houses of Correction to implement changes in the English prison system in the effort to eliminate promiscuous mingling between inmates and instate additional surveillance of the prisons, inmates and the staff. Eventually, a compromise between the two prevailing theories of silent and separate systems would be implemented throughout English prisons.

During Sir Joshua Jebb's time as Director, two monumental legislative acts were passed. The Prison Discipline Act of 1850 clearly outlined the standard at which prisons

---

<sup>34</sup> Priestly, *Victorian Prison Lives*, 6.

<sup>35</sup> Lucia Zedner, "Women, Crime, and Penal Responses: A Historical Account," *Crime and Justice* 14 (1991): 326.

<sup>36</sup> Priestly, *Victorian Prison Lives*, 6.

<sup>37</sup> Priestly, *Victorian Prison Lives*, 34.

must operate while ensuring decent care and protection from excessive punishment to inmates. The Preamble to the Act stated:

Prisons shall not only provide for the safe custody, but shall also tend more effectually to preserve the health and shall insure the proper measure of punishment to convicted offenders: and whereas due classification, inspection, regular labour and employment and religious and moral instruction are essential to the discipline of a prison, and to the reformation of offender.<sup>38</sup>

While this Act promoted the necessity of providing religious instruction to prisoners, a second statute was passed in 1863, under the title The Prison Ministers Act, providing a more thorough overview of the religious rights of inmates.

RELIGIOUS INSTRUCTION IN THE PRISON: “*FROM THE CELL, THE STRUGGLE WILL INEVITABLY ASCEND TO THE CHAPEL.*”<sup>39</sup>

Prior to the official introduction of the Prison Ministers Act in 1863, the unequal treatment of Roman Catholic prisoners was well documented within the press. For example, *The Rambler*, a Catholic periodical, published an article detailing the repercussions experienced by inmates registering as non-members of the Church of England.<sup>40</sup> In a September 1860 edition they published a mock transcript of a trial wherein the judge asked the prisoner if they were a member of the Church of England. When the convict answered they were Catholic, the judge responded,

In that case, then, I have further to sentence you to three months’ abstinence from the worship of God, except so far as you can do this in the solitude of your cell; and also, unless you can get over your scruples and attend the services of the

---

<sup>38</sup> Prison Discipline Act

<sup>39</sup> William Blackstone, Esq. M.P., *Speech before the Protestant Association Proposing the Appointment of Roman Catholic Chaplains in the Prisons of England* (London: Protest Association Publishing, 1839), 4.

<sup>40</sup> “The first is the appearance in 1848 of *The Rambler*. This was one of the most notable of Victorian periodicals and is an invaluable source of articulate, mid-century lay Catholic debate.” Dermot Quinn, *Patronage and Piety: The Politics of English Roman Catholicism 1850-1900* (Stanford: Stanford University Press, 1993): 45.

Church of England, to solitary confinement in your cell for three hours every Sunday, and for from three quarters of an hour to an hour on other days.<sup>41</sup>

In response to this treatment, The Prison Ministers Act, proposed by John Pope Hennessey, was introduced with the intent to further outline efforts to secure religious instruction for prisoners with spiritual convictions outside the Church of England.<sup>42</sup> A mandate similar to the Prison Ministers Act had been introduced previously in 1839 at the behest of a Roman Catholic M.P. and received intense scrutiny at the time by the Protestant Association as they believed payment of Catholic chaplains with national funds constituted a violation of English principles.<sup>43</sup> The Act underwent heated debate in Parliament, while receiving support from Liberals and opposition from the Tory party.

During the initial public meeting to discuss the newly introduced legislation at Exeter Hall, M.P W.S. Blackstone expressed his confidence that the Protestant feelings throughout the country would rise to the occasion when threatened with the “danger of Popish innovation.”<sup>44</sup> Admittedly, Blackstone stated his primary concern for the bill stemmed from the portion relating to “ the sanctioned appointment of a Roman Catholic priest to any prison in England where the number of prisoners of that persuasion amounted to fifty.”<sup>45</sup> He believed this particular clause was crafted solely to introduce

---

<sup>41</sup> “The Irish in London,” *The Rambler*, April 1851.

<sup>42</sup> John Pope Hennessey, an Irishman and advocate for Catholic and Irish causes including education, prisons, Catholics in Poland, and Catholics in the civil service. He worked closely alongside Benjamin Disraeli.

<sup>43</sup> William Blackstone, Esq. M.P., *Speech before the Protestant Association Proposing the Appointment of Roman Catholic Chaplains in the Prisons of England* (London: Protest Association Publishing, 1839), 2.

<sup>44</sup> William Blackstone, Esq. M.P., *Speech before the Protestant Association Proposing the Appointment of Roman Catholic Chaplains in the Prisons of England* (London: Protest Association Publishing, 1839), 5.

<sup>45</sup> Blackstone stated his primary grievance stemmed from the fact that priests already were granted this freedom, without pay, by the 64<sup>th</sup> section of the 4<sup>th</sup> George IV. “That if any prisoner shall be of a religious persuasion differing from that of the Established Church, a minister of such persuasion, at the special request of such prisoners, shall be allowed to visit him at proper and reasonable times, under such restrictions imposed by the visiting justices as shall guard against the introduction of improper persons and shall prevent improper communications.”

Popery into the country of England and feared Catholics would attempt to extend the legislation throughout all institutions including workhouses. Blackstone continued in his denunciation of the clause noting that the prisoners themselves do not complain of lack of religious instruction, stating:

I hear nothing from the sufferers. No remonstrance, no petition from within the prisons – none even from their partisans without. But I hear and see the insidiousness of engendering a national disease under the pretext of a particular cure. I see, too, the folly of healing a grievance which no man feels by a remedy for which no man would be the better – the rash absurdity of attempting to reinforce religious knowledge by rival ignorance, and to restore order by legalizing confusion.<sup>46</sup>

The audience responded with cheers as Blackstone railed on against the plight of hundreds of incarcerated Roman Catholics throughout England. “The loose faith of the unhappy race whom the law sends into the dungeon would not offer any stubborn resistance to the object,” he proudly boasted while speaking boisterously for the poor souls held behind bars unable to testify on their own behalf. The remainder of Blackstone’s speech focused on the use of the clause as a means for Catholics to proselytize to prisoners and upon release, encourage them to sow seeds of discord throughout the country in the efforts to establish a Popish foothold. He asserted in his closing statements that prisoners had the option of receiving visitations for any approved member of the public, and if they wanted to receive ministrations they should do so through the avenue of visitations rather than a state sanctioned appointment of a priest.<sup>47</sup>

---

<sup>46</sup> William Blackstone, Esq. M.P., *Speech before the Protestant Association Proposing the Appointment of Roman Catholic Chaplains in the Prisons of England* (London: Protest Association Publishing, 1839), 7.

<sup>47</sup> William Blackstone, Esq. M.P., *Speech before the Protestant Association Proposing the Appointment of Roman Catholic Chaplains in the Prisons of England* (London: Protest Association Publishing, 1839), 8.

Specifically, the Tories rejected the Bill based on its perceived “unnecessity” and on the grounds of “religious principle,” stating, “the Establishment is being threatened; worse, the Bill is dangerous to the Protestant spirit of the country.”<sup>48</sup> Historian Dermot Quinn, notes that English Protestants in support of the Bill perhaps felt a duty to themselves to allow the appointment of Roman Catholic chaplains because they believed Catholics would be as dangerous to the community after leaving prison as they had been upon entering, regardless of any religious instruction in an official capacity.<sup>49</sup>

Among those in opposition to the Prison Ministers Bill included MP Henry Gore Langton (1802-75). He outlined three primary grievances with the new bill including the “misleading” name of the bill, the seemingly devoid need of such a bill to be implemented and finally the belief that approval of such legislation would set a precedent they could not afford to follow.<sup>50</sup> Langton’s first stated that the title of the bill itself was intentionally deceptive and conveyed a false message throughout the country regarding its exact intentions. He believed the bill to be an exclusive measure for Roman Catholic prisoners and that the name, “Prison Minister” was especially misleading as Catholic priests do not refer to themselves as “ministers.”<sup>51</sup> Furthermore, Langton claimed that in his initial assessment of the returns of the gaols in Great Britain, only a small portion of confined Roman Catholic prisoners requested the attendance of a priest and that prisoners

---

<sup>48</sup> Disraeli strongly opposed the idea that the “Protestant spirit” of the country was threatened, stating “Why, it is only recently that they (the Catholics) have had conclusive experience of the power of the Protestant spirit of this country. Why was it that there was only one English Catholic MP? Because those who advised the Roman Catholics of this country took a course... which was supposed by the Protestant people of this country openly to outrage or cunningly to circumvent the Protestant feeling of this country.” Quinn, *Patronage and Piety: The Politics of English Roman Catholicism, 1850-1900*, 60.

<sup>49</sup> Dermot Quinn, *Patronage and Piety: The Politics of English Roman Catholicism, 1850-1900* (Stanford: Stanford University Press, 1993), 60.

<sup>50</sup> House of Commons Hansard, 1863 vol. 170, Vic. 26.

<sup>51</sup> House of Commons Hansard, 1863 vol. 170, Vic. 26.

did not constitute a class of persons to “likely ask for spiritual advice.”<sup>52</sup> Finally, Langton concluded by stating that the introduction of the Prison Ministers Bill is the first time since the Reformation that Parliament was called on to sanction the payment out of the public money for priests of every gaol in the United Kingdom. Furthermore, he stated, “an alteration had already been made in that respect in the convict prisons; they were then asked for Roman Catholic chaplains for the county gaols, and the next step would be to ask for the appointment in all the workhouses.”<sup>53</sup>

Following Langton’s airing of grievances, Viscount Palmerston responded to his assertions that prisoners were not among the “class of persons” to request religious instruction by stating,

He stated, “I observe, in answer to that, that the man who most wants spiritual exhortation and assistance is the man who is least likely to ask for it. But what is the object we are aiming at by prison discipline? It is not merely punishment, but it is a combination of punishment with reformation.”<sup>54</sup>

Palmerston continued his rebuttal acknowledging that it should be within the primary endeavors of prisons to release prisoners with a new turn to their thoughts, a better man or woman, a lessened danger to society and with an increased likelihood to become a useful member of the community.<sup>55</sup>

---

<sup>52</sup> House of Commons Hansard, 1863 vol. 170, Vic. 26.

<sup>53</sup> House of Commons Hansard, 1863 vol. 170, Vic. 26.

<sup>54</sup> House of Commons Hansard, 1863 vol. 170, Vic. 26.

<sup>55</sup> Viscount Palmerston served twice as Prime Minister from 1859-65. As the influence of evangelical ideology continued to manifest within Victorian society, so too did the expectations of moral values for women. Domesticity, virtue and piety were respected traits among women and girls and performed a central role in determining that religion could be used as a reformatory measure for incarcerated women, especially because of Victorian society’s belief that spiritual direction shaped social behavior. “Henry John Temple, third Viscount Palmerston (1784-1865), Prime Minister,” Oxford Dictionary of National Biography.

While a consensus could often be reached acknowledging religious instruction as a beneficial and necessary tenant of reform, many failed to endorse a plan that would allow Catholics access to meet with priests and attend mass. Prison administrator George Laval Chesterton surveyed prisons throughout England and witnessed the lack of spiritual care for imprisoned Roman Catholics. In his work, *Revelations of Prison Life; with an Enquiry into Prison Discipline and Secondary Punishment*, Chesterton wrote, “the imprisoned Catholic is denied the means of worship; and if, whilst he is undergoing his sentence, he abstains from acts distinctly forbidden by his Church, his punishment is greatly increased.”<sup>56</sup>

#### A NEW ERA IN PENAL THEORY

Following Sir Joshua Jebb’s tenure as Director of Convict Prisons, Sir Edmund Du Cane assumed the role in 1869. Historians have marked this period of penology as a staunch opposition to the hopefulness of Elizabeth Fry’s efforts and a system of severity legitimated by a “neo-Darwinian emphasis on prisoners, paupers, and lunatics as mental, physical, and moral defectives.”<sup>57</sup> With Du Cane at the helm of English prison operations, the “reformist zeal” of the early nineteenth century came to a halt and new legislative sights were introduced, intent on making prisons more repressive and feared. According to historians, Du Cane's theories can be described as “an inflexible adoption of deterrence as the primary aim of punishment, and a rigid adherence to the uniform enforcement by the prison authorities of the court-ordered punishment.”<sup>58</sup> High

---

<sup>56</sup> George Laval Chesterton, *Revelations of Prison Life: With an Enquiry into Prison Discipline and Secondary Punishments* (Victoria: Leopold Classic Library, 2016), 50.

<sup>57</sup> Bill Forsythe, “Women Prisoners and Women Penal Officials 1840-1921,” *The British Journal of Criminology* 33 (1993): 532.

<sup>58</sup> Bailey, "Prisons, Penal Culture and the Abatement of Imprisonment, 1895-1922," 289.

recidivism rates continued to vex both administrators and lawmakers and when Du Cane became director, a greater number of women were being sentenced to penal servitude while also outnumbering men in the class of habitual offenders.<sup>59</sup> Throughout the duration of Du Cane's administration, the total amount of women sentenced to penal servitude declined from 1,050 inmates to a mere ninety-five.<sup>60</sup> It has been suggested that many of the perceived successes of Du Cane's deterrence initiatives came at the expense of any attempt to reform the prisoner. Even those who once had been major proponents of instituting reformatory measures in prison policies seemed to abandon their efforts when it came to convicts deemed habitual offenders. For example, the John Howard Association published in its 1880 annual report: "it is well known that the least hopeful subjects of moral influence are habitual criminals, and most of all, criminal and debased *women*."<sup>61</sup> This emphasis on women highlights the great anxieties female offenders brought to nineteenth century English policy makers because they challenged the social norms.

Incarceration became increasingly difficult for female inmates under Du Cane's leadership.<sup>62</sup> This is best evidenced by the emergence of autobiographical accounts of previously incarcerated women published in the late nineteenth century. According to historian Bill Forsythe in his investigation of late nineteenth and early twentieth female

---

<sup>59</sup> Despite comprising the larger proportion of habitual offenders, women only totaled less than one-fifth of the overall prison population at this time. Zedner, "Women, Crime, and Penal Responses: A Historical Account," 326.

<sup>60</sup> Zedner, "Women, Crime and Penal Responses: A Historical Account," 326.

<sup>61</sup> Zedner, "Women, Crime, and Penal Responses: A Historical Account," 326.

<sup>62</sup> This is increasingly evident in early twentieth century autobiographies of former inmates in prisons operating under the restrictive code of Du Cane's prisons. For example, Mary Richardson described the state of Holloway Prison just before the outbreak of the First World War, "there was that horrid rush we always knew at night, a vacant chilly hush that was broken so often by the sobbing of the prisoners...those sobs were sometimes more than I could bear." Forsythe, "Women Prisoners and Women Penal Officials 1840-1921," 532-3.

incarceration, reports of male wardens intruding on women's cells unprovoked and unannounced frequently emerged in testimonials given by the former inmates upon release. Furthermore, "the forcible vaginal inspections of women prisoners by male doctors," spurred a perceivable defiant spirit within inmates.<sup>63</sup> The behavior of these women, according to staff within the prison, spread among the inmates. For example, during a Parliamentary hearing of the Royal Commission on Penal Servitude, a report told of an inmate, "breaking her gas window in the penal cell, threatening to take the life of a warder...violently resisting the male officers...kicking them, shouting, screaming and using most disgusting language."<sup>64</sup> A report the following year reiterated the supposed contagious nature of bad behavior among female inmates stating, "it happens with female prisoners that when one woman begins to shriek and scream, the whole follow suit."<sup>65</sup> According to Forsythe, male prison discipline theorists used the conduct of these women to solidify neo-Darwinian evidence of "insufficient development from homogenous primitive human origins to the natural, sensitive, modest, quiet passivity of the evolved female."<sup>66</sup>

---

<sup>63</sup> Forsythe, "Women Prisoners and Women Penal Officials 1840-1921," 534.

<sup>64</sup> Penal Servitude Acts Commission, Report of the Commissioners Appointed to Inquire into The Working of the Penal Servitude Acts, 1878.

<sup>65</sup> Forsythe, "Women Prisoners and Women Penal Officials 1840-1921," 534.

<sup>66</sup> Forsythe, "Women Prisoners and Women Penal Officials 1840-1921," 534. Forsythe also states that in the early twentieth century this manner of thinking was also used in regard to suffragette behavior as it was seen as "typically female, irrational; emotion dominated and destructive" and used to justify the refusal of the right to vote.

CHAPTER THREE: THE VICTORIAN PRESS AND PERCEPTIONS OF FEMALE CRIMINALITY

The Victorian emphasis on the family as a bridge between the private and social spheres placed women at its center as a “moralizing agent.”<sup>1</sup> During the age of rapid industrialization and urbanization, new stresses raised higher expectations for women as mothers and wives. She now had to police social activities within the home and monitor and correct the demeanor of her offspring. As noted by Jacques Donzelot in his theory concerning the family in the eighteenth and nineteenth centuries, he stated,

The pace of industrialization led to intense pressure on the family to withstand the demoralizing effects of urbanization, to lessen the corrupting effects of overcrowding, and, above all, to police its own members. Women, as wives and mothers were central figures in this endeavor.<sup>2</sup>

Furthermore, he argued that the study of women within the family and greater society provides additional insight into why female deviants were considered especially problematic. If women were expected to be arbiters of respectability and morality within their communities and families, a woman found guilty of criminal behavior was failing in her role as a wife and mother and risked exposing her children to wayward behavior.<sup>3</sup> Popular periodicals at this time discussed the correlation between female criminality and the adverse effects on families and society as evidenced by the following excerpts. An article published in *Tactics for the Times* stated,

Female crime has a much worse effect on the morals of the young and therefore of a far more powerfully depraving character than the crimes of men...the influence and example of the mother are all powerful: and corruption, if it be there, exists in the source and must taint the stream.<sup>4</sup>

---

<sup>1</sup> Zedner, "Women, Crime and Penal Responses: A Historical Account," 327.

<sup>2</sup> Jacques Donzelot, *The Policing of Families*, 1979 and Zedner, "Women, Crime and Penal Responses: A Historical Account," 327.

<sup>3</sup> Zedner, "Women, Crime, and Penal Responses: A Historical Account," 327.

<sup>4</sup> The following quotes are including within Lucia Zedner's article "Women, Crime and Penal Responses: A Historical Account," I have also looked these quotes up in their corresponding pamphlets and will cite

An 1864 publication in a popular women's journal exhibits the moral weight placed on the behavior of women: "The conduct of the female sex more deeply affects the well-being of the community. A bad woman inflicts more moral injury on society than a bad man."<sup>5</sup> Finally, this especially dramatic quote printed in 1887, again, illustrates the importance of women's behavior within society "Woe to that country in which men are not able to consider women as living lives on the whole more sober, righteous and godly than their own!"<sup>6</sup> These commentaries on female criminality highlight the deeply principled approach to understanding female criminality and reflect the nineteenth century belief that women were the weaker sex both physically and morally.

Many accounts of female crime in the nineteenth century can be understood and explained within a general framework of Victorian morality.<sup>7</sup> Investigative reports explicitly focused on the female criminal tended to be "deeply embedded in an even more complex value structure, at the heart of which is the highly artificial construct of ideal womanhood."<sup>8</sup> These popular attitudes concerning the role of women within society prevailed, in part, due to previously established eighteenth century social codes which largely influenced middle class families' behavior.<sup>9</sup> The growth of literacy rates and public consumption of pamphlets and periodicals ushered "modest shopkeepers, traders,

---

accordingly. Jelinger C. Symons, *Tactics for the Times: As Regards the Condition of Treatment of Dangerous Classes*, London: John Olivier, 1849.

<sup>5</sup> Rosamund Hill, "A Plea for Female Convicts," *English Woman's Journal* 13 (1864): 133.

<sup>6</sup> J.W. Canon Horsely, *Jottings from Jail: Notes and Papers on Prison Matters* (London: T.F. Unwin, 1887),

<sup>7</sup> Lucia Zedner, *Women Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 2.

<sup>8</sup> Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 2. Furthermore, Zedner importantly notes, "ideology of femininity in Victorian England gave women an important moralizing role: not least the responsibility for maintaining the respectability of their family. As a result, women's crimes contravened not only the law, but perhaps, more importantly, their idealized role as wives and mothers

<sup>9</sup> Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780 - 1850* (Chicago: The University of Chicago Press, 1987), 155.

and clerical employees into the orbit of middle-class culture previously the reserve of the wealthy minority.”<sup>10</sup> This meant expected behavior for upper-class women including the revered trifecta of femininity, respectability, and domesticity, now extended the working classes.

Attempts at understanding female criminal behavior took staunchly different approaches than theories meant to rationalize male crime. Men found guilty of committing less serious offenses still exhibited traits or notions of Victorian masculinity, including: “entrepreneurial drive, initiative, courage, physical vigor, and agility – all of which were considered appropriate male traits.”<sup>11</sup> Although men broke the law, they did not breach or deviate from accepted perceptions of manliness.<sup>12</sup> Analyzing criminal behavior within this framework meant that women who broke the law and ultimately went to prison, and once released, underwent constant scrutiny from their neighbors, making it difficult for them to shake the stigma of their perceived loss of respectability.<sup>13</sup> For many women, this created a strain in finding employment, forcing some onto the streets to beg and steal, and led to multiple re-incarcerations. Furthermore, male convicts were not spoken about as harshly as their female counterparts, largely in part to the understanding that educated men were able to leave their home and operate in social circles unaccompanied and therefore were susceptible to more temptations.<sup>14</sup>

---

<sup>10</sup> Davidoff and Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850*, 156.

<sup>11</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 321.

<sup>12</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 321.

<sup>13</sup> “the very susceptibility and tenderness of woman’s nature render her more completely diseased in her whole nature. When this is perverted to evil, she is far more dangerous to society than the other sex.” Carpenter, *Our Convicts*, 218.

<sup>14</sup> “It cannot be without significance that our criminal women are all uneducated, untrained women. An educated man in the felon’s dock is not an uncommon sight; and educated woman in such a position is rarely seen...if we inspected all the borough and convict prisons in England and Wales, we should not find a sufficient number of educated women to warrant us to challenge the assertion that, as a rule, educated women are not known in prison.” “The limited sphere of her action prevents her from casting out old ideas

Throughout the nineteenth century, social investigators, including Henry Mayhew (1812-87) and Mary Carpenter (1807-77) attempted, through methodical and scientific endeavors, to uncover the nature of the female crime. Mayhew began his prominent career in 1841, editing the very successful *Punch* magazine.<sup>15</sup> Nearly ten years later, he produced his best-known work, *London Labour and the London Poor*, an illuminating work detailing London mid-century street life, including descriptive analysis of the criminal class.<sup>16</sup> This practice of immersing himself within the environment about which he was writing, largely inspiring Mary Carpenter in her development as a writer. Carpenter, best known as both an educationist and penal reformer, received a liberal education as a child including lessons in history and Greek. Former classmate and Unitarian philosopher James Martineau, recalled Carpenter as “a self-possessed girl, plain and ungainly, who always ‘talked like a book.’”<sup>17</sup> As a young adult, Carpenter worked closely with Ragged School associations near slum environments. She recognized the harsh penalties applied to children within the court system and began to work toward instituting reformatory and rehabilitation instead of strict sentences for juvenile offenders. Throughout her career, Carpenter wrote several books including *Reformatory Schools for the Children of the Perishing and Dangerous Classes and for Juvenile Offenders* (1851), *Juvenile Delinquents, their Condition and Treatment* (1853), *Our Convicts* (1864), and provided testimony in parliamentary inquiries on the subject of child crime.<sup>18</sup>

---

and acquiring their place new ones.” Frederick Greenwood, “Criminal Women,” *The Cornhill Magazine* (1866).

<sup>15</sup> “Henry Mayhew,” Oxford Dictionary of National Biography.

<sup>16</sup> Henry Mayhew, *London Labour and the London Poor* (London: Griffin, Bohn, and Company, 1861).

<sup>17</sup> See Chapter Two. “Mary Carpenter,” Oxford Dictionary of National Biography.

<sup>18</sup> Mary Carpenter, *Reformatory Schools for the Children of the Perishing and Dangerous Classes and for Juvenile Offenders* (London: Giplin, 1851). Mary Carpenter, *Juvenile Delinquents, their Condition and*

In their writings, both Mayhew and Carpenter further perpetuated notions that female criminals were inherently more deviant than their male counterparts and thereby impervious to attempts at reformation.<sup>19</sup>

While Carpenter expressed patience and understanding for juvenile delinquents, her sympathies did not extend to adult convicts, especially those of her own sex. In a chapter titled, “Female Convicts,” Carpenter produced an analysis of criminality rooted in education levels, gender and class distinctions. She argued that convict women produced a negative effect, miasmatic in nature, within the communities they dwelled, and stated they belonged to a “pariah class, which exists in our state as something fearfully rotten and polluted, and which diffuses its upas poison around, undermining the very foundations of society.”<sup>20</sup> Furthermore, she believed these women operated in a sphere completely removed from their upper class counterparts. She stated female criminals possessed low levels of intellect, lived in the lower natures of the world and expressed extreme excitability including violent and frantic fits of passion, while also possessing a duplicitous nature, both ignorant and cunning.<sup>21</sup> Departing from her predecessor, Elizabeth Fry, and her belief in the educability of all, Carpenter stated that women of the lowest classes did not generally display an interest or propensity to learning or education, while boys from the same societal class, or family, took great strides to cultivate their minds. She wrote,

---

*Treatment* (London: W.F.G. Cash, 1853). Mary Carpenter, *Our Convicts* (London: Longman, Green, Roberts, 1864.

<sup>19</sup> “The system and arrangements in them must necessarily differ from those for male convicts, for there is a very great difference between the inmates. Female Convicts are, as a class, even more morally degraded than men.” Carpenter, *Our Convicts*, 218.

<sup>20</sup> Mary Carpenter’s argument here correlates with the prevalent Victorian ideals of women as moralizing agents within the home and societies they operate. Carpenter, *Our Convicts*, 220.

<sup>21</sup> Carpenter had particularly harsh words for seasoned female criminals and generally described them as “desperately wicked, deceitful, malicious, crafty and lewd.” Carpenter, *Our Convicts*, 220.

This peculiarly low intellectual condition in females of the lowest social grade is accompanied by a very strong development of the passions and of the lower nature. Extreme excitability, violent and even frantic outburst of passion, a duplicity and disregard of truth hardly conceivable in the better classes of society, render all attempts to improve them peculiarly difficult.<sup>22</sup>

In addition to the work done by social investigators, the press also attempted to understand the nature of female criminality. Victorians became almost obsessive in their consumption of crime reports and fictionalized accounts of criminal activity. This growing interest in the illicit behavior of others led to sensationalized reporting by different press outlets sparking panics and contentious feelings toward the lower classes, even though crime rates began declining in the early nineteenth century.<sup>23</sup> The reinstatement of more punitive approaches to criminal behavior occurred in the 1860s in partial response to increased public anxieties about violent crime.<sup>24</sup> In an investigation regarding the periodical press and crime reporting in Victorian England, Christopher Casey remarked,

The misplaced belief in the inexorable increase in crime was the result of an increased access to tales of crime in all forms of the printed media, especially the periodical press. The escalated daily and weekly newspaper coverage of crimes and murders, when coupled with other aspects of Victorian culture, brought about an illusion of increasing violence that led directly to a re-evaluation of contemporary criminal policy.<sup>25</sup>

This rise in crime reporting had especially adverse effects for women accused of bad behavior. For many of them, having their names printed in the daily paper as mere suspects of a crime would have adverse effects on their public reputations, diminishing

---

<sup>22</sup> Mary Carpenter, *Our Convicts*, 209.

<sup>23</sup> Christopher A. Casey, "Common Misperceptions: The Press and Victorian Views of Crime," *Journal of Interdisciplinary History* 41 (2011): 367.

<sup>24</sup> Casey, "Common Misperceptions: The Press and Victorian Views of Crime," 368.

<sup>25</sup> Casey, "Common Misperceptions: The Press and Victorian Views of Crime," 369.

their abilities to find respectable employment. One woman, Susanna Fletcher, likened the periodical press' coverage of crime to a modern version of the pillory. Recounting the coverage of her trial in the mid nineteenth century, she wrote,

In more intelligent and humane times the pillory was abolished. It was not only a cruel and brutalizing spectacle, like bull-baiting or pigeon-shooting, but it left the punishment of criminals to the caprices or prejudices of the public. My pillory – was the cruel and very unusual abusive articles in the newspapers all over England.

Fletcher's comparison of the periodical press to a modern-day pillory exemplified the heightened level of press circulation in the nineteenth century. The end of "taxes upon knowledge," in the 1850s coupled with Parliament's 1853 repeal of the advertisement tax allowed distributors to lower the average cost of newspapers significantly.<sup>26</sup>

Technological advances of the nineteenth century also contributed to the widespread dispersal of print. From 1847 to 1870 the hourly production rate of newspapers grew from 20,000 copies to 168,000 — additionally, the railroad system allowed for broader distribution capabilities, contributing to *The Times* reaching nearly 1 million in circulation by the mid-nineteenth century.<sup>27</sup> An example of an especially scathing news report regarding female criminals ran in *Cornhill Magazine* in 1866. They published a hierarchical ranking of the classes of criminal women, placing them below “respectable domestic servants.”<sup>28</sup> The report also categorized the female criminal class with overarching behaviors including, “theft, unchastity, drunkenness, slovenliness and lying

---

<sup>26</sup> Casey, “Common Misperceptions: The Press and Victorian Views of Crime,” 373.

<sup>27</sup> Casey, “Common Misperceptions: The Press and Victorian Views of Crime,” 373.

<sup>28</sup> “Criminal women, as a class, are below ordinarily respectable domestic servants. From the lower class of domestic servants downwards they are found. Only a few can read, fewer still can write. Non, so far as we have seen, can spell: they have been deprived of all those educational processes which a well ordered, an honest and cleanly home supplies. They have had no training except in evil.” “Criminal Women,” *The Cornhill Magazine* (1866): 153.

as their native tongue.” The women in the article are characterized as both ignorant and calculating, unable to read but fully capable of mentally surveying all who address them and distinguish from whom they can “excite pity.”<sup>29</sup> Additionally, *Cornhill Magazine* reiterated the differences between male and female criminals, noting: “the man's nature may be said to be hardened, the woman's destroyed. Women of this stamp are generally so bold and unblushing in crime, so indifferent to right and wrong, so lost to all sense of shame, justly compared to wild beasts than to women.”<sup>30</sup> These quotes exemplify the “extraordinary sense of moral outrage” and the major differences in the public perception of female versus male crime in Victorian England.

The differing perspectives regarding the nature of criminality in both men and women is, again, evident in early nineteenth century prison policy. Given the moralistic perceptions and explanations of crime in the Victorian era, policy makers in Britain centralized their efforts on attempting to reform female criminals through means of isolation in individual cells or the enactment of a silent system within prisons.<sup>31</sup> Female prisoners were considered to be more impressionable than men, and therefore, at the same time, “both more easily corrupted and susceptible to reformatory influences.”<sup>32</sup> While developments penal reform primarily dealt with the incarceration of men, policy makers fully believed the imprisonment of women differed significantly from their male

---

<sup>29</sup> “Criminal Women,” *The Cornhill Magazine*, 153.

<sup>30</sup> “Criminal Women,” *The Cornhill Magazine*, 153.

<sup>31</sup> This emphasis on moral reformation in females and not male inmates originated in part from the belief that female offenders were generally more depraved than male prisoners and had, therefore, greater moral ground to recover.

<sup>32</sup> The importance of moral reformation for prisoners became heightened after the decline of penal transportation and the passage of the Penal Servitude Act in 1857. With prisoners no longer leaving England, the need to reform criminals grew. Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 323.

counterparts and would therefore require additional oversights. A former prison chaplain of Millbank, Whitworth Russell, stated: “women require a very different system of penal discipline. I hardly see anything in common between the case of a male and a female convict.”<sup>33</sup> A Matron working in the same prison stated, “in the penal classes of the male prisons, there is not one man to match the worst inmates of our female prisons,” she attributed this to the “indomitable spirit” of the female inmates.<sup>34</sup> A third employee stated, “How you ladies manage to live, in such a constant state of excitement, is a puzzle to us on the men’s side. Our hours are as long, but the mail (sic) convicts are quiet and rational and obey orders. It must be a hard time for all of you.”<sup>35</sup> The daily schedules created for both sexes of prisoners exemplified the gendered attitudes held by prison staff. For example, day to day activities for men consisted of labor outdoors on “public works,” which helped instill a sense of “work discipline.”<sup>36</sup> Female prisoners, on the other hand, spent their days indoors, employed in monotonous work meant to instill “some degree of moral regeneration.”<sup>37</sup> It would be incorrect to assume that female prisoners experienced a more lenient incarceration period than their male counterparts because of their employment indoors. Imprisoned women received higher levels of surveillance and scrutiny within prisons including constant regulation of their appearance, manner and conduct.<sup>38</sup> Male-convict prisons regulated their prisoners in a

---

<sup>33</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 324.”

<sup>34</sup> Mary Carpenter, *Our Convicts*, 231.

<sup>35</sup> Mary Carpenter, *Our Convicts*, 232.

<sup>36</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 325.

<sup>37</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 325.

<sup>38</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 325.

militaristic manner while women's prisons utilized a more individualized, "manipulative" regime.<sup>39</sup>

Many Victorian policy makers and prison administrators regarded female criminals as a sub-category of the habitual criminal class. Generally described as "desperately wicked, deceitful, malicious, crafty and lewd," female offenders received intense speculation as anomalies to both their gender and to the male faction of the criminal class.<sup>40</sup> One prison matron employed at Millbank prison reported, "in the penal classes of the male prisons, there is not one man to match the worst inmates of our female prisons."<sup>41</sup> She continues to provide details in Mary Carpenter's *Our Convicts*, regarding the staunch differences between male and female convicts, highlighting the "indomitable spirit" of the female prisoners and the increased difficulty in providing them with care and an attempt at reformation.<sup>42</sup>

The convicted woman thus became a pariah of sorts, due largely in part to the promulgated theory that wayward women were a blight on society. Mary Carpenter, a Victorian philanthropist and educator, propagated this belief in her publication, *Our Convicts*, stating, "The very susceptibility and tenderness of woman's nature render her more completely diseased in her whole nature when this is perverted to evil, she is far more dangerous to society than the other sex."<sup>43</sup> These sentiments were echoed more harshly in an article published in *Cornhill Magazine*, noting:

The man's nature may be said to be hardened, the woman's destroyed.  
Women of this stamp are generally so bold and unblushing in crime, so

---

<sup>39</sup> Zedner, "Women, Crime, and Penal Responses: A Historical Account," 326.

<sup>40</sup> Mary Carpenter, *Our Convicts*, 220.

<sup>41</sup> Mary Carpenter, *Our Convicts*, 223.

<sup>42</sup> Mary Carpenter, *Our Convicts* 224.

<sup>43</sup> Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 42.

indifferent to right and wrong, so lost to all sense of shame, justly compared to wild beasts than to women.<sup>44</sup>

Social investigators, of the nineteenth century, attempted, through methodical and scientific endeavors, to uncover the nature and motivating factors of female crime. With women comprising nearly seventeen percent of local and convict prisons, it is unsurprising many of Victorian London's most prominent social commentators and philanthropists, including Henry Mayhew, sought to analyze the female offender.<sup>45</sup> A popular method of inquiry centralized around an ecological approach to criminality, where crowded urban slum environments were considered breeding grounds for vice and disease, responsible for literally breeding criminals.

The concept of "criminal classes" in Victorian London received attention from social investigators, in periodicals, newspapers, and parliamentary debates. Historian Barbara Weinberger argues the designation of a criminal class replaced a "more open acknowledgement of class conflict."<sup>46</sup> In her article, she claims that this new model of "social relations between the classes" took root in the concept of an overarching acceptance of "common moral values and standards of behavior."<sup>47</sup> Behavior that fell outside the confines of what was expected, became associated with "disreputable poor," especially those living in large cities, rookeries and slum-like environments.<sup>48</sup> Furthermore, Weinberger notes that the growth in harsher penal responses and a more

---

<sup>44</sup> Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 43.

<sup>45</sup> Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 1.

<sup>46</sup> Barbara Weinberger, "The Criminal Class and the Ecology of Crime," *Historical Social Research* 15 (1990): 122.

<sup>47</sup> Barbara Weinberger, "The Criminal Class and the Ecology of Crime," *Historical Social Research* 15 (1990): 122.

<sup>48</sup> Barbara Weinberger, "The Criminal Class and the Ecology of Crime," *Historical Social Research* 15 (1990): 122.

systematic identification of habitual offenders spurred the idea that without the intervention of moral reform, a clear “dividing line separating members of the criminal class from the rest of the working class,” would persist.<sup>49</sup> She goes on to say, “divisions within the working class between the rough and respectable were certainly acknowledged and emphasized by the middle class, just as they were accepted and strongly maintained within the working class in the late Victorian period. Independent and respectable came to characterize the position of the working-class elite in its relations with employers and other members of the bourgeoisie, while the criminal class was neither, with its members living on their wits in a largely hand to mouth existence and in a disreputable manner.”<sup>50</sup> *Cornhill Magazine*, in an 1866 edition, published a hierarchical ranking of the class of criminal women, placing them below “respectable domestic servants.”<sup>51</sup> The article continues to categorize the female criminal class with overarching behaviors including, “theft, unchastity, drunkenness, slovenliness and lying as their native tongue.”<sup>52</sup> The women are characterized as both ignorant and calculating, unable to read but fully capable of mentally surveying all who address them and distinguish from whom they can “excite pity.”<sup>53</sup> According to Weinberger, it was the distinction of the criminal class that served to enforce the boundaries of the “respectable/rough continuum.”<sup>54</sup> “It was this aspect that was to come to the fore in the discussions in the national press, in specialist gatherings, and in Parliament about ‘What to do with our criminals’ – with suggestions

---

<sup>49</sup> Barbara Weinberger, “The Criminal Class and the Ecology of Crime,” *Historical Social Research* 15 (1990): 122.

<sup>50</sup> Barbara Weinberger, “The Criminal Class and the Ecology of Crime,” *Historical Social Research* 15 (1990): 122.

<sup>51</sup> “Criminal Women,” *The Cornhill Magazine* (1866): 153.

<sup>52</sup> “Criminal Women,” 153.

<sup>53</sup> “Criminal Women,” 153.

<sup>54</sup> Weinberger, “The Criminal Class and the Ecology of Crime,” 122.

ranging from separate labour colonies to incarceration for life.”<sup>55</sup> The general belief among prison personnel was that incarcerated women and previous inhabitants of slum-like or poor residential areas “lacked the civilizing, feminizing influence of homes and were prone to crime because physical filth was believed to be inseparable from moral degradation.”<sup>56</sup> Additionally, they were perceived through an intensely gendered and binary lens as evidenced by Zedner’s analysis of female convicts:

Women were seen as Eve-like, both corrupt and corrupting. This duality largely explains the many apparent contradictions in nineteenth century views of women. Women were lauded as honest, restrained, sober, innocent and yet they were also feared to be deceitful, designing and dangerously susceptible to corruption. This gap between the feminine ideal and the feared potential for female immorality could only be breached by enforcing an elaborate code of prescribed feminine behavior which might suppress the ‘darker self’ beneath.<sup>57</sup>

As a result of these beliefs, penal institutions became a pillar to reinstate gender relations, order, cleanliness and morality.

As the nineteenth century progressed attempts to understanding female criminality through a more pseudo-scientific lens of human behavior further developed, physicians and biologists alike began to investigate societal problems in an attempt to ascribe a “rational and clinically testable,” understanding of criminality and other social ills.<sup>58</sup> This ultimately led to the emergence of new fields of specialization including physiognomy, which is the study or analysis of a person’s facial features or expressions

---

<sup>55</sup> Weinberger, “The Criminal Class and the Ecology of Crime,” *Historical Social Research* 15 (1990): 123.

<sup>56</sup> Lucia Zedner, “Women, Crime, and Penal Responses: A Historical Account,” *Crime and Justice* 14 (1991): 329.

<sup>57</sup> Lucia Zedner, “Women, Crime, and Penal Responses: A Historical Account,” *Crime and Justice* 14 (1991): 329.

<sup>58</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 336.

with the intent to formulate theories regarding their character. While both men and women were subjected to scientific observations of their facial features, there was no “comparable standard of male appearance against which men were judged.”<sup>59</sup> Women’s facial features, however, received intense scrutiny in comparison with Victorian ideals of feminine beauty, leaving malnourished, ill or elderly females to rank poorly.<sup>60</sup> During the later Victorian period, female criminal behavior also grew increasingly attributable to mental conditions, including “delicate nerves, emotional disorders or general mental defects related to a woman’s biology.”<sup>61</sup>

In sum, Victorian notions of femininity and respectability largely colored the lens through which policy makers and social investigators attempted to understand and subsequently explain female crime to the general public, thereby shaping the perception of these women in the communal mind.<sup>62</sup> In the public eye, the female offender was crafty and shrewd, a creature to be feared for her ability to infiltrate and manipulate. The considerable emphasis on women as arbiters of moral behavior within their communities and families further exacerbated public perceptions and sentiments toward women who deviated from the revered Victorian spheres of domesticity and respectability. Finally, the large consumption of print culture within nineteenth century society further engrained and heightened negative and often exaggerated depictions of female criminals, so much so, that even legislators responsible for implementing prison policy were not above the influence of the sensationalized reporting.

---

<sup>59</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 336.

<sup>60</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account,” 336.

<sup>61</sup> Zedner, “Women, Crime, and Penal Responses: A Historical Account, 337.

<sup>62</sup> “Again, it is notorious that a bad man—we mean one whose evil training has led him into crime—is not so vile as a bad woman.” Greenwood, *Criminal Women*, Cornhill Magazine (1866).



CHAPTER FOUR: LIFE AND CONDITIONS IN PRISON: “TO ROT IN JAIL WAS NO FIGURE OF SPEECH BUT A DREADFUL REALITY.”<sup>1</sup>

In the opening remarks of a paper presented by Reverend G.P. Merrick before the rural deanery chapter of St. Margaret’s and St. John’s, Westminster, he stated, “I cannot conceive of many places from which one can obtain a more extensive view of the world of human nature, than that which is found within the walls of H.M. Prison, Millbank.”<sup>2</sup> There is no doubt the same could be said for the surrounding prisons in London, including Tothill Fields. Originally built in 1622, the building underwent massive repairs and expansions in 1655 and at least three additional times throughout the nineteenth century. Originally intended and designed to be a bridewell, meaning a prison for the incarceration of petty offenders or vagrants, a later Act of Parliament passed during the reign of Queen Anne (1702 – 1707) mandated that Tothill serve as a jail for the confinement of criminals.<sup>3</sup> In 1834, the prison underwent administrative renovations, which established a separate area to hold debtors and male prisoners awaiting trial while also securing a facility specifically intended to house only female convicts. In 1850, Tothill Fields underwent another monumental operational change and began to solely house men under the age of seventeen and women of all ages.<sup>4</sup>

The outward façade of Tothill Fields bore no striking contrast to the parks and promenades of the West End and as William Hepworth Dixon (1821-79) reported,

---

<sup>1</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 461.

<sup>2</sup> Reverend G.P. Merrick, *Work Among the Fallen as Seen in the Prison Cells* (London: Ward, Lock and Co., 1890), 7.

<sup>3</sup> Henry Mayhew, *The Criminal Prisons of London*, 363. The original designation for the prison explains the engraved quote on the entrance gate reading, “here are several sorts of work for the poor of this parish of St. Margaret’s Westminster, and also the county according to law, and for such as will beg and live idly in this city of Westminster. Anno, 1655.” This inscription was added during the 1655 modification period.

<sup>4</sup> Mayhew, *The Criminal Prisons of London*, 365.

to the eye of the stranger, as it wanders over one of the finest and largest views in London, where park and palace barrack and monument, tower and spire fountain and garden, blend their pictorial and historic beauties – rests on a low octagonal building surrounded by trees of tolerable growth...that rather conspicuous and striking object – often as it is intimated, mistaken for an outlying wing of the palace – is the great prison of Westminster, one of the oldest and largest in the capital.<sup>5</sup>

Upon entering through the gate, inmates encountered a spacious and well-manicured garden, plush with greenery and trees. The conditions within the prison, however, did not reflect its outward picturesque appearance. The architectural structure of Tothill reflected its long history and early construction; the complex included several different buildings. This division of structures likely caused additional strain on the staff as they transferred prisoners to and from different units. In his publication *The London Prisons*, Dixon considered the separate buildings a major “architectural blunder,” and “for a house of correction, it is one of the worst erections in London.”<sup>6</sup> Furthermore, unlike the modern buildings of Pentonville Prison and Cold Bath Fields, staff at Tothill did not have visibility of individual cells from a single vantage point, in the style of Bentham’s panopticon.<sup>7</sup>

---

<sup>5</sup> William Hepworth Dixon, *The London Prisons; with an Account of the more Distinguished Persons who have been confined in them. To which is added, a Description of the Chief Provincial Prisons* (London: Jackson and Walford, 1850), 249. Dixon wrote extensively in the nineteenth century about the poor and prisons. He published several notable works including “The Literature of the Lower Orders,” “London Prisons,” *John Howard and the Prison World of Europe*, *The London Prisons*, *The French in England* and *The Life of William Penn*. Additionally Dixon served as deputy commissioners of the Great Exhibition of 1851 at the Crystal Palace in London. Dixon was an extensive traveler and visited Portugal, Spain Morocco, the Middle East, and the United States. He served as the literary executor for Lady Morgan, chairman of the Palestine Exploration Fund and published travel guides to navigate fellow tourists in Palestine.

<sup>6</sup> William Hepworth Dixon, *The London Prisons; with an Account of the more Distinguished Persons who have been confined in them. To which is added, a Description of the Chief Provincial Prisons* (London: Jackson and Walford, 1850), 249.

<sup>7</sup> Both Pentonville and Cold Bath Fields were constructed during the nineteenth century and therefore reflected the prevailing theories of prison discipline at the time. See Dixon, *The London Prisons*, 250.

In addition to the lack of oversight, Tothill lacked any divisive measures for separating prisoners, according to their length of sentence or criminal classifications throughout much of the nineteenth century. Prison reformers repeatedly expressed their concern and petitioned for the separation of convicts according to the nature of their criminal activity. For “prostitutes,” the short sentences paired with high recidivism rates presented the opportunity for women employed in brothels to recruit the vulnerable among them in need of some sort of employment upon release. One inmate reported knowing a prostitute sentenced to four months who allegedly, “sent so many girls to her house of ill fame, that she said it was the best four months’ work she had ever done.”<sup>8</sup> The seasoned inmate responsible for recruiting younger women into the trade had previously served two hundred and forty-six sentences and had almost always been placed in the cell adjacent to her recruited prey.<sup>9</sup> She managed to make contact during exercise hours, or would sit next to her during chapel services and suddenly the “sweetly pretty girl who had the misfortune to get tipsy on a bank holiday, and became riotous...was sent to prison for three months. The procuress in the next cell got her to become an inmate of her house as soon as she was released.”<sup>10</sup>

Tales of life behind prison walls began to frequently emerge throughout the mid-nineteenth century as public interest in crime continued to grow. For example, following her highly publicized trial and conviction for theft, Susanna Fletcher released a personal recollection titled *Twelve Months in an English Prison* detailing life in Tothill Fields. Fletcher wrote her autobiography in the effort to shed light on the shortcomings of penal

---

<sup>8</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 337.

<sup>9</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 337.

<sup>10</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 338.

reform and to “aid in bringing about a change in discipline for the restoration of fallen women.”<sup>11</sup> The perspective she offers is unique because of the circumstances surrounding her crime, her social standing as an elite, upper class American woman and the fact that she had the means and education to both record and successfully publish her experiences.

Fletcher’s journey into Tothill began with her initial intake into prison. Wardens distributed three blankets to prisoners that would receive laundering only once a year. For inmates sentenced to short-stays, typically under six months, the blankets remained in circulation passing from one convict to the next.<sup>12</sup> Tothill Fields, like many prisons throughout London, faced issues of overcrowding. Architectural plans reflect approximately eight to nine hundred prisoners could reasonably be detained, however, as reported by Henry Mayhew, the prison frequently housed nearly seven percent beyond that amount.<sup>13</sup> The prison contained only two hundred and seventy separate sleeping cells and several large dormitories with forty to eighty beds.<sup>14</sup> The high number of inmates housed at Tothill implemented the silent system, a strictly imposed no-talking rule, difficult if not impossible, as prisoners could not be remanded to separate individual cells at night.

Perhaps one of the most vivid pictures Fletcher paints for her readers is the rich description of the small cell in which she resided for twelve months. Made of solid stone,

---

<sup>11</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 461.

<sup>12</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 323.

<sup>13</sup> Henry Mayhew, *The Criminal Prisons of London*, 326.

<sup>14</sup> William Hepworth Dixon, *The London Prisons; with an Account of the more Distinguished Persons who have been confined in them. To which Is Added, a Description of the Chief Provincial Prisons* (London: Jackson and Walford, 1850), 254. For Dixon, the issue of private sleeping quarters for each prisoner was a major endeavor for prison reformers. He believed allowing so many convicts to sleep in a common room would only spur corruption and contamination.

it measured approximately ten feet long and seven feet wide, with the ceiling reaching nine feet at its tallest point.<sup>15</sup> Within the cell, one small window with “thick, yellow glass,” provided just enough sunlight to read by if a prisoner was housed on the “light” side of the prison. For those housed on the opposite side, they reported it is too dark for reading and “too dark to be healthy.”<sup>16</sup> Inside their small rooms, a pasted copy of the prison rules, printed in both English and curiously in French hung upon the walls.<sup>17</sup> Thin hammocks stretched across their chambers, measuring six feet long and thirty inches wide and served as bedding for prisoners throughout their stay. Cells came equipped with perforated iron walls and these had opening at the bottom of the door meant to facilitate ventilation. Recognizing the poor construction, testimony given by the Assistant Inspector of Prisons before the Visiting Justices of Tothill Fields described the cells to have “defective ventilation, a want of means of warmth and dampness occurring in the cells due to the bursting of wash room pipes.”<sup>18</sup>

Winter months proved especially difficult for the inmates of Tothill. As the cells grew increasingly cold, damp and dark, the air would warm the corridors of the prison leaving humidity to condense and leave the inside of cells cold and the floors wet with moisture.<sup>19</sup> Fletcher described this time in the prison, “sleeping without a mattress, and with insufficient covering, prisoners – especially the feeble, the old, the rheumatic, and those dilapidated...have dreadful suffering. The healthiest nearly perish of cold.”<sup>20</sup> The

---

<sup>15</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 322.

<sup>16</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 322.

<sup>17</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 322.

<sup>18</sup> “Minute Book of Visiting Justices – 1193 (1845),” LMA, WA/G /003.

<sup>19</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 323.

<sup>20</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 323.

insufficient heating in Tothill also received attention in a report thirty years prior to Fletcher's publication by Henry Mayhew and Frederick Hill. Hill objected to the use of stone floors and described them as "great abstractors of heat."<sup>21</sup>

Because of these conditions, the health of prisoners became a prominent point of discussion among those concerned for the welfare of inmates. Fletcher acknowledged in her writings that prisons, while intended to inflict discipline should still adhere to certain standards and not destroy the health of inmates by keeping them in their cells for twenty-three hours a day in solitary confinement within "dark, cold, damp cells, like so many tombs."<sup>22</sup> Philanthropists, medical professionals, and prison administrators shared Fletcher's concern for remanding prisoners to their cells for such extended periods and the subsequent toll this inflicted on their health. Frequently they wrote about the debilitating isolation prisoners suffered during their incarceration which undoubtedly had negative effects on the body but perhaps inflicted detrimental effects on the mind.<sup>23</sup> The *British Medical Journal* reported an incident in 1874 following the death of a female prisoner in Tothill Fields. Dr. Lavies, the prison surgeon, recorded in his reports that he had noticed the woman had appeared to be "wasting away and believed her life to be in danger."<sup>24</sup> After filing his observations with the Visiting Justices on four separate occasions, and petitioning for the inmate's early release, the justices refused to heed the doctor's warnings, and the prisoner passed away. Later, the woman's autopsy revealed she had no detectable disease or illness, prompting the doctor to officially rule the

---

<sup>21</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 324.

<sup>22</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 324.

<sup>23</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 328.

<sup>24</sup> "Mental Starvation," *The British Medical Journal* 2 (1874), 656.

woman's death a result of "mental starvation."<sup>25</sup> Additional articles regarding the state of sanitation and deterioration of mental health in English prisons received publication in the *Herald of Health*, a periodical published by Dr. Nichols.<sup>26</sup> He expressed professional concern for the lack of sanitation measures taken by the prison, namely, the requirement of incoming prisoners totaling nearly fifty to sixty a day to use the same water to bathe in, the redistribution of dirty towels and the unkemptness of the water-closets. Of the diet provided by the prison, Dr. Nichols claimed it appeared sufficient enough, although he carefully noted the provided dietary charts were rarely if ever followed.<sup>27</sup> He concluded his article with a plea for improved conditions within reformatory institutions stating,

Prisons, you may say, are for punishment. Yes: but are filth and darkness, foul air and diseasing conditions, lice and fleas, proper punishments or reforming influences? They harden and debase. And what of the innocent – the victims of our constant 'failures of justice?' What of the considerable number, who as one of the chaplains of this prison assured us, are rather unfortunate than criminal, and really free from moral guilt? What of the thousands of prisoners for debt, who for their misfortunes are subjected to all the demoralizing influences of prison-life? Do we not need another Howard, and another Mrs. Fry, to preach another prison crusade, and carry out another prison reformation? <sup>28</sup>

The depressing effects of long-term incarceration continued to remain at the forefront of discussions surrounding penal reform in England during the nineteenth century and were largely discussed in gendered terms. Unlike the expressed concern of the doctor in the *British Medical Journal*, a superintendent of the Brixton Prison attributed female depression while incarcerated to intense guilt felt over their perceived

---

<sup>25</sup> "Mental Starvation," *The British Medical Journal* 2 (1874), 656.

<sup>26</sup> Susanna Spencer met with Dr. Nichols following her release from Tothill Fields and provided details of her experience within Tothill, spurring him to write and publish several articles regarding the state of health in prisons. Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 460.

<sup>27</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 466.

<sup>28</sup> Susanna Fletcher, *Twelve Months in an English Prison* (Boston: Lee and Shepard Publishers, 1884), 464.

wrong doings to their husbands and children. She stated, “female convicts, as a body, cannot bear to be idle...unless actively employed they become restless and desponding, and brood over the wretchedness their crimes have entailed on husbands and children.”<sup>29</sup>

To combat these feelings, the superintendent suggests a heavy dosage of “sedentary and monotonous” work to keep the women occupied. She does specify, however, that this manner of punishment should only extend throughout the first stage of imprisonment, otherwise “if persisted in for a more lengthened period, augment cases of insanity and of suicide,” may occur.<sup>30</sup> Unsurprisingly, lengthy periods of solitude and deprivation of proper natural lighting within the inmates’ cells, inculcated feelings of anger and resentment, prompting them to act out in fits of violence or other forms of disobedience. Registered Roman Catholic prisoners spent even more time in solitary confinement than their fellow inmates who registered as members of the Church of England, as they attended weekly services that allowed them to leave their cell for a brief period. The additional time spent in isolation no doubt further exacerbated tensions between Irish inmates and prison wardens.

#### ROMAN CATHOLIC PRISONERS

A rich body of evidence illuminates discriminatory practices in the Victorian London prisons. Following the passage of the 1863 Prison Ministers Act, shortcomings of the implementation of the new legislation began to surface regularly in newspapers throughout London.<sup>31</sup> These articles discussed issues concerning the prison’s ability to eliminate personal but not religious liberty, incarceration as a means to punish the body

---

<sup>29</sup> Mary Carpenter, *Our Convicts*, 226.

<sup>30</sup> Mary Carpenter, *Our Convicts*, 225.

<sup>31</sup> 26 and 27 Vic. c 79.

not the soul, and the moral question of forcing prison administrators to provide instruction they believed to be false to Catholic prisoners. The primary issues surrounding the application of the 1863 Bill largely stemmed from Cold Bath and Tothill Fields prison concerning the administration of the sacraments to Catholic prisoners, priests being forced to meet with prisoners one at a time rather than holding a service and the refusal to compensate priests for their service. *The London Review of Politics, Society, Literature, Art and Science* published an article highlighting the dissonance experienced by both Protestant chaplains and Catholic inmates forced to meet with one another for religious instruction. The article stated,

The prison chaplain...would be much astonished at any prisoner who should offer to make his confession to him and ask him for absolution. But this is the first thing which a Roman Catholic prisoner would desire to do, and we need not add that he would be as unlikely to go to the Protestant chaplain for that purpose as the chaplain would be to receive him.<sup>32</sup>

Assuming the press represented the opinions of the general public, articles arguing against having Catholic priests in the prisons are rare. Which then points to the prejudices of unsupervised administrators creating new difficulties at every turn for discrimination against the Irish and the Catholics.<sup>33</sup>

In July 1866, Tothill Fields housed two hundred Roman Catholic female prisoners, with one appointed priest allowed to visit the registered inmates for two and a half hours each day.<sup>34</sup> Father Alfred White, served in Tothill from 1866-69 and notified the appointed Visiting Justices in a formally written petition titled, *Statements of*

---

<sup>32</sup> "Roman Catholic Prisoners," *The London Review of Politics, Society, Literature, Art, and Science*, 14 December 1867.

<sup>33</sup> HC Deb 24 July 1866 vol 184, 1417.

<sup>34</sup> HC Deb 24 July 1866 vol 184, 1417.

*Grievances of Roman Catholic Prisoners in the Middlesex County Prison* concerning the unfair treatment he received and the subsequent negative effects felt by inmates.<sup>35</sup> Within this petition, he outlined five major grievances to support his overarching complaint: that the unfair and unlawful treatment of Catholic prisoners constituted a form of proselytizing.<sup>36</sup> The foremost complaint listed in Reverend White's petition argues that many Catholic prisoners identified themselves as Protestant within the creed registers in the effort to avoid being locked in their cell during the Anglican Sunday morning service. This misleading act, of Catholic women identifying as a Protestant, suggests the actual number of incarcerated Catholics was much higher than originally recorded.<sup>37</sup> Stories of women falsely identifying in the prison creed registers was also heavily scrutinized during Parliamentary debates. For example, MP John Maguire spoke directly about the situation at Tothill acknowledging the discrepancies within the intake records. He stated, "at Tothill-Fields Prison, for instance, where there were 600 prisoners, only 200 professed to be Catholics, although the fact was that 300 prisoners were of that faith. The remaining 100 denied their religion in the hopes of getting various advantages."<sup>38</sup> Maguire asserted that administrators excluded Roman Catholics from the most agreeable workspaces, the laundry and the kitchen.<sup>39</sup> For example, the case of Mary Morgan, who

---

<sup>35</sup> "To the Editor of the Times Concerning Roman Catholic Prisoners," *The Times*, 10 December 1867.

<sup>36</sup> Report from the Select Committee on Prisons and Prison Ministers Acts; together with the proceedings of the committee, minutes of evidence, and appendix (London: HM Stationary, 1870), 19.

<sup>37</sup> *Statement of Facts Relating to the Dismissal, by the Middlesex Visiting Justices of the Reverend Frederick Hathaway from Attending Roman Catholic Prisoners at Tothill Fields Prison* (London: Burns, Lambert and Oates, 1866).

<sup>38</sup> HC Deb 24 July 1866 vol 184, 1417.

<sup>39</sup> 20 July 1869. Report from the Select Committee on Prisons and Religious Instruction. (604) "Is it your opinion that priests ought to be appointed on the prison staff, with salaries? It is, I think that there should be an end put to the question of whether the priest is merely permitted to attend the prison, or whether he as an officer; he ought to be appointed in the usual way, as any other officer on the prison staff is appointed; and he ought to be paid fairly."

although Catholic, identified as a Protestant upon arrival at Tothill, testified that registering as such would ensure a job assignment to a coveted position in the prison laundry. After taking ill, the prison matron sent her to the infirmary, where an Anglican priest attempted to pray with her, prompting her to request a Catholic priest. Reportedly after this incident, she was “treated as a Catholic from that time forward,” meaning, she likely worked within her cell picking oakum. A similar incident occurred when Irish woman Margaret Parker misidentified her religious affiliation in the creed register to gain better employment, classifying herself as a Protestant instead of a Catholic.<sup>40</sup> During the Parliamentary Hearing, former Visiting Justice of Tothill Captain Donatus O’Brien confirmed Roman Catholic prisoners had been previously restricted from work in the laundry. However, following Father White’s article, they permitted the women to work in the prison gardens “weeding, hoeing, digging, of course under proper surveillance, and that was considered by them, and the Visiting Justices, as a certain compensation for their being taken away from the laundry.”<sup>41</sup> O’Brien served as Visiting Justice during the time Father White had petitioned for adequate provisions and space to conduct proper services and administration of the sacraments.<sup>42</sup>

Additional problems reported within Father White’s *Statements of Grievances* reveal the limitations placed on the priests by prison officials. As a general rule, on Sunday wardens summoned all the women to the chapel. Many Catholic prisoners did not

---

<sup>40</sup> “Nominal Register of Prisoners Female of Tothill Fields Prison,” MJ/SP/XX/728, LMA.

<sup>41</sup> “Select Committee on Operations of Prison Ministers Acts as respects Religious Instruction for Prisoners. Report, Proceedings, Minutes of Evidence,” 1870.

<sup>42</sup> During a line of questioning, Captain O’Brien is posed the question, “Were you there at the time when Mr. White was only allowed to see one prisoner at a time, and when a cell in the jail was the only place where he could administer the Communion to the Catholic prisoners?” To which he responds with an affirmative answer.

understand they had the option of abstention, and those who were aware of their choice to partake feared the unsavory consequences. Prisoners who chose not to attend the services were remanded to their cells, for what amounted to additional time added to their sentences. Father White argued that this increased confinement occurred, “in cases where they were already undergoing the maximum period of solitary confinement allowed by law, making this additional time confined to cells, illegal.”<sup>43</sup> In addition to being forced to attend Anglican services, Catholic prisoners were given Protestant Bibles and tracts within their cells. This process of distributing publications to members of different faiths directly violated the 48<sup>th</sup> regulation of the Prisons Act of 1865 that states, “no books or printed papers for religious instruction are to be given to prisoners who are not of the persuasion to which the prisoner belongs.”<sup>44</sup>

The *Statements of Grievances* received little to no attention from prison authorities, spurring White to resort to drastic measures in the hopes that public exposure of the poor state of affairs within Tothill would increase awareness and promote remedial changes. He sent a portion of the Visiting Justices’ overview of a confrontation surrounding inmate employment at the laundry and kitchen to the *Pall Mall Gazette* for publication. The publishers issued the article in the September 19, 1869, edition titled, “The Visiting Justices of Tothill Fields and the Laundry Question.”<sup>45</sup> In a Parliamentary Committee Hearing, Father White testified that he published his thoughts in good faith as

---

<sup>43</sup> *Statement of Facts Relating to the Dismissal, by the Middlesex Visiting Justices of the Reverend Frederick Hathaway from Attending Roman Catholic Prisoners at Tothill Fields Prison* (London: Burns, Lambert and Oates, 1866).

<sup>44</sup> *Statement of Facts Relating to the Dismissal, by the Middlesex Visiting Justices of the Reverend Frederick Hathaway from Attending Roman Catholic Prisoners at Tothill Fields Prison* (London: Burns, Lambert and Oates, 1866).

<sup>45</sup> “The Visiting Justices of Tothill Fields and the Laundry Question,” *The Pall Mall Gazette*, 19 September 1869.

he “considered it to be of a public character, as it regarded what I considered to be public business.”<sup>46</sup> The article outlined reports from visiting priests claiming that wardens repeatedly turned Catholic prisoners out of the laundry and kitchen, the favored places of employment, as they provided women the opportunity to converse and interact with fellow prisoners. Because of this discrimination, women returning to prison registered as Protestant to work in these coveted areas of employment. The publication issued in the *Pall Mall Gazette*, a liberal publication, garnered a fair share of public outcry in defense of the Catholics. One especially scathing response titled, “A Letter on the Proceedings of Certain Westminster Magistrates,” accused prison officials of grievous injustices including: preventing religious instruction from reaching two hundred Catholic women and turning the prison into a “spiritual slaughterhouse,” responsible for releasing prisoners more corrupt than when they entered and further exacerbating tensions between the British and the Irish.<sup>47</sup> In closing the letter reads:

Is there anything decreed at the midnight meetings of Fenians more sure to perpetuate animosity and hatred and crime, than the persecuting code of prison discipline which these Justices doggedly maintain in full force against the consciousness of two hundred helpless Irish women? No Sunday for them, no instruction, no worship, no religion, save the religion established by law for the Protestant population.<sup>48</sup>

Father White and his successors provided additional testimonies during a Parliamentary Select Committee investigation intended to determine whether administrators in Tothill Fields were operating in violation of the spirit of the Prison Ministers Act. A primary line of questioning from John Francis Maguire, an Irish MP,

---

<sup>46</sup> “Select Committee on Operations of Prison Ministers Acts as respects Religious Instruction for Prisoners. Report, Proceedings, Minutes of Evidence,” 1870.

<sup>47</sup> “A Letter on the Proceedings of Certain Westminster Magistrates,” WA/GP/1857/17, LMA.

<sup>48</sup> *Statement of Facts Relating to the Dismissal, by the Middlesex Visiting Justices of the Reverend Frederick Hathaway from Attending Roman Catholic Prisoners at Tothill Fields Prison* (London: Burns, Lambert and Oates, 1866).

focused on the administration of the sacraments, a solemn and sacred office of the Catholic Church. Father White reported that he administered the rites to fourteen or fifteen women at a time in a small prison cell. He testified the room lacked sufficient ventilation and that it was repulsive. He stated:

We were stuffed into that cell (nine by six feet) and the atmosphere of the cell was something revolting, so revolting in fact, that it made my predecessor sick, and I may say injured his health permanently; it also injured his predecessor, the Reverend Father Zanetti, who often vomited on coming out of the place.<sup>49</sup>

Prison administrators equally victimized priests assigned to administer sacraments.

Refusing to recognize their office or the benefits of their work, wardens simply listed the priests as approved visitors on the prison rosters and they received no monetary support for their work. By contrast, Protestant ministers received compensation for their time spent at the prison and were listed as full-time prison staffers. The actions of Catholic priests underwent intense scrutiny by prison officials, and seemingly small infractions could cost them their positions. For example, District Justices accused Father Frederick Hathaway of distributing Roman Catholic books to Irish prisoners without seeking approval from the appropriate authority. Prison officials discovered *A Catechism of Christian Doctrine Approved for the Use of the Faithful in all Dioceses of England and Wales* in the cell of prisoner Ann Bates at Tothill Fields they claimed that Hathaway's dispersal of religious texts directly violated the Prison Ministers Act. Then, moreover, terminated his position within the prison. In response to the allegations, Father Hathaway stated that he believed formerly approved texts could continue to be legally disseminated

---

<sup>49</sup> *Statement of Facts Relating to the Dismissal, by the Middlesex Visiting Justices of the Reverend Frederick Hathaway from Attending Roman Catholic Prisoners at Tothill Fields Prison* (London: Burns, Lambert and Oates, 1866).

to prisoners. As a result of his termination, approximately two-hundred Roman Catholic prisoners, some seriously ill, were entirely deprived of fulfilling “their religious duties at Easter and of all spiritual assistance.”<sup>50</sup> Furthermore, the stringent action taken by the Visiting Justices in their reprimand of Hathaway, “was in direct contravention of the Prisons Act, as the Protestant chaplain was directed to visit with Roman Catholic prisoners, and Protestant Bibles and prayer books were placed in the women’s cells.”<sup>51</sup>

Further insight into the White-O’Brien perspective can be gathered from Parliamentary Select Committee inquiries on prisons. Obviously, Captain O’Brien is of Irish descent. However, he answers the questions presented to him in a dispassionate manner concerning the relationship between the prisoners, priests and visiting justices. When asked by Irish MP John Maguire about the time O’Brien allowed White to meet with prisoners, he responded, “I would give him the fullest powers as to time and as to attention that he could ask, always provided that the discipline of the prison was carried on I do not think there can be a doubt about the propriety of that.”<sup>52</sup> This testimony directly contradicted the answers given by every Catholic priest called in for questioning. Interestingly, the queries focused on all creeds, included Jews. Throughout the line of questioning, Father White takes an ecumenical stance by concurring that all Catholics and Jews whatever their creed should be treated with the same privileges.<sup>53</sup>

---

<sup>50</sup> HC Deb 24 July 1866, Volume 184, 1417-41.

<sup>51</sup> HC Deb 24 July 1866, Volume 184, 1417-41.

<sup>52</sup> “Select Committee on Operations of Prison Ministers Acts as respects Religious Instruction for Prisoners. Report, Proceedings, Minutes of Evidence,” 1870.

<sup>53</sup> 597-602 Select Committee Hearing

In addition to not receiving proper attention from the Catholic priests, Irish female prisoners experienced infrequent visits from the prisoner's Visiting Ladies. A dismissive publication by the British Ladies' Society for Promoting the Reformation of Female Prisoners (BLS) stated that within London prisons, the problem of short incarcerations for Irish vagrants had risen significantly, and in such numbers that it proved nearly impossible to quell with the use of private charity. The pamphlet stated, "many of them were so ignorant, it seemed difficult to know what passing word to say to them, and they were often not seen a second, and seldom a third time, by the visiting ladies."<sup>54</sup> Multiple visitations from members of the BLS occasionally elicited positive response from the Irish Catholic inmates, because, they argued some women felt more at ease when receiving daily scriptures and counseling from a woman rather than an "intimidating priest."<sup>55</sup> Solicitously, they asserted, consider the experience of one poor Irish girl, "who never fails on Saturday afternoon (on which day one of the ladies reads with the inmates) to repeat many verses of the Bible, which, she says she was always told by the priests she could not understand."<sup>56</sup> Women sentenced to penal servitude in the nineteenth century certainly experienced gendered treatment, feelings of isolation and despair. For incarcerated Irish Catholic women these emotions were heightened as they were deprived of the basic comforts their English Protestant counterparts experienced such as time out of their cell in a setting of worship and employment that placed them among other inmates.

---

<sup>54</sup> Matilda Wrench, *Visits to Female Prisoners at Home and Abroad* (London: Wertheim and Macintosh, 1852): 81.

<sup>55</sup> Wrench, *Visits to Female Prisoners at Home and Abroad*, 80.

<sup>56</sup> Wrench, *Visits to Female Prisoners at Home and Abroad*, 80.

## CONCLUSION

As a consequence of the Great Famine, the mass exodus of Irish migrants into impoverished rookeries of London resulted in a large percentage of arrests and the subsequent incarceration of Irish women for low level petty offenses, primarily consisting of theft. Despite the nineteenth century witnessing major advancements in penal theory, the implementation of prison practices did not always follow suit. This perspective is reflected by the gross neglect of prison administrators at Tothill Fields Prison responsible for ensuring proper religious instruction for incarcerated Roman Catholic Prisoners, many of whom were Irish. The treatment of these women was indicative of major Victorian prejudices of the time against migrants, the Irish, women, the working classes and Roman Catholics. Fortunately, through the efforts of progressive politicians and Catholic clergy, these women were eventually allowed to attend a proper mass, work in the prison's kitchen and laundry and additional priests were placed on the prison's payroll to facilitate religious instruction better.

While the research for this thesis is rooted in the past, troubling parallels can be drawn between this investigation and the current state of modern incarceration practices and the reception of immigrants. Chapter one of this thesis highlights the association between Irish migrants and criminal behavior. Similarly, a recent *New York Times* article titled "The Myth of the Criminal Immigrant," provides evidence that public attitudes toward immigration still have negative associations.<sup>1</sup> Comparable to the conditions in

---

<sup>1</sup> Anna Flagg, "The Myth of the Criminal Immigrant," *The New York Times*, 30 March 2018.

mid-nineteenth century London, cities in the United States with growth in immigrant population also recorded a declining crime rate overall. Furthermore, the myth of high criminality rates among immigrants is dispelled by a survey conducted by The Marshall Project, compiling decades of research on the immigrant-crime connection which concluded that “an overwhelming majority of studies found either no relationship between the two or a beneficial one, in which immigrant communities bring economic and cultural revitalization to the neighborhoods they join.”<sup>2</sup>

Furthermore, an NPR article titled, “In Prison, Discipline Comes Down Hardest on Women,” details the findings of the Medill School of Journalism at Northwestern University. This study revealed that in thirteen out of fifteen states analyzed, women were punished at higher rates than their male counterparts.<sup>3</sup> Additionally, women were up to three times more likely to receive punishment and disciplinary write-ups for “derogatory comments, disobedience, and disrespect.”<sup>4</sup> Not only are these statistics similar to reports from nineteenth century prisons, but the language used in discussing female inmates is also analogous. For example, former assistant director at the Department of Corrections in Illinois remarked, “these women are so difficult. Gosh, they’re a pain. I would rather work anywhere but here. They always want to talk to you. They won’t take no for an answer.”<sup>5</sup> This statement parallels comments from a Brixton prison employee in the nineteenth century who stated, “How you ladies manage to live, in such a constant state of excitement, is a puzzle to us on the men’s side. Our hours are as

---

<sup>2</sup> Flagg, “The Myth of the Criminal Immigrant.”

<sup>3</sup> Kari Lydersen, “In Prison, Discipline Comes Down Hardest on Women,” *NPR*, October 15, 2018, <https://www.npr.org/2018/10/15/647874342/in-prison-discipline-comes-down-hardest-on-women>.

<sup>4</sup> Lydersen, “In Prison, Discipline Comes Down Hardest on Women.”

<sup>5</sup> Lydersen, “In Prison, Discipline Comes Down Hardest on Women.”

long, but the mail (sic) convicts are quiet and rational and obey orders. It must be a hard time for all of you.<sup>6</sup> Thus, providing further evidence of the deep historical roots of discrepancies of the treatment between male and female inmates is the following assertion made by an Illinois state auditor visiting an Illinois prison in 1845, “one female prisoner is more trouble than twenty males.”<sup>7</sup>

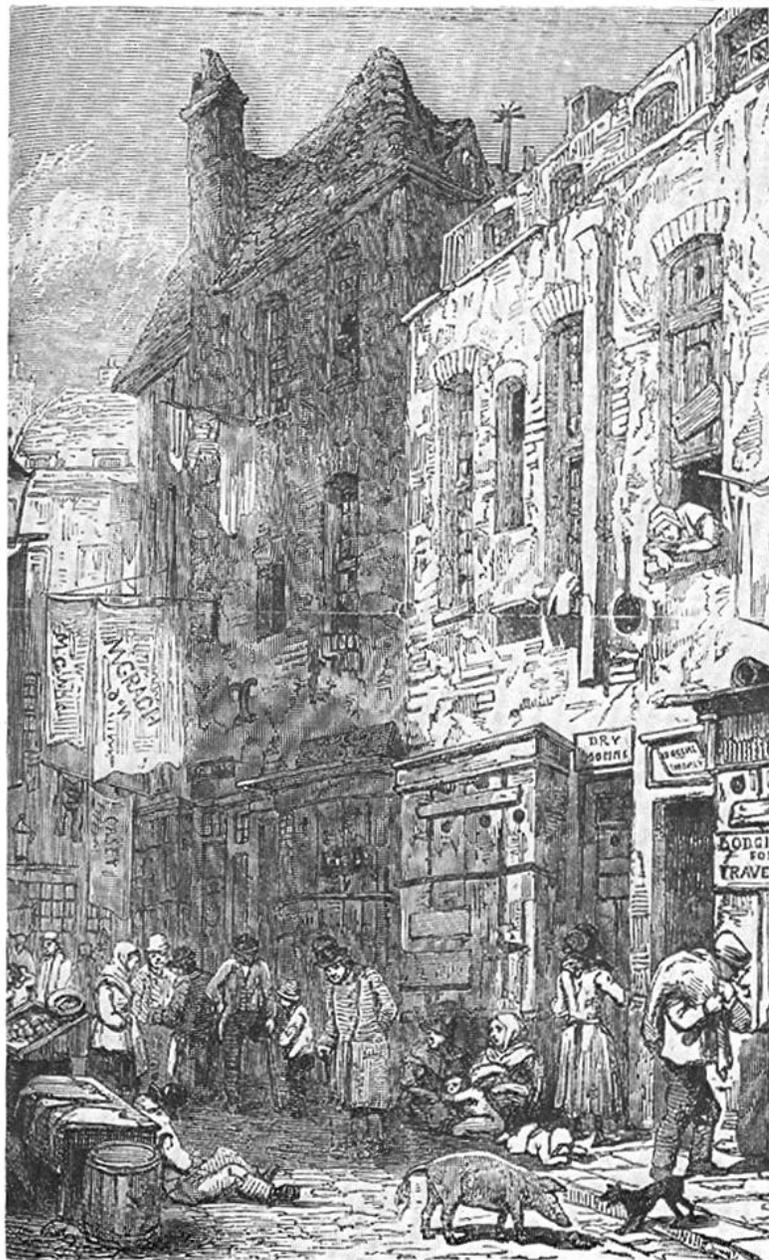
In closing, the findings of this thesis provide evidence of discriminatory practices toward Irish Roman Catholic inmates in nineteenth century London in the form of harsher incarceration practices, negative representation within the press, and gendered treatment from prison personnel. Despite their situation, the Roman Catholic women incarcerated at Tothill Fields in the 1860s managed to spark a country wide debate throughout Britain concerning the legal and religious rights of prisoners. Although penal practices throughout the remainder of the nineteenth and early twentieth century continued to be widely debated and a contentious social institution for women, important advancements were made at the behest of the Catholic clergy at Tothill Fields.

---

<sup>6</sup> Mary Carpenter, *Our Convicts*, 232.

<sup>7</sup> L. Mara Dodge, “One Female Prisoner is of More Trouble than Twenty Males”: Women Convicts in Illinois Prisons, 1835-1896,” *Journal of Social History* 32 (1999): 907-30.

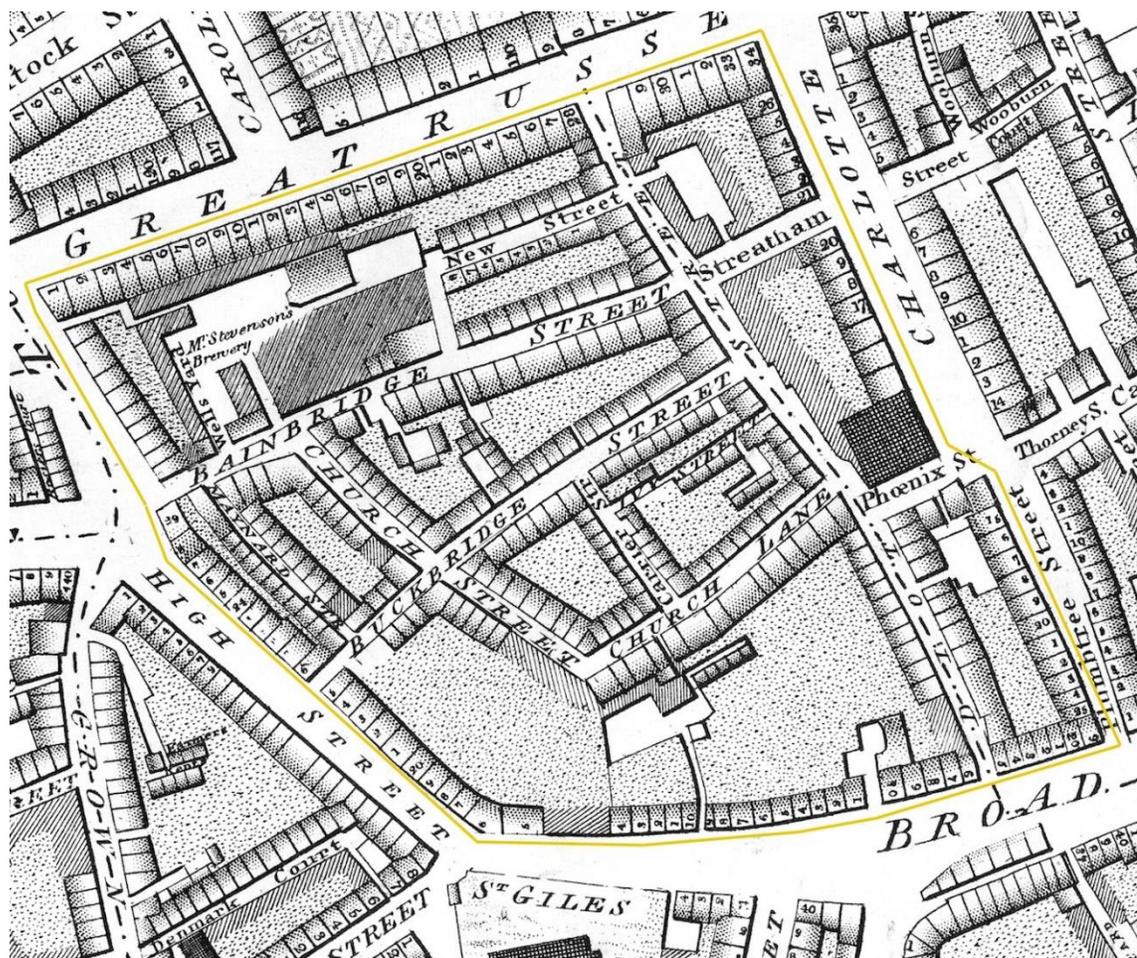
## IMAGE GALLERY

ST. GILES ROOKERY<sup>1</sup>

'The Rookery, St. Giles's', 1851

---

<sup>1</sup> "St. Giles History Online," [www.stgilesonline.org/history](http://www.stgilesonline.org/history).

MAP OF ST. GILES ROOKERY<sup>2</sup>

Location of St. Giles Rookery within the city of London.

<sup>2</sup> "St. Giles History Online," [www.stgilesonline.org/history](http://www.stgilesonline.org/history).

CARICATURE OF AN IRISH WOMAN<sup>3</sup>

---

**CONTRASTED FACES.**

---

“Look on this picture, and then on that.”—SHAKESPEARE.

---



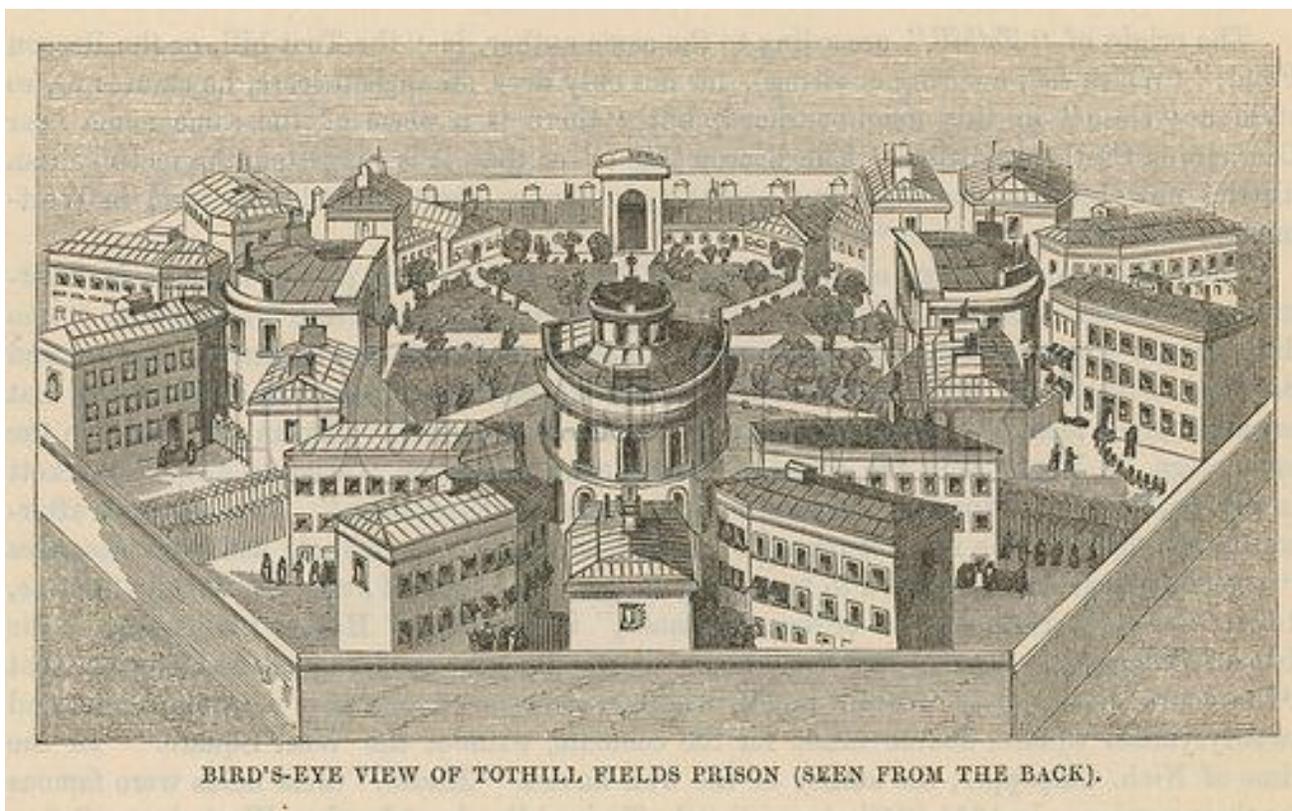
Fig. 747. — FLORENCE NIGHTINGALE.



Fig. 748.—BRIDGET McBRUISER.

---

<sup>3</sup> Samuel R. Wells, *New Physiognomy* (New York): 1866.

TOTHILL FIELDS PRISON<sup>1</sup>

---

<sup>1</sup> "Tothill Fields Prison a Birdseye View," London Picture Archive, [www.collage.cityoflondon.gov.uk/london](http://www.collage.cityoflondon.gov.uk/london).

TOTHILL FIELDS PRISON GATE<sup>2</sup>

ENTRANCE TO TOTHILL FIELDS PRISON  
*THE MIDDLESEX HOUSE OF CORRECTION,*  
(FOR FEMALE AND JUVENILE OFFENDERS)

---

<sup>2</sup> "Entrance to Tothill Fields Prison," London Picture Archive, [www.collage.cityoflondon.gov.uk/london](http://www.collage.cityoflondon.gov.uk/london).

WOMEN EXERCISING IN THE YARD AT TOTHILL FIELDS<sup>3</sup>

---

<sup>3</sup> “Women Exercising in the Yard, Tothill Fields,” London Picture Archive, [www.collage.cityoflondon.gov.uk/london](http://www.collage.cityoflondon.gov.uk/london).

**WORKS CITED****PRIMARY SOURCES****LEGISLATION**

- 3<sup>rd</sup> and 4<sup>th</sup> Will 4<sup>th</sup> Cap 40. Middlesex Irish and Scotch Paupers 3<sup>rd</sup> and 4<sup>th</sup> Will 4<sup>th</sup> Cap 40.
- 26 Vict. 79 An Act for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in England and Scotland, 28 June 1863.
- Prison's Minister Bill, February 28, 1863. 26 and 27 Vic. c 79.
- 19 Geo. III, c. 74. 1779 Penitentiary Act.
- 4 Geo. IV c. 64. Robert Peel Gaol Act of 1823.
- Penal Servitude Acts Commission Report of the Commissioners Appointed to Inquire into The Working of the Penal Servitude Acts, 1878.

**HOUSE OF COMMONS – DEBATES**

- House of Commons Deb. 22, 1863 vol. 170, Vic. 26.
- House of Commons, Deb 24 1866 vol. 184, Vic. 29.

**PARLIAMENTARY PAPERS**

- Parliamentary Papers, House of Commons and Command. Volume 9, 1863.
- Report from the Select Committee on Prisons and Prison Ministers Acts; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix.* London: HM Stationary, 1870.
- Report on Poor Removal*, 1884.

**ARCHIVAL SOURCES****LONDON METROPOLITAN ARCHIVES****MANUSCRIPTS**

- A Letter from “Sharp” Detailing a Scandal within the Prison. WA/GP/1849/11-2. LMA.
- A Letter from the Visiting Justices of Middlesex Clerkenwell, London, 1864. MA/G/GEN/0729. LMA.
- A Letter on the Proceedings of Certain Westminster Magistrates, London, December 1867. MA/RS/01/033. LMA.
- A Letter Stating the Register of Roman Catholic Prisoners may be seen by the Visiting Minister, House of Correction Cold Bath Fields, 1876. MA/G/GEN/0733. LMA.
- Chaplain Report from the House of Correction at Westminster, 1865. MJ/SP/1865/10/005. LMA.
- Correspondence between the Secretary of State for the Home Department and the Magistrates of the County of Middlesex and other Persons Respecting the Applying of the Prison Ministers Act 1863. MA/G/GEN/723. LMA.

Extracts of Correspondence with the Secretary of State for the Home Department on the subject of the Religious Instruction of Roman Catholic Prisoners in Prisons in the County Middlesex, January 12, 1866. MA/G/GEN/722. LMA.

Minute Book of the Visiting Justices for the House of Correction, Westminster, Volume 4. WA/G/003. LMA.

Prison Ministers Act (Middlesex) Copy of the Correspondence between the Secretary of State for the Home Department and the Magistrates of the County of Middlesex and other Persons respecting the Application of the Provisions of the Prison Ministers Act, 1863, to the Prisons in that County. MJ/SP/1863/01/040. LMA.

Sir George Grey to the Visiting Committee for Clerkenwell House of Detention. Letter Regarding Visits to the Prison by Roman Catholic Priests, May 23, 1864. Letter. MJ/SP/1864/05/004. LMA.

The Honourable Charles Langdale to Mr. H. Waddington. Letter in Regard to the Visiting Justices of the County Prison, Westminster, May 22, 1866. Letter. MJ/SP/1863/07/012. LMA.

Visiting Justices Annual Reports, Letters and Dietary Tables per Request of the Prison Surgeon. LMA, MJ/SP/1865/02/002.

Visiting Justice's Report on Prison Discipline. WA/G/P/184/001-2. LMA.

Westminster Visiting Justices Reports. 1834-43. Westminster Sessions of the Peace: Administration. MJ/SP/1844/10/008. LMA.

#### **PRINTED**

1881 Register Part 1 Register of the Court of Summary Jurisdiction sitting at the Thames Police Metropolitan Police District –16 March 1881. PS/TH/A. London Metropolitan Archives.

Enclosure in No. 2: Statement of Grievances of Roman Catholic Prisoners in the Middlesex County Prison with Suggestions for the Remedy. MJ/SP/1865. LMA.

Extract from the Minutes of the Visiting Justices of the Three County Prisons held at the House of Correction Cold Bath Fields Friday the 16th of September 1859. WA/GP1859/4. LMA.

General Report of her Majesty's Justices of the Peace for the County of Middlesex assembled at the December General Sessions in the year 1850. MJ/SP/1850/12/022. LMA.

House of Correction Westminster, Regulations and Rules 1866. London: Harrison and Sons, St. Martin's Lane. WA/GP/1866/1. LMA.

House of Correction, Cold Bath Fields, Rules for Ministers of Religious Persuasions Differing from that of the Established Church, 1866. MA/G/GEN/0733. LMA.

House of Correction, Cold Bath Fields: Copy of Questions Submitted to the Solicitor-General, Sir R. Palmer and Mr. Poland on the Subject of Allowing the Assemblage of Roman Catholic Prisoners for Religious Instruction and Divine Service, and of the Replies Thereto, 1866. M/G/GEN/745. LMA.

- House of Correction, Cold Bath Fields: Regulations to be observed for the Visitation of Roman Catholic Prisoners by Priests, under the permission given by the visiting Justices on the 22nd July 1864 made and approved the 21st October 1864. MA/9/9EN713. LMA.
- House of Detention, Clerkenwell Rules for Ministers of Religious Persuasions Differing from that of the Established Church who shall be admitted to Visit Prisoners of their own Persuasion in Prison. MA/9/9EN710. LMA.
- Minute Book (Signed) of the Justices appointed under the Act of 4. Geo. IV. C. 64 to visit the Bridewell or House of Correction for the City and Liberty of Westminster. WA/G/002. LMA.
- Nominal Register of Prisoners Female 1866. MJ/SP/XX/728. LMA.
- Prison's Religious Instruction: Returns of the County and Borough Prisons of England in which Religious Instruction is afforded to Prisoners of different denominations specifying which and at what Cost to each: and of the numbers of Prisoners in each prison and to what denomination they belong: The Returns to be made up to the 2nd day of April inclusive. 19 May 1868. MA/9/9EN/727. LMA.
- Roman Catholic Prisoners Return to the Address of the Honourable House of Commons, 11 June 1866. MA/GEN/722. LMA.
- Romish Chaplains to Prisons, March 26, 1863. MA/G/GEN728. LMA.
- Statement of Facts Relating to the Dismissal by the Middlesex Visiting Justices of the Rev. Frederick Hathaway from Attending the Roman Catholic Prisoners at Tothill Fields Prison. MA/9/9EN729. LMA.
- To Her Majesty's Justices of the Peace for the County of Middlesex: The Annual Report of the Chaplain of the House of Correction, Coldbath Fields for the year 1865. MJ/SP/1831/10/096. LMA.
- The House of Correction at Westminster Return of the Number and Description of Prisoners Committed to this Prison during the Four Years Ending at Michaelmas 1859. WA/GP1859/6. LMA.
- The Irish Poor in English Prisons and Workhouses: A Letter to a Member of Parliament. MA/G/GEN/0730. LMA.
- The Report of the Justices approved on 13 April 1865 to Visit the House of Correction called the Westminster Bridewell. MJ/SP/1865/05/002. LMA.

## **19<sup>TH</sup> CENTURY PUBLISHED PRIMARY**

### **BOOKS**

- Beames, Thomas. *The Rookeries of London* 1850; United Kingdom: Dodo Press, 2009.
- Blackstone, William Esq. M.P. *Speech Before the Protestant Association Proposing the Appointment of Roman Catholic Chaplains in the Prisons of England*. London: Protestant Association Publishing, 1839.
- Booth, Charles. *Life and Labour of the People in London*. London: Macmillan, 1902.

- Carlyle, Thomas. *Chartism*. London: James Fraser, 1840.
- Carpenter, Mary. *Juvenile Delinquents, their Condition and Treatment*. London: W.F.G. Cash, 1853.
- Carpenter, Mary. *Our Convicts*. London: Longman, Green, Roberts, 1864.
- Carpenter, Mary. *Reformatory Schools for the Children of the Perishing and Dangerous Classes and for Juvenile Offenders*. London: Giplin, 1851.
- Chesterton, George Laval. *Revelations of Prison Life: With an Inquiry into Prison Discipline and Secondary Punishment*. 1856.
- Clay, W.L. *The Prison Chaplain: A Memoir of the late Revd John Clay*. London Macmillan, 1861.
- Crofton, Walter. "Female Convicts, and our Efforts to Amend Them." In *Transactions of the National Association for the Promotion of Social Science*. London: Longmans, 1866.
- Dickens, Charles. *Oliver Twist* 1839; London: Penguin Classics, 2003.
- Dixon, William Hepworth. *The London Prisons; with and Account of the more Distinguished Persons who have been Confirmed in Them. To which is added, a Description of the Chief Provincial Prisons*. London: Jackson and Walford, 1850.
- Du Cane, E.F. *The Punishment and Prevention of Crime*. London: Macmillan, 1885.
- Engels, Frederick. *The Condition of the Working Class in England in 1844*. London: Ruskin House, 1845.
- Female Life in Prison by a Prison Matron*. London: Hurst and Blackett Publishers, 1863.
- Field, J. *Prison Discipline*. London: Longmans, 1864.
- Fletcher, Susan Willis. *Twelve Months in an English Prison*. Boston: Lee & Shephard, 1884.
- Horsely, J.W. *Jottings from Jail: Notes and Papers on Prison Matters*. London: T.F. Unwin, 1887.
- Howard, John. *The State of the Prison in England and Wales with Preliminary Observations and an Account of some Foreign Prisons*. Warrington: William Eyres, 1777.
- Kay, James Phillips. *The Moral and Physical Conditions of the Working Class*. London: James Ridgeway, 1832.
- Lewis, George Cornwall. *Third Report of the Irish Poor Inquiry Commissioners*. London: W. Clowes and Sons, 1837.
- Mayhew, Henry. *Criminal Prisons of London and Scenes of Prison Life* 1862; London: Frank Cass Publishers, 1971.
- Mayhew, Henry. *London Labour and the London Poor* 1861; New York: Dover Publications, 1968.

Merrick, G.P. *Work Among the Fallen as Seen in Prison Cells*. London: Ward, Lock and Co., 1890.

*Statement of Facts Relating to the Dismissal, by the Middlesex Visiting Justices of the Reverend Frederick Hathaway from Attending Roman Catholic Prisoners at Tothill Fields Prison*. London: Burns, Lambert and Oates, 1866.

Symons, Jelinger. *Tactics for the Times: As Regards the Condition of Treatment of Dangerous Classes*. London: John Olivier, 1849.

Wrench, Matilda. *Visits to Female Prisoners at Home and Abroad*. London: Wertheim and Macintosh, 1852.

#### PERIODICALS

Bailey, Blake James. "The Condition of Gaols, Hospitals and other Institutions as Described by John Howard." *LSE Selected Pamphlets*, 1884.

Carpenter, Mary. "Juvenile Delinquency in its Relation to the Educational Movement." *Essays upon Educational Subjects* (1857).

Carpenter, Mary. "On the Treatment of Female Convicts." *Transactions of the National Association for the Promotion of Social Science* (1863).

Carpenter, Estlin J. "Carpenter's Life and Work of Mary Carpenter." *London Quarterly Review* (1880).

"Dwellings on the Poor." *Ragged School Union Magazine* (1849).

"Elizabeth Fry." *The Sunday at Home: A Family Magazine for Sabbath Reading* (August 1855).

"Elizabeth Fry." *The Wesleyan Methodist Magazine* (April 1850).

Frazer, Catherine. "The Origin and Progress of the British Ladies' Society for Promoting the Reformation of Female Prisoners, Established by Mrs. Fry in 1821." In *Transactions of the National Association for the Promotion of Social Science of 1862*. London: Longmans, 1863.

Guy, W.A. "On Some Results of a Recent Census of the Population of the Convict Prisons in England; and Especially on the Rate of Mortality at Present Prevailing among Convicts." In *Transactions of the National Association for the Promotion of Social Science 1862*. London: Longmans, 1904.

Greenwood, Frederick. "Criminal Women." *The Cornhill Magazine* (August 1860).

Hanna, William. "Memoir of the Life of Elizabeth Fry with Extracts from her Journal and Letters," *The North British Review* (1848).

Hill, Rosamund. "A Plea for Female Convicts." *English Women's Journal* (1864).

Mackay, Charles. "Roman Catholic Prisoners." *The London Review of Politics, Society, Literature, Art and Science* (December 1867).

"Mental Starvation." *The British Medical Journal* (1874).

Tallack, William. "Summarized Lecture of Prisons and Criminal Treatment." *LSE Selected Pamphlets*, 1890.

"The St. Giles Rookery and its Ragged Schools." *Ragged School Union Magazine* (January 1853).

#### NEWSPAPERS

"St. Giles Rookery." *Cork Examiner*, 1843.

"St. Giles Rookery." *Morning Chronicle*, 23 July 1855.

"To the Editor of the Times Concerning Roman Catholic Prisoners." *The London Times* 15 March 1867.

#### TWENTIETH AND TWENTY-FIRST CENTURY SOURCES

##### MONOGRAPHS AND EDITED COLLECTIONS

Ager, A.W. *Crime and Poverty in 19th Century England: The Economy of the Makeshifts*. London: Bloomsbury Press, 2014.

Bailey, Victor. *Policing and Punishment in Nineteenth Century Britain*. London: Rutgers Press, 1981.

Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation*. Oxford: Clarendon Press, 1907.

Brydon-Gibson, Thomas. *Moral Mapping of Victorian and Edwardian London: Charles Booth, Christian Charity and the Poor-but-Respectable*. Quebec: McGill-Queen's University Press, 2016.

Cohen, Stanley. *Visions of Social Control: Crime, Punishment and Classification*. Cambridge: Polity, 1985.

Conner, Tom. *The London Irish*. London: London Strategic Policy Unit, 1987.

Crites, Laura. *The Female Offender*. Lexington: Lexington, 1978.

Crowley, John and William J. Smyth et al. *Atlas of the Great, Irish Famine, 1845-52*. Cork: Cork University, 2012.

Davidoff, Leonore and Catherine Hall. *Family Fortunes: Men and Women of the English Middle Class, 1780-1850*. Chicago: The University of Chicago Press, 1987.

De Nie, Michael. *History of Ireland and the Irish Diaspora: The Eternal Paddy: Irish Identity, and the British Press, 1798-1882*. Wisconsin: University of Wisconsin Press, 2004.

Donzelot, Jacques. *The Policing of Families*. Baltimore: Johns Hopkins University Press, 1997.

Eireann, Cartlann Ban. *Women, Famine and Emigration: A Marriage of Convenience*. Dublin: The Irish Women's Archive and Resource Center.

Forsythe, W.J. *Penal Discipline, Reformatory Project and the English Prison Commission, 1895-1939*. Exeter: Exeter University Press, 1991.

- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. London: Penguin, 1977.
- Garland, David. *Punishment and Welfare: A History of Penal Strategies*. London: Aldershot and Hants, 1985.
- Gordon, Mary. *Penal Discipline*. London: Routledge & Kegan Paul, 1922.
- Gorham, Deborah. *The Victorian Girl and the Feminine Ideal*. London: Croom Helm, 1982.
- Grass, Sean C. *The Self in the Cell: Narrating the Victorian Prisoner*. New York: Taylor and Francis, 2003.
- Hitchcock, Tim and Robert Shoemaker. *London Lives: Poverty, Crime and the Making of a Modern City 1690-1800*. Cambridge: Cambridge University Press, 2016.
- Hurren, Elizabeth T. *Protesting about Pauperism: Poverty, Politics and Poor Relief in Late Victorian England 1870-1900*. Suffolk: The Boydell Press, 2015.
- Ignatieff, Michael. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*. New York: Pantheon Books, 1978.
- Jackson, John Archer. *The Irish in Britain*. London: Routledge, 1963.
- Johnston, Helen. *Punishment and Control in Historical Perspective*. London: Palgrave, 2008.
- Jones, Gareth Stedman. *Outcast London: A Study in the Relationship between Classes in Victorian Society*. London: Penguin Books, 1992.
- Jones, Steve. *Capital Punishments Crime and Prison Conditions in Victorian London*. Nottingham: Wicked Publications, 1992.
- Kirkman, Gray. *Philanthropy and the State*. London: P.S. King, 1908.
- Knafia, Louis A. *Crime, Gender and Sexuality in Criminal Prosecutions*. Santa Barbara: Greenwood Publishing Group, 2002.
- Lees, Lynn Hollen. *Exiles of Erin: Irish Migrants in Victorian London*. Ithaca: Cornell University Press, 1979.
- Lefebvre, Henri. *The Production of Space*, trans. Donald Nicholson-Smith Wiley-Blackwell, 1991.
- Massey, Doreen. *Space, Place and Gender*. Minneapolis: University of Minnesota Press, 1994.
- McConville, Sean. *A History of English Prison Administration*. London: Kegan Paul, 1981.
- MacPherson, D.J. *Women and the Irish Nation: Gender, Culture and Irish Identity, 1890-1914*. London: Palgrave and MacMillan, 2012.
- Macraird, Donald M. *The Irish Diaspora in Britain, 1750-1939*. New York: Palgrave MacMillan, 2011.

- Marks, Laura. *Working Wives and Workings Mothers: A Comparative study of Irish and East European Jewish Married Women's Work and Motherhood in East London 1870-1914*. London: PNL Press, 1990.
- O'Neill, Gilda. *The Good Old Days: Crime, Murder and Mayhem in Victorian London*. London: Viking, 2006.
- Palk, Deidre. *Gender, Crime and Judicial Discretion 1780-1830*. Woodbridge: Boydell Press, 2006.
- Picard, Liza. *Victorian London: The Life of a City 1840-1870*. London: Phoenix, 2005.
- Priestly, Phillip. *Victorian Prison Lives*. New York: Random House, 2012.
- Porter, Roy. *London: A Social History*. Cambridge: Harvard University Press, 1994.
- Quinn, Dermot. *Patronage and Piety: The Politics of English Roman Catholicism 1850-1900*. Stanford: Stanford University Press, 1993.
- Rowbotham, Judith. *Criminal Conversations: Victorian Crimes, Social Panic and Moral Outrage*. Columbus: Ohio State University, 2005.
- Simple, Janet. *Bentham's Prison: A Study of the Panopticon Penitentiary*. Oxford: Oxford Scholarship Online, 2011.
- Smith, Phillip Thurmond. *Policing Victorian London: Political Policing, Public Order, and the London Metropolitan Police*. Westport: Greenwood Press, 1985.
- Statement of Facts Relating to the Dismissal, by the Middlesex Visiting Justices of the Reverend Frederick Hathaway from Attending Roman Catholic Prisoners at Tothill Fields Prison*. London: Burns, Lambert and Oates, 1866.
- Swift, Roger. *Irish Identities in Victorian Britain*. London: Routledge, 2011.
- Tombs, Robert. *The English and Their History*. New York: Random House, 2014.
- Webb, Sidney and Beatrice. *English Prisons under Local Government*. London: Archon Books, 1922.
- Wiener, Martin J. *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914*. Cambridge: Cambridge University Press, 1990.
- Williams, Lucy E. *Wayward Women: Female Offending in Victorian England*. Barnsley: Pen and Sword Publishers, 2016.
- Willis, Frank H. *Popular Anti-Catholicism in Mid-Victorian Britain*. Lewiston: The Edwin Mellen Press, 1993.
- Wilson, Adrian, Ed. *Rethinking Social History: English Society 1570-1920 and its Interpretation*. Manchester: Manchester University Press, 1993.
- Wood, Carter J. *Violence and Crime in Nineteenth Century England*. London: Routledge, 2004.
- Zedner, Lucia. *Women, Crime, and Custody in Victorian England*. Oxford: Clarendon Press, 1991.

## DISSERTATIONS

Sheetz, Jessica A. “‘Just Deserts’: Public and Private Institutional Responses to Poverty in Victorian London: Space, Gender, and Agency,” Marquette University, 1999.

#### JOURNAL ARTICLES

Bailey, Victor. “English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922.” *Journal of British Studies* 36 (1997): 285-324.

Bailey, Victor. “Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922.” *Journal of British Studies* 36 (1997): 285-324.

Bailey, Victor. “Reviewed Work: Punishment and Welfare: A History of Penal Strategies by David Garland.” *The American Historical Review* 91 (1986): 925-6.

Beattie, J.M. “The Criminality of Women in Eighteenth Century England.” *Journal of Social History* 8 (1975): 80-116.

Beier, A.L. “Identity, Language, and Resistance in the Making of the Victorian ‘Criminal Class’: Mayhew’s Convict Revisited.” *Journal of British Studies* 44 (2005), 499-515.

Brenzel, Barbara. “Domestication as Reform: A Study of the Socialization of Wayward Girls, 1956-1905.” *Harvard Educational Review* 50 (1980): 196-213.

Butler, Richard J. “Rethinking the Origins of the British Prisons Act of 1835: Ireland and the Development of Central Government Prison Inspection, 1820-35.” *The Historical Journal* 59 (2016): 721-46.

Cahill, Gilbert. “Irish Catholicism and English Toryism.” *The Review of Politics* 19 (1957): 62-76.

Casey, Christopher A. “Common Misperceptions: The Press and Victorian Views of Crime.” *Journal of Interdisciplinary History* 41 (2011): 367-91.

Cominos, Peter. “Late Victorian Sexual Respectability and the Social System.” *International Review of Social History* 8 (1963): 18-48.

Conway, Jill. “Stereotypes of Femininity in a Theory of Sexual Evolution.” *Victorian Studies* 14 (1970): 47-62.

Cooper, Robert Alan. “Ideas and Their Execution: English Prison Reform.” *Eighteenth Century Studies* 10 (1976): 73-93.

Cooper, Robert Alan. “Jeremy Bentham, Elizabeth Fry, and the English Prison Reform.” *Journal of the History of Ideas* 42 (1981): 675-90.

Davidoff, Leonore. “Class and Gender in Victorian England.” In *Sex and Class*, edited by Judith Newton. London: Routledge & Kegan Paul, 1983.

Davis, Jennifer. “From ‘Rookeries’ to ‘Communities’: Race, Poverty and Policing in London, 1850-1985.” *History Workshop* 27 (1989): 66-85.

Driver, Felix. “Moral Geographies: Social Science and the Urban Environment in mid-Nineteenth Century England.” *Transactions of the Institute of British Geographers* 13 (1988): 275-87.

- Ethington, Phillip J. "Placing the Past: 'Groundwork' for a Spatial Theory of History." *Rethinking History* 11 (2007), 465-94.
- Feheny, J.M. "Delinquency Among Irish Catholic Children in Victorian London," *Irish Historical Studies* 23 (1983): 319-29
- Forsythe, Bill. "Women Prisoners and Women Penal Officials 1840-1921." *The British Journal of Criminology* 33 (1993): 525-540.
- Gehring, Thom. "Mary Carpenter: 19th Century English Correctional Education Hero." *Journal of Correctional Education* 54 (1974): 116-22.
- Godfrey, Barry S., and Stephen Farrall. "Explaining Gendered Sentencing Patterns for Violent Men and Women in the Late-Victorian and Edwardian Period." *The British Journal of Criminology* 45 (2005): 341-72.
- Harrison, E.B. "The Victorian Woman." *The Nineteenth Century and After: A Monthly Review* 58 (1905): 948-55.
- Hatton, Timothy J., and Jeffrey G. Williamson. "After the Famine: Emigration from Ireland, 1850–1913." *The Journal of Economic History* 53 (1993): 575–600.
- Henriques, Ursula R.Q. "The Rise and Decline of the Separate System of Prison Discipline." *Past and Present* 54 (1972): 61-93.
- King, Peter. "The Impact of Urbanization on Murder Rates and on the Geography of Homicide in England and Wales, 1780-1850," *The Historical Journal* 53 (2010): 671-98.
- Lewis, R.A. "Reviewed Work: *A History of English Prison Administration: Volume 1, 1750-1877* by Sean McConville." *History* 69 (1984): 366-8.
- McAffrey, Lawrence. Irish Nationalism and Irish Catholicism: A Study in Cultural Identity." *Church History* 42 (1973): 524-34.
- McGowen, Randall. "The Well-Ordered Prison, England 1780-1865," in *The Oxford History of the Prison: The Practice of Punishment in Western Society*. Oxford: Oxford University Press, 1995.
- Mooney, Graham. Diagnostic Spaces: Workhouse, Hospital, and Home in Mid-Victorian London." *Social Science History* 33 (2009): 357-90.
- O'Keefe, Timothy J. "The Times and the Roman Catholics: 1857." *A Journal of Church and State* 18 (1976), 253-72.
- O'Tuathaigh, M.A.G. "The Irish in Nineteenth-Century Britain: Problems of Integration." *Transactions of the Royal Historical Society* 31 (1981): 149-73.
- Paz, D.G. "Anti-Catholicism, Anti-Irish Stereotyping, and Anti-Celtic Racism in Mid-Victorian Working-Class Periodicals." *Albion: A Quarterly Journal Concerned with British Studies* 18 (1986), 601-16.
- Ralls, Walter. "The Papal Aggression of 1850: A Study in Victorian Anti-Catholicism." *Church History* 43 (1974): 242-56.

- Schroeder, Janice. "Self-Teaching: Mary Carpenter, Public Speech, and the Discipline of Delinquency." *Victorian Literature and Culture* 36 (2008): 149-61.
- Schull, Kent F. "Disciplining the Disciplinarians: Combating Corruption and Abuse through Professionalisation of Prison Cadre," in *Prisons in the Late Ottoman Empire: Microcosms of Modernity*. Edinburgh: Edinburgh University Press, 2014.
- Seigel, Jules. "Carlyle's Model Prison and Prisoners Identified." *Victorian Periodicals Newsletter* 9 (1976), 81-3.
- Shoemaker, Robert. "Understanding the Criminal: Record-Keeping, Statistics, and Early History of Criminology in England." *The British Journal of Criminology* 57 (2017), 1442-61.
- Smith, David F. "Reviewed Work: *Women, Crime, and Custody in Victorian England* by Lucia Zedner." *Albion: A Quarterly Journal Concerned with British Studies* 24 (1992), 682-3.
- Swift, Roger. "Heroes or Villains?: The Irish, Crime, and Disorder in Victorian England." *Albion* 29 (1997): 399-421.
- Swift, Roger. "The Outcast Irish in the British Victorian City: Problems and Perspectives." *Irish Historical Studies* 25 (1987): 264-76.
- Swift, Roger. "Thomas Carlyle, 'Chartism,' and the Irish in Early Victorian England." *Victorian Literature and Culture* 29 (2001): 67-83.
- Tomlinson, Heather. "Review: A Just Measure of Pain," *The British Journal of Criminology* 20 (1980): 74-5.
- Walter, Bronwen. "Ethnicity and Irish Residential Distribution." *Transactions of the Institute of British Geographers* 11 (1986): 131-46.
- Weinberger, Barbara. "The Criminal Class and the Ecology of Crime." *Historical Social Research* 15 (1990): 121-39.
- Willis, James J. "Transportation versus Imprisonment in Eighteenth and Nineteenth-Century Britain: Penal Power, Liberty and the State." *Law & Society Review* 39 (2005): 171-210.
- Zedner, Lucia. "Women, Crime, and Penal Responses: A Historical Account," *Crime and Justice* 14 (1991): 307-62.

#### **POPULAR PRESS**

#### **DICTIONARIES AND ENCYCLOPEDIAS**

Oxford Dictionary of National Biography – Online Edition.