

Winter 2004

# Review of: English Society and the Prison: Time, Culture and Politics in the Development of the Modern Prison, 1850-1920 by Alyson Brown

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## Citation

Smith, David F. 2005. "English society and the prison: Time, culture and politics in the development of the modern prison, 1850-1920." *Albion* 36(4): 746-747.

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English Society and the Prison: Time, Culture and Politics in the Development of the Modern Prison, 1850-1920 by Alyson Brown

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*Albion: A Quarterly Journal Concerned with British Studies*, Vol. 36, No. 4 (Winter, 2004), pp. 746-747

Published by: [The North American Conference on British Studies](#)

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Alyson Brown. *English Society and the Prison: Time, Culture and Politics in the Development of the Modern Prison, 1850–1920*. Rochester, N. Y.: Boydell Press. 2003. Pp. vii, 205. \$85.00. ISBN 1-84383-017-5.

Alyson Brown says that the purpose of her study is an enquiry into the causes and effects of disturbances in English prisons between 1850 and 1920. Incidents of disorder are related to the structure and policies pursued by the government, which in turn were influenced by the set of beliefs held by the public at large. These factors were instrumental in forcing the inmate to adapt to or be in conflict with prison regulations.

The author suggests that because long-term sentences in the English prison system produced a distorted sense of time in the prisoner's mind, he or she was prone to hysteria, depression, and violence directed against the staff who enforced regulations. Prisoners felt that time was "lost" to them, and they found themselves living in an extended present rather like children: increasingly remote from the past and unable to contemplate the future. Brown argues that "doing time" was particularly hard on well-educated inmates incarcerated in a deterrent system that enforced repetitive labor and controlled all their actions. However, in the case of the large-scale riot at Chatham Convict prison in 1861, the outbreak was the result of the prisoners' sense they were being treated unfairly. Some convicts thought there was inequity in the award of remissions by legislation introduced with the end of Transportation to the colonies. Convicts also resented the bad treatment they received from corrupt prison officers. Moreover, as the system became harsher as a deterrent to crime in the 1860s, often prisoners were not treated predictably or consistently.

Brown discusses disturbances in local prisons by a close examination of the thriving prison sub-culture at Kingston-upon-Hull. At this prison, new buildings were only gradually constructed and poor discipline and tension resulted from the consequent overcrowding. Prisoners were subjected to constant punishments and assaults from officers for infractions of discipline. Considerable attention is given to the impact of the deterrent regime in convict prisons on prison discipline between 1860 and 1880. Prisoners were driven to violence, suicide, and self-injury as sentences became longer and rules were more strictly enforced. Diets in convict prisons were meager and little sympathy was offered to "malingerers" who succumbed to ill health. Prisoners felt bereft when investigations into staff misconduct sided with the authorities at a time when the public thought prisoners should be severely punished. Violent prisoners were segregated while other inmates were controlled by an elaborate system of rewards and punishments. Siding with historians who argue that the classical ideas about criminality still persisted between 1895 and 1914, Brown claims that the structure and culture of prisons changed very little in this period. Inmates in Convict Prisons were forced into hard labor and classified by the type of their offense and most failed to receive the specialized and individualized treatment central to thinking of the positivist trend in criminology. In 1907, a serious riot at Wormwood Scrubs was caused by the brutality of warders whose conduct was not investigated fairly. In both Convict and local prisons, where the watchwords were order, obedience, and security, prisoners continued to rail against unequal treatment from militaristic guards who themselves were upset because of poor pay and the hostility towards their unions.

Brown shifts her attention to the disturbances caused by Irish nationalists, suffragettes, and conscientious objectors held only in English prisons between 1850 and 1920. Avoiding discussion of the wider aims of these prisoners, Brown carefully describes the extent they threatened the discipline of the penal system, since they saw themselves as political prisoners

markedly different from the ordinary criminal, and deserving of preferential treatment from the authorities. They complained about the regulations and shunned discipline to gain sympathy from support groups outside of prison for their cause. Often posing as martyrs, they challenged the disciplinary regime violently and the tide of disorder spread to ordinary prisoners. The authorities responded by segregating the ringleaders, strict discipline, and forced feeding. Only rarely were concessions made to political prisoners, and faced with physical and verbal abuse from warders, a large number of them went mad or died in prison.

This volume provides an interesting, if depressing, discussion of the disturbances in English prisons and the structural problems that lay behind the tensions with these very closed institutions. Brown's argument would have been strengthened by the inclusion of a wider range of evidence, but she freely admits that discussions of disturbances and prison sub-cultures are lacking in official papers. As a result, much of her analysis relies on secondary sources or on accounts by wealthier and more educated prisoners, so the voices of the mass inmates remain silent. The author intersperses her account with lengthy historiographical discussions; although useful to the non-specialist, they fail to advance her argument.

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Joel Peter Eigen. *Unconscious Crime: Mental Absence and Criminal Responsibility in Victorian London*. Baltimore, Md.: The Johns Hopkins University Press. 2003. Pp. xii, 223. \$39.95. ISBN 0-8018-7428-9.

Perhaps in keeping with its subject, Joel Eigen's *Unconscious Crime* is a book divided against itself. Eigen argues firstly, and fairly uncontroversially, that by 1876 a new category of legal understanding and exculpation, that of non-insane unconscious action (i.e. automatism), had become established in Victorian legal discourse. Here Eigen continues earlier work by Nigel Walker, *Crime and Insanity in England, vol. I, The Historical Perspective* (1968), and Roger Smith, *Trial by Medicine: Insanity and Responsibility in Victorian Trials* (1981), on "crimes" committed "automatically" by sleepwalkers and epileptics. By drawing on the *Old Bailey Session Papers*, verbatim trial transcripts published and sold on the street, he is able to reveal several new cases and offer a much fuller treatment of some familiar ones.

However, Eigen's claim to originality rests mainly on his second contention: that courtroom participants saw sleepwalkers, epileptics, and other "unconscious" defendants as more than simply unaware of their criminal actions, and more than the unfortunate victims of "ideo-motor reflex" or "unconscious cerebration." Instead they saw them as afflicted by "double consciousness," as subject to periodic possession by an alter that could act independently of the dominant personality. In effect, Eigen is suggesting that mid-Victorian legal discourse gave credence to an early form of Multiple Personality Disorder (MPD). Significant problems of interpretation and analysis render this conclusion extremely doubtful.

Oddly it is called into question by Eigen himself. He explains that lawyers and physicians "*seem not to have noticed* that their debate [over the aetiological specifics of insanity] was growing increasingly irrelevant to a cadre of mentally aberrant defendants who refused to stay confined in their post-McNaughtan categories [emphasis added]." (p. 9). Yet, he claims that at some level courtroom participants were aware of the qualitative difference in mental aberration confronting them, and attempted to conceptualize that difference. Given this kind of reasoning one should not expect any obvious evidence supporting Eigen's claim, and