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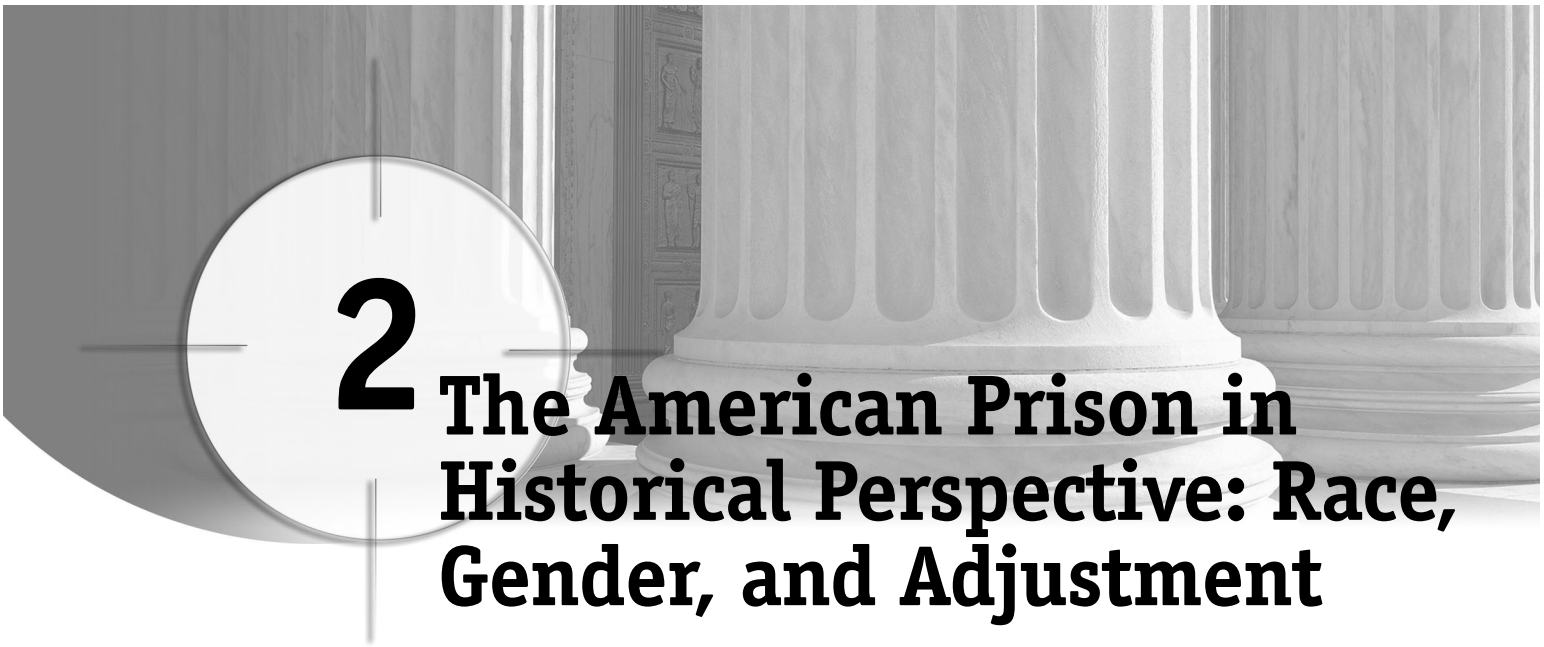

2 The American Prison in Historical Perspective: Race, Gender, and Adjustment

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Chapter Objectives

- Be able to distinguish the separate system and the congregate system.
- Understand the experiences of women and minorities in each era of prison history.
- Be able to distinguish the reformatory from the penitentiary.
- Be able to discuss each of the eras of prison history.
- Understand the legacy of early prisons.

The prison is an institution marked by great staying power but modest achievement. We have had prisons of one sort or another since at least biblical times (Johnson 2002). Though prisons have varied in their internal regimes and in their stated aims, the main achievement of the prison has been its most basic mandate—to contain and restrain offenders (Garland 1990). Rehabilitation has been a recurring aim of prisons, and at times this goal could be described as a grand dream, but rehabilitation is a dream of reformers, not of the criminals who were to be its beneficiaries. The use of prison as a sanction has grown steadily since the advent of the penitentiary at the turn of the 19th century (Cahalan 1979, 37), and indeed has come to dominate criminal justice.

The growth in the use of prisons has been particularly pronounced for blacks and, more recently, women. It is thus telling that comparatively little attention has been paid to the prison experiences of minorities and women. Women, to be sure, have always been drastically underrepresented in our prisons, and this partly explains why limited attention has been paid to their prison experience. Even with the current accelerated growth in rates of confinement for women, only 6 or, at most, 7 percent of the overall prison population are women (Merlo and Pollock 1995; Pollock 2002).

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Minorities, by contrast, have always formed a sizable portion of the prison population. In fact, ethnic and, after the Civil War, racial minorities have almost certainly been overrepresented in American prisons (Sellin l976). Black women have been confined in disproportionate numbers in prisons for women; this trend is particularly evident in high-custody institutions, which traditionally are reserved for those female offenders seen by largely white officials as tough, manlike felons beyond the reach of care or correction (Rafter 1990; Dodge 2002; Johnson 2003). Similarly, black males, and especially young black males, have been overrepresented in our nation's more secure prisons; once again, settings reserved for those deemed least amenable to rehabilitation. These racial disparities are long-standing and must be understood in historical context.

The first minorities in our prisons were European immigrants, with but a sprinkling of offenders of African descent. This is apparent in the writing of a penitentiary inmate named Coffey, (1823, 105) who observed:

> *Emerging from my sequestered room, I was introduced into a spacious hall, where four-fifths of the convicts, eat their daily meals. Here were to be seen, people from almost every clime and country: Spaniards, Frenchmen, Italians, Portuguese, Germans, Englishmen, Scotchmen, Irishmen, Swedes, Danes, Africans, West-Indians, Brazilians, several Northern Indians, and many claiming to be citizens, born in the United States (1823, 105).*

Our current minorities are predominantly African-Americans, together with a small but growing contingent of Latin Americans and, in some areas of the country, Native Americans. Notes Cahalan (1979, 39): "Since 1850, when the first [prison statistics] reports were published, the combined percentage of foreign-born persons, blacks and other minority groups incarcerated by the criminal justice system has ranged between 40 and 50 percent of all inmates present." It is almost as if the prison treats minorities as interchangeable commodities. "As the percentage of foreign-born in our jails and prisons has declined, the proportion of blacks and Spanish-speaking inmates has increased" (Cahalan). We have had, if you will, a steady overrepresentation of one minority or another since the advent of modern prison statistics. If anything, this trend is worsening for African-Americans as we approach the close of the 20th century. In what follows, we will review the main lines of the history of modern prisons, with attention to the plight of minorities and women.

Penitentiaries

The **penitentiary** was the first truly modern prison. In a sense, it was the template or model from which most, if not all, subsequent prisons were cast. Some authorities claim that the penitentiary was a uniquely American institution. There is some truth to this claim—America adopted the penitentiary with a more thoroughgoing passion than did other countries—but it is important to note that penitentiaries did not exist in the original colonies. The first American penitentiary,

penitentiary institution designed for offenders to meditate upon their crimes and, through penitence, achieve absolution and redemption.

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Walnut Street Jail the first institution that followed penitentiary ideals; i.e., single cells, individual handcrafts, isolation from temptation, classification of prisoners, a mission of reform rather than simple punishment. Quakers were instrumental in the design and implementation of the facility, originating in Philadelphia in 1790.

Jacksonian era time period of 1829–1837, marked by the presidency of Andrew Jackson, rising industrialism, a shift from agrarian to industrial economics, and a growing division between the North and the South.

separate system prison system whereby inmates had separate cells and never interacted with other inmates or outsiders during the prison sentence (see Walnut Street Jail).

Pennsylvania System another term for the separate system since the system was created and implemented in the Walnut Street Jail and, later, in the Eastern Penitentiary, in Pennsylvania (*see* separate system).

the **Walnut Street Jail**, was erected in Philadelphia in 1790. The Walnut Street Jail "carried out incarceration as punishment, implemented a rudimentary classification system, featured individual cells, and was intended to provide a place for offenders to do penance—hence the term 'penitentiary'"(Roberts l996, 26). The construction of penitentiaries was not undertaken on a large scale, however, until the **Jacksonian era**, between 1820 and 1830. From the outset, penitentiaries were meant to be experiments in rational, disciplined living that combined punishment and personal reform.

In the most general sense, the penitentiary was meant to be a separate and pure moral universe dedicated to the reclamation of wayward men and women. It would isolate criminals from a corrupt and corrupting world, and it would reshape their characters through the imposition of a strict routine of solitude, work, and worship. Two distinct versions of this moral universe were offered, known respectively as the separate and congregate systems.

The Separate System

The **separate system** originated in Philadelphia at the Walnut Street Jail and is sometimes called the Philadelphia or **Pennsylvania System**. The regime was one of solitary confinement and manual labor, a simple monastic existence in which the prisoners were kept separate from one another as well as from the outside world. "Locked in their cells at all times, even taking their meals alone," prisoners in the separate system "had contact only with staff members, representatives of the Philadelphia Prison Society, and chaplains." On the rare occasions prisoners did leave their cells, "They were required to wear hoods or masks." It was hoped that, "With so much solitude, prisoners . . . would spend their sentences meditating about their misdeeds, studying the Bible, and preparing to lead law-abiding lives after release" (Roberts l996, 32–33).

Describing this system, Beaumont and de Tocqueville (1833/1964, 57) observe that its advocates

> *have thought that absolute separation of the criminals can alone protect them from mutual pollution, and they have adopted the principle of separation in all its rigor. According to this system, the convict, once thrown into his cell, remains there without interruption, until the expiration of his punishment. He is separated from the whole world; and the penitentiaries, full of malefactors like himself, but every one of them entirely isolated, do not present to him even a society in the prison.*

Prisoners served time in a manner reminiscent of the monks of antiquity or the heretics of the early Middle Ages. Sentences were formally measured in loss of freedom, but the aim of punishment was penance resulting in purity and personal reform. At issue was a fundamental change of character, a conversion. Here, the penitentiary was a place of penance in the full sense of the word. Even the prisoners' labors, essentially craft work, were intended to focus their minds on the simple things of nature, and hence to bring ever to their thoughts the image of their Maker. For the prisoners of the separate system, there was to be no escape from their cells, their thoughts, or their God. The experience of solitary confine-

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ment proved to be both oppressive and destructive, "immeasurably worse," in the words of Charles Dickens, "than any torture of the body" (1842/1996, 129).

The Congregate System

The **congregate system** was first introduced at Auburn Prison, and is often called simply the **Auburn System**. Prisoners of this system slept in solitary cells. Though they congregated in large groups for work and meals, only their bodies mingled. Silence reigned throughout the prison. "They are united," observed Beaumont and de Tocqueville (1833/1964, 58), "but no moral connection exists among them. They see without knowing each other. They are in society without [social] intercourse." There was no communication and hence no contamination. Prisoners left their cells for the greater part of each day, primarily for work and sometimes also for meals. But they carried within themselves the sharp strictures of this silent prison regime. In the congregate penitentiary,

> *[Everything passes] in the most profound silence, and nothing is heard in the whole prison but the steps of those who march, or sounds proceeding from the workshops. But when the day is finished, and the prisoners have retired to their cells, the silence within these vast walls, which contain so many prisoners, is like that of death. We have often trod during night those monotonous and dumb galleries, where a lamp is always burning: we felt as if we traversed catacombs; there were a thousand living beings, and yet it was a desert solitude (Beaumont and de Tocqueville 1833/1964, 65).*

Here, too, penance and purity were sought: solitary penance by night, pure labor by day, silence broken only by the sound of machines and tools. Throughout, prisoners had time to reflect and repent. The congregate system retained the monastic features of the separate system, in its solitary cells and silent labor, but blended them with a more contemporary lifestyle. A monastery at night; by day, the congregate penitentiary was a quasi-military organization of activities (all scheduled), movement (in unison and in lockstep), eating (backs straight, at attention), and work (long hours, usually at rote factory labor). The aim of this system was to produce docile, obedient inmates. Accordingly, regimentation was the cornerstone of congregate prison life. As is made abundantly clear in Beaumont and de Tocqueville's (1833/1964, 65–66) description of the daily routine at Auburn, "The order of one day is that of the whole year. Thus one hour of the convict follows with overwhelming uniformity the other, from the moment of . . . entry into the prison to the expiration of . . . punishment."

The merits of these competing penitentiary systems were debated hotly and at great length. In the end, however, the details of the penitentiary regime and the practical definition of reform were determined as much by financial matters as by the merits of either penological perspective. Thus, the congregate system became the model for the American penitentiary at least in part because workers were in short supply in 19th-century America, and hence the deployment of prisoners at factory labor provided an affordable quarantine against the dangers and corruptions of the larger world. Elsewhere, notably in Europe, workers were in greater supply. With no appreciable demand for prison labor, the solitary system

congregate system prison system where inmates slept in single cells but were released each day to work as factory or agrarian laborers; inmates also ate and exercised together. The system originated in Auburn, New York and spread throughout the Northeast.

Auburn System a type of prison system that originated in Auburn, New York (*see* congregate system).

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was hailed in Europe as a more pure implementation of the penitentiary ideal and became the dominant form of the penitentiary.

Women and Minorities in the Penitentiary

For the most part, women and blacks were excluded from the alleged benefits of the penitentiary. The penitentiary was considered a noble experiment in human reform; women and minorities were considered barely human—most blacks at this time were slaves, most women confined to subservient domestic roles—hence these groups were not considered fit candidates for the penitentiary's rehabilitative regime (Dodge 2002). Few women were sentenced to penitentiaries. Even fewer were exposed to the penitentiary regime.

Those who were confined to penitentiaries were warehoused, relegated to remote institutional settings such as attics, where they were often unsupervised and vulnerable to abuse (Rafter 1990, xxvi). In these barren environments, women were allowed to mingle and contaminate one another in the time-honored tradition of neglect characteristic of prisons before the advent of the penitentiary.

The early penitentiaries held few African-Americans because most were essentially incarcerated on slave plantations. Exact figures are unavailable because the early prison census figures did not even include a category for blacks (Cahalan 1979). Beaumont and de Tocqueville (1833/1964, 61) noted, that "in those states in which there exists one negro to thirty whites, the prisons contain one negro to four white persons." These prisoners were typically housed in regular, mass-confinement prisons, which made no effort at reforming prisoners and served merely to warehouse them until release. Other minorities such as immigrants were abundant in the penitentiaries, as made clear in Coffey's quote on page 23.

Paradoxically, the case can be made that women and African-Americans were inadvertently spared the considerable indignities of the penitentiary. Putting rhetoric and intention to one side, penitentiaries offered, at best, only a deceptive facade of humanity. Pain, both physical and psychological, was a central feature of the penitentiary regime. Penitentiary prisoners often went hungry; firsthand accounts report prisoners begging for food from the prison kitchen and being punished for their temerity (Johnson 2002). Diseases ran rampant among poorly nourished prisoners. Even for the healthy and well fed, life in the penitentiary was lonely and depressing and left no room whatsoever for adult autonomy. There was also the crucible of fear; from the outset, penitentiaries were maintained by the threat and practice of violence. Strict rules were routinely enforced with strict punishments, including whippings and confinement to dark cells for weeks on end. Looked at from the inside, as seen by the prisoners and not the reformers, the penitentiary was a profoundly inhumane institution.

Penitentiaries were born in a period of optimism about the prospects of reforming criminals. They reflected the **Enlightenment** faith that people entered the world as "blank slates" on which environments, including reformative prison environments, would trace individual characters. This optimism persisted for decades, even as experience proved these institutions to be unworkable. Indeed, from early on, there was evidence that penitentiaries brutalized their charges. Gradually, in the face of continuing failure, faith in the penitentiary waned.

Enlightenment time period in the 1700s when there was an explosion of art, philosophy, and science in Europe. Great thinkers such as Rousseau, Hobbes, and Locke made astute observations of the society around them, as well as the nature of human beings.

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The Reformatory Era

The men's **reformatory movement**, best exemplified in the famous Elmira Reformatory, dating from 1870, kept a version of the reform-oriented prison alive after the passing of the penitentiary as a setting of reform. But this was true only for young men and only briefly, in the context of some 20 institutions developed and devoted to the discipline and rehabilitation of wayward young men (**Figure 2-1**). The reformatory movement thrived on gender stereotypes. For men, military drills formed a key feature of the reformatory regime, which sought to produce disciplined "Christian gentlemen" (Pisciotta 1983, 1994); for women, as we will see, domestic pursuits were at the heart of the reformatory regime, which in this instance sought to produce "Christian gentlewomen." The men's reformatory as a prison type proved to be a brutal, punitive penal institution, an exercise in "benevolent repression" very much like the penitentiary and no more likely to reform its inhabitants (Pisciotta 1994).

reformatory movement time period in the late 1800s when new institutions called reformatories were opened. They had a stronger emphasis on reform and targeted younger offenders.

Women's Reformatories

A notable departure from the masculine model of imprisonment for women was the reformatory. The **women's reformatory movement**, analyzed with great insight by Rafter (1990) and Freedman (1981), lasted from roughly 1860 to 1935 and produced approximately 21 institutions. Reformatories, modeled on home or domestic environments, were an explicit rejection of the male custodial model of imprisonment. These facilities were not surrounded by walls; their comparatively congenial architecture "expressed their founders' belief that women, because more tractable, required fewer constraints than men," and indeed could be housed in "cottages" featuring "motherly matrons" and a familial atmosphere rather than in traditional cell blocks run by guards. (Rafter, xxvii–xxviii).

women's reformatory movement time period in the late 1800s and early 1900s when women's reformatories were built.

The philosophy of reform that guided women's reformatories, again rejecting the male model, was premised on domestic training with an emphasis on cooking, cleaning, and waiting tables. When paroled, the women were sent to respectable families where they would work as domestic servants. Men's prisons sought to impart a tough manliness, whereas woman's reformatories preached female gentility featuring sexual restraint and domesticity. "When women were disciplined," notes Rafter (1990, xxviii), "they might be scolded and sent, like children, to their 'rooms.' Indeed, the entire regimen was designed to induce a childlike submissiveness."

Figure 2-1 Scene from a Young Men's Reformatory: Close accommodations.

Perhaps the most distinctive feature of women's reformatories was their "emphasis on propriety and decorum—on preparing women to lead the 'true good womanly life.'" Rafter draws attention to "the Thursday evening exercise and entertainment" offered at the Detroit House of Shelter in the early 1870s.

> *On this evening the whole family dress in their neatest and best attire. All assemble in our*

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> *parlor . . . and enjoy themselves in conversation and needlework, awaiting the friend who week by week on Thursday evening, never failing, comes at half past seven o'clock to read aloud an hour of entertaining stories and poetry carefully selected and explained. After exchange of salutations between the "young ladies" and madam the visitor, and after the reading, tea and simple refreshments are served in form and manner the same as in refined society (quoted in Rafter 1990, 27).*

Here we see what became "the hallmarks of the reformatory program: replication of the rituals of genteel society, faith in the reforming power of middle-class role models, and insistence that inmates behave like ladies" (Rafter 1990, 27). One found nothing of the sort in institutions for boys or men; as noted above, the men's reformatories were modeled on the military, not on the home.

Indeed, women from custodial institutions might well have found the domestic reformatory regime unappealing. One group of female felons, ostensibly saved from a corrupt institution for men, was reportedly angry at their new circumstances. These offenders clearly preferred the old, custodial regime, where they could trade sex for such privileges as alcohol and tobacco, to the new reformatory program, with its genteel tea parties and ladylike sociability (Rafter 1990, 32).

Women's reformatories were designed for young, minor offenders, especially those whose behavior contravened strict standards of sexual propriety (Rafter 1990). The prototypical reformatory inmate would be a young white girl of working-class background; her crime might entail little more than sexual autonomy, though this would be viewed as the earmark of prostitution. Black girls, even those convicted of minor offenses, would be routinely shunted off to custodial prisons, including the brutal custodial **plantation prisons** of the South, on the racist grounds that they were not as morally developed as white girls. As with the original penitentiaries—described by Rothman (1971/1990) as geared to reclaim "the good boy gone bad, the amateur in the trade"—reformatories were meant for novices in crime whose characters were presumed ripe for redemption. The object in both cases was to save those deemed valuable enough to warrant an investment of resources, not to reclaim hardened and essentially worthless criminals.

plantation prisons prisons in the south that were agrarian rather than industrial and utilized convict labor in the same way that earlier plantations had utilized slave labor.

Significantly, black women, who "often constituted larger proportions within female state prisoner populations than did black men within male prisoner groups" (Rafter 1990, 141), were essentially excluded from the women's reformatory movement. They were seen by reformers as too much like men to be fully adapted to the domestic model that formed the foundation of the women's reformatory. Black female offenders were sent to custodial prisons, including plantation prisons, in large numbers. In these settings, African-American women were often treated as brutally as their male contemporaries.

With the demise of the reformatory movement, reformatory institutions became filled with common felons and returned, in varying degrees, to the (male) custodial model of imprisonment. It should be noted that custodial institutions for women "were more numerous [than reformatories] even after the reformatory movement had come to fruition" (Rafter 1990, 83). These custodial insti-

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tutions for women, much like those for men, "were hardly touched by the reformatory movement. They continued along lines laid down in the early 19th century, slowly growing and in some cases developing into fully separate prisons" (Rafter 1990, 83; also see Dodge 2002). Certainly it is the custodial prison, including its slave-plantation variant, which has been the main prison reserved for minorities, both men and women.

Rhetoric and the Reformatory

The rhetoric of the men's reformatory, promising differential classification and treatment but delivering heavy-handed control, had no discernible impact on the main lines of evolution followed by prisons for men (Johnson 2002). Prisons that opened at the turn of the 20th century reflected the demise of the penitentiary and reformatory. They were seen as **industrial prisons**, in which inmates labored to defray operating costs and to fill idle time; little or no attention was given to the notion of personal reform. In effect, these "fallen penitentiaries" were settings of purposeless, gratuitous pain; increasingly, they were filled with devalued minorities, mostly African-Americans. These prisons simply carried on the custodial warehousing agenda of the earliest prisons in a disciplined and regimented fashion. With the demise of prison labor in the early decades of the 20th century—due primarily to resistance from organized labor—even the industrial prison passed from the prison scene. In its wake came the "Big House," in many ways the quintessential 20th-century prison.

industrial prisons refers to the factory-like prisons of the North in the late 1800s and early 1900s.

The "Big House"

Maximum-security prisons throughout the first half of the twentieth century were colloquially known as **Big Houses** **(Figures 2-2A, B)**. If one were to think of prisons as having lines of descent, one would say that the Big House was the pri-

Big Houses author's term for prisons in the early 1900s.

Figures 2-2A, B Classic Big House dining and living arrangement, with clear focus on order and orderliness.

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mary descendant and heir apparent of the penitentiary. In these prisons, a disciplined and often silent routine prevailed; prisoners worked, notably in such empty enterprises as the infamous rock pile, in which ax-wielding men broke rocks for no other reason than to show their submission to the prison authorities. The Big House prison, much like its rock piles, reflected no grand scheme or purpose; neither penance nor profits were sought. Routines were purposely empty. Activities served no purpose other than to maintain order.

The Big House's lineage was not uniform. Many southern states bypassed the penitentiary entirely. The first prisons in Texas, for example, were essentially extensions of the slave plantation (Crouch and Marquart 1989). These plantation prisons were the agrarian equivalent of the industrial prison. The object was disciplined labor of the most servile, backbreaking sort; penance was never given a second thought. From these plantation prisons, the Big Houses of the South emerged, developed primarily to provide discipline and control for inmates incapable, due to age or infirmity, of working the fields and roads of the southern states (see Rafter 1990).

chain gangs prisoners chained together for work projects, such as road work or field work; this form of control was more common in the south than in the northern prisons.

As the name would imply, plantation prisons contained a gross overrepresentation of black prisoners, both men and women. Newly emancipated African-Americans would be incarcerated on the flimsiest pretexts and then put to hard labor in the fields of these prisons, often in **chain gangs**. Shackled groups of prisoners were also deployed to build various public works, notably roads and railroads. Other newly freed slaves would become indebted to white landowners and would be forced to work as peons to pay off debts, or to sign restrictive contracts so that they could obtain food and housing. In these various ways, vast numbers of blacks were subjected to prison or prisonlike work regimes that drew their inspiration from slavery and offered none of the hope, however illusory, associated with the penitentiary (Franklin 1989; Sellin 1976).

Significantly, southern prison chain gangs would include black female prisoners as well as black male prisoners. These black women, though few in number, were subjected to the same harsh regime as the men (Rafter 1990). Work on the chain gang and at hard field labor was generally reserved for blacks and much less often meted out to whites. Comparatively few white men, and virtually no white women, were exposed to these brutal work regimes.

Parallels between slavery and prison can be striking. Thus, southern chain gangs drew on a heritage that spanned both the original slave plantations and the lockstep march of penitentiary discipline, as revealed in first-person accounts of this brutal institution.

> *Just as day was breaking in the east we commenced our endless heartbreaking toil. We began in mechanical unison and kept at it in rhythmical cadence until sundown—fifteen and a half hours of steady toil—as regular as the ticking of a clock (Burns, a prisoner, quoted in Franklin 1989, 164–165).*

Burns, the prisoner quoted above, wrote his account of the chain gang in the 1930s. For him, the German army's goose step was the apparent inspiration for the disciplined character of the chain-gang work routine. Clearly, however, American prison officials were not borrowing from German army discipline; the

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lineage of this disciplined labor would be in the penitentiary lockstep, which in turn was a particular adaptation of factory discipline to the prison context (Johnson 2002). Significantly, the labor routine Burns described was unchanged from plantation-prison practices dating from the mid- to late 1800s. These practices, in turn, were rooted in slave-labor practices dating from the early 1800s, the time of the first penitentiaries. It was at this point, at the birth of the penitentiary between 1800 and 1820, that southern plantations first became formal business institutions marked by rigid discipline rather than family farming operations marked by more or less informal relations between keepers and kept (Franklin 1989). Ironically, then, the penitentiary, which originated in the North, may have found its first expression in the South in big-business plantations. Only later were facets of the penitentiary expressed in plantation prisons and custodial prisons, never reaching fruition on its own in any of the southern states.

The historical lineage of the Big House is a mixed one. Yet one can fairly conclude that the Big Houses of northern states were more than gutted penitentiaries, and the Big Houses of the South were not merely adjuncts to ersatz slave plantations. The Big House, wherever it was found, was a step forward, however modest and faltering, in the evolution of prisons. Humanitarian reforms helped to shape its inner world, though these had to do with reducing deprivations and discomforts rather than establishing a larger agenda or purpose. Thus, whereas the penitentiary offered a life essentially devoid of comfort or even distraction, the Big House routine was the culmination of a series of humanitarian milestones that made these prisons more accommodating.

The first such advance was the introduction of tobacco, which was greeted by the prisoners with great relief. Officials report, without a hint of irony, that a calm settled over the penitentiary once the "soothing syrup" of tobacco was given to the formerly irritable and rambunctious prisoners. The second reform milestone was the abolition of **corporal punishment**. In Sing Sing, a fairly typical prison of its day, corporal punishment was abolished in 1871. Prior to that time, upward of 60 percent of the prisoners would be subjected to the whip on an annual basis. Other prisons retained the practice of corporal punishment, but among prisons outside the South, whippings and other physical sanctions became an underground, unauthorized activity by the turn of the 20th century. Tragically, regimes of corporal punishment, official and unofficial, remained in place in some southern prisons for much of the 20th century (see Johnson 2002).

corporal punishment pain or punishment inflicted "to the body"; in other words, physical punishment.

The emergence of significant internal freedoms is the third and final reform milestone that paved the way for the Big House. These freedoms came in the wake of the **lockstep march**, which was abolished in Sing Sing in 1900. The daily humiliations of constrained movement implied in this shameful march soon gave way to freedom of movement in the recreation yard, first on Sundays (beginning in Sing Sing in 1912), and then, gradually over the early decades of the 20th century, each day of the week.

lockstep march a way of moving prisoners whereby each individual had to put their hand on the opposite shoulder of the person in front of them; their feet may or may not have been chained.

There is no doubt that the Big House was more humane than the penitentiary, but similarities between these institutions are apparent. As in the penitentiary, order in the Big House was the result of threats and force, including, in the early decades of this century, clubs and guns, which line officers carried as they went about their duties. As in the penitentiaries, rules of silence prevailed in the Big

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House. Silence was both a cause and a consequence of order in the Big House and was a profound symbol of the authority of the keepers. This silence was, in the words of Lewis Lawes (1932, 34), a famous prison warden of the day, "the hush of repression."

Though the Big House was more comfortable than the penitentiary, prisoners of the Big House led spartan lives. Cells were cramped and barren; possessions were limited to bare essentials. Food was generally in good supply but was utterly uninspiring, and was, in the eyes of the prisoners, fuel for reluctant bodies and nothing more. If the dominant theme of the penitentiary was terror, the dominant theme of the Big House was boredom bred by an endlessly monotonous routine. "Every minute of the day," said Victor Nelson, a prisoner, "all the year round, the most dominant tone is one of monotony" (Nelson 1936, 15). In the extreme, the Big House could be described as a world populated by people seemingly more dead than alive, shuffling where they had once marched, heading nowhere slowly, for there was nothing of any consequence for them to do. In Nelson's words, "All about me was living death: anemic bodies, starved souls, hatred and misery: a world of wants and wishes, hungers and lusts" (Nelson, 4). In the Big House, as in the penitentiary, the prison was a world circumscribed by human suffering.

Big House prisons contained an overrepresentation of minorities, though no accounts seem to exist describing the distinctive experience and adjustment of minority prisoners in these highly structured milieus. Certainly Big House prisons, like the larger society, were racially segregated—by policy in the early years, and later by custom. Ethnic segregation of a voluntary sort was no doubt quite extreme, just as it was—and to some degree still is—in and out of prison (Carroll 1988). Early sociological discussions of northern prisons proceeded as if African-American prisoners did not exist at all within Big House walls, though, of course, that is entirely untrue. Minority prisoners, invisible to white social scientists and even to white convicts, must have formed a world of their own, apart from that of white prisoners and white officials. Fictional accounts, written by black convicts, suggest that black inmates of Big House prisons led a more materially impoverished life than their white contemporaries.

In one story, a white prisoner stumbles on an enclave of black prisoners far from the main prison living area in an area labeled "Black Bottom." In the story, it is as if the black prisoners were buried within the prison, residing at its bottom, left to suffer greatly in isolation from the larger white prison society (Himes 1934). In the typical Big House, it is white prisoners who rise to positions of considerable influence and even comfort due to their connections with the white power structure; few, if any, blacks have such an opportunity. Accounts from southern prisons, which during this era were of the plantation type, suggests that the harshest and most restrictive conditions within these prisons, particularly relating to labor, were reserved for blacks.

Big House prisons existed for women as well as for men. The origins of Big House prisons for women, like those of their male counterparts, can be traced to the penitentiary. As the numbers of female penitentiary prisoners grew, separate units within men's penitentiaries were developed for women. Eventually, these units were moved off the men's prison grounds to become completely sep-

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arate and autonomous institutions. Most of these new separate institutions for women were run on a custodial model, which Rafter (1990) convincingly argues is an inherently masculine model of imprisonment. Confinement in custodial regimes was hard on the women, who were uniquely vulnerable in such settings. "Probably lonelier and certainly more vulnerable to sexual exploitation, easier to ignore because so few in number, and viewed with distaste by prison officials, women in custodial units were treated as the dregs of the state prisoner population" (Rafter, 21).

Accounts by inmates of women's custodial prisons highlight the diversity of populations within these institutions (similar to the diversity within men's prisons). This 1930 description of entry into a women's prison offers a glimpse of a motley and diverse crew of women—petty thieves, addicts, prostitutes of varying ages and nationalities, young and old, diseased and healthy. When they meet the warden, he promptly proceeds to fondle the women as a part of their orientation to the regime, warning them that those who do not submit to their superiors will be punished:

> *"The first law of this prison," he continued, putting his hand on my shoulder, and gradually running it down my side, a smirk of sensual pleasure playing upon his leather-like countenance ". . . is to obey at all times . . . to obey your superiors . . . to fit in to your surroundings without fault-finding or complaint. . . ." His hand had now progressed below my skirt, and he was pressing and patting my naked thigh. . . . "because unruly prisoners are not wanted here and they are apt to get into trouble. . . ." (quoted in Franklin 1989, 171–172).*

Sexual abuse was disturbingly common in custodial prisons run by men. Women might well be molested at intake, as in the preceding excerpt, then later raped in their cells by their male keepers. On other occasions, guards would make sport of their sexual encounters with their female captives (see, for example, Anonymous 1871). The impression one gains from this literature is that the women relegated to custodial institutions, from the penitentiary onward, had little or no choice but to submit to the predations of their keepers. In the harsh assessment of a 19th-century observer, criminal women were "if possible, more depraved than the men; they have less reason, more passion and no shame. Collected generally from the vitiated sewer of venality, they are schooled in its depravity, and practiced in its impudence" (Coffey 1823, 61). Many early 20th-century observers shared Coffey's views, at least through the period when men ran custodial prisons for women, and female offenders were routinely called "whores and thieves of the worst kind" (see Dodge 2002). As outright moral pariahs, female offenders in these prisons were presumed to be spoiled goods, there for the taking by their male keepers.

The Correctional Institution

The **correctional institution** emerged gradually from the Big House, with the first stirrings of this new prison type manifesting themselves in the 1940s and 1950s.

correctional institution author's term for prisons in the 1940s and 1950s.

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In correctional institutions, harsh discipline and repression by officials became less-salient features of prison life. The differences between Big Houses and correctional institutions were real: daily regimes at correctional institutions were typically more relaxed and accommodating. But the benefits of correctional institutions are easily exaggerated. The main differences between Big Houses and correctional institutions are of degree rather than kind. Correctional institutions did not correct. Nor did they abolish the pains of imprisonment. They were fundamentally more-tolerable human warehouses than the Big Houses they supplanted, less a departure than a toned-down imitation. Often, correctional institutions occupied the same physical plants as the Big Houses. Indeed, one might classify most of these prisons as Big Houses "gone soft."

Correctional institutions were marked by a less intrusive discipline than that found at the Big Houses. They offered more yard and recreational privileges; more-liberal mail and visitation policies; more amenities, including an occasional movie or concert; and more educational, vocational, and therapeutic programs, though these various remedial efforts seemed to be thrown in as window dressing. These changes made life in prison less oppressive. Even so, prisoners spent most of their time in their cells or engaged in some type of menial work. They soon discovered that free time could be "dead" time; like prisoners of the Big Houses before them, prisoners in correctional institutions often milled about the yard with nothing constructive to do. Boredom prevailed, though it was not the crushing boredom born of regimentation as in the Big House. Gradually, considerable resentment developed: officials had promised programs but had not delivered them. The difficulty was that officials, however well intended they might have been, simply did not know how to conduct a correctional enterprise. Nor did they have the resources or staff to make a serious attempt at that task. The correctional institution promised to transform people—a claim reminiscent of the penitentiaries—but mostly these institutions simply left prisoners more or less unchanged.

In the 1950s, Trenton State Prison in New Jersey was a fairly typical correctional institution for men, merging the disciplined and oppressive climate of the Big House with a smattering of educational, vocational, and treatment programs. Gresham Sykes's classic study *The Society of Captives* (1958/1966) describes Trenton State Prison. Significantly, Sykes describes the dominant reality at Trenton as one of pain. "The inmates are agreed," he emphasized, "that life in the maximum security prison is depriving or frustrating in the extreme" (Sykes 1958/1966, 63). To survive, the prisoner turned not to programs or officials but to peers. In essence, Sykes concluded that the prisoners must reject the larger society and embrace the society of captives if they were to survive psychologically. The prison society, however, promoted an exploitative view of the world. Weaker inmates were fair game for the strong. At best, prisoners "do their own time," to use an old prison phrase, and leave others to their predations, turning a deaf ear to the cries of victims.

Trenton State contained a substantial overrepresentation of minority offenders, no doubt a source of some conflict in the prison community. This salient fact is mentioned only in passing by Sykes (1958/1966, 81), who observes, "The inmate population is shot through with a variety of ethnic and social cleavages"

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that kept prisoners from acting in concert or maintaining a high degree of solidarity. Similarly, Irwin (1970) makes clear that during the 1950s, Soledad Prison, also a correctional institution, was populated largely by groups called **tips**, or cliques, that were defined largely in racial and ethnic terms. Conflict simmered below the surface of daily life, erupting only occasionally, suppressed in large measure out of a vain hope that all inmates might benefit from correctional programs. In fact, however, treatment and the prospect of mature interpersonal relations were, at best, a footnote to the Darwinian ebb and flow of daily life in the prison yard of the correctional institution. The violence would come later, after the demise of the correctional institution.

Tips prison slang for small groups or cliques of prisoners.

Life in Trenton State Prison was grim. The plain fact is that prisons—whether they are meant to house men, women, or adolescents—are built for punishment, and hence are meant to be painful. The theme of punishment is nowhere more evident than in the massive walls that keep prisoners both out of sight and out of circulation. Many of our contemporary prisons are built without those imposing gray walls, though these institutions usually feature barbed wire that, ironically, is often a shade of gray. Almost all prisons feature a dull gray or other drab-colored interior environment. Colorful prisons—so-called **pastel prisons**, some built to resemble college dormitories—are few in number and are reserved for prisoners judged to pose little threat to one another, to staff, or to the public.

Pastel prisons refers to prison architecture that softens the custodial aspects of the institution.

To the extent that such pastel prisons exist, they are likely to be reserved for women (Rafter 1990). Women's penal institutions more often resemble college campuses than prison compounds. Dorm rooms often replace cells; it is not uncommon to find vases of flowers in the rooms of confined female felons. Yet the ostensible comforts of women's prisons are belied by the custodial realities of daily life in these institutions, which are experienced by their inhabitants as prisons that, at best, offer too many rules and too few program opportunities. Those programs that exist, moreover, still follow stereotypical gender lines, focusing on domestic skills rather than job skills. The continuing theme is one of sexism and neglect.

Contemporary Prisons

Most of today's prisons are still formally known as correctional institutions, but this label can be misleading. One problem has been that, with the passing of the disciplined and repressive routines of penitentiaries and Big Houses, today's prisons are marked by more inmate violence than at any other time since the advent of the penitentiary. This is most apparent in men's prisons. Prison uprisings, including such debacles as the infamous Attica and Santa Fe prison riots, occur with disturbing regularity. So, too, is inmate-on-inmate and inmate-on-staff violence more common today than was the case in earlier prisons (see generally Johnson 2002). While some staff members still abuse inmates, this grossly unprofessional behavior is considerably less in evidence in today's prisons than in earlier prisons, where staff-on-inmate violence was a routine feature of daily life.

Racial and ethnic imbalances, little-noted facts of prison history, are today more pronounced than ever, and often give rise to inmate-on-inmate violence,

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again particularly in men's prisons. Beginning in the correctional institution, when discontent with failed programs often followed racial lines, race forms perhaps the key fault line in today's prison community (Johnson l976; Jacobs 1977; Carroll 1988; and McCall 1995). Prisons are balkanized along racial and ethnic lines; groups and gangs defined in terms of race and ethnicity are increasingly central sources of violence in today's prisons. It is only in the contemporary prison, dating from roughly 1965, in which a black prisoner might say with confidence, "I was in jail, the one place in America that black men rule" (McCall, 149). It is, to be sure, an exaggeration to say that African-American men rule today's prisons, but minority groups—African-American, Latin American, and Native American—wield disproportionate power behind bars. Too often, that power is used to dominate and abuse whites, the despised minority group in many men's prisons. Racial and ethnic relations have been and remain more pacific in women's prisons, though anecdotal evidence from practitioners suggests that racial tensions may be rising in some women's prisons.

Over the past two or three decades, a fair number of American prisons for men have seemed out of control, with inmate violence reaching frightening proportions. Some evidence suggests that the worst of today's prison violence may be a thing of the past. The statistical trend in prisoner assaults and killings is down, at least over the past five years or so. This suggests that nonviolent accommodations are finally being worked out in our prisons, within and perhaps between inmate groups and the officials who run the prison (Johnson 2002).

The evolution of women's prisons has shown a more marked change in recent decades. Women's correctional institutions often had a relaxed climate, sometimes set in a campuslike environment. Niantic Prison in Connecticut is a case in point. During the correctional era, one correctional officer observed, "It was nice and cozy then, every inmate had her own room. She knew everybody's name and the names of her kids, boyfriends, husband, mother, father, brothers, sisters, and friends" (Rierden l997, 2). In the correctional era, this officer "spent most of her time with a handful of inmates trying to decide whether to take them fishing or to sit with one of them and have a nice long chat" (Rierden, 2–3).

Those days are gone in Niantic—and indeed, in most, if not all, women's prisons. With the War on Drugs and the explosion of prison populations—an explosion that hit women's prisons especially hard—Niantic gradually became a "repository more than a reformatory," holding inmates with a daunting array of medical and social problems (Rierden l997, 3). In the wake of the transition from a correctional setting to a setting of containment, the culture of the institution changed. Discipline problems became rampant. "Everybody's getting on everybody's nerves. There are more drugs, more assaults, and now AIDS and gangs" (Rierden, 13). Niantic was described as "a once snug little town steeped in tradition and culture that had been forced to undergo urbanization" (Rierden).

Rierden (1997) documents serious emerging problems at Niantic, but the worst was yet to come. In a few short years, a huge concrete-and-steel "confinement model" prison was built in the middle of the prison grounds. This new institution, called the York Correctional Institution, named, with some irony, after a warden known for her commitment to rehabilitation, is modeled on high-security men's prisons.

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> *Each living unit was a replica of the next and each cell conformed to a standard intolerant of deviation. Unlike "old" Niantic, where inmates could add their own small touches—a crocheted pillow, an embroidered picture frame—expressions of individuality were now taboo. All personal clothing was surrendered, replaced by inmate uniforms. Inmates were now addressed by their last names only (Griffith, in Lamb 2003, 342)*

Entry into this institution is accompanied by a ritual sexual humiliation reminiscent of women's prisons of the Big house era, as seen in this description provided by a York prisoner:

> *"Take everything off," she ordered.*
>
> *"Even my bra and panties?"*
>
> *"What did I just say, you stupid bitch?"*
>
> *I undressed and stood naked before her.*
>
> *"Now, turn around, bend over, spread your butt cheeks, and cough."*
>
> *There I stood, a woman who had been too inhibited to appear naked before her husband unless it was in the dark, now facing this hostile stranger under the glare of fluorescent lights. Ashamed, I obeyed her because I had no choice.*
>
> *"Okay," she said. "Now hold out your hands, palms up." She poured a thick yellow liquid into my cupped hands. "Rub this stuff in your pubic hair and the hair on your head," she commanded (Adams, in Lamb 2003, 71).*

The repressive regime at York, moreover, came to influence the social climate at the other units within Niantic, units called cottages and long run as low-security dorms. "Now *all* inmates lived under tightly enforced maximum-security regulations. Many of the small, incentive-building privileges and humanizing gestures extended to low-risk inmates were surrendered during this transition" (Griffith, in Lamb 2003, 343). As so often has happened in institutions for men, the regime developed to contain and constrain the worst offenders has been extended to affect the daily lives of all prisoners, creating tensions and resentments that often have a pernicious influence on daily life. We are told that programs still abound at Niantic, and even at the York facility, but it is not clear how well these programs have survived the substantial regime changes that have taken place at these institutions.

Conclusions

George Bernard Shaw once described the prison as "a horrible accidental growth" that was made worse, rather than better, by reform efforts. (Shaw 1946, 104) There is some truth in this observation, but it is nevertheless the case that, in some important respects, conditions in today's prisons are notably better than was the case

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in earlier prisons. Prisons can never be returned to the days when officials ruled with an iron hand and prisoners marched, silently docile, at the command of their keepers. These regimes were themselves acts of violence, and no doubt inflicted harms in excess of today's penal institutions. It is widely recognized that prisoners today are no longer slaves of the state to be worked at will, often to the point of injury or death. Prisoners, no matter how serious their crimes, retain basic civil and human rights that were unheard of in earlier prisons. Accordingly, arbitrary or violent disciplinary practices are, with regrettable exceptions, relics of a long-dead correctional past. Similarly, involuntary treatment programs, chosen for inmates by experts, are also a thing of the past.

We know more about prison life and prison reform than ever before, and we can point to successes on a number of discrete fronts (Lin 2000; Johnson 2002). And even where the prison fails inmates, sometimes inmates find a way to change for the better. As one African-American female inmate told Paula Johnson, "Prison—now, you might think this is crazy—but prison has brought out the best in me. It has brought out the best in me, because it makes me resourceful" (Johnson 2003, 63). In the words of another woman studied by Johnson, "Prison has made me a better woman." Explaining, she observed:

> *I could have been this bigoted person. I was bigoted when I first came. I didn't want them telling me nothing. If they said something to me, I had something to say back. I wanted to have the last word. What I learned is that this is not what this is about here. They didn't put me here. They are only here for care, custody, and control. . . . The place doesn't make you or break you. You make or break yourself, depending on how you live with yourself (Johnson 2003, 105–106).*

Growth through adversity is a central component of change in prison, we believe. Yet too often our prisons squander human potential for growth and change because they are overcrowded and underfunded. Our penal institutions house, more than at any other time in prison history, excessive numbers of minorities, mostly African-Americans and Latin Americans. Incarceration of women is growing at an alarming rate, considerably above that of men; again, this is particularly true for women of color (Johnson 2003). We are, moreover, experiencing a minor rebirth of the worst excesses of Big House discipline in the form of supermax prisons. Though few in number, these brutal institutions—maximizing control, minimizing autonomy—are on the rise and may inadvertently serve as models for prisons meant to be run at lower levels of security.

Two reform strategies suggest themselves. On the one hand, we can work to implement management strategies that accommodate the legitimate human needs of our captive criminals at reasonable levels of security. On the other, we can work to reduce policies that promote the overuse of prisons, particularly among minorities. Social justice—at a minimum, color-blind use of imprisonment—is a necessary if not sufficient condition of prison reform. History teaches us that, in the absence of conscious, explicit, and continuing efforts at reform, our prisons all too readily degenerate into warehouses for our least valued and most vulnerable fellow citizens.

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KEY TERMS

Auburn System—a type of prison system that originated in Auburn, New York (*see* congregate system).

Big Houses—author's term for prisons in the early 1900s.

chain gangs—prisoners chained together for work projects, such as road work or field work; this form of control was more common in the South than in the northern prisons.

congregate system—prison system where inmates slept in single cells but were released each day to work as factory or agrarian laborers; inmates also ate and exercised together. This system originated in Auburn, New York and spread throughout the northeast.

corporal punishment—pain or punishment inflicted "to the body"; in other words, physical punishment.

correctional institution—author's term for prisons in the 1940s and 1950s.

Enlightenment—time period in the 1700s when there was an explosion of art, philosophy, and science in Europe. Great thinkers such as Rousseau, Hobbes, and Locke made astute observations of the society around them, as well as the nature of human beings.

industrial prisons—refers to the factory-like prisons of the North in the late 1800s and early 1900s.

Jacksonian era—time period of 1829–1837, marked by the presidency of Andrew Jackson, rising industrialism, a shift from agrarian to industrial economics, and a growing division between the North and the South.

lockstep march—a way of moving prisoners whereby each individual had to put their hand on the opposite shoulder of the person in front of them; their feet may or may not have been chained.

Pastel prison—refers to prison architecture that softens the custodial aspects of the institution.

penitentiary—institution designed for offenders to meditate upon their crimes and, through penitence, achieve absolution and redemption.

Pennsylvania System—another term for the separate system since the system was created and implemented in the Walnut Street Jail and, later, in the Eastern Penitentiary, in Pennsylvania (*see* separate system).

plantation prisons—prisons in the South that were agrarian rather than industrial and utilized convict labor in the same way that earlier plantations had utilized slave labor.

reformatory movement—time period in the late 1800s when new institutions called reformatories were opened. They had a stronger emphasis on reform and targeted younger offenders.

separate system—prison system whereby inmates had separate cells and never interacted with other inmates or outsiders during the prison sentence (*see* Walnut Street Jail).

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tips—prison slang for small groups or cliques of prisoners.

Walnut Street Jail—the first institution that followed penitentiary ideals; i.e., single cells, individual handcrafts, isolation from temptation, classification of prisoners, a mission of reform rather than simple punishment. Quakers were instrumental in the design and implementation of the facility, originating in Philadelphia in 1790.

women's reformatory movement—time period in the late 1800s and early 1900s when women's reformatories were built.

REVIEW QUESTIONS

1. What was the purpose of the penitentiary? Distinguish the *separate system* from the *congregate system*.
2. How did the *congregate system* come to dominate American corrections?
3. How was reform conceptualized during the reformatory era, and how did it differ for men and women?
4. What is the *custodial model*?
5. Describe the original prototype of the reformatory inmate, and discuss how it differs from today's prototype.
6. List three reform milestones that paved the way for the Big House.
7. Describe some of the similarities between the penitentiary and the Big House.
8. When did the correctional institution emerge, and how did it differ from the Big House?
9. Are contemporary corrections more humane than early penitentiaries?
10. List three parallels between slavery and today's prisons.
11. How did race relations among inmates evolve through time?

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