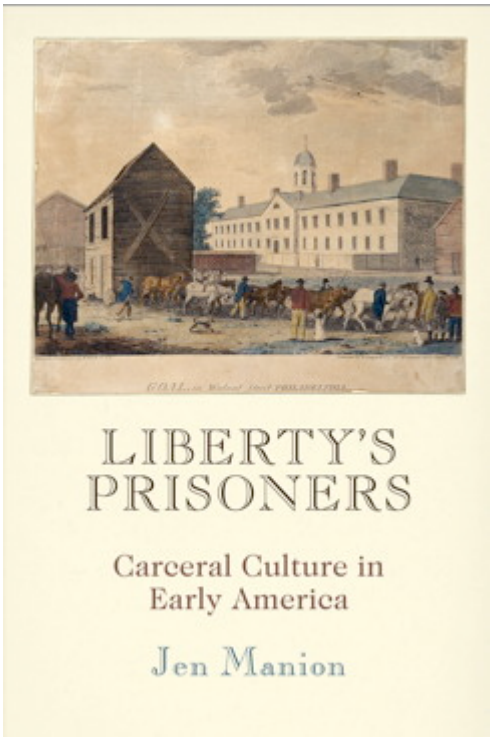
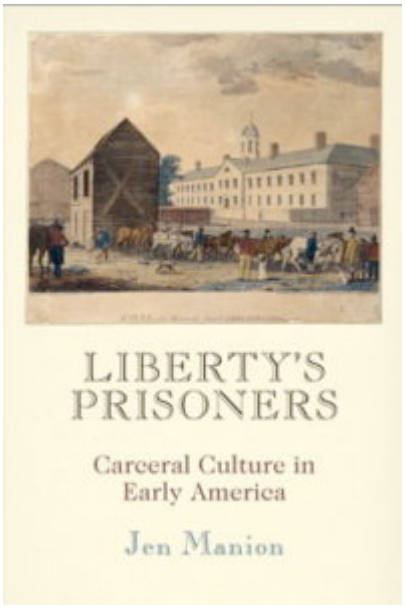
‘Born of Failure:’ Gender, Class, and the Early American Prison





Jen Manion, *Liberty’s Prisoners: Carceral Culture in Early America*. Philadelphia: University of Pennsylvania Press, 2015. 296 pp., $45.

Jen Manion’s incisive and multi-layered new study places gender, race, and sexuality at the center of the revolution in punishment that took place in the early American republic. Manion focuses primarily on Philadelphia and the Walnut Street Prison, but utilizes sources from the rest of Pennsylvania as well as other penal institutions to adeptly narrate a “transformation” in the

penal system that occurred between the 1790s and 1830s and resulted in long-lasting consequences. As Manion demonstrates, this shift in the function of punishment from a "public spectacle" to "a private one" was accomplished by transforming punishment into a vehicle for social control, particularly as it could be employed against the disorderly classes: the poor, the immoral, and the irregular (5). The book's approach to documenting cultural experiences of crime, punishment, and incarceration allows the profound "corporal" and "spiritual" meanings behind these contexts to take center stage (5). At its core, *Liberty's Prisoners* demonstrates convincingly that "ideas about race, gender, and sexuality … were central, driving forces in the transformation of punishment" (5). The book advances the argument that women involved in both crime and punishment can be viewed as "public women" who "challenged patriarchal authority and ideals" (85). This facilitates deeper analysis of the dichotomy between public and private that dominated life in early America. For scholars of early national Philadelphia or penal reform, the arc of *Liberty's Prisoners* will be familiar, but Manion complicates that familiarity with a sharp, interrogative eye and archival thoroughness. The book is described as an "intersectional study of crime" but in practice is also an intersectional study of gender, poverty, and class (5).

Firmly situated in the post-revolutionary context, the broad category of labor—as produced by and extracted from workers and prisoners—is of utmost importance in the study's analysis of the social disorder that followed the war. Labor in this period was conjured both as cause for punishment and as punishment itself. This was part of an effort to ensure that the lower classes participated in the labor economy to an extent deemed sufficient by lawmakers and law enforcement, coerced by the looming fear of punishment for vagrancy and punitive incarceration. The power dispute that resulted from this construction led to a dynamic that allowed "poverty and its attendant life circumstances" to "threaten the American experiment more than the British military ever could" (15). One of the ways that authorities attempted to limit the negative impacts of poverty was through regulation and control of the activities of those most deeply affected by it. By punishing the poor and disorderly with incarceration, the newly found "freedom" of the American republic was "mediated through the prison" (27). This had a particularly profound effect on those whom the revolution compelled to claim their own liberty, as myriad laws implemented at the end of the eighteenth and into the early nineteenth century curtailed the movements of runaway enslaved people and servants in an effort to punish and reform their impulse to independence.

Manion argues convincingly that one of the most important consequences of being poor, especially for women and for people of color, was the criminalization of the activities associated with the status of being impoverished. This book tells a compelling story about how subsistence activities—the theft of food, rebellion against abusive owners or employers, and prostitution, to name a few—were viewed by elites and authorities as dangerous, illegal, and immoral and opened the discussion of the criminalization of certain sexualities and sexual activities. Within this framework, the rhetoric of bodily punishment and

reality of biology is central to this text—both in reminders of the physical experiences of prisoners, described by contemporaries as "emaciated with poverty and disease," and in demonstrating how gender and sex were central to assigning criminality as well as punishing it (88). Considerations of sex and sexuality, most threateningly between prisoners, was central to the regulation of inmate populations. Authorities responded to the proclivities of the populace by introducing a series of impediments to sexual activities within prisons, between men and women as well as same-sex involvements. In this way, Manion argues, "sex shape[d] punishment and punishment shaped sex" (164).

At the center of *Liberty's Prisoners* are women who did not fit into the dominant ideology of the republican mother: female thieves, arsonists, prostitutes, and other "criminals." But the narrative also recognizes the impact that the near absence of middle- and upper-class white women from the penal regime had on penal policy and the structure of punishment. This emphasis on women expands the range of sources for the ideas covered in this book, but there is also reliance on separate spheres ideology to explain gendered distinctions in crime, punishment, and charitable reform efforts that occasionally reads as incomplete or perhaps over-simplified. The emphasis on the tension between the public and the private is compelling at all levels. On this subject Manion articulates what many scholars of early American prisons have only begun to address, recognizing the importance of ideology in shaping reformers' efforts while drawing attention to the coexisting gap between experience and ideology.

Liberty's Prisoners acknowledges the important role that sentiment played in shaping reformers' ideas about class distinction, racial categories, and the role of the prison. This assessment adds new dimension to historians' considerations of the ideological impulses motivating reformers. It also further acknowledges the ways in which the prison both reflected the order that was in place outside of it as well as attempted to impose a new, spatially arranged and segregated system on its inhabitants. Racial classification is a prime example of this mirrored order, and Manion notes that while post-revolutionary Philadelphia penal authorities used numerous adjectives to describe people of color, after 1820, a more distinct black/white dichotomy emerged. This shift in terminology affected whites as well, who began to be denoted as white in penal records for the first time. Beyond exploring the shift in racial classification, *Liberty's Prisoners* provides a valuable update to the age-old classification of the deserving and undeserving poor that dominated the reform and punishment apparatus, showing that falling into the latter category was often the specific result of a failure to uphold family life or responsibly participate in the labor force (to the benefit of one's family), rather than a strictly amorphous category of immorality (87).

Perhaps the most important achievement in this text is the key analytical perspective of poverty and imprisonment in early Philadelphia not as a class status and a temporary infringement on liberty but as a circulation throughout the city that infused daily life. There was a constant back-and-forth between

the almshouse and the prison, Manion writes, that functioned essentially as a continuum for the poor and for subsistence criminals. This created a relationship between the two groups, including admixture, as well as intra-institutional links between the two socio-political and built structures. Manion casts prisoners as pushing back against the social death that resulted from the long-lasting effects of punishment and incarceration in early America, the legacy of which, the book's conclusion emphasizes, the nation has not yet undone.

On the subject of policing, the text reads with a sense of twenty-first-century urgency, most potently in the discussion of legislation to prevent the entrance and movement of free blacks in Pennsylvania. Describing prominent artisan and freeman James Forten's view on this proposal, Manion draws out the claim that constables, as a nascent police force, were "already known to have great 'antipathy' toward African Americans and would abuse this legislation to exact vengeance" (142-143). These connections are expanded in the conclusion, where the issue of explicitly disproportionate racial representation in the prison population is afforded paramount importance in the enduring significance of these issues.

Because of the depth of the roots that tied punishment and poverty together, reformers' "minor gestures of humanitarian relief for prisoners" and almshouse and Magdalen inhabitants "helped alleviate any misgivings or guilt … about the larger political and economic forces that oppressed the masses while rewarding the few" (192). In this way, philanthropy, especially conducted privately, did more harm than good for the lower and criminal classes and perpetuated the legacy of social control that originally led to the rise of the prison. *Liberty's Prisoners* achieves its goal of assessing "how a system so fundamentally flawed came to justify not only its very existence but also its rapid expansion" by interrogating the interrelations of poverty and crime in ways that were intensively gendered and racialized (192). The modern penitentiary, as Manion notes, "was born of failure" (190), and by documenting this failure, scholars can begin to undo nineteenth-century reformers' efforts to obscure "the excessive violence in punishment" and thus, "in American nation-building" (86).

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