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INTRODUCTION

Prison and the history of the family

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Prisons are not family-friendly. After Edward Kennedy was sentenced to seven years' transportation by the Dumfries Court of Justiciary in April 1831, he marked the occasion with a memorial to his wife. By the time he arrived in the British penal colony of Van Diemen's Land, his arm was tattooed with the words: 'Catherine my dear you are my own, my heart lies in your breast, although there's many a mile of distant love and strong seas between us Ever Constant & true I will prove, for now & forever more'.¹

The 'strong seas' that lay between convicts transported to Australia and their families were for all intents and purposes insurmountable barriers. The cost of a steerage passage home was £20–30, approximately half of a skilled workingman's annual wage (Breton, 1835). The sentence passed upon Kennedy and other felons lagged overseas may as well have been for life. He had been condemned to a social death.

While those incarcerated locally were not separated from their family on a permanent basis, life inside the institution was markedly different from that of the household. Most prisoners were – and still are – unmarried men. Even when multiple family members were convicted for the same offence, it was unusual for them to be incarcerated within the same institution. This was especially true for those of different sexes. Almost all prisons developed from the early nineteenth century on were segregated by sex. Many took this process further, isolating offenders from each other, enforcing silence, and masking identities through the use of cowls or hoods and the substitution of numbers for family names. Such separate treatment was designed to atomise prisoners, breaking connections with their past by preventing 'the inevitable evils of association' (Mayhew & Binny, 1862, p. 102).

Visits by outsiders were strictly regulated. At Coldbath Fields house of correction in London, prisoners were permitted to see up to two relations or 'respectable friends' for 15 minutes once every three months. An hourglass fixed to the wall counted down the time and no physical contact was permitted – a corridor patrolled by a warder separated prisoner and visitor, ensuring that there was no opportunity for private conversation (Mayhew & Binny, 1862, pp. 296–298).

There were reasons why institutions sought to break ties between offenders and their kin. It was commonly believed that dysfunctional families were the main source of offending, whereas strong parenting was seen as the moral safeguard of society. The notion that crime was hereditary – that criminals begat criminal families – became

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particularly entrenched in the second half of the nineteenth century, following the publication of *Criminal Man* (Lombroso, 1876). Cesare Lombroso populated the pages of this work with examples of career criminals whose parents suffered from biological or psychological abnormalities, which were allegedly responsible for the subsequent offending of their children. Francis Galton even argued that a reduction in reproduction rates amongst career criminals was a benefit of long-term imprisonment (Pearson, 1914, p. 231). Yet, even before this, it was argued that criminals self-organised into crime families. So entrenched was this view that, by the late 1820s, ‘family men’ had become newspaper parlance in the British Isles for networks of professional thieves and burglars. It was the latter, a kind of parody of the family proper, who were held responsible for the bulk of serious offending.²

The penitentiaries constructed in Europe and other settler societies were conceived as devices for clinically dealing with offenders. They sought to integrate the criminal into a new societal order (Meranze, 1996). At Mettray, the French juvenile reformatory that opened its doors in 1840, young delinquents were placed in groups, each under the charge of trustees, who were termed ‘elder brothers’ (Foucault, 1995, p. 293). Other penitentiaries were constructed on a radial pattern, with the quarters for the superintendent and his family at the heart of the building so that all prisoners could see the ideal to which they should aspire (Frost, 2001, p. 83). Such institutional attempts to normalise offenders were necessarily predicated on severing existing ‘abnormal’ familial links.

Those processes drew on more than prison architecture. Inmates were described in extraordinary detail. From the late eighteenth century onwards, prisons started to collect elaborate information on offenders, enabling at least partial reconstructions of an individual’s encounter with the courts over extended periods of time. Men like Edward Kennedy were amongst the first to be given unique identifiers, to have the colour of their eyes, heights, and a description of their scars and tattoos committed to paper.

Until recently, the shame associated with criminal ancestry ensured that few searched through prison and court records for information on relatives who had found themselves in the dock. In Australia, where the shame of having convict forebears was keenly felt, records were, on occasion, mutilated to prevent retrospective outing of the descendants of lagged felons. In the last 30 years or so, things have changed. An online search for the ‘prison and the history of the family’ reveals dozens of links to archives, heritage sites and commercial data providers that might assist family historians to track down criminal ancestors. The detail contained in many judicial and criminal series, combined with flexible search options provided by digital indexing, means that it is now possible to comb hundreds of thousands of prison records without ever crossing the threshold of an archive. As one heritage site recently put it, searching for the ‘black sheep of the family’ might well bring unexpected rewards ([Blacksheep Ancestors](#)).

All prisoners came from a family. Many, despite the disruption caused by imprisonment, went on to form families. The data collected by criminal justice systems in increasing volumes from the late eighteenth century on can be used to reconstruct past families. There are limits to this process. Prisoners are not representative of past populations, but similar forms of selection bias apply to other historical data sets too (Riggs, 1994, p. 64). Those who committed offences were not drawn from some alien species that lived apart from the non-criminal population. There is little evidence that criminals were drawn from a ‘deformed stratification’, or indeed belonged to a ‘lumpen-class’ that lived by crime and crime alone, as was often argued in the nineteenth century (McQueen, 2004, pp. 126–127). There is even less evidence that criminal traits were inherited. Convicted offenders were mostly single working-class men, residing in large

cities. The families that they were drawn from were not representative of families as a whole, although, because of the ‘panoptic’ powers of nineteenth-century criminal justice systems, historians can reconstruct life in the households that criminals were born into in often surprising detail. It is for this reason that historians are making increasing use of prison records (Bradley, Kippen, Maxwell-Stewart, McCalman, & Silcot, 2010; Godfrey, 2011; Horrell, Meredith, & Oxley, 2009; Meinzer, 2015).

There are other warnings. Data quantity is no guide to quality – except that the more information there is, the greater the potential for checking the accuracy and consistency of recording practice over time. Individuals also describe themselves in different ways in different contexts (Morris, 1990, pp. 20–63). Given the circumstances that prisoners found themselves in, they did not necessarily have a vested interest in providing accurate answers, although the threat of punishment might yield a greater consistency in the quality of responses than in other information-gathering exercises. While it would be a mistake to assume that prisoners always lied about their past, it is nevertheless good practice to apply consistency checks to all historical data.

Using data from nineteenth-century prison registers in Quebec and Montreal, Donald Fyson and François Fenchel explore this matter in the current special issue. By aligning registers kept by different institutions, they examine differences in classificatory systems, as well as the considerable variation in the care and attention employed in the measurement of prisoners’ heights. The article highlights the methodological benefits of linking criminal justice records to census and civil registration data. As well as enabling comparative analysis with the records of families that lack an observable history of offending, such techniques provide a means of checking variations in the standard of recording employed inside and outside of nineteenth-century disciplinary institutions.

Barry Godfrey and Lucy Williams use data from north-west England to contrast the reality of intergenerational offending with popular Victorian accounts that blamed juvenile crime on poor parenting practices. In particular, they explore the way in which an emphasis on familial causes of crime facilitated a neglect of wider environmental issues.

Deborah Oxley and David Meredith use nineteenth-century prison administrators’ fascination with the measuring rod and scales to explore the physical condition of recently admitted prison inmates. Employing data from London and Paisley, they piece together a contrasting history of household diets and explore the implications of these differences in consumption habits for life expectancy.

Kris Inwood, Hamish Maxwell-Stewart and Jim Stankovich use descriptions of prisoners discharged in late nineteenth- and early twentieth-century Tasmania to examine the changing conditions confronting colonial families. By linking prison discharge and conviction records to birth registrations, they explore the extent to which the children of convicts transported to the Australian penal colonies benefited from the forcible relocation of their parents.

Finally, Kris Inwood, Les Oxley and Evan Roberts use data from prisons in New Zealand to explore the impact of colonisation on the families of Māori prisoners. Analysing a remarkable 130-year run of prison data, they use variations in the height of indigenous and settler prisoners to chart changes in the early life experience of the two populations.

While, as institutions, prisons have been far from family-friendly, their geographical spread, similarities in surveillance technologies and remarkable eye for detail render them a potentially useful tool for piecing together the history of the family. Collectively, the contributions to this special issue show the contribution of prison records to our understanding of processes like industrialisation and colonisation, and the ways in which

they affected working-class families. We hope that this special issue as a whole goes some way to reversing the gaze of the prison. Rather than using the elaborate surveillance data collected by penal institutions to monitor and control the lives of individual offenders, this collection of articles explores ways in which ‘panoptic’ power can be used to shed light on the environmental circumstances that shaped everyday family life.

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes

1. Archives Office of Tasmania,, Con 31/26 and Con 18/6, Police Number 334, Edward Kennedy, per *Elizabeth*.
2. See, for example, the *Examiner*, 25 November 1827 and the *Morning Chronicle*, 21 June 1830.

References

- Blacksheep Ancestors (http://www.blacksheepancestors.com/uk/parkhurst_page.shtml). Accessed 26 February 2015.
- Bradley, J., Kippen, R., Maxwell-Stewart, H., McCalman, J., & Silcot, S. (2010). Research note: The founders and survivors project. *The History of the Family*, 15, 467–477.
- Breton, W. H. (1835). *Excursions in New South Wales, Western Australia and Van Diemen's Land, 1830, 1831, 1832, and 1833*. By Lieut. Breton, R.N. London: R. Bentley.
- Foucault, M. (1995). *Discipline and punish: The birth of the prison*. New York: Vintage Books.
- Frost, L. (2001). Eliza Churchill tells In L. Frost & H. Maxwell-Stewart (Eds.), *Chain letters: Narrating convict lives* (pp. 79–90). Melbourne: Melbourne University Press.
- Godfrey, B. (2011). Historical and archival research methods. In D. Gadd, S. Karstedt, & S. Mesner (Eds.), *The handbook on criminology research methods* (pp. 159–175). New York: Sage.
- Horrell, S., Meredith, D., & Oxley, D. (2009). Measuring misery: Body mass, ageing and gender inequality in Victorian London. *Explorations in Economic History*, 46, 93–119.
- Lombroso, C. (1876, reprint 2006). *Criminal Man*. Durham, NC: Duke University Press.
- Mayhew, H., & Binny, J. (1862, reprint 2011). *The criminal prisons of London and scenes of prison life*. Cambridge: Cambridge University Press.
- McQueen, H. (2004). *A new Britannia*. St Lucia: Queensland University Press.
- Meinzer, N. (2015). The Western Australian convicts. *Australian Economic History Review*, 55(2).
- Meranze, M. (1996). *Laboratories of virtue: Punishment, revolution, and authority in Philadelphia, 1760–1835*. Chapel Hill, NC: University of North Carolina Press.
- Morris, R. J. (1990). *Class, sect, and party: The making of the British middle class: Leeds, 1820–1850*. Manchester: Manchester University Press.
- Pearson, K. (1914). *The life and letters of Francis Galton*. Cambridge: Cambridge University Press.
- Riggs, P. (1994). The standard of living in Scotland 1800–1850. In J. Komlos (Ed.), *Stature, living standards and economic development: Essays in anthropometric history* (pp. 60–75). Chicago: University of Chicago Press.