

ROUNDTABLE: THE SOCIETY OF PRISONERS

War Imprisonment and British Prison Reform

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In 1756, the young John Howard set out for Portugal. His ship was taken by a privateer, and Howard became a prisoner of war in France. Twenty years later, he launched the movement for prison reform in Britain. Renaud Morieux challenges historians to more fully connect war imprisonment and the debates it engendered about prisoners' rights to the emergence of prison reform in the 1770s and 1780s (p. 92). In this article, I take up that challenge. I suggest, however, that the connections are complex and twisted. Concerns about prisoners of war may have inspired prison reform, but they also made the project more confusing.

My starting point is Morieux's insightful treatment of war imprisonment as a site on which categories of identity were both deployed and destabilized. Prisoner management and exchange required that people be labelled by nationality, class, and slave/free status. These identities, however, proved slippery. Huguenots in prisoner exchanges might find themselves classed as 'English', while Irish prisoners identified themselves as French in order to be treated as enemy combatants (a protected status) rather than as traitors. The captors of enslaved persons might find it convenient to treat them as free-men in order to include them in a prisoner exchange; but conversely, free blacks might be treated as slaves. The slipperiness of categories extended to the very definition of 'prisoner of war' itself. Non-combatants, women, persons captured by privateers, and Napoleon Bonaparte himself all inhabited a definitional limbo in which they might or might not be considered prisoners of war, depending on circumstances.

Categories were important to English prison reformers as well. They aimed to distinguish prisoners on a spectrum from the merely detained to the punishment-worthy, and to physically separate them accordingly. This at once satisfied enlightened Beccarian notions of scaling punishment to the crime, medical and moral concepts of prophylaxis, and the religious idea

that solitude was spiritually uplifting. The reformer George Onesiphorous Paul's 1790 regulations for Gloucester prisons distinguished among eleven classes of prisoner, each of which would occupy a separate space, eat a different diet, and be subject to different rules corresponding to the degree to which they were punishment-worthy.¹ But like foreign prisoners of war, domestic prisoners were hard to put into boxes. Paul struggled with both logistical and conceptual issues: where did people who could not pay fines, or debtors, or King's evidences, fit on the continuum from mere detention to punishment? How could a gaoler maintain separate spaces when he could not predict the numbers of prisoners he would need to house in each?

Prisoners of war did not fit neatly into the plans of prison reformers. This seems at first surprising. One would think that prisoners of war could easily be classified and accordingly regulated. A long tradition of international law held that prisoners of war had a protected status, and therefore should be *detained* but not punished. To an extent, this tradition was respected. The Council of Barbados, for example, rejected a proposal to have prisoners work for planters, on the grounds that 'it was contrary to custom' for prisoners of war to be made to work (pp. 136–7). In that sense, the special status of prisoners of war as being immune to punishment might have inspired a search for humane ways to detain in a non-harmful manner.

But that did not happen. It seems rather that introducing prisoners of war into reformed and unreformed systems of poor relief, labour management, and detention was like throwing grit into the gears of an already rusty machine. It is highly revealing in this respect that George Onesiphorous Paul sharply turned down a government request to house prisoners of war in the newly renovated Gloucester Gaol. His excuse was the expense to taxpayers.² But I suspect a further reason for his refusal was that Paul would have seen the housing of prisoners of war as a further stress on his already strained efforts at separation. There was, as Morieux shows, no real consensus about who prisoners of war were or how they should be treated. Paul may also have worried that the presence of prisoners of war in his newly reformed prison would undermine his control. Local gaolers and reforming magistrates were inhibited from disciplining prisoners of war in the same way that they could discipline debtors or pre-trial felons because of the negative diplomatic consequences that would ensue. Local authority would have been further compromised because prisoners of war were increasingly under military rather than civilian supervision. For prison reformers, then, prisoners of war were as much of a problem as they were an inspiration.

In this light, we might rethink the place of war imprisonment in the rhetoric of John Howard. In his *State of the prisons*, Howard noted that French

¹ J. R. S. Whiting, *Prison reform in Gloucester, 1776–1820: a study in the work of Sir George Onesiphorous Paul, Bart* (London, 1975), Appendix B, pp. 209–13. If you count subdivisions, there were twelve categories: male (untried) felons subdivided into 'old' and 'young', or capital and petty, offenders; female (untried) felons; King's evidence; those condemned to die; male fines; female fines; male debtors; female debtors; male convicted/penitentiary felons; female penitentiary/convicted felons; bridewells.

² *Ibid.*, pp. 73–4.

prisoners of war have met with ‘tenderness and generosity’, which reflected British moral superiority. But, he warned, French prisoners could not continue to be singled out for such nice treatment, for to do so would give occasion to ascribe ‘our kind of usage of foreigners to a less amiable motive’ (presumably, that is, ascribed to the government favouring the enemy). He used this point to leverage the bigger case for ameliorating the condition of *all* prisoners. There was, he granted, ‘a material difference between foreign and domestic prisoners, but there is none in their nature. Debtors and felons, as well as hostile foreigners, are men, and by men they ought to be treated as men.’³

This passage is a classic example of what Morieux identifies as the combination of the ostensibly universalist humanitarianism and paranoid xenophobia typical of British views, and in that sense was entirely conventional. But Howard’s move was also deeply weird. By wiping out the distinctions between prisoners of war, debtors, and felons, he flouted the separatory agenda of Cesare Beccaria and George Onesiphorous Paul. His statement signals a lack of consensus among reformers about what classifications matter.

Howard’s comments bring out the uncertain rhetorical place of French prisoners of war in the discourse of prison reform. They show that the relationship of war imprisonment to prison reform does not offer a story of linear progress. Prisoners of war might be seen not so much as either the beneficiaries or *raison d’être* of prison reform, but rather as a light that exposed the already extant confusions and contradictions of the prison system and penal reform project. We have Renaud Morieux to thank for letting that light shine so brightly.

³ John Howard, *The state of the prisons in England and Wales, with preliminary observations, and an account of some foreign prisons* (Warrington, 1777), pp. 21–3.