

Professionalizing Prison: Primitive Professionalization and the Administrative Defense of Eastern State Penitentiary, 1829–1879

Ashley T. Rubin

This article describes the process of “primitive professionalization”—the efforts of a small set of actors to claim professional status before their field has professionalized. Using a case study of Eastern State Penitentiary (1829–1879), I examine the strategies by which one prison’s administrators claimed status as professionals—those whose command of a specialized knowledge grants authority within their domain. Eastern’s administrators deployed a series of evolving discursive strategies aimed at establishing themselves as professionals long before more formal, field-wide efforts to professionalize criminal justice. These strategies allowed Eastern’s administrators to establish their professional status without traditional status markers of national networks, college degrees, or special training, which emerged later. Beyond illustrating a new pathway to professionalization, examining criminal justice professionalization at this early stage illuminates the early prison’s precarious position and the internecine warfare among actors competing to control its meaning.

INTRODUCTION

In 1861–1862, Pennsylvania’s prison administrators staged a small rebellion against the state legislature. On May 1, 1861, the Pennsylvania Legislature passed a “Commutation Law,” which required administrators at the two state penitentiaries and local jails to release inmates early for good behavior (Pennsylvania 1861). Several months later, upon hearing of the law’s passage, Pennsylvania’s prison administrators, led by the board of inspectors at Eastern State Penitentiary in Philadelphia, announced their refusal to enforce the law. It was, they argued, a bad law; the benighted legislature would have known this had it consulted the prison

Ashley Rubin is Assistant Professor of Sociology at the University of Toronto, Mississauga. She can be contacted at ashley.rubin@utoronto.ca. She holds a PhD in Jurisprudence and Social Policy from UC Berkeley and studies punishment from historical and sociological perspectives. This research was supported by a Library Resident Research Fellowship at the American Philosophical Society Library (2011–2012) and a Faculty Research Library Materials Grant from Florida State University (2013). It was further supported by a Berkeley Empirical Legal Studies Fellowship (2011–2012) and a Jurisprudence and Social Policy Dissertation Grant (2012). The author thanks Miltonette Craig, Laurie Edelman, Malcolm Feeley, Cybelle Fox, Annie Hill, Johann Koehler, Rebecca McLennan, Calvin Morrill, Keramet Reiter, Jonathan Simon, Stephen Tillotson, Chris Tomlins, and the anonymous reviewers for their very helpful feedback on multiple drafts. A previous version of this article was presented at the 2013 Meeting of the American Society for Legal History.

administrators before passing the law (Inspectors, Annual Report, 1862, Appendix). The Commutation Law remained unenforced for almost a year before the administrators' actions were subjected to judicial review. On April 21, 1862, the Supreme Court of Pennsylvania agreed with the administrators' assessment, and even chided the legislature for interfering with the work of experts (*Commonwealth ex rel. Johnson v. Halloway* 1862).

The court's judgment in *Commonwealth ex rel. Johnson v. Halloway* was a substantial symbolic victory for Eastern's administrators. The court's statements were only dicta—the formal ruling was grounded in a constitutional argument about the separation of powers—but these statements recognized in Eastern's prison administrators a status they had long sought. For decades, they had presented themselves as professionals, men whose unique command of a specialized knowledge grants them autonomous control over all related matters. Their claims were often designed to distinguish themselves—primarily Eastern's board of inspectors, but also the prison's warden, physician, and moral instructor—from other parties who shaped penal policy, particularly those critics, reformers, and legislators who threatened Eastern's autonomy. The administrators' refusal to enforce the 1861 law, and their condemnation of the legislature for passing it represented their most forceful—and successful—expression of their authority as *professional* penologists since the prison opened in 1829.

Historical and sociological studies of criminal justice professionalization have frequently examined one of two types of professionalization. For some scholars, professionalization refers to the transition away from an untrained workforce performing voluntary or fee-based work toward the paid employment of trained personnel. In some mid-nineteenth-century cities, formal police departments and paid police officers replaced volunteers who answered the hue and cry. In the same period, untrained, fee-supported aldermen or justices of the peace gave way to judge-staffed courts, while district attorneys replaced private (lay) prosecutors (Lane 1967; Steinberg 1989). For other scholars, professionalization occurs during reform movements seeking to replace corrupt, partisan government workers with nonpartisan civil servants insulated from corrupting influences, especially through bureaucratization and eligibility standards for employment. This form of professionalization is found within multiple Progressive Era reforms of the police, courts, prison guards, and civil service (Griffith 1974; Walker 1977; Rothman 1980; Sutton 1988; Willrich 2003; McLennan 2008; Parrillo 2013). In these two versions, professionalization is the process of replacing amateurs or patronage appointees, respectively, with more qualified, better trained, career-oriented personnel—often in the context of reform. In both cases, professionalization is understood as a top-down or outside force—especially from reformers who do not officially work in the police departments, courts, or prisons they seek to improve.

This study examines a third kind of professionalization—one more commonly analyzed in noncriminal justice settings—a group's own attempts to cultivate a status as professionals. This kind of professionalization is not imposed, but emerges from within an area of work to shore up that group's control over their work. Professionalization in this sense involves a group of workers claiming expertise over a specific body of knowledge, which grants them autonomous authority or

“jurisdiction” over a particular sphere of life (Wilensky 1964; Abbott 1988). This virtual “monopoly” of influence is a distinguishing feature of professional status (Larson 1977). Once this status is established, professionals often seek to prevent others from gaining this status, or at least control who can. Traditionally, professionals use various formal structures—including training and specialized education, national networks, licensing requirements, and a code of ethics—to maintain jurisdiction over their work, perpetuate their prized knowledge, recruit additional members, or create barriers to entry (Wilensky 1964; Haskell 1977; Larson 1977; Abbott 1988; Haber 1991). Professionalization in this sense thus entails field-wide strategies deployed by actors across a country (or internationally), often through coordinating structures such as national associations and universities. Although the clergy, doctors, and lawyers offer the archetypical examples of professionalization, claiming jurisdiction by virtue of a group’s expertise has been used by people in a great variety of occupations, including early twentieth-century art museum directors (DiMaggio 1991) and status-craving human resources personnel in multifarious twentieth-century corporations (Edelman, Abraham, and Erlanger 1992; Dobbin 2009).

Scholarly discussions of criminal justice professionalization from within are much less common and primarily focus on the late-nineteenth century or early/mid-twentieth century. In the early twentieth century, criminal justice underwent its most formal professionalization with the emergence of university education for police officers (and the advent of criminology as a discipline) and national professional associations still existing today (Koehler 2015). Before this period, professionalization was patchy. Charismatic wardens in prebureaucratic, or bureaucratizing, prisons presented themselves as professionals by emphasizing their expertise and their connections to national networks of fellow penal professionals even though these wardens, often former sheriffs, lacked university education or formal training (Jacobs 1977; Perkinson 2008; Lynch 2010). The earliest “professional penologists” identified in the literature thus far emerged in the Gilded Age (1870s–1890s): Enoch Wines, a reformer who spearheaded post-Civil War efforts to propel “penal science” and led several national congresses on penal reform (Sullivan 1990), and Zebulon Brockway, a prison guard and later superintendent who created the Elmira System of adult reformatories (Pisciotta 1994).¹ Earlier nineteenth-century prison administrators have not been the focus of professionalization studies because, lacking the traditional markers of professionalization (the national associations and formal training of the 1870s and later), they seemed poor sites to examine professionalization.

By contrast, this study challenges the expectation that professionalization—claiming status and jurisdiction by virtue of one’s specialized knowledge or expertise—requires large-scale, field-wide organization. A whole field of actors claiming professional status and mobilizing certain markers to signify that status strengthens the legitimacy of their claims, but the coordination of multiple actors across a field is unnecessary for actors to professionalize. When professionalization occurs within

1. During this period, mental institution administrators also sought professional status, forming a national association, claiming expertise to the exclusion of competitors, and founding periodicals to develop a special body of knowledge (Rafter 1997, Ch. 3; see also Walters [1978] 1997, 209–10).

a single, isolated organization, its smaller scale prevents such actors from mobilizing typical professionalization strategies that require a network of other professionals. Instead, actors must rely on a more basic, limited array of strategies to claim expert status and jurisdiction. This “primitive professionalization” may eventually fizzle out; inspire other actors from the same field to claim professional status as well; or merge with other, kindred professionalization movements; it may even form the basis of larger, more traditional professionalization movements. But it begins as an isolated, even adversarial effort.

This study examines the ongoing efforts of Eastern State Penitentiary’s administrators to acquire professional status between 1829 and 1879. Through a series of evolving discursive strategies, Eastern’s administrators loudly proclaimed their expertise in a specialized knowledge, demanded autonomy over their sphere of inquiry, and challenged whoever interfered in their work. Significantly, they claimed status as professionals long before more formal, field-wide efforts to professionalize criminal justice. Consequently, for most of this period, Eastern’s administrators could not point to formal markers of professionalization—university education, specialized training, or national affiliations—which emerged over the late nineteenth and early twentieth centuries, and primarily relied on discursive strategies alone.

As forerunners of criminal justice professionalization, making their claims to expertise before other prisons’ administrators did, Eastern’s administrators had to forge their own path to professional status, building their status from the ground up. Eastern’s administrators sought to establish themselves as expert penologists by denying that status to others, including local reformers, state legislators, and late-comer competitors who separately established national (and international) networks that formed the basis of late-century field-wide professionalization. Eventually, Eastern’s administrators joined the national professionalization movement, but only after independently working for decades to establish their status as experts by reference to their firsthand experience working with prisoners, their diligent study of available data, and their commitment to science. This study examines the nature of these claims, the administrators’ motivations for claiming professional status, and the context that allowed primitive professionalization to occur at Eastern.

Ultimately, this study highlights larger, if underexplored, dimensions of modern prisons’ development. Specifically, it underscores the immense conflict surrounding not only the establishment of prisons, but especially their maintenance during the period in which prisons became institutionalized—taken for granted as a normal, expected tool of criminal justice. Penal policy in this period was fraught with contention, the most visible form of which was the debate over the appropriate model for prisons to follow (Goodman, Page, and Phelps forthcoming). Reformers, legislators, prison administrators, and the general public debated the relative merits of Eastern’s Pennsylvania System of solitary confinement and workshop labor and New York’s Auburn System of congregate confinement and factory labor (Rubin 2015). For David Rothman (1971), this debate was the only important disagreement, primarily enacted by warring camps of reformers, but quickly overcome as more states adopted the Auburn System. More recently, Rebecca McLennan (2008) has illustrated the multifarious forms of struggle surrounding the prison, highlighting especially free labor’s resistance against prisoners’ coerced labor, which competed with

and degraded free labor. In these and other analyses, however, the prison's position remained, in many ways, one of strength, if not complete security, for decades.

By contrast, administrators' struggle to defend Eastern not only from national criticism, but from local incursions illustrates just how insecure and contentious the prison's position was. While national reformers condemned the Pennsylvania System from the start, Eastern faced growing challenges at home as local penal reformer-prison administrator alliances shifted and the legislature quickly proved itself a lackluster benefactor. Examining professionalization efforts only at their later stages overlooks the threats to early prisons' legitimacy and endurance—and primitive professionalization's role in countering them. Beyond clarifying the prison's precarious position, this study illuminates the significant work prison administrators undertook (focusing here on just one strategy)² to insulate the prison (and themselves) from attacks coming from all sides.

GENTLEMEN REFORMERS

Eastern State Penitentiary was, in many ways, an unexpected site of professionalization. Throughout the nineteenth century, Eastern was a prebureaucratic organization with little in the way of standards for appointment—and all of its administrators were appointed: the state supreme court appointed the inspectors; the inspectors appointed the warden, physician, and moral instructor. The inspectors were quasi-volunteers, receiving no salary for their duties. Moreover, Eastern's administrators had few qualifications (e.g., training, experience, specialized education) at the time of their appointments. While Eastern was part of a new breed of modern prisons emerging in the 1820s, by the time Eastern opened, a state prison in Philadelphia and multiple county jails had existed for nearly sixty years. Throughout the period examined, however, few of Eastern's administrators had any experience with these institutions upon appointment. Instead, Eastern's administrators were mostly gentlemen reformers interested in a range of social issues, of which penal reform was one.

Twenty-seven men were appointed to Eastern's board of inspectors between 1829 and 1880. The five-man board established the prison's rules and policies, fleshing out the authorizing statute's minimum requirements, and were responsible for discretionary judgments, including approving the warden's decision to punish refractory inmates. Inspectors were appointed to two-year terms (most served multiple terms, including several who served for decades), during which time they generally visited the prison on a biweekly basis to speak with the inmates and held monthly meetings to discuss prison business.

This permissive schedule allowed these middle- and upper-class gentlemen of Philadelphia society to continue their regular occupations (and pursue other "charitable" endeavors) during their unpaid appointment period. They worked as businessmen (fifteen), lawyers (eight), one was a doctor, and another an

2. For a discussion of their many strategies, see Rubin (2013).

independently wealthy philanthropist.³ Twelve inspectors held at least one high political office in their lifetime. Eastern's inspectors included four mayors of Philadelphia,⁴ three state senators,⁵ and two members of the US House of Representatives.⁶ Including wardens, four judges helped manage Eastern, including a state supreme court judge.⁷ Many of the inspectors were also involved with at least one charity, civic organization, or other voluntary work in their lifetime, though not always during their tenure at Eastern.⁸

Although quite active in politics and charities, few inspectors had prior experience managing a prison or jail. Only a handful of inspectors had direct experience with criminal justice: one inspector, William A. Porter, was a High Sheriff of Philadelphia County, in addition to later holding a position on the state supreme court (Vaux 1872, 84), while several inspectors who had served as mayor would have heard certain criminal cases (Steinberg 1989). Inspectors with any background in criminal justice were primarily penal reformers. More than a third of the early inspectors (appointed before 1850) were members of the Philadelphia Society for Alleviating the Miseries of Public Prisons (PSAMPP), but this association exhausted their prior experience.⁹ Two inspectors were more active: Roberts Vaux, a member of PSAMPP since 1808, worked extensively on Eastern's legislation, construction, and defense. According to his son Richard (also an inspector), Roberts "was in no active business; he devoted his time to public institutions for education and benevolence" (Vaux 1872, 83). Thomas Bradford, Jr., a lawyer, wrote several Pennsylvania statutes introducing significant penal reforms, including the 1829 statute establishing the Pennsylvania System at Eastern. Bradford was a member of PSAMPP (since 1805) and had served as an inspector at Walnut Street Jail, Eastern's predecessor facility. However, these two men were the exception rather than the rule.

Like the inspectors, few of Eastern's wardens had any stronger claim to specialized knowledge than what they learned on the job. Wardens lived on the prison grounds and received an annual salary. They supervised the prison's quotidian

3. Vaux (1872) describes the occupations of each inspector through 1872; this description only omits two inspectors who joined between 1872 and 1880. Businessman includes merchant, grocer, banker, and manufacturer. There were no significant differences over time in the occupational composition of the board.

4. These men were Benjamin H. Richards (1829, 1830–1831), John Swift (1839–1841, 1845–1849), Richard Vaux (1856–1858), and Alexander Henry (1858–1866).

5. Daniel H. Miller (1823–1825, 1825–1829, 1831–1833), Charles Brown (1838–1841), and William Goodwin (1853–1855).

6. Charles Brown (1841–1843, 1847–1849) and Richard Vaux (1890–1891).

7. William A. Porter was a Supreme Court of Pennsylvania judge. Charles Sidney Coxe was a District Court of Philadelphia judge. Thomas Bradford, Jr., was a judge of the US District Court for the Eastern District of Pennsylvania. Nimrod Strickland was a judge in Chester County.

8. Their level of commitment varied. Richard Vaux was something of an outlier: he was a member of the American Philosophical Society, a director of Girard College, and a long-time Freemason (at one point, their Grand Master) (Scharf and Westcott 1884, 1543–44). Most inspectors (and Eastern's other administrators), however, were typically involved with one or two other endeavors—another institution, a church, a bank, the University of Pennsylvania, or short-term planning committees for one-time events (such as the Centennial Exhibition) (see also Walters [1978] 1997; D'Antonio 2006).

9. Teeters (1937, 507–09) lists those who signed PSAMPP's Constitution; while many names are recorded, he notes that not all members signed. The last signature was added in 1848.

matters, including managing the “overseers” or “keepers” (guards), punishing recalcitrant prisoners, and managing the prison’s business deals (buying food, supplies, and raw materials, and selling prisoner-made goods). Six men served as Eastern’s warden between 1829 and 1880. Like the inspectors, the wardens were often men of high social status whose prior experience with prison management was limited to their work with PSAMPP or simply nonexistent. For example, Nimrod Strickland (1854–1856) was a judge and Dr. Edward Townsend (1870–1881) began his career as a druggist, and then studied dentistry, which he abandoned for his wardenship, his last occupation (*JPDP* 1896).

Only two of the six wardens could claim some prior experience or expertise. Two-term Warden John Halloway (1850–1854, 1856–1869) was the son of one of the “principal keepers” at Walnut Street (Teeters and Shearer 1957, 90). Before becoming Eastern’s warden, Halloway was its long-time clerk; although primarily secretarial, his duties occasionally included supervising the prison when wardens left on business trips or vacation. Warden Samuel R. Wood (1829–1840) held the most prior experience in penal matters. He had served as an inspector of Walnut Street, been a member of PSAMPP since 1816, and toured European jails in the early 1820s, which cemented his reputation as “the great apostle of Penitentiary reform” (McElwee 1835, Fry testimony, 17). When Eastern opened in 1829, he was “[s]trongly solicited to accept the appointment” as warden of the new penitentiary (McElwee 1835, Barclay testimony, 14).

For the first five decades at Eastern, then, the men appointed at the highest levels of prison management could be characterized by a general lack of experience, in contrast to their claims of expertise.¹⁰ Their modest qualifications come into focus when comparing the career of Michael J. Cassidy, the prison’s seventh warden (1881–1900). Cassidy had been an overseer at Eastern for almost two decades before becoming warden. After Warden Halloway died in office, Cassidy became warden *pro tempore* (1869–1870), while the prison’s physician, “Dr. Klapp was nominally Warden” (Vaux 1872, 82; see also, e.g., Warden’s Daily Journal, March 9, 1870). Teeters and Shearer (1957, 90) describe Cassidy as Eastern’s first “career warden”; although they refer to his rise through the ranks, the term aptly describes the way in which Cassidy embraced prison management as his vocation. Thoroughly immersed in the national wave of Progressive Era professionalization, Cassidy published a book emphasizing in its subtitle his “Experience Gained During Thirty-Seven Years Continuous Service in the Administration of the Eastern State Penitentiary, Pennsylvania.” While works like this were becoming increasingly common in the last decades of the nineteenth century, Cassidy’s emphasis on professional identity had its roots in the discourse of Eastern’s earlier generations of administrators. Despite their amateur, noncareerist status, these administrators actively pursued a status as professional penologists—experts in the philosophy, management, and (eventually) science of prisons and punishment.

10. The men who filled the other main offices—Physician and Moral Instructor—had similar levels of inexperience with prisons.

BECOMING PROFESSIONALS

Eastern's administrators' claims to professional status throughout this period were grounded in the need to protect Eastern's unique Pennsylvania System of prison discipline. Under the Pennsylvania System (or "Separate System"), prisoners remained in solitary confinement for the duration of their sentence, performing workshop-style labor alone and receiving in-cell visits from select personnel.¹¹ By the Civil War, Pennsylvania's two state prisons, Eastern State Penitentiary and Pittsburgh's Western State Penitentiary, were the only prisons still employing the system. By contrast, the vast majority of state prisons had formally adopted New York's Auburn System: solitary confinement only at night with collective but silent factory-style work during the day (Lewis 1965; McLennan 2008; Rubin 2015).

The Pennsylvania System faced persistent and severe criticism from penal reformers, especially the Boston Prison Discipline Society (BPDS) and (beginning in 1844) the New York Prison Association (NYPA), which argued that the Pennsylvania System was cruel and inhumane, dangerous to inmates' physical and mental health, too expensive and unprofitable, and simply impractical and ineffective.¹² These critiques were repeated by others, including Charles Dickens (1842, 121), who criticized the Pennsylvania System for (among other things) imposing on its prisoners "an anguish so acute and so tremendous, that all imagination of it must fall far short of the reality." Eastern's long-term reliance on the Pennsylvania System rendered it exceedingly vulnerable to critique. A writer for the popular literary magazine, *North American Review*, summarized the general perception in 1848, exclaiming, "we cannot believe that even Pennsylvania will any longer allow the prison at Philadelphia, with its annual train of horrors, to cast an opprobrium on the justice and humanity of the State" (NAR 1848, 190).

Local opposition was equally problematic, but in different ways. The Philadelphia Society for Alleviating the Miseries of Public Prisons (PSAMPP) was a complicated ally for Eastern's administrators. It had been responsible for many of Pennsylvania's penal reforms, including the first state prison (Walnut Street Jail in 1790), the Western and Eastern State Penitentiaries, and the Pennsylvania System itself (Barnes [1927] 1968; Teeters 1937). Though a vociferous public supporter of the Pennsylvania System, PSAMPP was often critical of its implementation at Eastern and, over the administrators' opposition, pressed for legislation (including the 1861 Commutation Law) to alter prison routines. Similarly, although the state legislature officially authorized the Pennsylvania System, it was an unreliable benefactor. The administrators constantly beseeched the legislature to revise general social and penal policies that (administrators complained) undermined the Pennsylvania System. Administrators grew particularly vehement when the legislature interfered with prison management by passing new laws or altering the state's penal code. The

11. For descriptions of Pennsylvania's prisons, particularly Eastern, see Barnes ([1927] 1968), Janofsky (2004), Kahan (2008), Rubin (2013), and Teeters and Shearer (1957). For Pennsylvania's earlier penal history, and the origins of the Pennsylvania System, see Dumm (1987) and Meranze (1996).

12. See discussions in the BPDS annual reports (1825 to the early 1850s). These reports are also summarized in the *North American Review* and punctuated by pamphlets like Gray (1848).

legislature's occasional willingness to listen to PSAMPP only strained administrators' already fraught relationship with both groups.

This internecine warfare among prison administrators, penal reformers, and state legislatures both within and beyond Pennsylvania is central to understanding Eastern's administrators' professionalization. Their assertions of professional status offered a foundation for challenging their many critics, discrediting local penal reformers, and rebuking the state legislature for intervening in penal policy. Each time the locus of criticism shifted, the administrators tailored their professionalization strategies to undermine their most salient opponents.

Sources

The remainder of this article draws primarily on Eastern's annual reports, which represent the principal medium through which the administrators presented and defended their embattled prison. As required by Eastern's foundational statute, these reports—produced every year from 1831 onward, excepting 1874 (a deep depression year)—were officially addressed to the state legislature. In practice, they were the prison's main public relations vehicle as they were widely circulated to and read by penal reform societies, prison administrators, and legislators around the country. Periodicals, including daily newspapers and bimonthly or quarterly publications, such as the *North American Review*, often reprinted excerpts or summarized these (and other prisons') reports for a wider audience, as did several reform societies in their own annual reports or journals. Many international commentators and even heads of state interested in penal reform acquired copies.

Eastern's annual reports consisted of separate reports from the board of inspectors, warden, physician, moral instructor, and (in some later years) schoolteacher. The board of inspectors' reports set the tone for the prison. These reports were written by a two-person subcommittee (usually the president and/or the secretary of the board) and then signed by the board. The reports were occasionally debated, but usually represented a consensus view among the inspectors, somewhat skewed toward the president's views. Indeed, in the second half of the period examined, the inspectors' reports were tremendously influenced by Richard Vaux, first as secretary, later as the board's long-time president. Disagreements, although rare, did occur. The few inspectors who significantly disagreed with the majority usually resigned within a few years of their appointment (but for every inspector who served less than six years, there was another who served for more than a decade). Notably, however, for some years in the late 1840s, Inspector Thomas Bradford, Jr., refused to sign the annual reports because of an ongoing disagreement with the board. Despite such disagreements and variation, themes from these reports often manifested in the reports from the prison's other officers.

Eastern's administrators supplemented these reports with solo-authored accounts of the prison. Several administrators wrote pamphlets and public letters, responded to queries from other penal actors, and submitted short descriptions of the prison to various publications, including visitors' guides to Philadelphia. Like their annual reports, these accounts were produced to sing the prison's praises and defend it against criticism.

Expertise from Situational Experience: Confronting PSAMPP

Administrators' first hurdle in establishing their professional identity was distinguishing themselves from their reformer counterparts. Compared to PSAMPP's reformers (and the state legislators), Eastern's administrators had little independent basis for their claims to professional status. As gentlemen reformers, the administrators shared similar backgrounds and, while working as penal reformers and politicians, had rubbed shoulders with their attackers. To make the case that, as prison administrators, they should have sole authority over the prison and prison policy, Eastern's administrators had to first shed their own identity as penal reformers.

This strategy did not emerge immediately. As would be true throughout the period examined, Eastern's first generation of administrators in the 1830s had few qualifications. Compared to later administrators, however, this first generation was more immersed in penal reform—advocacy, keeping up with the latest debates, and occasionally visiting jails and prisons. At least initially, penal reform, rather than prison management, was their primary source of prior experience and the primary basis of their claims to expertise. In Eastern's first annual report, the inspectors called attention to their “[m]any years [sic] experience, in the practical operation of the penal laws, and prison discipline” (Inspectors, Annual Report, 1831, 12). Later in the decade, they explained that they “were in the habit of discussing the subject of Penitentiary relations in all its bearings” and “were fully imbued with the principles and views of its advocates,” meaning PSAMPP. Indeed, in these early years, the inspectors celebrated their relationship with PSAMPP, describing themselves as “the friends and associates of the promoters of the [Pennsylvania] system” (Inspectors, Annual Report, 1837, 3).

When Eastern's administrators found themselves in direct confrontation with PSAMPP in the 1840s, however, reference to their own work as (and friendship with) penal reformers was no longer sufficient to establish administrators' particular bona fides. PSAMPP reformers were strong advocates of the Pennsylvania System, but in the 1840s, these reformers began to worry that the Pennsylvania System might cause insanity, just as many Auburn supporters had suggested. In January 1848, PSAMPP passed a resolution complaining that “the percentage of insanity and mortality at the Eastern Penitentiary is increasing to an alarming degree” (cited in Teeters 1937, 198).¹³ They did not believe the Pennsylvania System was inherently harmful (e.g., Teeters 1937, 199), and they still believed it was the best available system. To reconcile their doubts about prisoners' health with their support for the system, PSAMPP criticized the system's implementation. After issuing several “memorials” to Eastern's administrators requesting certain changes, PSAMPP approached the legislature.

PSAMPP's actions put Eastern's administrators on the offensive. Beginning in the late 1840s, administrators no longer cited their experience with penal reform, which was useless in establishing their credentials against the reformers. Administrators turned instead to their situational knowledge: their experiences at the prison generated unique insights that nonadministrators lacked. No other

13. Insanity among the prisoners was the topic of several meetings and investigations between 1848 and 1852 (e.g., Foulke 1852).

Pennsylvanians—including the local penal reformers—had continuous, firsthand experience with prisoners; therefore, the administrators implied, no one else was qualified to suggest alterations to penal policy. Reverend John Ruth, Eastern's third moral instructor, touted his "own experience—having been brought into contact with criminal character almost hourly every day for the last eight years" to bolster his view on the purpose of punishment (Moral Instructor, Annual Report, 1870, 111). Likewise, the inspectors referred to themselves as "[t]hose, whose constant intercourse with convicts enables them to form an opinion on the subject" (Inspectors, Annual Report, 1855, 6). By implication, those who infrequently interacted with prisoners, as reformers did, were insufficiently knowledgeable and unqualified to debate penal practice.

At times, Eastern's administrators were more explicit, asserting that the penal reformers did more harm than good when visiting the prisoners, even undoing the progress the administrators had made. Writing the year after PSAMPP's critical resolution, Reverend Thomas Larcombe, the prison's first moral instructor, warned about "[i]njudicious visitors [sic]," a not-so-subtle reference to PSAMPP's visiting committee, volunteers who visited prisoners monthly. Though they had "the best intentions," they were "but a small part of the many untoward influences" the moral instructor had to "overcome by patient and prayerful effort." How could such well-intentioned people "do much harm"? Quite simply, they lacked the requisite experience. They "cannot be acquainted with the peculiarities of a prisoner's position or disposition," so when they visited with prisoners, they could easily do or say the wrong thing, thereby reversing the moral instructor's work (Moral Instructor, Annual Report, 1849, 35). Such statements undermined penal reformers' attempts to shape penal policy against the prison administrators' wishes. If PSAMPP reformers could derail a prisoner's reformation, how could the group be trusted to inform penal policy against the wishes of more knowledgeable men who worked with prisoners on a daily basis?

By turning to their situational knowledge to proclaim their expertise and reformers' inexpert status, Eastern's administrators initiated a recurring strategy: elevating themselves above unqualified others by claiming that the specificities of their experience as prison administrators established unique credentials. They used their claims of expertise to discredit other critics, extending the strategy beyond PSAMPP to the Boston and New York reformers as well. If such critics lacked the relevant knowledge (that only Eastern's administrators possessed), then their critiques must be groundless. However, the administrators used this tactic with growing intensity against another threat closer to home.

Establishing Jurisdiction: Wrestling with the Legislature

Beginning in the 1850s, administrators increasingly targeted the state legislature. As with PSAMPP, Eastern's administrators only confronted the legislature when it had ventured too far into administrators' perceived jurisdiction over the prison—and those penal and social policies that (administrators believed) affected its operation. Driven by exasperation at first and later anger at the growing threat,

the administrators recycled their earlier strategy, establishing their own expert status at the legislature's expense.

In the first several decades, however, the administrators' relationship with the legislature was almost sanguine. Optimistic about the Pennsylvania System's potential, the administrators believed the legislature and other state actors could clear various hurdles blocking the prison's success; to this end, the administrators issued myriad requests and recommendations to the legislature during Eastern's first few decades.¹⁴ The administrators rarely succeeded, and rare legislative acquiescence came after years of administrative imploring.

By the 1850s, the administrators grew increasingly vexed that the legislature ignored their requests. In 1855, for example, the inspectors "ventured again to invoke Legislative attention to the subject" of youthful and first-time offenders. The inspectors encouraged the legislature to consider revising its penal code—with the inspectors' advice and guidance. They complained that most penal policy was typically adopted too rarely and without their guidance, noting such "[s]poradic reforms are worse than useless." The inspectors explained that such reforms failed without expertise, adding biting, "labors of those who are required to learn while they attempt to teach, are vain" (Inspectors, Annual Report, 1855, 6–7). The legislature needed to learn from those who knew better, namely, Eastern's administrators. Tirades like this one became more common as administrators became disillusioned with the legislature's unresponsiveness.

Eastern's administrators became most aggressive (and critical), however, when the legislature sought to change penal policy without first consulting them—or against their (unsolicited) advice. In 1858, the legislature authorized a commission to alter the penal code (Pennsylvania 1858), which passed in 1860. In 1867, the legislature authorized a commission to investigate the appropriate system of prison discipline that the state's penitentiaries and jails should adopt (Pennsylvania 1867). Although the commission reported that the state penitentiaries' respective systems were adequate (Geary 1902, 1032), in 1869, the legislature granted Western's administrators' request to abandon the Pennsylvania System at their prison and adopt the Auburn System (Pennsylvania 1869). That same year, the legislature created a Board of Charities and Corrections, overseeing the state's prisons, jails, insane asylum, and other "charities"; the Board was another suggestion PSAMPP had successfully passed through the legislature (Barnes [1927] 1968, 395). While legally undermining the Pennsylvania System and administrative control, the legislature was also destroying the Pennsylvania System in practice at Eastern. From 1866 onward, Eastern's administrators routinely asked the legislature to alleviate their growing overcrowding problem, noting they had to double-cell prisoners in violation of the principle of separation; while the legislature eventually responded, it was too little too late (e.g., Pennsylvania 1871; Warden, Annual Report, 1872, 93). The Pennsylvania System would never recover.

Feeling besieged by the legislature throughout the 1860s and 1870s, Eastern's administrators became increasingly aggressive in their self-descriptions as experts,

14. For example, Inspectors, Annual Report (1831, 4; 1840, 5; 1848, 5), Warden, Annual Report (1831, 16–17; 1841, 13–14), and Physician, Annual Report (1848, 41–42).

and legislators as dilettantes interloping in penal affairs. Their modal argument, veering between insulting and condescending, encouraged the legislature to examine Eastern's annual reports before passing legislation. Legislators' "careful investigation" of the reports was, the inspectors argued, "necessary for wise legislation" (Inspectors, Annual Report, 1875, 8). The administrators encouraged the legislature to review their reports "whenever more enlightened progress in penal science, shall demand a revision of the laws" (Inspectors, Annual Report, 1863, 7). They compared their reports' compilation of statistics and explanations to the "superficial theories or crude conceptions" on which the legislators frequently relied (Inspectors, Annual Report, 1864, 13). As the administrators saw it, they knew better than the legislators what penal policy required; any laws passed without their consultation or a review of their writings were unwise and dangerous to public health and safety.

When the legislature enacted penal policy that contravened the administrators' recommendations, Eastern's administrators criticized the interference unsparingly, again emphasizing their own jurisdiction over penal policy. While the legislature considered a new penal code, for example, the administrators sought "respectfully to present to the Legislature of Pennsylvania, the propriety, as well as policy, of checking crude or special legislation on penal jurisprudence, as applied to prison discipline, which is not in harmony with these ascertained principles and their systematic developments" (Inspectors, Annual Report, 1860, 10). After the legislature authorized the commission to investigate the appropriate system of prison discipline, the administrators stated that "any legislation not based on the knowledge" derived from their own annual reports "must be in itself of doubtful value" (Inspectors, Annual Report, 1868, 25). The year after the legislature authorized the Auburn System at Western—leaving Eastern as the only US prison following the Pennsylvania System—Eastern's administrators wrote:

It would not be presuming too much to believe that you, Gentlemen of the Legislature, will invoke the experience of this State Institution before enacting into laws measures relating to convict discipline, penal jurisprudence, or crime cause either for prevention or punishment.

Surely the knowledge of facts, and the practical working of principles or theories on penal science for a period of 40 years, might be important to test either new propositions, or determine the proposed benefits that the love of change always promises as the undoubted results thereby to be attained. (Inspectors, Annual Report, 1871, 36)

Each response to the legislature's interference offered the same message: defer to our years of experience and special expertise in these matters.

Expertise Granted: *Johnson v. Holloway*

While any legislation passed without their suggestions was unwelcome, the administrators saw the Commutation Law of 1861, which ordered prisoners' early release for good behavior (as discussed above), as a powerful blow. PSAMPP, the

law's main advocate, had successfully convinced the legislature to change penal policy, and thus succeeded where Eastern's administrators had frequently failed. This episode came at a low point for the administrators: the legislature had just changed the penal code according to recommendations from a commission, not the administrators (over their objections). Now the legislature, acting on reformers' recommendations, had passed a law that directly affected the prison administrators' prescribed duties. Adding insult to injury, Eastern's administrators were not even notified of the Commutation Law's discussion or passage; as they explained, they learned of the law "from the lips of a convict under their care" (Inspectors, Annual Report, 1862, Appendix, 9). This was unacceptable.

Administrators from both Eastern State Penitentiary and Western State Penitentiary wrote to the legislature, but Eastern's board of inspectors spearheaded the opposition. The inspectors argued that the law was "unnecessary" and deeply flawed (Annual Report, 1862, Appendix, 24). They questioned its legality and internal coherence, bemoaning the law's "looseness of expression, its conflicting provisions, the difficulty of reconciling its language with any proposed purpose." They added pointedly: "The law itself is drawn by a most inexpert pen" (Annual Report, 1862, Appendix, 9). In the inspectors' view, the legislature had been misguided by amateurs. The inspectors compared the present legislature unfavorably to earlier bodies "too wise, to be led blindly by any zealous, though uninformed innovator" (Annual Report, 1862, Appendix, 26). Indeed, earlier in the prison's history, the legislature passed "wise legislation"—written "in conformity with [the inspectors'] suggestions" (Annual Report, 1862, Appendix, 8). That the present legislature had listened to PSAMPP members who had written and "caused the Act . . . to be enacted into a law" was particularly aggravating to the inspectors (Annual Report, 1862, Appendix, 27–28). The legislature, they argued, should have consulted *them* before passing the law. As prison administrators, *they* were experts in all penal matters and therefore should have been accorded the decisive role in shaping penal policy.

Had the legislature consulted Eastern's administrators, it would have learned the Commutation Law was entirely inappropriate for Pennsylvania's unique prisons, they explained. The Commutation Law had been modeled on the increasingly popular "Irish System," a predecessor to parole involving early release for good behavior. As Eastern's inspectors argued, the Commutation Law, or the Irish System more generally, was only necessary at prisons following the Auburn System. Those prisons maintained prisoners for longer sentences than were typical at Eastern. There was no need, the inspectors argued, "to further shorten sentences" in Pennsylvania. The law was therefore unnecessary—and harmful. The law would "create so extreme a change in our prison discipline" as to jeopardize the Pennsylvania System (Annual Report, 1862, Appendix, 21). Early release would prevent the conditions necessary for reformation, encouraging prisoners to feign transformation rather than truly transform (Annual Report, 1862, Appendix, 24).

After recounting their objections to the law, Eastern's inspectors declared that they would not enforce it. Understandably troubled by this development, two Eastern inmates, William Johnson and Charles Langhammer, submitted independent *habeas corpus* claims to the Supreme Court of Pennsylvania, arguing that they should have been released under the law. As noted above, the court disagreed and,

in the combined case of *Commonwealth ex rel. Johnson v. Holloway*, found the law unconstitutional.

The court's opinion repeated the inspectors' arguments, sometimes verbatim.¹⁵ This was no accident; the court referenced the "printed report" submitted by Eastern's inspectors "with the entire concurrence of their colleagues of the Western [Penitentiary]" (*Commonwealth ex rel. Johnson v. Holloway* 1862, 447). Justice George Washington Woodward, writing for the court, was sympathetic to the administrators, their claims, and the Pennsylvania System. He began the opinion with a brief description and history of Pennsylvania's "admirable system of penitentiary punishment," rehearsing the inspectors' own descriptions (*Commonwealth ex rel. Johnson v. Holloway* 1862, 447). It was a system, he wrote, that "by reason of the excellence of the conception and the fidelity of administration, has commanded the attention of the civilized world" (*Commonwealth ex rel. Johnson v. Holloway* 1862, 447). Echoing the inspectors, Woodward repeatedly stated that the 1861 Act would threaten the Pennsylvania System (*Commonwealth ex rel. Johnson v. Holloway* 1862, e.g., 447, 449).

The court also recognized the inspectors' claims to expertise. Woodward agreed: no one, including the legislature, knew how to manage Pennsylvania's unique prisons better than their administrators. Woodward echoed the inspectors' claims that evidence from "other states" was irrelevant because those states employed the Auburn System. He explained: "Our own experience under our peculiar system is opposed to all such attempts at alleviating prison discipline, and we think it may be safely trusted." Foreshadowing later courts' deference to prison administrators (e.g., *Bell v. Wolfish* 1979; *Spain v. Pecunier* 1979; *Hudson v. Palmer* 1984; *Wilson v. Seiter* 1991; *Farmer v. Brennan* 1994), Woodward deferred to the prison administrators' judgment: "They [the prison's administrators] say it [the Commutation Law] would derange the system of administration long pursued. . . . We will not overrule their reasons nor control their discretion" (*Commonwealth ex rel. Johnson v. Holloway* 1862, 449).

Finally, the court recognized the inspectors' prerogative to be consulted before the legislature altered penal policy. According to Woodward, Eastern's administrators' "experience had qualified them for advising wisely in respect to the proposed measure" (*Commonwealth ex rel. Johnson v. Holloway* 1862, 447). The legislature should have sought the inspectors' advice. Woodward noted: "It is much to be regretted that the legislature of 1861" passed the Commutation Law "without consulting any of the officers to whom the system had been intrusted for administration" (*Commonwealth ex rel. Johnson v. Holloway* 1862, 447). In effect, the court acceded to the prison administrators' authority over the prison and penal policy.

The ruling in *Johnson v. Holloway* was the administrators' crowning achievement in their search for professional status. The state supreme court had publicly

15. The court only disagreed with the administrators' legal argument. The inspectors argued that the legislature had unconstitutionally usurped the executive branch's power by placing the governor's pardoning power in the hands of prison administrators. The court rejected this argument; it was, however, an unconstitutional interference with the *judicial* branch. Regardless, the constitutional argument was less persuasive to the justices than the idea that the administrators' discretion should be respected (*Commonwealth ex rel. Johnson v. Holloway* 1862, 449).

agreed that Eastern's administrators should have discretion over their prison, and that the legislature should not interfere. Boundary drawing between administrators and dilettantes—whether the legislature, PSAMPP, or other penal reformers—was essential to Eastern's administrators' claims to expertise. Now, an external party—Pennsylvania's supreme court, no less—recognized the expert status of Eastern's administrators above both the penal reformers and legislators. The court deferred to the administrators and affirmed that others should as well. At last, the administrators' authority was recognized.

TURNING TO SCIENCE IN A MATURING FIELD

Around the same time as this local victory, Eastern's administrators faced a new challenge to their authority and expertise from outside of Pennsylvania. In the 1860s, science emerged as a burgeoning field, its popularity exploding after the Civil War (Wiebe 1966; Haskell 1977; Ross 1991; Schweber 1999). Social elites around the country turned to science as a new basis for their authority, which was challenged by rapid postwar changes (Ross 1991, 62). Scientific and statistical societies arose across the Atlantic world, including the American Social Science Association founded in Boston in 1865. Many such organizations became interested in prison discipline (e.g., NAR 1866, 235). Penal reformers and prison administrators nationwide also turned to science to bolster their own authority and justify their policy claims (e.g., Pisciotta 1994; Rafter 1997). In this context, science provided Eastern's administrators a framework through which to strengthen their defense of the Pennsylvania System. But with the emergence of others claiming professional status, administrators increasingly shifted their focus from the defense of Eastern and its Pennsylvania System to establishing and maintaining their identity as professional penologists.

Data and Objectivity as Early Bases of Defense and Expertise

Penal reformers and prison administrators' interest in scientific inquiry did not begin in the 1860s and 1870s. Those interested in penal reform (and governance more generally) had long used the language of experimentation (e.g., Ignatieff 1978). From the beginning, penal actors toured US prisons, exchanged surveys, and collected data—statistics on prison operations—to identify the superior approach to confinement (Rubin 2015). As the Pennsylvania System was the weaker of this pseudo-scientific project's two foci, Eastern's administrators used logical arguments and numerical data to defend their system against criticism, display its "superiority," and ultimately demonstrate their expertise.

Data collection was central to the administrators' model of scientific inquiry and defense of the Pennsylvania System. For each annual report, Eastern's administrators anxiously compiled statistics on their prisoners' health and mortality, prisoners' apparent reformation and recidivism (measured by their return to Eastern), and the prison's operating costs. Administrators emphasized early and repeatedly that the figures and discussions in their reports allowed observers "to obtain[] a true

knowledge of the Institution” (Inspectors, Annual Report, 1835, 6). In the 1840s, Eastern’s Physician Robert Given chided his reader, “it is only by comparison between extended tables of this kind [exhibiting the prison’s health and mortality statistics], that anything like just and philosophic deductions can be drawn” about the appropriate mode of prison discipline (Physician, Annual Report, 1846, 31). Such statistics, they believed, would overcome the mistaken beliefs about the Pennsylvania System by disproving each of its proclaimed failures (Rubin 2013).

Increasingly, Eastern’s administrators defended the Pennsylvania System by asserting that the system’s critics were biased and refused to analyze the data objectively. While many administrators used this strategy, Physician Given provides a useful illustration. Given was the prison’s physician from 1844 to 1851, the period in which the Pennsylvania System was increasingly charged with causing its prisoners’ insanity, particularly by PSAMPP. As the prison’s physician, Given bore the brunt of this charge. In response, he challenged the reformers’ abilities to evaluate the data and their willingness or ability to do so without “prejudice.” In his last report, he cautioned that the Pennsylvania System’s “friends” had initially been “so dazzled” by the system that they were “totally blind to its physical and mental evils.” Now, however, “the Institution [was] as blindly condemned as it was heretofore lauded” by this same group. If only observers could avoid judging the Pennsylvania System in “a partisan” manner, the physician had “the fullest confidence that its great moral superiority will be established” (Physician Given, Annual Report, 1852, 25–26). Moreover, “the respective partisans of both” camps must be “as faithful in reporting what contradicts, as they are ready to publish what supports, their cherished views” for commentators to recognize the Pennsylvania System’s “superiority” (Physician, Annual Report, 1849, 28). If PSAMPP was so biased, neither its praise nor its criticism of the Pennsylvania System could be trusted.¹⁶

In addition to undermining his opponents, Given also sought to establish his own objectivity and thus credibility. In an early report, he explained, “my object [in compiling statistics on prisoners’ health and mortality] was not to bolster or prop any particular system of imprisonment, but to discharge conscientiously my duty as a public officer.” He sought to “throw[] every possible light on [the] question” (Physician, Annual Report, 1846, 51). As the prison’s physician, it was important that others believed he was not simply repeating a party line when he addressed the question of whether the Pennsylvania System caused insanity. Thus, a few years later, while tallying prisoners’ deaths, he included inmate No. 1909, even though, “[s]trictly speaking, No. 1909 was not a prisoner at the time of his death, as a pardon had arrived for him, a few days previously.” To maintain his own objectivity, however, the physician included “the case, because were I to avail myself of this pretext to withhold it, I feel that I should not be giving a fair representation of our mortality” (Physician, Annual Report, 1849, 28). Emphasizing objectivity

16. For Given, and Eastern’s other administrators, PSAMPP was not the only biased critic of the Pennsylvania System. Eastern’s administrators routinely accused Auburn System prison administrators and supporters of doctoring their records or misrepresenting the data. In a minority report and later pamphlet, Samuel Gridley Howe (1846) of the BPDS accused his colleagues of just such partisan-inspired data manipulation.

allowed Given to establish his credibility and professionalism while distancing himself from the Pennsylvania System's "partisan" supporters.

Cultivating Scientific Expertise in an Unscientific Field

The administrators' dedication to data collection and objective analysis continued over time with little substantive change, as was true of the rest of the field. In the 1860s and 1870s, however, as science emerged as an authoritative framework, penal reformers' and prison administrators' discourse underwent a dramatic transformation. For example, "science" as such was not an explicit concern in Eastern's first dozen reports. References to the "moral science" could be found in these reports, but this phrase referred to philosophical considerations rather than a branch of physical or social science. The administrators' first references to science appeared sporadically in the 1840s, around the same time as they did by penal reformers at the national and international level (e.g., Gray 1848; *Inspectors, Annual Report*, 1848, 3), but they became commonplace from 1859 onward.¹⁷ By the 1860s and 1870s, Eastern's administrators routinely referred to the "prison science" or "penology," sometimes as a "branch of social science" (*Inspectors, Annual Report*, 1870, 13) or "as an element in social science" (*Inspectors, Annual Report*, 1870, 33). Nationwide, the "penal science" became such a common refrain after the Civil War that most historians locate the emergence of "penal science" in the 1870s (e.g., Sullivan 1990; Pisciotta 1994), despite the earlier references.

With the emergence of scientific language, Eastern's administrators aggressively extended their earlier reasoning, using penal science as an authoritative framework through which they could claim their system's superiority. As the inspectors explained: "In physical sciences successful experiment is proved by demonstration." They had offered such a demonstration, which, they believed, should be sufficient. "If the united evidence of three decades, as to the practical effects of the separate system, cannot be relied on as exemplifying its real character, then one must look in vain for higher sanction than such cumulative evidence, to attest that which is claimed to be indubitable" (*Inspectors, Annual Report*, 1859, 6). Their annual reports "prove beyond reasonable cavil, and in satisfaction of intelligent inquiry, that our system of penitentiary punishment compares favorably so far as its results are to be considered, with any system yet adopted" (*Inspectors, Annual Report*, 1866, 25). No one had ever "successfully refuted" their claims that "the separate system is the safest, the best, the most scientific or philosophic system" (*Inspectors, Annual Report*, 1870, 9–10).

The only explanation for the field's refusal to acknowledge the Pennsylvania System's superiority was that the field was simply unscientific. The Auburn System's popularity was the clearest evidence of that fact. For Eastern's administrators, the Auburn System represented the apogee of unscientific prison discipline. Central to penological doctrine, as they understood it, was the idea that criminals could

17. Between 1859 and 1880, only one annual report (published in 1878) lacked a reference to "science." Even this report, however, contained references to "scientist" and "scientific."

change; science would reveal appropriate and successful ways to transform criminals into law-abiding citizens. By contrast, “[t]o congregate all classes of persons indiscriminately, . . . denies that penal science is progressive. It rejects the idea of improvement” (Inspectors, Annual Report, 1860, 7–8). Worse, these prisons were not judged on their ability to transform prisoners. Instead, only “the most mercenary tests” were used to evaluate the systems, for example, does the prison “yield for profit” (Inspectors, Annual Report, 1862, 43–44). Specifically, “[s]elf-supporting is the test of their prisons and penitentiaries, and those systems are regarded best, which yield the largest pecuniary returns from convict labor.” By contrast, “social science” was unconcerned with “the sordid and the selfish” (Inspectors, Annual Report, 1866, 17). Unfortunately for Eastern’s administrators, Auburn-style prisons were both the most common and most popular.

Repeating and extending their earlier arguments, Eastern’s administrators described Auburn supporters as biased. As the inspectors claimed in their 1860 report, the Pennsylvania System “has struggled against ignorance and prejudice, resulting from an unwillingness to investigate its principles, or a disbelief in its utility” (Inspectors, Annual Report, 1860, 21). The administrators argued that one had to be an “unprejudiced and disinterested student of penal science” to see the Pennsylvania System’s success (Inspectors, Annual Report, 1870, 7–8). But, as the inspectors explained it, “[w]hen fully understood, carefully examined and tested by honest enquiry, vulgar prejudices will entirely disappear” (Inspectors, Annual Report, 1854, 26). In such circumstances, when “fully and impartially investigated . . . the separate system of Penitentiary punishment converts, convinces and conquers” (Inspectors, Annual Report, 1860, 8). If only observers would (objectively) look at the data, the administrators argued, the Pennsylvania System would be vindicated.

Other critics, even if they could muster objectivity, lacked the requisite kind and amount of knowledge to judge the system. As the inspectors explained, painfully aware of the recent attention penal discipline received at both the state and national levels, “[i]t is in vain to expect that a subject which has occupied the attention of deep thinkers and practical observers, for so long a period, can be understood by less than an impartial devotion to its study.” Such uninitiated observers form “crude opinions” but these ideas “will be most sensibly changed on a fuller acquaintance” with the penal science (Inspectors, Annual Report, 1860, 9). Identifying with “science” helped distinguish themselves from the uninitiated: “It is a science we are discussing. It is neither a whim, a caprice, an experiment, a notion, a job, nor a speculation. It is a science, consequently it is to be considered and investigated only as such subjects can be examined” (Inspectors, Annual Report, 1870, 9–10). Critics, the administrators implied, had not invested the time and lacked the requisite knowledge to understand the Pennsylvania System; consequently, such persons’ criticisms should be dismissed.

While undermining their critics by emphasizing their lack of qualifications, Eastern’s administrators presented themselves as the only trustworthy commentators in the field—the real experts. As the inspectors noted, there were impostors “professing to be possessed of general information on penal science as applied to prison populations and systems of convict punishment, who entirely mistake the principles, and are ignorant of the practical results, which these Reports exhibit of the Pennsylvania

system of Penitentiary convict discipline” (Inspectors, Annual Report, 1871, 34). To bolster their claims, the administrators emphasized the difficulty of the subject and how extensively they had trained. Anyone seeking to compete, to achieve the same level of mastery over the subject, would require “large experience, most careful study, almost daily observation, and the examination of facts as they relate to principles, and of principles, as they are sustained by fact.” Emphasizing their firsthand experience with prisoners helped distinguish their expertise from that gained from books or intuition alone (reformers’ sole basis of knowledge). In their 1875 annual report, Eastern’s inspectors offered a “warning” to such amateurs about the difficulty of penal science: “as a science it is not to be mastered intuitively: that crude, ill-digested views are to be subjected to the crucial test of long, large, and continued thought and experience” (Inspectors, Annual Report, 1875, 54–55). Understanding matters of penal discipline thus required the utmost rigor, serious dedication, and years of study and experience. Those who lacked this sort of knowledge and experience were simply not qualified to evaluate the Pennsylvania System. Eastern’s administrators believed they were alone in their expertise.

Confronting the Other Pioneers of Penology

Despite Eastern’s administrators’ efforts, in the 1870s, the mantle of professional penologist was bestowed on other men. Two members of the New York Prison Association (NYPA), Enoch C. Wines and Theodore W. Dwight, toured the nation’s prisons, which they later described in a widely-read report published in 1867. They called for and outlined a new “prison science” to achieve reformation. In addition to embracing science as enthusiastically as Eastern’s administrators, these penal reformers also created the formal structures that signified professional status. Wines went on to found the National Prison Association in 1870, hosting increasingly frequent national and international prison congresses and publishing their various *Proceedings* and *Transactions* as repositories of penal knowledge. Zebulon Brockway, also of New York, became a particular darling at these meetings. Brockway had established a system of confinement for salvageable (i.e., young, but not juvenile, first-time) offenders involving labor, religion, and education at Elmira Reformatory, the nation’s first adult reformatory. The Elmira System became the template for prisons built in this period (Pisciotta 1994; see also Sullivan 1990).

From the perspective of Eastern’s administrators, none of this was innovative; they had been endorsing the same factors—and (mostly) practicing what they preached—for decades.¹⁸ That Wines, Brockway, and others were gaining such fame for their efforts was, therefore, particularly offensive to Eastern’s administrators. The inspectors especially were devastated “that elsewhere than in Pennsylvania, . . . [men were] claiming the merit of bringing to the notice of thoughtful men the question of convict reform and penitentiary punishment, and the serious defects

18. As in other prisons, a substantial gap emerged between theory and practice (see Janofsky 2004; Rubin 2013). Notably, Eastern’s administrators stayed true to the rhetoric of reformation far longer than other prisons’ administrators and even some penal reformers.

in the administration of penal laws.” For Eastern’s inspectors, it was a matter of “justice to the State of Pennsylvania”—they were careful not to claim the insult to their own work—to recognize “the labors of some of her citizens for nearly a century” (Inspectors, Annual Report, 1872, 22). Exacerbating the slight, this was the second time in the nineteenth century that New York had eclipsed Pennsylvania’s role in penal reform.¹⁹ Lack of recognition was particularly egregious because Eastern’s administrators had long lamented that penal reformers, other prison administrators, and legislatures were neglecting Eastern’s example. In their 1863 report, the inspectors expressed their “earnest hope, that their [annual reports’] utility might be recognized by all engaged in the important work of administering systems of prison discipline” (Inspectors, Annual Report, 1863, 6). Months after Wines and Dwight’s report was published, Eastern’s inspectors sounded even more disheartened, complaining: “Public attention to [our reports] has been so often invited, and as yet with but so little interest excited in them.” The beleaguered inspectors felt “best satisfied yearly to increase the amount of this information, trusting that when these Reports shall be considered by earnest men, their labors will be thereby greatly aided in those investigations which will be regarded as of primary importance . . .” (Inspectors, Annual Report, 1868, 23–24).

More was at stake than simply Eastern’s reputation, however. For some administrators, this was personal—their professional status had become part of their identity. For example, by the 1870s, Richard Vaux had been an inspector at Eastern for nearly thirty years and president of the board of inspectors for more than twenty years. Between 1842, when he became secretary of the board, and his death in 1895, Vaux may have written most of the inspectors’ annual reports (see Barnes [1927] 1968, 240) and they clearly reflected his influence. Vaux had been one of the most avid users of scientific discourse and, although a lawyer by training, he frequently presented himself as a “social scientist.” An 1870 issue of *The Evening Telegraph* introduced Eastern’s annual report (probably forwarded by Vaux himself) with the subheading, “Hon. Richard Vaux as a Social Scientist—Facts, Figures, Theories, and Results” (*The Evening Telegraph* 1870). Despite having also served as the Recorder and Mayor of Philadelphia and in the US House of Representatives, Vaux’s work as a penologist was central to his identity.²⁰ It is not surprising, then, that he was furious when others in the field received more attention for similar work.

Administrators’ outrage, expressed by Vaux, became palpable following two International Prison Congresses, organized by Wines, held in London (1872) and Stockholm (1878). Eastern’s administrators had previously been receptive to similar congresses, as these congresses had been receptive to them.²¹ The later congresses

19. In the 1820s and 1830s, New York surpassed Pennsylvania as the center of penal reform by championing its Auburn System, on which most antebellum prisons were modeled (Lewis 1965; McLennan 2008; Rubin 2015).

20. Vaux was not alone. As Walters ([1978] 1997, 14) has explained, for reformers (including Eastern’s gentlemen reformers), “reform was more than just another job. It was an important part of oneself.”

21. They praised the 1846 Prison Congress at Frankfort-on-the-Main for endorsing the Pennsylvania System (Inspectors, Annual Report, 1847, 27). Additionally, though angry at the organizers of the 1872 London Congress, Vaux cited at length “a paper prepared by request of the Committee of the English Social Science Association, and presented to the London [Prison] Congress last July” (Inspectors, Annual Report, 1873, 12–13). The paper won his favor because it supported the Pennsylvania System.

were not. Prison administrators from around the world had been asked to contribute written descriptions of prison discipline at their prison or in their country to enable scientific comparisons to determine the best mode of incarceration. Yet, in Vaux's opinion, "[w]hatever of merit these meetings may have promised," their discussion increasingly focused on "collateral" questions rather than the important competition between separate and congregate confinement.²² This shift in focus slighted Eastern, in Vaux's view, robbing it of its chance to shine when compared to other prisons. Repeating a standard argument, he also worried that the Pennsylvania System would not receive "that unbiased and calm investigation, which a liberal spirit of disinterested inquiry should have prompted" (Vaux 1872, iii).

Vaux's response was particularly heated following the Stockholm Congress of 1878. Writing the inspectors' annual report for that year, Vaux wrote dismissively of "the gentlemen who, by some process of appointment, were called the commissioners" of the Prison Congress, referring to Wines and to some extent Dwight, who also served as a US delegate (Vaux, Annual Report, 1879, 8). These commissioners had "no authoritative capacity" but were part of the congress "chiefly by complimentary appointment" (Vaux, Annual Report, 1879, 57). Not only had they taken on "the duty self-imposed," but they were unscientific in their approach—a grave sin to the professional penologist (Vaux, Annual Report, 1879, 48). For example, the commissioners seemed to think the reason for the Congress "too apparent to need argument to prove it" (Vaux, Annual Report, 1879, 47). As Vaux explained, this approach was highly problematic: "To properly prepare such information as would be required for the direction of the thought and investigation of the members of these congresses, would have been the first duty of" its organizers (Vaux, Annual Report, 1879, 48).

Even worse, in Vaux's view, there was no substance to the meetings; the Congress dealt only superficially with penal science. For Vaux, "the failure to treat the subject of crime-cause, its origin, its prevention, or reformatory, or punitive systems of convict punishment, in that enlarged, enlightened, and scientific method which so pretentious an assembly gave reason to expect, is, perhaps, the most marked of all its [the Congress's] results" (Vaux, Annual Report, 1879, 49). Vaux explained that "[g]littering generalities might suffice for the formal and introductory meeting, when many who have never studied the foundation principles on which the science of crime punishment rests," but this was neither the first meeting, nor was there an absence of data to review (Vaux, Annual Report, 1879, 48).

Undergirding Vaux's criticism was the Congress's failure to consult the evidence produced at Eastern: "The statistical information published during the past ten years by this Penitentiary, limited as true it is to one State Penitentiary, should have been at least considered if not mentioned by the eminent and learned scientists who met to deliberate on the subjects" (Vaux, Annual Report, 1879, 56). Vaux did not describe his complaint as a matter of pride; rather, he believed it indicated the organizers' and participants' ineligibility to discuss the topic: "If so

22. Vaux raised this topic repeatedly at the National Prison Congress held in St. Louis in 1874, where Vaux served as an interim president, but with embarrassing results. Wines severely edited the essay Vaux contributed to the *Transactions* of the conference, reducing Vaux's discussion of appropriate systems of prison discipline, "because [it was] not directly bearing upon the questions that engaged the attention of the Congress" (Wines 1874, 263).

inconsiderable a source of information was unknown to the members who met at this Congress, it might be assumed that the careful research and investigation, which give value to scientific opinion, were wanting even to render the 'formulated conclusions' worthy of the name of authority" (Vaux, Annual Report, 1879, 56–57). As Vaux knew, the Congress's proceedings would be considered authoritative and receive high praise, despite their lack of rigor.

In closing, Vaux explained why he had criticized the Stockholm Prison Congress. He discussed the Congress "only to emphasize the efforts made in Philadelphia during the past twenty years." Ultimately, he sought to "protect them from that relegation into obscurity, which the ignorance of their character and the results that have been attained from them can even temporarily effect." Perhaps speaking to himself more than to his addressees, Vaux instructed "[t]hose who have an earnest interest in the many most important subjects" of penal science "not to be discouraged" (Vaux, Annual Report, 1879, 57). One day, penal science would be treated as a true science. When they "enlist unostentatious students and thinkers, who, starting from the foundation, will seek to master all the principles" and "the material is obtained after patient labor and exhaustive investigation," then the field would benefit from rigorous and "authoritative" findings (Vaux, Annual Report, 1879, 57–58). Until then, dilettantes would continue to receive attention for their "[g]littering generalities," limited knowledge, and unsophisticated methods, and penal science would remain limited. So long as Wines and his ilk remained in the spotlight, Vaux believed, Eastern's illustrious history, and its administrators with it, would remain neglected and obscure.

Unfortunately for Eastern's administrators, Vaux's fear came to pass. After independently pioneering professionalization techniques for decades, Eastern's administrators slowly joined the very upstarts they had condemned as poor imitators. By the 1880s, the inspectors requested the warden to regularly attend these national meetings (e.g., Warden, Annual Report, 1888, 134). Eastern's administrators also began instituting other conventional markers of professionalization for their staff, including hiring men with specific qualifications and establishing a "training school" to train prison "officers," now rarely called "overseers" (Inspectors, Annual Report, 1880, 87; 1888, 129–30). Such requirements would only increase in the coming years as Eastern's administrators continued to conform to field-wide trends (e.g., Warden, Annual Report, 1930, 9).

DISCUSSION

Professionalization at Eastern emerged out of necessity. It arose in response to criticism and incursion from local penal reformers, state legislators, and other, national-level critics. Eastern's administrators claimed a unique expertise to undermine their critics and strengthen their own support for the Pennsylvania System, thereby insulating their prison from incursion.

As a defensive strategy, the administrators' claims were dynamic: over the fifty-year period examined, the administrators derived their expertise from different sources to neutralize different opponents. In Eastern's early years, the administrators constructed their expertise by referencing their lengthy experience as penal

reformers, which was often more extensive than their experience managing a prison. In the early 1840s, however, tensions with local penal reformers increased over management issues and concerns about prisoners' health. The administrators distanced themselves from their work as reformers and increasingly cited instead their daily, firsthand experience with prisoners and the insights they had accumulated therefrom. This situational knowledge also helped the administrators in their battles with the state legislature over the prison's autonomy. Eastern's administrators repeatedly argued that legislators, and the penal reformers advising them, were unqualified to criticize the Pennsylvania System or make penal policy affecting it; only Eastern's administrators had the necessary expertise.

Sensitive to changes in the larger field, Eastern's administrators strategically adapted new sources of expertise over time. While situational knowledge remained fundamental to their proclaimed expertise, Eastern's administrators strengthened their assertions in the late 1840s, but particularly after 1860, by reference to and identification with penal science. Science provided Eastern's administrators an external basis for their expertise: it emphasized the importance of the data they commanded and buttressed claims that they were objective while their opponents were unscientific or biased. The move from situational knowledge to scientific knowledge elevated their expertise from local insight to a general truth only available to those who diligently studied penal science.

Having to compete at the national level for the mantle of scientific expert or professional penologist, however, proved too difficult. Eastern's administrators could not compete with penal reformers and prison administrators who enjoyed field-level support for their claims to scientific expertise and who created formal structures that signified professional status. By the 1880s, facing a formally professionalizing field, Eastern's administrators abandoned their individualistic primitive professionalization and assimilated into the national-level professionalization efforts.

This analysis leaves two unanswered questions, to which I now offer tentative answers. First, why did Eastern's administrators attempt to professionalize before the field-wide professionalization that emerged after the Civil War? The administrators used multiple strategies to defend their embattled Pennsylvania System: Why, as gentlemen reformers with modest formal qualifications, was professionalization one of them? Eastern's reliance on the Pennsylvania System created an administrative structure unique among nineteenth-century prisons that may have enabled professionalization to begin earlier at Eastern. Prisons following the Auburn System were primarily managed by contractors—entrepreneurs who leased the prison from the state, using cheap prison labor to manufacture goods they then sold at market (Lichtenstein 1996; McLennan 2008). Even when prisons maintained wardens and inspectors who were not themselves contractors, concern over profitable labor structured the prison's entire management (McLennan 2008, 134–135, 191). Later efforts to professionalize prison administration were directly aimed at ridding prisons of contractors and their influence.²³ Eastern, by contrast, had little contact with

23. For example, Simon (1993, 31) notes, Progressive-Era “reformers were primarily interested in the professionalization of prison work and saw the contract system as placing too much control in the hands of private contractors with little interest in reform.”

contractors; indeed, it was the *only* US prison not partnered with contractors (McLennan 2008, 176). Instead, Eastern's administrators directly sold their prisoner-made goods and used whatever profit they made to support the prison. As they alone controlled their prison, Eastern's administrators were well situated to claim expertise in a way contractors and other prisons' administrators could not—and did not. Indeed, even among contemporaries, Eastern's board of inspectors was nationally recognized as the most active group of prison inspectors or “directors” (e.g., Wines and Dwight 1867, 70). Thus, Eastern's administrators alone had both the need and ability to use professionalization strategies to defend their system, allowing professionalization to begin earlier, albeit in a primitive, isolated fashion.

Second, to what extent was their primitive professionalization successful in defending the Pennsylvania System? Eastern's administrators were frequently unable to convince the legislature to make the changes they believed would help the Pennsylvania System—alter sentence lengths, build more cells, reform the local jails, alter social policies—or to prevent the legislature from passing laws of which the administrators disapproved. It is possible, however, that the administrators' claims prevented the legislature from further interfering with the prison's activities instead of simply neglecting their requests. Importantly, however, the administrators were more successful with other high-level government officials, as illustrated by the Pennsylvania Supreme Court's decision in *Johnson v. Holloway*. As noted above, the court not only accepted but repeated the administrators' very claims to expertise and their insistence on deference from inexpert legislators.

On a longer timeline, professionalization's enduring legacy gave the administrators the advantage against the local penal reformers. Decades after the state supreme court sided with Eastern's administrators, Pennsylvania Governor William Stone responded similarly, repeating once again their same claims. In 1899, PSAMPP had successfully lobbied for a bill that would make its members official visitors to the prisons, which the state's prison administrators resisted. Governor Stone vetoed the bill, stating in his veto message (May 9, 1899), “I hesitate to approve a bill which is opposed by men charged with the responsibility of prison discipline, and whose judgment is relied upon as a guide in matters of this kind. They are men of long years of experience.” This argument had been made many times before. He continued: “The experience of prison officials and those dealing with prisoners is that non-interference by outside parties is better for the reformation of the prisoners” (Stone 1902, 451–52). The prominence of the administrators' own rhetoric in these decisions suggests the importance of their arguments in securing these occasional victories.

At the national level, however, it appears that the administrators' claims were not taken seriously. As Vaux's unsuccessful competition with Wines demonstrates, more mainstream efforts at professionalization were more readily accepted. Whether this resulted from their affiliation with a discredited prison system or the independence of their claims is difficult to tease apart. However, it appears that Eastern's administrators' independent professionalization efforts were doomed once members of the larger field also proclaimed expertise. By creating traditional status markers including national and international associations—the formal structures to support their professionalization—these new professional penologists solidified their status.

At this point, Eastern's administrators' strategy of undermining the qualifications of their critics and other opponents became unsustainable. Indeed, the new professional penologists like Wines likely helped win acceptance to their claims from others in the field by claiming their own expertise less exclusively—and not at the expense of others—than Eastern's administrators had. In the end, Eastern's administrators were compelled to join or risk further obscurity.

CONCLUSION

Primitive Professionalization

This study has described Eastern's administrators' efforts in "primitive professionalization," the professionalization that takes place before or at least independently of field-wide efforts to professionalize. Standard approaches to understanding professionalization examine the formation of formal structures occupational groups use to establish their professional status (e.g., Wilensky 1964; Abbott 1988). These structures include university training programs and national networks or associations. Throughout this process, however, Eastern's administrators lacked such markers to designate their professional status. As forerunners of field-wide professionalization, they had to construct their own, isolated pathway to professionalization. Consequently, they relied entirely on discursive strategies. Although their efforts were unsuccessful in some ways—establishing themselves as professionals on the national stage—they may have been useful at the local level. Such small-scale victories are often missed in traditional analyses of national-level professionalization.

This study also calls attention to the tension between the strategies and timing of professionalization. Andrew Abbott's canonical text on professionalization suggests that the primary threat to a group's professional claims is the loss of the activity or professional task itself, as when technologies change. Threats from other groups are minimal: when late-comers try to claim professional status after a group has already done so, the late-comers inevitably lose (Abbott 1988, 91–96). In the present case, however, it was the latecomers who succeeded; this study suggests that field-level organization may be more important than claiming professional status first. Indeed, it may be that primitive professionalization will never overcome more formal, field-wide professionalization, but this is a question for future work.

Penal Strife

Studying the primitive professionalization of Eastern's administrators further reveals the strife surrounding the new, modern prisons. Punishment scholars have become increasingly attuned to the "struggle" behind ostensibly well-established penal policy and trends (e.g., Goodman, Page, and Phelps forthcoming). Frequently, however, prison development has been described in terms of a general consensus. For example, while intense debate over the Pennsylvania and Auburn models characterized this period, official prison policy was highly homogenous across the

country, as almost all states adopted the Auburn System (Rubin 2015). This superficial national homogeneity, however, hides tremendous divisions at the state level about the shape of punishment. Scholars have focused on prisoner, guard, family member, and labor union resistance to penal policy and practice in this period (e.g., Meranze 1996; McLennan 2008), but have overlooked contention among officials who are often assumed to be aligned. Likewise, most prison historians interested in divisions between reformers and administrators have focused primarily on the late nineteenth or early twentieth centuries. Scholars have shown how reformers who became administrators left behind their ideals (e.g., Rafter 1985; Pisciotta 1994) and how control-oriented administrators co-opted idealistic reformers' proposed practices (e.g., Jacobs 1977; Rothman 1980). These analyses overlook the contention surrounding the early prisons.

Eastern has offered a unique but useful case study for examining such conflict. Among early prisons, Eastern's internal administration is frequently assumed to be most aligned with reformers' desires. It is frequently referred to as the "Quaker prison," the most religiously invested prison, and the prison most concerned with prisoner reformation (e.g., Welch 2015). In reality, while Pennsylvania's reformers and prison administrators were united in their support for the Pennsylvania System, they were divided by their respective plans for implementing the system. Even in a state that fiercely resisted national penal trends on ideological grounds, the meaning of prison was contested (Janofsky 2004) and alliances among reformers, administrators, and legislators were unstable and shifting. Rather than mere extensions of the reformer community, even these ideological prison administrators explicitly tried to distance themselves from the penal reformers as both groups sought to influence the legislature. Ultimately, this study has shown that even in the early, idealistic days of the modern prison, divisions emerged as prison administrators, penal reformers, and state legislators jockeyed for power and influence over the shape of their state's prison regime.

REFERENCES

- Abbott, A. 1988. *The System of Professions: An Essay on the Division of Expert Labor*. Chicago, IL: University of Chicago Press.
- Barnes, H. E. [1927] 1968. *The Evolution of Penology in Pennsylvania*. Indianapolis, IN: Bobbs-Merrill Company.
- D'Antonio, P. 2006. *Founding Friends: Families, Staff, and Patients at the Friends Asylum in Early Nineteenth-Century Philadelphia*. Bethlehem: Lehigh University Press.
- DiMaggio, P. J. 1991. Constructing an Organizational Field as a Professional Project: U.S. Art Museums, 1920–1940. In *The New Institutionalism in Organizational Analysis*, ed. W. W. Powell and P. J. DiMaggio, 267–92. Chicago, IL: University of Chicago Press.
- Dobbin, F. 2009. *Inventing Equal Opportunity*. Princeton, NJ: Princeton University Press.
- Dumm, T. 1987. *Democracy and Punishment: Disciplinary Origins of the United States*. Madison, WI: University of Wisconsin Press.
- Edelman, L. B., S. E. Abraham, and H. S. Erlanger. 1992. Professional Construction of Law: The Inflated Threat of Wrongful Discharge. *Law & Society Review* 26 (1): 47–84.
- Goodman, P., J. Page, and M. Phelps. Forthcoming. *Breaking the Pendulum: The Long Struggle Over Criminal Justice*. New York: Oxford University Press.

- Griffith, E. 1974. *A History of American City Government: The Progressive Years and Their Aftermath, 1900–1920*. New York: Praeger.
- Haber, S. 1991. *The Quest for Authority and Honor in the American Professions, 1750–1900*. Chicago, IL: University of Chicago Press.
- Haskell, T. L. 1977. *The Emergence of Professional Social Science: The American Social Science Association and the Nineteenth-Century Crisis of Authority*. Urbana, IL: University of Illinois Press.
- Ignatieff, M. 1978. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850*. New York: Pantheon Books.
- Jacobs, J. B. 1977. *Stateville: The Penitentiary in Mass Society*. Chicago, IL: University of Chicago Press.
- Janofsky, J. L. 2004. “There Is No Hope for Me”: Eastern State Penitentiary, 1829–1856. PhD thesis, Temple University.
- Kahan, P. 2008. *Eastern State Penitentiary: A History*. Charleston, SC: History Press.
- Koehler, J. 2015. Development and Fracture of a Discipline: Legacies of the School of Criminology at Berkeley. *Criminology* 53 (4): 513–44.
- Lane, R. 1967. *Policing the City: Boston, 1822–1885*. Cambridge, MA: Harvard University Press.
- Larson, M. S. 1977. *The Rise of Professionalism*. Berkeley, CA: University of California Press.
- Lewis, W. D. 1965. *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796–1848*. Ithaca, NY: Cornell University Press.
- Lichtenstein, A. 1996. *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*. London: Verso.
- Lynch, M. 2010. *Sunbelt Justice: Arizona and the Transformation of American Punishment*. Stanford, CA: Stanford University Press.
- McLennan, R. M. 2008. *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941*. New York: Cambridge University Press.
- Meranze, M. 1996. *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760–1835*. Chapel Hill, NC: University of North Carolina Press.
- Parrillo, N. R. 2013. *Against the Profit Motive: The Salary Revolution in American Government, 1780–1940*. New Haven, CT: Yale University Press.
- Perkinson, R. 2008. *Texas Tough: The Rise of America’s Prison Empire*. New York: Metropolitan Books/Henry Holt.
- Pisciotta, A. 1994. *Benevolent Repression: Social Control and the American Reformatory-Prison Movement*. New York: New York University Press.
- Rafter, N. 1985. *Partial Justice: Women in State Prisons, 1800–1935*. Boston, MA: Northeastern University Press.
- . 1997. *Creating Born Criminals*. Chicago, IL: University of Illinois Press.
- Ross, D. 1991. *The Origins of American Social Science*. New York: Cambridge University Press.
- Rothman, D. J. 1971. *The Discovery of the Asylum: Social Order and Disorder in the New Republic*. Boston, MA: Little, Brown.
- . 1980. *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*. Hawthorne, NY: Aldine de Gruyter.
- Rubin, A. T. 2013. Institutionalizing the Pennsylvania System: Organizational Exceptionalism, Administrative Support, and Eastern State Penitentiary, 1829–1875. PhD thesis, U.C. Berkeley.
- . 2015. A Neo-Institutional Account of Prison Diffusion. *Law & Society Review* 49 (2): 365–99.
- Scharf, J. T., and T. Westcott. 1884. *History of Philadelphia, 1609–1884* (3 vols.) Philadelphia, PA: L. H. Everts & Co.
- Schweber, H. 1999. The “Science” of Legal Science: The Model of the Natural Sciences in Nineteenth-Century American Legal Education. *Law and History Review* 17 (3): 421–66.
- Simon, J. 1993. *Poor Discipline: Parole and the Social Control of the Urban Underclass, 1890–1990*. Chicago, IL: University of Chicago Press.
- Steinberg, A. 1989. *The Transformation of Criminal Justice: Philadelphia, 1800–1880*. Chapel Hill, NC: University of North Carolina Press.

- Sullivan, L. E. 1990. *The Prison Reform Movement: Forlorn Hope*. Boston, MA: Twayne Publishers.
- Sutton, J. R. 1988. *Stubborn Children: Controlling Delinquency in the United States, 1640–1981*. Berkeley, CA: University of California Press.
- Teeters, N. K. 1937. *They Were in Prison: A History of the Pennsylvania Prison Society, 1787–1937*. Philadelphia, PA: John C. Winston Company.
- Teeters, N. K., and J. D. Shearer. 1957. *The Prison at Philadelphia, Cherry Hill: The Separate System of Penal Discipline: 1829–1913*. New York: Columbia University Press.
- Walker, S. 1977. *A Critical History of Police Reform: The Emergence of Professionalism*. Lexington, MA: Lexington Books.
- Walters, R. G. [1978] 1997. *American Reformers, 1815–1860*. New York: Hill and Wang.
- Welch, M. 2015. *Escape to Prison*. Oakland, CA: University of California Press.
- Wiebe, R. H. 1966. *The Search for Order, 1877–1920*. New York: Hill and Wang.
- Wilensky, H. L. 1964. The Professionalization of Everyone? *American Journal of Sociology* 70 (2): 137–58.
- Willrich, M. 2003. *City of Courts: Socializing Justice in Progressive Era Chicago*. New York: Cambridge University Press.

CASES CITED

- Bell v. Wolfish* (1979). 441 U.S. 520.
- Commonwealth ex rel. Johnson v. Holloway* (1862). 42 Pa. 446.
- Farmer v. Brennan* (1994). 511 U.S. 825.
- Hudson v. Palmer* (1984). 468 U.S. 517.
- Spain v. Pecunier* (1979). 600 F.2d 189.
- Wilson v. Seiter* (1991). 501 U.S. 294.

STATUTES CITED

- Pennsylvania. 1858. No. 14: Resolutions Relative to a Revised Penal Code of Pennsylvania. In *Laws of the General Assembly of the State of Pennsylvania*, 523–24. Harrisburg, PA: A. Boyd Hamilton.
- Pennsylvania. 1861. No. 430: An Act Relative to Prison Discipline. In *Laws of the General Assembly of the State of Pennsylvania*, 462–63. Harrisburg, PA: A. Boyd Hamilton.
- Pennsylvania. 1867. No. 4: Joint Resolution Authorizing the Governor to Appoint a Commission to Inquire into the Various Systems of Prison Discipline. In *Laws of the General Assembly of the State of Pennsylvania*, 1338. Harrisburg, PA: Singerly & Myers, State Printers.
- Pennsylvania. 1869. No. 18: An Act Authorizing the Congregating of Convicts in the Western Penitentiary for Labor, Learning and Religious Services. In *Laws of the General Assembly of the State of Pennsylvania*, 18. Harrisburg, PA: B. Singerly, State Printer.
- Pennsylvania. 1871. No. 275: An Act in Relation to the Allotment of Prisoners to the Eastern and Western Penitentiaries. In *Laws of the General Assembly of the State of Pennsylvania*, 293. Harrisburg, PA: B. Singerly, State Printer.

PRIMARY SOURCES

- Annual Reports of the Inspectors of the Eastern State Penitentiary of Pennsylvania*. 1831–1930. Philadelphia, PA: Various Publishers.
- Daily Local News*. 1899. *West Chester, Past and Present: Centennial Souvenir*. West Chester, PA: Daily Local News.

- Dickens, C. [1842] 2000. *American Notes*. ed. Patricia Ingham. London: Penguin Books.
- Evening Telegraph. 1870. Cherry Hill: Annual Report of the Inspectors of the Eastern Penitentiary of Pennsylvania. *Evening Telegraph* 13 (91): 1.
- Foulke, W. 1846–1852. Notebooks Concerning Prisons and Prisoners. Box 7, William Parker Foulke Papers. American Philosophical Society, Philadelphia, PA.
- Geary, J. W. 1902. Annual Message to the Assembly—1870. In *Pennsylvania Archives. Fourth Series. Papers of the Governors, Vol. VIII. 1858–1871*, ed. G. E. Reed, 1001–41. Harrisburg: Wm. Stanley Ray.
- Gray, F. C. 1848. *Prison Discipline in America*. London: John Murray
- Howe, S. G. 1846. *An Essay on Separate and Congregate Systems of Prison Discipline*. Boston, MA: William D. Ticknor and Company.
- JPDF. 1896. In Memoriam. *Pennsylvania Journal of Prison Discipline and Philanthropy* 35/36:30–32.
- McElwee, T. 1835. *A Concise History of the Eastern Penitentiary of Pennsylvania Together with a Detailed Statement of Proceedings of the Committee Appointed by the Legislature*, Vol. 2. Philadelphia, PA: Neall & Massey.
- Minute Books of the Board of Inspectors and Board of Trustees of the Eastern State Penitentiary. 1829–1885. Vols. 1–4. Eastern State Penitentiary Collection, Record Group 15 (#15.44). Pennsylvania State Archives.
- NAR. 1848. Prison Discipline in America by Francis C. Gray. *North American Review* 66 (138): 145–190.
- Pennsylvania. 1835–1836. Testimony from Legislative Committee to Investigate State Penitentiary for the Eastern District of Pennsylvania. Partial Transcript. Series II, State Penitentiary for the Eastern District of Pennsylvania Records. American Philosophical Society, Philadelphia, PA.
- PSAMPP. 1854–1885. Minute Books. Series I, Vols. 27–29, Pennsylvania Prison.
- Scharf, J. T., and T. Westcott. 1884. *History of Philadelphia, 1609–1884* (3 vols.) Philadelphia, PA: L.H. Everts & Co.
- Society Records. Collection 1946. Historical Society of Pennsylvania.
- Vaux, R. 1872. *Brief Sketch of the Origin and History of the State Penitentiary for the Eastern District of Pennsylvania at Philadelphia*. Philadelphia, PA: McLaughlin Brothers, Printers.
- Warden's Daily Journal. 1829–1877. Vols. 1–2. Eastern State Penitentiary Collection, Record Group 15 (#15.50). Pennsylvania State Archives.
- Wines, E., ed. 1874. *Transactions of the Third National Prison Reform Congress Held at Saint Louis, Missouri*. New York: Office of the Association.
- Wines, E., and T. W. Dwight. 1867. *Report on the Prisons and Reformatories of the United States and Canada Made to the Legislature of New York, January 1867*. Albany, NY: Van Benthuysen and Sons' Steam Printing House.