

MORALITY AND THE PENAL SYSTEM IN EIGHTEENTH CENTURY ENGLAND

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HOWARD WILLEN

The first half of the eighteenth century was beset by moral and spiritual eclipse in England. J. Wesley Bready comments:

In 1738, Bishop Berkeley, in his 'Discourse Addressed to Magistrates and Men in Authority,' declared that 'morality in Britain had collapsed to a degree that has never been known in any Christian country.' 'Our prospect, 'he averred, 'is very terrible and the symptoms grow worse from day to day.'¹

Walpole, Johnson, Defoe and others, also offer startling evidence of this moral decline during this period.

During the eighteenth century the Agricultural Revolution took place in England. Small farmers suffered a financial blow. Only those who farmed on a large scale profited from the growth, because emphasis was placed on large scale production. The small landholder could not muster the capital needed, and consequently, the increase went to those who already had the most.

Concerning the problems with the farms, Richard Cameron comments:

Many small farms were thrown together to make a few large ones; the landowners with sufficient political backing were able to 'enclose' profitable tracts of grazing land which had before belonged to whole villages in common.² Both processes pushed agricultural laborers off the land.

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J. Wesley Bready, England: Before and After Wesley (New York: Harper and Brothers, 1938), p. 19.

2

Richard M. Cameron, Methodism and Society in Historical Perspective (New York: Abingdon Press, 1961), p. 28.

The century was marked by drunkenness, sexual promiscuity, and gambling. While the lower and middle classes indulged in these moral plagues, ^{which} ~~they~~ were not confined to the lower classes. Political corruption was at its zenith when Walpole became the first Prime Minister of England. He was recorded as saying that all the Members of Parliament had their price. On this conjecture, he built his ruthless and ungodly policy.

About this same time the Industrial Revolution pervasively affected England. This revolution catastrophically changed the demographic face of the nation. The dispossessed were drawn to the mining and manufacturing centers. It was here that these poor people lived out their lives under more undesirable and unwholesome circumstances than before.

Walpole represented the epitome of Deistic Philosophy. Self interest was an outcropping of this natural philosophy. In turn, Walpole's prelates proclaimed his philosophy as the law of God. He personally indulged in strong drink and lived in unhidden adultery. "This lewdness, moreover, he carried not only into public life but also to Court, where he jested drolly with the capable, disillusioned and cynical Queen Caroline, even upon the infidelity of her husband, the king."³

Organized corruption was making the House of Commons a non-representative body. Government was rapidly becoming an instrument to be used by the high and the mighty. The poor and the disadvantaged were overlooked by the government.

For example, besides bestowing the title "Duke of Oxford" upon himself, Walpole bestowed permanent offices upon his sons and procured for himself a pension of about four thousand pounds a year. Members of Parliament took bribes freely and

were immune from all action. Thus, they were able to defy their creditors. The English people were not permitted to know the procedures of Parliament until the early years of George III. Some boroughs that actually had few citizens sent as many as two members to Parliament. Some huge industrial areas had no representation at all.

As is true of every era, the criminal code and its administration reflected the savagery of eighteenth century England. Adults, and even children, were hanged for almost two hundred sorts of violations of the law. For example, to break a young tree was a crime punishable by death. Hundreds of Britons were hanged for picking pockets. To deter crime, many felons were left hanging on the gallows until they rotted, a vivid reminder to other potential offenders.

The fun-loving eighteenth century England was intrigued with the "hanging shows." Usually, five or ten offenders were executed at the same time, and grandstand seats were sold for the event. These shows turned into gala occasions marked by extravagant drinking, eating, and merry making. Women brought along their small children, and sometimes babies were trampled to death by an unruly mob. The "resurrection women" were usually present. They were paid by the surgeons to procure the bodies of the executed for dissection.

Hanging was not the only method of execution. Until the middle of the century, women were semi-strangled and burned for crimes such as arson and husband-murder. Some offenders died as the result of having heavy iron weights placed on their chests, weights thus pressed them to death.

The last half of the century brought changes in these brutal practices. However, certain brutal legal punishments continued. Victims were sometimes killed by mob assaults; Hand branding continued, and the flogging of women continued throughout the century.

Conditions in the prisons were atrocious. The Parliamentary Committee of 1728-29 reported that gross cruelties existed in prisons, which amounted to nothing less than deliberate torture.

That John Wesley, the Anglican priest who ^{often} served as the moral conscience of England during this time, was shamed by the prison conditions is evidenced by his inclusion of the report of a visit to the Marshalsea Prison in his Journal, dated Saturday, February 3, 1753.

I visited one in the Marshalsea Prison; a nursery of all manner of wickedness. O shame to man, that there should be such a place, such a picture of hell, upon earth! And shame to those who bear the name of Christ, that there should need be any prison at all in Christendom!⁴

However, there was no public conscience to support reform.

Bready, drawing from Wesley's JOURNAL, reports that in 1759 Wesley visited a prison near Bristol, to see French prisoners taken in the Seven Year's War. Eleven hundred of these men were confined to a small area, without anything to lie on but some dirty straw. Wesley reported that they had nothing to cover them at night but a few foul, thin rags. He was "much affected," and the next time he preached he received an offering to alleviate the condition of the prisoners. He bought cloth which was made into clothing. Bristol later contributed mattresses and blankets for the relief of the prisoners. Prisons had not improved much by the middle of the 1770's. Jailers received no pay. Thus, they were dependent upon bribes and extortion for their livelihood. The jailers resorted to the sale

of alcohol, weekly release from chains and covert permission of prostitution as their main sources of revenue. Many persons were in jail for several months awaiting trial. Many of the accused would remain in jail for months after they had been proved innocent, because they did not have the money to pay the jailer's fee.

John Howard, the prison reformer, revealed something of the conditions in English prisons during the last three decades of the eighteenth century.

"At Ely, the prison being unsafe, the jailer had endeavored to secure the inmates by chaining them down on their backs upon the floor, placing an iron collar with spikes about their necks, and a heavy iron bar over their legs.⁵

As a by-product of the filth of the prisons, Bready comments:

"In May, 1750, two judges several of the jury and sixty persons who were present in the Session House during a trial, died of jail fever contracted from a batch of filthy prisoners who before entering the dock had been subjected to long and heinous confinement.⁶

John Howard was born near London about 1727. His father was a wealthy industrialist who later placed young Howard in an academy. John inherited most of his father's fortune when the elder Howard died. He became a humanitarian, giving away money to many worthy causes in England.

Howard's concern for improving conditions in the prisons began when he was captured, along with other English persons, by the French, ~~as he sailed for~~

5
Ibid., p.272.

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Ibid.,

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Howard's concern for improving conditions in the prisons began when he was captured, along with other English persons, by the French as he sailed for Portugal. "In consequence of this disaster, Mr. Howard suffered excessive privation and cruelty."⁷ He was confined forty hours without food and was then carried into Brest, where he was confined in a filthy dungeon. For some time, he was forced to lie on the cold floor with nothing to cover him but straw.

Shortly after his parole, Howard returned to England, where he began a world-wide campaign of prison reform. His first effort was to liberate some British prisoners at Marlaix, Brest, and Dinno. He heard, ^{while at Capnaix} ~~while at Capnaix,~~ that several hundred had died and that thirty-six were buried in a hole at Dinno in one day. He succeeded in regaining freedom for several prisoners of war.

In 1773 Howard was installed as sheriff of Bedford County. He left much of the routine work to associates and spent most of his time in prisons, examining conditions there. The jails, being under his supervision, were subject to his official scrutiny. He worked at correcting prison abuses and gave himself to the promotion of the health and reformation of the prisoners.

Howard applied to the justices of the county for a salary for every jailer. His request was denied because the bench lacked a precedent for charging the county with the expense. This led him to inspect several prisons

⁷The Life of John Howard the Philanthropist (Philadelphia: Presbyterian Board of Publication), p. 6)

in neighboring counties, where he found the same injustice being practiced. This situation distressed him greatly, because many innocent persons were wasting in prison because of their inability to pay the fees necessary for their freedom.

The last two decades of Howard's life were dedicated almost entirely to traveling across Europe inspecting prisons. To gain entrance, he often gave donations to the prison system. His wealth and political connections gained him admittance to many dungeons.

Howard, determined to publish findings which he had gathered as he inspected the jails of Europe, established residence in Warrington, England. Assisted by friends, he began the task of revising his notes and putting them in order to print. His book was entitled The State of the Prisons in England and Wales, with Preliminary Observations, and an Account of Some Foreign Prisons. The book was dedicated to the Parliament, whom he hoped would legislate reform.

On April 15, 1778, Howard testified before a select committee of the House of Commons concerning his visit to the ship "Justitia," which contained many prisoners. He told of abuses he had witnessed in the hunks. His testimony inspired the House of Commons to take further steps to alleviate these abuses and his influence was keenly felt in Parliament as one reform after another became a reality.

Eighteenth-century England was not completely void of morality. History speaks of the Great Awakening during that century. There was some symbolance of a moral conscience during this period. However, as is the case in twentieth-century America, those who considered themselves to be part of a moral majority, were not able to articulate a single voice of concern.

or MINORITY