From Hopelessness to Hope:
Surveying the Women's Prison Reformatory Movement

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Summary

In 1869, the first independent, all-female prison opened in the United States. It was a significant step in the eyes of many women who for years had advocated change in women's incarceration. In the time leading up to the Civil War and immediately after, female inmates were subjected to the most vile conditions behind bars—no individualized care, no cells, no rehabilitation, and sexual abuse to describe just some. Female criminality was rare, and once convicted, a woman had fallen from the pedestal of purity, never to be dealt with again by society.

The opening of female institutions was the fruit of American female labors. Women joined forces through religious and charitable organizations to open the eyes of the male community to the horrors experienced by women in prison. In the end, men in society began to grant women more opportunities to become involved in corrections work, and a variety of other non-domestic doors began to open for females. For many, the prison represented only the beginning of a time of revolution for women of all walks of life, not just convicts. With the opening of a female institution came the recognition that female criminals could indeed reform their ways. Society finally began to acknowledge that it had a social ill with which to deal. But beyond granting female convicts humane treatment, the evolution of female prisons and reformatories provided middle-class women in America the opportunity to demonstrate their capacity to fulfill roles outside of domestic life.

However, behind these two positive outcomes for women—more humane treatment for the incarcerated and the acknowledgement that women had the capacity to fulfill important roles outside of the home—lay a bit of a double-edged sword. The success of the women’s prison reform movement did not come without any costs. The female reformers made many significant
advances for their sisters, but often the results had the effect of reinforcing the sexual double standard for men and women. In the middle to late nineteenth century, women seized the opportunity to save their fallen sisters by capitalizing on the theory that women could be reformed only through the nurturing of their fellow women and a surrounding “feminine” atmosphere. By institutionalizing different treatment for male and female inmates and the different capabilities of male corrections officers and female matrons, the women’s reformatory movement did, in some respects, legitimize a tradition of providing care to women that was inherently unequal to that of men. However, given the fact that radical change rarely happens overnight, historians can observe this course of action as a practical one in which women reformers worked within the confines of the system imposed upon them by society. The participants in the women’s prison reform movement set and fulfilled their goals of providing humane treatment for female inmates.
# Key Events in the Women’s Prison Reformatory Movement

<table>
<thead>
<tr>
<th>Date</th>
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<tr>
<td>1790</td>
<td>Pennsylvania’s Walnut Street Jail opens. The jail pioneered the idea that women and debtors should be separated from violent, male inmates. However they do not have adequate space to properly incorporate this idea.</td>
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<td>1813</td>
<td>In England, Elizabeth Fry begins her prison visits, which later become an inspiration to American reformers.</td>
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<td>1823</td>
<td>Inspired by Elizabeth Fry, Philadelphia Quakers become the first Americans to attend to imprisoned women as they visit the Arch Street Prison. At this point, the visitors are limited in number.</td>
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<td>1826</td>
<td>Scandal at Auburn when prisoner Rachel Welch became pregnant, was flogged, and died after childbirth.</td>
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<td>1828</td>
<td>New Jersey Governor Clinton asked for the establishment of separate women’s prisons, but the legislature rejects his idea.</td>
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<td>1832</td>
<td>Auburn hired a matron for its women’s quarters.</td>
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<td>1835</td>
<td>New York founds the Mount Pleasant Female Prison: the first prison for women in the United States. This prison originally was under the direction of men only; however, with an increasing female population, female matrons were hired.</td>
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<td>1835</td>
<td>Report on the Penitentiaries of the United States by William Crawford: “With the exception of Pennsylvania and Connecticut, there is not a single State in which the treatment of female prisoners is not entirely neglected.”</td>
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<td>1835</td>
<td>First penitentiary structure built for women in the United States at Sing Sing Prison in New York. However, structure still part of the male prison and under the sole direction of males.</td>
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<td>1837</td>
<td>Ohio builds separate structure for female convicts—a women’s annex which backed onto the front wall of the state penitentiary; with this, women could get exercise and fresh air, but women were isolated from the services of the main penitentiary.</td>
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<td>1840s</td>
<td>Women’s crime becomes the subject of men’s concern at the recently formed Prison Association of New York.</td>
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<td>1844</td>
<td>New York Prison Association founded.</td>
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<td>1845</td>
<td>Mary Fuller, editor of the New York Tribune and visitor of prisons, writes a series of articles commenting on the terrible state of female inmates and calling for reform.</td>
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<td>1845</td>
<td>Abby Hopper Gibbons establishes the Home for Discharged Female Convicts, the first such half-way house in the world.</td>
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<td>1853</td>
<td>Caroline Kirkland writes The Helping Hand, a plea for women to assist her sisters in prison.</td>
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<td>1854</td>
<td>Tensions between men and women of the Prison Association of New York led the women to leave PANY and found the autonomous Women’s Prison Association and Home.</td>
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<td>1860s</td>
<td>Civil War sparks a rise in female criminality.</td>
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<td>1868</td>
<td>A warden at the Indiana State Prison at Jeffersonville instituted concubinage for himself and other male officers, thus prompting serious investigations of the</td>
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<td>1869</td>
<td>Indiana opens separate prison for female inmates.</td>
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<td>1870</td>
<td>National Congress on Penitentiary and Reformatory Discipline, held in Cincinnati, OH: Adopted a Declaration of Principles and passed significant resolutions; Advocated the employment of females as correctional officers and the establishment of separate prisons for women. (This National Prison Congress later became the American Prison Association)</td>
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<td>1873</td>
<td>Women’s reformatory constructed in Indiana. The nation’s first completely independent, female-staffed women’s prison.</td>
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<td>1874</td>
<td>Massachusetts opens separate prison for female inmates.</td>
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<td>1877</td>
<td>Massachusetts Reformatory Prison for Women opens.</td>
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<td>1879</td>
<td>Massachusetts passes an inmate indenture law.</td>
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<td>1887</td>
<td>New York House of Refuge at Hudson opens. It is the first cottage system adult female reformatory in the United States. By 1889, the House was full.</td>
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<td>1900</td>
<td>Iowa passes a law creating a reformatory for women.</td>
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<td>1901</td>
<td>Bedford Hills Reformatory opens. Individual home-like cottages set in the country and supervised by female matrons.</td>
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<td>1912</td>
<td>Biennial convention of the General Federation of Women’s Clubs held in San Francisco in June; Announces opposition to the contract system of prison labor, but ironically these women who gathered only spoke of male prison labor and made no mention of the female contract labor system.</td>
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<td>1912</td>
<td>The National Prison Association established an Association of Women Members.</td>
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<td>1917</td>
<td>After three decades of suggestion, the Connecticut legislature enacts a statute creating the Connecticut State Farm for Women.</td>
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<td>1919</td>
<td>Annual Congress of the American Prison Association adopts resolution condemning the collection of fines from “fallen women.”</td>
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<td>1920</td>
<td>Meeting of the American Prison Association, Held in Columbus, OH 10/14-10/19; Focus on the classification of prisoners and scientific study of causes of criminality.</td>
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<td>1929</td>
<td>The American Prison Association adopted a resolution calling for the establishment of a women’s committee.</td>
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<td>1930</td>
<td>The Conference of Superintendents of Institutions for Women and Girls founded by Martha Falconer.</td>
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"The history of women’s institutions reflects the history of women."

- Joycelyn Pollock, *Women, Prison & Crime*

I. Introduction

In 1869, the first independent, all-female prison opened in the United States. It was a significant step in the eyes of many women who for years had advocated change in women’s incarceration. But for many, the prison represented only the beginning of a time of revolution for women of all walks of life, not just convicts. With the opening of a female institution came the recognition that female criminals could indeed reform their ways. Society finally began to acknowledge that it had a social ill with which to deal. But beyond granting female convicts humane treatment, the evolution of female prisons and reformatories provided middle-class women in America the opportunity to demonstrate their capacity to fulfill roles outside of domestic life.

The opening of female institutions was the fruit of American female labors. Women joined forces through religious and charitable organizations to open the eyes of the male community to the horrors experienced by women in prison. In the end, men in society began to grant women more opportunities to become involved in corrections work, and a variety of other non-domestic doors began to open for females. However, behind these two positive outcomes for women—more humane treatment for the incarcerated and the acknowledgement that women had the capacity to fulfill important roles outside of the home—lay a bit of a double-edged sword. The success of the women’s prison reform movement did not come without any costs. The female reformers made many significant advances for their sisters, but often the results had the effect of reinforcing the sexual double standard for men and women. In the middle to late
nineteenth century, women seized the opportunity to save their fallen sisters by utilizing the theory that women could be reformed only through the nurturing of their fellow women and a surrounding “feminine” atmosphere. By institutionalizing different treatment for male and female inmates and the different capabilities of male corrections officers and female matrons, the women’s reformatory movement did, in some respects, legitimize a tradition of providing care to women that was inherently unequal to that of men. However, given the fact that radical change rarely happens overnight, historians can observe this course of action as a practical one in which women reformers worked within the confines of the system imposed upon them by society to make great change. The participants in the women’s prison reform movement set and fulfilled their goals of providing humane treatment for female inmates.

II. The Beginnings

A. Women’s Place in Society

The treatment of female convicts in the nineteenth and early twentieth centuries reflect broader social norms regarding women at the time. To fully understand the evolution of the female prison system in America, one must begin by investigating the concepts society had of women in the first half of the nineteenth century. Female offenders were a class of people deemed not wholly feminine, but not wholly masculine either.¹ This had serious implications for incarcerated women in the nineteenth century. “A study of changing definitions of, attitudes toward, and penal response to criminal—or criminalized—women reveals much about the shifting perceptions and boundaries of proper femininity.”² Early in American history, women were bound by the confines of the family. The family was the basic social institution and women

¹ JOYCELYN M. POLLOCK, WOMEN, PRISON, & CRIME 20 (Wadsworth Thomson Learning 2002).
were expected to be involved only in their family’s lives, and not in the lives of others. Women may have been suffering behind bars, but with the structure of society as it was, their sisters were not given the opportunities to come to their aid. The reformist push for separate women’s correctional facilities came about as a result of several combined factors and continued to develop over the course of the nineteenth and twentieth centuries within the confines of larger social developments in the country. The segregation of women into separate institutional facilities developed within the context of an overall feminist movement in the late nineteenth century.

Women, being human, have always committed crimes. Charges against white females first appeared in colonial records in 1640, 1647, 1757, and 1794. The first penal institutions built in the colonies were jails, but female offenders rarely were kept there. Before and during the American Revolution, males and females received similar treatment from society because their labor was valued equally. However, with increasing urbanization and industrialization after the war, women’s labor became much less essential to functioning society. Mara L. Dodge explains:

The early nineteenth century, which witnessed the birth of the penitentiary, represented a period of rapid social and economic changes. Expanding market forces and incipient capitalism undermined traditional sex roles. As men entered the wider public world of paid labor, politics, and professional life in rapidly growing numbers, middle-class women’s realm was increasingly restricted to hearth and home. These changes in status and role were accompanied by an equally profound shift in gender ideologies. Religious, cultural, and social authorities portrayed women as the weaker sex, uniquely suited to domesticity—to the raising and nurturing of children and to a more restricted life overall.

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6 JOYCELYN M. POLLOCK, WOMEN, PRISON, & CRIME 22 (Wadsworth Thomson Learning 2002).
The cult of “true womanhood” soon emerged. Estelle Freedman explains, “The nineteenth century cult of “True Womanhood” burdened American women with the task of setting the sexual and ethical standards for the entire society by assuming that women’s inherent purity could control the social disorder with which ante-bellum America was fearfully obsessed.”

At this point in time, society considered women to be pure creatures whose purpose was to keep society moral and upright. This image of the female as a pure, morally superior being had significant consequences for the female inmate. A female who committed a crime was considered a deviant, mutant species of woman who threatened the entire moral fabric of society. She was considered a very dangerous element in society because as a wife and mother, she had influence over several people. She could breed and raise future criminals. Society felt it had to deal harshly with this situation. A female criminal was considered much worse than a male criminal because society felt that women were naturally virtuous. Therefore, a female criminal was an unnatural form of woman; in nineteenth century American eyes, she was obviously more evil than a male criminal because she fell from a higher point of purity than did a man. In 1850, the chaplain at the Ohio penitentiary, James Bradley Finley, explained that he had no success upon reading the female inmates the fifth chapter of Matthew along with a verse from John. “They were as obdurate as rocks. I have always observed that the female, who seems to have been made for tenderness, and piety, and moral courage, when really depraved and

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9 Estelle B. Freedman, Their Sister’s Keepers: An Historical Perspective on Female Correctional Institutions in the United States: 1870-1900, 2 Feminist Studies 77, 78 (1974); Pollock 22; Dodge 15.
10 Gustave de Beaumont and Alexis de Tocqueville, On the Penitentiary System in the United States (Frances Lieber trans., Carey, Lea and Blanchard 1883).
fallen, is not the wickedest, but the most hard and unmanageable of beings,” Finley noted.\textsuperscript{12} Throughout his journal, Finley frequently expressed such opinions as, “A woman when lost is lost entirely,” and, “As a woman falls from a higher point of perfection, so she sinks to a profounder depth of misery than man.”\textsuperscript{13} These statements embody the view of female criminals roughly until the conclusion of the Civil War.

B. The Plight of the Incarcerated

The fact that female criminals were more depraved and obdurate than male criminals was considered “incontestable” at the time.\textsuperscript{14} Female convicts felt harsh repercussions as a result of these societal views of women. First, female criminals were considered irredeemable; thus, correction facilities made no attempt to rehabilitate female inmates. Instead, the women were sent to prison for punishment only. “Never was punishment treated more simply as a social convenience, without regard to pure right, or a hope of reformation,” wrote Margaret Fuller in the New York \textit{Tribune}, March 19, 1845.\textsuperscript{15} Second, the punishment that women received in prison was typically harsher than that which the male inmates received. “[Society] justified harsher treatment of female criminals by the argument that women convicts were more depraved than men since, having been born pure, they had fallen further than had their male counterparts in crime.”\textsuperscript{16}

In addition to the desire to punish these depraved, unredeemable women, an additional reason why the female prison experience was worse than that of men was the fact that because female inmates made up such a small percentage of the inmate population, they received little

\textsuperscript{13} \textit{Id.} at 71; 99.
\textsuperscript{14} \textit{Id.} at 347.
\textsuperscript{15} Margaret Fuller, \textit{Margaret Fuller, Critic} 102 (Judith Mattson Bean & Joel Myerson, eds., Columbia Univ, Press 2000).
no attention from the male wardens or society at large. In his Report on the Penitentiaries of the United States in 1835, William Crawford wrote, “With the exception of Pennsylvania and Connecticut, there is not a single State in which the treatment of female prisoners is not entirely neglected.” After touring the New York State Prison at Auburn—which at the time housed 592 white males, 10 white females, 66 black males, and 15 black females—Crawford noted that the women were not allowed to go outside in the open air for exercise at any point in time. This was not uncommon for female inmates. At the Ohio penitentiary, Reverend Finley noted that when the warden finally assembled all of the female inmates together for a trip outside to the prison yard, they became scared, thinking a terrible trick was to be played upon them. Once the women were told it was not punishment, they became visibly overwhelmed. He noted, “The poor women were really overjoyed with their privilege. Some probably, had not seen the ground for years. Not one of them had beheld a tree, or a flower, or a skipping animal, since their commitment to these gloomy halls.”

Because the number of females in prison was so much smaller than that of males, the criminal institutions made no efforts to accommodate the female inmates. Freedman comments:

The women who served in penal institutions between 1820 and 1870 were not subject to the prison reform experienced by male prisoners. Officials employed isolation, silence, and hard labor to rehabilitate male prisoners. The lack of accommodations for female inmates made isolation impossible for them, and productive labor was not considered an important part of their routine. The neglect of female prisoners, however, was rarely benevolent. Rather, a pattern of over-crowding, harsh treatment, and sexual abuse recurred throughout prison histories.

17 WILLIAM CRAWFORD, REPORT ON THE PENITENTIARIES OF THE UNITED STATES 27 (Patterson Smith 1969) (1835).
18 Id. at Appendix page 26.
Women were stuffed, literally, into whatever space was available inside the prison walls—such as a steamy, unventilated attic above the penitentiary kitchen. In an 1838 visit to Auburn prison, Harriet Martineau observed:

The arrangements for the women were extremely bad ... The women were all in one large room, sewing. The attempt to enforce silence was soon given up as hopeless; and the gabble of tongues among the few who were there was enough to paralyze any matron ... There was an engine in sight which made me doubt the evidence of my own eyes: stocks of a terrible construction; a chair, with a fastening for the head and all the limbs.

Furthermore, women were seen as a financial drain on the prison system because there were no real female prison industries and whatever work they were capable of performing, such as washing and sewing, did not make them economically viable for the prison. In 1845, Dorthea Dix—philanthropist and frequent observer of penitentiaries—compiled her Remarks on Prison and Prison Discipline and explained, “The product of women’s labor in the State prisons, fails to meet the expenses of their department.” Because of their small numbers and lack of productivity people turned a blind eye to the female prisoners, making their already bad conditions worse. Nicole Rafter explained:

To cost-conscious officials, female convicts appeared to be a greater drain on resources than men. Because they were few in number, their per capita costs were higher, especially when matrons were hired for their supervisions. Chaplains, physicians, and other officials considered it bothersome to visit female departments after making their usual rounds. And because women were assigned to less productive labor (often to making and washing clothing for the men), their work was less profitable than that of male convicts.

22 Harriet Martineau, Retrospect of Western Travel I 124-25 (Saunders and Otley 1838).
Moreover, wardens viewed female inmates as trouble-makers. They were neglected because male prison administrators considered them to be nuisances.\textsuperscript{25} Were women that much more unruly than their male counterparts? The likely answer is no. Instead, because women were never supposed to swear, drink, or act rowdy, if they did so behind bars, they were considered extreme trouble-makers; males, on the other hand, engaged in such acts all of the time outside of prison, so administrators did not take much notice when they did so behind bars.\textsuperscript{26} With this, one sees an overt example of the sexual double standard at work during the nineteenth century. This trouble-maker view was an extension of the idea that women were inherently more pure than men; this double standard of conduct for men and women kept its place even within the walls of the prison. Thus, as a result of these combined problems, the female prison system was ripe for reform. With the some significant social evolution at hand, change was indeed on the way.

III. A Call for Reform

A. Early Reformers

In 1819, the managers of the New York Society for the Prevention of Pauperism described the women's quarters at the Bellvue Penitentiary stating:

Why this melancholy spectacle of female wretchedness has claimed no more attention, and excited no more sympathy, in a city like ours, where scenes of exalted benevolence and acts of religious devotion are continually displayed, we cannot say. Why no female messengers have entered this gloomy abode of guilt and despair, like angels of mercy, and seraphs of peace and consolation, is a matter of deep reflection and regret.\textsuperscript{27}

\textsuperscript{25} MARY Q. HAWKES, EXCELLENT EFFECT: THE EDNA MAHAN STORY 2 (Am. Correctional Association 1994).


\textsuperscript{27} ESTELLE B. FREEDMAN, THEIR SISTERS' KEEPERS: WOMEN'S PRISON REFORM IN AMERICA, 1830-1930 7 (Univ. of Mich. Press 1981).
It would take decades before such "female messengers" arrived; a bit of social evolution was first needed. According to Freedman, four factors contributed to the origins of the women's prison movement from 1870-1900:

The apparent increase in female criminality in the 1860s as evidenced by an increase in the female prison population; women's Civil War social service experience; the development of the charities organization movement and of a prison reform movement which emphasized the investigation of criminality, the reformatory idea, and the individualization of treatment; and an embryonic feminist analysis of women's place in American society that resulted in a reinterpretation of the idea of the fallen woman and in an essentially separatist approach to the problems of female corrections.²⁸

As early as 1813, in England, Elizabeth Fry began visiting prisons across the country. She sparked a variety of reforms in England and persuaded her fellow females to engage themselves in prison reform and criminal rehabilitation. Upon one of her early visits, Fry remarked, "Yesterday we were some hours at Newgate with the poor female felons, attending to their outward necessities ... A very solemn quite was observed; it was a striking scene, the poor people on their knees around, in their deplorable condition."²⁹ Her visits prompted others, such as members of the British Ladies Society, to do the same and lobby for the cause of the woman prisoner.³⁰ Fry pioneered the concept that women should be responsible for the care of incarcerated women because of one sex's unique ability to relate to others of her own sex.

With time, the cult of true womanhood lost some of its supporters, and another important aspect of nineteenth century American society developed—the atmosphere of social and moral reform. The development of groups concerned with various societal ills such as slavery, intemperance, and poverty is the main reason why the plight of women in prisons began to be

²⁹ ELIZABETH GURNEY FRY, MEMOIR OF THE LIFE OF ELIZABETH FRY, WITH EXTRACTS FROM HER JOURNAL AND LETTERS 201 (Katharine Fry & Rachel Elizabeth Cresswell eds., Patterson Smith 1974) (1848).
³⁰ Id. at 482.
noticed. Middle and upper class women began to see themselves as responsible for curing the ills of society and they began to band together in groups to observe and remedy social problems. Antebellum reform activity culminated in the founding in 1844 of the New York Prison Association (NYPAA). The middle-class reformers of the day were driven by a brand of romantic perfectionism, and the founders of the NYPAA believed in the ultimate perfectibility of humans and acted accordingly. Repudiating the punishment methods of most prisons, the NYPAA’s first report expressed the desire to “aid the sincerely penitent in their attempts at reformation—to protect the accused and the friendless prisoners against the impositions too often practiced upon them, and to infuse in the government of our prisons a greater effort at reformation.”

One very successful reformer was Quaker Abby Hopper Gibbons, daughter of Isaac T. Hopper, one of the founding members of the New York Prison Association. With her father’s work, Gibbons quickly received exposure to the plight of women behind bars. Gibbons was present in 1845 at the first official gathering of the Female Department of the NYPAA. As members of the Female Department visited the women in city prisons, it became clear to them that the women were not being rehabilitated behind bars and, therefore, a home to help them transition back into society after incarceration would be of great use. On June 12, 1845, Gibbons and her colleagues opened the Home for Discharged Female Convicts, with two matrons, where released prisoners could reside while they readjusted to life on the outside. It was the first such half-way house in the world. The women who ran the home came from middle-class families and held progressive views that decried the public prejudice against the “fallen woman.”

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33 Margaret Hope Bacon, Abby Hopper Gibbons: Prison reformer and Social Activist 51-52 (State Univ. of N.Y. Press 2000)
34 Id. at 55.
they were ahead of their time in their understanding of the sexual double standard for men and women, in twenty years time, female reformers would capitalize on the work of Gibbons and her Home. 35

B. A Typical Tale of Reform

The story of reformer Abby Hopper Gibbons serves as a microcosm of the larger world of women’s prison reform in the mid to late nineteenth century. 36 Many activists shared her background and approach to reform. Gibbons’ life has been said to “illustrate” the stages of development for nineteenth century reformers. In the beginning of the century, reformers tended to come from humble backgrounds and be serious abolitionists. Toward the middle of the century, a younger more affluent group of women emerged and some of the early radicalism was discarded as women turned their efforts to the construction of institutions that would express and accomplish their benevolent aims. Finally, after the Civil War, a new generation of women, many from wealthy families, began to emphasize efficiency rather than good motives alone, in an effort to work with the government with an increasingly professional approach to social reform. 37 Demonstrating this schema, Gibbons was born into a poor family, subscribed to many radical views until 1845, then became involved in the creation of two institutions to serve the underprivileged, and finally, after serving as a volunteer nurse during the Civil War, used her growing prominence and political influence to impact legislation. 38 Her life and activities in New York served as an example to reformers throughout the east coast.

Gibbons role in women’s prison reform stemmed in large part from her family situation and Quaker religion. Her father spent much of his life visiting prisons and aiding persons of all

35 Id. at 59.
36 See MARGARET HOPE BACON, ABBY HOPPER GIBBONS: PRISON REFORMER AND SOCIAL ACTIVIST xvii (State Univ. of N.Y. Press 2000).
37 Id. at ix-xi.
38 Id. at xi.
walks of underprivileged life. “The family into which Abby Hopper was born, already a large
one, was often augmented by the presence of her father’s protégés: escaping slaves, released
prisoners, sometimes young ‘fallen women’ for whom Isaac Hopper had a soft spot in his heart,”
commented Hopper family expert Margaret Bacon.39 This left an impression on Gibbons who
began to visit prisons herself and advocate the abolition of slavery at a fairly early age. This was
also a product of her Quaker upbringing, in which her mother passed down the legacy of the
independence of Quaker women. “In the nineteenth century this legacy flowered in large
numbers of Quaker women taking the lead in reforms, in professions such as medicine, and in
the movement for women’s rights.”40 At the time, Quaker women were receiving education and
being encouraged by their male counterparts to develop their own female societies to deal with
humanitarian concerns.41 Thus, Quaker women, including Gibbons, emerged as an important
force in nineteenth century social reform.

Gibbons' earliest advocacy took the form of anti-slavery crusades. In 1839 her father
organized the New York Association of Friends for the Relief of those held in Slavery and the
Improvement of Free People of Color. Abby volunteered a room in her house for African
American adults, male and female, to attend school where they would learn “fundamental
skills.”42 Gibbons’ views on ex-slaves would parallel her later views on incarcerated women—
she viewed blacks as backward and childlike, needing the parental supervision of white people.43
A similar belief—that the maternal instincts of women would do wonders to nurture and educate
their childlike fallen sisters—would manifest itself in her efforts to reform women of ill repute.

39 Id. at 7.
40 Id. at 7.
41 Id. at xiii-xiv.
42 Id. at 40-41.
43 Id. at 37.
Gibbons’ true plunge into the world of women’s prison reform came in 1845 when her father, a founding member of the New York Prison Association, decided the Association could benefit from a Female Department. Such a department met in January of 1845 with Abby Gibbons as a member of the executive committee.\textsuperscript{44} Gibbons and her colleagues had very little background knowledge of how the Female Department should proceed; therefore, the first six months of their work was spent visiting women at the Tombs and on Blackwell Island. Like other visitors and reformers, they were struck by the dark, dirty, and unsanitary nature of the prisons.\textsuperscript{45} One of the first revelations the visits yielded was the fact that most women were incarcerated for short terms based on alcohol charges. Gibbons’ and her colleagues believed these women had the capacity to reform and concentrated their efforts in attempts to find shelter and employment for these women upon release.\textsuperscript{46}

The Female Department’s first major success came with the opening of their Home for Discharged Female Convicts in July of 1845. Two female matrons led the Home and instituted a strict schedule for the women that included an early rise, worship, and classes in reading, writing, arithmetic, and sewing.\textsuperscript{47} However, the Home soon faced public criticism. Bacon recounts, “In defending the rights of women prisoners, these pioneers came up against public prejudice against ‘fallen women’ … Directors of the Home were told that they were coddling the women prisoners and perhaps recruiting them to a life of crime, that it was distasteful to refined tastes to contemplate aiding these fallen women, that they had after all chosen their own fate, and that there were better objects of public philanthropy.”\textsuperscript{48} The reformers responded by making a

\textsuperscript{44} \textit{Id.} at 52.
\textsuperscript{45} \textit{Id.}
\textsuperscript{46} \textit{Id.} at 54.
\textsuperscript{47} \textit{Id.} at 55.
\textsuperscript{48} \textit{Id.} at 58.
broad public call to women to come to the aid of their sisters. Women such as Caroline Kirkland supported Gibbons’ work. Kirkland’s The Helping Hand tract announced, “Woman is the natural and God-appointed aid of woman in her needs; the woman that feels not this, has yet to learn her mission right.” This reaction illustrates a larger trend in women’s prison reform at the time—gender bias and the idea of pure women.

Gibbons’ and her Quaker colleagues’ responses parallel the responses of many prison reformers. The time period was cloaked in a Victorian ethos, which stressed the importance of working to return women of ill repute to the status of pure women. As a result, Gibbons and friends treated female prisoners as wayward children who needed maternal, womanly guidance. Just as she treated ex-slaves attempting to enter the mainstream white world as children in need of mothering, Gibbons took it upon herself to educate these wayward women in the female realm of the time and the female jobs of the time.

By 1864, the Hopper Home, named after Abby’s father, boasted statistics that counted 2,941 residents of the Home, with 1,083 being considered “rehabilitated” and just 480 considered “hopeless.” However, over time the women reformers involved with the Home and other aspects of the Female Department began to develop strong ideas about the management of the Home and the treatment of female prisoners. Such ideas fell on the stubborn ears of the all-male New York Prison Association. As a result, Gibbons and her female colleagues took it upon

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49 Id.
51 See MARGARET HOPE BACON, ABBY HOPPER GIBBONS: PRISON REFORMER AND SOCIAL ACTivist 59 (State Univ. of N.Y. Press 2000)
52 Id. at 33, 59.
53 Id. at 59.
54 Id. at 60.
themselves to part with the NYPA and form an independent association, the Women's Prison Association and Home.\textsuperscript{55}

This endeavor marked the beginning of the rest of Gibbons' reforming career—lobbying for female prisoners and advocating various charities. Gibbons' and her colleagues needed the support of the New York state legislature in order to incorporate their new all-female association. The women, "soon learned the importance of having letters from prominent citizens and the power of the press on their side. The friendship between the Gibbonses and Horace Greeley, editor of the \textit{Tribune}, was helpful."\textsuperscript{56} The lobbying was successful, and in May 1854, the WPA and Home was incorporated.\textsuperscript{57}

Gibbons continued to make regular visits to inmates and continued to lobby for their rights in both the city and state legislatures.\textsuperscript{58} She quickly learned that even without the power to personally vote, she had a great power to influence legislators and wealthy men to support her causes and concerns.\textsuperscript{59} With the start of the Civil War, Abby found a temporary calling as a volunteer nurse. Such efforts took time away from her prison reform efforts; however, upon returning in 1864, Gibbons lobbied for the Home with renewed vigor.\textsuperscript{60} The Home was in disrepair and needed serious renovation. As a result, Gibbons appealed to the New York City Department of Public Charities and Corrections for some form of regular public support.\textsuperscript{61} Her appeal met with success, and the Home began to receive a regular allocation from the City. When, in a few years, the State of New York announced it would allocate Supply Bill funds to public charities, Gibbons successfully organized a group from the Home to travel to Albany and

\textsuperscript{55} \textit{Id.}  
\textsuperscript{56} \textit{Id.}  
\textsuperscript{57} \textit{Id.}  
\textsuperscript{58} \textit{Id.} at 63.  
\textsuperscript{59} \textit{Id.} at 65.  
\textsuperscript{60} \textit{Id.} at 136.  
\textsuperscript{61} \textit{Id.}
lobby for a share of the funds. While Gibbons had been serving the public even before the
War, a broader female interest in public service and charities emerged with women’s
participation in the Civil War. Gibbons had a talent for channeling these energies into her
work with the Home, and as a result, women prisoners reaped the benefits.

In the late stages of her life, Gibbons turned her efforts to lobbying for the appointment
of women to state regulatory boards. Gibbons joined a growing trend of reformers who began
advocating the idea that women should be the individuals supervising less fortunate women, not
men. They had been working with the women in homes for years, but now the women wanted
to control the boards that supervised the homes. Bacon retells, “In 1882, she backed a bill that
required the governor of New York to appoint two or three women to boards of institutions
having custody over females and or children. She was supported by several state assemblymen
and senators. She sent letters to all relevant committee members, urging that women’s domestic
talents would create savings in the running of the institutions.” Unfortunately, the governor
wavered on the legislation, and even after a personal appeal from Gibbons, he vetoed the bill.
However, undaunted, Gibbons arranged for the bill to re-emerge on the agenda the following
year, and this time, after supplementing the record with supportive testimony from such
institutions as the Massachusetts Board of Health, Lunacy, and Charity, the bill passed.

Gibbons died in 1893, but her legacy of reform lived on. In the last years of her life, she
turned the WPA’s attention toward lobbying for the establishment of a women’s reformatory. In
1892, the New York Senate and Assembly both passed a bill calling for such. While the

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62 Id. at 137.
63 Id. at 138.
64 Id. at 155.
65 Id. at 156.
66 Id.
67 Id. at 167.
Bedford Hills reformatory did not open its doors until 1901, eight years after Gibbons was gone, it was the culmination of Gibbons' reform efforts. While just one of a number of female prison reformers, Gibbons life is a small representation of the movement itself. Her Quaker heritage, empowering experiences during the Civil War, and emerging success in the world of post-war lobbying were common characteristics of many of the women involved in reform.

C. The Civil War Brings Great Changes

While women in the United States did follow Elizabeth Fry's example, this came much later than her work in England in 1813. Some women, such as Gibbons, did take notice of their sisters before the Civil War, but the plight of the female prisoner was not significantly noticed in the United States until the female prison population began to increase at a rapid rate. Primarily this began during the Civil War. One posited reason for the increase of female criminality during the 1860s was the effect the war had on women and children. Women and children left behind by their soldier husbands were at times forced to desperate measures in order to feed themselves. It was not uncommon for women to be reduced to petty theft or prostitution in order to feed and clothe their families. Women had the fewest opportunities for wage earning and the wages they could earn were typically lower than that males earned; thus, theft and prostitution provided a temporary income solution. In addition, after the war ended urbanization and industrialization occurred and with those developments came a rise in prostitution. During this time the country experienced a transformation from a family to a market economy, thus putting more women outside the confines of the home and in the position

68 Id. at 172.
to commit crimes.\textsuperscript{71} With so many new female inmates, prison administrators and society alike could no longer ignore their presence in the criminal system.

The Civil War also had the effect of unifying women, especially middle-class women, throughout society.\textsuperscript{72} Increasingly after the war, women joined together to claim the right to vote and create a strong force of philanthropy.\textsuperscript{73} Social feminism swept the post-Civil War nation. “Isolated female prison reformers were discovering much to complain of through their initial efforts to aid fallen women. When the Civil War exposed more women to the conditions of the poor and oppressed, their protests grew into a social reform movement.”\textsuperscript{74} The war required women to quickly learn how to provide society with medical care and charity work. As a result, women emerged from the war with a wealth of new knowledge and experience about joining forces in order to create change in society. The women who had these experiences during the war were not content simply to fade back into the domestic background once the country was at peace. “Middle class American women, motivated by both religious benevolence and their growing consciousness as a sex, became active in reform movements that brought them into contact with their imprisoned sisters.”\textsuperscript{75} Not only did the Civil War open women’s own eyes to their moral duties and ability to perform charity work, but also, for the first time, women were allowed to perform significant functions outside of the domestic sphere. The women could actually join the ranks of men as “professionals” when they participated in charities.\textsuperscript{76}

\textsuperscript{71} Id. at 10; 13.
\textsuperscript{72} Estelle B. Freedman, Their Sister’s Keepers: An Historical Perspective on Female Correctional Institutions in the United States, 1870-1900, 2 Feminist Studies 77, 82 (1974).
\textsuperscript{73} Escaping Prison Myths: Selected Topics in the History of Federal Corrections 40 (John W. Roberts ed., American Univ. Press 1994).
\textsuperscript{74} Estelle B. Freedman, Their Sister’s Keepers: An Historical Perspective on Female Correctional Institutions in the United States, 1870-1900, 2 Feminist Studies 77, 81 (1974).
\textsuperscript{75} ESTELLE B. FREEDMAN, THEIR SISTERS’ KEEPERS: WOMEN’S PRISON REFORM IN AMERICA, 1830-1930 7 (Univ. of Mich. Press 1981).
\textsuperscript{76} Id. at 22.
With the entrance of women into social and charity work came the ability for prison scandals to be heard throughout the community. The example of Elizabeth Fry finally began to take a more prevalent hold in the United States. Sex abuse was rampant in prisons, and the new female visitors to the prisons could share the tales of abuse with the community and social leaders. Illegitimate births behind bars provided concrete evidence of the abuse. Moreover, some reformers witnessed it first hand. Freedman recounts:

The Indiana State Prison at Jeffersonville represented a reformer’s nightmare. In this “vast bawdy house,” a young male prisoner revealed, younger female prisoners were “subjected to the worst debasement at the hands of the prison officials and guards” ... When the warden “established the practice of concubinage,” his deputy and other officers followed by making keys to the women’s quarters.  

Women, especially members of religious groups such as the Quakers, held fast to Fry’s charge that women had a moral duty to aid their sisters. These groups of women driven by moral benevolence had an effect on more than simply female inmates; their work and organizations intensified the female identity and women’s sense of their own mission, thus leading to the advancement of women as a whole.

D. Men Could Use and Lend a Hand As Well

Female prisoners were not the only topic of the day. While women were finally coming to the aid of their forgotten sisters, a general awareness of the need for prison reform for all inmates emerged. In 1870, the first National Congress on Penitentiary and Reformatory Discipline (later to become the American Prison Association) was held. The Congress invited the presentation of papers on various penitentiary issues. An idea gaining popularity at this time was a move from the isolation and solitude tactics frequently used to deal with male prisoners of

77 *Id.* at 60.
to a more educational approach. The focus of such Congresses remained male prisoners, largely due to the sheer number of male prisoners; however, the meetings did provide a forum for women to speak of their fallen sisters. And their voices did not fall on deaf ears. The gathering resolved, “That this congress is of the opinion that separate prisons should be established for women, and that neither in the city, county, nor state prisons should have the charge of the female department in all cases where the sexes are imprisoned within the same inclosure.”\textsuperscript{79} In addition, the National Congress adopted a Declaration of Principles, the last of which stated, “This congress is of the opinion that, both in the official administration of such a system, and in the voluntary co-operation of the citizens therein, the agency of women may be employed with excellent effect.”\textsuperscript{80} Not only were men recognizing the need to give direct attention to female inmates, but also they identified the importance of incorporating females as professionals into the corrections system.\textsuperscript{81} These resolutions made by men at a national conference had a significant, lasting impact on the women’s reformatory movement.

IV. For What Exactly Did the Reformers Call?

A. Early Changes

With the wheels of reform set in motion, the truly interesting aspect of the women’s prison reform movement begins to emerge. With their cause in hand, the reformers set out to save their fallen sisters. Retrospectively, however, the goal in mind seems two-fold—(1) better the treatment of and conditions for female inmates and rehabilitate them for a successful return to society and (2) better the position of women as a whole in society. Whether or not they did so...

\textsuperscript{79} Transactions of the National Congress on Penitentiary and Reformatory Discipline 569 (E.C. Wines ed., Weed, Parsons and Co. 1871).
\textsuperscript{80} Id. at 547.
\textsuperscript{81} This became a consistent view throughout the movement. As reported in the New York Times, a paper presented to the National Prison Association Congress in 1876 held that “women were the only fit persons to have charge of a female prison, and the only proper person to make subordinate appointments ... The author believed that only women of undoubted piety and integrity should have charge of prisons.” System in Punishment, N.Y. TIMES, June 8, 1876, at 5.
consciously, the early reformers were not only reforming prison conditions, but also reforming societies' views of women's capacity to join men in the professional world. Inside of the prisons, reformers accentuated the importance of a feminine environment and women nurturing women. This was a logical argument, and one designed to garner the support of the population at large—men included. Up to this point in time, a woman's place was to nurture the family at home; if women desired to gain access to their sisters behind bars, it made sense to promote the idea that their nurturing roles could extend to penitentiaries. Moreover, outside the prison walls, women were using their positions as reformers to gain a new place in society, one more equal to that of men. In order to make significant changes to their "place" in society, women had to work within the confines created by society. For their time, the female reformers championed innovative ideas about the capacity of women to serve roles outside of the home. At times, the reformers' emphasis on the inherent differences between males and females actually led males to give females more equality.

When reformers came to the aid of female prisoners, they lobbied for separate institutions for female prisoners run by female prison matrons. The original development in the treatment of female prisoners was the establishment of separate custodial penal units for women. Simply getting female inmates away from the over-crowded, sexually abusive conditions in which they were kept was a victory for the efforts of reformers that took place from the early nineteenth century until approximately 1870. In 1835, New York established the Mount Pleasant Female Prison, built specifically to house only female inmates. It was the first penal institution built for women in the United States; however, it was inspired by practical considerations as opposed to any real desire to uplift and reform the women it held. Run by men, the prison did provide

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women with a space of their own, but failed to acknowledge that female inmates were capable of being redeemed.

Likewise, in 1839, New York established a separate prison for women at its famed Sing Sing prison. Although the male staff of the original prison administered the women in their new quarters, the women did have their own matrons and work programs, which included button-making, hat trimming, and sewing clothes for the male prisoners. In addition, the Sing Sing women’s prison had one of the first prison nurseries in the country. Yet, ultimate administrative authority at these institutions remained in the hands of the states’ boards of prisons, which, in the pre-1870 period, held exclusively male memberships. However, over the course of the nineteenth century, women had been gaining more access to jobs in prisons. Now, rather than content to be simple matrons under the direction of male wardens in the female wings of male penitentiaries or even in all-female prisons, women wanted control over the direction of the institutions, and they sought to change the focus of the institutions from places of punishment to centers of rehabilitation.

As the reform movement gained strength, women began to flex their lobbying muscles a bit more. After watching the success advocates, such as Abby Hopper Gibbons, had without an organization of men behind them, women began to gain confidence in their sisterhood and their ability to lobby for change without men. For example, tensions between men and women of the Prison Association of New York led the women to leave the association and found the autonomous Women’s Prison Association and Home. The conflict arose out of a discussion in which the male members of the Prison Association reminded the women at the meeting that they

were simply a “department” of the Association. In response, some women stayed behind and acknowledged the men were correct; however, the more independent women took their cause and successfully formed the WPA.

The entry of women into leadership roles in prisons sparked conversation about other possible roles women could fill in society. For example, in 1882, a vigorous debate emerged in New York over the institution of “station-house matrons” in the police stations. At a meeting of concerned citizens a series of resolutions was passed declaring, “the cause of mercy and morality alike demands the presence of police matrons in the 31 station-houses of the City who shall look after the prisoners and the lodgers of their own sex.” The meeting espoused the fact that station-house matrons were a necessity in order to protect the decency and humanity of society.

The simple fact was that female criminals would need searching and handling upon arrival at the police station. Women seized upon this concept and were able to make an argument that they were looking out for, not just the females searched, but for the whole of society by protecting its interests in decency. The female reformers grasped another opportunity to place women in professional positions alongside of men. The resolution also called for these station-house matrons to receive equal pay as that received by male police officers. Society had begun to evolve in its views of females, and women helped ignite this evolution by recognizing that they had something to offer society—an efficient use of the unique female position. The result of these efforts was, not only positive advances for women offenders, but also the opening of more professional doors to women in general.

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85 CATHARINE SEDGWICK, LIFE AND LETTERS OF CATHARINE M. SEDGWICK, 292 (Mary Dewey ed., Harper 1871); MARGARET HOPE BACON, ABBY HOPPER GIBBONS: PRISON REFORMER AND SOCIAL ACTIVIST 60 (State Univ. of N.Y. Press 2000).
86 Station-House Matrons: Seeking to Have a Matron Kept in Every Police Station, N.Y. TIMES, March 3, 1882, at 3.
87 Id.
88 Not all of society was willing to go along with this cry to save “morality and decency.” The May 12, 1882 New York Times printed an editorial entitled “In the Interest of Delicacy.” The piece is a sharp satire (very much worth
B. Larger Reform Takes Hold

One of the successes of the female reformers was to change society’s vision of the female criminal as an unredeemable, non-woman and to a child-like victim of social neglect. Women began to speak against the prevailing notion that female inmates were beyond reform. They claimed that what female convicts needed was the influence of law-abiding females in order to “save” them and teach them how to reform their criminal ways. This idea that women should be rehabilitating women had a major influence on the reform of prisons. Fry explained that the presence of women as superintendents of female prisons would serve three purposes: preventing sexual abuse by male guards, giving examples of what a true, pure woman was, and providing a sympathetic ear for female prisoners.89

Slowly, as the movement grew, the reformers took on a new perception of the female criminals. Instead of seeing them as choosing a deliberate life of sin, groups such as the Women’s Prison Association of New York believed women who committed crime did so as a result of social and hereditary factors out of an individual’s control.90 Women reformers convinced society that female criminals were not so much evil, but instead, simply misguided.91 Joycelyn Pollock notes, “It was believed that the female deviant was influenced by poverty and a poor home environment, and her descent into depravity was attributed more often than not to an evil man.”92 The movement gained momentum because people of very different backgrounds and differing opinions were able to join together to support the same end result. Some women.

92 JOYCELYN M. POLLOCK, WOMEN, PRISON, & CRIME 24 (Wadsworth Thomson Learning 2002).
such as Abby Gibbons, advocated prison reform because they felt a duty to aid their fallen sisters. These reformers still believed that women had “fallen” and needed to be restored to the status of true women in order to fulfill their God-given social roles. On the other hand, women such as Eliza Farnham—prison matron and feminist—advocated female prison reform based on the fact that women inmates received unfair treatment because of society’s double standard of morality. This school of reformers, a much smaller group, did not believe that women should enter the prison as administrators because only females had the capacity to reach out and save their “fallen” sisters; instead, these women advocated better conditions for females in prison and sought to make society changes its views on the role of women.

As a result, because women’s prison reform could attract women on both sides of the social spectrum, the movement gained strength. Both groups of women were united by a common theme: they shifted the blame for female criminality from women to men, proposed rehabilitation by separation from the evil influence of men, and stressed the ability of women to aid and reform women. By the time Corinna Bacon compiled her Prison Reform collection in 1917, “fallen woman” language was no longer part of the discussion. One of the essays noted:

The causes that bring women to prison are seldom of personal or even of direct moral significance. Women seldom use their wits to break the law, nor do most of their crimes demand quick intelligence. They are in the main the result of a lack of training in trades, inconsidered marriages, ignorance, youth, friendlessness, the general unguided condition of girls; non-employment, low wages, overcrowding in tenements, nervous tension, and the high-pressure life of the average female factory employee.

Her language reflected the more general sentiment of the public at that time.

C. From Hopelessness to Hope: Why?

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How exactly did society transition from one that offered no help to its female criminals, believing them to be beyond reform, to one that believed such women of ill repute actually were not beyond hope, and deserved some aid? As a community evolves, its evolutions are based on a variety of factors that unite to create change. In regard to the position of the female criminal, several historical events appear to have done just this.

First, one of the driving forces behind the negative view of female inmates was the fact that the male supervisors in charge of institutions simply did not want to be bothered with women inmates because of their small numbers. The number of women behind bars versus the efforts it would take to assist them made ignoring them the efficient solution. The men in charge of the penal institutions could not easily admit this as their broad social policy; therefore, they instead announced that the woman criminal was more depraved than the male criminal. Labeling all female criminals as beyond hope meant the prison administrators could ignore them entirely without any public outcry. However, with time came an increasing number of female inmates. The more female inmates there were, the more the male supervisors were forced to deal with the situation. Once the men could no longer ignore the women because of their sheer numbers, they no longer needed their excuse for not dealing with them. This could be one reason why the “hopeless” language began to disappear from the female criminality debate.

Second, the growth of the female inmate population eroded the widely held belief that a woman who committed crimes was born evil and depraved. Originally, the general public sentiment held that a woman who committed a crime did so because she was unnatural. Thus, there was no point in even attempting rehabilitation. However, with increasing urbanization came increasing female criminality. More importantly, the Civil War created a great deal of

female criminals. It was widely understood that the war left many women no choice but to steal or resort to prostitution after being widowed or abandoned by their soldier husbands. The War exposed middle-class women to the poor and oppressed. Before, such women simply did not see the conditions from which the women who committed crimes came, therefore they chalked up such bad behavior to nature. After the War, the idea that environment plays a role in criminality began to emerge. What followed from this was the notion that if an environment could create a criminal, certainly a different environment could help strip an individual of criminality. This opened the door for reformers to advocate rehabilitation as opposed to punishment.

Another theory as to why rehabilitation emerged as a possibility for female inmates was the fact that the Civil War, on a broad scale, had shown middle-class women that they, themselves were capable of change. The necessities of war forced men to allow their wives to leave the confines of home and engage in activity beyond the domestic realm. Women served the army as nurses, seamstresses, and more. The result was that these women who had never questioned their place in the home began to realize that they were capable of evolving, gaining education, and contributing to society in a means beyond just the home. With this revelation that they could change, perhaps these middle-class women began to grasp the fact that their sisters behind bars could change as well. The War led society to question many of its standards of practice; its standard operating procedures for women criminals could have been one of those standards.

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97 Id. at 10; 13.
98 Id. at 7.
99 Id.
In addition, the years after the War witnessed an explosion in the world of public charity. Women who had offered their charitable services during the War had a taste of the great things their work could accomplish.\textsuperscript{100} After the War ended, these women were eager to continue this charity work. Pre-1860, many female prison reformers were told they should put their kind efforts toward more deserving charity work.\textsuperscript{101} However, after the War, so many women joined the public service front that there were plenty of women assisting the “more deserving” charities, thus leaving unbothered those women who put their efforts toward reforming female inmates. The notion that some middle-class women would choose to work toward the rehabilitation of female criminals gradually became more acceptable.

Finally, before a society can change its views and ways, it must admit that its formerly held beliefs could have been wrong. This is often a tough pill for the masses to swallow. However, with the Civil War came the large-scale admission, or at least consideration, that slavery was wrong and should no longer be accepted. With this significant change in public sentiment accomplished, it is quite possible that society was ready to admit it was wrong, or could alter, some of its other widely held beliefs as well. If society could embrace a world without slavery, perhaps it too could embrace a world that recognized female criminals were capable of rehabilitation.

The aforementioned are some theories based on historical facts as to why America changed its opinions of the female criminal during the nineteenth century. Society faced some significant transformations in its economy and domestic structures. Perhaps the plight of the female inmates was simply fortunate to ride these tides of change just prior to and for the years following the Civil War. But whatever the reasons may be, the fact that society at large became

\textsuperscript{100} See MARGARET HOPE BACON, ABBY HOPPER GIBBONS: PRISON REFORMER AND SOCIAL ACTIVIST 138 (State Univ. of N.Y. Press 2000).
\textsuperscript{101} Id. at 58.
more willing to accept the view that a female criminal was capable of rehabilitation allowed the female prison reformers to accomplish a great deal.

D. From Reform to Reformatory

Finally, the women’s reformatory began to emerge. Although male reformatories developed at the same time—based on the fact that groups such as the National Prison Congress had recently decided to move away from penal models to rehabilitative models—the women’s institutions were decidedly different, decidedly “feminine.”¹⁰² In order to break away from the control men had over the state prison boards and the female institutions themselves, female reformers had to convince the males of the corrections world that women had something unique to offer. Female reformers desired to help the women behind bars, and they desired the control over this help. The result was a strong argument that persisted throughout the nineteenth century, early twentieth century, and is somewhat reflected in female prisons today—a woman has the unique ability to relate to her fellow woman, and through feminine interaction, a female criminal can be restored to her true non-criminal, womanhood. The proceedings of a conference on prison reform in the United States held in Rhode Island in 1877 stated:

It is the decided belief of this Conference that entirely separate prisons would be provide for criminal women ... Female prisoners should, as a rule, be under female treatment ... This is the dictate of reason and common sense since woman alone understands woman, and since she alone can enter into her weaknesses, temptations, and difficulties; nay, into the very recesses of her being, and fitly minister thereunto.¹⁰³

The new reformatories perpetuated many social stereotypes about the role of women; however, they did so not in an oppressive manner, but rather with the interests of women in mind. A prominent theme in the structure of women’s institutions was a home-like environment as opposed to simply a custodial environment. Many new institutions were built in a cottage

design, as opposed to the more traditional cell-block design of male institutions. The ideal environment included several small buildings with a capacity of fifteen to twenty inmates. The women would be assigned to different cottages based upon various classifications and merit systems. The reformatories were commonly erected in the country because it was thought that the country represented a pure, moral environment. Urban areas, on the other hand, were places that bred crime. The large tracts of land in the countryside provided an isolated environment where prison matrons could control the surroundings of the female criminals and assert a strong feminine influence upon them. In addition, women were expected to participate in “feminine” jobs and activities. The institutions offered domestic training and very little else.\(^{104}\) Female inmates were employed in household work, sewing, cooking, cleaning, knitting, washing and ironing clothes, and gardening.\(^{105}\) The reformatories, it was felt, would provide the fallen women with the stable home life they had never experienced and it would also prepare them for a normal, upstanding life upon release.\(^{106}\) Considering that these women of ill repute would have to begin somewhere in their efforts to coalesce with and rejoin society upon release, this type of environment and training was a logical choice at the time.

In the custodial prisons, men and women received different treatment. Here again, in the reformatories, men and women received different treatment; yet in this case, the differential treatment came with the women’s interests in mind. In their Report on Prisons and Reformatories, E.C. Wines and Theodore Dwight stated:

> It is especially important, however, that female officers should be distinguished for modesty of demeanor, and the exercise of domestic virtues, and that they


\(^{106}\) Id. at 89.
should possess the intimate knowledge of household employment, which will enable them to teach the ignorant and neglected female prisoner how to economise her means, so as to guard her from the temptations caused by waste and extravagance. 107

This statement reveals much about the reform movement and women’s evolving role in society. Female criminals had finally shed the image of an evil, depraved, non-woman. Society now agreed she could be rehabilitated; however, this rehabilitation consisted solely of returning her to an accepted notion of a woman. So, while women could look forward to humane treatment while confined, they could also look forward to being taught how to be a lady. And while women could be employed in leadership roles in the prisons, they could do so only by fulfilling proper female roles and teaching the inmates the “intimate knowledge of household employment.” Prison superintendent Ellen Cheney Johnson recommended “softening” influences on the women, including flowers, farm animals, music, and visits to the infant nursery. 108 Josephine Shaw Lowell, a member of the Woman’s Prison Association, explained that because female criminals needed to be “first of all, taught to be women,” they must be taught “to love that which is good and pure, and to wish to resemble it.” 109 Society evolves slowly. The women’s reformatories had to tackle to root of the problem of female incarceration—inhumane treatment—before instituting broader reforms for women in society. Broad change required broad support, therefore the early reformatories did not embrace radical ideas, but rather practical ideas of how and why society should incarcerate its female criminals.

Domesticity became the focal point of the reformatories, and also led to the institution of homes for released prisoners. In some states, like New York, the legislature outlawed whipping

109 Id. at 55.
as punishment for misconduct by a female in prison. The women placed in reformatory were thought to be the ones who had the potential to reform. They were mostly women who had committed misdemeanors and often former prostitutes. The women of the early reformatories were not serious criminals and did not often pose a security risk for the staff. The women were typically young, relatively unhardened, and guilty of misdemeanors. However, unlike the men’s reformatories, there was usually no upper age limit for entering a women’s reformatory. In 1923, Louis Robinson explained, “The removal of the maximum age limit for women is in line with our known policy of dealing more leniently with women ... Probably there is also, though mistakenly, the idea that it is easier to reform an older woman than a man of the same age.” Furthermore, the women of the reformatories were predominantly white.

In 1879, just one year after it opened its women’s reformatory, Massachusetts passed an indenture law allowing inmates of a particular class to leave the reformatory and enter a home to engage in domestic work and hopefully transition back into non-custodial society. The prisoner did retain the choice of whether to participate in this program or not. The indenture plan met with much approval because it fulfilled several functions for the reformatory. First, it provided a suitable form of training for women that did not compete with male roles and male labor. Men could receive rehabilitation in prison by being taught trades. This allowed women to receive first-hand training in a “female trade.” Second, the possibility of living outside of the

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10 Whipping Female Prisoners, N.Y. TIMES, July 10, 1878, at 3.
11 JOYCELYN M. POLLOCK, WOMEN, PRISON, & CRIME 31 (Wadsworth Thomson Learning 2002).
12 Id. at 28.
13 LOUIS N. ROBINSON, PENOLOGY IN THE UNITED STATES 129 (The John C. Winston Co. 1923).
14 JOYCELYN M. POLLOCK, WOMEN, PRISON, & CRIME 31 (Wadsworth Thomson Learning 2002).
15 The law read, “The prison commissioners may, with the consent of a woman who is serving a sentence in the reformatory prison for women or in a jail or house of correction, an with the consent of the county commissioners, if she is in a jail or house of correction, contract to have her employed in domestic service for such term, not exceeding her term of imprisonment, and upon such conditions as they consider proper with reference to her welfare and reformation. If, in their opinion, her conduct at any time during the term of the contract is not good, they may order her to return to the prison from which she was taken.” Jessie D. Hodder, Indenture of Prisoners: An Experiment, 11 JOURNAL OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY 29, 29 (1920).
reformatory walls gave an incentive to many of the female inmates to display good behavior, as only those with the highest grade in prison could participate in the program.\textsuperscript{116} Even though the indenture program was a maternalistic program that, in some sense, reinforced the idea that a woman’s only productive role was one in the home, it did provide the female inmates with positive opportunities for rehabilitation. This served as a victory for the reformers of women’s penitentiaries.

E. Drawing to a Close

The movement to establish female reformatories did not sweep the entire nation. While nearly every state in the Northeast founded a reformatory—New York building three—other parts of the country were slow to respond to the movement.\textsuperscript{117} By the close of the nineteenth century, women’s prison reform had stagnated. It would take World War I and the fear of prostitutes spreading venereal disease to the troops to reinvigorate the construction of women’s reformatories. But, twentieth century women reformers had different reasons for entering prison reform. They no longer were driven by that moral impulse to save their sisters. Instead, women were now becoming educated, scientific, and desired to be involved in prison reform as their profession. “Although still concerned about the attitudes toward prostitutes, fewer of the progressives had a religious impulse to convert fallen women. Those trained in social work, law, medicine, and the social sciences approached female prisoners as professional clients or subjects of research.”\textsuperscript{118} Domestic science began to replace domesticity as a central feature in prisons.

The goals and techniques of the institutions evolved with the changes in society outside of the reformatory walls. Some such changes included: the narrowing of reformers’ visions as


\textsuperscript{117} Nicole Hahn Rafter, Prisons for Women, 1790-1980, 5 Crime and Justice 119, 163 (1983).

they confronted the realities of prison management, the shift in techniques from “feminine solitude” to “more orthodox methods” of prison discipline, and the reformatories “increasingly anachronistic” adherence to rural and domestic values as the nation developed an urban, industrial economy.119 Also, with time, the reformatories became increasingly crowded. As the inmate population increased, reformatories no longer had the luxury of accepting the mild-mannered inmates who could be reformed. Soon, the population of prisons and reformatories were virtually indistinguishable, thus forcing the reformatories to conform to a more penal, custodial model.120 “By 1935, the women’s reformatory movement had run its course, having largely achieved its objective (establishment of separate prisons run by women) in those regions of the country most involved with progressive reform.”121 However, what survived beyond the reformatory movement was the legacy of differential treatment. Female inmates may no longer have been enjoying the advantages associated with the original ideas of reform—i.e. the nature hikes over the reformatories’ rolling hills—but the infantilization of female inmates remained in tact.

IV. Conclusion

While a female criminal certainly led a different life than a typical female during the nineteenth century, a survey of the women’s prison reform movement demonstrates that women of all walks of life faced the same narrow categorizations by society. During the height of the cult of true womanhood, society saw a female as nothing more than a pure, moral creature. This view had different, much harsher, consequences for the female behind bars. However, non-criminals also suffered the consequences of living in a world where the female had to fulfill the

120 Id.
121 Id. at 165-66.
role of pure, nurturing creature of God. Women existed in a very limited world occupied only by domesticity.

Each of the advances made during the prison reform movement occurred only as a piece in a larger puzzle of society’s evolution. Women worked hard to change the notions that female criminals were non-redeemable. They succeeded in this, but also at times dealt with the unintended consequences of maintaining a world where women occupied “feminine” roles. The reformers pioneered the healthy treatment of women prisoners. They opened doors for women to work alongside of men. Yet with these positive changes, society still retained some of the stereotypes about what it meant to be a woman, what was at the core of “every” female—feminity. Freedman captures things nicely, stating, “The legitimacy of women’s prisons rested on women’s uniquely feminine components—on their domesticity, their emotional sensitivity, and their greater moral force. Even as women encroached on men’s professional world, they thus remained limited to the traditional feminine realm.”

These women reformers did a great deal for their sex and for inmates on the whole. It is not unreasonable thing for one to work within the confines society has instituted; these women reformers capitalized on the role society allowed them to play. Perhaps women’s prison reformers could have done something more for their sex had they argued that women deserved humane treatment and the opportunity for rehabilitation in prison simply because they are human and equal to male criminals. But perhaps it would have been too overwhelming for male society to admit that not only were they wrong in their treatment of female inmates, but also they were wrong because women are equal to men. Given their position in society and the obstacles they faced, the individuals behind the women’s prison reform movement did great things to change

society's views on the capabilities of both women behind bars and women who stood alongside of men in the professional world.
IN THE INTEREST OF DECENCY.

It is a pleasant thing to find that our legislators are desirous to preserve the decency and contribute to the comfort of female prisoners. The Senate has just passed a bill which provides every station-house in this city with two matrons. The health of these matrons will be to look after the female prisoners, and it is to be hoped that they will be able to make the station-house really attractive to members of their own sex.

The necessity for providing the station-houses with matrons has been urged upon every person of any delicacy. At present, when a drunken woman has been arrested after a fight which has inflicted injuries upon her nerves almost as severe as those inflicted by her upon the hair and nose of the policemen, she is brought before a rude masculine sergeant and led to a cell by four or five vigorous men in uniform. This is naturally shocking to her, and makes the police station hateful in her eyes. She feels that her self-respect is lowered by the questions of the sergeant and her womanly delicacy outraged by the touch of the policeman’s hands upon her wrists. Were she to be received by a scaling matron of her own sex who—after being knocked down and danced upon—would call her “dear,” and invite her to walk into a sweet little cell and rest herself, the female prisoner would feel considerably comforted, and her self-respect would be unimpaired. Of course, no female prisoner will ever refuse to go to a cell when requested so to do by a matron. We will, therefore, never have to face the problem. How can one matron drag a prisoner down stairs whom four policemen have with difficulty been able to cing to the station-house?

The bill providing matrons for station-houses is only the first of a series of measures which ought to be adopted for the preservation of the delicacy of female prisoners. It is an outrage that women should be tried by male judges and male jurymen and in the presence of male lawyers. Nothing can be more indecent than to place a woman in a room half full of men and to permit a man to ask her questions, always more or less improper, which she must answer in a tone loud enough to be heard by men, praying jurymen. We can imagine what Miss Blanchard Douglas must suffer in being compelled to listen in the presence of men to much of the testimony which has been given in the Cremer case, but we can hardly imagine the extent to which her womanly delicacy will suffer when she comes to be examined and cross-examined by men and in the presence of men.

In the interests of female delicacy, women should never be examined as witnesses or tried as defendants except in the sole presence of women. We must have female judges, female jurymen, and female lawyers for the benefit of female witnesses and female prisoners, and it would be well if it were forbidden, under heavy penalties, for even a female lawyer to ask any woman an improper question. In no other way can we preserve the delicacy of the unfortunate women who, from time to time, are compelled to appear in court, and surely they are as much entitled to the sympathy and care of our legislators as are the female prisoners in our station-houses.

If it is necessary to provide matrons to receive women at the station-houses it is equally necessary to provide female policemen to arrest women. At present innocent and worthy drunken women are daily insulted by policemen who, even without a formal introduction, do not hesitate to speak to them on the street and to lay violent hands upon them. How can a woman preserve her self-respect when she is seized by two or three strange policemen, tied in a cart, and driven to a station-house? Let us put an end to this outrageous state of things by committing the business of arresting women exclusively to female policemen, armed with silk umbrellas instead of clubs, and authorized to substitute politely worded notes of invitation to attend sessions at the station-house for the present rude and disgraceful system of making arrests.

It is domino if a true regard for female delicacy would permit any woman to be hanged, but nothing can be more certain than that it is to the last degree intolerable to permit a man to hang a member of the gentler sex. Shall the rude hands of a hangman take the liberty of placing a noose around the blistered neck of a modest, meek, and silent woman, and shall her last moments be made unendurable by the impertinent remarks of a clergyman? She has the right by virtue of her sacred womanhood to be supplied with a hangwoman, who can without impropriety tie her noes and decorate her neck with the noose, and to be ministered to by a clergywoman who can whisper words of consolation in her ear without giving occasion for scandal.

"A little delicacy is a dangerous thing," as Pors remarks. If our legislators confine themselves to supplying station-houses with matrons and take no further measures to preserve the delicacy of women, they will merely make themselves ridiculous. Nothing can be more sacred than the womanly delicacy of a drunken, howling, fighting harlot, and it is absurd to protect her delicacy inside of a station-house while policemen, Judges, and jurymen are permitted to shock it elsewhere.