Punishment by Design

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The nature of what constitutes crime, punishment, or the level of appropriate surveillance is defined by those in power and varies over time in efficiency and severity. Between 1750 and 1850 the nature of penalising criminal behaviour in Britain changed radically, from physical punishment to a form of reformative imprisonment, one that utilised architecture to realise its objectives. For reformers the intent of those objectives was clear, it was not the practice of vengeance but the prevention of crime. In this context the traditional punishments of execution, physical pain, and banishment were failing. Crime not only continued, but was seen to be worsening. This was a time when dark forces were imagined amongst the English underclasses. As the population grew dramatically, increasing in concentration and visibility, so did the perception of its idleness and threat. Guidance was needed for the lower orders to be integrated into a productive society, one based on a morality that resisted radicalism. A new entrepreneurial class was emerging whose work ethic and sense of moral obligation defined much of its worldview in terms of productivity. Under the influence of reformers the nature of punishment changed, from being an end in itself to becoming a means of character reformation. Criminals were unproductive and diminished what others contributed, but the productive quality of the fallen individual could be restored. As order was increasingly sought in the institutional care of abnormal behaviour, institutional organisation would provide the process, and professional planning and design would perfect the means. In an age obsessed with measurement, architecture would be used to precisely measure not only space, but also the discipline needed to counter the spread of vice and contrary ideas. This was change guided by the power of redemption. The successful building of large institutions would defeat the disease fostered by poor ventilation, sanitation, and overcrowding. Physical and economic landscapes would change as prisons moved from town centres to remote outskirts. Oversight of the convicted would increase, although the public visibility of how they

were dealt with diminished. And as punishment by design developed, a serious attempt would be made to alter the landscape inside the heads of the imprisoned.[1]

In the eighteenth century the English social order was seen as a hierarchy of ranks and orders, an inter-related structure of patronage from above and dependence below. During the nineteenth century this structure changed to one of recognisable class divisions based on competition for livelihood, wealth, and power. A new entrepreneurial class drove the change from agriculture to manufacture and its associated urbanisation. A tripling of the population from six million in 1750 to eighteen million in 1851 saw a dramatic increase in the lower orders and magnified social problems.[2] Where the authority of aristocracy had required obedience without justification, the new self-made men of wealth sought influence on the basis of their achievement. For many, the puritan ethic required a commitment to social betterment, characterised by the spread downwards of acceptable values and behaviour via guided improvement. This change in approach coincided with an acceptance of the technical progress that had become an integral part of their success. Measurement became a key not just to the division of labour and industry, but also to the analysis of social issues and a basis to their resolution. Life was increasingly dominated by the clock, with workers alienated from the output of their labour and from the natural world as the wage economy spread.[3] As Benjamin Franklin had popularised, time was money. The application of measurement and discipline in the workplaces of men such as Josiah Wedgewood provided an example of a socialisation process that reflected and extended their own values. Workers were not simply to become more punctual, but more sober, cleaner, and careful.[4]

In the two decades prior to the French Revolution there was considerable humanitarian concern from the upper to the lower orders, but revolution replaced this with insecurity and fear.[5] The lost American war was a revolutionary war within a British territory, while the even closer Irish Rebellion required serious military effort to quell. The ideas of the French Revolution were reflected in English Jacobinism, and men such as Thomas Paine did not express hopes but exclaimed rights. At the same time, the government commitment to laissez-faire economics seemed selectively directed downwards. There were moves to abandon protective wage regulation and the Poor Laws, while the Combination Acts reflected the fear of collective action.[6] Religion, the key to middleclass morality, which among other things emphasised non-violence and respect for authority, was treated by the lower orders with indifference.[7] The congregating poor were seen as potentially seditious, a fear of the mob that according to E.P. Thompson had some justification.[8]

While the lower orders were evolving to become the working class, one element was established firmly at the bottom: the criminal. After the 'Black Assize' of 1750, where typhus accompanied

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1 This essay draws heavily on the classic work on prison architecture, Robin Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840*, (Cambridge: Cambridge University Press, 1982). It touches on transportation to Australia in the context of its failure to prevent crime in Britain.

2 D. G. Wright, *Popular Radicalism: the Working-class Experience, 1780-1880*, (London: Longman, 1988), 2-3.

3 Ibid., 3, 5.

4 Neil McKendrick, "Josiah Wedgewood and Factory Discipline," *Historical Journal* 4 no. 1 (1961): 46.

5 E. P. Thompson, *The Making of the English Working Class*, (New York: Vintage, 1963), 56.

6 Harold Perkin, *Origins of Modern English Society*, (London: Ark Paperback, 1969), 184-6, 188.

7 Ibid., 196, 199.

8 Thompson, *Working Class*, 57, 62, 74-5.

prisoners from the gaol into the court, killing the judge amongst others, reform of existing processes for dealing with crime in Britain seemed inevitable.[9] The conventional punishment on conviction had been corporal, usually delivered in public as a warning to others, while confinement was used mainly within the judgement process rather than as an outcome of it.[10] Reformers deemed this unnecessarily cruel and ineffective, as it gave no opportunity for reflection and change. In an age increasingly focused on liberty, its removal via incarceration became an attractive penalty.[11] As Foucault details, in the century under study, punishment ceased being a public spectacle and became an administrative process.[12] Increasingly impersonal and detached, punishment was to become a process in which the body was not physically abused but contained. The importance of bureaucracy and institution increased in a shift to 'an economy of suspended rights'.[13] This transfer from physical punishment accompanied a change in emphasis from the offence to the individual, who was to be imprisoned and systematically managed.[14] Discipline changed from a technique employed against negatives, to one used to promote positives, increasing the efficiency and productivity of individuals in the workplace or institution.[15]

The eighteenth century has been described as 'the age of political arithmetic', a time of ever increasing demand for measured information.[16] Social factors were dominated by local rather than national circumstance or tradition, and this was reflected in the localised nature of prison administration and its reform.[17] In the nineteenth century national campaigns for reform reflected a wider trend of centralisation, with a focus on resolving social issues in the increasingly industrialised nation state. The hundred years from 1750 covers this transition. While protestant morality drove the purpose, it was rational and scientific methodology that provided the means. For prison reform in Britain the key advance came with the work of John Howard, a central figure in bringing the issue before the public and policy makers. A wealthy Christian philanthropist, to his own mind Howard was poorly educated and his efforts that of 'a plodder'.[18] His elevation as a Fellow of the Royal Society seems to have been more about wealth than credentials, but Howard was caught up in the enterprise of measurement. While this was initially the measurement of meteorological conditions, a pattern was formed where travel was always accompanied by instruments.[19] His appointment as High Sheriff of Bedford in 1773 exposed him to the conditions in prisons and the need for change. For his remaining seventeen years he actively pursued reform, travelling extensively and collecting and collating data directly from the various forms of prisons

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9 Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850,* (New York: Columbia University Press, 1980), 44-45.

10 Randall McGowen, 'The Well-Ordered Prison: England, 1780-1865', in *The Oxford History of the Prison: The Practice of Punishment in Western Society,* ed. Norval Morris and David J. Rothman, (New York: Oxford University Press, 1998), 73.

11 Anna Vemer Andrzejewski, *Building Power: Architecture and Surveillance in Victorian America,* (Knoxville: University of Tennessee Press, 2008), 20.

12 Michel Foucault, *Discipline and Punish: The Birth of the Prison,* trans. Alan Sheridan, (New York: Vintage, 1995), 8-9.

13 Foucault, *Discipline and Punish,* 10-11.

14 Ibid., 16.

15 Ibid., 210.

16 T. S. Ashton, *An Economic History of England: The 18th Century,* (London: Methuen, 1955), 1.

17 Ibid., 17; McGowen, *The Well-Ordered Prison,* 72.

18 John Aiken, *A View of the Character and Public Services of the Late John Howard,* (London: J. Johnson, 1792), 14, 227.

19 Ibid., 21-23.

he visited.[20] With the problem quantified by statistical measurement, Howard could offer the policy makers applicable solutions described in detail.[21]

In the mid-eighteenth century prisons were privately run. Control of fees often took precedence over care of inmates, and building plans were utilised for commercial exchange with outside suppliers, all to the profit of the gaoler.[22] The unreformed prison was characterised by a lack of uniformity in both structure and process, was permeable to visitors, and had an internal hierarchy dependent on the ability to pay.[23]

Prison reform was not just a reaction against existing conditions, but was driven by the ideal that vice could be changed to virtue.[24] In the old style prison disorder represented a lack of control, the profit motive the danger of corruption, and the inevitable contact at close quarters the threat of immorality. It was passion and a lack of discipline that led souls astray, and their redemption was to be found in the removal of the former and the imposition of the latter. For John Howard the severe would be replaced with a rationality that would attempt to amend the mind.[25] Howard proposed the isolation of the prison from the outside world, and to the extent possible, of the prisoners from each other.[26] This fundamentally altered the relation of the prison and its prisoners to society. Previously the prison was an integrated part of the townscape, but new prisons would have as little to do with the outside as possible. This reflected a wider social concept of the institutional classification and separation of abnormal behaviour from the conventional. The gaol as the source of malignant fever was emphasised, and its threat demonstrated by example: fever killed more than executions, and was the greatest cause of death even in battle.[27] These were powerful examples, with fever defeating justice and threatening the defence of the realm. Howard outlined practical improvements in process, of ventilation, sanitation, and the cleaning of prisoners and their clothing.[28] His prison census for 1776 indicated that the majority of inmates were debtors, with only about forty per cent being felons and petty offenders.[29] Debtors were kept to prevent them escaping obligation, felons were held pending execution or transportation. In contrast, reformed prisons would not be holding stations but places of intermediate punishment. If immorality was founded in weakness and disorder, and if good and evil were not inherent but pliable, then change could occur through an environment of control, in institutions via the application of architecture.[30] The detailed design of prisons broke the connection between the building and maintenance of the prison and the influence of the gaoler. The client was now identified as the Justices who determined by law the fate of the criminal. The most basic of divisions could be built in by design. The separation of genders could be implemented by the simple construction of walls as specified

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20 Ibid., 48.

21 John Howard, *The State of the Prisons in England and Wales, with Preliminary Observations, and an account of Some Foreign Prisons*, (Warrington: William Eyres, 1777); Ignatieff, *A Just Measure of Pain*, 52.

22 Robin Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840*, (Cambridge: Cambridge University Press, 1982), 21, 26, 30; McGowen, *The Well-Ordered Prison*, 73-75.

23 Evans, *Fabrication*, 32, 40.

24 Ibid., 47.

25 Ibid., 67-68.

26 Howard, *The State of the Prisons*, 40, 43-44, 46.

27 Ibid., 16-20.

28 Ibid., 41, 44-45, 58-59.

29 Ibid., 35.

30 Evans, *Fabrication*, 214.

on a plan. Zones could be designed that reflected morality, planning could determine relationships. With this realisation power shifted from those who worked within the prison to those outside who designed them.[31]

By the 1780s three key aspects of Howard's reform became the basis of the prison designs of William Blackburn. These were security in the form of effective containment and isolation, improved health in the form of access to fresh air, and reformation in the form of separation. New geometric designs based on hub and radial wing patterns fragmented the building while centralising authority by providing a central position with oversight over the rest of the structure. Observation of space became an integral part of supervision as a specific task. Blackburn achieved greater air circulation by a dramatic replacement of solid surfaces with iron grill, in everything from doors to vents in floors and ceilings. Integrated water supply, effective sanitation, and hygiene became the new standard, and the problem of gaol-fever was resolved.[32] Prison buildings were designed and built to be imposing and display authority and strength.[33] At the single point of access the criminal was transformed into the prisoner, a uniform and uniformity replacing individuality. Reformation was to be achieved by separation and seclusion. The planned use of space by division brought architecture to the forefront of prison reform, and Blackburn realised the ideas of John Howard in nineteen prison designs.[34] The *Penitentiary Act* of 1779 provided for large centralised prisons, a shift in emphasis that reflected the increasing political importance of the issue of crime. However, this was supplanted in 1784 by the *Transportation Act*, which removed its funding and chose instead to reintroduce the cheaper solution of transportation.[35] Prime Minister Pitt put it succinctly: 'No cheaper mode of disposing of the convicts could be found.'[36]

The transportation of convicts to Australia became an extraordinary example of punishment, one where standard aspects of both traditional and reformist treatment of criminality faltered on the requirements of building a new and permanent settlement. It was quickly apparent that the administration was dependant on the support of the convicts for settlement to become viable—even policing required convicts.[37] The key issue became how to make convicts productive: with threat or with incentive. The labour shortage meant that those who were good workers were in demand, were likely to be treated comparatively well, and were able to make money above the government set rate.[38] Shortened sentences and land grants were offered to encourage cooperation.[39] The fatal flaw in transportation as punishment was the comparatively short sentences to be served. With diligence seven years could be reduced to four, fourteen to six.[40] Tickets of leave, pardons, and certificates of freedom were life-changing incentives. For all the power being exercised, for all the

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31 Ibid., 43, 45-46.

32 Ibid., 142-43, 146-48, 153, 166-69.

33 Andrzejewski, *Building Power*, 16.

34 Evans, *Fabrication*, 169-71.

35 Ibid., 120, 131.

36 A. G. L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, (London: Faber and Faber, 1966), 55.

37 G. D. Woods, *A History of Criminal Law in New South Wales: The Colonial Period, 1788-1900*, (Sydney: Federation Press, 2002), 27.

38 John Braithwaite, "Crime in a Convict Republic," *Modern Law Review* 64, no. 1 (2001): 27.

39 Eris O'Brien, *The Foundation of Australia, (1786-1800): A Study in English Criminal Practice and Penal Colonisation in the Eighteenth Century*, 2nd ed., (Sydney: Angus and Robertson, 1950), 142.

40 Stephen Nicholas, *Convict Workers: Reinterpreting Australia's Past*, ed. Stephen Nicholas, (Melbourne: Cambridge University Press, 1988), 181.

rights restricted or contested, the system lacked the critical component that had been identified throughout the period of penal reform as essential for punishment to be effective: control. As a result the extent of rights and degree of liberty exercised in convict Australia was greater than one might expect, and certainly greater than what was intended.

Decades before the Pitt decision that led to the founding of Sydney, the influential reformer Cesare Beccaria had pointed out that transportation was 'absolutely useless' as it attempted delayed deterrence in a foreign location.[41] In 1764 Beccaria had written that the intention of punishment was the prevention of crime; prevention entailed stopping the criminal reoffending and deterring others. Overly harsh punishments contrasted the public good because they exceeded this intention, and could have the opposite result.[42] The history of how societies applied punishment in response to crime is largely their attempt to resolve this issue of the degree of severity by finding the right balance. The problem with inflicting physical pain was that the outcome was unknown, with the possibility of resentment increasing resistance. In New South Wales, convicts who resisted faced an abundance of the lash, but this applied to a minority. In contrast, stories of emancipist success began to circulate. By the 1820s the perception of transportation as ineffective punishment had gained momentum, with the need recognised to increase its severity.[43] The *Bigge Report* of 1822 formed a division between the use of gang labour as a productive resource, and post-report, to an emphasis on punishment. The directions from Lord Bathurst to Thomas Bigge turned criminology into slogans: 'The Great End of Punishment is the Prevention of Crime'; specifically 'Transportation to New South Wales is intended as a severe Punishment'; the desired outcome to make the place the 'Object of real Terror'.[44] In retrospect the weakness in the theory seems obvious: as A.G.L. Shaw pointed out, transportation was seen as a failure as it did not prevent crime, at least not the continuing crime in Britain.[45] In the cheap solution the presence of design was hard to detect, the reverse of the situation in the new British prison.[46]

In the first three decades of the nineteenth century the number of prisons declined as new and larger institutions replaced the old. At the same time the number of inmates increased significantly. The reformed prisons of this period were based on the ideas of Howard, the techniques of Blackburn, and the core concept of observation and inspection proposed by Jeremy Bentham.[47] In the Bentham ideal model prison, the Panopticon, the key would be light and observation. Hierarchical power would be reinforced while horizontal communication reduced and the potential for disorder diminished. As Bentham put it, design and inspection made the inmates 'a multitude though not a crowd'. The opposite of a communicating group that could potentially

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41 Cesare Beccaria, *An Essay on Crimes and Punishments*, translated from the Italian; with a Commentary Attributed to Monf. De Voltaire, (London: J. Almon, 1764), 78.

42 Ibid., 12, 42-43, 99.

43 Shaw, *Convicts and the Colonies*, 144.

44 Earl Bathurst, "Earl Bathurst to Mr. Commissioner Bigge," (6 January 1819), in *Report on the State of the Colony of New South Wales*, Project Gutenberg eBook, under Enclosure No. 2, last updated 1 January 2013, accessed 1 September 2015, http://gutenberg.net.au/ebooks13/1300181h.html#ch-44.

45 A. G. L. Shaw, "The British Criminal and Transportation," *Papers and Proceedings: Tasmanian Historical Research Association* 2, (1953): 33.

46 The major prisons in Australia at Port Arthur and Fremantle were not completed until the 1850s, outside the timeframe of this essay.

47 Evans, *Fabrication*, 236.

become a mob, prisoners would be 'solitary and sequestered individuals'.[48] Ideally control would be operated by the inmates themselves. Certain of possible observation at any time, it was thought they would behave as if always being observed.[49] It was the threat of constant surveillance rather than its actuality that was meant to impose discipline. In the Panopticon, 'certainty, promptitude, and uniformity' would be applied with 'clockwork regularity'.[50] Bentham cited examples of new working technologies, such as the conversation tube and the pantograph that allowed orders to be given through walls 'from masters above to servants below' that removed or made more remote inter-personal contact.[51] The drive for measurement and analysis had practical outcomes. Foucault points to early forms of basic automation in punishment. Both the English hanging machine and the French guillotine replaced manual methods by integrating the natural force of gravity by design.[52] The new prison architecture would follow a similar line of simplification by removing the confusion of choice.

The proposition had become that in any institution human behaviour could be manipulated by the design of space and barriers. The wider social trend to gather ever increasing amounts of information was reflected within the prison by what seemed an ever expanding system of classification. As the number of classes and sub-categories multiplied, so did the physical divisions within the prison. The intent, to quarantine various levels of criminality to prevent contagion by communication, eventually met the boundary of what architecture could accomplish. The key aspect of this stage of reform, inspection, came with its own limitations. While gaols attempted to manage dozens of classifications, the limit of effective control seemed to be about fourteen for some four hundred prisoners.[53] While a Panopticon was never built, its principles of surveillance over concentric geometric patterns formed the basis of three quarters of the prisons built between 1801 and 1832.[54] Separation and solitude as a means of reform was modelled on the church prison, and refined for secular use in Philadelphia.[55] When John Haviland designed the Eastern State Penitentiary in 1829 he implemented the ideas he had gained from Howard, Blackburn and Bentham, adding them to the aim of his Philadelphia clients, the centrality of solitary confinement.[56]

By the mid-1830s individual separation became the basis for new prisons, influenced by the example of Philadelphia, and formalised in the *Gaol Act* of 1839. This answered the critical issue of contagion, the spreading of vice by contact or communication, and made the issues of classification

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48 Jeremy Bentham, *Panopticon; or, The Inspection House: Containing The Idea of a New Principle of Construction Applicable to any Sort of Establishment, in which Persons of any Description are to be Kept under Inspection: and in Particular to Penitentiary Houses, Prisons, Manufactories, Houses of Industry, Mad-houses, Work-houses, Lazarettos, Poor-houses, Hospitals, and Schools: with A Plan of Management Applied to the Principle: in a Series of Letters, Written in the Year 1787, from Crechett, in White Russia, to a Friend in England,* (London: T. Payne, 1791), 40.

49 Foucault, *Discipline and Punish,* 200-01.

50 Jeremy Bentham, *Panopticon: Postscript; Part I: Containing Further Particulars and Alterations Relative to the Plan of Construction Originally Proposed; Principally Adapted to the Purpose of a Panopticon Penitentiary House,* (London: T. Payne, 1791), 79-80.

51 Ibid., 77-78.

52 Foucault, *Discipline and Punish,* 12-13.

53 Evans, *Fabrication,* 267, 269, 309.

54 Ibid., 283.

55 Norman Johnston, "Evolving Function: Early Use of Imprisonment as Punishment," *The Prison Journal* 89, no. 1 suppl. (2009): 14S, 18S.

56 Andrzejewski, *Building Power,* 18-19.

largely redundant by reducing it to the level of the individual.[57] It was, as Robin Evans puts it, 'seclusion through architecture', a design for reflection and moral reformation which seemed to have the benefit of management and cost efficiency.[58] In 1777 Howard articulated the sentiment underlying reform: 'Solitude and silence are favourable to reflection'.[59] Six decades later the epitome of institutional control was established with the Joshua Jebb design of the Pentonville Prison. Completed in 1842, it was to hold five hundred and twenty prisoners in a single designed cell duplicated five hundred and twenty times. The uniformity of design and application of standardised process resulted in a near mechanical operation of centralised efficiency. Prisoners were numbers, the marks of individuality removed, their faces masked when outside their cells. Control and uniformity were increased with the application of measurement. Times were allocated to events and tasks and enforced for both inmates and staff.[60]

The link between prison reform and religious zeal was always strong, exemplified by Thomas Clarkson citing Ezekiel 18:21 and 23, that God preferred the wicked to be alive and redeemed.[61] Secular lawmakers had taken a different view. In the fifty years from 1760 there were sixty-three new capital crimes added, although the ratio of those executed actually fell. Increasingly, penalty consisted of being sent to the hulks and transportation.[62] By 1819 there were two hundred and twenty-three capital offences in England.[63] As the number of convictions grew, the issue of hanging for crimes against property gained prominence, a concern reflected in a growing abolitionist movement and the discrepancy between sentencing and executions. Between 1823 and 1829 eleven percent of all convictions resulted in death sentences, but of this number barely one in twenty was hanged.[64] The same irrationality eventually found the attempt to have buildings pacify and enable redemption, their geometry overtaken by simple arithmetic. If the prison population was to grow not merely by addition but by systematic retention, then sheer numbers and associated costs would test any design.[65]

By the mid-nineteenth century, the promise of secular prevention in paid policing was set to replace the influence of the church and its attempt to redeem imprisoned souls. In the 1839 *First Report of Commissioners*, a document that argued for the extension of a paid police force as an occupation, the spread of classification and the ease of manipulating statistics to purpose was demonstrated. People of concern could be divided into three classes. There were those without occupation and believed to live off illegal activity, those with legal occupation but 'known to have committed an offence', and 'suspicious characters'. This last group, although 'not known to have committed any offence', were deemed noteworthy by an assumed association.[66] The report had little trouble estimating and multiplying to obtain figures that showed the cost of crime and the value

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57 Evans, *Fabrication*, 320, 325, 329-30.

58 Ibid., 323, 341, 348.

59 Howard, *The State of the Prisons*, 43.

60 Evans, *Fabrication*, 346, 354, 360-63.

61 Thomas Clarkson, "Prospectus of the Society for the Diffusion of Information on the Subject of Capital Punishments," in Thomas Fowell Buxton and Samuel Hoare, *The Eighth Report of the Committee of the Society for the Improvement of Prison Discipline, and for the Reformation of Juvenile Offenders, with Appendix*, (London: J.F. Dove, 1832), in Appendix, un-paginated.

62 Thompson, *Working Class*, 60-61.

63 Johnston, *Evolving Function*, 12S.

64 Buxton and Hoare, *The Eighth Report of the Committee of the Society*, 254-55.

65 This applies when prisons are run by the state as a cost, rather than by private operators for a profit.

66 Edwin Chadwick, Charles Shaw Lefevre and Charles Rowan, *First Report of the Commissioners Appointed to Inquire as to the Best Means of Establishing an Efficient Constabulary Force in the Counties of England and Wales*, (London: Her Majesty's Stationary Office, 1839), 13.

of policing in preventing it, and concluded that the cause of crime was not 'unavoidable want' but a deliberate form of idleness that preferred theft over work.[67] Observation and inspection would have a definite use in the wider society once the suspected had been identified.[68] As for reform architecture, as Evans points out, it initially attempted to correct abnormal behaviour but evolved to defining what was considered to be the normal environment. The lessons learnt in dealing with institutional design, basics such as sanitation, ventilation, the reduction in shared space, and the increase in separation, were integrated into the reformation of housing. Social control for the lower orders became less dramatic but more pervasive through the promotion of domesticity and decency.[69]

In the second half of the eighteenth century insecurity and fear of loss highlighted an awareness of the need for punishment. Poverty and limited opportunity probably created a core of criminality, one exacerbated by population growth, urbanisation and the disruption caused by industrialisation. But it was the combination of the belief in the powers of redemption, the ingenuity of technical development, and the definition as well as professionalisation of occupation that led to the use of design as a solution. The decision to use institutional imprisonment as punishment was not a reaction to the growth in crime, but against the previous penalties of physical pain or execution, together with a belief in redemption and return to productive character. This resulted in the need to contain and discipline large numbers of people. The prison became a carefully designed place for the reformation of the errant mind and its normalisation as defined by those in control. It demonstrated the practical use of planning in the maintenance of social order, and eventually its inherent flaws. But the use of imprisonment as a form of punishment also marked the point where the state took full responsibility for those it deprived of liberty in its imposition of justice. In theory, this placed a limit of cost on the application and expansion of the law as a means of social control. However, since then there have been repeated breaks in this logic of economic restriction, with the intervention of politics and morality extending criminality beyond the agreed parameters that defend person and property. The imprisoned today can include those who take the wrong drugs, those on the wrong side of a line without the right paperwork, to the absurdity of the 'debtors' who have not paid fines. The recent trend to outsource responsibility under the guise of efficiency appears to have returned us to a position where the profit motive of the gaolers has re-emerged, together with issues of their powers of observation and the rights of others to know what happens on the other side of the fences and walls.

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67 Ibid., 19, 312, 345.

68 Ibid., 11.

69 Evans, *Fabrication*, 406-08.