

## The Deviant Prison

Early nineteenth-century American prisons followed one of two dominant models: the Auburn System, in which prisoners performed factory-style labor by day and were placed in solitary confinement at night, and the Pennsylvania System, where prisoners faced 24-hour solitary confinement for the duration of their sentences. By the close of the Civil War, the majority of prisons in the United States had adopted the Auburn System – the only exception was Philadelphia’s Eastern State Penitentiary, making it the subject of much criticism and a fascinating outlier. Using the Eastern State Penitentiary as a case study, *The Deviant Prison* brings to light anxieties and other challenges of nineteenth-century prison administration that helped embed our prison system as we know it today. Drawing on organizational theory and providing a rich account of prison life, the institution, and key actors, Ashley T. Rubin examines why Eastern’s administrators clung to what was increasingly viewed as an outdated and inhumane model of prison – and what their commitment tells us about penal reform in an era when prisons were still new and carefully scrutinized.

Ashley T. Rubin is Assistant Professor in the Department of Sociology at the University of Hawai‘i at Mānoa. Her work has been published in top international journals for interdisciplinary studies of law, punishment, and criminology and has appeared as a TEDx talk.

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*For my family*

**The Deviant Prison: Philadelphia's Eastern  
State Penitentiary and the Origins of  
America's Modern Penal System, 1829–1913**

ASHLEY T. RUBIN

*University of Hawai'i at Mānoa*



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Abbreviations

ARCHIVES

APS	American Philosophical Society
HSP	Historical Society of Pennsylvania
PSA	Pennsylvania State Archives

REFORM SOCIETIES

BPDS	Boston Prison Discipline Society
NYPA	New York Prison Association
PSAMPP	Philadelphia Society for Alleviating the Miseries of Public Prisons
SPPNY	Society for the Prevention of Pauperism in the City of New York

PERIODICALS

NAR	<i>North American Review</i>
JPDP	<i>Pennsylvania Journal of Prison Discipline and Philanthropy</i>

A Brief Timeline

Year	Event
1786–1794	Significant changes to Pennsylvania penal laws and practices underway, especially at the reconstructed Walnut Street Prison, which soon becomes the model for proto-prisons emerging around the country.
1787	Philadelphia Society for Alleviating the Miseries of Public Prisons (PSAMPP) is formed.
1810s	Multiple efforts to reform the penal laws and practice.
1818	Construction and planning for new Western State Penitentiary in Pennsylvania authorized under the principle of solitary confinement.
1821	Construction and planning for Eastern State Penitentiary is authorized under the principle of solitary confinement. A hybrid system is adopted in New York at Auburn State Prison.
1823	New York ends its reliance on long-term solitary confinement at Auburn State Prison in favor of the Auburn System.
1825	The Boston Prison Discipline Society (BPDS), a penal reform society and supporter of the Auburn System, is founded.
1826	Two publications call attention to insanity, illness, and death that resulted from long-term solitary confinement at Auburn State Prison and Maine State Prison. Western State Penitentiary opens and faces implementation difficulties from the beginning.
1828	Pennsylvania Commissioners Shaler, King, and Wharton endorse the Auburn System; the Eastern building commissioners endorse pure, continuous solitary confinement.
1829	Legislation authorizes the Pennsylvania System in its final form at both Eastern and Western. Eastern receives its first prisoner.
1833	New Jersey adopts the Pennsylvania System at its prison.
1834–1835	A legislative committee investigates various charges against Eastern’s administrators, focusing on misuses of power, including fraud and torture.

xx	<i>Timeline</i>
1838	Rhode Island adopts the Pennsylvania System at its prison. Legislation authorizes hiring a paid Moral Instructor at Eastern.
1843	The staff physician at Eastern is required to be a resident physician at the prison.
1844	Rhode Island abandons the Pennsylvania System and joins in criticizing the Pennsylvania System.
1854	Long-time Pennsylvania System critic and BPDS founder Louis Dwight dies.
1858	Pennsylvania State Legislature authorizes a commission to alter the penal code (enacted March 31, 1860). New Jersey passes legislation that begins to depart from the Pennsylvania System at its prison after years of partial implementation. Pennsylvania is the last state to use the Pennsylvania System.
1860s–1870s	Eastern’s administrators increasingly focus on their own status as professional penologists and begin to refer to the Pennsylvania System as the “Individual Treatment System.”
1861	The so-called Commutation Law is passed at the behest of PSAMPP.
1862	The Pennsylvania Supreme Court strikes down the 1861 legislation in <i>The Commonwealth ex rel. Johnson v. Hallaway</i> .
1866	Postwar crime increases bring overcrowding at Eastern and necessitates the double-celling of prisoners. Western’s administrators publicly condemn the Pennsylvania System.
1869	New legislation reauthorizes the commutation law. Pennsylvania legislature creates Board of Public Charities, which is authorized to oversee the state’s prisons and other “charitable” institutions. Pennsylvania legislature authorizes the congregation of prisoners at Western. Eastern officially becomes the last American prison to follow the Pennsylvania System.
1870s	Efforts to reduce overcrowding at Eastern do not keep pace with flood of prisoners; solitary confinement becomes an impossibility for most prisoners.
1911	Cellblock 11 opens at Eastern on the “big house” model.
1913	Legislation authorizes congregation at Eastern, officially ending the Pennsylvania System.



Important Actors

REFORMERS TURNED ADMINISTRATORS AT EASTERN

Roberts Vaux	PSAMPP member and Inspector (1829)
Thomas Bradford, Jr.	PSAMPP member and Inspector (1829–1851)
Samuel R. Wood	PSAMPP member and Warden (1829–1840)
Dr. Franklin Bache	PSAMPP member and Physician (1829–1837)
Dr. William Darrach	PSAMPP member and Physician (1837–1844)
Thomas Scattergood	PSAMPP member and Warden (1845–1850)
Edward Townsend	PSAMPP member and Warden (1870–1881)

OTHER ADMINISTRATORS AT EASTERN

John S. Halloway	Clerk (1831–1850) and Warden (1850–1854, 1856–1870)
George Thompson	Warden (1840–1845)
Richard Vaux	Inspector (1842–1895)
Dr. Robert Given	Physician (1844–1851)
Nimrod Strickland	Warden (1854–1856)
Michael J. Cassidy	Warden (1881–1900)

AMERICAN REFORMERS

William Parker Foulke	PSAMPP member
Rev. Louis Dwight	BPDS founder
Theodore Dwight	NYPA member
Enoch C. Wines	NYPA member