

that class were alleviated by measures passed by socialist governments? In what, then, would hope reside?

Stephen Ingle

The University of Stirling  
Stirling FK9 4LA, Scotland, United Kingdom  
E-mail: [s.j.ingle@stir.ac.uk](mailto:s.j.ingle@stir.ac.uk)  
doi:10.1017/S0020859019000671

BAILEY, VICTOR. *The Rise and Fall of the Rehabilitative Ideal, 1895–1970*. Routledge, London [etc.] 2019. xix, 549 pp. Ill. £125.00. (Paper: £39.99; E-book: £35.99.)

Victor Bailey's latest book is an original contribution to the research on the history of penal regimes, criminal justice, and historical criminology, particularly for England and Wales. It heralds a major shift in scholarship in this field and offers us a major revision to works by scholars such as Michel Foucault, David Garland, and Martin Wiener, by looking at the historical evolution of penal practices and policies that characterized the "long arc of the rehabilitative ideal", from 1895, the year of the Gladstone Committee on Prisons, which supposedly marked the turn towards treatment and rehabilitation of criminals, until 1970, by which time this policy was under heavy criticism.

Following on from his earlier book, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914–1948*,<sup>1</sup> Bailey shifts his focus to the adult offender. The main argument throughout the book is that the characterization of these years by scholars as one of rehabilitation of criminals is a grossly exaggerated rhetoric. Historians and criminologists have long argued that these years saw the penal culture veering towards "penal welfarism" (p. 2). This was a transition to a modern penal complex accompanied by a reformatory and rehabilitative credo, aided by the emergence of the science of criminology as handmaid to that project. The tectonic plates of criminal justice moved away from deterrence and its attendant punitive features that characterized the classic penology of the late nineteenth century. This marked a shift from a traditional moral discourse, proportionate punishment, deterrence, and an emphasis on individual culpability of the criminal, to a positivist medicalization that understood criminal behaviour to be determined by constitutional factors and environmental processes, and treatment and training, instead of punishment, as the appropriate legal response. However, Bailey dismantles the heart of this construct by arguing that some of the key measures that reflected this shift in penal tradition from retributive to rehabilitative were underwhelming. For adult offenders, short prison sentences and fines continued to be the key penalty and penal recourse (p. 13). Preventive detention and corrective training were a failure. A large number of short-term and large-term prisoners continued to be thrown together in local prisons, without any treatment, training, or classification. Improvements in psychological treatment and aftercare of prisoners remained minimal. Useful prison labour as training could not take off as prisoners continued to be put to sewing mailbags, which had no

1. Victor Bailey, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914–1948* (Oxford, 1987).

effect on their betterment. The most visible sign of a retributive penal consciousness, the death penalty, continued to linger on until the end of this supposed rehabilitative era, the 1960s, after which the retributive tide is believed to have set in. Structures such as detention centres and training prisons, seen as the architectural expression of this era, continued to be few, while large numbers of prisoners jostled in overcrowded, dark, and dingy Victorian prison behemoths, which continued to espouse a punitive and retributive credo. Prisoners were very poorly educated. It is no surprise, then, that the Royal Commission on the penal system, appointed in 1964 and meant as a fundamental reassessment and survey of the penal regime after the Gladstone Commission, failed and was dissolved even before reporting. It was a testament to the failure of prison reformers to create the rehabilitative programme promised for so long. Despite all the overblown rhetoric, sentencing and penal practice for most adult offenders were largely punitive, and not rehabilitative. To a large extent, this was because magistrates and sentencing judges, along with prison officials and custodial staff, often acted independently of administrators and commissioners, who sought to affect penal shifts, and continued to operate within a traditional punitive principle of retribution and moral responsibility.

The originality and strength of *The Rise and Fall of the Rehabilitative Ideal* lie primarily in its attempt to look at penal practice in its full complexity. An over-engagement of existing scholarship with penal policy and official discourse, including annual prison and commissioners' reports, has meant a reliance on penal rhetoric and treatment of offenders after sentence. Little emphasis is placed on the contribution of criminal courts, the role of the executive, and on measuring the penal rhetoric against prisoners' realities. Bailey departs from this tradition by looking at the role of sentencing practice, the executive, including the judge, magistrates, the interaction between penal reformers, ministers and mandarins, and public opinion surrounding key criminal justice measures. He corroborates exaggerated accounts of penal transformation by counterpoising them against prisoners' experience.

Such a counter-discursive approach enables him to tap into alternative accounts, such as memoirs of prisoners as well as administrators, reports of penal reform groups, criminologists, penal commissioners, and publications by prison officers. This approach is visible from the outset. Chapter one underlines the distance that the judges and prison officials kept from the realignment of penal policies that characterized the end of the Du Cane era, i.e. the late nineteenth century, with the report of the Gladstone Commission (1895), into the Edwardian era. They were guided more by philosophical idealism and proportionality of punishment than by scientific-ideological paradigms of positivism and eugenics. Chapters two and three underline this lack of judicial subscription to ideas of reform in the period leading up to World War II, otherwise marked by an abatement of imprisonment. Despite the recommendations from the prison administration and committees, like that on persistent offenders (1932), the judges showed a proclivity to punish the petty persistent offender instead of hardened criminals even as preventive detention withered away gradually. Conditions of prison labour and the psychological treatment and aftercare of prisoners remained abysmal during these years (Chapter five). Chapter six looks at penal reform in the wake of World War II in the context of a rapidly expanding prison population and the inability of several reform measures, including the 1948 Criminal Justice Act, to abolish capital punishment. This essential retributive punishment covers several chapters (seven, nine, and twelve) and reflects the extent of political, judicial, and popular resistance to reformist sentiment, and the force of public opinion that shaped penal policies.

Chapter four looks at efforts to introduce a degree of classification and training of prisoners inside the prisons during the interwar period, which were belied by limited material changes, as reflected in accounts and memoirs of prisoners. Chapters eight and ten look at shifting penal values. Overcrowding inside prisons and the growth of crime in the immediate aftermath of World War II meant that there was seldom any way to implement classification, diverse training regimes, and useful prison labour, despite the official optimism and major plans in white papers to restructure the prison regime (Chapter eight). As late as the 1960s, a decade otherwise hailed as the apogee of prison reform, absence of night sanitation and filthy conditions in prisons served as useful reminders of a grim reality (Chapter ten). Apart from this convincing argument, another central contribution of Bailey's work is that he does not find prisons to be the central punitive strategy. Major criminological theories and historical studies of punishment have posited that prisons emerged as the chief locus of punishment in the nineteenth century. Scholars such as David Garland have shifted the starting point of a "modern penal complex" to the Gladstone report (1895).<sup>2</sup> However, Bailey warns that such accounts of shifts in penal practice have exaggerated the role of prison, as the late Victorian and the Edwardian era in fact saw a "decentering of prison" in the system of judicial punishments (p. 21), reflected in the abatement of imprisonment and a decline in the prison population leading up to World War II.

More generally, various strands of Bailey's argument potentially intervene in broader themes within the history of punishment. Bailey shows that in the latter half of the nineteenth century, and later still, the labour regime in prisons remained miserably underdeveloped, with prisoners employed in mostly monotonous labour such as sewing and repairing mail bags. Working hours were short and irregular (p. 318). Obstructionism by the trade unions also played a role in this. Interestingly, this was precisely the kind of labour that was rejected by British officials in colonial India around the same time in favour of profitable and remunerative prison industries. Officials such as Frederic J. Mouat in Bengal were at the forefront of "reformatory labour", which scholars like David Arnold see as incentivized by financial considerations.<sup>3</sup> Mouat also spoke and published in international forums such as the International Penitentiary Congress and the Statistical Society of London about the applicability of the model of penal labour in Bengal to places such as Great Britain. Although not a central focus of the volume, an exploration of the transnational entanglements of the questions Bailey deals with should also offer interesting contours for a global history of punishment beyond the universalizing discourses of penology, or the constraints on and challenges and imperatives thereto.

*Nabhojeet Sen*

Bonn Center for Dependency and Slavery Studies, University of Bonn  
Genscherallee 3, D-53113 Bonn, Germany  
E-mail: [nsen@uni-bonn.de](mailto:nsen@uni-bonn.de)  
doi:10.1017/S0020859019000683

2. David Garland, *Punishment and Welfare: A History of Penal Strategies* (Aldershot, 1985).

3. David Arnold, "India: The Contested Prison", in Frank Dikötter and Ian Brown (eds), *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America* (Ithaca, NY, 1982), p. 162.