Peter Scharff Smith
*Punishment Society* 2004; 6; 195
DOI: 10.1177/1462474504041265

The online version of this article can be found at: [http://pun.sagepub.com/cgi/content/abstract/6/2/195](http://pun.sagepub.com/cgi/content/abstract/6/2/195)

Additional services and information for *Punishment & Society* can be found at:

**Email Alerts:** [http://pun.sagepub.com/cgi/alerts](http://pun.sagepub.com/cgi/alerts)

**Subscriptions:** [http://pun.sagepub.com/subscriptions](http://pun.sagepub.com/subscriptions)

**Reprints:** [http://www.sagepub.com/journalsReprints.nav](http://www.sagepub.com/journalsReprints.nav)

**Permissions:** [http://www.sagepub.co.uk/journalsPermissions.nav](http://www.sagepub.co.uk/journalsPermissions.nav)

**Citations** [http://pun.sagepub.com/cgi/content/refs/6/2/195](http://pun.sagepub.com/cgi/content/refs/6/2/195)
A religious technology of the self

Rationality and religion in the rise of the modern penitentiary

PETER SCHARFF SMITH

University of Cambridge and the Danish Institute for Human Rights, Copenhagen

Abstract

This article deals with the rise of the modern prison system in Denmark and internationally from the late decades of the 18th century until the mid-19th century. The theoretical focus will be on the interconnectedness of scientific and religious conceptions that – according to this interpretation – formed an ideological base for modern prisons. I discuss how rationality and religion can be understood as naturally conjoined elements in this context, and show how religion, rather than simply diminishing in influence, took on new roles and functions in modern society. Two religious ‘modes of operation’ can be identified: religion as a power strategy and religion as a technology of the self. The main part of the article addresses the thinking behind, and experiments with, the modern penitentiary – which finally broke through in the United States during the 1820s and from there was re-imported to Europe. I show, recalling Weber, how the liberal and modern-minded bourgeois Danish reformers simultaneously embraced both the religious and rational implications of the modern prison project. The intense debates of this period on the best methods of reforming prisoners disclose distinctively modern accounts of human nature, in which science and religion are mutually involved. 1

Key Words

Foucault • prisons • rationality • religion • solitary confinement

According to the Danish Prison Commission of 1842:

In such solitary confinement in which the prisoner cannot find any other diversion than the work offered to him... then, even someone who until that point languished in idleness and laziness will come bit by bit to value labour and he will grow accustomed to industriousness. Moreover, his disposition will also become more open to the comfort of religion, even as the
effects of reprimand and useful teaching will be able to sprout and bear seed in tranquillity; and his will may be more easily fortified to abandon the path whose danger and moral wickedness must become clear through self-reflection, which the soul cannot avoid there in the lonely cell, where everything leads one’s thoughts back to the inner self and God, the all-seeing and omnipresent, the merciful and compassionate. (Report of the Danish Prison Commission, 1842: 34ff.)

RATIONALITY AND RELIGION

It is ordinarily assumed that during the 18th century there was a challenge to the dogmatically religious design of the criminal justice system. The Ten Commandments had, for example, laid the foundation of Book 6 of the 1683 Danish Law of Christian V, On crimes, in which provisions for brutal corporal punishments were set down (Tamm, 1996: 182). In the latter half of the century, national codes across Europe were reformed. Rational principles took the place of doctrinal definitions. One result of this was that corporal punishments were to a significant extent either abolished or mitigated. There is a widespread reading of these developments that views secular rationalism as essentially modern and as the major cause of a decline of religious commitment. This opposition commonly leads us to depict instances of religiosity in modern society merely as remnants from a pre-modern world, surviving in a state of tension with more modern outlooks (cf. Giddens, 1993: 487).

However, the polarization of religion and rationality in social theory can easily obscure a more constructive understanding of their relationship and of the development of such modern institutions as the penitentiary. In The Protestant ethic Weber famously argued that ‘one may . . . rationalize life from fundamentally different basic points of view and in very different directions’ (Weber, 1995: 78). From this perspective, rationality does not in itself constitute a normative foundation that can replace moral, value-laden considerations arising from, for example, religious convictions. ‘Rationality’ refers to a mode of conduct rather than a substantive set of values, beliefs or motivations (see Weber, 1978: 24ff.; see also Harmon and Mayer, 1986: 75ff.). Thus, ‘Zweckrationalitet’ does not reign over modern society, even though bureaucracy will promote a rationality pointing in that direction. It will, therefore, always be important to investigate when and in what ways values and beliefs influence rational procedures. David Garland writes that a properly Weberian analysis does not exclusively focus on rationality, ‘but instead . . . traces out the interplay between rational, non-rational, and irrational forms of action’ (Garland, 1990: 190).

Religious frames of reference are not simply replaced by a rational thought process – rather, for Weber, religious values and rational enterprises may shape each other in historically decisive ways. In Weber’s view the most important result of ascetic Protestantism was ‘a systematic rational ordering of the moral life as a whole’ (Weber, 1995: 126). In modernity the rational method attains pre-eminence; yet rational action will always include values that are anything but eternally and consistently recognized (Andreski, 1983: 7ff.).

Within recent religious study, we find a comparable conclusion in Marcel Gauchet’s work on the political history of religion: there is no fundamental incompatibility between the essence of the evangelical message and the main traits of the world of
equality [the modern world], and their mutual adaptation is perfectly logical (Gauchet, 1999: 164). Nevertheless, for Gauchet, it is an essential point that, in modern society, a divinely structured world has been abandoned – a world the individual could not change, a world in which everything was ordained by higher powers. Modernity set the individual free and religiosity was thereafter a possibility but not a necessity. According to Gauchet, Christianity was the religion that triggered secularization, since Christianity attempted to combine ‘God’s deepening call with a simultaneous deepening interest in the world’ (Gauchet, 1999: 85). The spiritual dimension – the ‘other’ as Gauchet terms it – was during the modern age re-located in the individual person (Gauchet, 1999: 169). It may be claimed that this development is mirrored in the history of criminal punishment. Where crime during the 17th and most of the 18th century was interpreted in a divinely structured context it has since the late 18th century involved a consideration of the personality of the criminal individual and his moral defects. As a result of this, the spiritual element, which according to Gauchet was contained in the modern individual, came under intensive treatment in the new penitentiaries, where an attempt was made to influence and control it.

Weber’s account of modernity and Gauchet’s work on the political history of religion thus have great relevance for an account of the modern prison system. In many ways, the rise of the modern prison system marks a victory of rational discourse (see, for example, Garland, 1991: 180), but not the victory of rational discourse over religion. The new principles of imprisonment were an impressive attempt to systematize and rationalize what Weber called ‘moral life’. Religion here assumed new forms and functions, as the bearer of responsibility for the expected rehabilitation of criminals and thus as an essential tool in the moral machinery of modern prisons.

THE STUDY OF THE MODERN PENITENTIARY AND THE ROLE OF RELIGION

Michel Foucault’s *Discipline and punish* (1977) has had decisive significance for the interpretation of penology in general and for the study of the rise of the modern prison system in particular. Faith and religiosity do not play much of a role in *Discipline and punish*, although in passing, Foucault recognizes the presence of religion in connection with modern prisons. Foucault notes that prisoners in the new institutions received Bibles and that religious services were performed, but this plays a peripheral role in his analysis. According to Foucault, neither solitary confinement, self-examination nor ‘purely religious exhortations’ were essential to these modern institutions (Foucault, 1977: 125). Those in power directed their attention to the soul of the prisoner and towards the transformation of his or her thoughts and nature. The most important element in this process was ostensibly ‘the development of a knowledge of individuals’ (Foucault, 1977: 125). Under Foucault’s lens, the central theme is the rational use of a new knowledge of the so-called individual criminal – knowledge that was collected by intensive surveillance and enabled effective social control, whereby the new power technology was established. The ideologies and religious considerations that motivated the new penological principles had little relevance for Foucault. In a short passage, however, Foucault touches indirectly on how the prison cell had both a rational and religious
function, since he establishes how the cell could reconstitute both *homo oeconomicus* and the religious conscience (Foucault, 1977: 123).

Foucault also acknowledges the breakthrough of a new morality in the new methods of punishment (Foucault, 1977: 12), but for him this morality is primarily interesting because of its form, which is scientific and systematic, rather than its ideological content as such. In the words of David Garland: ‘The ethical values, religious beliefs, and humane sensibilities that others present as contributory causes of penal change are, for Foucault, at best the “incidental music” which accompanies change, at worst, a euphemistic covering-device for new forms of power’ (Garland, 1991: 168).

Garland is however not primarily concerned with the meaning of religion for the modern prison system. Garland recognizes that religion influenced penal policies throughout the 19th century, but at the same time he implies that a more rational conception of the offender broke through during the mid-19th century inspired by the writings of Beccaria and Bentham. What this might reveal about the relationship between religion and rationality is not touched upon, although Garland apparently regards a gradual shift from the first towards the latter as a characteristic of modern society (Garland, 1991: 203–9). Like Giddens, Garland presents religion more or less as a remnant from a traditional pre-modern culture. Although a ‘sufficient measure of religious belief still persisted’ in the Victorian age to influence punishment, religion was on the way out (Garland, 2001: 16).

Concerning religion and penal policy Garland refers to Michael Ignatieff’s investigation of English prison administration 1750–1850. According to Ignatieff the strength of the new penal principles lay in the fact that they could derive support from a broad base, because they reflected various groups’ ‘deepest political, psychological and religious assumptions’. In a later essay, Ignatieff maintains that the modern English prison ‘had at its core the religious discourse of the chaplain’ (Ignatieff, 1994: 148). But Ignatieff makes no in-depth attempt to analyse the reasons for this very interesting predominant role of religion in the modern and scientifically constructed penitentiaries. For Ignatieff it is sufficient to note that religion had a considerable power base in English society in this period. For him the importance of religion is therefore indirectly a question of power (in accordance with the original revisionist project). John Howard is brought forward as an example of how, among other things, religion appealed to the growing middle class. The practice of isolating prisoners is emphasized as a tool of power in the hands of the prison chaplain, who could shape the inmate’s personality as he wished. Ignatieff does not undertake an analysis of the relationship between religion and rationality and he does not seek to understand what new role and function religion might have in modern society. Neither Ignatieff nor Garland therefore consider the possibility that the religious forces at work in penal policy during the 19th century were themselves modern ones rather than the remnants or leftovers from traditional society (the same comment can be directed towards the interesting observations made by Forsythe, 1987 and McGowen, 1998: 80, see also McGowen, 1987: 668).

Similarly, in his study of the breakthrough of the modern penitentiary in North America, Colvin concludes that ‘religious perspectives and tensions were to play a major role in shaping the penitentiary’ (2000: 43). He does not go into the question of whether or not this religion was modern or traditional, though it seems he would suggest the latter. Still, it could be claimed that Colvin moves a step further than Ignatieff by...
sporadically addressing the question of the relationship between religion and rationality. Although Colvin tends to see a conflict between religion and rationality he describes – as we shall see later – how Benjamin Rush was able to bridge this gap (Colvin, 2000: 43–6 and 48ff.). There is thus a widespread premise in the literature that the place of religion – typically interpreted as a pre-modern element – in the rise of the penitentiary was characterized either by ideological conflict (for example between retributive and rehabilitative worldviews (Gorringe, 1996)) or by merely pragmatic and incoherent alliances. It thus remains a source of paradox (Nilsson, 1999: 353ff.; Priestly, 1999). I will argue below that religion’s crucial significance for the modern prison system did not constitute a paradox. Nor did religion and rationality make for ‘strange bedfellows’ during this period, as Priestly supposes (Priestly, 1999: xi). To the contrary, they were symbiotically involved in the rise of modern society generally and in the creation of the penitentiary in particular.

NEW RELIGIOUS POSSIBILITIES AND FUNCTIONS – A POWER STRATEGY OR A TECHNOLOGY OF THE SELF

Jeremy Carrette’s study Foucault and religion illustrates how difficult it is to detach religion from power when reading Foucault, but at the same time unveils what potential a Foucauldian analysis of religion contains when one introduces light and shade into his definition of power (partly by following Foucault’s own later attempts at this). First and foremost religion can be seen as a power strategy. Carrette follows Foucault in arguing that power: ‘orders life through a set of force relations; not through a violence which forces people to do things but through the shaping of individual subjects to voluntarily carry out a particular way of life’ (Carrette, 2000: 149). Seen in this light religion can be utilized as a tool of discipline. One can easily imagine that Foucault would have come up with something along these lines, had he considered religion as a theme in his work on the birth of the prison. Carrette reminds us that power in this Foucauldian reading is not necessarily a negative force but can mobilize in a positive sense. Religious mechanisms of power could in other words work from below, perhaps explaining why some prisoners resisted disciplinary measures and such like. Still, an analysis of religion as a power strategy seems more relevant (in this context) when describing disciplinary methods controlled from above – by the state. Religion in modern penitentiaries can thus be interpreted as a tool in the service of government. Compared to the use of religion in traditional societies (where faith obviously could contribute to social control) one would conjecture that the use of religion by modern elites was far more conscious and based on a rational use of knowledge. In the words of the English clergyman and prison reformer John Clay:

A few months in the solitary cell renders prisoners strangely impressionable. The chaplain can then make the brawny navvy cry like a child; he can work on his feelings in any way he pleases. He can . . . photograph his thoughts, wishes, and opinions on his patient’s mind, and fill his mouth with his own phrases and language. (Potter, 1993: 46)

Reading religion as a power strategy will tend to turn the focus towards social control implemented by the state.
Carrette’s description of religion as ‘a technology of the self’ on the other hand suggests a more sophisticated analytic position. Carrette refers us to the notions of ‘transcendence’ and ‘immanence’ (see also Gauchet, 1999; Bovbjerg, 2000: 42ff.). In Carrette’s view, Foucault locates ‘religious discourse in the practices of human life’ (Carrette, 2000: 145). Religion thus does not constitute ‘a “transcendent” order outside the historical conditions of our being’, but deals with ‘the very limits of human existence’ (Carrette, 2000: 145). According to this interpretation, the self becomes the centre of interest and, as a result, an individual use of religion and an individual relation to religion is a possibility. According to Carrette, the spiritual becomes part of the body, meaning that a more active, creative interaction with religion is possible for the individual. Religion is therefore not necessarily or only an element in state-governed power strategies. Carrette captures this with his sketch of religion as ‘technology of the self’ – a technology which can form life ‘as a force among others’ (Carrette, 2000: 150). In the words of Foucault, religion can constitute,

...techniques which permit individuals to effect, by their own means, a certain number of operations on their bodies, on their souls, on their own thoughts, on their own conduct, and in this manner as to transform themselves, modify themselves, and to attain a certain state of perfection, of happiness, of purity, of supernatural power, and so on. (cited in Carrette, 2000: 149)

For Foucault ‘the soul’ thereby becomes not only a space open for external disciplinary techniques, but also something controllable by the individual – in this case by the use of, and/or interaction with, religion. Gauchet likewise describes how religion can be used positively when creating an individual identity in the modern world, again because ‘the other’ is integrated in the individual. Gauchet emphasizes three aspects wherein religiosity can influence the self in modern times: ‘One inhabiting our thought processes; one dominating the organization of the imagination; and one controlling the forms of the problem of the self’ (Gauchet, 1999: 201).

Interpreting religion in modern society as a technology of the self provides us with some interesting opportunities. The ‘other’, the spiritual element in the individual – the soul according to Foucault – can be dealt with and mobilized by the individual and not just by society’s elite and its power techniques. We need not therefore dismiss the religious zeal of the prison reformers as a cloak covering attempts at social control. They could utilize religion in a modern way and meant for the inmates in the new penitentiaries to do the same. Religion was simply to function as a technology of the self. A technology which is easier to mobilize for the modern individual who is more or less aware that the invisible and spiritual is contained in the self, and therefore not constituting an otherworldly transcendent existence. Weber himself made this point when describing how Calvinism constituted a religiosity that was not possible in earlier times when a ‘real penetration of the human soul by the divine was made impossible by the absolute transcendentality of God compared to the flesh’ (Weber, 1995: 113).
RATIONAL REFORM AND THE CRITIQUE OF THE ANCIEN REGIME PENAL SYSTEM

During the 17th and 18th centuries, the jurisprudence debate came under the influence of the ‘natural rights’ theory founded by the philosopher Hugo Grotius. Human reason was acknowledged as a starting point for natural rights theory, and the supporters of this philosophy left divine law to theology (Tamm, 1996: 187ff.). For many Enlightenment thinkers, this development formed the foundation for a critique of dogmatic, religious definitions of law. Beccaria in *On crimes and punishments* (1764) claimed to have established a rational base for penal reforms. Jeremy Bentham invented the concept of codification in a similar spirit – rationality and systemization were the key words. In criminal law, this was expressed as an attack on the arbitrariness of punishment. Other English reformers had, like Beccaria, no problem seeing themselves as rational proponents of reform fighting for a better world. According to William Smith, Samuel Romilly and others, justice should, in the words of McGowen, strive ‘to be humane and rational’ (concerning Romilly see McGowen, 1987: 669 and 674).

One finds in Beccaria and Bentham, however, none of the religious conviction with which a number of later prison reformers were so enthused. But although Beccaria played a vital role in changing ordinary criminal jurisprudence during the period, one cannot draw a direct line from his writings to the modern prison. His rationality was to be combined with religion before the moral machinery of the modern penitentiary was in place.

RELIGION LENDS RATIONALITY A HAND – PRISON REFORM IN THE LATE 18TH CENTURY

A reasonable place to begin an account of the rise of the modern prison is with the English philanthropist John Howard. From the 1770s onwards he dedicated his life to a systematic reform of prisons and, later, hospitals. Howard was on a mission of moral elevation; he was ascetic, religious and rational in his indefatigable work, which took him far and wide (Ignatieff, 1978: 47ff.). Howard wanted to discipline and channel wayward human emotions and drives in order to set the individual on the path of righteousness. He struggled with these dangerous impulses in his own mind and in his diary, described himself as a shameful animal – ‘sin, folly and imperfection in every action’ – and pleaded for God’s help:

Can I fathom his Goodness! Here on this sacred Day I once more in the Dust before the Eternal God acknowledge my Sins heinous and aggravated in his Sight I would have the deepest Sorrow and contrition on Heart and cast my guilty and polluted Soul on the Sovereign Mercy in the Redeemer. (Ignatieff, 1978: 51)

Ignatieff interprets Howard’s outbursts as a personal struggle with deep feelings of guilt. However, Howard was not alone in such feelings. Many intellectuals in fact shared this fear: that people might be tempted to let their urges run free, resulting in the collapse of a morally pure social order (Wiener, 1994: 14ff.; Lützen, 1998). The solution for these worried individuals was to fight for human self-control. In that way, stability could presumably be created and the menace of anomia avoided. In *The civilizing process,*
Norbert Elias described how man, since the Middle Ages, has increasingly regulated his behaviour by self-control, which can lead to inner turmoil and confrontations in the self. For Elias ‘the battlefield is, in a sense, moved within’. He continues: ‘Part of the tensions and passions that were earlier directly released in the struggle of man and man, must now be worked out within the human being’ (Elias, 1996: 453).

Howard’s mental conflicts exemplify how the fight for self-control and the many limits on behaviour that follow, could lead to psychological problems for the individual. With the necessity of self-control came an increased demand for education, primarily of children and youth, but also of criminals. The hope was that everyone by his or her own efforts would be able to keep to the moral path in a modern world in which the old social controls were breaking down.

But Elias’s work does not help us explain the religiosity of Howard. In fact, the definition of what was morally correct was derived primarily from religion, which came to play a central role in the instruction and rehabilitation that Howard and others like him prescribed. Formerly, the legal system had been bound up in strict, religious dogma and the Bible prescribed directly what the criminal law should be, whereas Christianity now assumed the role of moral touchstone that laid down guidelines for the individual. Religion became a technology of the self – the means through which self-control (control over impure thoughts and the threat of overwhelming feelings of guilt) could be established. One explanation for the life-long dedication of many philanthropists may be found in such religious convictions. What we are dealing with here is, in the words of Gauchet, individual religious attempts at ‘controlling the forms of the problem of the self’ (Gauchet, 1999: 201). Religion thus, according to Gauchet, assumes a modern function. When ‘religious division was transposed into individuals . . . the nature of the religious experience . . . was radically transformed’ (Gauchet, 1999: 47). This is exactly what we see in the inner turmoil of Howard. In a time of upheaval in which old bonds and norms were threatened with instability, an individual religiosity became the answer for many people: ‘Meaning was no longer given by a destiny allocated to you but could now be found here-below in a voyage of inner discovery’ (Gauchet, 1999: 47). Howard related religiously to ‘the other’ in himself, and this constituted a key moment in the creation of the philosophy of the modern penitentiary. This by no means isolated Howard from contemporary English society. On the contrary, Howard became known as a great humanist and enjoyed the support of scientific and intellectual circles, as well as modern English business folk who were the pioneers of the budding industrialization process (Ignatieff, 1978: 62).

During the 1770s, Howard traversed not only England, but also much of Europe, including the Kingdom of Denmark and Sweden. In The state of prisons, Howard wrote:

I observed the houses [in Sweden] to be much cleaner than those in Denmark; and this led me to hope I should find the same difference in the prisons . . . But I was disappointed, for I found them as dirty and offensive as those in Denmark. (Howard, 1929: 71)

Basically, Howard found that in Denmark and Sweden as in much of Europe, the prisons were unhealthy, undisciplined institutions in which the inmates lived under terrible conditions. Howard’s observations and allegations were not completely without precedent, but his work had a new and very modern element. His writings were based on quite
extensive studies and a comprehensive collection of data. The impressive quantity of information overwhelmed the 18th-century reader, who was to a growing degree attracted by empirical method. The state of prisons was in this respect a trailblazing and prototypically modern work. As a primary figure behind the modern prison system, Howard is thus an excellent example of the co-operation between religion and rationality.

In order to improve and reform conditions in many prisons, Howard figured that general discipline should be instituted among the inmates through hard labour and limited use of solitary confinement. Moreover, thoroughgoing hygiene measures had to be undertaken and order restored. In that way, Howard believed it might be possible, in a religious sense, to convert living sinners as well as dying ones.4 Howard participated in writing a draft of the so-called Penitentiary Act in England in 1779 and, even though the subsequent political process made the final version much less ambitious, the process of reform was set in motion. Following this, a number of new English prisons opened in the last decades of the 1700s with better hygiene and victuals, stricter discipline, partial isolation, hard labour with the hope of not only deterring criminality, but rehabilitating prisoners (Ignatieff, 1978: 94ff.).

Jeremy Bentham of course also influenced the reform process especially with his 'Panopticon' design. In 1792, Bentham presented a proposal for the erection of a gigantic Panoptic prison to the British Parliament which was ratified in 1794. However, the project ran into problems, was shelved several times and never carried out; to Bentham's great sorrow (Phillipson, 1970: 129ff.). Bentham was one of the rare declared atheists of his days and much more reminiscent of Beccaria, in his rational method, than of the very religious Howard. That is why Bentham (together with Beccaria) plays a prominent role in Foucault's analysis of the prison system, in which the Panoptic design fits Foucault's conceptions of surveillance and power like a glove. Howard, on the other hand, is not the subject of much attention in Discipline and punish. Nevertheless, in the late 1700s, it was Bentham, rather than Howard, whose ideas were considered fanciful. Bentham's atheism also posed a significant problem during this religious age (Clark, 2000: 30). At any rate, Bentham's ideas met with increasing resistance in England during the 1790s, while Howard's ideas had greater political impact (Ignatieff, 1978: 75 and 116; see also Phillipson, 1970 and Nilsson, 1999: 97). The strictly rational approach to prison reform thus had to make way for the combination of religious and rational concepts. As we shall see in the following, this was also the case in the United States.

THE NEW WORLD TAKES OVER
In spite of prison reforms and new constructions in England, it was to be on the other side of the Atlantic that the modern prison system had its real breakthrough. Here, the penitentiary evolved in the rational and religious spirit of Howard. A preliminary development took place in Philadelphia in the 1790s, but not until the 1820s and 1830s did the United States emerge indubitably as the pioneering nation in prison reform. The so-called 'Auburn' and 'Pennsylvania' models were developed in New York and Philadelphia and, over the course of a few years, became of keen interest around the world.
In the 1780s and 1790s, Pennsylvania set a comprehensive penal reform process in motion. The instigators of the new measures were fiercely Protestant Philadelphians who were inspired by the writings of Beccaria and Howard. In 1787 Dr Benjamin Rush, delivered a speech on *The effect of public punishment upon criminals and upon society*. Rush suggested that,

a large house, of a construction agreeable to its design be erected in a remote part of the state... To increase the horror of this abode of discipline and misery, let it be called by some name that shall import its design. (*Reports of the Prison Discipline Society of Boston*, 1972: xiff.)

The name was ‘penitentiary’ – a word derived from ‘penitence’ and ‘repentance’ and based, therefore, upon a religious conception of the forgiveness of sins (Teeters and Barnes, 1959: 329). Rush’s speech made a great impression on those present. Only two months later a group of progressive citizens formed the *Philadelphia Society for Alleviating the Miseries of Public Prisons*. This society succeeded in reforming the Walnut Street prison in Philadelphia, attempting to discipline the condemned by new methods along the lines of Howard – grouping and to some degree, isolating prisoners. Rush was a strong proponent of rehabilitation through solitary confinement and was the originator of the isolation principle that was connected to the Walnut Street prison. Rush believed that medical science should cultivate human morality and he was convinced that criminality was a medical ailment susceptible to cure (Ignatieff, 1978: 69ff.).

Religiosity had a central place in Rush’s scientific rationale as the moral legitimation of both the ends and the means. Through medical principles Rush actually thought it possible to change the moral character of man to such a degree ‘as shall raise him to a resemblance of angels; nay, more, to the likeness of GOD himself’ (Colvin, 2000: 52). Again the result was the intertwining of religion and rationality and the goal was to reform criminals. The Philadelphia doctor, like Howard, placed his own son in solitary confinement as a punishment at home. Rush’s offspring also shared the fate of Howard’s in that the boy later became insane (Ignatieff, 1978: 94ff.; Colvin, 2000: 52).

There was widespread unity among Pennsylvania’s proponents of reform, that new methods had to be employed to keep society, which was apparently in economic, cultural and demographic upheaval, from falling apart. Criminality was viewed as a consequence of this upheaval and as a sign of potential social and moral collapse (Rothman, 1971: 57ff. and 69). The new prison, with its strict discipline and ‘improvement’ of the inmate, was regarded as the solution. In general, the supporters of the Walnut Street prison hoped ‘by the blessing of Divine providence’ to preserve ‘the community of rational beings’ (Colvin, 2000: 56). Colvin writes that the ideas behind the Walnut Street prison, ‘clearly expressed the reformers’ civilized sensibilities and their revulsion at public physical punishments. They also reflect the influence of both religious and rationalist thought’ (Colvin, 2000: 56).

There is an obvious parallel between developments in Philadelphia and Weber’s account of the rise of capitalism. Rationality, religiosity and individuality fused in this Pennsylvanian city and in the philosophy of the modern penitentiary, in a quintessentially Weberian manner. From the days of the so-called ‘holy experiment’ of the 1680s of the Quaker and founding father of Philadelphia William Penn, a union of rationality and religiosity seems to have thrived in that city. Philadelphia was rationally
planned as a grid with land squares of exactly the same size. In the words of Charles Dickens it was,

a handsome city, but distractingly regular. After walking about it for an hour or two, I felt that I would have given the world for a crooked street. The collar of my coat appeared to stiffen, and the brim of my hat to expand, beneath its Quakerly influence. (Dickens, 1985: 145)

Here, according to Weber, Protestant asceticism and capitalism went hand in hand (spearheaded by Benjamin Franklin), as did the religious and scientific fight for rehabilitating criminals (Weber, 1995: 74ff.). Self-control and individualism became central aspects of these economic and criminological endeavours. Through the combination of religiosity and rationality the foundation was laid for what Weber called 'a rational planning of the whole of one's life in accordance with God's will' (Weber, 1995: 153). This ideological climate created, in other words, ideal opportunities for a combination of rationality and individual religiosity. The result was the formation of a moral base that served as a point for departure for capitalism as well as for the modern penitentiary.

In the 1790s, however, the Walnut Street prison experiment met with resistance – exactly as was the case in England with the reformed institutions of the 1780s and 1790s – and the modern prison project came into severe crisis during the first two decades of the 19th century. The primary problem was that discipline broke down completely on several occasions and regular revolts took place, but the development that was set in motion in the 1820s in New York and Philadelphia would change course once again, and religion was, perhaps particularly in Philadelphia, still to play a major role.

The so-called Auburn system was put into practice at New York's Auburn prison in 1823. Prisoners were confined in solitary cells at night, but were put to hard labour with other prisoners during the day – although the work was to be done in complete silence. One of the system's foremost proponents, the strongly religious minister Louis Dwight, was convinced of its reforming potential, while the actual directors of the most well-known institutions (Auburn and Sing Sing in New York) apparently were less enthused in reforming the inmates in accordance with the precepts (Colvin, 2000: 82ff.).

The Pennsylvania system was developed in the so-called 'Eastern Penitentiary', which was under construction from 1826 and put into use in 1829. Here, the inmates were subject to total isolation. They were put in single cells day and night, interrupted by brief walks in the courtyard (still without contact with other people) and visits from ostensibly morally healthy persons – for example, the prison chaplain.

Solitary confinement played a major role in both prison systems on the rationale that corrupting influences were thereby rooted out and the discipline and rehabilitation of the prisoner made possible. Isolation was also thought to be a formidable power that could promote the deterrent effect of punishment, thereby realizing the intended double purpose of the punishment: deterrence and rehabilitation. In Philadelphia the idea was that by complete segregation the prisoner would be left to self-reflection, which would lead to a sort of cleansing of the soul. The solitude would be terrifying and therefore would induce within the prisoner an inner reckoning through which he came to
acknowledge his crime and by daily work and moral and religious influence, turn to the morally correct path. More precisely, the premise was that isolation would break the prisoner down mentally, whereafter work, Bible reading, worship services and visits from the prison chaplain would build him back up as a better human being. In his new morally clarified state of mind, isolation in a cell would lose its terrifying character (Reports of the Prison Discipline Society of Boston, 1972: 496 (vol. 2, sixth report 1831)).

The English prison expert William Crawford described just such a process:

Day after day, with no companion but his thoughts, the convict is compelled to listen to the reproofs of conscience. He is led to dwell upon past errors, and to cherish whatever better feelings he may at any time have imbibed . . . The mind becomes open to the best impressions and prepared for the reception of those truths and consolations which Christianity can alone impart. (Crawford, 1834: 12)

The Auburn system found its primary support in Boston, where Dwight established the Boston Prison Discipline Society in 1825; a Society that, with God’s help, was to work to improve prisons.5 In 1824, Dwight had ridden through the eastern United States to visit prisons and distribute Bibles to the inmates. The shocking sight that greeted him made a deep impression upon the minister, and like his role model John Howard, he decided to dedicate his life to the improvement of prisons (Barnes, 1927: 176ff.). Like his English predecessor, Dwight was both strongly religious and utilitarian in his activities.

The Boston Prison Discipline Society maintained that the Auburn system was a model for the entire world. In their annual reports they described how inmates were to ‘spend the night with no other book but the Bible’. In their solitude they were to read the Scriptures ‘and then reflect in silence on the errors of their lives’ (Reports of the Prison Discipline Society of Boston, 1972: 37 (vol. 1, first report 1826)). The Society in fact attacked the Philadelphia prison for its lack of attention to inmates’ religious needs, once again proving the importance of religion as a vital part of the modern penitentiary project (Reports of the Prison Discipline Society of Boston, 1972: 38 (vol. 3, 11th report 1836)).

Of course the Pennsylvania model’s proponents defended their cause, and accused their critics of dishonesty. One of Boston’s renowned daughters, Dorothea Dix, was among the critics of Dwight and the Auburn system. Dix, who had thrown herself into extensive charity work, particularly for the mentally ill, was yet another example among many of a religious and utilitarian proponent of reform, who struggled to shape a turbulent society in accordance with strict moral principles.

In 1845 Dix joined the prison debate and again religion became an issue. In Remarks on prison discipline, based on extensive study, she concluded that the Pennsylvania system expressed ‘a more direct application and exercise of Christian rules and precepts’ (Brown, 1998: 128ff.). From her other philanthropic efforts we know that the religiosity Dix adhered to focused on morality, piety, self-control and discipline, and aimed at reforming the individual (Brown, 1998: 58ff., 91 and 129). A religious attitude in other words, very much like that of Howard and Rush.

The system of total isolation also received loyal support from The Pennsylvania Journal of Prison Discipline and Philanthropy. This journal clearly proscribed a modern
and individual religiosity and the importance of moral and religious instruction was described in several articles. When choosing a prison chaplain for example, the advice was to elect an officer with a strong ‘personal influence’ who could connect properly with inmates, preach fluently in a traditional manner, unlock the prisoner’s heart ‘and commune familiarly with the inner man’. In another piece titled ‘Seclusion’ it was described how isolation furthered interaction between religion and rationality. Through so-called ‘self-communing . . . convictions of reason’ would be strengthened as ‘assistance from above’ was obtained. Seclusion was thought necessary ‘for a renovation of . . . moral faculties’ (‘The Office of Prison Chaplain, or Moral Instructor’, in The Pennsylvania Journal of Prison Discipline and Philanthropy 3(1): 9–20. Quotation from page 12. And ‘Seclusion’ in 4(1). Quotation from pages 2 and 3).

Despite this passionate debate between proponents of the Auburn and Pennsylvania prison systems, in retrospect their similarities are more striking than their differences. They both rested on a rational foundation and were worked out in great detail with respect to construction and function. Everything had the stamp of the scientific spirit – from views of the correct cell size and necessary quantities of fresh air to the idea of rehabilitation by the removal of bad moral influences. At the same time religion played a major role, both as end and means, in the reform of the criminal, particularly in the Philadelphia complete isolation model, where the inmate in his solitude was to meet God and acknowledge Christian morality and the error of his ways. For the prisoner in his isolation there were only two important influences left – work and religion. If we are to believe these intentions, then it seems that supporters of the Pennsylvania model, like Howard, hoped for religion to work as a technology of the self: Christianity was to work inside the individual. The prisoner was in other words to engage ‘the other’ inside himself, thereby reshaping his personality. The same was more or less the case in connection with the Auburn system, at least according to the Boston Prison Discipline Society. When they described how the inmates were to read the Bible and afterwards reflect in silence on the errors of their lives, the prisoners were in other words to communicate with their inner selves. Again religion was supposed to function as a technology of the self – and reform was to follow.

VISITING THE NEW WORLD

These systems exercised enormous influence on the construction of modern prisons throughout the western world. In several places in Europe the prison debate ended with one simple question – which of the American models should they choose? This was the case, for example, in Denmark, Sweden and Norway. Why things developed in this direction is best understood by following in the footsteps of some of the Europeans who flocked to the United States to inspect the new prisons, several of these on behalf of their countries to evaluate the new institutions. The most famous of these delegations was the French one of Alexis de Tocqueville and Gustave de Beaumont, who travelled to the United States in 1831. De Beaumont and de Tocqueville were impressed, and as a rule visitors brought positive impressions home with them (de Beaumont and Tocqueville, 1979: 118).

In 1834, William Crawford delivered a report to the English Parliament, after he visited the new prisons in 15 American states on his nation’s behalf. Crawford found
that the isolation principle created the most deterrent prison regime of those with which he was familiar and, perhaps for that reason, he was optimistic about the possibilities for reforming prisoners. Crawford focused specifically on the moral and religious potential of the Pennsylvania model and wanted to attach more importance to the role of the chaplain and the inmates’ confrontation with religion than was the case at the Philadelphia prison. Thereby the system would ‘be rendered powerfully instrumental not only in deterring but also in reclaiming the offender’ (Crawford, 1834: 14). He viewed the Auburn system almost as a discount version of the Pennsylvania model. Silence was, in Crawford’s words, ‘unquestionably a moral agent of great value’ – but isolation that was only partial ostensibly destroyed the feeling of solitude thereby disrupting the whole religious and spiritual reform process (Crawford, 1834: 19). Crawford’s position was widely shared by other European prison experts. The Auburn system was interpreted as a compromise with the ideal of isolation, while the Pennsylvania model was seen as a more pure, consistent system. For Crawford and others who were serious about using religion as a technology of self-reformation, rigorous solitude and silence were essential.

In any case, the focus on a need for total isolation became a very important reason why the Pennsylvania model received the greatest support in many European countries. Crawford and other official visitors brought this view with them from the United States, and in so doing profoundly influenced the development of the penitentiary in Western Europe. Many of the proponents of reform also had significant mutual contact – which in 1846 became institutionalized by the First International Penitentiary Congress in Frankfurt. It was a connection that was maintained throughout the rest of the 19th century and had great influence on the continued development of European prisons (Teeters, 1949; Nilsson, 1999: 225ff.)

In Scandinavia, the modern use of solitary confinement made its entry later than in the USA, England and France. In 1832, the Swedish ‘Stora Lagkomité’ proposed that solitary confinement be introduced as a prison sentence and, in a subsequent statement in 1834, the committee leaned towards the Auburn system. However, the Pennsylvania model began to win adherents, exactly because the Auburn system came to be viewed as a halfway measure in relation to the ideal of isolating inmates. In 1840, the Swedish crown prince himself entered into the debate with the so-called ‘Yellow Book’, in which he enthusiastically and influentially advocated the introduction of the Pennsylvania system (Nilsson, 1999: 175ff.). When the first Swedish cell block prisons were opened in 1845–6, they were visibly indebted to the Pennsylvanian model. The same year, 1846, new regulations were drawn up for the work of the Swedish prison chaplains. Here it was emphasized how the chaplains with warmth and a true Christian spirit should make the offenders repent their crimes, and work for their reformation. Among the means prescribed were frequent personal religious conversations.6

In Norway a prison commission was formed in 1837 which concluded, in 1841, that Pennsylvania prisons were the better alternative. The Norwegian commission had in addition to all the international material also reports from Norwegian garrisons and from Swedish houses of corrections where a limited use of isolation had taken place. From Sweden the effect of isolation was reported to be strong, and great emphasis was placed on isolation as a pre-condition for the contemplation of the self. The commandant of the Norwegian garrison in Fredriksteen considered isolation ‘one of the most
effective means of reformation' (Om Maaden hvorpaa . . ., 1832: 21 and 38ff.). Thus Norway followed the same course as Sweden. The first, and only, Norwegian Pennsylvania prison was constructed in 1851 (Sandmo, 1997: 47).

In Denmark too, the debate was oriented towards trans-Atlantic developments and, in 1841 professor in political economy C.N. David and the architect J. Friis were sent to the United States by the King and the Danish Chancellery to visit and evaluate American prisons. David's account of this journey, which was presented to the Danish prison commission of 1840, was basically formulated as a debate on the advantages and disadvantages of the two American systems. David used much energy to argue that the mental risks of isolation were not an insuperable problem in a Pennsylvania institution. Here, the prisoner could presumably be made employable and his moral improvement could be seen to without any danger to his health. David furthermore concluded:

It has . . . become clear to me that a Philadelphia penal institution will see to the prisoner's basic and moral instruction and he may enjoy the comfort and improvement that a common worship service is capable of providing without thereby undermining, for the sake of this important goal, the prisoner's isolation. (David, 1843b: 233)

Even for a liberal and worldly gentleman like David (by no means a religious philanthropist in the manner of Howard, Dix and Dwight), the influence of religion on prisoners had great significance.

Many of those journeying to the USA were in agreement with the Danish observer and the Pennsylvania model gradually achieved the greater popularity in Europe, as opposed to the USA, where most states implemented the Auburn model on grounds of economy. But not all guests from the Old World had praise for the new methods. Charles Dickens visited the USA in 1842 and his severe criticism of the Pennsylvania model is well known (Dickens, 1985: 146ff.).

Dickens was not the only famous author to record heart-felt expressions after an encounter with the penitentiary. In 1851, Hans Christian Andersen published his description of a trip to Sweden in which he visited, among other places, a modern prison cellblock at Mariestad, where the inmates were isolated. This encounter clearly made a great impression on Andersen, who wrote as follows:

Like a huge place of public amusement, the building stands, white-washed, smiling, with windows upon windows looking on a charming landscape with water flowing through it just outside the town. But one soon discovers that a silence deep as the grave rests over it. It is as though no one lived there or it was an abandoned house in time of plague . . . Galleries run along the various storeys and, at the hub, the chaplain has his pulpit; where he holds his Sunday sermons for an invisible congregation. Door upon door of the cells is half-opened to the gallery. The prisoners hear the chaplain, but they cannot see him, nor he them. It is all a well-built machine, a nightmare for the spirit. (Andersen, 1851: 29–33, translated by Russell L. Dees)

After the visit, which clearly affected Andersen considerably, he apparently felt the need to justify the existence of penitentiaries. The alternative was, in principle, to watch the decline of civilization and that may have been too much for the author, who wanted the best for the poor residents of the prison:
Outside in the open sunshine, the busy day bustles; in here, it is always midnight still; the spider spins its web along the wall, the swallow — perhaps, for the only time — flies close by this high window. Even the footsteps of strangers on the gallery past the cell door is an event in this uniform, soundless life in which the thoughts of the prisoner circle round and round. One may read of the martyr-filled prisons of the Inquisition, of slaves chained together in the bagnios, of the sweltering leaden chambers of Venice, of the well's dark, wet abyss and be shaken by these images, the better to walk past the gallery of prison cells with an easy heart. Here, there is light, there is air, it is more — humane. Where sunrays shine gently in to the prisoner, so too will the light of God shine into his heart. (Andersen, 1851: 29–33, translated by Russell L. Dees)

The ambivalence of the Danish author also appears in his diaries in which he dryly observes: ‘These prisons are probably beneficial, but like a poison, they must be used with great care’ (Andersen, 1974: 366ff., translated by the author).

Dickens and Andersen, in their empathy with the individual prisoner’s state of mind, departed fundamentally from the way the proponents of the Pennsylvania system described the modern penitentiaries, although Andersen in contrast to Dickens tried to believe the best. In fact, although sceptical, Andersen ultimately followed the religious logic of the Pennsylvania supporters. He too hoped for the light of God to shine into the heart of the lonely prisoner in his cell. Despite these occasional eloquent doubts the American prison principles had amazing success in Europe. Next I consider how both the rationalist and religious prison ideals came to influence developments in Denmark.

**DANISH PRISON HISTORY AND EARLY REFERENCES TO MODERN REFORM**

The first Danish prison workhouse was established in 1605 in Copenhagen (as an early imitation of developments in the Netherlands), and similar institutions spread across the country during the mid-18th century. The fight against vagrancy and begging was the main motive behind these institutions, as was the case elsewhere in Europe (Spierenburg, 1991). This Danish prison system did not become an object for thorough-going changes until about a century later — either in appearance, design, procedures or regulations.7

Still, reforms in the spirit of Howard were discussed during the late 18th century and the use of solitary confinement at Walnut Street prison in Philadelphia became the subject of a Danish publication in 1796. A few years later, in 1804, the Danish public was also supplied with knowledge of Bentham’s panopticon project. Early ideas on modern prison reform thus travelled to Denmark without much delay, and they had a certain impact on national policy. In 1790, for example, a new prison punishment aimed at reform was carried into effect (a ‘house of correction’ sentence) and in 1802 a grand scheme was contemplated, according to which houses of correction were to be erected in several provincial towns (Schous Forordning, 1790; Smith, 2001: 382). But no prisons were constructed as war with England, alliance with France and ultimately, in 1813–14, national bankruptcy and the surrender of Norway intervened. Prison reforms came to a standstill.8

In 1817, after a riot at Christianshavn’s Work, Rasp and Corrections House, punishments were instead tightened for crimes committed by prisoners in the institution.
Thus, the Crown took a step backwards in the direction of 17th- and 18th-century jurisprudence, as it was fixed by law that anyone who participated in ‘plots . . . in which any form of violence is exercised’ or ‘in the remotest way’ supported troublemakers or opposed orders ‘for the maintenance of the peace and public order’ were to be executed and have their heads set on stakes and their bodies broken on the wheel (Schous Forordninger, 1817). The old power technologies were reasserted. All in all, although Howard’s plans for reform – and thereby indirectly his religiously and rationally minded conceptions – clearly inspired Danish legislators, the coming of the modern penitentiary had to await the abatement of these crises. By the 1830s, though, there were indications of change. In 1829 C.N. David wrote that an attempt had to be made to ‘make prisons into a lamentable if necessary supplement to the institutions of general education’ and made reference to the new North American prisons as a useful model (Smith, 2002a: 108).

**DEBATE OVER PRISON REFORM – RATIONALITY AND RELIGION ACCEPTED**

David was one of the leading figures of the liberal movement and became a key figure in the attempt to call attention to the necessity of prison reform in Denmark. In 1835 under the banner ‘On the correctional system’, David chastised Danish prisons and provided accounts of the new American reforms (David, 1835). David believed that the new prison principles were based on new knowledge of the nature of the criminal and the entire prison reform project was clearly presented as a form of paradigm shift, resting on modern scientific knowledge. As David later concluded, Danish penal institutions originated

In large part, from a time, when the primary goal of imprisonment was almost exclusively viewed as making the criminal harmless to society. The concept of the nature and purpose of punishment was at that time still dim, and research had not yet been contemplated into the physical and psychic effects of various forms of punishment on the prisoner. (David, 1843a: 1)

But even for the liberal and rational David, this scientific approach developed in close connection with the religious one. David identified two basic elements in the new American prisons. First of all,

the North Americans’ practical sense and spirit of inquiry directed toward material advantages, which are the fundamental trait of their national character, allowed them quickly to fathom the additional material advantage that even the most costly penal institutions bring to the state, when they achieve their purpose and combat the frequent repetition of crime; even as religious life, which far from perishing in the Free States, has to the contrary gained new strength in the shade of freedom and supported the endeavour to lift up the fallen and give rebirth to those who seem to have perished morally. (David, 1843a: 23)

In a perfect illustration of the Weberian thesis, David saw the Americans’ rational, practical sense and their new-found religiosity as the twin factors behind the breakthrough of modern prisons – the prison systems he wanted Denmark to import. Other
upstanding citizens also emerged as critics of the country’s penal institutions, and followed in the footsteps of David (Smith, 2002a: 108ff.). Frederik von Bülow, for example, urged that the rational principles of separating prisoners be carried out. But von Bülow also complained about the lack of religious attention in Danish prisons, and asked rethorically, ‘but how many priests are visiting our jails and prisons?’ (von Bülow, 1831).

When, in 1838, the Assembly of the Estates of the Realm debated the condition of the country’s jails, they concluded that the complaints put forward about ‘the imperfect conditions in our prisons’ were well founded, although it was not possible to collect sufficient support for comprehensive reform initiatives (Collegial Tidende, 1839: 588). In 1839, the Chancellery (Ministry of the Interior) stated that the national government had done much to improve the country’s prisons (Collegial Tidende, 1839: 589) – but when a prison commission was formed in 1840, it prepared a groundbreaking reform of the Danish penal institutions, that was to implement both the religious and rational aspects of modern prisons.

THE DANISH PRISON COMMISSION AND MODERN RELIGIOSITY

Seven men were appointed members of the prison commission, five of whom were civil servants. Friis and David were the remaining two. None of these were philanthropic and religious characters like Howard, Dwight or Dix. The seven members could not agree on which of the American systems they were to recommend, but they certainly agreed on the need for reform. According to the commission, the Danish prisons originated from a time when the only thought was the immediate removal of the prisoner to prevent harm to society ‘without any consideration of preventing the prisoner’s continued moral decay, let alone using the punishment’s atonement to adapt him once again to return to society’ (Report of the Danish Prison Commission, 1842: 14).

The majority of the commission supported the Pennsylvania system, focusing on, among other things, the religious aspects of this method. It seems in fact, that for the Pennsylvania supporters the isolation principle did not make any sense without the prisoners being religiously influenced. The very strong effect of the isolation was to turn the prisoner’s thoughts inward, and by the force and ‘consolation of religion’ begin a process towards reformation (Report of the Danish Prison Commission, 1842: 42ff.). As quoted in the very beginning of this article it was believed that in the isolation of a Pennsylvanian prison, the inmates would be fortified ‘to abandon the path whose danger and moral wickedness must become clear through self-reflection’ – a self-reflection that ‘the soul cannot avoid there in the lonely cell, where everything leads one’s thoughts back to the inner self and God, the all-seeing and omnipresent, the merciful and compassionate’ (Report of the Danish Prison Commission, 1842: 34ff.). This statement, made by relatively modern and liberal-oriented individuals, in fact summarizes the whole point of Gauchet’s theory of religion’s immanence and in my opinion very clearly explains how religion was to function as a technology of the self. Communication was to be with ‘the other’ in the self, and it was to be of an individual and religious kind. Self-reflection, God and the inner self were the code words according to the Danish Pennsylvania supporters. Likewise, it was considered very important that religious sermons were to take place regularly in the new prisons (without compromising
isolation), and the prison chaplain was furthermore to engage in numerous personal religious conversations with the inmates (Report of the Danish Prison Commission, 1842: 34ff.; see also David, 1843a: 43). C.N. David himself was very convinced, that these personal engagements by the chaplain would have a significant effect on the prisoners (Professor David's first 'votum' 14/11 1840, The Danish National Archive, The Danish Chancellery, The general dept., The Prison Commission 169A).

But the minority of the prison commission – two members of the Chancellery – did not agree, but favoured the Auburn system. The minority thought that the Pennsylvania model was founded on the belief that the source of crime was 'a positively evil will' in every offender, while they thought that the problem was 'a lack of moral force in the will'. Therefore punishment should not aim at changing the criminal's will but rather at strengthening it. In other words, the two commission members did not advocate brainwashing inmates, but thought it possible to reinforce a positive core already present in every criminal. Therefore they also criticized the artificial environment created in a Pennsylvania institution, and preferred a prison that resembled the outside world more (Report of the Danish Prison Commission, 1842: 61). Today many would undoubtedly find the view of this minority very modern and humane but in the 1840s they probably appeared more conservative than the commission's majority. In any case, when the commission delivered their report it was without reaching an agreement. The Chancellery thereafter backed the minority when treating the issue, but the King, Christian VIII, resolved that both Auburn and Pennsylvania institutions were to be constructed and form the basis of the forthcoming Danish prison system.

In 1853, the Horsens State Penitentiary was opened, built in accordance with the American Auburn system and, in 1859, the Vridsløselille Penitentiary was opened, based upon the so-called Pennsylvania model. These two prisons thereafter formed the backbone of the Danish prison system. As late as 1864 – the year of the first five-year report concerning the two new Danish Auburn and Pennsylvania institutions – the primary objective of the Danish prison reform was confirmed as 'religious and moral reformation of the prisoners' (Bruun, 1864: 4). (Concerning what actually happened in Vridsløselille, see my archive-based case study; Smith, 2003 and Smith, 2004).

RATIONALITY, RELIGION AND MODERNITY

After preliminary attempts in England and the United States, the modern penitentiary project achieved its real breakthrough in North America in the 1820s. The worldview behind the erection of these institutions was influenced by both religious and rational principles and ideas. These views worked together in the idea of a correct morality and the perfect prison, constituting an essential quality of the awakening modern society. When Dorothea Dix spoke of the implementation of Christian principles in the Pennsylvania system, William Crawford of the solitary prisoner's religious self-reflection and members of the Danish prison commission of the criminal's inner self and the encounter with God, they all expressed a modern religiosity that combined individuality, rationality and religion. These reformers viewed the new prison systems as an application of Christian values that could lift up the morally fallen.

Implementation was carried out differently in prisons in various countries, and the significance attributed to the religious principles in their daily life differed. In many
Auburn prisons economic considerations played a more significant role than religious motives, and many officials, no doubt, did not take the intentions of reform seriously. Economic exploitation of inmates was, for example, intensified in the southern states of the USA during the latter part of the 19th century. Prisoners were hired out with minimal state control (Walker, 1988; Myers, 1998). However, we know that the prison chaplain and attempts at spiritual influence played a major role in many of the new prisons of the 1800s (see, for example, Nilsson, 1999; Priestly, 1999; Smith, 2002b, 2003). At any rate, the fact that religious ideas were one of the pillars of the structure of the new prison systems and a contributory cause for their triumph throughout Europe should not be doubted. This does not imply that supporters of the modern prisons were fanatically religious. C.N. David is a good example of a rational, modern, liberal citizen who was nevertheless aware of, and drawn to, both the scientific and religious implications of the new prisons.

This of course does not prove that religion functioned as a technology of the self throughout modern penitentiaries all over the (western) world. Nevertheless there is a good case for arguing that religion played a salient role in the philosophy of the modern penitentiary and readily combined with many other technical and rational features of the new prisons. Religion was therefore not just a pre-modern remnant that happened briefly to attend the creation of modern prisons. Clearly religion played a minor role in some cases. Some reformers, like Bentham, had quite other motivations. Nor did all who valued religion – institutions and individuals alike – arrive at the same conclusions. Authors such as Gorringe and Potter who emphasize how Christian theology has supported retributive and deterring ways of punishment also make important points (Potter, 1993; Gorringe, 1996). Yet, in analysing the rise of the penitentiary, it makes sense to analyse religion as a component (or a technique) in tune with emergent, modern understandings of rationality and individuality. By looking at religion as a possible technology of the self, the thoughts and hopes of many reformers perhaps make sense in a new way. Above all, it seems fair to conclude that the modern penitentiary was a common victory for science and religion in the struggle against crime. In a time of upheaval in which old authorities were waning there lurked the fear of collapse; and the demand for a pure moral attitude and self-control constituted an attempt to save social integrity. The modern prison was the tool that would ensure moral influence and religion bore a primary responsibility in that connection. Generally speaking, religion was during the 18th century eradicated from the way legislation was formulated. Yet, religion only changed its function, it did not disappear. In the words of Gauchet, religiosity could inhabit thought processes, organize the imagination and control the forms of the problem of the self in the modern world. In the penitentiaries spreading throughout the western world – the very institutions in which Foucault saw a model for our modern and rational society – we thus find not only strong but also very modern religious forces. In studying the emergence of the modern prison system, we see how religion played a new role that might tell us something not only about how punishment was implemented in the 1800s but also about the development of modernity more broadly understood.

Acknowledgements
The writing of this article has been supported financially by the Scandinavian Research Council for Criminology and the Danish Research Council for the Humanities.
furthermore thank the editors and referees of *Punishment and Society* for their very valuable comments.

**Notes**

1 Several other interesting perspectives on prison history will not be treated here including those concerning race and gender – two themes which are underdeveloped in prison literature although they recently have received some attention. See for example Bosworth (2000) and (2001). Concerning gender in the present article: the thoughts of prison reformers were generally not directed specifically at men or women, although many took it for granted that male prisoners was the primary concern. Partly because they statistically constituted a bigger problem, but primarily because they were considered more important for society at large than women (and ‘other races’ for that matter). Thus the principle of the modern penitentiary was generally speaking implemented on a larger scale on male prisoners. That the development of the modern prison was gender biased is not surprising. It is perhaps more interesting that a few women became leading authorities on prison reform, including Dorothea Dix and Elisabeth Fry whose views are touched upon in the present article.

2 A recent study which can be interpreted in that manner, is Tyge Krogh’s dissertation on executions and corporal punishment in Denmark during the first half of the 18th century, wherein it is described how the magic/religion-based system of criminal justice began to crack during that period. Krogh describes a fundamental contradiction between magic (including religion) and rationality, holding that ‘rational discourse’ undermined and, in a later period, completely took the place of the so-called magic/religion-based episteme. According to Krogh, rational science had already ‘by the beginning of the 1700s gained such a strong foothold that there could be no discussion of strengthening religion at its cost. Science was bearing the hopes of society for better economic progress and the struggle against disease’, (2000: 359, translated by the author). See Krogh (2000: 11, 359, 361 and 363). For a discussion of Krogh’s dissertation, which includes his definition of magic (and thereby religion), see *Historisk Tidsskrift* (2000) vol. 100, pp. 508ff.

3 (Ignatieff, 1978: 79). Generally speaking, religion has not been the subject of much interest in connection with the breakthrough of the modern penitentiary. In part because some do not find religious motives significant in this context – see for example Rothman (1971: 75ff.). Patricia O’Brien’s study of 19th-century French prisons is perhaps also a relevant example to draw forward, in the sense that O’Brien acknowledges science as a central theme, while religion is treated only sporadically. The reason may simply be that religion played a minor role in the French context – still, O’Brien writes that 19th-century prisoners were given ‘moral and religious instruction’. O’Brien also, very interestingly, states that there was more focus on moral and religious instruction of women than of men (O’Brien, 1982: 18, 70ff. and 216). In Denmark moral and religious reformation of women in fact had lower priority than that of the male prisoners.

4 (Ignatieff, 1978: 56). One of Howard’s contemporaries, Jonas Hanway, had similar ideas, when he published ‘Solitude in imprisonment’, in which he advocated the religious reformation of criminals via isolation (McGowen, 1998: 77).
The object of the Society... is ‘THE IMPROVEMENT OF PUBLIC PRISONS.’ This object, we have reason to believe, is approved by the Saviour of the world; for he will say to his disciples on the day of judgement, ‘when I was hungry, ye gave me meat; when I was thirsty, ye gave me drink; when I was a stranger, ye took me in; SICK AND IN PRISON, YE VISITED ME.’ These words we regard as our authority and our encouragement. (Reports of the Prison Discipline Society of Boston, 1972: 5 (first report of 1826))

The chaplains found it very difficult to live up to these regulations, though, because of too much work (Nilsson, 1999: 312).

Still, a process of reforming the criminal laws was set into motion at the end of the 1700s, just as in the greater part of Europe. During Struensee’s brief regime (the insane King Christian VII’s private doctor), a wave of Enlightenment ideas swept across Denmark, and even though some of the reforms were reversed after his fall, others remained. One for example see traces of change in the criminal code, with clear inspiration from Beccaria’s ideas and principles, from the revolutionary year of 1789 in which the Danish king implemented a new so-called larceny decree. This provided, among other things, that criminal law should ‘determine a reasonable and fitting relationship between the crime’s various degrees and its punishment’. See Tamm (1996: 228, translated by PhD Russel L. Dees, whom from here on has translated quotations from Danish texts where nothing else is mentioned).

Furthermore, the leading Danish penal expert throughout most of the first half of the 19th century, A.S. Ørsted, expressed great scepticism about solitary confinement and the ideas on rehabilitation connected to it. Ørsted believed that the most important goal of punishment was deterrence, not rehabilitation in which he did not have much faith. ‘There is probably much delusion in those hopes’, wrote Ørsted on faith in the rehabilitative character of the new penal institutions. Ørsted had great respect for the rationally minded reforms from the ‘age of the enlightenment’, but he did not buy the concept of the modern penitentiary (Ørsted, 1828: 237).

References


**Nineteenth-century journals and reports without author**

*Om Maaden hvorpaa Straf af Eensomt Fængsel, ifølge officielle Meddelelser, anvendes i de norske Fæstninger, og ved Corrections-Indretningerne i Stockholm, samt denne Straf Virkning i moralsk og physisk Henseende* (1832) Christiania: P.J. Hoppes Forlag.


*Danish National Archive*, Danish Chancellery, 3rd dept., outgoing letters, no. 2513.


*Collegial Tidende* (1839–42).

**Statues**

Schous Forordninger 1790–1842.

**Rigsarkivet (The Danish National Archive)**


Danish Chancellery, 3rd dept., outgoing letters 1842.

Danish Chancellery, 3rd dept., drafts to the King and statutes 1842.
PETER SCHARFF SMITH, PhD, has written books and articles on the Second World War and prison history. He is currently studying the history of solitary confinement as a Visiting Fellow at the University of Cambridge and as researcher at the Danish Institute for Human Rights, Copenhagen.