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## **'Prisons and the Public' by Margaret Bondfield, JP**

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**Abstract:** This short paper revisits the address that Margaret Bondfield gave to the Howard League's inaugural annual general meeting, a little over one hundred years ago. It seeks both to illuminate the framing of her argument, and note some features of the moment and situation to which it was addressed. I argue that whilst it is true that Bondfield's speech reveals certain tensions that have remained somewhat intractable in the field of penal reform ever since, it also demonstrates a conviction and ambition that contemporary actors might well wish to seek to recover.

It must have been a quite heady atmosphere in the Caxton Hall on the evening of 3 June 1921. The Howard League for Penal Reform had just been formed from the merger between the Howard Association and the Penal Reform League, and this was its first ever annual meeting. The Penal Reform League brought with it a feminist consciousness forged in part by the politicization of imprisonment during the ongoing struggles for women's suffrage (Logan, 2016). Both the Secretary of the new organization, Margery Fry, and one of the evening's speakers Margaret Bondfield, had developed their interest in imprisonment in part through the severe treatment meted out to conscientious objectors during the still very recent war (Bailey, 1997). As Fry herself noted, those two movements had brought many otherwise respectable people into shockingly direct contact with the prison: "unaccustomed travellers into this valley of shadow" (Fry, quoted in Bailey, *ibid*: 296). It would seem to have been a moment when alert people would be acutely aware of the connections between the uses of the prison and wider world of power, politics and ideas.

Margaret Bondfield was certainly such a person. From the vantage point of 2021, when too few of us have even heard of her (like me, until I started working on this short article), her introduction as Margaret Bondfield JP, might conjure up an image of someone quite different. It is worth recalling, then, that women had only been made eligible to become Magistrates by the Sex Disqualification (Removal) Act, 1919, and that Bondfield was one of the very first. Indeed, she was one of the very first to do a great many things. She was a trade unionist, having started out as a shop worker, later becoming a full-time union official. In 1921 she was already a member of the TUC Council and later (from 1923) its Chair (see further Williams, 2011). Two years after giving her talk to the Howard League, she became one of the three first female Labour MPs and later the first woman Cabinet Minister of any party, and first woman Privy Councillor. The list of Margaret Bondfield's achievements in a long lifetime of campaigning and struggle is extraordinary, and our ignorance of them today rather shaming, even if her political star had waned along with that of Ramsay MacDonald by the end of the decade. She was, however, the subject of a recent biography (Judge, 2018); and Jeremy Corbyn began his 2017 Party Conference speech with a tribute to her (<https://labour.org.uk/press/jeremy-corbyn-speech-to-labour-party-conference/>). Perhaps some curious students residing in the hall of residence that bears her name at the University of

Northampton are impelled to find out something about her remarkable life. Bondfield died in 1953, and Clement Attlee spoke at her funeral.

Bondfield was a committed Christian, a socialist, a political actor of real note, a serial campaigner (including long after she had left Parliament), but one who regarded herself as a realist and pragmatist (Bondfield, 1948). It is thus interesting to find her in 1921 expressing herself in a way that would commonly be described as 'idealistic'. Indeed the Chair of the meeting (Lord Henry Cavendish-Bentinck, MP) introduces her in just such terms as 'the most eloquent and sincere of our English idealists' (1921: 82). In context, this does indeed feel like praise, and not the mealy-mouthed, undermining half-censure that it so often is. Bondfield is at this point not yet an elected politician, so is perhaps less constrained to tailor her remarks towards some standard of public acceptability than she may have become, or than her successors have usually been. Certainly there is no obvious sign of over-caution in her remarks to the meeting of 3 June 2021, unlike the 'triangulation' of many a Labour politician on penal questions in more recent decades. She speaks with unabashed vigour and force, and this feels like one of the more important reasons to attend now to what she said then.

Bondfield develops a fervently and eloquently expressed view of the defects of actually-existing penal institutions, and her hopes for their transformation. But 'for the grace of God', she asserts, we might find ourselves in prison too. She evinces surprise that she herself has never been imprisoned. Meanwhile, many who do more harmful things 'not only go unpunished but are rewarded with honours' (p33). 'We have to turn society upside down as regards our categories of crime'. A more reformatory approach allows us to focus not so much on what people have done as 'what they are and what they may become'. The purpose of intervention, therefore, should no longer be punishment or vengeance but 'redemption by education and social influence' (loc. cit.). We are wasting people's potential (their 'genius' as 'human material').

Bondfield's intervention follows the spirited addresses by F. E. Wintle (Governor of Camp Hill, an institution specialized at the time to provide preventive detention rather than penal servitude), James Duncan (a veteran prison officer at Wandsworth) and Spencer Miller (a former Assistant Warden of Sing Sing prison, New York, under Thomas Mott Osborne) (and the more anodyne remarks of Mr Andrews, Chairman of the Advisory Board at Camp Hill). What is intriguing in context is that two of the penal professionals at least entertain the possibility of prison abolition. For Mr Duncan it is a disappointment of his career that 'the last prison has not been closed'. He offers a thought experiment in which prisons are no longer available. In that case, Duncan affirms, 'We should seek and seek, and surely we would find some means of dealing with the offences and the offenders' (1921: 23). For Spencer Miller it takes the form of rhetorical questions: 'Why should the prison exist as an institution in society? Is it not a passing phase in the attempt of society to regulate anti-social conduct?' (1921: 25). Miller is firm in his responses to his own questions. Given his more favourable view of the prospects for the emergent practice of probation, he concludes, 'It seems to us almost the limit of folly to keep maintaining these institutions and attempting to do the job of reform from the wrong end (1921: 25) (see further Rubin, this volume). Mr Wintle offers no such speculations but rather a less imaginative list of the activities on offer at Camp Hill, and a somewhat blokeish account of the *bonhomie* with which he and his colleagues treat prisoners (on the

development of preventive detention at Camp Hill, see further the paper by Rachel Bennett (this volume)).

Bondfield's response to these remarks is impassioned and direct. She begins, as the sole speaker on the programme without an official stake in the penal system, other than her role as a magistrate (which she does not really mention), by saying that she wants to 'express the views of the general public, after hearing the views of the experts here tonight' (p32). Like many since who have claimed to speak on behalf of the public, however, she goes on to give voice to a strongly-felt personal view. The evidence from Camp Hill, she says, shows us how 'utterly unnecessary prisons are'. Not to reform sentencing and imprisonment along those lines is, for Bondfield, 'stupid'. Mr Duncan's plea to 'abolish him and his class' is both 'amazing' and 'hopeful'.

Bondfield's contribution to this energizing evening's speeches is clearly a confidently hopeful one. It is marked, and is not alone among these presentations in this respect, by an intense scepticism about imprisonment, and an unabashed, vigorously critical way of saying so. Indeed, it is striking to note that this abolitionist temper is prominent across the evening, at the inception of the Howard League for Penal Reform in its modern incarnation. For Bondfield, drawing confidence especially from the similarly hopeful stance of the practitioner-speakers, and resting this belief on Christian convictions, the possibility of an end to reliance on punitive imprisonment seems to be in clear view. Having quoted Jesus ('I was in prison and ye visited me' (Matthew 25: 36)) she continues:

You put a man into a stone cell, denying him every kind of human sympathy, denying him all those things which are the vital things of life, apart from the physical things that you deny him; You deny him those things which are summed up in fellowship, in comradeship, in love. You shut him off; and you are shutting off God. You have no right as a human society to take such a step against one of your fellow men, no matter what his crime may have been. That is not the way to deal with him. (p34)

Many of us are aware, of course, of Churchill's famous remarks in Parliament a few years earlier: 'We must not forget that when every material improvement has been effected in prisons...the convict stands deprived of everything the free man calls life'. (A number of Churchill's other well-known utterances on crime and punishment date from the same moment: 'The mood and temper of the public', the 'treasure in the heart of every man') (*HC Deb 20 July 1910 vol 19 cc1326-57*). Margaret Bondfield's similarly ringing rejection of imprisonment as punishment, alongside those of her fellow speakers that evening, reminds us how extensive this sense of the prison's nearing obsolescence seems to have been in progressive opinion in this period. Maybe, at the beginning of the 1920s, the sense that modernity must prevail over reaction underwrote such belief. The prison looks like an 18<sup>th</sup>-century technology that reached its apotheosis in the 19<sup>th</sup>, not the bearer of 20<sup>th</sup>-century hopes. Bailey notes some ideological influences on the 'abatement' of imprisonment in England and Wales in the first quarter of the 20<sup>th</sup> century. Influential amongst these was what he terms the 'ethical-cum-Christian socialism' (1997: 317) that predominated in Fabian and Labour circles, as personified here by Margaret Bondfield.

In these respects at least – and without detracting in the least from the exceptional aspects of her eventful life – Bondfield is giving voice to views that, whilst certainly contentious, and no doubt vehemently opposed by more conservative forces, are somewhat representative of a current of thought and feeling of gathering influence. Her view of penal reform could expect to call upon support from no small number of like-minded people; and the temper it expresses extends across a variety of institutional domains, not just prisons. Women's suffrage is the most obvious and best-remembered of these questions, but they also include factory and workplace reform, significant campaigns for access to education, at all levels, and increasingly for girls and women (McCulloch et al., 2007; Goodman, 2007), and for working people generally (Goldman, 1999) and many other fields. Bondfield is in these respects no doubt amongst the most prominent, but in other respects not untypical, of a generation of women playing increasingly visible and prominent roles in public debate (King, 2005)<sup>1</sup>. This was also a significant period in the extension of the very idea of modern social science, and its applications to current social problems (Fyfe, 2014)<sup>2</sup>. As has been well-documented elsewhere, there had been a major period of reconfiguration of the relations between penal systems and welfare institutions (Garland, 1985), and of the spread of clinical and other scientific discourses as applied to the treatment of offenders (Garland, 1988; 1997). So, on the evening in question, Bondfield speaks with strong personal conviction, but also to an eager and like-minded audience, and with a sense of the authority of a body of informed opinion behind her.

Some years later no less an observer than Edwin Sutherland began his paper in the following terms:

Prisons are being demolished and sold in England because the supply of prisoners is not large enough to fill them. The number of prisoners in custody in England in 1930 was less than half the number in 1857, though the population of England was twice as large. This decrease was not a direct result of a reduction in the general crime rate, but rather of changes in penal policies (1934: 880).

Clearly, the 'abatement' that Bailey has done much to bring to our attention was a real phenomenon. It was fairly durable throughout the 1920s and was not immediately overwhelmed by recession even at the end of the decade. Bailey insists that this seeming departure from Victorian austerity and severity was not, as is sometimes thought, simply a result of the triumph of Lombrosian positivism (Bailey, 1997: 323), and hence of a technocratic welfarism, but rather a kind of cultural, ethical idealism that extended the ideas of dignity and redeemability to more people, including more offenders. In other words it permitted more members of social and political elites – and of respectable citizens across classes - to empathize with the un-respectable strata of the working class, if not exactly for the first time then perhaps to a greater extent, albeit no doubt at a safe distance.

Melossi has argued that changing representations of criminals are patterned phenomena that in important ways map onto shifts in political discourse, especially in moments of transition, or the 're-

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<sup>1</sup> I am indebted to the journal's anonymous reviewer for this point.

<sup>2</sup> See generally: <https://www.keele.ac.uk/library/specialcollections/foundationsofbritishsociology/>

composition' of economic and social orders (Melossi, 2000: 297). On this view, the uptick in optimism and inclusiveness that seems to have characterized some kinds of penal discourse in the 1920s – or at least that was evident in Caxton Hall in June 1921 - tends to fit with an ascendancy in more future-oriented and hopeful political perspectives in general. By contrast with the decades that both preceded and followed it this was, in Melossi's terms, 'not a time for punishment' (Melossi, loc. cit.).

Seen in this light, Margaret Bondfield's audience that evening, was a kind of cross-party alliance of the optimistic, spanning at least the ethical socialists and feminists, the progressive professionals and (where would the Howard League ever have been without them?) a few liberal Tories. Indeed, her very presence there bespeaks a rising working-class presence in political life, and one that at this point at least, retained an interest in progressive penal politics. The striking thing – from a twenty-first century perspective - is that someone who within a couple of years of this evening would be a Labour MP, and a Cabinet Minister before the end of the decade, should have no inhibitions against nailing those colours to the mast.

It is thus helpful, I think, to try to contextualize Bondfield's remarks, and those of the others to whom she responds with such unguarded passion, in their moment. We can begin to feel something of the shift in sensibilities (Garland, 1990, chapter 10) that they represent. We can sense the excitement of being in at the start of a movement. We can detect the kernel of radicalism that we might hope still remains part of the DNA of the organization holding its first public meeting that night. We can reflect on the history of so much that subsequently changed, and especially on why it became so difficult at points thereafter to give public voice to the high hopes that Margaret Bondfield expressed then. I imagine an aerial camera drawing back from the figure speaking and then up above the rooftops to take in the whole skyline of the city. It is asking us what we can see from up there.

Taking that longer view, we can see easily enough that the tenacious grip of the prison on our capacity to reimagine the penal, and its alternatives, only *abated* (as both Bailey and Melossi from their very different perspectives would doubtless agree), and only for a while. It was not decisively prised open in the ways that the speakers that evening so keenly hoped. Indeed, the mistaken sense of surprise that we may experience in 2021 on hearing our penological forbears expressing themselves in such radical terms a hundred years ago, should serve to remind us that that was the high water mark of radical earnestness (Inglis, 1983), or one of them, and that for much of the intervening century penal reformers have been on the back foot. This is not to criticize (here meaning self-criticize) those who have often found themselves in more defensive postures, nor to perpetuate family quarrels between reformers and abolitionists (on which more below). Rather it is to say that those positions also require their contexts in order to be intelligible. The fact that so many progressive people have found themselves fighting rear-guard actions, or conducting damage limitation exercises in recent decades is not best understood in a moralistic manner as a failure of nerve or will, as is sometimes alleged. It does not merely tell us about their failings as swimmers, so to speak, but also about the strength and direction of the current. Nonetheless, the vehemence and

self-confidence with which Bondfield speaks here remains instructive. It suggests that there are sometimes opportunities to enunciate a radical vision without temporizing or apologizing.

At the same time, there are certain tensions, perhaps even contradictions, in what Bondfield and some of the others say here, that are also instructive. Even whilst railing against imprisonment as a waste of life and looking forward to the day when 'there will be no prisons left in this country' (p. 35), she offers ringing endorsements of preventive detention as practised at Camp Hill. Her argument in fact seems to rest upon a sharp distinction between prisons, understood as 'our convict institutions' (p.32) and the reformatory aspirations reported from Sing Sing and Camp Hill. Thus:

You have heard evidence, most remarkable evidence, of how utterly unnecessary prisons are. Why on earth this country is so stupid as to keep men for three years in our convict institutions instead of sending them at once to Mr Wintle, I simply cannot understand. It seems to me that Mr Wintle would be quite able to deal with the whole population whose anti-social habits require to be dealt with by any sort of segregation whatsoever. (Bondfield, 1921: 32)

In this sense, Bondfield's censure of 'imprisonment' does not extend to forms of confinement that are not construed as punitive. The aim of these new models, she affirms is not 'punishment or vengeance, but redemption by education or social influence' (p. 33). We want, she says 'to sweep away entirely the old style of prison' and instead 'to treat the whole question from the standpoint of humanising our institutions' (p. 35). As far as we can tell she regards this as falling within the ambit of hoping for the day 'when there will be no more prisons'.

Is this merely a question of a speaker failing to notice a glaring inconsistency in their discourse? I think not. Far more likely, and much more interesting, is that her position exposes an oscillation between amelioration and abolition that has haunted most penal reform movements ever since. Bondfield's critique of imprisonment, as she and many of her contemporaries would have construed it, is certainly a critique of excess, and a plea for parsimony. It seems to involve a deeply felt objection to the use of penitentiary imprisonment, in the classic 19<sup>th</sup> century senses of that term (Wiener, 1990). But this perspective does not necessitate a repudiation of all forms of institutional care or control; and as some acute observers noted in later iterations of the debates in the 20<sup>th</sup> century, it could tolerate quite expansive forms of these (von Hirsch, 1986, among many). In this respect, this is not a simple mistake on Bondfield's part, and by no means an un-typical sensibility. Rather it exposes an ambiguity that echoes throughout the subsequent history of penal politics.

From the point of view of a critical critic, therefore, this is just an early instance of the tendency of respectable, reform-minded people (Ryan, 1978) to allow the prison to persist and mutate by exempting self-proclaimed progressive, rehabilitative models from more searching examination.

Those who adopt that view are sometimes apt to argue that bodies such as the Howard League, have for these reasons been drawn on many occasions too far down the track of compromising the abolitionist thread within their espoused hopes, by those same pragmatic and instrumental considerations. Viewed in a more charitable light, this reminds us of the inherent difficulties in articulating objections to the mundane use of incarceration as a staple form of punishment whilst still acknowledging that some forms of liberty-compromising intervention may remain unavoidable in any future that we can foresee. Bondfield may not do the best job of negotiating those tensions – indeed she barely acknowledges their existence - but neither are they solely of her making. The point is rather that this particular elephant enters the room at the Howard League for Penal Reform's birth and has never left.

At least as much to the purpose today, however, is to recall the passion with which Margaret Bondfield addresses this audience on that remarkable evening. It has been many a year since we have seen a mainstream British politician speak with such force on this subject, with no fear of wrecking her career or credibility in doing so. Bondfield does not censor her own discourse in anticipation of negative press coverage (and of course she is not about to be 'trolled' in social media for speaking in these terms). She confidently expects there to be a durable alliance with principled practitioners. She thinks of them as people of vision as well as practicality. It is her bravery and hopefulness that we should be alert enough to hear echo down to us like a kind of gift.

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