

Introduction:

Celebrating the Centenary of the **Howard League** and *Howard Journal*

CLARE ANDERSON, JESS KEBBELL and STEVEN KING

Clare Anderson is Professor of History, University of Leicester; Jess Kebbell is ESRC PhD candidate, University of Leicester; Steven King is Professor of Economic and Social History, Nottingham Trent University

In 1866, the Howard Association, as it would be known for 55 years, was created by William Tallack, under the patronage of Lord Brougham, for the purpose of ‘promoting the most efficient means of penal treatment and crime prevention’ (Howard Association 1867). It could be argued that William Tallack was the most important person in the early history of the organisation. Secretary for 35 years, not only was Tallack pivotal to the Howard Association’s creation, but he was instrumental in making the organisation one of the most important and effective penal reform organisations of its time. He was already well known in the area of penal reform before 1866. For example, he was a member of the Society for the Abolition of Capital Punishment and gave evidence before the Royal Commission on Capital Punishment. This meant that Tallack had pre-existing relationships with others involved in the penal reform movement, something that facilitated the Howard Association’s strong membership base, including access to parliament through interested MPs. Therefore, the Howard Association was in a good position to campaign for change and petition the government in parliamentary sessions. After Tallack’s retirement in 1901, there were a further three relatively short-term secretaries: Edward Grubb from 1901 to 1906; Thomas Holmes from 1906 to 1916; and Cecil Leeson from 1916 to 1921. In 1921, Margery Fry became secretary in what was a very important year for the organisation.

This is because 2021 marks the centenary of the founding of the Howard League for Penal Reform. Created by a merger between the Howard Association and the Penal Reform League, it held a first meeting under its new name on 3 June 1921. Both organisations had been well known for their penal reform efforts but could not by themselves achieve the traction that they hoped for. Rose (1961) argues that this was due to monetary and

membership issues, specifically a lack of both. As the Howard Association, the organisation had made great strides in penal reform; regularly appearing in the press, attending important events such as the prison and penitentiary congresses, and having members appear before parliament to discuss a variety of issues. However, it appears that things had slowed down after the turn of the century. In regard to the Penal Reform League, it had only been in existence since 1907, and it is possible that it had not been in operation long enough to be effective. Moreover, it was regularly at odds with the Home Office, whereas the Howard Association in its early years had cultivated a good relationship with government (Gardner 1930).

Amalgamation was in fact something that Margery Fry had decided was her main aim as early as 1919 when she took over as Secretary of the Penal Reform League (Gardner 1930). Two years later, this became a reality. It is clear, too, that the groups were happy to become one and work together. In the first meeting, Margery Fry summed this up: ‘We confidently believe that, like a fresh star formed by the fusion of two old ones, the new body will prove more powerful than either of its constituents’ (Howard League for Penal Reform 1921a, p.3). This was echoed in the words of MP Lord Henry Cavendish-Bentinck, who said that the Howard League for Penal Reform would be ‘far better and far more helpful ... [and] tend towards greater usefulness and greater efficiency’ (Howard League for Penal Reform 1921b, p.6). Merging was the correct step to take, as 100 years later – and following a second merger with the National Council for the Abolition of Capital Punishment in 1948 – the organisation is still going strong, having the well-deserved title of the oldest penal reform charity in the UK. In 1986, Frances Crook was appointed as Director, and under her leadership it has continued to work on the front line of penal reform action. Its recent campaigns include the ‘books for prisoners’ initiative and issues surrounding the imprisonment of children. After 35 years of service, Frances stepped down this year, and has written the foreword to this special issue.

1921 was also the year when the *Howard Journal* was launched, and excepting the years 1923–5, it has been published continuously since then. During the first four decades, the journal appeared twice per year. In 1962, it was renamed *The Howard Journal of Penology and Crime Prevention*, and, in 1976, spurred on by the desire to improve communication between practitioners, policymakers and academics, it moved to three annual issues (Howard League for Penal Reform 1976). The year 1984 marked a key moment in the journal’s history when it widened its scope to become *The Howard Journal of Criminal Justice*. Retaining its commitment to different approaches from academic disciplines and

practitioners, to an international perspective, and to publishing work with policy implications, it was concerned with what the editorial described as an integrated approach to ‘all major aspects of the criminal process, penal policy and crime prevention’ (Howard League for Penal Reform 1984, p.1). However, though it kept close links with the Howard League for Penal Reform, its editorial policy became independent (Howard League for Penal Reform 1984). In 2016, under the current editor, Ian Loader, the journal acquired its current name, *The Howard Journal of Crime and Justice*, and with a relaunch once again broadened its scope (Loader 2016).

This special issue was commissioned to mark and to celebrate the centenary year of the Howard League for Penal Reform and the *Howard Journal*. As its editors, we worked in partnership with the organisation and the journal’s editor to select articles from the [first 1921 issue](#) that could open up discussion of change and continuity in the criminal justice system over the past 100 years. Reflecting the spirit of the history of the journal, we then invited academics and practitioners, straddling disciplines and experiences, including internationally, to author responses and offer reflections on key issues in the history of crime, punishment and policy, and their resonances in the past and now. The running order of this special issue follows that of the 1921 volume.

As this special issue demonstrates, over the past 100 years, the journal has covered a wide terrain, with a consistent item since 1921, also the publication of book reviews. Howard League for Penal Reform members alongside other campaigners, practitioners, policymakers, and researchers have provided commentaries on a series of pressing concerns in the administration of criminal justice. These range from discussions of petty offending and the treatment of women and juveniles to debates about preventative detention, policing, sexual offenders, the generation and use of statistics, prison education, substance abuse, and mental health. Revealing the importance of the journal in the Howard League for Penal Reform’s campaigning, early volumes included reports of annual meetings, as well as editorials, and later ones sometimes opened with summative ‘notes from the year’. Numerous issues of the journal addressed the evidence presented to, or the findings of, Royal Commissions and assessed new legislation and the outcomes of other government reports, including those which represent major turning points in criminal justice history, such as the Wolfenden Report (Gibbens 1958; Neustatter 1958). A further feature of the journal has been its interest in the criminal justice system overseas, historically including the colonies and dominions of the British Empire as also the USA, Europe, and perhaps unsurprisingly given John Howard’s association with the country, Russia. Accompanying these works have been numerous reports

on Howard League for Penal Reform expeditions, and various international meetings and congresses. In the first volumes, these included discussion of the International Penitentiary Congress, and then the International Penal and Penitentiary Commission which incorporated the Congress in 1929 (for example, Bing 1935; Howard League for Penal Reform 1935, 1951). Later, following the dissolution of the Commission in 1951, it was the deliberations of the United Nations, including the landmark generation of *Standard Minimum Rules for the Treatment of Prisoners by its Congress on the Prevention of Crime and the Treatment of Offenders* in 1955 that was the focus (Dawtry 1957).

The inaugural volume of the journal included two articles on preventative detention (Andrews 1921; Wintle 1921), and a critical Howard League for Penal Reform commentary on it (Anon 1921a). As Bennett shows in the current special issue, this was in the context of the passing of the Prevention of Crime Act in 1908, which allowed the courts to pass sentences of penal servitude *and* preventative detention on repeat offenders. This was the genesis of the institution of Camp Hill, which sought to provide education and training. The Howard League for Penal Reform's interest in this can be dated to the activities of the Howard Association, which had earlier campaigned for remunerative labour. The reproduction of a speech by Bondfield (1921) also stressed the importance of education, and, as Sparks underscores in his article, Bondfield went further, viewing prisons as 'unnecessary'. Again, the Howard League for Penal Reform's antipathy to penal servitude dates from 1866, when the Howard Association campaigned against the hard labour which formed part of a penal servitude sentence. Cox takes up this theme here, concurring with the tenor of the 1921 article (Anon 1921a) to conclude that the system (finally abolished in 1948) could not be called a 'success'.

The 1921 volume also discussed very briefly the issue of the size of the prison population in England (Anon 1921b), a theme to which it returned regularly in later years. The Howard League for Penal Reform had campaigned for alternative sentences to imprisonment for many years before this date. Indeed, it was a proponent of the probation system when it came into force in the early 1900s. The 1921 article discussed how the population was steadily declining year on year but did not mention the Howard League for Penal Reform's subsequent approach. This theme is picked up by Bailey, in this special issue, who presents a detailed analysis of decarceration during the period 1880–1939, and the rise of the prison population since, including women and people from ethnic minority communities. Along with prisoner numbers, in 1921 there was also a series of short articles discussing the impacts of prison on its population, more specifically looking at whether

prisons, through education and training, could change prisoners for the better, or whether they were in fact teaching prisoners, particularly young prisoners, the tools of the criminal trade (Atkin 1921; Anon 1921c, 1921d). Here, this is explored by Johnston. Concentrating on the 1920s, including through a focus on female prisoners, she reveals the nature of the slow and limited changes to prison education. The idea that prisons acted as ‘schools of crime’ is something that the Howard League for Penal Reform had considered an important issue for some time. It campaigned for separate institutions, such as borstals for young prisoners, but as its 1921 articles on Portland Borstal suggest, it was not always satisfied with how they were run (Anon 1921e, 1921f). Indeed, as Shore demonstrates in her article, which articulates the history of the evolution of borstal training, this was intertwined with the aftermaths of the First World War, including suicide in the prison estate.

The complex attitudes displayed towards prisons, their purpose, and their outcomes by the early writers for the journal are well captured by our contributors. These early writers were reacting to complex interlocking processes that had, in the recent past, fundamentally changed the composition and locus from which much of the prison population was drawn and the purpose of prison itself. The ending of transportation necessitated (as Cox points out) a change in both the form and nature of sentencing and sentences. While nothing like human rights law existed, subtle changes to all sorts of legal areas, including childhood protection and health and safety at work, slowly shaped what could and could not be done in prisons. And by the early 1920s and the first volume of the journal it had become quite clear that demobilisation, crippling war debt and rising structural unemployment with distinctive regional concentrations was both driving crime and limiting the utility of prisons for dealing with the sorts of people driven to that crime (Brown 2013). More widely, fertility control was being systematically adopted by the working classes (Szreter 1996), child protection organisations were increasingly active and effective, and welfare as of right rather than as part of the discretionary New Poor Law was in effect creating an income floor for the very poorest groups in society and those at distinctive life-cycle stages such as the aged (Harris, B. 2004). These changes influenced the age structure of the background population most at risk of being convicted, at the same time as slum clearances and urban sanitation reform broke apart what many Victorian and Edwardian commentators identified as ‘criminal hotbeds’. In other words, by 1921 writers for the first volume of the journal would clearly have been framing their work both in terms of the experiences that they saw or knew about and in terms of the prison population as it was likely to be.

The same writers also understood, in a way that was common to later post-1945 sociologists looking at working-class white and ethnic communities, that prisons, their populations and the activities that went on there could not be understood in isolation. Many grasped what were to become clear themes for the journal in the intervening century including the disabling impact of family breakdown, the link between worklessness and criminality, and the link between incarceration and mental health. Above all, it would not have been lost on these early writers that prison was only intelligible in the context of a collection of other institutional features of the Victorian, Edwardian, and post-1918 socio-cultural landscape. Workhouses, asylums, prisons, training facilities for those with learning difficulties and variously constituted disabled and children's homes were intricately connected, with each providing a significant part of the institutional populations of the rest (Hulonce 2016; Jarrett 2020; Jones and King 2020). The magistrates who decided on some prison sentences also decided on the removal of children from families to institutions, questions of coerced confinement in asylums and on whether infractions of workhouse rules should result in prison terms. Forced labour in prisons merely built on existing models (and sometimes even the technologies) from workhouses and homes for those with learning difficulties (Jarrett 2020). The populations of workhouses were much like those of prisons in terms of the prevalence of mental illnesses and illiteracy, and of course most institutions required the wearing of some sort of uniform (King and Jones 2020). By the early 20th Century relatively few of those in workhouses had not also had some contact with prisons, while asylums had a long history of diverting people from the prison system to a different form of confinement. At the launch of the journal, then, writers would have seen an increasingly and intensely connected history, one that made the penal landscape legible and begins to explain how Howard Association and Howard League for Penal Reform advocates could in their early guise support such a broad range of views on the nature and desirability of prison reform. They would also of course have had their own connectivity across a broadly-defined 'campaigning canvas' and it to this issue that we now turn.

It is not perhaps surprising that Tallack and many of the early supporters of the Howard Association had a background in campaigning organisation and public commentary on penal policy and reform. It is less often appreciated that the explosion of campaigning culture from the 1840s onwards had created a situation in which it was inevitable that supporters of the Howard Association and contributors to the first 1921 volume of the journal would be involved in multiple 'causes' both sequentially and simultaneously. Certainly, this was the case for Margaret Bondfield (see Sparks), while at the same time the Howard League

for Penal Reform revealed its interest in supporting the formation of professional associations such as for magistrates (Anon 1921g). Here, Collins comments on its role in the criminal justice system. Starting with the rise of mass petitioning of parliament in the 1830s (Tilly 1995), by the 1880s and into the interwar period the number and spectrum of campaigns and campaigning groups increased exponentially (Donovan and Rubery 2012; Finlayson 1994; Koven 1993). Some dealt with single (if broadly defined) issues such as the Contagious Disease Acts or female suffrage while others engaged in organic campaigns such as charity organisation, ‘children’, or urban reform. Certainly, by the early 1900s it was normal for middle-class and even working-class activists including women to be involved in, and contributing financially to, multiple causes. For example, the Bolton Unitarian, Mary Haslam, an ardent supporter of prison reform in the 1890s and early 1900s, was involved in this endeavour and simultaneously in campaigning for suffrage, reform of local government, opposing child labour and married women’s property rights, as well as ten other interest groups (King 2005). Supporters of the Howard Association and Howard League for Penal Reform and contributors to the journal would have been deeply inscribed into a matrix of wider movements, shaping the level and regularity of their engagement, the way in which they wrote and the framing of the themes that they adopted. Indeed, the articles in the opening volume of the journal that we reflect on here were notable for the breadth of topics but also and more compellingly for the breadth with which those issues were framed.

It is also important to remember that those writing for and reading the journal in 1921 would have been shaped by remarkable recent changes in background concepts of citizenship, the meaning and purpose of justice, and the causes of crime. By the 1880s, the derivation of poverty lines and the conduct of social surveys had begun to show convincingly that poverty was a systemic structural problem rather than an individual moral problem that placed the poor in a potentially criminal underclass (Gillie 1996, 2008; Harris 1992; Hennock 1987). Such views gained sustained traction in the 1890s and gave rise to new models of ‘honest poverty’, with an emphasis on the word ‘honest’ to deliberately dissociate the poor from criminality and its potential (Levine-Clark 2015). Allied with wider campaigns for women’s suffrage, the rights of workers and continued questioning of the disablements of urban living (Ginn 2017), these developments drove fundamental changes to the understanding of citizenship and the obligations of the State to its citizens thus defined (Langan and Schwarz 1985). By the time that the Liberal Welfare Reforms had given substance to a new welfare citizen by 1913, the ranks of ‘acceptable citizenship’ had expanded immensely (Callanan Martin 2008; Cooper 2017; Harris, J. 2004; Harris, B. 2011).

In this sense it is striking that many of the early articles in the journal were not *merely* about policy but about wider concepts of acceptable citizenship and the responsibilities of the State to different layers of those citizens. Of course, some of those citizens were located elsewhere and at the same time many of those who wrote for the journal or supported the Howard Association also had intimate connections to prisons in other nations and in Britain's colonies, as well as international campaigning organisations. It is to this theme that we finally turn.

Three articles in this feature explore issues relating to the criminal justice system overseas: the USA (Rubin), Ireland (Bryson, McEvoy and Albert) and India (Dhanuka). This brings to the fore the global context in which the Howard League for Penal Reform has always worked, and in which the *Howard Journal* emerged. This is evident in the 1921 volume, which included an evaluation of incarceration in the USA (Miller 1921), a study of the Jails Commission which sat in British India during 1919–20 (Mulvany 1921), and short articles on Scotland and Ireland (the Howard League for Penal Reform's remit is England and Wales) (Anon 1921h). Prior to the launch of the journal in 1921, prison systems developed in the USA had been globally influential, and from the early 19th Century, contemporaries in Britain, Europe, and their empires, and in Latin America and Asia had debated the merits of the separate and silent (Pennsylvania) system, against the organisation of prisoners at least partly in association (the Auburn system) (Rothman 1998, pp.105–7). Over time, the journal reflected particularly intense and ongoing interest in incarceration in the USA, including through the publication of work by the enormously influential American scholar widely considered to be the first prison sociologist: Gresham M. Sykes (Sykes 1960; see also, for example, Smith 1959). In this special issue, Rubin uses Miller's 1921 speech, and the developments he discusses, to explore how the needs of prisoners became an integral part of prison life in the USA, while Bryson, McEvoy and Albert put the Howard League for Penal Reform's concerns about the treatment of political prisoners in Ireland in its broader Irish context, including through attention to its gender dimensions. Finally, as Dhanuka argues, through tracking changes to India's prison system since 1921, the findings of the Indian Jails Commission have significant resonances in the present day.

The journal also published commentary and analyses of the criminal justice system in countries across Europe, including the Netherlands, France, Belgium, Finland and Hungary (for example, Lloyd 1991; Tollemache 1973), as well as the labour and juvenile reform colonies set up in Russia after the revolution (for example, Pritt 1933). Though Margery Fry declared in 1950 that the Howard League for Penal Reform had not kept its members as well

informed about colonial matters as it might have done (Fry 1951), in fact until decolonisation after the Second World War the journal also routinely published research on the administration of justice in Britain's colonies. This included articles on the Mediterranean, South and Southeast Asia, the British Caribbean, and British West, East and Southern Africa, as well as in the dominions of Canada, Australia and New Zealand (for example, Barker 1931; Darlow 1947; Efford 1949; Hogarth 1930). This geographical expansiveness reflected the Howard League for Penal Reform's incorporation into British structures of colonial governance. For example, in 1950, under pressure the Colonial Office had included a Howard League for Penal Reform member on a new subcommittee on the treatment of offenders, which fell under a broader remit of colonial social welfare during the late colonial period (Fry 1951, p.90).

Such articles and reports illustrate something of the long history of the global circulation of knowledge about prisons and penal systems. Dating from early 19th Century, Britain and other European powers, newly independent nations like Brazil and Argentina, and Russia, Japan and China shared and adapted aspects of each other's criminal justice systems. This included, for example, the history and practice of penal transportation, which was a topic of discussion at the International Penitentiary Congress following its first meeting in 1872 (for example, Anderson 2018; Forster 1996; Salvatore and Aguirre 1996). In this regard, the journal was part of what has been described as an 'epistemic community', in which the views and knowledge of people from all over the world were gathered and shared, to debate issues of collective interest within the wider agenda for reform discussed above. As we have seen, what we would now call human rights campaigners were members of numerous organisations and attended various congresses and meetings addressing common issues of poverty, welfare, and education among the poor and socially marginalised. Religious faith was one element that inspired this work (Rodogno, Struck and Vogel 2015; see also Henze 2015; Leonards and Randerad 2015).

This kind of knowledge formation and exchange was forged as people circulated globally, too. For example, in the middle of the 20th Century, the British government despatched a range of officials to the colonies, to report on the condition of prisons, and some of them later wrote for the *Howard Journal*. Indeed, the journal's authors included Commissioner for Prisons in England and Wales, Alexander Paterson (see also Shore in this special issue). He was a prolific writer who in 1933 visited American prisons and then over the next two decades undertook a global tour of Britain's imperial prisons, including in East Africa, Burma, South America and the Caribbean (Anderson forthcoming; Branch 2005;

Brown 2007; Paterson 1941, 1951; The National Archives: TNA CO859/19/8; TNA CO859/72/13; TNA PCOM9/80). While in the Caribbean, Paterson took the opportunity to visit France's still extant penal colony of French Guiana in South America. He wrote in a private note of May 1937: 'What I saw ... disturbed me so profoundly that while I cannot obviously commit myself to any public statement, I feel that I cannot maintain complete silence' (TNA PCOM 9/81). At this time the Howard League for Penal Reform was centrally engaged in campaigns to repatriate the surviving convicts, and alongside other British humanitarian and campaigning groups (notably the Salvation Army) the journal published a series of highly-critical editorials and articles (Craven 1931; Howard League for Penal Reform 1931, 1940). These included a previously unpublished account by an anonymous prisoner of conscience, who had served time in the penal colony. This came to the journal via War Resisters' International, which was engaged in prison reform because of the incarceration of conscientious objectors, centrally illustrating something of the associated nature of campaigning networks during this period discussed above (Anon 1931).

The themes of concern that emerge from this centenary feature – hyperincarceration, health and well-being, prison education and training, and criminal justice reform – today continue to address central and still unresolved questions dating from the 19th Century: what and who is prison *for*? If we take the case of the incarceration of women, for example, historically fewer ended up in jail and they often served shorter sentences. This began to change after the Second World War and in the early years of this century rates began to increase (Prison Reform Trust 2019). Is this because poor mental health, poor literacy, and gang culture increasingly impact more women? Or, are other factors at play? More generally, today there is often a wide gulf between the perspectives of people working within the criminal justice system, such as the magistrates discussed here by Collins and who understand the limitations of the prison estate, and the public, which adopts a more punitive attitude. How can we reconcile these, in a context where (we speculate) MPs are now less involved in the work of the Howard League for Penal Reform than was the case historically?

It is interesting to think about what will drive the work of the Howard League for Penal Reform and the *Howard Journal* over the next century, and whether future articles in the journal will continue to address the continuity and change highlighted by our contributors. Certainly, the form and function of incarceration will continue to sit at the centre of debates, but at the same time new issues have emerged. For instance, over the past century both the *Howard Journal* and the Howard League for Penal Reform have published and campaigned on women, juveniles and ethnic minority communities. In many ways the Black Lives Matter

movement has not revealed anything new about the racial injustices of policing and prisons, but it has brought a new urgency to the need to address matters of the inequitable treatment and over-representation of minority groups in the criminal justice system. In recent years, the rights of transgender prisoners have also emerged as a new focus. Second, the near-total lockdown of prisons, suspension of family visits, delays to court hearings, and high rates of infection among prisoners during the Covid-19 pandemic, too, has turned our attention back to questions of alternative sentences as well as prisoner (and prison officer) mental health. Might there be space here for the renewal of discussions on alternatives to prison? On the other hand, more broadly, the global political shift to the right, the ongoing threat of hate crime, and the progressive breakdown of international law potentially mean that punitive views will solidify, and co-operation will decline at the precise moment that nations should be addressing important and shared concerns over matters of extradition and punitive detention.

What has been lost over the past century? In this Introduction, we have stressed the connectivity that characterised penal reform and other campaigns, historically, including internationally. As we have explained, in the 19th Century and after, the secretaries and members of the Howard League for Penal Reform clearly saw the relationship between prisons and prisoners and other institutions and social problems, including schools, workhouses, education, poverty and welfare. We have also highlighted the vibrancy and interchange of global debates about the punishment of offenders and would go as far as to suggest that contemporaries viewed the question of what to do with criminal offenders as a shared global problem. Is it the case that since the Howard League for Penal Reform and the *Howard Journal* were established in 1921 this holistic view has become fractured? Arguably, the high-profile campaigners (such as Bondfield) who had begun to stitch together social concerns in the 1900s have been replaced by politicians and civil servants. Governments keen to secure re-election are at the mercy of public opinion, and particularly in times of resource constraint changes to the system are piecemeal and populist. It is for this reason that the Howard League for Penal Reform is so important in contemporary society, and for this reason, too, that the *Howard Journal* will continue to sit at the forefront of academic research, debate and policy change.¹

Note

¹ *Acknowledgements*: Jessica Kebell received funding for this project from the ESRC Midlands Graduate School Doctoral Training Partnership (ES/P000711/1 2100101). Clare Anderson's work on colonial incarceration was funded by the ESRC (ES/S000569/1 and

ES/G038554/2). Steven King's work on citizenship and advocacy was funded by the AHRC (AHR002770/1). The authors thank Neil Chakraborti, Anita Dockley and Ian Loader for comments on an earlier draft. Thanks also to Anita Dockley and Ian Loader for supporting the production of this special issue.

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