

CORPORAL OR PSYCHOLOGICAL PUNISHMENT? A COMPARISON BETWEEN NEWGATE PRISON AS DESCRIBED IN CONTEMPORARY IMAGES AND IN DANIEL DEFOE'S *MOLL FLANDERS* AND JEREMY BENTHAM'S MODEL FOR THE PANOPTICON

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Abstract: This article deals with the effects that the material shape of a prison and its system of punishment may have on offenders and touches on the role that art can play within a given society by denouncing or highlighting inhumane or corrupt procedures, thus putting in motion social and political reforms. As a case study Jeremy Bentham's Panopticon will be compared with Newgate Prison, as described in images of the period and in Daniel Defoe's *Moll Flanders*, with a view to examining its potential implications for prisoners as a result of an increased institutional exercise of power and control. Although never built as a prison in England, over time the Panopticon offered an architectural blueprint for other institutional buildings such as hospitals, schools, factories and asylums in Britain and abroad.

The choice of artefacts for this article was suggested by the perceived role that visual and narrative works played in eighteenth-century England as a propelling force for the reform of the penitentiary. In fact, with the benefit of hindsight, it could be argued that reciprocal influences were engendered whereby the realistic descriptions of prisons in artworks awoke a social consciousness of the need for penal reforms which, in turn, fed the public taste for further works portraying crime and punishment. In his book, *Imagining the Penitentiary, Fiction and the Architecture of Mind in Eighteenth-Century England*, John Bender perceptively defines the influence that the novel had on prison reform:

'Eighteenth-century prison reform found its form in the sphere of novelistic discourse, where, through the material of language, an emergent structure of feeling took shape and, like an image floating into focus, became subject to conscious experience.'¹

In the eighteenth century, interest in crime was rife and the public enjoyed reading stories about villains and participating in the 'show' of capital or corporal punishment as if it were indeed a spectacle (Figure 1). Perhaps the gruesome experience had a cathartic effect similar to that of Greek tragedies, as the vision of pain and the engendering of fear have often had a purgative result on man's negative instincts. Thus the punishment inflicted and publicly witnessed might have had the effect of curbing further criminal intents by operating as a form of social and moral control.

¹ J. Bender, *Imagining the Penitentiary, Fiction and the Architecture of Mind in Eighteenth-Century England*, (Chicago and London: The University of Chicago Press Ltd., 1987), 1.

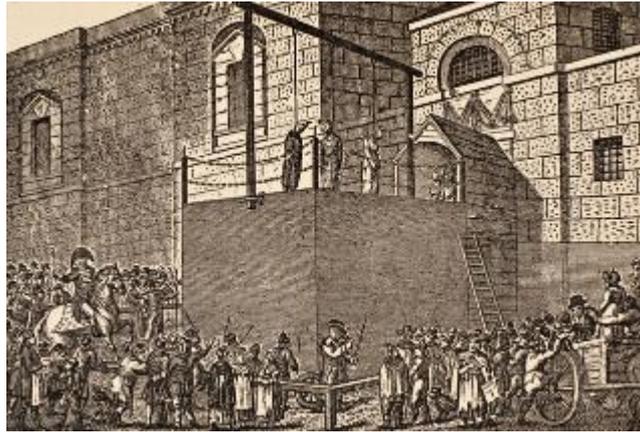


Fig. 1 - An execution scene outside Debtors' door at Newgate
Author unknown, early years of the nineteenth century
<http://www.history.org/foundation/journal/summer11/prison.cfm>

Corporal punishment was central to the spectacle of execution or mutilation, but gradually physical chastisement was substituted by punishment of a different nature, determined through a tighter juridical system and administered by way of the institutionalised prison, initially put in motion by the Penitentiary Parliamentary Act of 1779.² Bentham's Panopticon,³ an architectural and ideological concept for the surveillance of prisoners, was an important proposal toward the new philosophy of chastisement. In the panoptical prison inmates would be subjected to the authority and control of their jailers, with a view to their potential redemption and eventual rehabilitation into society as dictated by growing evangelical and philanthropic attitudes to crime and punishment.

Despite the gradual shift away from corporal punishment, the appeal of crime fiction continued and had the result of keeping alive public interest in offenders and confinement. This interest grew into a serious commitment and dedicated agenda on the part of legal and social reformers and philanthropists such as Elizabeth Fry, John Howard, Sir Samuel Romilly⁴, Sir John and Henry Fielding,⁵ and Jeremy Bentham to name but a few. Jeremy Bentham, creator of the Panopticon, was a philosopher and the founder of Utilitarianism and his interest in penal reforms was more pragmatic than philanthropic. He believed that 'fictions might be identified, mastered, and turned to socially useful ends'⁶ a concept that supports the view that the confines between reality and fantasy can become blurred and intertwined hence a novel can often be perceived as reality.

A comparison between an architectural plan of Newgate Prison published in 1800 (Figure 2) and Bentham's planned model for the Panopticon of 1791 (Figure 3) offers the opportunity to examine historical material conditions of detention in England in the early nineteenth century and to evaluate the proposed new penitentiary-house. Newgate Prison stood at the corner of Newgate Street and the Old Bailey in the City of London, and served as a

² The Penitentiary Act of 1779 was drafted by John Howard and William Blackstone and offered a prison sentence as an alternative to the death penalty or transportation.

³ The name Panopticon from the Greek *pan* meaning "all" and *opticon* meaning "to observe" is a round shaped architectural structure with an inspection tower placed in the middle from which a continuous surveillance of prisoners can be exercised.

⁴ He was influential in the abolishment of the death penalty for theft and minor offences.

⁵ Henry and John Fielding are usually considered the founders of the Metropolitan Police, an institution that would be sanctioned by Parliament only in 1829. Information derived from J. Bender, *Imagining the Penitentiary, Fiction and the Architecture of Mind in Eighteenth-Century England*, 1987, 145.

⁶ J. Bender, *ibid*, 37.

custodial house for over 700 years from 1188 to 1902.⁷ Prior to the penitentiary reform, however, prisons were not institutionalised but were privately run on fees exacted from the prisoners and minimal charitable contributions and were rather like secure staging posts, or as John Bender defines them, ‘liminal’⁸ houses where offenders were safely kept while awaiting judgement. Cases against felons were brought by the victims of crime and the sentence envisaged was capital punishment, transportation or a declaration of innocence, but, as Elizabeth Fry wrote, in the early nineteenth century: ‘Crimes of almost all grades and descriptions were [...] punishable with death’.⁹

Even when acquitted by the magistrate, an innocent inmate would not necessarily be released from Newgate, but could be kept indefinitely if unable to pay the fee expected by the prison keeper for his/her deliverance.¹⁰ This situation was confirmed by John Howard, ex-Sheriff of the County of Bedford turned penal reformer, when he visited prisons in England to acquaint himself with their conditions.¹¹ Not only did he find the jails that he inspected in a poor state, but he also discovered that prison keepers were extremely corrupt and often ran illegal ‘tap-houses’ and operated a system of bribes paid by the inmates for better room, board and services.¹² In fact, the level of freedom and quality of accommodation and food at Newgate varied in relation to how much the inmates could afford or were prepared to pay for their keep. Inmates with money could be lodged in bailiffs’ houses aptly defined ‘spunging houses’,¹³ but poor inmates suffered the most abject conditions in squalid, unhealthy cells or dungeons prey to jail fever and with no bedding or heat and with very scanty food.

The drawing of Newgate Prison in Figure 2 shows a rectangular façade with two lateral wings. The legend included on the drawing specifies how the building was used for the detention of felons of both sexes, but also of debtors, which means that Newgate did not distinguish between prisoners based on their level of offence. The distribution of space in the plan indicates that felons and debtors were housed in different quadrangles, as were male and female felons, but suggests that the same quadrangle was dedicated to debtors of both sexes (often accompanied by their families), from which one can infer that a degree of sociability and communication could be maintained among the inmates. Condemned felons, however, were always kept in isolated, dingy cells. From the available image, one can surmise that the heavily rusticated building by George Dance the Younger (1780-3) was reminiscent of Giulio Romano’s Mannerist work and had Palladian echoes in its design. Its heavy masses betrayed the function for which it had been destined, thus answering the vision of an ‘*architecture parlante*’,¹⁴ and its

⁷ In 1780 Newgate was burnt down by the Gordon rioters, but was rebuilt on the same plan. Information derived from John Howard, *The state of the prisons in England and Wales, with preliminary observations, and an account of some foreign prisons and hospitals*, (London: Johnson, C. Dilly and T. Cadell, MDCCXCII [1792]), Eighteenth Century Collections Online, University of Oxford, Sections I, II, III and VII (221-255).

⁸ J. Bender, *Imagining the Penitentiary, Fiction and the Architecture of Mind in Eighteenth-Century England*, 1987, 64.

⁹ E. Fry, Gurney, *Memoir of the life of Elizabeth Fry: with extracts from her journal and letters*, edited by two of her daughters, Vol. 1, London, 1847, *The Making of Modern Law*, Gale 2013, Cengage Learning, 303: <http://ezproxy.ouls.ox.ac.uk:2141/servlet/MOML?af=RN&ae=F3701314057&srchp=a&ste=14>, [accessed on 21 November 2013].

¹⁰ O. Sherwin, ‘A Pilgrim’s Progress: John Howard and His Famous Book’, *The American Journal of Economic and Sociology, Inc.*, Vol. 4, No. 2, January 1945, 245: <http://www.jstor.org/stable/3483411>, [accessed on 10 December, 2013].

¹¹ J. Howard, *The state of the prisons in England and Wales, with preliminary observations, and an account of some foreign prisons and hospitals*, 1792, 221-255

¹² J. Bender, *Imagining the Penitentiary, Fiction and the Architecture of Mind in Eighteenth-Century England*, 1987, 14.

¹³ J. Howard, *The state of the prisons in England and Wales, with preliminary observations, and an account of some foreign prisons and hospitals*, 1792, 5.

¹⁴ As defined by the French architect Jacques-François Blondel for buildings that express through form their

exterior exuded authority and denounced a lack of visibility of the interior from the adjoining public road. No windows punctuated its lateral wings and although the central façade had copious fenestration, this section was for the use of the keeper and turnkeys.

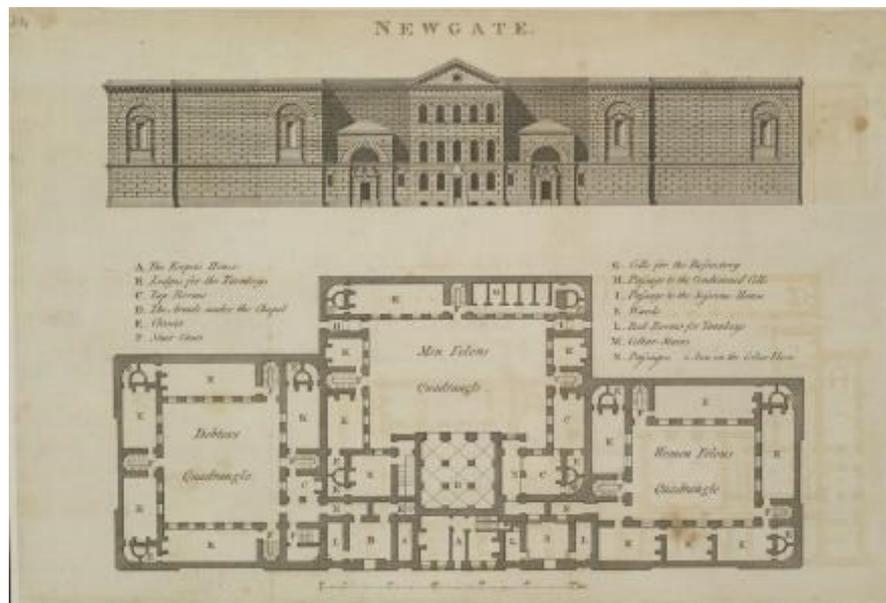


Fig. 2 - Architectural plans for Newgate Prison, London, c. 1800

Original in the Crace Collection at the British Library.

[http://www.bl.uk/collections/map_crace.html]

By contrast, Bentham's utilitarian design for a cellular, round-plan, multi-storey penitentiary-house was based on its very feature of complete visibility. Materials such as glass and cast iron as well as the round architectural shape would allow a transparent view of backlit, radial, individual cells separated by projecting walls. These cells would be subjected to the surveillance of a warder placed in a tower at the centre of an 'annular well',¹⁵ but the visibility would be in one direction only as the warder would be concealed behind curtains or blinds provided with spyholes, thus giving the inmates the impression of a continuous watching presence. The inspection tower would also allow the surveillance of warders thus answering the old question *Quis custodiet ipsos custodes?*¹⁶ The system, in fact, would operate at both the horizontal and vertical level of hierarchical discipline. Although Bentham's architectural principle could be applied to different establishments such as schools, military complexes, factories and hospitals, the prime interest of its creator was for a new form of penitentiary-house architecturally conceived to facilitate the administration of the punishment envisioned by reformers for the rehabilitation of prisoners.¹⁷

function. Information derived from H.D. Kalman, 'Newgate Prison', *Architectural History*, Vol. 12, 1969, published by SAHGB Publications Limited, 56: <http://www.jstor.org/stable/1568336>, [accessed on 20 December 2013].

¹⁵ J. Bentham, *Panopticon Or the Inspection House (1791)*, Plan of Construction, Postscript, Part I, (Whitefish, Montana: Kessinger Publishing, 2010), 13.

¹⁶ Proverb ascribed to Juvenal from Satire VI translates as "Who guards the guards?", J. Bentham, 'ibid', Letters, 30.

¹⁷ As declared on the title page of J. Bentham's *Panopticon or The Inspection House (1791)*. Part I.

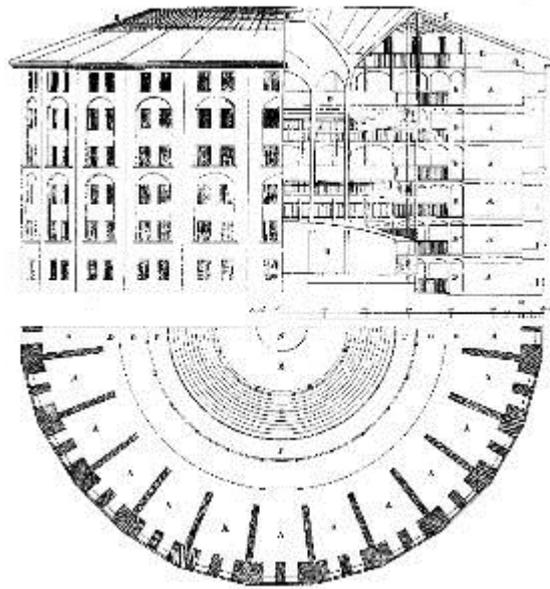


Fig. 3 - Elevation, section and plan of Jeremy Bentham's Panopticon, drawn by Willey Reveley, 1791
The Works of Jeremy Bentham, Vol. IV, 172-3
 [public domain], via Wikimedia Commons

Essentially, the idea behind the panoptical design was that, kept in a single cell and under strict surveillance, the prisoner would reflect on his/her crime, repent and gradually develop a new behavioural identity that could allow his/her productive re-integration into society. It was felt that 'instead of taking revenge, criminal justice should simply punish'¹⁸ by substituting corporal penalty with more humane and morally restorative means of control. This concept was intended to limit capital punishment to the most serious offences, such as murder and treason, and reflected a new philanthropic and religious attitude to crime and punishment that led to the wide-ranging penal reforms of the nineteenth century. The utilitarian aspect of the panoptical plan also saw the process of surveillance as the apt procedural rehabilitation of a workforce destined for industry and the military, as the discipline imparted and learnt in prison could later be applied productively to different sectors of activity.

The internal arrangement of the proposed panoptical apparatus, as detailed in Bentham's writings, gives the reader a good impression of what would be the mental and emotional impact of its architectural design on a prisoner shut in his/her individual cell (in which to work, eat, attend Divine service, and sleep,¹⁹ while regular periods of airing would be strictly monitored) wondering at all times whether s/he is being observed, analysed, branded and used as a scientific cipher of investigation into human psychology. Under the influence of new scientific methods of classification, a Linnaean taxonomy of prisoners could be effected and inmates could be grouped according to sex, age, offence committed and whether first-time offenders or habitual criminals, but the system would deprive them of their individual identity in an attempt to slot them into fixed categories.

Surveillance and isolation were also deemed by the authorities as excellent and economic ways of avoiding the communing of prisoners – which might occasion insurgences, on-site criminal activities, attempts at escape and infectious corruption leading to recidivism – but would isolate the individual from the society of his equals, ultimately creating potential syndromes of social inadequacy once the prisoner was due for release. In fact, even when engaged in forced,

¹⁸ M. Foucault, *Discipline and Punish The Birth of the Prison*, (London: Penguin Books Ltd., 1991), 74.

¹⁹ Information derived from J. Bentham's *Panopticon or The Inspection House (1791)*, Part I, 22.

collective labour, (work formed part of Bentham's vision for making the penitentiary profitable and, in his words, would be like 'a mill grinding rogues honest and idle men industrious'),²⁰ the inmates would not be allowed any communication or interaction. In his *Discipline and Punish, The Birth of the Prison* Michel Foucault equates the panoptical design with a menagerie where prisoners are like animals kept in cages.²¹

When comparing Newgate Prison with the Panopticon, the interdependence of text and image to create a vision or to emphasize a concept becomes evident. In fact, as the narrative description of prison 'realities' in *Moll Flanders* shaped a reader's mental image of life inside Newgate, the architectural design for the Panopticon gained vivid form for reformers through Jeremy Bentham's letters and plan of construction as detailed in his *Panopticon, or The Inspection House (1791)*. In Daniel Defoe's novel the chapters describing Moll Flanders's period at Newgate give a picture of what the conditions of incarceration in that establishment might have been like in 1722. Daniel Defoe had himself spent a short period in custody at Newgate and had been subjected three times to the pillory convicted of seditious libel,²² and reading his novel it is clear that through the diaristic fiction the author ventriloquised his own experiences and observations giving the conditions described a high level of authenticity.

The question of how fiction may influence reality is intriguing and not immediately quantifiable, but the descriptions of Newgate in *Moll Flanders* concurred with what John Howard later wrote about contemporary prison conditions in England. *Moll Flanders* can be said, therefore, to have made an early denunciation of a problem that needed attention and political action. This correspondence between fiction and reality makes one reflect that, besides being a mimetic representation of life, art can take on a real, living and integral role in the progress of social and legal history. As John Bender suggests: '[...] we can see more in works of art than mere reflections. They clarify structures of feeling characteristic of a given moment and thereby predicate those available in the future'.²³

As far as conditions at Newgate were concerned, although sociability of a kind could be maintained during Moll Flanders's period of incarceration, the undisciplined communing of felons and debtors and male and female detainees had deleterious effects on the good management of that house as debauchery and promiscuity reigned supreme. Redemption and rehabilitation did not form part of the managerial ethos of the place and with the prospect of death hanging over their heads, felons indulged in all types of vices: violence, gambling, drinking, swearing, and sexual misdemeanours. Repentance for their past actions was the least of their concerns as they tried to cling to the remnants of a known life that would be soon either cut short or changed for ever as a result of transportation.

At her arrival at Newgate, Moll Flanders underwent an initiatory process and gradually became a '*Newgate bird*',²⁴ i.e. part of a microcosm that obeyed its own unruly rules, and where individual identities were quashed and, as she wrote, prisoners were exposed to a grim reality dominated by:

...the hellish Noise, the Roaring, Swearing and Clamour, the Stench and Nastiness, and all the dreadful croud of Afflicting things that I saw there; joy'n'd

²⁰ Philip Collins, *Dickens and Crime*, (Houndmills, Basingstoke: The Macmillan Press, Ltd, 1994), 18.

²¹ M. Foucault, *Discipline and Punish The Birth of the Prison*, 1991, 203.

²² A picture of Daniel Defoe in the pillory can be seen at: <http://www.peoplesworld.org/today-in-labor-history-daniel-defoe-pilloried-for-defending-dissent/>

²³ J. Bender, *Imagining the Penitentiary, Fiction and the Architecture of Mind in Eighteenth-Century, England*, 1987, 7.

²⁴ D. Defoe, *Moll Flanders*, edited by Albert J, Rivero, (New York and London: W.W. Norton & Company Inc., 2004), 219.

together to make the Place seem an Emblem of Hell itself, and a kind of an Entrance into it.²⁵

Custodial prisons were randomly organised and, given their nature as temporary places of confinement, they only had to answer the need for securing felons and debtors. Moll Flanders, born in Newgate of a convicted mother, came to see her detention there as an act of divine retribution for a life of evil pointing to a prescribed, unavoidable, fatal end. The protagonist, however, became conscious of her moral descent into a brutal condition when she met again with her Lancashire husband, (apprehended for highway robbery and facing a similar fate), and through a process of self-examination, conducted in solitary confinement, began 'to think, and [...] he that is restor'd to his Power of thinking, is restor'd to himself'.²⁶ Moll's ensuing repentance, helped by a Minister, although defined by John Bender as more secular and economic than religious,²⁷ proved nonetheless effective in avoiding her execution, thus giving her a lifeline and a future.

It can be argued, therefore, that *Moll Flanders* constituted an example of how repentance and reformation could produce an honest and prosperous life which, in the specific case, was the life of an enterprising plantation owner in the American colonies where she had been transported with her husband Jemmy. The cause and effect suggested by the novel parallels the progressive rehabilitation envisioned by the proposed regime of punishment which hoped to transform a prisoner from convicted criminal into repented and reformed social being. As John Bender suggests: 'peculiar traits of the modern novel, as set forth early in the eighteenth century by Defoe, contradict the cultural predicates of the liminal prison and shape the penitentiary idea'.²⁸ Hence the seed of the penitentiary was emblematically sown in *Moll Flanders* and the change from corporal penalty to a system aimed at the rehabilitation of offenders was conceptually delineated and promoted. Moll's story could be seen thus as symptomatic of the social and moral effects that the penal changes contemplated by social reformers could bring to criminals and to criminal justice.

Having examined two models of prisons, one custodial the other punitive, different as to architecture, punishment inflicted and managerial concept, one wonders why Bentham's Panopticon did not receive concrete application as a penitentiary in England. Financial and technical considerations, as well as difficulties in locating a suitable site for the construction of a penitentiary complex, seemed to have stopped the realisation of the project. Bentham's plan was also somewhat impractical and his suggestion of running the Panopticon through a contract system²⁹ was not received well at high level as it could lead to corruption.³⁰ Bentham later revised the plan in several points, on technical advice, and contemplated the building of double cells, for two to up to four inmates, to be assigned to deserving prisoners. This 'mitigated seclusion' could solve, he believed, some of the problems of space management and might alleviate the psychological impact of total isolation. However, isolation was still reckoned as essential for 'refractory prisoners' or to provoke a quick reformatory response in the offender. John Howard

²⁵ D. Defoe, *Moll Flanders*, 2004, 215.

²⁶ D. Defoe, *ibid*, 221.

²⁷ J. Bender, *Imagining the Penitentiary, Fiction and the Architecture of Mind in Eighteenth-Century England*, 1987, 47.

²⁸ J. Bender, *ibid*, 63.

²⁹ R. A. Cooper, 'Jeremy Bentham, Elizabeth Fry, and English Prison Reform', *Journal of the History of Ideas*, Vol. 42 No. 4, Oct.-Dec. 1981, 678, University of Pennsylvania Press: <http://www.jstor.org/stable/2709127>, [accessed on 10 December, 2013].

³⁰ Bentham had hoped to run the Panoptical penitentiary himself as contractor-governor.

supported the measure of absolute isolation and wrote: ‘Solitude and silence are favourable to reflection; and may possibly lead [...] to repentance’.³¹

Even if the panoptical prison did not find practical application in England, its concept continued to excite interest internationally as its architectural form lent itself perfectly to the surveillance and control of prisoners. Penitentiaries were built on its blueprint in several foreign countries, for instance the prison on the Island of Santo Stefano, Italy, built in 1792-3 and in use until 1965,³² Stateville Correctional Center, Crest Hill, Illinois, USA (1925), where executions were carried out until 1998, *Prison Presidio, Isla de la Juventud*, Cuba (1928), to-day a museum, and others.³³ Nowadays, CCTV cameras have replaced the Argus-eyed prison warder making the panoptical architectural plan redundant for the surveillance of prisoners, but the panoptical principle lives on in the wide-spread use of technology to which we are all subjected daily. In the modern age, in fact, as Lyall King wrote: ‘we are constantly visible and our society has become not unlike the Panopticon, i.e. “an architecture of control and supervision, eliminating confusion through the elaboration of a permanent grid of power;” a machine that “turns the monitored individual into a visible, knowable, and vulnerable object.”’³⁴

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³¹ J. Howard, *The state of the prisons in England and Wales, with preliminary observations, and an account of some foreign prisons and hospitals*, 1792, Part III, 22.

³² Famous political Italian figures were imprisoned in the Island of Santo Stefano including Sandro Pertini, a future Italian President.

³³ Photographs of panoptical prison complexes can be seen on: www.google.co.uk/search?q=panoptical+prisons+images&espv=210&es_sm=122&source=Inms&tbnm=isch&sa=X&ei=oZ6dUurWOaqL7AbrzYGYA.

³⁴ L. King, ‘Information, Society and the Panopticon’, *The Western Journal of Graduate Research*, 2001, Vol. 10 (1), Faculty of Information and Media Studies, The University of Western Ontario, 40-50, (citing Robins K. & F. Webster (1988) ‘Cybernetic Capitalism: Information, Technology, Everyday Life’ in V. Mosco and J. Wasko, (eds), *Political Economy of Information*, (Madison: The University of Wisconsin Press, 1988), 44: [http://www.uwo.ca/sogs/WJGR/2003/wigr_10\(1\)_40_2001.pdf](http://www.uwo.ca/sogs/WJGR/2003/wigr_10(1)_40_2001.pdf). [accessed on 18 November 2013].

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