

The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776-1941 (Cambridge Historical Studies in American Law and Society)

Rebecca M. McLennan

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In the Age of Jackson, private enterprise set up shop in the American penal system. Working hand in glove with state government, contractors in both the North and the South would go on to put more than half a million imprisoned men, women, and youth to hard, sweated toil for private gain by 1900. Held captive, stripped of their rights, and subject to lash and paddle, convict laborers churned out vast quantities of goods and revenue, in some years generating the equivalent of more than \$30 billion worth of work. By the 1880s, however, a growing mass of Americans came to regard the prison labor system as immoral and unbefitting of a free republic: it fostered torture and other abuses, degraded free citizen-workers, corrupted government and the legal system, and stifled the supposedly ethical purposes of punishment. The Crisis of Imprisonment tells the remarkable story of this controversial system of penal servitude:-how it came into being, how it worked, how the popular campaigns for its abolition were ultimately victorious, and how it shaped and continues to haunt the American penal system. The author takes the reader into the morally vital world of nineteenthcentury artisans, industrial workers, farmers, clergy, convicts, machine politicians, and labor leaders and shows how prisons became a lightning rod in a determined defense of republican and Christian values against the encroachments of an unbridled market capitalism. She explores the vexing ethical questions that prisons posed then and remain exigent today: What are the limits of state power over the minds, bodies, and souls of citizens and others-is torture permissible under certain circumstances? What, if anything, makes the state morally fit to deprive a person of life or liberty? Are prisoners slaves and, if so, by what right? Should prisoners work? Is the prison a morally defensible institution? The eventual abolition of prison labor contracting plunged the prisons into deep fiscal and ideological crisis. The second half of the book offers a sweeping reinterpretation of Progressive Era prison reform as, above all, a response to this crisis. It concludes with an exploration of the long-range impact of both penal servitude and the anti-prison labor movement on the modern American penal system.



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