

Editor's Introduction: Punishment and History

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PERIODS OF PENAL TRANSITION OFTEN ENCOURAGE HISTORICAL REFLECTION, whether to understand the present situation of crisis and/or change, or to learn from past strategies and mistakes. Indeed, over the last three decades, an interdisciplinary group of scholars has paid particular attention to the emergence and consequences of US mass incarceration. Recently, however, this attention has been shifting away from explanations of how the current policy situation arose. Instead, academics as well as policy makers, journalists, advocates, and ordinary citizens have been engaging in conversations about how to extricate ourselves from an apparently unsustainable and, to many, morally problematic policy situation. As these conversations increasingly revolve around future change, and societies around the world face distinctive sets of challenges in the field of punishment and social control, historical interrogations of punishment may be especially relevant.

This special issue of *Social Justice* on the topic of punishment and history appraises the role of history in the study of punishment, illuminating its utility and limitations for understanding penal change. In particular, it aims to identify the utility of historical examinations of punishment for understanding the current constellation of inequalities, (dis)empowerment, and suffering wrought by contemporary criminal justice policy and practice. Thus, rather than seeking the historical origins of mass incarceration as many scholars have already done,¹ this special issue examines how penal history, broadly intended, might provide lessons for understanding punishment as

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a social institution and its consequences for society, especially society's most vulnerable members.

The issue was generated as part of an effort to answer the following questions: What is the role of history in interdisciplinary, especially sociological or sociolegal, studies of punishment? What lessons do historical instances of punishment reveal for the current penal climate and current penal practices? How do conceptions of what constitutes punishment, or what punishment should accomplish, change across time and space? How do our own understandings of punishment shift when we examine these other conceptions? How does punishment's impact on inequalities across class, race, gender, and sexuality change (or persist) in different temporal-spatial contexts? This issue certainly does not answer all of these questions, nor does it provide the final answers to those questions it can answer. Instead, it should be viewed as opening a dialogue around these issues.

One recurring theme that emerges from the articles in this special issue is the downstream consequences of penal change itself. Despite examining a diversity of penal forms across different time periods, each article illustrates how a change in punishment can beget further changes in the near and long terms. Thus, J.M. Moore shows that prisons emerged in nineteenth-century England not as a response to the declining appeal of corporal punishments but after an expansion of those punishments. Indeed, he argues, a significant expansion in penal forms of all kinds became unsustainable, leading authorities to rely disproportionately on imprisonment. Terry G. Lilley, Chrysanthi S. Leon, and Anne E. Bowler examine the emergence of tropes about sex workers not as laborers but as morally deficient; importantly, these tropes, developed in the late nineteenth and early twentieth century and doused in morally problematic and empirically inaccurate assumptions about race and class, continue to shape the regulation of prostitution today, thus dampening the possibility for positive impact. Alex Tepperman demonstrates that the aggregation of prisoners in new big house prisons in the interwar period (1919–1940), as well as cross-state transfers to federal facilities, facilitated the creation of a rich prisoner culture that prized the working-class values incarcerated men brought in with them, ultimately creating a national convict identity. In tracing the emergence of life sentences without parole in the late twentieth century, Christopher Seeds examines the consequences not only for incarcerated people who faced much more severe prison sentences and who lost their voice in the process, but also for governors whose relationship to punishment was, in many ways, weakened and permanently transformed. Taken together, these articles suggest that penal history can provide some

lessons in caution for those actors undertaking penal reform, especially the need to consider how punishment itself can influence a future penal landscape, despite profound differences across historical periods.

NOTE

1. In contrast to recent special issues in history journals devoted to identifying the historical roots of mass incarceration, or what they call the rise of the carceral state, this special issue is intended to consider the role of history moving forward and what lessons it may hold for those invested in penal change.