

workers, and then chooses from the available repertoires of collective action the one plan of attack that seems at that moment most promising. The ability to choose, and choose wisely, is not a given, just as it is never easy to know when the time is right to move on, discard the old and develop fresh strategies and innovative tactics to confront new and changing conditions. In its focus on the significance of leadership strategy, *Organizing the Shipyards* offers an original and powerful demonstration that strategy does in fact matter, often greatly. It is an important lesson, especially timely as the contemporary American labour movement seeks out new ways of organizing as a means of reinventing itself for the twenty-first century.

Howard Kimeldorf  
University of Michigan

Peter Oliver, *"Terror to Evil-Doers": Prisons and Punishments in Nineteenth-Century Ontario* (Toronto: University of Toronto Press, for the Osgoode Society, 1998).

Peter Oliver's *Terror to Evil-Doers* deals with a favourite subject of social historians, the nineteenth-century transformation of punishment through the growth of imprisonment; but it is not a work of social history. As Oliver himself notes in his introduction, he does not attempt a general history of punishment in nineteenth-century Ontario, concentrating instead on carceral policies and, more particularly, on prison administration. He thus largely leaves aside the social history of crime, of punishment, even of imprisonment itself (spending little time, for example, on daily life in prisons). He also leaves aside that other focus of social historians, juvenile imprisonment, though he does address the imprisonment of other specific groups such as women. Overall, rather than a social history of imprisonment, the book is best described as a straightforward administrative history of prisons, though considerably enriched by Oliver's occasional forays into the nature of crime, criminal justice, social welfare policy, provincial politics, and central-local relations. Two introductory chapters sketch out the characteristics of Upper Canadian criminal justice, concentrating on punishment and on the local gaols; the core of the book, seven chapters in all, deals with the establishment and operation of the Kingston penitentiary, essentially from the 1830s to the 1860s; three further chapters return to non-penitentiary imprisonment, seeing the gaols through to the end of the nineteenth century along with the newer intermediate prisons; a final chapter briefly considers prisoners' aid societies.

Despite its close focus on administration and policy, the book nonetheless holds the promise of an important contribution to scholarship. Apart from juveniles, it covers the full range of criminal imprisonment, thus taking a more

synthetic approach than the more usual focussed studies of specific institutions such as the penitentiary or reformatories. It is based on substantial archival research, especially into official reports produced by prison officials but also into such varied sources as criminal court records and contemporary newspapers. Finally, at over 500 pages, it contains a wealth of information, much of it new: from narratives of low-level office politics in prisons through the socio-economic characteristics of prison inmates to overall criminal justice statistics.

Unfortunately, for all of its useful empirical content, Oliver's work suffers from analytical weakness. Indeed, it illustrates the dangers of three separate but interlocking analytical stances that have long characterized substantial segments of Canadian historiography: internalism, exceptionalism and apologism.

The first notable feature of Oliver's analytical approach is that he consistently resists broader explanatory models in favour of internal explanations of changes in punishment and imprisonment. As a result, his study is resolutely cast in an empirical and somewhat anti-theoretical mode, continuing in this sense a classic tradition in Canadian historiography and largely eschewing the wider theorizing that underlies the work of many social and cultural historians.

Perhaps the most evident example of this internalism, and that which most clearly shows Oliver's unease with social history, is his consistent downplaying of the relationship between punishment patterns and the broader socio-economic or socio-cultural context. This is clear right from the introduction. Oliver does indeed sketch out briefly the social and economic development of Ontario in the nineteenth century (xxiii-xxv), but he goes on to state that "in the pages that follow, the relationships between economic structures, social circumstances, and the character of nineteenth-century Ontario penalty are necessarily more often assumed than demonstrated." (xxv). More directly, Oliver rejects the link between changes in modes of punishment, from shaming to imprisonment, and the transition to an industrial capitalist society. Instead, "transformations in the criminal justice system were made primarily in response to elitist views and influenced only indirectly by economic change and class tensions" (xx-xxi). For example, Oliver suggests that the decision to implant a penitentiary and impose Auburn-style discipline was made on narrow technical grounds by a few prominent individuals, as part of a coherent program of criminal justice reform, rather than being part of a broader societal response to fears about crime and social disorder (87-88). Likewise, in noting the transformation in attitudes towards women prisoners in the penitentiary, who went from being viewed as the very worst prisoners to the very best, Oliver affirms that "the reasons for this transformation are both puzzling and significant" and attributes it largely to the arrival of a new matron, rather than making links to the shifting status of women in nineteenth-century Ontario and to the broader issues of patriarchy, paternalism and maternalism (236-241).

This resolute internalism does have advantages. Hence, a close attention to

actual patterns of punishment allows Oliver to situate the transition in modes of punishment, notably from shaming to imprisonment, in the 1820s and, especially, 1830s, thus before the classic watershed of the early 1840s; the Reformers of the 1840s and 1850s can be seen to be simply continuing policies already established by their Tory predecessors. Likewise, a detailed examination of administrative practice rather than the rhetoric of prison reform allows Oliver to suggest a great deal of continuity, even in such “revolutionary” institutions as the penitentiary. From the very beginning, theories of rehabilitation were less important than purely retributive and exemplary punishment; reform impulses notwithstanding, the fundamental principle behind imprisonment practices in Ontario thus remained “terror to evil-doers.” In this sense, Oliver’s work brings a welcome corrective to a historiography which all too often has privileged changes in punishment theory over changes in penal practice.

However, there are problems with the overwhelming emphasis that Oliver places on the internal dynamics of the system itself. On a basic level of historical explanation, attributing changes in imprisonment and criminal justice practices to elite views begs the question: what was it that shaped these elite views? For example, Oliver rejects outright any form of broader social control or social regulation thesis in explaining the rise of the prison. Faced with the whole tradition going back to Foucault and beyond that situates the rise of imprisonment within a general bourgeois response to deviance that also encompassed asylums, poorhouses, reformatories, and other forms of institutionalization, Oliver states bluntly that such approaches, applied to Ontario, have been “of dubious value ... based on slight research and less analysis” (88). He arrives at this conclusion by attacking a somewhat simplified representation of social control theories of imprisonment, in which prisons were simply a direct repressive response of the ruling classes to overt class conflict and social unrest; he thus glosses over important distinctions such as that between direct social control and more indirect social regulation. Hence, Oliver suggests that social control theses do not adequately explain the opening of the Kingston penitentiary, since in Upper Canada there was neither a rising crime rate nor the fear of one (92-94). His evidence clearly shows a dramatic increase in public order offences, but he dismisses the effect of these on the bourgeoisie: “the petty criminals, the drunks, vagrants, and prostitutes who increasing occupied the local jails, did not excite the imagination of those who were the foremost advocates of a penitentiary” (94). And yet, there are well-established links between urban disorder, bourgeois fear of the “dangerous classes,” and institutions such as police, prisons and criminal justice.<sup>1</sup> At any rate, Oliver himself states a few pages further that John Beverley Robinson, whom he identifies as the primary force behind the establishment of the penitentiary, believed that Upper Canada had a relatively *high* crime rate (102). Further, moving beyond the Upper Canadian period, Oliver shows clearly the growing fear in the 1840s and 1850s among the middle classes of the increasing numbers

of poor and criminals (339) and, more importantly, “the expanding social control net [which] swept ever larger numbers of petty offenders into the local gaols” from the 1840s forwards (402). But he does not adjust his explanatory scheme to take account of this fundamentally important influence on the development of imprisonment. For Oliver, what remained most important were the decisions and debates of prison officials, and change was very largely driven internally. What made those officials make those particular decisions, and not others, remains unexplained.

In the same fashion, the rise of the prison is often identified as an integral part of nineteenth-century bourgeois state formation, one of the many examples of the growth of a more complex, more institutionally-based state.<sup>2</sup> And yet, in Oliver’s work, the notion of state formation is mentioned largely in passing, such as his reference to Sydenham’s bureaucratic-political rationalization (209), without discussing the relevant historiography. This lack is unfortunate in a work whose focus is the carceral politics of the state and which identifies tensions between the centre and the localities as one of the principal problems facing prison administrators; but beyond the simple description of these tensions, Oliver does not tell us what they might suggest about the broader process of state formation and resistance to it. This theoretical and historiographical reticence becomes particularly noticeable at certain points, such as when Oliver refers briefly to “the traditional Tory faith in the use of central authority to address societal issues” (80) and to Tories’ “commitment to statist activities” (100); fascinating affirmations that probably hold some truth, as work such as that of John Brewer on England suggests,<sup>3</sup> but which need a great deal more explanation. Further, by concentrating on internal dynamics and administrative decisions, Oliver gives the whole process of state formation a decidedly contingent feel, as if the growth of this complex carceral structure was an evolutionary, almost hit-and-miss amalgam of individual deeds and decisions. But if so, if the internal dynamics explain the system, why the remarkable similarities between prison practices in Ontario and those in England, the United States, or even Quebec?

This brings us to the second major element of Oliver’s work: it also exhibits that classic North American feature, exceptionalism. Though he frequently refers to the international context, for Oliver, the evolution of punishment and imprisonment in Ontario had far more to do with particular local circumstances than with any broader international trends. Indeed, Oliver criticizes scholars such as Rainer Baehre for placing too much emphasis on the international scene (91).

As Michael Kammen has noted in defense of American exceptionalism, an exceptionalist stance is not inherently bad, especially when it encourages a shift in focus to local dynamics.<sup>4</sup> Indeed, one of the strong points of Oliver’s book is its recognition of the importance of the local: local administration, local institutions, local politics. The history of crime, punishment and the state has all too often concentrated on the centre (major crimes, penitentiaries, central policy

decisions) and left aside the local, at the expense of understanding those administrative structures that affected the greatest number of people. Hence, even despite his lack of theoretical underpinning, there is considerable value in Oliver's emphasis on the local, such as his identification of post-Confederation gaols as key elements of Ontario's carceral system, and as key sites for conflict between the centralizing tendencies of the Mowat government and the persistent localism of municipal authorities (355-398). Further, Oliver's work is a useful counterpoint to a historiography which often uncritically applies to British North America explanatory models and even periodization developed in other contexts.

However, exceptionalism has its dangers. At a purely empirical level, a resolutely inward view can lead to seeing innovation where there is none. Thus, Oliver characterizes as "one creative instance of the use of the fine" an example of the common practice English practice of splitting fines between the crown and the informer (16), calls the standard recognizance an "interesting monetary device" (17) and describes an 1810 instance where four men were convicted of the fairly ordinary offence of nuisance and keeping a disorderly house as "an offbeat case" (19). But beyond these admittedly minor quibbles, it is in part his dedication to exceptionalism that leads Oliver to downplay the links between imprisonment practice and the broader socio-economic context. For example, it is indeed difficult to characterize the Kingston penitentiary as an industrial innovation when it is seen only from the perspective of Upper Canada, an essentially rural society. But this does not take into account the fact that the British North American colonies in the 1820s and 1830s *were* part of an industrial society, not from their own industrial structures but as hinterlands of a global industrial economy radiating outwards from Britain and, increasingly, from the United States. As Oliver himself effectively shows, Upper Canadian bourgeois ideas on punishment were derived from a broader international bourgeois culture based in these industrializing societies. Likewise, he suggests that the establishment of the Central Prison for Men and the Mercer Reformatory for Women had very little to do with international ideas or practices (400-401). Again, what then explains their resemblance to other British and American institutions? Industrial capitalism, attempts at and contestation of class and gender control, patriarchy and maternal feminism, bourgeois culture in general, all of which underlay and fundamentally shaped imprisonment practices in Ontario (as Oliver does sometimes acknowledge), were international phenomena. Ontario's prisons may have been variations on a theme, but they were still variations.

The most dissatisfying aspect of Oliver's work, however, is its apologism. It is not that Oliver is uncritical of nineteenth-century imprisonment practices; indeed, at times he is highly critical. One of the main planks of his argument is that prison reform movements in nineteenth-century Ontario were largely a failure, and that Ontario was far behind other jurisdictions in prison reform issues such as parole or probation until the second half of the twentieth century

(505-506). Once again, this is a very useful aspect of Oliver's book, consistently reminding us not to take the discourse of the reformers themselves at face value. But this critical stance is ambivalent, coupled as it is with a strongly apologetic stance, in large part a neo-revisionist reaction to the critical Marxist and feminist historiography of crime and punishment in Ontario.

This apologetism is most evident in Oliver's treatment of prison officials. Frequently, Oliver seeks to exonerate them and show them in a better light. Gaolers "had no alternative but to resort to methods that caused suffering and distress" (40); "it is incontestable that gaolers usually treated their charges with humanity and even respect" (62); turnkeys and gaolers were "well-meaning and humane officials" (69). Henry Smith, the first warden of the Kingston penitentiary, was a man "whose reformist recommendations were rebuffed year after year by an indifferent government" and was thus largely not to blame for the well-documented abuses in the institution under his control (171); not even for the dramatic increase in whipping during his last years (226) since corporal punishment was widely accepted by most contemporaries (187). Further, Oliver suggests that gaol officials suffered greater brutality at the hands of prisoners than vice-versa (397) and "frequently lived in a state of intermittent terror" (66). Overall, the individuals who staffed the prisons and made the day-to-day decisions were largely blameless for the evident inadequacies and injustices of the system, since the main problems with Ontario's gaols and prisons stemmed from central administrative policy and financing. Benevolent prison officials struggled to cope with the actions of politicians, local and provincial, who consistently underfunded prisons, gave contradictory signals as to their true purpose (punishment or rehabilitation) and produced legislative and regulatory frameworks that were highly inconsistent (60, 70, 141-142, 321, 398).

This apologetic stance is closely connected with Oliver's internalist approach. At one level, it perhaps reflects a bias in his sources: since his main focus is internal administration, most of his sources are the products of officials themselves, whose discourse Oliver seems to accept largely at face value. For example, as evidence of the humanitarian attitude of Upper Canadian magistrates towards prisoners, Oliver notes their compassionate and familiar language: "These were the words of men who still viewed prisoners as individuals, who could address them familiarly by name, and who often knew other members of their families." (78) This seems to miss the point of how paternalism works. But at another level, any adoption of a "worm's-eye view" of administrative decisions, shorn of their broader social and cultural context, almost inevitably makes the individual decisions seem like the reasonable thing to do at the time.<sup>5</sup>

Beyond the officials themselves, it is also the image of the prison system as a whole that Oliver seeks to rehabilitate, although here, in line with his overall thesis, the apologetism is less consistent. Thus, Oliver suggests that Ontario gaols "at times functioned as relatively friendly neighbourhood institutions" (41),

describes them later as “glaring symbols of social failure” (320) but then asserts that they “in some measure protected the casualties of industrialization: tramps, vagrants, prostitutes, and other dropouts and victims of the industrial struggle” (356). He describes the penitentiary in the 1850s as “a relatively safe, secure, and in some respects a healthy environment for both inmates and officers” (230), though a few pages later he refers to “the horrible sufferings of many wretched individuals who lacked the strength or the will to survive in an unrelentingly punitive environment” (277). Overall, the impression is of a prison system which, though deficient, was far better than it might have been. Though this again reminds us to take the reformer’s image of the pre-reform system with a grain of salt, there are dangers in an uncritical apologetic stance, which are illustrated by Oliver’s treatment of the Mercer reformatory (424-463). For Oliver, it was from the start a model prison, run humanely thanks largely to the efforts of its first superintendent, Mary Jane O’Reilly, and with discipline which was “distinctly different, feminist in origin and practice” (502). But instead of stopping at this potentially defensible statement, Oliver goes on to describe the prison as a joint achievement, of “a few middle-class women and a lot of prostitutes and pilferers” (463), which should have been the model for the entire prison system. This suggestion that the prison was a truly collective project, based again in large part on the discourse of prison officials, including O’Reilly, contradicts much scholarship on the history of women’s imprisonment and of bourgeois maternal feminism in general;<sup>6</sup> however, instead of confronting this scholarship directly and attacking it on both empirical and theoretical grounds, Oliver dismisses it as “ahistorical” (462).

Other less central interpretative problems also mar parts of Oliver’s work. At several points he falls into the classic trap of extrapolating from court and prison statistics to criminality and deviance as a whole; for example, he uses data from Quarter Sessions cases to suggest that Ontario was relatively free from lawlessness and petty crime (18, 92-93, 503) and points to declining committals for interpersonal offences as evidence that post-Confederation Ontario was becoming a less violent society (373).<sup>7</sup> Though he is usually careful to attribute reform impulses and the like to the elites, he occasionally slips up: for example, he suggests that grand jurors were “plain and honest citizens” who produced balanced reports (61) thus ignoring how grand juries reflected the values of propertied men; and on occasion, he extrapolates from the essentially bourgeois values reflected in his sources to the values of entire communities or indeed Ontario society as a whole (xx, xxii, 398). Finally, while he often displays empathy for prisoners, his work sometime has an underlying law-and-order flavour, that criminals were, after all, criminals. At one point he describes the “remarkable effrontery” of an escapee (21); at another, criminals in the Niagara district are referred to as “riff-raff” and “hoodlums” (62); prisoners in gaols were partly to blame for the harsh conditions, since they “destroyed the toilets, bedding, bedding, and other objects that would have added to their own comfort”

(66); and there was “considerable justice” in sentencing practices which punished property offences more heavily than other crimes (412).

Overall, Oliver’s book is thus both useful and disappointing. He has provided us with a useful overview of nineteenth-century prison policy and administrative practice, filled with valuable information. But his analysis of the reasons for changes (and continuities) in imprisonment practices, overly influenced as it is by internalism, exceptionalism and apologism, is unconvincing.

Donald Fyson  
Université Laval

<sup>1</sup>From historians like Louis Chevalier and Allan Silver forward (Chevalier, *Classes laborieuses et classes dangereuses à Paris pendant la première moitié du XIXe siècle* [Paris 1958]; Silver, “The Demand for Order in a Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot” in David Bordua, ed., *The Police: Six Sociological Essays* [New York 1967], 1-24).

<sup>2</sup>The vast research project of Jean-Marie Fecteau, Jean Trépanier and André Cellard on imprisonment in Quebec is a case in point; see Fecteau et al., “Emergence et évolution historique de l’enfermement à Montréal, 1836-1913”, *Revue d’histoire de l’Amérique française* 46(2)(1992), 263-271.

<sup>3</sup>*The Sinews of Power: War, Money and the English State, 1688-1783* (Cambridge, Mass. 1990).

<sup>4</sup>“The Problem of American Exceptionalism: A Reconsideration,” *American Quarterly* 45(1)(1993), 1-43.

<sup>5</sup>The felicitous term is taken from Philip Harling’s description of the approach of many political historians towards understanding Tory governance in eighteenth-century England, who ignore larger meanings and slip into ‘a sort of Tory nominalism, in which an omniscient executive corrects systemic flaws simply because this is the reasonable thing to do’ (*The Waning of “Old Corruption”: The Politics of Economical Reform in Britain, 1779-1846* [New York 1996], 44).

<sup>6</sup>As in Carolyn Strange’s study of the Mercer, “The Velvet Glove: Maternalistic Reform at the Andrew Mercer Ontario Reformatory for Females, 1874-1927,” M.A. Thesis, University of Ottawa, 1983.

<sup>7</sup>The dangers of such a reliance on official statistics are well described by Howard Taylor, “Rationing Crime: The Political Economy of Criminal Statistics since the 1850s,” *Economic History Review* 51(3)(1998), 569-90.

Michael E. Birdwell, *Celluloid Soldiers: Warner Bros.’s Campaign against Nazism* (New York: New York University Press, 1999).

Michael Birdwell’s *Celluloid Soldiers* weaves together the Warner Bros. pre-war cycle of anti-Nazi films, Harry Warner’s previously unsung role as the studio’s “conscience,” and the transformation of World War I hero Alvin C.