Introduction

In April 1839, the *Philadelphia Public Ledger* reported on a crime, as the newspaper did daily. Mary Stealingoods, who, the newspaper reporter quipped, had "an appropriate name!" stole three handkerchiefs and was sentenced to a year in the county prison. In a later article, readers learned that Mary's true surname was Woodward.[1] While inside the prison, Mary Stealingoods was punished for talking out of the ventilator.[2] A year later, a Mary Woodward was sentenced to two years in the state penitentiary by the Court of General Sessions. Woodward, a black woman, was "charged with stealing a shad, a loaf of bread, a pound of butter, and a bowl . . . altogether of the value of $1.25." The newspaper reported that Woodward had "an extraordinary appetite, and accounts for it by being afflicted with a tapeworm." The reporter humorously pondered if "the prisonkeepers received instructions to gratify Mary's appetite with shad." Prison records indicate that Woodward entered Eastern State Penitentiary at the age of thirty-two and was a servant. She served her full sentence and was released on May 14, 1842.[3]

Mary Woodward represents an archetype of antebellum female criminals and their experiences. Many committed petty, nonviolent offenses, with larceny being among the most common crimes. She also exemplifies the commonly shared theme of repeat offenses, resulting in longer prison sentences or moves from the county jail system to the state penitentiary. Underlying her story is the ongoing problem of the difficulty in reforming prisoners. Furthermore, the way in which the public is exposed to Mary's crime and experience in court, through dramatically portrayed newspaper articles, has much power to shape how society viewed Mary and other

women for their crimes. In Mary Woodward's case, the portrayals likely provided entertainment for the readers, undermining the seriousness of her seemingly difficult life. Although Mary's voice is absent from the records available today, one can still piece together the experience of Mary Woodward. The crimes suggest a level of want for the items stolen, signaling that Mary lacked sufficient funds to meet her needs. We know she is black, and her race may have shaped how the reporter viewed her and chose to portray her situation, perhaps showing her less sympathy. And we know that Mary Woodward spent two years in Eastern State Penitentiary in Philadelphia (and possibly other stints in the county prison), an institution renowned for total isolation and silence—a daunting experience, indeed. What happens when she leaves the historical record is unknown, which, unfortunately, is another common theme in the experiences of female criminals and prison inmates. They fade from the record, yet their experiences illustrate the varied struggles they encountered in their time within the legal and prison systems of the antebellum era.

This book examines the lived experiences of women criminals in Pennsylvania from 1820 to 1860, mostly, as they interacted with the nineteenth-century criminal justice system. While women constituted a small percentage of those who faced courtrooms or prison sentences, their experiences remain an important aspect of understanding the struggles faced by all those involved: defendants, inmates, employees, reformers, and the viewing public. Their individual struggles illuminate larger issues that troubled society at the time, including race, class, criminal punishment, reform, and gender roles.

This book traces the full experience of these criminal women, from the committing of the crimes through efforts to reform convicted women in prison, placing the women themselves, as much as possible, at the center of the story. I argue that instead of simply letting the legal process happen to them and allowing authorities to use preconceived notions of nineteenth-century womanhood and female criminals to dictate their circumstances, these women actively shaped and influenced their situation—in the commission of crimes, in court, and in prison. In this capacity, women demonstrated that they were aware of their place in society, understanding nuances of society's values and mores, particularly in the way antebellum America viewed women. This societal view was often defined around the middle-class white woman, so many of these female criminals who did not

fall into that category had to negotiate a societal standard that was, realistically, not achievable for them. Issues of class, race, and ethnicity added layers and complications to the ways these female criminals interacted with legal systems within their communities. And yet, this cognizance of place in society did not limit these women from taking control of their circumstances, rather it empowered the women caught in the legal system. Many of them either used these societal expectations of women in their favor, or rejected these norms and challenged the role of women in antebellum society by their actions. The women in this study exhibited a strong ability to manipulate society's beliefs about how a middle-class white woman should act—the standard at the time—to their advantage.[4] These women garnered sympathy from juries for acquittals or lighter sentences, maintained a manner of respectability as a cover to commit crimes, or challenged the legal limitations placed on married women to extricate themselves from marriages through criminal acts like murder. Some women even challenged the fact that antebellum society believed they should be politically voiceless by participating in riots, allowing their actions to become the voice for their views and desire to create social change. Women convicted of crimes and sent to prison continued to demonstrate their awareness of their rights, both as inmates and as women, to challenge the expectation that female inmates were beyond redemption through interactions with employees and reformers. Although most of the women in this study were not members of the white middle or upper classes, the demographic categories often used in defining the proper role of women in the antebellum era, these women showed an awareness of those characterizations and co-opted or challenged them in ways that benefited their individual situations as they navigated the antebellum legal and prison systems.

Women caught in the legal and prison systems faced continuous opposition in their pursuit to maintain or redeem their reputations. Definitions of female respectability played a critical role at every stage of the female offender's "career," and this idea of respectability was employed by criminal women in numerous ways. Some women, such as female swindlers or shoplifters, used the trappings of respectability to commit crimes. Others had to combat societal definitions of respectability while on trial for crimes, attempting to convince jurors through appearance and demeanor that they had not become fallen or broken women. Almost all these women had to struggle against stereotypes, in some way, due to their poverty, race, or

immigrant status, making this task of demonstrating respectability even tougher. After conviction, some female inmates sought to regain some level of respectability by taking advantage of reform programs established by philanthropic female prison reformers, who used their status as upstanding ladies to influence the character reformation of convicted women, while others eschewed reformation efforts and continued to rebel against prison officials' and reformers' expectations. This study emphasizes the actions and experiences of the women criminals and prisoners themselves, as much as the sources allow, to recover the lived experiences of these women—a significant shift from past studies focusing on the structure and leadership of penal institutions and reform organizations.

Scholarship on female criminals and prisoners in the antebellum decades of the United States is relatively sparse. Most previous scholarship that examined prisons during this period centered its focus on the institutional level, not on the offenders themselves. Landmark works such as *The Discovery of the Asylum* by David Rothman and Michel Foucault's *Discipline and Punish* of the 1970s examine the trend of "institutionalization" and prevailing efforts to discipline and control society through institutions like penitentiaries. Foucault argued that the development of the penitentiary system, a form of punishment designed to reach the core of the soul of the offender, created "'docile' bodies" which were "subjected and practised" under a disciplinary routine that controlled every aspect of the inmates' existence. The goal of the prison, according to Foucault, was "not to punish less, but to punish better; to punish with an attenuated severity perhaps, but in order to punish with more universality and necessity."[5]

By the 1990s and 2000s, scholarship shifted course, with works on punishment reform moving away from the argument that penitentiaries managed social control and toward the idea that penitentiaries protected liberties and emphasized the need for virtuous citizens. This newer trend is more amenable to the idea that the need for humane treatment of inmates and benevolence influenced the rise of the penitentiaries. Michael Meranze, in *Laboratories of Virtue*, argues that discipline was a central element in the spread of liberal institutions: it restrained direct violence from the state in public punishments and instead adopted the hidden techniques of constant surveillance. Meranze contends that attempts to reform punishment led to more patriarchal and paternalistic systems that undermined, to an extent, reformers' original goals to foster virtue and self-discipline among inmates

in the wake of the American Revolution. Mark Kann, in *Punishment, Prisons, and Patriarchy*, argues that first-generation penal reformers set the price of liberty for Americans at the perpetuation of patriarchal political power over those in marginal demographic groups; they denied liberty to some to protect liberty for the majority. Kann asserts that institutions like prisons were designed to warehouse undesirable portions of the population: immigrants, African Americans, and sometimes women.[6]

My emphasis on the experiences of female criminals challenges these important works in several ways. First, by looking at the crimes women committed themselves, one sees the agency and empowerment women had to shape their circumstances in a society that ideally wanted to limit their public presence. Once in prison, the female inmates in my study demonstrated that they were not the "docile bodies" that Foucault had predicted would develop in the penitentiary. The women posed problems for prison officials, both at the state and county level, sometimes solely by the simple fact that they committed crimes and were present in these institutions. Employees were not sure how to deal with the small but persistent population of female prisoners, and their presence undermined the penal institutions' authority. Women in Pennsylvania prisons found ways to challenge the penal discipline, ranging from subtle to overt forms of resistance. Because women tested prison authority, and often succeeded, the nineteenth-century penitentiary failed to coalesce into the total institution that several early scholars posited. Exploring the experiences of women criminals and prisoners helps to provide a more comprehensive, richer portrait of the lived experiences of these individuals in the nineteenth century.

This is not to say that there is no scholarship on women criminals and prisoners. Works by Estelle Freedman and Nicole Hahn Rafter pioneered this path of scholarship, examining the hardships faced by women committed to prison, particularly those institutions designed for men. More recent works in the vein of recovering women criminals' experiences include Kali Gross's *Colored Amazons* and Susan Branson's *Dangerous to Know*. Furthermore, there has been an increasing trend to recover the voices of inmates in the nineteenth century with collections such as *Buried Lives: Incarcerated in Early America* edited by Michelle Lise Tarter and Richard Bell. Jen Manion's *Liberty's Prisoners* uncovers for the period of the Early Republic the experiences of women prisoners, noting that the shift in criminal punishment "was defined in relation to and on the backs of a diverse and motley

crew" of immigrants, the working poor, and African Americans, arguing that the new form of punishment served to control these groups in the new nation.[7] This study builds on this growing body of scholarship of putting the criminals and inmates themselves at the center of the work and focuses its attention on a wider scope of Pennsylvania as a whole rather than centering only on Philadelphia. This work centers its attention mainly on the antebellum decades, a period in which the scholarship on female criminals and inmates is relatively thin. Similar to Manion's research on the Early Republic, this book looks at the societal norms and expectations of the antebellum decades and seeks to understand how they had an impact on the way that women of various races, ethnicities, and class standings dealt with the legal and prison systems of Pennsylvania.

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At the heart of this book is an examination of antebellum female criminality and punishment in Pennsylvania in order to reconstruct the lived experiences female criminals by analyzing their offenses, court experiences, and subsequent treatment as prisoners. Pennsylvania provides an ideal location to study female criminality and punishment as it was home to the internationally renowned Eastern State Penitentiary, as well as the Western State Penitentiary, and acted as a seat of critical debates over criminal punishment reform during the nineteenth century.

The antebellum era stands as an essential period to explore female criminality for several reasons. In addition to Pennsylvania's strong ties to the establishment of the penitentiary systems described in more detail below, these decades also witnessed profoundly shifting expectations for women in society. Women's societal roles became more specifically defined, particularly centered on the separate spheres ideology and the cult of domesticity; yet such roles were being challenged by female reformers in the crusades for abolition, temperance, women's rights, and punishment reform. Female criminals also challenged these predefined roles in numerous ways—using expectations of proper behavior to mask their crimes or receive lenient sentences or to outright challenge their limited position in society by committing crimes to procure more social mobility and freedom. This book highlights the agency that women exhibited in their committing of crimes and resistance to punishment—powerful statements in an era when institutions such as the penitentiary, and society as a whole, attempted to control and limit the influence of women, particularly African American,

immigrant, and poor women, a trend that preceded and continued after the antebellum period.[8] Furthermore, the antebellum years were a time of increasing political tension regarding race and ethnic relations, particularly in the 1840s and 1850s. The riots that wreaked havoc on Philadelphia and other locales in Pennsylvania provide a gateway to exploring crimes that embodied political overtones and the roles women played in these politically charged events. These occurrences help us to reconstruct how some women demonstrated political, ethnic, and religious views through their criminal activity in both rural and urban settings.

To understand the world women entered when they committed crimes in Pennsylvania in the antebellum period, it is important to examine the roots of criminal punishment and reform in Pennsylvania. The state in the Early Republic was focused on what to do with crime and how best to punish those who broke the laws:

> Let a large house, of a construction agreeable to its design, be erected in a remote part of the state. Let the avenue to this house be rendered difficult and gloomy by mountains or morasses. Let its doors be of iron; and let the grating, occasioned by opening and shutting them, be encreased [*sic*] by an echo from a neighboring mountain, that shall extend and continue a sound that shall deeply pierce the soul. Let a guard constantly attend at a gate that shall lead to this place of punishment, to prevent strangers from entering it. Let all the officers of the house be strictly forbidden ever to discover any signs of mirth, or even levity in the presence of the criminals. To encrease [*sic*] the horror of this abode of discipline and misery, let it be called by some name that shall import its design.[9]

In 1787, founding father and philanthropist Dr. Benjamin Rush detailed what he believed would be a superior system of punishment, one meant to both humiliate and punish criminals. He described in the words above what would later become the penitentiary system, an institution pioneered in Pennsylvania, one that would, theoretically, be the ideal, modern, and humanitarian way to punish offenders. Pennsylvania's first penitentiary, Walnut Street Jail in Philadelphia, opened three years later. Rush's *Enquiry into the Effects of Public Punishments*, and his 1792 publication *Considerations on the Injustice and Impolicy of Punishing Murder by Death*, spoke to his long-standing efforts to improve the criminal punishment system. In

1682, only murder was punished by death in Pennsylvania; other crimes resulted in penalties such as monetary restitution, whipping, and imprisonment, among other forms of punishment. At the time of Pennsylvania's formation, the colony had a very mild criminal code.[10] His work reflects some of Pennsylvania's earliest efforts in criminal punishment reform work, dating even back to the colonial period—an endeavor that continues to the present day with the Pennsylvania Prison Society.

But the idealism and emphasis on peace and conciliation advocated by the Quakers fell short of the mark in criminal proceedings. Between 1718 and 1794, the number of crimes resulting in the death penalty fluctuated. The Act of 1718 codified much of the English criminal law, with many of the harsh punishments common to the English code. By 1794, however, only first-degree murder remained a capital crime. Women became caught up in these changes specifically when they were accused of infanticide.[11] During the eighteenth century, public punishments became the norm. These ritualistic spectacles of punishment were meant to educate the public on the consequences of committing crimes and to deter individuals from becoming criminals. In the post-Revolution years, reformers grew more concerned with the usefulness and morality of public criminal punishments, which according to Mark Kann "were suitable for monarchies but not republics."[12]

The idea of the penitentiary, as described by Benjamin Rush, was conceived in this post-Revolutionary era. The belief emerged that criminals could be reformed. Corporal punishments, which focused on physical pain and humiliation as means of control, no longer seemed to be the only solution to dealing with crime. By creating a new form of punishment, significantly longer in duration, reformers hoped to alter the behaviors of criminals through a rigorous rehabilitation program that would enable convicted criminals to return, rehabilitated, to society after their sentence. Thus the penitentiary system in Pennsylvania reigned over the state's criminal punishment system for over a century.

As reformers considered ways to improve the efficacy of criminal punishment, contemporary society's views on the causes of crime also changed as the nation moved into the nineteenth century. By the 1820s and 1830s, crime was no longer seen as a consequence of sin, but came to be viewed as the result of social problems, associated with the rapidly expanding nation. The anxiety over growing social disorder, poverty, and mental illness, largely

the result of growing urbanization, led to attempts to remove social miscreants who threatened social order. Institutions such as the penitentiary, the poorhouse, and the insane asylum fit this need to protect and strengthen civil society.[13]

In Pennsylvania, Quakers were often at the forefront of this new approach of institutionalization, and they pushed to improve the prisons that already existed in the state. Pennsylvania reformers became pioneers in the quest to find a better way to punish criminals as well as to improve inmate discipline. The prisons constructed in the eighteenth century simply corralled prisoners into large and often overcrowded rooms. To them, these jails were simply "breeding-places of crime" and they insisted that imprisonment *should not be viewed as a punishment, but as a means to reform.*"[14]

After seeing the plight of prisoners in their city during the Revolutionary War, a group of concerned Philadelphians began to work for change. On May 8, 1787, the Philadelphia Society for Alleviating the Miseries of Public Prisons (presently known as the Pennsylvania Prison Society) was organized. Early on, the group moved to end cruel and humiliating public punishments. Dr. Benjamin Rush was one of the Society's driving forces. He strongly opposed public punishments, including capital punishment, because, as he noted, "all public punishments tend to make bad men worse, and to increase crimes, by their influence upon Society" and as they were "always connected with infamy, [they] destroy in the criminal the sense of shame which is one of the strongest outposts of virtue." Additionally, public, physical punishments were so short in duration "as to produce none of those changes in body and mind, which are absolutely necessary to reform obstinate habits of vice."[15] Rush's sentiments, influenced by Enlightenment and utilitarian theories, exemplified a larger trend of moving away from corporal, public punishments and toward humane character reformation.

On April 5, 1790, Rush and the Society's requests to end public punishments succeeded when the state adopted a regime of solitary confinement with work. Walnut Street Jail in Philadelphia became the first penitentiary in the state, even though it had been functioning as a jail since 1784.[16] The isolation of the inmates and the policy of silence changed the way this jail operated. Through their prison reform efforts, the Society made the state's penal institutions a model for the modernization and restructuring of punishment systems which other states and nations would emulate.

The opening of Walnut Street Jail as the state's first penitentiary signified an important shift in the system of punishment. In the past, criminals were crowded together without classification according to crime and with no hope of rehabilitation. These old, crowded jails allowed inmates to interact with one another, so reformers called for the separation of inmates as a way to create more healthful living conditions and to allow for rehabilitation. Separation encouraged repentance and rehabilitation. The penitentiary system, beginning with Walnut Street, and continuing with Eastern and Western State Penitentiaries, which opened in the 1820s, promoted a style of punishment that combined isolation, silence, and rehabilitation. This disciplinary plan was seen as an innovative and more humane way to penalize offenders.

It is in these early prisons—Walnut Street, other county jails, and Eastern and Western State Penitentiaries—that women were incarcerated in small numbers, alongside men. Prior to incarceration in these institutions, the women navigated the antebellum legal system in tandem with an acute cognizance of their place in society as women and the impact that being female might have on them in their commission of crimes, in court, and, ultimately for many, in prison. Using their awareness of their position in antebellum Pennsylvania, these women empowered themselves as best they could to influence the court outcome or improve their experiences in prison.

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Unlike past scholarly work on crime and punishment in Pennsylvania, which has focused almost exclusively on Philadelphia, this book widens the orbit to look at women's crime and punishment across the state. It is important to consider the ways in which communities beyond the eastern urban center dealt with female criminals. Comparing the rural and urban attitudes toward female criminality and how women's criminal punishment differed depending on location offers a more comprehensive picture of antebellum female crime and punishment patterns. I examine female crime and punishment in sixteen counties in the state, providing 6,035 cases for my sample: three counties with large urban centers, Philadelphia (Philadelphia County), Harrisburg (Dauphin County), and Pittsburgh (Allegheny County). The other counties were chosen based on their proximity to these centers as well as the quality of their available source material.[17]

Most of these rural counties are located in the southern half of the state. Historical population patterns suggest that as Pennsylvania (near the state's

TABLE 1. Breakdown of types of crime for entire sample

	Violent	Property	Moral/petty	Total
Number of offenses	1,986	1,714	2,335	6,035
% of crimes	32.91	28.40	38.69	100

Note: Percentages were drawn from county quarter sessions dockets for the sixteen counties making up the research sample. Dockets for all years between 1820 and 1860 were examined, where they existed. Some counties, such as Allegheny, only have a small portion of their dockets surviving. Due to the large numbers of cases in Philadelphia, I took a sample of docket books (1820, 1825, 1830, etc.).

southern border) was populated during the seventeenth, eighteenth, and nineteenth centuries, most settlers moved west from Philadelphia. As a result, historically, the state's southern half is more densely populated than the northern half.[18] Chester, Berks, Cumberland, Adams, York, Lancaster, Westmoreland, and Washington counties were selected as outlying zones to the three main settlement areas. Because there is a wide geographic gap between Harrisburg and Pittsburgh, I have also included the counties of Mifflin, Huntingdon, and Bedford, to provide a more specifically rural perspective. Two northern counties, Erie and Luzerne, were added to provide a perspective from the less densely populated northern tier of the state.

These counties offer the basis for analysis of this study, which is split into two parts. Part 1, consisting of chapter 1 through 3, examine women's entrance into the legal system through the commission of crimes. These chapters look at the ways women interacted with the police and court system, focusing on the methods women used to either mitigate their circumstances in court or outright challenge their legal limitations through their criminal actions. Chapter 1 concentrates on women who used traditionally expected female behaviors to commit crimes and to garner sympathy in the court. These women demonstrated awareness of the prevailing expectations of women to be demure, sympathetic, passive, and respectable, and used these characteristics to commit crimes or to portray themselves in this light while in court to perhaps earn an acquittal, or, at the very least, a lighter sentence. Chapter 2 looks at women who committed crimes as a result of the legal limitations women faced in this era, with a heavy focus on women who committed murder to get out of marriages. These women knew the obstacles they faced in getting out of unwanted relationships and turned to crime as a means to achieve their goals when a

legal path remained unavailable. Their actions demonstrated a direct challenge to the antebellum period's expectations of women's status in society. Chapter 3 goes a step further when looking at the ways women challenged their place in society. Women across Pennsylvania became involved in riots over nativism, fugitive slaves, and labor issues. Their participation in these criminal acts demonstrated an acute political awareness of their circumstances, and they used rioting as a way to have a political voice.

Part 2 turns to the experiences of female criminals once convicted and in prison and examines how they continued to actively shape their experiences even in settings where their personal control and freedom was severely limited. Chapters 4 and 5 look at the struggles women faced in the state penitentiaries and county prisons, respectively. Officials were often at a loss about what to do with these women who were sent to their prisons, and thus treated them differently than the male convicts, ultimately creating disorder, security concerns, and neglecting their needs. The women inmates were not passive victims in the prison. Rather, they showed their worth as women and individuals and resisted the oppressive nature of the penitentiary system. As a result of these problems that female inmates faced, institutional reform and inmate rehabilitation were paramount in the eyes of benevolent individuals who advocated for prison reform, which is the focus of chapter 6. The final chapter, while shifting focus to look more closely at the reformers' work with the inmates, examines the theories behind prisoner rehabilitation and how, initially, this played out in the penitentiaries with chaplains and moral instructors. Female reformers, however, remained unconvinced that these programs were the solution to aid in the reformation of female convicts, so this chapter also analyzes the efforts of these activists in their quest to aid incarcerated women. Such reformers sought to help the inmates and released prisoners in their quest for personal empowerment and set forth the groundwork for life outside of prison. The philanthropists advocated for the imprisoned women and helped to channel their individual agency that they exhibited in prison into means that would facilitate transition to the free world.