

introduced—Such a system of punishments, aided and enforced in the manner I have mentioned, will not only have an auspicious influence on the character, morals, and happiness of the people, but may hasten the period, when, in the progress of civilization, the punishment of death shall cease to be necessary; and the Legislature of Pennsylvania, putting the key-stone to the arch, may triumph in the completion of their benevolent work.

Source: William Bradford, *An Enquiry How Far the Punishment of Death Is Necessary in Pennsylvania* (Philadelphia: Dobson, 1793). [Early American Imprints (New York: Readex Microprint, 1985), 6-7, 35, 37-38, 43-46 (footnotes omitted).]

### DOCUMENT 11: *An Account of the Alteration and Present State of the Penal Laws of Pennsylvania* (Caleb Lowmes, 1794)

Four years after the establishment of the first penitentiary at the Walnut Street Jail in Philadelphia (see Document 8), Caleb Lowmes, one of the penitentiary's inspectors, wrote a progress report on the reformed prison titled *An Account of the Alteration and Present State of the Penal Laws in Pennsylvania*.

Lowmes was a Quaker merchant who long had worked toward prison reform and the abolition of capital punishment. Like his contemporary Benjamin Rush, he believed that solitary confinement was the key to reforming the criminal mind. The theory was that removal of the often negative stimulation of the outside world would make the criminal better able to contemplate his actions and thus see the error of his ways (Masur 1989:81-82, 86).

In his report, Lowmes appeared confident that the newly reformed prison was a great success—beneficial both to the prisoner and to the community. He reported that recidivism was low among pardoned offenders, crime was down on the city streets and highways outside of town, and when crimes were committed, juries no longer were reluctant to convict, as they often had been when punishments were considered too harsh. Hence, at least in Lowmes' opinion, it seemed that Philadelphia was on the right track toward penal reform.

How little effect the former system of punishments had in preventing crimes, is too well known to need any explanation at present. We are to examine, whether any beneficial consequences have followed the alteration that has taken place in the treatment of the convicts.

is not more than two years that the new regulations have had their

full operation, although the law which authorised them, was passed some time before. But in that short time, the effects which have flowed from them, have been remarked with much satisfaction by the citizens at large, as well as by those whose situation offered superior opportunities for observing them. These effects proceed, either from a real reformation taking place in the minds of the prisoners, or from a terror of the consequences which they know will attend a second confinement.

During their continuance in prison, they learn many things which operate as a check upon the commission of new crimes. They learn the difficulty of evading justice; and that, as the laws are now mild, they will be strictly put in execution. They now see that juries are not unwilling to convict, and that pardons are not granted till they discover some appearances of amendment. The penalty, though not severe, is attended with many unpleasant circumstances, and many of them deem the constant return of the same labour and of coarse fare, as more intolerable, than a sharp, but momentary punishment. They know that a second conviction would consign them to the solitary cells and deprive them of the most distant hopes of pardon. These cells are an object of real terror to them all, and those who have experienced confinement in them, discover by their subsequent conduct, how strong an impression it has made on their minds. They know that mercy abused, will not be repeated, and neither change of name nor disguise, will enable them to escape the vigilant attention with which they are examined. These reflections, or reflections like these, have had their weight: for out of near 200 persons who at different times have been recommended to, and pardoned by the governor, only four have been returned: three from Philadelphia, re-convicted of larceny, and one from a neighbouring county. As several of those, thus discharged, were old offenders, there was some reason to fear, that they would not long behave as honest citizens. But, if they have returned to their old courses, they have chosen to run the risk of being hanged in other states, rather than encounter the certainty of being confined in the penitentiary cells of this. We may therefore conclude, that the plan adopted has had a good effect on these; for it is a fact well known, that many of them were heretofore frequently at the bar of public justice, and had often received the punishment of their crimes under the former laws.

Our streets now meet with no interruption from those characters that formerly rendered it dangerous to walk out of an evening. Our roads in the vicinity of the city, so constantly infested with robbers, are seldom disturbed by those dangerous characters. The few instances that have occurred of the latter, last fall, were soon stopped. The perpetrators proved to be strangers, quartered near the city, on their way to the westward.

Our houses, stores, and vessels, so perpetually disturbed and robbed