

# Problematizing Leniency and Panopticism: Victorian Prison in neo-Victorian Fiction and *Discipline and Punish*

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*The paper discusses Joseph O' Connor's 2002 novel, Star of the Sea, and Sarah Waters's Affinity (1999), in terms of their shared depiction of the Victorian prison, contra Foucault, as the space of corporal punishment and torture. The novels and the paper contextualize Victorian prisons within the nineteenth century discourses of progress, correction and reform, while simultaneously emphasizing the punitive and sadistic aspects of these fast-growing institutions. Detailing the organization of space; the architecture of surveillance; and the interpersonal power dynamics between the guards and the inmates, Star of the Sea and Affinity undermine the supposed humaneness of a prison sentence as a non-corporal, reformed and reforming, type of punishment – thus refusing, just like Discipline and Punish, to “sing the praises that the law needs.” Yet O'Connor's and Waters's novels also problematize Foucault's notion of prison as the model of disciplinary society. Supported by contemporary research on Victorian penology and imprisonment and the nineteenth-century reports on prison life, the two novels demonstrate that it is (the threat of) the prison's monopolized violence rather than the internalized consciousness of surveillance that regulates both convicts and citizens.*

Keywords: literature and society / English literature / Irish literature / O'Connor, Joseph / Waters, Sarah / Victorian age / Foucault, Michel / body / punishment / prison

This paper reads O'Connor's and Waters's neo-Victorian novels against the background of Foucault's *Discipline and Punish: The Birth of the Prison* (1975), the late twentieth and twenty-first century research on Victorian penology, and the nineteenth-century reports on prison life such as Henry Mayhew's *The Criminal Prisons of London* (1862): the main thesis is that both *Star of the Sea* and *Affinity* offer more realis-

tic accounts of the nineteenth-century imprisonment than Foucault's famous study. The objective of the paper is certainly not to "correct" Foucault with neo-Victorian *novels*, but to examine and problematize some of his claims in the twin contexts of the history of Victorian penology and imprisonment, and neo-Victorian fiction as the literary genre which tends to be exceptionally well-researched.<sup>1</sup>

While Foucault's insights into the mechanisms of social control in modern European democracies offered in *Discipline and Punish* are not to be dismissed by any means, it is nonetheless possible to problematize some of the claims regarding prisons specifically. In this paper, the focus is on two such claims: one, that the nineteenth-century prison sentence is characterized by "leniency" and especially the "non-corporal nature"; two, that prison "merely reproduces, with a little more emphasis, all the mechanisms that are to be found in the social body" (Foucault 233), primarily the modern trinity of examination, hierarchical observation, and normalizing judgment. In the two novels under discussion, as in both contemporary research and historical documents, Newgate and Millbank emerge emphatically as the sites of physical punishment and suffering; surveillance in particular is exposed as an instrument of torture rather than the cost-effective and force-free means of internalizing the norms of a disciplinary society. Borrowing Foucault's own terminology, it can be argued that the end result of the nineteenth-century prison is still the marked and tortured "body of the condemned" rather than a self-regulating "disciplinary individual."

As a brief reminder, in *Discipline and Punish: The Birth of the Prison*, Foucault famously reads the "disappearance of torture as a public spectacle" (7) and the birth of the prison as "a correlative history of the modern soul and of a new power to judge" (23); the prison, as a historically new type of legal punishment, in Foucault's interpretation represents the "slackening of the [law's] hold on the body" (10). The argument is by now oft-repeated and quite familiar, but it is worth revisiting for a moment: since the middle of the eighteenth century, and especially throughout the nineteenth, there is throughout Europe a marked decrease in public executions (which used to be preceded by hours of torture) in favor of the new type of punishment, that by imprisonment. Unlike the pre-modern punishment which is played out, excruciatingly, on "the body of the condemned" (3), imprisonment, with its proclaimed goal not (only) to punish but (also) to reform, focuses instead on the convict's soul.

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“The apparatus of punitive justice must now bite into this bodiless reality” (17); the soul, as Foucault memorably puts it, becomes “the prison of the body” (30). Foucault attributes the growing reluctance to punish criminals both physically and publicly to the shift in the conception and execution of power. While the spectacle of torture/execution is “an aspect of the sovereign’s right to make war on his enemies” (48), with the development of disciplinary and biopolitical modernity, it is the sovereign who is replaced by a mass of anonymous technicians. These, unlike the pre-modern monarch who could “let [someone] live” and “make [someone] die” (and make them die spectacularly), wield power over an individual through examination, hierarchical observation and normalizing judgment rather than physical torture. Consequently, “[w]hat is now imposed on penal justice as its point of application, its ‘useful’ object, will no longer be the body of the guilty man set up against the body of the king; nor will it be the juridical subject of an ideal contract; it will be the disciplinary individual” (227). The disappearance of “the necessarily spectacular manifestations of power” (217) thus results in the body of the convicted person being touched “as little as possible” (11) in the new type of punishment. Foucault is quite emphatic on this point: “[T]he penalty in its most severe forms no longer addresses itself to the body” (16); earlier, he describes the new penal system as characterized primarily by “non-corporal nature” (16). This account – which forms a part of Foucault’s “grand metanarrative” of “the movement from sovereign power to disciplinary power to biopower” (Morton and Bygrave 4) – nowadays appears widely accepted, even by Foucault’s critics (though not the penologists). Thus Jack Taylor (121), for instance, reproaches *Discipline and Punish* for its Eurocentric bias and a “historical tunnel vision,” as they did not allow for the consideration of the nineteenth-century spectacles of lynching in the USA.<sup>2</sup> Yet Taylor, too, does not question Foucault’s assumption of “the dying out” of “the gloomy festival of punishment” (ibidem) in Europe, in favor of the non-pain oriented disciplines, practiced and perfected, inter alia, in prisons.<sup>3</sup>

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<sup>2</sup> Taylor does note that Foucault is interested in the transformation of the *legal* forms of punishment, whereas lynching has always been extrajudicial. Ironically, moreover, while Taylor criticizes *Discipline and Punish* for its Eurocentric bias, Melossi and Pavarini label it as useless for their study on European and American prisons because of its “extreme Franco-centrism” (205). Such narrow focus, they argue, “leaves the philosophical discussion relatively unharmed” but is “quite misleading from a historical perspective” (ibidem).

<sup>3</sup> I, too, do not question the dying out of the spectacle of punishment, but it is problematic to assume that the increasing “privatization of punishment” (Spierenburg 279) necessarily means the elimination of the physically painful aspect of said punishment.

## **“The Governor of Newgate had progressive ideas.”**

Reading Foucault’s interpretation of prison side by side with the twentieth chapter of Joseph O’Connor’s *Star of the Sea* (2002) is an exercise in discontinuity. The chapter, bearing the title “The Hard-Luck Man,” details the serving of the prison sentence of one of the novel’s protagonists, the villain-victim Pius Mulvey. A former tenant farmer in poverty-ridden Connemara, now a squatter in London who earns a living as an imaginative conman – “his stories were so completely convincing that he would even weep himself” (194) – ironically named Pius is finally “ratted in” to the police, arrested and sentenced to “seven years’ hard labor in Newgate” for “obtaining with deceptions” (ibidem). Under the name of Frederick Hall, the Irishman spends four years in Newgate, from 1837 to 1841, “ceas[ing] to do evil and learn[ing] to do well” (195). To the reader familiar only with Foucault’s account of the birth of the prison, but not with the specifics of Victorian imprisonment, O’Connor’s depiction of Frederick Hall’s Newgate “reformation” appears exaggerated, sensational – occasionally downright Gothic – but on the whole difficult to believe. We read, for instance, that the prisoners are kept in total isolation: solitary confinement during the night, and collective labor during the day. Collective labor, contrary to expectations, only intensifies the isolation. When taken out of the cell for work,

each inmate was clamped into a black leather hood before being allowed to enter the yard. The mask had minuscule slits through which you might see and an arrangement of pinpricks through which you might breathe and it was bolted around your neck with a padlock and choke-chain that would strangle you if you raised your arms above your head. (195)

It is not only the inmates, moreover, who are in masks: the prison guards occasionally put them on, too, “so you could never tell exactly who was working beside you, who was screaming and clawing at the air” (195). The screaming and clawing are utilized by the masked guards as a test: a “truly reformed” inmate is not supposed to react if a man appears to be dying next to him. Forbidden from speaking during the day, the convicts proper scream at night; even in the chapel each is placed in a miniature version of the cell – “his own partitioned booth from which nothing was visible except the cross above the altar” (196). Mulvey is whipped two hundred times for saying “I didn’t hear you” (196) – fifty lashes for each word – and raped twice by the warden, “a Scottish sadist who had often raped insane prisoners” (ibidem).

Rape as the utter loss of bodily integrity is already present in Mulvey's first encounter with the institution. Upon entering prison, he is "forced to bend low so they can investigate his rectum" (194); when he attempts to refuse to swallow a measure of saltpeter, "which the guards said would quell your natural desires" (194), he is strapped into a chair and force-fed it via a funnel shoved into his gullet. Then, "[n]aked except for a bloodstained towel, he was chained to a leash and led ... up the metal staircase to the Governor's office" (194) to hear a speech about "the institution [which] only existed to help them" (ibidem). Without a hint of irony, as a proper sadist, the Governor's assistant informs Mulvey that "[p]unishment could be an act of deepest love" (ibidem). We read, also, that at the time of Mulvey's imprisonment, "[t]here were men in the windowless depths of Newgate who had not seen another life-form for fifteen years. Not a prisoner, nor a guard, nor even a rat: for their cells were so thick that nothing could penetrate them and in any case were kept in darkness every hour of every day" (195–196). This blinding, mind-destroying solitary darkness, we learn, is reserved for the particularly unreformed – the inmates who kept trying to talk after being whipped, like Mulvey, for speaking.

It might be tempting to write off O'Connor's account as yet another example of the notorious neo-Victorian Orientalism, torture porn in a historical costume for the over-satiated postmodern audience, to modify a bit the famous remark by Marie-Louise Kohlke (Kohlke and Orza 67). The leather masks and the whipping certainly suggest that interpretation, and there is no denying that neo-Victorian pornography might provide some kind of novelty and pleasure to some readers. Yet even minimal familiarity with the British penal history shows that Mulvey's intensely corporal experience is very far from being exaggerated for the purposes of pornographic sensationalism – each detail, including the leather masks, is founded in historical reality (Ignatieff 4–5; Farringdon 101). Even minimal familiarity with the British penal history, moreover, shows, *contra* Foucault, that the convicted body is still, and very much so, the target of the nineteenth-century punitive action, this time inside prison, with the addition of prolonged psychological torture. Combined, these result in the punishment that is arguably much severer than the mere hours (or days) of the pre-modern public execution.

"The progressive ideas" to which O'Connor's Governor subscribes, for instance, refer to the unique blend of religious and medical discourses which made possible the abuse to which convicts like Pius Mulvey were subjected. Christianity, in particular, provided both the emotionally

satisfying iconography and the great narrative of good vs. evil (at least to the reformers and the public), as well as the organizational blueprints for the “silent” and the “separate” system of imprisonment. As for the emotionally satisfying iconography, it is worth remembering that the father of the modern British prison, John Howard, was highly religious and “liked to compare his prison tours to Daniel’s going alone into the lion’s den,” viewing his work on prison reform as “bear[ing] ‘the torch of philanthropy’ into the netherworld of the dungeon” (Ignatieff 54). Howard, moreover, saw the prison “as the arena in which he would grapple with evil and demonstrate his worthiness before God” (55) – the worthiness consisting of the number of souls raised from sin and saved for God through the reformed, and reforming, prison mechanism (souls, but not necessarily bodies). More practically, it was the Catholic prison in the Vatican called, appropriately, “Silentium,” on which Howard modeled the so-called “silent system,” the version of the prison sentence that, in addition to the deprivation of liberty, prohibited the inmates from talking (53). On the other hand, it was another religious group, the American Quakers, who invented the notorious “separate system.” In the separate, or the “Philadelphian” system, convicts serve out the totality of their sentences in solitary confinement, on the basis of “the Quaker theory of the great moral effectiveness of meditation and of the comfort offered by sound and reliable visitors, who were allowed for despite the system’s rigidity” (Melossi and Pavarini 61). It is quite telling that “the separate system” was accepted across the Atlantic as well, stimulating the lucrative business of prison architecture reform: nineteen of such prisons were built in England between 1842 and 1877; about sixty prisons were rebuilt or adapted for it (Storey 15). The figures point not only to the increasing incarceration of the British citizens during the Victorian era, but also to the unambiguous “preference for the use of terror” which, though “never openly admitted” was undeniably “embodied in the choice of the ‘Philadelphian System’” (Melossi and Pavarini 61). Melossi and Pavarini highlight that there was “an awareness of the horror inspired in the potential offender by the prospect of spending a five, ten or twenty-year sentence in solitary confinement – often relieved only by some form of ‘work’ so pointless and repetitive that it would really amount to physical torture” (61).

The prison as a distinctly modern institution is thus underpinned by the earlier religious-punitive assumptions, but the medical discourses of the day were utilized as well in its organization and justification. “Like the hospital,” Michael Ignatieff explains,

the penitentiary was created to enforce a quarantine both moral and medical. Behind its walls, the contagion of criminality would be isolated from the healthy, moral population out. Within the prison itself the separate confinement of each offender in a cell would prevent the bacillus of vice from spreading from the hardened to the uninitiated. (61–62)

Indeed, it was in order to stop “the bacillus of vice” from spreading that the “silent system,” which O’Connor depicts Mulvey being subjected to, was installed and enforced. The silent system proposed that convicts be placed in solitary confinement at the beginning of their sentence – for eighteen months at first, then for twelve and finally for nine months (Ignatieff 94)<sup>4</sup> – and be prevented from speaking or any kind of communication with their fellow convicts and guards during the collective labor activities. Possibly the most succinct account of the hygienic properties of the “silent system” was given by Florence Maybrick, who, falsely accused of murdering her husband in 1889, spent fourteen years in the prisons enforcing it. In her book, *My Lost Fifteen Years* (1904), Maybrick states that “the torture of continually enforced silence is known to produce insanity or nervous breakdown more than any other feature connected with prison discipline” (Storey 14).<sup>5</sup>

The suicide of fifteen-year-old Edward Andrews, which Michael Ignatieff recounts and interprets as the paradigm of the nineteenth-century British imprisonment, is another case in point which significantly problematizes Foucault’s thesis on the “non-corporal nature” of the prison sentence. The boy was sent to Birmingham borough prison in 1854.

In that prison ... the governor routinely ordered petty offenders to be confined in solitude and to be kept turning a hand crank weighted at thirty pounds pressure, ten thousand times every ten hours. Those who failed to keep the crank turning or who sought to resist were immobilized in straitjackets, doused with buckets of water, thrown into dark cells, and fed on bread and

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<sup>4</sup> The shortening of the period was due to the growing familiarity with the effects silence and isolation had on the prisoners’ psyche – “the remarkable rise in cases of insanity and suicide” (Melossi and Pavarini 60–61).

<sup>5</sup> Max Stirner, too, emphasizes that the intentions behind the enforced silence are punitive and dehumanizing rather than medico-moral: “That we jointly execute a job, run a machine, effectuate anything in general, – for this a prison will indeed provide; but that I forget that I am a prisoner, and engage in intercourse with you who likewise disregard it, brings danger to the prison, and not only cannot be caused by it, but must not even be permitted. For this reason the saintly and moral-minded French chamber decides to introduce solitary confinement, and other saints will do the like in order to cut off ‘demoralizing intercourse’” (Smith).



water. One who resisted was Edward Andrews. After two months of refusing to work, being dragged below, doused, ‘jacketed,’ and fed on bread and water, he hanged himself from his cell window. (207–208)

Unsurprisingly, “[a] commission of inquiry, hurriedly convened after Andrews’s death ... concluded that Edward Andrews’s death was unfortunate but not a matter for criminal prosecution” (208). Unproductive, punitive labor in British prisons was mitigated almost at the very end of the nineteenth century, by the 1898 Prison Act (Storey 14).

Yet progressive medico-theological notions of the soul-saving effects of solitary confinement, silence and forced labor, while resulting in insanity and suicide, went hand in hand with the more obviously *corporal* punishment supposedly left behind in 1757, with the execution of Robert-François Damiens. In British prisons, the most usual ones, according to Neil Storey, were the birch, “the boy’s pony” and the cat-o’-nine tails. The birch, moreover, used to be soaked in brine before use – it was heavier, therefore it hurt more, but the brine prevented infection (107). As with the silent system, the mitigation came very late, in the twentieth century: the birching of juvenile and adult offenders was banned in 1948, but was retained as a punishment for violent breaches of prison discipline until 1962 (112).

Moreover, while “the boy’s pony” conveys not only the cynicism of the punishers but also the infantilization of the punished – Mulvey is, too, after having his flesh flayed with two hundred lashes, described as pulling his britches back on, like a punished schoolboy (O’Connor 194) – it does not mean that actual children were exempt from both the old and the new types of punishment. It should be remembered that, in the era that witnessed fifteen million receptions in prisons (Storey 9), every third subject of Queen Victoria was younger than fifteen, and that Great Britain was the first country ever to build a prison for children. The Isle of Wight’s Parkhurst Prison, opened in 1838 and located in converted army barracks, subjected “criminal children” to “wearing an iron on the leg; a strongly marked prison dress; a diet reduced to its minimum; the imposition of silence on all occasions; and an uninterrupted surveillance by officers” (Duckworth 93). But it is not only “the silent system” that was enforced at Parkhurst: “From the early 1840s until the close of the institution in 1864, *solitary confinement* was the cornerstone of the system of discipline” (Stack 394, italics added). In 1874, when the action of *Affinity* takes place, Margaret Prior’s lawyer brother comments, too, that “he frequently sees, in court, girls of thirteen and fourteen – little girls, who have to be placed on boxes so



that the juries might view them” (Waters 99). Children, however, were not only tried and imprisoned, but sentenced to pre-modern corporal punishment, usually flogging, and death as well. An 1833 commentator, for instance, calls attention to the “absurdity” of sentencing to death “boys under fourteen” for “stealing a comb almost valueless” or “a child’s sixpenny story book” (Farringdon 93).

Nor was spectacular public execution abolished in Britain as soon as Foucault suggests.<sup>6</sup> It was in 1868, a hundred and more years after the execution of Robert-François Damiens, that William Calcraft, the infamous Victorian executioner, carried out “the last public hanging... that of Michael Barrett in front of Newgate jail” (Farringdon 157). In addition to being watched by thousands, the execution was reported in detail in *The Times*. The young Irishman met a terrible end, as Calcraft “used such short lengths of rope that his victims were always painfully strangled” (165). As for the spectacle, Calcraft’s first victim, in 1829, was a woman in a straitjacket: the crowd watching the hanging gave three cheers when she died (*ibidem*). Capital punishment was abolished in Great Britain in 1969, with the last person being hanged, not publicly, five years earlier (*ibidem*).

Even such cursory overview of the British penal history as this one, therefore, does not indicate the growing leniency and the non-corporal nature of the legal punishment throughout the nineteenth century. What it does reveal, however, is the coexistence of the distinctly modern with the pre-modern techniques of punishment, including the “art of causing unbearable sensations” (Foucault 11). Foucault’s proposition that “punishments ... lost some of their intensity, but at the cost of greater intervention” (75) should perhaps be read side by side with the comment of The Earl of Chichester, one of the commissioners in charge of superintending Pentonville Prison. In 1856, almost a hundred years after the public dismemberment of Damiens, the Earl explicitly called for “something external to afflict, *to break down his [the convict’s] spirit, some bodily suffering or distress of mind*” within the confines of the prison (Ignatieff 199, italics added).

And while the neo-Victorian novels under discussion do not negate the greater intervention, they certainly undermine the thesis on the loss of intensity in punishments. It is precisely this breaking down of the

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<sup>6</sup> At the beginning of *Discipline and Punish*, Foucault does mention that “England was one of the countries most loath to see the disappearance of the public execution” (14); the briefly mentioned insight, however, soon gets utterly lost in his grand narrative of the Europe-wide disappearance of spectacle in “the age of sobriety in punishment” (*ibidem*).

spirit, the intense, never-really-eliminated bodily suffering and distress of mind that the two neo-Victorian novels under discussion seize on, and render in graphic detail, undermining not only Foucault's "slackening of the [law's] hold on the body," but also the humanness and the reformative properties of imprisonment touted by the Victorian reformers and prison administrators.

"The prisoners," O'Connor laconically states, "had more to contend with than mere incarceration" (195). The "more" is elaborated in much greater detail in *Affinity*, but in O'Connor's novel the instances of imprisonment-specific mental and physical torture flash with great evocative power too: the slamming of the cell doors at night is linked, painfully, to the sound of the train preparing to leave the station (194) – reminding both the reader and the inmates that they are not going anywhere. After the lashing, Mulvey weeps in his cell, "his back and buttocks flaming with pain, the base of his spine a nub of pure agony" (196). The Governor's assistant, who delivers the speech about "the institution" that "only exist[s] to help" to a half-naked man on a leash, is characterized, memorably and chillingly, by "the gentle smile of the pedophile uncle" (194). This particular description sums up prison eloquently and economically, as the institution within which physical violations are committed under the guise of reformist gentleness. After all, it is the prison warder who rapes Mulvey, though only the prisoners' "natural appetites" are targeted for "quelling."

Additionally, while *Affinity* is much more vocal on the subject of panopticism, O'Connor, too, demonstrates that the internalized consciousness of surveillance is not to be mistaken for the permanent change of character and/or behaviour. For instance, Mulvey is conscious, while being whipped, that this "act of deepest love" is observed by the members of the Visiting Committee. Therefore, after he puts his clothes back on, Mulvey drags himself "to the warder who had flailed the flesh off him and [holds] out his hand in a gesture of thanks":

He knew the Governor and the Visiting Committee were watching from the gallery and he wanted to make an enduring impression. As he left the Correction Hall he passed directly beneath them, performing the sign of the cross as he did so. One of the visiting ladies was quietly weeping at the scene, as though the reformation she had just observed was somehow too much for her. (196)

Mulvey's "reformation" brought about through incarceration, enforced silence, rape and the semi-public whipping ends – how else? – with Mulvey bashing "what was left of his [the Scottish warder's] face with the rock" (202).

**“Damn you for gazing at me!”**

Foucault opens the chapter on panopticism in *Discipline and Punish* with the account of the seventeenth-century order detailing the organization of life and death in a plague-stricken town. The orders range from killing all stray animals, placing each street under surveillance of a syndic, to locking the citizens in their houses. Locked up, they have to answer when the syndic calls out their names every day, or, if the person has died, someone else, equally identifiable, has to report that person’s death (195–196). “Everyone locked up in his [sic!] cage, everyone at his window, answering to his name and showing himself when asked – it is the great review of the living and the dead” (196). The town besieged by plague, in which all human and non-human life, death and dying are organized in “a system of permanent registration” (196), where “[i]nspection functions ceaselessly” (195) and “[t]he gaze is alert everywhere” (195), quite obviously suggests the prison. But, Foucault insists, it is not merely the mechanism that is identical, but the ideological justification provided for it. What would otherwise be experienced as the unbearable suspension of rights and liberties – the “state of exception” allowing the person who attempts to leave the town to be killed immediately, and the locking up of the citizens under “perpetual threat of death” (207) – is justified, just like prisons will be, by its function, the medico-moral “registration of the pathological” (196) which serves the preservation of life.

In describing the municipal organization on which modern prison appears to have been modeled,<sup>7</sup> Foucault, crucially, remarks that this is an “exceptional disciplinary model: perfect, but *absolutely violent*” (207, italics added). However, instead of continuing to examine prisons as “absolutely violent” – which is what Waters and O’Connor do in their novels – from this account, Foucault goes on to discuss Jeremy Bentham’s Panopticon: Bentham’s famous “dream building” (205) is interpreted as another such disciplinary model, “the diagram of a mechanism of power” (205), which is “indefinitely generalizable” (216). To Foucault, it is Bentham’s proposal of the utilization of the architecture of surveillance and (in)visibility, rather than “absolute violence,” that is of crucial significance for understanding how power, as exemplified by the prison, functions in modernity. “All that is needed, then, is to place

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<sup>7</sup> The verb “appear” is used deliberately, for modern prison grew out of early modern workhouses, poorhouses and the Dutch *rasphuis* and *spinhuis* (see Melossi and Pavarini; Ignatieff; Speierenburg).

a supervisor in a central tower and to shut up in each cell a madman, a patient, a condemned man, a worker or a schoolboy” (200), as “the major effect of the Panopticon [is] to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power” (201). Later on, Foucault reiterates: “A real subjection is born mechanically from a fictitious relation. So *it is not necessary to use force to constrain the convict to good behavior*” (202, italics added). The outcome is a cost-effective, and force-free deployment of power, since “[h]e who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power ... he becomes the principle of his own subjection” (203). Relevant to our purpose here – examining the neo-Victorian novels’ depiction of prison as the space of physical punishment – Foucault adds, “it is a perpetual victory that avoids any physical confrontation” (203). Yet throughout this chapter in *Discipline and Punish* it is not clear whether Foucault is still talking about prison (or *at all*): while Bentham’s original “dream building” was a model prison, Foucault insists on it as a blueprint for disciplinary society. “Prison” thus becomes synonymous with “panoptic democracy,” or with what Foucault would later consider liberal governmentality. When placed side by side with the account of the prison life in the prison so closely associated with Bentham, *Affinity*’s Millbank, Foucault’s propositions are both confirmed and significantly problematized, especially his thesis that there is no physical confrontation, and no need for the application of force, in a building which “without any physical instrument other than architecture and geometry ... acts directly on individuals; it gives ‘power of mind over mind’” (206).

*Discipline and Punish* is constantly echoed in *Affinity*, and constantly supplemented. While Foucault insists on the disciplinary power of the (internalized) gaze, Waters, in contrast, offers “a great review” of the female prisoners, involving the reader in a counter-gaze, the one meant to inspire empathy and solidarity. The readers are invited to gaze, together with the Lady Visitor, on the inmates; to witness the spectacular torture to which the imprisoned women are subjected/the self-harm to which they are driven, and to witness the acts of revolt and subversion – the novel, after all, ends with prison escape(s), just like O’Connor’s Newgate chapter. The reader’s gaze is directed, also, to that “army of technicians [who] took over from the executioner ... warders, doctors, chaplains, psychiatrists, psychologists, educationalists” (Foucault 11): instead of reassuring us that the convict’s body is not the object of punitive action (*ibidem*), they are revealed to be as (casually) sadistic as O’Connor’s progressive Governor almost forty years earlier.

The echoes of *Discipline and Punish* are easily identified. When Mr Shillitoe, the Millbank warden, states that “we are quite a little city here! Quite self-sustaining. We should do very well, I always think, under a siege” (Waters 9), what is recalled is that seventeenth-century city besieged by plague with which Foucault opens the chapter on panopticism. Bentham’s and Foucault’s crucial notion of an inmate becoming “the principle of his own subjection” is evident in a Millbank matron’s comment that “[s]he could be blinded ... and still perform her duties” (18) – the gaze of the warder, as Foucault insisted, is not even necessary, what is needed for “the automatic functioning of power” is only the inmates’ awareness of such a gaze. Indeed, this is what “the longer servers” appear to demonstrate: “Had we a gaolful of such women, we might send our matrons home and let the convicts lock themselves up” (15). Yet as the novel continues, it becomes obvious that these inmates, “the quietest women in the gaol” (24), are the ones who have been broken by the sheer duration of the physical and mental suffering within the confines of the prison, which is not quite the same – is it? – as the successful internalization of the gaze and disciplinary self-regulation. Moreover, in *Discipline and Punish*, Foucault points out that guards themselves are subjected to inspection too (207) – as early as page 10, Margaret’s careful description of Miss Haxby’s room makes it clear that the matron’s room is yet another cell. The prison subjecting life not only to constant inspection but also documentation – the “constituting on them [the prisoners] a body of knowledge that is accumulated and centralized” (Foucault 231) – is noticeable in Millbank’s “Prisoners’ Characters Book” (17). Significantly, Margaret learns that she, too, has been “subject of reports” (213), which reinforces Foucauldian parallels between the prison and the modern panoptic society. Finally, Foucault’s “greater interventions” are captured perfectly by Mr Shillitoe referring to the inmates: “There they are: shut up, and brooding. Their tongues we still, their hands we may keep busy; but their hearts, Miss Prior, their wretched memories, their own low thoughts, their mean ambitions – these, we cannot guard” (12). Needless to say, these words are uttered with tangible regret; it is clear that the hearts (what Foucault would call soul) are the target – but alongside, not instead of, the inmates’ bodies.

But it is surveillance that is *Affinity*’s key thematic feature, as evidenced by the variations on the words “gaze,” “eyes,” and “looking,” which appear on almost every page. Indeed, from the first time Millbank appears in *Affinity*, it is inseparable from gaze and fear – but also women, who do not figure in *Discipline and Punish*. The intro-

ductory passage itself is a masterpiece of foreshadowing – as Margaret is “about to step across the grounds towards the prison proper” she pauses “a little to fuss with my skirts ... it is in lifting my eyes from my sweeping hem that I first see the pentagons of Millbank – and the nearness of them, and the suddenness of that gaze, makes them seem terrible. I look at them, and feel my heart beat hard, and I am afraid” (8). It is here that Waters’s departures from Foucault are subtly outlined for the rest of the novel: the insistence on gender; the psychological terror the prison causes; the depiction of prison as a “cruel and unusual punishment,” even before focusing on the instances of bodily suffering within its walls.<sup>8</sup> At the very end of the novel, Margaret’s assessment remains the same; yet again she emphasizes the disconcerting and punishing effect of the Millbank building, “the crushing weight of it” (286). This is not merely the impression of a clinically depressed woman: Henry Mayhew, in his 1862 *Criminal Prisons of London*, sees Millbank as “one of the most successful realizations, on a large scale, of the ugly in architecture, being an ungainly combination of the mad house with the fortress style of building ... its long-lines of embrasure-like windows are barred, after the fashion of Bedlam and St Luke’s” (Edwards 164).

From page 13 onwards, Margaret, moreover, consistently applies the adjective “queer” to Millbank. Contrary to Mark Llewellyn’s interpretation, her “seemingly unconsciously modern puns on the word ‘queer’” (Llewellyn 213) do not point only to Waters “questioning her own role as a modern lesbian author” (ibidem), but represent, also, attempts at defamiliarizing the reader on the subject of prisons. Too often taken for granted, as an inescapable fact of modern democracy, a prison is indeed something fantastic, “a queer and impressive sight” (13): a building in which human beings live out years in silence and (meaningless or actual) labor as a punishment, exposed and vulnerable not only to the gaze but also to all sorts of small and great pains and humiliations – reduced to “children” and, even more disconcertingly, “lambs.” Just like Rene Denfeld, Margaret sees the prison as belonging more to the realm of fantasy than reality: “Anything might be real, since Millbank is” (86). Yet through Margaret the reader is made aware, also, how easily some of the fantastic prison mechanisms are replicated in everyday life.

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<sup>8</sup> On the other hand, the phrase “prison proper” suggests, in line with Foucault, that the outside world, too, is (organized as) a prison (Foucault 233). This is what Margaret’s life, plagued by so many “experts in normality, who continue and multiply the functions of the judge” (228), exemplifies.

As already suggested, surveillance in *Affinity* – the multifaceted gazing at women – complements *Discipline and Punish* on the subject of gender, but class is not neglected either. While Foucault routinely genders the convict as male, Waters, in line with feminist legal scholars such as Valerie Kerruish and Carol Smart, reveals how assumptions of femininity shape both the sentences and the punishments which the Millbank women receive. The gender assumptions, moreover, are in *Affinity* consistently intersected with class, as throughout the nineteenth century “class war was largely fought out on the terrain of criminality” (Melossi and Pavarini 57). Significantly, class and femininity are revealed to be reinforcing one another with great inconsistencies. For instance, once married, Margaret’s sister, Pris, “will have many girls to manage” (69) in her new household at Marishes; the low-class female inmates are explicitly taught “modesty” inside the prison (11). The high-class “angel in the house” thus replicates the role of a profoundly unfeminine prison matron; conversely, the inmates are violently disciplined into (fragile, protectiveness-inspiring) femininity. While Samuel Leigh in *New Picture of London* (1820) brags about the newly opened Millbank’s female inmates (supervised, in a historical precedent, exclusively by the female guards), he unwittingly reveals violence and coercion at the root of femininity: “The demeanour, however, of the prisoners in the Penitentiary, is quiet and decorous . . . it has not been found necessary to have recourse to the assistance of any male officer *to enforce obedience*” (italics added).

Even more revealing is the list of crimes for which women get sent to Millbank. What the law and prison punish, apparently, are deviations from both gender and class expectations. Ellen Power is sentenced for running a “bawdy house” (38); Jane Hoy is child-murderer; Phoebe Jacobs is a thief, who also set fire to her cell. Deborah Griffiths, a pickpocket, ends up in Millbank for “spitting at the chaplain.” Jane Samson is a suicide (23); Agnes Nash, a coiner (106); Black-Eyed Sue, an abortionist (79). The law, therefore, punishes attempts to deprive Victorian patriarchy and capitalism of such labor as befits both specific class and gender – from performing modest femininity to staying alive and giving birth, securing, in both instances, the supply of cheap labor. Margaret is uncomfortably reminded of her own class privilege when the girl sentenced for attempted suicide is brought in; later on, she notices the polite care the prison doctor reserves for her – and this is “the man who refused poor Ellen Power her bed in infirmary” (250). Because of the doctor’s decision, Ellen Power, with only four months left to serve, will die.



Gazing at women, however, means something more in the novel in which the protagonists are lesbians. Thus, while sensitive and susceptible to the frightening impact of the Millbank gaze, Margaret also eroticizes the act of observation within the confines of the prison: “I put my fingers to the inspection slit, and then my eyes” (26); her desire, and her active participation in the prison escape plan, begin with the sight of Selina Dawes in her cell holding a violet, the flower traditionally associated with sapphism. Margaret’s eroticizing the gaze and surveillance is subversive in the context of heteronormativity and Victorian criminalization of homosexuality (Llewellyn); however, it is not necessarily subversive in relation to prison as a punitive institution, or in the context of class relations. Margaret, as a *Lady* Visitor, enjoys looking at low-class imprisoned Selina, spinning sensuous fantasies about the 19-year-old that utilize the gaze erotically – watching Selina drink chloral (112), for instance. It is as a *Lady* Visitor, moreover, that Margaret is offered to watch the newly-arrived inmates bathe (80). After the medium’s escape, Miss Ridley confronts Margaret on the subject of her class privilege: “You didn’t think our locks so hard – nor our matrons, perhaps – when they kept her neat and close, for you to gaze at!” (327). In addition to implicitly accusing Margaret of homosexuality (decriminalized in the UK, for men, as late as 1967),<sup>9</sup> these words point to

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<sup>9</sup> While male homosexuality was decriminalized in the twentieth century, in the nineteenth “homosexual behavior was punished on a scale never before witnessed in English law. Although homosexual offences were a tiny proportion of total crimes, they were nevertheless regarded as some of the most loathsome and serious” (Cocks 16). In *Nameless Offences: Homosexual Desire in the 19<sup>th</sup> Century* (2003), H. G. Cocks traces, inter alia, the evolution of the legal punishment of homosexuality, beginning with Henry VIII’s 1533 law outlawing “all forms of sodomy” (17), which, as Cocks explains, “was one of the few capital crimes to survive Peel’s reform of the death penalty during the 1820s” (23). The last persons executed for homosexuality were James Pratt and John Smith, who were hanged in Newgate, in 1835; “[b]etween 1806 (when reliable records begin) and 1900, over 8,000 men and one or two women were committed for trial in England and Wales” (25). While capital punishment was no longer carried out after 1835, the death penalty for homosexuality was not lifted until 1861. Even without the capital punishment, “soliciting was a misdemeanor in law punishable with no less than three years penal servitude” (71), the punishment which, in prisons like Millbank, could effectively mean death sentence. The brief respite throughout the relatively liberal 1860s, moreover, was followed by Labouchere’s notorious Amendment to the Criminal Law, or simply Clause 11, in 1885. The clause stipulated that “any male person who, in public or private, commits, or is party to the commission of, or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned

the further dehumanization of the exposed inmate: a sex object is still an object, regardless of how subversive non-normative sexual desire is in the context of (literally) compulsory heterosexuality. In this context, Phoebe Jacobs's "Damn you for gazing at me!" (181), directed at Margaret, and, by extension, the matrons and the "experts in normality," who all build their sexual fantasies and their systems of knowledge on gaze, is the only fitting reply.

But the key thesis of this paper is that the two neo-Victorian novels emphatically depict Victorian prison as the place of physical abuse instead of a step forward in the "humanization of punishment" and the concomitant "elimination of pain" from the sentence. Waters does not disappoint: in this respect, the novel reads as a catalogue of the types of abuse to which the Millbank inmates are subjected. As with O'Connor's chapter, the account is largely historically accurate, as the novel primarily relies on Henry Mayhew's *Criminal Prisons of London* for the depiction of the cells, the food, and the regimes of labor, instruction and punishment to which the inmates were exposed (Llewellyn 204). Thus, the readers learn that like O'Connor's Newgate in 1838, Millbank in 1874 is enforcing the "silent system," though without the leather masks. Isolating the inmate as much as physically possible is still the guiding principle, however. Leading Margaret through the prison, one of the matrons casually comments on the solidity of cells: "[A] double layer of brick between them ... stops a woman from calling to her neighbor" (20). The silence is enforced everywhere, including the

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for any term not exceeding two years, with or without hard labour" (Brady 85). It was this particular amendment that brought about the downfall of Oscar Wilde ten years later. The criminalization of male homosexuality, moreover, was not limited to Great Britain. "From 1860 onwards, the British Empire spread a specific set of legal codes and common law throughout its colonies including the prominent examples of the colonial criminal codes of India and Queensland, both of which specifically criminalized male-to-male sexual relations, though by long-term imprisonment rather than death" (Han and Mahoney 3).

Male homosexuality was legally punishable in Great Britain and in its colonies; "sexual relationships between women," on the other hand, "were not at this time publicly acknowledged to be possible, [and thus] they were not criminalized" (King 84), which is evident in the abovementioned discrepancy between 8,000 men and "one or two women" being tried for homosexuality. "Nevertheless," King continues, "the *Oxford English Dictionary* dates the first recorded use of the word 'lesbianism' as 1870, when A. J. Munby described it in his diary as 'equally loathsome' as sodomy" (85). Moreover, female homosexuality – variously classified as "inversion" or "insanity" – was the subject of intense medicalization throughout the nineteenth century (see Becalossi), and the medical-psychiatric treatment was not necessarily different from the one criminals were subjected to in prisons.

infirmiry. “There is a matron whose role it is to stand and watch them as they [the women] lie, and keep them from talking; and there are separate cells, and beds with straps, for the sick when they grow troublesome” (60). Just like O’Connor’s Governor’s assistant, who smiles as gently as a “pedophile uncle,” the beds with straps for the troublesome sick effectively comment on the humanness of the prison. Parading as a morality-restoring quarantine for the “infected,” the prison is always, openly, ready to apply (more) force and (more) physical violence – a profoundly un-Foucauldian insight which the chapter detailing Margret’s visit to “the dark cells” conveys even more forcefully.

Millbank, however, is depicted as brutal enough even without resorting to the straps and the “darks.” As the result of the enforced silence, Margaret notices, all the women who receive her as a Lady Visitor, are “stumbling over the words” (25). In a significant variation on the phrase, Margaret writes that Ellen Power, the oldest woman in Millbank, “stumbled over some common word of blessing” (39), elegantly conveying how sound the Quaker theory on silence is. Moreover, Margaret notices that “their [the inmates’] eyes are terribly dull” (25). But it is Selina’s words that explicitly call attention to “the total impoverishment of the individual” (Melossi and Pavarini 23) which takes place within the reforming confines of the Victorian prison:

“To have the matron’s eye,” she said, “forever on you – closer, closer than wax! To be forever in need of water and of soap. To forget words, common words, because your habits are so narrow you need only know a hundred hard phrases – stone, soup, comb, Bible, needle, dark, prisoner, walk, stand still, look sharp, look sharp! To lie sleepless – not as I should say you lie sleepless, in your bed with a fire by it, with your family and your – your servants, close about you. But to lie aching with cold – to hear a woman shrieking in a cell two floors below, because she has the nightmares, or the drunkard’s horrors, or is new, and screams because – because she cannot believe that they have taken her hair off and put her in a room, and locked the door on her!” (48–49)

As opposed to Bentham’s and Foucault’s thesis, constant surveillance in prison, therefore, does not produce the self-regulatory awareness in the inmate, but submits her to intense psychological torture which results in nervous breakdowns – for which the inmate is further punished by “the darks.”

Yet in *Affinity* Millbank is the site of physical suffering, too, which marks “the body of the condemned” as much as Foucault’s spectacular pre-modern corporal/capital punishment. Millbank, after all, as Mayhew points out, was particularly notorious for its death rate: “[A]t

Millbank there are nearly seven times as many deaths in the year as at Brixton, and more than three times as many as at the Hulks” (Mayhew).<sup>10</sup> A historical person, Henry Horror, was twenty-four when he went to Millbank for stealing a horse. Just like Edward Andrews, he died a non-criminal death inside the prison, simply by being exposed to it: in an official report, his body was described as “a skeleton presenting nothing but skin and bone” (Lordan). In *Affinity*, Susan Pilling, having spent only seven months at Millbank, is believed by Margaret to be “two or three years short of forty” (21) – but she learns, to her great shock, that Susan is only “twenty-two” (ibidem). “Black-eyed Sue” offers another striking example of the body marked by physical pain, as the girl is easily recognizable by “a dirty bandage upon her face.” Margaret explains: “She had not been in her cell three weeks before she tried, in her despair or madness, to put out one of her dark eyes with her dinner-knife; her matron said the eye was pierced and she is blind in it” (206). Unsurprisingly, spectacular self-harm, voicing the despair and terror which the inmates condemned to silence experience daily – voicing the “revolts, at the level of the body, against the very body of prison” (Foucault 30) – is quite frequent in Millbank. Through Margaret, Waters catalogues not only the forms it takes, but also the punishing indifference and rationalization with which it is met by the “restrained” technicians who have replaced the executioner:

When I spoke to the infirmary matron a little later, she told me that the prisoners will “try any sort of trick” to get themselves admitted to her ward. “They will fake fits,” she said. “They will swallow glass if they can get it, to bring on bleeding. They will try and hang themselves, if they think they will be found in time and taken down.” She said there had been two or three at least, who

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<sup>10</sup> Also, “more than twice as many cases of illness, in proportion to the prison population, occur among the convicts as at Pentonville in the course of the year; ten times as many as at the Hulks; and no less than nineteen times as many as at Brixton” (Mayhew). Both the contemporary commentators and historians agree that the primary reason for this was Millbank’s being erected on the marshy terrain. *The Morning Chronicle*, for instance, in 1823 commented on Millbank as the seat of illness. “The two chief sources of disease, incident to man, are marsh-miasmata and human effluvia. In the Penitentiary these sources are not only combined but concentrated. It is seated in a marsh, beneath the bed of the river, through which the vapours from stagnant water are constantly exhaling” (Lordan). Bad air – i.e. constant stench – in combination with inadequate food, cold, and water that was drawn directly from the Thames, resulted in regular, and deadly, outbreaks of cholera, typhoid, and scurvy inside the Millbank walls (Lemon and Daniel).

had attempted that and misjudged it, and so been choked. She said that was a very hard thing. She said a woman would do that out of boredom; or for the sake of joining her pal, if she knew her pal was in the infirmary already; or else she might do it, “purely to create a little stir with herself at its centre.” (61)<sup>11</sup>

Less spectacularly, but still punitively, the women are allowed to wash twice a month (22); they never receive back the same set of clothes from the laundry (39); the food is inadequate both in quality and quantity (35) to the extent that some inmates try to capture and eat the beetles pestering their cells (163); the lung-destroying work in the prison laundry is coveted precisely because “the launderers are allowed a better diet than the regulars ... [and they] sometimes talk” (105). There is a general lack of sunlight, too, which in addition to having adverse psychological effects on the inmates, results in “cells [being] as cold as larders” (206).

Yet “the heart of Millbank” lies in the dark cells and the “Chain-room” with its “well-oiled” (179) implements and devices for restraining and torturing the body specifically. In the very heart of a modern, supposedly pain-free prison, they convey the always-present potential for a return to the pre-modern physical punishment – thus belying Foucault’s thesis on “an orderly shift from physical punishment to imprisonment at the end of the seventeenth century” (Spierenburg). Though it is again tempting to invoke neo-Victorian pornography and dismiss both the “darks” and the “Chain room” as the products of the late twentieth-century imagination projecting sadistic fantasies onto the past, both are actually described in detail in Mayhew’s *Criminal Prisons of London* – the journalist especially comments on the “brilliance” of the exposed chains, including “little baby handcuffs, as small in compass as a girl’s bracelet, and about twenty times as heavy.” As for “the darks,” in addition to Mayhew’s testimony, there are material remains. Millbank was demolished in 1890, and the location is now occupied by Tate Britain. “In the 1980s when the Tate’s gallery’s *Clore* wing was being built, remains of underground cells were found” (Lordan). In 1875, moreover, Arthur

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<sup>11</sup> Margaret’s interpretation is radically different: “I think of all the women there, upon the dark wards of the prison; but where they should be silent, and still, they are restless and pacing their cells. They are looking for ropes to tie about their own throats. They are sharpening knives to cut their flesh with. Jane Jarvis, the prostitute, is calling to White, two floors below her; and Dawes is murmuring the queer verses of the wards” (71). The dominant image is the restlessness of a female body in need, in isolation, in a cage, finding in self-harm and physical pain a temporary (or permanent) reprieve from an overwhelming desire for freedom – this, needless to say, being Margaret’s own life as well.

Griffiths, the deputy governor of the penitentiary, commented that there was “more stuff below ground than above at Millbank” (Edwards 160). Griffiths was alluding to the celebrated concrete raft which allowed the last in the line of Millbank architects, Robert Smirke, to solve the recurrent problem of the marshy ground due to which the prison kept sinking – but with this innovative structure, the architect unwittingly created additional spaces of punishment below ground.

In Mayhew’s chapter on Millbank, the journalist is taken to the dark cells by the warder; he describes them as located “in the basement of pentagon 5,” resembling “a wine-cellar, and having the same fungus smell as belongs to any underground place.” Mayhew continues: “The place is intensely dark – the candle throws a faint yellow glare on the walls for a few paces round; but it is impossible to see clearly to the end even of the cell we are in,” with the warder confirming, easily, that “no dungeon was ever so dark as it is.” The warder also reveals that the darks, while holding men, are primarily reserved for women – “We had a lot of women down here for disorderly conduct once. We couldn’t keep them up stairs” – and that the effects of the stay in such a place are well known to all involved. “The men are visited in the dark cells every hour ... for a man might hang himself up, or be sick.”

And while Mayhew also describes a padded cell (in F ward), in *Affinity*, it is to the dark cells that the inmate who experiences a nervous breakdown – a “breaking-out” (177) – is sent: a few days in utter darkness and in isolation, in a straitjacket, just like Edward Andrews or Calcraft’s first victim, or in hobbles. The effect of the hobbles, the total immobilization of the inmate’s body, is highlighted: “[A] woman in this must rest quite upon her knees, and a matron must feed her her supper from a spoon. They soon tire of that and grow meek again” (180). Fed as children, and taken care of as lambs:<sup>12</sup> these similes do not only convey the inmates’ loss of (bodily) autonomy, but also unmask the violence involved in the treatment of children and animals as well – the violence which is, in all three cases, all too easily sugarcoated via discourses of care. As Ellen Power puts it, talking about Mrs Jelf: “She is kind to us all,’ she said. ‘She is the kindest matron in the gaol.’ She shook her head. ‘Poor lady! She ain’t been here long enough to learn proper Millbank ways” (161). The insight that *Affinity* leaves the

<sup>12</sup> Throughout the novel, the female inmates are consistently infantilized (44, 99, 162) and connected with lambs (24, 80). But, Miss Ridley declares, “lambs must be ate” (327). As she is the representative warder, her mutton-scented breath (328) suggests that the ultimate prison function is not reform, not even punishment, but the devouring of animalized lives and bodies confined within it.

reader with, the truth that is lived by the inmate's body, is that there is not – nor can there be – anything kind about Millbank or the Millbank warders, doctors, teachers, and even the unhappy Lady Visitors.

### **“[T]he queer reminders Millbank has thrown at me today”: Conclusion**

As opposed to Foucault's claims of the nineteenth-century's growing “leniency in punishment” embodied in the supposedly non-corporal prison sentence – the claims which are supported by his reliance on the eighteenth and nineteenth-century “fiction of reform ... [according to which] the prisoner's suffering is mainly spiritual” (Smith) – in both *Star of the Sea* and *Affinity* the Victorian prison emerges not (only) as an architectural and organizational blueprint for the disciplinary society, but (also) as the space of physical and mental torture, and the “cruel and unusual” punishments, only seemingly at odds with the new form of power which abstains from the “murderous splendor” of the past (Foucault, “Right of Death” 266). The neo-Victorian novels under discussion in this paper, together with the history of Victorian penology and the historical documents on which they rely, tell a story which differs from the one offered by *Discipline and Punish*: that of prison as the “rigorously closed” (Foucault 207) space which nonetheless offers high-class Visiting Committee and Lady Visitors (eroticized) spectacles of corporal punishment and humiliation; prison as the space of systemic and interpersonal abuse, self-harm, and suicide; prison which further fortifies (heteronormative) gender assumptions and, especially, class divisions by being instrumentalized to punish and maintain poverty; prison that is, politically, closer to Agamben's “state of exception” than Foucault's modern panoptic democracy, where the warden is indeed the pre-modern sovereign wielding absolute power over the bodies of the condemned. The condemned, too, are much closer to “hominess sacri” than “disciplinary individuals” – the deaths of historical Edward Andrews, Henry Harmor and countless others, just like the death of fictional Ellen Power, were never treated as crime.<sup>13</sup>

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<sup>13</sup> Foucault himself, while building on Baltard's “complete and austere institutions,” characterizes the prison as a “despotic discipline” as it “gives almost total power over the prisoners; it has its internal mechanisms of repression and punishment” (236). This insight, which suggests that prison is quite pre-modern in its application of power, however, is abandoned the moment it is formulated, as Foucault chooses rather to pursue the parallels between prisons and modern democracies as “societ[ies] of



Crucially, the abuse targeting the body along with “the soul” in nineteenth-century prisons, depicted by Waters’s and O’Connor’s novels, is not an anomaly, nor is it merely an expression of the notorious Victorian hypocrisy. On the contrary, Victorian prison as the (new) space of punishment and terror exemplifies precisely “the systematized unmaking of bodies and persons [which is] endemic to modernity, not the sign of its incompleteness” (Cherniavsky 71). Detailing this unmaking, especially in intersection with class, gender and sexuality, O’Connor and Waters contribute significantly to the neo-Victorian continuing examination of (post)modernity, and point to the historical research which offers a necessary corrective on *Discipline and Punish*. While Foucault is not wrong to see the abstract mechanism of the reformists’ ideal prison replicated in the social organization in modernity, this is certainly not the only context in which it is possible to examine and interpret specific prisons. As Caleb Smith points out, the twenty-first century histories of imprisonment in particular “have tended to set aside the term ‘penitentiary,’ with its reformist and religious connotations, in favor of ‘prison,’ emphasizing that the object of critique is not a machine for remaking subjects but a scene of abjection, dehumanization, and death” (Burgett and Hendler 198). It is precisely prison as the scene of abjection, dehumanization, and death that emerges, also, from O’Connor’s and Waters’s neo-Victorian fictional depiction of the “age of sobriety in punishment” (Foucault 14).

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surveillance” (217). At this point, it has to be noted that the paper comments on *Discipline and Punish* only: three years prior to its publication, Foucault offered a much different perspective on prisons. In the famous conversation with Gilles Deleuze in 1972, Foucault recognized in prison “the most frenzied manifestation of power imaginable”; the institution itself was seen as “the only place where power is manifested in its naked state, in its most excessive form,” characterized by “brutal tyranny” (Foucault, *Language* 210) – thus very far from the relative modesty of the modern power.

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## Kritično k popustljivosti in panopticismu: viktorski zapor v neoviktorski prozi ter v *Nadzorovanju in kaznovanju*

Ključne besede: literatura in družba / angleška književnost / irska književnost / O'Connor, Joseph / Waters, Sarah / viktorska doba / Foucault, Michel / telo / kaznovanje / zapor

Članek analizira romana *Morska zvezda* Josepha O'Connora (2002) in *Naklonjenost* Sarah Waters (1999) v sklopu prikaza viktorskega zapora – nasproti Foucaultu – kot prostora telesnega kaznovanja in mučenja. Romana in članek viktorski zapor umeščajo v diskurze 19. stoletja, ki že predvidevajo napredovanje, izboljšanje oziroma spreminjanje zapornika, a obenem poudarjajo tudi kaznovalne in sadistične vidike teh naglo rastočih ustanov. S podrobno prostorsko organizacijo, arhitektoniko nadzorovanja in medosebno dinamiko moči med pazniki in priprtimi *Morska zvezda* in *Naklonjenost* vzpostavljata distanco do domnevne humanosti zaporne kazni kot netelesnega, reformirane in reformirajočega tipa kaznovanja ter tako kot *Nadzorovanje in kaznovanje* zavračata hvalospev tedanji zakonodaji. A romana poleg tega problematizirata tudi Foucaultovo pojmovanje zapora kot modela disciplinarnih družb. V sklicevanju na sodobne raziskave viktorske penologije in zaporov ter na poročila o zaporniškem življenju iz 19. stoletja romana demonstrirata, da je obsojence in državljane bolj kot ponotranjena zavest o nadzorovanju discipliniralo monopolizirano nasilje zaporov oziroma grožnja z njim.

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