

The Medieval Prison: A Social History

Review Number:

805

Publish date:

Wednesday, 30 September, 2009

Author:

G. Geltner

ISBN:

9780691135335

Date of Publication:

2008

Price:

£20.95

Pages:

197pp.

Publisher:

Princeton University Press

Place of Publication:

Princeton, NJ

Reviewer:

Jonathan Rose

Although this book is not very long (109 pages, not counting appendices and index), it might be characterized in multiple ways. First, it is important, making a valuable addition to the literature on medieval prisons. Interestingly, medieval prisons have not attracted a great deal of scholarly attention. It is not clear why this is so since a closely related subject, medieval criminal law, has attracted the interest of social historians and, to a lesser extent, legal historians.⁽¹⁾ Moreover, prisoners represent a type of outsider or 'other', a favorite topic of more recent post-modern scholars. Ralph Pugh and Jean Dunbabin have produced seminal works on which the book draws; and more recently Richard Ireland and others have explored this subject.⁽²⁾ Geltner's substantial archival research has produced a detailed study of the prisons of Siena, Venice, Florence, and Bologna. As a result, he has contributed important work to an understudied subject that merits greater attention.

The book is also, in two very different ways, an eclectic work of scholarship. First, although the book's primary focus is medieval prisons it is not entirely historical and intersperses discussions of modern prisons and penal practices as well as other non-historical subjects. There are references to more modern prisons and penal theory, starting with the Enlightenment and Bentham and continuing through Marxism in the 19th century, and Foucault and others in the 20th century. The second way in which this work is eclectic is in its multi-disciplinary nature, and use of modern social and political theories and ideas to analyze medieval social history.

Finally, it is a very ambitious book. Having studying these Italian prisons, Geltner articulates some broad conclusions about the social history of European medieval prisons, their nature, purpose, and effect.. To understand his objectives further requires a detailed description of his book.

In the introduction (pp. 1–10), Geltner sets out in detail his objectives and conclusions, which appear repeatedly throughout the book. In general, his social history portrays medieval prisons quite generously and positively. He begins this history by focusing on the emergence of urban prisons in the Italian city states and throughout western Europe. His thesis is that constructing prisons ‘at the city center reflected a broad shift in contemporary attitudes toward social marginals, namely from expulsion to containment ... Here local governments developed mechanisms for maintaining social order in a new key’ (p. 1). Revealing a changed objective from eradicating deviancy to containing and controlling it produces ‘an increasing nuanced understanding of social control in the late thirteenth and fourteenth centuries’ (p. 5). One recurrent theme is that the prison’s urban location meant that prisons were ‘semi-exclusive’ and consequently ‘semi-inclusive’ institutions. As such, the prisoners were not totally excluded from urban life and thus, despite their incarceration, they retained some social identity and were not ‘liminal’ people (p. 4). He includes ‘municipally run prisons’ with other ‘marginalizing’ institutions such as ‘leper houses, brothels, hospitals, and Jewish quarters’ as an ‘equally ubiquitous expression[s] of such attitudes toward social control’ (pp. 2–3). This goal of incarceration was ‘unprecedented prior to the mid-thirteenth century’ (p. 3). The book’s ‘major object’ is the ‘untold ... story of the many and varied local facilities – a necessary step toward a well-grounded regional portrait’ (p. 3). Moreover, the construction of these prisons and the development of new policies of social control by city states reflected the rise and importance of municipal government in the transition from a polycentric oligarchy to a centralized communal regime, a process commonly dubbed ‘from tower to palazzo’ (p. 1). The Prologue’s anecdote about the rescue of prisoners from Florence’s Le Stinche’s prison during a 1333 flood reflected that urban prison was a ‘central site for the negotiation of civic identity, secular jurisdiction, and popular charity’ (p. xviii).

He identifies three contributions of the book: 1) it fills the ‘Italian lacuna’ in the history of medieval prisons; 2) it augments ‘the traditional historiography of the prison with anthropological, urbanistic, and sociological perspectives’; and 3) ‘in grounding arguments about the history of the prison in documents of practice rather than by recourse to prescriptive texts, the traditional norm, the book demonstrates ‘that the birth of the prison was more than a legal development; it was a ‘a sign of advancing civilization’ (p. 3).⁽³⁾ In setting forth his rather benign, even benevolent and altruistic, view of medieval prisons, he posits that the advent of these prisons and punitive incarceration need to be understood in the contemporary societal and cultural context (pp. 3–4). He asserts that prisons were a ‘complex and contingent creation’ where politics interacted with architecture and religious imagination. These ‘new attitudes toward social marginals’ evidenced an advancing civilization in which a ‘reorganization of urban space’ superceded the traditional legal view that ‘abhorred punitive incarceration’. These medieval prisons were ‘constituents of the urban landscape and proud symbols of a hard-won independence’. They contributed to the achievement of municipal security, legal efficiency, and commercial expediency. Their existence and operation reflected changing attitudes toward the ‘other’, namely a shift from ejecting to containing deviants. These prisons revealed a new era in the history of punishment and ‘epitomized an increasingly complicated attitude ... toward indexing the social “in” and “out”’.

He concludes this portion of the introduction by articulating the book’s guiding goals (pp. 4–5). The first is to identify and describe the processes by which ‘medieval society developed the practices of punitive imprisonment, mostly against the grain of contemporary jurisprudence’. This goal entails understanding the essential contemporary ‘social and physical environment’ and the constituent elements of its ‘political thinking’ such as justice, sovereignty, and citizenship. The second goal is to present ‘a living image of medieval imprisonment by focusing on the various persons comprising the human fabric of these institutions and the relations among them’. Thus, this study of medieval prisons ‘illuminates the so-called persecuting mentality of late-medieval society from a fresh perspective.’ The remainder of the introduction (pp. 6–10) reviews the prior scholarship on European prisons and penology.

The next three chapters examine various aspects of prisons to support and explain the ideas, contributions, and goals set out in the Introduction. Chapter one, 'Italian prisons: three profiles' (pp. 11–27), consists of case studies of the prisons of Venice, Florence, and Bologna and lays the groundwork on which the book is based. These studies use archival records to detail factual information about these three prisons, which reveals considerable diversity, offering 'a kaleidoscope rather than a unified picture' (p. 27). Nevertheless, the process in each city exhibited a 'common chronology,' which produced prisons in urban centers with regulations governing various aspects of prison operations and a growing inmate population. Notably, 'there was a budding activity – individual, institutional, civic, and ecclesiastical designed to improve the prisoner's welfare' (p. 27). This unprecedented 'intense activity', representing a significant departure from past practices, 'shaped the penal and administrative practice of prisons well into the modern era' (p. 27).

Chapter two, 'Aspects of imprisonment', (pp. 28–56) examines the foundation and maintenance of medieval prisons from four perspectives: urban development, administration, finance, and law. It draws on the previous discussion of the Florence, Venice, and Bologna prisons, but adds information from the Sienna prison as well as other prisons in Italy, France, and England. The urban development perspective links the construction of prisons to 'the explosion of civic architecture and urban planning during the communal era'. These prisons were a '*sine qua non* of urban space ... and civic pride' (p. 28). They reflected a 'transformation of public space ... contemporary political attitudes, affirming "local hegemony", "reified dissonance", and "the importance of civic charity"' (p. 32). More generally, this prison architecture marked the genesis of the physical and administrative aspects of modern prisons – staff organization and regulations, record-keeping, oversight, and various types of personnel. The finance and economy discussion focuses on prison income and expenses. Income derived from fines and debt collection as well as fees, a common subject in the medieval prison literature. One important fee, *agevolatura*, was to ameliorate daily prison life and was the most substantial source of income. Although municipalities did not view prisons as source of profit, the income was lower than expected due to the growing number of poor prisoners. Like much legal history, the book's legal perspective focuses on actual practice rather than formal texts such as statutes. This description of the 'law in action' as opposed to the 'law in the books' shows, as other medieval scholarship has, that incarceration was often punitive and coercive rather than custodial, despite the longstanding jurisprudential and religious objections to such punishment. A primary explanation for this development was that debt was the most common ground for incarceration. The increase of poor prisoners meant they remained in prison unable to pay their debts and fines, a form of practical and indirect punishment. In addition, imprisonment for certain offenses evidenced formal and *de jure* punishment. As a result, punitive incarceration became increasingly common in Italy and elsewhere. Geltner concludes by asserting that changed legal procedures made prisons more conspicuous and, therefore, 'living symbols of a revolutionary political era and of a new public theater of law'. All this again reflected the 'tower to palazzo' process and 'the conversion of public spaces to suit the ideological and practical needs of centralized communal regimes' and the development of prison administration as one of several processes 'devised to address the demands of mercantile culture' (p. 55).

Chapter three, 'Prison life' (pp. 56–81), details the road to prison, starting with arrest, and continuing with first night, prison wards, order and dissonance of daily prison life, the influence of the outside world, and the end point: death, escape or release. Geltner again reiterates a rather benevolent view of medieval prisons, contrasting them to modern ones. The former were, 'if not pleasant ... a tolerable place, by medieval and certainly by modern standards'. Drawing on modern penal theory, he asserts that 'the visibility and accessibility of medieval inmates helped mitigate a tension between social rehabilitation and social destruction, again asserting that medieval prisons and prisoners were neither 'liminal spaces' nor 'liminal people' (p. 57–8). He notes that division of prisons into wards according to the wealth, status, gender, health and, to a lesser extent, the gravity of the offense was a new practice that responded to a diverse prison population and the need for security and recognition of social norms. Wards provided order and hierarchy and assimilated legal and socioeconomic classification systems. He finds that violence was reduced, although impossible to eliminate totally. Geltner argues further that the centrality of the prison's urban location and its visibility and accessibility also caused medieval life outside the walls to permeate prison life.

Again he emphasizes the prison's 'semi-inclusive nature' and that the absence of 'social seclusion' had a positive effect by virtue of the 'strong daily ties' with various types of connected outsiders (p. 74). With regard to the three possible ends to incarceration, the author says death rates were low and escapes uncommon. Most prisoners left prison after paying their debt or fine or completing their sentence; and some were released as an act of charity pursuant to religious practices (pp. 74–80). Geltner concludes by repeating his rather positive view of medieval prisons. Although they were 'unpleasant', they were 'far from intolerable', 'not hellholes', and not 'dumping grounds for dissidents'. The medieval prisoner's major danger 'was a spiraling debt, not physical survival in an ultraviolent cage' (p. 80). They 'operated as spatial and temporal extensions of urban life, connecting free society back to itself' (p. 81).

Although first three chapters were linked to each other and the major themes set out in the introduction are clear, the relevance of chapter four, 'The prison as place and metaphor', is more doubtful. It seems more like a separate and tangential essay whose connection to social history is at least ambiguous. The thrust of this chapter is religious and literary, juxtaposing prison and purgatory. The specific topics of discussion are 'Early imaginaries: martyrdom, monasticism, and purgation', 'Excursus: jail-breaking saints', 'From purgation to purgatory: God's great prison' and 'This world and the next: the urban prison'. He concludes this chapter, noting that the 'meaning of imprisonment was in the eye of the beholder', with no 'single unified understanding [nor] reigning interpretation'. He asserts that the novelty, ubiquity, and location of these new urban spaces as well as the continuing social ties between those inside and outside them resulted in contemporary 'preoccupation with these prisons'. Not only were they not 'a place of shame', in contrast to modern prisons, they were a 'public site for celebrating or protesting against the regime, for promoting charity, and for negotiating or challenging the social order' (pp. 98–9). Although this chapter is interesting, its contribution and relevance to the main themes of the book are unclear.

The book's conclusion, "'Marginalizing" Institutions, Instituting Marginality', emphasizes the emergence of municipal prisons as a late 13th-century, not a modern, development and contrasts the invisibility and monstrous nature of modern prison. Geltner challenges the traditional view that medieval prisons were 'savagely cruel and not punitive' (pp. 100–1). But the conclusion reveals the breadth and ambitious nature of the author's thesis, arguing that what he has asserted regarding medieval prisons has 'wider implications for the study of medieval society', and identifying three central premises regarding premodern prisons. First, their use of 'punitive incarceration' is linked to the development of modern prisons as a vehicle for implementing the penology of the modern state. Second, punitive incarceration was well known to 'medieval law and jurists', despite conflicting with contemporary attitudes. Third, the image of the medieval prison as 'hellhole', as viewed by both medieval and modern commentators, 'is simply untenable'. He believes that these notions challenge 'a progressive or ameliorist understanding (even in theory) of modern prisons and penology. In sum, life in prison for most prisoners was 'typically a more coercive version of life at large' (pp. 101–2).

To understand these broader implications of the development of medieval prisons, Geltner turns to the literature on the formation of institutions as a response to social problems and the work of the historians of premodern institutions. Prisons, like other urban institutions, contributed to the 'reification of social marginality' and reflected 'a drive to accentuate order over social sanitation and underscore[d] a preference of regulated interaction over social destruction' (pp. 104–5). As such, prisons existed in 'the landscape of social marginality' as 'political symbols of political or ... religious authority'. Segregating those whose beliefs or conduct conflicted with contemporary norms 'regimented and tolerated' but did not reject prisoners, 'contain[ing], maintain[ing], and even protect[ing] urban marginals and minorities' as opposed to 'conceal[ing], banish[ing], or destroy[ing] them' (pp. 106–7). Thus, these Italian prisons, like other medieval urban institutions, revealed 'a significant shift in contemporary practices of social control', 'a rough tolerance' toward social marginals, including criminals', and facilitated 'the extension, rather than the contraction, of civic life' (p. 108). In conclusion, these prisons and their manner of operation 'meant that urban marginals could constructively engage in surrounding society, rather than be suffocated or outcast' and 'normalized and accepted marginality' (p. 108).

Judging the author's success requires an examination at two levels. First is the book's contribution to filling

‘the Italian lacuna’.(4) In that respect, the work is successful. Geltner provides considerable data about these prisons and, therefore, a very good picture of their founding, administration, and inmates. Moreover, he shows how imprisonment was often punitive not just custodial, as scholars have found was true in other medieval prisons. As is traditional in good historical scholarship, the author has engaged in the time consuming and difficult task of archival research. In doing so, he has produced informative and well-documented scholarship on Italian medieval prisons and made a valuable contribution to this understudied and important historical subject.

It is less clear, however, whether his broader and more ambitious goals have been achieved. Whether he has augmented ‘the traditional historiography of the prison with anthropological, urbanistic, and sociological perspectives’ is not clear. Nor is it evident that his research provides a basis for his assertions about medieval prisons outside of these Italian city states nor for his linkage of the development of modern prisons to these medieval origins. In both cases, the problem is a factual one.

The construction of these prisons within the urban space of these Italian city states provides a foundation for several separate and interrelated arguments. It is related to medieval urban planning and the increased importance of municipal government. It reflected a new approach to social control and the treatment of marginal and deviant people, seen also in other urban located institutions. The visibility and accessibility of the prisoners partially integrated them with those in the outside world. It also made their daily life tolerable and their treatment often charitable and beneficial although often coercive as well. Some aspects of these ideas draw some support from contemporary and modern commentators, especially Dunbabin. But other ones do not have the kind of support found in primary sources to provide the requisite underpinning. Geltner’s assertions are theories, both plausible and interesting, but such theories need factual support. Similarly, the extension of his findings and assertions to prisons outside these Italian cities needs more factual support from data regarding other medieval prisons. In fact, the picture he paints does not seem consistent with what scholars have said about English prisons. Moreover, it is doubtful whether the conditions in London’s Newgate and Ludgate prisons could be characterized as ‘tolerable’ or evidencing new more positive attitudes toward social control.(5) Such is also the case with his linkage between these medieval prisons and modern ones. Although Geltner is to be commended for using the perspectives of other disciplines as a source of new scholarly approaches and ideas, in the end a social history, like any history, must be grounded in contemporary factual data. Nevertheless, Gartner’s theories suggest new avenues for further exploration by medieval scholars.

Notes

1. This interest has included Italy. Trevor Dean, *Crime and Justice in Late Medieval Italy* (2007).[Back to \(1\)](#)
2. Ralph Pugh, *Imprisonment in Medieval England* (Cambridge, 1968); Jean Dunbabin, *Captivity and Imprisonment in Medieval Europe, 1000–1300* (New York, 2002); Richard Ireland, ‘Theory and practice with the medieval prison’, *American Journal of Legal History*, 31, 1 (1987), 56–67.[Back to \(2\)](#)
3. His quotation is from Frederick Pollock and Frederic W. Maitland, *The History of English Law Before the Time of Edward I* (Cambridge, 1898). Pollock & Maitland’s point is more limited – that punitive imprisonment was an advance over an older revenge based society, which would have regarded imprisonment as ‘useless’. *Ibid*, p. 516.[Back to \(3\)](#)
4. His use of the word ‘lacuna’ probably overstates the gap in scholarly literature as Dunbabin has numerous references to the prisons in these four Italian cities.[Back to \(4\)](#)
5. Margery Bassett, *Newgate Prison in the Middle Ages*, *Speculum*, 18 (1943) 233–46.[Back to \(5\)](#)

Other reviews:

oxford journals

<http://ehr.oxfordjournals.org/content/CXXV/512/153.full> [2]

Source URL: <http://www.history.ac.uk/reviews/review/805>

Links

[1] <http://www.history.ac.uk/reviews/item/3787>

[2] <http://ehr.oxfordjournals.org/content/CXXV/512/153.full>