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Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System in the United States and its Application to France: The Complete Text*. Translated by Emily Katherine Ferkaluk. New York: Palgrave Macmillan, 2018. vii + 343 pp. Appendices, index, and table of contents. \$34.99 U.S. (pb). ISBN 978-3-030-09993-0.

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When Alexis de Tocqueville swore an oath of allegiance to his new monarch, Louis-Philippe I, on 16 August 1830, he did so in agony, confessing to his future wife, Mary Mottley, that he was “at war” with himself.[1] The experience was humbling. Tocqueville felt dishonoured in the face of family and friends. His pride was, as he wrote, “wounded by the idea that others might think that ambition made [him] act against his convictions.” Swearing loyalty to Louis-Philippe resulted in Tocqueville’s ostracism from society life and the salons of Saint-Louis and Notre-Dame, but it did not dispel the suspicion in which he was held, as a known legitimist, by the new regime. For Tocqueville and his close friend and fellow magistrate, Gustave de Beaumont, prospects looked grim; their futures hung in the balance. This led them to a fateful decision: to leave France and remain abroad until suspicions and hatreds waned. Their voluntary exile was to America. It would last just under a year, from April 1831 until March 1832. And it would take on a significance that neither could have ever imagined. America made Tocqueville and Beaumont famous. Their observations of the young republic ensued in a series of literary triumphs. Beaumont’s novel *Marie ou de l’esclavage aux États-Unis* (1835) proved a fantastic success, paving the way to his famous *L’Irlande sociale, politique et religieuse* (1839). And Tocqueville’s *De la démocratie en Amérique* (1835 and 1840) was hailed as a masterpiece, the nineteenth-century version of Montesquieu’s *De l’esprit des lois*. [2] If ever there was an example of triumph over adversity this was it. The success of *Marie* and *De la démocratie en Amérique* was no flash in the pan, but the brilliance of both works and their enduring legacy eclipsed their first collaboration on prisons.

This work was hailed at the time of its publication and for many decades after as one of the most definitive studies of its kind. It attracted the attention of legislators and social reformers throughout Europe and America for at least two decades. Today, that work is hardly known, let alone read. *Du système pénitentiaire aux États-Unis et son application en France suivi d’un appendice sur les colonies pénales et de notes statistiques* appeared in January 1833. Its intellectual and methodological rigour were outstanding, its impact immediate. Within months of its publication it was awarded the prestigious Monthyon Prize by the Academy of Moral and Political Sciences and translated into English by Francis Lieber and German by the leading physician and penal reformer Niklaus Heinrich Julius. [3] It ran to three editions, with the

second and third editions appearing in 1836 and 1845. The success of *Du système pénitentiaire aux États-Unis* was no matter of chance. As prosecuting magistrates, Tocqueville and Beaumont were well placed to undertake an investigation of penitentiaries, houses of correction, and penal colonies. But their suitability for any such study was seriously enhanced by the sheer volume of reading and number of investigations they undertook before and after travelling to America. Tocqueville's older cousin, the baron Félix Le Peletier d'Aunay, provided the young investigators with a wealth of books and official documents. They read nearly every work in French and English on prisons, from Étienne Dumont's translation of Bentham's *Théorie des peines et récompenses* (1811), Thomas Buxton's *Notes on the Prisons of Switzerland and on others of the European Continent* (1820), to Edward Livingston's writings and those of France's Inspector General of Prisons, Charles Lucas, particularly his famous *Du système pénitentiaire en Europe et aux États-Unis* (1828). They drew on the latest statistical and public health research, including Louis Villermé's 1820 *Des prisons telles qu'elles sont et telles qu'elles devraient être par rapport à l'hygiène, la morale et à l'économie*, Alexandre Parent-Duchâtelet's path-breaking statistical studies, and André Guerry's *Essai sur la statistique morale de la France* (1832). They employed innovative interview techniques when meeting with prison wardens, prison guards, prisoners, and members of prison reforming societies during their visits to prisons in the United States, France, and Switzerland. The fact that *Du système pénitentiaire aux États-Unis* was the first example of a comparative study using American data compiled by Europeans was an important factor in ensuring the success, and enduring legacy, of that work.

But with only an eleven-month absence from France, their return to a country that was still deeply divided and whose monarch could not impose his authority fully until 1834-5 did not bode well for either their rehabilitation or success. As if to prove the point, their request to the Minister of the Interior for an interview went unacknowledged. Despite the enormous lengths to which they drew on the latest research, employed the latest investigative methods, digested the conclusions of a whole library on penal law and prison reform, Tocqueville and Beaumont could not be confident their work would have the impact they hoped for. Nothing could be left to chance. They called on their friend Jules Antoine Taschereau (1801-1874) to help. His role in contributing to the success of *Du système pénitentiaire aux États-Unis* was critical yet has been sadly neglected. A close friend of Beaumont and Tocqueville, Taschereau had made a reputation for himself for having at the tender age of twenty-two written *Histoire de la vie et des ouvrages de Molière* (1825). His standing as a leading literary authority was sealed in 1829 with his *Histoire de la vie et des ouvrages de Corneille* and his edition of the Grimm-Diderot correspondence (1829-30). As the member of a distinguished family with a long political history, Taschereau became deputy of Indre-et-Loire in his mid-twenties and used that position to help Henri Fournier (1800-1888) establish his publishing house in Paris. Fournier, a student of, and apprentice to, one of France's leading printers and publishers from 1818 to 1824, Firmin Didot, made his own reputation with the publication of his *Traité de la Typographie* (1825), which would serve as the definitive French typographical manual for most of the nineteenth century. The Taschereau-Firmin connection was crucial, I believe, to Beaumont and Tocqueville both as prison investigators and later as authors in their own right. Taschereau's literary successes and his role as a deputy with an interest in criminal justice and penal reform—he put his name to Charles Lucas's important *Observations et pétition aux deux Chambres pour l'abolition de la peine de mort* (1829)—made him the ideal person and point of contact between Beaumont and Tocqueville and this far from commonplace publisher. Fournier's editions of Voltaire, Rousseau, Walter Scott, and his friendship with Paris's other great publisher Charles Gosselin—a friendship that in 1836 became a business partnership—sealed Tocqueville and

Beaumont's success by providing them with the publishing platform they needed. Great care was taken in the publication of *Du système pénitentiaire aux États-Unis*. The text was accompanied by a wealth of tables, statistics, and lithographs of Beaumont's drawings of prisons and prison plans by Nicolas Delaunois (Honoré Daumier's lithographer). The triumph of *Du système pénitentiaire aux États-Unis* and Fournier's friendship and partnership with Charles Gosselin meant that when Tocqueville was ready to publish *De la démocratie en Amérique*, and Beaumont *Marie*, Gosselin was waiting. This "big wheel" in Parisian publishing, according to André Jardin^[4]—though as publisher to Balzac, Lamartine and of other leading political, social, historical, and economic thinkers, from Michel Chevalier (1806-1879) to Pierre Leroux and Jean Reynaud and their monumental *Encyclopédie Nouvelle*, Gosselin was a much bigger wheel than Jardin imagined— would give these young authors an even more elevated publishing platform than Fournier's prestigious press.

The intellectual and methodological rigour that guaranteed the success of *Du système pénitentiaire aux États-Unis* communicated a brilliance that defined *Democracy in America*. *Du système pénitentiaire aux États-Unis* was no mere "secondary concern" or a "prelude" to what was to come. It was an investigative work on a par with any of the nineteenth century's great studies, from the works of Villermé to Quetelet.

At a time when the penitentiary systems in the United States and the United Kingdom are in crisis there has never been a more opportune moment to re-read Tocqueville and Beaumont's study. Emily Katherine Ferkaluk's timely translation of *Du système pénitentiaire* is therefore welcome. As Ferkaluk notes, Tocqueville and Beaumont's main argument was to show how, within a democratic polity, citizens were "capable of rightly caring for issues such as crime or poverty through civic institutions, rather than through a centralized government" (p. xx). The stress on voluntarism, the signal feature of the kind of associative life that made for a free democracy, was one of the noteworthy arguments of *Du système pénitentiaire*, and later of *Democracy in America*. The intimate relation between American penitentiaries and the communities of which they were a part was, at the time Tocqueville and Beaumont observed them, instructive to the French. Ferkaluk makes this point in her introduction when she observes that "Practically, *On the Penitentiary System* acts as an educative tool for the French public. The work counteracts the influence of publicists over the French public and gives tools to the public to empower itself to take on the responsibility of penal reform" (p. xx). She goes on to make the bold claim that "*On the Penitentiary System* teaches citizens how to think in terms of a new, moderate political science" (p. xx). It might have been instructive to the French by providing one of the most systematic investigations of the prisons systems of the United States and Switzerland, systems that were widely believed to be the most enlightened in the world, and it challenged the idea of the malleability of human character, and the fundamental reforming power of prison, yet it is a stretch to assert both that "publicists" had a hold over the literate and franchised French public, and that *On the Penitentiary System* gave to that public the "tools" to "empower itself". These assertions are dubious. Ferkaluk's use of "publicists" in this context gives a false impression of the nature and influence of prison reforming opinion in France. Whilst Tocqueville and Beaumont were highly critical of what they loosely called "publicists" and "philanthropists"—catch-all categories uncharacteristic of the text's overall methodological and conceptual rigour that encompassed figures such as Jeremy Bentham—they were all too conscious that prison reform was a fiercely debated question with many, and many sharply divided, opinions. The "publicists" that Ferkaluk refers to in her introduction were in fact leading jurists, medical doctors, architects, and physiologists. Her use of vocabulary such as

“publicists,” “tools,” and “empowerment” is more in tune with twenty-first-century sensibilities.

So might *On the Penitentiary System* be instructive to us in the twenty-first century? No doubt. The work’s principal message was that for a prison system to punish and “reform” criminals, to make criminals into obedient and productive members of society, it needed the whole of a community to participate in that process of individual transformation. Convicts needed to be subject to forms of punishment that were dignified and humane—it was for this reason that Tocqueville and Beaumont sided with the system of solitary confinement employed at the Eastern State Penitentiary rather than the system of corporal punishment used at Auburn. Once prisoners’ terms were complete they needed to be integrated fully into the community, something that required them to be treated with dignity and respect. This involved, among other measures, being integrated into a labour market of gainful and meaningful employment. What Tocqueville and Beaumont showed was when prisons were integrated into their communities in this rigorous way crime and reoffending rates were significantly lower than in those communities whose prisons focused solely on punishment. Can this lesson be brought to bear on today’s prison regimes? If the record of the last decades is anything to go by then this seems doubtful. My principal worry is that the message of *On the Penitentiary System*, and the rich and dynamic associative culture its heeding would entail, has been, and will continue to be, reduced to a rhetoric of “public empowerment” to “take on the responsibility of penal reform” that disguises a deeper political agenda. The dynamic and transformative associative life described in *On the Penitentiary System* has been reduced by far too many policy makers to a shallow language in which the “voluntary” sector—read “private” and for profit—is better able to replace the state in providing better “care in the community” and “prisons that work,” when the evidence shows otherwise.

These concerns are touched on in Ferkaluk’s introduction, but only in passing. And it is a pity she does not deal with these issues more thoroughly. The same is true of the wider eighteenth- and nineteenth-century context in which *On the Penitentiary System* sits. In the eleven-page introduction to this work, the reader gets little sense of just how advanced prison reform was in eighteenth- and nineteenth-century America, how prisons such as Philadelphia’s Eastern State Penitentiary were the pride of their communities and the envy of the world, with European investigators such as La Rochefoucauld-Liancourt travelling to America to study them, and many more European travellers taking time to visit them. It is hard to imagine this happening today. Nor does the introduction illuminate just how complex and wide-ranging the debate on penal reform was in France, the rest of Europe, and America itself. One is never told what distinguished the Philadelphia System from that at Auburn, New York. Nor is one made fully aware of just how thorough and innovative *On the Penitentiary System* was, or of its importance to and impact on debates in France, Europe and America. The work’s significance did not escape its English and German translators. Not only did Francis Lieber and Niklaus Julius translate *On the Penitentiary System* within months of its publication (Lieber’s translation was arranged to appear at the same time as the original), they used the work to present in lengthy introductions, and notes, their own opinions on penal reform. Ferkaluk helpfully indicates throughout the whole of this work where the Lieber translation departs from the original. But it is regrettable that she does not follow the *Oeuvres complètes* and include the prefaces from the 1836 and 1845 editions, or those reports, texts and letters Tocqueville wrote throughout the 1830s and 40s. Nor does she include reprints of the original lithographs, which were so essential to the original text. Despite such reservations, Ferkaluk’s aim to furnish the first literal English translation of a work that established Tocqueville and Beaumont’s reputations

as leading international prison investigators will contribute to a deeper appreciation of the depth and reach of the intellectual engagement that defined *Democracy in America*.

NOTES

[1] Alexis de Tocqueville, *Correspondance familiale*, in *Oeuvres complètes*, Tome XIV. Éditée et établie par Jean-Louis Benoît et André Jardin. Préface de Jean-Louis Benoît. (Paris: Gallimard, 1998), 377.

[2] For a good short and clear introduction to both authors' works see Andreas Hess, *Tocqueville and Beaumont: Aristocratic Liberalism in Democratic Times* (Basingstoke: Palgrave Macmillan, 2018).

[3] G. de Beaumont and A. de Tocqueville, *On the Penitentiary System in the United States and its Application in France; with an Appendix on Penal Colonies, and also, Statistical Notes*. Translated from the French with an Introduction, Notes, and Additions by Francis Lieber. (Philadelphia: Carey, Lea & Blanchard, 1833); G. v. Beaumont und A. v. Tocqueville, *Amerikas Besserungs-System und dessen Anwendung auf Europa: mit einem Anhang über Straf-Ansiedelungen und zwei und zwanzig Beilagen*. Von Dr N.H. Julius. (Berlin: Verlag von Theod. Chr. Friedr. Enslin, 1833).

[4] André Jardin, *Tocqueville: A Biography*, trans. Lydia Davis with Robert Hemenway (New York: Farrar, Straus and Giroux, 1988), 284.

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