The McConachy Clan

# ALEXANDER MACONACHIE

## 'A REFORMER OF THE PENAL SYSTEM GLOBALLY'

*by John V. Barry*

**Alexander Maconochie** *(1787-1860)*, naval officer, geographer, and penal reformer, was born on 11 February 1787 at Edinburgh, the son of Alexander M'Konochie *(the son adopted the present spelling in 1832)* who was a legal agent and in 1791 succeeded Adam Smith on the Board of Customs for Scotland.
Brought up by a kinsman, Allan Maconochie, Lord Meadowbank, he received some legal training, but in 1803 entered the navy as a first-class volunteer, becoming a midshipman in 1804. He was on active service during the Napoleonic wars, and in 1810 was a lieutenant on the brig *Grasshopper* when it ran aground and surrendered to the Dutch.
Handed over to the French, Maconochie was held prisoner of war at Verdun until Napoleon's abdication in 1814. He re-joined the navy and saw active service in the war against the United States at the capture of Washington and the assaults on New Orleans.
After being in command of two vessels as a lieutenant-commander, he was paid off in 1815 and placed on the reserve list. In 1855 he was retired from the navy with the rank of captain.

Between 1815 and 1828 he lived in Edinburgh, where in 1822 he married Mary Hutton-Browne. Seven children, of whom two girls and four boys survived, were born of the union.
Maconochie had not visited the Pacific Ocean, but he was interested in its countries, and in 1818 published *A Summary View of the Statistics and Existing Commerce of the Principal Shores of the Pacific Ocean, etc*. *(London)*. About 1828 he settled in London with his family. He was one of the founders and the first secretary of the Royal Geographical Society in 1830, and in 1833 became the first professor of geography at the University of London.

In 1836, as private secretary to his friend, Lieutenant-Governor Sir John Franklin, Maconochie left England for Hobart Town. This appointment was intended to lead to a more important position in the administration of the colony, but the plan miscarried. He was soon in conflict with John Montagu.
Maconochie wrote a *Report on the State of Prison Discipline in Van Diemen's Land ... (London, 1838)*, at the request of the English Society for the Improvement of Prison Discipline, and with the approval of the British authorities.
It was sent by Franklin *(who was aware that it was condemnatory of the system)* to the Colonial Office, which transmitted it to the Home Office. With accompanying documents, it was published as a parliamentary paper and used by the Molesworth committee on transportation *(1837-38)*. There is no justification for criticisms levelled at Maconochie over the publication of this report, but the storm it aroused in Hobart left Franklin with little alternative but to dismiss him.
Maconochie claimed then, and often thereafter, that he arrived in Van Diemen's Land with no preconceptions against the convict system and no acquaintance with penological theories. This was true but, though he seems to have forgotten it, it is also true that in his 1818 work, *A Summary View*, he had formulated several propositions about 'penal science' in a discussion of the penal colony of New South Wales.
Although some of these were contrary to the views, he advanced from 1837 onwards, two remained always basic in his proposals: punishment should not be vindictively conceived but should aim at the reform of the convict, and a convict's sentence should be indeterminate, with release depending not on the lapse of time but on his own industry and exertions during incarceration. R. Gerard Ward considers this discussion in *A Summary View* scarcely enough to invalidate Maconochie's assertion that before his arrival in Van Diemen's Land he had ***'not previously studied the subject of punishment'***.

At the suggestion of the Molesworth committee Maconochie was appointed superintendent of the penal settlement at Norfolk Island and took up his duties in March 1840. Recalled by the Colonial Office he left

the island in February 1844. During that period, he formulated and applied most of the principles on which modern penology is based.
Contrary to what is often asserted, the period of his administration was peaceful; on an unexpected visit to the island in March 1843 Governor Sir George Gipps found ***'good order everywhere to prevail'*** *(Historical Records of Australia, series 1, vol 22, p 617)*.
Two grave happenings are sometimes held against Maconochie; one, an attempted seizure by convicts of the brig *Governor Phillip* in June 1842, resulting in six deaths and four executions, was not ascribable to any fault of his but to the carelessness of those in charge of the ship; and the other, a revolt which led to the execution of thirteen convicts, occurred in July 1846, more than two years after he had given up command. His claims that a high percentage of the convicts he discharged from the island did not offend again seem well founded.

Maconochie's notions of ***'penal science'*** rested on the beliefs that cruelty debases both victim and the society inflicting it, and that punishment for crime should not be vindictive but designed to strengthen a prisoner's desire and capacity to observe social constraints.
Criminal punishments of imprisonment should consist of task and not time sentences; instead of being sentenced to a fixed period of imprisonment, an offender should be sentenced to be imprisoned until he had performed an ascertainable period of labour, which should be measured by the number of ***'marks of commendation'*** he earned, the scale of marks being devised to encourage habits of industry and frugality.

A sentence should be served in progressive stages, one of which involved membership of a working party where each was held responsible for the conduct of the others. Cruel punishments and degrading conditions should not be imposed, and convicts should not be deprived of self-respect. Although his proposals were commonly derided, they were favourably regarded by James Backhouse and George Washington Walker, and by (Sir) Alfred Stephen.
Maconochie returned to England in 1844, but though officially it was insisted that the recall was in no sense unfavourable to his character *(HRA (1), vol 22, 691)*, there was no disposition in the Colonial Office to employ him.

Charles Dickens thought well of his system and recommended it to Angela Burdett-Coutts, though he was mistaken in asserting *(E. Johnson, ed., Letters from Charles Dickens to Angela Burdett-Coutts, 103)* that Maconochie was appointed in 1847 to carry out his own proposal for using convict labour to construct a harbour at Weymouth.

Maconochie expounded his theories in many pamphlets, and in 1846 he published ***Crime and Punishment, The Mark System, Framed to Mix Persuasion with Punishment,*** *and* ***Make Their Effect Improving, Yet Their Operation Severe***, which has exercised an immense influence on the development of penology.
In 1849, through the good offices of his friend Matthew Davenport Hill, Q.C., recorder of Birmingham, he became governor of the new prison at Birmingham. He was unjustly dismissed in 1851, and in 1854 a Royal Commission, appointed because of the suicide of three young prisoners, which occurred after his dismissal, strongly censured his successor, Lieutenant Austin, and, while conceding Maconochie's humanity and benevolence, criticized him for resorting to illegal punishments.
The events leading to the Royal Commission are the subject of Charles Reade's novel, ***It's Never Too Late to Mend*** *(1856)*, in which Maconochie appears briefly as ***'Captain O'Connor'***. After dismissal he underwent a grave illness, but despite impaired health he continued to campaign for penal reform until his death at Morden, Surrey, on 25 October 1860.

Maconochie was a **pioneer in penal reform** and suffered the fate of men in advance of their times. His concepts and many of his practical measures are now the basis of Western penal systems, and they were

largely adopted in the ***Declaration of Principles*** at Cincinnati, United States of America, in 1870, embodying the fundamentals of modern penology.

His contributions as a geographer before 1836 were, according to R. Gerard Ward, ***'far ahead of those of most of his contemporaries'.***