

Tony Taylor



CHANGING THE PRISON SYSTEM

THE 2011 QUAKER LECTURE

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Changing the Prison System

Introduction

Our prison system is immoral, anachronistic, financially bloated, repressive, and blind to humanitarian practices that have borne fruit in other countries in the so-called 'developed' world. It is trumpeted only by those who have a political agenda in pursuit of power, regardless of the various costs to the community and the exchequer. It is indeed overdue for a thorough shake-up.

The case for penal reform has several fronts, any one of which, or any combination, should be sufficient to motivate listeners and readers to challenge the status quo. To quote Quaker William Charles Braithwaite, 'Evils which have struck their roots deep in the fabric of human society are often accepted, even by the best minds, as part of the providential ordering of life. They lurk unsuspected in the system of things until [people] of keen vision and heroic heart drag them into the light, or until their insolent power visibly threatens human welfare' (*Quaker Faith and Practice*, 1995, entry 23.05). Well might the community declare 'enough is enough'.

The present lecture will justify these assertions with material that is readily available. After giving some background to Quaker beliefs and history, it will trace the influence of Britain and the United States on the development of the New Zealand prison system (much of which has not been beneficial), and reflect the continuing tension between the enlightened and the repressive forces. It will pay tribute to the work of pioneer penal reformers, inspirational judges who offered leads, outstanding penal administrators and politicians who broke new ground for a time, and Commissions of Inquiry whose perceptive reports gather dust on the shelves.

Indeed, the present sorry state of affairs points to the need for a Penal Commission of wise people, acting free of political interference, with power to rectify matters. The hope is that such a Commission would restore the spirit of enlightenment and adopt best practice to emphasise the rehabilitation of offenders, lessen the impact of prison on families of prisoners, respect the needs of primary victims of crime, and make economic sense.

Quaker beliefs and history

Quakers believe that there is that of God in everyone. The belief induces them to promote the welfare of all people, regardless of social standing and behaviour. It obliges them as individuals, members of their Monthly Meeting, and of Yearly Meeting as a whole*, without being sanctimonious, to do what they can when they can to help the disadvantaged and those who for any reason have suffered a setback or who have transgressed. They are driven by the testimonies of truth, peace, equality, and social justice. Their aim is to create the conditions necessary for the good life in which individual happiness and social harmony will prevail. They consider it immoral to continue to promote a prison system that fails to fulfil its long-term objectives – the protection of the community through the rehabilitation of offenders.

Quakers also have had more than a passing acquaintance with prisons since they became a religious society in Britain in the mid-17th century. At one time more than 4,000 were imprisoned for preaching unorthodox beliefs (Hatton, 2007, p.203). Some were tortured, many died in prison, and others were transported to the Caribbean. The

* Quakers have a minimal organisational structure, basing themselves on monthly regional meetings for business and yearly national meetings. They have no clergy, but require all of their members to take responsibility for their regular meetings for worship. They aim not to be entangled in theological disputes, but by their deeds to exemplify essential Christian and universal values

founder George Fox (1624–1691) was described as ‘the classic resister ... [and] almost an habitu  of the courts of his day’ (*Livingstone Parker, 1905, p. vi*).

For the most part Fox overlooked the foul prison conditions to focus on the bigger issue of spiritual liberation from autocratic political rule and religious intolerance.¹ Similarly, aristocratic Quaker William Penn (1644-1718) did not focus on captivity during his nine months in the more salubrious surroundings of the Tower of London, but he challenged the scriptural basis of many church practices and made plans to create an agreeable society that would give expression to the spirit.² Other Quakers offered themselves as substitutes so their Friends ‘that were in prison might go forth and not perish in the stinking dungeons and gaols’ (Hatton, 2007, pp. 177, 180, & 182). They also petitioned the Council of State and then Parliament about the persecution and death of their men and women in prisons. Once they gained religious toleration, a number made prison reform their personal expression of social concern. In the 20th century, first-hand experience of imprisonment from being conscientious objectors against military service led some to champion prison reform.

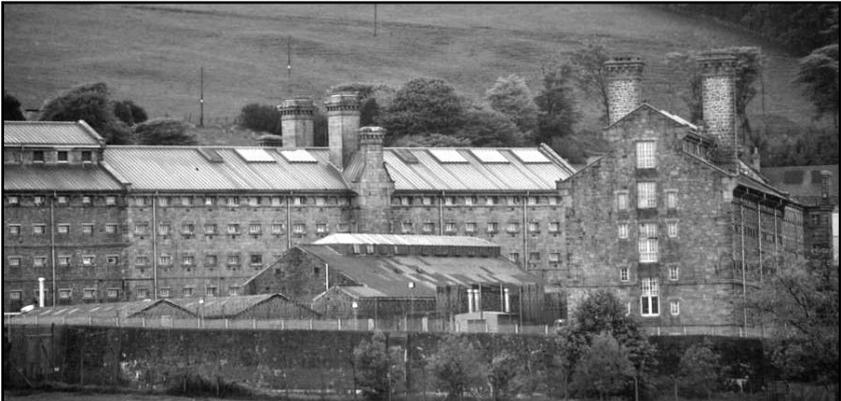
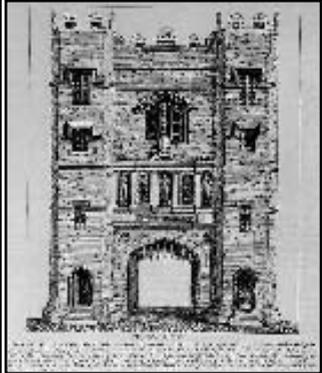
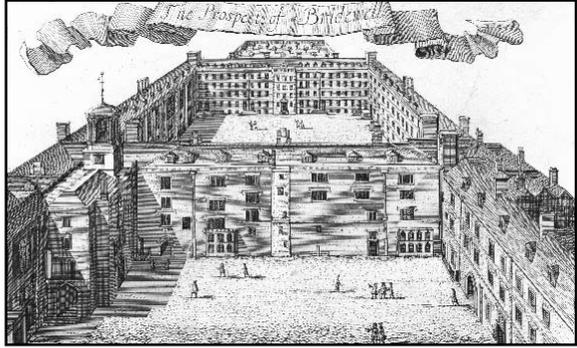
Pioneer Quaker prison reformers

The starvation and suffering of prisoners in the Walnut Street Penitentiary in Philadelphia (an institution built in 1773) led John Wistar to form the Philadelphia Society for Assisting Distressed Prisoners. In 1790, it pressed the legislature to segregate the worst offenders from other prisoners into a new unit with 16 individual cells, and to pay the staff and give them a modicum of training. The authorities went further to build the Eastern State Penitentiary to separate all prisoners and impose a totally silent system for their management.³

In 1811, Frenchman Stephen Grellet (Seebohm 1861 pp 169-171)

visited Britain from his temporary refuge in America, and alerted Elizabeth Fry to the plight of prisoners in London's notorious Newgate prison (Seebohm, 1861, pp.169-171)⁴. Afterwards, he extended his concern to prisons throughout Europe. Previously Elizabeth Fry had directed her humanitarian concerns towards educating and helping the poor; inspired by Grellet, she became an ardent activist for improving the lot of prisoners individually and collectively. Individually, she taught needlework skills to women facing transportation to help them earn a respectable living on arrival in Australia. Collectively, she campaigned on their behalf for the introduction of religious instruction in prison, the classification and employment of prisoners of both sexes, and for the appointment of women as warders exclusively in charge of women. Like William Penn and the legendary humanitarian John Howard before her, Elizabeth Fry thought prisoners should work in groups under proper supervision by day, and have their meals and recreation together, but be separated at night. She also opposed the doctrine of solitary confinement, saying that 'man is a social being and not designed for a life of seclusion'. On that matter, she was unlike William Tallach who was said to have put too much stress on retribution and too little on rehabilitation.⁵ With William Allen (1846), she also rejuvenated a campaign for law reform, and managed to get separate quarters for women and children in prison mandated under the *Gaols Act* of 1823. Like Howard, Grellet and Allen, she embarked on journeys throughout Europe to improve prison conditions.

William Allen was a manufacturing chemist and philanthropist whom the inveterate anti-slavery campaigner Thomas Clarkson called his 'most influential friend and collaborator and the greatest man in Europe'. The two men joined forces again in 1808 to support the 'Society for the Dissemination of Information on Capital Punishment with a view to Diminish their Frequency'. Allen also happened to be the Clerk of London Quaker Meeting at the time, and in that capacity, he signed one of two Travelling Minutes in support of the missionary endeavours of James Backhouse and George Washington Walker to the



Clockwise from top left: Elizabeth Fry; Bridewell House of Correction; Old Newgate Prison; Dartmoor Prison; Parkhurst Prison for Juvenile Offenders.

penal colony of Van Diemen's Land.⁶ The other Travelling Minute was from the Quaker Meeting in York to which Backhouse and Walker belonged, and its signatories included four members of the Tuke family whose forebear in 1794 had initiated the use of moral restraint in the newly built York Quaker Retreat for the Insane.⁷ By the time the two missionaries left Britain, the humane methods William Tuke had used to replace mechanical restraints were percolating slowly through the country's mental hospitals, and they had begun to attract the attention of prison reformers.⁸

Yet from the middle of the 19th century, there was no improvement in prison conditions in Britain, apart from a centralisation of bureaucratic control under the mean-spirited Edmund Du Cane.⁹ He made Pentonville prison in London the prototype for many others to impose segregation, unproductive labour, and absolute silence on the inmates. Eventually, in response to public agitation, the British Government established the well-known Gladstone Committee of Inquiry into the management of prisons.

In its voluminous report of 721 pages of findings, minutes of evidence, and appendices (*Report of the Departmental Committee on Prisons, 1895*), the Gladstone Committee castigated the existing prison system for its exclusive emphasis on deterrence as the principle for reducing crime and reforming criminals. It found that solitary confinement led to 'moral and mental deterioration', and concluded that 'while the centralisation of authority has been a complete success in the direction of uniformity, discipline, and economy... it carried... some inevitable disadvantages... [The] prisoners [are] treated too much as a hopeless or worthless element of the community, and the moral as well as the legal responsibility of the prison authorities has been held to cease when they pass outside the prison gates... The moral condition in which a large number of prisoners leave the prison, and the number of re-committals have led us to think that there is ample cause for a searching inquiry into the main features of prison life' (ibid, p.7).

About the same time, Oscar Wilde made the point more poignantly in the *Ballad of Reading Gaol*, which includes these lines:

All that we know who lie in gaol
Is that the wall is strong;
And that each day is like a year.
A year whose days are long.
The vilest deeds like poison-weeds
Bloom well in prison air:
It is only what is good in Man
That wastes and withers there:
Pale Anguish keeps the heavy gate.

Oscar Wilde's imprisonment caused a public outcry. In response, Home Secretary Winston Churchill (1874-1965) in the short-lived Liberal Government, embarked on an ambitious programme of penal reform that promised to reduce the annual intake of prisoners by 50,000.

Having been briefly a prisoner of the Boers in the South African War, and currently influenced by 'the ideological tensions that characterised Edwardian thinking about criminal justice' (Bailey, 1985), he expressed his sentiment to the House of Commons in the following oft-quoted passage:

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country.

Parliament was unmoved, and it put the Prison Commissioners under no pressure to implement the recommendations of the Gladstone Committee.¹⁰ In the 1920s Commissioner-Chairman Ruggles-Brice did manage to replace imprisonment for adolescents with a scheme of borstal training (albeit one that did not live up to its promise), and in the next decade Alexander Paterson introduced 'prisons without bars' for responsive offenders imprisoned for the first time. But otherwise the British prison system lumbered on, with prisoners striking sporadically to draw attention to the archaic system to which they were subject, and public-spirited groups giving support from time to time.

In 1922, Quaker Stephen Hobhouse¹¹ and Fenner Brockway published

what seems to have been the first comprehensive report on the effects of incarceration. They were motivated by personal experience from having been imprisoned for conscientious objection in World War I. No doubt inspired by one of Hobhouse's aunts (the indefatigable social researcher Beatrice Webb), they sought additional data from questionnaires, interviews, and evidence from prison officials, agents involved with discharged prisoners, visiting magistrates, and ex-prisoners. They also visited prisons in the United States and reported on their findings. Their aim was:

to make clear what [prisons] signify to the prisoners who are confined in them, to the staff who administer them, and not least, to the society which they are supposed to protect (Hobhouse & Brockway, 1922, p. 18).

Accordingly, they catalogued the features of the whole prison system as seen through the eyes of articulate and idealistic observers.¹² As a result, their composite report highlighted the boredom, brutality, degradation, humiliation, and injustice of the British prison system of the day, and drew attention to the destructive features of the strictly imposed silent system that virtually repressed human discourse.

As for their visit to prisons in the United States, Hobhouse and Brockway found much to admire and much to deplore, saying:

One comes away from an examination of the better prisons and reformatories of North America with an impression of outstanding personalities, leaders of men and women grappling with their problems with initiative and enterprise' (ibid, p.653)... The lesson of this short study [is that unless] a prison is curative and makes a man better, so that when he goes out he will see things from a different standpoint, it has no more right to exist than a hospital which would maim and cripple its patients and send them out a greater burden on the community than when admitted' (ibid, p. 699).

Margery Fry (1874-1958) comes next. Unlike her illustrious forebear Elizabeth (who had married a cousin of her great-grandfather), Margery was primarily an educational administrator, and in her private life more involved at the organisational and legislative level with the Howard League for Penal Reform, Parliament, the Home Office, and

the League on Nations, than with providing a personal service for prisoners. As a lay Magistrate, she was influential in bringing about Juvenile Courts in Britain. She also promoted the scientific study of delinquency and the training of social caseworkers and probation officers, and campaigned for the abolition of capital punishment. In 1953, after being robbed in the street, she proposed a scheme for compensating victims who were less well off than herself. Twenty-one years later, her proposal led to the creation of the Criminal Injuries Compensation Board in Britain that some other countries have copied.

Finally, Tim Newell (2000/2007) is a Quaker who retained his humanitarian ideals and translated many of them into action as governor of the special Grendon-Underwood prison near Oxford. He worked with offenders determined to try to restructure their lives, and he selected and trained staff in group psychotherapy to help prisoners gain, or regain, their self-respect as law-abiding citizens. While appreciating the hurdles prisoners faced, he retained a belief that all but a small minority of the most hardened could lead better lives.

As a whole, however, the British prison system continued to languish. In April 1990, the worst prison riot occurred at Strangeways Prison (later renamed Manchester Prison). An official inquiry led to a far-reaching set of recommendations about the need for substantial improvement in the design and management of prisons to reflect the purpose and principles of custody, care, and justice (cf. *Prison Disturbances April 1990* – the ‘Woolf Report’). This time Parliament was seized with the need to comply. Subsequently, successive governments attempted to translate the essentials of that Report into the day-to-day running of prisons. Suffice to say, the belated focus on human rights and values in the treatment of prisoners clashed with conventional beliefs about the importance of retributive punishment.

At this point, the authorities turned to criminologist Alison Liebling (2004; 2010) for assistance. She responded with a study of the main

value dimensions of prison life, derived from sensitive interviews with staff and prisoners in several types of institution. In a rare and scholarly study of such subjective phenomena, she found fairness, order, safety, well-being, personal development, and decency to be of paramount importance in differentiating 'good' prisons from 'bad'. She went on to demonstrate a significant empirical link between the moral tone of prisons and the levels of psychological distress, anxiety, depression, and suicide among their prisoners. While making no claims to have resolved the moral problem of imprisonment, she claimed quite modestly to have 'shed some light on the prison's nature, its dangers, and its moral emotional and properties' (Liebling, 2004, p.492). Her pioneering work touched the core of the prison as a community of people with conflicting functions, and it has begun to command wider attention. Now the challenge for the authorities is to foster the good values she exposed, and eliminate the others.¹³

Penal reformers in the United States

If the progress Quakers in Britain made for penal reform was unspectacular, at least they made some headway as compared to their fellows in the United States. There, frustration made them increasingly strident, as State and Federal administrations created a 'prison-industrial complex' of state-supported vengeance for use against prisoners. As in Britain, the country had a few shining examples of good prison governors and Commissions of Inquiry whose influence had long since faded. Among them, Thomas Mott Osborne (1859-1926), Mary B. Harris (1874-1957), and Howard Gill (1890-1989) come to mind, as also does the Wickersham Commission of 1931. Their work deserves consideration before it is lost completely, and, being an achievement of non-Quakers, it illustrates that no single group has the monopoly in matters of penal reform.

Osborne (1916) arranged his admission as an inmate to Auburn prison for a week to gain experience before taking over as Chairman

of New York State Penal Commission. He found that the apparent object in prison was to seek 'the least common denominator – the lowest common plane upon which you can treat everyone alike, college graduate and Bowery tough, sick and well, imbecility and intelligence, vice and virtue'. He emerged from his short self-appointed prison stint, 'getting into a state of helpless anger against the Prison System, the men who have been responsible for its continuance and the stupid indifference of society at large in permitting it.... Is this Prison System anything but organized lunacy?' he asked (Osborne, 1916, p.121 & p.233). For him the attitude of staff towards prisoners was the key. In his own words:

It means that these prisoners are men – real men – your brethren and mine. It means that as they are men they should be treated like men. It means that if you treat them like beasts it will be hard for them to keep from degenerating into beasts. If you treat them like men you can help them to rise. It means that if you trust them they will show themselves worthy of trust. It means that if you place responsibility upon them they will rise to it (ibid, p. 323).

A religious man with his belief reinforced by recent experience, he echoed the prayer of St Francis (since adopted by Alcoholics Anonymous) for the serenity to accept the things he could not change, the courage to change the things he could, and the wisdom to know the difference.

Mary B. Harris (1936/1942) was appointed superintendent of the first Federal Reformatory for Women at Alderson, Virginia in 1925, with 11 years experience on the staff of workhouses and various prisons for women. She was a Sanskrit scholar, untrained in the social sciences but respecting contributions from that quarter on the understanding of human behaviour. Her aim was to make the inmates better 'outmates', with a supportive system of parole to help them make the necessary readjustment to community life. She reminded her opponents that 'the doors of prison swing both ways' (ibid, p.401). From the outset, she had a firm hand in the design and construction of the reformatory, with large self-catering cottages (one of which was named in honour

of Elizabeth Fry), workshops of several kinds, and no perimeter walls. She ran the place on boarding-school lines, with the help of staff and an elected inmate council. When she retired in 1940, she left an institution without bars that operated on the very best of educational principles with a most unpromising population of ‘student boarders’, and a low reconviction rate.

In her book, Harris (1936/1942) spared no detail of the tensions, strife, riots, and arson that tested her humanitarian approach in the management of offenders. She also encountered entrenched opposition from the media, the community at large, and a good many politicians. Throughout, she portrayed a calm dignity, and maintained her focus on the treatment of her charges according to their needs as normal human beings. Her sustained belief was in the ability of all but a few individuals to develop their positive attributes and talents and start afresh, once given security and encouragement. She bore in mind two aphorisms: the first that the Lord requires us to ‘do justly, love mercy, and walk humbly’ (*Micah* 6 v.8, words which had also inspired George Fox [cf. Hatton, 2007, p.323]), and the second, attributed to President Lincoln, that ‘only liberty can prepare people for liberty’.

As for the place of prisons in the judicial system, Mary B. Harris considered that:

The purpose of custody is primarily the protection of society, and anyone acquainted with the history of prison failures now admits that the only permanent way to protect society from the criminal or law-breaker is by rehabilitating him [sic] and sending him out willing and able to earn his living honestly. ...Many inmates, perhaps most of them come with a contempt for law, law-makers, and law-enforcers – so many injustices they have they seen, so many inequalities in the application of the statutes, so many representatives of law-enforcement who were themselves violators, and so many who were equally guilty with themselves going free. It is a bitter and cynical conglomeration that enters our doors (ibid, pp. 382-383).

It is no surprise that within a few years of her retirement, the central administration demolished the boarding-school buildings to make

way for traditional prison blocks, complete with a perimeter wall and a central kitchen, and also put a male superintendent back in charge of women. Regardless of her achievements, the bureaucrats believed that the Federal Reformatory for Women at Alderson had to look like a conventional prison, and be run like one. They also thought they knew better than the long-forgotten US Wickersham Commission (1931, pp.114-115) which considered that the essential task of a prison was to: prevent the regression, the introversion, the self-centering, the substitution of imagery for real interests, the tendency to day-dreaming, of the disposition to cast back to previous interest-bearing experience as a substitute for lack of current experience.... Unless the prison can enlist the individual in the prison environment in which he lives, most other attempts will fail.

Regardless of such gems of managerial wisdom, in the 1950s changes to make prisons worse were afoot at higher levels of the US Federal and State government. Vindictive planners left insightful correctional leaders out of the planning loop, and they ignored the penetrating appraisals of the purpose of prisons. This omission, according to criminologists Barnes and Teeters (1959, p.447), led local administrators to focus on the management of smaller installations, and not to raise their voices when legislators and prison architects were planning and constructing 'monolithic maximum-security installations'. Even at that time, they saw that the 'dead hand of the past [demanded] that massive piles of stone concrete and steel with all the modern security gadgets be built even though...only a bare twenty per cent of those sent to prison [required] maximum security. The frenzy for security and custody [was] costing the taxpayer millions of dollars'.

Howard Gill (1962), Virginia's Director of Prisons, was another to fulminate against the costly 'anachronistic' type of new 'super security prisons.... the monolithic monstrosities' that legislators and architects 'had wished on posterity'. He, too, had a rehabilitative philosophy and vision, and he paid tribute to his forebears who had attempted to introduce remedial programmes in the new 'massive, medieval, monastic, monolithic, monumental, monkey-cage monstrosities',

despite the repressive penal philosophy the structures represented.

For their part, the Quakers (American Friends Service Committee, 1971, pp.33 & 64) commented that post-Wickersham:

Where more than trivial reforms have been attempted, they have advanced at a snail's pace, have proved far less effective than anticipated, and have had a tendency to backfire and leave the situation worse than before¹⁴... Penal programs are [also] inhibited by bureaucratic and custodial restraints. Most institutional employment and training programs are not relevant to the future employment possibilities of prisoners ...Much that passes for reform is a façade or serves strictly institutional ends... [The] rehabilitative ideal [took] contradictory ideas and, through intellectual gymnastics and a great deal of hypocrisy, combined these into a system that for the time being made everyone happy – except the criminal!

An exception occurred in 1975, when a group of long-term inmates in Greenhaven Prison, New York, approached the Quakers for help in learning peaceful means of communication (Dockhorn, 2006). Their request led to the development of a comprehensive programme for resolving conflict that became known as the Alternative to Violence Programme (AVP). Consistent with Quaker belief that there is fundamental good in everyone, it trained prisoners to respect other people, instead of constantly being defensive and belligerent to all and sundry. The programme spread quickly through 30 prisons in New York State and in the majority of other States, as well as to prisons in Australia, Britain, Canada, Central America, the Balkan countries, the Middle East, and New Zealand.

Simultaneously, the American Friends Service Committee (AFSC) mounted a systematic campaign to publicise the inhumanity of the new concrete fortresses the country had championed for the warehousing of inmates. It described the creation of such places as 'unabashedly political', because the official justification for incarceration included 'a prisoner's past or present affiliation, association or membership in an organization which attempts to disrupt or overthrow the government of the USA, or whose published ideology includes advocating law violations in order to free prisons' (Kerness & Teter, 1987, p. 43). With

the Californian Human Rights Committee, the AFSC also condemned the imposition of behavioural control and 23 hour 'lockdown' of prisoners in the strongest possible terms. It was sufficiently concerned about the practice to provide a 'survivor's manual' for the guidance of anyone liable to encounter the experience.

The manual traced the origins of the practice to the US Central Intelligence Agency sponsorship of the Canadian McGill University sensory deprivation experiments in the 1950s, and to their application in euphemistically termed 'Security Housing Units or Control Units' in Germany in the 1970s. It included the *Biderman Chart of Penal Correction* that covered isolation, perceptual restriction, induced debility, threats, occasional indulgences, gestures of omnipotence, degradation, and the enforcement of trivial demands that commonly feature in 'super-max' prisons.¹⁵ It also presented the perceptive reports and advice of a number of prisoners who had endured the experience – some for over 10 years. The advice included mastering studies, organising outside support, focusing on inner qualities, realising the potential for change, engaging in physical exercise, informing politicians and the media of the harmful effects of imprisonment, creating solidarity with fellow-prisoners, respecting individual differences, and 'expanding the walls through your imagination and creativity' (ibid, pp. 60-61).

Although no independent psychiatric surveys on the effects of solitary confinement at the time were available, the American Quakers quoted psychiatrist Stuart Grassian as saying that:

The courts have recognized that solitary confinement itself can cause a very specific kind of psychiatric syndrome, which in its worst stages can lead to an agitated, hallucinatory, confusional psychotic state often involving random violence and self-mutilation, suicidal behaviour, [and] agitated, fearful and confusional kind of symptoms. [He went on to say that] it was shocking to see ...these inmates so ill...in very similar kinds of ways, and they were so frightened of what was happening to them that they weren't exaggerating their illness. They were tending to minimize it, to deny it. They were scared of it.

Quakers Kerness and Ehosi (2001) kept up the pressure with a damning indictment of the 'lock them up and throw away the key' mentality that had infused the US prison administration. They supported the campaign with letters from prisoners giving details of the assaults to which they had been subject at the hands of paid servants of the state. They made the comment that :

'What would otherwise be seen as cruel and inhuman treatment becomes justifiable in the eyes of the surrounding community. [At] the same time it brutalizes both guard and prisoner. Unable to retaliate, prisoners turn on each other [and create an] atmosphere of mutual distrust and violence...'

Quakers Laura Magnani and Harmon Wray (2006) continued the exposé. They pointed to the encroaching neo-conservative economic policy that depended on making money from prisons, no matter the human cost. They also drew attention to the disproportionate punishment of the poor, the blacks, other ethnic groups, and the mentally and physically disadvantaged in prison. They claimed that the legislature, courts, and police had created and maintained the most repressive regime that anyone in modern times could have imagined. They described the process as 'social genocide' in which the staff of super-max institutions operated like the military under battle orders. Then, in what was a heart-warming approach to their Quaker brethren, they returned to proclaim first principles concerning the redemption, reparation, and rehabilitation of offenders in the community.

Recently, Warren, Gelb, Horowitz, and Riordan (2008) of the Pew Center in Washington analysed the US Federal and State rates of imprisonment against the over-18 age-group in the population eligible for the penalty, instead of the whole population that included everyone under that age. Their results were even more alarming than those other researchers previously had found. The total adult inmate count at the beginning of 2008 stood at 2,319,258, with an actual incarceration rate of 1 in 99.1 adults (ibid, p.5, my emphasis). They commented that:

the growth track projections...continues a steady expansion that has characterized the US penal system for more than 30 years...The growth transcended geographical boundaries... Only three of the 16 states in the southern region

reported a drop in inmates, while nine experienced growth exceeding 4 per cent... In the West, meanwhile, Arizona outpaced all other states, and in the Northeast New Hampshire grew the fastest... (ibid, pp. 5-7).

On a brighter note, the same Pew Center researchers cited the progress being made in Texas and Nevada that were using a 'two-lever' approach – one for reducing prison admissions and providing performance incentives for existing prisoners and addressing readiness for discharge, and the other for reducing the length of prison stay. In conclusion, they cited Senator John Whitmire, the Chairman of the Texas Senate's Criminal Justice Committee as saying that 'It's always been safer politically to build the next prison, rather than to stop and see whether that's really the smartest thing to do'.

Finally, the ever-vigilant US Vera Institute of Justice (Scott-Hayward, 2009) clinched the case pragmatically for change in the way the country dealt with offenders. It commented that States throughout the US were obliged to reduce expenditure and seek efficiencies, because they were facing their worst fiscal crisis in years. At least 26 States had cut the budgets of their department of corrections, and they were demanding lower rates of recidivism from probation and parole services. It predicted that 'When deeper cuts are required, states will have to shift expenditures from costly prisons to far more economical investments in community corrections and confront controversial questions about which people really need to go to prison and how long they should stay (ibid, p.2)... Many States are taking advantage of the opportunity this crisis presents to invest in innovative, evidence-based options that have proven to cut correction costs while maintaining or even improving public safety' (ibid, p.12).

While such changes are to be welcomed, they need to be based firmly on best practice and ultimately on humanitarian principles; otherwise they are unlikely to remain when the country becomes sufficiently flush with funds again to let ruthlessness prevail.

At this point, it is necessary to reflect on the influence of the British and the American Federal and State prison systems on the development of ours in New Zealand, and to comment on the belated involvement of Quakers in reform.

Turning to New Zealand

Today this country has the dubious distinction of ranking above all English-speaking countries except the United States, for incarcerating most prisoners per 100,000 of the general population – i.e. 185 per 100,000.¹⁷ The figure for England and Wales is around 148 per 100,000, and for the United States 750. The number ranks us fifth of all OECD countries, behind Mexico, the Czech Republic and Poland, and it is still climbing. The figure for Australia is 175 per 100,000, with extreme variations between its seven states (retrieved 21/10/10 from www.sentencingcouncil.vic.gov.au/page/about-sentencing/sentencing-statistics/adult-prisoners/national-rates/imprisonment-rates-australia), and around 65 per 100,000 for the Nordic countries.

Perhaps with tongue in cheek, criminologist John Pratt (1992, p. 241) offered Michel Foucault's explanation that imprisonment creates 'a continuity of the penal estate...to foster its voracious appetite... and foster its expansion'. More recently, he noted that the rate of imprisonment bore little or no relationship to the rate of crime (Pratt, 2010).

Although some Quakers and their Monthly Meetings have given devoted service in one way or another to the occupants of their local prisons, rarely has prison reform been at the forefront of Quaker concerns in this country. The topic is not indexed in James and Audrey Brodie's (1993) authoritative volume of biographical sketches of early Quakers in New Zealand, and there were only six entries on prisons and prisoners out of a total of 1,270 entries in *Quaker Faith and Practice in Aotearoa New Zealand* (2003, #s 6.11, 7.10, 7.18, 7.19, 7.24, & 7.38). The latter include testimonies to men and women conscientious

objectors held in prison camps during the two World Wars, together with an unusually informative Minute from Yearly Meeting 1999 that still appears as a paragraph in the statement *Towards Transformative Justice* on the Quaker website:

We believe that alternatives to imprisonment should be used more widely. These include diversion, intense supervision, mediated restitution and community programmes. Restorative justice, based on community conferencing, is a process that brings victim, offender and other people involved, to empower them to work toward reparation, reconciliation and healing. We have heard that this process can be effective when it is properly supported, and look forward to a full and independent evaluation of results.¹⁸

The first Quaker to settle in New Zealand, Thomas Mason, did a spell of work with George Washington Walker in Hobart. While he was there, he was instrumental in obtaining the release of the four Maori prisoners on nearby Marie Island whom the New Zealand Court had sentenced to transportation for being rebellious (cf. Brodie & Brodie, 1993, pp.79-80). The promulgation of the Peace Testimony before and during both World Wars also brought Quakers firmly into contact with the prison system (cf. Grant, 1986). Evidently, like George Fox and William Penn long before, Quakers remained silent about the iniquities of the system while focusing on other concerns, such as establishing a farm colony, a school for Friends' children, and expressing their opposition to compulsory military training (Dunkley, 2003, p.6).

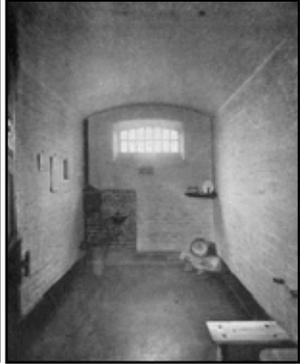
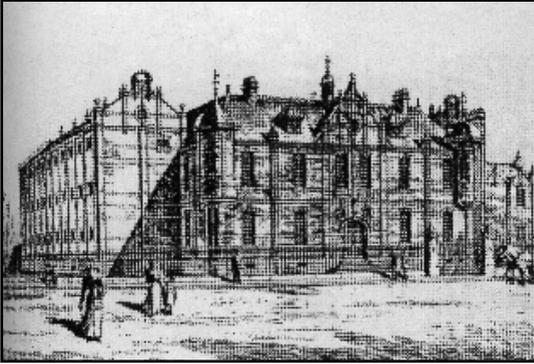
None of the Quaker Yearly Meetings agitated for prison reform, nor expressed concern for the care of neglected children in homes and orphanages.¹⁹ None mentioned the protracted campaign for eugenics in the 1920s that culminated in an adjourned parliamentary debate lasting a total of 21 hours, which, had it succeeded, would have placed this country ahead of Germany in sterilizing, if not castrating, the alcoholic, impoverished, diabetic, and those whom the authorities regarded as physically and morally degenerate (Taylor, 2005). In fact, Ruth Gadgil's (2007) comprehensive synthesis of about 4,300 Yearly Meeting Minutes since the gatherings began in this country in 1909 shows that

the very first Minute of relevance for penal reform appeared in 1931. It related to the need for information on the Commission to Abolish Capital Punishment. The next Minute appeared as a bald statement in 1959: 'Penal Reform – need to acquaint ourselves and the public with problems involved'. Then 31 years later came an equally curt Minute entitled 'Punitive attitudes increasing'. The latter evidently stirred interest, because there were no less than 13 Minutes between 1992 and 2006 on the Alternatives to Violence Project (cf. Dyer, 2009), and six between 1995 and 2007 on Restorative Justice and Prison Reform.²⁰ Finally, in 2008, Yearly Meeting included a session on penal reform, and it set up a Committee afterwards to promote it.

Subsequently the Quakers gave support to Prison Fellowship New Zealand and its array of voluntary programmes to help prisoners and their families rejoin the community. They appreciated the 60-bed Faith-based programme that the Fellowship established in Rimutaka Prison for long-term offenders,²¹ and welcomed the backing the organisation gave to restorative justice and community-based alternative methods for the rehabilitation of offenders. They also made submissions to Parliament on the highly contentious Bills relating to the treatment of immigrants, boot camps for young offenders, and the three-strike measure for persistent offenders. The record suggests that they had begun to pull their weight on penal reform against the strongly flowing authoritarian tide.²²

Development of New Zealand's penal system

Here it is necessary to say a word about the historical development of our penal system.²³ As a British Colony, New Zealand adopted the penal system with which the Europeans were familiar, notwithstanding the Treaty of Waitangi obligation to share governance with the indigenous Māori partner.²⁴ It dealt with miscreants and run-of-the-mill offenders locally, used the occasional prison hulk for sleeping accommodation, and transported serious offenders to Van Diemen's



Clockwise from top left: Old Dunedin Prison; Old prison cell; Perimeter wall, old Mt Eden Prison; Overview of old Mt Eden Prison; Invercargill Prison.

Land. When Britain abolished transportation in 1854, the New Zealand Government moved to adopt the repressive Pentonville prison system. Towards that end, in 1881 it appointed Colonel Arthur Hume (1840-1918) as the first Inspector-General of prisons.

An authoritarian, Hume was a protégé of Edmund Du Cane, with experience as a Deputy-Governor of convict prisons Millbank, Dartmoor, Portland, and Wormwood Scrubs. The man had also been in charge of Bloemfontein Concentration Camp in the South African War, where the 'unadorned yet implacable' Emily Hobhouse crossed swords with him for his callous behaviour towards the women and children in his care and control.²⁵

Hume had a difficult start, because of a strong faction that had supported the promotion of the elderly Dunedin Gaoler James Caldwell to the job. Eventually he overcame the opposition sufficiently to reduce the number of local gaols, start a major prison-building programme, build roads and forestry camps in rural areas to help the national economy, and support moves for the introduction of the Habitual Criminals Act of 1906 'for the indeterminate detention of incorrigible offenders'.²⁶ He also introduced a marks system to give prisoners credit for their daily effort and output that could bring them earlier release, and he improved the standards and conditions of service for staff. But he was unable to get ex-Army officers appointed as prison superintendents, to abolish educational classes in prison, and extend flogging for offences committed at large to those committed in prison.²⁷

On Hume's retirement in 1909, Minister of Justice Sir John Findlay switched from the retributive to the reformatory tack (Robson, 1987, pp. 22-26). His laudable objective was:

to attempt to restore a measure of self-respect in the criminal, to find out his physical and mental state, the temperamental conditions, the environment, the circumstances which led to the crime; and having got that information and that data, then to prescribe special treatment which will not only protect society, but effect or tend to effect the reformation of the offender (Mayhew, 1959, p.95).

In formulating his policy, Findlay was influenced by the report of the Gladstone Committee in Britain (*Report of the Departmental Committee on Prisons*, 1895) and by the enthusiasm of Rev. J.L.A. Kayll, the Chaplain at Invercargill Prison. Kayll was familiar with the work of leading criminologists in Europe, aware of Alexander Maconochie's success at the penal settlement on Norfolk Island, and full of praise for the rehabilitation programme that Zebulon Brockway claimed to have introduced in the Elmira Reformatory for young offenders in Chemung County, New York (Kayll, 1905, ch.9).

Kayll's combination of scholarship and pastoral experience with prisoners also led him to respond to the argument proposed by the ardent 'medical gentleman' and eugenicist Dr W. E. Chapple (1903) in favour of castration and tubal ligation for male and female offenders respectively. In his rebuttal, Kayll (1905) argued for the adoption of a reformatory humanitarian model in the treatment of offenders rather than a retributive biological one. With the commitment of a convert to the new criminology, he declared that:

- a) 'The ideal sentence, so far as an incentive to reformation goes, would be an ABSOLUTELY INDETERMINATE ONE (sic), where a man must either reform or stay in prison for life';
- b) 'The most careful investigation has made it impossible to deny that the [Elmira] Reformatory ...actually returns to society as useful citizens no less than 82 per cent of those committed to it'; and
- c) 'Of some 13,000 criminals who have passed through the Reformatory, the number known definitely to have returned to crime is a little less than 1 per cent of the whole!' (ibid, pp.165 & 87).

Later, the clergyman moderated his support for the Elmira scheme slightly by saying that it had a 'failure rate of four per cent' (cf. Robson, 1987, p.21). However, in those pre-telecommunication days when he made his original statement and its modification, he could not have been aware that in 1899 the reformatory had already closed because of 'the abuse of authority, maladministration, and negligence' of the staff (cf. details in *New York Correctional Officer Information Page*, 2006).

Nonetheless, Finlay appointed Kayll to run a reformatory programme for adult offenders at Waikeria Reformatory. Within two years, the resistance of staff to educating and training prisoners as distinct from locking them away, proved too much for Kayll, and he returned to parish work. With a change of government, Reformatory Detention remained in name only. No parliamentarian championed the cause, least of all the handful that had been imprisoned for objecting publicly to the conscription imposed during the World War I.²⁸ H.G. (Rex) Mason, a future Minister of Justice, a legal reformer and somewhat of a monetary social democrat, even made the comment in a parliamentary debate that it was the function of the prisons ‘to imprison, to fog, to hang, not to care for a man in any other way’ (*New Zealand Parliamentary Debates*, 1928, 217, 689-690).

About that time, Blanche Baughan (1870-1956) was making her mark. The lady was a poet, essayist, botanist, and voluntary social worker of independent means whose interest in the Howard League in Britain prompted her to start a branch when she came to New Zealand (Dunstan, 2001). Initially she made a first-hand study of prison conditions, and then became an official visitor to Addington Prison in Christchurch. In 1933, she joined R.M. Laing and lawyer/educator Frederick



Blanche Baughan

De la Mare to write an article that began by advocating the ‘well-administered’ prison system and the introduction of token wages for prisoners from which contributions went to their families (Laing, De la Mare and Baughan, 1933). But the trio went on to describe imprisonment as ‘periods of contamination enforced by the State’, and to draw attention to the fact that New Zealand, with a ratio in 1930 of 19.19 per 10,000 in prison, had a greater faith in imprisonment than England, where the ratio was 9.7 per 10,000. They also opposed

the indeterminate sentence of Reformative Detention that the Courts continued to impose, and expressed astonishment at the speed with which the Prisons Board, at its infrequent meetings, determined the readiness for parole of the huge number of prisoners serving that sentence. They regarded the recently introduced borstals for young offenders as ‘modified jails run by jail-staff’, renewed the argument to have education, rehabilitation, and trade-training schemes introduced for prisoners, and criticised the Courts for not using probation more often as an alternative to imprisonment.²⁹

Adopting the pseudonym ‘T.I.S.’ because of the bias against women writers, Blanche Baughan (1936) went so far as to describe an anonymous ‘Dominia’ in which the prison system lagged far behind that of a country aspiring to improve the moral qualities of its offenders. She illustrated her argument with a series of vignettes of prisoners she had encountered, and criticised the staff for their unimaginative methods of management. She went so far as to declare that ‘our talk about prisons being “reformative” and not “punitive” is mere humbug, when it is not hypocrisy’ (ibid, p.163). In her concluding chapter, she argued that the public should judge prisons by the people they reformed, rather than by the farm animals and vegetables they produced to help them become self-sustaining.³⁰

Two important reformers were John Robson and Sam Barnett. Robson was a public servant who came to office in the 1950s and 60s, and who defended his predecessors. A lawyer/administrator, he was a long-standing deputy and then successor to Barnett in the Department of Justice.³¹ The pair had previously been successful in reforming the Public Service Commission, and they proceeded to fulfil the ambitious programme somewhat envisaged by Sir John Findlay many years before – despite the reintroduction of hanging for murder and treason by the political party that had just regained power (cf. Department of Justice, 1954). In a short time they achieved a lot:

- they restructured the prison system,

- they improved the selection/ training/ pay and career structure for staff,
- they revived the classification of prisoners, consolidated provisions for habitual offenders,³²
- they replaced the sentence of reformatory detention with corrective training to retain its indeterminacy but reduce the maximum period of detention to 18 months,
- and they rejuvenated the Prison/Parole Board responsible for recommending the readiness of prisoners for release.



John Robson

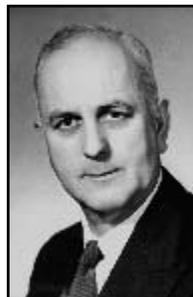


Sam Barnett

Barnett and Robson also persuaded Minister of Justice Jack Marshall to abolish the power of the courts to order bread and water as punishment, but retain it for disciplinary offences committed in prison. They increased the number of trade training schemes, improved prison medical services, introduced educational, psychological, and welfare services, and expressed concern about the disproportionate number of Māori offenders. They introduced a number of non-custodial initiatives intended to divert offenders from making a career of crime, such as upgrading the probation service that had languished for about 50 years, and establishing a national Marriage Guidance Service to prevent the breakdown of family life. Later they succumbed to the appeals of ex-servicemen to legislate for 'short sharp shocks' in boot camps for young offenders, but found the scheme difficult to apply because of the physical demands it made on medically unfit referrals and the wide age-range for whom the Courts thought the sentence suitable.³³

With the support of Minister of Justice Ralph Hanan, John Robson adopted the strategy of pressing Parliament to introduce policies that the community was prepared to accept. Towards that end, he took care

to get the news media on side, and with their help, he was able to wage a successful campaign over ten years to abolish capital punishment for murder, and to introduce community service and periodic detention as alternative penalties to imprisonment.³⁴ He followed Barnett's prescription of trying to restrict the use of prisons to the incorrigible, and he went further to provide support for victims of crime.³⁵



Ralph Hanan

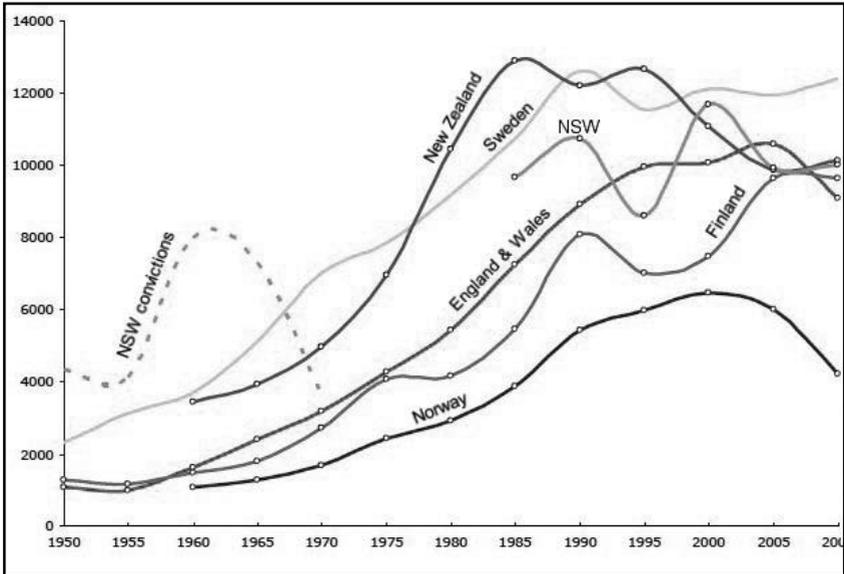
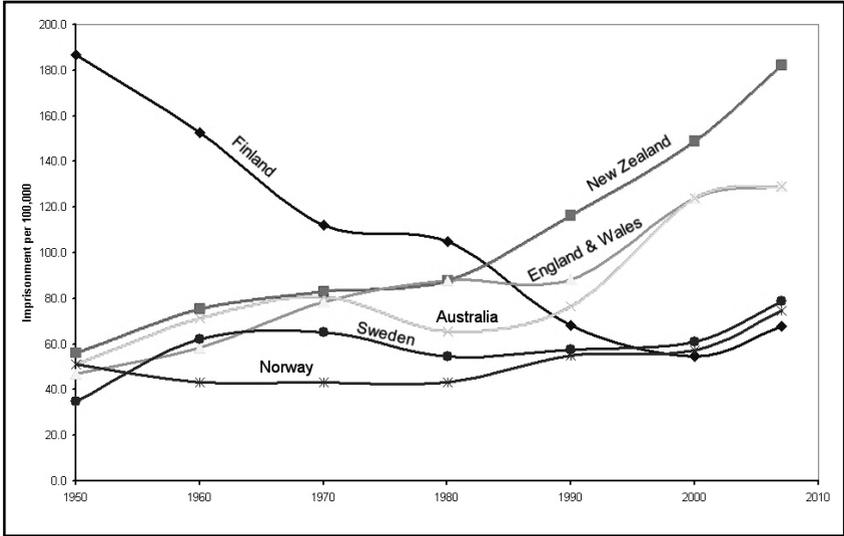
In the late 1950s, perhaps as a sop to Cerberus, the Minister of Justice and his Secretary made plans to replace the antiquated Mt Eden stone prison with a modern concrete maximum-security prison at Paremoremo. They took as their models Marion prison in Illinois, USA, and Kumla Prison in Sweden. With the benefit of hindsight, we now know that neither prison had been operating long enough to see how satisfactory it would prove to be. In the event, both institutions failed to do more than impose severe security measures that induced extreme reactions from their incumbents and the community at large. Yet, as in the days of Zebulon Brockway, prison administrators in the United States still managed to convince the authorities at home and abroad to follow suit and build more institutions of the same kind.

Marion Prison opened in 1963 to replace the notorious Alcatraz in San Francisco Bay. It was designed to hold 500 adult male felons who were difficult to control (*Committee to End Marion Lockdown*, 1992). Five years later the management introduced a behaviour modification programme under the rubric of a Control and Rehabilitation Effort (CARE) with solitary confinement as the punitive so-called 'motivating' factor to induce prisoners to behave. In 1972, regardless of spasmodic protests by prisoners about the repressive conditions, the authorities expanded the Control Unit to cover a complete 72-cell wing to receive the most unresponsive prisoners from the entire US Federal Prison System. Subsequently the prison-within-a-prison held

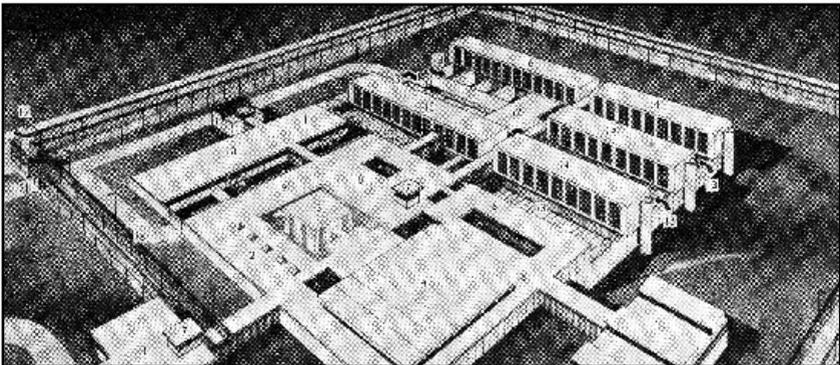
inmates in segregation for three years at a time, evidently ignoring warnings of the *Manual of the American Correctional Association* (1959) that prolonged segregation could have a damaging psychological effect and be counter-productive by 'embittering and demoralizing the inmate'. In 1978, when the US authorities imposed even tighter controls, prisoners began a protracted series of hunger strikes and protests that turned ugly. Finally, in October 1983 when prisoners killed two guards, the management brought in a Special Operations Response Team (SORT) to confine all prisoners to their cells.

Soon afterwards, the US Bureau of Prisons replaced Marion with a series of four high-tech prisons at Florence in California that enforced separation and reduced human contact even more. It built the new prisons in a region where the 'economically devastated' local community actually raised funds to buy marginal land as an inducement to use the site and provide jobs.

Kumla Prison in Sweden created similar disciplinary problems as Marion. It too was located in a semi-rural region in which small businesses were in decline and local residents welcomed the chance for any kind of employment. It opened in 1965 as the largest prison in the country, intended for a maximum of 450 prisoners who were either 'difficult' or at the start of life sentences (cf. Ward, 1979). According to Coyle (2002, pp. 29-30), the majority of the locally recruited staff avoided personal contact with prisoners, because they had neither the knowledge nor experience of working with them, much less of those in the high security category. Not surprisingly, the behaviour of prisoners changed for the worse, and they began to react in the manner the inexperienced staff feared. Several made dramatic escapes and drew attention to their unaccustomed and prolonged institutional constraints. As a result, Kumla prison was scaled down (rather than up as in the United States), as also was its duplicate at Osteraker, and plans for an additional four were shelved. As Coyle (ibid, p. 30), himself a former prison governor in Scotland, wryly observed, managing



Above: Imprisonment rate trends, Anglo and Scandinavian countries; below: Crime rate trends, Anglo and Scandinavian countries (both courtesy of John Pratt).



Clockwise from top: Auckland Prison (Paremoremo); D Block, Maximum Security East Wing of Auckland Prison (Paremoremo); Plan of Auckland Prison (Paremoremo); Modern prison cell.

prisoners ‘in a manner which is decent and humane while at the same time ensuring the safety of other people is a great challenge’.

Here in New Zealand it was not long before Ombudsman Sir Guy Powles and the Senior Stipendiary Magistrate L.G. Sinclair were involved in the first of what proved to be a series of inquiries into the ‘strange and special prison’ at Paremoremo (Powles/Sinclair, 1972). The outcome validated a number of complaints from inmates about the inadequacies of procedures, provisions, facilities, and staffing of the super-max prison. It also found that too many inmates were in the prison who did not need maximum security control, had insufficient work to occupy their time, and lacked adequate access to remedial education. It also made critical comments on deficiencies in the career structure and training of prison staff.

The same judicial combination gave detailed attention to the particular grievance of the inmate who had sparked a large-scale riot, and it found ‘reasonable grounds to suspect that a miscarriage of justice may have occurred during the man’s trial’. Then with regard to matters arising within the prison, it concluded that:

Even for maximum security risks, to spend nearly three years under such conditions, as is the case with some, must have a detrimental effect, however necessary this type of confinement may be deemed to be. All these men eventually leave prison, and society should use great efforts to see that they do so under circumstances which will render their return less likely (Powles/Sinclair, 1972).

In trying to rectify the problems, the administration acknowledged ‘the impact of the prison environment itself on all inmates, and its especially harmful effect on the disturbed inmate. [It agreed that] secure prisons in particular have a stressful and mentally debilitating environment – an environment in which it is especially difficult to relieve stress’ (Smith Report, 1981, p.36).

Subsequently the Minister of Justice set up a Committee of Inquiry to study the position of psychiatrically disturbed offenders (cf. Mason Committee, 1988). In his evidence to that Inquiry, Deputy-

Secretary of Justice M. Smith reported that between 1983 and 1986 in Paremoremo, 126 prisoners mutilated themselves, 13 attempted hanging, and eight had committed suicide. By 1987, the number of Paremoremo prisoners committing suicide had risen to 13 (ibid, p.12 & p.26). Eleven of the 17 psychiatrically disturbed prisoners at Paremoremo brought to the attention of the Committee's specially created assessment team were found to be immediately 'committable' – i.e. legally certifiable.

At the same time, the Minister of Justice appointed a five-member committee with Judge Clinton Roper as Chair to broaden the focus from the psychopathology of individual prisoners to include a socio-cultural view of the prison system, and to consider the function prisons should serve in society. It made a comprehensive review of the existing facilities in the country, studied reports from abroad, and heard many public submissions before bringing down 203 recommendations (cf. *Ministerial Committee of Inquiry into the Prison System, 1989* – the Roper Committee).

The Roper Committee (ibid, p.4) reported that the 'large-scale fortress prisons found in countries such as the United States, United Kingdom and Australia have been no more successful in reducing recidivism than our smaller prisons. It is no longer appropriate that we continue to look to these overseas models for answers in the penal area'. It also warned against treating all offenders as if they were so intractable as to need maximum security custodial conditions. Consequently, it was 'firmly of the view that no new [maximum-security] prisons should be built except those to which the Department was irretrievably committed' (ibid, p.57). It recommended that medium-security prisons, rather than large fortresses or maximum-security prisons should become the ultimate alternative to community care, arguing that such places would make it easier both for inmates to retain their family ties and for the staff to manage the family contacts. To improve the re-integration of offenders after serving sentence, it placed major emphasis on

establishing 'habilitation centres' for offenders in the community, reasoning that it made no sense to try to return all offenders to situations from which they had emerged. In support of its resolve, it cited an extensive review (Gendreau and Ross, 1983) of treatment programmes that showed the majority of successful programmes were based in the community, and that they focused on the acquisition of new skills, language and behaviour, rather than on curing crime as if it were an illness suffered by individuals (ibid, p.37).

The Committee also found no real evidence to suggest that making prisons more unpleasant reduced offending. As for subjecting young offenders to a very punitive environment, it found that 71% who had experienced such conditions were reconvicted within 12 months of their release.

In a key passage relating to the effects of the prison system on staff, the Roper Committee (1989, p.25) said:

Prison officers are as much prisoners of the system as inmates. They spend their working lives in a more or less confrontational situation, its extent depending on the institution, charged with the irreconcilable task of both control and reformation, often in an overcrowded prison. There is the ever-present danger of assault and they may be called upon to deal with cases of suicide, self-mutilation or mental disturbance.

The Committee also drew attention to the long-standing disparity in the crime-rate between Māori and other ethnic groups, and recommended that the tribal elders be cooperated to address the issues. It opened the question of human rights in the care and management of prisoners, and finally put forward the case for the creation of a 'Corrections Commission with responsibility for the continual formulation and review of policy and direction in the Department and would provide independent and analytical input' (ibid, p.46).

As so often happens with independent reviews of departmental activities, the Roper Committee's recommendations fell largely on deaf ears.

Some years later, Chief Ombudsman Belgrave³⁶ and his staff (Belgrave Report, 2005) became involved when complaints from prisoners mounted about the so-called Behaviour Management Regime (BMR) that had been introduced at Paremoremo prison. They found ‘neither systemic ill-treatment of prisoners or abuses of power ... nor any culture within prison staff for abuse of prisoners’ (ibid, 2005, p. 73). However, they judged the system to be wanting, when compared with that recommended by the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (1955/1977).³⁷

Like other authorities before them, the Ombudsmen paid particular attention to the continuing lack of work for prisoners, the lack of opportunity for prisoners to take part in educational programmes and other meaningful activities, the lack of recreational facilities, and the disappearance from storage of prisoners’ private property – this caused much resentment. They noted the confusion about the criteria used for identifying offenders with a high risk of misconduct within the prison and the criteria for predicting a high risk of offending on release. They also found it difficult to understand why the national office of the Department of Corrections had not used its legislative discretion when considering the early release of some prisoners. Overall, they were left with the impression that the senior executives of the department were out of touch with the realities of prison life – as exemplified by an objective in a management plan that required prisoners to avoid the negative effects of imprisonment by ‘[spending] the majority of their time in the company of less-criminally oriented companions!’ (Belgrave Report, 2005, p.60). In effect, and without being quite so direct, the Ombudsmen urged the need for those running institutions to monitor their autocratic tendencies in order not to abuse the power they had over prisoners in their custody. Once more one might put the ancient question: “Who guards the guardians?”³⁸

Despite the accumulation of critical governmental and non-governmental reports, the constraints on public expenditure after the

2008 melt-down of the banks because of their excessive risk-taking, and the country's financial plight after the global economic crisis, the Government steadily increased the 'law-and-order' budget to build more and more expensive places to contain more prisoners. It passed laws to keep inmates in prison for longer, made more sentences mandatory rather than subject to judicial discretion, deprived prisoners of the chance of reducing their sentences for good behaviour, and discharged them without supervision on parole.³⁹ In short, at a time when the Government has placed restraints on the budgets of all other tertiary educational institutions, it adopted a policy to ensure that prisons will continue to be advanced training centres for the continuation of crime.

A comparison between the stated vision and values of the Department of Corrections and its pattern of expenditure is interesting. The Department expressed its philosophy in general self-satisfied terms as 'improving public safety by ensuring sentence compliance and reducing re-offending through capable staff and effective partnerships' (Department of Corrections, 2008a, p.2). It told the incoming Minister that it expected to have a total revenue of nearly \$1 billion for the 2008/2009 financial year (2008b, p.9). Of that sum, it had allocated \$682 million (70.7%) for prison-based services, \$124 million (12.9%) for the management of community services, and \$100 million (10.4%) for offender rehabilitation. It gave the average cost of keeping an offender in prison for a year as \$90,746, as compared to \$2,000 for supervising an offender on community work, and \$25,000 for home detention (more than 50% of which was to cover the costs of electronic surveillance). It spent only a trivial amount on drug and alcohol abuse programmes for either inmates or outmates, despite these substances' corrosive and destructive effect on crime, the community, and social welfare generally (Law Commission, 2010, ch.3; Brooking, personal communication). It was silent about the debilitating and destructive effects of imprisonment on prisoners, their families, and sometimes on prison staff (cf. Annabelle Taylor 1998, Roguski & Chauvel 2009)⁴⁰.

As a result, today, this country has a pocket-version of the American prison-industrial complex in which a custodial policy and its associated expenditure have almost no limits – complete with orange suits for prisoners. (For some obscure reason, New Zealand ignored liberal moves in Britain, perhaps to avoid the moral conflict of values and the ethical problems in their application.) Prisons are bulging at the seams. Prisoners are being ‘doubled-up’ in cells designed for one person, despite the known effects of overcrowding on increasing the number of sexual assaults and violence between inmates, and some are being shoved into shipping containers. Little wonder that humanitarians at conferences abroad are asking why New Zealand has besmirched its good name.

When John Key’s government came to power, the Department of Corrections (2008a) disclosed to the incoming Minister that the reconviction rate of all prisoners within four years of release on parole was 68% (ibid, p.16). Perhaps to appease the critics in advance, it claimed that ‘reductions in re-offending [were] to a standard comparable with the best national systems in the world’ (ibid, p.11), without providing details of the international comparisons to which it referred.

Certainly, it made no mention of the remarkable reductions in Finland that followed a change in penal policy in that country (cf. Workman, 2006). For many years, Finland had been an exception to its Nordic neighbours. Its rate of imprisonment was nearly 200 per 100,000 – nearly four times higher than that of the others. By introducing a policy of ‘humane neo-classicism’ that focused on evidence-best-practice realities accepted by agencies concerned with crime, the country reduced the rate to 57 per 100,000 (retrieved 23rd August 2009 from Lappi-Seppälä, 2002 and goliath.ecnet.com/coms2/gi0199-1398889/In-Finland-Penal-polict-and.html).

Lappi-Seppälä (1998), Finland’s Director of National Research

Institute of Penal Policy, attributed the dramatic reduction in the size of the prison population in his country to a number of factors. These included:

- a conscious long-term and systematic criminal policy;
- the political will and consensus to bring down the prison rate;
- the involvement of ‘exceptionally-expert-oriented’ personnel with close personal and professional relationships with politicians – without crime control being a central political issue in election campaigns;
- the collaboration of the Judiciary with an ‘attitudinal readiness’ that came partly because their training included criminology;
- the media retaining ‘quite a sober and reasonable attitude towards issues of criminal policy’, without creating a series of shocking headlines; and
- the authorities paying particular attention to providing the public with up-to-date research-based facts on criminality, the functioning of criminal justice, and the existence of different crime prevention strategies.

Obviously, the Department of Corrections regarded itself as a bureaucracy that did not function as part of the country’s social welfare system; its aim was to keep more offenders out of circulation for longer periods, no matter the range of costs. Yet even as a bureaucracy, it was found wanting. In late 2010 it was criticised for not submitting some 80 per cent of its contracts during the 2009/2010 financial year for tender. It was also found to have awarded a significant number to firms that did not have the skills the jobs required, and relied on the staff of one contractor to oversee the firm’s large contract (editorial, *Time for correction of Corrections, Dominion Post*, 24th December 2010). The same editorial also criticised the Department for a much-heralded \$5.4 million cell-phone jamming project that had more than doubled in cost and was still defective.

No doubt respecting the convention that one Ministry hesitates to

criticise another, the Treasury (2009, p. 43) was content to make only a passing comment on the poor outcome of imprisonment as a factor in reducing crime. It considered that ‘investing in reducing the number of people entering the criminal justice system would likely provide better value for money – and better societal outcomes – than locking up more people’. Without further comment, it said that ‘Political consensus has been a significant factor in both Finland and Canada’s success in reducing imprisonment rates’.

Mention has already been made of Finland’s remarkable transition. Canada was different, in that it maintained a steady rate of imprisonment around 130 per 100,000, in marked contrast to the soaring rate of its southern neighbour. Doob and Webster (2006) attributed the difference to Canadians feeling more secure than citizens of the United States, and more concerned with the causes than the consequences of crime. They thought their country’s law-enforcement agencies placed more reliance on community sentences than imprisonment, and its judiciary favoured shorter terms with an accent on rehabilitation and supervision on parole for all but the most serious of offenders. They also mentioned that its Department of Corrections also provided half-way houses for about 60% of prisoners for short periods after their release to help them adjust to freedom.

To return to New Zealand, Chief Justice Sian Elias (2009) gave a measured appraisal of this country’s prison system, in which she referred to the Department of Corrections’ neglect of addiction and mental health issues. She noted the shift that had occurred in prison policy to the repressive and custodial, and drew attention to prison overcrowding. She emphasized the need for community education to address the drivers of crime and to support community-based alternative sentences to imprisonment, and urged the restoration of the probation service, with officers trained ‘to advise, assist, and befriend’ as before. She also raised the question of parliament considering an amnesty for certain prisoners, in order to reduce tension in jails.

Her speech brought a cry of delight from the converted, a burst of outrage from the retributionists, and a cautionary word from the Minister of Justice about the different constitutional domains of legislators and the judiciary. Implicitly, a report from the Controller and Auditor-General supported the Chief Justice (retrieved 13 May 2009 from <http://www.oag.govt.nz/2009/parole/docs/parole.pdf>). He had studied the files of a sample of 100 parolees, and found that in most cases the officials had failed to follow one or more of the five key requirements for keeping the public safe. He wanted to ensure that:

- the proposed accommodation of parolees would not be problematic for victims
- probation officers would regularly visit offenders in their homes
- senior probation officers would oversee juniors in the management of high-risk offenders
- enforcement action was consistent and prompt, and
- victims were notified promptly about certain enforcement actions relating to an offender's parole.

Within a year, the Minister of Corrections injected \$256 million into the probation service and appointed an extra 246 officers. She said nothing about the time it would take for the novices to be trained and sufficiently experienced to become effective: when that point is reached, we hope they will be allowed to practice, instead of becoming disillusioned and leaving in droves as others did because the Department of Corrections converted them into disciplinary officers and collectors of fines.

For his part, the Minister of Justice went on to sponsor a research conference that emphasised his determination to remedy the basic drivers of crime rather than the immediate precipitating events (cf Maxwell, 2009). However, his new Government, in political coalition with a conservative rump, was obliged to sponsor initial moves to get

tough on crime, regardless of the human and financial costs of such a futile venture.

Then the National Health Committee (2010) cast a shaft of light on the country's vexed penal problem. It found that:

the experience of imprisonment has negative health effects on those incarcerated and unintended consequences for the health and well-being of their families and whānau. Furthermore the health effects of imprisonment fall most heavily on the already disadvantaged communities – further undermining their resilience and increasing inequalities.... Prisoners typically score poorly on measures of mental health, alcohol and other drug use, oral health, chronic disease, communicable disease, disability, injury, and health risk and protective factors (particularly factors related to living in poverty).... The more time an individual spends in prison, the greater this contribution.⁴¹

Findings and Way Forward

From the accumulation of criticism from reputable sources over the last 35 years, the management of the prison system in this country has proved anachronistic and ineffectual. The number of prisoners has soared, the number of prisons has increased, the budget vote for Justice/Corrections has ballooned, and the reconviction rate remains high. The evidence shows that all is not well ... (I refrain from continuing the Shakespearean allusion to the state of Denmark, because the Scandinavian countries are not known for the repressive management of criminals).

The justification for 'getting tough' with prisoners does not lie with best-practice, but with the blind belief of present management, fortified by the vociferous and skilful lobbyists of a minor political party holding the balance of power, that it is right to give priority to security, deterrence, and retribution in the punishment of offenders. McVicar (2010), the spokesman of one such group, says that we 'should not be alarmed at an increasing prison population. It is simply a necessity as we return to a more disciplined accountable society. An increased

prison bill is just the price we have to pay for the indulgent social experiments of the past'. (Since he did not identify such 'indulgent social experiments', nor place them in historical context, his assertion cannot be tested).

How then might change in the penal system be brought about? Regrettably, the punitive forces of conservatism are too deeply rooted for some people either to heed the findings of best-practice empirical research or to entertain ideologies contrary to their own.⁴² For that reason, the maxim of 'the Inevitability of Gradualness' was adopted by the 20th century Fabian Society of socialists, is inappropriate for prison reform. Hence, short of a quite unpredictable change in the public mood, it might take someone with the 'invincible perseverance' and political influence of a William Wilberforce, combined as it was with the dedication and strategic backing of a Thomas Clarkson, to get commonsense and humanity adopted in the treatment of offenders. But such scions of courage are not likely to emerge.

A sensible way forward would be for the Government to appoint an independent Penal Commission, as the Roper Committee recommended. This would consist of knowledgeable and principled people to advise Parliament on penal policy. Such Commissions have proved their worth already in the country in a number of contentious areas such as health and disability, mental health, and the law, and there is no reason to think that one might not do the same for prisons. If given power to rectify matters without political interference, this Commission would remove a festering sore from the clutches of the political opportunists, the self-appointed avengers of crime, and the status-seekers. It would:

- be accountable to Parliament with regular thorough appraisals of national and international progress on penal matters,
- do much to keep prisons for the irreducible number of incorrigible offenders rather than the infinite number who should be earning redemption elsewhere,

- place Corrections firmly in the chain of social service departments,
- include in its obligations the rehabilitation of offenders and family resettlement,
- attend to the human rights of victims and their families, as well as those of offenders and theirs,
- draw attention fearlessly to Correction's operational deficiencies, including those of remedial education, drug and alcohol programmes, cultural commitments, and health and well-being,
- recommend substantial improvements, and
- promote and monitor the progress of on-going, independent, 'best practice' research.

It is hoped that by so doing such a Commission would restore the spirit of enlightenment, and also make economic sense.

When, might one ask, will the state devote as much attention to the prevention of crime and the rehabilitation of offenders as to their detection, prosecution, and imprisonment? When that day dawns, Quakers will be able to talk with confidence about 'the changed penal system' rather than 'changing the penal system'. In the meantime, like George Fox and Mary B. Harris we might all either hearken to the appeal of the Prophet Micah, and try to do justly, love mercy, and walk humbly as we go about our daily lives, or simply follow Alison Liebling's basic empirical track and 'do unto others as we would be done by'.

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ENDNOTES

1. George Fox derived a certain amount of uncharitable satisfaction from knowing that 'it pleased the Lord one day to strike' both the keeper of the prison and Justice Bennet of Derby so that they were 'in great trouble and under great terror of mind'. (It was the same Judge who in 1650 was the first to use the term Quakers, because Fox 'bid them tremble at the word of the Lord' – Livingstone Parker, 1905, pp 47-48)). Fox was imprisoned eight times. He 'was exceedingly exercised about the proceedings of the judges and magistrates in the courts of judicature....[and] moved to write to the judges concerning their putting to death for cattle, and money, and small matters.. ..Moreover [he] laid before the judges what a hurtful thing it was that prisoners should lie so long in jail; showing how they learn wickedness one of another in talking of their bad deeds' (ibid, p.53). He found the prison conditions deplorable and the turnkeys malevolent and barbaric. In Launceston Prison he and fellow Quakers were put down 'into Doomsdale, a nasty stinking place, where ... it was observed few that went in ever came out again in health. ..the excrements of the prisoners .. had not been carried out (as we were told) for many years. So that it was all like mire, and in some places to the top of shoes in water and urine; and [the jailer] would not let us cleanse it, nor suffer us to have beds or straw to lie on' (ibid, p.179).

2. In fact, a poem written by Penn from Newgate in 1671 is the only reflective mention of imprisonment in an extensive five-volume collection of his correspondence and papers. It begins thus:

AN HOLY TRYUMPH
Your Goals (sic) and Prisons we defie,
By bonds we'l keep our Libertie.
Nor shall your Racks, or Torments make
Us, e'er our Meetings to forsake.
Nor all your Cruelties afright
Our Hearts, that own & love the Light.
No, death can never make us bend,
Nor make our Conscience condescend.'

(cited in Dunn, Dunn, Ryerson, Wilds, & Soderlund, 1981, p.205).

3. A misunderstanding seems to have arisen about the original sponsorship of solitary confinement. Although Quakers put the emphasis on individual redemption through meditation and introspection to be in touch with God, they did not promote solitary confinement for prisoners. Centuries before Quakers emerged as a religious society, monastic orders in Europe used prison chambers for the restoration of penitents and the inquisition of suspected heretics. In medieval times the church extended the system specifically to civilian offenders in Florence and Rome (Eriksson, 1976, pp. 4-7 & 26-31), and in the late 18th Century Jonas Hanway (1712-1786) advocated its use for prisoners in Britain (Brodie, Croom,

& Davies, 2002, pp. 1-3). These are facts which the producers of *Inside: Solitary confinement*, National Geographic TV Channel on 6th January 2010 could not have been aware of.

4. Grellet was from an influential family in Limoges that suffered during the French Revolution (cf Seebohm 1861). His parents were imprisoned. He joined the royalist army, became a prisoner-of-war in Amsterdam, escaped to America, became a Quaker, and spent the rest of his life travelling in America, Britain, Scandinavia, Europe and Russia as a missionary. Wherever he went, he sought unity between warring factions, and worked to improve the lives and circumstances of the impoverished. He included people in asylums, poor-houses, schools and prisons in his itinerary, as well as those in authority he might influence to effect improvements in their living conditions. After visiting Newgate Prison in London in 1814 – ‘that abode of wretchedness and misery’ – he said, ‘I went to Mildred’s Court to my much valued friend Elizabeth Fry, to whom I described, out of the fullness of my heart, what I had just beheld, stating also that something must be done immediately for those poor suffering children. The appeal to such a pious and sensible mind, as dear Elizabeth possesses, was not in vain.’ (ibid, p.171).

5. Cf. Isichei, 1970, pp. 240-250. William Tallach was the first secretary of the Howard League for Penal Reform. It began in Britain in 1866 to commemorate and continue the work of John Howard, and Tallach held the post for nearly 50 years. He was an enigma, because in his evidence to the 1895 Gladstone Committee (*Report of the Departmental Committee on Prisons*, 1895, paras 6581-7084), he supported much of the status quo. He was firmly in favour of continuing the separate system and the retention of the crank, the treadmill and the plank bed for those in association cells. In 1899 he wrote that penal deterrence, ‘so essential to tame the ruffian, and to warn the dangerous elements in the community, must be rendered more penal than hitherto, instead of less, by means of an intenser (sic) and therefore necessarily shorter, application, of strict and hated cellular separation’. However, in advancing that opinion, he did concede that his personal involvement with criminals was limited.

6. Cf. Backhouse, 1843, Appendix A. The authoritative book *This we can say: Australian Quaker life, faith and thought* (2003, p. 308) simply states that ‘James Backhouse...had sensed a call to service in far-off countries. In time the vision sharpened to identify the far-off country as Australia. Years later he tested his concern before his Monthly Meeting, then the Quarterly Meeting, and ultimately the Yearly Meeting of Ministers and Elders in London in 1830 where it was supported’.

7. Essentially, moral restraint involved the use of kindness and consideration based on religious beliefs to foster recovery, rather than the use of punishment to exorcise devilry (cf. Mora, 1980).

8. Cf. Scull, 1979, pp. 59-70. Vincenzo Chiarugi in Italy and Phillipe Pinel in France were others noted for their humanitarian treatment of the insane. Like Tuke, Pinel inspired psychiatrist John Connolly and magistrate George Onesiphorus

Paul to apply similar methods in Britain (Jones, 1972, chs. 4-6). Paul also tried to extend the methods to Gloucester Prison, but he encountered too much resistance from the staff. The transfer was worth attempting, because, in criminologist Max Grünhut's opinion (1948, p.164) 'the same ideas, the same errors, the same passions, the same misfortunes [are seen in prison as in an asylum]; it is the same world, but in [an asylum], the traits are stronger, the colours more vivid, the shadows more marked'.

9. An Army Officer with three years previous experience of managing convicts in Australia, Du Cane excelled in being vindictive (cf. Taylor, 2010, pp 28-30).

10. No doubt with tongue in cheek, political journalist Richard Greenwood (1830-1909) thought imprisonment was so unsuitable for common rogues and thieves that they 'should give place to...honest reflective men...Imprisonment is wasted on persons of so inferior character. Waste it not, and you will have accommodation for wise men to learn the monks' lesson...that a little imperious hardship, a time of seclusion with only themselves to talk to themselves, is most improving. For statesmen and reformers it should be an obligation' (cited by Campagnac, 1922, p.214).

11. Hobhouse was a Quaker, a nephew of the pioneer social researcher Beatrice Webb and of the inveterate peace activist Emily Hobhouse. The former and her husband Sidney were joint editors of a study of prisons in England and Wales (Webb & Webb, 1922), and the latter concerned herself with the plight of civilians interned by the British in South Africa during the Boer War and with the German treatment of British prisoners during World War 1 (Crangle & Baylen, 1979). Somewhat like his aunt Emily in his commitment to causes, Hobhouse went to Constantinople during the Balkans War to help refugees of all nations. He became a conscientious objector during World War 1, and was punished for failing to enrol for military service, being sentenced first to 112 days hard labour and then to two years for the continuing offence.

12. Hobhouse and Brockway's comprehensive study of prison life seems to have been the very first of its kind.

13. Alison Liebling's work is the more potent because it is empirical rather than ideological. It draws on the basic values generated by mankind, without predicating an a priori theoretical system. True, it happens to revive the notion of the perennial philosophy that Aldous Huxley (1946) and others have advanced, and it endorses the appeal of those who search for the common silk threads that link all religions (cf. Da, 2007).

14. The unwanted effects invariably occur because good programmes get overloaded and their resources overstretched. The courts are also inclined to sentence offenders to prison in the hope that they might benefit from such courses, whereas otherwise they would pass non-custodial sentences. The pity is that appropriate remedial training programs are not available in the community through existing education, employment, health, and welfare services for non-

offenders and offenders alike, especially in times of economic recession.

15. Kerness & Teter, 1987, pp. 44-45. Super-maximum security prisons were designed for the isolation and restraint of all inmates for at least 23 hours a day. This 'warehousing' of prisoners simply promised economies of staff, facilities, and finance, without regard to the effects of the regime on the behaviour of inmates. Yet their public relations programmes present them as necessary for dealing with the type of inmate they receive. For some obscure reason, the guards feed all inmates into exercise yards at the same time, when invariably gang-fights erupt and they have to intervene to restore order.

16. In a recent interview with Jessica Winterstein (2010), researcher Sharon Shalev (2009) commented on the rapid growth of super-max prisons in the United States and on the psychological effects on prisoners living in solitary confinement for all but a short daily period. The outline of her prize-winning book *The sourcebook on solitary confinement* can be downloaded at www.solitaryconfinement.org/sourcebook.

17. Kerness & Teter, pp. 62 & 65. The 2010 Annual Report of the Prison Fellowship New Zealand put the prison muster at 8,700, with a total of some 11,500 annually passing through. There were some 4,500 partners of prisoners affected, and 22,000 children. In addition there were 3,500 on home detention, and 55,000 sentenced to some form of community service. Without further comment, it noted that there were 15,000 full-time criminal justice staff, including the police (www.pfnz.org.nz)

18. Cf. Warren, Gelb, Horowitz & Riordan, 2008. Such an independent evaluation has since been undertaken, and it produced positive results (cf. Maxwell & Morris, 2006). Quaker Margaret Lewis (?1920-2007) of Auckland was the very first victim of crime to give Judge Fred McElrea an opportunity to initiate such a scheme on which he had been working. In 1993, Margaret was robbed in the street, and when the offender was caught she made clear that she did not want him to go to prison. The Judge arranged a group discussion with the parties, including the offender's minister of religion, and a diversion scheme was agreed. Although the outcome was not entirely successful, it led to the introduction of a scheme from which many others benefited (private communication Phyllis Short and Judge Fred McElrea, May 2006).

19. Retrieved 8th April 2008 from www.quaker.org.nz/publications/towards-transformative-justice. In 1874 the Colonial Government established the Burnham and Caversham Industrial Schools and the Kohimarama Naval Training School for delinquent boys between the ages of ten and 14 as an alternative to sending them to jail. All three institutions attracted opprobrium for the callous treatment they imposed on youngsters committed to their care. Subsequently the systems operating at the Industrial Schools were improved, but the Auckland maritime project was abandoned because of the brutal measures imposed by its superintendent (Whelan, 1956, Part III).

20. Visits to New Zealand by Canadian Quaker Ruth Morris and US Mennonite Howard Zehr stirred much interest in such developments, as did the agitation of local Catholic Jim Consedine. See Morris (1974), Zehr (2001), and Consedine (1995).

21. An evaluation of the Faith-Based Unit after seven years in operation showed benefits mainly in better inmate/staff relationships during the sentence (Department of Corrections, 2010). There was still uncertainty about the philosophy, the selection of inmates, the programme, and the role of custodial officers vis-à-vis the outside volunteers who played a large part in the personnel-management and their rehabilitation afterwards. It would be most instructive to have a similar evaluation of any prison.

22. It is difficult to account for the late entry of Quaker activity in the penal field in this country, because the very first Quaker Missionaries to the South Pacific (Daniel and Charles Wheeler) would have been concerned about prisons. En route to New Zealand their chartered ship *The Henry Freeling* carried the two Quakers James Backhouse and George Washington Walker to the infamous prison on Norfolk Island. During the long sea-voyage, they would have discussed the Travelling Minutes the missionaries carried from their York and London Meetings. On their brief stop-over at Norfolk Island, they could not have been blind to the tyranny and brutality that prevailed there before Alexander Maconochie's brief transformation of that notorious place.

The provenance of the Travelling Minutes indicates that in all probability the missionaries were au fait with the reformist movement in prisons and mental hospitals in Britain before they left that country. Subsequently, Backhouse reflected on the value of such a strategy in no less than 11 of the memoranda he wrote to the authorities in Britain about the treatment of convicts in Van Diemen's Land and New South Wales and on Norfolk Island (e.g. Backhouse, 1843, Appendices B, E, F, & O). In Hobart he also had discussions with the remarkable Captain Andrew Maconochie, whom Governor John Franklin appointed later to improve the regime on Norfolk Island (Barry, 1958; Mott, 1966).

23. See Pratt (1992) and Newbold (2007) for a detailed description of the growth and spread of penal institutions in New Zealand, and Taylor (2010) for comparisons with several other countries.

24. As the Honourable Justice Eddie Durie pointed out in an address to a meeting of Parole Board and an invited audience in Wellington on 23rd July 2007, the imperialism of British invaders in taking the land a century before, and imposing their European culture on that of indigenous Māori, was still having repercussions.

25. Consedine & Consedine, 2001/2005. See Coetzer (2000) for a recent account of Emily Hobhouse's Trojan efforts on behalf of the Boers and the black South Africans forced into concentration camps by the military. She intervened on the spot with the British High Command until she was deported, and she

campaigns vigorously with the politicians and the public at home in Britain against the 'scorched earth policy' of the troops and their atrocious treatment of civilians (Wessells, 2001; McLeod, 2001).

26. The purpose was not only to protect the public from the exploitation of incorrigible offenders, but also, according to Rutherford Waddell, Moderator of the Presbyterian Church in New Zealand, to restrict their procreative activities (Preface to Chapple, 1903).

27. In 1923 Hume's successor, Charles E. Matthews, described Hume's reign as one of 'discipline, discipline, discipline. Discipline means repression. Little wonder that such a system led to outbreaks of savagery on the part of men so treated with retaliation by warders' (cf. Gee, 1975, p. 38). Matthews had been the personal private secretary to reformer Sir John Findlay, but his own efforts in charge were hampered by being under another political regime, as well as by the economies dictated by World War 1.

28. Webb, (1922) pp. 112-113 & ch.5. Given that at least four of the early Labour Members of Parliament had been imprisoned for opposing conscription in the first World War, (i.e. Peter Fraser, Bob Semple, James Thorn, and Tim Armstrong), and others like James O'Brien, John Parry and Paddy Webb had also been 'in Her Majesty's boarding house' (to quote John A. Lee, 1967, pp. 56-57), it was surprising that they did not bring about some improvement in the way prisons were run.

29. The lady was not so liberal in all of her views. For example, in a letter to the editor of the *Evening Post* in Wellington, she advocated the desexualisation of criminals because it would 'probably result in greater mental activity, better self-control and cleaner desires' (25 January 1923, appended to National Archives, 1928, file PHSC LE 1, letter 51). She reiterated the opinion when giving evidence to the subsequent Ministerial Committee of Inquiry into Mental Defectives and Sexual Offenders when, under cross-examination from Sir Frederic Truby-King, she agreed that 'our impression is that [strong tendencies for sexual abuse are] hereditary.... [they] should be stopped, and ... the future propagation of these people should not continue' (National Archives, 1928, HD H 3/13, pp.573-74).

30. Today, critics would argue that prisons should be judged by the number of criminals they rehabilitated, rather than by (a) the number they keep out of circulation, (b) the number of staff they employ, (c) the ancillary goods and services in the community dependent on them, and (d) the money they bring into the local community. Finally, they would hold that prisons should be last resort for the incorrigible, and be made part of the extended range of government social service agencies.

31. The Napier City Pilot Trust has an extensive collection of John Robson's books and documents on public administration. The material is available for scholars, researchers, and citizens (a) to build collective bi-cultural partnerships that enable Napier residents to enjoy safe, enriching lives & broaden their awareness of social issues, (b) to be involved with community development initiatives that

inspire cooperation & prevent social conflict, and (c) to promote social research, human resources and transformative justice that help prevent abuse in families, organisations & community groups (www.napiercitytrust.org.nz). Quaker Pat Magill is the volunteer facilitator at the Trust with national and international links on matters of penal reform.

32. As a habitual criminal remarked laconically to me, 'Sam Barnett has improved the prison system, and he has given us more time in prison to enjoy it'.

33. Several countries in Europe had reached the same conclusion. But the belief that a burst of military training would 'straighten up' wayward youth dies hard. The evidence of its failure is abundant, with a volume of reports on the attendant abuse of detainees (retrieved 18 April 2007 from www.caica.org/BOOT%20CAMP%20MENTALITY%202.htm).

34. Webb, 1982, pp.55-57. With very little debate, the 1961 *Crimes Act* also removed attempted suicide from the statute book, thereby halting the spectacle of such troubled people hauled before the Criminal Courts as a deterrent to others. With absolutely no debate, the same legislation removed the abduction of heiresses as a crime: whether the country either had no heiresses, wanted them to be abducted, or the heiresses themselves wanted to take the risk, were left for speculation.

35. Little wonder that Kim Workman and Associates capitalised on the Robson/Hanan reputation to headline a Trust to spread the truth of 'best practice' research on alternatives to imprisonment (cf. *Newsletter 74 – Special Edition Rethinking crime and punishment*, info@rethinking.org.nz – retrieved 27th May 2010) – and that Aotearoa /NZ Quaker Yearly Meeting gave it support.

36. Robson, 1987, chs. 17-22. The Chief Ombudsman, John Belgrave, was well aware of the multiplicity of problems facing prison administrators, because he had been a Chief Executive of the Department of Corrections – as also had his deputy, Mel Smith.

37. The reviewers did a thorough job, but they would still have been at work had they applied the same 381 measures as Her Majesty's Inspectorate of Prisons (2004) in their matrix of observations of prison management!

38. The privatisation of the prison part of the penal system offers the promise of a fresh start in the management of prisoners, but it is fraught with the danger of allowing the profit-motive to reign supreme. Particularly in the present post-modern age, it is as well to remember that Frederic Hayek (1979, pp.3-4), the initiator of the New Right ideology promoting private enterprise, absolved his followers of social responsibility.

39. In a minor key, the Department of Corrections proposes to increase remedial education programmes for prisoners and to introduce programmes for alcohol and drug control that do more than prevent the supply of contraband entering prisons. But if past performance were any guide, their implementation will be at glacial speed. The Department has also re-opened the question of

the privatisation of prisons, with an output in the right direction that includes rehabilitation, and goes beyond its expectations of state-owned prisons. Competition might improve efficiencies and economies in both kinds of prison to the benefit of the community, if the profit-motive could be held in check.

40. Roguski and Chauvel (2009) had the advantage of conducting their study of prisoner health and well-being under the auspices of the National Health Committee. Using methods of discourse analysis, they conducted in-depth interviews with a sample of prisoners before and after release, and included material from volunteer members of staff. They also touched on the repercussions of imprisonment on families of prisoners, including the emotional and financial strains of adjustment and of visiting their loved ones in prison. The outcome raised many issues for a humanitarian society to consider.

41. Mention of poverty brings to mind the variable relationship between asset levels and certain types of crime, because there are individuals among the very poor who do not commit crime and others among the very wealthy that do. Yet, by comparing the behaviour of those who command the top 20% of a country's wealth, with that of those who share the bottom 20%, Wilkinson and Pickett (*The Spirit Level*, 2009, chs. 10 & 11) found higher rates of crime in countries in which the financial gap between the groups was greatest. They found similar negative outcomes for a number of other social indicators such as physical illness, mental illness, and suicide.

The researchers appealed for others to check their methods and their data, because the implications are far-reaching for anyone intent on providing the so-called 'level playing field' that promises to equalise access to the essentials of a good life. Peter Saunders (2010) was among the first to respond with a politically right-wing critique of the Wilkinson and Pickett thesis. He found that by using their data together with data from a larger number of countries (44 instead of 23), 'very few of their claims survive intact' (*ibid*, p.6). Specifically with regard to crime, Saunders relied on an International Victim Survey rather than any official record on the incidence of crime. A lively debate must ensue.

42. *Ibid*, p. viii & p. 1. Recently lawyer David Garrett (1999), a former treasurer of the so-called Sensible Sentencing Trust, and a disgraced Member of Parliament for stealing the identity of a dead child for some ulterior purpose, argued unashamedly for the reinstatement of capital punishment, without seeming to realize that the major religions and philosophical systems urge that claims for state vengeance be contained and converted into positive action (cf. en.wikipedia.org/wiki/Eye_for_an_eye – retrieved 8/6/08). Nonetheless, within a short time of being in the government, he was the lobbyist who saddled the country with a 'three-strike' law that its originators in the United States are already abandoning. May this country soon have the wisdom to repeal that law, and use better discretion in selecting advocates of public policy.

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- p. 31 Imprisonment rate trends, Anglo and Scandinavian countries, courtesy of John Pratt
Crime rate trends, Anglo and Scandinavian countries, courtesy of John Pratt.
- p. 32 A view over the northern part of the high-security section of Auckland Prison, better known as Paremoremo Prison. Wikimedia Commons.
D Block, Maximum Security East Wing of Auckland Prison (Paremoremo), courtesy of the Department of Corrections.
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A double-bunked prison cell, courtesy of the Department of Corrections.
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The Religious Society of Friends
Te Haahi Tuuhauwiri

CHANGING THE PRISON SYSTEM

Our prison system is immoral, anachronistic, financially bloated, repressive and blind to humanitarian practices that have borne fruit in countries similar to ours in the developed world. It is overdue for a thorough shake-up. Even in economic terms it is senseless, and its malign consequences are widespread.

After giving some background to Quaker beliefs and history, the lecture traces the development of the New Zealand prison system and reflects the continuing tension between enlightened and repressive forces. It pays tribute to the work of pioneer penal reformers, inspirational judges and others whose perceptive insights are often largely forgotten.

The present state of affairs points to the need for a Penal Commission, acting free of political interference, with power to rectify matters. Such a commission should emphasise the rehabilitation of offenders, lessen the impact of prison on families of prisoners, respect the needs of primary victims of crime, and make economic sense.

A.J.W. (Tony) Taylor is an Emeritus Professor of Psychology at Victoria University of Wellington. He joined the Department of Justice in 1951, where he became a prison psychologist and psychotherapist. In 1961 he moved into academia, while at the same time maintaining professional links with the prison service and establishing clinical and teaching links with the Department of Psychiatry at Wellington Hospital. After retirement in 1992, he revived his interest in crime and delinquency, and broadened his concern for victims to include victims of crime. He has written extensively on topics such as criminality, the effects of isolation, psychopathology and disaster work.



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